
The Long War for Pyramid Lake

How the Association Worked with the Pyramid Lake Paiute Tribe to Preserve its Sacred Lake

by Timothy Devine

The Pyramid Lake Paiute Tribe has a spiritual connection to their Lake – the Pyramid Lake – and their land. Their traditions include giving prayers before entering the Lake, speaking with the Lake to give thanks and asking for blessings from the Lake Spirit. Pyramid Lake's unique fish are also the Tribe's traditional food source. But their sacred water sits in arid Nevada, and for most of the 20th Century, the Tribe was forced to constantly battle attempts to dispossess them of their land and sacred water. The Association worked with the Pyramid Lake Paiute Tribe to support the Tribe's sovereignty over its sacred waters and land, as it still does.

SQUATTERS

A major battle over Pyramid Lake picked up during the Great Depression, but the origin of the fight began from a wrong committed over a half century prior. In 1859, the federal government had protected land for the exclusive use of the Pyramid Lake Paiute Tribe around the Tribe's Lake, including valuable land upstream of the Lake on the Truckee River.¹ Over time, white squatters moved onto the land and claimed ownership, possessing the land illegally and through force. "Old

Indians are still living who remember the unavenged murder of Truckee John by a white man," recorded an internal Association on American Indian Affairs "Report on the Indians of Nevada."² Scattered attempts by federal officials over the years had failed to dislodge the squatters, and in 1924 — without the consent of the Tribe — the federal government cut a deal with the non-Indians, allowing them to purchase the land. Some did, but five squatters obstinately refused even that offer. These squatters claimed possession of over 2,000 acres of the best land within the Pyramid Lake Paiute Reservation, land that belonged to the Tribe, and were using the Tribe's water resources to irrigate their stolen fields.³ This particular land was important because it gave the squatters upstream access to the river, and their water use for irrigation limited vital flow to the sacred Lake. Then, in 1936, the Bureau of Indian Affairs finally gave the squatters a deadline to vacate the land. The stubborn squatters resisted and instead stayed put.⁴

What made this old, continuing issue finally come to a boil in the 1930s? For the first time, the Tribe had some say in the matter thanks to a landmark piece of

“WE APPEAL”



The photo came from a 1938 letter published by the Pyramid Lake Paiute Tribe in the Reno Evening Gazette protesting the bill to give non-Indian squatters title to Tribal land. The original caption read, "Old men and young men of the Pyramid Lake Paiute Tribe join an appeal for justice for their people."

legislation — the sweeping 1934 Indian Reorganization Act, championed by John Collier, then Commissioner of Indian Affairs, and Oliver La Farge, a Harvard anthropologist turned activist and leader of the National Association on Indian Affairs (both of whom are the founding fathers of the Association on American Indian Affairs).

Collier had founded the American Indian Defense Association (the 1922 organization that merged with La Farge's National Association on Indian Affairs and other Native organizations to form the Association on American Indian Affairs)⁵ to improve conditions for American Indians, and its first fight was over land in the Southwest. The Bursum Bill, introduced by a New Mexico Senator, would have legitimized land claims of many non-Indians who squatted on Pueblo land. It also would have kicked water rights and jurisdiction out of the federal courts and into the states, a change that would destroy Tribal sovereign rights.⁶ Collier gathered 121 delegates representing 20 Pueblos to devise a strategy to oppose the bill, and then traveled with delegates to Washington, D.C. to lobby against it. Alongside the American Indian Defense Association's efforts, the National Association on Indian Affairs raised public support with a strong mail campaign. When the dust settled, the organizations had killed the bill.⁷

The Indian Reorganization Act, passed into federal law in 1934 and known as the Indian New Deal, was created by La Farge and Collier to address these property ownership problems, among other things.⁸ The IRA instituted a number of important reforms, empowering Tribes by acknowledging their inherent sovereign authorities over their affairs. It also prohibited alienation of restricted Indian lands. In the case of the Pyramid Lake Paiute, the Tribe's constitution, adopted under the Act declared that no Tribal lands will ever be sold.⁹ Empowered by the Act, the Tribe "announced that if the government should delay in a certain necessary court action, the Band itself would invoke its powers under the Act and would eject the squatters now occupying its lands."¹⁰

But the squatters had friends in high places — namely, the U.S. Senate.

A BILL TO TAKE PYRAMID LAKE LAND

Senator Pat McCarran of Nevada was one of the few Democrats opposed to the New Deal, and an ardent opponent of the IRA.¹¹ In response to the Pyramid Lake Paiute Tribe's attempt to exercise its sovereignty, he introduced a bill, S.840, that would "extinguish land equities of the Pyramid Lake Tribe," legitimizing the decades-old injustice of the squatters by granting them title.¹² It is better described as an attempt "to take some of [the] best lands from the Pyramid Lake Paiute Tribe and give them to [McCarran's] friends and clients."¹³

The Pyramid Lake Paiute Tribe needed friends, too. It found them first in the American Indian Defense Association and National Association on Indian Affairs.¹⁴ By the time the bill came to the floor of the House, the organizations had merged into the Association on American Indian Affairs. With its unified membership, the Association proved an important and effective ally in the fight.



