

TRANSFER OF CERTAIN LAND FROM TUSAYAN NATIONAL FOREST

April 14 (calendar day, April 16), 1930.—Ordered to be printed

Mr. ASHURST, from the Committee on Indian Affairs, submitted the following

REPORT

[To accompany S. 3585]

The Committee on Indian Affairs, to whom was referred the bill (S. 3585) to eliminate certain land from the Tusayan National Forest, Ariz., as an addition to the Western Navajo Indian Reservation, having considered the same, report favorably thereon with a recommendation that the bill do pass with the following amendment: Strike out all after the enacting clause and insert the following:

That the following-described land be, and the same is hereby, eliminated from the Tusayan National Forest, Arizona, and added to and made a part of the Western Navajo Indian Reservation, subject to all valid rights and claims of individuals initiated prior to the approval of this act: All that part of the Tusayan National Forest lying east of the Colorado River and north of the Little Colorado River, unsurveyed, but which will probably be when surveyed in townships 32, 33, 34, 35, and 36 north, ranges 6 and 8 east; all lands in township 31 north, range 6 east, which are now a part of the Tusayan National Forest; sections 1, 2, 3, 4, and 10 to 14, inclusive, east half section 23, sections 24 and 25, east half section 26, and sections 35 and 36, township 30 north, range 6 east; sections 27 to 34, inclusive, township 30 north, range 7 east; sections 1, 2, and 11 to 14, inclusive, sections 23 to 26, inclusive, sections 35 and 36, township 29 north, range 6 east; sections 3 to 10, inclusive, and sections 15 to 36, inclusive, township 29 north, range 7 east; section 1 and north half section 12, township 28 north, range 6 east; sections 1 to 23, inclusive, and sections 29 to 32, inclusive, township 28 north, range 7 east; Gila and Salt River base and meridian, Arizona: Provided, That all unappropriated and unreserved public lands in sections 24 to 28, inclusive, and sections 33 to 36, inclusive, in township 28 north, range 7 east; Gila and Salt River base and meridian, Arizona, be, and the same are hereby, added to and made a part of the Western Navajo Indian Reservation, subject to all valid rights and claims of individuals initiated prior to approval of this act. Sec. 2. That upon conveyance to the United States of a good and sufficient title to any privately owned land within the areas described in this act, the owners or their assigns thereof are hereby authorized under regulations of the Secretary of the Interior, to select at any time within 15 years after the approval of this act, from the surveyed, unappropriated, unreserved, non-mineral public lands of the United States, in the State of Arizona, lands approximately equal in value to the lands thus conveyed, such values to be determined by the Secretary of the Interior, and the Secretary of the Interior is hereby authorized to issue patents for the lands thus selected: *Provided*, That the lands conveyed to the United States under authority of this act shall thereupon become a part of the Western Navajo Indian Reservation.

Sec. 3. That before any exchange of lands as above provided is effected, notice of such exchange describing the lands involved therein shall be published once each week for four consecutive weeks in some newspaper of general circulation in the county or counties within which the selected lands are situated.

Sec. 4. That the State of Arizona shall have the right to select other public lands in lieu of sections 2, 16, 32, and 36 within said addition to the Western Navajo Indian Reservation, in the same manner as is provided in the enabling act of June 20, 1910 [(36 Stat. L. 577).]

This bill was introduced at the request of the Secretary of the Interior, as set forth in the following letters. It was amended and the recommendations of the Secretary of the Interior and the Department of Agriculture on the amendment are also appended hereto and made a part of this report, as are also the two telegrams appended hereto.

DEPARTMENT OF THE INTERIOR,
Washington, February 8, 1930.

HON. LYNN J. FRAZIER,
Chairman Committee on Indian Affairs,
United States Senate.

MY DEAR SENATOR FRAZIER: The superintendent of the Western Navajo Agency recently invited attention to the fact that certain tracts of land adjoining the reservation on the west, which are now within the boundaries of the Tusayan National Forest, were being used by the Indians for grazing purposes, and had been for some time. He recommended that steps be taken to acquire these tracts as an addition to the reservation.

Accordingly, by departmental letter dated December 7, 1929, the matter was taken up with the Secretary of Agriculture, with a view to eliminating the land from the forest reserve and transferring control thereof to the Interior Department. In response, that department, under date of January 8, 1930, replied as follows:

"Within the Tusayan National Forest, in the State of Arizona, are two areas approximating 82,620 acres which possess rather low forest values and are so located with respect to the Navajo Indian Reservation that the grazing resource thereon has been used by the Indians without hindrance by the Forest Service of this department. About 12,000 acres contain timber of the woodland type which has no commercial value at this time. The rest of the area is grassland. The watershed value is not of great importance. * * * The elimination of the lands from the Tusayan Forest is recommended by this department."

