

COMMEMORATING
THE 50TH ANNIVERSARY OF THE

THE RETURN of BLUE LAKE to TAOS PUEBLO:

A NEW DAY for
AMERICAN INDIANS



There it lies
Nestled in the high mountains
The Little Blue Eye of Faith
The Deep Turquoise Lake of Life
Blue Lake, my church,
Guarded by Mother Earth
Surrounded by Life
Rippled by the Wind
It's life-giving water flows
Yet, within its depths, mysteries lie
Those which man will never know

James F. Cordova, Taos Pueblo

It is hard to believe that 50 years have passed since the official repatriation of the Blue Lake and surrounding natural resources to Taos Pueblo. Yet, the passage of time is immeasurable in comparison to the significance of the legislation that culminated in Taos Pueblo's 64-year long struggle to secure their religious freedom.

A freedom guaranteed by the 14th Amendment of the Constitution of the United States, but which was appropriated in 1906 in the name of production of natural resources under the guise of preservation. Our forefathers premised their opposition and based their efforts for repatriation on the fact that Blue Lake and the surrounding land is a holy place likened to Jerusalem, the Vatican, Santuario de Chimayo, Mecca, and other places of religious significance and vitality. Generations of Taos Pueblo people make the annual trek to Blue Lake to pray and seek solace. These are all places where people make treks and our Blue Lake is the same. Blue Lake is central to our existence and vital to our way of life. It is the place of our emergence and the place of our return at the conclusion of our life. Our annual trek is to honor our predecessors and enliven our spirits with prayer. This is our way and it has been this way since time immemorial.

The Lakota scholar, Vine Deloria, Jr. accords power and place in the Indian world as, "Basic experiential

dimensions that, taken together, provided a sufficient means of making sense of the world. Power perhaps better defined as spiritual power or life force.” Deloria, Jr. goes on to explain that, “Familiarity with the personality of objects and entities of the natural world enabled Indians to discern immediately where each living being had its proper place and what kinds of experiences that place allowed, encouraged and suggested. And knowing places enabled people to relate to the living entities inhabiting it.” This is best exemplified by the annual trek made by Taos Pueblo people to Blue Lake via the “Path of Life,” an approximately 20-mile mountain trail that is traversed both day and night. Without intimate knowledge of this trail, the shrines and springs along the way, this trek would be very difficult, but also a strenuous trying experience. Yet, because our elders have imbued the spiritual power of this journey, sang the songs, shown us the dances, and led the way to Blue Lake, all pilgrims are familiarized at a young age of this trail and its significance to the spiritual power and life force that is ingrained in our DNA and reiterate this information to our children and grandchildren as it has always been done since time immemorial.

The fearlessness and perseverance of our forefathers has also been ingrained in younger generations of Taos Pueblo people. The stories of their struggles and travels are passed down through generations as an epic battle with insurmountable odds just as their forefathers before them when casting the

Spaniards from our lands in the great Pueblo Revolt [of 1680]. It was not only a story akin to Sampson and Goliath, but a tumultuous episode of American history as can be written. Taos Pueblo enrollment in 1906 was 500 people strong and this was all those spiritual and traditional government leaders needed to advance their fight for the return of their land and its sacred Blue Lake. This was the epitome of the “power of the people,” against a government that had a history of total disregard and complete disrespect for an indigenous people whose land was there for the taking.

The United States Government gave no forewarning that they were going to appropriate the land and made no pretense that once theirs, they had total control of its development as a recreational area. They knew that possession was 9/10s of the law and their Congress was unwilling to succumb to any influences to return the land to Taos Pueblo. This struggle, this clash of cultures, continued for 64 years. It was such because the U. S. Government’s actions were based on the prevailing movement to preserve the last remaining vestiges of wilderness from development and annihilation. The early 20th century movement was led by Gifford Pinchot and other environmentalists who supported the notion of preserves by nationalizing vast tracts of land such as Yellowstone and Yosemite for citizens to enjoy and revel in these last vestiges of primitive areas in the United States.

