

TAOS BLUE LAKE CONTROVERSY

by John J. Bodine

On December 15, 1970, the President of the United States signed into law House of Representatives Bill 471, which gave trust title to 48,000 acres of land to the Taos Pueblo Indians of New Mexico. Thus ended a 64-year struggle by the Taos to regain their sacred Blue Lake and the high mountain land which surrounds it. If I am not mistaken, this was the first time in the history of United States-Indian relations that a claim for land, based on the practice of aboriginal religion, successfully ended in the restoration of that land to an Indian reservation. As such, Indian people all over the United States watched carefully and, in many instances, actively supported the Taos in their efforts to battle the massive machinery of the federal government. Many did so within the more general context of American Indian rights. Some tribal groups, particularly in the Southwest, followed the struggle in terms of their own moves to regain land which had been taken from them. The Taos case stands as a hallmark of justice for all Native Americans. Vine Deloria is of the opinion that in regaining Blue Lake the Taos scored the greatest Indian success of the century.¹ In any case, the Taos Blue Lake controversy is anthropologically important in that it is of significant value to our understanding of the complex inter- and intra-cultural relations established in and between Native Americans and the dominant society of the United States. Hopefully this paper will expose the interplay of forces that led to the return of Blue Lake and in the process document the changes the Taos had to make in order to regain their land. Importantly, throwing the Taos case against the backdrop of history will more easily permit an evaluation of the factors pertinent to anthropological inquiry.

The Taos Indians, currently numbering some 1,530 individuals, have resided close to their present location in northeastern New Mexico since around 1300 A.D., although their ancestors were probably in the area earlier. Spain took effective control of the area through colonization which began in 1598. The Spanish crown subsequently granted to every pueblo approximately four leagues of land, measured from the center of each settlement. This in no way covered the territory over which each group had traditionally moved for subsistence and other purposes. Encroachment by Spanish settlers frequently occurred, but the problems were ultimately resolved and economically a kind of symbiotic relationship was normally established between the Pueblo Indians and their Spanish neighbors. Indeed, as the historian and archivist, Dr. Myra Ellen Jenkins has documented, the policy of the Spanish Government was the most humane Indian policy of any of the colonizing countries and the belief to the contrary is known as the "Black Legend" in Southwestern history.²

The United States took over the entire region in 1848, assuming sovereignty under the Treaty of Guadalupe Hidalgo. Importantly, the United States recognized the existent Indian and Spanish land grants, including that of the Taos which covered approximately 17,400 acres. All other land became public

JOHN J. BODINE teaches Anthropology at the American University.

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domain as far as the United States government was concerned, in spite of the fact that the Taos had traditionally used at least 300,000 acres surrounding their village. Anglo-American settlers began to filter into the area and settle on the lands of the Taos just as the Spanish had done before them. The Anglo and Spanish American town of Taos, 2.8 miles from the Pueblo, was built on Taos Indian land. The Taos however did not become overly concerned with this encroachment until the turn of the twentieth century, although land disputes were numerous. Blue Lake, the most important "shrine," is high in the Sangre de Cristo Mountains behind their pueblo. Comparatively few non-Indians went into the area before 1900.

Blue Lake is the primary source for the water supply of the Pueblo and consequently was of great importance to a traditionally agricultural people. It became the focal point for the annual pilgrimage of the Taos which is held in late August to validate publicly the final initiation rites of young Taos boys being taken into the kiva society system of the tribe. Blue Lake and many other lakes in the mountains behind the Pueblo serve as the watershed for Taos Valley in which reside the Indians in their separate settlement and several thousand Anglo and Spanish Americans in theirs. The latter did not interfere with the Indians' use of the mountains nor with the religious ceremonies held at Blue Lake until American settlement increased to the point where non-Indian livestock were run into the area, and Americans began to eye the wilderness surrounding Blue Lake as a prime target for the activities of sportsmen, timbermen, mineral prospectors, and recreationalists. The Indians complained officially in 1903, but their complaint went unheeded.

The most fateful event occurred in 1906 when Theodore Roosevelt took the Blue Lake lands and proclaimed them part of what is now the Carson National Forest. Roosevelt's reputation as a sportsman, and within that context as a conservationist, is well known. His opinion regarding Indians and their aboriginal land rights may be less so. He said, "...to recognize the Indian ownership of the limitless forest and prairies of this continent--that is, to consider the dozen squalid savages who hunted at long intervals over a territory of a thousand square miles as owning it outright--necessarily implies a similar recognition of every white hunter, squatter, horse thief, or wandering cattleman."³ (Roosevelt in Vance 1969).

