Taos Indians and the Blue Lake Controversy

Ronald P. Archibeck

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MASTER OF ARTS

TAOS INDIANS AND THE BLUE LAKE CONTROVERSY

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TAOS INDIANS AND THE BLUE LAKE
CONTROVERSY

BY

RONALD P. ARCHIBECK

THESIS

Submitted in Partial Fulfillment of the
Requirements for the Degree of
Master of Arts in History
in the Graduate School of
The University of New Mexico
Albuquerque, New Mexico
June 1972
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ABSTRACT OF THESIS

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ABSTRACT

This paper shall concern itself with the sixty-four year controversy between the Taos Pueblo Indians and the United States Forest Service over the question of who should control the Blue Lake area in northern New Mexico.

To the Taos Indians, Blue Lake was their most sacred religious shrine -- the place of their emergence and re-entry into the earth after death. Also of importance because of numerous religious shrines were the 48,000 acres of wilderness watershed land adjoining the lake, known as the Blue Lake area. The Indians had to convince Washington of this religious importance -- it was only by a congressional act that the land could become their own.

In 1906, President Theodore Roosevelt had withdrawn the Blue Lake area from entry and placed it under the administration of the Forest Service, the newly created branch of the Department of Agriculture. At first the Indians did not mind the administration and management of the land by this organization, but as time went on they insisted on more of a say-so in the policies of administering the area.

It was this change of attitude that started the controversy. Personality conflicts developed between the Indians and the Forest Service. The Indians charged that there was harassment; the Forest Service made countercharges.
The Indians made petitions to anyone who could help their cause, and by 1968, they had left no stone unturned -- from the Department of Interior to the President. Finally, on December 2, 1970, with the aid of loud and supportive public opinion, a strong lobby, and a presidential endorsement, they won trust title to the Blue Lake area. Their precedent-setting victory became national news.

Information for this paper was gathered through interviews with the Indians, the Forest Service, and the Bureau of Indian Affairs. Many contributors wished to be quoted anonymously. Both the Forest Service and Bureau of Indian Affairs permitted this writer access to their records whenever necessary.

Results of this study revealed the impossible situations incurred by both the Forest Service and the Indians. Both knew the difficulties of dealing with governmental beaurocracies, politics, and the changing tides of public opinion.

When research on this paper was first begun, the sympathies of this writer lay strongly with the Indians, as indeed they still do; however, now they are not exclusively so. The Forest Service and its strongest supporter in the controversy, Senator Anderson, are no longer the villains they once seemed to be, acting with less than compassion for a group of victimized Pueblo Indians. Instead, all the figures in this controversy have emerged as real people with unusually strong convictions which they were driven to pursue.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>CHAPTER</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>I.  EARLY HISTORY, THE PUEBLO, AND THE PEOPLE</td>
<td>8</td>
</tr>
<tr>
<td>Early History</td>
<td>8</td>
</tr>
<tr>
<td>The Pueblo</td>
<td>9</td>
</tr>
<tr>
<td>Physical characteristics of the pueblo</td>
<td>9</td>
</tr>
<tr>
<td>Difficulty in the pueblo</td>
<td>11</td>
</tr>
<tr>
<td>The People</td>
<td>13</td>
</tr>
<tr>
<td>Characteristics of the people</td>
<td>13</td>
</tr>
<tr>
<td>Taos Indian religion and government</td>
<td>20</td>
</tr>
<tr>
<td>II.  THE CREATION OF THE TAOS FOREST RESERVE,</td>
<td></td>
</tr>
<tr>
<td>ITS EFFECTS, AND NEW HOPE THROUGH THE</td>
<td></td>
</tr>
<tr>
<td>PUEBLO LANDS BOARD</td>
<td>29</td>
</tr>
<tr>
<td>Creation of the Taos Forest Reserve</td>
<td>29</td>
</tr>
<tr>
<td>Mining encroachment</td>
<td>29</td>
</tr>
<tr>
<td>Withdrawal of the lands</td>
<td>30</td>
</tr>
<tr>
<td>Indians ask for exclusive use</td>
<td>32</td>
</tr>
<tr>
<td>The sacred land becomes a forest reserve</td>
<td>33</td>
</tr>
<tr>
<td>Early recognition of exclusive use rights</td>
<td>36</td>
</tr>
<tr>
<td>The Indians lose exclusive use</td>
<td>38</td>
</tr>
<tr>
<td>Indians want the Blue Lake area</td>
<td></td>
</tr>
<tr>
<td>as part of Taos reservation</td>
<td>42</td>
</tr>
<tr>
<td>John Collier comes to New Mexico</td>
<td>43</td>
</tr>
<tr>
<td>CHAPTER</td>
<td>PAGE</td>
</tr>
<tr>
<td>---------</td>
<td>------</td>
</tr>
<tr>
<td>The Pueblo Lands Board</td>
<td>47</td>
</tr>
<tr>
<td>The Pueblo Lands Act</td>
<td>47</td>
</tr>
<tr>
<td>The Indians waive the town lots</td>
<td>50</td>
</tr>
<tr>
<td>The Indians describe Blue Lake area, but neglect its significance</td>
<td>53</td>
</tr>
</tbody>
</table>

III. AGREEMENT, LEGISLATION, AND

| THE SPECIAL-USE PERMIT | 58 |
| Agreement | 58 |
| The cooperative agreement of 1927 | 58 |
| Legislation | 62 |
| Act and executive order regarding mineral entry, 1928 | 62 |
| Section four of the act of May 31, 1933 | 65 |
| Bills introduced on behalf of the Taos Indians from 1934 to 1939 | 69 |
| Special-use Permit | 70 |
| Forest Service and Indian preparation for the permit | 70 |
| The entry permit and its problems | 73 |

IV. GRAZING AND TIMBER | 88 |

<p>| Grazing | 88 |
| Too many livestock in the sacred land | 88 |
| Whose livestock are trespassing? | 90 |</p>
<table>
<thead>
<tr>
<th>CHAPTER</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ear-tagging of Indian livestock ordered</td>
<td>95</td>
</tr>
<tr>
<td>by the Forest Service</td>
<td></td>
</tr>
<tr>
<td>The Forest Service tried to please the Indians</td>
<td>101</td>
</tr>
<tr>
<td>Timber</td>
<td>104</td>
</tr>
<tr>
<td>V. CONCLUSION</td>
<td>110</td>
</tr>
<tr>
<td>APPENDIX</td>
<td>114</td>
</tr>
<tr>
<td>BIBLIOGRAPHY</td>
<td>120</td>
</tr>
</tbody>
</table>
INTRODUCTION

They struggled for sixty-four years to gain back land which had been taken from them. They were ready for more struggle, perhaps another sixty-four years, but suddenly, on Wednesday, December 2, 1970, the United States Senate told the Indians of Taos Pueblo that they could have back their sacred 48,000 acres of prime wilderness area in northern New Mexico. Thirteen days later, President Richard M. Nixon signed Bill H.R. 471, which gave to the Taos, under trust patent, their sacred Blue Lake and its adjoining watershed area. This was the first time that land rather than money had been granted to an Indian tribe. This unusual decision by Congress was refreshing to many people because it happened in an era of newly-found national protectiveness toward minority groups and unblemished lands.

The Taos had enjoyed exclusive use of the Blue Lake area for hundreds of years, even down through Spanish occupation. Then, to protect the land from encroachment by mining prospectors, President Theodore Roosevelt placed it under the protective custody of the federal government. He swept it, with 148,000,000 acres across the United States, into the National Forest Reserve. When the Forest Service came in later to administer what it felt was best for the land, the Indians became disenchanted with the arrangement, and the long fight began. It was to become known as the Blue Lake controversy.
Possibly the most dramatic part of the Taos Indians' quest for their sacred land was during the five years immediately preceding their victory. Their drama flared in the unconcealed determination of a handful of elders who entered Senate subcommittee chambers to ask for the impossible -- return of Blue Lake and its surrounding wilderness watershed instead of the one-third of a million dollars the government wanted to give them.

In 1951, the Indians had reluctantly filed a claim before the Indian Claims Commission in which they made it clear that they desired the land rather than money. In the meantime, they requested the Secretary of Interior to sponsor a bill which would give them trust title to the Blue Lake area. However, their claims attorneys advised them to delay introduction of any bill until the Indian Claims Commission could determine that Taos Pueblo was the aboriginal owner of the Blue Lake area. It took the Commission fourteen years to finally issue an interlocutory order which determined that the Indians had aboriginal title to approximately 130,000 acres, which included the Blue Lake area, and that the United States owed them $297,684.67.

The Indians, however, did not want the money and began pushing for legislation which would give them trust title to the area. They began stressing their need for the land because of its religious importance to the pueblo. Senator Clinton P. Anderson of New Mexico was not in favor of giving them title; instead, he believed in weighing proposed legislation by two
standards -- the good of the Indians, and the good of the public. Only by request did he, in 1966, introduce S. 3085 which would have added 50,000 acres to the Taos reservation. No action was taken on this bill, however, because the Forest Service objected to taking care of lands outside its own boundaries.

The Indians were not surprised at Anderson's opposition; they were let down because they had no one from the State of New Mexico to give them the support they needed. It was speculated among various Indian organizations that if a senator from New Mexico were to lead the fight, many other senators would join in. Other tribes of the United States had their own interests at stake, for if the Taos Indians were successful, then their own claims stood a chance of being realized. The Apache Indians also claimed Apache Springs (a section of the Blue Lake area), but they withdrew their claim in favor of the Taos claim.

In 1968, Florida Representative James A. Haley, Chairman, House Subcommittee on Indian Affairs, took an interest in their fight and introduced H.R. 3306, which would have amended section four of the Act of 1933* and given the Taos Indians trust title to 48,000 acres in the Carson National Forest. Senator Anderson and the Forest Service strongly opposed this resolution, fearing that a precedent would be set which would be far-reaching -- Indians across the nation would claim practically all of America.

*See pp. 65-6 for Act of 1933.
Senator Anderson, supported by the Forest Service, believed that the return of 48,000 acres to the Taos was undesirable because: (1) many non-Indians were dependent on the Rio Pueblo and Rio Lucero watersheds -- the Forest Service was certain to protect watersheds, (2) it was questionable that the Indians really believed in their religion as strongly as indicated, or that the religious importance would not dwindle in future generations, leaving an entire watershed to a few, (3) perhaps not all the Indians of the pueblo wanted the land; possibly they would have preferred money.

It was after 1966 that Taos Indian bills began to appear before the legislative bodies, only to die before a Senate subcommittee hearing. The Indians learned that they needed a strong lobby; they knew that Anderson was a politically strong adversary and would do anything to keep their proposed legislation from passing. Also, they needed a good attorney. Labor Attorney Rufus Poole, because of his own personal interest in the Taos Indians, had donated his legal services since the early Fifties. However, they needed a full-time attorney, intelligent and dedicated, and they trusted Poole's choice of William C. Schaab. On December 8, 1970, after Congress had given the land to the Taos, Schaab wrote to Poole's widow, saying:

In the celebration that followed the victory, Rufus was in many minds and hearts as a source of strength to the Pueblo at crucial times when it needed the sense of resolution and stubborn dedication to its ultimate goal that he counseled [sic]. Personally, I only now realize that debt I owe him for having suggested that I be brought into the Blue Lake fight in 1967, against my better judgement. This has been no ordinary legal
employment. It has touched me deeply and expanded my awareness of the world, and mankind and God.\(^1\)

Schaab had proved to be a match for the opposition, with a well-prepared dossier and a strong lobbying force. Senator Anderson, aging and in ill health, had Senator Metcalf present his argument. They accused the Indians of not telling the truth when the latter was unable to provide adequate proof for their charges against the Forest Service. After President Nixon's endorsement of the Taos Indians, the Forest Service (an official part of his cabinet) was not allowed to testify in its own behalf. Anderson's friend, Jon W. Little, who represented the Forest Service, hurt their case when, unfortunately, he mocked the Taos Indian religion.\(^2\)

Senators Anderson and Metcalf accused the Taos government of being undemocratic, saying that when the Indians elected their tribal council members it was not a one-man, one-vote election; the senators termed it a self-perpetuating organization. Anderson explained that if a council member died, the council could elect another, thus no other person was voted in for many years.

In answer to the accusation, the Taos delegation said that an Indian was chosen to be a councilman through the authority of holding office. Any person who was given the authority became a council member. Valentino Cordova, a student at

\(^1\)William C. Schaab to Mrs. Rufus Poole, December 8, 1970. Printed copy obtained from Mrs. Poole, Albuquerque, New Mexico.

\(^2\)Interview with Forest Service official who asked that his name be withheld, hereinafter cited as Forest Service Official #1.
Arizona State University and a Taos Indian, said that his people were not sophisticated enough to impose upon them the democratic form of government as yet, that it could be possibly many years before they got to that point. Cordova maintained that the Taos people respected and admired their council of elders, and that he, as well as other young people, when it came their time to govern, would probably follow in that tradition.

Such is not the opinion expressed by a Taos Indian who was recently interviewed and preferred to remain unidentified. This particular old and respected tribal member said that he worried over who would govern the pueblo after the old men passed on, that most of the young people were moving away because they could not support themselves while living at the pueblo.

He said that in the Fifties and early Sixties, a majority of Taos people really did not care whether they got Blue Lake or not. He explained their later support thus: "If you pound hard enough and continuously, the people begin to think like you want them to." He explained that this is what tribal leaders Seferino Martinez and Paul Bernal had done. He said that Martinez was getting old, his sight was bad, and his hearing almost gone. Bernal was chief and a good man. Our informant said that religion was real to himself, and Blue Lake was the true sacred shrine.

Sacred shrine or forest reserve -- this paper will attempt to explore the controversy. Both the Indians and the
Forest Service held valid positions; both knew moments of frustration and nobility. It was, for the most part, a philosophical battleground.

During the interviews for this paper, many persons wished to remain unidentified since the issue was so current. First-hand Indian interviews were difficult to obtain, not only because of natural reticence, but because they were reluctant to divulge information since (1) it might have hurt pending legislation, and (2) after passage of the legislation, there were wounds which needed quietly to heal.

William Schaab, victorious attorney for the Indians, has not released his records to the public to date. Those who were most reluctant to release information were persons who were closely associated with the controversy.

Herein are the findings of this study (inadequate, at times, because of the unavailability of total resource material), and special thanks go to the Southern Pueblos Agency (formerly the United Pueblos Agency) and the Bureau of Indian Affairs Area Office, both in Albuquerque, the Northern Pueblos Agency in Santa Fe, and the United States Forest Service in Albuquerque.

Because of the length of the controversy, to reflect even a small part of what has happened can, at times, be confusing or repetitious. Therefore, an attempt will be made to lessen the confusion by continually offering descriptive modification of characters and places, and by grouping subject matter according to similarity and chronological sequence.
CHAPTER I

EARLY HISTORY, THE PUEBLO, AND THE PEOPLE

To appreciate the controversy over Indian ownership or non-ownership of the Blue Lake area, it is necessary to know something of the character and disposition of a people who could collectively go after and get something after sixty-four years of trying. The following chapter will attempt to identify the Taos and their love of the land.

I. EARLY HISTORY

There was no rain at Mesa Verde for the crops, and they turned to dust. The people abandoned their home in southern Colorado, probably around 900 to 1100 AD, and set out for new homes along the Rio Grande. We have no record of their journey which surely bore the sadness of any driven people. We can only speculate the pleasure of those who gazed upon and were to settle at Taos in northern New Mexico. There was water, rushing and winding along its southern course from the seemingly infinite range of mountains to the northeast. There were bear, deer and turkey, and irrigable patches of dark earth waiting to welcome the seed.¹

The mountains were a vast barrier to the Great Plains, but eastward, from a pass through which the river came, also rode buffalo-hunting Pueblo Indians and raiding Plains tribes. Hence, the Taos built their homes to be impregnable, tiered one atop the other, with but tiny peep-hole windows. Drought had sent them to this place, and they bore a sacred commitment to their Rio Pueblo (river). They built their homes on either side of its banks and dug their kivas with the river in between. They owed their life to the river and to the blue mountain ranges and jagged foothills which fed it. All this was, quite literally, their church. And when an Indian looked northeast to just below Wheeler Peak, he knew what treasure lay hidden in the bowl of a mountain, calm and magnificently beautiful. He knew there existed the greatest shrine of all for him, Blue Lake, the place from which he had emerged, the essence of his life, and the place of his re-entrance into Earth Mother after death. Blue Lake is the source of the Rio Pueblo. So important to the Taos is this lake and the surrounding land that one Indian lamented he could never explain in adequate white man's words the rapture which an Indian feels -- both physically and philosophically.²

II. THE PUEBLO

Physical characteristics of the pueblo. The pueblo is quiet. Walk to any point within the walls which encircle the

²Ibid., p. 18.
village, and you can hear only the waters of the Rio Pueblo. There are no gawking, precocious children shouting and pestering, and even the adults are soft spoken.\(^3\) When a vendor sells his wares, it is with gentle reticence. "There is a peace among the people I haven't witnessed in all my travels," said writer James W. Thomas in the July 1970 *Sentinel*. Others have compared Taos and its environs to a great outdoor cathedral.

Taos persistently remains the most traditional of all pueblos. Outside the wall (at least 500 feet away from it) people are updating their homes with glass window-panes and electrical power supplied from underground lines. Inside the wall, where the two apartment-like, five storied building complexes are, there are no televisions, no washing-machines, no bathrooms. In the 1930's, one man in the entire village owned a clock. Now, in an era when the modern world is voicing its sudden fury over pollution, the Taos still go to the river for their water. It is drunk without filtering or boiling; it is possibly the only clear water in all of Taos County which comes from its original source.\(^4\) Inside the wall which is about four feet high, the buildings are still without glass window-panes. The Indians use pillows or a

\(^{3}\text{Ibid.}, p. 71.\)

type of plastic to block out the cold in winter. From December 4th to January 10th, no wagon or auto is permitted within the wall -- this is the silent time when Earth Mother must rest.

**Difficulty in the pueblo.** The Taos may leave their village to attend school or work in the cities, but there is always something which draws them back to the village. Many, when they must leave, will continue to maintain their homes, leaving relatives to care for fields, stock, and homes, and fill the absentee's in on all the latest happenings upon their return.