The tracts in question are shown on the attached map. It will be noted that one of them is bounded on the north and east by the Western Navajo Reservation, and on the west and south by the Colorado and Little Colorado Rivers, respectively. The canyon of the rivers in this locality is between 2,500 and 3,000 feet deep, thus making the land inaccessible from that direction. It being contiguous to the Navajo Reservation on the north and east, and the fact that the river canyons create a natural barrier, makes the administration and supervision of the land difficult, if not impossible, by any branch of the Government other than the Indian Service, and as the land can not be entered upon from the east or north unless the Indian reservation land is trespassed upon, the logical course to follow appears to be to transfer the land to the Interior Department for Indian purposes.

It will also be noted from the attached map that the other tract involved is in unsurveyed townships 29, 30, and 31 north, ranges 6 and 7 east of the Gila and Salt River meridian. In regard thereto it may be said that reports from the field indicate that this area has been and still is being used by the Indians for grazing purposes. A number of Indians live within this area, and have placed improvements on the land.

The acquisition of these two tracts will help to round out the reservation boundaries and will prove of great aid to the Indians in the matter of providing them with additional land for grazing purposes. The draft of a proposed bill is inclosed which will place jurisdiction over the land under the Interior Department and permanently add the land to the Western Navajo Reservation. I recommend that the proposed bill be enacted into law.

Very truly yours,

RAY LYMAN WILBUR.

DEPARTMENT OF THE INTERIOR,
Washington, April 8, 1930.

HON. LYNN J. FRAZIER,
Chairman Committee on Indian Affairs,
United States Senate.

MY DEAR MR. CHAIRMAN: Further reference is made to your request of April 3 for a report on a proposed amendment to S. 3585, which is a bill to eliminate certain land from the Tusayan National Forest, Ariz., as an addition to the Western Navajo Indian Reservation. There is transmitted herewith a memorandum from the Commissioner of Indian Affairs. After a review of the proposed measure, I agree with Commissioner Rhoads.

Very truly yours,

RAY LYMAN WILBUR, Secretary.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 8, 1930.

Memorandum for the Secretary.

This is in reference to the proposed amendment to S. 3585, a bill to eliminate certain land from the Tusayan National Forest, Ariz., as an addition to the Western Navajo Indian Reservation.

The amended bill is in effect a substitute for one previously introduced under the same number, on which a favorable report was made by the department February 8, 1930.

The amended bill includes the lands in the Tusayan National Forest described in the original bill, and also adds to the reservation other contiguous forest controlled land and certain alternate sections of privately owned lands which are interspersed with the forest tracts. The amended bill also adds to the reservation a small area of contiguous public land within which the odd-numbered sections are privately owned, and one small tract of state-owned land.

Since the above-referred-to departmental report was made on S. 3585 it has been brought to our attention that the Western Navajo Indians have for years past and still are using for grazing purposes the additional forest-controlled tracts described in the amended bill; also the privately owned and State lands within the Tusayan National Forest contiguous to a portion of the lands described in the original bill. The Indians have also been using the small area of contiguous public land described in the amended bill, within which the odd-numbered sections are privately owned.

It is understood that all of the privately owned lands involved in the amended bill are owned by the Campbell-Francis Co. This company is engaged in the sheep-raising industry, as are also the Indians. However, due to the fact that the company's holdings within the areas of the national forest as described in the amended bill consist of alternate sections, the remaining sections being under the control of the national forest, it has been impossible for the company to fence that part of their holdings so as to exclude the Indians and their sheep. Hence the Indians have been enabled to use the lands for grazing their sheep, to the detriment of the company.

The amended bill will remedy this situation and settle for all time the long-standing controversy and dissatisfaction existing between the company and the Indians.

The Department of Agriculture through its local district forester has indicated its willingness to turn over control of the additional tracts for the benefit of the Indians. However, it is understood, informally, that a copy of the amended bill has been sent to that department for consideration. This office is in favor of the amended bill, and it is recommended that it be enacted into law.

C. J. RHOADS, Commissioner.

DEPARTMENT OF AGRICULTURE,
Washington, April 9, 1930.

HON. LYNN J. FRAZIER,
Chairman Committee on Indian Affairs,
United States Senate.