"A flume designed to deliver water to the Paiute Indians at Nixon [Nevada] near Pyramid Lake was made useless by a storm but never repaired," explains the caption from a 1967 article in the Modesto Bee.

To kill the bill, the Association needed to identify two members of the House to object to it — quickly. The House Committee where McCarran introduced the legislation had not announced hearings on the bill, a maneuver to snub the Tribe's chance to testify with its protest even though it had chosen a delegate and raised funds to send him to the Capitol. Indeed, Commissioner "Collier himself had only about an hour's notice to appear and was given practically no time to speak."¹⁵

In the space of a week, the Association wrote a statement, rallied support from key Association members, and delivered their objections by hand to House members. These letters received grateful responses.¹⁶ In a separate letter to the Office of Indian Affairs (precursor to the Bureau of Indian Affairs), Oliver La Farge, president of the Association, wrote "[S.840] is in many ways a little Bursum Bill."¹⁷

Meanwhile, Commissioner Collier's testimony put a fine point on the bill's threat. He noted that "the valuable thing is the water, and not the land," and that water was so scarce that Pyramid Lake was drying up. He also spoke up for the voice of the Tribe, which was silenced at that hearing, by noting that during decades of government inaction,

The Indians were not silent in those early years. They were protesting. They were pleading. It

was the Government that did not act. From the standpoint of the Indians' position, the situation is simply this: They have not got, at present at least, the irrigated land on which they can make a living. ... The Indians want to be heard.¹⁸

The bill took longer than expected to leave committee, and the Association kept the pressure on. In its first News-Letter (precursor to the Association's Indian Affairs Newsletter), the opening story sounded a note of confidence: "We are now assured that the objections which will present its passage, will be made when it does come up."¹⁹ Soon after, the bill was killed — for the moment.

MCCARRAN'S "PERENNIAL MEASURE"

Just five years later, McCarran resumed the assault, even after a Circuit Court decision affirming the Tribe's ownership of the land. So, the Association fought S.24 with new letters to Congress and a representative at the hearing, and again blocked the unfair bill.²⁰

Seven years later, the Association again had to confront and defeat "that perennial measure."²¹ McCarran tried to interfere with the Tribe's affairs in other ways as well. In 1950, when a local Indian Superintendent tried to help the Pyramid Lake Tribe by starting to enforce a court decision in its favor, McCarran leaned on the Commissioner of Indian Affairs to transfer the official. Amid this fracas, McCarran ally Commissioner Dillon Myer — who had run Japanese internment camps during the Second World War — told Association on American Indian Affairs President Oliver La Farge that the Superintendent in question had agreed to his own removal. La Farge looked into it, determined Myer was a "liar," and said so publically.²² The Association and

the National Congress of American Indians intervened, and President Truman overruled the political move.²³

The bill was introduced, and the Association took "steady action against it," a total of nine times in sixteen years.²⁴ "I will point out that so eager is Senator McCarran to get the land away from the Indians that in the last Congress the bill was numbered S.17, in this present session it is S.2," commented La Farge on bills eight and nine.²⁵ In the end, the Pyramid Lake Tribe and the Association outlasted the dogged Senator. In 1951, McCarran recorded this exchange with a reporter from The New Yorker:

"Senator," I said, "do you think the bill you have in Congress now has any chance to pass?" To my astonishment, he stopped as easily as a well-broken hackamore horse. "I've given up," he said. "It's the first decision I've ever heard of you losing," I said, and he replied, after a nod and a wave of acknowledgment, "You can't win 'em all."²⁶

A DRYING LAKE AND PROBLEMATIC PLANS

All the while the Tribe and Association were staving off efforts to give away their land and the water with it for good, flows to Pyramid Lake stayed low, leaving the Tribe precious little of its water — a tool for economic improvement, a source of traditional food, and a sacred site. Other policies contributed to this. After flooding in 1950, for example, a dam that protected the Lake was washed out and left unrepaired by the Indian Service for at least a year before the Association protested that unless the dam was reconstructed, it would be "impossible to do anything about the redevelopment of fishing resources which utilize the lake."²⁷ During this period, the Association supported the Pyramid Lake Tribe by sending clothing and other useful items.²⁸



Pyramid Lake, January 2020. The Pyramid can be seen at the left side of the Lake.

