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# LAND AUTHORITY AND TRUST LANDS FOR THE RAMAH BAND OF THE NAVAJO TRIBE

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## HEARING

BEFORE THE  
SELECT COMMITTEE ON INDIAN AFFAIRS  
UNITED STATES SENATE  
NINETY-SIXTH CONGRESS

FIRST SESSION

ON

### S. 1832

TO EXTEND THE AUTHORITY OF THE SECRETARY OF THE  
INTERIOR TO DECLARE AND PROCLAIM LAND TO BE INDIAN  
RESERVATION LAND; AND

### S. 1730

TO DECLARE THAT TITLE TO CERTAIN LANDS IN THE STATE  
OF NEW MEXICO ARE HELD IN TRUST BY THE UNITED  
STATES FOR THE RAMAH BAND OF THE NAVAJO TRIBE

NOVEMBER 20, 1979  
WASHINGTON, D.C.

Printed for the use of the Select Committee on Indian Affairs



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WASHINGTON : 1980

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(II)

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## LAND AUTHORITY AND TRUST LANDS FOR THE RAMAH BAND OF THE NAVAJO TRIBE

TUESDAY, NOVEMBER 20, 1979

U.S. SENATE,  
SELECT COMMITTEE ON INDIAN AFFAIRS,  
*Washington, D.C.*

The committee met, pursuant to notice, at 10 a.m., in room 1202, Dirksen Senate Office Building, Senator John Melcher (chairman of the committee) presiding.

Present: Senators Melcher and Cohen.

Also present: Senator Domenici.

Staff present: Max Richtman, staff director; Virginia Boylan, staff attorney; and Michael Cox, minority counsel.

Senator MELCHER. The committee will come to order.

The committee is meeting to consider two bills referred to the committee involving Indian lands in Arizona and New Mexico.

S. 1832, introduced by Senator Domenici, is the first bill we will consider this morning. Its purpose is to allow the Secretary of the Interior the discretion to place lands adjoining Indian reservations in Arizona and New Mexico in trust status. This would avoid the necessity of congressional action on each proposed transfer.

A 1918 law seems to prohibit such transfers in Arizona and New Mexico without an act of Congress.

Senator Domenici also sponsored the second bill under consideration this morning, S. 1730, which would transfer 21 sections of land into trust for the Ramah Band of the Navajo Nation. These lands are located entirely within the Ramah Reservation in New Mexico and are now being administered by the Bureau of Indian Affairs for the Ramah Band. They were placed in this administrative status by a 1960 public land order that was issued in anticipation of legislation to transfer these lands to trust status.

I now place in the record copies of these two bills.

[S. 1832 and S. 1730 follow:]

96TH CONGRESS  
1ST SESSION

# S. 1832

To extend the authority of the Secretary of the Interior to declare and proclaim land to be Indian reservation land.

---

## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28 (legislative day, JUNE 21), 1979

Mr. DOMENICI introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

---

## A BILL

To extend the authority of the Secretary of the Interior to declare and proclaim land to be Indian reservation land.

- 1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That notwithstanding the provisions of title 25 of the United  
4 States Code, nor other sections of this title with respect to  
5 tribes within the limits of the States of Arizona and New  
6 Mexico, any land may be acquired and taken in the name of  
7 the United States in trust for a tribe so long as the acquired  
8 land adjoins existing trust land, and the Secretary of the In-  
9 terior, in his discretion, may declare and proclaim it to be  
10 Indian reservation land.

96TH CONGRESS  
1ST SESSION

# S. 1730

To declare that title to certain lands in the State of New Mexico are held in trust by the United States for the Ramah Band of the Navajo Tribe.

---

## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10 (legislative day, JUNE 21), 1979

Mr. DOMENICI introduced the following bill; which was read twice and referred to the Select Committee on Indian Affairs

---

## A BILL

To declare that title to certain lands in the State of New Mexico are held in trust by the United States for the Ramah Band of the Navajo Tribe.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        That on and after the date of the enactment of this Act, title  
4        to the following described lands shall be held by the United  
5        States in trust for the Ramah Band of the Navajo Tribe:

6                Township 7 north, range 15 west, New Mexico  
7        principal meridian: sections 7, 19, and 31.

1                Township 7 north, range 16 west, New Mexico  
2        principal meridian: sections 1, 3, 5, 7, 9, 11, 13, 15,  
3        17, 19, 21, 23, 25, 27, 29, 31, 33, and 35.

Senator MELCHER. On S. 1832, we will be hearing from the chairman of the All Indian Pueblo Council and from governors of several Pueblo tribes.

For S. 1730, we will be hearing from representatives of the Ramah Band of Navajos and a representative of the Navajo Nation.

The administration is represented this morning by Sidney Mills, Ralph Reeser, and David Harrison. They are our first witnesses, and the committee will be pleased to hear from them.

Mr. Mills?

**STATEMENT OF SIDNEY L. MILLS, ACTING DEPUTY COMMISSIONER,  
BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR,  
ACCOMPANIED BY DAVID HARRISON, ACTING DIRECTOR, OFFICE  
OF TRUST RESPONSIBILITIES; AND RALPH REESER, DIRECTOR,  
CONGRESSIONAL AND LEGISLATIVE AFFAIRS**

Mr. MILLS. Mr. Chairman and members of the committee, I am pleased to testify in favor of the intended purpose of S. 1832.

S. 1832 would provide that, "notwithstanding the provisions of title 25 of the United States Code nor other sections of this title with respect to tribes within the limits of the States of Arizona and New Mexico," lands may be acquired and taken in trust if the lands adjoin existing trust land. It would also authorize the Secretary to declare such lands to be "Indian reservation land."

Legislation such as S. 1832 is being sought by Pueblo officials to remove obstacles to the addition to their reservations of lands which the Pueblos acquire or reacquire within or adjacent to their reservations. They justifiably feel that they are the subject of restrictions on such transactions which are not applicable to the majority of Indian tribes. Further, our research indicates that the restriction may be inadvertent.

The act of May 25, 1918, included a provision which is codified in 25 U.S.C. 211 and states:

That hereafter no Indian reservation shall be created nor shall any additions be made to one heretofore created, within the limits of the States of New Mexico and Arizona, except by Act of Congress.

Statements in the Congressional Record indicate that the purpose of the provision was: (1) To prohibit the placing of additional public lands into Indian reservation status by Executive action; and (2) to extend to New Mexico and Arizona protection which the sponsor mistakenly believed had previously been extended to other States.

In fact, the uniform provisions were not in effect until the enactment of the following provisions in 1919 and 1927: "Hereafter, no public lands of the United States shall be withdrawn by Executive order, proclamation, or otherwise for, or as, an Indian reservation except by Act of Congress."—43 U.S.C. 150—and, "Changes in the boundaries of reservations created by Executive order, proclamation, or otherwise for the use and occupation of Indians shall not be made except by Act of Congress."—25 U.S.C. 398d.

Thus, the original purpose of the special 1918 provision is now accomplished in a uniform manner by these general provisions in 43

U.S.C. 150 and 25 U.S.C. 398d, leaving the 1918 provision applicable only to tribes in New Mexico and Arizona.

Section 7 of the Indian Reorganization Act of June 18, 1934—25 U.S.C. 467—however, now authorizes the Secretary of the Interior “to proclaim new Indian reservations on lands acquired pursuant to any authority conferred by this act, or to add such lands to existing reservations.” Section 5 of the act—25 U.S.C. 465—authorizes the Secretary to take land in trust for Indian tribes and individual Indians.

For many years, it has been our policy to accept lands in trust in Arizona and New Mexico pursuant to section 5 of the 1934 act, but not to declare those lands a reservation under section 7 of that act. This policy was based on an interpretation that the 1918 provision bars the application of section 7 in New Mexico and Arizona.

However, we have just completed, through our Solicitor’s office, a review of the relationship between the 1918 provision and section 7 of the 1934 act. We conclude that the 1918 provision is duplicative of the provisions of the 1919 and 1927 acts referred to above and is not a bar to the exercise of the Secretary’s authority under section 7 of the 1934 act in New Mexico and Arizona with respect to land and tribes to which the 1934 act is applicable.

Sections 5 and 7 of the 1934 act currently apply to all the Pueblos and tribes in New Mexico and Arizona except the Jemez Pueblo and the Navajo Tribe which rejected the application of the act to them.

We have no objection to extending the provisions of those two sections to the Jemez Pueblo since they are seeking such authority in S. 1832. We believe that the Pueblos should be in the same position with respect to the addition of land to their reservations as are the majority of other Indian tribes and thus see no need to restrict the current authority of the Secretary to cases in which the land involved is adjacent to reservations, as S. 1832 would provide. We do not suggest, however, that any language with respect to the Navajo Tribe be included in the bill. We believe that determination of this issue with respect to the Navajos should be made separately after consultation with the tribe.

Therefore, in order to eliminate the confusion caused by the duplicative 1918 provisions and to permit all of the Pueblos to add any lands they acquire to their reservations, we recommend that the 1918 provision be repealed and that the authorities of sections 5 and 7 of the 1934 act be extended to the Jemez Pueblo.

This concludes my prepared statement, and I will be pleased to answer any questions the committee may have, Mr. Chairman.

Senator MELCHER. Thank you very much, Mr. Mills.

I want to remind you, and your assistants, that we have a hard time getting a report out of you. I do not think that should continue. For instance, there seems to be a pattern of sending reports very late. Often, it is the evening prior to a scheduled hearing or, in some cases, the very morning of the hearing.

We make an effort to request reports very soon after bills are referred to the committee for consideration. We also send out notices of hearings as soon as they are scheduled. I will just give you an example. A report on S. 1730 was requested on October 5, and the notice

for today's hearing was sent on October 31, yet the committee did not receive a report on the Department's position until this very morning.

That interferes with the committee because we think we ought to have the reports in our possession at least 24 hours in advance of the hearing so that we have a chance to look at these reports and know the Department's position before the very time we are going to have you here testifying.

I have a series of questions that I am going to submit to you, Mr. Mills, and ask for your answers in writing, and will make them part of the record later on.

Mr. MILLS. Yes, sir.

Senator MELCHER. Without objection, they will appear in the record at this point.

[The material follows:]



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D. C. 20245

IN REPLY REFER TO:  
Trust Services  
Acq. & Disp.  
BCCO 6531

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Honorable John Melcher  
Chairman, Select Committee  
on Indian Affairs  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

Thank you for your letter of November 27, 1979, requesting our response to certain questions relating to S. 1832 for inclusion in the hearing record. The respective questions and answers follow:

1. Do laws governing administrative transfers of land to trust status operate differently with respect to tribes in Arizona and New Mexico and tribes in other states?

Answer: For many years it has been our policy to accept lands in trust in Arizona and New Mexico pursuant to section 5 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), but not to declare those lands a reservation under section 7 of that Act. This policy was based on the interpretation that the Act of May 25, 1918 (40 Stat. 570) precluded the application of section 7 in New Mexico and Arizona. We now conclude, as a result of a recent Solicitor's memorandum that the 1918 Act is not a bar to the exercise of the Secretary's authority under section 7 of the 1934 Act with respect to land and tribes to which the 1934 Act is applicable.

2. What is the Administration's policy of administrative transfers of lands inside or contiguous to reservation boundaries as opposed to lands that are outside of and do not adjoin reservation boundaries?

Answer: Policy memoranda upon which the Bureau operated for many years set no distinctive guidelines on the acquisition of off-reservation lands other than alluding to administrative problems that could arise and prohibiting acquisitions that were determined to be in the nature of a tax dodge. Our proposed land acquisition regulations, whose guidelines we are following in the interim, prohibit off-reservation purchases for individuals unless the land is already held in a trust or restricted status. Lands are acquired for tribe in trust (off-reservation) if the land is within a tribal consolidation area; or when the tribe already owns an interest in the land; and, when the Secretary determines that the acquisition of the land is necessary to facilitate tribal self-determination, economic development, or housing development.

3. In June 1978, proposed regulations were published to govern the administrative taking of Indian property into trust status. What is the current status of those regulations? When are they expected to be published in final form?

Answer: The proposed regulations have been prepared in final form for publication in the Federal Register. They are presently under Departmental review. Barring any unforeseen major changes, they can be ready for final publication this month.

4. Under the proposed language of S. 1832 as introduced, would the Secretary have authority to declare adjoining lands in trust for the Navajo Tribe -- i.e., would S. 1832 repeal all current restrictions in 25 U.S.C. on the taking of lands in trust for the Navajo Nation?

Answer: The language of S. 1832 as introduced would permit such acquisitions adjoining the Navajo Reservation and also authorize the Secretary of the Interior to declare and proclaim the acquired land as Indian reservation land. The Departmental views on S. 1832 (please refer to letter of November 19, 1979 from Assistant Secretary Gerard to Chairman, Select Committee on Indian Affairs) recommends amending the bill to make sections 5 and 7 of the Indian Reorganization Act of 1934 applicable to the Pueblo de Jemez.

5. Assuming Section 211 of 25 U.S.C. is repealed, would this alter current restrictions so far as the Navajo Tribe is concerned?

Answer: If 25 U.S.C. 211 is repealed and S. 1832 is amended as suggested in question No. 4, current restrictions so far as the Navajo Tribe is concerned would not be altered. The Navajo Tribe rejected the Indian Reorganization Act, consequently its provisions are not applicable.

6. In light of the unique history of the Pueblo Tribes and the Pueblo Lands Board, is there any reason why they should be treated differently than other Indian tribes, either in New Mexico or Arizona or elsewhere?

Answer: We see no reason why the Pueblo Tribes should be treated differently than other Indian tribes. United States v. Candelaria (271 U.S. 432) distinctly held that the Pueblos are "Indian tribes" within the meaning of the Federal statutes. The later history of our dealings with the Pueblos through case law, legislation and administration show a revision of the scope of Federal supervision in the field of Indian Affairs so that the Pueblos, like other tribes, may enjoy Federal services and Federal protection.

Enclosed is a copy of a memorandum dated November 16, 1979, from the Acting Associate Solicitor, Indian Affairs to the Assistant Secretary, Indian Affairs relating to 25 U.S.C. 211. Also enclosed is a list of currently recognized Indian tribes who voted to reject application of the Indian Reorganization Act. Some of the tribes who rejected the Indian Reorganization Act have had special statutes enacted (see enclosed list) permitting the acquisition of lands in trust and in some cases are limited to trust acquisitions for land consolidation or other specific purposes.

Sincerely,

*William Hallett*  
Commissioner

Enclosures

Mr. MILLS. I want to apologize for the delays, Mr. Chairman, and we will take steps to remedy that.

Senator MELCHER. We would appreciate it very much.

We appreciate your testimony this morning and, without objection, will make a part of the record at this point the Department's letter to the committee dated November 19, 1979, describing in detail the recommendations the Department has for this bill—S. 1832.

[The letter follows:]



## United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

NOV 19 1975

Honorable John Melcher  
Chairman, Select Committee  
on Indian Affairs  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

This responds to your request for views on S. 1832, a bill "To extend the authority of the Secretary of the Interior to declare and proclaim land to be Indian reservation land."

We urge herein an amendment to S. 1832 in the nature of a substitute and recommend that the bill, as so amended, be enacted.

S. 1832 would provide that notwithstanding the provisions of Title 25 of the United States Code or "other sections of this title with respect to tribes within the limits of the States of Arizona and New Mexico," lands may be acquired and taken in the trust if the lands adjoin existing trust land. It would also authorize the Secretary to declare such lands to be "Indian reservation land".

We understand that legislation such as S. 1832 is being sought by Pueblo officials to remove obstacles to the addition to their reservations of lands which the Pueblos acquire or reacquire within or adjacent to their reservations. They feel that they are the subject of restrictions on such transactions which are not applicable to the majority of Indian tribes. This feeling is based on the assumption that section 7 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 467) does not apply to Arizona and New Mexico. We have recently reexamined that issue through our Solicitor's office and conclude that section 7 of the 1934 Act may be used in those two states and that the Secretary already has authority to declare or add land to reservations in those two states that is more extensive in some respects than the authority S. 1832 would provide.

The Act of May 25, 1918 (40 Stat. 561 et seq.) provided appropriations for the Bureau of Indian Affairs for fiscal year 1919 and included miscellaneous appropriations and provisions with respect to Arizona and New Mexico. The last paragraph of that section 2 (25 U.S.C. 211) states:

"That hereafter no Indian reservation shall be created nor shall any additions be made to one heretofore created, within the limits of the State of New Mexico and Arizona, except by Act of Congress."

This provision was added by a Senate floor amendment. Statements in the Congressional Record (pages 4194 and 4195 of Volume 56, Part 7) indicate that the purpose of the amendment was (1) to prohibit the placing of additional public lands into Indian reservation status by Executive action and (2) to extend to New Mexico and Arizona protection which the sponsor, mistakenly, believed had previously been extended to other states.

In fact, the protection for other states which the sponsor of the floor amendment believed to exist was not in effect until the enactment of the following provisions in 1919 and 1927:

"Hereafter no public lands of the United States shall be withdrawn by Executive Order, proclamation, or otherwise for or as an Indian reservation except by Act of Congress." Section 27 of the Act of June 30, 1919 (41 Stat. 34; 43 U.S.C. 150).

"Changes in the boundaries of reservations created by Executive Order proclamation, or otherwise for the use and occupation of Indians shall not be made except by Act of Congress." Section 2 of the Act of March 3, 1927 (44 Stat. 1347) as amended (25 U.S.C. 398d).

Thus, the 1918 provision (25 U.S.C. 211) is now surplusage, it being identical in effect to the general provisions in 43 U.S.C. 150 and 25 U.S.C. 398d.

Section 7 of the 1934 Act referred to above now authorizes the Secretary of the Interior "to proclaim new Indian reservations on lands acquired pursuant to any authority conferred by this Act, or to add such lands to existing reservations \* \* \*." Section 5 of that Act (48 Stat. 985; 25 U.S.C. 465) provides:

"The Secretary of the Interior is hereby authorized in his discretion, to acquire through purchase, relinquishment, gift, exchange, or assignment, any interest in lands, water rights, or surface rights to lands, within or without existing reservations \* \* \* for the purpose of providing land for Indians.

\* \* \*

"Title to any lands or rights acquired pursuant to this Act shall be taken in the name of the United States in trust for the Indian tribe or individual Indian for which the land is acquired \* \* \*."

This authority is quite different from the Executive's old authority to withdraw public lands for Indian reservations.

Sections 5 and 7 of the 1934 Act currently apply to all the Pueblos and tribes in New Mexico and Arizona except the Jemez Pueblo and the Navajo Tribe, which rejected the application of the Act to them. For many years it has been our policy to accept lands in trust in Arizona and New Mexico pursuant to section 5 of the 1934 Act, but not to declare those lands a reservation under section 7 of that Act. This policy was based on the interpretation that the 1918 provision bars the application of section 7 in New Mexico and Arizona.

However, as we now conclude that the 1918 provision is duplicative of the provisions of the 1919 and 1927 Acts referred to above and is not a bar to the exercise of the Secretary's authority under section 7 of the 1934 Act in New Mexico and Arizona with respect to land and tribes to which the 1934 Act is applicable, the concern of the Pueblos has been largely met. Since we believe that the Pueblos should be in the same position with respect to the addition of land to their reservations as are the majority of other Indian tribes, we see no need to restrict the authority of the Secretary to cases in which the land involved is adjacent to the reservations, as S. 1832 now provides.

Further, we have no objection to extending the provisions of sections 5 and 7 of the 1934 Act to the Jemez Pueblo since it is seeking the authority involved. We do not suggest, however, that any language with respect to the Navajo Tribe be included in the bill. We believe that determination of this issue with respect to the Navajos should be made separately, after consultation with the tribe.

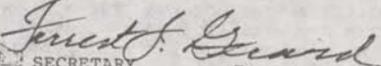
Therefore, in order to eliminate the confusion caused by the duplicative 1918 provisions and to permit all of the Pueblos to add any lands they acquire to their reservations, we recommend that the 1918 provisions be repealed and that the authorities of sections 5 and 7 of the 1934 Act be extended to the Jemez Pueblo. This can be accomplished by amending S. 1832 to strike out all after the enacting clause and insert in lieu thereof the following:

That the last paragraph of section 2 of the Act of May 25, 1918 (40 Stat. 570; 25 U.S.C. 211) is hereby repealed.

Sec. 2. Sections 5 and 7 of the Act of June 18, 1934 (48 Stat. 985 and 986; 25 U.S.C. 465 and 467), are hereby made applicable to the Pueblo de Jemez.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

  
Assistant Secretary Forrest J. Gerard

Senator MELCHER. Senator Cohen?

Senator COHEN. Thank you. I have just a couple of questions, Mr. Chairman.

Mr. MILLS, on page 2 of your statement you indicate, under item 2, as far as the congressional intent was concerned, "to extend to New Mexico and Arizona protection which the sponsor, mistakenly, believed had previously been extended to other States."

Where, in the Congressional Record, could we find that error on the sponsor's part? Who was the sponsor, and how did you come to the conclusion that he was mistakenly under a certain impression?

Mr. MILLS. Senator, I would like to refer that to Mr. Reeser.

Mr. REESER. It is in the 1918 Congressional Record, volume 56, page 4194. It was Senator Smith. I believe what had happened was that the bill had passed the Senate earlier but had not passed the House. He thought that that bill had become law, but actually it did not become law until 1919.

Senator COHEN. And it is clear that he was under the impression that it had become law?

Mr. REESER. Yes, sir.

Senator COHEN. Thank you.

On page 3 you indicate, "we have just completed, through our Solicitor's office, a review of the relationship between the 1918 provision and section 7 of the 1934 act."

Do you have an analysis of that through the Solicitor's office that you could make available to the committee?

Mr. MILLS. Yes, sir, we do have that.

Senator MELCHER. Without objection, it will be included in the record at this point.

[The material follows:]



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF THE SOLICITOR  
WASHINGTON, D. C. 20240

NOV 16 1979

MEMORANDUM

To: Assistant Secretary, Indian Affairs  
From: Acting Associate Solicitor, Indian Affairs  
Subject: Additions to Indian Reservations in New Mexico and Arizona

Mr. S. Bobo Dean has recently contacted the Bureau of Indian Affairs on behalf of the Pueblo of Laguna to request that certain lands presently held in trust for that Pueblo be declared an Indian reservation pursuant to Section 7 of the Indian Reorganization Act (IRA), 25 U.S.C. §467.

By memorandum of May 16, 1979, the Acting Deputy Commissioner stated that it has been the policy of the Bureau for many years to accept lands in trust in Arizona and New Mexico pursuant to Section 5 of the IRA, 25 U.S.C. §465, but not to declare those lands a reservation pursuant to Section 7. This policy is based on an interpretation that 25 U.S.C. §211 bars the application of Section 7 in Arizona and New Mexico. 25 U.S.C. §211 provides:

No Indian reservation shall be created, nor shall any additions be made to one heretofore created, within the limits of the States of New Mexico and Arizona, except by Act of Congress.

Mr. Dean noted in his request to the Acting Deputy Commissioner that a memorandum of the Associate Solicitor dated June 7, 1977, holding that 25 U.S.C. §211 prohibits the application of Section 7 in New Mexico and Arizona is in direct conflict with an earlier Solicitor's Opinion. 58 I.D. 723 (1944). The 1977 Memorandum did not discuss the 1944 opinion and of course could not control over that opinion. We have therefore undertaken to review the matter.

Administrative Interpretation of Applicability of Section 7 to Arizona and New Mexico

The relationship between 25 U.S.C. §211 and Section 7 has never been the subject of a judicial opinion. However, the matter has been examined on three occasions by the Solicitor's Office. In 1944 the Solicitor held:

The property and affairs of both these Pueblos [including Laguna Pueblo] are subject to the Act of June 18, 1934 (48 Stat. 984) [the IRA] Section 5 of which specifically authorizes the Secretary of the Interior to acquire lands for the tribe. Under Section 7 of that act, the lands so acquired may be proclaimed to be Indian reservations. Action to be taken under these specific authorizations is not in violation of the Act of May 25, 1918 (40 Stat. 561, 570), which prohibits additions to Indian reservations in the State of New Mexico "except by the Act of Congress." 58 I.D. 724-725.

In an unpublished opinion dated January 10, 1967, the Associate Solicitor, Indian Affairs again concluded that Section 7 applies to Arizona and New Mexico. However, by memorandum dated June 7, 1977, the Acting Associate Solicitor, Indian Affairs stated:

Irrespective of the Secretary's authority under Section 7 of the Indian Reorganization Act, 25 U.S.C. §467, I read Section 2 of the Act of May 25, 1918, 25 U.S.C. §211, as precluding the Secretary from adding the 20-acre tract to the Papago Indian Reservation.

A recent Departmental Report on a bill to acquire reservation lands for the Zuni equivocates on the applicability of Section 7 to Arizona and New Mexico, but recommends language which suggests serious doubt as to the Secretary's authority to use Section 7 in those states. H.R. Rep. No. 753, 95th Cong., 2d Sess., 8 (1978).

In view of the inconsistency of the Department's position on this matter we have undertaken a careful examination of the legislative history of 25 U.S.C. §211 and the IRA as well as two other statutes limiting the authority of the Executive Branch to declare Indian reservations, 43 U.S.C. §150 and 25 U.S.C. §398d. We conclude from the legislative history and the rules of statutory construction that Section 7 may be used in Arizona and New Mexico.

#### Legislative History of 25 U.S.C. §211

25 U.S.C. §211 was enacted as part of the Indian Appropriations Bill of 1918, 40 Stat. 561, 570. It was introduced as an amendment by Senator Smith of Arizona. Two points are clear from the Senate debate (which contains the most detailed legislative comment on the provision). First,

Congress did not believe that it was providing special protection to Arizona and New Mexico, but rather believed that it was merely extending to those two states protections already obtaining in other western states. Second, 25 U.S.C. §211 was only intended to prevent the creation of or addition to Indian reservations out of the public domain.

When introducing his amendment Senator Smith stated:

States other than the states of Arizona and New Mexico have been protected as proposed by the amendment. 56 Cong. Rec. 4194 (1918).

and further:

It applies to Arizona and to New Mexico only because the other states are protected. Arizona and New Mexico have the right to that protection, and they have come to Congress for it. Those two states have been left out. It is only proposed to give those states the right which other states already have. Id.

As it turned out, Senator Smith was mistaken in his belief that other states had been protected. When this fact was discovered in the following year, 43 U.S.C. §150 was enacted in order to extend the import of 25 U.S.C. §211 to other states (discussion infra).

It is likewise clear that Smith was concerned only with the creation of Executive Order reservations out of the public domain.

I sincerely hope that the Senate will maintain its dignity by saying that no more public lands of the United States shall be carried out of the possession of the people of the United States by Executive Order.

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The amendment provides that no other Indian reservation shall be created or that no Indian reservation now in existence shall be enlarged without being authorized by an act of Congress. That is all. It proposes to retain what Congress ought always to have kept the right of disposition of the public land.

The concern about the withdrawal of public lands and the consequent diminution of state and local tax bases is likewise evident in the statement of Senator Shafroth in support of the amendment.

We in the west have had a large and unfortunate experience relative to the withdrawal of public lands from entry.

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The creation of a reserve deprives a State of the right to tax the land within its borders . . .  
56 Cong. Rec. 4195 (1918).

Finally, the Conference Report states that the amendment would prohibit conversion of public lands in New Mexico and Arizona into Indian reservations without consent of Congress. 56 Cong. Rec. 6624 (1918).

It is not surprising that the 1918 Act uses such sweeping language against the creation of reservations. The only way the Executive could create an Indian reservation in 1918 without a specific act of Congress was by withdrawing public domain. The authority to acquire lands through purchase, gift and other methods enumerated in Section 5 of the IRA did not exist in 1918. We, therefore, conclude that despite its broad language, 25 U.S.C. §211 was never intended to prohibit the authority in Section 7 of the IRA to proclaim reservations as to lands acquired pursuant to Section 5.

Legislative History of 43 U.S.C. §150

During the Senate debates on the 1919 Indian Appropriations Act (41 Stat. 34) the Senators from Arizona and New Mexico again inserted a prohibition against the creation of Executive Order reservations in those two states. That provision read:

That hereafter no public lands of the United States in Arizona and New Mexico shall be withdrawn by Executive Order, proclamation or otherwise, for or as an Indian reservation except by act of Congress. 58 Cong. Rec. 738 (1919).

Senator Jones of Washington inquired why those two States should have a special exception. Senator Curtis replied:

There have been some Executive order reservations set aside in those states and a year ago a provision was inserted in the Indian appropriations bill which I think, covers this amendment. Therefore as a member of the committee, I did not oppose this amendment because I thought it was covered by the act of the last Congress. 58 Cong. Rec. 738 (1919).

Senator Jones thought that the prohibition should be made general. Senator Smith (the author of 25 U.S.C. §211) stated that his recollection was that a statutory prohibition already existed against the creation of Executive Order reservations in most western states. Senators Smoot and Pittman stated that though the wider prohibition had passed the Senate, it had never become law. 58 Cong. Rec. 739 (1919). Senator Smoot then suggested that the limitation to Arizona and New Mexico be eliminated and the prohibition be extended nationwide. The bill, therefore, passed containing the language of 43 U.S.C. §150.

That hereinafter no public lands of the United States shall be withdrawn by Executive order, proclamation, or otherwise for or as an Indian reservation except by act of Congress.

When the legislative histories of 23 U.S.C. §211 and 43 U.S.C. §150 are examined together, it is clear that they seek to solve the same problem and that 43 U.S.C. §150 is simply 25 U.S.C. §211 extended across the nation.

#### 25 U.S.C. §398d

Any possible distinction between the authority of the Executive to create reservations in Arizona and New Mexico and in other states was eliminated in 1927 when Congress enacted 25 U.S.C. 398d.

Changes in the boundaries of reservations created by executive order, proclamation, or otherwise for the use and occupation of Indians shall not be made except by Act of Congress . . . .

#### Structure and Legislative History of the IRA

The Indian Reorganization Act of 1934, 25 U.S.C. 465 et seq. marks a major turning point in federal Indian policy. One of its major

goals was to acquire more lands for needy Indians. Congress did not reinvest the Executive Branch with the authority to withdraw public lands in order to accomplish this goal. Rather, Congress provided the Secretary of the Interior with a new broad acquisition authority. Section 5 of the IRA provides:

The Secretary of the Interior is hereby authorized in his discretion, to acquire, through purchase, relinquishment, gift, exchange, or assignment, any interest in lands, water rights, or surface rights to lands, within or without existing reservations, including trust or otherwise restricted allotments, whether the allottee be living or deceased, for the purpose of providing land for Indians. . .

The section also authorized the appropriation of \$2,000,000 per year for an acquisition fund with the proviso that none of it could be used to acquire lands for the Navajos outside of their reservation if some then-pending legislation were passed. Finally, the section provides that the acquired lands would be held in trust. Section 7 authorizes the Secretary to proclaim Indian reservations on lands acquired pursuant to Section 5 and other provisions of the IRA.

Because of the proviso regarding acquisition of lands for the Navajos, it is impossible to argue that 25 U.S.C. §465 does not apply to Arizona and New Mexico even though 25 U.S.C. §465 by itself frustrates Senator Smith's major goal in introducing 25 U.S.C. §211—the preservation of the property tax base. Section 7 does not contain any analogous proviso, but the legislative history indicates that the Section was a new authority quite distinct from the old Executive order authority prohibited by 25 U.S.C. §211, and that Section 7 could be used in Arizona and New Mexico.

The most significant passages in the legislative history of the IRA regarding the relationship between 25 U.S.C. §211 and Sections 5 and 7 of the IRA occurred during the House hearings. Commissioner Collier testified to the Representatives of Arizona and New Mexico as follows:

Mr. Chavez: May I make a suggestion that you state to Mrs. Greenway what you stated about the public domain?

Mr. Collier: The act of 1918 forbids the President to take public domain and annex it to an Indian reservation. Only Congress can do that. This bill does not change that law. That remains.

Mrs. Greenway: Then if certain Indian lands are to be increased it would take independent, separate legislation to do it.

Mr. Collier: Exactly as now.

Mrs. Greenway: This bill does not add an acre to anything.

Mr. Collier: It grants money to purchase but does not take anything out of the public domain. The existing laws controlling transfer of public domain are left unaltered. Readjustment of Indian Affairs: Hearings before the Committee on Indian Affairs, House of Representatives, 73rd Cong., 2d Sess., 92 (1934) (hereinafter House hearings).

Elsewhere Collier discussed Section 5 with the representative from New Mexico:

Mr. Chavez: Right there, now could you, under this bill section 7, add additional land either in Arizona or in other States?

Mr. Collier: Without further authority from Congress?

Mr. Chavez: No. Section 7 [now Section 5], pages 28 and 29, at the bottom of page 28.

Mr. Collier: Section 7 is an authorization to the Secretary of the Interior to buy land with appropriated money. If that money is appropriated with no strings tied to it by Congress, then he could buy it anywhere. We do not know what strings would be tied on in the present process. He could buy land under that language anywhere unless the the appropriation directed that he spend the money in definite localities.

It therefore appears that Congress was aware that the IRA would grant the Secretary a type of authority he may not have had previously and that that authority was totally unrelated to his authority to withdraw public lands. The authority to withdraw public lands had been taken

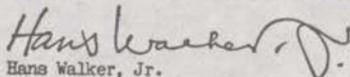
from the Executive by 25 U.S.C. §211 as to Arizona and New Mexico and later by 43 U.S.C. §150. Section 7 in no way alters the prohibition against withdrawing lands as an Indian reservation in Arizona, New Mexico or elsewhere. Instead it creates a new authority which may be exercised in any State.

Even if it is objected that the literal reading of 25 U.S.C. §211 covers and prohibits the exercise in Arizona and New Mexico of the authority in Section 7, we conclude using the rules of statutory construction, that Section 7 is an implied amendment or exception to 25 U.S.C. §211. First, it must be remembered that statutes affecting the rights of Indians are to be construed in their favor. Hopkins v. United States, 414 F.2d 464 (9th Cir. 1969); Morton v Ruiz, 462 F.2d 818 (9th Cir. 1972), aff'd., 415 U.S. 199 (1973); Fort Mojave Tribe v. San Bernardino County, 543 F.2d 1253 (9th Cir. 1976). Furthermore, repeal of Indian legislation by implication is commonplace and therefore the presumption against repeal is of limited application. Hopkins v. United States, supra at 471.

Even under the usual construction rules, however, Section 7 should be seen as an exception to 25 U.S.C. §211. A later act supersedes an earlier one. Payne v. Washington Metropolitan Area Transit Commission, 415 F.2d 901 (D.C. Cir. 1968). Although a later general statute is presumed not to repeal an earlier specific statute (Radzanower v. Touche Ross & Co., 426 U.S. 148 (1976)), 25 U.S.C. §211 was not truly a specific statute. We have seen that, when enacted, 25 U.S.C. §211 was intended only to extend to Arizona and New Mexico protections believed to be in force in other states. When it was subsequently discovered that those protections had been granted to Arizona and New Mexico alone, Congress extended those protections throughout the nation by enacting 43 U.S.C. §150 and 25 U.S.C. §398d. Thus, in 1934 as well as today 25 U.S.C. §211 is nothing more than a restatement of a prohibition applying to all the states. Certainly, Section 7 is an exception to 25 U.S.C. §398d or it is meaningless. Finally, it is to be remembered that statutory construction canons are only an aid for the ascertainment of Congressional intent. We know from the Navajo proviso in Section 5 that that section was intended to apply in Arizona and New Mexico despite the fact that it would take lands off the tax roll, thereby undermining the original goal of 25 U.S.C. §211. Furthermore, we know that Commissioner Collier testified to the representatives of both Arizona and New Mexico to explain the difference between the prohibitions in existing law and the new authority granted the Secretary by the IRA.

Conclusion

Based up our analysis of the legislative histories and applicable rules of construction we conclude that 25 U.S.C. §211 is no bar to the exercise in Arizona and New Mexico of the Secretary's authority under Section 7 of the IRA. This is not to say that 25 U.S.C. §211 has been repealed. That section continues to bar the creation by the Executive of reservations out of public domain. Further, the Secretary's authority to declare reservations in Arizona and New Mexico is of course limited by the IRA to tribes which did not reject the IRA and to lands acquired in trust under the IRA. Though still in force, 25 U.S.C. §211 is superfluous since it merely duplicates the provisions in 25 U.S.C. §150 and 25 U.S.C. §398d.

  
Hans Walker, Jr.

Senator COHEN. Toward the end of that same page you say, "We believe that the Pueblos should be in the same position with respect to the addition of land to their reservations as are the majority of other Indian tribes."

Are there other tribes that do not enjoy that same privilege?

Mr. MILLS. Not under the Indian Reorganization Act.

Senator COHEN. What does this expression, "majority," mean?

Are these the only two tribes or two States that are not included under that title? In other words: Are there tribes and States, other than New Mexico and Arizona, which do not have that right you are seeking to grant under this legislation?

Mr. MILLS. Senator, I would like to have Mr. Reeser respond to that.

Mr. REESER. There are Indian tribes in several States that the IRA does not apply to. In some cases there have been special statutes passed granting land authorities for those tribes. In some cases there is none. But most of the tribes are subject to the IRA of 1934.

Senator COHEN. Could you supply for the record those other States and the tribes in those States that are not subject to the IRA?

Mr. MILLS. Yes, sir.

Senator MELCHER. Without objection, they will be included in the record at this point.

[The material follows:]

CURRENTLY RECOGNIZED INDIAN TRIBES WHICH VOTED TO REJECT APPLICATION TO THEM OF THE "INDIAN REORGANIZATION ACT"

*Arizona* (1).—Navajo.

*California* (36).—Hoopa, Augustine, Cabazon, Cahilla, Inaja-Cosmit, La Jolla, Los Coyotes, Mesa Grande, Pala, Morongo, Palm Springs (Aqua Caliente), Pauma, Pechanga, Rincon, San Manuel, Santa Rosa, Santa Ysabel, Soboba, Sycuan, Torres Martinez, Auburn, Berry Creek, Big Sandy, Dry Creek, Enterprise, Laytonville (Cahto), Pitt River (X-L Ranch), Sherwood Valley, Table Mountain, Big Pine, Bishop, Fort Independence, Shingle Springs, Campo, Cold Springs, and Table Bluff.

*Idaho* (2).—Couer d'Alene and Nez Perce.

*Montana* (2).—Crow and Fort Peck.

*Nevada* (1).—Fallon.

*New Mexico* (1).—Jemez.

*New York* (6).—Allegany (Seneca Nation), Cattaraugus (Seneca Nation) Onondaga, St. Regis, Tonawanda, and Tuscarora.

*North Dakota* (2).—Fort Totten (Devil's Lake) and Turtle Mountain.

*Oregon* (1).—Umatilla.

*South Dakota* (2).—Sisseton-Wahpeton and Crow Creek.

*Washington* (6).—Colville, Spokane, Chehalis, Shoalwater, Lummi, and Yakima.

*Wyoming* (1).—Shoshone and Arapahoe.

*Notes*

Although the Siletz Indians in 1935 rejected application of the Indian Reorganization Act to them, section 3 (25 U.S.C. 711a) of the Siletz Indian Tribe Restoration Act of 1977 made the IRA applicable to them.

In addition, section 13 (25 U.S.C. 473) of the Indian Reorganization Act excluded application of section 7 and certain other sections of that Act to tribes in Oklahoma. The Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C. 501 et seq.) provided special provisions for Oklahoma tribes.

Said section 13 of the IRA also excluded application of most of the Act to Alaska but section 1 (25 U.S.C. 473a) of the Act of May 1, 1936 extended sections 5, 7, and certain other sections of the IRA to Alaska.

SPECIAL TRIBAL LAND SALE, EXCHANGE OR ACQUISITION STATUTES FOR TRIBES NOT  
SUBJECT TO THE INDIAN REORGANIZATION ACT

<i>Tribes/Reservation</i>	<i>Act of</i>
Coeur d'Arlene-----	5/19/58; 72 Stat. 121; 25 U.S.C. 263 note. 10/9/72; 86 Stat. 788.
Colville-----	7/24/56; 70 Stat. 626.
Crow-----	6/8/40; 54 Stat. 252, 7/1/48; 62 Stat. 1214. 5/19/58; 72 Stat. 121; 25 U.S.C. 463 note.
Crow Creek-----	9/2/58; 72 Stat. 1766.
Fort Peck-----	5/19/58; 72 Stat. 121; 25 U.S.C. 463 note.
Navajo-----	7/10/40; 54 Stat. 746. 8/9/55; 69 Stat. 555. 4/19/50; 64 Stat. 46 as added by 6/11/60; 74 Stat. 199; 25 U.S.C. 635.
Navajo, Canoncito-----	8/13/49; 63 Stat. 605, 25 U.S.C. 622.
Pueblo of Jemez (also applicable to other Pueblos).	9/14/61; 75 Stat. 505, 25 U.S.C. 624. 8/13/49; 63 Stat. 605; 25 U.S.C. 622.
Sisseton and Wahpeton (Lake Traverse).	10/26/74; 88 Stat. 1468.
Spokane-----	5/19/58; 72 Stat. 121; 25 U.S.C. 463 note. 6/10/68; 82 Stat. 174; 25 U.S.C. 487.
Umatilla-----	8/10/39; 53 Stat. 1351; 25 U.S.C. 463e.
Yakima-----	7/28/55; 69 Stat. 392, as amended by 8/31/64; 78 Stat. 747; 25 U.S.C. 608.

Senator COHEN. That is all I have, Mr. Chairman.

Senator MELCHER. Thank you very much.

Our next witnesses will be Del Lovato, chairman of the All Indian Pueblo Council; Alvin Lucero, governor of the Isleta Pueblo Tribe; Gilbert Pena, governor of the Nambe Pueblo Tribe; Ray Concho, governor of the Acoma Pueblo Tribe; L. Lamar Parrish, attorney for the All Indian Pueblo Council; and Ella Mae Horse, recording secretary, National Congress of American Indians.

To introduce this distinguished panel, we have the distinguished Senator Domenici with us.

Senator, we will recognize you right now.

**STATEMENT OF HON. PETE V. DOMENICI, A U.S. SENATOR IN  
CONGRESS FROM NEW MEXICO**

Senator DOMENICI. Mr. Chairman and Senator Cohen, let me say you have some very distinguished witnesses to appear and testify, both on S. 1832 and S. 1730.

I have a prepared statement which will give the committee my views and some reasoning justifying the passage of both bills. I would ask that that testimony be admitted in the record at this point.

Senator MELCHER. Without objection, it will be made a part of the record at this point.

[Senator Domenici's prepared statement follows:]

## STATEMENT OF U.S. SEN. PETE V. DOMENICI

MR. CHAIRMAN,

I commend you and your Committee for holding this hearing on S. 1730, for the benefit of the Ramah Band of the Secretary of the Interior to declare and proclaim land in New Mexico and Arizona to be Indian reservation land.

Because of time constraints I would, with your indulgence, like to combine my statements regarding both bills at this time.

S. 1832, Mr. Chairman, was introduced at the request of the All Indian Pueblo Council in behalf of Pueblos in New Mexico and Arizona.

A statute adopted by Congress on May 28, 1918 provides that no additional reservation land can be created in New Mexico or Arizona except by an Act of Congress.

In 1934 the Indian Reorganization Act gave the Secretary of Interior discretionary authority under Sections 5 and 7 to take lands into trust for Indian tribes that elected to organize under the IRA.

However, the prior 1918 law has never been repealed and as a practical matter, whenever a pueblo or tribe in New Mexico seeks to add to the reservation land placed in trust, it generally seeks an Act of Congress.

This inconsistency results in an apparent discrepancy in the standing of tribes and pueblos in New Mexico and Arizona  
(more)

and all other Indians with regard to the Secretary's authority in adding to the reservation.

Another historical anomaly aggravates this situation: During the period from 1877 to 1913 the Pueblo Tribes of the United States were declared "non-Indians." Consequently, the Pueblos were denied the protection of the Federal Government and instead were subjected to the authority of the Pueblo Lands Board. During this period great controversy arose as to ownership of land within boundaries of reservations by non-Indians. The Pueblos have since been riddled with private claims.

The redress S. 1832 would allow is exemplified by an existing situation in the San Juan Pueblo. The Pueblo has negotiated for and bought from its own funds, 1½ acres of land located in the middle of the reservation previously subject to a private claim. A non-Indian had been recognized as having established "squatter's rights" on this parcel by the Pueblo Lands Board in that curious period when the Pueblo Indians were non-Indians. There is no question that this was and is Indian land but for that 36 years the owners were declared non-Indians. And because of that peculiar action the land which has been returned to the tribe at its own expense cannot be reservation land without an act of Congress. If this land were in any State other than New Mexico or Arizona, the Secretary could in his discretion do so. This is truly unjust.

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This legislation, Mr. Chairman, would resolve the issue of what the real intent of the Congress is with respect to the Secretary's authority.

While the language of this bill was prepared by my staff working with the All Indian Pueblo Council, there are other ways to accomplish the same end. Striking Section 211 may both simplify and clarify the purpose of this bill. I would support the decision of the Committee as to the most direct solution.

Senate bill 1730, is the continuation of a legislative effort I began on April 24, 1974 when S. 3368 was introduced in the 94th Congress.

The Ramah Navajo people are again requesting our assistance in resolving a problem of land ownership within their reservation area.

Located within the Southwest corner of the Ramah Navajo Reservation are 21 sections of United States land to which they wish to acquire title. The Ramah Navajo Lands are a checkerboard area similar to the area around Crownpoint, New Mexico, in the Eastern Navajo Agency. The 21 sections to which they wish to acquire title will consolidate their holdings in the area and prevent future and further encroachment of others upon their Indian holdings.

The Ramah Navajo Indians have lived and built their hogans on this land for at least the past 100 years and feel that this land by right should belong to them. Presently, the Ramah Navajo families that live on these 21 sections  
(more)

are unable to secure any kind of assistance from any major source, because the Bureau of Land Management still has title to these lands. The present Ramah Navajo population consists of 1800 members. Their people graze 600 head of cattle and 500 head of sheep. The individual holdings usually consist of only a few head of cattle and 50 to 100 head of sheep. This is the major source of income for most families and the average family income is under \$2,000 per year.

Pursuant to paragraph 4 of Public Land Order 2198 of August 27, 1960, this land was withdrawn from all forms of appropriation under the Public Lands Laws for Indian use in aid of proposed legislation. Paragraph 4 of Order 2198 provides that pending the enactment of such proposed legislation, the Commissioner of Indian Affairs shall administer the land.

Historically, the Ramah Navajos have lived in this area since they assisted the Zuni Indians' defense against Coronado in 1540. Specifically, the Ramah Navajos have lived on these twenty-one parcels of land since their long trek back from being held in captivity at Fort Sumner in 1868.

The land is also needed for practical reasons :

- \* The Ramah Navajo Reservation is a satellite reservation. It is geographically separated from the Navajo Nation, and it exists in an area which has numerous and diverse land interests -- a "checkerboard" arrangement.
- \* In addition to being remotely situated, the Ramah Navajo Reservation lacks many of the necessary resources which  
(more)

other communities are blessed with.

- \* Because of the diversity of lands interests, land consolidations are prevented; and these are necessary for optimum land management activities which require large continuous areas.
- \* The development of needed roads, utilities, and other land related activities which involve easements and rights of way are severely hampered due to the difficulties in obtaining concurrences.
- \* Because the economic conditions on the Ramah Navajo Reservation are the causes of high unemployment and low income, the Ramah Navajo peoples' dependence upon the lands for sustenance is greatly increasing.
- \* The steady growth of the Ramah Navajo people is causing the present land base to decrease to the extent where it is becoming economically inadequate to sustain the community's governmental and domestic operations.
- \* Farming and livestock operations comprise 80% of the Ramah Navajos means of livelihood. However, their means have been hindered over the past number of years. Poor weather and poor range conditions have severely reduced the range capacities to where the survival of the operations is problematical.
- \* Since the Ramah Navajo Reservation lacks water , minerals, and other natural resources, there is a pressing need for additional lands which can partially offset the economic deprivation caused by these current deficiencies.

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Mr. Chairman, it is my hope that the Committee will move expeditiously to assist this needy and deserving community.

I thank the Chairman and the Committee for allowing me the opportunity to testify. I would be delighted to answer any questions the Committee may have.

# # # # #

Senator DOMENICI. Two of the distinguished Navajo leaders who are here and will testify on Senate bill 1730, the Ramah bill, are vice chairman of the Navajo Nation, Frank Paul, and Bennie Cohoe, the chapter president. I would like to be present with them also, but since my statement will cover both bills I will limit my present remarks to S. 1832, and if I can return I will do so when you call the second bill. Is that satisfactory to the committee?

Senator MELCHER. Yes; that is satisfactory.

Senator DOMENICI. Rather than talking at length about Senate bill 1832, as I am sure you are going to get a great deal of technical advice, suffice it to say that on a number of occasions we have found that an enactment of Congress has adversely affected the Pueblos in New Mexico in a certain way, because of certain circumstances decades ago, and has remained on the books. When we get into modern times, we find that, for the most part, the Indians of America are being treated one way, and we have a statute that treats our Pueblos differently. We even had one statute on condemnation rights where, as a matter of law, the national condemnation law was changed just as to the Pueblos and then remained discriminating for about 30 years. We were not, in the case of modifying that law, asking for any different treatment than an equitable concept of treating the Pueblo Indians, as they are indeed Indians, or any other Indian group. We just wanted them to be treated the same.

However, we can get there, whether it is by new statute, by firm interpretation, by Senate bill 1832, or another simpler way, we want to see that happen.

That is basically all I want to say, but I would be remiss if I did not thank both of you. We all know that both of you Senators, because of your committee assignments, have tremendous loads to carry, and we do appreciate your calling a hearing on both S. 1832 and S. 1730 which are very precise and specific kinds of Indian bills. So, I would be remiss if, on behalf of the Indian people of New Mexico, I did not thank you for that generosity and real diligence.

I am ready to answer questions, but I do believe the technical issues can be answered by the excellent Indian leaders and the people from the BIA. Thank you very much, Mr. Chairman and Senator Cohen.

Senator MELCHER. Thank you.

Mr. Lovato?

