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"Strong on the Merits and Powerfully Symbolic"
THE RETURN OF BLUE LAKE TO TAOS PUEBLO
Andrew Graybill

Introduction

Between 1887 and 1934, Native American communities in the United States lost more than one hundred million acres of land. Stripped of aboriginal title to their ancestral areas, Indians across the country, but especially those in the West, could only watch as ranchers, state governments, and federal agencies seized their treasured homes in the name of progress and conservation. The Taos Indians of northern New Mexico proved to be no exception, although they had lived in their adobe pueblo, one of the oldest continually inhabited structures in North America, for more than five hundred years. In November 1906, President Theodore Roosevelt signed a proclamation establishing the Taos Forest Reserve, a decision that withdrew thousands of acres of land from the Taos Reservation and placed it under the control of the federal government, specifically the Forest Service. Roosevelt, an avid outdoorsman, was determined to protect America's vanishing wood-

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lands, and Gifford Pinchot, chief of the Forest Service, personally recom-

mended the area around the Taos Pueblo to Roosevelt.

The Taos property that became part of the Carson National Forest in 1908

was immensely important to the fifteen hundred Indians living in the pueblo.

Generations of their ancestors had raised crops and grazed livestock on the
tall grasses that dotted the plateau, but more worrisome by far to the Indians
than the potential loss of agricultural territory was the threat posed to Blue
Lake, the shrine most important to the practice of their religion. Located

high in the nearby Sangre de Cristo Mountains, Blue Lake stood at the cen-
ter of the vast swath of real estate claimed by the United States government
in 1906. Convinced that federal management would lead inevitably to the
destruction of their open-air sanctuary and, in turn, the decline of the Taos

Indians themselves, the group began a sixty-four-year battle to reclaim the
area. Enlisting the support of several eastern philanthropic organizations,
most notably the Association on American Indian Affairs (AAIA), the Taos
argued that only the return of the Blue Lake lands—and not monetary
compensation, as was customary—would provide them adequate redress.

During the relatively quiet years in the struggle, between 1906 and 1945,

the Taos made regular but cautious appeals to the government, all of which
were rejected in part or in whole. The advent of AAIA involvement in the
case in 1950 and the Indians' filing of a petition with the Indian Claims Com-
mission (ICC) the following year, however, brought increased opposition
from federal and state governments during the 1950s and 1960s. Much of this
resistance emanated from the offices of New Mexico senator Clinton P. An-
derson and the Department of Agriculture. Both worried that a return of land
to the pueblo would set a dangerous precedent and open the door for other
Indian groups to press for real estate settlements—ranging from land restitu-
tion to money. According to Anderson's estimates, such claims could apply
to more than ninety percent of United States territory. Nevertheless, in 1970
President Richard M. Nixon urged the Ninety-first Congress to pass a bill
transferring forty-eight thousand acres of the Blue Lake lands back to the
Taos, and on 15 December of that year, Nixon signed House Resolution
(H.R.) 471 into law, settling an Indian claim by awarding land rather than
cash for the first time in the history of United States-Indian relations.3

Despite its landmark significance, however, the Blue Lake case languishes
in relative obscurity in the annals of twentieth-century “success” stories involv-
ing Native Americans' struggles against the United States government.4 More
famous, for instance, is the so-called Boldt Decision of 1974, which reinstated
fishing privileges to the Swinomish Indians of the Pacific Northwest. When one considers that this restoration of usufruct (usage rights) is often cited as perhaps the high-water mark of Indian achievement in reclamation petitions filed against the U.S. government, the Taos' victory in recovering direct ownership of their appropriated lands appears even more extraordinary. Thus, the Blue Lake case raises the intriguing question: why did the Taos Indians enjoy such success while so many other Native American groups settled for much less or failed outright in their bids to regain lands taken from them by the government?

An examination of the extensive AAIA files on Blue Lake and the personal papers of four individuals instrumental in the fight suggests two answers. First, the Taos and their supporters distinguished the Taos' claim from other reclamation cases by linking the possession of Blue Lake directly to the preservation of their religious freedom. Indeed, the Taos were the only Native American group to file a land claim rooted almost exclusively in the protection of spiritual practices, as opposed to building an appeal based primarily on legal or economic grounds. Second, in the five years immediately preceding the passage of H.R. 471, the Taos and their advocates waged an aggressive publicity campaign that, by the late 1960s, had made Blue Lake, in the words of one Nixon staffer, "a national symbol to American Indians." The combination of these two elements won the Pueblos the support of the Nixon Administration, which provided the political capital necessary for Congress to override the objections of Senator Anderson and the Department of Agriculture and return Blue Lake to the Taos.

Blue Lake, the Taos Indians, and the United States, 1906-1946

Reviewing the opening years of the twentieth century helps explain how the loss of forty-eight thousand acres of New Mexico woodland and the cerulean pool standing at its center could motivate the intensely private Taos to pursue a highly publicized and bitter struggle to regain it. At first glance, the government's confiscation of the Blue Lake territory in 1906 did not seem overly threatening to the Taos. In fact, Bert Phillips, Carson National Forest's first ranger, believed that the appropriation of the tract would actually benefit the Taos by limiting non-Indian access to the area, and the first several years following the creation of the preserve proved him right. Indeed, as Phillips recalled years later, "I saw that there were good homestead sites in
the Forest, but because of the Indians' prior use and the whole intention of setting this area aside, I refused to give any permits to applicants anywhere in the watershed."

Concerned, however, that their exclusive use of Blue Lake and its surrounding lands might nevertheless be jeopardized, the Taos—with the assistance of the Indian Affairs Office—tried twice to have the area designated as an executive order reservation for their pueblo, in 1914 and again in 1916. Both efforts failed, and the Indians' fears were soon realized when Phillips's less sympathetic successor, Elliott Barker, began to issue grazing permits to non-Indians in 1918. Even more troubling to Taos Pueblo was that Barker opened the area to tourists by cutting extensive trails through the forest and stocked the waters—including Blue Lake—with trout for recreational fishing. One historian has written, "In the three short years of his superintendency, Barker personally oversaw the destruction of the Indians' centuries-old exclusive-use rights."

The Taos' fortunes seemed to improve somewhat in 1924, however, with the passage of the Pueblo Lands Act, a Congressional measure aimed at resolving the myriad Indian land-ownership problems in New Mexico. The Indians presented their case in 1926 to the Pueblo Lands Board, arguing that the government owed significant compensatory payments for territory taken from the Taos, including a sizable portion now occupied by the non-Indian town of Taos, three miles south of the pueblo village. The Indians, however, offered to waive their rights to the township property if the board would grant the pueblo ownership of the fifty thousand acres surrounding Blue Lake. Incredibly, the board accepted the Indians' offer but then failed to include this agreement in its subsequent report to Congress. Thus, the Taos had forfeited nearly $300,000 and received absolutely nothing in return.

Disgruntled but unbowed, the Taos continued to push for an equitable resolution to the problem of the Blue Lake lands. Another glimmer of hope appeared with John Collier's appointment as commissioner of Indian affairs in 1933. Collier was well respected among many Native Americans throughout the country for his work in protecting Indian rights and was renowned for his strenuous opposition to assimilationist policies. No group enjoyed a better relationship with him than the Taos. Greatly inspired by his visit to the pueblo in 1920, Collier later remarked that he felt as if he had discovered a "red Atlantis," and he wanted at once to share it with the rest of the world but also to ensure the survival of its cultural integrity. Thirteen years later, upon assuming his post in President Franklin Roosevelt's administration, Collier
sought to make good on the second half of that resolution, helping engineer legislation that would restore control of at least some of the lost lands to the Taos. Again, however, the Indians received far less than they had requested. Submitted in 1933, the bill, H.R. 4014, provided the Taos with a fifty-year renewable exclusive-use permit but it applied to only three days a year (the end of August during their annual religious trek to Blue Lake) and left the entire contested area under the ownership and direct control of the Forest Service.

The problems with Forest Service control quickly became clear. During the early 1940s, recreational use of the forest rose dramatically, as hunters, fishermen, and campers arrived in growing numbers to enjoy the beauty and sporting opportunities of northern New Mexico. Furthermore, non-Indian ranchers grazed more animals on larger sections of the Taos' former land than ever before, and the Department of Agriculture even approved logging operations in select parts of the preserve. By the middle of the decade, Taos Pueblo's cause seemed lost, and its members watched with despair as their holy sanctuary was subjected to constant violation.

"Our Ancient Way of Life": Taos Pueblo and the Importance of Blue Lake

What made the return of Blue Lake so vitally important to the Taos? The answer offered by one observer is succinct and poignant: "The Taos Indians have always believed that the waters of Blue Lake are the source of all life for them." For an agricultural people such as the Taos, this answer was literally true. Archaeological evidence suggests that the Indians used the area northeast of the pueblo for hunting and farming as early as A.D. 1350—land made arable by the waters of the Río Pueblo de Taos, whose source was Blue Lake. Moreover, beyond irrigating nearby fields and attracting game, the stream ran right through the settlement, providing the Taos with both water and a constant reminder of their dependence on Blue Lake.