It is doubtful if the Taos in 1906 completely understood the ramifications of this act by the President. They were understandably ignorant of English-based American law. Many were illiterate and spoke no English. They did come to understand that Blue Lake was no longer exclusively theirs. They could not go into the mountains to perform ritual, to hunt, to fish, nor to graze their livestock as they had long done completely certain of noninterference. And so began the 64-year-old struggle to regain the land which the Taos had traditionally used. However, they moved cautiously in the earlier decades of this century. Because of the special nature of their religion, they could not reveal all the reasons they wanted Blue Lake and the surrounding lands returned to them. They had suffered persecutions from the hands of Spanish missionaries in the past, and they were to suffer additional assaults on their religious

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practices, including their activities at Blue Lake, in the twentieth century. Necessarily, the religion of the Taos is secret both as a result of the above as well as the fact that its very organization demands special private knowledge held by a few and performed in seclusion for the benefit of all. That they finally rested their case on the basis of freedom of religion points up a very important change and decision which the old men of the Taos Council made.

In the process of fighting for Blue Lake the Council, which is the duly recognized governing body of the Pueblo, hired a succession of lawyers to argue their claims. In turn, the lawyers sought expert witnesses to research the Taos claim to Blue Lake and the lands in Taos Valley. So it was that Jenkins, the historian, and Florence Hawley Ellis, the anthropologist, were brought in on the side of the Taos. Ellis argued persuasively that if she were to provide proper testimony on aboriginal land use two things were necessary. First, old men who were knowledgeable about the areas formerly used by the Taos would have to provide detailed information on that use, and second, to document scientifically how long the Taos had been in their present location archeological work in their pre-Spanish ruin, a few hundred yards from the current Pueblo, as well as trenching their traditionally oldest trash mound would be necessary. That the old men cooperated fully with Ellis and that one day's excavation was permitted at all in 1961 testifies to the determination of at least some of the Councilmen that these drastic steps might lead to the return of Blue Lake.⁴ Anthropologists had not been welcome at Taos Pueblo ever since the publication of Elsie Clews Parsons' monograph in 1936 and any Taos Indian suspected of collaborating with a researcher is subject to severe criticism and social ostracism.

It is important to digress momentarily from the history of the Blue Lake controversy and point out that secrecy of religion has been used repeatedly by the Council to block any change that it felt was damaging to its autonomy and/or injurious to the continuation of what the Council deems is traditional culture. For example, electricity has finally been permitted at Taos except inside the old village wall and in an area to the east of the Pueblo. A group of Taos residents in the eastern district brought suit against the Council in the spring of 1976. They argued that their civil rights were being violated. Predictably the Council argued that laying electric lines in the east would be a desecration of sacred land. The point is that the so-called conservatives of Taos have denied their own people certain material changes by using the religious argument. No explanation is necessary since the religion is by nature secret and the question "why" can be summarily dismissed by saying that it is none of your business. Therefore it is indeed remarkable that Ellis was permitted to gather the information she did. It certainly would not have happened if the Council, or at least certain members of it, had not been convinced that it was absolutely necessary to divulge information in order to regain Blue Lake. The return of Blue Lake on religious grounds, while perfectly legitimate and absolutely justified, has nevertheless more firmly entrenched in the minds of many Councilmen the idea that religious belief can be used as the most successful strategy to implement or thwart change. This is causing serious factional problems in the Pueblo today.

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Returning to the Blue Lake controversy itself, the Taos learned early in the relentless pursuit of their goal that many of their Anglo-American neighbors were more than willing to aid them. The Anglo town of Taos has been inhabited by artists since 1858. Since that time it has attracted all manner of individualists who feel that Taos is a utopian world unto itself. Much of their attraction to it is based on the presence of the Taos Indians and their mysterious culture. From the very beginning the Taos had many allies in the Anglo community, some of whom sided significantly in their efforts to understand what had happened when Blue Lake was taken from the Taos and the courses of action they should follow to regain it.