STATEMENT OF DELFIN J. LOVATO, CHAIRMAN, ALL INDIAN PUEBLO COUNCIL, ACCOMPANIED BY ALVINO LUCERO, GOVERNOR, ISLETA PUEBLO TRIBE; GILBERT PENA, GOVERNOR, NAMBE PUEBLO TRIBE; RAYMOND CONCHO, GOVERNOR, ACOMA PUEBLO TRIBE; L. LAMAR PARRISH, ATTORNEY, ALL INDIAN PUEBLO COUNCIL; DENNIS MARTINEZ, GOVERNOR, SAN ILDEFONSO PUEBLO TRIBE; MOISER SHEJA, GOVERNOR, ZIA PUEBLO TRIBE; AND ELLA MAE HORSE, RECORDING SECRETARY, NATIONAL CONGRESS OF AMERICAN INDIANS

Mr. LOVATO. Mr. Chairman and members of the committee, my name is Del Lovato. I am the chairman of the All Indian Pueblo Council which represents the 19 Pueblo Tribes in the State of New Mexico.

I have a prepared statement, and I would like to have it introduced into the record.

Senator MELCHER. Your prepared statement will be made a part of the record at this point, Mr. Chairman.

[Mr. Lovato's prepared statement follows:]



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STATEMENT OF DELFIN J. LOVATO,  
CHAIRMAN, ALL INDIAN PUEBLO COUNCIL

BEFORE THE SENATE SELECT COMMITTEE ON  
INDIAN AFFAIRS S.1832

I am Delfin Lovato, Chairman of the ALL INDIAN PUEBLO COUNCIL. The ALL INDIAN PUEBLO COUNCIL is composed of the nineteen (19) Pueblos in New Mexico. The ALL INDIAN PUEBLO COUNCIL urges favorable consideration of Senate Bill 1832.

SB 1832 would correct an old law which can be understood only within its historical perspective. In 1876, a most remarkable event occurred. The Supreme Court of the United States, in United States v. Joseph, 94 U.S. 614 (1876), announced that Pueblo Indians were not Indians. The Supreme Court reasoned that the Pueblos were such peaceful and decent people that they could not possibly be Indians, and it was so declared. This was incredible, but nonetheless it occurred. The Pueblos are probably the most identifiable of all of the aboriginal people of America. Their existence and culture have existed since time immemorial. Most Pueblos have been located at their present sites for thousands of years.

In 1913, in the Sandoval case (231 U.S. 28 (1913)), the Supreme Court came to its judicial senses and announced that Pueblo Indians were indeed Indians and were entitled to all of the rights and protections as other Indians. These two examples of judicial insanity might be nothing more than a whimsical footnote in history

Statement of Delfin J. Lovato  
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except for the tragic results which flowed from them. During the 37 years the Pueblos were deprived of protection by their trustee, the United States. The longstanding doctrine and law that Indian land could not be alienated, that no non-Indian could take nor occupy Indian land, was no longer so for Pueblos. Terrible events ensued. It should be noted that Pueblos exist only in Arizona and New Mexico, and that these are the only two states addressed in 25 USC 211. During these 37 years, the Pueblos lost their lands. Non-Indians greedily moved onto Indian lands and took over large segments. Since the Pueblos generally lay in the fertile land near the river, this was most desirable to the non-Indians and the best land and that nearest the villages themselves, were the parcels taken. In effect, the Government encouraged non-Indians to take Indian land from tribes, and that is precisely what happened.

One would expect, following the 1913 Supreme Court decision, that the Government would rush to right this wrong done to the Pueblos, that it would try to restore to Indian tribes their lands and to clear out the non-Indian trespassers. It did exactly the contrary. Congress acted in two specific ways following the 1913 decision: the passage of 25 USC 211 in 1918 and the passage of the 1924 Pueblo Lands Board Act. To discuss the latter first, this Board was established with the express purpose of recognizing non-Indian title to Indian land. It was most efficient. Thousands of acres, representing thousands of non-Indian claims, were recognized. Pueblos were riddled with non-Indian trespassers who, thanks to the operation of the Pueblo Lands Board, were given complete legal standing. There is a cruel joke in New Mexico that the Pueblo Lands Board should have been named "the White Man's Land Board." Thus, the Pueblos, which at best had very modest land bases, by virtue of the evil actions of the United States were sharply reduced in landholdings. Our concern today is more directly related to 25 USC 211, which states that reservations within Arizona and New Mexico cannot be expanded without a specific act of Congress. Congress apparently reasoned that, the Government having allowed the Pueblos to be cheated out of their land and then recognizing this wrongful taking by non-Indian trespassers, it should then be assured that Indian tribes in New Mexico and Arizona could do nothing to restore themselves any reservation lands. The passage of 25 USC 211 in 1918 assured this result.

Senate Bill 1832 has the modest aim of allowing some of these old wrongs to be righted. It would simply allow a Tribe which

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acquires adjoining land to ask the Secretary of Interior to recognize this acquired land as reservation land. The Secretary, in his discretion, may reestablish reservation land.

It is important to note what Senate Bill 1832 does not do. The Secretary may not take land controlled by the State or Federal Government and convey it to a Tribe as part of its reservation. The Secretary may not dispossess any person or entity, may not take land owned by another and give it to an Indian tribe. A tribe would have to, as it presently does, acquire the land, usually by purchase. If that acquired land adjoins reservation lands, the Tribe may ask the Secretary of Interior to recognize that land as reservation land. The Secretary, by applying whatever reasonable standards seem appropriate, such as the good faith of the Tribe, the aboriginal nature of the land, and other such matters, may then declare that the acquired land is to be recognized as reservation land.

My own Tribe of San Juan Pueblo offers an example of how this old discriminatory law operates against us. Recently, San Juan acquired a parcel of land in the middle of our reservation. This parcel is very near our village and was owned by a non-Indian by virtue of the operation of the Pueblo Lands Board. The Pueblo is far from being affluent, but nonetheless paid over \$100,000 for an acre and one-half of land, and the title was duly transferred to the Pueblo of San Juan. The Pueblo used its own money to buy at an exorbitant price its own land back. This is not reservation land and cannot be. Even though the Secretary of Interior could clearly recognize that the land was aboriginal San Juan land, that it was wrongfully taken from San Juan, that San Juan used its own modest resources to buy back the land and to use it only for beneficial tribal purposes, the land, under the present state of the law, can never be reservation land. Should we come to Congress and ask that this small parcel be granted reservation status? The Pueblo cannot afford such an effort, and Congress should not be so burdened.

Much legislation has been made law since 1918, but 25 USC 211 continues to rear its head. It has never been amended nor repealed. Senate Bill 1832 itself would not cure any of those wrongs, but it would allow a tribe, by its own efforts, to reacquire land wrongfully taken in the past, and provide the Secretary of Interior discretion to have that land again declared reservation land.

Mr. LOVATO. Mr. Chairman, I will briefly summarize the position of the Pueblo Tribes on S. 1832. The other members of our delegation here will speak to specific points of the legislation itself.

Mr. Chairman, as has been pointed out by the previous speakers from the administration, there has been a state of confusion as regard the application of certain laws and provisions in regard to the acquisition of additional land by the Pueblo Tribes in the State of New Mexico.

As has been pointed out, the basic intent and position of the Pueblo people is that we would like the same laws that are applicable to other tribes in this country to be applicable to them as pertaining to the acquisition of additional lands.

At present, it takes an act of Congress to declare any additionally acquired lands by any of the Pueblo Tribes before we can have these lands declared a part of the Pueblo Tribes. We are especially burdened, and we have a unique situation in Pueblo country because of certain wrongdoings and wrong decisions on the part of the courts.

Throughout history, the Pueblo Tribes have been subjected to a large influx of squatting of non-Indians within the reservation proper which were later declared to be lands which were held, or what we now refer to as private claims within our reservation boundaries.

Many of the Pueblos are, at the present time, beginning to reacquire some of these lands—repurchasing of this acreage within the reservation boundaries or acquiring of land which were aboriginally theirs to begin with. However, they are now reacquiring these lands, and we find that we cannot go to the Secretary of the Interior for a decision as to the trust status or reservation status of these lands; we must come to Congress.

Considering the number of private claims, or PC lands, within our reservations, it would be a burdensome task for Congress and for the Pueblo Tribes to come in and ask that these lands be declared a part of those reservations on a case-by-case basis. There are just too many of them.

So, what we are asking, basically, is that the same laws which are applicable to other tribes in other parts of the country be made applicable to the Pueblo Tribes and to the tribes in the States of New Mexico and Arizona in general.

I will stop at this point, Mr. Chairman. We also have our legal counsel, Mr. Parrish, who will be more than happy to answer any questions that the committee might have.

At this point, I will turn to Mr. Concho, the governor of the Acoma, who will make a brief statement.

Mr. CONCHO. Thank you.

Mr. Chairman and members of the Senate Select Committee on Indian Affairs, I have prepared testimony which I will present to you.

My name is Raymond Concho, governor of the Pueblo of Acoma. I extend to the committee a greeting from my tribal council and people. Thank you for giving us the opportunity to present our views regarding the bill S. 1832.

There are numerous concerns which this tribal administration and past governing bodies have had. One of the most urgent and critical concerns has to do with the land situation and the problems which have been encountered in respect to the land and environment. There

has been constant struggle in our area since the arrival of the European people in the Southwest in the early 1500's.

As Pueblo people, we have maintained the continuity of the social and political aspects of our lives through three distinct forms of government: Spanish, Mexican, and United States relationships. One of the binding forces which has kept us secure is the traditions and aspects of tribal sovereignty.

For many years, since the inception of the U.S. Government, there have been changes in attitudes, policies, and conditions which contribute to the relationship of tribal governments to the Federal and State Governments. One of the foremost types of relationships has been the trust responsibility built on the various provisions, statutes, laws, and acts of the U.S. Government.

Initially, this type of relationship was one of paternalism. This, in essence, is conceived in terms of the way the Government has directed the lives of the Indian people and often not in the best interest of the Indian people. Today, we define the relationship between the U.S. Government and the Pueblo people in terms of a political relationship built on negotiations and agreements rather than the paternalistic viewpoint. This type of relationship would be ideal, had it not been for the shortcomings and inconsistencies of bureaucratic action.

Such inconsistencies, which affect our tribes in relation to the land situation, are evident in such acts as the Homestead Act, the Mount Taylor Grazing Act, and the Land Policy and Management Act. These altogether neglect the third party in the political views of the Government, that party being the tribal governments. The trust responsibility was never adequately carried out.

The foreign policy of the United States has been recognized as assistance to developing nations to overcome the barriers that are being confronted. We as Indian people identify ourselves as those third nations seeking to continue the special relationships and conditions that exist. Through this type of relationship, we hope to attain for ourselves the quality of life and prosperity which has been socially and economically denied.

Land is regarded by my people as a basis for economic stability, political strength, and as a basis upon which we can reinforce our cultural and religious practices. My people need the leverage in this present day to sustain the mental, physical, and spiritual comforts of the Indian world.

Two areas of land adjoining the reservation have been acquired by the tribal government for its people. These two areas had previously been lost by actions because the tribe was not perceived to be a political entity within the U.S. Government. In all recollection and documentation, these two areas of land have been the aboriginal home of the Acoma people, as demonstrated by the presence of sacred sites and a large number of ancient ruins which were occupied by certain clans of Acoma people.

With the acquisition of these two land areas at tremendous monetary cost, the tribe hopes to attain the degree of economic growth which will not have such adverse impacts on its social and physical environments.

Based on a recent population survey conducted for the Pueblo of Acoma—Population and Housing Survey, June 1978—from its pres-

ent estimated population of 2,848 in 1978, the population growth projected at 6 percent a year is to total 4,860 by 1990.

Taking this into consideration, the economic growth must be compatible with population growth in order to maintain a quality of life which is acceptable to today's standards. Expanding the land base and maximizing all available resources to the fullest extent is an alternative the tribal government has taken in alleviating the problems being encountered.

Some unique problems exist as a result of the acquisition of land. This has relevance to the Bureau of Land Management [BLM] controlled portions of the acquired land and the 1872 Mining Act. The tribe is imposed upon in having to pay for the lease to the BLM for lands which the tribe initially owned. This puts some restriction on the economic development of the tribe. The Land Policy and Management Act has directed the BLM to do identification of possible land to be incorporated for wilderness designation. One area of the acquired land is affected by the act.

The other problem being encountered is in respect to the jurisdiction of the tribe over these lands. If justice is to prevail for the U.S. Government, measures must be devised whereby the Indian people can have control over factors and interferences which occur on tribally held lands. Although the tribe has the grazing rights to the lands acquired, it cannot limit the number of people that encroach and do damage on the land. The 1872 Mining Act gives the liberty to any person to stake a claim on the public domain lands, regardless of the persons who have an investment in the land.

The Bureau of Indian Affairs has been entrusted with the responsibility of maintaining the paternal relationship with the Indian tribes. However, it is the responsibility of the Indian tribes, themselves, to carry the messages of need to the U.S. Government. The Bureau can then assist the tribes in meeting these needs. Because many issues arise before Congress, such legislative actions, which are detrimental to the existence of the Indian people, go unnoticed. Tribal governments have the greatest responsibility for continuing a struggle to safeguard their lands, culture, and lives.

Now it should be, in keeping with the trust responsibility relationship, the promise to Indian people that they should have the lands for the perpetual enjoyment of all generations of Indian people; that the authority be extended to the Secretary of the Interior to declare and proclaim land to be Indian reservation land. This is our most urgent request of this committee.

By support of this bill, S. 1832, all efforts by the American Government to maintain a system of equality will have been demonstrated and justified. New Mexico and Arizona are the only States in the United States where the proclamation of Indian reservation land takes an action of Congress.

This is the end of my testimony, Mr. Chairman. I thank you very much for giving me the opportunity.

With the help of our dear Lord, whom we look up to, to whom we pray daily, there will be no enemies. We ask your help. We, as true American people, seek this kind of help. This land belongs to our Indian people.

Thank you very much, Mr. Chairman.

Senator MELCHER. Thank you, Chairman Concho.

Mr. LOVATO. Governor Pena?

Mr. PENA. Mr. Chairman and members of the committee, I am Gilbert Pena, governor of the Pueblo of Nambe and chairman of the eight Northern Indian Pueblos Council.

I strongly urge the passage of Senate bill 1832 on behalf of the Indian tribes of Arizona and New Mexico. The Pueblo Lands Board, and the events leading up to its creation, were extremely destructive to our modestly sized land base.

Our reservation is a checkerboard of parcels owned and occupied by non-Indians. Some of these are located virtually in our village. Although we always seek good relationships with these non-Indians, they, nonetheless, represent a considerable disruptive influence in our community life.

As we accumulate any funds in our modest treasury, our most hoped for goal is to buy out these private claimholders. This poses a paradox. We, in effect, are buying our own land back, land which anthropologists tell us our tribe has occupied for 10,000 years.

Because of the old and unfair law, 25 U.S.C. 211, this land, even if we buy it with our own dollars with no assistance whatsoever from the U.S. Government, will not be, and can never be, reservation land. This is immensely unfair. We should be able to reacquire our aboriginal land and have that land, if the Secretary of the Interior is convinced of our good faith and other circumstances warrant it, declared again to be our reservation land.

My Pueblo urges the passage of Senate bill 1832.

Thank you, sir.

Mr. LOVATO. Governor Lucero of the Isleta Pueblo?

Mr. LUCERO. Mr. Chairman and members of the committee, it is an honor and pleasure to be here this morning to present my testimony.

My name is Alvino Lucero. I am the governor of the Pueblo of Isleta, also the chairman of the 10 southern Pueblos. I am speaking on behalf of my tribe in support of Senate bill 1832. Isleta is a tribe located immediately to the south of Albuquerque, and it has approximately 3,000 members and a land base of slightly less than a quarter million acres.

In spite of our proximity to Albuquerque, Isleta is a traditional Indian Pueblo reservation, and our native traditions, language, and sense of community remain important elements of our Pueblo. Isleta, because of its size and location, is involved in many matters concerning land. Some of our experiences may serve to illustrate the basic unfairness of the law which does not permit additional lands acquired by the pueblo to be declared Indian reservation lands.

About 4 years ago, we discovered a trespass on a portion of our southern boundary. A country road, located at earlier times south of our boundary, became realigned so that it was located for a substantial distance well within our boundary line. Five of our non-Indian neighbors, apparently believing that the now misplaced road represented the boundary line of the Pueblo, established residences and farms in this trespass area. They built homes and other improvements on Indian land. Thus, not only the county, but also a number of individual non-Indian people were trespassing on our land.

The tribe could have restored its boundary, closed the road, and forcibly removed the individual trespassers. As a matter of accommodation to the county and those persons, it chose not to. Federal law, while providing that Indian reservation land may not be alienated, does not allow an exchange of Indian land for land of equal value.

At our suggestion, the county and the individual trespassers together acquired a parcel of land adjoining our reservation boundary and, following a BIA appraisal, it was then exchanged for the area in trespass. By this device, the Pueblo accommodated the county and the individual trespassers. The Pueblo need not have done this but desired to do so in an effort to be a good neighbor.

The perverse result of this good faith effort by the Pueblo is now that in the southern part of our reservation there are 35 acres of land which are not Indian reservation land. Under the present state of the law, it can never be Indian reservation land. The land we gave up to accomplish this neighborly gesture is gone forever and is not even Indian land any longer. Were Senate bill 1832 the law at the time of the exchange, the Secretary of the Interior, by examining these circumstances and seeing the basic fairness of the situation, could declare this land to be Indian reservation land, and at least the Pueblo would not be penalized for trying to be a good neighbor.

Examples are countless, but this indicates the unjust results which flow from 25 U.S.C. 211. If the Indian people of Arizona and New Mexico are to expect just treatment from the trustees, the U.S. Government must pass this vital piece of legislation so that the Indian people and the U.S. Government will recognize their newly acquired land as Indian reservation land.

Thank you very much, Mr. Chairman, for allowing me to present my testimony this morning.

Mr. LOVATO. Mr. Chairman, we have one additional individual who has come to speak on behalf of our position. She is Ms. Ella Mae Horse, the Secretary of the National Congress of American Indians.

Ms. HORSE. Mr. Chairman and members of the committee, we wish to thank you for this opportunity to come before you today to express the views of the National Congress of American Indians on S. 1832.

Mr. Chairman, we are here today to seek your assistance in resolving a situation that is unique to the Indians of Arizona and New Mexico, arising from an inconsistency in the United States Code dealing with Indian affairs. The section in question, 25 U.S.C. 211, requires the Pueblo Tribes to come to the Congress to have lands placed in the Federal trust status.

Mr. Chairman, the National Congress of American Indians supports the repeal of the obsolete provision. We support the position of the All Indian Pueblo Council in seeking to have this law repealed or eliminated. The authority for an administrative solution exists and should be extended to the Pueblo Tribes. Section 211 is an impediment to a much simpler process for fulfilling the trust obligations with regard to the Pueblos. The Pueblo people should not be excluded from the protections extended to other tribes on a routine basis.

We hope this committee will report this bill favorably to the Senate and that the Congress will also respond favorably and enact S. 1832.

Thank you.

Mr. LOVATO. Mr. Chairman, that concludes our presentations this morning. My attorney would like to make one or two points that were raised earlier this morning by the Bureau of Indian Affairs. We would like to respond to them.

Mr. Parrish?

Mr. PARRISH. Thank you.

My name is Lamar Parrish, and I am the attorney for the All Indian Pueblo Council.

We deal with land acquisition matters on a daily basis, and our credentials are not so much academic as practical. If there is a suggestion that with proper legal analysis 25 U.S.C. 211 will go away, virtue of the passage of subsequent acts, I can assure you that is not so and will not be so. The only way to cure it, in my opinion, is by passage of a bill like S. 1832.

A typical example would be the Solicitor's opinion of June 7, 1977, which specifically regards an Arizona tribe. It states, "Irrespective of the Secretary's authority under section 7 of the Indian Reorganization Act, I read section 2 of the act of 1918, 25 U.S.C. 211, as precluding the Secretary from adding the 20-acre tract to the reservation." It then goes on to say, "I have several such Solicitor's letters in my file which I would be happy to make part of the record if the chairman so indicates."

In other words, it is a real problem and, in my opinion, the only way to cure it is by this legislation.

With respect to a question raised earlier, in my opinion, this is the only piece of legislation, 25 U.S.C. 211, which names two States by name. All the other pieces of legislation affecting land acquisition, land exchange, and like matters are couched in general terms. Only this spells out the two States of Arizona and New Mexico.

The key to it, I believe, is that for 37 years the Pueblos of New Mexico and Arizona—the Pueblos are only in those two States—were deprived of the protection of the Government. The Supreme Court ruled in 1876 that the Pueblo Indians were not real Indians and were not, therefore, subject to protection.

The Supreme Court, in a bit of legerdemain in 1913, reversed itself and declared—much to the relief of my panelists' ancestors—that they were, indeed, Indians, and the trust status was restored.

That period of time is what we have been talking about. That is when the land was taken.

The timing of 25 U.S.C. 211 can only be explained, I believe, by looking at the judicial history: in 1913, the Supreme Court decision; several years later, 25 U.S.C. 211.

I would join the eloquent statements made and urge the passage of S. 1832.

Senator MELCHER. Thank you, Mr. Parrish.

You have a very important namesake in this town who plays cornerback for the Redskins.

Mr. PARRISH. I received a phone call last night at my hotel wanting to know if I played football. My football career is long over. I was big but slow.

Senator MELCHER. You are a little bit bigger than the other Lamar Parrish, but in this town you are not quite as famous. [Laughter.]

The citation you have made in your testimony will be sufficient on that point. I do not think we need any other citations.

We have a series of letters and statements including the resolution of the Acoma Pueblo which, without objection, will be made a part of the record at this point.

[The material follows:]

CORRESPONDENCE  
TO  
NATIONAL CONGRESS OF AMERICAN INDIANS

IN REPLY REFER TO:

**PUEBLO DE ACOMA**

11-10-ATO-79A

"THE SKY CITY"

P. O. Box 309

PUEBLO OF ACOMA, NEW MEXICO 87034

TELEPHONE (505) 552-6606

## OFFICE OF THE GOVERNOR

GOVERNOR  
Raymond J. Concho, Sr.  
FIRST LT. GOVERNOR  
Ron D. Martinez

SECOND LT. GOVERNOR  
Frank L. Ortiz

FIRST FISCAL  
Fermín Martínez

SECOND FISCAL  
Harvey Lavado

THIRD FISCAL  
Lawrence Garcia

SECRETARY  
Juan S. Juanico

INTERPRETER  
Clyde J. Sanchez

TREASURER  
Dorrell L. Felipe

COUNCILMEN  
Diego Valde, Jr.  
Alfred L. Vallo  
Paul Histic  
Wilbur Ching  
Thomas Garcia  
Martin Pino  
Tom Ortiz  
Thomas Vallo  
Cyrus Chino  
Joe C. Ray  
Jimmie Shultis  
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CATTLE OFFICERS  
Floyd Lowden  
Juanico Sanchez  
Melvin Lewis  
Emilio Concho, Jr.  
Dorwin Vallo  
Sandy Vallo, Jr.  
Marvin Lubeck

SHEEP BOSSES ACOMITA  
John Jones  
Floyd Lowden

SHEEP BOSSES McCARTYS  
Isaac Hoyak  
Fermín Torviva

WATER BOSSES  
John Ray Garcia  
Lorenzo Sarracino  
Joe Valdo  
Joe Poncebo  
Lorenzo Chavez  
David Mustata  
Clifford Pasquel

Ed Drivinhawk, Chairman  
National Congress of American Indians  
Suite 700  
1430 K Street, N. W.  
Washington, D. C. 20005

Dear Mr. Drivinhawk:

We welcome this opportunity to present before the executive and legislative committees of NCAI a request for full support of the Bill S, 1832. This Bill will give us the leverage to sustain for our Indian people the mental, physical and spiritual comforts of the Indian world. We regard land as a basis for economic stability and political strength; and as a basis upon which we can reinforce our cultural and religious practices.

We have enclosed documents from our tribe for your reference. These documents have to do with the tribe's continual struggle to regain areas of land which has previously been lost through misdealings and actions of the United States Government (the Homestead Act, Taylor Grazing Act and through the processes of the Indian Land Claims Commission).

(1.) The Tribal Governing Body has made efforts toward acquiring two areas of land adjoining the reservation boundaries (reference to RESOLUTION NOS. TC-DEC-19-78C, TC-DEC-3-78A&B). One area is adjacent to the Southeastern boundary while the other portion is adjacent to the Western boundary. In all recollection and documentation, these two areas have been the aboriginal homeland of the Acoma people as shown by the presence of sacred sites and a large number of old ruins which were occupied by certain clans of Acoma people and areas to which we return for spiritual reasons.

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We are faced in having to go through the process of approaching certain congressman and key people in enactment through congress to return these lands into reservation status. This overall process is a long process which may take 20 to 40 years in duration. We are somewhat hindered because of the changes in tribal government and that today Indian people face the backlash from the dominant society and the government itself. The United States looks toward the Indian lands for the development of various resources to support the American society and other countries. We feel that we can no longer stand by and see our lands destroyed along with our cultures and traditions.

(2.) The United States Government at this time is undertaking the identification of land areas for possible wilderness designation as directed by the Federal Land Policy and Management Act of 1978 and the Wilderness Act of 1964. As enumerated by the enclosed RESOLUTION NO. TC JUN-25-79A, this particular action serves no better than weaken our chances of having the lands restored to us. Particular portions of the lands which we have purchased are being affected by the Acts because although the land areas are held in trust, the Bureau of Land Management has control and the tribe is obligated to make payment for lease areas from the BLM.

The United States Government through the trust responsibility has led us to be dependent on the many types of government service. The Pueblo of Acoma has taken strides to attempt to attain economic stability and self-sufficiency rather than the imposed self-determination concept. In doing so, we have recognized that the interwoven fabric of the social, religious and economic systems of our tribe can not and must not be separated. The Tribal Government which exists on behalf of the people of the Pueblo continues to safeguard the sovereignty and self-governing concept which has been an established concept through three systems of government relations.

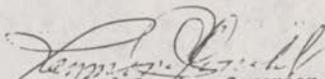
11-10-ATO-79A

Page Three

Our land is our security and we would appreciate your continued and concentrated efforts toward forceful realization of the bill S. 1832.

Sincerely Yours,

THE PUEBLO OF ACOMA



Raymond Concho, Governor

jsj/RC

.cc: Delfin Lavato, Chairman  
All Indian Pueblo Council

SUPPORTING DOCUMENTS  
OF  
BERRYHILL RANCH  
LAND AREA



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
SOUTHERN PUEBLOS AGENCY  
P.O. BOX 1667  
1000 INDIAN SCHOOL ROAD, N.W.  
ALBUQUERQUE, NEW MEXICO 87103

IN REPLY REFER TO:

Real Property  
Management

NOV 22 1978

Governor Stanley Paytiamo  
Pueblo of Acoma  
P. O. Box 309  
Acoma, New Mexico 87034

Dear Governor Paytiamo:

Enclosed is information concerning the addition of land to Indian Reservations in New Mexico. This is in reference to your recent purchase of the Berryhill Ranch.

In brief, the only way for reservations to be expanded in New Mexico is through an Act of Congress. If the Pueblo wants its recently acquired land to have reservation status, it will have to follow this course of action. The BIA is willing to provide the Pueblo with the assistance necessary in trying to get legislation enacted in the next session of Congress. However, the BIA will need a Tribal Resolution from the Pueblo requesting that the land be given reservation status.

Sincerely yours,

Acting

*James C. Windham*  
Superintendent

Enclosures





## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D.C. 20245700  
3008411  
32.012IN REPLY REFER TO:  
Trust Service  
Acq. & Disp.

OCT 31 1978

## Memorandum

To: Albuquerque Area Director

From: Acting Director, Office of Trust Responsibilities

Subject: Lands Acquired by Acoma and Laguna Pueblos, in Trust,  
Outside Reservations

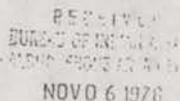
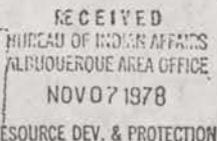
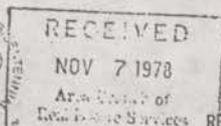
This is in response to your memorandum of September 14, 1978, relating to the above subject.

By memorandum dated June 7, 1977, (copy enclosed), the Acting Associate Solicitor, Division of Indian Affairs, held that "Irrespective of the Secretary's authority under Section 7 of the Indian Reorganization Act, 25 U.S.C. 467, I read Section 2 of the Act of May 25, 1918, 25 U.S.C. 211, as precluding the Secretary from adding the 20-acre tract to the Papago Indian Reservation." This statement was made in conjunction with a request by the Papago Tribe to have certain off-reservation trust lands proclaimed a reservation pursuant to Section 7 of the IRA.

A copy of P.L. 95-361 which was subsequently enacted to declare the 20 acres as part of the Papago Indian Reservation is enclosed for your information. Also enclosed is the Department's report on that bill.

The problems set forth in the penultimate paragraph of your memorandum are presently under review by the Division of Law Enforcement Services.

*William Skup*



Public Law 95-361  
95th Congress

An Act

To provide that a certain tract of land in Pinal County, Arizona, held in trust by the United States for the Papago Indian Tribe, be declared a part of the Papago Indian Reservation.

Sept. 10, 1978

[H.R. 8397]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following described tract of land located in Pinal County, Arizona, and held in trust by the United States for the Papago Indian Tribe, is hereby declared to be an addition to and a part of the Papago Indian Reservation:

Papago Indian  
Tribe.  
Lands in trust.

Beginning at the northeast corner of parcel numbered 1 within section 3, township 5 south, range 9 east, Gila and Salt River meridian, Arizona, described as follows:

line AP 1—AP 2 south 81 degrees 55 minutes west, 2.443 chains,  
line AP 2—AP 3 south 20 degrees 35 minutes east, 0.800 chains,  
line AP 3—AP 4 south 66 degrees 31 minutes east, 1.434 chains,  
line AP 4—AP 5 south 0 degrees 55 minutes east, 3.030 chains,  
line AP 5—AP 6 south 89 degrees 05 minutes west, 2.879 chains,  
line AP 6—AP 7 north 0 degrees 55 minutes west, 4.212 chains,  
line AP 7—AP 8 south 74 degrees 10 minutes west, 3.036 chains  
(end of course, intersect the north and south centre line of the southeast quarter of section 3),

line AP 8—AP 9 (on the north and south centre line of the southeast quarter) south 0 degrees 39 minutes east, 32.10 chains  
(end of course, the east 1/16 section corner of sections 3 and 10),

line AP 9—AP 10 (between sections 3 and 10) north 88 degrees 55 minutes east, 6.69 chains,

line AP 10—AP 1 north 0 degrees 42 minutes west, 33.33 chains  
(end of course, the place of beginning); consisting of 20 acres.

In accordance with applicable Federal law and regulations, these lands, which were conveyed to the United States in trust for the Papago Indian Tribe under the provisions of section 5 of the Act of June 18, 1934 (48 Stat. 985), are to be treated as and receive the same benefits and protection as other tribal trust lands within the boundaries of the Papago Indian Reservation.

25 USC 465.

Approved September 10, 1978.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-1020 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 95-1133 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 124 (1978):

Apr. 17, considered and passed House.

Aug. 25, considered and passed Senate.



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF THE SOLICITOR  
WASHINGTON, D.C. 20240

JUN 7 1977

MEMORANDUM

To: Bureau of Indian Affairs  
Office of ~~Trust Responsibilities~~  
Attn: Howard Pepenbrink

From: Acting Associate Solicitor  
Division of Indian Affairs

Subject: Request to add 20 acres of trust land to the  
Papago Indian Reservation

This office was requested to approve a "Secretarial Proclamation" which would add approximately 20 acres of land to the Papago Indian Reservation. For the reasons expressed below, I have determined that lands can only be added to the Papago Indian Reservation through congressional action.

The Papago Indian Reservation was created by Executive Orders of January 14, 1916, and February 1, 1917; title to the 20 acres in question is now held in trust by the United States for the benefit of the Papago Indian Tribe. The 20-acre tract is located adjacent to the city limits of Florence, Arizona, approximately 30 miles from the reservation's boundaries.

Irrespective of the Secretary's authority under Section 7 of the Indian Reorganization Act, 25 U.S.C. 467, I read Section 2 of the Act of May 25, 1918, 25 U.S.C. 211, as precluding the Secretary from adding the 20-acre tract to the Papago Indian Reservation.

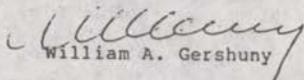


Section 2 of the 1918 Act, supra, reads as follows:

No Indian reservation shall be created, nor shall any additions be made to one heretofore created, within the limits of the State of New Mexico and Arizona, except by Act of Congress.

Thus, since legislation is needed to include the 20-acre tract in the Papago Indian Reservation, the Bureau of Indian Affairs has provided Congressman Udall of a draft of such legislation.

Mr. Dan Press, attorney for the Papago Tribe, has requested my views as to whether those members of the Tribe who reside on the 20-acre tract would be eligible for the Bureau's Housing Improvement Program. I have reviewed Section 261 of Title 25, Code of Federal Regulations and conclude that there is no apparent restriction to extending the Program to the 20-acre tract, assuming, of course, that the Tribe has not set other priorities under 25 CFR 261.6.

  
William A. Gershuny

SEP 14 1978

## Memorandum

To: Deputy Assistant Secretary--Indian Affairs (Program Operations)  
 Attention: Real Estate Services, Acquisition and Disposal,  
 Code 222

From: Area Director

Subject: Lands Acquired by Acoma and Laguna Pueblos, in Trust, Outside Reservations

In recent years the Pueblos of Acoma and Laguna have each purchased large ranches that are adjacent to but outside their reservation lands. Title is in the United States of America in trust for the Pueblos. We have been informed that the Solicitor for the Department of the Interior has taken the position that Section 7 of the Indian Reorganization Act, which authorized acquired lands to be added to existing reservations, did not amend or repeal Section 2 of the Act of May 25, 1918 (25 USC 211) which provides that no addition shall be made to an Indian reservation heretofore created, in the States of New Mexico and Arizona, except by Act of Congress.

Is it your opinion that the Berryhill Ranch purchased by the Pueblo of Acoma and the Major Ranch purchased by Pueblo of Laguna can become a part of their respective reservations only through a specific Act of Congress? If so, have other tribes requested legislation for the same reason? A copy of their authorizing legislation or proposed legislation would be helpful.

We have suggested to the Superintendent of Southern Pueblos Agency that he get tribal resolutions from Acoma and Laguna if they wish the BIA to assist in trying to get such legislation enacted in the next session of Congress.

Enclosed, for ready reference, is a copy of a memorandum to me dated September 8, 1978, from the Superintendent, Southern Pueblos Agency with enclosures, one of which is a letter dated March 17, 1977, from the Governor, Pueblo of Acoma, concerning what he felt was law enforcement problems on the lands acquired from the Berryhill Estate.

Your advice on this matter will also be appreciated. A copy is being sent to the attention of your Division of Law Enforcement Services, Hall code 430.

(500) MERRITT E. YOUNGDER, SR.

Acting Area Director

Enclosures

cc: Division of Law Enforcement Services, Code 430, with enclosures  
Southern Pueblos Agency, Attention: Real Property Management  
Code 500, Area Law Enforcement w/enclosures

✓ HGCarrick:er 9-13-78

File: 118  
UP 300  
UP 310.2-0-Berryhill  
UP 310.2-4-Howard Major  
Chrono  
AD's RF

IN REPLY REFER TO:

# PUEBLO DE ACOMA

"THE SKY CITY"

P. O. Box 309

PUEBLO OF ACOMA, NEW MEXICO 87034

TELEPHONE (505) 552-6608

OFFICE OF THE GOVERNOR

GOVERNOR  
Stanley Poytano

FIRST LT. GOVERNOR  
William Estevan, Jr.

SECOND LT. GOVERNOR  
Harry Acencio

FIRST FISCAL  
Emilia Teriva

SECOND FISCAL  
Rex Salvador

THIRD FISCAL  
Lloyd Acosta

SECRETARY  
Steve Juanao

INTERPRETER  
Leo Riquelme

TREASURER  
Raymond Concho, Sr.

COUNCILMEN  
Yerman Martinez  
Diego Valdes, Jr.  
Paul Hiallo  
Wilbert Chino  
Harvey Levido  
Martin Fina  
Tom Ortiz  
Thomas Valla  
Cyrus Chino  
Joe C. Ray  
Jimmie Shrivis  
Fred Valla, Sr.

CATTLE OFFICERS  
Kenneth Garcia  
Delbert Roussurface  
Diego Valdes, Jr.  
Thomas Garcia  
David Juanao  
Romero Sanchez

SHEEP BOSSES ACOMITA  
Abel Miller, Sr.  
Hubert Chino

SHEEP BOSSES ALCARTYS  
Nevin Teriva  
Ludon Gore

WATER BOSSES  
George Garcia  
Jimmie Garcia  
Albert Chino  
George E. Garcia  
Allen Ray  
Leroy Valla

GATE CLOSER  
John Concho

## RESOLUTION NO. TC-DEC-3-78A

REQUEST TO THE BUREAU OF INDIAN AFFAIRS FOR ASSISTANCE  
IN THE ENACTMENT BY THE UNITED STATES CONGRESS OF  
LEGISLATION GRANTING RESERVATION STATUS TO THE BERRYHILL  
RANCH LANDS OF THE ACOMA PUEBLO.

At a duly called meeting of the Tribal Council of  
the Pueblo of Acoma held on the 3rd day of December,  
1978, the following resolution was adopted:

## WHEREAS:

Sec. No. 1 The Pueblo of Acoma has purchased lands  
off of its reservation commonly referred  
to as the Berryhill Ranch; and

Sec. No. 2 The Pueblo of Acoma is desirous of having  
the United States Congress enact legisla-  
tion granting Reservation status to such  
lands; and

Sec. No. 3 The Pueblo of Acoma is desirous of obtain-  
ing the assistance of the Bureau of Indian  
Affairs in the Pueblo's effort to obtain  
such legislation.

## NOW THEREFORE BE IT RESOLVED:

That the Tribal Council of the Pueblo of Acoma hereby requests the Bureau of Indian Affairs to give assistance in the enactment of legislation by the United States Congress granting reservation status to the lands of the Pueblo of Acoma off of its reservation commonly referred to as the Berryhill Ranch.

Stouley Pethon  
Governor, Pueblo of Acoma

William Estrom Jr.  
1st Lt. Governor

Harvey Sanchez  
2nd Lt. Governor

W. H. Bertina  
Head Councilman

Wesley Vallejo  
Councilman

Paul Whittier  
Councilman

James L. S. Sinton  
Councilman

Charles J. Cho  
Councilman



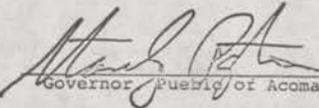
ATTEST:

Ed. J. J. J.  
Tribal Secretary

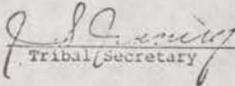
## CERTIFICATION

I, the undersigned as Governor of the Pueblo of Acoma, "Sky City," hereby certify that the Acoma Tribal Council at a duly called meeting of the Tribal Council and the People of Acoma, convened and held on the 3rd day of December 1978, at Acoma Pueblo New Mexico, approved this Resolution, a quorum being present, and that 9 voted for and 0 opposed.



  
Governor Pueblo of Acoma

ATTEST:

  
Tribal Secretary



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
SOUTHERN PUEBLOS AGENCY  
P.O. BOX 1667  
1000 INDIAN SCHOOL ROAD, N.W.  
ALBUQUERQUE, NEW MEXICO 87103

Real Property  
Management

Governor Stanley Paytiamo  
Pueblo of Acoma  
P. O. Box 309  
Acoma, New Mexico 87034

Dear Governor:

Our letter of November 8, 1977 forwarded for the Pueblo's records a copy of the approved Warranty Deed, by which the Adrian Berryhill Ranch was conveyed to the United States of America in Trust for the Pueblo of Acoma, said parcel of land containing 3,972.39 acres.

When you were in our office earlier, you asked for copies of all of the documents in the Berryhill Ranch purchase file. The documents are enclosed and include the following:

1. Title Insurance by Pioneer National Title Insurance Company.
2. Final Title Opinion from the Field Solicitor, May 31, 1977.
3. Preliminary Title Opinion from the Field Solicitor, November 9, 1976.
4. Certificate of Inspection and Possession, October 20, 1976.
5. Acoma Tribal Resolution, July 14, 1976, requesting the land be taken in Trust for the Pueblo of Acoma.
6. Acoma Tribal Resolution, March 3, 1976, authorizing payment of \$300,000 of Tribal funds for the Berryhill Ranch.
7. Appraisal Report by Bureau appraiser.
8. Berryhill-Bibo Title Opinion, dated June 9, 1976, by Robert M. Dixon; Amendment dated October 18, 1976.
9. Purchase and Sale Agreement.
10. Inventory of Adrian Berryhill Estate.

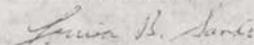


11. Warranty Deed, December 19, 1963, Arthur Bibo to Adrian Berryhill and Gladdus T. Berryhill.
12. Warranty Deed, dated August 23, 1976, Arthur Bibo to Kow-Ina Cultural Research Foundation, of parcel containing 76.42 acres, which is listed as an exception in the Deed to the United States.
13. Warranty Deed, Arthur Bibo to Ray Wilsford of parcel containing 3 acres, which is listed as an exception in the Deed to the United States, and also includes a perpetual easement for a road.
14. Warranty Deed, Arthur Bibo to R. L. Prestidge of parcel containing 3 acres, which is listed as an exception in the Deed to the United States, and also includes a perpetual easement for a road.
15. Patent, dated April 5, 1952, from the United States of America to Arthur Bibo which contains mineral reservations to the United States.
16. Deed, dated October 27, 1936, from New Mexico and Arizona Land Company to United States of America which contains mineral reservations.
17. Deed, dated March 9, 1912, from St. Louis and San Francisco Railroad Company to New Mexico and Arizona Land Company.
18. Patent, dated November 27, 1908, from the United States of America to Atlantic and Pacific Railroad Company, and to its successors and assigns.

As we mentioned to you, we have prepared a Correction Warranty Deed to correct one line in the description of the mineral reservation in a portion of section 13, T. 8 N., R. 10 W., NMPM. This is the tenth line on page 5 of the Deed from the Berryhills to the United States and it should read: "W $\frac{1}{2}$ , SW $\frac{1}{2}$ NE $\frac{1}{2}$ ." As soon as the document has been completed and approved, a copy will be furnished to you for the Pueblo's records.

If we can be of further assistance in this matter, please let us know.

Sincerely yours,



Louisa B. Sando  
Acting Agency Realty Officer

Enclosures: 18



IN REPLY REFER TO:

United States Department of the Interior Real Estate Services

BUREAU OF INDIAN AFFAIRS  
ALBUQUERQUE AREA OFFICE  
P.O. BOX 8327  
ALBUQUERQUE, NEW MEXICO 87108

DEC 20 1978



Mr. Stanley Paytiamo  
Governor, Pueblo of Acoma  
P. O. Box 309  
Pueblo of Acoma, New Mexico 87034

Dear Governor:

This refers to your letter to me dated December 11, enclosing Tribal Resolutions Numbered TC-DEC-3-78A and 78B, requesting the assistance of the Bureau of Indian Affairs to have legislation enacted which would give Reservation status to the lands, known locally as the Berryhill Ranch and Wilson Ranch, that you have purchased outside Acoma Pueblo's existing Reservation.

Requests of this kind are normally acted upon first by the Agency Superintendent and his staff. We are sending your resolutions to the Superintendent of Southern Pueblos Agency with a request that that proposed legislation be drafted concerning the Berryhill Ranch and the Wilson Ranch lands. The proposed legislation will then be submitted to the Field Solicitor for review and advice before it is transmitted to the Commissioner in Washington, D. C.

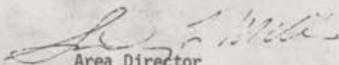
Meanwhile, we are writing to the Commissioner, asking for advice as to what documentation his office would need with a request of this nature.

However, after the proposed legislation is drafted, you may find that it will facilitate matters if you submit the proposed legislation direct to one or more of the Senators or Congressmen from New Mexico and ask him to have the legislation introduced in Congress.

We do not have the deed on the Wilson Ranch to record in the Title Plant. It is our understanding that Southern Pueblos Agency is checking that document. As title to that land was taken in fee, for the Pueblo of Acoma, it is our opinion that before any action is taken toward adding this land to the Acoma Reservation, the title documents must be examined by the Field Solicitor and his opinion received. If the Pueblo does not have merchantable title to any parcel, action to cure the title defects should be completed before any legislation is proposed.

When the proposed legislation has been drafted, in form satisfactory to you and the Field Solicitor, we shall promptly submit it to the Commissioner if that then is still desired by you and your Council.

Sincerely yours,

  
Area Director

cc: Berryhill Ranch /  
Carl Wilson Ranch



IN REPLY REFER TO:

United States Department of the Interior Real Estate Services  
 BUREAU OF INDIAN AFFAIRS  
 ALBUQUERQUE AREA OFFICE  
 P.O. BOX 8327  
 ALBUQUERQUE, NEW MEXICO 87108

DEC 20 1978

Memorandum

To: Commissioner of Indian Affairs  
 Attention: Office of Trust Responsibilities, Code 200

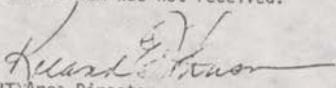
From: Area Director

Subject: Request of Acoma Pueblo for Legislation to Give Reservation Status to Lands Purchased Outside Existing Reservation

For ready reference, we enclose a copy of your memorandum to me of October 31, 1978, with which you sent the Opinion of the Acting Associate Solicitor that lands outside Indian Reservations in New Mexico and Arizona can only be added to the Reservation through Congressional action. The Pueblo of Acoma has transmitted copies of Tribal Resolutions Numbered TC-DEC-3-78A and 78B, asking that lands which Acoma Pueblo purchased, known locally as the Berryhill Ranch and Wilson Ranch, become a part of their Reservation.

We have asked the Southern Pueblos Agency to draft proposed legislation, and enclose a copy of our memorandum to the Governor, Pueblo of Acoma.

It will be appreciated if you will advise us what documentation you would want to accompany a request for suggested legislation, such as deed and the Field Solicitor's final title opinion. Incidentally, the Department's Report on P.L. 95-361 (re Papago) that you mentioned in your October 31 memorandum was not received.

  
 DEPUTY Area Director

Enclosures

## SUPPORTING DOCUMENTS OF WILSON RANCH LAND AREA

December 21, 1978

Mr. Kenneth Payton, Superintendent  
Southern Pueblos Agency  
P.O. Box 1667  
1000 Indian School Road, N.W.  
Albuquerque, New Mexico 87103

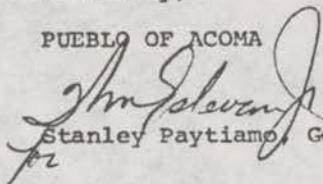
Dear Mr. Payton:

Enclosed is resolution No. TC-DEC-19-78 C, Request for Title of Pueblo of Acoma, Bar Fifteen To Be Held in Trust by the United States of America. This resolution is very important as it is a supporting document to the WARRANTY DEED dated October 20, 1978, between WILSON CATTLE COMPANY, to PUEBLO DE ACOMA, filed of record October 20, 1978 at 3:08 P.M. as Instrument No. 19078 and recorded in book 258, page 1817, records of Valencia County, New Mexico.

Thank you for your continued co-operation.

Sincerely,

PUEBLO OF ACOMA

  
Stanley Paytiamo, Governor

JSJ/dm

Enclosure: Resolution No. TC-DEC-19-78 C.

cc: Governor's file  
Subject file/  
Chrono file

IN REPLY REFER TO:

## PUEBLO DE ACOMA

"THE SKY CITY"

P. O. Box 309

PUEBLO OF ACOMA, NEW MEXICO 87034

OFFICE OF THE GOVERNOR

TELEPHONE (505) 552-6606

## RESOLUTION NO. TC-DEC-19-78 C

REQUEST FOR TITLE TO PUEBLO OF ACOMA, BAR FIFTEEN  
TO BE HELD IN TRUST BY THE UNITED STATES OF AMERICA.

At a duly called meeting of the Tribal Council of the Pueblo  
of Acoma held on the 19<sup>th</sup> day of December, 1978 the following  
resolution was adopted:

## WHEREAS:

- SEC. NO. 1 The Acoma Tribal Council acting in and for the authority of the Pueblo of Acoma has finalized purchase on the Wilson Ranch, Bar Fifteen in Valencia County, New Mexico the legal documents attached hereto; and
- SEC. NO. 2 The Pueblo of Acoma desires that the Pueblo of Acoma, Bar Fifteen be held in trust for the perpetual enjoyment of all future generations of the Tribe; and
- SEC. NO. 3 The Pueblo of Acoma having determined that the United States of America, through its proper Department and Agency, is authorized and qualified to serve as trustee of said trust.

NOW THEREFORE BE IT RESOLVED:

SEC. NO. 1 That title to the Pueblo of Acoma (previously Wilson Ranch), Bar Fifteen property be taken in the name of the United States of America, Trustee, to be held in trust pursuant to the Indian Re-organization Act of 1934.

*Stanley Johnson*  
Governor, Pueblo of Acoma

*Sam Johnson Jr.*  
1st Lt. Governor

*Harry Greene*  
2nd Lt. Governor

*W. H. Hartman*  
Head/Vice Councilman

*Cyrus S. Child*  
Councilman

*Joe C. Kay*  
Councilman

*Willard S. Child*  
Councilman



ATTEST:

*H. J. ...*  
Secretary, Pueblo of Acoma

*George S. ...*  
Councilman

C E R T I F I C A T I O N

I, the undersigned as Governor of the Pueblo of Acoma, "Sky City," hereby certify that the Acoma Pueblo Council, at a duly called meeting which was convened and held on the 19<sup>th</sup> day of December, 1978, at the Pueblo of Acoma, in the State of New Mexico, approved the foregoing Resolution, a quorum being present, and the 9 voted for, and 0 opposed.