With all its serenity and beauty, Taos is a difficult place in which to live. Frequently, those who live away and then return have the problem of becoming accustomed to a modern and relatively free way of life. Upon returning, tradition dictates that they don pueblo dress, wear long hair, and try to get along with chamber pots, kerosene lamps, and wood fires. Many are chided by fellow townsmen when they do not dress traditionally, but these weekend visitors feel that it should be their right to wear outside dress and that it would be hypocritical not to. They reason: why wear Indian dress for three days, only to have to change everything, including their personalities, when they leave to meet the outside world?5

5Interview with a Taos Indian woman who asked that her name be withheld, hereinafter cited as Taos Indian woman #1.
Because of the demands made upon a citizen of Taos, life is difficult in intangible ways. Their religion is strict and pervades every moment of each day, with numerous rituals to be performed. Elsie Clews Parsons, in her manuscript, Taos Pueblo, devotes roughly 63 pages of her 120-page study to religious ceremonies and customs -- this is amazing since the Indians are so secretive about their religion and feel strongly that its powers will be lost if the secrets are divulged to outsiders.

Recently, one Taos Indian said that a close relative was paid $35.00 per day just to give Parsons some Spanish folk tales which were only remotely related to their religion. Parsons infers that she was able to collect her information regarding religion largely by accident. An Indian would inadvertently let something slip which the author would catch, and then upon further questioning, the Indian would become secretive lest he had given her information which was forbidden.6

The Taos, because they were cordial hosts and tried to please, would divulge information which later, upon reflection, they decided was secret. It seems that there were so many facets to their religion that there was no set formula for what was or was not considered secret; the decision as to what to divulge had to be made as each occasion arose. Parsons

herself admits to the question of credibility in her work because the Indians, in their efforts to please, would give her untruths.\footnote{Ibid., p. 6.}

III. THE PEOPLE

\textbf{Characteristics of the people.} Hopefully, the Taos will be shown as a colorful people, with virtues and faults manifest individually and collectively, some of which are distinctive and others which are similar to all peoples.

Unfortunately, since 1936 when Parsons published her \textit{Taos Pueblo}, there have been no further comparable source-materials published. Therefore, her works are relied upon extensively; they are updated with personal interviews when possible.

The Taos would appear to be a persistent people. They had continually pressed for the return of the Blue Lake area, and they have clung to their traditions despite external and internal pressures.

When the peyote cult was beginning in the 1890's, most of the Taos, after discovering what the small mushroom-shaped buttons were doing to their young men, expressed strong disapproval. But the "peyote boys," as they were called, were just as determined to pursue what they considered was the latest innovation in the Taos traditional religion. Parsons
claims that they would often refuse to dress in the traditional pueblo dress and would refuse to dance. Regarding this, the elders prescribed whippings and fines and confiscation of their blankets.\textsuperscript{8} Peyote continued, however, and in the first quarter of the century, one of the greatest pueblo rifts occurred because traditional families had sons who joined the cult. Though the families were far from pleased with their children, they defended them against the rest of the pueblo.\textsuperscript{9}

The Taos have a legend that the Picuris people who lived fifteen miles south were their enemies because once a Picuris man was planting corn, and a Taos man hit the bottom of his hand and the corn seeds scattered. There had since been enmity between Taos and Picuris.\textsuperscript{10} What the Taos man's motives were for spilling the corn is not clear, but it would seem that the rift was the fault of the Taos. Perhaps it is significant that there seems to be no motive attached to the Taos man's action, neither do the Taos seek to shift the blame for the rift from themselves.

Parsons tells us that no Taos people married into the Picuris, but Picuris did marry into the Taos. One young woman,

\textsuperscript{8}Parsons infers that the Peyote Boys were a detriment to the pueblo. This view is challenged on p.23 by an Indian man who asked that his name be withheld, hereinafter cited as Taos Indian man #1.

\textsuperscript{9}Parsons, pp. 66-7 and p. 118.

\textsuperscript{10}Taos Indian man #1 said that this feud between pueblos may still exist, but in name only. Many individual Taos have personal friends in Picuris whom they visit often.
after she had gotten into trouble in Picuris and been thrown out of the pueblo, had come to Taos and married. Parsons does not explain what this signifies; possibly it is a demonstration of Taosonian generosity -- or possibly they accepted the girl out of spite for the Picuris. However, it must be stressed that no outsider marrying into the pueblo could join a kiva (religious organization of one of the individual clans).

Parsons feels that since the Taos combine the characteristics of the Plains tribes and the Pueblos, they combine the Pueblo secretiveness and the Plains braggadocio. They were self-assertive and boastful in politics -- a man would boast of his high office and important political affiliation. While Parsons felt that this would never have been the case in other pueblos to such an extent, one Taos man, in a current interview, challenged its application to the Taos of today. In fact, he wondered if Parsons had not met one or two men who bragged and then decided it was an over-all trait of the pueblo.

Persistence and braggadocio are not adequate adjectives for the Taos in reference to the following illustration of Parsons. Once a Taos man went to visit a Jemez man who owed him a blanket as part-payment on a horse. The Jemez man never mentioned the debt, and so the Taos man returned home without his blanket. His reticence did not permit him to even mention the debt. This is amazing, especially since the Jemez man's house was full of blankets.

11Parsons, p. 117. 12Taos Indian man #1.
Taos people used nicknames which were unflattering to other tribes. They called the Tewas Wolf Dung, and yet they were quite content not to let them know what the nickname meant. The Navajos were nicknamed Daleabenamo which appears to have three different meanings, depending on the interpreter. Leslie A. White's interpreter of the 1930's said that the word meant "they looked awful; they were almost naked, they were dirty, they wore old greasy shirts, they did not comb their hair." Parsons' interpreter asserted that the word meant that they had dirty, cracked skin, rough from scratching.\textsuperscript{13} Our knowledgeable interpreter said simply that the word meant "cracked," and that their skin was cracked by the dry climate from which they came.\textsuperscript{14} The Utes were nicknamed Snotty Nose.

The Navajos were considered the hereditary enemies of the Taos. Many lived near Las Vegas, and when the Taos took them captive, they were subsequently sold as family servants or slaves to Mexicans. One Navajo boy, however, was raised by the Taos and even belonged to a kiva group.

In the 1930's, relations were poor between the Taos and the Mexicans in communities such as Talpa, Llano, Fernandez de Taos, and Arroyo Seco. When a Mexican became sick, he felt that the Taos had bewitched him. The Indians retorted, "Yes, Mexicans are very bad people; they will even laugh at an old man." And yet the Taos had close Mexican friends whom they

\textsuperscript{13}Parsons, p. 6.

\textsuperscript{14}Taos Indian man #1.
entertained on feast days and visited on Mexican feast days, and many Indians had Mexican compadres (godparents).  

Since Parsons' visit in the early Thirties, Mexican-Taos relationships appear to have improved. Ernest Santistevan, Councilman for the town of Taos, appeared before the subcommittee on Indian affairs in July, 1970 on the Indians' behalf. He claimed that he had lived his entire life in harmony with the Taos. He had worked side by side cleaning ditches with them, played and fought with them in his youth, worshiped alongside many of them, and herded sheep and cattle with them. He felt that he and others from the town of Taos were like a family with the Indians.

Consideration and respect are deeply rooted in Taos culture. Families do not place their old people in special-care facilities. They keep their elderly with them and listen to their wisdom. There is such a respect for seniority that a younger person does not address a person only a few years older by his name. Instead, the elder is called by kinship terms, such as uncle or father.

One Indian recently recalls that in his youth, the aged male council members were held with such reverence by the young that no young child dared look at them or approach them.

When a Taos woman is to marry, her strongest consideration is whether her chosen man will work for her. There were

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15 Parsons, p. 13.  
16 Senate Hearings 1970, p. 158.  
17 Ibid., pp. 244-5.
two men during Parsons' visit who were afflicted and could not work. Both men remained bachelors.

When a young man marries he tends to choose a good woman rather than one of beauty. Unfaithfulness in a spouse is considered a grave offense. Once when a woman was caught with her lover, and her husband went to the authorities, both she and her lover were stripped to the waist and whipped by the lieutenant governor.

Parsons stated that prostitution is looked upon with disfavor by the Taos. One family's two prostitute daughters were labeled the "baddest eggs of the pueblo." People were also afraid of the daughters and called them the "biggest liars." Our Taos informant claims that there is no prostitution in the pueblo; in fact, he doubts that the people even know what prostitution is.

The Taos love their children. One woman had to be whipped into allowing her bastard son to leave for Carlisle Indian School in Pennsylvania. Taos children are taught respect. On feast days, children are kindly but firmly sent away to wait until all the adult guests are served first.

Parsons claims that children were frightened into behaving. They were told that a type of bogeyman would get

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18 Parsons, p. 49.
19 Taos Indian man #1
them if they disobeyed or displeased their parents. Two-year-old children, when time for weaning approached, were told by their mothers that worms would issue forth from their breasts.

Conversely, our friend from Taos says that he remembers being taught not to be afraid either to stay alone in the house or be left alone in the dark. He remembers his grandparents cautioning him that when people are afraid of the dark, then even small harmless things such as a broomstick or the stick which is used to stir the hot coals of the fire become objects of fear. This Indian did claim that some people used the bogeyman or mountain bogeyman to keep their children in line, and he remembers playing a type of tag game in which the child who did the chasing pretended to be the mountain bogeyman.21

A Taos woman claims that her parents never used fear which was superstitious or gauged to call down dreaded spirits to counter her offenses. She did recall being spanked. Quite vividly, she remembered that once when she was around five years old, she walked past a doorway, and an old man called out that he was going to cook and eat her. She immediately ran home to her father who was displeased and went to see the old man, taking his daughter along also. The tormentor explained that he had only been joking, and then, only because the child had always regarded him with such fear on her face. At her father's insistence, the old man promised never to scare her again. He was true to his word.

21 Taos Indian man #1.
This same woman claims that the reason the area inside the walls of the pueblo remain so quiet is because children play outside the walls on the banks of the Rio Pueblo which is usually shallow except during the spring thaw. During this time, when the river swells and churns, children are forbidden to play near its banks. Also forbidden is play among the corn fields, plum trees, and anywhere children might damage the crops.  

"Taos Indian religion and government. Just as the Taos speak three languages Spanish, English, and Tiwa, their religious life is divided. Catholicism, which was introduced into the pueblo in 1540 by the padres who accompanied Coronado, is practiced nominally by most Taos. They are married and buried in the Church, and almost every child is baptized. Nearly every Catholic holy day is observed with celebration and dancing, prayer candles are lighted when someone needs a special favor, and pictures of saints are hung in many homes. Perhaps the Church's greatest problem in reaching the Indians was the failure of the priest to learn their language. Also, since the Indian ceremonialism such as dancing was considered a heathen device, priests were discouraged from participating. Priests were available for only short intervals since Taos was but a small part of a very large parish."

The secret, traditional Indian religion, for which there is no English name, has been handed down for generations,

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22 Taos Indian woman #1.
never having been committed to the written word. Basically, this religion and all things of nature -- Earth Mother, sun, moon, stars -- are inter-connected. An over-simplification of an Indian's religious relationship with the universe might be: you take care of me, and I take care of you.23

Even Indian names demonstrate this immense love of nature. Three or four days after birth, a child is given a name by anyone who picks out a good one. These are the names by which the Indians are known to each other within the pueblo. Parsons lists nearly 150 female names. Consider Water Leaf Road or Summer Coming, Flower Stem, Corn Tassel Ripe, or Leaf Matured -- all are poems, saying more in two words than in three stanzas. One-hundred and fifty male names are listed by Parsons. These are more masculine in subject matter. There are eighteen different names which include the word mountain, such as Mountain Lion, Mountain Raining, and Blowing Mountain. There are a dozen each which include the word elk and sun.24

The Taos live their lives within the rhythm of their surroundings. They know themselves as children of the land. They feel that the universe is a living being and that it requires an Indian's concentration of his will, his intellect, and his action. This causes a Taos to spend almost every instant of his life toward the consummation of his goal. The

23 Indian Claims Commission, Docket No. 357, p. 6, File 300.22. Records of the Northern Pueblos Agency (N.P.A.), Santa Fe, New Mexico.
24 Parsons, p. 45.
simplicity of this concept is deceiving, for it makes for one of the most complex and demanding religions known to man. It involves memorized rituals for almost every problem which arises. It involves symbolisms for everything from planting, to grinding corn, to dancing, to the way in which the village government should be run. It involves the use of corn pollen, feathers, and meal which are used often in countless rituals.25

There are hundreds of plants, known and named, whose properties are magical. There are the spirits of the earth, the springs, the sacred hills, rattlesnakes, bear, eagles, fire, air, and others.

The Taos lands are symbolized by shrines where the people worship. They are visited daily and extend into the whole of the Blue Lake watershed. The greatest of all their shrines is Blue Lake which symbolizes the unity and continuity of the pueblo; it is the central symbol of their religion.26

Taos has a diffuse spirituality which finds God everywhere; the people live in a dream of God. They are extremely hospitable, a group which believes in giving rather than getting, and of cooperating rather than competing.27

In his classic novel, The Man Who Killed the Deer, Frank Waters, Southwestern chronicler, explained profoundly a basic value which the Taos hold dear, "Nothing is simple

25Ibid., p. 102. 26Senate Hearings 1968, p. 25.

and alone. We are not separate and alone. The breathing mountains, the living stones, each blade of grass, the clouds, the rain, each star, the beasts, the birds and the invisible spirits of air -- we are all one, indivisible. Nothing that any of us does but affects us all."

The Taos believe that the will should never cease to bend; they are ever open to new ideas which will blend with tradition. In this way, the past will live in the present. This practicality has caused the Taos to blend many of their traditional dances with borrowed dances from other pueblos. This is part of the success of the peyote cult, for the "peyote boys" believed that their God, peyote, did not take away from their traditions, but enhanced them.

An educated Taos Indian believes that peyote complements the old religion. It is true that there were instances when peyote split families into opposition, but in some instances it brought families closer together. The peyote developed a community within a community and in some ways helped the traditional religion. For example, in the traditional religion, an individual's use of alcohol could not be controlled, but in the cult it was strictly prohibited. Contrary to Parsons' interpretation, our informant insists that cult members were sober, prosperous, and hard working -- all traits which the Taos hold in high esteem. Peyote was able to pull its people into a more closely-knit community than the traditional religion was able to do.28

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28 Taos Indian man #1.
Many of today's tribal leaders are the old ostracized members of the peyote cult. Even though these men are in the majority, the cult is dying out. It is no longer as strong as it was in the 1930's and 1940's. 29

The traditional religion is the foundation of the social and political structure of the pueblo. When the Spaniards first came, they could not determine the leaders in the Taos organization. They were unable to identify the power structure within the tribal groups nor could they discover who was making the decisions. To solve their problem they established the offices of governor and lieutenant-governor and allowed the Taos to appoint their own men to these offices. In this case, the cacique (spiritual leader) was chosen governor, since he had the sanction of the religious leaders. 30

The governor's staff is composed of himself, lieutenant-governor, and three others, two war captains and their ten assistants or chiefs, a fiscal and his four assistants or lieutenants. These officers are installed on January 1st of each year, and their duties are more secular in nature.

The cacique, who is the hereditary and undisputed religious leader of all the kivas, helps nominate men for governor, as does the Big-earring chief and Water People chief. In this way, the war chiefs are also nominated, but the governor will choose his own staff. Kiva chiefs are often chosen as governor, but no bastard may hold office nor anyone convicted

29 Ibid. 30 Ibid.
of theft. The governor cannot serve consecutively, but he may serve several discontinuous terms. His duties include determining building sites, finding out whether or not people are keeping the rules, and punishing offenders with jail, whippings, or fines. These fines are distributed among the officers. 31

There are three kivas on either side of the pueblo, each of which is a religious as well as a social and political unit. When a young boy of ten or twelve years old was being initiated into the kiva of his family's choosing, he remained in the kiva for a year and a half, leaving only on special missions, and enduring intensive instruction, prayer, and abstinence -- all without ever seeing his family during this time. This seclusion, because it was so extensive, was to cause the pueblo great problems because school officials insisted that this was an invalid reason for a child's prolonged absenteeism. At present, however, there is an arrangement whereby the child misses school only in intermittent short intervals. 32 The kivas, in which a parent might choose to initiate his son, are Big-earring people, Water Dripping people, or White Mountain people on the north side of the pueblo, and on the south side, Feather people, Water people, and Old Axe people. 33 Each kiva represents a separate religious system.

A pueblo council is a meeting in which both the governor's staff and those of responsibility from the kivas

31 Parsons, p. 81. 32 Taos Indian man #1 33 Parsons, p. 81.
participate and consider matters of importance to the pueblo. It should be noted, however, that only old men (those past fifty years old -- anyone under fifty is considered young) are the usual council members. Other than council members never know whether one particular member is influential in decision-making or not. This is part of the cloak which has been developed to try to hold secret the tribal religious life.

Most of the leaders come up through the "old guard" and many are unsympathetic to the ways of the new progressives who are challenging them. There is conflict between old and new. How, with their respect for the old men, will any change take place? It was recently explained in an interview that the younger people approach the aging members of their families, those who are on the council. Also helping the new cause are the younger council members, those who are still in their fifties and are not so tenacious about old ways. These younger men have children who return to the pueblo after being away and bring with them news about other developments, some of which are being used on other reservations.

One soft-spoken, intelligent informant believes that there is evidence that the older men are starting to bend. This is a good sign, he believes, for if the council is not able to hold people together, the institutions will break

down, and when this happens, pueblo life will become a thing of the past. 35

He admits to some die-hard traditionalists who are not going to yield to the young. These are the people who believe strongly that materialistic advances such as electricity, teletype, radios, and the like are "monstrous artificiality of means," and these men feel that the same end may be accomplished using natural means. 36 If these die-hards are persistent, then a moderate type of leadership may develop to counterbalance the two factions. Hopefully, there will be some ground for communication, and they will try to hold together.