Taos Pueblo, as do other indigenous peoples, had

always respected and utilized the land for subsistence and revered it for the symbiotic relationship that was fostered over millennia of use and harmonious interaction. Whether President Theodore Roosevelt was vested in the movement is questionable, but because he was an ardent sportsman, he saw that setting aside these lands would guarantee wild game for the future. The newly established U. S. Forest Service proceeded immediately to build cabins, construct roads, and stock the lakes with intrusive fish that preyed upon and decimated the native cutthroat trout. The U. S. F. S. issued permits to Taos Pueblo from a limited number of days so the latter could journey to their sacred Blue Lake and pray for the wellbeing of all peoples. The stipulations on the permits were that Taos Pueblo officials had to request use of their land two weeks before the actual ceremonial period.

Despite Pueblo protests, the Blue Lake area was made accessible to the general public even during the ceremonial period of Taos Pueblo. Senators Clinton P. Anderson and Lee Metcalf were the main opponents of bills introduced to the Senate. This continued for several decades until a new strategy was employed. This strategy included an ardent and expensive public opinion and relations war made possible with support from many non-Indian sympathizers and compatriots from influential non-governmental organizations, ecumenical organizations and churches, Indian activists and organizations, and members of Congress.

The tide began to turn and in 1969, on the first day of the Ninety-first Congress, Representative James A. Haley, Chairman of the Subcommittee on Indian Affairs, introduced the Blue Lake Bill (H. B. 471), which granted trust title to 48,000 acres to Taos Pueblo, which included Blue Lake. President Nixon and Vice President Agnew were finally convinced that supporting the return of this land would be advantageous for their domestic policies, especially for American Indian policies. President Nixon signed H. R. 471 on December 15, 1970, which became Public Law 91-550. This law became the basis of American Indian policy that ensued including the Native American Religious Freedom Act, the Indian Self-Determination and Education Assistance Act, Indian Civil Rights Act, Indian Education Act, Indian Health Care Act, American Indian Religious Freedom Act, Indian Child Welfare Act, Archaeological Resources Protection Act, and many other laws promoting American Indian self-sufficiency and cultural preservation. Important legal, political, and economic national organizations were also established at this time including: the National Indian Education Association, the Native American Rights Fund, the National Tribal Chairman's Association, and the Council of Energy Resource Tribes. These national Indian organizations represented interests at various levels of government and contributed to a growing awareness of the shared interests and common problems of all Native Americans. The National Congress of American Indians and other non-governmental organizations recognized the resilience and tenacity of Taos

Pueblo and the effects of the Return of Blue Lake as hallmark legislation for all American Indians.

Although Native Americans continue to face severe problems related to employment, income, and education, they have demonstrated that they will not abandon their Indian identity and culture, nor will they be treated as dependent wards [nations] of the federal government.

We have unending gratitude and tremendous pride and respect for our elders and forefathers who sacrificed their lives for the return of these lands and our sacred Blue Lake to Taos Pueblo. It is to honor their spirit that we trek every year to “The Little Blue Eye of Faith,” to use Mr. Cordova’s words, through which we honor and pray for “Its life-giving water,” the animals and plants that provide our sustenance, and the “depth and mystery” of our belief in an Almighty Creator and the beautiful land and place that was provided for us to nurture and protect for future generations of Taos Pueblo people.

—Vernon Lujan, Curator

BLUE LAKE TIMELINE

900 Ancient Puebloans first migrated into the Taos area.

1300 Establishment of the central village as their permanent residence. This central village of Pueblo de Taos is the oldest continuously inhabited place in America.

1540 The Spanish explorer Francisco de Coronado led the first expedition up the Rio Grande Valley, and named the Sangre de Cristo (“blood of Christ”) mountains.