Stanley Williams  
Governor, Pueblo of Acoma

ATTEST:

J. A. [Signature]  
Secretary, Pueblo of Acoma

December 11, 1978

Honorable Harrison H. Schmitt  
 U.S. Senator for New Mexico  
 1251 Dirksen, Senate Office Building  
 Washington, CC. 20510

Dear Honorable Schmitt:

The Acoma Tribal Council functions to enable economic stability and future prosperity for its tribal members. It is with concerns such as these that the Council is requesting assistance through the Bureau of Indian Affairs to have legislation enacted which would give trust status to certain areas of ranch land.

The concerns and positions in regards to this situation are illustrated in the enclosed resolutions. Please give these concerns your immediate favorable support.

Sincerely,

\_\_\_\_\_  
 STATE OF NEW MEXICO

\_\_\_\_\_  
 Senator Anthony  
 Governor

JSJ/jtv

Enclosure: Resolution No. TC-DEC-3-78A  
 Resolution No. TC-DEC-3-78B

Governor

Subject/

**Eñeno**

December 11, 1978

Honorable Pete V. Domenici  
U.S. Senator for New Mexico  
405 Russell, Senate Office Building  
Washington, D.C. 20510

Dear Honorable Domenici:

The Acoma Tribal Council functions to enable economic stability and future prosperity for its tribal members. It is with concerns such as these that the Council is requesting assistance through the Bureau of Indian Affairs to have legislation enacted which would give trust status to certain areas of ranch land.

The concerns and positions in regards to this situation are illustrated in the enclosed resolutions. Please give these concerns your immediate favorable support.

Sincerely,

WILLIAM R. HAYES

WILLIAM R. HAYES  
GOVERNOR

JSJ/jtv

Enclosure: Resolution No. TC-DEC-3-78A  
Resolution No. TC-DEC-3-78B

Governor  
Subject  
Chrono

December 11, 1978

Honorable Manuel Lujan, Jr.  
U.S. Congressman for New Mexico  
1323 Longworth Building  
Washington, C.C. 20515

Dear Honorable Lujan:

The Acoma Tribal Council functions to enable economic stability and future prosperity for its tribal members. It is with concerns such as these that the Council is requesting assistance through the Bureau of Indian Affairs to have legislation enacted which would give trust status to certain areas of ranch land.

The concerns and positions in regards to this situation are illustrated in the enclosed resolutions. Please give these concerns your immediate favorable support.

Sincerely,

PUEBLO OF ACOMA

Stanley P. Peviani  
Governor

JSS/jbv

Enclosure: Resolution No. TC-DEC-3-78A  
Resolution No. TC-DEC-3-78B

Governor  
Subject  
Chrono

December 11, 1978

Honorable Herald Runnels  
 U. S. Congressman for New Mexico  
 1735 Longworth Building  
 Washington, D.C. 20515

Dear Honorable Runnels :

The Acoma Tribal Council functions to enable economic stability and future prosperity for its tribal members. It is with concerns such as these that the Council is requesting assistance through the Bureau of Indian Affairs to have legislation enacted which would give trust status to certain areas of ranch land.

The concerns and positions in regards to this situation are illustrated in the enclosed resolutions. Please give these concerns your immediate favorable support.

Sincerely,

PUEBLO OF ACOMA

Stanley Washburn  
 Governor

STW/101

Enclosures: Resolution No. IC-DEC-3-73A  
 Resolution No. IC-DEC-3-73B

Governor  
 Subject  
 Chrono

December 11, 1978

Mr. Kenneth Payton  
Southern Pueblos Agency  
P. O. Box #1667  
1000 Indian School Rd. NW  
Albuquerque, New Mexico 87103

Dear Mr. Payton :

The Acoma Tribal Council functions to enable economic stability and future prosperity for its tribal members. It is with concerns such as these that the Council is requesting assistance through the Bureau of Indian Affairs to have legislation enacted which would give trust status to certain areas of ranch land.

The concerns and positions in regards to this situation are illustrated in the enclosed resolutions. Please give these concerns your immediate favorable support.

Sincerely,

THOMAS G. ...

...

...

JSS/jtv

Enclosures: Resolution No. TC-DEC-3-78A  
Resolution No. TC-DEC-3-78B

Governor  
Subject  
Chrono

December 11, 1978

Mr. Sidney Mills  
Area Director  
Bureau of Indian Affairs  
Albuquerque Area Office  
P. O. Box #9327  
Albuquerque, New Mexico 87108

Dear Mr. Mills:

The Acoma Tribal Council functions to enable economic stability and future prosperity for its tribal members. It is with concerns such as these that the Council is requesting assistance through the Bureau of Indian Affairs to have legislation enacted which would give trust status to certain areas of ranch land.

The concerns and positions in regards to this situation are illustrated in the enclosed resolutions. Please give these concerns your immediate favorable support.

Governor

Governor  
Subject,

JSJ/jtv

Enclosures: Resolution No. TC-DEC-3-78A

# PUEBLO DE ACOMA.

"THE SKY CITY"

P. O. Box 309

PUEBLO OF ACOMA, NEW MEXICO 87034

TELEPHONE (505) 552-6606

## OFFICE OF THE GOVERNOR

GOVERNOR  
Stanley Paytiamo

FIRST LT. GOVERNOR  
William Sitewon, Jr.

SECOND LT. GOVERNOR  
Harry Ascencio

FIRST FISCAL  
Emilio Toriva

SECOND FISCAL  
Rui Salvador

THIRD FISCAL  
Lloyd Aragon

SECRETARY  
Shree Juvenio

INTERPRETER  
Lao Pasquet

TREASURER  
Raymond Cancho, Sr.

COUNCILMEN  
Fermín Martínez  
Diego Valde, Jr.  
Paul Hestia  
Wilbur Chino  
Harvey Levisado  
Martin Fung  
Tom Ortiz  
Thomas Valle  
Cesar Chino  
Joe C. Ray  
James Shufvud  
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Abel Miller, Sr.  
Hubert Chino

SHEEP BOSSES McCARTYS  
Nevin Toriva  
Lucian Gunn

WATER BOSSES  
George Garcia  
Jimmy Garcia  
Albert Chino  
George E. Garcia  
Allen Ray  
Larry Valle

GATE CLOSER  
John Cancho

## RESOLUTION NO. TC-DEC-3-78B

REQUEST TO THE BUREAU OF INDIAN AFFAIRS FOR ASSISTANCE IN THE ENACTMENT BY THE UNITED STATES CONGRESS OF LEGISLATION GRANTING RESERVATION STATUS TO THE WILSON RANCH LANDS OF THE ACOMA PUEBLO.

At a duly called meeting of the Tribal Council of the Pueblo of Acoma held on the 3rd day of December, 1978, the following resolution was adopted:

### WHEREAS:

- Sec. No. 1 The Pueblo of Acoma has purchased lands off of its reservation commonly referred to as the Carl Wilson, Bar Fifteen Ranch; and
- Sec. No. 2 The Pueblo of Acoma is desirous of having the United States Congress enact legislation granting Reservation status to such lands; and
- Sec. No. 3 The Pueblo of Acoma is desirous of obtaining the assistance of the Bureau of Indian Affairs in the Pueblo's effort to obtain such legislation.

NOW THEREFORE BE IT RESOLVED:

That the Tribal Council of the Pueblo of Acoma hereby requests the Bureau of Indian Affairs to give assistance in the enactment of legislation by the United States Congress granting reservation status to the lands of the Pueblo of Acoma off of its reservation commonly referred to as the Wilson Ranch.

Stouley Postum  
Governor, Pueblo of Acoma

William Brown  
1st Lt. Governor

Sam Brown  
2nd Lt. Governor

W. H. Martin  
Head Councilman

Wm. Walker  
Councilman

Paul Martin  
Councilman

Joe C. Fay  
Councilman

James H. Shute  
Councilman



ATTEST:

Sam Brown  
Tribal Secretary

## C E R T I F I C A T I O N

I, the undersigned as Governor of the Pueblo of Acoma, "Sky City," hereby certify that the Acoma Tribal Council at a duly called meeting of the Tribal Council and the People of Acoma, convened and held on the 3rd day of December 1978, at Acoma Pueblo New Mexico, approved this Resolution, a quorum being present, and that 7 voted for and 0 opposed.



Monley Portman  
Governor, Pueblo of Acoma

ATTEST:

Juan A. Sanchez  
Tribal Secretary

December 11, 1978

Mr. Robert Benavidez  
P.O. Box 63  
Soil Conservation Service  
Los Lunas, New Mexico 87030

Dear Mr. Benavidez;

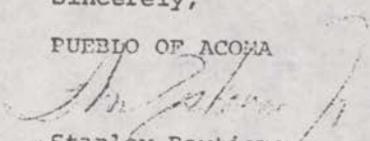
Mr. Bill Maxwell is an employee of the Bureau of Indian Affairs working in the Range Conservation Department. Presently, they are involved in efforts to do management planning, road improvements and water resource development associated with Indian Lands.

Please allow him the cooperation by making available aerial maps of the recent Wilson Ranch.

Thank you in advance for your co-operation.

Sincerely,

PUEBLO OF ACOMA



Stanley Paytiamo,  
Governor

cc: Governor's file  
Subject file  
Chrono file

IN REPLY REFER TO:

## PUEBLO DE ACOMA

"THE SKY CITY"

P. O. Box 309

PUEBLO OF ACOMA, NEW MEXICO 87034

TELEPHONE (505) 552-6606

OFFICE OF THE GOVERNOR

## GOVERNOR

Stanley Poytome

FIRST LT. GOVERNOR

William Eusevian, Jr.

SECOND LT. GOVERNOR

Harry Ascencia

FIRST FISCAL

Emilio Torrico

SECOND FISCAL

Rex Salvador

THIRD FISCAL

Lloyd Aragon

SECRETARY

Steve Juarez

INTERPRETER

Leo Penquite

TREASURER

Raymond Concho, Sr.

COUNCILMEN

Fernan Martinez

Diego Valdez, Jr.

Rosa Maria

Wilbur Chung

Harvey Lavado

Martin Pina

Tom Ortiz

Thomas Vello

Cyrus Chung

Joe C. Ray

Jimmie Shufeldt

Fred Valdez, Sr.

CATTLE OFFICERS

Kenneth Garcia

Delbert Roughton

Diego Valdez, Jr.

Thomas Garcia

David Juarez

Romero Sanchez

SHEEP BOSSES ACOMITA

Abel Miller, Sr.

Hubert Chung

SHEEP BOSSES McCARTY

Nevan Torrico

Lucian Gunn

WATER BOSSES

George Garcia

James Garcia

Albert Chung

George E. Garcia

Allen Ray

Larry Vello

GATE CLOSER

John Concho

RESOLUTION NO. TC-NOV-8-78D

LIQUIDATION OF SECURITIES HELD IN ACCOUNT OF THE PUEBLO OF ACOMA, #433-09011 (MERRILL LYNCH PIERCE FENNER AND SMITH INC.) TO BENEFIT THE OPERATION OF BAR FIFTEEN RANCH.

At a duly called meeting of the Tribal Council of the Pueblo of Acoma held on the 8<sup>th</sup> day of November, 1978, the following resolution was adopted:

## WHEREAS:

- Sec. No. 1 The Acoma Tribal Council is the officially recognized self-governing body for the Pueblo of Acoma and functions to attain economic self-sufficiency in certain aspects of Tribal operations; and
- Sec. No. 2 The Pueblo of Acoma has acquired and completed transactions on the Wilson Ranch (BAR FIFTEEN) Purchase Agreement on October 20, 1978 and Cattle Purchase on November 1, 1978; and
- Sec. No. 3 Financial capability is required to maintain the Acoma (BAR FIFTEEN) Ranch and Cattle Company in operation before a self-sustaining operation can be realized.

## NOW THEREFORE BE IT RESOLVED:

- Sec. No. 1 That the Acoma Tribal Council determine to liquidate the securities held in the account of the Pueblo of Acoma, #433-09011, monitored by Merrill Lynch Pierce Fenner & Smith Inc.; and

Sec. No. 2 That the Acoma Tribal Council authorizes Mr. Raymond Concho, Sr., Tribal Treasurer, to make the liquidation settlement; proceeds of which will be budgeted toward the operation of the Acoma BAR FIFTEEN Ranch and Cattle Company.

Mark Pappas  
Governor, Pueblo of Acoma

Sam Shover Jr.  
1st Lt. Governor

Perry Cooney  
2nd Lt. Governor

Walter Valdes Jr.  
Vice-Head Councilman

Wilbert St. Clair  
Councilman

Harvey Lucido  
Councilman

Joe C. Ray  
Councilman

Charles S. Soto  
Councilman



ATTEST:

R. J. Francisco  
Secretary, Pueblo of Acoma

## CERTIFICATION

I, the undersigned as Governor of the Pueblo of Acoma, "Sky City," hereby certify that the Acoma Tribal Council at a duly called meeting of the Tribal Council and the People of Acoma, convened and held on the 8<sup>th</sup> day of November 1978, at Acoma Pueblo New Mexico, approved this Resolution, a quorum being present, and that 7 voted for and 0 opposed.



Monly Paftrano  
Governor, Pueblo of Acoma

ATTEST:

Li Garcia  
Tribal Secretary

October 16, 1978

Mr. Kenneth Payton, Superintendent  
 Southern Pueblos Agency  
 P.O. Box 1667  
 1000 Indian School Road, N.W.  
 Albuquerque, New Mexico 87103

Dear Mr. Payton;

Enclosed for your information are Resolution No's. TC-OCT-10-78A, 78B, 78C, and 78D; they are identified as the Request to the Southern Pueblos Agency for Survey of Wilson Ranch, Authorization to Close the Purchase of the Wilson Ranch (BAR FIFTEEN) without Survey of the Entire Ranch, Ratification by the Acoma Public of Wilson Ranch Purchase and Authentication of Corrections to Wilson Ranch Purchase and Sale Agreement, respectively.

The Acoma Tribal Council have deliberated on these resolutions and have found them to represent a plan of action. All the resolutions pertain to the settlement of the Wilson Ranch and are Self-explanatory. We look forward to a favorable consideration.

If there are items which need attention, please refer them to Mr. Chuck Reynolds at 842-8177 or you can call our Tribal Office at 552-6606 or 6607.

Respectively,

PUEBLO OF ACOMA

Stanley Paytiamo, Governor

SP/ln

cc: Mr. Chuck Reynolds, Tribal Attorney  
 Mr. Ignacio Garcia, Tribal Police Chief, Dept. of the Interior

Enc: Resolution No's. TC-OCT-10-78A, 78B, 78C, and 78D.

cc: Governor's file  
Subject file /  
 Chrono file

October 10, 1978

Mr. Wilson C. Skeet  
 Vice Chairman, Navajo Tribal Council  
 Navajo Nation  
 Windowrock, Arizona 86515

Re: Assignment of unexchanged portions of Navajo leased land

Dear Mr. Skeet:

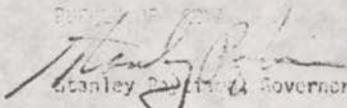
As you probably know, the Acoma Pueblo is presently in the process of purchasing the Wilson Ranch which lies east of our Pueblo. We are informed by Mr. Jim Brown of Western Farm Management Company, the Wilsons' representative, that he has contacted you concerning the situation involving land owned by the Navajo Nation within the Wilson Ranch. You are aware, I am sure, that the BLM-Navajo Land Exchange was originally supposed to include all the Navajo Land within the Wilson Ranch. When we entered into our agreement to purchase the ranch, we were anticipating that the exchange would have already taken place before we closed our purchase transaction with the Wilsons.

The reduction of the size of the exchange between BLM and the Navajo Nation has left approximately six and one-half unexchanged sections of Navajo Land within the Wilson Ranch.

We would appreciate it very much if we could have an opportunity to discuss with you the possibility of our tribe leasing these six and one-half sections from the Navajo Tribe until the exchange with the BLM is concluded. We would like to lease them on the same basis as a BLM lease with the rates tied to BLM lease rates.

Mr. Jim Brown has arranged for us to meet with you on October 13th in Windowrock to discuss this matter. He explained to us that you might have another commitment on that date which would prevent us from meeting with you. We would appreciate it if you would let us know at your earliest convenience whether you will be able to meet with us and also whether there is a possibility that we could resolve this matter over the phone and not a meeting. We have to come to some resolution of the matter prior to October 17th, so we would appreciate hearing from you in the near future.

Very truly yours,

  
 Stanley P. Reynolds, Governor

SP/nt

cc: Mr. Dan Deschinsky, Director, Navajo Land Administration  
 Mr. Charles P. Reynolds, Attorney at Law  
 Governor  
 Subject/  
 Chrono

19078

WARRANTY DEED

WILSON CATTLE CO., whose address is 4108 Shiloh, N. E., Albuquerque, New Mexico, for consideration paid, grants to the PUEBLO de ACOMA, Post Office Box 309, Aconita, New Mexico 87034, the following described real estate in Valencia County, New Mexico:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Survey</u>	<u>Acres</u>
7N	5W	10	NE 1/4	160.00
7N	5W	14	SE 1/4 SW 1/4- SW 1/4 SE 1/4	80.00
7N	5W	20	SW 1/4 SE 1/4	40.00
7N	5W	30	E 1/2 SW 1/4 Lots 3 & 4	155.30
6N	5W	6	All	635.55
7N	6W	26	N 1/2 NE 1/4	80.00
7N	6W	34	NE 1/4-S1/2 N 1/2 NW 1/4 SW 1/4	320.00
6N	6W	6	N 1/2 NW 1/4- N 1/2 NE 1/4	159.35
6N	6W	10	SE 1/4-SW1/4-NW1/4- N 1/2 NE 1/4	560.00
6N	6W	14	NE 1/4	160.00
6N	6W	28	NW1/4-N1/2 SW1/4- NW1/4 SE 1/4	280.00
6N	6W	30	SE 1/4; SW 1/4	40.00
6N	6W	12	All	640.00
6N	6W	22	NW1/4-NE1/4-SE1/4	480.00
5N	6W	1	All	640.80
5N	6W	3	All	637.60
5N	6W	4	Lots 1&2-S1/2 NE1/4-NW1/4	318.89
5N	6W	4	SW 1/4	160.00
5N	6W	5	All	628.80
5N	6W	6	All	630.81
5N	6W	7	All	641.84
5N	6W	9	All	640.00
5N	6W	11	All	640.00
5N	6W	12	NW 1/4 SE 1/4	40.00
5N	6W	15	All	640.00
5N	6W	17	All	640.00
5N	6W	18	All	642.64
5N	6W	19	All	642.80
5N	6W	20	NW1/4 of NE1/4	40.00
5N	7W	1	All	640.60
5N	7W	3	Lots 1&2-S1/2 NE1/4- -SE1/4	320.71
5N	7W	13	All	640.00
				11,295.69
				Acres, More Or Less

BOOK 258 PAGE 1817

RESOLUTION

BE IT REMEMBERED that a special meeting of the Board of Directors of the Wilson Cattle Co. being duly called and held on October 16, 1978, and a quorum of the members of the Board being present, the following resolution was duly introduced and unanimously passed:

WHEREAS, it is in the best interest of the corporation that the Wilson Ranch be sold to the Pueblo de Acoma pursuant to the offer to purchase which was heretofore accepted by the corporation; and

WHEREAS, the corporation desires to complete such sale,

NOW, THEREFORE, be it resolved that the corporation hereby authorizes, directs, and empowers its president and any other officer to execute, acknowledge, and deliver on behalf of the corporation a warranty deed conveying the real property owned by the corporation to the Pueblo de Acoma; to execute such assignments, relinquishments, and other documents of transfer as may be necessary to transfer and convey all leases and grazing permits owned by the corporation as may be necessary to complete the sale to the Pueblo de Acoma; to execute and deliver a Bill of Sale of the cattle to be purchased by the Pueblo de Acoma, and to transfer the brand owned by the corporation; and to execute, acknowledge, and deliver any other documents necessary or convenient to effect such sale.

The undersigned, as president of the corporation, does hereby certify that the above and foregoing is a true and correct copy of the resolution passed at the meeting of the corporation above described.

WILSON CATTLE CO.

By Carl W. Wilson  
Carl W. Wilson, President



# PUEBLO DE ACOMA

"THE SKY CITY"

P. O. Box 309

PUEBLO OF ACOMA, NEW MEXICO 87034

OFFICE OF THE GOVERNOR

TELEPHONE (505) 552-6606

GOVERNOR  
Raymond J. Concho, Sr.

FIRST LT. GOVERNOR  
Ron D. Martinez

SECOND LT. GOVERNOR  
Frank L. Ortiz

FIRST FISCAL  
Fermín Martínez

SECOND FISCAL  
Harvey Levallo

THIRD FISCAL  
Lorenza Garcia

SECRETARY  
Juan S. Zuanico

INTERPRETER  
Clyde J. Sanchez

TREASURER  
Darrell L. Felipe

COUNCILMEN  
Diego Valdo, Jr.

Alfred L. Vallo

Paul Hino

Wilbert Ching

Thomas Garcia

Martin Pina

Tom Ortiz

Thomas Vallo

Cyrus Chino

Joe C. Ray

Jimmie Shuttles

Fred Vallo, Sr.

CATTLE OFFICERS  
Floyd Lowden

Juanico Sanchez

Emilio Concho, Jr.

Darwin Vallo

Sandy Vallo, Jr.

Garvin Lutes

SHEEP BOSSES ACOMITA  
John Jones

Floyd Lowden

SHEEP BOSSES McCARTYS  
Isaac Hays

Fermín Torvies

WATER BOSSES  
John Ray Garcia

Lorenza Sarracino

Joe Valdo

Joe Poncho

Lorenza Chavez

David Musseaux

Clifford Postgal

## RESOLUTION NO. TC-JUN-25-79B

COMMENTARY SUBMITTED BY THE PUEBLO OF ACOMA TO THE EL MALPAIS PROPOSED WILDERNESS STUDY.

At a duly called meeting of the Tribal Council of the Pueblo of Acoma held on the 25<sup>th</sup> day of June 1979, the following resolution was adopted:

### WHEREAS:

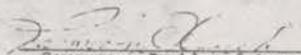
- SEC. NO. 1 The Tribal Council of the Pueblo of Acoma acting in and for the authority of the Pueblo of Acoma respectfully submit our opposition to the El Malpais Area being designated as a Wilderness Study; and
- SEC. NO. 2 Certain lands adjacent to the Eastern boundary of the Proposed Wilderness have been acquired by the Tribe; however, there may be discrepancies to the exact boundaries outlining the acquired area as it coincides with the proposed area. These areas need clear identification as to the boundaries; and
- SEC. NO. 3 There is not sufficient historical and legal background information to the appropriateness on "change of hands" of this proposed wilderness area: a question of the Tribe's aboriginal Rights to Sacred Areas within the area exists. Indian claim to land can only be done by an Act of Congress which impedes the Tribe's desire to acquire these lands for social and/or economic uses; and
- SEC. NO. 4 The Bureau of Land Management has not specifically identified mineral ownership to several sections of land. The Tribe has shown interest in acquiring different sections in fee title within the proposed wilderness area; and

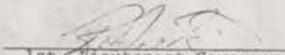
- SEC. NO. 5 Legislative action as such has a strifling effect on the Tribe. Designating the area as wilderness opens up unintended unselective encroachments by people to the area instead of effectuating safeguards; and
- SEC. NO. 6 The proposal impacts both the social and economic benefits which should be reserved to those at a local level. The Government devises such proposals or regulations without regional considerations; and
- SEC. NO. 7 The proposal does not consider the management capability of BLM to regulate the proposed wilderness area:
- a. A feasibility of providing additional protection and safe keeping of the proposed area.
  - b. The Bureau of Land Management has sufficient information regarding actual status of the proposed wilderness land.
- In reference to these areas there are insufficient personnel to render services; and
- SEC. NO. 8 The Tribe feels that designating reservation status or putting certain areas in trust for the Tribe might be a suitable way to preserving the characteristic wilderness land.

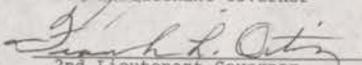
NOW THEREFORE BE IT RESOLVED:

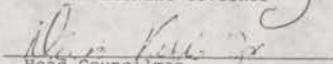
That the Acoma Tribal Council establishes its position to the El Malpais Area being designated wilderness lands; and

FURTHER, we object to all other proposed wilderness lands which have been or will be designated on or near Acoma lands.

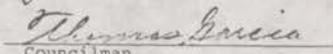
  
Governor, Pueblo of Acoma

  
1st Lieutenant Governor

  
2nd Lieutenant Governor

  
Head Councilman

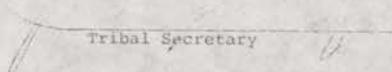
  
Councilman

  
Councilman

  
Councilman

  
Councilman

ATTEST:

  
Tribal Secretary



## C E R T I F I C A T I O N

I, the undersigned as Governor of the Pueblo of Acoma, "Sky City," hereby certify that the Acoma Tribal Council at a duly called meeting of the Tribal Council and the People of Acoma, convened and held on the 25<sup>th</sup> day of June 1979, at Acoma Pueblo New Mexico, approved this Resolution, a quorum being present, and that 8 voted for and 0 opposed.



[Signature]  
Governor, Pueblo of Acoma

ATTEST:

[Signature]  
[Illegible Title]

Senator MELCHER. I want to point out in terms of this resolution, however, that section 8 says that the tribe feels that designating reservation status or putting certain areas in trust for the tribe might be a suitable way of preserving the characteristic wilderness land. It refers to a wilderness study area which is identified as "El Malpai BLM Proposed Wilderness Study."

S. 1832 has no provision at all regarding that study area. If the Pueblo of Acoma is interested in acquiring land in that area, S. 1832 would not accomplish it, I do not believe. You had better review that, Mr. Parrish, on behalf of that Pueblo because, as long as it is a wilderness study area and is so designated, I think it would take another section to S. 1832 to remove it from the actual study. There is no compatibility at all with acquiring that land on behalf of the Pueblo and managing it as wilderness.

The testimony is to the effect that they want the land for use. The restrictions of "wilderness" are such that the Pueblo would probably find itself not being able to use the land, not being able to drive a vehicle on it, for one thing.

If that is the serious intent of the Pueblo and they seek to have that capability, I think S. 1832 would have to be modified in that regard. You may discuss that with our attorneys on the committee and the solicitors at the Department of the Interior.

I perceive the resolution reflects the desire of the Acoma Pueblo, and, if so, it might find restrictions from acquiring such land, unless there is more to S. 1832 than there is right now.

Mr. Parrish, I take it that you do not believe that just simply repealing section 211 would serve the objective you are seeking on behalf of the Pueblo Tribes. Is that correct?

Mr. PARRISH. I do not believe the repeal alone would do it—no, sir. I believe the effect of S. 1832 is to set out the remedy in section 211 itself.

Senator MELCHER. I want to clarify that. A simple repealer would not do it—or would it?

Mr. PARRISH. It would not do it; no, sir.

Senator MELCHER. Senator Cohen?

Senator COHEN. I have just a couple of points, Mr. Chairman.

Mr. Lovato, on page 2 of your statement, you indicate that the Pueblos'—by virtue of the evil actions of the United States—landholdings were sharply reduced, and then you refer to 25 U.S.C. 211, and you say:

Congress apparently reasoned that the Government, having allowed the Pueblos to be cheated of their land, should be assured that the Indian tribes in New Mexico and Arizona could do nothing to restore themselves to any reservation lands.

As I recall Mr. Mills' testimony, he indicated that the sponsor of the legislation was mistaken about other laws having previously been enacted. I assume you take issue with that characterization as a mistake; you believe it was an intentional act on the part of the Senator who sponsored that legislation?

Mr. LOVATO. Senator Cohen, we have been, for some reason, victims of a lot of confusion on the part of a lot of people in the historical sense. I do not, in any way, even pretend to know what the intent of the Senator was, but the effects have been tremendous.

Senator COHEN. The reason I raise the question is this: If it was an act of oversight on his part, that is one thing; if it was a deliberate act to achieve this result, that is another, as far as this committee would be concerned in whether it should be overruled.

Second, these lands could be acquired by the tribe now; could they not?

Mr. LOVATO. Yes, Senator.

Most of them are 1-acre, or 2-acre, or 3-acre type pieces of land. As the law presently states, we would have to come in with a separate bill every time one of these pieces of land was purchased in order for that land to be declared a part of that particular reservation.

Senator COHEN. Of course, when it becomes reservation or trust land, it then does have a consequence, and that is, it is not taxable. Is that correct?

Mr. LOVATO. That is right. It can be declared trust land right now, but not reservation land.

Senator COHEN. All right.

You suggested in your own testimony that Congress should not be burdened with some of these smaller parcels, and I tend to agree with that, but there does remain the question of whether there should be any limits to the discretion of the Secretary in terms of what can and cannot be declared trust land.

Let me give you a hypothetical. Let us say there was a 1,000-acre parcel. That might make a difference as opposed to a 20-acre one that you mention in your statement. My understanding is that the Bureau of Indian Affairs has some regulations to deal with this particular problem, but they have never been adopted or implemented. I do not know why that is the case, but apparently no regulations have been formally adopted that might address themselves to this issue.

In view of the fact that the Congress has become more and more skeptical of, not this department particularly, but agencies in general exercising discretion without limitations—we are now talking, for example, about having one-House veto legislation before the full Senate and the full House. Do you think it would contravene the objective you are seeking here to have some restriction in terms of the latitude that is given to the Secretary? In other words, if it is designed to accomplish the results you are seeking, namely, the addition of these parcels which are checkerboarded on your reservation lands but, nonetheless, reserves for Congress some measure of oversight saying, if it reaches a certain level, perhaps it has to have congressional approval once the Secretary designates it for inclusion.

Mr. LOVATO. Senator Cohen, I think that, basically, we are talking about land either within the exterior boundaries or land adjoining an existing boundary.

There are rules and regulations already in existence which govern the decisionmaking process that the Secretary of the Interior has to follow.

Senator COHEN. I am told that Senator Jackson, for example, has had quite a concern about a parcel of land that was designated for inclusion in the State of Washington, which precipitated some degree of controversy, and that has never been resolved, to my knowledge. Perhaps it has been, but I have not been advised of it.

I am just concerned about those more controversial decisions which Congress may want to have some say in, particularly if they involve vast amounts of land, or land located in metropolitan areas, or whatever. I just raise the issue that I do not think Congress is in the mood to simply turn over complete discretion to any agency any longer. But that is something that we can, perhaps, deal with.

Mr. LOVATO. Senator, I think that all we are asking is that the Pueblo Tribes be given equal treatment to other tribes across this country.

I think that, in response to the Bureau's suggestion that a mere Solicitor's opinion will suffice, this is not acceptable to us. The Bureau has been in a state of confusion regarding this issue for so long. They have done nothing about it. For them to come, at this point, and even suggest another remedy, other than S. 1832, is beyond me. We have Solicitor's opinions which conflict with each other. They are subject to the political whims of whoever is in there. We certainly cannot agree with them that the Solicitor's opinion will suffice in this situation.

Senator COHEN. You indicated that there were non-Indian populations living in this area. Do you have any reason to believe that they are going to be willing to sell this land to you?

Mr. LOVATO. Yes. At a tremendous price, I might add. It is really ironic, but we are buying our own land back at a tremendous price.

Of course, there are other courses of action that the tribes are utilizing in order to bring these people to their senses. Most of them do not have rights-of-way to their particular pieces of land, so they usually come down to a reasonable price.

Senator MELCHER. These people do not have rights-of-way?

Mr. LOVATO. That is right, unless they come in by helicopter.

Senator COHEN. That is all I have, Mr. Chairman.

Senator MELCHER. Thank you all very much.

Mr. LOVATO. Thank you.

Senator MELCHER. The committee will also hold a hearing this morning on S. 1730 to declare that title to certain lands in the State of New Mexico are held in trust by the United States for the Ramah Band of the Navajo Tribe.

The first witness, again, will be Sidney L. Mills, Acting Deputy Commissioner, Bureau of Indian Affairs, Washington, D.C. He will be accompanied by Ralph Reeser, Director of Congressional and Legislative Affairs; and David Harrison, Acting Director, Office of Trust Responsibilities.

Mr. Mills?

**STATEMENT OF SIDNEY L. MILLS, ACTING DEPUTY COMMISSIONER,  
BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR,  
ACCOMPANIED BY RALPH REESER, DIRECTOR OF CONGRESSIONAL  
AND LEGISLATIVE AFFAIRS; AND DAVID HARRISON, ACTING  
DIRECTOR, OFFICE OF TRUST RESPONSIBILITIES**

Mr. MILLS. Mr. Chairman and members of the committee, I am pleased to present the views of the Department of the Interior on S. 1730, a bill, "To declare that title to certain lands in the State of New Mexico are held in trust by the United States for the Ramah Band of the Navajo Tribe."

We do not object to enactment of S. 1730.

S. 1730 would transfer 13,385.43 acres of public domain land to the Ramah Band of the Navajo Tribe to be held in trust by the United States. The land that would be transferred is located in 21 odd-numbered sections in Valencia County, N. Mex., and is surrounded, for the most part, by Navajo trust lands. Although the land is prospectively valuable for minerals, no resource values have been identified of such significance as to require maintenance of the land in public ownership. The current value of the land, including mineral rights, is estimated at \$60 per acre.

In 1960, Public Land Order 2198 withdrew the land from appropriation under the public land laws for "Indian use in aid of proposed legislation and of a land consolidation and exchange program to adjust Navajo Indian land matters in New Mexico." Since that time, the land has been administered by the Commissioner of Indian Affairs. Because of the indefinite nature of the withdrawal of these lands, both the band and the Bureau of Indian Affairs have been reluctant to invest large amounts of labor or materials in the area.

The Ramah Band's attachment to the area in which the land is located is a longstanding one, beginning as early as 1540 when the band joined with the Zunis to resist Coronado's invasion. In 1868, the band resettled the area after its members were released from captivity at Fort Sumner. Since that time, members of the band have made their homes, farmed, and raised their livestock on the land. At present, there are approximately 400 members of the band, out of a total population of 2,000, living on the land that would be transferred under the bill.

We believe that consolidation of band lands, that would result from the enactment of S. 1730, would be of great benefit to the Ramah Band as a whole, as well as to the individuals currently living on the land that would be transferred. The average family income of 60 percent of the band's population is less than \$3,000 per year, with only 35 percent of the households having members employed on a regular full-time basis. Others are self-employed or seasonal workers, with 80 percent of those households receiving their income from farming and livestock operations.

If S. 1730 is enacted, the land transferred to the band would be used for the development of new pastureland, for deferred grazing systems, and for the development of water wells for both human and animal use. The fencing of certain pastures would result in improved herds, both by the exclusion of poor quality rams and bulls and by the control of the season and intensity of grazing. This would then result in an increase in herd size and quality, with consequent economic benefits to the band.

Many of the band members currently on the land that would be transferred under S. 1730 are living in substandard housing. The transfer of the land to trust status would mean that those individuals would be eligible to participate in BIA and HUD housing assistance programs.

In view of our determination that the band has specific needs that would be met by the transfer of land under S. 1730, the consistency of the transfer with the stated purpose of the existing withdrawal of the land, and the fact that we know of no opposition to this transfer, we do not object to enactment.

This concludes my statement, Senator.

Senator MELCHER. Mr. Mills, I take it that the issuance of the public land order in 1960, Public Land Order 2198, was to improve the economic opportunities of the Ramah Band; was it not?

Mr. MILLS. Yes, sir; it was.

Senator MELCHER. When that order was issued, was the status of any other land changed?

Mr. HARRISON. Mr. Chairman, Public Land Order 2198 withdrew land in addition to these 21 sections that are the subject of S. 1730, and those other lands are still withdrawn as well. But with this legislation we are talking about today, there are only 21 sections that are withdrawn for the Ramah Band. There were other lands withdrawn in this same public land order for other chapters where Navajos had settled on public land.

Senator MELCHER. Those other lands would not be affected by this bill then?

Mr. HARRISON. That is correct.

Senator MELCHER. What is the disposition of those other lands affected by that land order?

Mr. HARRISON. They are still withdrawn.

Senator MELCHER. And they are available to the band?

Mr. HARRISON. Not to the Ramah Band.

Senator MELCHER. Not to the Ramah Band. I see; they involve other bands.

Mr. HARRISON. That is right.

Senator MELCHER. In regard to these 21 sections: Do you see any problem with placing these lands in trust for the Ramah Band vis-a-vis its relationship with the Navajo Nation?

Mr. MILLS. No, sir.

Senator MELCHER. As they are being administered now—these particular 21 sections—what is the nature of the restrictions on the land? Is it a question of just whether or not the band, itself, wants to make investment on those lands?

Mr. MILLS. Sir, at the present time they are unable to drill their own wells and get only use permits.

Senator MELCHER. I see.

So, if we place these lands in trust status, those restrictions are removed?

Mr. MILLS. Yes, sir.

Senator MELCHER. When the land order was made in 1960, as we understand it, the objective, as stated then, was to transfer them into trust status by an act of Congress. Why has there not been a move since 1960 to accomplish that?

Mr. MILLS. Mr. Chairman, I think Mr. Reeser might be able to respond to that better than I.

Mr. REESER. Mr. Chairman, I believe there has been legislation introduced in previous Congresses to transfer this land. It is just one of those things that has never gotten done.

Senator MELCHER. I see.

What does the Department propose to recommend with respect to the other lands that are covered by that Public Land Order No. 2198?

Mr. MILLS. Mr. Chairman, Mr. Harrison would like to respond to that.

Mr. HARRISON. Mr. Chairman, the Department has not suggested, nor has the administration recommended, any legislation with respect to the other lands covered by this public land order. The Navajo Tribe, the Bureau of Indian Affairs, and the Bureau of Land Management have been working for some time to deal with this issue. It is rather complicated. The tribe has purchased some sizable acreage in the area and has been attempting to negotiate a transfer. Both sides are looking at the land, appraising the surface, subsurface, grazing values, and so on, and lawyers on both sides are determining whether or not that can be done administratively or whether the tribe and the Bureau should come together with proposed legislation to deal with the other lands.

Senator MELCHER. How much land is involved, other than these 21 sections?

Mr. HARRISON. I cannot answer that, sir. We can answer that for the record.

Senator MELCHER. I wish you would.

Without objection, it will appear in the record at this point.

[The material follows:]



IN REPLY REFER TO:

## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D.C. 20245

NOV 29 1979

Honorable John Melcher  
Chairman, Select Committee on  
Indian Affairs  
United States Senate  
Washington, D. C. 20510

Dear Mr. Chairman:

During your Committee's recent hearing on S. 1730, a bill "To declare that title to certain lands in the State of New Mexico are held in trust by the United States for the Ramah Band of the Navajo Tribe", our witness was asked to have the following information provided to the Committee for the hearing record.

Public Land Order No. 2198 originally included some 241,807.80 acres and currently includes some 204,822.52 acres. Both figures include the land described in S. 1730.

Sincerely,

Acting Deputy Commissioner

Senator MELCHER. I take it, Mr. Mills, that your testimony is to the effect that if the land is consolidated, as would be possible under S. 1730, it would have a positive impact on the tribe's economic base?

Mr. MILLS. Yes, sir.

Senator MELCHER. On that very positive note, thank you very much for your testimony.

Mr. MILLS. Thank you, sir.

Senator MELCHER. Without objection, we will also include in the record at this point the letter, dated November 19, 1979, from the Department of Interior to the committee with regard to this bill.

[The letter follows:]



## United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D. C. 20240

NOV 19 1975

Honorable John Melcher  
Chairman, Select Committee on  
Indian Affairs  
United States Senate  
Washington, D. C. 20510

Dear Mr. Chairman:

This responds to your request for our views on S. 1730, a bill "To declare that title to certain lands in the State of New Mexico are held in trust by the United States for the Ramah Band of the Navajo Tribe."

Absent any opposition from other concerned parties, and we know of none, we would not object to the enactment of S. 1730.

S. 1730 would transfer 13,385.43 acres of public domain land, currently administered by the Commissioner of Indian Affairs and used by the Ramah Band of the Navajo Tribe, to be held in trust by the United States for the Band. The land that would be transferred is located in 21 odd-numbered sections in Valencia County, New Mexico, and is surrounded for the most part, by Navajo trust land. Although the land is prospectively valuable for oil, coal, and gas, no resource values have been identified of such significance as to require maintenance of the land in public ownership. The land including mineral rights, is currently valued at \$60 per acre, for a total value of approximately \$803,000.

In 1960 the land was included in the withdrawal from appropriation under the public land laws of a substantial amount of public domain land, for "Indian use in aid of proposed legislation and of a land consolidation and exchange program to adjust Navajo Indian land matters in New Mexico." (Public Land Order 2198.) Since that time the land has been administered by the Commissioner of Indian Affairs. Because of the indefinite nature of the withdrawal of these lands, both the Band and the Bureau of Indian Affairs have been reluctant to invest large amounts of labor or materials in the area.

The Ramah Band's attachment to the area in which the land is located is a longstanding one, beginning as early as 1540 when the Band joined with the Zunis to resist Coronado's invasion. In 1868 the Band

resettled the area after its members were released from capture at Fort Sumner. Since that time members of the Band have made their homes, farmed, and raised their livestock on the land. At present there are approximately 400 members of the Band, out of a total population of approximately 2,000, living on the land that would be transferred under the bill.

The transfer of land to the Ramah Band under S. 1730 would be unrelated to the 1974 legislation or current proposals respecting the settlement of the Navajo-Hopi dispute. The Band is not specifically involved in that dispute since it has its own reservation, in a location far from the disputed area. The transfer of land in settlement of that dispute thus cannot benefit the Band as would the transfer of land under S. 1730.

We believe that the consolidation of Band lands that would result from the enactment of S. 1730 would be of great benefit to the Ramah Band as a whole, as well as to the individuals currently living on the land that would be transferred. The average family income of 60% of the Band's population is less than \$3,000 per year, with only 35% of the households having members employed on a regular, full-time basis. Others are self-employed or seasonal workers, with 80% of these households receiving their income from farming and livestock operations.

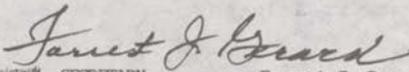
If S. 1730 is enacted, the land transferred to the Band would be used for the development of new pasture land, for deferred grazing systems, and for the development of water wells for both human and animal use. The fencing of certain pastures would result in improved herds both by the exclusion of poor quality rams and bulls and by the control of the season and intensity of grazing. This would then result in an increase in herd size and quality, with consequent economic benefits to the Band.

Many of the Band members currently on the land that would be transferred under S. 1730 are living in substandard housing. The transfer of the land to trust status would mean that those individuals would be eligible to participate in BIA or HUD housing assistance programs.

In view of our determination that the Band has specific needs which would be met by the transfer of land under S. 1730 and the consistency of the transfer with the stated purpose of the existing withdrawal of the land, we, as stated earlier, would not object to the enactment of S. 1730.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

  
ASSISTANT SECRETARY      Forrest J. Gerard

Senator MELCHER. The Ramah Navajo Chapter and the Ramah Navajo Community will be represented in testimony by Bennie Cohoe, president; Jan Crull, assistant to the Ramah Navajo Chapter president; Frank E. Paul, vice chairman, Navajo Tribal Council; Pauline Rafalito, Ramah Navajo Community member and resident of Public Land Order 2198 lands; Nancy Alonzo, interpreter; Chavez Cohoe, president, Ramah Navajo School Board; Larry Manuelito, executive director, Ramah Navajo School Board; Jerry Pino, Ramah Navajo tribal member; and Senator Pete Domenici.

First of all, welcome back, Pete. We would like to have your testimony right now.

Senator DOMENICI. Mr. Chairman, as I indicated, my detailed report for S. 1730 which I introduced is included in the statement which you have already made a part of the record.

I was present while you inquired of the Bureau of Indian Affairs officials. Rather than testify with reference to the 21 sections, which I wholeheartedly support in terms of transfer in trust to the Ramah Band, I want to say this to you, Mr. Chairman and to the committee: Even though this band of Navajo people are remote, isolated, removed from the central activities of the Navajo Nation and isolated in many other respects, their determination to provide a better life for their people is an example to the Indian people in the Four Corners area in all four of the States.

They have, through a genuine effort of their own, caused things to happen for their people. They have a school facility second to none, and I truly believe that, but for the activities of their leaders, most of who are here, that would not have happened. They are very optimistic about their future, and in a very real sense, even though they are part of the Navajo Nation, they see the need to move ahead as a band in providing an economic base and a real future for the 1,800 or so that are part of their band.

I really believe you hit it right on the head: This land probably should have been transferred to them in trust a long time ago. This is a situation where transfer would logically contribute to an economic base and a way of life. It would provide them with opportunities that are there for others, and their ingenuity and fortitude could prevail.

So, rather than talk specifically, I want to attest to their extreme interest in moving ahead. This is a singular effort on behalf of their people. I do not think that means that the Navajo Nation does not support their efforts, because you will hear from the vice chairman of the Navajo Nation. He is here and I understand that they wholeheartedly support this transfer to the Ramah Band. Is that right, Mr. Vice Chairman?

Mr. PAUL. That is absolutely true, Senator.

Senator DOMENICI. Thank you very much for your hospitality today and for taking time to hear these two bills.

I now yield to the first speaker in behalf of S. 1730, Mr. Chairman.  
Senator MELCHER. Mr. Bennie Cohoe?

STATEMENT OF BENNIE COHOE, PRESIDENT, RAMAH NAVAJO CHAPTER, RAMAH NAVAJO COMMUNITY, ACCOMPANIED BY JAN CRULL, ASSISTANT, RAMAH NAVAJO CHAPTER PRESIDENT; FRANK E. PAUL, VICE CHAIRMAN, NAVAJO TRIBAL COUNCIL; PAULINE RAFALITO, RAMAH NAVAJO COMMUNITY MEMBER AND RESIDENT OF PUBLIC LAND ORDER 2198 LANDS; NANCY ALONZO, RAMAH NAVAJO RESERVATION INTERPRETER; CHAVEZ COHOE, PRESIDENT, RAMAH NAVAJO SCHOOL BOARD; LARRY MANUELITO, EXECUTIVE DIRECTOR, RAMAH NAVAJO SCHOOL BOARD; AND JERRY PINO, RAMAH NAVAJO TRIBAL MEMBER

Mr. BENNIE COHOE. Thank you, Mr. Chairman and members of the committee.

My name is Bennie Cohoe and I am president of the Ramah Navajo chapter. I would like to introduce the rest of the people who are here with me and who are representing the Ramah Navajo community as well as the Navajo Nation.

To my right is Jan Crull. He is my assistant with the chapter. On the other side is a community member, Mrs. Pauline Rafalito. At the end is the chapter secretary, Nancy Alonzo. To my immediate left is the vice chairman of the Navajo Nation, Mr. Frank E. Paul. On the other side of the vice chairman is our tribal council delegate, Mr. Jerry Pino, Sr. To the far left is our former tribal council delegate, now president of the Ramah Navajo School Board, Inc., Mr. Chavez Cohoe.

I want to thank the committee for the opportunity to be here before you to address the issue of Senate bill 1730. We have prepared a written testimonial statement and have letters of support from various agencies and some historical background of the land we will be talking about today. We also have prepared photographs of the area as well as the present living conditions of our people in the 21 sections. We would like to ask that these materials be made part of the record.

Senator MELCHER. Without objection, they will be included in the record at this point.

[The material supplied follows:]



## RAMAH NAVAJO CHAPTER

P. O. Box 308

RAMAH, NEW MEXICO 87321

August 13, 1979

The Honorable Gentlpersons  
The United States Congress  
Capitol Hill  
Washington, D. C.

Dear Gentlpersons:

When Congress reconvenes, Congressman Harold Runnels (D) of New Mexico will be re-introducing the Ramah Navajo' piece of legislation in the House: If this piece of legislation is enacted, it will give the Ramah Navajos twenty-one sections of United States land--these sections are already located within the Southwest corner of their reservation. Likewise, Senator Pete Domenici (R) of New Mexico will re-introduce the aforesaid bill in the Senate.

Historically, the Ramah Navajos have lived in the vicinity of the aforementioned sections since they assisted the Zuni Indians' defense against Coronado in 1540. Specifically, the Ramah Navajos have lived on these twenty-one parcels of land since their long trek back from being held in captivity at Fort Sumner in 1868.

It should be stated that the Ramah Navajos have repeatedly tried to acquire these sections of land. However, their efforts have been vain endeavors. Once again, they are faced with an opportunity--a glimmer of hope--to possibly obtain these lands, but YOUR--all Gentlpersons of Congress--affirmative support is NEEDED.

Because the need to acquire the twenty-one sections of Federal land within the exterior boundaries of the Ramah Navajo Reservation in T17, R16W, N.M.P.M. is of vital importance to the Ramah Navajo people, we are submitting to you the following reasons to not only illustrate the singularity of the Ramah Navajos' request, but to also generate your support for the preceding request:

1. The Ramah Navajo Reservation is a satellite reservation: It is geographically separated from the Navajo Nation, and it exists in an area which has numerous and diverse land interests--"checker-board" arrangement.
2. In addition to being remotely situated, the Ramah Navajo reservation lacks many of the necessary resources which other fortunate communities are blessed with.
3. Because of the diversity of land interests, land consolidations are prevented; and these are necessary for optimum land management activities which require large continuous area.

The Honorable Gentlemen of the United States Congress  
 August 13, 1979  
 Page 2.