Of greater importance to the pueblo, however, was the pool's religious significance. Among the most conservative of North American Indian groups, the Taos clung to their ancestral traditions perhaps more tenaciously than any other indigenous community in the United States, resisting conveniences of modern life such as telephones, automobiles, and electricity. Lying at the heart of this conservatism were their religious beliefs preserved largely intact despite the Taos' three centuries of contact with Spaniards, Mexicans, and Anglos.
One Taos Indian has described Pueblo religion as “a mosaic composed of bits and pieces of knowledge known only to a restricted number of individuals.” Very little Taos ritual, ceremony, or belief has been revealed to outside observers. The community places much importance on its ceremonial calendar—which includes ritual dances and rites of purification—and on the six all-male kivas, underground ceremonial centers that initiate select boys between ages seven and ten into the religious life of the community. Probably the most essential ingredient of Taos religion, however, is the village’s relationship to nature. In a 1961 address to the AAIA titled “Our Ancient Way of Life,” Taos Indian Severino Martinez noted, “we don’t have gold temples . . . but we have a sign of a living God to whom [sic] we pray—the living trees, the evergreen and spruce and the beautiful flowers and the beautiful rocks. . . . We have this proof of sacred things we deeply love, deeply believe.” By all accounts, Blue Lake stands literally and figuratively at the center of the Taos’ cosmology; it is the pueblo’s most revered shrine and the site of an annual pilgrimage made by every member of the community. Likewise, the lands surrounding the pool are just as important, connected to Blue Lake by an intricate ecological and, the Taos believe, spiritual web.

Thus, Forest Service management of the sacred territory posed a significant threat to the Taos, because the government allowed and even encouraged the incursions of strangers into the area. Not just the beer cans and fishing lines polluting the waters of their “church,” as the Indians regularly referred to Blue Lake, caused them such anxiety, but more vexing for the Taos was the loss of privacy that they deemed necessary to preserve their religion, the delicate threads from which the fabric of Taos society and its institutions were woven. One Taoseño noted in the 1930s, “our ways would lose their power if they were known. People have learned the ways of the other Pueblos, and those Pueblos have lost their power.” Supporting this claim years later, anthropologist John Bodine testified before Congress that if “Blue Lake and the surrounding lands are not returned to the tribe it will effectively destroy Taos culture.” The Pueblos’ struggle to recover the area, therefore, was not just another land dispute between Native Americans and the United States government. To the Taos, the fight was even more basic than that—it was a matter of cultural life or death.

The Indian Claims Commission and the AAIA

Taos efforts to regain Blue Lake might have ended by midcentury were it not for the advent of the Indian Claims Commission. Created in 1946 as a quasi-
judicial branch of Congress, the ICC was a last-ditch attempt to adjudicate long-standing Native American claims against the United States. Set to expire just five years later (although it was renewed numerous times before 1978 to deal with the volume of Indian petitions), the legislation governing the ICC offered Indian groups a final opportunity to settle outstanding legal differences with the federal government. Wary in light of their past frustrations,
the Taos believed nevertheless that the ICC might ultimately provide them with the means to obtain a favorable decision regarding their sacred lands. However, members of the Pueblo Council, the community's governing body, felt that the Taos needed first to secure additional support to help them in their fight. Fortunately, they had to look no farther than Santa Fe. Lying seventy miles to the southwest, the city was the home of Oliver La Farge, president of the Association on American Indian Affairs.

The AAIA, formed in 1933 by the merger of the National Association on Indian Affairs (formerly the Eastern Association on Indian Affairs) and the American Indian Defense Association, assisted Native Americans in protecting their constitutional rights and working to improve their quality of life. Like John Collier, La Farge, who began his second term as AAIA president in 1948, had a special relationship with the Taos, which began in earnest during a trip to the Southwest that he made on behalf of the Association in 1934. As La Farge explained years later, he found the Taos unique among the indigenous groups that he had encountered in New Mexico and Arizona: "Few other tribes have preserved so intact the beauty of the Indian way of life. This beauty shows in their rituals, in their costume, and in the people themselves— their physical appearance, their poise, and their humor." By the time a delegation from Taos approached him formally in 1950 to seek the Association's help, La Farge had lived in Santa Fe for more than a decade and had become a trusted friend to the Indians.

Scarred by more than thirty years of failed attempts to recover Blue Lake, the Taos devised a different strategy for appealing to the ICC. This time, instead of seeking any mixture of financial compensation and an expanded use permit, they decided to push for fee title to fifty thousand acres of land adjacent to the pueblo. Such title would give the Taos, rather than the government, ownership of the disputed area. La Farge, however, advocated a much more cautious proposal. As he explained to the Taos, the ICC was authorized to award only monetary settlements—not territory—to Native American groups proving their cases; only an act of Congress could effect a land transfer. To the AAIA legal counsel, he explained, "I am firmly opposed to the idea of asking to have any of these lands conveyed to Taos Pueblo under fee patent, and I believe that an attempt to do so would be politically impracticable." In short, La Farge believed that the government would never surrender its right to the land.

Proposing a more realistic solution, he urged the Pueblo Council first to seek an airtight use permit for a vastly enlarged area of the Blue Lake lands and second to reevaluate the situation. The Taos had little choice but to follow La Farge's directive, because the AAIA president said that he would
withhold organizational support of their cause if they insisted on pursuing
another route. His plan called for the introduction of a bill that would expand
the Taos' use permit, while the pueblo's ICC petition—filed in August 1951—
was pending before the tribunal. In the event that the ICC returned a favor­
able decision, the Taos could then use such a verdict to leverage further
concessions from the government.

To be sure, the political climate surrounding Native American issues at
midcentury shaped La Farge's strategy to a considerable extent. Following the
Second World War, the "Congressional pendulum" swung back toward assimil­
ation, as Republican lawmakers repudiated the self-determination policies that
Collier and the Roosevelt administration had advocated in the 1930s. Seeking
to trim the perceived budgetary excesses of the New Deal and to drive Indians
off reservations and into "mainstream" American society, legislators proposed
to end federal support to Native American communities. Termination, as this
policy came to be known, had catastrophic consequences for many Indian
people, as governmental relief for vital social services—including health care
and education—dried up practically overnight, exacerbating the already dire
poverty of groups such as the Menominees of Wisconsin and the Paiutes of
Nevada.

Considering the growing legislative hostility toward Native Americans
during the 1950s, La Farge wanted to avoid any sharp confrontations with
lawmakers, particularly proassimilationists who would strenuously resist a
direct grant of land to Indians—with its obvious anti-assimilationist implica­
tions. Moreover, in the early 1950s, as AAIA president, La Farge offered a
qualified endorsement of termination, believing that the total integration of
Indians into greater United States society was all but inevitable anyway. La
Farge clearly questioned the political viability of the Taos request for owner­
ship of the Blue Lake lands, deciding in the end that a less radical use per­
mit authorized at the government's discretion was a more feasible goal. Such
factors help explain the cautious nature of the Association's initial support for
the Indians' plight.

During the 1950s La Farge's correspondence underscores the AAIA's cir­
cumspect approach toward the Taos case in the early years of its involvement.
For instance, the president—and the organization—emphasized the legal di­
dimensions of the petition instead of stressing the Taos' special religious con­
cerns. In correspondence with Congressional representatives and federal
officials, La Farge cast the Indians' cause in the more established terms of
Native American claims disputes, focusing on governmental injustice and the
righting of old wrongs. For instance, in a memorandum to Senator Anderson,
La Farge wrote, “What I have seen of the evidence now in the hands of the Pueblo’s attorneys definitely shows that Taos has a strong case. Justice demands that this case be heard.” A petition filed by the pueblo (but probably written by La Farge) in 1955 captured the spirit of the AAIA’s initial strategy: the legal argument focused almost entirely on the Taos’ continual occupation of the land, Spanish and Mexican recognition of their property rights through 1848, and the questionable actions of the federal government in 1906 and afterwards. Yet the petition only made passing mention of Blue Lake’s religious significance to the Taos.

Over the next few years, however, La Farge changed his mind and shifted the AAIA strategy with respect to the Taos’ claim. First, research by AAIA lawyers preparing for the ICC hearing turned up additional evidence that the government had used legal trickery to hinder the Taos’ case. Particularly disturbing to La Farge was the revelation that the Department of Agriculture had modified the wording of a 1933 ruling on Blue Lake by the Senate Indian Affairs Committee. Originally giving the Taos exclusive use, that decision had later been narrowed to read “exclusive use during religious ceremonials for such limited periods as may be agreed upon by their representatives and the Supervisor of the Carson National Forest. The public may be admitted at other times” (emphasis added). In 1940 the Department of Agriculture curtailed these privileges even further by again altering the use permit, this time to limit the Taos’ rights of exclusivity to just three days a year. La Farge, moreover, had abandoned any terminationist leanings he may have harbored in light of his discouraging dealings with Commissioner of Indian Affairs Dillon S. Myer and his successor, Glenn Emmons.