In 1912, agitation by the Indians and their supporters led to the recommendation of the Commissioner of Indian Affairs to remove 44,640 acres of the national forest and set them aside as an executive order reservation. The recommendation was rejected by the Secretary of Agriculture, who controls the national forests. In 1926 the Pueblo Lands Board determined that the Taos should be properly compensated for land lost to the town of Taos. John Collier, spokesman for the Indians and later Commissioner of the B.I.A., again recommended that the Blue Lake area be made part of the Taos Reservation and was supported by the representative of the Secretary of the Interior, however the latter did so by arguing that if the B.I.A. controlled the area the government could then prohibit the "improper and immoral" ceremonies which, he had heard, the Indians conducted at Blue Lake. Desperately, the Indians offered to waive their right to compensation for the town of Taos if Blue Lake was returned. The offer was rejected.

Finally, in 1933 a permit arrangement was proposed. This would grant the Indians resources of the land, subject to conditions established by the Secretary of Agriculture, prohibit the intrusion of outsiders during the August ceremonials, and allow entry at other times only by special permission of the Forest Service and the Governor of the Pueblo. The permit arrangement never worked satisfactorily as far as either the Forest Service or the Pueblo was concerned and the Indians finally became aware that the only way they could be rid of the nettlesome presence of the Forest Service was by an act of Congress. This would effectively restore the land to their reservation.

It was not until 1965 that the first bill was introduced to grant title to the Indians and it was also at this time that the Indians began to plead, cautiously and in generalized terms, that their case rested on the basis of the protection of their religion. Blue Lake was well known as an important "shrine," and the Indians, in an attempt to communicate their feelings in terms that Anglos would understand, referred to it as their "church." In pleading their case before the National Council of Churches, the unfortunate use of the term "church" for Blue Lake was understood to mean some kind of structure existed at Blue Lake, which of course it did not. It meant however that their critics could argue that the location of a structure could be changed just as other denominations in the country had relocated their churches. Crucially this points up the difficulty the Indians have had in making themselves understood even before sympathetic audiences, let alone the often obsequiously patronizing, if not absolutely insulting,

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stances taken by some of the U.S. Senators who held hearings on the bill which finally passed in 1970.⁵ In the course of those hearings, it was equally unfortunate that former Secretary of the Interior Stewart Udall used the term "singular" in his description of the Taos case. Udall was supportive of the Taos claim, but his term "singular" was quickly changed by one opposing senator to mean "unique." This became the fulcrum on which the Senate critics rested their opposition. Every witness called on behalf of the Taos, including the Taos Indian delegation, was asked to explain why the case was unique. None were able to do so to the Subcommittee's satisfaction. The Senators pointed out that:

1. The Taos were already protected in the practice of their religion by virtue of the 1933 permit.

2. The Taos case could not be distinguished from the land claims for religious and ceremonial use made by other tribes including the Hopi, Cochiti, Santa Clara, San Juan, Nambe, Zuni, Jemez, and Mescalero Apache.

3. If granted, the Taos claim would establish a precedent in that all legitimate claims were settled by the Indian Claims Commission for which monetary compensation, not land, was granted. Ninety percent of the United States could conceivably be claimed by Indian people and claims already settled might well be challenged. Moreover, it is not the custom of the United States to compensate by payment in kind.

4. It would be unfair to all other Indians to grant land to the Taos and not entertain other such claims, even if they were late arrivals with their arguments (Committee on Interior and Insular Affairs 1970).

It became very clear in the hearings that any appeal on the grounds of justice to Indian people for past actions by the United States government or its citizens was not acceptable due to the existence of the Indian Claims Commission. Many supporting the Taos pleaded in this fashion. No argument based on economic grounds was relevant and much evidence was compiled by the Forest Service and the conservationists to suggest that the Taos, while sincere in their religious convictions, nevertheless would exploit the area for their own economic benefit. Some conservationists argued that the Indians were incapable of managing a wilderness area. All insisted it was unfair to grant them the exclusive use of spectacular mountain territory which should belong to all the people. Senators pointed out that "aboriginal use" or what has been commonly referred to as "Indian title" is quite different from "legal title." Hence, restoration of title was impossible, since the Indians never owned it. Finally, they continued to demand evidence that the Taos claim was "unique."

It was at this point that I felt obligated as an anthropologist, who had known the Taos Indians all my life and wrote a doctoral dissertation on their culture, to attempt a contribution.⁶ The problem was really one of translation. From the Anglo-American point of view, the attempts made by the Taos to explain their religion were couched in language which was frequently meaningless. To argue that Blue Lake is "our Church" or that "we worship all of nature,"

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meant little to those not knowledgeable about Indian cultures.