4. The development of needed roads, utilities, and other land related activities which involve easements and right of ways are severely hampered due to the difficulties in obtaining concurrences.
5. Because the economic conditions on the Ramah Navajo Reservation are the causes for high unemployment and low income, the Ramah Navajo peoples' dependence upon the lands for sustenance is greatly increasing.
6. The steady growth of the Ramah Navajo people is causing the present land base to decrease to the extent where it is becoming economically insufficient to sustain the community's governmental and domestic operations.
7. Farming and livestock operations comprise 80% of the Ramah Navajos' means of livelihood. However, their means have been hindered over the past number of years: Poor weather and poor range conditions have severely reduced the range capacities to where the survival of the aforesaid operations are difficult.
8. Since the Ramah Navajo Reservation lacks water, minerals and other natural resources, a need for additional lands which can partially offset the economic deprivation caused by these current deficiencies, has been created.
9. The acquisition of these sections of land would give credence to and affirm past Congressional attempts at recognizing the unique needs of the Native American people in their quest for economic survival.
10. The acquisition would further reinforce the intentions of a preceding Congressional enactment--P.L. 93-638, The Indian Self-Determination and Education Assistance Act: Your affirmative vote on the Ramah Navajos' bill and its subsequent enactment would give credence of your serious concern to aid the Native Americans in securing important steps in their drive for self-determination.
11. The acquisition would fulfill the Federal government's trust responsibility in protecting and preserving Native American lands and resources ~~Presently, the twenty-one sections are already being held in trust for the Ramah Navajo people.~~

The preceding gives you a comprehensive perspective of the Ramah Navajos' need for the twenty-one sections of land, and it defines the singularity of their request. We realize at this point that some of you may still be hesitant to give your support to this bill because certain Indian tribes and Pueblos have imposed additional requirements on holders of Federal mineral leases on Indian lands in order to gain access to these lands.

The Honorable Gentlemen of the United States Congress  
 August 13, 1979  
 Page 3.

Therefore, we should point out that the Ramah Navajos have not been a party to this situation. Furthermore, we would like your indulgence to permit us to furnish you with an abstract of the Bureau of Indian Affairs' Mineral Inventory Survey of the Ramah Navajo Reservation:

In cooperation with the Bureau of Mines and the Geological Survey, the Bureau of Indian Affairs is involved in making mineral inventory surveys on Indian reservations. This activity commenced in 1976, and it is still continuing until four phases are completed: The "Survey" will be composed of four phases:

Phase I of this "Survey" was conducted on the Ramah Navajo Reservation in November of 1976, and it was completed the same month. This phase consisted mainly of investigations into past geological studies of the area: These were studied to determine whether or not any previous possibilities of the existence of various mineral resources were ascertained on the Ramah Navajo reservation. Additionally, "Survey" personnel made on site visits to identify and assess the reservation and make recommendations for further studies to be incorporated in the next phase of the "Survey".

The results of this study were compiled into a report, and it--the report--was sent to the Ramah B.I.A. agency. From this report, the B.I.A. was given a strong indication which stressed that there was no significant existence of any minerals on the reservation. However, the report did state that there was a possibility of some existence on private lands adjacent to or within the reservation: The Ramah Navajo reservation is a checkerboard arrangement.

In May of 1979, Phase II of the "Survey" was conducted on the reservation, and it was completed in the following month. The activities of this phase centered on confirming Phase I on site findings and determining the necessity for further recommendations for Phase II of the "Survey".

Even though the final report of Phase III has not been published yet, it can be said that the Ramah Navajos cannot expect any meaningful economic gain from minerals. Moreover, it should be stressed that the Ramah Navajos' mineral ownership (if there are any minerals) from past land acquisitions would only give them 50%--30% of nothing based on the aforementioned phases. Additionally, if the slight existence that was found on the private lands of the reservation should also be found on Ramah Navajo lands in later studies, its development costs would not be feasible, and this is based on expected production. Coupled with the preceding is the fact that a lack of locally trained manpower would offset any plan for minimum operational costs.

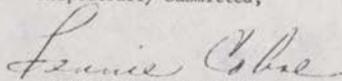
As you can see, the "mineral" argument cannot be applied to the Ramah Navajo situation: The Ramah Navajos' future plans for land use and land development--this includes the twenty-one sections in question--would have to be in developments other than mineral developments.

The Honorable Gentlemen of the United States Congress  
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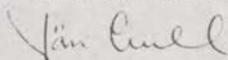
Hopefully, the preceding rationale was sufficient to enlist your affirmative support for the Ramah Navajos' piece of legislation. Should you require additional information, do not hesitate to ask.

We look forward to seeing you resolve the Ramah Navajos' situation. We wish you and the great institution--The United States Congress--the best in the present and in the future.

Respectfully submitted,



Bennie Cohoe, President  
Ramah Navajo Chapter  
Ramah Navajo Community



Jim Crull  
Assistant to the Chapter President  
Ramah Navajo Chapter  
Ramah Navajo Reservation



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF THE SOLICITOR  
WASHINGTON, D.C. 20240

NOV 16 1979

MEMORANDUM

To: Assistant Secretary, Indian Affairs  
From: Acting Associate Solicitor, Indian Affairs  
Subject: Additions to Indian Reservations in New Mexico and Arizona

Mr. S. Bobo Dean has recently contacted the Bureau of Indian Affairs on behalf of the Pueblo of Laguna to request that certain lands presently held in trust for that Pueblo be declared an Indian reservation pursuant to Section 7 of the Indian Reorganization Act (IRA), 25 U.S.C. §457.

By memorandum of May 16, 1979, the Acting Deputy Commissioner stated that it has been the policy of the Bureau for many years to accept lands in trust in Arizona and New Mexico pursuant to Section 5 of the IRA, 25 U.S.C. §465, but not to declare those lands a reservation pursuant to Section 7. This policy is based on an interpretation that 25 U.S.C. §211 bars the application of Section 7 in Arizona and New Mexico. 25 U.S.C. §211 provides:

No Indian reservation shall be created, nor shall any additions be made to one heretofore created, within the limits of the States of New Mexico and Arizona, except by Act of Congress.

Mr. Dean noted in his request to the Acting Deputy Commissioner that a memorandum of the Associate Solicitor dated June 7, 1977, holding that 25 U.S.C. §211 prohibits the application of Section 7 in New Mexico and Arizona is in direct conflict with an earlier Solicitor's Opinion. 58 I.D. 723 (1944). The 1977 Memorandum did not discuss the 1944 opinion and of course could not control over that opinion. We have therefore undertaken to review the matter.

Administrative Interpretation of Applicability of Section 7  
to Arizona and New Mexico

The relationship between 25 U.S.C. §211 and Section 7 has never been the subject of a judicial opinion. However, the matter has been examined on three occasions by the Solicitor's Office. In 1944 the Solicitor held:

INTERIOR DEPT.

NOV 16 1979

LEGISLATIVE COUNSEL

The property and affairs of both these Pueblos [including Laguna Pueblo] are subject to the Act of June 18, 1934 (48 Stat. 984) [the IRA] Section 5 of which specifically authorizes the Secretary of the Interior to acquire lands for the tribe. Under Section 7 of that act, the lands so acquired may be proclaimed to be Indian reservations. Action to be taken under these specific authorizations is not in violation of the Act of May 25, 1918 (40 Stat. 561, 570), which prohibits additions to Indian reservations in the State of New Mexico "except by the Act of Congress." 58 I.D. 724-725.

In an unpublished opinion dated January 10, 1967, the Associate Solicitor, Indian Affairs again concluded that Section 7 applies to Arizona and New Mexico. However, by memorandum dated June 7, 1977, the Acting Associate Solicitor, Indian Affairs stated:

Irrespective of the Secretary's authority under Section 7 of the Indian Reorganization Act, 25 U.S.C. §467, I read Section 2 of the Act of May 25, 1918, 25 U.S.C. §211, as precluding the Secretary from adding the 20-acre tract to the Papago Indian Reservation.

A recent Departmental Report on a bill to acquire reservation lands for the Zuni equivocates on the applicability of Section 7 to Arizona and New Mexico, but recommends language which suggests serious doubt as to the Secretary's authority to use Section 7 in those states. H.R. Rep. No. 753, 95th Cong., 2d Sess., 8 (1978).

In view of the inconsistency of the Department's position on this matter we have undertaken a careful examination of the legislative history of 25 U.S.C. §211 and the IRA as well as two other statutes limiting the authority of the Executive Branch to declare Indian reservations, 43 U.S.C. §150 and 25 U.S.C. §398d. We conclude from the legislative history and the rules of statutory construction that Section 7 may be used in Arizona and New Mexico.

#### Legislative History of 25 U.S.C. §211

25 U.S.C. §211 was enacted as part of the Indian Appropriations Bill of 1918, 40 Stat. 561, 570. It was introduced as an amendment by Senator Smith of Arizona. Two points are clear from the Senate debate (which contains the most detailed legislative comment on the provision). First,

Congress did not believe that it was providing special protection to Arizona and New Mexico, but rather believed that it was merely extending to those two states protections already obtaining in other western states. Second, 25 U.S.C. §211 was only intended to prevent the creation of or addition to Indian reservations out of the public domain.

When introducing his amendment Senator Smith stated:

States other than the states of Arizona and New Mexico have been protected as proposed by the amendment. 56 Cong. Rec. 4194 (1918).

and further:

It applies to Arizona and to New Mexico only because the other states are protected. Arizona and New Mexico have the right to that protection, and they have come to Congress for it. Those two states have been left out. It is only proposed to give those states the right which other states already have. Id.

As it turned out, Senator Smith was mistaken in his belief that other states had been protected. When this fact was discovered in the following year, 43 U.S.C. §150 was enacted in order to extend the import of 25 U.S.C. §211 to other states (discussion infra).

It is likewise clear that Smith was concerned only with the creation of Executive Order reservations out of the public domain.

I sincerely hope that the Senate will maintain its dignity by saying that no more public lands of the United States shall be carried out of the possession of the people of the United States by Executive Order.

\*\*\*

The amendment provides that no other Indian reservation shall be created or that no Indian reservation now in existence shall be enlarged without being authorized by an act of Congress. That is all. It proposes to retain what Congress ought always to have kept the right of disposition of the public land.

The concern about the withdrawal of public lands and the consequent diminution of state and local tax bases is likewise evident in the statement of Senator Shafroth in support of the amendment.

We in the west have had a large and unfortunate experience relative to the withdrawal of public lands from entry.

\*\*\*

The creation of a reserve deprives a State of the right to tax the land within its borders . . .  
56 Cong. Rec. 4195 (1918).

Finally, the Conference Report states that the amendment would prohibit conversion of public lands in New Mexico and Arizona into Indian reservations without consent of Congress. 56 Cong. Rec. 6624 (1918).

It is not surprising that the 1918 Act uses such sweeping language against the creation of reservations. The only way the Executive could create an Indian reservation in 1918 without a specific act of Congress was by withdrawing public domain. The authority to acquire lands through purchase, gift and other methods enumerated in Section 5 of the IRA did not exist in 1918. We, therefore, conclude that despite its broad language, 25 U.S.C. §211 was never intended to prohibit the authority in Section 7 of the IRA to proclaim reservations as to lands acquired pursuant to Section 5.

#### Legislative History of 43 U.S.C. §150

During the Senate debates on the 1919 Indian Appropriations Act (41 Stat. 34) the Senators from Arizona and New Mexico again inserted a prohibition against the creation of Executive Order reservations in those two states. That provision read:

That hereafter no public lands of the United States in Arizona and New Mexico shall be withdrawn by Executive Order, proclamation or otherwise, for or as an Indian reservation except by act of Congress. 58 Cong. Rec. 738 (1919).

Senator Jones of Washington inquired why those two States should have a special exception. Senator Curtis replied:

There have been some Executive order reservations set aside in those states and a year ago a provision was inserted in the Indian appropriations bill which I think, covers this amendment. Therefore as a member of the committee, I did not oppose this amendment because I thought it was covered by the act of the last Congress. 58 Cong. Rec. 738 (1919).

Senator Jones thought that the prohibition should be made general. Senator Smith (the author of 25 U.S.C. §211) stated that his recollection was that a statutory prohibition already existed against the creation of Executive Order reservations in most western states. Senators Smoot and Pittman stated that though the wider prohibition had passed the Senate, it had never become law. 58 Cong. Rec. 739 (1919). Senator Smoot then suggested that the limitation to Arizona and New Mexico be eliminated and the prohibition be extended nationwide. The bill, therefore, passed containing the language of 43 U.S.C. §150.

That hereinafter no public lands of the United States shall be withdrawn by Executive order, proclamation, or otherwise for or as an Indian reservation except by act of Congress.

When the legislative histories of 25 U.S.C. §211 and 43 U.S.C. §150 are examined together, it is clear that they seek to solve the same problem and that 43 U.S.C. §150 is simply 25 U.S.C. §211 extended across the nation.

#### 25 U.S.C. §398d

Any possible distinction between the authority of the Executive to create reservations in Arizona and New Mexico and in other states was eliminated in 1927 when Congress enacted 25 U.S.C. 398d.

Changes in the boundaries of reservations created by executive order, proclamation, or otherwise for the use and occupation of Indians shall not be made except by Act of Congress . . .

#### Structure and Legislative History of the IRA

The Indian Reorganization Act of 1934, 25 U.S.C. 465 et seq. marks a major turning point in federal Indian policy. One of its major

goals was to acquire more lands for needy Indians. Congress did not reinvest the Executive Branch with the authority to withdraw public lands in order to accomplish this goal. Rather, Congress provided the Secretary of the Interior with a new broad acquisition authority. Section 5 of the IRA provides:

The Secretary of the Interior is hereby authorized in his discretion, to acquire, through purchase, relinquishment, gift, exchange, or assignment, any interest in lands, water rights, or surface rights to lands, within or without existing reservations, including trust or otherwise restricted allotments, whether the allottee be living or deceased, for the purpose of providing land for Indians. . .

The section also authorized the appropriation of \$2,000,000 per year for an acquisition fund with the proviso that none of it could be used to acquire lands for the Navajos outside of their reservation if some then-pending legislation were passed. Finally, the section provides that the acquired lands would be held in trust. Section 7 authorizes the Secretary to proclaim Indian reservations on lands acquired pursuant to Section 5 and other provisions of the IRA.

Because of the proviso regarding acquisition of lands for the Navajos, it is impossible to argue that 25 U.S.C. §465 does not apply to Arizona and New Mexico even though 25 U.S.C. §465 by itself frustrates Senator Smith's major goal in introducing 25 U.S.C. §211—the preservation of the property tax base. Section 7 does not contain any analogous proviso, but the legislative history indicates that the Section was a new authority quite distinct from the old Executive order authority prohibited by 25 U.S.C. §211, and that Section 7 could be used in Arizona and New Mexico.

The most significant passages in the legislative history of the IRA regarding the relationship between 25 U.S.C. §211 and Sections 5 and 7 of the IRA occurred during the House hearings. Commissioner Collier testified to the Representatives of Arizona and New Mexico as follows:

Mr. Chavez: May I make a suggestion that you state to Mrs. Greenway what you stated about the public domain?

Mr. Collier: The act of 1918 forbids the President to take public domain and annex it to an Indian reservation. Only Congress can do that. This bill does not change that law. That remains.

Mrs. Greenway: Then if certain Indian lands are to be increased it would take independent, separate legislation to do it.

Mr. Collier: Exactly as now.

Mrs. Greenway: This bill does not add an acre to anything.

Mr. Collier: It grants money to purchase but does not take anything out of the public domain. The existing laws controlling transfer of public domain are left unaltered. Readjustment of Indian Affairs: Hearings before the Committee on Indian Affairs, House of Representatives, 73rd Cong., 2d Sess., 92 (1934) (hereinafter House hearings).

Elsewhere Collier discussed Section 5 with the representative from New Mexico:

Mr. Chavez: Right there, now could you, under this bill section 7, add additional land either in Arizona or in other States?

Mr. Collier: Without further authority from Congress?

Mr. Chavez: No. Section 7 [now Section 5], pages 28 and 29, at the bottom of page 28.

Mr. Collier: Section 7 is an authorization to the Secretary of the Interior to buy land with appropriated money. If that money is appropriated with no strings tied to it by Congress, then he could buy it anywhere. We do not know what strings would be tied on in the present process. He could buy land under that language anywhere unless the the appropriation directed that he spend the money in definite localities.

It therefore appears that Congress was aware that the IRA would grant the Secretary a type of authority he may not have had previously and that that authority was totally unrelated to his authority to withdraw public lands. The authority to withdraw public lands had been taken

from the Executive by 25 U.S.C. §211 as to Arizona and New Mexico and later by 43 U.S.C. §150. Section 7 in no way alters the prohibition against withdrawing lands as an Indian reservation in Arizona, New Mexico or elsewhere. Instead it creates a new authority which may be exercised in any State.

Even if it is objected that the literal reading of 25 U.S.C. §211 covers and prohibits the exercise in Arizona and New Mexico of the authority in Section 7, we conclude using the rules of statutory construction, that Section 7 is an implied amendment or exception to 25 U.S.C. §211. First, it must be remembered that statutes affecting the rights of Indians are to be construed in their favor. *Hopkins v. United States*, 414 F.2d 464 (9th Cir. 1969); *Morton v. Ruiz*, 462 F.2d 818 (9th Cir. 1972), *aff'd.*, 415 U.S. 199 (1973); *Fort Mojave Tribe v. San Bernardino County*, 543 F.2d 1253 (9th Cir. 1976). Furthermore, repeal of Indian legislation by implication is commonplace and therefore the presumption against repeal is of limited application. *Hopkins v. United States*, *supra* at 471.

Even under the usual construction rules, however, Section 7 should be seen as an exception to 25 U.S.C. §211. A later act supersedes an earlier one. *Payne v. Washington Metropolitan Area Transit Commission*, 415 F.2d 901 (D.C. Cir. 1968). Although a later general statute is presumed not to repeal an earlier specific statute (*Radzanower v. Touche Ross & Co.*, 426 U.S. 148 (1976)), 25 U.S.C. §211 was not truly a specific statute. We have seen that, when enacted, 25 U.S.C. §211 was intended only to extend to Arizona and New Mexico protections believed to be in force in other states. When it was subsequently discovered that those protections had been granted to Arizona and New Mexico alone, Congress extended those protections throughout the nation by enacting 43 U.S.C. §150 and 25 U.S.C. §398d. Thus, in 1934 as well as today 25 U.S.C. §211 is nothing more than a restatement of a prohibition applying to all the states. Certainly, Section 7 is an exception to 25 U.S.C. §398d or it is meaningless. Finally, it is to be remembered that statutory construction canons are only an aid for the ascertainment of Congressional intent. We know from the Navajo proviso in Section 5 that that section was intended to apply in Arizona and New Mexico despite the fact that it would take lands off the tax roll, thereby undermining the original goal of 25 U.S.C. §211. Furthermore, we know that Commissioner Collier testified to the representatives of both Arizona and New Mexico to explain the difference between the prohibitions in existing law and the new authority granted the Secretary by the IRA.

Conclusion

Based up our analysis of the legislative histories and applicable rules of construction we conclude that 25 U.S.C. §211 is no bar to the exercise in Arizona and New Mexico of the Secretary's authority under Section 7 of the IRA. This is not to say that 25 U.S.C. §211 has been repealed. That section continues to bar the creation by the Executive of reservations out of public domain. Further, the Secretary's authority to declare reservations in Arizona and New Mexico is of course limited by the IRA to tribes which did not reject the IRA and to lands acquired in trust under the IRA. Though still in force, 25 U.S.C. §211 is superfluous since it merely duplicates the provisions in 25 U.S.C. §150 and 25 U.S.C. §398j.

*Hans Walker, Jr.*  
Hans Walker, Jr.



Above: Looking south over the checkerboard area.  
Below: Children from this area are bussed to school and the roads need to be maintained.





Only one road through this section is paved. The rest of the roads are dirt and become impassable for 2-3 months during harsh weather.





Two windmills provide water for the people who live here since there are no utilities in their houses. Water is stored in barrels like those below.





Roads are needed by these people  
simply for their existence - to  
obtain food, water, and fuel.



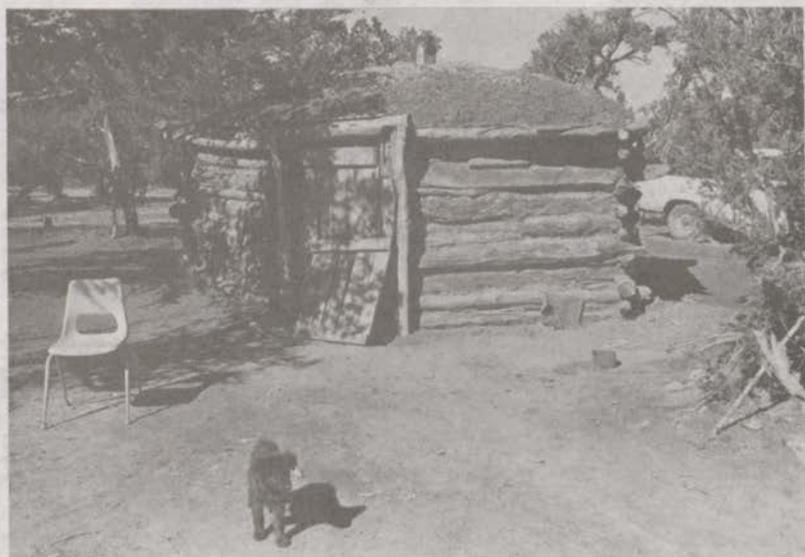


Some Navajos have raised their own food by dry land farming. The land status has forced them to build fences from tree branches to protect their fields. The restraint of federal funds has allowed grazing conditions to deteriorate.





Two hogans of the George Martine's where they have lived all their lives. With their family of 13 children, they need more houses.





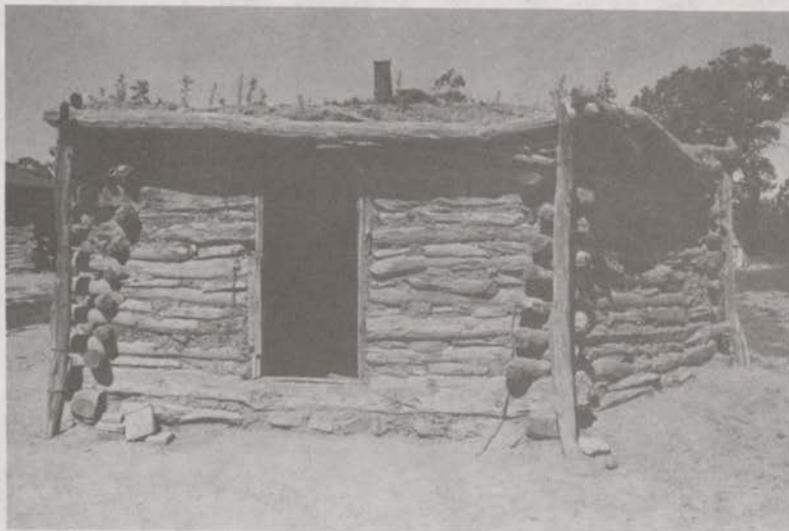
Above: The Amos Martine family in front of their house.  
Below: A hogan where Charlie Martine lives.





Above: Thomas Martine Jr. has lived on government land all his life. Below: Is a detail of his house.





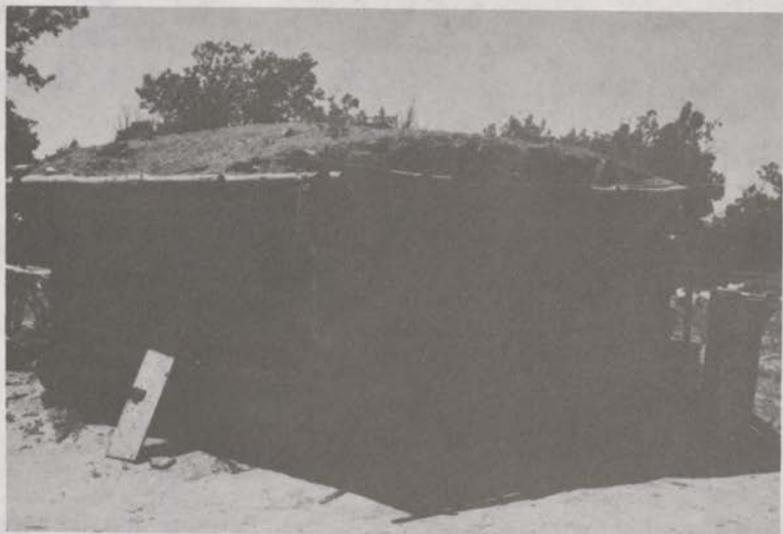
The people who live on this land  
have lived here all their lives.  
In almost all cases, the land has  
been in their families for several  
generations.





The people get most of their food from the sheep they raise. Sheep also provide wool to be made into blankets which provide income.





Above: Barrels for storing water are on the right. The restraint of federal assistance and non-economic conditions prohibits any dwelling improvement.



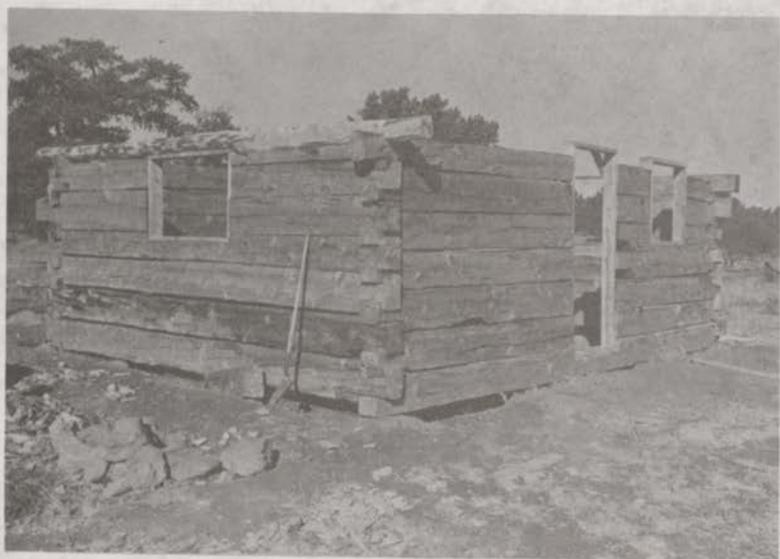


Existing structures made of natural material which presently accommodates many family households.





This woman stands in front of the addition to her house that cannot be finished because of the restraint of federal funds. The log cabin below is unfinished for the same reason.





There is no utility development at all in this area at this time. Many people have wired their houses themselves in the hope of getting electricity someday.





Jimmy and Amelia Martine in front of their hogan. "I have lived here all my life and my mother & father lived here before me. Tell the people in Washington to pass this bill, so we can get the services we need." Amelia Martine

Mr. BENNIE COHOE. We will also have some verbal testimony which will be given by the group that I am here with today.

I will now give the time to Jan Crull to give you a general overview of what activities we have been involved in with regard to Senate bill 1730.

Mr. CRULL. Before I begin, Mr. Chairman, I have some documentation for you.

[The chairman receives the documents.]

Senator MELCHER. Without objection, they will be included in the record at this point.

[The material follows:]

## RAMAH NAVAJO SCHOOL BOARD, INC.

PHONE 505-783-5901 -- P. O. BOX 248

RAMAH, NEW MEXICO 87321

July 6, 1979

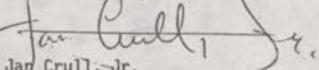
Mr. George Ramonis  
Legislative Coordinator  
for Senator Pete Domenici  
2317 Dirksen Senate Office Building  
Washington, D. C. 20510

Dear Mr. Ramonis:

Enclosed, you will find certain items that may be useful in your effort to brief Senator Domenici on our bill. Hopefully, the photocopies of Mr. Bennie Cohoe's letter, Chairman MacDonald's letter to Senator Montoya, United States Department of the Interior -- Office of the Solicitor's memorandum, Mr. R. O. Buffinton (Acting State Director -- Bureau of Land Management)'s letter to the Albuquerque B.I.A. Area Director, S. 2072 -- Mr. Domenici's initial introduction of our bill, on July 9, 1975, H. R. 8533 -- Mr. Runnels's introduction of our bill in the House of Representatives on July 10, 1975, and Mr. Lujan's re-introduction of our bill in the House of Representatives on July 14, 1977, will be sufficient for your mentor, Senator Pete Domenici, to coordinate the re-introduction of our bill with Congressman Lujan.

Mr. Ramonis, should you need additional information, do not hesitate in calling me. Wishing you the best, I remain.

Yours sincerely,



Jan Crull, Jr.  
Deputy Executive Housing Director  
PO Box 83  
Pine Hill, New Mexico 87321

Enclosure



## RAMAH NAVAJO CHAPTER

P. O. Box 308  
RAMAH, NEW MEXICO 87321

July 18, 1979

Mr. George Ramonis  
Legislative Coordinator  
for Senator Pete Domenici  
2317 Dirksen Senate Office Bldg.  
Washington, D.C. 20510

Dear Mr. Ramonis:

This is written to "Thank You" for taking the time to ascertain the situation of the re-introduction of the Ramah Navajos's bill in the present session of Congress. Furthermore, the Ramah Navajos can well understand your mentor's, Senator Pete Domenici, perspective of their bill. At this time, it should be said that the Ramah Navajos certainly are appreciative of the alternative suggestion you conveyed to me in our telephone conversation, yesterday.

To keep you informed of the Ramah Navajos's activities, I have enclosed a photo-copy of the response I sent to Congressman Runnels's legislative coordinator--Mr. Lawrence (Larry) Morgan. This is sent to insure that there will be no "communication breakdown" in the future on the aforesaid bill. Additionally, I will send you photo-copies of whatever subsequent correspondence I send off regarding the Ramah Navajos's bill.

Once again, thanking you for your interest and time, I remain

Yours sincerely,

Jan Crull  
Assistant to the Chapter President  
P.O. Box 83  
Pinehill (Ramah), New Mexico

JC:sa

Enclosure



## RAMAH NAVAJO CHAPTER

P. O. Box 308

RAMAH, NEW MEXICO 87321

2 August 1979

Mr. George Ramonis  
 Legislative Coordinator  
 for Senator Pete Domenici  
 2317 Dirksen Senate Office Bldg.  
 Washington, D.C. 20510

Dear Mr. Ramonis:

Some time earlier this week, I received a response from Congressman Harold Runnels to my July 17th letter--I provided you with a photo-copy. Because I was away on tribal business, I did not have an opportunity to give it my attention until today.

I am pleased to report that Congressman Runnels not only reevaluated his position on the re-introduction of the Ramah Navajos' bill, but he also altered it: He will re-introduce the Ramah Navajos' bill in this session of the House. In his letter, he did mention, however, that the House Committee on Interior and Insular Affairs had not--to date--given this legislation any serious consideration. Realizing that he is a member of this committee, I told him in my "Thank You" note that I would be preparing an argumentative letter which would provide the other members of this committee with a comprehensive perspective which would show the singularity of the Ramah Navajos' situation. Additionally, I mentioned that even though I would be preparing it--the argumentative letter--for the entire committee, I would send it to him--Congressman Runnels--and leave its use to his discretion.

Mr. Ramonis, I did point out to Mr. Runnels that the last time he introduced the Ramah Navajos' bill (1975), he coordinated his activities with Senator Domenici. I, therefore, did ask him if he would be doing this again. Additionally, I informed him of the fact that I had been in contact with your mentor's staff. Furthermore, I stated that Senator Domenici could take no action until he--Congressman Runnels--initiated an action on the "House" side. Yes, I did take the liberty of telling him that Senator Domenici was receptive to the idea of seeing the re-introduction of the Ramah Navajos' bill.

Mr. Ramonis, I do not know if your mentor, Senator Domenici, will be encountering obstacles or opposition to the aforesaid bill in his sector of Congress. To be prepared for these possibilities, he will also be provided with an "argumentative" letter. I will send this directly to him next week.

Mr. Ramonis, I look forward to hearing from you and working with you to see the Ramah Navajos' situation resolved. Should you require any additional information, do not hesitate to ask.

Wishing you the best, I remain

Yours sincerely,

*Jan Crull*  
 Jan Crull  
 Assistant to the Chapter President  
 P.O. Box 83  
 Pinehill (Ramah), New Mexico 87321

JC:sa



## RAMAH NAVAJO CHAPTER

P. O. Box 308

RAMAH, NEW MEXICO 87321

14 August 1979

Mr. George Ramonis  
Legislative Coordinator  
for Senator Pete Domenici  
2317 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear George:

As I explained to you in our conversation via phone, I have sent enlistment letters off to the members of the U.S. Senate Select Committee on Indian Affairs and various other members of the U.S. Congress. I have enclosed a copy of the prototype of the aforesaid letters. Additionally, I have also sent you a copy of the biographical sketch that was sent with these letters, I did not, however, send you the photocopies of the history of this bill: I sent them to you in my initial letter.

Once again, I appreciate your concern and interest in the Ramah Navajos' bill. Indeed, I am grateful for your aid in resolving these pastoral people's situation.

I will be looking forward to seeing you and Senator Domenici on this matter. Furthermore, I will contact you before September 17th to confirm an agreeable time for the Senator to meet with me.

George, in the prototype, you will find an address that will enable you to contact me should the occasion arise.

Wishing <sup>you</sup> the best, I remain

Yours Sincerely,

Jän Crull  
Assistant to the Chapter President  
Ramah Navajo Chapter  
Ramah Navajo Reservation



## RAMAH NAVAJO CHAPTER

P. O. Box 308  
RAMAH, NEW MEXICO 87321

July 17, 1979

Mr. Lawrence Morgan  
Legislative Coordinator  
for Congressman Harold Runnels  
1535 Longworth Building  
Washington, D.C. 20510

Dear Mr. Morgan:

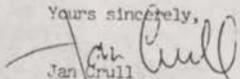
Thank you for your verbal explanation of your mentor's, Congressman Harold Runnels, rationale for not re-introducing the Ramah Navajo's bill in the current session of the House of Representatives. For our purposes, however, we would appreciate the aforementioned rationale in written form. Will you be so kind as to send it to us.

To put it baldly, the Ramah Navajos were not cognizant of the fact that your mentor, Congressman Runnels, was assuming the responsibility of their bill. When the Ramah Navajos decided that they wanted to see the re-introduction of their bill in the Fall of 1978, they sent similar requests to all of New Mexico's senators and congressmen. At the beginning of this year, they were given the impression that Congressman Lujan was going to re-introduce their bill in the House. It is only because they had received no word on the status of their bill on the House side that prompted this enquiry.

To reiterate, the re-introduction of the Ramah Navajo's bill in the current session of Congress is of vital importance to them. Therefore, certain items are enclosed that may be useful in your effort to brief Congressman Runnels on the aforesaid bill. Hopefully, the photo-copies of Mr. Bennie Coho's letter to Congressman Runnels, Chairman MacDonald's letter to the late Senator Montoya, United States Department of the Interior-Office of the Solicitor's memorandum, Mr. R.O. Buffington (Acting State Director-Bureau of Land Management)'s letter to the Albuquerque B.I.A. Area Director, S.2072--Mr. Domenici's initial introduction of the Ramah bill on July 9, 1975, H.R. 8533--Mr. Runnels's introduction of the Ramah bill in the House of Representatives on July 10, 1975, and Mr. Lujan's re-introduction of the Ramah bill on July 14, 1977, will be sufficient for Congressman Runnels to reevaluate his current position. Possibly, he could provide the Ramah Navajos with a viable alternative.

Mr. Morgan, should you require any additional information, do not hesitate in contacting me. Wishing you the best, I remain

Yours sincerely,

  
Jan Crull  
Assistant to the Chapter President  
P.O. Box 83  
Pinchill (Ramah), New Mexico 87321

JC:sa

Enclosure

HAROLD RUNNELS  
2D DISTRICT, NEW MEXICO

COMMITTEE ON ARMED SERVICES

SUBCOMMITTEES:  
RESEARCH AND DEVELOPMENT  
INVESTIGATIONS

COMMITTEE ON  
INTERIOR AND INSULAR AFFAIRS

SUBCOMMITTEES:  
OVERSIGHT AND INVESTIGATIONS, CHAIRMAN  
PUBLIC LANDS  
MINES AND MINING

Congress of the United States  
House of Representatives  
Washington, D.C. 20515

WASHINGTON OFFICE:  
1228 LEHIGHWORTH BUILDING  
AREA CODE 202 535-3268

DISTRICT OFFICES:

SUITE A, MCCORMY BUILDING  
LOVINGTON, NEW MEXICO 88260  
AREA CODE 505 536-2232

FEDERAL BUILDING, ROOM 3201  
LAS CRUCES, NEW MEXICO 88008  
AREA CODE 505 832-8922

FEDERAL BUILDING, ROOM 100  
GALLUP, NEW MEXICO 87301  
AREA CODE 505 842-3400

July 26, 1979

Jan Crull  
Assistant to the Chapter President  
Ramah Navajo Chapter  
P.O. Box 83  
Pinehill, New Mexico 87321

Dear Jan:

Thank you for your letter of July 17th to my administrative assistant, Larry Morgan, in connection with the desire of the Ramah Navajos to have a piece of legislation introduced into the House of Representatives once again which would bring about the transfer of certain federal lands to the Ramah Navajo tribe.

As your letter pointed out, this legislation has been introduced on several occasions by the late Senator Joseph M. Montoya, by Senator Domenici, by Congressman Lujan and myself. However, to date serious consideration of this legislation has not been given by the House Committee on Interior and Insular Affairs.

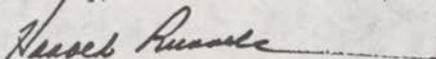
Larry advised me that he outlined to you the concerns we have over a recent situation where several Indian tribes and Pueblos have imposed additional requirements on the holders of federal mineral leases on Indian lands in order to gain access to these lands. However, I recognize that the Ramah Navajo has not been a party to this situation, and, therefore, it is my intention to comply with the request of the Ramah Navajo Chapter and once again introduce the legislation which would bring about a transfer of the lands sought by the Ramah people.

I will provide you a copy of this legislation just as soon as the bill has been printed.

Thank you for following up on your conversation with Larry Morgan and giving me the opportunity to express myself personally on this issue.

With best wishes.

Sincerely,

  
HAROLD RUNNELS, M.C.

lkm



## RAMAH NAVAJO CHAPTER

P. O. Box 308  
RAMAH, NEW MEXICO 87321

2 August 1979

The Honorable Harold Runnels  
Congressman--20th District, New Mexico  
1535 Longworth Building  
Washington, D.C. 20510

Dear Mr. Runnels:

This is just a short note to "Thank You" for taking the time to reevaluate your position on the Re-introduction of the Ramah Navajos' bill. Indeed, the Ramah Navajos are very pleased to see that you will once again introduce a piece of legislation that is so very vital to them.

In your July 26, 1979, response to my July 17th letter, you mentioned that "to date, serious consideration of this legislation--the Ramah Navajos' bill--has not been given by the House Committee on Interior and Insular Affairs." In your letterhead, it is mentioned that you are a member of the aforementioned committee. To convince this committee of the need for this piece of legislation to be passed, I will prepare an argumentative letter which will provide the members with a comprehensive perspective of this most singular situation: I am, of course, referring to your recognition of the "singleness" of the Ramah Navajos' request--This is a direct reference to page one and paragraph three of your July 26th letter: "... I recognize that the Ramah Navajo has not been a party to this...." I will send this letter directly to you at the beginning of next week. Even though I am preparing it for the entire committee, I will leave its use to your discretion.

Mr. Runnels, the last time you introduced this piece of legislation, you coordinated your activities with Senator Pete Domenici's office. Will you be doing this again? In truth, I have been in contact with his office: I was informed that he could take no action until you initiated an action on the "House" side. I should point out that he--Senator Domenici--is receptive to the idea of seeing the re-introduction of the Ramah Navajos' bill.

Mr. Runnels, I look forward to hearing from you and working with you to see the Ramah Navajos' situation resolved. Should you require additional information, do not hesitate to ask.

Once again, I "Thank You." Wishing you the best, I remain

Yours Sincerely

Jan Crull  
Assistant to the Chapter President  
P.O. Box 83  
Pinehill (Ramah), New Mexico 87321

JC:sa



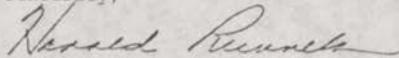
Jan Crull  
August 10, 1979  
Page 2

It is also a standard practice in my office to coordinate my activities with the other members of the New Mexico Congressional Delegation whenever possible. As you are aware, I met earlier this year with Congressman Manuel Lujan of the first congressional district, in which we discussed the legislation introduced in the last session of Congress and reached an agreement on what legislation we should reintroduce in this session. Legislation introduced on the House side is a separate action and as far as I am aware would have absolutely no impact on any action that might be taken on the Senate side.

Introduction of a bill is just the first step in a long legal process and based on the previous history of this specific issue, I cannot be optimistic that a high priority will be placed by the committee on the bill. You can be assured of my continued effort, however.

With best wishes.

Sincerely,

  
HAROLD RUNNELS, M.C.

lkm

Enclosure

96TH CONGRESS  
1ST SESSION**H. R. 5003**

To declare that title to certain lands in the State of New Mexico are held in trust by the United States for the Ramah Band of the Navajo Tribe.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 27, 1979

Mr. RUNSELS (by request) introduced the following bill: which was referred to the Committee on Interior and Insular Affairs

---

**A BILL**

To declare that title to certain lands in the State of New Mexico are held in trust by the United States for the Ramah Band of the Navajo Tribe.

- 1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That on and after the date of the enactment of this Act, title  
4 to the following described lands shall be held by the United  
5 States in trust for the Ramah Band of the Navajo Tribe:  
6           Township 7 north, range 15 west, New Mexico  
7           principal meridian: sections 7, 19, and 31.



## RAMAH NAVAJO CHAPTER

P. O. Box 308  
RAMAH, NEW MEXICO 87321

8 August 1979

Mr. Larry Morgan  
Legislative Coordinator  
for Congressman Harold Runnels  
1535 Longworth Building  
Washington, D.C. 20510

Dear Mr. Morgan:

I want to take this opportunity to personally thank you for presenting my letter of July 17th to your mentor, Congressman Harold Runnels. Additionally, your attention and prompt action are, indeed, appreciated by the members of the Ramah Navajo Reservation. Therefore, I would also like to express their gratitude to you for coming to their aid.

The Ramah Navajos are looking forward with great anticipation to Congressman Runnels' re-introduction of their piece of legislation when Congress reconvenes this Fall. In my capacity as Assistant to the Chapter President, I will strive to aid Congressman Runnels in seeing that the Ramah Navajos' bill is passed in the House and in the Senate.

Mr. Morgan, I, too, will be taking a vacation which will commence in the middle of next week: I will be sailing for two weeks off of the coast of Nova Scotia. After the aforesaid holiday, I will be in Chicago, New York (city), and Washington D.C. on Chapter business. Furthermore, I will not return to the Ramah Navajo Reservation until the end of October. Because I will also be aiding Congressman Runnels during the aforementioned duration, I will provide you with an address which will enable him and you to contact me as quickly as possible should the occasion arise: Jän Crull, 645 Argyle Avenue, Flossmoor, Illinois 60422.

Thanking you once again for your productive efforts, I remain

Yours sincerely,

Jän Crull  
Assistant to the Chapter President  
Ramah Navajo Chapter  
Ramah Navajo Reservation

JC:e1



## RAMAH NAVAJO CHAPTER

P. O. Box 308

RAMAH, NEW MEXICO 87321

August 13, 1979

The Honorable Harold Runnels  
 Congressman - 20th District, New Mexico  
 1535 Longworth Building  
 Washington, D.C. 20510

Dear Mr. Runnels:

Enclosed, please find a photo-copy of my "Thank You" letter to your legislative coordinator, Mr. Larry Morgan. The Ramah Navajos are, indeed, grateful to him for his interest, assiduity, and prompt conduct in bringing their situation to your attention.

In my August 2nd letter to you, I mentioned that I would prepare and send you an "argumentative" letter which would provide the members of the Committee on Interior and Insular Affairs and the members of the House with a "comprehensive perspective of this most singular situation." Rather than sending the aforesaid letter to you, it has been suggested by Mr. Ralph E. Paisano, the local B.I.A. Superintendent, that I see you personally in Washington, D.C. to not only give you the aforementioned letter, but also to furnish you with a first-hand account of these unique people - the Ramah Navajos.

I am well aware of the fact that you are a very busy man; and I am cognizant of the pressing matters which confront you. But this bill is of vital importance to the two thousand individuals that comprise this satellite reservation: The passage of this bill will secure a most important step in the Ramah Navajos' quest for self-determination. Realizing that you are besieged by requests for personal appointments, I have enclosed a brief biographical sketch with some background on the type of individual that wishes to see you. I am not the type of Anglo who has come out to aid the Native Americans "a la" Marlon Brando or Jane Fonda.

As I explained in my letter to Mr. Morgan, I, too, will be vacationing during the last two weeks in August. I will be sailing off of the coast of the Canadian Maritime Provinces. Thereafter, I will be in Chicago, New York (City) and Washington, D.C. on Chapter business. Moreover, I will not return to the Ramah Navajo Reservation until the end of October. As a consequence, I will give you an address which will enable you to contact me as quickly as possible for the scheduling of an appointment: Jän Crull, 645 Argyle Avenue, Flossmoor, Illinois 60422.

The Honorable Harold Runnels  
August 13, 1979  
Page 2

Mr. Runnels, I have one further request: When you re-introduce the Ramah Navajos' piece of legislation and the House has its hearing on this bill, I would very much appreciate it if you would notify my mentor, Mr. Bennie Cohoe, Ramah Navajo Chapter President. If need be, you may call him collect: 505-783-5801, Extension 238. I would very much like to see my mentor and his father, Mr. Chavez P. Coho, the man whose vision and insight has made the Ramah Navajo Reservation into what it is today and the man responsible for creating the first Native American controlled school, present in Washington, D.C. for this great occasion.

In closing, I look forward to hearing from you and seeing you in Washington, D.C. Wishing you the best, I remain

Yours sincerely,

Jñn Crull  
Assistant to the Chapter President  
Ramah Navajo Chapter  
Ramah Navajo Reservation



## RAMAH NAVAJO CHAPTER

P. O. Box 308

RAMAH, NEW MEXICO 87321

15 August 1979

The Honorable Harold Runnels  
 Congressman--20th District, New Mexico  
 1535 Longworth Building  
 Washington, D.C. 20510

Dear Mr. Runnels:

While my letter of August 13th was enroute to you, your reply to my August 2nd "note" was on its way here; I received it today--I was all set to leave for my vacation (I communicated this in my letter of the 13th). Let me first "Thank you" for introducing the Ramah Navajos' bill; I want to personally commend you for taking the initiative in introducing this piece of legislation which seems to have such a dubious future. Additionally, I appreciate the fact that you will give your continued effort to resolve the Ramah Navajos' situation.

Mr. Runnels, I would like to aid you in your aforesaid effort. You see, Mr. Runnels, I, too, am diligently striving to resolve these pastoral people's situation in my own way. In my August 13th letter, I requested to see you. I now feel that a meeting with you is imperative: It will provide us with the opportunity to discuss and investigate various means to move the aforementioned piece of legislation out on the House floor with the Committee on Interior and Insular Affairs' concurrence.

As you mentioned, there are 291 bills pending in the House Committee on Interior and Insular Affairs. Indeed, I can well understand that the sheer volume is a "definite handicap". Moreover, I am well aware of the fact that many members of the "Committee" will focus their attention on bills that are of a greater magnitude--they may affect a larger segment of the population or be a popular issue--than the Ramah Navajos' bill. However, the direct or indirect well-being of 2000 individuals--Native Americans--is at stake. If the Ramah Navajos' situation is not resolved now, it will never be.

In my previous letters, I mentioned that I would prepare an "argumentative letter" which would illustrate the singularity of the Ramah Navajos' bill. I have completed this letter, and I would like to discuss its contents with you personally. Coupled with this letter would be my own personal observations and insights. I believe that a combination of the two will convince you of the aforesaid "singularity": You will realize that the Ramah Navajos' bill is not just another land transfer.

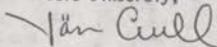
The Honorable Harold Runnels  
15 August 1979  
Page 2

Forgive me, if I may sound presumptuous here, but I would like to make a suggestion. I definitely feel that if you were to schedule a hearing for Mr. Bennie Cohoe (Ramah Chapter President), Mr. Chavez P. Coho (the prime mover of this Navajo Community), and myself--after my meeting with you, of course--with the Committee, it will be the instrument that will gain the necessary approval to move the Ramah Navajos' bill on to future enactment. I should point out that in the past few days letters have been sent out to various members of Congress--including some members of the "Committee"--to generate support for the Ramah Navajos' bill.

Mr. Runnels, in my letter to your legislative coordinator, Mr. Larry Morgan, and in my last letter to you. I mentioned that I will be away from the Ramah Reservation--on vacation and, subsequently, on Chapter business. Realizing the importance of the aforesaid bill to Ramah Navajos, I provided you, in my last letter, with an address for expediency purposes: It will enable you to contact me as quickly as possible.

In closing, I look forward to hearing from you and the possibility of working with you. Wishing you the best, I remain

Yours Sincerely,



Jan Crull  
Assistant to the Chapter President  
Ramah Navajo Chapter  
Ramah Navajo Reservation

JC:el

HAROLD RUNNELS  
3D DISTRICT, NEW MEXICO

COMMITTEE ON ARMED SERVICES

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INVESTIGATION

COMMITTEE ON  
INTERIOR AND INSULAR AFFAIRS

SUBCOMMITTEES:  
OVERSIGHT AND INVESTIGATIONS, CHAIRMAN  
PUBLIC LANDS  
MINES AND MINING

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House of Representatives  
Washington, D.C. 20515

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AREA CODE 505: 863-3400

August 23, 1979

Jan Crull  
645 Argyle Avenue  
Flossmoor, Illinois 60422

Dear Jan:

We are in receipt of your letters of August 8th, 13th and 15th expressing further your interest in the legislation to bring about a land transfer from the Bureau of Land Management to the Ramah Navajos.

In that you did not indicate the date you plan to be in Washington, D.C., it would be my suggestion that you contact my office upon your arrival and contact my personal secretary, Shirley Childress, to determine if I am able to meet with you personally to discuss this letter. Depending on my own committee schedule, I would be more than happy to discuss the matter with you further. If, however, I am not able to meet with you because of my committee schedule, Larry Morgan of my staff would be more than happy to discuss the situation with you.

You also made a request that I consider a hearing for Mr. Bennie Cohoe and Mr. Chavez Cohoe with the Interior Committee. To make such a commitment would be presumptuous on my own part in that I am not the Chairman of the House Interior Committee and, therefore, do not have the opportunity to schedule a hearing. Secondly, the legislative process would require that the bill be approved by the subcommittee on Public Lands prior to being considered by the full committee. Any effort to take this matter directly to the full committee without the approval of the subcommittee chairman might tend to alienate that particular chairman, Representative John Seiberling of Ohio. It would be my recommendation that upon your visit to Washington you meet with

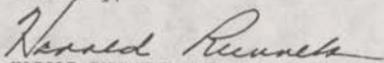
Jan Crull  
August 23, 1979  
Page 2

Mr. Andy Wiessner, of the Public Lands Committee staff, and Mr. Frank Ducheneaux, Special Council for Indian Affairs for the Interior Committee. I feel that both of these gentlemen would be in a better position to acquaint you with the legislative process which confronts your legislation and what action needs to be taken in order to receive active consideration of this bill.