Second and more important, though, was La Farge’s deepened understanding of the profound religious significance of Blue Lake to the Indians. Several times, the Pueblo Council made small monetary contributions to the Association, which La Farge interpreted as thanks for the AAIA’s support in the struggle. Moreover, in the course of several meetings, the sincerity and tenacity of the community’s elders impressed La Farge. Recalling one such encounter, La Farge wrote Executive Director La Verne Madigan of the AAIA:

They [the Indians] then restated the vital importance to Taos Pueblo of the Blue Lake Area. . . . They reminded me that the whole pattern of Taos life that they are maintaining depends on their religion, and their religion in turn depends on their sacred area. Their earnestness and intensity when they discuss this matter is extremely moving.
Later in the same note, La Farge explained that he felt “under considerable obligation to try and get results for this Pueblo.” Afterward he lapsed into a short but impassioned recapitulation of the government’s actions in defrauding the Taos.  

By 1963, La Farge accepted the Indians’ conviction that only Taos ownership of the land would meet the tribe’s needs, although he persuaded them that title in trust, rather than fee, was both better for the Indians (land held in trust by the government carried with it no tax obligations for the owner) and more practical. In addition, the Forest Service’s increasing issuance of recreational use and grazing permits to non-Indians—without stipulated Pueblo consent—coupled with growing talk of timber harvesting near the lake, persuaded La Farge that the government and the Indians could not “share” the area. In a letter written only days before his death in August 1963, La Farge explained to John Collier, “In the course of the past thirteen years a number of occurrences have led me to conclude that the Indians are right in desiring outright title. I am sure it is even less of a surprise to you than it is to me when one finds that a group of Indians is a better judge of its own affairs than we are.”

Just as La Farge changed his mind about seeking title for the territory, so too did he adjust the AAIA’s strategy for attaining the Indians’ goals. In the 1950s the Association had argued the Taos’ case like any number of other Native American claims disputes, but in the 1960s the AAIA pursued a different plan of attack. Perhaps invigorated by La Farge’s own realization that religion was important to the pueblo; the Association’s attorneys began to stress this aspect of the petition. For instance, in 1961 AAIA counsel wrote Secretary of the Interior Stewart Udall: “Under the administration of the Forest Service the use of this area for hunting, fishing and camping has steadily increased to the point that the religious feelings of the Pueblo are severely affronted. The only solution is the total exclusion of non-Indians from the area.” Elsewhere, chief AAIA lawyer Richard Schifter explained to a Department of Agriculture official, “The Taos Indians are unique ... in the degree to which they have retained their ancient ways and to the extent that they focus their religious interests and practices on natural shrines.”

Appeals such as these marked the substance of AAIA contributions to the Blue Lake fight in the years immediately following La Farge’s death. Convinced that the success or failure of the Taos Pueblo’s case hinged on the ability of the Indians and their advocates to capitalize on the pueblo’s exceptionalism, the Association plotted a new course of action. This strategy emphasized features of the Taos’ suit that would distinguish their case from other
claims. Especially important was linking Taos Pueblo ownership of Blue Lake to the protection of its people’s freedom of religion. Moreover, AAIA leadership recognized the need to take the fight from northern New Mexico and Washington, D.C., to the rest of the country.

A New Approach: “The Blue Lake Appeal” and S. 3085

The growth of Indian activism in the early 1960s undoubtedly influenced the Association’s decision to raise national awareness of the Taos case. Inspired by the anxieties and disappointments of the termination era’s “barren years,” young, college-educated Indians renewed the push for self-determination, rejecting the “Uncle Tomahawks” in their communities who favored mediation with the federal government on terms set by the United States. Against the larger backdrop of the Civil Rights movement (which Indians avoided but from which they clearly benefited), several highly publicized events in the first half of the decade drew attention to the political struggles of Native Americans. Chief among these protests was a series of “fish-ins” staged in the spring of 1964 in the Pacific Northwest. These demonstrations—attended by such well-known figures as Marlon Brando and Jane Fonda—protested the government’s abrogation of fishing privileges guaranteed by treaty to several groups of Indians in Washington state. In addition to the handful of nationally prominent individuals, more than one thousand Indians from fifty-six tribes—ranging from Florida Seminoles to Michigan Potowatomis—traveled to Washington state in support of the embattled Yakima, Muckleshoot, Puyallup, and Nisqually Indians, heralding the arrival of a nationwide movement for Native American rights.

Although the Taos Indians and the AAIA must have been aware of these developments, neither the pueblo nor its advocates consciously linked the Blue Lake recovery effort to such events. Two factors may help to explain this surprising circumstance. First, the most important figures in early 1960s Native American activism were younger, urban Indians who had lived off the reservation for years and belonged to pan-Indian political organizations such as the National Indian Youth Council. The Taos, on the other hand, were among the most conservative Indian groups in the country, and they were dominated by elders who resolved not to compromise traditional values in pursuit of any goals, even political ones such as the repossession of Blue Lake. Thus, the pueblo was unlikely to seek the support of young, non-Taos political radicals in their fight. Moreover, because the AAIA repeatedly em-
phasized the unique nature of the Taos petition, any attempt to incorporate the struggle for Blue Lake within the larger movement for Indian civil rights threatened to remove the linchpin of exceptionalism, making this “just another Indian claims case.”

Regardless of its relative nonparticipation in the Indian activism of the early 1960s, the AIAA sought nevertheless to capitalize on the heightened national awareness aroused by the “fish-ins” and other such protest events. Nowhere was this commitment to an aggressive public relations campaign more evident than in the Association’s publication of The Blue Lake Appeal, an eight-page brochure that appeared in 1965. Planning for this booklet began shortly after La Farge’s death and represented new Executive Director William Byler’s resolve to step up efforts to recover the territory. Speaking at a Taos Pueblo Council meeting in September 1964, Byler explained that the recruitment of churches and Congressional members was essential to their cause, a suggestion that resonated with Corinne Locker, the field secretary in the AIAA’s southwest office and former assistant to La Farge.51

Described as “something of a public relations genius,” Locker quickly conceived the idea of publishing a short, hard-hitting pamphlet that could be sent to newspapers, politicians, churches, and foundations all over the country in an attempt to generate national support for the Indians.52 In early 1965 Locker carefully plotted with Byler the AIAA’s plan for the circular: “Three major areas should receive emphasis: religion, conservation, and legality. The most telling will be the religious. . . . First part: 30-year struggle to regain possession of holy sanctuary—perhaps phrased in such a way as to suggest Bethlehem.”53 As this blueprint indicates, while Locker and Byler retained the traditional legal arguments in favor of the Taos and added information on the Indians’ commitment to environmental preservation, the heart of the publication would be the appeal to religious liberty.54

Plans for the brochure received a major boost on 8 September 1965, when the Indian Claims Commission released its judgment on the Taos’ case, more than fourteen years after the Indians and the AIAA had filed suit. The court ruled overwhelmingly in favor of the pueblo, finding not only that the United States had illegally extinguished the Taos’ aboriginal title to the land in 1906, but also that the government had cheated the Indians out of more than $300,000 in compensation. On these grounds, the commission issued an interlocutory order for a reassessment of the territory’s worth, followed by the payment of an appropriate indemnity. Although pleased with the findings, the Indians declined to accept a financial settlement, planning as before
to use the ruling as leverage to win title to the land. The AAIA, meanwhile, printed excerpts from the decision in the centerfold of the pamphlet, along with striking pictures of Blue Lake, the pueblo buildings, and members of the community. Brimming with confidence, the Association mailed several hundred copies of the brochure, Blue Lake Appeal, to newspapers, churches, foundations, and other people and organizations in the fall of 1965.

The results were quick and impressive. Newspapers across the country printed editorials supporting Taos Pueblo, with virtually all commentators emphasizing the religious aspects of the Taos' case. A column in the Minneapolis Tribune, for instance, captured just the sentiment for which Locker and Byler had hoped. Opening with a passage about the Red Deer Dance, one of the group's annual rituals, the author explained:

These secret and sacred rites that bring the Taos Pueblo Indians to a unity with nature are practiced today with little change from the ways of centuries gone by. . . . Diversity in our midst—whether it be that of the Taos Indians and their sacred lake, or that of any other American cultural group—is an asset to be cherished.

