

HOUSE CONCURRENT MEMORIAL 2004

A CONCURRENT MEMORIAL

URGING THE CONGRESS OF THE UNITED STATES TO PASS H. R.
4414 AND THE SECRETARY OF THE INTERIOR TO ARRANGE
FOR THE SURRENDER OF PROPERTY HOLDINGS WITHIN THE
SAN CARLOS MINERAL STRIP AND PROVIDE COMPENSATION
FOR SUCH HOLDINGS.

To the Congress of the United States, and to the Department of the Interior of the United States:

Your memorialist respectfully represents:

Whereas, in 1871 and 1872 the President of the United States by Executive Orders set aside a reservation for the San Carlos Apache Indians a part of which is now known as the San Carlos Mineral Strip; and

Whereas, in the late nineteenth century it was believed that certain portions of these tribal lands contained valuable mineral deposits, particularly coal; and

Whereas, by agreement with the Indians February 25, 1896, ratified by an Act of Congress June 10, 1896, the San Carlos Apaches agreed to the cession of an area of approximately two hundred thirty-two thousand acres to the United States for no payment; and

Whereas, the act ratifying the agreement called for the United States to place in the Treasury of the United States to the credit and for the sole benefit of said Indians the net proceeds accruing from the disposal thereof and for the lands to "be open to occupation, location, and purchase under the provisions of the mineral land laws only"; and

Whereas, from 1896 until 1931, the Tribe received net revenues amounting to only twelve thousand four hundred thirty-three dollars from the disposal of lands in the Mineral Strip under the mineral land laws; and

Whereas, because of the insignificant financial returns, the First Assistant Secretary of the Interior, on March 30, 1931, withdrew the lands in the Mineral strip from all forms of entry or disposition pending the enactment of legislation to authorize the restoration of the area to the Tribe; and

Whereas, the United States Government has since let thousands of acres of the Mineral Strip to patent, withdrawn a forest reserve therefrom, and permitted thousands of acres of grazing to be done under the Taylor Grazing Act; and

Whereas, the residents and ranchers now living on the Mineral Strip and their ancestors have lived on these lands and worked them as their homes and ranches for many years, thereby investing, in many cases, their entire lives' efforts and savings toward the building of these ranches and the construction and maintenance of extensive improvements thereon; and

Whereas, these improvements are located on both tribal lands which were under lease at the time from the Bureau of Land Management and on lands which had been patented under the Homestead Act; and

Whereas, on January 16, 1969, the Secretary of the Department of the Interior signed an order restoring surface rights in the San Carlos Mineral Strip to the San Carlos Apache Indian Tribe; and

Whereas, the San Carlos Apache Tribal Council recently passed a resolution to the effect that, "it is in the best interest of the San Carlos Apache people to graze their own cattle on the land involved"; and

Whereas, the removal of the non-Indian ranchers from the Mineral Strip without just indemnification for the value of their lands and improvements would place upon them an unfair and unjust financial burden; and

Whereas, these ranchers were allowed to reside on the land and make these improvements with the express consent of the United States Government.

Wherefore, your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the Congress of the United States give immediate and positive consideration to H.R. 4414 which would "authorize the Secretary of the Interior to purchase property located within the San Carlos Mineral Strip"; and
2. That the Secretary of the Interior arrange for the surrender of the home and ranch holdings involved to the San Carlos Indians and provide for payment of compensation to the residents and ranchers for property losses sustained by the surrender of such holdings.
3. That a copy of this Memorial be transmitted by the Secretary of State of Arizona to the United States Secretary of Interior and to each member of the Arizona Congressional delegation.

Passed the House April 30, 1973 by the following vote: 48 Ayes, 5 Nays, 6 Not Voting.

Passed the Senate April 27, 1973 by the following vote: 29 Ayes.

Approved by the Governor—May 2, 1973

Filed in the Office of the Secretary of State—May 3, 1973