As a member of the Congress for over eight years and a member of the State Legislature ten years previous, you can be assured that I understand the special problems confronting the Ramah Navajo.

With best wishes.

Sincerely,

  
HAROLD RUNNELS, M.C.

lkm

UNITED STATES  
 DEPARTMENT OF THE INTERIOR  
 BUREAU OF INDIAN AFFAIRS  
 RAMAH NAVAJO  
 RAMAH, NEW MEXICO 87621

SEARCHED
SERIALIZED
INDEXED
FILED
<i>K. Paisano</i>

August 7, 1979

The Honorable Harold Rannels  
 Congressman--20th District, New Mexico  
 1535 Longworth Building  
 Washington, D. C. 20510

Dear Mr. Rannels:

Mr. Jan Crull--Assistant to the Ramah Navajo Chapter President--has informed me of your decision to re-introduce the Ramah Navajos' bill in the ensuing session of the House. This bill is of vital importance to the Ramah Reservation. If enacted, it will consolidate the Ramah Navajo lands in the southwest corner of the reservation.

Because this bill will certainly enhance the Ramah Navajo Community's future visibility, I want to thank you on behalf of the community for making the aforesaid decision. In addition, I would also like to express my gratitude on behalf of the Bureau of Indian Affairs--Department of the Interior.

Jan has informed me that he will provide you with an "argumentative" letter for the purpose of circumventing and overcoming any potential opposition to the Ramah Navajos' bill. I suggested that he see you personally to not only present you with this letter of his, but also see you to give you pertinent additional information which cannot be fully conveyed in a single letter. Therefore, I am asking you to give him the opportunity to see you in Washington, D. C. just before you re-introduce the Ramah Navajos' bill.

Thank you,

Mr. Ralph E. Paisano  
 Superintendent

REPAISANO:hm:8/07/79  
 cc: Agency Chrono  
 Area Director, AAO  
 Area Br. of Realty  
 President, Ramah Navajo Chapter

HAROLD RUNNELS  
28 DISTRICT, NEW MEXICO

COMMITTEE ON ARMED SERVICES

SUBCOMMITTEE  
RESEARCH AND DEVELOPMENT  
INVESTIGATIONS

COMMITTEE ON  
INTERIOR AND INSULAR AFFAIRS

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Congress of the United States  
House of Representatives  
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FEDERAL BUILDING, ROOM 118  
GALLUP, NEW MEXICO 86301  
AREA CODE 505 843-3400

August 15, 1979

Mr. Ralph E. Paisano  
Superintendent  
Ramah Navajo Agency  
U.S. Department of Interior  
Ramah, New Mexico 87321

Dear Ralph:

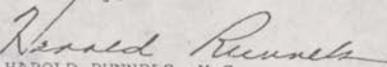
Thank you for your letter of August 2nd in regard to the legislation which I have reintroduced which would transfer certain lands to trust status on behalf of the Ramah band of the Navajos.

You request that Jan Crull be allowed to meet with me prior to introduction of this legislation. The bill has already been introduced and has been referred to the committee on Interior and Insular Affairs.

The next step, of course, is to obtain hearings on the legislation and this is the area where I am not overly optimistic. I would be more than happy to meet with Jan Crull at some future date to discuss this matter and you can be assured that I will continue to overcome any potential opposition to the bill.

With best wishes.

Sincerely,

  
HAROLD RUNNELS, M.C.

lkm



## RAMAH NAVAJO CHAPTER

P. O. Box 308

RAMAH, NEW MEXICO 87321

August 8, 1979

Dear

I am writing to enlist your support for the Ramah Navajo Bill which will be re-introduced in the House by Congressman Harold Runnels (D) and Senator Pete Domenici (R) when Congress reconvenes in the Fall. Therefore, you will find certain items that may be useful to brief you on the aforesaid bill: Hopefully, the photo-copies of Mr. Bennie Cohoe's letter, Chairman MacDonald's letter to the late Senator Montoya, United States Department of the Interior-Office of Solicitor's memorandum, Mr. R. O. Buffington's (acting State Director-Bureau of Land Management) letter to the Albuquerque B.I.A. Area Director, S.2072--Mr. Domenici's initial introduction of our bill, H.R. 8533--Mr. Runnels' introduction of our bill, and H.R. 8318--Mr. Lujan's re-introduction of our bill on July 14, 1977, will give you an indication of how long the Ramah Navajos have been endeavoring to see their bill passed in Congress.

Because several Indian tribes and Pueblos have imposed additional requirements on the holders of Federal mineral leases on Indian lands in order to gain access to these lands, I realize that the political climate is not conducive for a bill which will bring about the transfer of certain Federal lands to an Indian tribe to be introduced. I should point that the Ramah Navajos have not been a party to this situation. It is for the preceding reason that Congressman Runnels will re-introduce the Ramah Navajos' bill. However, since many members of Congress are not aware of the aforementioned fact, I am preparing an "argumentative" letter which will provide the members with a comprehensive perspective of this most singular situation. Because the Ramah Navajo Experience and additional information cannot be fully conveyed in a single letter, I would like to meet with you in September (before the bill is re-introduced) to furnish you with my twelve point "argumentative" statement and a personal account of these unique people--the Ramah Navajos.

August 8, 1979

Page 2

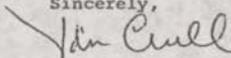
I am well aware of the fact that you are a very busy man; and I am cognizant of the pressing matters which confront you. But this bill is important to the two thousand individuals that comprise this satellite reservation: The passage of this bill will secure a most important step in the Ramah Navajos' quest for self-determination.

I will be taking a vacation which will commence in the middle of next week: I will be sailing for two weeks off of the coast of Nova Scotia. After the aforesaid holiday, I will be in Chicago, New York (City) and Washington, D. C. on Chapter business.

Furthermore, I will not return to the Ramah Navajo Reservation until the end of October. Consequently, I will provide you with an address which will enable you to contact me as quickly as possible for the scheduling of an appointment: Jän Crull, 645 Argyle Avenue, Flossmoor, Illinois 60422. Realizing that you are besieged by requests for personal appointments, I have enclosed a brief biographical sketch to give you some background on the type of individual that wishes to see you.

In closing, I look forward to hearing from you and working with you to see the Ramah Navajos' situation resolved. Wishing you the best. I remain

Sincerely,



Jän Crull  
Assistant to the Chapter President  
Ramah Navajo Chapter  
Ramah Navajo Reservation

JC: el

Enclosures

After completing his preparatory school education at Lake Forest Academy, John Crull attended the University of Denver, Northwestern University, and Canada's Dalhousie University from which he received a B.A. Honours in English. In subsequent years, he was awarded a Master of Arts degree from Purdue University, and he was a Doctoral student in English language and literature at Indiana University. Besides the aforesaid educational experience, he also had experiences in other endeavors: marketing director of a corporation; editor of a national supplement in Canada; business ventures; creative endeavors; teaching university courses; and teaching remedial, regular, and advanced high school students. Because of his conviction that the advantaged should aid the disadvantaged, he also taught culturally and economically deprived youngsters from minority backgrounds, and he has volunteered his services to the Ramah Navajo people: By consent of the Ramah Navajo Chapter (Composed of the Ramah Navajo Reservation members), he was created the official Assistant to the Chapter President.



## RAMAH NAVAJO CHAPTER

P. O. Box 308  
RAMAH, NEW MEXICO 87321

August 13, 1979

The Honorable Gentilepersons  
The United States Congress  
Capitol Hill  
Washington, D. C.

Dear Gentilepersons:

When Congress reconvenes, Congressman Harold Runnels (D) of New Mexico will be re-introducing the Ramah Navajo' piece of legislation in the House: If this piece of legislation is enacted, it will give the Ramah Navajos twenty-one sections of United States land--these sections are already located within the Southwest corner of their reservation. Likewise, Senator Pete Domenici (R) of New Mexico will re-introduce the aforesaid bill in the Senate.

Historically, the Ramah Navajos have lived in the vicinity of the aforementioned sections since they assisted the Zuni Indians' defense against Coronado in 1540. Specifically, the Ramah Navajos have lived on these twenty-one parcels of land since their long trek back from being held in captivity at Fort Sumner in 1868.

It should be stated that the Ramah Navajos have repeatedly tried to acquire these sections of land. However, their efforts have been vain endeavors. Once again, they are faced with an opportunity--a glimmer of hope--to possibly obtain these lands, but YOUR--all Gentilepersons of Congress--affirmative support is NEEDED.

Because the need to acquire the twenty-one sections of Federal land within the exterior boundaries of the Ramah Navajo Reservation in T17, R16W, N.M.P.M. is of vital importance to the Ramah Navajo people, we are submitting to you the following reasons to not only illustrate the singularity of the Ramah Navajos' request, but to also generate your support for the preceding request:

1. The Ramah Navajo Reservation is a satellite reservation: It is geographically separated from the Navajo Nation, and it exists in an area which has numerous and diverse land interests--"checker-board" arrangement.
2. In addition to being remotely situated, the Ramah Navajo reservation lacks many of the necessary resources which other fortunate communities are blessed with.
3. Because of the diversity of land interests, land consolidations are prevented; and these are necessary for optimum land management activities which require large continuous area.

The Honorable Gentlemen of the United States Congress

August 13, 1979

Page 2.

4. The development of needed roads, utilities, and other land related activities which involve easements and right of ways are severely hampered due to the difficulties in obtaining concurrences.
5. Because the economic conditions on the Ramah Navajo Reservation are the causes for high unemployment and low income, the Ramah Navajo peoples' dependence upon the lands for sustenance is greatly increasing.
6. The steady growth of the Ramah Navajo people is causing the present land base to decrease to the extent where it is becoming economically insufficient to sustain the community's governmental and domestic operations.
7. Farming and livestock operations comprise 80% of the Ramah Navajos' means of livelihood. However, their means have been hindered over the past number of years: Poor weather and poor range conditions have severely reduced the range capacities to where the survival of the aforesaid operations are difficult.
8. Since the Ramah Navajo Reservation lacks water, minerals and other natural resources, a need for additional lands which can partially offset the economic deprivation caused by these current deficiencies, has been created.
9. The acquisition of these sections of land would give credence to and affirm past Congressional attempts at recognizing the unique needs of the Native American people in their quest for economic survival.
10. The acquisition would further reinforce the intentions of a preceding Congressional enactment--P.L. 93-638, The Indian Self-Determination and Education Assistance Act: Your affirmative vote on the Ramah Navajos' bill and its subsequent enactment would give credence of your serious concern to aid the Native Americans in securing important steps in their drive for self-determination.
11. The acquisition would fulfill the Federal government's trust responsibility in protecting and preserving Native American lands and resources. ~~Presently, the twenty-one sections are already being held in lease for the Ramah Navajo people.~~

The preceding gives you a comprehensive perspective of the Ramah Navajos' need for the twenty-one sections of land, and it defines the singularity of their request. We realize at this point that some of you may still be hesitant to give your support to this bill because certain Indian tribes and Pueblos have imposed additional requirements on holders of Federal mineral leases on Indian lands in order to gain access to these lands.

The Honorable Gentlemen of the United States Congress  
 August 13, 1979  
 Page 5.

Therefore, we should point out that the Ramah Navajos have not been a party to this situation. Furthermore, we would like your indulgence to permit us to furnish you with an abstract of the Bureau of Indian Affairs' Mineral Inventory Survey of the Ramah Navajo Reservation:

In cooperations with the Bureau of Mines and the Geological Survey, the Bureau of Indian Affairs is involved in making mineral inventory surveys on Indian reservations. This activity commenced in 1976, and it is still continuing until four phases are completed: The "Survey" will be composed of four phases:

Phase I of this "Survey" was conducted on the Ramah Navajo Reservation in November of 1976, and it was completed the same month. This phase consisted mainly of investigations into past geological studies of the area: These were studied to determine whether or not any previous possibilities of the existence of various mineral resources were ascertained on the Ramah Navajo reservation. Additionally, "Survey" personnel made on site visits to identify and assess the reservation and make recommendations for further studies to be incorporated in the next phase of the "Survey".

The results of this study were compiled into a report, and it -the report- was sent to the Ramah B.I.A. agency. From this report, the B.I.A. was given a strong indication which stressed that there was no significant existence of any minerals on the reservation. However, the report did state that there was a possibility of some existence on private lands adjacent to or within the reservation: The Ramah Navajo reservation is a checkerboard arrangement.

In May of 1979, Phase II of the "Survey" was conducted on the reservation, and it was completed in the following month. The activities of this phase centered on confirming Phase I on site findings and determining the necessity for further recommendations for Phase II of the "Survey".

Even though the final report of Phase III has not been published yet, it can be said that the Ramah Navajos cannot expect any meaningful economic gain from minerals. Moreover, it should be stressed that the Ramah Navajos' mineral ownership (if there are any minerals) from past land acquisitions would only give them 30% - 30% of nothing based on the aforementioned phases. Additionally, if the slight existence that was found on the private lands of the reservation should also be found on Ramah Navajo lands in later studies, its development costs would not be feasible, and this is based on expected production. Coupled with the preceding is the fact that a lack of locally trained manpower would offset any plan for minimum operational costs.

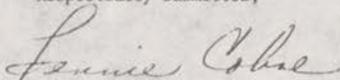
As you can see, the "mineral" argument cannot be applied to the Ramah Navajo situation: The Ramah Navajos' future plans for land use and land development--this includes the twenty-one sections in question--would have to be in developments other than mineral developments.

The Honorable Gentlemen of the United States Congress  
August 13, 1979  
Page 4.

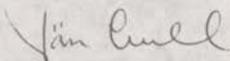
Hopefully, the preceding rationale was sufficient to enlist your affirmative support for the Ramah Navajos' piece of legislation. Should you require additional information, do not hesitate to ask.

We look forward to seeing you resolve the Ramah Navajos' situation. We wish you and the great institution--The United States Congress--the best in the present and in the future.

Respectfully submitted,



Bennie Cohoe, President  
Ramah Navajo Chapter  
Ramah Navajo Community



John Crull  
Assistant to the Chapter President  
Ramah Navajo Chapter  
Ramah Navajo Reservation



## RAMAH NAVAJO CHAPTER

P. O. Box 308

RAMAH, New Mexico 87321

14 August 1979

Mr. Arthur Zimmerman  
 State Director  
 State Office  
 Bureau of Land Management  
 United States Department of the Interior  
 P.O. Box 1449  
 Santa Fe, New Mexico 87501

Dear Mr. Zimmerman:

I am writing to enlist your support once again for the Ramah Navajo Bill which will be re-introduced in the House by Congressman Harold Runnels (D) of New Mexico and Senator Pete Domenici (R) of New Mexico when Congress reconvenes in the Fall. Specifically, if enacted, this bill will declare that title to certain lands--Township 7 north, range 15 west, New Mexico principal meridian: sections 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, and 35 --in the State of New Mexico are held in trust by the United States for the Ramah Band of the Navajo Tribe.

We received your office's concurrence when the aforesaid bill was introduced; I have enclosed a copy of the 1973 letter. The Ramah Navajos would appreciate it if you would give them an updated statement similar to the one that was given to them in 1973.

I will be away from the Ramah Navajo Reservation--on vacation and, subsequently, on Chapter business in Chicago, New York (city), and Washington, D.C. For expediency purposes, I will furnish you with an address which will enable you to contact me as quickly as possible: Jän Crull, 645 Argyle Avenue, Flossmoor, Illinois 60422. Additionally, will you please send a copy of the requested statement to Mr. Bennie Cohoe, Chapter President, Ramah Navajo Chapter, P.O. Box 308, Ramah, New Mexico 87321.

Thanking you, I remain

Yours sincerely,

Jän Crull  
 Assistant to the Chapter President  
 Ramah Navajo Chapter  
 Ramah Navajo Reservation

JC/el



## RAMAH NAVAJO CHAPTER

P. O. Box 308  
RAMAH, NEW MEXICO 87321

15 August 1979

Mr. Sidney Mills  
(Acting) Commissioner of Indian Affairs  
Department of the Interior  
1951 Constitution Avenue, N.W.  
Washington, D.C. 20245

Dear Mr. Mills:

I am writing to seek your aid in seeing that Ramah Navajo's Bill will receive a hearing before the U.S. Senate's Select Committee on Indian Affairs and the House's Committee on Interior and Insular Affairs. Today, I received word from Congressman Harold Runnels that he introduced the aforesaid bill in the House on July 27, 1979. Again, it is pending before the House's aforementioned committee.

In my talks with Mr. Ralph Paisano and Richard Evans of the local Ramah B.I.A. Agency, I learned that you certainly have an interest in the Ramah Navajo's Bill. I would certainly appreciate it if you would assist these pastoral people--the Ramah Navajos--in trying to resolve their situation.

For your benefit, I have enclosed photocopies of letters and documents to give you a history of the bill. Additionally, I have enclosed a photocopy of my prototype letter that has been sent out to various members of Congress. Contained in it, you will find that I have requested appointments to see them --the members of Congress--to present them with my "argumentative" letter. Furthermore, you will also find an address which will enable you to contact me.

Indeed, I would like to meet with you in Washington, D.C. the week of September 17th, I will then furnish you with a copy of my aforesaid statement.

Mr. Mills, I look forward to seeing you and working with you on this matter --the Ramah Navajos' Bill. Wishing you the best, I remain

Yours sincerely,

John Crull  
Assistant to the Chapter President  
Ramah Navajo Chapter  
Ramah Navajo Reservation

Enclosures

JC/el

645 Argyle Avenue,  
Flossmoor, Illinois, 60422

or

P.O. Box 83,  
Pinehill (Ramah), N.M., 87321

8 October 1979

Dear Susan,

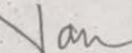
Please, do forgive me for the tardiness of this epistle. I have been kept exceedingly busy; by familial obligations --my father will be coming out of the hospital shortly; it was his massive heart attack which delayed my trip to D.C.--and my obligations to other projects have consumed most of my time; consequently, I was unable to write my D.C. "Thank You" notes until now.

Indeed, I most certainly appreciated your interest in the Ramah Navajos' situation; and I will be ever so grateful to you for bringing it--the aforesaid situation--to Senator Hatfield's attention. To reiterate, S.1730 is not a mere title transfer bill: If enacted, not only will this bill give approximately four hundred Ramah Navajos (out of a total of twenty-three hundred) some form of legal right to lands that they have been living on for generations (lands also within the boundaries of the Ramah Navajo Reservation), but it will also make these four hundred people eligible for B.I.A. services which they now lack. Therefore, you can consider your endeavor(s) for these people as being one which is for a good cause.

Susan, please, do tell me "what develops." I will be using my Illinois address for at least the next four weeks. Additionally, do forgive me for the phone-call: My encounter was with Ms. Foley of Congressman Foley's office.

I look forward to hearing from you. Wishing you the best, I remain

Yours sincerely,



Jan Crull

P.S. Please give my "Thanks" to Michael Cox of Senator Cohen's office--I'll be scooting off a note to him shortly.

645 Argyle Avenue,  
Flossmoor, Illinois,  
60422

or

P.O. Box 83,  
Pinchill (Ramah), N.M.,  
87321

8 October 1979

Dear Laurie,

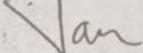
Please, do forgive me for the tardiness of this epistle. I have been kept exceedingly busy. My familial obligations --my father will be coming out of the hospital shortly; it was his massive heart attack which delayed my trip to D.C. --and my obligations to other projects have consumed most of my time; consequently, I was unable to write my D.C. "Thank You" notes until now.

Indeed, I most certainly appreciated your interest in the Ramah Navajos' situation; and I will be ever so grateful to you for bringing it--the aforesaid situation--to your mentor's--Senator Inouye--attention. To reiterate, S. 1730 is not a mere title transfer bill; if enacted, not only will this bill give approximately four hundred Ramah Navajos (out of a total of twenty-three hundred) some form of legal right to lands that they have been living on for generations (lands also within the boundaries of the Ramah Navajo Reservation), but it will also make these four hundred people eligible for B.I.A. services which they now lack. Therefore, you can consider your endeavor(s) for these people as being one which is for a good cause.

Laurie, please, do tell me "what develops." I will be using my Illinois address for at least the next four weeks.

Wishing you the best, I remain

Yours sincerely,

  
Jan Crull

345 Argyll Avenue,  
Flossmoor, Illinois,  
60422

or

P.O. Box 83  
Pinehill(Ramah),N.M.,  
87321

10 October 1979

Dear Michael,

Realizing the belatedness of this epistle, I do want to apologize for its tardiness. However, my familial obligations--my father will be coming out of the hospital shortly; it was his massive heart attack which initially delayed my trip to D.C. with Mr. Bennie Cohoe--and my other obligations have consumed most of my time; consequently, I was unable to write my D.C. "Thank You" notes until this week.

Indeed, I most certainly appreciated your meeting with Bennie and me to discuss the Ramah Navajos' situation --Senate Bill 1730. Additionally, I will be ever so grateful to you for bringing the aforesaid to your mentor's--Senator Cohen--attention.

Michael, I would like to point out an error to you; this error is found on page 2 of the four page statement I gave you. In number 11, there should be a period (instead of a colon) after resources; and you can cross-out the statement that follows: "Presently, the twenty-one sections...." When I met with you, I wasn't aware of this error: The statement was typed during the time I was sailing.

Michael, do keep me informed of "what develops" in your contacts with the Senate Select Committee's personnel. I will be using my Illinois address for at least the next four-five weeks--During this period, I will be in N.Y.C. for about a week.

Looking forward to hearing from you, I remain

Yours sincerely,

Jan

Jan Crull  
Assistant to the Ramah Navajo Chapter President

645 Argyle Avenue,  
Flossmoor, Illinois,  
60422

or

P.O. Box 83,  
Pinehill (Ramah), N.M.,  
87321

8 October 1979

Dear Senator DeConcini,

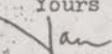
Please, do forgive me for the brevity of this epistle. I have been kept exceedingly busy; My familial obligations --my father will be coming out of the hospital shortly; it was his massive heart attack that delayed my trip to D.C.--and my obligations to other projects have consumed most of my time; consequently, I was unable to write my D.C. "Thank You" notes until now.

Indeed, I most certainly appreciated your interest in the Ramah Navajos' situation; and I am most grateful to you for your efforts on their behalf. Furthermore, Mr. Bennie Cohoe, Ramah Navajo Chapter President, and I were most happy to see you and your aid, Mr. John Mulkey, in D.C. To reiterate, the Ramah Navajo Bill is not a mere title transfer bill; If enacted, not only will this bill give approximately four hundred Ramah Navajos (out of a total of twenty-three hundred) some form of legal right to lands that they have been living on for generations (lands within the boundaries of the Ramah Navajo Reservation), but it will also make these four hundred people eligible for B.I.A. services which they currently lack. Therefore, you can consider your endeavor(s) for these people as being one which is for a good cause.

Senator DeConcini, through Mr. Mulkey, do keep me informed of "what develops." I will be using my Illinois address for at least the next four weeks.

I look forward to hearing from you. Wishing you the best,  
I remain

Yours sincerely,

  
Jan Crull  
Assistant to the Ramah Navajo Chapter President

645 Argyle Avenue  
Flossmoor, Illinois, 60422

or

P.O. Box 83,  
Pinehill(Ramah),N.M.,87321

8 October 1979

Dear Senator Melcher,

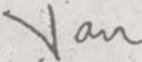
Please, do forgive me for the tardiness of this epistle. I have been kept exceedingly busy; My familial obligations --my father will be coming out of the hospital shortly; it was his massive heart attack which delayed my trip to D.C. --and my obligations to other projects have consumed most of my time; consequently, I was unable to write my D.C. "Thank You" notes until now.

Indeed, I most certainly appreciated your staff's--Mr. Kimble, Ms. Boylan, etc.--interest in the Ramah Navajos' situation. Please, thank them for me. To reiterate, S.1730 is not a mere title transfer bill: If enacted, not only will this bill give approximately four hundred Ramah Navajos (out of a total of twenty-three hundred) some form of legal right to lands that they have been living on for generations (lands within the boundaries of the Ramah Navajo Reservation), but it will also make these four hundred people eligible for B.I.A. services which they currently lack. Therefore, your endeavor(s) and your staff's endeavors for these people are ones which are for a good cause.

Senator Melcher, through one of your staff members, please do keep me informed of "what develops." I will be using my Illinois address for at least the next four weeks. Additionally, I should point out that the Ramah Navajos did receive an up-to-date opinion from the Bureau of Land Management.

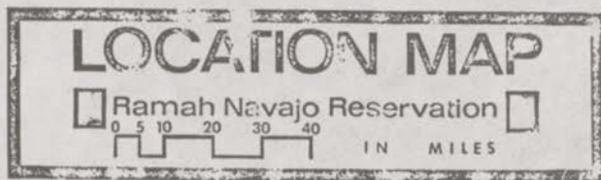
I look forward to hearing from you. Wishing you and your staff the best, I remain

Yours sincerely,

  
Jan Crull  
Assistant to the Ramah Navajo Chapter President

*Request*

~~MEMORANDUM~~ OF RAMAH  
NAVAJOS ~~REQUESTS~~ TO  
OBTAIN 21 SECTIONS  
IN TRUST





## RAMAH NAVAJO CHAPTER

P. O. Box 308

RAMAH, NEW MEXICO 87321

November 16, 1979

Chairman and Committee Members  
 Select Committee on Indian Affairs  
 United States Senate  
 Washington, D.C. 20510

Honorable Members:

The Ramah Navajos have lived on these 21 sections of land for generations since their return from Ft. Sumner in 1868. The Ramah Navajos have repeatedly tried to acquire these sections of land. However, our efforts have been vain endeavors. Once again, we have been afforded this opportunity to present our need.

We are submitting to you the following reasons for our request to generate your vital support:

1. The Ramah Navajo Reservation is a satellite reservation: It is geographically separated from the Navajo Nation, and it exists in an which has numerous and diverse land interests in "checker-board" arrangement.
2. In addition to being remotely situated, the Ramah Navajo Reservation <sup>has no</sup> resource which creates an insufficient economic base.
3. Because of the diversity of land interests, land consolidations are prevented; and these are necessary for optimum land management activities.
4. The development of needed roads, utilities, and other land related activities which involve easements and right of ways are severely hampered due to the difficulties in obtaining concurrences.
5. Because the economic conditions on the Ramah Navajo Reservation are the causes of high unemployment and low income, the Ramah Navajo peoples' dependence upon the lands for sustenance is greatly increasing.
6. The steady growth of the Ramah Navajo people is causing the present land base to decrease to the extent where it is becoming economically insufficient to sustain the community's governmental and domestic operations.

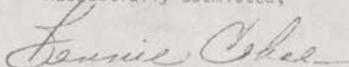
November 16, 1979  
Page 2

7. Farming and livestock operations comprise 80% of the Ramah Navajos means of livelihood. However, their means have been hindered over the past number of years: Poor weather and poor range conditions have severely reduced the range capacities to where the survival of the aforesaid operations are difficult.
8. Since the Ramah Navajo Reservation lacks water, minerals and other natural resources, a need for additional lands which can partially offset the economic deprivation caused by these current deficiencies, has been created.
9. The acquisition of these sections of land would give credence to and affirm past Congressional attempts at recognizing the unique needs of the Native American people in their quest for economic survival.
10. The acquisition would further reinforce the intentions of P.L. 93-638, the Indian Self-Determination and Education Assistance Act: The Committee's approval on the Ramah Navajos' bill and its subsequent enactment would give credence of its serious concern to aid the Native Americans in their drive for self-determination.
11. The acquisition would fulfill the Federal government's trust responsibility in protecting and preserving Native American lands and resources. Presently under P.L.O.-2198, Ramah Navajos are allowed to have their livestock graze on these 21 sections, however, development is restricted and limited.

The preceding gives a comprehensive perspective of the Ramah Navajo's need for the twenty one sections of land. We have available reports and documents pertaining to the question of the lands mineral resources status. The survey and study report give a strong indication and stresses that there are no significant existence of any minerals on the reservation. Additionally, if the slight existence of mineral deposit is detected, its development costs would not be feasible based on expected production.

We are seeking the Committee's full positive consideration and action for approval. We look forward to your support and full assistance in resolving the Ramah Navajo's situation.

Respectfully submitted,



Bennie Cohoe, President  
Ramah Navajo Chapter  
Ramah Navajo Community



## RAMAH NAVAJO CHAPTER

P. O. Box 308

RAMAH, NEW MEXICO 87321

### RAMAH NAVAJO CHAPTER RESOLUTION

Resolution No. RNC-4-78-19

SUBJECT: Ramah Navajo Community's request for introduction of a Land Bill Legislation on Land Title Transfer.

WHEREAS:

1. The Ramah Navajo Community Chapter was officially certified as a recognized Chapter organization of the Navajo Tribe pursuant to Tribal Council Resolution No. C5-20-55; and
2. The Ramah Navajo reservation is located in an area having numerous and diverse land interest; and,
3. The Ramah Navajo Community members have sustain and is aware of the critical economic conditions prevailing on the Ramah Navajo Reservation; and,
4. The present land base on the Ramah Navajo Reservation is limited to provide sound community growth in development, planning and domestic operation; and,
5. The Ramah Navajo Community Chapter is interested and is working on continuous development and progress towards the betterment of the total community.

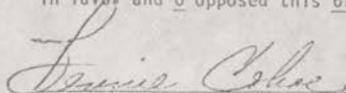
NOW, THEREFORE BE IT RESOLVED THAT:

The Ramah Navajo Community Chapter requests each New Mexico Delegation to reintroduce the Land Legislation Bill for land-title transfer to the United States Congress to act upon and that;

The Land-title-transfer be held in trust for the Ramah Land of the Navajo Tribe on the Twenty-one (21) sections of Public Land used by the Ramah Navajos.

### C E R T I F I C A T I O N

I hereby certify the foregoing resolution was duly considered by the Ramah Navajo Community Chapter at a duly called meeting at Ramah, New Mexico at which a quorum was present and that the same was approved by a vote of 48 in favor and 0 opposed this 6th day of April, 1978.

  
 Bennie Cohoe, President  
 Ramah Navajo Community Chapter

Testimonial Statement by Perry Coho in  
Support of Land Title Transfer

I am going to talk to you briefly about the problems we have in the much talked about 21 sections of land which the government now owns. Navajo people living on these 21 sections have no means of improvement in housing, farming, livestock, roads, etc. because they do not hold title to the land.

Today, we are not able to improve any of our means of living because unit 5 is part of the 21 sections which is government land; hence we are not allowed to farm, dig water wells, bring in electricity, and road improvement onto this type of land. We do not know if it is worth our time and efforts to improve on these 21 sections of land and we can not say if it will one day belong to us legally. Because we are not permitted to improve on government owned lands, we can not make any improvements on the problems we encountered, and the land is not being used to the fullest extent.

If we are given rights to use these 21 sections we would give our sincere thoughts and ideas of how to get the best and most off the land. At present our wishes and ideas are not possible for a vast majority of us, because the land is not legally ours. Land improvements and good animal husbandry are grand ideas for the 21 sections but it is beyond our dreams and it is hard to carry them out when the land is not rightfully ours. It is useless to improve and make good of something if the land is not rightfully yours (you might give up everything at the end). Because of the present land situation we are unable to improve the land - no new water supplies are set up which vastly effect our livestock and which in turn puts tremendous stress on the people. Presently, all we

can do is graze our livestock in the area. Since it is against the law to build on federal land with intentions of possessing it forever, we can not carry out our ideas of improving our livelihoods.

Finally, I humbly ask of you Congress officials to give us your sincere consideration in granting us the 21 sections of land. The land that we have lived on and used for many years. Please keep in mind our deepest concern.

Signed:

*Perry Coho / Matalony*

Perry Coho, Member  
Ramah Navajo Community

Individual Testimonial Statement by Kee SkeetIn support of the Land Title Transfer

My name is Kee Skeet and I am 72 years old. I have lived in the Ramah - Los Norias area all my life. I am married and have 7 children. My wife's family have lived in this area all their life, too.

I am going to make some statements about the land that we are living on in Ramah, New Mexico. We have always lived on this land and we are grateful that the Government has allowed us to use the land to live on.

The problems that we have with this land is many. We have problems with water, water for us to drink and use and water for our livestock. We have problems with housing. Our homes are in poor condition and some of us have been trying to get a better or new house built for twenty years and more. Our problem is that we cannot receive assistance from programs to get better housing and water.

We have understood that since we have always used the land as our only way of life to provide grazing for livestock we are entitled to the land to become ours.

This is why I am now urging and pleading with you to approve the title of land for us. We want the land to be ours so we can receive assistance from programs for improvement of our living condition. I am pleading with you to allow the land to be assured for our continued use.

This land I am talking about is the Los Norias area here in Ramah. Our grandparents and parents of generations before us lived on this land. We the off spring of these people continue to live here and desire to use the land. Many people who lived here and are now gone have never got to receive help from programs because of the status of the land. Due to this status of the land, we have always lived a hard life. We have lived with these hardships all our life and now some of us are getting real old. I am old, 72 years old and I desire to have a better home. This is our hope. This why we ask for the land.

Thank you for the opportunity to allow me to express these feelings.

Kee Skeet  
Kee Skeet, Member  
Ramah Navajo Community

Individual Testimonial Statement by Yannie Jake

In support of the Land Title Transfer

My name is Yannie Jake, I'm 53 years old and have 6 children. I am of the Todichnii and Todikozhi Navajo Clans.

I wish to extend Greetings to all of the Chapter Leaders, the Councilman and to the Congressional Leaders to whom I am addressing my statements.

I have lived on this land in the Los Norias area and am presently using the land for my cattle. My children are also greatly affected by it. My parents and their parents have used and lived on this land. They have used the land for grazing sheep and cattle. We depend on the land a great deal.

For these reasons I plead with you my leaders and the congressional leaders to approve the title transfer of the land back to us so we can continue to live on it.

I have lived on it with my brother, sisters and many other relatives. I am happy to live here and to share the land. I am happy that I am able to have livestock to provide an income for myself. Raising livestock is my way of life, it is what we know how to do. It is a good feeling to have a way of life. It is good because it provides hope and strength for living and a good mental health. It is also a future for our children. I love my children, my home and my land. I also have love for my community and my leaders and for you our congressional leaders. I live with a strong belief and prayer.

I feel good that we have this opportunity to be able to get our land back and that we're given a chance to make the efforts.

I was taught by my grandparents to respect the land and what's in the universe. I have always lived by this. The land takes places of my parents and grandparents who are no longer living with us. This is another reason I feel strongly for the land and to be able to continue to use it.

I have children and grandchildren who are growing up in this land and I want them to have a better future. I want them to be able to have more opportunities to make improvements on and with the land and its uses. I want them to be able to establish a better house and home. To be able to have better roads and a better standard of living - I want them to have a better chance of a more successful life. I teach my children to be independent and to be responsible citizens. The land can provide a more secure base for the success of all these things.

Although many people live on this land, we have always shared with each other and have used the land together. We wish to continue to use it in this way. We have attended many meetings where our community makes plans to address our needs and we always look for opportunities such as this to express our concerns. It has been a hard life, so one tends to have high hopes for addressing the needs.

All of our children have to ride the buses a long distance everyday to get to the school. Most of the roads are inadequate and it causes hardships in adverse weathers. Most of us parents have to rise early to get our children ready for school. Many times the roads become muddy and impassable. These conditions hinder the attendance of our children at the schools. Therefore, we need better roads.

Many of us community people work with our schools as bus drivers and day in and day out we live with these situations. We never give up because our work is for our children. We want our children to receive a good education.

All of us parents live with these hard conditions. We know its a difficult situation for you to understand our problems because we live way'out here but I'm asking you to consider our problems and to help us.

I am a respectful Navajo because I was brought with the old way and with strong beliefs. Therefore, I pray for you, our leaders to help us by giving us the land so that our children and their children can continue to live on this land.

Thank you for the opportunity to make these statements known to you. May God bless and be with you.

Yannie M. Jake  
Yannie Jake, Member  
Ramah Navajo Community

## Pine Hill Schools

Phone 505-783-5801 or 5821 C.P.O. Drawer H

Ramah Navajo School Board, Inc.

Pine Hill, New Mexico 87321  
Division of Education

Office of Superintendent  
Ext. 260

Office of Instructional  
Services Coordinator  
Ext. 267

Office of Student Services  
Coordinator  
Ext. 253

Office of Supervisor  
Curriculum  
Ext. 261

Office of Special Education  
Coordinator  
Ext. 266

Office of High School and  
Mid-School Principals  
Ext. 200

Office of Elementary Principal  
Ext. 203

Office of Early Childhood  
783-5001

Office of Adult Education  
783-5054

### TO WHOM IT MAY CONCERN:

The Pine Hill Schools offers a comprehensive bilingual/bicultural education program. We have 93 attending our school from the twenty-one sections of land owned by Federal Government. The regulations governing usage of this land, and the resulting life style, have a negative impact on the students' educational opportunities. The lack of roads in good repair eliminates many opportunities for them in our activity programs such as: athletics, clubs, and the like. It keeps them out of school unnecessarily, and deprives them of equal opportunity to a full community life.

The lack of electricity does not allow for books, and other printed materials, to be useful to the students. If they read by lamp light, eyes are affected adversely at an early age.

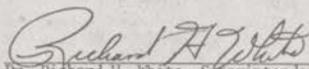
We have six special education children from this area, which makes up forty percent of our total special education students. These students need more, and special assistance, yet they receive less than they should to overcome the special problems they face. Their environment situations takes these extended opportunities away.

The general performance record from students living on this land is lower than the rest of the student body. Their participation in school activities is less their involvement with the community at large is less. Their self image is damaged because their home situation is not like other students at the school. They receive the negative results that is created by the regulation and ownership of

the land.

Many studies have been done which prove home environment affects school performance. In the situation here, the environmental problem is being caused by the same organization that is paying for the educational program. In not allowing land and home development improvement to occur, is like giving a book to the student but do not let him open it. Neither education nor environment meets purpose.

The community has demonstrated its ability to pursue the self determination road to self sufficiency. The land is available under Public Law Order 2109, but the restrictions, that keep it from being developed with the rest of the community, should be lifted so that everyone in the community can enjoy the opportunity that the Self Determination Act ensures for the Ramah Navajo.



Dr. Richard H. White, Superintendent

Pine Hill Schools

NOVEMBER 16, 1979

I, CHIMECO ERIACHO, REPRESENTATIVE OF MY RESPECTED BAND OF RAMAH NAVAJO TRIBE AS THEIR COMMUNITY CHAPTER VICE-PRESIDENT. I AM FULLY SUPPORT OF THE BLM TITLE BE TRANSFERRED TO THE BAND OF RAMAH NAVAJO.

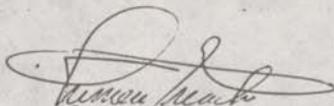
AS THE RECORD PROVES, PORTION OF THE RAMAH NAVAJO FAMILIES BEEN RESIDING ON THE SAID 21 SECTION OF BLM LAND FOR OVER 100 YEARS.

HOWEVER, THERE IS NO DECENT HOMES, WATER SYSTEM, ROADS EXIST IN THE MIST OF SCATTERED 21 SECTION OF BLM.

I STRONGLY RECOMMEND THE LAND BE TRANSFER TO RAMAH NAVAJO INDIAN, SO IMPROVEMENTS CAN BE MADE OF ROADS, HOMES, WATER DEVELOPMENTS, BRING ELECTRICAL POWER TO THE AREA, AND IMPROVING LIVESTOCK AND ECONOMIC DEVELOPMENT.

I AM THANKFUL FOR MY PEOPLE USING THE SAID LAND FOR THEIR GRAZING, AND RESIDING ON THE BLM LAND IN THE PAST.

YOUR CLOSE CONSIDERATION ON THIS BLM LAND ISSUE WILL BE APPRECIATED.



CHIMECO ERIACHO  
VICE-PRESIDENT  
RAMAH NAVAJO CHAPTER



## RAMAH NAVAJO CHAPTER

P. O. Box 308

RAMAH, NEW MEXICO 87321

Statement in Support of Transfer of 21 sections to Ramah Band of the Navajo Tribe.

The problems facing the Ramah Navajo Community and the people living on the 21 sections in question are many. The most critical are electricity water and housing.

- A. Water Resources - Many family units must travel as far as (7) seven miles one way to obtain water from the nearest well. In the 21 sections in question there are only two windmill wells.
- B. Electrification - Of the 66 family units in the 21 sections not one is served with electrical power.
- C. Housing - The total number of housing units in the 21 sections is 66, housing 322 people. Of this number of units 61 units need to be replaced.

As you can see from the above the problems and needs of the Ramah Navajo Community are great. As to the 21 sections in question non of these problems can be solved unless the community has clear title to the land. The power Company will not run lines without easements. Water wells cannot be drilled. Houses cannot be built without title to the land.

In conclusion the people who are living on this land have been there for generations but may not have the advantages of electricity, water and standard housing because they cannot get title or a lease to the land on which they live.

Ramah Navajo Navajo School Board, Inc.

*Joseph W. Lantzy*

Joseph W. Lantzy,

Ramah Navajo Housing Director

PROBLEMS INCURRED ON 21 SECTIONS OF  
BUREAU OF LAND MANAGEMENT LANDS  
THAT HAVE BEEN WITHHELD FOR  
RAMAH NAVAJO USE

Listed below are some of the problems that now rise on the 21 sections and some anticipated benefits if these lands were transferred to the Band of Ramah Navajo.

A. Problems specific to the 21 sections of BLM land in question.

1. The general problems described above pertain to the 21 BLM sections in question, only more severely.
2. Although the Ramah people are technically afforded only grazing rights on the 21 sections, families have settled there for more than three generations. However, due to the land's BLM classification, these families are not eligible for home improvement services, and road improvements in the area are lowest priority for the BIA Ramah Agency. Further, the families are in an insecure situation since the land is not Chapter-owned or tribal-owned and families could be removed from the land should it change classification.
3. There are about 20 miles of unpaved roads in the BLM area, making the entire area inaccessible in rainy and snowy weather.
4. There have been jurisdictional problems in the past, due to the governmental ownership of the BLM lands, resulting in referrals to state and county police and subsequent non-prosecution of cases.
5. At present, Ramah Reservation is served only by the Federal Indian Law Enforcement Services of the Bureau of Indian Affairs which has been a temporary and supplementary measure. It is anticipated that, in the future, the Ramah Navajo Community will have its own police department (contracted through Self-Determination legislation) at which time jurisdictional problems could again arise if the lands remain under BLM classification.
6. The BLM classification of the 21 sections makes road and housing improvements in that area impossible, which deeply affects the hopes of the residents for any improvement in standard of living and which continues to hamper law enforcement services in the area.

B. Anticipated benefits of the transfer of the 21 BLM sections to the Band of Ramah Navajo.

1. Transfer of the BLM lands would open the door to housing construction, housing improvements, and road improvements along with other kinds of development presently unavailable to the residents of the area. This would help to remove some of the socio-economic causes of crime and delinquency in the area, improve access to law enforcement services, and reduce some of the negative effects of isolation.

2. Since the BLM lands are about 30 miles from the offices of the Agency's law enforcement department, transfer of the lands would allow for the establishment of a police station in the southwest area of the reservation, thus providing greater protection for residents in the area and reducing the crime rate.
3. Transfer of the lands in question would ensure clear jurisdiction for local law enforcement officers, since the land would be unquestionably Indian land.
4. Transfer of the BLM lands would increase general access by the residents to a wide variety of services, including adult education, social services, family services, etc., as well as law enforcement services. This would help to further develop the social and educational situation of the area, further aiding the maintenance of law and order.
5. Transfer of the lands would ensure the future status of land for the residents concerned, thus ending the anxiety and insecurity brought about by the land's present status.

STATEMENT OF TESTIMONYMRS. PAULINE RAPHAELITONovember 16, 1979

My name is Pauline Raphaelito, and I am a native member of the Ramah Navajo Community. I don't have much schooling, and I have to depend a lot on the land, because how can I live any other way? I have no choice but to live on the land - but the land I live on doesn't belong to me. Many of my friends and relatives are in the same situation. Presently I live with my family of twelve in a house we made ourselves. The place in which we live is situated in the southern part of the Ramah Reservation. Sometimes we are forced to live anywhere else we can because of the conditions.

My family - and many other families - live on what is called "BLM" or "government" land. For some years now, our Tribal government and ONEO (Office of Navajo Economic Opportunity) have been assisting Navajo families by building or improving their homes. But we who live on the BLM land on the Ramah Reservation cannot get those services. As far back as I can remember, our people were already living on the land. But they were told to use the land only for grazing and not to make any permanent establishment. Because of this, the people living in this area find it very hard to live their lives. Not only can we not treat the land as our own, but most of us have very poor living conditions. Also, we have had no hope for improvement, and we are never sure how long we will be allowed to live there before somebody forces us to move - and there is nowhere else to move to in a permanent way. We have lived on the BLM land because the rest of the Reservation is already chopped up into pieces - allotments to Navajo families, government land, private land. It's crowded on the Reservation, because so many families have to squeeze into these allotments, and our way of life (livestock care) ... needs a lot of grazing land.

I have traveled to different houses to ask about concerns the people have. In every case the answer is the same: they know the situation is bad but have no hope and no say in what happens to them. Because the land is not ours - though we live on it - we have no electricity and no running water. We have no permanent place to live, no decent roads, and no farming fields. I know that most of these needs cannot be met when assistance is requested, mainly because the land does not belong to us. Therefore, most of the affected families living on BLM land continue to live below decent subsistence level. Our children are affected by these conditions. They are ashamed of their homes, and how can they learn well and do their studies under those conditions?

What I want to request from you - our leaders in Washington - for the Ramah Navajo Community, and specifically for the affected families (this is what they hope for), is to place this BLM land in the hands of the Ramah Navajo people. This would greatly meet the needs of the affected families since once this happens, they would not only establish a permanent dwelling place and begin self-subsistent living, but have a very good chance of obtaining needed assistance. We would be very grateful for this change; all the Ramah Navajo people would benefit from this decision. I know it is hard for you to understand my feelings, because you haven't seen how and where we live. If you came to visit us, you would understand what we mean.

We have not forgotten the benefits we have all gained from using the BLM land for our livestock. For this, we are very thankful and appreciative; and we shall continue to offer our thanks and gratitude for your sensitivity to our needs and for your assistance.

*Pauline Raphaelito*

T'ohchini Dinéébe Azéilini  
Pine Hill Health Center  
Drawer K  
Pine Hill, New Mexico 87321

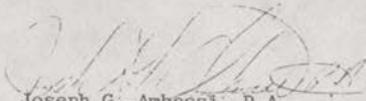
Statement in support of Transfer of 21 sections to Ramah  
Band of the Navajo Tribe.

The health care problem in the 21 sections is a major concern  
of the Pine Hill Health Clinic and the families living on the  
questionable 21 section of land.

The major concerns are as follows:

- A. Toilets - There are no toilets in any of the housing units. All families must use outhouses. Many of which are of poor repair and upkeep. Which adds to the increase of Communicable Diseases in the Community.
- B. Bathing Facilities - No family units has bathtub or shower or any other way of cleaning themselves which contributes to numerous skin diseases most of which are communicable and can be completely eradicated with proper facilities.
- C. Running Water - No family unit has running water. Water is stored in surplus metal ammunition containers or other unsanitary containers which increases the likelihood of water borne diseases affecting the residences of this area.

The above problems are all related to the lack of water and adequate housing facilities. The families living in this area would certainly benefit in the health and spiritual needs to know that this land is there's and that help would be forthcoming as to permanent water and housing facilities if the land were theirs.



Joseph G. Ambessi, P.A.  
Pine Hill Health Center



UNITED STATES  
DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS  
Ramah Navajo Agency  
Ramah, New Mexico 87321

NOV 9 1979

Memorandum

To: Commissioner of Indian Affairs  
Attention: Frank Keel

From: Superintendent

Subject: 21 Section to be held in Trust for Band of Ramah Navajo

In response to your teletype of October 31, 1979, please find answers to your questions.

1. State range management program for best use of 21 sections.

These 21 sections are located within grazing units #4 and #5 on land classified as rangeland on which the primary use is the grazing of cattle and sheep. This area is characterized by both warm and cool season grasses with a scattering of pinon and juniper trees. Much of the area has been continuously grazed for the last ten years or longer and many of the desirable native plant species have decreased in number or been replaced by less desirable species such as rabbit brush, pingue, sage brush, and gutierrezia. Water for both human and livestock consumption comes from three windmills that serve an area of about 42 sq. miles. Much of the area is not fenced and livestock tend to congregate in areas on which forage is available. This forage is promptly overgrazed.

Specific land management program: Unit 5 and that portion of unit 4 that contains Bureau of Land Management Sections will be fenced to divide the area into four pastures. Two pastures will each contain 11 sections and two will contain ten sections. A total of 13 miles of fence will be constructed in FY-80 with labor supplied by the Ramah Navajo Chapter and materials supplied by the Bureau of Indian Affairs. This division will place each of the existing windmills in a different pasture with the fourth having no permanent water source. Two wells will be drilled each year and provided with a windmill and storage facilities beginning FY-80 starting with the pasture with no permanent water. This will continue until FY-83. At which time there should be sufficient water for stock water. These windmills will also provide water for human consumption. The four pastures will be grazed using a deferred grazing system. Each pasture will be grazed for a period of four months each year for three years and then rested the fourth.

The fall before a pasture is to be rested, the pasture will undergo extensive range improvement practices. Areas with sufficient existing forage will be pitted and seeded to native grasses, western wheatgrass, Indian ricegrass, sand dropseed, and sideoats grama. Some introduced species may also be planted, crested wheatgrass, pubescent wheatgrass, and intermediate wheatgrass. Since the year following the planting, is a "rest" year, the planted grasses will have a better chance for establishment. Areas with heavy stands of brush will be plowed and reseeded to native grasses. And all other necessary range management practices will be used.