DEAR SENATOR FRAZIER: Reference is made to your letter of April 3, inclosing copy of proposed amendment to Senate bill 3585, to eliminate certain lands from the Tusayan National Forest, Ariz., as an addition to the Western Navajo Indian Reservation, and asking for a report thereon:

The proposed legislation would exclude from the Tusayan National Forest, in the State of Arizona, an area of approximately 116,000 acres, which land, together with approximately 5,760 acres of the public domain, would be added to and made a part of the Western Navajo Indian Reservation. The proposed amendment would further make it possible for the owners of any privately owned land within the area described in the bill to exchange such lands, with the approval of the Secretary of the Interior for an equal value of lands of the public domain in the State of Arizona north of the third standard parallel north of the Gila and Salt River base line.

This department has hitherto given some consideration to the proposal to transfer some of the lands within the Tusayan National Forest to the Western Navajo Indian Reservation. By letter of January 8, 1930, the department advised the Secretary of the Interior that it would recommend the elimination of approximately 82,620 acres from said national forest. No recommendation was made as to whether the lands should be added to the Indian reservation, since it was assumed that the Secretary of the Interior, under whose jurisdiction such matters rest, would advise on that subject.

The proposed amendment increases the area which would be eliminated from the Tusayan National Forest from 82,620 acres to 116,000 acres, or 33,380 acres. In addition, it is proposed that 5,760 acres shall be transferred from the public domain to the Indian Reservation. The area described in the bill for addition to the Indian Reservation includes approximately 12,800 acres of lands owned by the State of Arizona, or to which it has an equitable title; it also includes approximately 19,840 acres of privately owned land. No doubt the exchange provision of the bill is intended to take care of these privately owned lands and make it possible for the owners to acquire other lands outside the Indian reservation of equal value in that general section of the State of Arizona.

The lands proposed for exclusion from the Tusayan National Forest have very little forest value. Approximately 45,000 acres of the tract contains timber of the woodland type; that is, pinyon and juniper, which has very little, if any, commercial value. These lands are located adjacent to the Western Navajo Indian Reservation, and for a long time the grazing resource thereon has been used by the Indians. It is reported that they have not only been using the grazing resource on the publicly owned lands, but also that on the privately owned lands without making compensation therefor. It is because of this latter fact that the owners are interested in conveying title to the Indians or for their benefit and acquiring other lands of equal value from the public domain.

This department has no objection to the proposed amendment to Senate bill 3585. It is assumed, of course, that the views of the Secretary of the Interior on the proposed legislation will be obtained.

Sincerely yours,

R. W. DUNLAP, *Acting Secretary.*

[Telegram]

FLAGSTAFF, ARIZ., April 8, 1930.

HON. HENRY F. ASHURST,
United States Senate:

The Board of Supervisors of Coconino County hereby indorses and approves Senator Hayden's amendment.

R. E. TAYLOR, *Chairman.*
EDITH PERRY, *Clerk.*

[Telegram]

PHOENIX, ARIZ., April 7, 1930.

THE HON. CARL HAYDEN,
United States Senate, Washington, D. C.:

Your amendment to Senator Frazier's bill has our hearty indorsement.

D. C. BABBITT,
State Land Commissioner.

Calendar No. 442

71ST CONGRESS }
2d Session }

SENATE

{ REPORT
No. 444

AUTHORIZING ISSUANCE OF CERTIFICATES OF ADMISSION TO ALIENS

APRIL 14 (calendar day, APRIL 16), 1930.—Ordered to be printed

Mr. BLEASE, from the Committee on Immigration, submitted the following

REPORT

[To accompany S. 1278]

The Committee on Immigration, to whom was referred the bill (S. 1278) to authorize the issuance of certificates of admission to aliens, and for other purposes, having had the same under consideration, reports it back to the Senate without amendment and recommends that the bill do pass.

The bill extends to alien residents the right to apply for a certificate of admission if they so desire, and is the result of a demand on the part of alien residents for some document which they can present as evidence that they are legally resident here in the United States.

It is purely a voluntary matter and not compulsory.

The bill does not provide for registration, as no one can receive a card of identification under its provisions unless he is already registered. There is now a register of every alien who is lawfully and regularly admitted to the United States, and since July 1, 1928, the Immigration Service has issued an engraved certificate of admission to all aliens entering the United States for permanent residence. The purpose of the bill is to provide similar identification for those alien residents who entered the country lawfully prior to July 1, 1928.

Many letters have been received both in favor and in opposition to the bill. The chief objection offered by the opponents apparently comes from a misunderstanding as to the purpose of the bill, believing that it provides compulsory registration or that it will eventually lead to that; while the facts of the matter are that the bill is simply for the issuance of certificates of registration to those who desire same. It does not provide for registration in any manner.

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