



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

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 Association on American Indian Affairs 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 the Association 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.



John Collier and All Pueblo Council.
Photo by Cathy Porter-Maynard.

The Association's founders were among the most vociferous opponents of the Bursum Bill. One of the original founders of the Association, 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 Association 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.

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 the Association 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 the Association), 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 the Association'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, the Association 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 villages and to claim royalties from federal



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

oil and gas leases from those Native lands. 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 the Association 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, the Association 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 the Association, 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. The Association 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, the Association 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, the Association 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.

One of the most prominent founders of the Association, John Collier, once wrote that **"controversy is better than surrender."** The Association 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, the Association 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, the Association on American Indian Affairs will remain vigilant in fighting for Indian Country.

References:

Philp, Kenneth. "Albert B. Fall and the Protest from the Pueblos, 1921-23." *Arizona and the West* 12, no. 3 (1970): 237-54. <http://www.jstor.org/stable/40167651>.

Wenger, Tisa. "Land, Culture, and Sovereignty in the Pueblo Dance Controversy." *Journal of the Southwest* 46, no. 2 (2004): 381-412. <http://www.jstor.org/stable/40170294>.

Willard, William "The Plumed Serpent and the Red Atlantis." *Wicazo Sa Review* Vol. 4. No. 2 (Autumn, 1988), 17-18.

https://digitalrepository.unm.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1078&context=hist_etds.

http://www.alaskool.org/projects/anca/reports/rsjones1981/anca_history71.htm.

https://digitalrepository.unm.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1078&context=hist_etds, at 33.

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