2. Difficulty in acquiring easement.

Based on our investigation, there is no problem in that area in acquiring easements for roads, utilities, or fences. The property would not incur easement problems if it were to develop.

3. How will having these lands in Trust benefit the herds of the Band of Ramah Navajo.

Having the 21 sections in Trust will allow expenditure of Bureau of Indian Affairs funds for much needed range improvements. Improvements such as fencing will improve the quality of the livestock owned by the Ramah Navajos by, excluding poor quality bulls and rams from herds grazed in these areas, and by controlling the season of breeding and hence the seasoning of lambing and calving. The fencing will also control the duration season and intensity of grazing. This and other improvements such as brush control, range reseeding, and pitting improve the quality and quantity of the forage. With sufficient forage, the conception rate, the survival rate, and the market weight of the livestock will also be improved.

Through stockwater developments, proper distribution of livestock may be obtained. This may eventually allow an increase in livestock numbers.

4. Detailed rationale for any other reason the land should be transferred and why the Band should not have to purchase at fair market value.

With recent legislation being discussed as to vast amounts of BLM land reverted to state land causes us to again petition that this land, adjacent to the Ramah Navajo Reservation, be transferred to the Band of Ramah Navajo as opposed to some later date it being transferred to the state. It would be a great tragedy to see these lands reverted to public land when for so many years they have been utilized by the Band of Ramah Navajo.

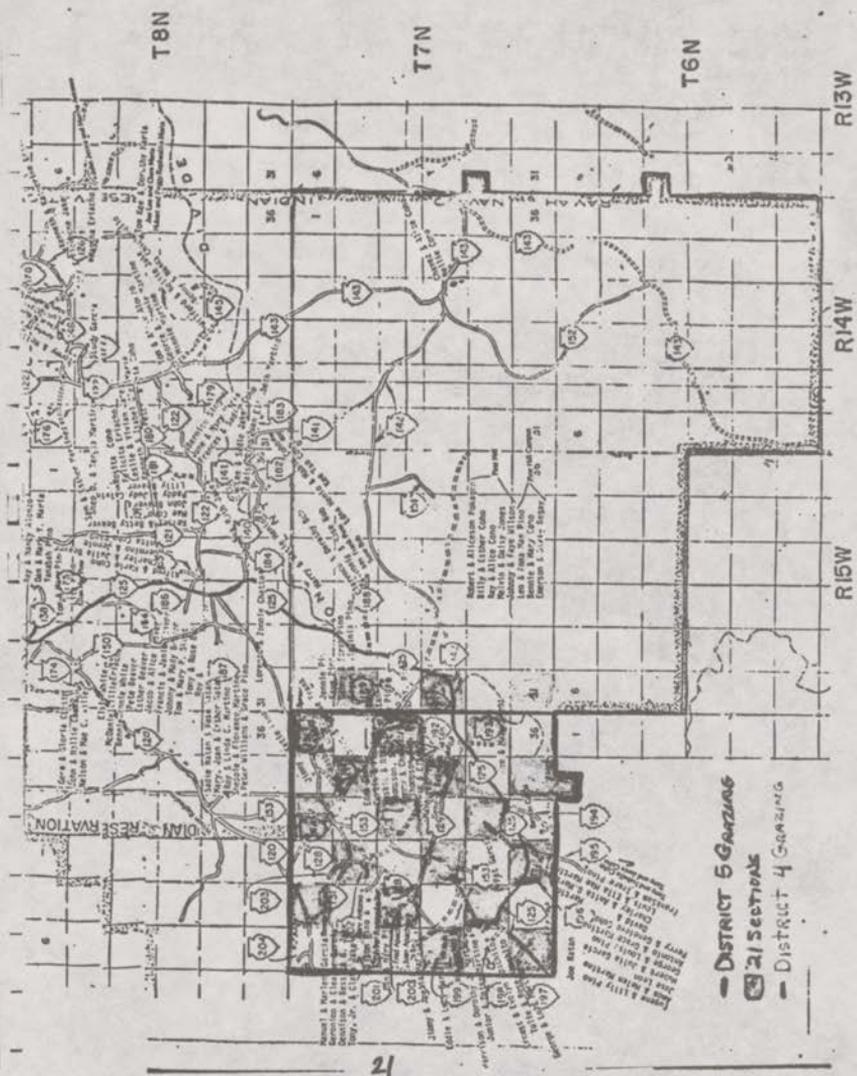
At present, there are a number of families residing on or in the area of BLM land that could conceivably be required to relocate if for some reason this land cannot be held in Trust for the Band of Ramah Navajo. Specifically, there are 66 families residing in this area. The total number of people in these families is 322. Also affected are the residents within grazing districts 4 and 5 who also would have vested

interest in this property being held in Trust as explained in the range management program. This number total 54 more families and 217 people.

The presiding presidency which makes up the legal officers of this area does not have the means for providing the money necessary to purchase this land at fair market price. If they were able to, I am sure it would have been done before. Unemployment rate is 65%, again pointing to the economical inability to secure this land by purchase.

If you have any questions concerning the above, please feel free to contact me at AC505 783-5709.

! ACTING *Richard J. Evans*  
Superintendent





United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D. C. 20245

RECEIVED

NOV 13 1979

RAMAH, N. MEX.

IN REPLY REFER TO:

Legislation-Code 120

NOV 8 1979

Memorandum

To: Albuquerque Area Director

From: Acting Deputy Commissioner

Subject: H. R. 5003 and S. 1730 - Bills "to declare that title to certain lands in the State of New Mexico are held in trust by the United States for the Ramah Band of Navajo Tribe."

In order to fully support the Ramah Band's desire to obtain the lands in question, we must have the following information as quickly as possible. Hearings on the subject bills have been tentatively set for mid-November.

Please supply the following:

1. Specifics of the program of land management and development that the Band has for making optimum use of the 21 sections which are the subject of the bills.
2. Specific examples of difficulties encountered in obtaining concurrences for easements and rights-of-way for roads and utilities through these lands.
3. Rationale as to how having these lands in trust will benefit the Band's herds, since they already use the lands for grazing.
4. Detailed rationale for any other reasons the lands should be transferred and why the Band shouldn't have to purchase the land at fair market value.

sl Sidney L. Miller

cc: Supt., Ramah-Navajo Agency  
Code 202 - Gordon



THE NAVAJO NATION

WINDOW ROCK, ARIZONA 86515

OCT 11 1979

PETER MACDONALD  
CHAIRMAN

Dear Congressman Udall:

House Bill, H.R. 5003, and Senate Bill, S. 1730, have been reintroduced this year requesting that title to certain land in the State of New Mexico be held in trust for the Ramah Band of the Navajo Tribe. These twenty-one sections, have nurtured the lives of the Ramah Navajo people for more than 100 years. This land has cradled their homes, fed their livestock, and is the domain of the elders and children.

As Chairman of the Navajo Nation, I wholeheartedly support and endorse this legislation which will transfer title to the Ramah Band of the Navajo Tribe. I seek your personal interest and support in legislating this just and rightful action,

Your support and interest in our many concerns is appreciated, now and in the future.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Peter MacDonald".

Peter MacDonald, Chairman  
Navajo Tribal Council

The Honorable Morris Udall  
Chairman, Committee on Interior  
and Insular Affairs  
U.S. House of Representatives  
Room 235, Cannon House Office Building  
Washington, D.C. 20515



THE NAVAJO NATION

WINDOW ROCK, ARIZONA 86515

OCT 11 1979

PETER MACDONALD  
CHAIRMAN

Dear Senator Melcher:

House Bill, H.R. 5003, and Senate Bill, S. 1730, have been reintroduced this year requesting that title to certain land in the State of New Mexico be held in trust for the Ramah Band of the Navajo Tribe. These twenty-one sections, have nurtured the lives of the Ramah Navajo people for more than 100 years. This land has cradled their homes, fed their livestock, and is the domain of the elders and children.

As Chairman of the Navajo Nation, I wholeheartedly support and endorse this legislation which will transfer title to the Ramah Band of the Navajo Tribe. I seek your personal interest and support in legislating this just and rightful action.

Your support and interest in our many concerns is appreciated, now and in the future.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Peter MacDonald".

Peter MacDonald, Chairman  
Navajo Tribal Council

The Honorable John Melcher  
Chairman, Select Committee  
on Indian Affairs  
United States Senate  
Room 440, Russell Senate Office Building  
Washington, D.C. 20515



## United States Department of the Interior

IN REPLY REFER TO

1750 (910)

BUREAU OF LAND MANAGEMENT  
 NEW MEXICO STATE OFFICE  
 P.O. BOX 1448  
 SANTA FE, NEW MEXICO 87501

100 - *map*  
 200 - *plb*  
 161 - *file*

October 4, 1979

Mr. Ralph Paisano, Superintendent  
 Ramah Navajo Agency  
 Ramah, NM 87321

Dear Mr. Paisano:

We have reviewed the Ramah Chapter request for our support of their proposed legislation to acquire title to PLO 2198 lands.

The Bureau of Land Management in New Mexico would not raise any objections to this legislation. All of the lands involved have been used by the Ramah Band and are administered by the Bureau of Indian Affairs under PLO 2198. The lands are not located adjacent to other public lands under Bureau of Land Management jurisdiction and management, and no significant resources have been identified that would require us to maintain them in public ownership. Although some coal has been identified, it is of such small quantity and covered with thick shale partings that we have determined that, under present conditions, it would not be economical to mine. Since no other minerals have been identified, we have no plans for these lands which would affect surface or sub-surface use or ownership.

Thank you for the opportunity to comment on this proposal.

*Betty M. Bandy*  
 Acting State Director

cc:  
 Albuquerque Area Director, BIA  
 Ramah Navajo Chapter  
 District Manager, NM-2

96TH CONGRESS  
1ST SESSION

# S. 1730

SEP 19 1979

AND A REGISTER'S OFFICE

To declare that title to certain lands in the State of New Mexico are held in trust by the United States for the Ramah Band of the Navajo Tribe.

## IN THE SENATE OF THE UNITED STATES

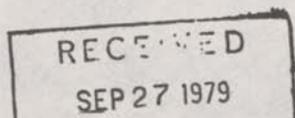
SEPTEMBER 10 (legislative day, JUNE 21), 1979

Mr. DOMENICI introduced the following bill; which was read twice and referred to the Select Committee on Indian Affairs

## A BILL

To declare that title to certain lands in the State of New Mexico are held in trust by the United States for the Ramah Band of the Navajo Tribe.

- 1 *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*  
 3 That on and after the date of the enactment of this Act, title  
 4 to the following described lands shall be held by the United  
 5 States in trust for the Ramah Band of the Navajo Tribe:  
 6 Township 7 north, range 15 west, New Mexico  
 7 principal meridian: sections 7, 19, and 31.



RECEIVED  
BUREAU OF INDIAN AFFAIRS  
ALBUQUERQUE AREA OFFICE  
SEP 21 1979  
RESOURCE DEV & PROTECTION

## 2

- 1            Township 7 north, range 16 west, New Mexico
- 2            principal meridian: sections 1, 3, 5, 7, 9, 11, 13, 15,
- 3            17, 19, 21, 23, 25, 27, 29, 31, 33, and 35.



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
ALBUQUERQUE AREA OFFICE  
P.O. BOX 8327  
ALBUQUERQUE, NEW MEXICO 87108

IN REPLY REFER TO:  
Tribal Operations

*100-400  
101-111*

SEP 17 1979

## Memorandum

To: Commissioner of Indian Affairs  
Attn: Congressional and Legislative Affairs - Code 120

From: Area Director

Subject: H. R. 5003

Please find enclosed comments submitted by the Superintendent, Ramah Navajo Agency, in response to your memorandum dated 8/27/79, requesting our views and comments on the H. R. 5003, a bill to declare that title to certain lands in the State of New Mexico are held in trust by the United States for the Ramah Band of the Navajo Tribe.

The Albuquerque Area Office also wholeheartedly endorses this measure.

*K. L. Payne*  
Area Director

Enclosure



*Save Energy and You Serve America!*

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
RAMAH NAVAJO  
RAMAH, NEW MEXICO 87321

SEP 10 1979

## Memorandum

To: Area Director, Albuquerque Area Office  
Attention: Tribal Operations

From: Superintendent

Subject: H.R. 5003

In response to your memorandum dated 8/31/79 regarding the subject bill, the following comments are submitted:

We are extremely delighted to see the introduction of this Bill into the U.S. House of Representatives and hopefully will gain passage in both Houses with favor.

Consistent efforts by the Ramah Navajo Community and the Ramah Navajo Agency have been underway for the last three years to enact legislation that will declare title to certain lands in New Mexico to the Ramah Band of the Navajo Tribe. It appears that our efforts may become a reality or we await the outcome with positive expectations.

*Ralph E. Prins*  
Superintendent

REPAISANO:bm1:9/10/79

cc: Agency Chrono  
President, Ramah Chapter  
Area Br. of Realty  
Agency Br. of Realty  
Jerry Pino, Navajo Tribal Delegate



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
ALBUQUERQUE AREA OFFICE  
P.O. BOX 8327  
ALBUQUERQUE, NEW MEXICO 87108

IN REPLY REFER TO:

Tribal Operations

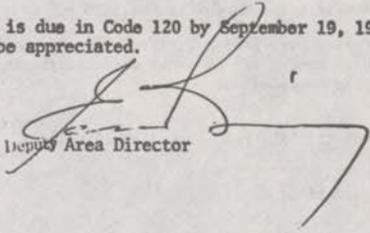
AUG 31 1979

Memorandum

To: Superintendent, Ramah Navajo Agency  
From: Area Director  
Subject: H.R. 5003

Enclosed for your review and comments is H.R. 5003, a bill to declare that title to certain lands in the State of New Mexico are held in trust by the U. S. for the Ramah Band of the Navajo Tribe.

The memorandum of views is due in Code 120 by September 19, 1979. An early response will be appreciated.

  
Acting Deputy Area Director

Enclosure



Save Energy and You Serve America!

RECEIVED  
SEP 05 1979  
BAAI -  
RAMAH  
HCA



## United States Department of the Interior

 BUREAU OF INDIAN AFFAIRS  
 WASHINGTON, D.C. 20245

*Albuquerque*  
*120*

 REFER TO  
 Station

August 27, 1979

## MEMORANDUM

 TO : CODE 200  
 Area Directors, Albuquerque, Navajo  
 FROM: Congressional and Legislative Affairs Staff

 We have been requested by the Legislative Counsel for our views on the following legislation:

H.R. 5003 - To declare that title to certain lands in the State of New Mexico are held in trust by the U. S. for the Ramah Band of the Navajo Tribe.

 The memorandum of views is due in Code 120 by COB: 9/19/79.

 The attached copy of the bill is the only one presently available. Additional copies are on order and distribution will be made when our supply is received.

 Copies of the bill have been distributed to:

Previous Legislation:

File References:

Similar or companion legislation this Congress:

Remarks:

 RECEIVED  
 AUG 31 '79  
 AREA DIRECTOR'S OFFICE

 AUG 31 1979  
 AREA DIRECTOR'S OFFICE

96TH CONGRESS  
1ST SESSION

# H. R. 5003

To declare that title to certain lands in the State of New Mexico are held in trust by the United States for the Ramah Band of the Navajo Tribe.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 27, 1979

Mr. RUNNELS (by request) introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

---

## A BILL

To declare that title to certain lands in the State of New Mexico are held in trust by the United States for the Ramah Band of the Navajo Tribe.

- 1        *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That on and after the date of the enactment of this Act, title  
4 to the following described lands shall be held by the United  
5 States in trust for the Ramah Band of the Navajo Tribe:  
6            Township 7 north, range 15, west, New Mexico  
7            principal meridian: sections 7, 19, and 31.

## 2

- 1 Township 7 north, range 16 west, New Mexico
- 2 principal meridian: sections 1, 3, 5, 7, 9, 11, 13, 15,
- 3 17, 19, 21, 23, 25, 27, 29, 31, 33, and 35.



## RAMAH NAVAJO CHAPTER

P. O. Box 308

RAMAH, NEW MEXICO 87321

August 24, 1979

The Honorable Harrison Schmitt  
 United States Senator  
 5229 Dirksen Office Building  
 Washington, D.C. 20510

Dear Senator Schmitt:

When Congress reconvenes, Congressman Harold Runnels (D) of New Mexico will be re-introducing the Ramah Navajo' piece of legislation in the House: If this piece of legislation is enacted, it will give the Ramah Navajos twenty-one sections of United States land--these sections are already located within the Southwest corner of their reservation. Likewise, Senator Pete Domenici (R) of New Mexico will re-introduce the aforesaid bill in the Senate.

Historically, the Ramah Navajos have lived in the vicinity of the aforementioned sections since they assisted the Zuni Indians' defense against Coronado in 1540. Specifically, the Ramah Navajos have lived on these twenty-one parcels of land since their long trek back from being held in captivity at Fort Sumner in 1868.

It should be stated that the Ramah Navajos have repeatedly tried to acquire these sections of land. However, their efforts have been vain endeavor. Once again, they are faced with an opportunity--a glimmer of hope--to possibly obtain these lands, but YOUR--all Gentlepersons of Congress--affirmative support is NEEDED.

Because the need to acquire the twenty-one sections of Federal land within the exterior boundaries of the Ramah Navajo Reservation in T17, R16W, N.W.P.M. is of vital importance to the Ramah Navajo people, we are submitting to you the following reasons to not only illustrate the singularity of the Ramah Navajos' request, but to also generate your support for the preceding request:

1. The Ramah Navajo Reservation is a satellite reservation: It is geographically separated from the Navajo Nation, and it exists in an area which has numerous and diverse land interests--"checker-board" arrangement.
2. In addition to being remotely situated, the Ramah Navajo reservation lacks many of the necessary resources which other fortunate communities are blessed with.
3. Because of the diversity of land interests, land consolidations are prevented; and these are necessary for optimum land management activities which require large continuous area.

Honorable Harrison Schmitt  
 August 24, 1979  
 Page 2

4. The development of needed roads, utilities, and other land related activities which involve easements and right of ways are severely hampered due to the difficulties in obtaining concurrences.
5. Because the economic conditions on the Ramah Navajo Reservation are the causes for high unemployment and low income, the Ramah Navajo peoples' dependence upon the lands for sustenance is greatly increasing.
6. The steady growth of the Ramah Navajo people is causing the present land base to decrease to the extent where it is becoming economically insufficient to sustain the community's governmental and domestic operations.
7. Farming and livestock operations comprise 80% of the Ramah Navajos' means of livelihood. However, their means have been hindered over the past number of years: Poor weather and poor range conditions have severely reduced the range capacities to where the survival of the aforesaid operations are difficult.
8. Since the Ramah Navajo Reservation lacks water, minerals and other natural resources, a need for additional lands which can partially offset the economic deprivation caused by these current deficiencies, has been created.
9. The acquisition of these sections of land would give credence to and affirm past Congressional attempts at recognizing the unique needs of the Native American people in their quest for economic survival.
10. The acquisition would further reinforce the intentions of a preceding Congressional enactment--P.L. 93-638, The Indian Self-Determination and Education Assistance Act: Your affirmative vote on the Ramah Navajos' bill and its subsequent enactment would give credence of your serious concern to aid the Native Americans in securing important steps in their drive for self-determination.
11. The acquisition would fulfill the Federal government's trust responsibility in protecting and preserving Native American lands and resources: ~~Presently, the twenty-one sections are already being held in trust for the Ramah Navajo people.~~

The preceding gives you a comprehensive perspective of the Ramah Navajos' need for the twenty-one sections of land, and it defines the singularity of their request. We realize at this point that some of you may still be hesitant to give your support to this bill because certain Indian tribes and Pueblos have

Honorable Harrison Schmitt  
August 24, 1979  
Page 3

Therefore, we should point out that the Ramah Navajos have not been a party to this situation. Furthermore, we would like your indulgence to permit us to furnish you with an abstract of the Bureau of Indian Affairs' Mineral Inventory Survey of the Ramah Navajo Reservation:

In cooperations with the Bureau of Mines and the Geological Survey, the Bureau of Indian Affairs is involved in making mineral inventory surveys on Indian reservations. This activity commenced in 1976, and it is still continuing until four phases are completed: The "Survey" will be composed of four phases:

Phase I of this "Survey" was conducted on the Ramah Navajo Reservation in November of 1976, and it was completed the same month. This phase consisted mainly of investigations into past geological studies of the area: These were studied to determine whether or not any previous possibilities of the existence of various mineral resources were ascertained on the Ramah Navajo reservation. Additionally, "Survey" personnel made on site visits to identify and assess the reservation and make recommendations for further studies to be incorporated in the next phase of the "Survey".

The results of this study were compiled into a report, and it-the report--was to the Ramah B.I.A. agency. From this report, the B.I.A. was given a strong indication which stressed that there was no significant existence of any minerals on the reservation. However, the report did state that there was a possibility of some existence on private lands adjacent to or within the reservation: The Ramah Navajo reservation is a checkerboard arrangement.

In May of 1979, Phase II of the "Survey" was conducted on the reservation, and it was completed in the following month. The activities of this phase centered on confirming Phase I on site findings and determining the necessity for further recommendations for Phase II of the "Survey".

Even though the final report of Phase III not been published yet, it can be said that the Ramah Navajos cannot expect any meaningful economic gain from minerals. Moreover, it should be stressed that the Ramah Navajos' mineral ownership (if there any any minerals) from past land acquisitions would only give them 30%--30% of nothing based on the aforementioned phases. Additionally, if the slight existence that was found on the private lands of the reservation should also be found on Ramah Navajo lands in later studies, its development costs would not be feasible, and this is based on expected production. Coupled with the preceding is the fact that a lack of locally trained manpower would offset any plan for minimum operational costs.

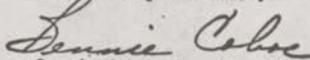
As you can see, the "mineral" argument cannot be applied to the Ramah Navajo situation: The Ramah Navajos' future plans for land use and land development--this includes the twenty-one sections in question--would have to be in developments other than mineral developments.

Honorable Harrison Schmitt  
August 24, 1979  
Page 4

Hopefully, the preceding rationale was sufficient to enlist your affirmative support for the Ramah Navajos' piece of legislation. Should you require additional information, do not hesitate to ask.

We look forward to seeing you resolve the Ramah Navajos' situation. We wish you and the great institution--The United States Congress--the best in the present and in the future.

Respectfully submitted,



Bennie Cohoe, President  
Ramah Navajo Community Chapter



## RAMAH NAVAJO CHAPTER

P. O. Box 308

RAMAH, New Mexico 87321

August 13, 1979

The Honorable Harold Runnels  
 Congressman - 20th District, New Mexico  
 1535 Longworth Building  
 Washington, D.C. 20510

Dear Mr. Runnels:

Enclosed, please find a photo-copy of my "Thank You" letter to your legislative coordinator, Mr. Larry Morgan. The Ramah Navajos are, indeed, grateful to him for his interest, assiduity, and prompt conduct in bringing their situation to your attention.

In my August 2nd letter to you, I mentioned that I would prepare and send you an "argumentative" letter which would provide the members of the Committee on Interior and Insular Affairs and the members of the House with a "comprehensive perspective of this most singular situation." Rather than sending the aforesaid letter to you, it has been suggested by Mr. Ralph E. Paisano, the local B.I.A. Superintendent, that I see you personally in Washington, D.C. to not only give you the aforementioned letter, but also to furnish you with a first-hand account of these unique people - the Ramah Navajos.

I am well aware of the fact that you are a very busy man; and I am cognizant of the pressing matters which confront you. But this bill is of vital importance to the two thousand individuals that comprise this satellite reservation: The passage of this bill will secure a most important step in the Ramah Navajos' quest for self-determination. Realizing that you are besieged by requests for personal appointments, I have enclosed a brief biographical sketch with some background on the type of individual that wishes to see you. I am not the type of Anglo who has come out to aid the Native Americans "a la" Marlon Brando or Jane Fonda.

As I explained in my letter to Mr. Morgan, I, too, will be vacationing during the last two weeks in August. I will be sailing off of the coast of the Canadian Maritime Provinces. Thereafter, I will be in Chicago, New York (City) and Washington, D.C. on Chapter business. Moreover, I will not return to the Ramah Navajo Reservation until the end of October. As a consequence, I will give you an address which will enable you to contact me as quickly as possible for the scheduling of an appointment: Jhn Crull, 645 Argyle Avenue, Flossmoor, Illinois 60422.

The Honorable Harold Runnels

August 13, 1979

Page 2

Mr. Runnels, I have one further request: When you re-introduce the Ramah Navajos' piece of legislation and the House has its hearing on this bill, I would very much appreciate it if you would notify my mentor, Mr. Bernie Coho, Ramah Navajo Chapter President. If need be, you may call him collect: 505-783-5801, Extension 238. I would very much like to see my mentor and his father, Mr. Chavez P. Coho, the man whose vision and insight has made the Ramah Navajo Reservation into what it is today and the man responsible for creating the first Native American controlled school, present in Washington, D.C. for this great occasion.

In closing, I look forward to hearing from you and seeing you in Washington, D.C. Wishing you the best, I remain

Yours sincerely,

Jân Crull  
Assistant to the Chapter President  
Ramah Navajo Chapter  
Ramah Navajo Reservation



## RAMAH NAVAJO CHAPTER

P. O. Box 308

RAMAH, New Mexico 87321

August 8, 1979

The Honorable Harrison Schmitt  
 United States Senator  
 5229 Dirksen Office Building  
 Washington, D.C. 20510

Dear Senator Schmitt:

I am writing to enlist your support for the Ramah Navajo Bill which will be re-introduced in the House by Congressman Harold Runnels (D) and Senator Pete Domenici (R) when Congress reconvenes in the Fall. Therefore, you will find certain items that may be useful to brief you on the aforesaid bill: Hopefully, the photo-copies of Mr. Bennie Cohoe's letter, Chairman MacDonald's letter to the late Senator Montoya, United States Department of the Interior-Office of Solicitor's memorandum, Mr. R. O. Buffington's (acting State Director-Bureau of Land Management) letter to the Albuquerque B.I.A. Area Director, S.2072--Mr. Domenici's initial introduction of our bill, H.R. 8533--Mr. Runnels' introduction of our bill, and H.R. 8318--Mr. Lujan's re-introduction of our bill on July 14, 1977, will give you an indication of how long the Ramah Navajos have been endeavoring to see their bill passed in Congress.

Because several Indian tribes and Pueblos have imposed additional requirements on the holders of Federal mineral leases on Indian lands in order to gain access to these lands, I realize that the political climate is not conducive for a bill which will bring about the transfer of certain Federal lands to an Indian tribe to be introduced. I should point that the Ramah Navajos have not been a party to this situation. It is for the preceding reason that Congressman Runnels will re-introduce the Ramah Navajos' bill. However, since many members of Congress are not aware of the aforementioned fact, I am preparing an "argumentative" letter which will provide the members with a comprehensive perspective of this most singular situation. Because the Ramah Navajo Experience and additional information cannot be fully conveyed in a single letter, I would like to meet with you in September (before the bill is re-introduced) to furnish you with my twelve point "argumentative" statement and a personal account of these unique people--the Ramah Navajos.

Letter to Honorable Harrison Schmitt  
August 8, 1979  
Page 2

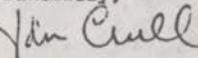
I am well aware of the fact that you are a very busy man; and I am cognizant of the pressing matters which confront you. But this bill is important to the two thousand individuals that comprise this satellite reservation: The passage of this bill will secure a most important step in the Ramah Navajos' quest for self-determination.

I will be taking a vacation which will commence in the middle of next week: I will be sailing for two weeks off of the coast of Nova Scotia. After the aforesaid holiday, I will be in Chicago, New York (City) and Washington, D. C. on Chapter business.

Furthermore, I will not return to the Ramah Navajo Reservation until the end of October. Consequently, I will provide you with an address which will enable you to contact me as quickly as possible for the scheduling of an appointment: Jân Crull, 645 Argyle Avenue, Flossmoor, Illinois 60422. Realizing that you are besieged by requests for personal appointments, I have enclosed a brief biographical sketch to give you some background on the type of individual that wishes to see you.

In closing, I look forward to hearing from you and working with you to see the Ramah Navajos' situation resolved. Wishing you the best. I remain

Sincerely,



Jân Crull  
Assistant to the Chapter President  
Ramah Navajo Chapter  
Ramah Navajo Reservation

JC: el

Enclosures

96TH CONGRESS  
1ST SESSION

# H. R. 5003

To declare that title to certain lands in the State of New Mexico are held in trust by the United States for the Ramah Band of the Navajo Tribe.

---

## IN THE HOUSE OF REPRESENTATIVES

JULY 27, 1979

Mr. RUNNELS (by request) introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

---

## A BILL

To declare that title to certain lands in the State of New Mexico are held in trust by the United States for the Ramah Band of the Navajo Tribe.

- 1        *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That on and after the date of the enactment of this Act, title  
4 to the following described lands shall be held by the United  
5 States in trust for the Ramah Band of the Navajo Tribe:  
6            Township 7 north, range 15 west, New Mexico  
7            principal meridian: sections 7, 19, and 31.



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
ALBUQUERQUE AREA OFFICE  
P. O. BOX 8327  
ALBUQUERQUE, NEW MEXICO 87108

200 002  
202-855  
401 File  
IN REPLY REFER TO:  
Real Estate Services

DEC 15 1978 RECEIVED

DEC 18 1978

RAMAH NA-  
RAMAH N. U.

Memorandum

To: Commissioner of Indian Affairs  
Attention: Congressional and Legislative Affairs Staff,  
Code 120

From: Area Director

Subject: Legislation Desired by Ramah Band of Navajo Tribe on  
21 Sections of Public Land

Enclosed, for information, is a copy of a letter dated November 29, 1978, to Senator Pete Domenici from the Ramah Navajo Chapter. Identical letters were also written to Senator Harrison Schmitt and Congressmen Harold Runnels and Manuel Lujan, requesting legislation to place in trust for the Ramah Navajos 21 sections of land used by the Ramahs.

In the event that you receive inquiries about the proposed legislation from any of New Mexico's Congressional delegates, for ready reference we enclose copies of some of the correspondence in past years on this matter. The November 29 letter to Senator Domenici does not describe the 21 sections about which it is written; however, it concerns the same land that was described in proposed legislation desired by the Ramah Navajos on this matter that was introduced in Congress in 1974, 1975 and 1977.

/s/ Roland E. Johnson

Deputy Area Director

Enclosures

cc: Office of Trust Responsibilities, Code 200 w/enclosures  
Superintendent, Ramah Navajo Agency

DECEMBER 31, 1978  
Package from AAO

November 29, 1978

Honorable Harold Runnels  
United States Congressman  
1535 Longworth Building  
Washington, D.C. 20510

Dear Mr. Runnels:

The Ramah Navajo people are again requesting your assistance in resolving a problem of Land Ownership within our Reservation area.

Located within the Southwest corner of the Ramah Navajo Reservation are 21 sections of United States land to which we wish to acquire title. The Ramah Navajo Lands are a checkerboard area similar to the area around Crownpoint, New Mexico, in the Eastern Navajo Agency. The 21 sections to which we wish to acquire title will consolidate our holdings in said area and prevent future and further encroachment of others upon our Indian holdings.

The Ramah Navajo Indians have lived and built their hogans on this land for at least the past 100 years and we feel that this land by right should belong to these people. Presently, the Ramah Navajo families that live on these 21 sections are unable to secure any kind of assistance from any major source, being that the Bureau of Land Management still has title to these lands. The present Ramah Navajo population consists of 1800 members. Our people grazes 600 head of cattle and 500 head of sheep. The individual holdings usually consist of only a few head of cattle and 50 to 100 head of sheep. This is the major source of income for most families and the average family income is under \$2,000 per year.

Persuant to paragraph 4 of Public Land Order 2198 of August 26, 1960, this land was withdrawn from all forms of appropriation under the Public Land Laws for Indian use in aid of proposed legislation. Said paragraph 4 of Order 2198 provides that pending the enactment of such proposed legislation, the Commissioner of Indian Affairs shall administer said land.

We are therefore requesting that you enter on our behalf, in the upcoming session of Congress, Legislation similar to Public Law 92-472, 92-488, 92-435 copies attached, conveying similar land areas to other Indian Tribes.

Letter to Honorable Harold Munnels  
Page Two  
November 29, 1978

We have contacted the State Office of Bureau of Land Management, Santa Fe, New Mexico, copies of letter attached; they will not raise any objection to this legislation.

In our previous requests to your office for assistance we have found you to be very fair and considerate of the Indian people and their problems. We are therefore hopeful that you will again consider our plight and make every effort to assist us in our present request.

Thank you.

*Bennie Cohoe*  
Bennie Cohoe, President  
Ramah Navajo Chapter  
Ramah Navajo Community

*Chavez P. Coho*  
Chavez P. Coho  
Tribal Council Delegate

cc: Albuquerque Area Office, Director  
Chapter Chrono file  
Special File  
Agency Chrono file  
Branch of Realty Chrono file  
John J. Cordova, Director

November 29, 1978

Honorable Manuel Lujan  
United State Congressman  
1323 Longworth Building  
Washington, D.C. 20515

Dear Mr. Lujan:

The Ramah Navajo people are again requesting your assistance in resolving a problem of Land Ownership within our Reservation area.

Located within the Southwest corner of the Ramah Navajo Reservation are 21 sections of United States land to which we wish to acquire title. The Ramah Navajo Lands are a checkerboard area similar to the area around Crownpoint, New Mexico, in the Eastern Navajo Agency. The 21 sections to which we wish to acquire title will consolidate our holdings in said area and prevent future and further encroachment of others upon our Indian holdings.

The Ramah Navajo Indians have lived and built their hogans on this land for at least the past 100 years and we feel that this land by right should belong to these people. Presently, the Ramah Navajo families that live on these 21 sections are unable to secure any kind of assistance from any major source, being that the Bureau of Land Management still has title to these lands. The present Ramah Navajo population consists of 1800 members. Our people grazes 600 head of cattle and 500 head of sheep. The individual holdings usually consist of only a few head of cattle and 50 to 100 head of sheep. This is the major source of income for most families and the average family income is under \$2,000 per year.

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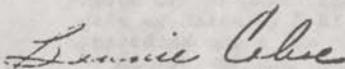
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Letter to Honorable Manuel Lujan  
Page Two  
November 29, 1978

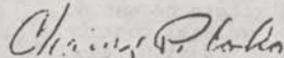
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Thank you.



Bennie Coho, President  
Ramah Navajo Chapter  
Ramah Navajo Community



Chavez P. Coho  
Tribal Council Delegate

cc: Albuquerque Area Office, Director  
Chapter Chrono file  
Special File  
Agency Chrono file  
Branch of Realty Chrono file  
John J. Cordova, Director

November 29, 1978

Honorable Harrison Schmitt  
United States Senator  
5229 Dirksen Office Building  
Washington, D.C. 20510

Dear Mr. Schmitt:

The Ramah Navajo people are again requesting your assistance in resolving a problem of Land Ownership within our Reservation area.

Located within the Southwest corner of the Ramah Navajo Reservation are 21 sections of United States land to which we wish to acquire title. The Ramah Navajo Lands are a checkerboard area similar to the area around Crownpoint, New Mexico, in the Eastern Navajo Agency. The 21 sections to which we wish to acquire title will consolidate our holdings in said area and prevent future and further encroachment of others upon our Indian holdings.

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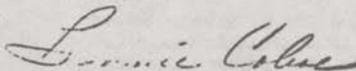
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Letter to Honorable Harrison Schmitt  
 Page Two  
 November 29, 1978

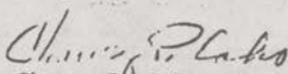
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Thank you.



Bennie Coho, President  
 Ramah Navajo Chapter  
 Ramah Navajo Community



Chavez B. Coho  
 Tribal Council Delegate

cc: Albuquerque Area Office, Director  
 Chapter Chrono file  
Special File  
 Agency Chrono file  
 Branch of Realty Chrono file  
 John J. Cordova, Director

November 29, 1978

Honorable Pete Domenici  
United States Senator  
1251 Dirksen Office Building  
Washington, D.C. 20510

Dear Mr. Domenici:

The Ramah Navajo people are again requesting your assistance in resolving a problem of Land Ownership within our Reservation area.

Located within the Southwest corner of the Ramah Navajo Reservation are 21 sections of United States land to which we wish to acquire title. The Ramah Navajo Lands are a checkerboard area similar to the area around Crownpoint, New Mexico, in the Eastern Navajo Agency. The 21 sections to which we wish to acquire title will consolidate our holdings in said area and prevent future and further encroachment of others upon our Indian holdings.

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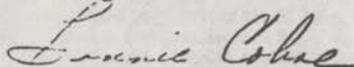
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Letter to Honorable Pete Domenici  
Page Two  
November 29, 1978

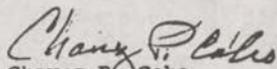
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Thank you.



Bonnie Coho, President  
Ramah Navajo Chapter  
Ramah Navajo Community



Chavez P. Coho  
Tribal Council Delegate

cc: Albuquerque Area Office, Director  
Chapter Chrono file  
Special File  
Agency Chrono file  
Branch of Realty Chrono file  
John J. Cordova, Director

200 RRC  
202 file

## RAMAH NAVAJO CHAPTER

P. O. Box 308  
RAMAH, NEW MEXICO 87321

Honorable Manuel Lujan  
House of Representatives  
Washington, D. C. 20515

Dear Mr. Lujan:

On behalf of the Band of the Ramah Navajo, I am seeking and soliciting your support to bring H.R. 8318 before the Interior and Insular Affairs Committee of the House.

As I am sure you are aware this particular bill is of great significant and importance to the Ramah Navajo.

If this bill is able to go before the committee, we would appreciate knowing the date it would be discussed, as we feel testimony from us could be of value to committee members.

Your attention and favorable consideration of this matter will be greatly appreciated.

Sincerely,

Bennie Cohoe  
President, Ramah Navajo Chapter

BCOHOE:amf 4/28/78

cc: Ramah Navajo Chapter  
file H.R. 8318

RECEIVED

AUG 18 1977

RAMAH NAVAJO  
AUG - 8 1977

Commissioner of Indian Affairs  
Attention: Legislative and Congressional Affairs Staff -  
Code 120  
Area Director - Navajo

*Rating*

Proposed Legislation - H.R. 8318

By memorandum dated July 27, 1977, you requested my views on the proposed legislation, "To declare that title to certain lands in the State of New Mexico are held in trust by the United States for the Ramah Band of the Navajo Tribe," H.R. 8318.

By identical letters to Senators Pete V. Domenici and Joseph Montoya and Congressman Harold L. Runnels and Manuel Lujan, Jr., early in 1975, Mr. Peter MacDonald, Chairman, Navajo Tribal Council, endorsed this proposed legislation to transfer title of twenty-one (21) sections of Federal land to the Ramah Band of Navajos. The Ramah Indians have used this land for many years. In view of the endorsement of the legislation by the Chairman, Navajo Tribal Council and the benefits to the Ramah Band, it is our recommendation that the lands be transferred to the Ramah Band of Navajos with the title held in trust by the United States Government.

/s/ JOHN A. BEWALTY

cc: Area Director - Albuquerque

RECEIVED  
BUREAU OF INDIAN AFFAIRS  
ALBUQUERQUE AREA OFFICE  
AUG 09 1977  
AREA DIRECTOR'S OFFICE

RECEIVED  
BUREAU OF INDIAN AFFAIRS  
ALBUQUERQUE AREA OFFICE  
AUG 10 1977  
RESOURCE DEV. & PROTECTION

RECEIVED  
AUG 11 1977  
Area Branch of  
Erad. Estate Services

95TH CONGRESS  
1ST SESSION

# H. R. 8318

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## IN THE HOUSE OF REPRESENTATIVES

JULY 14, 1977

Mr. LUJAN introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

---

### A BILL

To declare that title to certain lands in the State of New Mexico are held in trust by the United States for the Ramah Band of the Navajo Tribe.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That on and after the date of the enactment of this Act,  
4       title to the following described lands shall be held by the  
5       United States in trust for the Ramah Band of the Navajo  
6       Tribe:

7               Township 7 north, range 15 west, New Mexico  
8       principal meridian: sections 7, 19, and 31.

9               Township 7 north, range 16 west, New Mexico  
10       principal meridian: sections 1, 3, 5, 7, 9, 11, 13, 15,  
11       17, 19, 21, 23, 25, 27, 29, 31, 33, and 35.

I

station

MAY 28 1976

## Memorandum

To: Area Director, Navajo Area Office  
 From: Commissioner of Indian Affairs

Subject: H.R. 8533 and S. 2072 - bills to declare that title to certain lands in the State of New Mexico are held in trust by the United States for the Ramah Band of the Navajo Tribe.

H.R. 8533 and S. 2072 are identical bills which would declare that title to a certain 13,385.43 acres of public domain land in the State of New Mexico is held by the United States in trust for the Ramah Band of the Navajo Tribe.

At this point we are unsure of the Navajo Tribe's position on this legislation. On January 22, 1975, Chairman Peter MacDonald endorsed the legislation in a letter to Senator Joseph Montoya (copy enclosed). However, the following August, in response to an inquiry by the Acting Assistant Area Director of the Navajo Area Office, Mr. Lawrence A. Fuzow recommended, in behalf of the Navajo Nation, that the bill be amended to strike the words "the Ramah Band of" and to have the land hold by the United States in trust for the Navajo Nation.

We are advised by the Albuquerque Area Office that title to lands at Ramah, which were purchased with funds from the Navajo tribe, is held in trust for the Navajo tribe. However, many other parcels of land within the Ramah Reservation which were acquired by the Federal Government, are held in trust for the Ramah Band of the Navajo Tribe.

Please advise at the earliest opportunity as to the tribe's position on whether the legislation should provide for the lands to be held in trust for the Ramah Band or for the Navajo Tribe. Every effort should be made for the Tribe and the Band to be in agreement on this point.

## Enclosure

cc: Area Director, Albuquerque w/copy of encl.  
 Supt., Ramah-Navajo Agency w/copy of encl.  
 202 - Gordon w/copy of encl.  
 220 - w/copy of encl.  
 Surname; 120 chron; H.R. 8533 file w/copy of encl.  
 S. 2072 file w/copy of encl.; mailroom; hold copy  
 120:TSLeahy:pk:29:5/25/76

Commissioner

94TH CONGRESS  
1ST SESSION

# H. R. 8533

---

## IN THE HOUSE OF REPRESENTATIVES

JULY 10, 1975

Mr. RUNNELS introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

---

## A BILL

To declare that title to certain lands in the State of New Mexico are held in trust by the United States for the Ramah Band of the Navajo Tribe.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 That on and after the date of the enactment of this Act, title  
4 to the following described lands shall be held by the United  
5 States in trust for the Ramah Band of the Navajo Tribe:

6 Township 7 north, range 15 west, New Mexico  
7 principal meridian: sections 7, 19, and 31.

8 Township 7 north, range 16 west, New Mexico  
9 principal meridian: sections 1, 3, 5, 7, 9, 11, 13,  
10 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, and 35.

I

84TH CONGRESS  
1ST SESSION

# S. 2072

IN THE SENATE OF THE UNITED STATES

JULY 9 (legislative day, JULY 7), 1975

Mr. DOMENICI introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

## A BILL

To declare that title to certain lands in the State of New Mexico are held in trust by the United States for the Ramah Band of the Navajo Tribe.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 That on and after the date of the enactment of this Act, title  
4 to the following described lands shall be held by the United  
5 States in trust for the Ramah Band of the Navajo Tribe:

6 Township 7 north, range 15 west, New Mexico  
7 principal meridian: sections 7, 19, and 31.

8 Township 7 north, range 16 west, New Mexico  
9 principal meridian: sections 1, 3, 5, 7, 9, 11, 13, 15,  
10 17, 19, 21, 23, 25, 27, 29, 31, 33, and 35.

October 20, 1974

Honorable Joseph Manly  
 Room 5209, Hilton Building  
 Washington, D. C. 20520

Dear Senator Manly:

The people of Ranch Navajo are asking for your continued support for House Bill #15000 and Senate Bill 99110 if it were introduced in the next session of Congress. The Ranch Band of Navajo have lived, planted their livestock, built their homes and raised their families upon this land for more than 100 years and we feel the title to these lands should rightfully belong to the Ranch Band of Navajo. Anything you can do to get this legislation passed will certainly be appreciated by all the Ranch Navajo Chapter Members.

Sincerely yours,

---

Empley J. Fink  
 Chapter President

---

Ray D. Harkin  
 Chapter Vice President

---

Harold Corral  
 Chapter Secretary

---

Charles G. Cho  
 Council Delegate

cc:  
 R. M. Navajo Chapter File

Identical letters sent to:

Senator Peter Domenici  
Room 1251, Dirksen Building  
Washington, D. C. 20510

Congressman Harold Runnels  
Room 1728, Longworth Building  
Washington, D. C. 20515

Congressman Manuel Lujan  
Room 1323, Longworth Building  
Washington, D. C. 20515

93<sup>rd</sup> CONGRESS  
2<sup>d</sup> SESSION

# H. R. 15002

---

## IN THE HOUSE OF REPRESENTATIVES

MAY 23, 1974

Mr. LUJAN introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

---

## A BILL

To declare that title to certain lands in the State of New Mexico are held in trust by the United States for the Ramah Band of the Navajo Tribe.

1        *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That on and after the date of the enactment of this Act,  
4 title to the following described lands shall be held by the  
5 United States in trust for the Ramah Band of the Navajo  
6 Tribe:

7        Township 7 north, range 15 west, New Mexico  
8        principal meridian: sections 7, 19, and 31.

9        Township 7 north, range 16 west, New Mexico  
10       principal meridian: sections 1, 3, 5, 7, 9, 11, 13, 15,  
11       17, 19, 21, 23, 25, 27, 29, 31, 33, and 35.

I

RECEIVED

JUL 1 1974

RAMAH NAVAJO

95th CONGRESS  
2d Session

# S. 3368

## IN THE SENATE OF THE UNITED STATES

April 24, 1974

Mr. MONTOYA (for himself and Mr. DOMENICI) introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

## A BILL

To declare that title to certain lands in the State of New Mexico are held in trust by the United States for the Ramah Band of the Navajo Tribe.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That on and after the date of the enactment of this Act,  
4 title to the following described lands shall be held by the  
5 United States in trust for the Ramah Band of the Navajo  
6 Tribe:

7 Township 7 north, range 15 west, New Mexico  
8 principal meridian: sections 7, 19, and 31.  
9 Township 7 north, range 16 west, New Mexico  
10 principal meridian: sections 1, 3, 5, 7, 9, 11, 13, 15,  
11 17, 19, 21, 23, 25, 27, 29, 31, 33, and 35.

II

RECEIVED

MAY 13 '74

OFFICE - IAO-BIA

RECEIVED

MAY 7

IDENTICAL LETTERS TO:

Senator Pete V. Domenici  
 Congressman Harold L. Runnels  
 Congressman Manuel Lujan, Jr.

January 22, 1975

2-18-75

Dear Senator Montoya:

You have introduced legislation, House Bill No. 15002 and Senate Bill No. 3368, into Congress this year requesting the transfer of title of twenty-one (21) Sections of Federal Land to the Ramah Band of Navajo.

I hereby endorse this legislation. The Ramah Navajo people have lived, grazed their livestock, built their homes and raised their families upon this land for more than 100 years and the land should rightfully belong to them.

You have supported our many causes and we the Navajo people thank you.

Sincerely yours,

ISI PETER MacDONALD M/S

Peter MacDonald, Chairman  
 Navajo Tribal Council

The Honorable Joseph Montoya  
 Senator from New Mexico  
 Room 4107, Dirksen Office Building  
 Washington, D. C. 20510

PMacDONALD/apb:1/23/75w/Ramah Navajo Chapter  
 File/Chrono

## RAMAH NAVAJO CHAPTER

P. O. Box 308  
RAMAH, NEW MEXICO 87321

June 10, 1974

Honorable Joseph Montoya  
United States Senate  
Washington, D. C. 20515

Dear Senator Montoya:

The Ramah Navajo people request your support in placing Senate Bill S. 2050 on the Consent Docket for the end of this session.

If a Consent Docket is not formed to totally support your introducing the Bill immediately at the start of the next Congress.

We appreciate the support and interest you have given the Ramah Navajo people.

Sincerely,

*Dempsey J. Pina*

Dempsey J. Pina  
President, Ramah Navajo Chapter

Same letter sent to:  
Honorable Pete Domunici  
United States Senate  
Washington, D. C. 20515

cc: Asst. to the Secretary for Indian Affairs  
Washington, D. C. 20245  
Area Director, Albuquerque Area Office

Ramah Navajo Chapter  
Ramah Navajo Agency File

## RAMAH NAVAJO CHAPTER

P. O. Box 308  
RAMAH, NEW MEXICO 87321

November 13, 1974

Honorable Manuel Lujan  
House of Representatives  
Washington, D. C. 20515

Dear Mr. Lujan:

The Ramah Navajo people are anxious to see the enactment of House  
Bill H.R. 19602 to insure their continued use of the land.We request that you place this with piece of legislation on the  
consent docket at the end of this session.

Your understanding and support is appreciated.

Sincerely,

*Dempsey J. Pino*Dempsey J. Pino  
President, Ramah Navajo Chaptercc:  
Area Director, Albuquerque Area Office  
Ramah Navajo AgencySame letter sent to:  
Honorable Harold Runnels  
House of Representatives  
Washington, D. C. 20515

JOHN L. McELEAN, ARK., CHAIRMAN  
 JAMES B. MALCOLM, WASH.  
 JOHN C. STENNIS, MISS.  
 JOHN W. PATTON, N.J.  
 JAMES H. EAST, N.Y.  
 J. CLAYTON BURNETT, W. VA.  
 ALLAN W. HULL, N.Y.D.  
 CARL ALTON HALL, MISS.  
 GILBERT P. MATTHEWS, WIS.  
 PATRICK M. BOGERT, N. CAROL.  
 ARTHUR W. CRAWFORD, N. CAROL.  
 ROBERT F. ANDERSON, S.C.  
 RICHARD M. ROBERTS, IND.  
 DONALD W. RIEDEL, MISS.  
 MILTON R. YOUNG, N. D.  
 ROMAN L. Hruska, NEBR.  
 MORRIS COTTON, N.J.  
 CLIFFORD P. CASE, N.J.  
 HERMAN L. FONG, HAWAII  
 EDWARD W. BRODIE, NEBR.  
 MARK O. MATFIELD, OREG.  
 TED STEVENS, ALASKA  
 CHARLES McC. MATHIAS, JR., MD.  
 RICHARD S. SCHWEIKER, PA.  
 HENRY BELLMON, OKLA.