A big challenge to these traditionalists came when, after World War II, young Taosanos returned from abroad and no longer wanted their children to have only the light of the fire or a kerosene lamp by which to study. Today, the people who are challenging the traditional life are better educated, they have an open outlook on life, and they offer these tools to build the bridge between the progressive, educated Indian and the traditionalist. They wish to take the good from both sides and develop it into a new type of Indian society. They want to keep their beliefs, without having to lose everything such as happened to the five civilized tribes who went in one direction completely and were left with nothing by which to identify except for their tribal names. "They have lost everything and

35Taos Indian man #1. 36Waters, p. 272.
are hanging in the middle of the Rio Grande Gorge. They don't know enough to put their foot solidly on the white man's side, and they don't know enough to put their foot on the Indian side. So they're hanging right in the middle."

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37 Taos Indian #1.
CHAPTER II

THE CREATION OF THE TAOS FOREST RESERVE, ITS EFFECTS,
AND NEW HOPE THROUGH THE PUEBLO LANDS BOARD

The Taos people loved and lived the land; they took care of it and it took care of them -- it was their Church. This is the way it was for at least six hundred years until prospectors came along, and then the Indians feared for their religious privacy. This sacred land was absorbed by a national forest reserve, but this gained only temporary peace. So they laid their hopes with the newly formed Pueblo Lands Board. And in an attempt to trade a portion of the city of Taos land for the Blue Lake area, they nearly lost both.

I. CREATION OF THE TAOS FOREST RESERVE

Mining encroachment. The Taos Indians were never seriously threatened with the loss of the Blue Lake area until 1900, when mining interests began prospecting the public domain above the Rio Pueblo and Rio Lucero watersheds. Many of the intruders had come into the area from the Moreno valley, just to the northeast in Colfax County. Elizabethtown, a mildly active little place since gold had been discovered in the area, was thought to be the starting point for the prospectors moving toward the sacred lands.¹

¹Interview with Dean Cutler, Director, Recreation and Lands, U.S. Forest Service, Albuquerque, New Mexico.
...
These prospectors actually had every right under the law to enter onto the lands because in 1872 Congress enacted a mining law which permitted mining companies to claim public lands and get title to them.² It is no wonder that the Indians became uneasy and feared for their beautiful Blue Lake area shrines.

In 1898, Bert Phillips moved to Taos, New Mexico. He was an artist and a man who was to help the Taos Indians for many years to come. At first his interests lay in painting and making friends with the Indians, one of whom was Manuel Mondragon, a Taos councilman, who expressed his people's fear of the contamination of the pueblo water by prospectors. Phillips accompanied Mondragon up to Blue Lake and saw first-hand the sacred shrine and the area of the whole watershed which the Indians considered their sacred ground.

Withdrawal of the lands. In the meantime, unknown by the Taos Indians, the Blue Lake area was withdrawn from entry. This was done on November 23, 1903, by the Secretary of Interior, by request of the Secretary of Agriculture because the government was contemplating turning the area into a forest reserve. Yet it is important to note that giving the land national forest status did not close the area to prospecting and homesteading.³

²Donald Jackson, "This Land is Our Land", Life Magazine, Vol. 70, January 8, 1971, p. 39.
The following year, the Department of Agriculture sent Vernon Bailey, Chief, Field Division, Bureau of Biological Survey, and his assistant, T. Hart Merriam, to Taos to make a detailed investigation for a proposed forest reservation. 4

While in Taos, these men had the occasion to stay with Bert Phillips who told them of the Indians' fear of encroachment into the Blue Lake country by non-Indians. He asked that the area be placed in the national forest reserve for exclusive use and occupancy by the Indians. Surveyor Bailey informed Phillips that he would personally recommend to the President of the United States that the Blue Lake area be set aside for their exclusive use. He promised also to talk to the Secretary of Agriculture and to seek his cooperation. 5

Bailey and Merriam were taken into the Blue Lake area by Manuel Mondragon at Phillips' suggestion. The visitors were very much impressed with the Indian guide’s knowledge of the vegetation in the area. When they returned from the tour, they discussed the forest reserve with the Indians. They said that if the area became a forest reserve the land would be protected, and the Indians would have its exclusive use.

Upon his return to Washington, Bailey made his report to the President and Secretary of Agriculture. He told them of the area's religious significance for the Taos Indians and expressed their fear of outsiders diverting the waters of the Rio Pueblo and the Rio Lucero (a river fed by the Rio Lucero

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4 Senate Hearings 1970, p. 84. 5 Ibid., p. 287.
watershed which is part of the Blue Lake area) to other parts of the valley. He said that the Indians at present had use of all the water but there was nothing to prevent outsiders from taking up the land east of Taos Pueblo for themselves. To ensure the Indians' right to the water from the Rio Pueblo and Rio Lucero, Bailey felt that the forest reservation should be made to join the Taos Pueblo Grant, so that no gap could be left where a "white man or Mexican" could get a foothold. 6

In 1905, Theodore F. Rixon, Special Field Assistant, U.S. Geological Survey, was sent to examine the Blue Lake watershed. When he returned to Washington, D.C., his report had nothing but praise for the conservation and preservation practices of the Indians for their watershed and the excellence of the crops and livestock, timber and water. 7

Indians ask for exclusive use. Soon after Surveyor Bailey returned to Washington, and because they were still worried about encroachment on their lands, the Taos tribal authority sent a letter of request to the Secretary of Interior asking that if the Blue Lake area were to become a forest reserve, could the Indians be assured exclusive ownership of the area. Bailey had told them that both the sacred lake and mountain (Pueblo Peak) would be included and have the protection

6 Senate Hearings 1968, p. 104.
7 Theodore F. Rixon, Report on an Examination of the (Taos) Forest Reserve, Territory of New Mexico, 1905, File 300.22, N.P.A.
of the forest reservation, but they wanted a guarantee that
the area would be for their exclusive use and occupancy.

On December 9, 1904, the Indians received their reply
from the Department of Interior stating that if the Blue Lake
area became a forest reserve, the Taos Indian petition would
be given every consideration. The fact is, their petition
was ignored until 1909.8

In that year, Ross McMillan, forest ranger, stationed
at Santa Fe, New Mexico, wrote to Cruz Suazo, Governor of
Taos Pueblo. He said that the 1904 petition of the Indians
had been called to his attention. He pointed out:

... since the Forest Service is protecting and will
protect the interests of the Taos Pueblo Indians, it
seems unnecessary that any action be taken upon your
petition. I beg to inform you that there need be no
uneasiness either upon your part or upon the part of
the Taos Indians that you will not receive full pro-
tection for irrigation and grazing interest in the
section of the country to which you refer.9

The sacred land becomes a forest reserve. On
November 7, 1906, President Theodore Roosevelt proclaimed
the Blue Lake area as part of the Taos Forest Reserve, but
only after a hassle with Congress over who owned all land in
the United States. Congress said that the American Indians
had owned the land for hundreds of years and that it was not
public domain. Roosevelt maintained that it was public domain.

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8Taos Pueblo Council to Secretary of Interior, October 21,
1904, File 300.22, N.P.A.

9Ross McMillan to Cruz Suazo, March 31, 1909
File 300.22, N.P.A.
In all, 148,000,000 acres were placed under forest reserves throughout the United States.¹⁰

In testifying before the Senate subcommittee in 1968, Stewart Udall, former Secretary of Interior, said that had Theodore Roosevelt been aware that the Blue Lake area had religious significance to the Taos Indians, he might have excluded it from becoming a forest reserve.¹¹

It would seem, however, that Roosevelt was not concerned about the Taos Indian religion when he took the land. If he had been, the reports which had been made by Vernon Bailey and Theodore F. Rixon on that area would have been more meaningful.

Roosevelt gathered these lands under the government's "protective wing" because he was appalled over the reckless waste of the natural wealth of this country. Toward the goal of preserving the forests, he assisted in creating the U.S. Forest Service, and appointed Gifford Pinchot, Chief Forester. The duty of this new organization was to administer and manage all forest reserves, with emphasis on preservation.¹²


¹¹Senate Hearings 1968, p. 56.

In 1969, James A. Haley, Representative from Florida, Chairman, House Subcommittee on Indian Affairs, who introduced H.R. 3306 and H.R. 471, which would give the Taos Indians trust title to 48,000 acres, could not reconcile his thinking that the United States could say that certain lands situated in the Southwest were public domain land. He pointed out that both Spain and Mexico, who had sovereignty in those lands, recognized that it belonged to the Indians. According to Representative Haley, this nation did not acquire the land by right of conquest, nor was it purchased from anyone; the United States took it.\(^{13}\)

Senator Lee Metcalf from Montana, acting chairman, Senate Subcommittee on Indian Affairs, disagreed with Congressman Haley, and so did Senator Clinton P. Anderson from New Mexico, senior member, Senate Subcommittee on Indian Affairs. The two senators believed that all of the acreage which became the Carson National Forest was a part of the public domain. They said that Indian title, or aboriginal title as it was commonly called, was extinguished in the same manner that the government extinguished the aboriginal or Indian title on other public domain.\(^{14}\)

Senator Anderson pointed out that in the Recopilación, Book 4, Title XII, the Spanish Law Code, it said that the

\(^{13}\)House Hearings 1969, p. 45.

lands outside all of the Indian grants, though still used for hunting purposes by the Indians, were to have the status of free and disencumbered land. The senator said that because of its mountainous and remote location, most of the Blue Lake area remained as free and disencumbered land under the flags of both Spain and Mexico. He said that when the United States acquired the Southwest in 1848, the Blue Lake area became part of the public domain.\textsuperscript{15}

Anderson did not like the usage of the term "aboriginal title." He said that it simply amounted to a legal recognition that a given tribe at one time subsisted on a certain area of land. He said:

Un fortunately, the failure by many to understand the distinction between aboriginal title and fee simple title as we know it in its ordinary legal sense has caused most of the confusion and mis-information surrounding the Blue Lake area.\textsuperscript{16}

**Early recognition of exclusive use rights.** Soon after establishment of the U.S. Forest Service, Bert Phillips, the Indians' long-time friend, was appointed the first forest ranger of the newly created Taos Forest Reserve, with duties in the Blue Lake area, and he continued at this job until 1910.

In those years, the Indians' use of the land was exclusive, and only Indian livestock was allowed in the Rio Pueblo watershed. The Indians had free grazing in both the

\textsuperscript{15}Senate Hearings 1970, pp. 46-9.

\textsuperscript{16}Ibid.
Rio Pueblo and Rio Lucero, but they continued to seek ways to prevent non-Indians from acquiring title within the Rio Pueblo watershed through mineral and homestead patents.

Bert Phillips refused to allow non-Indians to homestead in the Blue Lake domain. On January 11, 1908, he advised the governor of Taos Pueblo that "there need be no uneasiness any time upon your part or upon the part of the Taos Indians that you will not receive full protection for irrigation and grazing interest in the section of country to which you refer."17 In his years as forest ranger at Taos, Phillips issued no permits to non-Indians for any reason.

When Phillips left the Blue Lake area, the Taos Indians once again had fears that mining prospectors would enter into the area. There was mining activity above the Blue Lake in the general vicinity of what is now called Wheeler Peak Wilderness. The locations which gave the Indians concern were in the Twining, South Fork, and the Arroyo Hondo areas. The mining activity was not large, but it was enough to cause the Indians to worry.18

Another irritation to the Indians was the Spanish Americans who had been moving onto Taos Pueblo lands and appropriating them for their own use. In a newspaper article, Taos Indian Paul Bernal asserts that the Indians began forcibly

17 Senate Hearings 1968, p. 103.

18 Interview with Dean Cutler. In 1956, the Indians again complained about mining encroachment in the Twining area.
ejecting them finally in 1919. The same article claims that "the non-Indians, fearing an uprising, called troops to the pueblo that year, but no bloodshed resulted."\textsuperscript{19}

In 1912, the Indians, seeking protection of their rights, requested of the Secretary of Interior that the Blue Lake area be set aside as an executive order reservation for Taos Pueblo. The Secretary sought cooperation from the Secretary of Agriculture to approve the proposal, but the latter declined. In 1916, the Indians tried again but to no avail.\textsuperscript{20}

**The Indians lose exclusive use.** In 1916, Elliott S. Barker became the new forest supervisor of the Carson National Forest. As supervisor, he planned for a new route along the Rio Pueblo up to the Blue Lake. With a crew of men, which included some Indians, he moved logs and cut timber and constructed a trail which eliminated the old tedious journey over the mountain (Burnt Ridge Canyon Trail). The Indians who helped were paid for their services.\textsuperscript{21}

In 1916, Barker obtained from the U.S. Bureau of Fisheries several thousand brook trout. Blue Lake had never hosted fish before, and the ambitious forest supervisor, who

\textsuperscript{19}Feature article in the *Albuquerque Journal*, November 15, 1970. The claim of troops having been called to the pueblo could not be substantiated.

\textsuperscript{20}Senate Hearings 1970, p. 287.

\textsuperscript{21}Ibid., p. 237.
carelessness. Then he added:

The delaying tactics were provoking. They were in no hurry and they did not say, as might be expected if it was really their church, 'that fire is in our sacred church, we will send all the men you need at once.'

Of course, it was his word against the Indians, and pure hearsay evidence. It was also during this time at Taos that the ranger station burned, and with it all records were lost save a card index file.

Barker realized that the Indians had certain rights in the Blue Lake area. No permits were issued to non-Indians for any reason. Yet, he was aware that the Indian livestock was not using all available grass in the Rio Pueblo watershed, specifically in Bonito-Witt Parks and Apache Springs. He wanted to do something about it.

Barker informed the Taos governor that he had conversed with many of the pueblo people, and they had agreed that if the grass in the upper Blue Lake country was not utilized, the threat of fire was possible. He told the governor that since the war (World War I) began, the government was emphasizing the necessity of raising more livestock and using every bit of range available in the national forests. He requested from the Indians permission to issue a permit to Charles

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25 Ibid., p. 238.

26 Bob Bunker file, 1951, File 300.22, N.P.A., hereinafter cited as Bob Bunker file. Bunker said such loss of records was not unusual in New Mexico.
Gallagher to graze fifty head of cattle in Apache Springs for the summer in order "to help out in the production of livestock and also to lessen the fire danger." Barker promised that the issuance of the permit would not interfere with the Indian stock in the area because their livestock never got up into the high country. He asked the Taos council to give him written approval, assuming that they would want to help out in the cause of the war.27

The Indians did want to help; in fact, some were already enlisted in the armed services. They allowed Barker to issue the permit, but its validity was to remain in effect only until the end of the war.28

The fire, which destroyed the Forest Service ranger station and the records, made it impossible to list all the permittees in the Blue Lake area. It is known that there were people whose land joined the watershed who grazed livestock under permit in the Blue Lake area (Rio Pueblo watershed). The card index, which was salvaged from the fire, reported that in 1918, Mrs. Nancy Witt received a permit to graze cattle in Witt Park. Two men, Bennett and Weber, received a permit to Apache Springs in 1921. These two areas are located to the east of the Rio Pueblo, within the Blue Lake area.29

27Elliott S. Barker to Manuel Castellano, May 1, 1918, File 300.22, N.P.A.

28Interview with Corinne Locker, coordinator for the Taos Pueblo Indians, Santa Fe, New Mexico.

29Bob Bunker file.
Later information reveals that Bruce Bull received a permit in 1929, to graze his stock in Apache Springs. Charles Gallagher, who requested a permit from the Forest Service to graze within the Rio Pueblo watershed, apparently never received one.30

The Taos Indians did permit Barker to graze non-Indian livestock in the Blue Lake area, east of the Rio Pueblo. Whether they allowed the Forest Service to issue more than one permit we do not know, but certainly, the Indians had lost all control of the eastern side of the Rio Pueblo watershed. Barker had opened the door to Bonito and Witt Parks and Apache Springs for non-Indians to graze their livestock; his successors also permitted non-Indians to use the land.

There is no evidence that the Taos Indians were harassed or intimidated by the non-Indians who were grazing their livestock in the Blue Lake area between 1906 and 1927. When Bob Bunker, graduate student, made in 1948 a Taos case history for William Brophy, special attorney for Pueblo Indians, he concluded that the Indians pretty much had their own way in the area, except for the east side. However, they were not satisfied; they wanted the whole Rio Pueblo watershed.

Indians want the Blue Lake area as part of Taos reservation. In 1921, the Taos Indians approached Charles H. Burke, Commissioner of Indian Affairs, who was visiting the

30Ibid.
town of Taos and requested that he petition Congress to make the Blue Lake area part of the Taos reservation. They told him they would relinquish their claim to the town lot area (plaza)* in return for the whole sacred watershed. They had never before offered this relinquishment.31

Burke knew that the Indians, both in 1912 and 1916, had asked the Secretary of Interior to intercede for them and petition the Secretary of Agriculture to help their cause -- which was essentially what they were asking Burke to do now. The Secretary of Agriculture had disapproved of the proposal then, and Burke believed he would do so again, hence the commissioner never made the petition.32

John Collier comes to New Mexico. John Collier was eventually to become United States Commissioner of Indian Affairs from 1933 to 1945; however in 1922, he was but a student of Indian affairs. It was at this time that he was


32 Bob Bunker file.

*According to a report prepared by the Land Division, United Pueblos Agency (U.P.A.), April 1, 1940, the Taos Indians' claim to the town lot area (plaza) came about in 1796, when Spain granted land to approximately seventy-three Spanish families, which accidentally overlapped Taos Pueblo Grant. The land eventually became part of the town of Taos. Later in 1864, the Taos Pueblo Grant was recognized and a patent issued by the U.S. government to the Taos Indians. This patent included the town lot area.
invited to visit New Mexico by his friend Mabel Dodge Lujan,* non-Indian author and wife of a Taos Indian, in the hope that he might help the Taos Indians whom she considered a "magical" tribe. Collier became very interested in the case and proceeded to investigate ways to help them. However, he was unable to substantiate their claims. Later, Collier was instrumental in helping to defeat the bills introduced in 1922 and 1923 into the United States Senate by Holm O. Bursum of New Mexico. The two bills which were essentially the same would have given non-Indians the right to keep the lands they had taken from the pueblos and would have destroyed the Indian religion by making it subject to inspection by the courts.

With the help of others, Collier brought together all the Pueblo tribes in New Mexico, and in 1922, at Santo Domingo Pueblo, the All-Pueblo Council was organized. The main goal of this council was to save their lands from encroachment by non-Indians. It was at this gathering that Collier claims a


34 Interview with a former Indian Bureau official who asked that his name be withheld, hereinafter cited as Indian Bureau official #2.


