



## **ASSOCIATION ON AMERICAN INDIAN AFFAIRS**

Protecting Sovereignty ◦ Preserving Culture

Educating Youth ◦ Building Capacity

SINCE 1922

### **THE ASSOCIATION ON AMERICAN INDIAN AFFAIRS: DEFENDERS OF NATIVE LANDS, 1922 TO THE PRESENT**

**By Jessica Lee, Cultural Sovereignty Fellow\***

Established in 1922, the Association on American Indian Affairs has a long history defending Native land rights and sacred sites of Native American peoples; in fact, that is how AAIA came into being.

In the summer of 1922, after Senator Holm O. Bursum of New Mexico introduced a bill that threatened an estimated 60,000 acres of aboriginal lands and water rights of Pueblo peoples, the founders of AAIA began the first successful Native American rights campaign of the twentieth century: the battle to stop the Bursum Bill.

One of the main provisions of the Bursum Bill dictated that non-native settlers would receive title to any Pueblo lands they had squatted on before 1902. Another section of the Bill proposed transferring jurisdiction of Pueblo water rights to state courts as well as giving these courts the right to settle any land disputes. Shifting power and control of Indian affairs and land rights to the state, contrary to the U.S. Constitution and an historic body of U.S. Supreme Court case law, could have had disastrous consequences for Tribes and Native peoples.

The Association's founders were among the most vociferous opponents of the Bursum Bill. One of the original founders of AAIA, John Collier, who rejected federal policies of Indian assimilation, contended that if the proposed land legislation was not favorable to the Pueblos, there was "not much hope for the spiritual and esthetic future of the planet." Another AAIA leader, Herbert Spinden, an anthropologist, called the Bursum Bill "totally iniquitous" because it would take land belonging to the Pueblo peoples since time immemorial and give it to the non-native trespassers.

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*John Collier and All Pueblo Council.*

*Photo by Cathy Porter-Maynard.*

Collier and a prominent member of the Pueblo of Isleta, Pablo Abeita, spent September 1922 traveling to different Pueblos in New Mexico, informing them of the possible consequences and outcomes of the Bursum Bill. On November 5, 1922, a meeting was called at the Pueblo of Santo Domingo to strategize a unified Pueblo response to the Bill. Charlie Kie of the Pueblo of Laguna chaired this meeting at which Collier and 121 delegates representing 20 Pueblos in New Mexico gathered to

devise a strategy to defeat the Bill. It was decided at this meeting that a smaller delegation of Pueblo representatives would travel to Washington, D.C. with Collier to lobby against the Bill. While Collier and the Pueblo delegates were successfully rallying support in D.C. – even swaying Wall Street bankers to lobby Congress following the performance of a traditional dance outside the New York Stock Exchange, other leadership of AAIA worked diligently to protest the Bill by mailing out informational pamphlets to the public, building a large network of allies, testifying before Congress and advising the All Pueblo Council (today known as the All Pueblo Council of Governors) wherever possible.

While some thought the Pueblos should be more willing to compromise with Congress (including a few of the founders of AAIA), Collier took a rigid stance against the Bill and demanded the return of Pueblo lands and water rights. The All Pueblo Council supported Collier and permitted him to speak on their behalf. The Bursum Bill died. In its place was the Pueblo Lands Act of June 1924, which involved all parties. The Act established a three-member lands board with the authority to determine which claimants should be given title to disputed tracts. Collier and the All Pueblo Council agreed to this legislation because it granted the Pueblos the right to challenge the board's decisions in court and it assured compensation for any and all land lost.

The Pueblo land rights issues propelled AAIA's growth and advocacy efforts shifting federal policy away from assimilationist policies of the past towards Tribal self-determination and sovereignty. Continuing into the 1960's, AAIA was involved in a legal case that was instrumental in protecting Alaskan Native land from misappropriation by the State of Alaska and the Alaska Statehood Act. Alaska had become a state in 1959 and its Statehood Act granted it the right to select 103 million acres from the "public" domain. Although the Act stipulated that Native lands were exempt from selection, the State swiftly moved to expropriate lands clearly used and occupied by Alaskan Native

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villages and to claim royalties from federal oil and gas leases from those Native lands.