Elsewhere, the New York Times urged that Congress enact legislation returning Blue Lake to Taos Pueblo, calling the government's actions of 1906 and afterwards "a historic injustice." The AAIA, however, did not limit its public relations work to the publication and dissemination of The Blue Lake Appeal. About the same time that the pamphlet was distributed, the Association called on its members to begin a letter-writing campaign aimed at legislators in preparation for the introduction of a bill on Taos Pueblo's behalf the following spring. AAIA members sent hundreds of notes—some strongly worded—to Capitol Hill and the White House, and again the results were overwhelming. One woman wrote her Congressional representative and afterwards dropped a line to Byler, explaining why she had been happy to take up the Taos' cause: "My family has had the opportunity to come and have some knowledge of the people of Taos Pueblo. We admire their independence and the vitality of their culture."

These developments helped nudge New Mexico senator Clinton P. Anderson to introduce Senate Bill 3085 in March 1966. For more than a decade, AAIA officials had been in regular contact with Anderson, a Democrat, former secretary of agriculture, and one of the Senate's most powerful members. Given his standing, the Taos and the Association deemed Anderson's
support crucial; securing it, however, was another matter, because Anderson had close ties to large timber and mining interests in New Mexico, industries that stood to lose valuable extractive opportunities if the Indians were to own the Blue Lake lands outright. Perhaps bowing to ten years of AAIA lobbying efforts, Anderson finally proposed a bill that would grant nearly fifty thousand acres to the Taos, although he did so “by request,” a congressional convention...
“often denoting lukewarm support of, if not actual opposition to, the stated legislation.” As explained by William C. Schaab, an attorney who joined the Indians’ fight in 1968, Anderson saw this proposal as “a way to set-up a [monetary] settlement and get rid of the issue.” At the same time, Florida congressman James Haley, chairman of the House Subcommittee on Indian Affairs, introduced H.R. 15184 as a companion bill to Anderson’s legislation.

If indeed the senator intended to “get rid of the issue,” he succeeded in the short run, helping to kill the measure in the Interior and Insular Affairs Subcommittee before it could reach the Senate floor for debate. That spring the hearings on the proposed legislation, however, served remarkably well to promote the AAIA’s strategy of focusing increased attention on the Taos’ dilemma, with special emphasis on their unique religious needs. Of critical importance was the flood of support from church organizations and officials. In Byler’s opinion, religious associations were one of the two groups—along with members of Congress—whose backing was pivotal. Particularly gratifying to the Taos Pueblo and its advocates was the strong endorsement of the National Council of Churches (NCC) represented at the hearings by the Rev. Serge Hummon. His eloquent testimony on the Indians’ behalf equated Blue Lake with “cathedrals, mosques, and temples,” describing it as a structure “of singular sanctity and significance.” He then went on to note that, “There is significant merit in the tribe’s claim of property rights... but to it is added an additional, and in some respects weightier, argument: that the lake is essential to the religious life of the tribe....” Such support from a nationally respected and “main-line” religious organization helped translate the Taos’ claims into terms that would appeal to a larger American public, one hopefully concerned with the First Amendment guarantee of religious liberty.

Although Anderson did not openly oppose S. 3085 in the subcommittee hearings—to do so would have been unthinkable, as he had, after all, authored the legislation in the first place—he made his uneasy feelings known to other senators. Indeed, his queries to the Indians and their counsel, while polite, betrayed his loyalty to both the timber industry and the Forest Service, a branch of the Department of Agriculture that Anderson headed in the 1940s. He expressed his strongest objection through others, particularly Louis S. Clapper of the National Wildlife Federation. While Clapper articulated several reasons that a congressional return of the land would be unwise, he focused his arguments on the adverse precedent that an award of real estate instead of money to an Indian community would set. Indeed, Clapper conjured for the sub-
committee a future scenario in which formerly public lands would become off-limits to all but the Indians who claimed them and the country's wildlife would become endangered from a lack of federal oversight.67

Such charges might have gone unchecked had not a surprising source, a high-ranking government official, stepped in to deliver expert testimony.68 In his appearance before the subcommittee, Secretary of the Interior Stewart Udall challenged this question of precedent and made the strongest case yet for the exceptionalism of the Taos' claim. He explained:

Three main arguments have been expressed against enactment of this bill. Foremost is that a precedent will be set and that other Indian tribes will want lands rather than money from the Indian Claims Commission. We do not share this concern. In many cases, the lands for which tribes are compensated are not in the proximity of their present holdings. Few of the tribes have expressed any such desire [for land instead of money]. We would not consider a grant of land in this case as opening the door for favorable action on similar future requests. In our view, the religious significance of this land to the Taos Pueblo Indians warrants favorable action as an exception to the general rule.69

No other witness that spring did more than Udall to legitimate the Taos' petition, counter the opposition's objections, and distinguish the Pueblos' case from all other Indian suits against the government.70 Indeed, Udall's testimony—whether inadvertently or by design—confirmed and strengthened the AIAA's strategy to recover Blue Lake by reinforcing the group's unique religious needs in a very public forum. Still more support along these lines came from a host of Indian communities, whose letters echoed Udall's assertions about the Taos' unusually strong relationship to the land.71

The death knell for S. 3085 sounded with Anderson's announcement on 12 July 1966 that he had developed plans for a new bill that would give the Indians only 3,100 acres of land in trust title, with a use permit for the rest. This plan was unacceptable to the Indians, and with both sides unwilling to budge, S. 3085 died in committee, orphaned by Anderson and opposed by the Department of Agriculture.72 Moreover, the House buried H.R. 15184—whose passage was already unlikely, given Anderson's inevitable opposition, should it ever reach the Senate—at the bottom of its agenda, where the resolution expired before receiving consideration. The death of both bills—but especially S. 3085—in the summer of 1966 was bitterly disappointing to the
Taos and the AAIA. They had won a favorable decision from the ICC and secured the introduction of legislation in Congress, only to watch it wither on the vine. The Indians and their advocates could take some solace, however, in the knowledge that their case drew national attention to the issue and attracted support from numerous prominent organizations and individuals. They resolved to continue the fight, to reject any monetary offers, and to pursue title to the fifty thousand acres surrounding Blue Lake.

New Advocates, Familiar Tactics

Particularly active in the wake of S. 3085's defeat was Dean Kelley, director of the NCC's Commission on Religious Liberty. Convinced that still more national publicity was needed in an effort to overcome opposition to Blue Lake, Kelley asked Paul Bernal, general interpreter for the Pueblo Council and the Taos' chief liaison to the AAIA, "Do you think it would be useful to try to arrange for several religious leaders to make a 'pilgrimage' up to Blue Lake to focus national attention on your claim, or would this seem too much like 'grand standing'?

As it turned out, no such dramatization was necessary, as ABC Television proposed less than a month later to film a special program on the case, as part of the network's Directions series on culture and religion. "The Sacred Lake of Taos" aired that November, bringing the Taos' story to countless homes across the country.

Kelley's other ideas included publishing an article that focused on the government's impairment of the Taos' religious liberty. Late that spring, A Journal of Church and State ran the piece, in which Kelley attacked the opposition to S. 3085 and singled out Anderson for special criticism. In addition to his concerns over precedent and lost timber, Anderson had also questioned the Pueblos' need for such a large "church," arguing, "If they [the Taos] refuse to take a 3,150-acre tract and maintain it as sacred, we are bound to have some doubts of their religious sentiment."

Firing back in the editorial, Kelley wrote, "The relationship between the tribe and the land is an organic one; they feel that the entire watershed is integral to the life of the tribe. . . . If the trees are cut, the tribe bleeds. If the springs or lakes or streams are polluted, the lifestream of the tribe is infected."

Such sentiments, expressed by a religious leader in a national journal were weighty and convincing. Byler, for example, noting the critical importance of the NCC's endorsement, explained, "I anticipated the skepticism with which the Congress would view such a claim if asserted by the Pueblo alone, without the support of nationally recognized religious groups."
Any momentum that these efforts might have built in preparation for the next session of Congress, however, evaporated in the winter of 1966-1967. Corinne Locker, perhaps the most dedicated and trusted of the Taos’ non-Indian advocates, filed a censorious report with the AAIA’s top officials in late November. Titled “The Association and the Taos Blue Lake,” the meticulous thirty-five-page memorandum charged that AAIA attorneys on the case had impeded the Indians’ efforts to recover the area because of a serious conflict of interest. In essence, Locker argued that lawyer Richard Schifter—who had worked on the claim since the advent of the AAIA’s involvement—and his associates began pushing for the Indians to accept an extended use permit, along with the monetary compensation promised by the ICC when Anderson’s opposition became clear. The legal counsel then believed that winning title to any sizable tract of land was next to impossible. Locker explained that such a settlement was attractive to Schifter and his partners because it meant they would finally be paid—handsomely—for their legal work on behalf of the Pueblo. 

Schifter and his associates vigorously contested Locker’s report and soon won the backing of Byler and eventually AAIA President Alden Stevens, who requested—and received—Locker’s resignation in February 1967. This set off a dizzying chain of events. Believing that their fiercest advocate had been unjustly deposed, the Taos were furious. With the help of Consuelo La Farge, widow of the former AAIA president, the Indians petitioned the Association’s Board of Directors to reinstate Locker, which they did later that month after Paul Bernal and a Pueblo Council delegation delivered an impassioned plea at the AAIA headquarters in Manhattan. With Locker back at work in Santa Fe, order seemed restored to the Association and its plans for the Taos’ case.