*Mabel Dodge Lujan's invitation to Collier is possibly her most significant contribution toward the Taos Indians' efforts in obtaining Blue Lake.
resolution was brought forth stating that the council was for giving the Blue Lake area back to the Taos.36

In 1924, Commissioner Burke began directing that propaganda be carried out against the Indian religions. His office circulated to editors, churchmen, members of Congress, and others lengthy photostated documents which asserted that the Indians' religious observances were sadistic and obscene. Burke also believed their religions to be a crutch which prevented their useful assimilation into society.37 In time, the Taos Indian religious ceremonials at the Blue Lake became a subject of attack by non-Indians living in the Taos area.

In 1926, Commissioner Burke was once again in Taos trying to convince the Indians that they must stop their pagan worship. Accompanied by Hubert Work, Secretary of Interior, Burke interrupted a Taos council meeting and told the Indians they were "half animals" because of their pagan religion, and that they would no longer be allowed to withdraw their children from school to attend initiation ceremonies.

By refusing to obey Burke's law and clinging to their religious beliefs which, in fact, became stronger because of his attack, the whole Indian governing body was thrown in jail for disobeying the Indian Bureau's religious crime code.38


37 Senate Hearings 1968, p. 108.

38 Collier, Indians of the Americas, p. 151.
James A. Freer, Representative from Wisconsin, member of the House Subcommittee on Indian Affairs, came to New Mexico to investigate the Indian Bureau's allegations. During that time, the Federal District Court of New Mexico released the Indians from jail and sent them home.\(^{39}\)

In an effort to stop the accusations against their religious ceremonials, the Taos, in 1926, invited John Collier and his friend, James W. Young, to go with them to Blue Lake and witness the ceremonials. The two men did go, but only part way to a spot called "place where they place the canes." There they were able to witness the chanting and dancing. The next day they were turned back because, according to Collier, the Indians belonging to the Native American (peyote) Church protested their continued trip up to Blue Lake.\(^{40}\)

H.J. Hagerman, former territorial governor, member of the Pueblo Lands Board, claimed that a lady resident offered the Taos Indians $2,000 if they would allow Collier and one other to go up and witness the ceremony at Blue Lake. He claimed that overtures were made to him to go but he refused. Hagerman never found out for sure if the Indians were paid for taking Collier and Young into the area.\(^{41}\)

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\(^{39}\)Ibid.

\(^{40}\)Ibid. 109-11; also personal interview with a Taos Indian man who asked that his name be withheld, hereinafter cited as Taos Indian man #2.

\(^{41}\)Hagerman Report, September 30, 1926, File 300.22, N.P.A.
II. THE PUEBLO LANDS BOARD

The Pueblo Lands Act. When the two Bursum bills were defeated (1922 and 1923), Senator Bursum introduced a third which was to decide what lands the Indians in New Mexico had lost through the failure of the government to protect them and then make compensation. This compromise bill, known as the Pueblo Lands Act, was passed in 1924, and many thought it would pave the way for the ultimate adjudication of the controversial pueblo land question. The enactment of this law was agreed to by white settlers and Indians alike, and was designed to recover various lands for the tribes and protect the white settlers' moral claims to the land. The act provided for establishment of a Pueblo Lands Board which was subsequently set up in New Mexico.\(^4^2\)

There were two ways in which non-Indians could gain title to their disputed land. Basically they were as follows: (1) they must prove they were under color of title, had paid taxes, and had maintained adverse possession from January, 1902 to June 7, 1924, and (2) if they were without color of title but could prove adverse possession and had paid taxes from May 16, 1889 to June 7, 1924, they could gain title. The board, however, had to be unanimous in its decision.\(^4^3\)


\(^{4^3}\)Ibid., pp. 28-9.
Collier was not too enthusiastic over the passage of this bill because "it loaded the dice against the recovery of their lands by the tribes." However, he felt it was not entirely inoperable.\textsuperscript{44}

Richard H. Hanna, former Chief Justice of the Supreme Court of New Mexico, and Dudley E. Cornell, Albuquerque attorney, became the councilors for the Pueblo Indians. Both were financed and supported by the American Indian Defense Association. In addition, Walter C. Cochrane was the special attorney for all the Pueblo Indians of New Mexico\textsuperscript{45}

In his efforts to help the Taos Indians recover their Blue Lake area, Collier thought the Pueblo Lands Board, with the assistance of the Secretary of Agriculture and the Secretary of Interior, could open the door by recommending that Congress make the area an executive order reservation for the Taos Indians. Collier recognized that the board, acting alone, did not have any jurisdiction over the Blue Lake area.

In preparing the Taos case, which was to go before the Pueblo Lands Board, Collier informed Francis C. Wilson, a Santa Fe attorney who on occasion assisted the Taos Indians, and Attorney Hanna that the Taos tribal authority wanted it made clear that they wanted the Blue Lake area and would be

\textsuperscript{44}Collier, \textit{Indians of the Americas}, p. 152.

\textsuperscript{45}Pueblo Lands Board Hearings, September and October, 1926; also Senate Hearings 1970, pp. 72-8.
The board did find that a sizable portion of the pueblo grant had been encroached upon by non-Indians. Its duty was to compensate the Indians for their losses -- if the settlers could prove title, then the Indians were compensated with money; if the settlers could not prove title, they would lose the land back to the Indians. This rarely happened. The official appraisal of the land removed from Indian ownership came to $458,520.61. Of that amount $297,684.67 (over half) was to be compensation for property taken within the town. However, the board was uncertain whether the $297,684.67 should be paid to the Indians since the evidence showed that settlers had occupied the lands for many years -- longer than the time prescribed by the statute giving title to the Indians. 50

The Indians waive the town lots. While the board was examining the claims to the town lots area, the attorneys for the Indians, presumably, informed the tribal authority that their desire to relinquish the town lots was possible. On the evening of September 17, 1926, the Indians met in council to decide the best approach to be taken on their claim to that particular area. Their desire was to waive the land and in return get the Blue Lake area.

The Indians recognized that the town claimants would contest the Indian claim, and they wanted to avoid controversy. They had spent many hours in council, and certainly, their waiver of the town lots would be no snap decision. Attorney

50Indian Claims Commission, Docket No. 357, p. 17.
Hanna told the board, on the day the Indians relinquished the town lots, that they (the Indians), together with their attorneys, had discussed the matter for at least six weeks, the Indians among themselves longer.  

Attorney Wilson, who had been present at the Taos council meeting, advised the Indians to go before the board in body and officially relinquish their claim to the town lot area. Apparently he told them that neither the board nor a court could give them the Taos plaza (town lots), yet he believed that they were entitled to compensation for it. Ironically, on the day the Indians in body relinquished their town claim, Wilson did not explain to the board that it was a conditional waiver -- the town lots for the Blue Lake area. On September 18, 1926, the Taos tribal authority told the board only that they wished relinquishment because they knew that the claimants, two hundred of them, had held title to the lands for many years even though they were within the Pueblo Land Grant. The Indians never mentioned that this relinquishment was a conditional waiver, and the board accepted it without condition.  

On October 4, 1926, when the defenders for Indian rights found out what the Pueblo Lands Board had done they strongly objected. James A. Frear, Representative from  

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51Pueblo Lands Board Hearings, September 18-October, 1926, p. 2. Wilson said that the Indians were very confused because they had not believed that there would be any real contest on the town lots.  

52Ibid., October 4, 1926.
Wisconsin and a member of the House Indian Committee, said that the Indians had been misled unintentionally, and that if the board did not make a correction, he would take action in Congress because he could not see how a waiver could exist.\textsuperscript{53}

John Collier, then Secretary to the American Indian Defense Association, said that the Taos Indians had relinquished their right to the town lot area to obtain help in securing the Blue Lake area. He wanted this to be shown in the record. Collier said that the Indians understood clearly that the Pueblo Lands Board could not give them the Blue Lake area, that the Secretary of Interior by himself was unable to do so, but together the Pueblo Lands Board and the Secretary could make a recommendation to Congress which would be helpful.\textsuperscript{54}

Walter C. Cochrane, Special Attorney for the Pueblo Indians of New Mexico, said that he did not consider that the Taos Indians had waived anything. He pointed out that it was a proposition of law that a ward or his attorney could not waive that ward’s right, that only a proper court could determine this. Attorney Cochrane said that he defined the waiver as meaning only that the Indians admitted that they had been out of possession of the town lots for many years, and this was all it meant. He explained that it was not his understanding with the Taos that they were to get the Blue Lake area for their waiver. At a meeting with them in June, 1926, Cochrane

\textsuperscript{53}Ibid., p. 2.

\textsuperscript{54}Ibid., pp. 4-5.
said he told them that the best which could be done would be an effort on the part of those concerned to recommend that the Indians get the Blue Lake area.\textsuperscript{55}

The Indians were gambling that they would receive help in their quest for the Blue Lake area; it was a means to an end. As for their receiving compensation, they were unsure, because no one had proven that they had established any vested rights before 1848. The Indians believed that they had made a deal with the board and that it would recommend return of their sacred watershed. Speculation is that their belief was due to H.J. Hagerman, a member of the Pueblo Lands Board, and his being present at their council meeting on September 17, 1926.\textsuperscript{56}

The Taos explained that they wanted to waive the town lots because they did not have a paper title to the Blue Lake (Pueblo Canyon) area, but that they claimed it, and Spain had recognized it as belonging to them. They maintained that they still had exclusive use of the Blue Lake area, even though it was now part of the Carson National Forest.

The Indians describe Blue Lake area, but neglect its significance. Within the Blue Lake area, the Indians grazed their livestock, removed their timber -- under Forest Service regulations, assisted in protecting the canyon from fire and other injury, obtained their drinking water, and worshiped

\textsuperscript{55}Ibid., pp. 6-7.

\textsuperscript{56}Ibid., pp. 5-6.
at the Blue Lake. All this they explained and further that the town plaza was not as important to them as the Blue Lake itself. The Indians did not tell the board that the Blue Lake was their most sacred shrine, only that they needed it.57

The Taos wanted the Blue Lake area to be made part of their reservation. They wanted the land transferred from the Department of Agriculture to the Department of Interior, and if it did become a reservation for them, they wanted to make sure that the general laws governing reservations would apply.58

The Pueblo Lands Board said that it wished the Blue Lake area belonged to the Taos, but that it had no right to take action nor to bind the hands of the Secretary of Interior or the Secretary of Agriculture. The board did promise that it would, in an unofficial capacity, be willing to write statements recommending that the Indians get the Blue Lake area. These statements were never written.59

After the board had made its decision, John Collier and Representative Frear visited Hagerman’s home. Collier wanted Hagerman to get the board to reconsider its decision of the Indian waiver and also to enlist his aid in getting the Blue

57Ibid., October, 1926, no page number.

58Ibid.

59Ibid., October 4, 1926, p. 7.
Lake area back for the Indians. Collier explained to Hagerman that campers were consistently in that area and were leaving camps dirty and water contaminated.\textsuperscript{60}

When Collier reiterated that he wanted the board to recommend making the Blue Lake area an executive order reservation, Hagerman doubted it could be done. He did not feel it was in the board's province to do so, though he told Collier that his associates had left the decision up to him. He also told his visitors that before such a decision was made he would have to consult with the Department of Interior (Hagerman was representing the Secretary of Interior while sitting on the Pueblo Lands Board).\textsuperscript{61}

Hagerman did not care for Collier because he "talked too much." He did feel that Collier's idea of putting the Blue Lake area under an executive order reservation could possibly be a good thing, but for a different reason than Collier had disclosed. Hagerman thought that if the sacred land were under the jurisdiction of the Department of Interior, that department could exercise control over the headwaters of the Rio Pueblo, the river from which the Taos Indians got most of their water for irrigation as well as domestic use. He felt too, that the department could determine policy as regards

\textsuperscript{60}H. J. Hagerman to Charles H. Burke, September 30, 1926, File 300.22, N.P.A.

\textsuperscript{61}Ibid.
ceremonies at the Blue Lake and that rumors of murder and other things could be settled.\textsuperscript{62}

At a subsequent hearing in 1932 (part twenty, Survey of Conditions of the Indians in the United States, Subcommittee of the Committee on Indian Affairs), Hagerman denied he had made any promise to recommend giving the Blue Lake area back to the Taos Indians and stated:

If anything was said about it at the time, what was said was to the effect that we should do what we could to protect the Indians in the use of that watershed. Since that time . . . an area of about 30,000 acres has been set aside as a watershed area . . . \textsuperscript{63}

In truth, it would be debatable as to whether or not the Taos Indians were misled unintentionally into thinking that by waiving the town lots in the village of Taos, they would in return have the Blue Lake area given back to them. What can be said is that all parties were confused in determining what could be done about a very complex problem.

The Pueblo Lands Board suggested that the Taos Indians receive $48,497.00. Cases taken to court for settlement increased this amount by $27,631.85 for a total of $76,128.85 which was appropriated for lands outside the town of Taos.\textsuperscript{64}

\textsuperscript{62}Ibid.

\textsuperscript{63}Bob Bunker file.

CHAPTER III

AGREEMENT, LEGISLATION, AND THE SPECIAL-USE PERMIT

When the Blue Lake area became part of the Taos Forest Reserve (Carson National Forest),* there had been no formal agreement negotiated between the Taos Indians and the Forest Service. It was understood by the Indians that they would have exclusive use and occupancy of the area. The Forest Service had been pressing the Indians for some sort of agreement, but the latter had always refused.

I. AGREEMENT

The cooperative agreement of 1927. Shortly after the board hearings, John Collier convinced Dudley Cornell, attorney, that the Indians believed they had swapped the town lots for the Blue Lake area. In any event, Cornell began preparing a draft of a cooperative agreement which he would present to the Forest Service. His reason for this is unclear, since by virtue of the original agreement in 1906, it would seem that the Indians already had exclusive use and occupancy of the area at that time.

This cooperative agreement was between the Taos Indians and the Secretary of Agriculture to define the responsibilities

*The Carson National Forest was established by Executive Order No. 848 dated June 26, 1908, which was to be effective July 1, 1908.
and privileges of the Indians and the Forest Service in the Blue Lake area. Louie Cottam, forest supervisor in the Fifties, claimed later that a cooperative agreement was a mere formalization of what had been done for many years.¹

John Collier felt that the Indians would have to bargain for the sacred land and the grazing facilities up the Rio Pueblo Canyon. He was also aware that if the Indians were ever to acquire the land, the Forest Service would have to be in agreement; this seems to be the reason Cornell asked the Forest Service if there was anything that could be done to insure the exclusive use and occupancy of the Blue Lake area. He was told by Morton M. Cheney, forest ranger, that the Indians could have exclusive use if a cooperative agreement between the Indians and the Forest Service could be arranged, and he was given a sample copy to be used only on a suggestion basis. Cornell sent a copy of the sample to Collier on May 28, 1927.²

Cornell prepared such an agreement but relied solely on the Forest Service to provide him with maps which, in fact, were incorrectly drawn. The Blue Lake area, probably because of its rough terrain, had never been surveyed, and much of the information received at that time was based on approximation.

Not knowing the extent of the Blue Lake area, the boundary was guessed as one-half mile east of the Rio Pueblo

¹Bob Bunker file.

²Dudley Cornell to John Collier, May 28, 1927, File 300.22 N.P.A.
when it was more like three miles. The total acreage was
given as approximately 31,000 acres when it was closer to
50,000 acres.\(^3\) Essentially the boundary excluded the whole
eastern part of the Rio Pueblo watershed, namely Bonito-Witt
Parks, Apache Springs, and La Junta tract.\(^4\)

The Will Ed Harris tracts #1 and #2,* which were part
of the Leroux Grant and located to the northwest of Blue Lake,
above the pueblo grant and within the Rio Lucero drainage,
were also excluded. These tracts were virtually useless to
the owner because the only access was through lands owned by
the pueblo.

In 1970, Senator Anderson said that the Leroux Grant
could not be claimed by the Taos Indians because in the case
of Pueblo de Cochiti v. United States before the Indian Claims
Commission, the Indians were prohibited from claiming any
Spanish land grants.\(^5\) In the hearings before the Senate sub-
committee in 1970, Dr. Myra Ellen Jenkins, state archivist

\(^3\)Bob Bunker file. In 1928, L.F. Kneiff, acting forester,
and in 1931, Frank C.W. Pooler, regional forester, stated that
the Taos had the use of the whole Blue Lake area. Acreage was
set at approximately 34,000.

\(^4\)Senate Hearings 1970, p. 293. The La Junta tract had
been turned over to New Mexico in 1898, for the State University.
The Taos still used the area. It was acquired by the Forest
Service in a land exchange in 1952.

\(^5\)Statement for the Senate Floor in support of the Senate
version of H.R. 471. Prepared by Senator Anderson, December 2,
1970. Copy obtained from Senator Anderson.

*The Will Ed Harris tracts were purchased by the Forest Service
in 1950.
and professional historian, said that in her research of the Leroux Grant, she found evidence that it was fraudulent.\textsuperscript{6}

There is no evidence that Dudley Cornell turned the final draft of the cooperative agreement over to the Indian Bureau for review and approval before the Taos Indians signed it under the date of September 28, 1927. As far as the Indians were concerned the cooperative agreement with the Forest Service would give them exclusive use and occupancy of the whole Blue Lake area forever. The Indians had been told this by Cornell and, we presume, by John Collier. These men believed that the Indians were getting the use of the whole area.\textsuperscript{7}

Once the final draft of the cooperative agreement was made, Cornell turned it over to the Forest Service to obtain the Indians' signature. As of November 23, 1927, the Indians still had not signed the agreement. Cornell informed Forest Supervisor C.R. Dwire that if he was experiencing difficulty with the Indians signing the agreement, Cornell would come to Taos and meet with them. Previously Cornell had been told by the Forest Service that it had made some changes in the agreement; Cornell did not know what changes had been made. This was possibly why the Indians had not signed the agreement sooner. They wanted clarification.\textsuperscript{8}

At the Taos council meeting on November 28, 1927, forest rangers Pascual Martinez and Carroll Doherty convinced

\textsuperscript{6}Senate Hearings 1970, p. 88. \textsuperscript{7}Bob Bunker file. \textsuperscript{8}Ibid.
the Indians to sign the cooperative agreement. The Secretary of Agriculture signed and approved it in the last days of December, 1927. Later, the Indians were to say that the forest rangers had told them that the eastern boundary of the watershed would be three miles. This was approximately right for the summit line and the watershed boundary. The Indians were angry because there was no Indian Bureau representative present at the council meeting nor was their pueblo attorney, Walter C. Cochrane.  