In 1959, the Association compiled a report on the Tribe's situation and described an endangered Lake. "The demand for water by the Lake Tahoe community, Reno-Sparks and the local area is growing rapidly," it said, and "it is feared domestic use may soon deprive the Pyramid Indians of their water." It added that "fish don't swim into Pyramid Lake to spawn anymore because there isn't any water to swim in."²⁹ The document goes on to describe a plan evolved by the BIA to lease part of the Lake for development, including a golf course. It would be "strictly non-Indian," with no access for fishing or provision for the Tribe to benefit from a percentage of profits. "Obviously," the document concludes, the Tribe was "being taken." The Association organized a small technical working group, including a geographer and several planners, to advise the Tribe impartially at no cost, which provided information that helped the Tribe eventually decide to say no to the proposed development.³⁰ Around this time, the Association also offered a community development initiative to the Tribe.³¹

Over the next few years, the Tribe considered a number more development proposals for the Lake, but, yet again, the members of the Pyramid Lake Paiute Tribe were not the only ones drawing up plans for their water. By 1964, a new water dispute arose. The Washoe Project would have partnered the federal government with the Carson-Truckee Water Conservation District for irrigation, hydroelectric, and providing water for the growing metropolitan Reno area — but did not guarantee water to Pyramid Lake, recognized as the Tribe's most important asset.³² If the project went into effect, water experts predicted the Lake would dry up within 80 years.³³

The Tribe immediately opposed the project, and the Association joined them. Association President Alden Stevens wrote to Secretary of the Interior Stewart Udall that "this Association believes that the Federal Government has an affirmative and, indeed, paramount obligation to ensure that the present level of Pyramid Lake be maintained."³⁴ Secretary Udall then gave assurances that more water would go to the Lake, satisfying the Tribe's concerns enough to lift its protest.³⁵ When shortly after that the Department of Interior proposed new regulations that would actually limit flows to the Lake, the Association took further decisive action. The Association reached out to other groups supporting Native advancement, wired Secretary Udall their protest, and sent a letter to the Association's 8,000 members asking them all to mail their protest to Udall as well.³⁶ The Association also mobilized support in the Senate and in a meeting pressed an Undersecretary to provide legal support to the Tribe.³⁷

Not long after, the threat changed again, this time in the form of a proposed California-Nevada Compact. The Tribe turned again to its ally, the Association, writing,

You helped us when the Interior Department tried to take away our water for power plants and more reclamation projects. Now California and Nevada plan to do something worse to Pyramid Lake.³⁸

Indeed, the first draft of the Compact said the Tribe had rights to no more than 10% of the water then flowing into the Lake.³⁹

The Association responded with urgency to the renewed crisis, again mobilizing its large membership. A letter from Executive Director William Byler focused the pens of the Association's many friends and supporters in California, and their letters began "pouring in to the Chairman of the Natural Resources Committee." The Association also submitted a formal statement to the California legislature objecting to the plan. Soon after, the bill was amended to provide that "nothing in the article of this compact shall in any way abridge, limit, or derogate against any Federal Indian rights or claim to water."⁴⁰ The Tribe and the Association had averted yet another attempt to dry the sacred and life-giving Pyramid Lake.

SETTLEMENT AND CONTINUED TRADITION

The pattern continued in the 1970s and '80s — more attempts to divert water from the Lake, more hard work against them. In the '70s the Tribe took Nevada and California to court, attempting to file a complaint against the states to settle the issue of water rights at the U.S. Supreme Court. The Association submitted an amicus brief supporting this action, although the Court denied the motion.⁴¹

The Association continued to support the Tribe's litigation into the '80s in another years-long struggle to save the Lake from a slow death at the hands of Truckee River diversions, ending this time in the U.S. Supreme Court but in defeat.⁴² After the disappointment of the decision, the Tribe and Association moved the battle to Congress, seeking federal legislation to settle the matter. That settlement came in the form of the 1990 Truckee-Carson-Pyramid Lake Water Rights Settlement Act. The Settlement specifically included action "to fulfill the goals of the Endangered Species Act by promoting the enhancement and recovery of the Pyramid Lake fishery," marking a federal legislative commitment to protect the *cui-ui*, the Pyramid Lake Tribe's traditional food source, and the sacred Lake.⁴³

Today, the Pyramid Lake Paiute Tribe still faces challenges, most recently the COVID-19 outbreak. The Reno Gazette Journal (once an ally of the obdurate Sen. McCarran) recently profiled Autumn Harry, a 27-year-old member of the Pyramid Lake Paiute Tribe, who now — when going to the grocery store could result in illness — fishes for the Tribe's traditional food source in the Tribe's Lake. She is sharing her catch with Elders of the Tribe, none of whom, for all their years, have seen the entire battle over their sacred water.



Autumn Harry, a member of the Pyramid Lake Paiute Tribe, shows her catch from the Pyramid Lake during the COVID-19 outbreak.

"Our people have been eating trout for thousands of years," Harry told the paper, "They've sustained our communities and have contributed to our survival as a people."⁴⁴ The Association, an ally to the Tribe for the last nearly 100 years, will continue to support the survival of the Pyramid Lake Paiute Tribe and its sacred lands, Lake and culture. Even now, the Association's Executive Director, Shannon O'Loughlin, works to support the Tribe's economic development opportunities around the Lake and elsewhere, and serves as the Chairperson of NUMU, Inc., the Pyramid Lake Tribe's business arm. NUMU was successful at getting rid of one of the last holdouts of illegally obtained Tribal land at the Lake

Endnotes

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