This “uneasy peace” lasted barely two months, splintering in April 1967 when Anderson introduced new legislation on Blue Lake, this time in earnest. Trying to bring the issue to a speedy resolution, Anderson proposed two bills inimical to the Indians’ wishes, although he claimed to have their best interests at heart. Both S. 1624 and S. 1625 provided for the return of only the 3,150 acres immediately surrounding Blue Lake—S. 1624 in fee title, S. 1625 in trust—with a permit for the use of an additional 29,000 acres. Such terms would not prevent logging or unlicensed recreational use by non-Indians and gave the Taos Pueblo only a “small island” of territory with no explicit provision for access. Locker believed that the timing of Anderson’s announcement was calculated to force the AAIA’s Board of Directors into accepting this “compromise” at its annual meeting. An enraged Locker sent a telegram
to board members, explaining that the vulnerability Anderson perceived in the Association was the result of “an unholy alliance” between the attorneys and head AAIA officials. Less than one week later, a bitterly divided board voted to dismiss her.

The Taos responded quickly, informing the Association that the pueblo chose to retain Locker and its regional attorney, Rufus G. Poole, and would seek legal and public relations assistance from a source other than the AAIA. For its part, the Association dispatched board member Hildegarde Forbes to Taos Pueblo to assess the situation. There she learned that the Taos—on Locker’s advice—had enlisted the National Council of Churches to replace the AAIA as their chief advocate. After a friendly conference with the Pueblo Council, Forbes reported, rather smugly, to the board that her meeting had smoothed any differences between the AAIA and the Indians, so that “when the NCC has become tired of this job, and if Mrs. Locker should fall by the wayside, the Pueblo can then come back to the Association and ask for help without loss of face.” Privately, Forbes expressed relief that the AAIA was finally rid of the case, because the Association had “spent too much time, energy and money tilting at windmills in the past year.” Schifter underscored Forbes’s characterization of the Taos’ case as quixotic, explaining to Byler that he gave the Indians no chance to secure title to the fifty thousand acres over Anderson’s objection.

Kelley and Locker were far more sanguine, however, and picked up where the AAIA had left off shortly before the controversy began. Fueling their optimism was Florida congressman James Haley, who had responded to Anderson’s recent Senate bills with legislation of his own. Although it is difficult to ascertain the source of Haley’s loyalty to the Taos, one historian has guessed that the congressman “thought the cause just and also seized an opportunity to play a little political one-upmanship with Senator Anderson.” Whatever his reasons, Haley’s proposal, H.R. 3306, would return all 50,000 acres in trust to the Taos Indians, instead of the 3,150 acres recommended by the senator. With all three bills pending before their respective committees, Kelley and Locker followed the same strategy—building a heavy publicity campaign around the Taos’ fight for religious freedom—that had seemed to work so well in the winter of 1965 and spring of 1966. The enduring appeal of this plan to the tribe’s advocates was soon justified, as the New Mexico Council of Churches (NMCC)—which had avoided the issue in 1966—passed a resolution in November 1967 strongly supporting Haley’s bill. The NMCC based its endorsement on the fact that “Taos Pueblo’s historical
and religious claim to this land is overwhelmingly supported by the testimony of the Indians themselves, the judicial findings of the ICC, the testimony of expert witnesses, historians, anthropologists and religious authorities. . . ."85 Clearly, an approach focusing on the spiritual plight of the Indians still had political currency.

With hearings on the proposals of Anderson and Haley not scheduled to begin until the following spring, Locker did what she could to keep the issue alive in the public’s mind. Undoubtedly, her most valuable contribution during this period, and probably in the entire campaign, was to oversee the formation of the National Committee for the Restoration of the Blue Lake Lands to the Taos Indians. The project began in a 1967 conversation between Locker and Consuelo La Farge about the need to attract other prominent individuals to the Taos cause and raise money for their mounting legal bills. Debuting in February 1968, the National Committee boasted a membership list that read like a “who’s who” of American religious, political, and business leaders. Among others, the list included Grace Collier (the former BIA commissioner’s widow), department store executive John Wanamaker, writer Paul Horgan, former interior secretary Stewart Udall, and Adlai Stevenson III.86

Like all efforts on behalf of the Taos at this time, the committee placed great emphasis on the religious rights of the pueblo, as a letter from Kelley to Locker reveals: “We have today distributed to the daily newspaper press and a heavy list of religious periodicals . . . your press release announcing the Committee, as revised with a strengthened religious angle.”87

Subcommittee hearings on H.R. 3306 opened on 9 May 1968. In preparation for the hearing, attorney William C. Schaab, serving in lieu of the severely ill Rufus Poole, scheduled an impressive slate of witnesses and drafted a comprehensive memorandum for distribution. In the memo, Schaab penned the strongest words yet written on the matter, stressing the importance of Blue Lake to the Taos’ religion and their very survival, but he added a qualification clearly aimed at Anderson: “Because of the essential secrecy of its religion it has been difficult for the Pueblo to explain in terms satisfactory to the American mind why it must control the entire watershed of the Rio Pueblo.”88 Kelley worried that this strategy might isolate some of the Indians’ supporters, but Schaab explained, “In my judgment, the secrecy argument explains one of the sources of the religious significance of the Blue Lake Area and also why the Indians have never been able to make a disclosure of their religious practices.”89 The lawyer’s words were prescient. Udall and other witnesses used this rationale to bolster their case for the “singular"
nature of the Taos’ claim. In fact, so successful was Schaab’s plan that, when the bill finally emerged from the Subcommittee on Indian Affairs for the full House vote, it passed unanimously. However, Anderson frustrated the Taos Pueblo by killing the measure for a second time in the Senate.

But Haley was not easily deterred and promptly reintroduced the bill as H.R. 471 several months later on the first day of the new congressional session. Not to be outdone, Anderson countered with S. 750, which would grant Taos Pueblo exclusive use (not even title) to only 1,640 acres. As one historian has noted, “Where each successive Haley bill was essentially identical to the previous proposal, each new Anderson proposal offered the tribe less and less land.”

Although the senator suffered under the weight of increasingly negative public opinion, he remained steadfast in his opposition and made clear that, if the Indians would not accept the “compromise” of S. 750, there would be no further legislative proposals from him. The Taos response sharply criticized Anderson and flatly rejected his offer. Meanwhile, debate on H.R. 471 began in May, passing the House Subcommittee on Indian Affairs in June before winning the endorsement of the full House in September.

Richard Nixon and the Return of Blue Lake to the Taos Pueblo

Sensing that their window of opportunity might be closing, the Taos and their advocates decided that, if the Taos were ever going to recover Blue Lake, they needed to enlist additional political support that would embolden senators to vote for a measure benefiting a New Mexico people opposed by the state’s own representative, the powerful Senator Anderson. Fortunately for the Taos, a bit of “Hemingway luck”—as Corinne Locker called it—came their way later that year. In the fall of 1969, Barbara “Bobbie” Greene, a Yale-trained lawyer with a profound interest in Indian education, began serving a White House fellowship under Richard Nixon. Nixon’s domestic affairs advisor, John Ehrlichman, recruited Greene to assist with the administration’s Native American policy. Greene soon began work on the Blue Lake case, which had been brought to her attention by the wife of Oklahoma senator Fred Harris.

A second stroke of luck for the Taos occurred in January 1970, when the National Congress of American Indians announced at its annual meeting that it would make Taos Pueblo’s fight to regain Blue Lake its top legislative priority for the year. Still more support came later that month when the National Council on Indian Opportunity released during a White House meeting a report stating, “Because the [pueblo’s] problem is unique and because
it has persisted over so many decades, we feel that the Taos struggle merits the special attention of the Council." Evidently, the report made quite an impression on Nixon's vice president, Spiro T. Agnew, and the cabinet members in attendance, because Agnew ordered his staff to prepare background information on the case.

Believing that "dealings with the White House had reached a critical juncture," Taos Pueblo dispatched a delegation, including Locker, Schaab, and Paul Bernal, to meet with administration officials at a conference arranged for the Indians by Greene. In the wake of the meeting, the White House fellow was convinced not only that the Taos cause was just but that it represented a pivotal political opportunity for the Nixon Administration. Writing to a staff member in the office of Presidential Counselor Leonard Garment, Greene remarked:

I cannot stress enough the serious need to get this thing moving. Blue Lake has become a national symbol to American Indians and its significance is felt by those who are urban residents as well as those who live on reservations. If we cannot deliver on this equitable and legal claim, we will be creating a breach with the Indian community that perhaps will be irreparable. . . . The Taos Pueblo Indians are committed to the House passed bill [H.R. 471] and the Indian population as a whole strongly supports them. Furthermore, they have generated a great deal of active sympathy among non-Indians.