The Taos Indians informed the Commissioner of Indian Affairs that the cooperative agreement had given them the whole Blue Lake area. To their dismay, the Commissioner explained that they did not have exclusive use and occupancy; instead, they had been given the use of 30,000 acres for grazing, timber and wood, water, and three days in August for the Blue Lake ceremonials. The Forest Service was given sole authority to issue entry permits to visitors.  

Afterwards Cornell, trying to justify the shortcomings of the cooperative agreement, complained that his draft had been replaced by one prepared by the Forest Service, and claimed that his draft, which left the land description blank to be filled in later by the Forest Service, included the words "the whole watershed"; the final draft which the Indians signed gave the land description and had the words "portion of the watershed."
The Forest Service denied any deliberate attempt to cheat the Indians -- there had been no survey of the land; therefore, the maps were easily wrong, and since everything hinged on the maps, the cooperative agreement was wrong to the Indians, but right to the Forest Service who already had a preconceived idea of what lands the Indians should have.12

II. LEGISLATION

Act and executive order regarding mineral entry, 1928. While the Indians and the Forest Service were negotiating the cooperative agreement of 1927, the Indians were still worried about the mining activities above the Blue Lake area, particularly in and around the Twining and South Fork areas. They were afraid that the miners would trespass and stake claims in the Rio Pueblo watershed, thus destroying the terrain and ruining the water.

Fortunately, the Commissioner of Indian Affairs was already preparing legislation to withdraw the area from mineral entry. He had petitioned the Secretary of Agriculture who admitted to him that the effects of mining on water supply could cause problems, and that the existing mining law should be corrected in some manner. The Secretary said that he would support legislation for the withdrawal of the watershed from mineral entry.13

12Interview with Dean Cutler.
13Charles H. Burke to Thomas F. McCormick, July 28, 1927, File 300.22, N.P.A.
The problem of faulty land boundaries was not to end in 1927 with the cooperative agreement. The Indians did not place their total confidence with the Bureau of Indian Affairs which was trying to help them get their land. They neglected to inform the Bureau of the erroneous description of boundaries, and that same description was included in the Act of 1928.\textsuperscript{14}

It all came about when Commissioner Burke requested from Northern Pueblos Agency superintendent, Thomas F. McCormick, a legal description of the Blue Lake area. Burke needed the description for the proposed legislation withdrawing the area from mineral entry. McCormick misunderstood what Burke wanted. He also did his investigation by mail, asking Forest Supervisor Dwire to furnish him with two maps of the area. When McCormick replied to Burke, he neglected to say what lands would be affected by the proposed legislation; he explained only the Indians' pasture needs.\textsuperscript{15}

The legislation which was proposed authorized the President of the United States to withdraw from entry or appropriation any lands within the Rio Pueblo watershed. It was enacted on March 27, 1928, as Public Law 194, and on July 7, 1928, President Calvin Coolidge signed Executive Order No. 4929 withdrawing 30,000 acres covered by the cooperative agreement of 1927.\textsuperscript{16}

\textsuperscript{14}Bob Bunker file.
\textsuperscript{15}Thomas F. McCormick to Charles H. Burke, September 6, 1927, File 300.22, N.P.A.
\textsuperscript{16}An Act to provide for the protection of the watershed within the Carson National Forest from which water is obtained for Taos Pueblo. Approved March 27, 1928, File 300.22, N.P.A.
Commissioner Burke wanted to make sure that the whole Rio Pueblo watershed would be withdrawn from entry. Before the President signed the Act of 1928 into law, Burke once again requested Superintendent McCormick to verify the legal description of the Rio Pueblo watershed. All that McCormick did was to write to Forest Supervisor Dwire again, and the latter sent a legal description of the area reserved for the Taos Indians, not one of the whole watershed.

On May 4, 1928, McCormick forwarded his information to the Commissioner of Indian Affairs. This information was inserted into the final draft of the act before the President signed it into law.

In August, 1928, a copy of the Act of 1928 was sent to Manuel Cordova, Governor of Taos Pueblo, to be presented to the tribal authority. No Taos official realized at the time that the east side of the Rio Pueblo watershed remained opened for entry. Not until May 5, 1936, when President Franklin D. Roosevelt signed Executive Order 7361 at the request of the Secretary of Interior, was the eastern side of the Rio Pueblo watershed (Bonito-Witt Parks and Apache Springs) withdrawn from mineral entry, increasing the total acreage of land withdrawn under the Act of 1928 to 37,000 acres.  

17C.R. Dwire to Thomas F. McCormick, May 1, 1928, File 300.22, N.P.A.

18Senate Hearings 1970, p. 291. This additional 7,000 acres meant that the Indians' interests were recognized on the eastern side of the Rio Pueblo watershed. No one could take this land away from them; they had a privileged right to enter the area but they had no grazing permit. The Forest Service controlled the surface.
The Northern Pueblos Agency did not at any time indicate to the Commissioner of Indian Affairs that there were other lands which could have been authorized under the Act of 1928; the Forest Service had relinquished only those lands which it was willing to concede to the Indians.

Section four of the act of May 31, 1933. The cooperative agreement of 1927 and the Act of 1928 did not give the Taos Indians the exclusive use and occupancy of the Blue Lake area; they were given the use of 30,000 acres, and others (non-Indians) were permitted to use it for sight-seeing, camping, and fishing. On the east side of the Rio Pueblo watershed (Bonito-Witt Parks and Apache Springs), recreationalists were allowed to enter without the use of a permit, and ranchers continued to graze their livestock under a ten year grazing permit.19

The Taos knew the boundaries of the Blue Lake area by prominent ridges, lakes, canyons, and creeks, all visible signs which had been transmitted to them by their grandfathers and

19The Forest Service had, by the cooperative agreement of 1927, the exclusive right to issue permits in the Blue Lake area. Because of loose restrictions, the Forest Service authorized non-forest people to issue permits so that the general public would not be inconvenienced by having to come all the way to Taos to obtain a permit. T.D. Neal and O.F. Watkins of Therma, N.M., and E. Westoby of Red River, all resort owners, were acting as agents for the district ranger. In addition, a cabin was built in 1928, 500 feet away from Blue Lake, for the convenience of the forest rangers when they were in that area; also built were a corral, a garbage pit, and a fence around Blue Lake (to keep livestock away).
fathers. This was a tribal tradition. If the Forest Service's approximate 30,000 total acreage had been true, the Indians would have accepted it. However, it was only a sloppy estimate, and the Indians were dissatisfied. John Collier, aware of this, went to Senator Bronson Cutting and Congressman Dennis Chavez, both from New Mexico, and asked them to help in securing a patent to the Blue Lake area for the Taos Indians. Still, Collier realized that without the cooperation of the Forest Service, satisfactory legislation would be impossible. The latter had stated that it would object to any kind of legislation which gave the Blue Lake area to the Indians; it felt an obligation to administer and manage the region because the town of Taos was also dependent on the Rio Pueblo watershed just as much as the Indians were. The non-Indians obtained their water largely from shallow wells fed by the watershed.20

In January, 1932, Senator Cutting introduced Bill S. 2914 which would have authorized a patent for the 30,000 acres covered under the Act of 1928. He stipulated, however, that the Forest Service continue to administer and manage the area. His bill was favored in the Senate. The House rejected it and introduced a companion bill, H.R. 4014, which authorized only the segregation of 30,000 acres under the protective arm of a fifty-year special-use permit.21

20 Frank C.W. Pooler to H.J. Hagerman, October 15, 1931. File 300.22, N.P.A.
21 Forest Service fact and summary report.
Various conferences with the Forest Service convinced Collier that the Indians' rights would be protected by the fifty-year special-use permit. He decided to support H.R. 4014, but only if the Forest Service would allow the Taos Indians to co-sign all permits issued to tourists entering the Blue Lake area; the Forest Service agreed. After hearings were held on the bill and it was passed by Congress, it was signed into law on May 31, 1933.\textsuperscript{22}

To correct the meager compensation given the Indians by the Pueblo Lands Board in the Twenties, the Act of 1933 authorized an additional $84,707.09. Actually, the Lands Board had determined that the Indians were entitled to $458,520.61 ($297,684.67 for the town lots, and $160,835.94 for lands taken outside the town of Taos). The act of June 7, 1924, awarded $76,128.85; the Act of 1933 gave the Indians $84,707.09 more -- both sums were for lands outside the town of Taos. As for the $297,684.67 which was still owed to the Indians for their town lots, it is difficult to know what Congress had in mind.\textsuperscript{23}

In 1969, Manuel Lujan, Representative from New Mexico, told a House Hearings subcommittee that Congress in 1933 wanted the Indians to have the Blue Lake area and had given the special-use permit to them in lieu of money.\textsuperscript{24} Lee Metcalf,

\textsuperscript{22}Tbid. \textsuperscript{23}Tbid.; and Senate Hearings 1970, p. 95. \textsuperscript{24}House Hearings 1969, pp. 54-5.
in 1970, told his fellow senators that John Collier had wanted title in 1933 instead of the special-use permit, but when he had found that it was against public policy and set a bad precedent, he and the Bureau of Indian Affairs agreed to the permit arrangement.25

The Indians reluctantly consented but only after they were told this legislation was but the first step in getting what they really wanted -- title.

Analysis of the Act of 1933 reveals two major inadequacies. First, section four was contradictory. Its main purpose was to protect Indian interests and supply them with their own water, wood and timber, forage for domestic animals, and the Blue Lake for certain of their religious ceremonials.

At the same time, contention was inevitable because the Secretary of Agriculture (Forest Service) was to regulate and supervise, and segregate the lands from all forms of entry. The Secretary was also required to dictate the conditions under which natural resources not needed by the Indians could be made available for commercial use by Indians or non-Indians.26

The second major inadequacy of the act was that the boundaries of the Blue Lake area were wrong, just as they had

25Senate Floor statement by Metcalf.

26"Pueblo of Taos Land Status", report prepared by the Land Division, U.P.A., Albuquerque, N.M., April 1, 1940, p. 34.
been wrong in the cooperative agreement of 1927 and the Act of 1928 -- due to the same faulty land description.

The Taos were not happy with the outcome of the Act of 1933 because they thought the statute had given them more exclusive use. They did not mind the Forest Service administering and managing the area, but to be told that they would have to seek permission to use it did not sit favorably with them. Before they consented to a permit, they exhausted every means possible to acquire the use of the land without the permit.

Bills introduced on behalf of the Taos Indians from 1934 to 1939. On April 30, 1934, H.R. 9407 was introduced with provisions to expand the special-use area to 39,000 acres. It was to amend the 1928 act to include the Rio Lucero watershed and the 1933 act to include Bonito-Witt Parks and Apache Springs as well as the additional 2,000 acres in the Rio Lucero drainage covered by the 1933 cooperative agreement. The bill failed to pass because the Forest Service pointed out the grazing permits outstanding for Bonito-Witt Parks and Apache Springs.27

On March 13, 1935, S. 2396 was introduced and contained the same provisions as H.R. 9407. On that same day H.R. 6910

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27 At this time the Rio Lucero was being grazed by 458 sheep belonging to a non-Indian who had used the range for seven years. The Bonito-Witt Parks and Apache Springs areas were being used by three non-Indian permittees who held preferences for 257 head of cattle.
was introduced as a companion bill to S. 2396. H.R. 6910 was not to amend the Act of 1928 but would have added the whole 9,000 acres to the 1933 act, subject to purchase by the Taos Indians of outstanding grazing permits. The Forest Service supported this bill. It also failed to pass.28

On March 13, 1939, H.R. 4995 was introduced and contained the same provisions as the 1935 bills. When it became apparent that this legislation had little chance to pass, the Bureau of Indian Affairs began to consider a special-use permit as authorized by the 1933 act.

III. SPECIAL-USE PERMIT

Forest Service and Indian preparation for the permit. The Secretary of Agriculture had not signed the order of segregation because the Indians were trying to get legislation enacted which would give them either title, permit to the whole Blue Lake area, or make the area part of the Taos reservation (executive order reservation). It was only after legislation had failed that advocates of the Indians' cause, Secretary of Interior Ickes and Commissioner of Indian Affairs Collier, began thinking of the special-use permit.29

28 The Forest Service said that it would approve of the Indians buying the base property and improvements which would void the grazing permit belonging to the non-Indian permittee. The Service did not say the Indians could buy grazing permits; it maintained that a permit was not a vested right, but a privilege.

29 Forest Service fact and summary report.
When he requested an order of segregation for approximately 30,000 acres, the Secretary of Interior included a proposed permit draft which had been endorsed by the Taos Indians. The permit would have given them free and exclusive use of the 30,000 acres covered by the Act of 1933. It also provided that no persons would be admitted into the area without written permission from the Taos tribal authority. The Forest Service would be allowed into the area only after notifying the Indians. 30

Likewise, the Forest Service submitted a draft which would have required the forest supervisor to decide when the Taos would be allowed to have exclusive use of the area; also it wanted the Indians to be subject to state game laws. Needless to say, neither the Indians nor the Forest Service was overwhelmed by the other's draft.

On August 1, 1939, acting Secretary of Agriculture Harry L. Brown signed the order of segregation which would safeguard the interests of the Taos Indians on 30,000 acres of land. He explained that the purposes of the Act of 1933 were to segregate the lands of the Blue Lake country and to issue the Indians a permit for use. He pointed out that they had certain rights in the area, but that Congress had not intended to give them exclusive use of the land, but rather the exclusive use of wood, timber, water, and forage insofar as these were

required for tribal or personal purposes. He added that the public would be allowed to enter the area under an entry permit, but that the area would be closed in August for religious ceremonials.

On October 31, 1939, Attorney Brophy informed William Zimmerman Jr., Assistant Commissioner of Indian Affairs, that the real intent of the Act of 1933 was to give the Indians exclusive use of the land, together with all the natural resources of the area, if such resources were needed -- and they were. Brophy wrote:

It should not be forgotten that the Pueblo of Taos obtained the use of these lands, not by grace, but because the pueblo relinquished very valuable claims that it had to certain parcels of land in the village of Taos, which village was within the exterior boundary of the Pueblo of Taos Grant. The Pueblo of Taos bought the use of the lands and they should have the unrestricted use thereof.

The Taos tribal authority, on August 2, 1940, accepted the terms of a revised permit and informed S.D. Aberle, Superintendent, United Pueblos Agency, that they had read and agreed with the corrected draft.

The permit issued to the Indians under the Act of 1933 granted to them for a period of fifty years the use of 30,000 acres in Blue Lake area. Besides their being granted water, forage, wood, and timber, the Indians were given three days in August each year for their exclusive use in conducting

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31 Harry L. Brown to Harold L. Ickes, August 1, 1939, File 300.22, N.P.A.
religious ceremonials. They were compelled to give specific
dates to the forest supervisor ten days before they were to
go up into the Blue Lake country (special-use area). The
Forest Service would be allowed into the area during this
time only in case of emergency, at which time a Taos Indian
official had to be notified. In addition, the Act of 1933
gave the Indians the authority to co-sign all entry permits.\textsuperscript{32}

William C. Schaab, special attorney for the Taos
Indians, presented the following statement for the Senate
Subcommittee on Indian Affairs on September 19, 1968:

\ldots the Forest Service defeated Congress' intention
by the 1933 act to give the Indians exclusive use of
the area; but the Pueblo appeared to have established
its right to refuse to issue permits for entry into
the area, which it had failed to establish under the
1927 cooperative agreement. The appearance was, how-
ever, more apparent than real. It would be more than
twenty years before the Forest Service would grudgingly
accede to those terms of the permit.

The entry permit and its problems. The Forest Service
did abide by the revised permit for a time during the 1940's
and issued entry permits to tourists only with Indian concur-
rence. However, this was not to last because the Indians
finally refused to concur. By 1955, entry permits were being
issued without the signature of a Taos Indian official.\textsuperscript{33}

The main source of conflict between the Indians and
the Forest Service was that the Indians did not want campers,

\textsuperscript{32}Forest Service fact and summary report.

\textsuperscript{33}Senate Hearings 1968, p. 116.
sportsmen, and fishermen because of the litter in the special-use area and grazing too close to Blue Lake.\textsuperscript{34}

Another sore point was the problem of too many fish. The Indians had complained on many occasions about the overstocking in various lakes within the area, but the Forest Service had done little to appease them; Star Lake, a sacred shrine which was located just below Blue Lake, was dynamited by the Forest Service in 1939 because it was overstocked. Many dead fish were subsequently seen floating on the surface of the water.\textsuperscript{35} The Taos complained about this because they used the Rio Pueblo water for human consumption, and the pollution which had just occurred was not very healthful, plus it was a desecration to one of their sacred shrines. The Forest Service realized that the conditions of the Blue Lake area were not satisfactory, and by 1940, it prohibited camping within 300 feet of the Blue Lake. The Service was aware of the trespassing on the east side of Blue Lake but claimed that it happened infrequently.\textsuperscript{36}

In truth, the Forest Service was not responsible for the stocking of fish in any lake within the Blue Lake area. The New Mexico Game and Fish Department had this responsibility.

\textsuperscript{34}William Brophy to L.G. Boldt, June 22, 1950, File 300.22, N.P.A.

\textsuperscript{35}Taos Indian man #2; and Senate Hearings 1970, p. 292.

\textsuperscript{36}Interview with George Proctor, Albuquerque, New Mexico, former Forest Supervisor, Carson National Forest.
and the Forest Service people admitted that this department had grossly overstocked in the Blue Lake country. It is ironic that during the trouble over fish stocking, Elliott S. Barker, a former forest supervisor in the Carson National Forest, was the Director of the Department of Game and Fish in New Mexico. He was in charge of this department from 1931 until he retired in 1953 -- the year the stocking in the Blue Lake area (special-use area) was put to an end. 37

The Forest Service recognized that the Indians were not happy with the arrangements of the permit, but maintained that it and the Act of 1933 set forth certain guidelines as to how the area was to be used, one of which was to allow the general public to visit the Blue Lake area. The Forest Service insisted that the area was good for recreation, and with proper management, the public would neither destroy the natural environment nor interfere with basic Indian needs. Hence, it would not discourage the public from entering (multiple use). By the end of World War II, the Indians noted an increase in recreational use and insisted that domination of the Blue Lake area by outsiders would only destroy the sacred area, the natural environment, and with it the power of religion in the lives of the Taos people.