JAMES B. CALLOWAY  
 CHIEF COUNSEL AND STAFF DIRECTOR

## United States Senate

COMMITTEE ON APPROPRIATIONS  
 WASHINGTON, D.C. 20510

September 25, 1974

Dempsey J. Pino  
 Ramah Navajo Chapter  
 P. O. Box 308  
 Ramah, New Mexico 87321

Dear Mr. Pino:

Unfortunately, S. 3368 is still pending before the Senate Interior Committee. Hearings have not been held and, due to the extraordinary events of the past few months, it is doubtful that the Interior Committee will have a chance to consider the bill during this session of Congress.

I will, however, introduce the bill immediately at the start of the next Congress and will press the Chairman of the subcommittee to consider and report out the bill as early as possible.

Please be assured of my continuing interest and support for this proposal.

With best wishes, I am

Sincerely,

*Joseph M. Montoya*  
 Joseph M. Montoya  
 United States Senator

JMM/mdr

RAMAH NAVAJO CHAPTER

P. O. Box 308

RAMAH, NEW MEXICO 87321

August 27, 1974

Honorable Manuel Lujan  
House of Representatives  
Washington, D. C. 20515

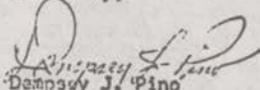
Dear Mr. Lujan:

Please advise the status of House Bill HR 15002.

The Ramah Navajo people are anxious to see the enactment of this Act to insure their continued use of the land.

Your understanding and support is appreciated.

Sincerely,

  
Dempsey J. Pino  
Chapter President

cc: Honorable Harold Runnels  
House of Representatives  
Washington, D. C. 20515

Ramah Navajo Agency File  
Albuquerque Area Office, Area Dir.

Real Property  
Management  
FILE COPY  
Surname

JUL 5 1974

Walker

AIRMAIL

Memorandum

To: Commissioner of Indian Affairs  
Attention: Division of Trust Services - Code 220 - Neil Walker

From: Area Director

Subject: Report on S. 3363 - A Bill re Land in New Mexico to be Held in Trust for the Ramah Band of Navajo Tribe

This is submitted in response to a telephone call on July 3 from Neil Walker asking for a report on Senate Bill 3363 - to declare that title to certain lands in the State of New Mexico are held in trust by the United States for the Ramah Band of the Navajo Tribe.

The proposed legislation covers twenty-one (21) odd-numbered sections of public land within Township 7 North, Ranges 15 and 16 West, N.M.P.M. in Valencia County, New Mexico, the locations of which are shown, in blue color, on the enclosed Ramah Navajo conveyance map. This land is in the southeast corner of the land area used by the Ramah Band of the Navajo Tribe. The area of the land proposed to be transferred in trust to the Ramah Band of Navajo Tribe is 29,803.69 acres. Enclosed is a list by sections and acreage of each section.

This land, among many other sections in New Mexico, were relinquished and conveyed to the United States in exchanges made pursuant to the Act of March 3, 1921 (41 Stat. 1223-1229).

Public Land Order 2103 of August 26, 1939 (copy enclosed), in sec. 4, temporarily withdrew said lands from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, for Indian use in aid of proposed legislation and of a land consolidation and exchange program to adjust Navajo Indian land matters in New Mexico. Pending enactment of such legislation, P.L. 2103 authorized the Commissioner of Indian Affairs to administer the land.

These 21 sections are used exclusively by the Ramah Navajos for livestock grazing and are an important part of their grazing area. The records of our office do not indicate that any complaints have been received from the Ramah Navajos about any trespass by non-Indians on these lands.

The Chapter officers of the Ramah Band of Navajo Tribe, in a letter dated April 9, 1973 to Congressman Lujan (copy enclosed), stated that the Ramah Navajos have lived and built their hogans on this land for at least the past one hundred years.

Enclosed is a copy of a resolution adopted on September 21, 1973 by the Ramah Chapter of Navajo Tribe asking that legislation be introduced in Congress to place these 21 sections of land in trust for the Ramah Navajos.

Enclosed is a letter dated February 6, 1973 to the Albuquerque Area Office from the Bureau of Land Management stating that it would have no objections to the legislation desired by the Ramah Navajos and that BLM had no management program or plans for these lands which would affect surface or subsurface use or ownership.

These 21 sections of public land are surrounded by lands which are either owned by the Navajo Tribe or are trust allotted lands of individual Ramah Navajos with the exception of fee land in sections 6 and 22 and land owned by the State of New Mexico in sections 8, 10, 22, 30 and part of 20, S. 7 E., R. 10 W. State sections 2 and 10, E. 7 N., R. 10 W. are leased by the Navajo Tribe for the Ramah. Also, the fee land in said sec. 22 is owned by a Ramah Navajo.

We are very much in favor of the enactment of this legislation.

(Sgd.) John E. Carver

Acting Assistant Area Director Economic Development

Enclosures

cc:   
 Supt., Ramah Navajo Agency

File R 307.1

BGCartick:fbh 7/5/74

JENNINGS RANDOLPH, W. VA., CHIEF  
 EDWARD H. ... JR., TEXAS  
 JAMES L. ...  
 ROBERT T. STAFFORD, WY.  
 WILLIAM L. SCOTT, VA.  
 JAMES A. ...  
 PETE V. DOMENICI, N. MEX.  
 M. GARRY MEYER, CHIEF COUNSEL AND CHIEF CLERK  
 BAILEY GUARD, MINORITY CLERK

## United States Senate

COMMITTEE ON PUBLIC WORKS  
 WASHINGTON, D.C. 20510

April 23, 1974

Honorable Dempsey J. Pino  
 President  
 Ramah Chapter of Navajo Tribe  
 P. O. Box 308  
 Ramah, New Mexico 87321

Dear President Pino:

You would be interested to know that today Senator Montoya and I have sponsored legislation which would transfer twenty-one sections of United States land under Public No. 2198., T7N, N.M.P.M. Section 7, 19, and 31. T7N, R16W, N.M.P.M. Section 1,3,5,7,9,11, 13,15,17,19,21,23,25,27,29,31,33, and 35. A copy of the bill is enclosed for your further information.

We are not planning to publicize this legislation inasmuch as it is highly possible the bill will be confused with the 70,000 acres that the Navajo people are requesting near Crownpoint, New Mexico.

The bill that we have introduced today will be referred to the Committee on the Interior. As soon as future action is considered, I will again contact you.

Kindest regards.

Sincerely,

  
 Pete V. Domenici  
 United States Senator

PVD/kes

Enclosure

CONGRESS

2d

SESSION

(Form—Fill in all blanks (even except those provided for by title, number, and reference of bill.)

IN THE SENATE OF THE UNITED STATES

\_\_\_\_\_  
 MONTROYA  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**A BILL**

To declare that title to certain lands in the State of New Mexico are held in trust by the United States for the Ramah Band of the Navajo Tribe.

(Insert title of bill here)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on and after the date of the enactment of this Act, title to the following described lands shall be held by the United States in trust for the Ramah Band of the Navajo Tribe:*

T.7N., R.15W., N.M.P.M.: sections 7, 19, and 31.

T.7N., R.16W., N.M.P.M.: sections 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, and 35.

March 27, 1974

Honorable Harold Runnels  
House of Representatives  
Washington, D. C. 20515

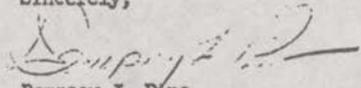
Dear Mr. Runnels:

It has been a while back since I have heard from you on our requested legislation of twenty-one (21) Sections of United States land under Public No. 2198., T7N, R15W, N.M.P.M. Sections 7,19, and 31. T7N, R16W, N.M.P.M. Sections 1,3,5,7,9,11,13,15,17,19,21,23,25,27,29,31,33, and 35.

This is not part of the 70,000 acres that the Big Navajo is inquiring about near Crampoint, New Mexico area. That is 110 miles away from them. These 21 Sections are right here within Ramah Navajo Community. These are now used/occupied by the Ramah Navajo people. I'll appreciate any and all exerted efforts from all concerned.

Many thanks to you.

Sincerely,



Dempsey J. Pino  
President, Ramah Navajo Chapter

DJPINO:scj 3/27/74

cc: Chrono Agency ✓  
Ramah Chapter

## RESOLUTION

At a duly called meeting of the Ramah Chapter of Navajo Tribe on the \_\_\_\_\_ day of SEPTEMBER, 1973, the following resolution was duly adopted:

## RECITALS

1. Pursuant to section 4 of Public Land Order 2198 of August 26, 1960, the following land of U. S. Government that is used by Ramah Navajos was withdrawn from all forms of appropriation under the Public Land laws for Indian use until legislation was enacted covering the permanent status of the land:

In T. 7 N., R. 15 W., N.M.P.M.: sections 7, 19 and 31

In T. 7 N., R. 16 W., N.M.P.M.: sections 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33 and 35.

2. The above-described federal land, totaling approximately 13,365 acres is used exclusively by Ramah Navajos for grazing livestock and for residential purposes.

3. The Bureau of Land Management, through its State Office in Santa Fe, has indicated in a letter dated February 6, 1973, to Bureau of Indian Affairs that it will not object to legislation to have title to this land in United States of America in trust for Ramah Navajos.

NOW THEREFORE, BE IT RESOLVED that the officials of the Ramah Chapter of Navajo Tribe are requested to contact the Senators and Congressmen from New Mexico with a request to have legislation introduced in Congress to place said lands in trust for the Ramah Navajos, and copies of this resolution and the letters shall be sent to the Bureau of Indian Affairs with a request for whatever assistance it can give on this matter.

Attest:

[Signature]

[Signature]  
Chapter President



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
ALBUQUERQUE AREA OFFICE  
P. O. BOX 9327  
ALBUQUERQUE, NEW MEXICO 87108

IN REPLY REFER TO:  
Real Property Mgmt.

SEP 12 1973

Memorandum

To: Superintendent, Ramah Navajo Agency

From: Area Director

Subject: Legislation desired by Ramah Navajos on public land in  
T. 7 N., Ranges 15 and 16 West

Recently Mr. Maxwell informed employees of our Branch of Real Property Management that the Ramah Navajos were anxious to have legislation introduced to place in trust for the Ramah Band of Navajo Tribe the public land in T. 7 N., Ranges 15 and 16 West that is now administered by the Bureau of Indian Affairs pursuant to Public Land Order No. 2198 of 1960.

Although the Ramah Chapter wrote to Congressman Lujan about this matter on April 3, 1973, so far as we can ascertain the desired legislation has not yet been introduced in Congress.

Enclosed, for your discussion with the Ramah Chapter officials, is a proposed resolution and suggested letters to Senator Montoya, Senator Domenici, Congressman Lujan and Congressman Runnels.

If the Ramah officials have their own letterhead and you need assistance with re-typing the letters on their letterhead, please let us know.

Also enclosed, for attaching to the letters, are copies of the map, legal description of the public lands at Ramah, Public Land Order 2198 and Bureau of Land Management letter of February 6, 1973.

*John E. ...*  
Acting Assistant Area Director (Natural Resources Protection)

Enclosures

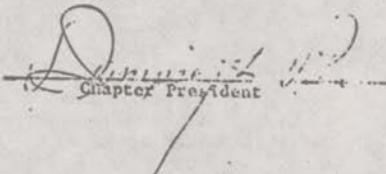
RECEIVED

SEP 11 1973

RAMAH: J  
BAM: ..

C E R T I F I C A T I O N

I, the undersigned, as Ramah Chapter President, hereby certify that the Ramah Navajo Council, at a duly called meeting, which was convened and held on SEPTEMBER 21, 1973, at the Ramah Chapter House, approved the foregoing resolution, a quorum being present, and that 26 voted for and 0 opposed.

  
Chapter President

Identical letters to be sent to:

Honorable Manuel Lujan  
House of Representatives  
Washington, D. C. 20515

Honorable Pete Domenici  
United States Senate  
Washington, D. C. 20510

Honorable Harold Runnels  
House of Representatives  
Washington, D. C. 20515

4/14/73

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
ALBUQUERQUE AREA OFFICE  
P. O. BOX 8327  
ALBUQUERQUE, NEW MEXICO 87104

Real Property Management

APR 18 1973

## Memorandum

To: Superintendent, Ramah Navajo Agency

From: Area Director

Subject: Proposed Legislation desired by Ramah Navajos on withdrawn public domain

Enclosed, in duplicate, is a copy of the February 8, 1973 letter to us from the State Office of Bureau of Land Management, in reply to our letter concerning 21 sections of public land in the Scaah Navajo community which pursuant to Public Land Order No. 2158, were temporarily withdrawn, in 1960, from all forms of appropriation under the public land laws for Indian use in aid of proposed legislation.

Do the Ramah Navajos plan to ask one of the New Mexico Senators or Congressmen to introduce the desired legislation to place these lands, totaling 13,385.43 acres, in trust for the Ramah Band of Navajo Tribe or do they wish the Central Office to try to get legislation introduced? It is suggested that you try to get a tribal council resolution setting out their plan or desires, and then we shall render whatever assistance we can in the matter.

*John E. Cannon*  
Area Director

Enclosure



*Navajo*

United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
STATE OFFICE  
P. O. Box 1449  
Santa Fe, New Mexico 87501

IN REPLY REFER TO  
1750 (930)  
*W.C.*

~~700~~  
700  
720  
*DA*

February 6, 1973

Area Director  
Bureau of Indian Affairs  
Albuquerque Area Office  
P. O. Box 8327  
Albuquerque, NM 87108

Dear Sir:

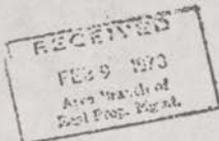
We have reviewed your letter of January 18, 1973, concerning proposed legislation for the Ramah Navajos.

The Bureau of Land Management in New Mexico would not raise any objections to this legislation. All the lands involved have been used by the Ramah Band and are administered by your agency under BLO 2198. We have no management program or plans for these lands which would affect surface or subsurface use or ownership.

Thank you for the opportunity to comment on this proposal.

Sincerely yours,

*R. O. Buffington*  
R. O. Buffington  
Acting State Director



RECEIVED

FEB 8 '73

Area Director's  
Office - AAO-BIA



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

ALBUQUERQUE AREA OFFICE  
P. O. BOX 8127  
ALBUQUERQUE, NEW MEXICO 87108

Form No. 64 (Rev. 1-25-60)

JAN 8 1973

Memorandum

To: Superintendent, Ramah Navajo Agency

From: Area Director

Subject: Government land used by Ramahs on which legislation is desired.

This is written in response to Mr. Baxter Deck's request to Mr. F. D. Shannon for information to use concerning legislation that the Ramah Navajos wish introduced in Congress concerning government land inter-sperated with tribal and allotted lands in the Ramah community.

By paragraph 4 of Public Land Order 2198 of August 26, 1960, a large acreage of public lands in New Mexico were temporarily withdrawn from all forms of appropriation under the public land laws for Indian use in aid of proposed legislation. Said paragraph 4 of Order 2198 provides that pending the enactment of such proposed legislation, the Commissioner of Indian Affairs shall administer said lands. Included in these lands were 21 sections of land described as sections 7, 19, and 31, T. 7 N., R. 15 W. and sections 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33 and 35, T. 7 N., R. 16 W., N.M.P.M., located in the Ramah community.

Enclosed is a list of the public lands at Ramah administered by the Bureau of Indian Affairs, showing the acreage of each section. The total area is 13,385.43 acres. Also, enclosed, for your records, is a copy of Public Land Order 2198, and Public Land Order 3460, which modified Public Land Order 2198 to permit leasing of the withdrawn lands in paragraph 4 of that Order under the mineral leasing act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181).

The above described 21 sections at Ramah are former railroad lands which were reconveyed to the United States of America in exchange.

RECEIVED

JAN 09 1973

RAMAH NAVAJO  
RAMAH, N. M.

It may expedite matters if a statement is obtained from the Bureau of Land Management in Santa Fe that it has no objection to legislation being introduced to place title to the land in trust for the Bush Band of Navajo Tribe. If the Romahs wish us to write to the State Director of Bureau of Land Management, please let us know and we shall be glad to do so.

*Edmund C. ...*  
Acting Assistant Area Director

Enclosures

CODE OF FEDERAL REGULATIONS  
TITLE 43--PUBLIC LANDS: INTERIOR

CHAPTER I--BUREAU OF LAND MANAGEMENT  
APPENDIX--PUBLIC LAND ORDERS

PUBLIC LAND ORDER 5050

(Revised 7-1-59)

NEW MEXICO

MODIFYING PUBLIC LAND ORDER NO. 7158 OF AUGUST 26, 1960 TO LIMIT

MINERAL LEASING

Public Land Order No. 2193 of August 26, 1960, so far as it withdrew in paragraph 4 thereof, about 241,807.89 acres of lands relinquished and reconveyed to the United States in exchanges made pursuant to the Act of March 3, 1921 (41 Stat. 1273-1239) is hereby modified to the extent necessary to permit leasing of the lands under the mineral leasing act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 131) as amended and supplemented. The lands are located in the following townships:

Land PLD 4593

New Mexico Principal Meridian

- T. 17 N., R. 5 W.,  
Tps. 17 and 18 N., R. 6 W.,  
Tps. 18, 19, and 20 N., R. 7 W.,  
Tps. 17, 18, 19, 20, and 21 N., R. 8 W.,  
Tps. 19 and 20 N., R. 9 W.,  
Tps. 20 and 21 N., R. 10 W.,  
Tps. 13, 15, 16, 17, and 21 N., R. 11 W.,  
Tps. 13, 19, 21 and 23 N., R. 12 W.,

Date Entered	11-2-64
Initials	
By	W. J. [Signature]
For	
Class	
Acres	
Section	
County	
State	

*2-20-64*  
*9-2-64*  
S/R  
OG  
TP  
16/29/64

Land Office - Santa Fe, New Mexico

sent to Fed. Sec.  
OCT 20 1964  
Richard B.

Mine 70442  
New Mexico

Tps. 17, 19, 21, 22, and 23 N., R. 13 W.,

T. 7 N., Rs. 15 and 16 W.,

T. 13 N., R. 17 W.,

Tps. 12 and 14 N., R. 13 W.,

Tps. 11, 14 and 15 N., R. 12 W.,

Tps. 11, 12, 13, 14 and 15 N., R. 20 W.,

Tps. 11, 12, 13, 14 and 15 N., R. 21 W.

Applications and offers received at or prior to 10:00 a.m. on NOV 25 1954 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico.

OCT 20 1953

(s) John A. Carver, Jr.  
Assistant Secretary of the Interior

the following-described lands, relinquished and reconveyed to the United States in exchanges made pursuant to the Act of March 3, 1921 (41 Stat. 1225-1226) and temporarily withdrawn from the public domain under the mining and land laws, including the mining and non-Indian land use in the Navajo Indian Reservation in New Mexico, pending enactment of such legislation, the Commissioner of Indian Affairs shall administer the lands:

NEW MEXICO PRINCIPAL MERIDIAN,  
New Mexico

- T. 2 N. R. 6 W.
- Sec. 1, 2, 11
- Sec. 11, NW 1/4
- Sec. 12
- Sec. 13, NE 1/4, NW 1/4
- Sec. 14, NE 1/4, NW 1/4
- Sec. 15, R. 6 W.
- Sec. 16, lots 1, 2, 3, 4, W 1/2 E 1/4 and W 1/2
- Sec. 17, lots 1, 2, 3, 4, W 1/2 E 1/4 and W 1/2
- Sec. 18, R. 6 W.
- Sec. 19, lots 1, 2, 3, 4, E 1/2 W 1/2 and W 1/2 SW 1/4
- Sec. 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
- Sec. 17, NE 1/4 and SW 1/4
- Sec. 18, NE 1/4 and SW 1/4
- Sec. 19, NE 1/4 and SW 1/4
- Sec. 20, NE 1/4 and SW 1/4
- Sec. 21, NE 1/4 and SW 1/4
- Sec. 22, NE 1/4 and SW 1/4
- Sec. 23, NE 1/4 and SW 1/4
- Sec. 24, NE 1/4 and SW 1/4
- Sec. 25, NE 1/4 and SW 1/4
- Sec. 26, NE 1/4 and SW 1/4
- Sec. 27, NE 1/4 and SW 1/4
- Sec. 28, NE 1/4 and SW 1/4
- Sec. 29, NE 1/4 and SW 1/4
- Sec. 30, NE 1/4 and SW 1/4
- Sec. 31, NE 1/4 and SW 1/4
- Sec. 32, NE 1/4 and SW 1/4
- Sec. 33, NE 1/4 and SW 1/4
- Sec. 34, NE 1/4 and SW 1/4
- Sec. 35, NE 1/4 and SW 1/4
- Sec. 36, NE 1/4 and SW 1/4
- Sec. 37, NE 1/4 and SW 1/4
- Sec. 38, NE 1/4 and SW 1/4
- Sec. 39, NE 1/4 and SW 1/4
- Sec. 40, NE 1/4 and SW 1/4
- Sec. 41, NE 1/4 and SW 1/4
- Sec. 42, NE 1/4 and SW 1/4
- Sec. 43, NE 1/4 and SW 1/4
- Sec. 44, NE 1/4 and SW 1/4
- Sec. 45, NE 1/4 and SW 1/4
- Sec. 46, NE 1/4 and SW 1/4
- Sec. 47, NE 1/4 and SW 1/4
- Sec. 48, NE 1/4 and SW 1/4
- Sec. 49, NE 1/4 and SW 1/4
- Sec. 50, NE 1/4 and SW 1/4
- Sec. 51, NE 1/4 and SW 1/4
- Sec. 52, NE 1/4 and SW 1/4
- Sec. 53, NE 1/4 and SW 1/4
- Sec. 54, NE 1/4 and SW 1/4
- Sec. 55, NE 1/4 and SW 1/4
- Sec. 56, NE 1/4 and SW 1/4
- Sec. 57, NE 1/4 and SW 1/4
- Sec. 58, NE 1/4 and SW 1/4
- Sec. 59, NE 1/4 and SW 1/4
- Sec. 60, NE 1/4 and SW 1/4
- Sec. 61, NE 1/4 and SW 1/4
- Sec. 62, NE 1/4 and SW 1/4
- Sec. 63, NE 1/4 and SW 1/4
- Sec. 64, NE 1/4 and SW 1/4
- Sec. 65, NE 1/4 and SW 1/4
- Sec. 66, NE 1/4 and SW 1/4
- Sec. 67, NE 1/4 and SW 1/4
- Sec. 68, NE 1/4 and SW 1/4
- Sec. 69, NE 1/4 and SW 1/4
- Sec. 70, NE 1/4 and SW 1/4
- Sec. 71, NE 1/4 and SW 1/4
- Sec. 72, NE 1/4 and SW 1/4
- Sec. 73, NE 1/4 and SW 1/4
- Sec. 74, NE 1/4 and SW 1/4
- Sec. 75, NE 1/4 and SW 1/4
- Sec. 76, NE 1/4 and SW 1/4
- Sec. 77, NE 1/4 and SW 1/4
- Sec. 78, NE 1/4 and SW 1/4
- Sec. 79, NE 1/4 and SW 1/4
- Sec. 80, NE 1/4 and SW 1/4
- Sec. 81, NE 1/4 and SW 1/4
- Sec. 82, NE 1/4 and SW 1/4
- Sec. 83, NE 1/4 and SW 1/4
- Sec. 84, NE 1/4 and SW 1/4
- Sec. 85, NE 1/4 and SW 1/4
- Sec. 86, NE 1/4 and SW 1/4
- Sec. 87, NE 1/4 and SW 1/4
- Sec. 88, NE 1/4 and SW 1/4
- Sec. 89, NE 1/4 and SW 1/4
- Sec. 90, NE 1/4 and SW 1/4
- Sec. 91, NE 1/4 and SW 1/4
- Sec. 92, NE 1/4 and SW 1/4
- Sec. 93, NE 1/4 and SW 1/4
- Sec. 94, NE 1/4 and SW 1/4
- Sec. 95, NE 1/4 and SW 1/4
- Sec. 96, NE 1/4 and SW 1/4
- Sec. 97, NE 1/4 and SW 1/4
- Sec. 98, NE 1/4 and SW 1/4
- Sec. 99, NE 1/4 and SW 1/4
- Sec. 100, NE 1/4 and SW 1/4

- T. 20 N. R. 10 W.
- Sec. 1
- T. 21 N. R. 10 W.
- Sec. 1
- T. 22 N. R. 11 W.
- Sec. 1
- Sec. 3, lots 1 and 2, E 1/2 NE 1/4 and SW 1/4
- Sec. 11
- Sec. 12, S 1/2 NE 1/4, S 1/2 NW 1/4 and SW 1/4
- T. 12 N. R. 11 W.
- Secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13
- Sec. 19, SW 1/4
- Sec. 21
- Sec. 22, NW 1/4 and SW 1/4
- Secs. 25, 27, and 31
- T. 10 N. R. 11 W.
- Secs. 1, 2, 3, 7, and 9
- Sec. 11, NW 1/4 and SW 1/4
- Secs. 12, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, and 35
- T. 17 N. R. 11 W.
- Secs. 3, 5, 7, 9, 11, 13, and 15
- Sec. 17, NW 1/4 and SW 1/4
- Secs. 19, 21, 23, 25, 27, 29, 31, 33, and 35
- T. 21 N. R. 11 W.
- Secs. 5 and 7
- T. 18 N. R. 12 W.
- Sec. 3, E 1/2 and SW 1/4
- Secs. 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, and 35
- T. 10 N. R. 12 W.
- Sec. 1
- Sec. 2, NE 1/4 and SW 1/4
- Secs. 5 and 7
- Sec. 9, NW 1/4 and SW 1/4
- Secs. 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, and 35
- Sec. 33, SW 1/4
- Sec. 35
- T. 21 N. R. 12 W.
- Sec. 1
- T. 22 N. R. 12 W.
- Secs. 3, 5, 7, 9, 11, 13, and 15
- Sec. 17, NW 1/4 and SW 1/4
- Secs. 19, 21, 23, 25, 27, 29, 31, 33, and 35
- T. 19 N. R. 12 W.
- Sec. 1
- Sec. 2, E 1/2
- Sec. 5, W 1/2 and SW 1/4
- Sec. 7, 9, 11, 13, and 15
- Sec. 17, NE 1/4 and SW 1/4
- Secs. 19, 21, 23, 25, 27, 29, 31, 33, and 35
- T. 19 N. R. 13 W.
- Secs. 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, and 33
- T. 21 N. R. 13 W.
- Secs. 3, 5, 7, 9, 11, 13, and 15
- Sec. 17, NE 1/4 and SW 1/4
- Secs. 19, 21, 23, 25, 27, and 29
- Sec. 31, NW 1/4 and SW 1/4
- Secs. 33 and 35
- T. 22 N. R. 13 W.
- Sec. 1, NW 1/4
- Sec. 3, SW 1/4
- Sec. 5
- Sec. 7, lots 3 and 4, E 1/2 SW 1/4 and SW 1/4
- Sec. 9, NE 1/4
- Sec. 11, NW 1/4 and SW 1/4
- Sec. 13, NE 1/4
- Sec. 15, NE 1/4
- Sec. 17 and 19
- Sec. 21, NE 1/4 and SW 1/4
- Sec. 23, SW 1/4
- Sec. 25
- Sec. 27, lots 1, 3, and 5, E 1/2 NW 1/4, NE 1/4, SW 1/4, and SW 1/4
- Secs. 29 and 31
- T. 23 N. R. 13 W.
- Sec. 21, SW 1/4
- T. 7 N. R. 14 W.
- Secs. 7, 10, and 31
- T. 7 N. R. 10 W.
- Secs. 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, and 35
- T. 13 N. R. 17 W.
- Sec. 3, lots 1, 2, 3, and 4, W 1/2 W 1/4
- Sec. 5, S 1/2 NE 1/4 and SW 1/4
- Sec. 9, S 1/2, N 1/2 NW 1/4, and E 1/2 SW 1/4

- T. 13 N. R. 18 W.
- Sec. 1
- Sec. 2, lots 1 and 2, S 1/2 NE 1/4 and SW 1/4
- Sec. 11, NW 1/4 and SW 1/4
- Sec. 13
- Sec. 14, N 1/2 NW 1/4 and SW 1/4
- Sec. 23
- Sec. 25, NW 1/4 and SW 1/4
- Sec. 27, NW 1/4 and SW 1/4
- Sec. 35
- T. 14 N. R. 18 W.
- Sec. 1
- Sec. 2, SW 1/4
- Secs. 7, 9, 11, and 13
- Sec. 15, NW 1/4 and SW 1/4
- Sec. 17
- Sec. 19, SW 1/4
- Sec. 21, W 1/2 and SW 1/4
- Secs. 23, 25, and 27
- Sec. 29, NE 1/4 and SW 1/4
- Sec. 31
- Sec. 33, NE 1/4 and SW 1/4
- T. 11 N. R. 19 W.
- Sec. 3, lots 1, 2, 3, 4, SE 1/4 NE 1/4, NW 1/4 SW 1/4, S 1/2 SW 1/4, and SW 1/4
- Secs. 5 and 7
- T. 14 N. R. 19 W.
- Sec. 1, SW 1/4
- Secs. 3 and 5
- Sec. 7, lots 3 and 4, E 1/2 SW 1/4 and SW 1/4
- Sec. 9, W 1/2 SW 1/4 and W 1/2
- Sec. 11 and 13
- Sec. 15, W 1/2 SW 1/4
- Sec. 17, NE 1/4 and SW 1/4
- Sec. 19, lots 3 and 4, E 1/2 SW 1/4 and SW 1/4
- Secs. 21, 23, 25, and 27
- Sec. 29, NE 1/4 and SW 1/4
- Secs. 31, 33, and 35
- T. 15 N. R. 19 W.
- Sec. 7, lots 1 and 2, E 1/2 NW 1/4 and SW 1/4
- Sec. 17, W 1/2 NW 1/4
- T. 11 N. R. 20 W.
- Sec. 1
- Sec. 2, lots 1 and 2, E 1/2 NE 1/4 and SW 1/4
- Secs. 5, 7, 9, 11, 13, 15, and 17
- T. 12 N. R. 20 W.
- Secs. 20 and 22
- T. 13 N. R. 20 W.
- Sec. 1
- Sec. 3, lots 1, 6 1/2 NE 1/4, SW 1/4 NW 1/4, and SW 1/4
- Secs. 5, 7, 9, 11, 13, and 15
- Sec. 17, NE 1/4 and SW 1/4
- Sec. 19, NW 1/4 and SW 1/4
- Sec. 21, NW 1/4 and SW 1/4
- Sec. 23, NW 1/4 and SW 1/4
- Sec. 25, NW 1/4 and SW 1/4
- Sec. 27, 1/2, NW 1/4, SW 1/4 NW 1/4, and SW 1/4 SW 1/4
- Sec. 29
- T. 14 N. R. 20 W.
- Sec. 3, less rights-of-way AT&SF Ry. and Federal Aid Project FAP 76-D
- Sec. 5
- Sec. 7, less R/W AT&SF Ry. and Manuquito Pipeline
- Sec. 9, less R/W AT&SF Ry.
- Sec. 11
- Sec. 13, W 1/2
- Sec. 15, less R/W and Federal Aid Project FAP 76-D
- Sec. 17, less R/W AT&SF Ry., FAP 76-D and Manuquito Pipeline
- Sec. 19, less R/W AT&SF Ry., Station Grounds, FAP 76-D, and Manuquito Pipeline
- Sec. 21
- Sec. 23, W 1/2, E 1/4 and W 1/2
- Secs. 25 and 27
- Sec. 29, NE 1/4 and SW 1/4
- Sec. 31, less R/W AT&SF Ry., FAP 76-D
- Sec. 33, E 1/2 and W 1/2 W 1/4
- Sec. 35

*Page*

*and*

Sections 15, 17, and 31;  
 AT&SF Ry. Manualite

through 6, Incl. S $\frac{1}{2}$ NE $\frac{1}{4}$  and

and 4, E $\frac{1}{2}$ .

through 6, Incl. S $\frac{1}{2}$ NE $\frac{1}{4}$  and

and 4, E $\frac{1}{2}$ ;

and 4, E $\frac{1}{2}$ ;

AT&SF Ry. MAP 70-D;

SW $\frac{1}{4}$  NW $\frac{1}{4}$ , NW $\frac{1}{4}$  NW $\frac{1}{4}$ , S $\frac{1}{2}$  NW $\frac{1}{4}$ ;

less N/W MAP 70-D;

and 4;

and 4;

SW $\frac{1}{4}$  NW $\frac{1}{4}$ , NW $\frac{1}{4}$  NW $\frac{1}{4}$ , S $\frac{1}{2}$  NW $\frac{1}{4}$ ;

and 4;

and 4;

and 4;

and 4;

Sections described aggregate 241.

of the lands described in  
 of this order were declared  
 of August 13, 1943 (63 Stat.  
 U.S.C. 622), to be held by the  
 in trust for the respective  
 lands, or groups of Indians  
 occupying and using them. The remainder  
 by the said Act declared to be pub-  
 domain. As authorized by the said  
 Act, an order of the Secretary of the  
 Interior appearing at pages 1851-1859 of  
 the Federal Register of March 31, 1950,

identified in in sep-  
 "ve" catalogs. The public domain  
 lands were opened by a Bureau of Land  
 Management order of November 13, 1923  
 (13 P.L.R. 7496-7497).

6. The lands in the withdrawal of July  
 8, 1931, described in paragraph 3 of this  
 order have been included in other orders  
 of revocation or have been otherwise dis-  
 posed of, with the exception of the  
 following-described lands:

T. 2 N., R. 6 W.,  
 Sec. 6, lot 3 and 6E $\frac{1}{2}$  NW $\frac{1}{4}$ .

7. The lands withdrawn by paragraph  
 4 of this order are all within the revoca-  
 tion made by paragraph 1. The ob-  
 jective of paragraph 4 of this order is  
 to establish for ready reference the lands  
 still remaining in the withdrawal  
 created by the order of September 1,  
 1933, and to establish with certainty,  
 without reference to other sources, the  
 identity of those lands, at the same time  
 releasing from the withdrawal made  
 by the order of September 1, 1933, all  
 lands now withdrawn for its pur-  
 poses, because disposed of by exchange  
 or otherwise.

8. Beginning at 10:00 a.m. on Octo-  
 ber 1, 1950, the lands in section 6, T. 2  
 N., R. 6 W., described in paragraph 6  
 of this order, shall be open to applica-  
 tion, petition, location and selection,  
 under applicable nonmineral public  
 land laws, subject to valid existing  
 rights, the requirements of applicable  
 law, and the six-months preference  
 right filing period granted to the State  
 of New Mexico, by subsection (c) of sec-  
 tion 2 of the act of August 27, 1950 (72  
 Stat. 928; 43 U.S.C. 851-2).

9. The lands described in paragraph  
 6 shall be open to location under the  
 United States mining laws and to applica-  
 tions and offers under the mineral  
 leasing laws at 10:00 a.m. on February 25,  
 1951. Mining locations made prior  
 thereto shall be invalid.

10. Inquiries concerning the lands  
 shall be addressed to the Manager, Land  
 Office, Bureau of Land Management,  
 Santa Fe, New Mexico.

ROGER EMMET,  
 Assistant Secretary of the Interior,  
 AUGUST 26, 1950.

[P.R. Doc. 60-8238; Filed, Sept. 2, 1950;  
 8:47 a.m.]

61657

184664

UTAH

Withdrawing Public Lands From Oil  
 and Gas Leasing for Preservation  
 and Development of Potash Deposits  
 Belonging to the United  
 States

By virtue of the authority vested in  
 the President and pursuant to Executive  
 Order No. 10353 of May 26, 1952, it is  
 ordered as follows:

1. The following described lands are  
 hereby withdrawn from appropriation  
 under the oil and gas leasing provisions  
 of the Mineral Leasing Act of February  
 25, 1920 (41 Stat. 437; 30 U.S.C. 161,  
 et seq.), as amended and supplemented  
 for the purpose of preservation and de-  
 velopment of potash deposits belonging  
 to the United States:

DALT LAKE PRINCIPAL MERIDIAN

T. 20 S., R. 20 E.,

Secs. 29 to 27, incl.;

Sec. 24, E $\frac{1}{2}$ ;

Secs. 25 and 26,

T. 27 S., R. 20 E.,

Sec. 1,

Sec. 2, lots 1, 2, 7, 8 and 5E $\frac{1}{2}$  NE $\frac{1}{4}$ ,

T. 20 S., R. 21 E.,

Secs. 30 to 32, incl.,

T. 27 S., R. 21 E.,

Secs. 4 to 8, incl.;

Sec. 7, lots 1 to 4, 10 $\frac{1}{2}$  and NE $\frac{1}{4}$ ;

Sec. 8, N $\frac{1}{2}$ ;

Sec. 9, N $\frac{1}{2}$ ;

The areas described aggregate ap-  
 proximately 11,128 acres, of which ap-  
 proximately 9,455 acres are public lands.

2. The withdrawal effected by this  
 order shall terminate ten years from and  
 after the date of the publication of this  
 order in the FEDERAL REGISTER unless it is  
 extended by an appropriate order of ex-  
 tension. Upon the termination of the  
 withdrawal, the lands shall remain sub-  
 ject to leasing for oil and gas develop-  
 ment purposes upon such terms and con-  
 ditions as the Secretary of the Interior  
 may specify in an order of opening, con-  
 sistent with the then existing law and  
 regulations.

ELMER P. BROWDER,  
 Under Secretary of the Interior,  
 AUGUST 23, 1950.

[P.R. Doc. 60-8239; Filed, Sept. 2, 1950;  
 8:47 a.m.]

25FR 8546-3  
 4-3-60

## APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2100]

[704497]

## ARIZONA AND NEW MEXICO

Revoking Departmental Orders of September 1, 1939, May 31, 1939, and July 8, 1931, Which Withdraw Lands for Indian Use in Aid of Proposed Legislation; Rewithdrawing Part of Released Lands for Indian Use

By virtue of the authority vested in the Secretary of the Interior by section 4 of the Act of March 3, 1927 (44 Stat. 1347; 25 U.S.C. 393d), it is ordered as follows:

1. The order of the Secretary of the Interior of September 1, 1939, so far as it withdrew for Indian use all lands relinquished and reconveyed to the United States in exchanges made pursuant to the Act of March 3, 1921 (41 Stat. 1225-1239), within the area in New Mexico embraced within departmental withdrawal of July 8, 1931, is hereby revoked.

2. The departmental order of May 31, 1939, withdrawing all public domain lands within the following-described areas, and all lands within these areas relinquished and reconveyed to the United States in exchanges made pursuant to the Act of March 3, 1921 (41 Stat. 1225-1239), in aid of proposed legislation to add such lands to contiguous Indian reservations, is hereby revoked:

## New Mexico Principal Meridian

T. 9 N., R. 1 W.,  
Secs. 4, 5, and 6.  
T. 10 N., R. 1 W., All.  
T. 11 N., R. 1 W.,  
Sec. 23, lots 3, 4, 5, 6, 7 and SW $\frac{1}{4}$ ;  
Sec. 23, lots 1, 2, 3, 4, and S $\frac{1}{2}$ ;  
Sec. 20, lots 1, 2, 3, 4, 5, 6, 8, E $\frac{1}{2}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ ;  
Sec. 31, All;  
Sec. 23, All;  
Sec. 23, lots 1, 2, 3, 4, NE $\frac{1}{4}$ NW $\frac{1}{4}$  and W $\frac{1}{2}$ W $\frac{1}{2}$ ;  
T. 9 N., R. 2 W., All.  
T. 10 N., R. 2 W., All.

Sec. 21, lots 1 and 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

3. The departmental order of July 8, 1931, withdrawing the unreserved and otherwise undisposed of lands in the following-described townships, in aid of legislation, is hereby revoked:

## New Mexico Principal Meridian, New Mexico

Ts. 9, 10, and 11 N., R. 2 W.  
Ts. 9, 10, 11, 12, and 13 N., R. 3 W.  
Ts. 9, 10, 11, and 12 N., R. 4 W., incl.  
Ts. 2 and 10 to 21 N., R. 5 W., incl.  
Ts. 2, 3, and 10 to 22 N., R. 6 W., incl.  
Ts. 2, 3, 4, and 17 to 23 N., R. 7 W., incl.  
Ts. 17 to 27 N., R. 8 W., incl.  
Ts. 17 to 28 N., R. 9 W., incl.  
Ts. 13 to 25 N., R. 10 W., incl.  
Ts. 13 to 26 N., R. 11 W., incl.  
Ts. 13 to 28 N., R. 12 W., incl.  
Ts. 14 to 28 N., R. 13 W., incl.  
(N $\frac{1}{2}$  T. 8 and all of Ts. 7 to 10 and 14 to 16)  
N., R. 14 W., incl.  
N $\frac{1}{2}$  T. 6 and all of Ts. 7 to 10 and 14 and 16  
N., R. 15 W., incl.  
Ts. 7, 8, 9, 10, 15, and 16 N., R. 16 W.  
Ts. 13 to 16 N., R. 17 W., incl.  
Ts. 12 to 16 N., R. 18 W., incl.  
Ts. 11 to 16 N., R. 19 W., incl.  
Ts. 11 to 16 N., R. 20 W., incl.  
Ts. 12 to 16 N., R. 21 W., incl.

## Gila and Salt River Meridian, Arizona

Ts. 20 and 21 N., R. 27 E.  
Ts. 10, 20, and 21 N., R. 28 E.  
Ts. 19 to 23 N., R. 29 E., incl.  
Ts. 19 to 23 N., R. 30 E., incl.  
Ts. 21, 22, and 23 N., R. 31 E.

The areas described approximate 4,000,000 acres.

4. Subject to valid rights existing on September 1, 1939, and duly maintained,



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF THE SOLICITOR

Federal Building  
1225 North 16th Street  
Albuquerque, N. M.  
October 14, 1960

MEMORANDUM

TO: Area Director, Bureau of Indian Affairs, Gallup  
Attention: Branch of Realty

FROM: Field Solicitor, Albuquerque

SUBJECT: Approval of rights-of-way over lands covered by Public  
Land Order 2198 (August 26, 1960)

By your memorandum of October 11, you request an opinion of this office relative to the proper agency to grant rights-of-way over the lands covered by Paragraph 4 of Public Land Order 2198.

By Paragraph 4 of Public Land Order 2198, approximately 242,000 acres of certain public lands in northwestern New Mexico are temporarily withdrawn from all forms of appropriation under the public land laws for Indian use in aid of proposed legislation. Said Paragraph 4 further provides that pending the enactment of such proposed legislation the Commissioner of Indian Affairs shall administer said lands.

Your memorandum points out that the Navajo Indian Agency Realty Officer has raised the question of the authority to grant rights-of-way over and across these lands. First, the Agency Realty Officer notes that rights-of-way over and across reconveyed railroad lands that were withdrawn under Departmental Order of September 1, 1939, have heretofore been approved by the Bureau of Land Management. Second, the Agency Realty Officer questions whether the language of Paragraph 4 of Public Land Order 2198 prohibits any and all appropriations of the land other than for Indian allotment exchanges.

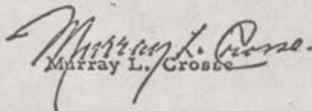
In answer to the Agency Realty Officer's question as to whether Public Land Order 2198 prohibits any appropriation whatsoever of these lands we note that the language of the order is as follows:

" . . . the following-described lands, . . .  
are hereby temporarily withdrawn from all  
forms of appropriation under the public land  
laws, including the mining and mineral  
leasing laws . . . ."

Ordinarily, the term "appropriation of land" designates a taking of private property for public use in the exercise of the power of eminent domain. (North Ward Co. v. Board of Street Commissioners, 104 NE 965) The term "appropriation of land" has also been defined as the act of selecting, the devoting or the setting apart of land for a particular use or purpose, as where land is appropriated for public buildings, military reservations or other public uses. (McSorley v. Hill, 27 Pac. 552)

However, Public Land Order 2198 specifically and expressly provides that the lands in question are withdrawn from all forms of appropriation under the public land laws and mining and mineral leasing laws. It is our opinion that the term "appropriation" as used in Public Land Order 2198 relates only to appropriations under the public land and public mineral leasing laws but would not prohibit the issuance or granting of rights-of-way or easements upon proper application and regulations of the Department.

As to the question of the proper agency to issue or grant rights-of-way over and across the lands subject to Paragraph 4 of Public Land Order 2198, it is to be noted that said order expressly provides for the administration of said lands by the Commissioner of Indian Affairs. The regulations governing the granting and issuance of rights-of-way over Indian lands are contained in Part 161 of the Code of Federal Regulations. Included in the categories of restricted lands subject to the regulations contained in Part 161 of the Code of Federal Regulations are "other lands acquired or set aside by the United States for the use and benefit of Indians" (25 CFR 161.1/h/5/). It is our opinion, therefore, that by virtue of the provision in Paragraph 4 of Public Land Order 2198 providing for the administration of such lands for Indian use by the Commissioner of Indian Affairs and the inclusion of such lands in the regulations governing the granting of rights-of-way over and across restricted Indian lands as noted above, the proper agency to administer the granting of rights-of-way over said lands is the Bureau of Indian Affairs.

  
Murray L. Cross

cc: Reg. Sol., Denver  
Assoc. Sol., IA  
Supt., Navajo Agency (thru Area Office)

## APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2199]

[704497]

## ARIZONA AND NEW MEXICO

Revoking Departmental Orders of September 1, 1939, May 31, 1939, and July 8, 1931, Which Withdraw Lands for Indian Use in Aid of Proposed Legislation; Rewithdrawing Part of Released Lands for Indian Use

By virtue of the authority vested in the Secretary of the Interior by section 4 of the Act of March 3, 1927 (44 Stat. 1547; 25 U.S.C. 398d), it is ordered as follows:

1. The order of the Secretary of the Interior of September 1, 1939, so far as it withdrew for Indian use all lands relinquished and reconveyed to the United States in exchanges made pursuant to the Act of March 3, 1921 (41 Stat. 1225-1239), within the area in New Mexico embraced within departmental withdrawal of July 8, 1931, is hereby revoked.

2. The departmental order of May 31, 1939, withdrawing all public domain lands within the following-described areas, and all lands within these areas relinquished and reconveyed to the United States in exchanges made pursuant to the Act of March 3, 1921 (41 Stat. 1225-1239), in aid of proposed legislation to add such lands to contiguous Indian reservations, is hereby revoked:

## NEW MEXICO PRINCIPAL MERIDIAN

T. 9 N., R. 1 W.,  
Secs. 4, 5, and 6.  
T. 10 N., R. 1 W., All.  
T. 11 N., R. 1 W.,  
Sec. 29, lots 3, 4, 5, 6, 7 and 8W $\frac{1}{2}$ ;  
Sec. 29, lots 1, 2, 3, 4, and 5 $\frac{1}{2}$ ;  
Sec. 30, lots 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Sec. 20, lots 1 and 2;  
Sec. 21, lots 1, 2, 3, 4, 8 $\frac{1}{2}$ SW $\frac{1}{4}$  and 8E $\frac{1}{4}$ ;  
Sec. 22, lots 3, 4 and 5;  
Sec. 27, lots 1, 2, 3 and 4;  
Sec. 29, All;  
Sec. 29, lots 1, 2, NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$  and SW $\frac{1}{4}$ ;  
Sec. 30, lots 1, 2, 3, 4, N $\frac{1}{2}$ SE $\frac{1}{4}$  and SE $\frac{1}{4}$ ;  
Sec. 31, lots 1, 2, 3, 4 and E $\frac{1}{2}$ E $\frac{1}{2}$ ;  
Sec. 32, All;  
Sec. 33, All;  
Sec. 34, lots 1, 2, 3 and 4.  
T. 9 N., R. 3 W., All.  
T. 10 N., R. 3 W., All.  
T. 11 N., R. 3 W., All.  
T. 12 N., R. 3 W., All.  
T. 11 N., R. 4 W.,  
Sec. 1, lots 1, 2, 3, 4, 5, 8 $\frac{1}{2}$ NE $\frac{1}{4}$  and 8E $\frac{1}{4}$ ;  
Sec. 12, lots 1, 2, 3, 4, NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
E $\frac{1}{2}$ W $\frac{1}{2}$  and 6E $\frac{1}{4}$ ;  
Sec. 13, lots 1, 2, 3, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$  and  
SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 14, lot 1;  
Sec. 23, lots 1, 2, 3, 4 and 5;  
Sec. 24, lots 1, 2, 3, 4 and N $\frac{1}{2}$ N $\frac{1}{2}$ ;  
T. 12 N., R. 4 W.,  
Sec. 12, lots 1 and 2;  
Sec. 13, lots 1, 2, 3, 4 and 5;  
Sec. 24, lots 1, 2, 3, 4 and 5;  
Sec. 25, lots 1, 2, 3, 4 and 5;  
Sec. 36, lots 1, 2, 3, 4 and 5;  
T. 8 N., R. 16 W., W $\frac{1}{2}$ ;  
T. 8 N., R. 17 W., All.  
T. 8 N., R. 18 W., All.  
T. 8 N., R. 19 W., All.  
T. 10 N., R. 19 W., All.  
T. 11 N., R. 19 W., 8 $\frac{1}{2}$ ;  
T. 8 N., R. 20 W., All.  
T. 10 N., R. 20 W., All.  
T. 11 N., R. 20 W., S $\frac{1}{2}$ ;  
T. 8 N., R. 21 W., All.  
T. 9 N., R. 21 W., All.  
T. 10 N., R. 21 W., All.  
T. 11 N., R. 21 W., 5 $\frac{1}{2}$ ;

3. The departmental order of July 8, 1931, withdrawing the unreserved and otherwise undisposed of lands in the following-described townships, in aid of legislation, is hereby revoked:

## NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

Ts. 9, 10, and 11 N., R. 2 W.  
Ts. 9, 10, 11, 16, and 19 N., R. 3 W.  
Ts. 9, 10, 11, and 16 to 21 N., R. 4 W., incl.  
Ts. 2 and 16 to 21 N., R. 5 W., incl.  
Ts. 2, 3, and 10 to 22 N., R. 6 W., incl.  
Ts. 2, 3, 4, and 17 to 19 N., R. 7 W., incl.  
Ts. 17 to 27 N., R. 8 W., incl.  
Ts. 17 to 27 N., R. 9 W., incl.  
Ts. 13 to 23 N., R. 10 W., incl.  
Ts. 13 to 23 N., R. 11 W., incl.  
Ts. 13 to 23 N., R. 12 W., incl.  
Ts. 14 to 26 N., R. 13 W., incl.  
(N $\frac{1}{2}$ ), T. 8 and all of Ts. 7 to 10 and 14 to 17  
N., R. 14 W., incl.  
N $\frac{1}{2}$ , T. 6 and all of Ts. 7 to 10 and 16 and 16  
N., R. 15 W., incl.