1598 Spanish rule was established; Spanish law recognized Indian possessory rights to the territory used and occupied. However, the 300,000 acres occupied by Taos Puebloans, at the time stretching across Taos, Colfax, and Mora counties, was encroached upon through large grants made by the Spanish Crown and the appropriation of small acreages by squatters.

1821 the Mexican Revolution resulted in Mexican sovereignty over New Mexico. The Mexican government confirmed Indian possessory rights to occupied territory under the Treaty of Cordova and the Mexican Declaration of Independence. However, the loss of land continued to accelerate under Mexican control with rampant bribes of corrupt administrators to produce fraudulent titles.

1848 sovereignty passed to the United States under the Treaty of Guadalupe Hidalgo, which guaranteed protection of property rights recognized by Spanish and Mexican law.

1872 Yellowstone National Park and Yosemite National Park were created.

1900 Tragically, between arrival of the Spanish and this date, due to disease and political oppression, the Tribe's population from an estimated 20,000 at Spanish arrival dropped to 400 or 500 people.

1901 Theodore Roosevelt was elected and became America's first conservation-conscious president, setting aside 150 million acres of land as forest reserve and protecting 85 million acres in Alaska and the Pacific Northwest. In the spirit of the rising conservation movement, the people of Taos Pueblo voiced a need for the protection of the Blue Lake watershed to the Bureau of Biological Survey when mining, timbering, and overgrazing became obvious threats with the increasing occupancy of the area.

1906 The United States Government appropriated the Blue Lake area and made it part of the Carson National Forest. The Taos Pueblo supported this additional protection with the specific request of single-use for the Tribe in the Blue Lake watershed area. Without intention by Theodore Roosevelt or the Tribe, this proclamation actually stripped the Taos Pueblo of the aboriginal title, gave the sacred

land to the federal government, and made it subject to the policies of the National Forest Service (NFS).

One of the central tenets of the Forest Service is a multiple-use land policy that encourages behaviors directly in conflict with the Taos Pueblo relationship with nature. The NFS encouraged recreational use, the production of resources, grazing, stocking lakes with fish, cutting roads and trails, authorizing mineral extraction and timbering, and manipulating vegetation to improve water yields. The Taos Pueblo, in contrast, believed that nature imparted to their ancestors the proper and perpetual modes of behavior toward the land and that departing from that behavior is sacrilegious. The livelihood of the Taos Pueblo, then and now, is rooted in the interrelationship of people and land: the people give homage to and fructify the land through prayer and ceremony; the land in turn nourishes and sustains the people.

1910 Problems arose between the National Forest Service and the Pueblo Indians. The NFS issue permitted outsiders to use the Blue Lake watershed without warning to the Pueblo, resulting in the interruption of private sacred ceremonies. A key teaching of Pueblo ancestors is to keep the tribal religious knowledge secret. In fact, Pueblo natives believe that to reveal aspects of their religion to outsiders is to weaken it. Outsider presence in the place of rituals and ceremony constituted a great threat to the proper performance of duties and a serious invasion of religious privacy. The NFS also cut trails, stocked fingerling trout in Blue Lake to

encourage fishing, and allowed non-Indian cattle to begin grazing the watershed, resulting in the destruction of centuries-old exclusive rights.

1924 The Pueblo Lands Act was passed to investigate all private claims to Indian land and determine the authenticity of land title. Authenticity was based on continuous occupancy since 1902 with title and payment of taxes or continuous occupancy since 1889 with payment of taxes but without title. If a title was confirmed, the board determined the amount to be paid to a tribe for land lost.

1926 The committee found that the Pueblo was not appropriately compensated for Indian lands settled by non-Indians. The Pueblo offered to waive compensation awarded for Indian lands settled by non-Indians if they could acquire the title to the Blue Lake area. But the Tribe received neither compensation nor title. A double-cross, discovered many years later, occurred when the Land Board made the Tribe's waiver of payment a matter of official record, but recorded nothing about the waiver's contingency upon the return of Blue Lake.