By 1950, the Forest Service shortened a three-day permit to only one overnight stay. In a meeting with the Taos

on July 10, 1950, the Service promised that it would consider doing away completely with overnight camping; this was accomplished in the Sixties during which time only day permits were issued. At the meeting, the Indian council said that no tribal member would be allowed to camp at Blue Lake overnight.

The Forest Service was never able to satisfy the Indians; every small issue became a controversy. It was accused of harassment, intimidation, and interference with the Indian religion. Though the forest rangers were not allowed into the Blue Lake area during religious ceremonial times, they were accused of trying to find out about Indian religious activities.38

In July 1958, the Indians accused the Forest Service of trying to change the 1940 permit to its own advantage and said that the Blue Lake area was looking good because of their constant patrolling. The Indians also said that they wanted some identification cards or badges, so that they could better identify themselves to trespassers. They insisted that trespassers from the Hondo Lodge, who came over from Wheeler Peak, be told to stay out of the special-use area, and that fishermen who came in without permits be fined. In addition, the Indians wanted Robert LaSage* of Eagle Nest (a summer resort town

38 Senate Hearings 1968, p. 78.

*Robert LaSage owns the land adjacent to the Blue Lake area on the east side in Colfax County. He had a trail that penetrated up to the Blue Lake area line.
northeast of the pueblo) to put locks on his gates in order to discourage entrance by fishermen and others.  

By 1960, the Indians were again proposing legislation. This time they wanted a trust title to the whole Blue Lake area, and Senator Anderson of New Mexico was preparing to introduce their bill -- but only by request.

On April 18, 1961, Seferino Martinez, Governor of Taos Pueblo, traveling to New York City with Paul Bernal, secretary and interpreter for the tribal council, spoke before the Association on American Indian Affairs (A.A.I.A.). At this meeting he said:

You have beautiful statues, beautiful figures of representative scenes which we now worship, you and I together. We don't have the beautiful structures and we don't have gold temples in this lake, but we have a sign of the living God to whom we pray -- the living trees, the evergreen and spruce, and the beautiful flowers, and the lake itself . . .

We have to pray for what we receive from the sun that gives the light and the water we drink. They are provided by God. We are taking that water to give us strength so we can gain in knowledge and wisdom about the work that we are engaged in. Without energy provided by God, we are helpless. Religion is the most important thing in our life. That is the reason why this Blue Lake is so important to us.  

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40Interview with a prominent member of the National Committee for Restoration of the Blue Lake Lands to the Taos Indians who wishes to remain unidentified. This informant maintains that the A.A.I.A. gave the impression that it wanted to help the Taos Indians, but it was only tokenism. In 1970, the A.A.I.A. advised strongly that the Indians accept a compromise area, feeling that they could never get title.

On April 21, 1961, Martinez and Bernal conversed with Richard E. McArdle, Chief Forester, in Washington, D.C. Their main objective was to try to convince him that the Blue Lake area should be given back to the Taos Indians. They were not successful. McArdle told them that his office sympathized with them and would try to discourage tourism in their sacred country, but he did not believe that the Indians should be given the Blue Lake area.\footnote{42}

When the Indians returned to their pueblo, they gave the impression that the Chief Forester had promised that the Blue Lake area would be closed to all comers, and that the Indians would have more of a say-so in matters regarding the disputed land.\footnote{43}

According to Forest Service officials, Martinez and Bernal were not home very long before they began complaining about the stocking of fish in Blue Lake and trespassers in the area; the Forest Service maintained that there was little evidence of it.\footnote{44}

Another meeting was held in 1961, whereby the Forest Service was asked to close the Blue Lake to fishing by

\footnote{42}{Senate Hearings 1970, p. 294.}

\footnote{43}{Interviews with a Forest Service official who had duty in the Carson National Forest, and also two Bureau of Indian Affairs officials from the Albuquerque area office. These men asked that their names be withheld. Hereinafter they will be cited as Forest Service official #2 and Indian Bureau officials #3 and #4.}

\footnote{44}{George Proctor and other Forest Service officials said that Martinez and Bernal were very intelligent, shrewd men and bargained hard to attain the Blue Lake area.}
attention for their cause. Subsequently over a thousand letters were received in Washington in support of the Taos Indian claim.47

The Indians had no legal right to close the area nor to post signs in Witt Park (entrance trail to the special-use area) or La Junta tract, because it was national forest land. Supervisor Proctor asked them to remove the signs but they refused; the rangers did it themselves, which caused some hard feelings on both sides.48

July 1, 1961, the Indians placed a notice in the Taos News:

NOTICE

DUE TO DRY FOREST CONDITIONS AND FIRE DANGER THERE WILL BE NO TRAVEL INTO--RIO LUCERO TO BLUE LAKE OR INTO THE TAOS PUEBLO WATERSHED FOR THE PURPOSE OF

HIKING CAMPING FISHING

UNTIL FURTHER NOTICE THIS DECISION IS BY THE TAOS INDIAN COUNCIL AND OFFICIALS.

SIGNED

Seferino Martinez, Governor

Supervisor Proctor was distressed over the Indian problem and told the Taos News that the Blue Lake area would remain open to all comers, and if the Indians would not sign the entry permits, then only the Forest Service signature would be sufficient. He said that his office would continue


48 Interview with George Proctor.
to abide by the cooperative agreement of 1927, the Act of 1933, and the 1940 permit, that the Forest Service was responsible for management and administration of the Blue Lake area which was national forest land, and if necessary would not hesitate to call in a federal marshall for the protection of the permittees.  

On July 17, 1961, two Taos Indian guards ejected permittees Byron Singleton and Lehmer Dunn, both from Amarillo, Texas, because they had not received the signature of a Taos official. The Forest Service was angry over this but did nothing about it.  

Three days before the permittees were ejected, Kurt Ziebarts, field agent, United Pueblos Agency, had told Guy Williams, superintendent of the Agency, that he had attended a luncheon given by the Lion's Club in which the Indians and the Forest Service spoke, each defending its own position regarding closure of the land. Ziebarts indicated that much of the Indians' current boldness was inspired by Oliver LaFarge who, incidentally, had an article about Blue Lake in a Communist newspaper. To Ziebarts, the connection between Communism, LaFarge,* and the Taos cause was concrete, and he wrote:

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LaFarge was president of the Association on American Indian Affairs which rallied public support of the Taos Indians; LaFarge became the Indians' leading spokesman.
"Seems the bastards always find someplace to muddy the water and forest discord [sic]."  

During the latter part of July, 1961, the Indians had second thoughts about their closing of the Blue Lake area. They did not want trouble with the federal government, and they became apprehensive over the adverse publicity they were receiving in the local Taos News. In truth, the Indians had not been able to keep the entire area closed, so they had only half-heartedly enforced its closure.

Jim Colegrove, editor of the Taos News, was against giving the Blue Lake area to the Taos. He was supported by the Taos county board of commissioners who stated that ninety-five percent of the town of Taos was against the Indians' getting the land, and by the New Mexico Wildlife and Conservation Association Inc. who said that the Indians would never take care of the watersheds.

On July 31, 1961, Oliver LaFarge, the Indian spokesman, wrote a letter to the Taos News and told its editor that he had evidence which showed that the Indians owned the Blue Lake area, and that the Indian Claims Commission was not a give-away

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51 Kurt Ziebarts to Guy Williams, July 14, 1961, File 300.22, N.P.A. Ziebarts received his information from Jim Colegrove, Taos News editor, whose newspaper subscribed to a Communist newspaper (in a recent interview former editor Colegrove was unable to recall the name of the Communist paper).

gimmick, but a serious, impartial, judicial body. He asked Editor Colegrove what all the shouting was about. In the August 3rd Taos News Colegrove replied:

You ask 'what is all the shouting about?' When any group of people move in and take over 50,000 acres of land, endanger important watersheds . . . , illegally remove from the land persons who are authorized to be there, there is bound to be a little shouting. In this case two watersheds that are important to ALL the people are involved. And your evidence makes the case sound a bit pat, but thank heavens you have been given some wrong information.

By August, 1961, the Indians had decided to call off their feud with the Forest Service by going back to the old way of issuing entry permits. Paul Bernal said that the Indians would sign all permits, unless there was an exception; they would not agree to give their reasons for refusing to co-sign permits in the future. In addition, Bernal said that the working relations with the Forest Service had not been good since George Proctor had been placed in charge of Carson National Forest. According to Forest Service people, the reason Bernal said this was because Proctor would not bend to the Indian desires.53

After August 17, 1961, the Forest Service issued entry permits to visitors wishing to enter the special-use area, but the Indians had to concur. On June 14, 1962, the Secretary of Agriculture and Secretary of Interior agreed that entry permits issued by the Forest Service would be co-signed by the Taos

53 Many Taos Indians have defended George Proctor’s stand, and contrary to what some people have said, he still has many Indian friends at Taos Pueblo.
Indians, and if the latter did not wish to allow visitors, the Forest Service would be compelled to accept this decision; still the Forest Service wanted some kind of formal agreement for allowing visitors into the special-use area. The Service was never able to get such an agreement.

In 1964, the Indians did not allow any visitors into the special-use area, and the district ranger who was in charge of the Blue Lake area wrote a letter to the Taos tribal authority and explained that because they had refused visitors into the area, the whole permit situation had gotten out of control. He said that those who could not get permits had gone into the area without permission and were in trespass (permits were never issued to individuals, only groups). At the beginning of the entry permit season in 1965, the Forest Service asked the Indians to give them their reasons when they refused visitors into the area. The Indians replied that they could refuse anyone regardless of reason.54

In late 1967, the State Highway Department applied for a permit to examine routes for Highway 84 from Taos to Eagle Nest. One of the routes proposed for examination was up the Rio Pueblo. The Forest Service refused, saying it would not be in the best interest to plan roads in the Blue Lake area. In December, 1969, Jean Hassell, Forest Supervisor, persuaded

54 Interview with Corinne Locker who said that the Kennedy Administration played a very important part in making sure that the Forest Service did not allow visitors into the special-use area without Indian concurrence.
the Continental Divide Trail Study Committee to move their proposed Continental Divide Trail (Sangre de Cristo Loop) away from the Rio Pueblo watershed.\textsuperscript{55}

A very questionable situation occurred in 1968 regarding the entry permit system which ultimately showed the Forest Service in a bad light. It issued a permit to two men, Jon W. Little, past president, New Mexico Wildlife and Conservation Association, Santa Fe, and Preston N. Gunter, Sportsmen’s Legislative Action Committee of New Mexico, to enter the special-use area to make an investigation because they were going to testify before the Senate subcommittee on Indian Affairs. Little and Gunter were accompanied into the Blue Lake country by Forest Supervisor Don G. Seaman and district ranger Duane R. Freeman. Their permit was signed by Torivio Gomez, War Chief of Taos Pueblo, under the assumption that the group was going to Bear Lake which was in the Wheeler Peak Wilderness (the Forest Service denied this later and said that they told Gomez they were going to Blue Lake). The Forest Service knew that Little and Gunter expressed opposition to the Indian cause, but said that it had no right to refuse their request.\textsuperscript{56}

When Little and Gunter went before the Senate subcommittee on September 20, 1968, they had nothing good to say about the Taos Indians. They accused the Taos of being

\textsuperscript{55}Senate Hearings 1970, p. 54.

\textsuperscript{56}House Hearings 1969, pp. 61-2.
filthy and leaving litter all over the area, and that the tribe was incapable of taking care of the Rio Pueblo and Rio Lucero watersheds. Worst of all, they mocked the Taos Indian religion and tribal government. The Indians, on October 1 and again on October 11, 1968, protested vehemently, and maintained that these men, who were friends of Senator Anderson, had gone into the special-use area to spy and to gather defaming material.57 Later, in May, 1969, when the House Subcommittee on Indian Affairs requested Little to testify, he refused and waited until July, 1970, when his testimony could be defended by his friend Senator Anderson. It must be remembered that the Forest Service could not testify in its own behalf because the President had, by 1970, expressed Indian support, and the Forest Service, being an indirect part of his cabinet, could not speak out against his endorsement.58

During the 1968 Hearings, the Indians accused the Forest Service of allowing non-Indians into the special-use area without the consent of the tribal council. When Senator Anderson challenged this accusation, the Indians could not produce evidence to the contrary. Anderson said that the Indians signed all entry permits which were given to them. He also asked them to show one instance when the Forest Service applied pressure upon them to sign entry permits -- they could not.

58Interview with Dean Cutler.
The Forest Service felt that the permit which had been issued to the Indians in 1940 was quite adequate and protected and provided for Indian needs. It denied that there had been facilities constructed specifically for use of outdoorsmen in the Blue Lake area. Trails had been built which Indians, firefighters, and others used. In 1969, the cabin, outhouse, and corral located 500 feet from Blue Lake were demolished by the Forest Service because the Indians maintained that the structures were desecrating and polluting their sacred area. Others say that the Forest Service decided to demolish the structures because of all the adverse publicity.
CHAPTER IV

GRAZING AND TIMBER

When the Blue Lake area was made part of Carson National Forest, the Forest Service saw no reason for placing restrictions on the Indians who grazed their livestock there. This was because they grazed in the lower areas of the Rio Pueblo watershed or in the common (community) grazing area which the Taos Indian council had established so that each owner had his own specified piece of common grazing land. As for timber, the Indians could take all they needed for personal use. There was never any harvesting in the Blue Lake area, but there were regulations regarding timber use.

I. GRAZING

Too many livestock in the sacred land. Apparently overgrazing was not a problem prior to 1935, but as the grass depleted in the lower canyons, the livestock belonging to the Indians began moving up into the high country. At first, the Forest Service paid no attention to this movement, but as they recognized that overgrazing was occurring, they decided that restrictions would be necessary to curb the destruction.

In the latter part of the 1930's, the Bureau of Indian Affairs purchased 470 head of good-grade beef cattle which were added to approximately 100 head of scrub stock and 400
head of horses; the Indian Bureau helped to reduce the horse population to approximately 250 head, but the use exceeded the range capacity by some 1,000 animal months.¹

Dewey Dismuke, former realty officer, United Pueblos Agency, was primarily concerned with improving the grade of Indian stock by bringing up the quality; he claimed that he had a hard time, but that he finally convinced the old men (councilmen) of the need for improving their herds.²

Dismuke separated the broomtail (poor-grade) livestock from the good and sold them to reputable concerns at approximately $3.00 per head, thus bypassing the local dealers who, he said, had been cheating the Indians. In cooperation with the Indian Bureau, the Indians herded most of the broomtails out of the Blue Lake area, and Dismuke made trips to Texas, Colorado, and Kansas, where he found good quality bulls which were placed in the Blue Lake special-use area. Unfortunately, the good animals mated with some of the remaining down-graded females, and the entire project was almost lost. This occurred when a few of the Indians (including Seferino Martinez) refused to eliminate the broomtails, believing in quantity instead of quality.³

Dismuke further explained that in the Forties the Indian livestock was continually trespassing, and there was no

¹Forest Service fact and summary report.
²Interview with Dewey Dismuke, Albuquerque, New Mexico.
³Ibid.
control over them in the Blue Lake territory (he estimated that there were approximately 700 head in the special-use area at that time). Dismuke asserts that the Taos Indians today have very good livestock, though some broomtails still exist.4

As of May 29, 1940, according to Forest Service reports, the estimated carrying capacity within the Carson National Forest was 2,840 cow months.* This would be equivalent to 568 head of cattle for a five month period. Because certain portions of the range were over-grazed (mostly in the canyon bottoms), the Forest Service decided that, for Indian protection, the cow month figure might have to be reduced.

Whose livestock are trespassing? In August, 1940, C.A. Merker, Forest Supervisor, Carson National Forest, wrote to S.D. Aberle, Superintendent, United Pueblos Agency, and told her that the fences which had been constructed many years before by the Indians had not been maintained properly and in many places were down entirely. Further, cattle belonging to the Taos Indians had passed through the broken fences and were using range land for which other permittees had paid. These permittees complained that the trespassing stock used

4Ibid.

*A cow month is the amount of forage a cow can eat in one month without overgrazing the area.
even their salt. Merker surmised:

Apparently, not enough salt has been furnished by the Indians and where salt has been placed on the range, it has not been so located as to accomplish more even use of the available forage.  

The Forest Service maintained that there were many places within the Indian allotment (special-use area) which had abundant grass and other forage very palatable to cattle and horses. These areas, according to the Service, had received little or no use during the seasons. They were not in rough, steep country, nor was the timber too heavy to prevent use by the cattle. It felt that the unsatisfactory condition was the result of failure on the part of the Indians to place salt in those areas under-utilized and otherwise manage the cattle so that they would be more evenly distributed over the range.

The Forest Service knew that the Taos Pueblo ranges were almost fully stocked and that large portions of it were unused or lightly used while other portions were being seriously overgrazed. If this was allowed to continue, the result would be permanent damage and depletion of the range resources, and the whole Rio Pueblo watershed which was a high water yielding area (one hundred acre-feet per section of land) would be in severe danger.

By 1944, the carrying capacity in the Blue Lake area (special-use area), re-established by the Forest Service, was

5C.A. Merker to S.D. Aberle, August 21, 1940, File 300.22, N.P.A.  
6Ibid.  
7Senate Hearings 1968, p. 85.
237 cattle units year-long, and the area was utilized by the Indian livestock to the extent of that carrying capacity. There were approximately 143 individual livestock owners in the Taos Pueblo who used the area in the summer or when the weather permitted, and many livestock had to be held at the pueblo to abide by Forest Service regulations.⁸

Testifying before the Indian Claims Commission on July 23, 1953, Seferino Martinez, Taos councilman, said that the Indians had used the Blue Lake area for grazing cattle and horses, including the La Junta area which was in the southeastern part of the watershed. Martinez told the Commission:

My stock remained grazing, would gradually travel north to Apache Springs, and from there still north to Witt Park and then from Witt Park to Bonito Park, still north and up near the Blue Lake area.