Likewise convinced by the Taos claim to Blue Lake, Agnew wrote Nixon in late March, "After having reviewed the situation, it is my conclusion that the equities lie with the Taos Pueblo Indians and that we should endorse H.R. 471 . . . and should aggressively seek its enactment." Concerned less with justice than political calculus, Garment advised Nixon that the Blue Lake case "has snowballed and is now the single specific Indian issue. . . . A new Indian policy needs a starting point. Blue Lake is just that—strong on the merits, and powerfully symbolic."

Beyond its emblematic significance, however, one other consideration made Blue Lake an attractive issue for the Nixon Administration: politically speaking, it was relatively safe. By the time Garment and other presidential advisors were acquainted with the Taos' petition in 1969, the Indian activism that began in the early 1960s had become increasingly militant. This "Red Power" movement stood for the "right of Indians to be free of colonialist rule
and to run their own affairs." Like the protest actions earlier in the decade, Red Power sought to focus national attention on such concerns as the government's shameless abrogation of Indian hunting and fishing privileges and the difficult socioeconomic conditions on the reservation. However, frustrated by continued federal indifference, Red Power activists adopted more aggressive tactics at decade's end.

No group played a larger role in building and sustaining Red Power than the American Indian Movement (AIM), which was formed in Minneapolis in 1968. Although AIM spent much of its first year concerned with employment and educational issues, the group quickly adopted a more militant stance, seen in its establishment of a camp in 1970 at the base of Mount Rushmore, meant to symbolize Lakota claims to the Black Hills. Moreover, AIM inspired a generation of young activists such as the group calling itself "Indians of All Tribes," who in November 1969 seized the defunct federal penitentiary on Alcatraz Island in San Francisco Bay, demanding that the government step up its assistance programs in Native American communities. Despite the government's attempts to dislodge them, the Indians managed to hold Alcatraz until June 1971.

The White House learned of the Blue Lake case during the widely publicized Alcatraz occupation. Eager to appear responsive to Indian concerns but hesitant to give in to radicals, Nixon saw in Taos Pueblo's suit a wonderful opportunity to galvanize support for his new policy of Indian self-determination without polarizing his conservative constituent base. With such considerations in mind, Nixon made Blue Lake the focal point of a speech, delivered on 8 July 1970, in which he noted, "For 64 years, the Taos Pueblo has been trying to regain possession of this sacred lake and watershed area... [the Taos] consider such action essential to the protection and expression of their religious faith... I therefore take this opportunity wholeheartedly to endorse legislation which would restore 48,000 acres of sacred land to the Taos Pueblo people." The timing of this announcement was hardly coincidental: Senate hearings on H.R. 471 were set to begin the following day, and Nixon was sending word to its members that he wanted the bill passed.

Nixon got his wish. Now faced with the Nixon Administration's backing of the Blue Lake initiative (which helped dissolve the Department of Agriculture's strident opposition), Senator Anderson saw that the tide had turned permanently against him. He did not go down easily, however, introducing amendments to the bill—even after it had passed the subcommittee—that would have stripped pueblo control of the lands and undermined its water
rights. The White House countered these moves with increased support, including a letter-writing campaign organized by Garment's office and aimed at winning over any undecided senators. As its author explained, the Taos case was "the only instance of a [Native American] claim for land, which once restored, would not be subject to commercial development, but could only be used for traditional and religious purposes."¹⁰⁴ Such appeals eroded what was left of Anderson's support, and finally, on 2 December 1970, the Senate voted 70 to 12 in favor of H.R. 471.

Thirteen days later, Juan de Jesus Romero, the cacique (spiritual leader) of the Taos, led an Indian delegation to the White House for the bill-signing ceremony. Present, too, were Corinne Locker and Paul Bernal, the two people most responsible for the Taos' victory. After greeting Romero, Nixon delivered a short speech that confirmed just how successful the strategy adopted in the 1960s had been and that must have been especially gratifying to Locker and Bernal among many others who had supported the Indians during the course of their fight. After noting that the bill represented "justice," Nixon went on to distinguish the Taos case from all others on the same religious basis as had the AAIA, the NCC, and a host of dedicated individuals: "Long before any organized religion came to the United States, for 700 years the Taos Pueblo Indians worshipped in this place. We restore this place of worship to them for all the years to come."¹⁰⁵ Whatever else Blue Lake and the lands surrounding it might have meant to the Taos, most important to Nixon—as to the Indians—was its religious significance. Indicating just how powerful a national symbol the fight had become, the president reiterated his hope that the return of Blue Lake marked the "start of a new road" in United States-Indian relations, "one in which there will be more of an attitude of cooperation rather than paternalism, one of self-determination rather than termination, one of mutual respect."¹⁰⁶

Epilogue

This study of the Taos recovery of Blue Lake raises a number of extremely elusive questions, but several important conclusions can be drawn that suggest topics deserving further inquiry.¹⁰⁷ First, the assurances of Stewart Udall and William C. Schaab notwithstanding, the return of Blue Lake to Taos Pueblo did in fact set the legal standard that so worried Clinton Anderson. To be sure, even before the passage of H.R. 471, at least one other Indian group had come forward with a land claim citing the so-called "Blue Lake
precedent," and as one historian notes, in the years following the Taos Pueblo’s victory, “millions of acres were returned to Indian tribes by judicial or legislative action.” These settlements were based at least in part on the Taos decision. Indeed, one of the most controversial claims currently sub judice was almost certainly inspired by the pueblo’s struggle.

Moreover, the return of Blue Lake also suggests an uncomfortable truth about some of white America’s perceptions of its reservation-bound neighbors: those Native Americans who most closely resemble the “ideal” indigenous type are easier for philanthropists, legislators, and even the general public to support. Oliver La Farge captured this sentiment in a letter he wrote shortly after attending a meeting of the Taos Pueblo Council in the 1950s, explaining to his associates how this encounter had rejuvenated his enthusiasm for Indian advocacy: “I go through life telling myself that the fact that so and so has a crew haircut, wears a necktie and business suit, does not mean that he is any less an Indian. It is enormously relieving once again to sit with Indians who completely look the part.”

The Taos—clad in traditional garb and living in their traditional pueblo—qualified as perhaps the most “beautiful” of all North American Indian peoples, an attribute that clearly helped the Taos win assistance from individuals and groups representing diverse political perspectives. It seems hardly accidental that the Taos would have been the one tribe that inspired John Collier’s activist career, just as it is difficult to imagine Richard Nixon placing a collection of similarly disenfranchised urban Indians at the center of his new Native American policy. While the Taos case was indeed strong on its own merits, there seems little doubt that more meaningful to the Pueblos’ backers was the suit’s powerful cultural symbolism: here were “real” Indians trying to maintain their noble ways in a changing and corrupt world.

Taos Pueblo’s struggle to safeguard its traditions, however, has seen new challenges arise in the years since the return of Blue Lake. Most significantly, northern New Mexico has experienced dramatic population growth in the last two decades to the point that in the early 1990s the Indians began to worry once more about the erosion of their privacy. Instead of the old irritations, such as trespassing by the occasional hunter or fisherman, the proliferation of houses along the boundary set by Congress in 1970 posed a new threat. Although Blue Lake itself was protected and the pueblo had recently won back the so-called “Bottleneck” tract—a disputed 764-acre strip leading to the watershed—the Taos became concerned about the rest of the area. Would its environmental integrity be compromised by the hordes of new residents?
in the region? Determined to preserve their people's solitude but lacking legal claim to the land, the council elders opted for a different strategy. They paid an estimated eleven million dollars in 1995 to buy up the remaining property in the vicinity of Blue Lake.

The pueblo chose an unexpected source to finance the purchase of this territory, when one considers the Taos' cultural conservatism: they opened a gambling casino in 1995, the profits from which they would use to make the $864,000 annual payment on the land. While this decision perhaps underscored the tribe's commitment to protecting its religious shrines and practices at all costs, building a casino also thrust the intensely private Taos into the contentious debate in New Mexico (and the country at large) over gaming on Indian reservations. Along with a number of other Indian tribes in New Mexico, the Taos endured numerous legal challenges from groups opposed to gambling in the state, and the pueblo suffered constant anxiety that the revocation of its casino permit would jeopardize the purchase of the Moreno Ranch territory. Even when Indian gaming rights were finally affirmed in 1997 by an act of the New Mexico State Legislature, all tribes were forced to pay more than sixteen percent of their earnings to the state treasury, a sum that kept Taos Pueblo's bank account hovering near zero. Although the state legislature will soon consider a recent proposal that would reduce by half the slot machine revenues required from each tribe with gaming operations, its passage is far from certain.