1927 A Cooperative Use Agreement was signed between the Tribe and NFS after a series of uneven negotiations. Further deception took place in this agreement, when the draft was amended later to include only a portion of the Blue Lake watershed, cheating the Pueblo out of 7,000 acres in an effort

to protect the grazing interests of Anglo cattlemen. Recreational use continued to increase in the Blue Lake watershed including the construction of a cabin, outhouse, garbage pits, and horse corrals at the lake.

1931 An investigation of the efficacy of the 1927 Pueblo Lands Act was undertaken and found that the Lands Board paid non-Indian claimants the fair market value of the land they had lost while paying Indians only one-third of the market value.

1933 On May 31, the Senate Indian Affairs Committee recommended that the title be restored to the Pueblo Indians. The House passed House Resolution 4014, the “Pueblo Relief Bill”, acknowledging that the Pueblo people were paid \$382,000 less than they were owed because of the redaction of the Blue Lake watershed clause that took place in the 1927 agreement. It is also decided that the Tribe did not have a single-use patent to the area via the existing agreement but instead had the right to apply for a conditionally renewable fifty-year use-permit, which would leave authority for managing the watershed in the hands of the NFS.

1940 After two years of negotiations over acreage, the Tribe gained the fifty-year use rights to 30,000 acres for grazing, obtaining water, wood, and timber, and for ceremonial religious observances. They were also granted exclusive use for three days during August with two-weeks notification to

the Forest Service. Through these rights, non-Indian persons could still use the Blue Lake watershed for recreational use through governor permissions. The Forest Service was permitted to improve the forest in the area, while the Tribe was to patrol the watershed and oversee fire suppression. At this point, the Forest Service continued to behave with disregard for the Taos Pueblo and the Tribe carried on as if they were granted a single-use permit, both incorrect stances in the eyes of the law that resulted in years of constant conflict.

1940s and 50s These years were filled with repeated failed attempts to regain the Blue Lake watershed by the Taos Pueblo.

1942 Frank Waters published, *The Man Who Killed the Deer*, a novel telling the story of a Pueblo Indian who killed a deer on what was historically Indigenous land and was arrested by the Forest Service. This book gained national popularity and over the following 25 years inspired thousands to support the Pueblo struggle for the return of Blue Lake.

1951 The Pueblo filed a suit before the Indian Claims Commission (ICC), seeking judicial support for the validity of its claim. The ICC was a special court to which tribes could present claims for land they had lost and for which they had received inadequate compensation. Taos Pueblo tribal members Seferino Martinez, Governor Star Road Gomez, and Paul Bernal, recently returned from WWII, led this new enlivened pursuit. John Collier,

Franklin Delano Roosevelt's Commissioner of Indian Affairs, and Oliver La Farge, President of the Eastern Association on Indian Affairs also joined as important players in the fight for the return of Blue Lake to Taos Pueblo.

1951 to 1961 Stress over the inaction of the ICC caused infighting and staff turnover amongst the Blue Lake attorneys. An exploratory hearing was held every year by the Commission to establish facts, during which featured witnesses from the tribe testified to the "original Indian title" of the watershed with ceremonial use for themselves, their fathers, and their grandfathers. These witnesses included tribal members John Concha, Seferino Martinez, Julian Lujan, Antonio Mirabal, Hilario Reyna, Manuel Cordova, and Cesario Romero. Anthropologist Florence Hawley Ellis who excavated the oldest midden pile of the Taos Pueblo testified, and the Head of Records Division at New Mexico State Archives Dr. Myra Ellen Jenkins also provided expert testimony on land use patterns during Spanish and Mexican sovereignty. Due to too many ICC cases, the claim continued to lay dormant and the trial was postponed. House bills to amend the acreage of the current usage agreement were also put forth at that time and failed.