Martinez explained to the Commission that in the fall the Indian livestock would be grazing in the Blue Lake area. He said that there were approximately 1,200 head of cattle and 1,500 to 1,600 head of wild horses within the pueblo proper and the Blue Lake domain.⁹

Various meetings were held between the Indian Bureau, Forest Service, and Taos Indians to settle the problem of overgrazing and to attempt some kind of livestock tally. In addition, these same groups made trips into the Blue Lake area

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⁸Virgil K. Whitaker to J.C. McCaskill, March 6, 1944, File 300.22, N.P.A.

⁹Senate Floor statement by Metcalf.
to see what could be done about trespassing. On almost every 
trip the recommendations were to build or repair fences in 
certain locations -- very infrequently were these fences built 
or repaired.  

In January, 1949, Hugh Harvey, field agent, United 
Pueblos Agency, was sent to Taos Pueblo to investigate com-
plaints by the Taos Indians that there were violations of the 
1940 permit committed. He learned from the Forest Service 
that non-Indian livestock had trespassed very infrequently, 
but because there were no fences across the gaps along the 
eastern boundary to prevent any drift, the Taos Indian live-
stock were more frequently in trespass than the non-Indian 
stock.  

The Forest Service said that there was to be a meeting 
with the Indians, and they would discuss initiating a livestock 
tally and tagging of permitted stock. Then after a permit was 
issued to the Taos Pueblo, excess Indian as well as non-Indian 
stock could be found trespassing.  

When Field Agent Harvey spoke with the Indians on 
January 13, 1949, they told him that non-Indian livestock from 
the high country, probably Bonito-Witt Parks and Apache Springs, 
had drifted down into the Taos Pueblo permit area for water;

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10L.F. Cottam to Eric T. Hagberg, January 20, 1949, 
File 300.22, N.P.A.

11Hugh Harvey to Eric T. Hagberg, January 13, 1949, 
File 300.22, N.P.A.

12Ibid.
the livestock found good grass and remained there. Harvey
told the Indians that when they had trespass complaints to
make certain they had specific evidence as to the kind and
number of animals seen, the time of day, brands and earmarks,
and whether the animals were drifting or driven onto the Indian
permit area. It was also pointed out that there were no
fences along the eastern boundary of the Taos permit area, and
it was quite likely that non-Indians and Indians could be in
trespass.

The Indians complained that non-Indians (Spanish) were
driving stock up Rio Lucero Canyon without a permit. Ranger
Ed Engstrom, who accompanied Agent Harvey to the pueblo, was
quick to point out that the deed covering the purchase of the
Martinez tract* carried a provision whereby no non-Indian
livestock could cross over this particular area and that a
charge of one-dollar per head must be paid by the owner of the
crossing livestock. Harvey told the Indians to find out who
the owners were and collect.\footnote{13}

Upon leaving the meeting with the Indians, Harvey
concluded that their complaints had been groundless. He did
promise them that he would have trespass signs posted in the
areas of dispute (Bonito-Witt Parks and La Junta tract).\footnote{14}

\footnotetext{13Ibid.}{\footnotetext{14Indian Bureau official #2.}}

*On January 16, 1942, the New Mexico State Tax Commission
quitclaimed tracts A, B, and C of the Martinez Grant, containing
26,237,680 acres, to the U.S. to be held in trust by the Bureau
of Indian Affairs for the Taos Pueblo. The Martinez Grant is
directly above the Pueblo Grant and in the Rio Lucero watershed.
Ear-tagging of Indian livestock ordered by the Forest Service. On January 20, 1949, the Forest Service and the Indians met at Taos Pueblo to discuss the difficulties they were having with the livestock trespass. They both agreed that the Blue Lake area was overgrazed, and Louie Cottam, Forest Supervisor, Carson National Forest, pointed out that since there was lack of a definite check, it had been impossible for the Forest Service to determine the grazing capacity of the range through actual use. Without identifying marks other than the regular brand, the Indians could place more stock on the range than was permitted, and the Forest Service could not determine the amount of livestock to graze the Blue Lake area unless there was a general round-up -- this was out of the question.

Supervisor Cottam suggested to the Indians that, in order to get rid of the trespass stock in the Blue Lake country, an ear-tagging and marking system be set up. He asked the Indians to help in the administration of the program by rounding up the trespass animals and fining or penalizing in some way the owners.\textsuperscript{15}

The Indians decided to try out this method and assured their War Chief, Julian S. Lujan, that they would stand behind him in assisting the Forest Service. Once the agreement was made, the Forest Service said there would be no turning back, that they would start their regular T-12 allowing them to

\textsuperscript{15}L.F. Cottam to Eric T. Hagberg, January 20, 1949, File 300.22, N.P.A.
impound the livestock, and the owners would have to pay the costs of the round-up, feeding, etc. If the owner failed to redeem his stock, the Forest Service had the authority to sell it. All payments had to be made at the forest ranger office in Taos, New Mexico.16

On May 16, 1949, Forest Supervisor Cottam wrote to Jesus F. Romero, Governor of Taos Pueblo, telling him that the agreement between the Forest Service and the Taos Indians had not been kept. Cottam pointed out that the war chief had cooperated in carrying out the plans as approved by the Taos tribal authority on January 20, 1949, but he had been able to ear-tag only 125 head of cattle to date. Cottam had been informed that a few of the owners did not wish to comply with the terms of the agreement, and he requested the Taos governor to assess fines or penalties because he did not want to use Regulation T-12 to impound livestock -- it would be costly to the Indian livestock owner.17

On July 15, 1949, the Taos Indians asked William Brophy, special attorney for Pueblo Indians, for assistance. They told him that the Forest Service had required all animals to be tagged before going into the Blue Lake area to graze. They explained that some of the Indians had refused to tag and as a result were being fined. Brophy was concerned that some of the

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16 Ibid.
17 L.F. Cottam to Jesus F. Romero, May 16, 1949, File 300.22, N.P.A.
provision in the grazing permit violated the terms of the legal holdings of the special-use area.

On August 26, 1949, the Indians informed the Commissioner of Indian Affairs that they wanted some kind of agreement between themselves and the Forest Service. They said that the program of ear-tagging had limited their use in the Rio Pueblo watershed and was forcing their livestock out of the area. The Indians claimed that Supervisor Cottam had told them on July 26, 1949, that he had ordered the impounding of their horses and cattle because they had not been ear-tagged. The Indians felt this was in violation of the Act of 1933.

The Taos tribal authority was split over the program of ear-tagging; many wanted to cooperate with the Forest Service, but a small minority of men, including Seferino Martinez, were able to prevent such cooperation.¹⁸

One Taos woman says that Martinez was the owner of many horses and that his corral was always full. She claims that he was a highly respected man in the pueblo, and whether the Indians liked him or not, they often accepted his judgments. She explains that he was often in trouble with the Forest Service for refusing to tag, but he had valid reasons for doing so.¹⁹ Another Indian claims that the stock found

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¹⁸ Indian Bureau official #2. He said that Seferino Martinez was the ruler of the whole pueblo, and no one disputed his word once he formed his decision.

¹⁹ Taos Indian woman #2.
in the common grazing area could be used by the people just as long as they returned the animal (usually a horse) to the area from which it was taken.\textsuperscript{20}

Later, defending the Forest Service position, Supervisor Cottam said that the Blue Lake area had been overgrazed for some time by Indian-owned stock, and much active erosion had taken place. He said that all council members agreed that this was so and wished to place restrictions, in cooperation with the Forest Service, for better range management.\textsuperscript{21} However, this could never be accomplished (because of Martinez and those who agreed with him). Cottam further explained that there was little grass in the Blue Lake area -- the best grass was in Bonito-Witt Parks, along the river bottoms, and high along the divide. There was fair grazing in Apache Springs and La Junta; otherwise, the Blue Lake area was very steep and rugged.\textsuperscript{22}

The Forest Service continued to impound Indian cattle under Regulation T-12. Once, when they rounded up livestock and had no idea who the individual owners were, they discovered that most of the stock belonged to Seferino Martinez. On August 4, 1949, District Ranger Engstrom and his assistant, George Proctor, found six head of non-permitted Indian cattle

\textsuperscript{20}Taos Indian man #1.

\textsuperscript{21}L.F. Cottam to Eric T. Hagberg, October 11, 1949, File 300.22, N.P.A.

\textsuperscript{22}Interview with George Proctor.
including calves in the Witt Park allotment. The livestock was impounded and taken to Questa, New Mexico; it was there they found that all but one cow belonged to Martinez. Cottam later was to claim that there was no attempt on the part of the Forest Service to single out Martinez, but the result of the impoundment led the Forest Service to believe that he had more livestock in trespass than anyone else.  

The Taos tribal authority, influenced by Martinez, continued to oppose the Forest Service's regulation on ear-tagging. On July 25, 1950, Eric T. Hagberg, Superintendent, United Pueblos Agency, wrote to Star Road Gomez, Governor of Taos Pueblo, and said:

We stand ready and willing to assist your people at all times, to render what assistance we can, to get information to you about management of the land in the Taos watershed. In doing this we must have your full cooperation too, so that when you or members of your tribe come in and report that livestock are trespassing or have trespassed on the Blue Lake Area that you have all the facts connected with the trespass case with you when you make your complaint; merely for the War Captain to state that there was trespass around Blue Lake is not enough, evidence must be produced.

At the Hearings in 1968, before the Senate Subcommittee on Indian Affairs, the Taos Indians were asked to recall exactly how many Indians were owners of livestock in Taos Pueblo. Chairman Metcalf told those present that he had heard that only ten to fifteen Indians were allowed by the Taos council to own cattle. Senator Anderson pointed out that certain people were selected to own livestock, and no one else.

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23 Ibid.  
Paul Bernal, secretary and interpreter for the Taos Indian council, explained that there were approximately twenty people who owned cattle on the Taos reservation, and that most of the livestock was grazed in the community grazing lands. As for the allegations made by Anderson and Metcalf, Bernal said they were not true. He claimed that the Taos council never deprived anyone from owning livestock and that all the Indian people had the same rights. Valentino Cordova, a Taos Indian and member of the Indian delegation, said that two-thirds of the Indian stockowners were not members of the Taos council.\textsuperscript{25}

In 1970, before the Senate subcommittee, Bernal said that even though the Taos Indian council had discouraged the Indians from grazing their livestock in the Blue Lake area, they did have some violations. He said that ever since the time George Proctor was forest supervisor, there had been very little grazing of Indian cattle in the special-use area. He maintained that most of the Indian livestock was grazed in the community grazing area. Further, he said that cattle which grazed in the Blue Lake domain were not used for commercial purposes -- or if they were, they were few in number.\textsuperscript{26}

Testifying before the Senate subcommittee in 1968, Arthur W. Greeley, Associate Chief, United States Forest Service, told the subcommittee that there had been very little planned range management in the Blue Lake area because of the special

\textsuperscript{25}\textit{Ibid.} \hspace{1cm} \textsuperscript{26}\textit{Senate Hearings 1970, pp. 138-9, 154.}
circumstances surrounding the land. Still, Greeley said that he would like to see the construction of pasture and cross fences. He also stated that if the Blue Lake area were divided into subunits,* it would permit better manipulation of the livestock in the summertime. There were plans for so doing. 27

On June 4, 1969, the Forest Service sent the following information to the House Subcommittee on Indian Affairs:

There are presently two grazing allotments in the area in question. The Capulin Allotment (Apache Springs and La Junta) involves six term permits and one temporary permit. A total of 191 cattle graze under these permits. The amount of the fees paid by the permittees for these permits is $298.76 for 1969. The permittees in this allotment are: Chavez Blas & Son, Juan B. Griego, David Lucero, Roberto M. Martinez, George McCarthy, Tom Trujillo, Capulin Association, care of Blas Chavez.

The Witt Park allotment involves one term permit covering 48 cattle. The 1969 fee for this permit was $52.85. The permittee is T.V. Gorman. 28

The Forest Service tried to please the Indians. The Forest Service officials were continually complaining that it was hard to see the Taos Pueblo governor because many times he could never be found. In 1962, Ed Engstrom, the district ranger, said that he had made eleven trips in an attempt to find the governor to arrange a council meeting. On several occasions in 1968, according to Duane Freeman, district ranger,

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27Senate Hearings 1968, p. 86.


*A subunit is a rotation of pasture areas -- while the livestock is grazing in one area, the other pasture areas are replenishing their grass fields.
the Forest Service would request a meeting with a Taos official on a particular problem (mostly overgrazing), but the official was always away, or if he was not and the ranger saw him, he would disappear into the buildings.  

The Forest Service claimed that the Indians would not allow annual management plans on their special-use area. Also, since the governor and the war chief were elected every year, programs or resource problems discussed and considered with one official in one year might have to be started all over again with another individual the next year. The Indians had no phones and no formal Indian livestock organization, and it was not uncommon for individual Indians to neglect having all their livestock ready to be tagged at one time, thus requiring a second trip by Forest Service officials.

The Forest Service personnel recognized that the Indian needed his livestock as part of his wealth, prestige, and livelihood. They believe today that they bent over backwards to appease the Indian to the extent that they acquiesced and their attitude became: "We want to protect your forest. Tell us what we can do."

The Indians, after December, 1970, when Congress made its famous decision to return the Blue Lake area, immediately began negotiating with the seven grazing permittees on the east side of the area in an attempt to purchase their permits.

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29 Senate Hearings 1970, p. 228.  
30 Ibid.  
31 Ibid., p. 229.
The Indians had this right under the statute which was passed, and payment would be made from tribal funds. It took a little over seven months and one court battle to completely buy off all the permittees. By June 30, 1971, all but T.V. Gorman had sold their permits to the Indians. Gorman, who had a grazing permit to Witt Park, maintained that he had a right to remain on his allotment through 1975, and then he had a right to renew. The Indians did not want this and asked Gorman to quote them a price, which they considered exorbitant. Gorman took the Indians to court on July 13, 1971, and won a decision to retain his rights as a permittee. Later, Indian Secretary Paul Bernal was able to set up a private meeting with Gorman, without lawyers present, and a settlement was made. What that amount was, officials at the Albuquerque Area Office of the Bureau of Indian Affairs were not at liberty to say.\textsuperscript{32}

In addition to the Indians buying out the permittees, the Bureau of Indian Affairs, along with the Forest Service, collaborated in supplying the Indians with material to build a wire fence on the east side of the Blue Lake area -- the Indians' long quest for privacy was thus further assured. To date, this fence has been completed from Bonito-Witt Parks all the way down and around the La Junta tract. Presently, there is fence construction from the La Junta tract westward to the southeast corner of the Taos Pueblo Grant. On the northwest,

\textsuperscript{32} Indian Bureau officials #3 and #4.
in the Rio Lucero watershed, the terrain is so steep and rough that only markers will be placed to show the boundary. From Blue Lake, a pole fence will be built straight east to Bonito-Witt Parks, at a cost of approximately $4,000 per mile. The funding for this has yet to be appropriated. The Indians are requesting that they be paid to do the job. The fence will be built to prevent trespass and to withstand heavy snows.33

In an interview, one Taos Indian expressed disappointment that, since the land had been returned, the Forest Service had left the area almost entirely alone. The Indians had assumed that, after the bill was passed, the Department of Interior would automatically contract with the Forest Service to take care of the land -- however, this time the Indians would be the boss.34

George Proctor, former forest supervisor, asks how, with the Indians owning the land, can the Forest Service personnel care for the land any better than they did when it was their own?35

II. TIMBER

The Taos Indians knew that the State of New Mexico owned the La Junta tract (approximately 2,400 acres), but they still used the land which was located in the southeast corner

33Ibid.  
34Taos Indian man #1.  
35Interview with George Proctor.
of the Blue Lake area. In 1935, the Indians offered to buy La Junta tract, but the state refused because of prior commitments. 36

In the Forties, the state decided to issue timber contracts, and the Indians were told to stay out of the area. They did not like the order and paid little attention to it. The Forest Service also disliked the situation, but it had no authority since the land was privately owned. The Forest Service, since 1933, had been interested in the La Junta tract and had discussed with the State Land Commissioner the possibility of transacting an exchange of land in another locality in New Mexico. Louie Cottam, Forest Supervisor, Carson National Forest, stated that the lack of supervision on the La Junta tract had resulted in what he called "the worst possible example of what land ought to be." 37

The state laws governing timber cutting in the 1940's were lax (the laws even today are vague), and any safety controls the state may have had for protection of this particular part of the watershed were not enforced. The Forest Service told the state that by issuing lumber permits to small companies who cared nothing for the land, it was helping to destroy the Rio Pueblo watershed, part of which is in the Blue Lake area. 38

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38 Interview with a Forest Service official who asked that his name be withheld, hereinafter cited as Forest Service official #3.
By January 6, 1949, Representative A.M. Fernandez of New Mexico had placed a bill before the House seeking to include the state owned land within the boundaries of Carson National Forest. The bill eventually passed, and the University of New Mexico, which owned most of the land, approved a land exchange. 39

The Taos Indians, in 1948, continually complained that timber cutting in the La Junta tract was ruining the watershed. In October, 1948, Hugh Harvey, field agent, United Pueblos Agency, had gone into the La Junta area and confirmed that there was no cutting within the watershed. 40 In January of the following year, Harvey was directed back into the area at which time he found that the O-K Lumber Company and the Palo Lumber Company possessed state issued contracts to cut into the watershed. He advised the company owners to notify the United Pueblos Agency when they began to cut. The agency was never notified — except by the Indians.