*All Pueblo Council in front of the White House after defeating the Bursum Bill in 1922  
(Palace of Governors Photo Archive)*

The Department of Interior's Bureau of Land Management began to process the state's selections without informing affected villages and ignored claims that Alaskan Natives already had on file. Attorneys for AAIA and the village of Nenana argued this landmark case, which resulted in the U.S. Court of Appeals reaffirming that traditional Native use and occupancy created legal rights to the disputed lands and that such Native lands are exempt from expropriation by the Statehood Act.

Another success story is the protection of the Bighorn Medicine Wheel and Medicine Mountain. Medicine Mountain is sacred for many Tribes. In 1990, AAIA helped create the Medicine Wheel Coalition which is a coalition of Plains Tribes who have a traditional history of using the Medicine Wheel and Medicine Mountain for spiritual purposes. With the assistance of AAIA, in 1996 the Coalition negotiated and signed a Historic Preservation Plan (HPP) with the U.S. Forest Service as well as state and local government agencies, which was designed to ensure that the entire region surrounding Medicine Wheel and Medicine Mountain would be managed in a manner that protects its integrity as a sacred site.

In 1999, Wyoming Sawmills, a local logging company, filed a lawsuit seeking to overturn the HPP, claiming it violated the First Amendment of the Constitution and several other federal laws. In this effort, Wyoming Sawmills was represented by the Mountain States Legal Foundation, a right-wing legal organization consistently opposed to government efforts to protect Native American sacred sites. AAIA intervened and provided legal counsel to the Medicine Wheel Coalition for this case. The Coalition and the Forest Service ultimately prevailed, with the Tenth Circuit Court of Appeals dismissing the lawsuit in 2004; a petition to the Supreme Court for further review was denied. Following that ruling, AAIA worked with the Coalition and other consulting parties to ensure that the HPP was fully implemented, including incorporation of the HPP into a new Forest Service plan. Finally, in June 2011, AAIA and the Medicine Wheel Coalition obtained permanent protection of the Medicine Wheel and Medicine Mountain when the entire Mountain was designated as a National Historic Landmark for its traditional and cultural significance.

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One of the most prominent founders of AAIA, John Collier, once wrote that “**controversy is better than surrender.**” AAIA continues its work in the spirit of this idea put forth by Collier nearly a century ago. We do not surrender or compromise our beliefs at the threat of controversy. These aforementioned stories are just a few instances of the Association's dedication to its goal of protecting Native lands and sacred sites.

Unfortunately, Native lands and Tribal sovereignty continue to be attacked by adverse interests as well as the federal government. In 2017, Indian Country saw the sacred grounds of Bears Ears National Monument in Utah reduced to 16 percent its original size and in 2018 the removal of the Mashpee Wampanoag's land out of trust. The Association is constantly speaking out against these abuses and working to reverse these attacks on Indian Country. On November 19, 2018, AAIA filed a joint “Friends of the Court” brief with the National Congress of American Indians to support the extensive legal opposition to the administration's attempt to diminish most of the Bears Ears National Monument. As long as these threats to Tribal sovereignty, sacred lands, and religious freedom continue, AAIA will remain vigilant in fighting for Indian Country.

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#### **\*Jessica Lee, Cultural Sovereignty Fellow.**



Jessica is Wichita and Kickapoo born and raised in Oklahoma. In May 2018, she earned her bachelor's degree in History at the University of Central Oklahoma and was honored at her Tribe's Higher Education Banquet as “Wichita College Student of the Year.” During college, Jessica saved up enough money to take a year off of school and obtain a work visa to work in Australia to learn more about indigenous cultures in Australia and New Zealand. After graduating, Jessica joined the Association in mid-July 2018 to assist in developing its written history and work on Indian child welfare and juvenile justice issues. Jessica is in the process of applying to law schools to study Indigenous Peoples Law and Policy.

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