1964 both parties presented oral arguments. Throughout this time period, the Taos Pueblo was fighting the battle on another front with local politics and public views. The tides of public

opinion changed quickly and were difficult to combat. Many efforts were made by the Blue Lake team to bring in Taoseños, news outlets, and influential figures. Multiple public relations campaigns were undertaken with nationally distributed printed media, and petitions were circulated that generated favorable coverage in papers from The Taos News to The New York Times and multiple television networks. Taos support groups were created that featured local influencers like John Collier, Charles and Mary Brooks, and Joan Huggins Reed. Local attorney Stephen A. Mitchell was also hired to work as a community liaison.

These community outreach efforts resulted in support for Taos Pueblo by the Taos Town Council and the influential ditch associations and supervisors of soil conservation. The Pueblo also secured the backing of national Indian organizations and the Association of American Indian Affairs publicly supported their cause. This campaign was remarkable in American history for the ecumenical spirit involving leading church authorities in support of aboriginal Indian religion including the National Council of Churches, the Archbishop of Santa Fe, the President of NMCC, the Chair of Commission on Law and Social Action of the American Jewish Congress, and prominent clergymen – both Catholic and Protestant – who wrote on behalf of the Pueblo after the Blue Lake team headed their claim on the basis of religious freedom.

Sometimes public opinion of the Taos Pueblo

and Native Americans in general was out of the hands of the Tribe. The Taos County Commission waged a formidable public relations war pushing concerns about Pueblo control of water rights that would come with the title to the watershed. At different points during this sixty-four-year battle, opponents spread malicious misinformation about “animalistic” ritual behavior and peyote ceremonies taking place at the Taos Pueblo, as well as disparaging opinions about tribal members taking children out of school for religious ceremonies.

1965 On Sep 8, the Indian Claims Commission affirmed that the U.S. government took the area unjustly from its rightful Indian owners. Next for the Blue Lake team was to approach the New Mexico delegation to develop a bill that would convey to them a trust title to 50,000 acres.

1966 On March 15, S.3085 legislation to return the sacred area to the Pueblo was introduced in Congress by Sen. Clinton P. Anderson of New Mexico “by request” to indicate his lack of support. The bill died without action in the Senate Interior and Insular Affairs Subcommittee.

Politicians were also beginning to rally behind the Blue Lake cause. Steward Udall, a popular and well-known interior secretary, took personal interest in the cause; New Mexico Governor David Cargo worked from behind the scenes to support the Blue Lake team before publicly advocating for the cause; Senator Robert Kennedy publicly advocated passage of S. 3085; and, near the end,

Senator Fred Harris, Vice President Spiro Agnew and President Richard Nixon joined the cause. The bill became known as one with “unlikely bedfellows” as the bench became increasingly bipartisan with Senate majority whip Robert Griffin (R), Ted Kennedy (D), Senator Fred Harris (D), and Senator Barry Goldwater (R).

1966 to 1970 This was the beginning of a series of bills and hearings that went before the House of Representatives and Senate with significant movements forward and disappointing setbacks. Senator Clinton P. Anderson was regarded as the biggest enemy to the return of Blue Lake and was one of the primary reasons that the bill was stuck in the Senate for years. The trials were full of dramatic testimony, powerful allies putting forth support, rude and inexcusable treatment of Pueblo elders by government officials, and brave and inspiring testimony by members of the Taos Pueblo. Those who testified included Gov. John Reyna, Seferino Martinez, Paul Bernal, the American Friends Service Committee and Indian Rights Association, the Committee on Indian Work of the National Council of Churches, and the Executive Director of the Association on American Indian Affairs.

1968 On May 10, Rep. James A. Haley, chairman of the Subcommittee on Indian Affairs, introduced H.B. 3306, to restore the sacred area to the Pueblo and was passed unanimously. On June 22, a Justice Day celebration was held by the Taos Pueblo with

other tribes, with the keynote speech from the chief of the powerful Navajo tribe. After this, the bill died again in the Senate Interior and Insular Affairs Subcommittee at the hands of Senators Clinton P. Anderson and Lee Metcalf.