During the Hearings in 1968, council spokesman Seferino Martinez went before the Senate subcommittee on Indian Affairs and declared that the La Junta tract had been almost destroyed by timber cutting. He said that in 1956 and 1957, the Palo Lumber Company had been given permission to establish a lumber operation in the La Junta Canyon (called Deer Creek by the

40 Hugh Harvey to Eric T. Hagberg, October 11, 1948, File 300.22, N.P.A.
Indians). Martinez told the subcommittee that the lumber company had invited loggers to bring their horses and other equipment into the canyon, and eventually they built a corral right on the creek. He said that the company had desecrated the area and had done damage beyond belief, cutting until there were no more trees to cut.\footnote{Senate Hearings 1968, p. 155.}

The Forest Service was blamed for the Palo Lumber Company's presence in the area. However, when the Forest Service took the land over from the state, it was forced to honor all prior commitments. This was not explained to the Indians.\footnote{Forest Service official #3.}

Normally, the Forest Service issues all contracts for timbering on national forest land. When it is time to harvest an area, the Forest Service advertises for competitive bids. There has never been any cutting in the Blue Lake area except in the La Junta tract.\footnote{Ibid.}

At the Hearings in 1969, before the House Subcommittee on Indian Affairs, Chief Forester Edward P. Cliff explained that the Blue Lake area was commercial timberland and consisted of approximately 220,000,000 board feet. He said that the special-use area had not been included in Forest Service plans.
for extensive timber management because it was subject to the will of the Indians and was reserved for their benefit.\textsuperscript{44}

The Forest Service, in 1962 and 1966, sprayed for spruce bud-worm which was a serious danger to the timber. The Indians, in 1966, at first refused to agree to the spraying because the 1962 treatment had polluted their water with dead caterpillars. However, after more consideration, they changed their decision and accepted the spray project.\textsuperscript{45}

Robert LaSage, summer resident of Eagle Nest and friend of Senator Anderson, tried to trade his own mismanaged land for some in the Blue Lake area, to be used for timbering. If the trade were made, LaSage also expected the Forest Service to cut a road into the area for him. The Service rejected his offer after consideration, because of the expense of having to re-seed his presently owned land plus the anticipated cost of cutting a road into the Blue Lake area (outside the special-use area).

During harvesting on his land, LaSage's Moreno Lumber Company trespassed into the Blue Lake domain (outside the special-use area) and cut down many trees, for which LaSage paid. The Forest Service informed the Indians of the trespass.\textsuperscript{46}

\textsuperscript{45}Senate Hearings 1970, p. 144.

\textsuperscript{46}Forest Service official #3.
CHAPTER V

CONCLUSION

After the Senate Subcommittee Hearings on H.R. 471 in July, 1970, Senator Anderson knew he could not successfully cause this bill to die in committee as he had done to previous Bills H.R. 3085 and H.R. 3306. This time, there were three new elements: (1) the President's endorsement of H.R. 471 on July 8, 1970, (2) the strong lobby that the Taos had brought together, and (3) the trend of the times -- a national eagerness to make right what some believed the government had done wrong in the past, a new general emphasis on respect for man in the minority and for whatever unusual religious beliefs he might have, and a widespread reverence for ecology.

Anderson did not want the Indians to have title to 48,000 acres of watershed, even though the Secretary of Interior would hold it in trust; therefore, after months of consideration, the aging and ill senator came up with a Senate version of H.R. 471 which, instead of title, would give them exclusive use. Though the Indians were displeased with his substitute bill, a majority of the members of the Senate Committee of Interior and Insular Affairs thought Anderson's bill was fair. It was reported out of committee on November 16, 1970, only to be challenged with Senators Robert Griffin's and Fred Harris' amendment which bore the same wording as the original House document.
On December 2, 1970, when the Senate voted as to which bill should be received on the Floor for final consideration, Anderson's committee substitute was defeated fifty-six to twenty-one. Later that day, despite the support of few Western senators, H.R. 471 passed by a vote of seventy to twelve. After the vote was over, the Taos council elders who were watching in the gallery wept with joy. Even Senator Anderson, although apprehensive about passage of the Griffin-Harris Amendment and its precedent-setting aspect, was glad that the long dispute was finally over.

Since then, in fact since the dispute began, certain Taos Indians have maintained that possession of the sacred land was necessary for the tribe to maintain its identity. In the light of their persistence over the past sixty-four years during the Blue Lake controversy, it is difficult to see how such a determined people could ever lose their identity.

The council did not believe in compromise and never deviated from its desire for the Blue Lake area. Much can be said for a group of leaders who can set their sights on something and follow it through despite internal and external pressures, to say nothing of the great expense incurred for lobbying fees, lawyers, and travel -- all in vain if they had not won.

The council of Taos Pueblo seems to have picked a difficult road for its people to travel. What fiber of the soul would cause a man to choose the hard life rather than an easy one, especially when his neighbors outside the pueblo
walls have every convenience? The fact that the Taos people have chosen the traditional over the contemporary way of life reveals a unique spirit.

Certainly of unique spirit was the fiery Seferino Martinez, whose actions kept the Forest Service in the Blue Lake area in almost constant turmoil. This spirit prevailed during his many years as pueblo governor and council member — his authority overcame the council, and he was a strong advocate of traditional ways. He was mentor to the refined and self-educated Paul Bernal, who spoke so eloquently as secretary and interpreter at the hearings in 1966, 1968, and 1970, and later rose to become a leader among his people.

In the research for this paper, there was much inference made that the Indians were only half-hearted in their attempts at trust title to the Blue Lake country until Oliver LaFarge befriended them. Thereafter, they became more confident in their cause and felt it to be a just one. They boldly threatened to close their pueblo to tourists on whom the town of Taos is financially dependent. They also refused to sign an easement on a flood control dam, which was necessary to the town, unless the county commissioners agreed to put in writing their support of the Indians.

At first, it might seem that the Forest Service was unfair to the Indians when it authorized entry permits; however, it had this right under the Act of 1933 and the 1940 permit.

Unfortunately, the Forest Service did most everything wrong in the eyes of the Taos council. Yet, without the Service,
the Indians could not have had, with all their stock grazing in the area, an adequate watershed. Through the efforts of Forest Supervisor George Proctor, the serious overgrazing problem was brought under control, and by 1970, there were only between forty and fifty head in the special-use area. Perhaps the Indians and the Forest Service would have had less conflict if the different personalities involved would have been more compatible.

During the hearings, the Departments of Agriculture and Indian Affairs agreed that a person could not buy a permit. They claimed that a permit was not a vested right, but a privilege. Yet the Indians, after they were granted the Blue Lake area, bought the seven non-Indian grazing permits on the east side of the Rio Pueblo. It would seem that the Indians violated the existing privilege and turned it into a vested right, and therefore, set a precedent.

It would seem fitting, in summary, to close with the quotations of two men, each of whom represented both sides of the Blue Lake controversy with eloquence and insight. Senator Anderson, during the Senate Hearings in 1970, stated:

The Blue Lake issue ... has become a symbol of the plight of the American Indian, and thus has attracted adherents who are well-meaning but who are not fully conversant with the real issues involved. This is a natural and explainable development. But I do regret that the particular issue -- involving as it does complex land and water law, and a potential precedent with national implications -- has developed its symbolic importance. Because it has, it detracts attention from the real issues and leads to oversimplified solutions being offered.1

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1Senate Hearings 1970, p. 47.
Senator Fred Harris, who feels that passage of Bill H.R. 471 did set a precedent, a precedent of justice, spoke to the Senate on July 9, 1970, saying:

Each day more people are coming to realize the magnitude of the injustices perpetuated against American Indians through the years, sometimes in the name of national interest but all too often for the benefit of other individuals who saw the Indian lands and possessions an easy source of wealth held by those fully unable to defend their rights.²

²Ibid., p. 15.
APPENDIX I

MAP OF BLUE LAKE AREA, BROKEN DOWN INTO RELEVANT SECTIONS

Wheeler Peak Wilderness

Owned by Taos Pueblo

Tract 1 is approximately 3,929 acres. Acquired by the Forest Service in 1950 as the Will Ed Harris tract #2. The only convenient access is through Indian land.

Tract 2 is approximately 3,270 acres in the Rio Lucero drainage.

Tract 3 is approximately 32,450 acres of the Rio Pueblo watershed, also known as the permit or special-use area.

Tract 4 is approximately 2,809 acres known as Witt Park, which includes Bonito Park. This is the best grazing in the Blue Lake area.

Tract 5 is approximately 3,520 acres known as Apache Springs.

Tract 6 is approximately 2,340 acres known as La Junta Canyon.
### APPENDIX III

**TAOS PUEBLO CATTLEMEN AND LIVESTOCK, SEPTEMBER, 1968**

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<th>Number of head of head</th>
<th>Number of head of head</th>
<th>Total number of head</th>
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<td>in common grazing lands</td>
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Total: 125, 621, 866

| Number of owners       | 25 |
| Number of council members | 9  |
| Percentage of council members | 36 |
| Percentage of total livestock owned by council members | 40 |

1 Tribal council members  
(2) On private (assigned) land  
3 Estimated
APPENDIX IV
ENTRY PERMITS ISSUED TO VISITORS FOR THE
TAOS PUEBLO SPECIAL-USE AREA

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<th>NUMBER IN PARTY</th>
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</tr>
<tr>
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<td>2</td>
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<td>1962</td>
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<td>1960</td>
<td>18</td>
<td>87</td>
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<td>1959</td>
<td>19</td>
<td>115</td>
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H. R. 471

Ninety-first Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Monday, the nineteenth day of January, one thousand nine hundred and seventy-seventh

An Act

To amend section 4 of the Act of May 31, 1922 (42 Stat. 104),

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Act of May 31, 1922 (42 Stat. 104), providing for the protection of the watershed within the Carson National Forest for the Pueblo de Taos Indians in New Mexico, be and hereby is amended to read as follows:

"Sec. 4. (a) That, for the purpose of safeguarding the interests and welfare of the tribe of Indians known as the Pueblo de Taos of New Mexico, the following described lands and improvements thereon, upon which said Indians depend and have depended since time immemorial for water supply, forage for their domestic livestock, wood and timber for their personal use, and as the scene of certain religious ceremonies, are hereby declared to be held by the United States in trust for the Pueblo de Taos:

"Beginning at the southeast corner of the Tensio tract on the north boundary of the Taos Pueblo grant in section 22, township 26 north, range 15 east:

"Thence northwesterly and northeasterly along the east boundary of the Tensio tract to the point where it intersects the boundary of the Las Vegas de Gómez or Antonio Martinez Grant:

"Thence following the boundary of the Las Vegas de Gómez Grant northwesterly, southerly and northerly to station 76 on the east boundary of the survey of the Las Vegas de Gómez Grant according to the March 1901 survey by United States Deputy Surveyor John H. Walker as approved by the United States Surveyor's Office, Santa Fe, New Mexico, on November 25, 1904; and

"Thence east 0.93 mile along the south boundary of the Wheeler Peak Wilderness, according to the description dated July 1, 1969, and reported to Congress pursuant to section 5(a)(1) of the Wilderness Act (Public Law 88-857);

"Thence northeast approximately 0.23 mile to the top of an unnamed peak (which is approximately 0.38 mile southeast from from Lew Wallace Peak);

"Thence northwesterly 1.53 miles along the ridgeline through Lew Wallace Peak to Old Mike Peak;

"Thence northerly and northwesterly along the ridgeline of the divide between the Red River and the Rio Pueblo de Taos to station numbered 109 of said 1904 survey, at the juncture of the divide with the west boundary of the Bechinos and Miranda Grant, New Mexico (commonly known as the Maxwell Grant), according to the official returns of said grant executed during July and August 1863 by United States Surveyor Glen Hate and approved by the General Land Office, Washington, District of Columbia, on April 28, 1920;

"Thence southeasterly, southeasterly, and southerly along the west boundary of the Maxwell grant to the north line of unsurveyed section 35, township 26 north, range 15 east;

"Thence southerly to the north boundary of fractional township 25 north, range 15 east;

"Thence southerly and southwesterly through sections 4, 6, 8, and 7, township 25 north, range 15 east to the southwest corner of said section 7;

"Thence westerly along the divide between the Rio Pueblo de Taos and Rio Fernando de Taos to the east boundary of the Taos Pueblo grant;

"Thence north to the northeast corner of the Taos Pueblo grant;

"Thence west to the point of beginning; containing approximately 65,000 acres, more or less.
"(b) The lands held in trust pursuant to this section shall be a part of the Pueblo de Taos Reservation, and shall be administered under the laws and regulations applicable to other trust Indian lands: Provided, That the Pueblo de Taos Indians shall use the lands for traditional purposes only, such as religious ceremonials, hunting and fishing, a source of water, forage for their domestic livestock, and wood, timber, and other natural resources for their personal use, all subject to such regulations for conservation purposes as the Secretary of the Interior may prescribe. Except for such uses, the lands shall remain forever wild and shall be maintained as a wilderness as defined in section 2 (c) of the Act of September 3, 1964 (78 Stat. 890). With the consent of the tribe, but not otherwise, nonmembers of the tribe may be permitted to enter the lands for purposes compatible with their preservation as a wilderness. The Secretary of the Interior shall be responsible for the establishment and maintenance of conservation measures for these lands, including, without limitation, protection of forests from fire, disease, insects or trespass; prevention or elimination of erosion, damaging land use, or stream pollution; and maintenance of streamflow and sanitary conditions; and the Secretary is authorized to contract with the Secretary of Agriculture for any services or materials deemed necessary to institute or carry out any of such measures.

"(c) Lessees or permittees of lands described in subsection (a) which are not included in the lands described in the Act of May 31, 1946, are given the opportunity to renew their leases or permits under rules and regulations of the Secretary of the Interior to the same extent and in the same manner that such leases or permits could have been renewed if this Act had not been enacted; but the Pueblo de Taos may obtain the relinquishment of any or all of such leases or permits from the lessees or permittees under such terms and conditions as may be mutually agreeable. The Secretary of the Interior is authorized to disburse, from the tribal funds in the Treasury of the United States to the credit of said tribe, so much thereof as may be necessary to pay for such relinquishments and for the purchase of any rights or improvements on said lands owned by non-Indians. The authority to pay for the relinquishment of a permit pursuant to this subsection shall not be regarded as a recognition of any property right of the permitter in the land or its resources.

"(d) The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1049, 1050), the extent to which the value of the interest in land conveyed by this Act should be credited to the United States or should be set off against any claim of the Taos Indians against the United States.

"(e) Nothing in this section shall impair any vested water right.

Speaker of the House of Representatives.

President of the Senate.
Appendix V con't...

Indians. The authority to pay for the relinquishment of a permit pursuant to this subsection shall not be regarded as a recognition of any property right of the Commission in such property or as a consent to the enforcement of any property right of the Commission or the United States in such property. (4) The extent to which the value of the interest in land conveyed by this Act shall be credited to the United States or should be set off against any claim of the Indians against the United States.

APPROVED

DEC. 15, 1970
BIBLIOGRAPHY

A. PRIMARY SOURCES

1. Collected Documents -- Bureau of Indian Affairs

File 300.16 - 8. Contains legal papers, letters, memoranda, maps, and related material regarding the Taos Indians and Blue Lake. Primarily concerned with water rights, Indian land, and the Pueblo Lands Board Hearings. May currently be found at Southern Pueblos Agency, Albuquerque, New Mexico.

File 300.16 - 10. Is extension of File 300.16 - 8.

File 300.22. Contains legal papers, letters, memoranda, maps, and related material regarding the Taos Indians and Blue Lake. Has the most relevant material concerning the Blue Lake controversy. May currently be found at Northern Pueblos Agency, Santa Fe, New Mexico.

File 301.1 - 4. Contains legal papers, letters, memoranda, maps, and related material regarding Taos Indians and Blue Lake. Primarily concerned with miscellaneous and nonessential material. May currently be found at Southern Pueblos Agency, Albuquerque, New Mexico.

2. Publications of the Government


3. Official Statements

United States Senate, Statement for the Senate Floor in the Support of the Senate Version of H.R. 471, Blue Lake. By Senator Clinton P. Anderson of New Mexico, December 2, 1970; obtained from his office in Washington, D.C.

United States Senate, Statement for the Senate Floor in Support of the Senate Version of H.R. 471, Blue Lake. By Senator Lee Metcalf of Montana, December 2, 1970; obtained from his office in Washington, D.C.

Statement by the Taos Pueblo Council on the Blue Lake Legislation before the 90th Congress, June, 1967; obtained from the Bureau of Indian Affairs Albuquerque Area Office.

Statement by the Taos Pueblo Council on the Blue Lake Legislation before the 91st Congress, February, 1969; obtained from the Bureau of Indian Affairs Albuquerque Area Office.

4. Letters

William B. Schaab to Mrs. Rufus G. Poole, Albuquerque, New Mexico, December 8, 1970.

National Committee for Restoration of the Blue Lake Lands to the Taos Indians to prospective supporters. Included is, (1) statement of balance due for partial payment of attorney fees for the Taos Indians, and (2) chronology of the Taos attempt to recover the Blue Lake area. Santa Fe, New Mexico, March 1, 1971.

5. Interviews

Because the Blue Lake controversy is still a very sensitive matter, many of those interviewed asked that their names be withheld. They will be referred to by number: Bureau of Indian Affairs officials #1, 2, 3, and 4; Taos Indian men #1 and 2; Taos Indian women #1 and 2; Forest Service officials #1, 2, and 3.

The following people gave permission to use their names: Jim Colegrove, former editor of Taos News
United States Department of Interior -- Robert Friedman, Bruce Eastman (retired), Dewey Dismuke (retired), and James Cornett.
United States Forest Service -- Dean Cutler, Jean Hassell, and George Proctor.
Nongovernment connected supporters for the Taos Indians -- William C. Schaab, special attorney to the Taos Indians; Corinne Locker, coordinator and lobbyist for the Taos Indians; Mrs. Rufus G. Poole, lobbyist for the National Council of Churches; Rev. Lee G. Hobert, former president, New Mexico Council of Churches.

B. SECONDARY SOURCES

1. Books


Grant, Blanche C. *Taos Today.* Taos: Blanche C. Grant, 1925.

________. *One Hundred Years Ago in Old Taos.* Taos: Blanche C. Grant, 1925.

________. *Taos Indians.* Taos: Blanche C. Grant, 1925.


________. *The Maxwell Grant.* Santa Fe: Rydal Press, 1942.


2. Periodicals and Pamphlets


Jackson, Donald. "This Land is Our Land," *Life Magazine,* (January 8, 1971), 32-42.


3. Newspapers

Albuquerque Journal                             New York Times
Albuquerque Tribune                             Taos News
Los Angeles Times                               Taos Star
Minneapolis Tribune                             Voice and Vision (New Mexico)
New Mexico Catholic Renewal                     Washington Post
New Mexican