Ts. 7, 8, 9, 10, 15, and 16 N., R. 16 W.  
Ts. 13 to 16 N., R. 17 W., incl.  
Ts. 12 to 19 N., R. 18 W., incl.  
Ts. 11 to 16 N., R. 19 W., incl.  
Ts. 11 to 16 N., R. 20 W., incl.  
Ts. 12 to 16 N., R. 21 W., incl.

## GILA AND SALT RIVER MERIDIAN, ARIZONA

Ts. 20 and 21 N., R. 27 E.  
Ts. 10, 20, and 21 N., R. 28 E.  
Ts. 19 to 23 N., R. 29 E., incl.  
Ts. 19 to 23 N., R. 30 E., incl.  
Ts. 21, 22, and 23 N., R. 31 E.

The areas described above are approximately 4,000,000 acres.

4. Subject to valid rights existing on September 1, 1939, and duly maintained,

The following-described lands, relinquished and recovered to the United States in exchange made pursuant to the Act of March 3, 1921 (41 Stat. 1225-1226) and hereby temporarily withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, but excluding exchanges under the said Act of March 3, 1921, for Indian use in aid of approved legislation and of a land consolidation and exchange program to cede to Navajo Indian land matters in New Mexico, and to stabilize Navajo Indian land use and non-Indian land use in areas outside of and in the vicinity of the Navajo Indian Reservation in New Mexico. Pending enactment of such legislation, the Commissioner of Indian Affairs shall administer the lands:

- New Mexico Principal Meridian, New Mexico
- T. 17 N., R. 5 W.
  - Secs. 1, 2, 11;
  - Sec. 12, NE 1/4, SE 1/4;
  - Sec. 15;
  - Sec. 23, NW 1/4, SW 1/4;
  - Secs. 27, 28, and 33.
- T. 17 N., R. 6 W.
  - Secs. 17, lots 1, 2, 3, 4, W 1/2 SW 1/4 and W 1/2;
  - Sec. 18;
  - Secs. 29, lots 1, 2, 3, 4, W 1/2 E 1/2 and W 1/2;
  - Sec. 31.
- T. 18 N., R. 5 W.
  - Secs. 1, lots 1, 2, 3, 4, E 1/2 W 1/2 and W 1/2 SE 1/4;
  - Secs. 15, 16, and E 1/2 W 1/2;
  - Secs. 17, 18, NW 1/4, and SW 1/4;
  - Secs. 19, 21, 73, and 25.
- T. 18 N., R. 7 W.
  - Sec. 5;
  - Secs. 6, NE 1/4, and SW 1/4;
  - Secs. 13, 17;
  - Sec. 18, NW 1/4, SW 1/4;
  - Sec. 19, SW 1/4;
  - Sec. 21, NW 1/4, and SW 1/4.
- T. 18 N., R. 7 W.
  - Secs. 1, 2, 5, 7, 11, and 17;
  - Secs. 19, lots 3, 4, E 1/2 SW 1/4 and E 1/2;
  - Secs. 21, 23, and 31;
  - Sec. 23, SW 1/4.
- T. 17 N., R. 8 W.
  - Secs. 17, 18, 23, and 31.
- T. 18 N., R. 8 W.
  - Sec. 2;
  - Secs. 3, NW 1/4, and SW 1/4;
  - Secs. 5, NW 1/4, and SE 1/4;
  - Secs. 9, NW 1/4, and SW 1/4;
  - Sec. 11.
- T. 19 N., R. 8 W.
  - Sec. 1;
  - Secs. 2, NW 1/4, and SW 1/4;
  - Secs. 3, E 1/2 SW 1/4, and E 1/2;
  - Secs. 13, 15, 18, and 19;
  - Secs. 21, SW 1/4, SE 1/4;
  - Secs. 23, 25, 27, 29, 33, and 35.
- T. 19 N., R. 8 W.
  - Sec. 1;
  - Secs. 2, N 1/2, and SW 1/4;
  - Sec. 3;
  - Sec. 11, N 1/2, and SW 1/4;
  - Sec. 12;
  - Secs. 13, NW 1/4, and SW 1/4;
  - Secs. 23, 25, 27, and 29.
- T. 21 N., R. 8 W.
  - Secs. 23, 25, 27, and 35.
- T. 19 N., R. 9 W.
  - Sec. 2, SW 1/4;
  - Secs. 3, NW 1/4, and SW 1/4;
  - Secs. 17, lots 1, 2, E 1/2 NW 1/4, and E 1/2;
  - Sec. 18, NW 1/4;
  - Sec. 17, NW 1/4.

- T. 20 N., R. 10 W.
  - Sec. 1;
  - T. 21 N., R. 10 W.
    - Sec. 73.
  - T. 19 N., R. 11 W.
    - Sec. 3, lots 1 and 2, SW 1/4, and SW 1/4;
    - Sec. 11;
    - Secs. 12, SW 1/4, NW 1/4, SW 1/4, and SW 1/4.
  - T. 19 N., R. 11 W.
    - Secs. 1, 3, 5, 7, 9, 11, 13, and 17;
    - Secs. 19, W 1/2;
    - Secs. 23, NW 1/4, and SW 1/4;
    - Secs. 25, 27, and 31.
  - T. 19 N., R. 11 W.
    - Secs. 1, 3, 5, 7, and 9;
    - Secs. 11, NW 1/4, and SW 1/4;
    - Secs. 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, and 35.
  - T. 17 N., R. 11 W.
    - Secs. 3, 5, 7, 9, 11, 13, and 15;
    - Secs. 17, NW 1/4, and SW 1/4;
    - Secs. 19, 21, 23, 25, 27, 29, 31, 33, and 35.
  - T. 21 N., R. 11 W.
    - Secs. 2 and 7.
  - T. 18 N., R. 12 W.
    - Secs. 3, E 1/2, and SW 1/4;
    - Secs. 7, 9, 15, 17, 19, 21, 27, 29, 31, 33, and 35.
  - T. 19 N., R. 12 W.
    - Sec. 1;
    - Secs. 2, NW 1/4, and SW 1/4;
    - Secs. 5 and 7;
    - Secs. 9, NW 1/4, and SW 1/4;
    - Secs. 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, and 31;
    - Secs. 23, 25;
    - Sec. 25.
  - T. 21 N., R. 12 W.
    - Sec. 1.
  - T. 22 N., R. 12 W.
    - Secs. 23, 27, 33, and 35.
  - T. 17 N., R. 13 W.
    - Sec. 3, SW 1/4;
    - Secs. 3, W 1/2, and SW 1/4;
    - Secs. 7, 9, 11, 13, and 15;
    - Secs. 17, NW 1/4, and SW 1/4;
    - Secs. 19, 21, 23, 25, 27, 29, 31, 33, and 35.
  - T. 19 N., R. 13 W.
    - Secs. 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 23, 25, 27, 31, and 35.
  - T. 21 N., R. 13 W.
    - Secs. 3, 5, 6, 11, 13, and 15;
    - Secs. 17, NW 1/4, and SW 1/4;
    - Secs. 19, 21, 23, 25, 27, and 29;
    - Secs. 31, NW 1/4, and SW 1/4;
    - Secs. 33 and 35.
  - T. 22 N., R. 13 W.
    - Sec. 1, NW 1/4;
    - Sec. 3, SW 1/4;
    - Sec. 5;
    - Secs. 7, lots 3 and 4, E 1/2 SW 1/4, and SW 1/4;
    - Secs. 9, NW 1/4;
    - Secs. 11, NW 1/4, and SW 1/4;
    - Secs. 13, NE 1/4, NW 1/4, SW 1/4, NW 1/4, and SW 1/4;
    - Secs. 15, NE 1/4;
    - Secs. 17 and 19;
    - Secs. 23, NW 1/4, and SW 1/4;
    - Secs. 27, SW 1/4;
    - Secs. 29;
    - Secs. 31, lots 1, 2, and 3, E 1/2 NW 1/4, NW 1/4, and SW 1/4;
    - Secs. 33 and 35.
  - T. 23 N., R. 13 W.
    - Sec. 1, SW 1/4;
    - Secs. 3, 5, 6, 11, 13, and 15;
    - Secs. 25, 27, 29, 31, and 35.
  - T. 7 N., R. 15 W.
    - Secs. 7, 19, and 31.
  - T. 7 N., R. 16 W.
    - Secs. 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 31, 33, and 35.
  - T. 13 N., R. 17 W.
    - Secs. 3, lots 1, 2, 3, and 4, W 1/2 W 1/2;
    - Secs. 5, E 1/2 NW 1/4, and SW 1/4;
    - Secs. 9, E 1/2, NW 1/4, and E 1/2 SW 1/4.

- T. 13 N., R. 18 W.
  - Sec. 1;
  - Secs. 3, lots 1 and 2, E 1/2 NW 1/4, and SW 1/4;
  - Secs. 11, NW 1/4, and SW 1/4;
  - Secs. 13;
  - Secs. 15, NW 1/4, and SW 1/4;
  - Secs. 23;
  - Secs. 25, NW 1/4, and SW 1/4;
  - Secs. 27, NW 1/4, and SW 1/4;
  - Secs. 35.
- T. 14 N., R. 18 W.
  - Sec. 1;
  - Secs. 2, SW 1/4;
  - Secs. 7, 9, 11, and 17;
  - Secs. 15, NW 1/4, and SW 1/4;
  - Sec. 17;
  - Secs. 19, E 1/2;
  - Secs. 21, W 1/2, and SW 1/4;
  - Secs. 23, 25, and 27;
  - Secs. 29, NW 1/4, and SW 1/4;
  - Secs. 31;
  - Secs. 33, NW 1/4, and SW 1/4.
- T. 11 N., R. 18 W.
  - Secs. 2, lots 1, 2, 3, 4, SE 1/4, NW 1/4, NW 1/4, SW 1/4, SW 1/4, and SW 1/4;
  - Secs. 5 and 7.
- T. 14 N., R. 18 W.
  - Secs. 1, SW 1/4;
  - Secs. 3 and 5;
  - Secs. 7, lots 3 and 4, E 1/2 SW 1/4, and SW 1/4;
  - Secs. 9, W 1/2, NW 1/4, and W 1/2;
  - Secs. 11 and 13;
  - Secs. 15, W 1/2, W 1/2;
  - Secs. 17, NE 1/4, and SW 1/4;
  - Secs. 19, lots 3 and 4, E 1/2 SW 1/4, and E 1/2;
  - Secs. 21, 23, 25, and 27;
  - Secs. 29, NW 1/4, and SW 1/4;
  - Secs. 31, 33, and 35.
- T. 15 N., R. 18 W.
  - Secs. 7, lots 1 and 2, E 1/2 NW 1/4, and SW 1/4;
  - Secs. 17, W 1/2, NW 1/4.
- T. 11 N., R. 20 W.
  - Sec. 1;
  - Secs. 3, lots 1 and 2, SW 1/4, and SW 1/4;
  - Secs. 5, 7, 9, 11, 13, 15, and 17.
- T. 13 N., R. 20 W.
  - Secs. 29 and 33.
- T. 19 N., R. 20 W.
  - Sec. 1;
  - Secs. 3, lots 1, SW 1/4, SE 1/4, NW 1/4, and SW 1/4;
  - Secs. 5, 7, 9, 11, 13, and 15;
  - Secs. 17, NW 1/4, and SW 1/4;
  - Secs. 19, NW 1/4, and SW 1/4;
  - Secs. 21 and 23;
  - Secs. 25, NW 1/4, NW 1/4, NW 1/4, and SW 1/4;
  - Secs. 27, NW 1/4, NW 1/4, NW 1/4, NW 1/4, and NW 1/4, SW 1/4;
  - Secs. 29;
  - Secs. 31, lots 1, 2, 3, and 4, E 1/2 W 1/2.
- T. 14 N., R. 20 W.
  - Secs. 2, less rights-of-way AT&SF Ry. and Federal Aid Project FAP 76-B;
  - Sec. 3;
  - Secs. 7, less R/W AT&SF Ry. and Manuette Pipeline;
  - Sec. 9, less R/W AT&SF Ry.;
  - Sec. 11;
  - Secs. 13, SW 1/4;
  - Sec. 15, less R/W and Federal Aid Project FAP 76-B;
  - Sec. 17, less R/W AT&SF Ry., FAP 76-B and Manuette Pipeline;
  - Sec. 19, less R/W AT&SF Ry., Station Grounds, FAP 76-B, and Manuette Pipeline;
  - Secs. 21;
  - Secs. 23, W 1/2, E 1/4, and W 1/2;
  - Secs. 25 and 27;
  - Secs. 29, NW 1/4, and SW 1/4;
  - Secs. 31, less R/W AT&SF Ry., FAP 76-B;
  - Secs. 33, E 1/2, and W 1/2, W 1/2;
  - Secs. 35.

Revised

and

- T. 15 N., R. 20 W.  
 Secs. 1, 2, 3, 7, 9, 11, 12, 15, 17, and 21;  
 Sec. 23, SW $\frac{1}{4}$ ;  
 Sec. 25, SW and SE;  
 Sec. 31, less R/W AT&SF Ry., Manuallito  
 Purchase;  
 Sec. 33;  
 Sec. 35, NE $\frac{1}{4}$  and SW $\frac{1}{4}$ .
- T. 17 N., R. 21 W.  
 Sec. 1;  
 Sec. 2, lots 1 through 6, Incl. S $\frac{1}{2}$ NE $\frac{1}{4}$  and  
 SW $\frac{1}{4}$ ;  
 Sec. 11 and 12;  
 Sec. 13, lots 1, 2, 3, and 4, E $\frac{1}{2}$ ;  
 T. 18 N., R. 21 W.  
 Sec. 1;  
 Sec. 2, lots 1 through 6, Incl. S $\frac{1}{2}$ NE $\frac{1}{4}$  and  
 SW $\frac{1}{4}$ ;  
 Sec. 11;  
 Sec. 13, NE $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
 Sec. 15, lots 1, 2, 3, 4, E $\frac{1}{2}$ ;  
 Sec. 23 and 25;  
 Sec. 27, lots 1, 2, 3, 4, E $\frac{1}{2}$ ;  
 Sec. 29.
- T. 19 N., R. 21 W.  
 Sec. 1, less R/W AT&SF Ry., PAP 76-B;  
 Sec. 2, lots 1, 2, 3, and 4;  
 Sec. 12, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
 and S $\frac{1}{2}$ ;  
 Sec. 15, lots 2, 3, 4, less R/W PAP 76-B;  
 Sec. 23 and 25;  
 Sec. 27, lots 1, 2, 3, and 4;  
 Sec. 29.
- T. 14 N., R. 21 W.  
 Sec. 1, NE $\frac{1}{4}$  and SW $\frac{1}{4}$ ;  
 Sec. 2, lots 1, 2, 3, and 4;  
 Sec. 11 and 12;  
 Sec. 13, lots 1, 2, 3, and 4;  
 Sec. 23;  
 Sec. 25, S $\frac{1}{2}$ NE $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
 Sec. 27, lots 1, 2, 3, and 4;  
 Sec. 29, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
 and S $\frac{1}{2}$ ;  
 T. 15 N., R. 21 W.  
 Sec. 1;  
 Sec. 2, lots 1, 2, 3, and 4;  
 Sec. 11 and 12;  
 Sec. 13, lots 1, 2, 3, and 4;  
 Sec. 23 and 25;  
 Sec. 27, lots 1, 2, 3, and 4;  
 Sec. 29, W $\frac{1}{2}$ .

The areas described aggregate 241-  
 607.65 acres.

5. Some of the lands described in  
 paragraph 2 of this order were declared  
 by the Act of August 13, 1949 (63 Stat.  
 664; 23 U.S.C. 622), to be held by the  
 United States in trust for the respective  
 tribes, bands, or groups of Indians occu-  
 pying and using them. The remainder  
 were by the said Act declared to be pub-  
 lic domain. As authorized by the said  
 Act, an order of the Secretary of the  
 Interior appearing at pages 1851-1858 of  
 the FEDERAL REGISTER of March 31, 1950,

identified the lands in the respec-  
 tive categories. The public domain  
 lands were opened by a Bureau of Land  
 Management order of November 18, 1953  
 (18 P.L.R. 7496-7497).

6. The lands in the withdrawal of July  
 8, 1931, described in paragraph 3 of this  
 order have been included in other orders  
 of revocation or have been otherwise dis-  
 posed of, with the exception of the fol-  
 lowing described lands:

- T. 2 N., R. 6 W.  
 Sec. 4, lot 3 and SE $\frac{1}{4}$ NW $\frac{1}{4}$ .

7. The lands withdrawn by paragraph  
 4 of this order are all within the revo-  
 cation made by paragraph 1. The ob-  
 jective of paragraph 4 of this order is  
 to establish for ready reference the lands  
 still remaining in the withdrawal  
 created by the order of September 1,  
 1939, and to establish with certainty,  
 without reference to other sources, the  
 identity of those lands, at the same time  
 releasing from the withdrawal made  
 by the order of September 1, 1939, all  
 lands no longer withdrawn for its pur-  
 pose, because disposed of by exchange  
 or otherwise.

8. Beginning at 10:00 a.m. on Octo-  
 ber 1, 1960, the lands in section 6, T. 2  
 N., R. 6 W., described in paragraph 6  
 of this order, shall be open to applica-  
 tion, petition, location and selection,  
 under applicable nonmineral public  
 land laws, subject to valid existing  
 rights, the requirements of applicable  
 law, and the six-months preference  
 right filing period granted to the State  
 of New Mexico, by subsection (c) of sec-  
 tion 2 of the act of August 27, 1958 (72  
 Stat. 928; 43 U.S.C. 651-2).

9. The lands described in paragraph  
 6 shall be open to location under the  
 United States mining laws and to applica-  
 tions and offers under the mineral  
 leasing laws at 10:00 a.m. on February 25,  
 1961. Mining locations made prior  
 thereto shall be invalid.

10. Inquiries concerning the lands  
 shall be addressed to the Manager, Land  
 Office, Bureau of Land Management,  
 Santa Fe, New Mexico.

ROGER ERNST,  
 Assistant Secretary of the Interior,  
 August 26, 1960.

[P.R. Doc. 60-8228; Filed, Sept. 2, 1960;  
 8:47 a.m.]

25 F.R. 8541-8  
 4-3-60

1844641  
 UTAH

Withdrawing Public Lands From Oil  
 and Gas Leasing for Preservation  
 and Development of Polish Depo-  
 sits Belonging to the United  
 States

By virtue of the authority vested in  
 the President and pursuant to Executive  
 Order No. 10355 of May 26, 1952, it is  
 ordered as follows:

1. The following described lands are  
 hereby withdrawn from appropriation  
 under the oil and gas leasing provisions  
 of the Mineral Leasing Act of February  
 25, 1920 (41 Stat. 437; 30 U.S.C. 181,  
 et seq.), as amended and supplemented  
 for the purpose of preservation and de-  
 velopment of potash deposits belonging  
 to the United States:

SALT LAKE PRINCIPAL MERIDIAN

- T. 26 S., R. 20 W.  
 Secs. 23 to 27, Incl.;  
 Sec. 34, E $\frac{1}{2}$ ;  
 Secs. 35 and 38.  
 T. 27 S., R. 20 W.  
 Sec. 1;  
 Sec. 2, lots 1, 2, 7, 8 and S $\frac{1}{2}$ NE $\frac{1}{4}$ .  
 T. 28 S., R. 21 E.  
 Secs. 30 to 32, Incl.  
 T. 27 S., R. 21 E.  
 Secs. 4 to 6, Incl.;  
 Sec. 7, lots 1 to 4, Incl., and NE $\frac{1}{4}$ ;  
 Sec. 8, N $\frac{1}{2}$ ;  
 Sec. 9, N $\frac{1}{2}$ .

The areas described aggregate ap-  
 proximately 11,128 acres, of which ap-  
 proximately 8,455 acres are public lands.

2. The withdrawal effected by this  
 order shall terminate ten years from and  
 after the date of the publication of this  
 order in the FEDERAL REGISTER unless it is  
 extended by an appropriate order of ex-  
 tension. Upon the termination of the  
 withdrawal, the lands shall again be sub-  
 ject to leasing for oil and gas develop-  
 ment purposes upon such terms and con-  
 ditions as the Secretary of the Interior  
 may specify in an order of opening, con-  
 sistent with the then existing law and  
 regulations.

ELMER P. BENNETT,  
 Under Secretary of the Interior,  
 August 29, 1960.  
 [P.R. Doc. 60-8229; Filed, Sept. 2, 1960;  
 8:47 a.m.]

Former Railroad Land Reconveyed to United States of America in Exchanges and Administered by Bureau of Indian Affairs pursuant Public Land Order 2198, in Ramah Navajo Community.

T. 7 N., R. 15 W.

<u>Section</u>	<u>Acres</u>
7	644.56
19	642.56
31	636.83
	<hr/>
	1,923.95

T. 7 N., R. 16 W.

<u>Section</u>	<u>Acres</u>
1	637.28
3	632.72
5	636.12
7	625.36
9	640.00
11	640.00
13	640.00
15	640.00
17	640.00
19	623.76
21	640.00
23	640.00
25	640.00
27	640.00
29	640.00
31	626.24
33	640.00
35	640.00
	<hr/>
	11,461.48
<b>TOTAL</b>	<b>13,385.43</b>

Mr. CRULL. Mr. Chairman, my name is Jan Crull. My exact position with the Ramah Navajo Band is described on page 25 of this particular supplement of documentation.

I do not have a prepared statement. What I am going to do is give you an overview. First of all, when it comes to historical background, the Ramah Navajos have been in that area since 1540 when they came down to aid the Zunis in their defense against Coronado.

When they made their great trek back from their period of detainment in 1868, they returned to this particular area and have been living in that area since. I should point out that they have been living on those parcels of land which, of course, are in question.

Initial requests were made for a total transfer bill in 1973. In 1974, a bill was introduced on the House side, H.R. 15002, by Manuel Lujan. On April 24, 1974, you had on the Senate side S. 3368, and it was co-sponsored by Mr. Montoya and Mr. Domenici. In 1975, once again, the bill was introduced by Mr. Domenici as S. 2072 and on the House side by Mr. Runnels, H.R. 8533. Once again, it was introduced in 1977, H.R. 8318, by Mr. Lujan.

On all these occasions, the bill was indeed introduced and then referred to the Committee on Interior and Insular Affairs both on the Senate and also on the House side.

In 1978 once again, in late fall, requests were made to the various members of the New Mexico congressional delegation to introduce this particular bill. As you can see, we are here today.

I should point out to you that over the past 7 years, the Ramah Navajo have, in this particular instance, been victims of undefined circumstances. What you will find is this. My involvement began in the early part of July of this year. We received a response from Mr. Domenici which was dated in January, and it notes that he is all for the bill. However, he also needs to have a bill introduced on the House side. I actually had to ascertain where this particular bill was because, initially, Mr. Lujan was going to introduce it.

However, because the Ramah area falls in the jurisdiction of Mr. Runnels, he had a meeting with Mr. Lujan and stated that he would introduce the bill.

What you will find, when you look at this supplement that I have just handed to you, on pages 1 through 5, are certain letters to Mr. George Ramonis, the legislative coordinator for Senator Pete Domenici. In speaking with him, I found a positive response. He said the Senator would, indeed, introduce the bill; however, he needed to have Mr. Runnels introduce it on the House side.

Pages 6 through 20, more or less, show my dealings with Mr. Runnels' office, and, as I said, there was a general hesitancy on his part. More so, he was very pessimistic. I should point out to you that the reasons were: The general climate; there was an antinative American attitude in the United States; and there were already too many bills pending. Mind you, this figure was certainly inflated every time I contacted him. First of all, we had a figure of something like 300; then it moved to 5,000; the last time we saw his administrative assistant, we were told—and Mr. Bennie Cohoe was along with me—that there were 20,000 bills.

Anyway, the bill was finally introduced on the House side.

On page 23 onwards, you will find that I have certain letters to various Members of Congress making them aware of the Ramah bill. You received a copy of that, along with many other Members of Congress. The reason was that I wanted other people to know about this particular bill. At this point, I do want to thank the various administrative assistants and legislative aides of various congressional offices for their work and support because, if it were not for them, we would not be here today.

In this particular letter, I mentioned that I would be preparing another letter which would show the singularity of the Ramah Navajo bill. This is found on pages 26 through 29. So, if you do not mind, Senator, would you please turn to that?

What you will find there is, basically, the rationale for support of the title transfer to the Ramah Band. It is an 11-point statement. It actually becomes a 12-point statement, and this is more or less in regard to an argument that was posed by Mr. Runnels.

One of the reasons he was so very reluctant to introduce the bill this year was that we had a question of mineral rights. If you will please note, on page 28, we have a statement; it is a précis, summary, or whatever you want to call it, and it more or less gives you an indication of the various geological surveys that were taken in the area and, of course, the statement from the Bureau of Mines and Department of the Interior. Please note that this, of course, is substantiated in an update that you requested from the Bureau of Land Management people which is found in this other black-bound supplement of documentation on page 25.

This particular letter I prepared, realizing that I was not a Ramah Navajo, was prepared with Mr. Cohoe's name on top, and this, more or less, became the basis of his letters that are found, again in the black-bound supplement, on pages 2, 3, and 34 through 37.

In addition to that, you will also find here, at the very end, updates and requests to the BIA and, of course, to the BLM. I believe you have copies of those.

Last, but not least, once again, I pointed out to the various individuals who were members of your staff the following. Please turn to page 33. In addition to the 12 points that were made in the letter of August 13, I should also point out—and this is more or less a reiteration of what Mr. Mills said—that this is not a merit title transfer bill. If enacted, not only will this bill give approximately 400 Ramah Navajos out of a total of 2,300 some form of legal rights to lands that they have been living on for generations—lands also within the boundaries of the Ramah Navajo Reservation—but it will also make these 400 people eligible for BIA services which they now lack.

Therefore, I am making a request to you that you now consider this particular statement I have made and the various other statements and realize that our endeavors, the endeavors of the various congressional aides, et cetera, for these people have been for a good cause. I conclude with that.

If you have any questions, feel free to ask.

Senator MELCHER. Mr. Paul, we have your statement which, without objection, will be made a part of the record at this point.

[Material follows:]



## THE NAVAJO NATION

WINDOW ROCK, NAVAJO NATION (ARIZONA) 86515

PETER MACDONALD  
CHAIRMAN, NAVAJO TRIBAL COUNCIL

FRANK E. PAUL  
VICE CHAIRMAN, NAVAJO TRIBAL COUNCIL

STATEMENT OF FRANK E. PAUL, VICE-CHAIRMAN,  
THE NAVAJO TRIBAL COUNCIL  
BEFORE THE  
SENATE SELECT COMMITTEE ON INDIAN AFFAIRS  
UNITED STATES SENATE  
ON S. 1730, TO PLACE CERTAIN LANDS IN  
TRUST FOR THE RAMAH BAND OF THE NAVAJO TRIBE  
NOVEMBER 20, 1979

Chairman Melcher, Members of the Senate Select Committee  
and Staff:

I would like to express my gratitude to the Senate Select Committee for the invitation to appear before the Senate Select Committee today and for the Committee taking the time to schedule hearings on this important subject.

I appear before the Senate Select Committee today as Vice-Chairman of the Navajo Tribal Council, and in that position expressing the endorsement and support of the entire Navajo Nation for Senate Bill 1730. It also gives me a great personal pleasure because I was born and grew up in the Ramah Navajo Community, and I know how important this legislation is to the present and future of that community.

S. 1730 involves 21 sections of land that were withdrawn for Indian use in 1960 from the general public domain by the Secretary of Interior's Public Land Order Number 2198. Since then, and for many prior years, the Ramah Band of the Navajo

Tribe has used this land, which is administered by the Bureau of Indian Affairs, without interruption or disturbance. However, despite the Ramah Band's long standing recognized use of this land, it has technically remained U. S. Government land. S. 1730 will end this ambiguity by transferring title to these 21 sections to the United States to be held in trust for the Ramah Band of the Navajo Tribe.

The lands to be transferred are not new lands for the Community. It is the land which has been settled by the Navajo Tribal members. The lands to be transferred are not lands rich in minerals and other valuable substances. The lands to be transferred are only good for livestock grazing, already used by the Tribe, and this land is part of the traditional lands of the Tribe.

Restrictions on use of public land prohibit improvements other than those of a temporary nature. According to the recent census, there are 66 families or 322 people living in this area. They are unable to construct permanent homes and other improvements which are necessary if these families are to attempt to establish a standard of living and a lifestyle consistent with that of other Americans.

The existence of these lands in their present uncertain status also precludes the Ramah Band of Navajo from carrying on comprehensive land use planning and from undertaking range management practices which are a necessity if the Ramah Navajo Community is to continue to flourish.

The Ramah Community is part of the Navajo Reservation, yet its unique history and its unique traditions and its unique geographical separation from the main Navajo Reservation argue for the taking of this land, not in the name of the Navajo Nation, but in the name of the Ramah Band of the Navajo Tribe which already has lands in its own name, provided by Act of Congress.

The total Ramah Community population consists of over 1,800 people. Thanks to the generous help of the late Senator Clinton P. Anderson and the late Senator Joseph M. Montoya, the Community enjoys the fruits of a new Community school and new Clinic and housing development, and has been able to work together to be a cohesive Community, moving forward in the best traditions of the Navajo Tribe and of the United States. By placing these 21 sections in trust, the 322 members of the Ramah Band living there will finally be able to fully share in the fruits and sense of community. They will be able to enjoy such basic amenities as decent housing with running water, electricity, and sanitation facilities. The ability to improve their roads and establish a transportation system in the area will help assure the delivery of a good education to their children and health care for their elderly.

Now, I ask for your help as a Senate Select Committee and with the continuing help of the distinguished Senior Senator from New Mexico, the Honorable Pete Domenici, a long cherished dream of the Community -- for land consolidation and land planning -- can become a reality.

Mr. Chairman and Committee members, I urgently solicit your support for this important legislation and stand ready to answer any questions you might have concerning this or the Ramah Community or the Navajo Nation as a whole.

Thank you.

Senator MELCHER. Would you care to summarize it?

Mr. PAUL. Yes, sir.

Chairman Melcher, and members of the select committee, and staff, I would like to express my gratitude to you for the invitation to testify here, and I would like to thank the committee for taking the time to schedule this very important hearing on this important land matter.

I appear before this committee today as vice chairman of the Navajo Tribal Council. The position of the tribe is a very supportive endorsement of this Senate bill 1730. It also gives me great pleasure to inform you that I was born and grew up in Ramah. From that standpoint, I know the importance of this Senate bill 1730, what it means now, and would mean to the people in that community.

The subject in Senate bill 1730 involves 21 sections that have been withdrawn for Indian use, as has been reported in other documents in 1960, from the general public domain by the Secretary's own order, Public Land Order No. 2198. Since then, and for many years prior to that, the Ramah Navajo Band has used this land. The land has been administered by the Bureau of Indian Affairs.

However, the question here is that the Navajo people settled on this land prior to 1864, which is quoted elsewhere. They are users and owners of this land. However, technically, the land remains with the U.S. Government. It would serve only the proper purpose if Senate bill 1730 is acted on, passed, and becomes law. It will end this ambiguity by transferring title to these 21 sections of land to the United States to be placed in trust for the Ramah Band of the Navajo Tribe. That is the essence of our message here.

The Navajos, as I have said, have used this land—no one else is using it. Today, it is reserved for them, but they cannot properly and adequately settle on the land with permanent homes. So, today we have a new school, the community is being improved, but people are still living in very substandard homes. Many of the children live in these homes, yet these homes cannot receive electricity or running water, and the roads to these homes cannot be improved. Oftentimes, it makes it very difficult for the children to attend school on a regular basis.

It is only proper that the Ramah Band of Navajos be allowed to gain control of this land so that they can utilize the land properly.

I would like to think, too, that the Ramah Navajo are planning to develop a land-use plan and comprehensive community development plan to do what they would like, like communities in other parts of the State, to make proper use of the land. They cannot do it now because of the land status.

As far as the big Navajo Reservation is concerned, we recognize that the Ramah Band of Navajos is geographically separated from the main Navajo Reservation, and the Ramah Band of Navajos on its own is doing the best it can to develop itself, and in this regard the Big Navajo supports the Ramah Band of Navajo.

In summary, I would just like to let you know that, previous to now, the late Senator Clinton P. Anderson and the late Senator Joseph M. Montoya have given their support to this community. It is because of these efforts that the community enjoys the fruits of a new community school, a new clinic, and some housing development. The community has been able to work together and is working together in the best tradition of the Navajo Tribe and of these United States.

Now, I ask for the help of the Senate Select Committee on Indian Affairs and the help of the senior Senator from the State of New Mexico, the Honorable Pete Domenici, so that the Ramah Navajo Band's cherished dream will continue to grow. That is, with Senate bill 1730, the lands in the Ramah community will be consolidated so that the people can plan the land for the best use and place themselves in a better economic position. It is for these reasons, Mr. Chairman and committee members, that I urgently solicit your support for this very important legislation and stand ready to answer any questions you might have concerning this or the Ramah Navajo community.

Thank you.

Senator MELCHER. I have received a letter from Peter MacDonald, chairman, Navajo Tribal Council, in support of S. 1730, which I now place in the record.

[The letter follows:]



## THE NAVAJO NATION

WINDOW ROCK, ARIZONA 86515

OCT 11 1979

PETER MacDONALD  
CHAIRMAN

Dear Senator Melcher:

House Bill, H.R. 5003, and Senate Bill, S. 1730, have been reintroduced this year requesting that title to certain land in the State of New Mexico be held in trust for the Ramah Band of the Navajo Tribe. These twenty-one sections, have nurtured the lives of the Ramah Navajo people for more than 100 years. This land has cradled their homes, fed their livestock, and is the domain of the elders and children.

As Chairman of the Navajo Nation, I wholeheartedly support and endorse this legislation which will transfer title to the Ramah Band of the Navajo Tribe. I seek your personal interest and support in legislating this just and rightful action.

Your support and interest in our many concerns is appreciated, now and in the future.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Peter MacDonald".

Peter MacDonald, Chairman  
Navajo Tribal Council

The Honorable John Melcher  
Chairman, Select Committee  
on Indian Affairs  
United States Senate  
Room 440, Russell Senate Office Building  
Washington, D.C. 20515

Senator MELCHER. Pauline Rafalito, may we have your testimony, and would Nancy Alonzo interpret it?

[Testimony is given by Pauline Rafalito in the Navajo language and translated, as follows, by Ms. Alonzo:]

Ms. ALONZO. Mr. Chairman and members of the Senate Select Committee on Indian Affairs, thank you for the opportunity to allow me to make these statements of our needs.

My name is Pauline Rafalito, and I am a member of the Ramah Band of Navajos. I live on the land that is the subject of this bill before you today. The land is called the Ramah Navajo Community and is isolated from the Navajo reservation. Many people reside on the land and graze their livestock on the land.

I want to explain that we have always used and occupied and still do presently live on the land. Many of us were born there, and we love this land. We do not wish to live anywhere else. In fact, the rest of the area that makes up the Ramah Reservation is already populated, and because we have lived on this land, we feel that the land is rightfully ours.

We did not know that the land did not belong to us. We became aware of this only after we learned that we could not receive benefits under Federal programs that would allow us to construct new homes or to improve them in any way.

We want and need running water and electricity, but we were told that we could not get these improvements. The roads are bad, and during the winter school buses for our children have a hard time. We want and need better roads. There are many other benefits which we do not get and wish to receive. This is the wish of all the people that live on this affected land. Therefore, I ask that you support this bill.

We want the title of the land to be placed in trust for us—those who are members of the Ramah Band of Navajos. I ask that you authorize the return of our ancestral lands for our continued use.

Thank you.

MR. CHAVEZ COHOE. Mr. Chairman and members of the committee, my name is Chavez Cohoe. I want to thank you for this opportunity to speak to you on behalf of my people. I am here to ask your committee to support my people in their request to put in trust 21 sections of land presently administered by the BIA pursuant to Public Land Order 2198 to the Ramah Band of Navajos.

Because of the present land status, my people living on this land do not have much needed services. If this transfer of land is approved, my people and their children will have improved opportunities for a better life.

This request can be granted by you. So, my people will be greatly appreciative of your concern for human life.

Again, I request your full support for my people's needs.

Thank you, Mr. Chairman.

Senator MELCHER. Thank you, Mr. Cohoe.

Larry Manuelito?

MR. MANUELITO. Mr. Chairman, my name is Larry Manuelito, and I am the executive director of the Ramah Navajo School Board.

I will not take up that much of the committee's time here. What I will do is reiterate some of the statements that have been made here, especially in regard to the educational effect on those children who reside on that land.

Mr. Chairman, there is a document in the testimony submitted for record that has statements in reference to the educational effects on those students. There are a number of students who attend the Pine Hill School, which is the school that serves the Ramah Navajo people who come from that area. In fact, 40 percent of the children who are in the special education program in our school reside in that area.

We feel that because of the home life and because of the shortcomings they have in terms of not being able to have improved housing and having to miss so many days of school—because there are no good roads there—there is a great effect on the education of the children who reside on that land. We feel that if Senate bill 1730 is approved, there are many kinds of services that can be provided to these families and their children and that with this, we hope, will come much improved education for the youngsters who live in that area. That is why we ask for your support of passage of this bill.

Thank you.

Senator MELCHER. Jerry Pino?

Mr. PINO. Thank you, Mr. Chairman and members of the committee. My name is Jerry Pino, Sr. I am a member of the Navajo Tribal Council. I represent the Ramah Band of the Navajo community.

I want to thank you for letting me speak to you today on Senate bill 1730 which would give lands to the Ramah Navajo to call our own.

As far back as I can remember, the people of the Ramah, N. Mex., have been trying to get good homes built for our children. For many years, home site leases could not be given to us. We could not get loans for home improvements to our homes made out of dirt and poor lumber. We could not get electricity or running water so that our families or children could live well.

There are many families living on this land, and they are growing in numbers. Officials of the Navajo Tribe and the Bureau of Indian Affairs have told us that the reason for not getting new homes, electricity, and running water is that the title to the land we live on is still under the Federal Government and that we, the Navajo people, cannot use the land the way we want to.

I think this reason is not good enough. Mr. Chairman, the land I am speaking of has always been used by us. No other Indian tribe has ever lived on this land. It is not that the land is empty and we want to move onto it, but it is that we want to have Congress OK our owning the land and improving it so that our families and children will live in better homes with running water and electricity.

These restrictions placed on the use of the land by the Bureau of Indian Affairs are making us poor, living in poor homes, and causing us poor health. We want to live well; we want our wives, children, and relatives to enjoy the benefits of modern technology. How long will we have to live this way?

Mr. Chairman, I ask you and the members of the committee to give your full support to this bill and help us to improve the lives, health, welfare, and education.

Thank you.

Senator MELCHER. The prepared statement by David Jose, without objection, will be made a part of the record at this point.

[The prepared statement of David Jose follows:]



## THE NAVAJO NATION

WINDOW ROCK, NAVAJO NATION (ARIZONA) 86515

PETER MACDONALD  
CHAIRMAN, NAVAJO TRIBAL COUNCIL

FRANK E. PAUL  
VICE CHAIRMAN, NAVAJO TRIBAL COUNCIL

STATEMENT OF DAVID JOSE BEFORE  
THE SENATE SELECT COMMITTEE ON INDIAN AFFAIRS  
UNITED STATES SENATE  
ON S. 1730, TO PLACE CERTAIN LANDS IN  
TRUST FOR THE RAMAH BAND OF THE NAVAJO TRIBE  
NOVEMBER 20, 1979

My name is David Jose, an elected Land Board Member and a member of the Ramah Band Community. I would like to express my feelings about the 21 sections of land to be transferred to the Ramah Band of Navajos by this bill before the Senate -- Senate Bill 1730.

I am deeply concerned for us, we the Ramah Navajos, living on these 21 sections of land as far as improvement is concerned; such as, water development, electricity, housing and farming. The living conditions are very poor because these improvements are non-existent. The reason is simply that the U. S. Government is holding title to these 21 sections of land. No improvements could be made while the ownership is in the hands of the Government.

If the title to the land is transferred to the Ramah Band of Navajos, I am sure we who live on the 21 sections can live a better life with many improvements. We can then make full use of this land by way of improvements in areas of housing, water, electricity and farming. These problems need to be solved as soon as possible.

The bill is now before you, and I would appreciate all the effort you can give in passing the bill.

Thank you.

Mr. BENNIE COHOE. Mr. Chairman, if I may, I would like to conclude and also summarize some of the things that we left out.

As you know, we made this special trip here to Washington on behalf of our people, our children, and our future generations. We request that your committee give its full support to S. 1730 and put an end to the social and economic conditions that we have been enduring ever since our people came back from Fort Sumner.

I feel that we are capable of improving the living conditions that we are now enduring if the title is given back to our Band of Ramah Navajo. We will then be able to make the improvements, and we will be able to reinforce Public Law 93-638—make that a reality—and make the dreams come true for our people in that area.

We live under really harsh living conditions. We need to get away from that, and we need to secure a future for our people. We have been living under very unstable living conditions, not knowing whether our people would be forced to vacate the area and move somewhere else. For that reason, I think the Bureau of Indian Affairs has been hesitant to direct funds and assistance to these people.

If you could turn back to the photograph album that we gave you—those are the present living conditions of our people and the status of the land. That is the state it is in presently.

So, as the Department of the Interior mentioned, 80 percent of the livelihood of our community members is from livestock raising, as well as dry land farming, and they have been restrained and restricted from starting any kinds of improvement activities in that area.

We would like to say, on behalf of our people, that we hope you and your committee will give our bill your full consideration and give us a positive response.

Thank you.

Senator MELCHER. Mr. Cohoe, what electricity is available? How is it available?

Mr. BENNIE COHOE. On the land that is in question now—the 21 sections—there is absolutely no electricity available at this time; nor is there any water available, except for two wells which are supposedly for livestock. Those two wells are drilled on individual private allotments because we could not do any development planning for the land that is now in question.

Senator MELCHER. My question is: What electricity is available? Is it REA, or what?

Mr. BENNIE COHOE. REA.

Senator MELCHER. REA serves the deeded lands?

Mr. BENNIE COHOE. Yes, sir.

There are now lines adjacent to the lands we are talking about, and we are hoping to get those powerlines made available to the people.

Senator MELCHER. What is the depth of the water? These are wells, are they?

Mr. BENNIE COHOE. The wells on our reservation range anywhere from 300 to 600 feet.

Senator MELCHER. Are they very costly to drill?

Mr. BENNIE COHOE. Yes; they are, and the cost is going up every year. It is getting to where it is costing about \$15 a foot to drill a well in that area now.

Senator MELCHER. Is the water plentiful at those depths?

Mr. BENNIE COHOE. Our wells are being pumped by windmills only. We are hoping we can get some power in there so that we can have water year-round. As it is now, we are only using windmills, and during the months of May, June, and July, when the wind dies down, the wells do not have any water. But the wells can pump anywhere from 6 to 10 gallons per minute.

Senator MELCHER. I take it that the electricity, the wells, the roads, and the housing are the four primary goals for families, other than economic development? I take it the economic development would be principally better livestock management on the land. Is that true?

Mr. BENNIE COHOE. Yes; it is, and we have been working on education. Education has been our No. 1 priority, and natural resource development is our No. 2 priority in that area, as well as economic development.

Senator MELCHER. Mr. Manuelito, how many children are enrolled in the grade and high schools?

Mr. MANUELITO. At the present time, there are 93 children from that particular affected area that are enrolled at the Pine School between kindergarten and 12th grade.

Senator MELCHER. So, it is including high school?

Mr. MANUELITO. Yes; including high school.

Of those 93, 6 of the youngsters, as I mentioned before, are in the special education programs that require additional assistance. They make up 40 percent of that particular class.

Senator MELCHER. Senator Domenici stated that it was a very fine school. Is it one school?

Mr. MANUELITO. Yes, sir. It is one school, an elementary and a high school. It is the first Indian-controlled high school in the country.

I might add that the school was established with the assistance of the congressional committees here in Washington in both the House and the Senate. Up until 9 years ago, the Ramah Navajo people did not have a school in their community to attend. It was only through the efforts of the local people and the leaders, who are here, that education became available for those youngsters.

Senator MELCHER. Mr. Paul, your testimony is to the effect that the Navajo Nation now fully supports this bill. Was it otherwise? Was there disagreement before this on whether or not it should be turned over to the band or to the tribe?

Mr. PAUL. Mr. Chairman, that statement is clearly prepared for the reason that has already been stated by the Honorable Senator Domenici. The Ramah Navajo Band is not only isolated from the main Navajo Reservation, but it is also because of the situation there that the Ramah Band of Navajo has, on its own accord, pulled together the cohesiveness of that community in what might be commonly referred to as a self-help or bootstrap operation to do those things which any normal community in the southwestern part of the United States might do. This is very highly desirable, both from the Big Navajo as well, I am sure, as from the standpoint of this committee.

Senator MELCHER. The band votes in Navajo tribal affairs, does it not?

Mr. PAUL. Yes; these are Navajo people, much like those on the main land. However, for program purposes they are separate.

Senator MELCHER. For program purposes they are separate?

Mr. PAUL. Yes, sir.

Senator MELCHER. There is no authorization for any help of any type in the bill, it seems, since 1960. Although it was envisioned that the land would, by congressional action, be placed in trust status for the Ramah Band, it was not done. Much of the testimony was to the effect that this was disadvantageous to the band—not being able to participate in programs that would otherwise be available on that land if it were in trust status.

Is there a capability of any type of catch-up on these programs, whether it is housing, roads, water wells, improved grazing, or whatever?

Mr. MANUELITO. Mr. Chairman, I would like to answer your question.

The priority at this point is to get the land back into trust status. We have existing programs from the school as well as from the Ramah chapter government as well as from the Bureau of Indian Affairs agencies that will be extended onto this land to assist the people who now live on it. We feel that that will be a start, and we feel that if we can have the land put back in trust for the people, our existing programs on the reservation will be able to take care of the immediate kinds of needs.

Senator MELCHER. Is there any money available?

Mr. BENNIE COHOE. Mr. Chairman, I would like to expand on that also.

We are now working with some of the Federal programs. We were able to obtain some development planning funds through CSA and also through home improvement programs with the Bureau and also with HUD. We are doing a study, and a planning, in the area of housing for these people. If the land is put back in trust for us, then we will have the go-ahead to implement these plans that we are now developing for that area.

Senator MELCHER. That might take care of some help on housing. What about water wells?

Mr. BENNIE COHOE. Insofar as the natural resources and range improvements are concerned: Since 1978 we have been working with the Bureau to concentrate on the area of natural resources. We built our budget in natural resources from \$32,000 up to about \$200,000. That is where it now stands. We have the equipment and we have the labor available to move onto this land—if it is given back to us—to make improvements in that area as well as the fencing improvements to divide up the grazing areas. The materials are being purchased at this time to make the necessary improvements in that area.

Senator MELCHER. What about roads?

Mr. BENNIE COHOE. We have been able to get some funding every year to grade, drain, and then to gravel—and also to pave. Most of these constructions are done in phases, so, it will probably take about 2 or 3 years to actually get a paved road completed, but then, again, we have been fortunate every year to obtain funds to make these improvements. After we complete our next project, if the land is put back in trust, there will become a priority in that area to make road improvements.

We are developing some proposals for grant assistance in the area of water development. We will be working really closely with the Indian

Health Service to obtain some of these water and sewer projects for that area.

Senator MELCHER. Mr. Paul, is the Navajo Nation able to help in any way in these areas: roads, wells, range improvements?

Mr. PAUL. The Navajo Tribe is in a position to make some limited resources, that the tribe has available, to the Ramah. Then, with regard to Federal programs, there are some that are channeled through Window Rock on a distribution basis to the chapters, and certainly this would be encouraged.

Right now, as Mr. Cohoe stated, some of these funds cannot be used on the land to make improvements at the present time, but if the land is put into trust status, they will be available.

A while ago I answered your question that, for program purposes, the Ramah Band and the Navajos are separate. In this regard, the Ramah Navajo Band is presently under the Albuquerque Area Bureau of Indian Affairs, and some of these programs come through that office and not through the Navajo Area Bureau of Indian Affairs offices.

Senator MELCHER. I see.

I would think that the committee would want to, perhaps, add to the bill some authorization for correcting the lack of being able to participate in these programs on these lands, since 1960 on, when the land order was issued. Public Land Order No. 2198 was for the very purpose of making the land available under trust status and enabling the band to have better economic opportunities. That was almost 20 years ago.

There has been a denial, during that interim, to the band to participate in the programs on the land that was set aside by the land order. It seems very logical that it should have followed that the land should have gone to the band and the benefits of any of the programs that were available to other Indians should have been made available to the band. I would think the committee would want to consider, in addition to the bill, another section that would provide for some expedited catch-up in these programs that they have missed during these past 19 years.

That is all the questions I have. I want to thank you all very much.

Mr. PAUL. Thank you very much, Chairman Melcher. We certainly agree with your statements.

Senator MELCHER. Thank you.

The committee is adjourned.

[Whereupon, at 12:03 p.m., the hearing was adjourned.]