1969 On Jan 3, the Blue Lake Bill was reintroduced by Rep. James A. Haley as H.B. 471 on the first day of the Ninety-first Congress.

1970 On Jan 26, the National Congress of American Indians Executive Committee endorsed H.R. 471 and called for presidential support from President Richard Nixon as the cornerstone of a new Indian policy. The last holdouts, the Department of Agriculture and the Bureau of Budget, finally compromised under public and White House pressure. Thirty-six Indian leaders from around the country sent telegrams to Vice President Spiro Agnew and President Richard Nixon requesting that they publicly endorse the return of Blue Lake to the Taos Pueblo.

In a breathtaking move, Juan Jesus de Romero, the Cacique of Taos Pueblo, the tribe's highest priest in religious affairs, appeared for testimony before the U.S. Congress. The Cacique did not make public appearances but worked within the Pueblo to keep the sacred quest alive in the internal religious life of his people. Joining him in the final march of this battle were tribal members Quirino Romero, James Mirabal, and Paul Bernal.

1970 On July 8, President Nixon announced

support for H.R. 471 as the first element of his new Indian policy. One day later, on July 9, 1970, hearings opened before the Senate Subcommittee on Indian Affairs on H.R. 471 and Senator Anderson's diminished alternative, S. 750. This hearing featured unspeakable behavior by Senator Lee Metcalf who appeared drunk and an aging and unwell Clinton P. Anderson. The Cacique delivered inspiring testimony that was said to captivate the entire room. In response to the accusation that this was only an issue of concern for the elders of the tribe, Gilbert Suazo, as representative of the Taos Pueblo youth, presented to the subcommittee a statement signed by almost all of the younger Taos tribal members, calling for the return of Blue Lake. Metcalf treated the Pueblo men with complete disrespect, speaking disparagingly of "medicine men springing up everywhere."

The Cacique left the hearing very angry, returning to the Pueblo to spend all night and day praying in the kiva with all of his strength and energy. Testifying at this hearing were members of the Taos Town Council, the Taos Soil and Water Conservation District, the American Indian Advisor to the Republican National Committee, Senator Stewart Udall, members of the Wilderness Society, the Blue Lake National Committee, representatives of the American Civil Liberties Union, the National Council of Churches, and more nationally prominent citizens and organizations.

1970 On July 25, a Second Justice Day was held to honor President Nixon and Vice President Agnew.

A cane was presented to the tribe from Nixon as a symbolic gesture and is carried by the Cacique of the Taos Pueblo to this day.

1970 On Aug 27, the Senate Subcommittee favorably reported to the full Committee on Interior and Insular Affairs regarding both H.R.471, which grants trust title to 48,000 acres comprising Blue Lake and access routes from the Pueblo, and S.750 Senator Clinton P. Anderson's alternative, which grants an exclusive-use area of 1,640 acres around Blue Lake, but without exclusive access thereto. With this report, the Bill was finally free of the Senate Subcommittee after four years. On Dec 2, 1970 the Senate killed Anderson's substitute measure, 56 to 21, and approved H.R 471, 70 to 12, finally ending the battle for the return of Blue Lake.

1970 On Dec 15, ten days before Christmas, President Nixon signed H.R. 471 into Public Law 91-550. After signing, Nixon presented the pen to the beaming Cacique. The results of this decision reverberated through the country.

1975 On November 18, this new public law effectively reversed government policy on Indian affairs when Congress passed P.L. 93-638, introducing a new era of self-determination for Native Americans.

EPILOGUE

In the twenty years after the passage of P.L. 91-550, millions of acres were returned to Indian tribes by judicial or legislative action, all based partly on the Blue Lake case.

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