For the Taos, the outcome of this decision is only the most pressing concern regarding the tribe's ability to protect its sacred shrine and private religious rituals and beliefs. The pueblo's recently abandoned attempt to convert a landmark hotel in Taos Village into the tribe's second gambling venue indicates that, even with the recovery of the Bottleneck and the purchase of the Moreno Ranch land, the Pueblo perceives an on-going threat to Blue Lake, one the Indians believe can only be forestalled through additional casino revenues. Meanwhile, the population of northern New Mexico continues to grow, and with it the demand for commercial and residential real estate, suggesting perhaps that the battle for Blue Lake may not yet be over.

Notes


4. To be sure, the struggle over Blue Lake has received some scholarly treatment, usually in more general works on twentieth-century United States–Indian relations. The one monograph on the subject, R. C. Gordon-McCutchan’s *The Taos Indians* (1991), is strictly a narrative account, although it provides an excellent overview of the case. This project differs in its focus on the reasons behind the Taos Pueblo’s victory and its placement of the struggle within the context of twentieth-century Native American history.


6. The collections, all held at Princeton University’s Seeley G. Mudd Manuscript Library, are the Association on American Indian Affairs Archives, the Barbara Greene Kilberg Collection on the Blue Lake (N.M.) Restoration Case, the Corinne Locker Collection on the Blue Lake (N.M.) Restoration Case, the Blue Lake (N.M.) Restoration Case Papers of Rufus G. Poole, and the Blue Lake (N.M.) Restoration Case Papers of William C. Schaab. All citations from the collections are published with permission of the Princeton University Library.


9. It is important to note that major decisions at Taos have long been made by the Pueblo Council, a small and highly select body of older, conservative men nominated for lifetime membership in the council by religious leaders and then elected by the group. All attempts to recover Blue Lake were organized and implemented by this assembly. For more information on the village’s political structure, see Florence Hawley Ellis, “The Theocratic Gerontocratic Democracy of Taos Pueblo,” Blue Lake (N.M.) Restoration Case Papers of William C. Schaab (cited hereafter as the Schaab Papers), box 4, folder 10.


12. Impetus for the passage of the Pueblo Lands Act was provided by the Bursum Bill, named for New Mexico senator Holm Bursum. This legislation, which Indians and their supporters vigorously opposed, favored non-Indian claimants’ attempts to obtain title to Pueblo lands in New Mexico. Its approval by the Senate in 1922 led a group of concerned individuals to found the *Eastern Association on Indian Affairs*,...

13. Indian Claims Commission, Findings of Fact, Docket No. 3570, 8 September 1965, Blue Lake (N.M.) Restoration Case Papers of Rufus G. Poole (cited hereafter as Poole Papers), box 1, folder 3.


19. Ibid., 93. For more on the secrecy of Pueblo religions, see John Bodine, Taos Pueblo: A Walk Through Time (Santa Fe, N.Mex.: Lightning Tree, 1977), 43–45.


22. In an undated, confidential memo titled “The Religious Significance of the Blue Lake Area,” an unknown author (probably William C. Schaab, one of the Indians’ attorneys) wrote: “The relationship between the tribe and the land is an organic one; they feel that the entire watershed is integral to the life of the tribe. . . . The members of the tribe feel an ancient identity, not only with Blue Lake—the headwaters of their life-sustaining stream—but with the entire watershed, its plants and animals.” Schaab Papers, box 4, folder 10.


27. This figure of fifty thousand acres would give the Taos control of a geographical area that included Blue Lake, the surrounding lands, and a path of unimpeded access to the lake and the other shrines in the watershed.

28. La Farge to Richard Schafter, 16 March 1955, AAIA Archives, box 268, folder 6. Schafter took an even harder line, replying to La Farge, “A fee patent would not only
be of questionable value to Taos Pueblo, but it would set a bad precedent as far as other Pueblos are concerned. The Congressional Committees may wonder why the more progressive Pueblos have to retain their land in trust if one of the most conservative can hold its land outright in fee.” Schifter to La Farge, 4 April 1955, Locker Collection on the Blue Lake (N.M.) Restoration Case (cited hereafter as Corinne Locker Collection), box 1, folder 1.

29. He explained his strategy as such: “I believe that the most we can hope for in the long run would be an extension of the mandatory permit. . . . If this should be achieved, I think I can persuade the Indians that it is a victory, even though it does not win the war. It seems that it would be highly desirable if we could get that much.” La Farge to Richard Schifter, 16 March 1955, AAIA Archives, box 268, folder 6.


32. La Farge was particularly wary of Dillon S. Myer, commissioner of Indian affairs under President Harry Truman. As director of the War Relocation Authority, Myer had overseen the internment of Japanese Americans during World War II. He was described by his own biographer as a virulent racist and “modern Indian-hater.” See Hecht, Oliver La Farge, 200–201; and Richard Drinnon, Keeper of Concentration Camps: Dillon S. Myer and American Racism (Berkeley: University of California Press, 1987), 236.

33. Hecht, Oliver La Farge, 195.

34. Oliver La Farge to Clinton Anderson, 14 June 1955, AAIA Archives, box 268, folder 6.

35. Petition filed by Taos Pueblo, 13 April 1955, AAIA Archives, box 268, folder 6. The Taos produced evidence proving that Spanish rule in New Mexico recognized Indian possessory rights to territory used and occupied in 1598, privileges which were upheld by Mexico in 1821 and which the United States agreed to honor upon assuming control of the territory with the signing of the Treaty of Guadalupe Hidalgo in 1848.

36. For more information, see Gordon-McCutchan, The Taos Indians, 27–33.


38. La Farge came to loathe both men, believing in the end that Emmons was “evil” and suggesting that he be “fried in oil.” Hecht, Oliver La Farge, 215.

39. La Farge to La Verne Madigan, 27 May 1960, AAIA Archives, box 268, folder 7. La Farge also recognized the quietly coercive nature of these donations, writing in one letter, “There is one Indian matter that, for me, is rather like a jumpy tooth. At recur-
rent intervals it starts hurting again. This is the Taos Blue Lake matter. It has just been revived for me by a visit from the Governor of Taos and his staff, and particularly inflamed by his telling me, just before his departure, that the Pueblo is going to contribute another hundred dollars to the Association.” Oliver La Farge to Richard Schifter, 20 December 1960, AAIA Archives, box 268, folder 7.

40. La Farge to Madigan, 27 May 1960, AAIA Archives, box 268, folder 7.

41. For a more detailed explanation of the differences between fee and trust patents, see Kirke Kickingbird and Karen Ducheneaux, One Hundred Million Acres (New York: Macmillan, 1973), 1-3.

42. La Farge to Collier Sr., 16 July 1963, AAIA Archives, box 268, folder 8.


44. Schifter to Charles Murphy, 22 May 1961, AAIA Archives, box 268, folder 7.


46. For an explanation of why Native Americans did not participate in the push for African American civil rights, see Deloria, Custer, 168–96.

47. A thorough treatment of this conflict appears in Josephy, Now that the Buffalo’s Gone, 177–211.

48. Steiner, New Indians, 50.

49. In the voluminous files of the AAIA and the four individuals mentioned above in note 5, I have found no mention of the fish-ins or any other Native American protest actions from this—or any—period.

50. A wonderful example of this conservatism was the two-decade struggle within Taos Pueblo concerning the issue of voting in local, state, and federal elections. La Farge, among others at the AAIA, felt that a drive to register the three hundred eligible Taos males to vote would provide the pueblo a political voice loud enough to attract the attention of New Mexico’s Congressional delegation, and garner some leverage in the Blue Lake negotiations. Although many members of the Pueblo Council supported this plan, a core of conservative elders, led by former governor Severino Martinez, successfully opposed the initiative on the grounds that participation in U.S. elections would compromise the pueblo’s cultural integrity. See Alison Stacey, Report on Trip to Taos, 16 October 1948, AAIA Archives, box 268, folder 3; Oliver La Farge to Alice Marriott, 21 September 1956, AAIA Archives, box 268, folder 3; Oliver La Farge to Clinton P. Anderson, 28 December 1956, AAIA Archives, box 268, folder 3; Oliver La Farge to Richard Schifter, 18 June 1963, AAIA Archives, box 268, folder 8; and Press Release on Taos Voter Registration Drive, 29 October 1969, William C. Schaab Papers, box 1, folder 5. A fictional treatment of the issue can be found in Oliver La Farge, “The Ancient Strength,” New Yorker, 31 August 1963, 26–34.

52. Locker's media savvy is noted in a letter from William C. Schaab to Jack E. Brown, 11 July 1971, Corinne Locker Collection, box 9, folder 4.


54. The inclusion of material on the Taos and conservation was intended mainly to discredit those in the Department of Agriculture and organizations like the Sierra Club that opposed the Indians, at least in part on the grounds that the pueblo would overgraze the lands, harvest timber, and pollute the watershed—precisely the Indians' objections to continued governmental oversight of the area.