I emphasized, first, that control of the entire region, not just Blue Lake, was vital to the correct functioning of Taos religion since Blue Lake was but one of many "shrines" in the area and all were necessary. Second, the total ecology of the area must be undisturbed because of the use made of many plants and other environmental features in religious ritual. Ecological imbalance could lead to their disappearance and hence, imperfection in correct religious performance.

The very presence of non-Indians, even if they observed nothing of ritual, constituted potential contamination. Moreover, it was important to appreciate the delicate interplay of the social institutions which go to make up Taos culture. In a functional sense, damage to one, e.g., religion, could in turn lead to the weakening of others, e.g., the political system. The Taos case was "unique" from the anthropological perspective of cultural relativity. Theoretically, so is every other Indian claim. Clearly my effort was not the deciding factor in the passage of the Blue Lake bill, but I do think I was able to interpret the situation in such a way that those who lacked training in the organization of cultural systems could better understand the Taos case. Much more important to success in this controversy was the dogged determination of the Taos people themselves. Internally they quarreled bitterly over strategy and what some felt was the undue publicity given to certain of their spokesmen. But they never gave up. It was fortuitous that, at the time, the Nixon Administration needed some concrete action to make the claim of their sympathy with the problems of Native Americans apparent. The White House and the Secretary of the Interior actively supported the Taos claim and national publicity was directed toward the matter. In other words, everything was right for the passage of the bill. In the Senate it did so by a vote of 70 to 12, with 18 not voting.

Six years have passed since the Blue Lake land was returned. The Taos have successfully organized a patrol and fire fighting team to protect the area. The land has not been commercialized in any way, as some had feared. Of course, the annual pilgrimage for kiva initiation continues. A most important change seems to be a further intrenchment of the council which in the process of the struggle learned that religion was their most valuable tool. However this has led to serious factional problems in the Pueblo, although factionalism is certainly nothing new at Taos. The cacique, now in his 90's, is brought forward during any dispute and billed as the supreme spiritual leader of the tribe. Evidence would indicate he was not such in previous times, but the impact of his assumed role particularly in public situations is very convincing. Since Blue Lake, no one outside the Pueblo will challenge the authority of the council, refute the leadership of the cacique, or seriously listen to the elements of dissent that are rampant in the Pueblo.

From an anthropological perspective, the dynamics of the Blue Lake controversy permit us to examine a seemingly paradoxical situation of acculturational change. In order to protect the secrecy and integrity of their religion, the Taos were forced to reveal more than they ever would have had not religion itself become the basis for their claim. Likewise, it is a fascinating instance

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of political maneuvering by the Pueblo's hierarchy to control change. The Taos Council learned a great deal about the manipulation of outside forces, some of which were opposed to their claim while others were in favor. Their basic mistrust of anthropological investigation was in some degree lessened with the sympathetic approach of Myra Ellen Jenkins and Florence Hawley Ellis. This does not mean however that Taos Pueblo is now "open" to investigation. Cooperation comes only if the Taos, or a segment of the population, see it as advantageous to either prevent or encourage change. In short, the 64 year old struggle to regain Blue Lake has made the Taos much more sophisticated in their dealings with the larger society and the old men of the Council are taking a much harder line with what they view as dissident elements of their own people. Thus it is that the return of Blue Lake has brought mixed blessings at Taos.

NOTES

¹Vine Deloria, Jr., "From Wounded Knee to Wounded Knee," in The Word of the American Indian (National Geographic Society, 1974), 368.

²Myra Ellen Jenkins, "The Pueblo of Taos and Its Neighbors, 1540-1847," New Mexico Historical Review, 42 (1966), 92.

³John Vance, "The Congressional Mandate and the Indian Claims Commission," North Dakota Law Review, 45 (1969), 325.

⁴Florence Hawley Ellis and J. J. Brody, "Economic Stratigraphy and Tribal History at Taos Pueblo," American Antiquity, 29 (1964), 316-327.

⁵91 Cong., 2 sess., Committee on Interior and Insular Affairs, Hearings on S. 750 and H. B. 471 (1970).

⁶John J. Bodine, "Attitudes and Institutions of Taos, New Mexico: Variables for Value System Expression," Ph.D. dissertation (1967).