55. For further information on the ICC decision, see Indian Claims Commission Findings of Fact, Interlocutory Order, and Opinion of the Commission, Rufus G. Poole Papers, box 1, folder 3.

56. Clipping from editorial in the Minneapolis Tribune, 19 September 1965, AAIA Archives, box 268, folder 9. Other papers writing in favor of the Taos included the Carson City Appeal, 24 April 1966; Chicago American, 9 April 1966; Denver Post, 22 April 1966; Santa Fe New Mexican, 26 June 1966; Taos News, 19 April 1966; Washington Post, 11 May 1966; and Worcester (Mass.) Telegram, 14 April 1966.


58. Copies of some of these letters can be found in AAIA Archives, box 268, folder 10, and box 269, folders 1–2.

59. Silvia Bennett to William Byler, 9 May 1966, AAIA Archives, box 268, folder 10. Another AAIA member wrote to President Lyndon Johnson: "Since I first set eyes on Taos Pueblo forty-six years ago, I have regarded this spot in New Mexico as one of the holiest sites of the American people." Abram Vossen to President Lyndon B. Johnson, 11 May 1966, AAIA Archives, box 268, folder 11.

60. See Deverell, "The Return of Blue Lake," 62.

61. Ibid.


63. Testimony of Serge Hummon before the Senate Subcommittee on Interior and Insular Affairs, 18 May 1966, AAIA Archives, box 269, folder 1.

64. Closer to home, Archbishop James P. Davis of Santa Fe issued a statement in which he said, "I am happy and honored to be able to lend my support to the Taos Indian Pueblo and their struggle to regain possession of the Blue Lake Area... It is impossible to interpret the American principles of justice and equality in any way that fails to pay due respect to religious convictions." Clipping from Taos News, 17 May 1966, in AAIA Archives, box 269, folder 1.

65. At the time of the hearings, Anderson was in close contact with lumberman Robert Le Sage, who was trying to secure a contract to cut timber on nineteen thousand acres of the land sought by the Indians. For this and more on Anderson's quiet opposition to S. 3085, see Gordon-McCutchan, The Taos Indians, 103–6. See also Steiner, New Indians, 243–44, for further evidence of Anderson's connections to the timber industry in northern New Mexico.

67. Similar concerns were voiced by Orville L. Freeman, secretary of the Department of Agriculture, and Elliott Barker, a former ranger in Carson National Forest, in their reports to the subcommittee. AAIA Archives, box 269, folder 1.

68. AAIA records show that the Association was aware of differences between the Departments of Agriculture and Interior on the merits of the Taos' claim as early as 1958. The failure of AAIA attempts to deepen the Interior's involvement in the case, however, had led Schifter to believe that an appeal to another federal agency (perhaps the Department of Justice) was necessary. See Richard Schifter to Cruz Trujillo, 3 June 1958, AAIA Archives, box 268, folder 6, and Richard Schifter to Oliver La Farge, 3 June 1960, AAIA Archives, box 268, folder 7.


70. Udall is mentioned as "one of the most important individuals to hear the Tribe's plea," and his testimony described as being "of inestimable value in ... the conflict with the Forest Service and the Department of Agriculture," in Gordon-McCutchan, The Taos Indians, 94–95.

71. One Indian official wrote, "The spiritual, perhaps even the physical survival of the 1,500 Taos Indians depends upon a just and moral decision by the U.S. Congress." Chairman of the All-Indian Pueblo Council to Congressman James Haley, 16 June 1966, Poole Papers, box 1, folder 8. Other groups endorsing the Taos suit included the Miccosukee, Jicarilla Apache, and Southern Ute communities, as well as the Jemez Pueblo, the National Congress of American Indians, and the New Mexico Commission on Indian Affairs. See Schaab Papers, box 4, folder 7.


73. Dean Kelley to Paul Bernal, 22 July 1966, AAIA Archives, box 269, folder 1.


76. William Byler to Rufus G. Poole, 7 July 1967, AAIA Archives, box 269, folder 4.

77. See material on Locker's report and its aftermath in Poole Papers, box 1, folder 10.

78. Byler had long disapproved of Locker's work in the southwest office. In his opinion she too often stepped beyond her role of "field secretary" and tried to shape and implement Association policy. He needed little persuading by Schifter. Stevens, on the other hand, was far more ambivalent about dismissing Locker, given her expertise and dedication to the case. His ambivalence is confirmed by his anguished correspondence with her during this time. See Poole Papers, box 1, folder 10.

79. As he explained in a statement released to the press, "I presented in the 90th Congress two bills ... and these were to let the Taos Indians decide whether they would rather have the land in trust or in fee. I can say to you that the almost universal experience in handling gifts to Indian lands is that the Indians want to have the title

81. Hildegarde Forbes to AAIA Executive Committee, 15 July 1967, AAIA Archives, box 269, folder 4. It is important to note that AAIA involvement in the case did not end altogether. In July, members voted to leave the door open for future assistance, should the Indians request it.
82. Hildegarde Forbes to Rufus G. Poole, 17 July 1967, AAIA Archives, box 269, folder 4.
86. Hecht, *Oliver La Farge*, 299–300.
87. Dean Kelley to Corrine Locker, 7 February 1968, Locker Collection, box 3, folder 3.
89. Dean Kelley to William C. Schaab, 28 March 1968, and William C. Schaab to Dean Kelley, 1 April 1968, Schaab Papers, box 1, folder 2.
93. As described by Locker, the “Hemingway theory of luck” declared “You can’t make your luck, but you have to be ready for it when it comes.” Quoted in Gordon-McCutchan, *The Taos Indians*, 148.
94. Greene learned of the Taos case at a dinner for White House Fellows hosted by LaDonna Harris, the senator’s wife. See Gordon-McCutchan, *The Taos Indians*, 166.
97. Greene to Brad Patterson, 12 March 1970, Kilberg Collection, box 1, folder 1.

102. Schaab suggested that Nixon supported the Taos in part because of his poor record with minority groups, suggesting that a president who had “no friends among the blacks . . . might seek friends among the reds.” Quoted in Deverell, “The Return of Blue Lake,” 67. For more on the racism of the Nixon administration, see Noam Chomsky, *Deterring Democracy* (New York: Vintage, 1992); 52–53.

103. Press release from the Office of the White House Press Secretary, 8 July 1970, Kilberg Collection, box 1, folder 2.

104. Office of the Presidential Counselor to Members of the Senate, November 1970, Kilberg Collection, box 1, folder 2.


106. Ibid.

107. Despite the wealth of archival material at Princeton concerning Taos Pueblo’s recovery of Blue Lake, there are some important gaps in the record that prevent a more complete telling of the story. The voices of the Indians themselves are conspicuously absent, thus depriving the historian of a valuable opportunity to probe and evaluate their version of events unmediated by philanthropists and legislators. Perhaps the most intriguing—and elusive—question is, what concessions and compromises might Indians have made in an effort to win back their lands. Only they can provide the answer. Another question begging further scrutiny centers on the opposition of environmental groups to the Taos case. Considering how many of these organizations lionized Indians as “ecological saints” during this era (the 1971 commercial featuring a tearful Iron Eyes Cody surveying a polluted landscape comes to mind), their ardent support of Anderson and the Forest Service seems somewhat puzzling.

108. In 1966, the nearby San Juan Pueblo filed a petition concerning parts of the non-Indian town of Española, which they claimed to have used for religious purposes for centuries. The Taos, however, quickly disavowed any similarity between the cases, arguing that the San Juan Indians were motivated by economic interests and had not even bothered to register their claim with the ICC before its 1951 filing deadline. See “Blue Lake ‘Precedent’ Cited in San Juan’s Claim,” undated newspaper clipping, AAIA Archives, box 269, folder 2.


110. The Oneida Nation is seeking compensation from New York for more than 270,000 acres taken illegally from the tribe after the signing of a 1790 treaty. Although I have not been able to find any explicit reference to Blue Lake in articles concerning this case, that the Oneida’s first petition was filed in 1970—at the height of publicity on the Taos matter—seems hardly coincidental. Likewise its initial request for land and not money echoes the Taos strategy.

112. The “Taos Bottleneck” is so named because of its peculiar shape. Its return to Taos Pueblo was effected by President Bill Clinton’s 1996 signing of legislation introduced the year before by a New Mexico Congressional delegation that included Representative Bill Richardson and Senators Pete Domenici and Jeff Bingaman. “Bottleneck’s Return Honored,” Albuquerque Journal, 5 January 1997.

113. The pueblo acquired 16,000 acres of the 30,000-acre Moreno Ranch West from its owner, Robert Butler, whose great-grandparents had purchased the property in 1943. The Taos had long considered the area part of the pueblo’s aboriginal lands seized illegally by the federal government in 1906. See “Pueblo Working on a Ranch Deal,” Albuquerque Journal, 21 January 1995.

114. For more on the casino issue in New Mexico, see “New Mexico’s Big Gamble,” Albuquerque Tribune, 28 June 1997.

