

BEFORE THE INDIAN CLAIMS COMMISSION

PUEBLO OF TAOS,)	
)	
)	
Petitioner,)	
)	
v.)	Docket No. 357
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Decided: SEP 8 1965

FINDINGS OF FACT

1. The Pueblo of Taos, petitioner herein, is and has been since time immemorial a tribe of American Indians residing within the present territorial limits of the United States. Petitioner has been recognized by the Government of the United States as a tribe, represented by its Governor and Council. This action was instituted within the time allowed by the Indian Claims Commission Act by and under the direction of petitioner, acting through its Governor and Council.

2. The petition states two separate and distinct claims. The first is based on a taking by defendant about 1906, without the payment of compensation, of land to which petitioner was entitled on the basis of aboriginal use and occupancy. The second claim is based on a taking by defendant in 1927, without compensation, of an area to which petitioner had recognized title.

3. As originally asserted, petitioner's Indian title claim covered an area of approximately 300,000 acres, located in Taos, Colfax and Mora

Counties, New Mexico. The exterior boundaries of this area are delineated on Petitioner's Exhibit 84(a) and can be described as follows:

From the mouth of Hondo Canyon at the Rio Grande, near $36^{\circ} 18' N$, $105^{\circ} 45' W$, east-southeasterly to a point on Hondo Canyon known as Sun Stone Shrine, near $36^{\circ} 19' N$, $105^{\circ} 44' W$; thence southeasterly to a point on the Arroyo del Alamo known as Pottery Clay Pit, near $36^{\circ} 16' N$, $105^{\circ} 42' W$; thence easterly to a ruin known as Home of the Water People, lying between El Riot de La Olla and the Rio Grande del Rancho, near $36^{\circ} 15' N$, $105^{\circ} 28' W$; thence southeasterly to a point on the border of the Rancho del Rio Grande Grant, opposite Vista, near $36^{\circ} 14' N$, $105^{\circ} 25' W$; thence northeasterly to a point on the Colfax-Mora County line near $36^{\circ} 16' N$, $105^{\circ} 18' W$; thence northeasterly to Black Lake, near $36^{\circ} 16' N$, $105^{\circ} 16' W$; thence northerly to Eagle Nest Lake, near $36^{\circ} 32' N$, $105^{\circ} 13' W$; thence to Eagle Nest, near $36^{\circ} 33' N$, $105^{\circ} 16' W$; thence due west to Old Mike Peak, near $105^{\circ} 24' W$; thence westerly to the Arroyo Hondo; thence westerly along the Arroyo Hondo to the Rio Grande; thence west-south-westerly to Cerro de los Taoses, near $36^{\circ} 30' N$, $105^{\circ} 49' W$; thence south to Tres Orejas Peak, near $36^{\circ} 24' N$, $105^{\circ} 49' W$; thence southeasterly to the point of beginning.

Lying within the foregoing area but at no time part of this first claim is the so-called Taos Pueblo Grant, confirmed by the United States in 1864. Since this petition was filed and while the case was pending, this Commission decided in another Pueblo case that a claim based on aboriginal Indian use and occupancy cannot be the basis of an award under the Indian Claims Commission Act if the area in question was covered by a Spanish land grant which was subsequently confirmed by the United States. Pueblo de Cochiti v. United States, 7 Ind. Cl. Comm. 422 (1959).

The following confirmed Spanish land grants are in conflict with petitioner's first claim:

- (1) the Maxwell Grant;

- (2) the Rancho del Rio Grande Grant;
- (3) the Christobal de la Serna Grant;
- (4) the San Fernando de Taos Grant;
- (5) the Gijosa Grant;
- (6) the Martinez or Godoi Grant;
- (7) the Antoine Leroux Grant; and
- (8) the Arroyo Hondo Grant.

If the Taos Pueblo Grant and the confirmed Spanish land grants are subtracted from the area of Indian aboriginal use and occupancy, two distinct areas, covering approximately 130,000 acres are left. They are bounded as follows:

1. Eastern Area

From the intersection of the southeast boundary of the Antoine Leroux Grant with the north boundary of the Taos Pueblo Grant northeasterly along the southeast boundary of the Antoine Leroux Grant to the intersection of the southeast boundary of the Antoine Leroux Grant with the southern boundary of the Lucero de Godoi Grant; thence easterly and northerly along the south boundary and the east boundary of the Lucero de Godoi Grant until it again intersects the southeastern boundary of the Antoine Leroux Grant; thence northeasterly and northwesterly along the eastern boundary of the Antoine Leroux Grant to Simpson Peak; thence easterly to Taos Cone; thence northeasterly to Red Dome; thence in a generally southerly direction along the county line between Taos County and Colfax County as far south as the southwestern corner of the Maxwell Grant; thence due east along the southern boundary of the Maxwell Grant for approximately one and one-half miles to a point due north of San Antonio Church; thence due south to Coyote Creek; thence southeasterly and southerly along Coyote Creek to Black Lakes; thence due south to the north boundary of the Mora Grant; thence due west along the county line between Colfax County and Mora County to the eastern boundary of the Rancho del Rio Grande Grant; thence in a northeasterly, a northwesterly and a southwesterly direction along the north boundary of the eastern and northern boundaries of the Rancho del Rio Grande tract to the point where the Rancho del Rio Grande boundary touches the eastern boundary of the Cristoval de la Serna Grant; thence in a northeasterly and northerly direction along the eastern boundary of the Cristoval de la Serna Grant to the point where that boundary touches the San Fernando de Taos Grant; thence southeasterly and thereafter northerly along the boundary of the San Fernando de Taos Grant until the latter touches the southern boundary of

the Taos Pueblo Grant; thence due east along the southern boundary of the Taos Pueblo Grant; thence due north along the eastern boundary of the Taos Pueblo Grant; and thence due west along the northern boundary of the Taos Pueblo Grant to the point of beginning.

2. Western Area

From the point where the Arroyo Hondo meets the Rio Grande River at approximately 36 degrees 31 minutes north latitude, in a southerly direction along the Rio Grande to the point where another Arroyo Hondo meets the Rio Grande at approximately 36 degrees 19 minutes north latitude; thence from the mouth of this Arroyo Hondo in a northwesterly direction and northerly direction to Tres Orejas; thence northerly to Cerro de los Taoses; thence easterly to the point of beginning.

4. The Taos Indians first entered the areas described in Finding 3 around the year 1300. They established a settlement now known as Cornfield Taos, located near the present site of the Taos Pueblo village. By 1400, Cornfield Taos was abandoned and the present village of Taos was established as the central village of the Pueblo of Taos. (Tr. 1962, pp. 41-42; 142-143; 154-155)

Differing from most other North American Indian groups, Pueblo Indians were by 1300 a sedentary people. The ancestors of the present Pueblo of Taos members fell into this general Pueblo pattern. Prior to coming to the present Taos area, they had apparently lived a similarly sedentary existence in the Mesa Verde area, and left that area only as a result of a severe drought.

The pattern of life established by the Taos Indians in the claimed areas shows a central village as the permanent home of the community. The village of Taos, as established prior to 1400, has remained continuously occupied since that time and to the present day. To support themselves, the Taos Indians used and occupied a well-defined area, surrounding the village,

for farming, grazing, hunting, gathering and other purposes. The petitioner claims that the area so used, was approximately 300,000 acres, and that it was small when compared to areas used and occupied by nomadic tribes, but the use made of the land was more intensive than that of strictly nomadic groups.

Taos Pueblo lies on an altitude of about 7,000 feet. The frost-free growing season does not exceed 100 days a year and is, therefore, too short to permit the cultivation of cotton. As a result, Taos Indians have traditionally relied less on farming than the Southern Pueblo Indians and used hunting and gathering to supplement their needs.

The country in which the Taos Indians settled was sufficiently varied in topography, climate, and elevation to enable them to obtain all of their needs within a relatively limited area. Water and wildlife were found in the mountains to the east. Fertile fields for planting and grazing lay in the Taos Valley, and excellent grazing could be had over the mountains, in the Mareno Valley. West of the Rio Grande, in semiarid country, the Taos people hunted rabbits and gathered natural products. It was never economically necessary for them to expand beyond this base. Indeed their security and protection from marauding tribes encouraged them to stay generally within these well-defined areas.

.. 5. One of the basic precepts of Pueblo philosophy and religion is that a way of life was established in the beginning by Mother Nature and the Pueblo's forefathers, and that things should be done as they were in the past.

The native religion of the Taos Indians is to this day very much

involved with the daily life of the people. This religion does now and has for centuries tied them closely to the land. The land and the people "are so closely tied together that it is what might be technically called a symbiotic relationship -- the people, by their prayers and their religious functions, keep the land producing; and the land keeps the people." This attachment to the land is an attachment to the specific, circumscribed area defined in the original petition and encompassed approximately 300,000 acres. It is symbolized by shrines at which the Taos people worship. These shrines are visited almost daily. The attachment to specific geographic sites, which reaches back for centuries, continues to the present day. Where the location of a shrine has passed into non-Indian ownership, Taos men still visit it for ceremonial purposes.

6. The changes occurring in the life of these Pueblo Indians between the time of settlement about the year 1300 and the present time have been more in the character of adaptation of new products, devices, or concepts to the existing pattern than alteration of the pattern itself. Having traditionally planted corn, melons and squash, the Taos Indians added wheat after the Spaniards arrived. They began to use ploughs and obtained oxen to pull them. They also began to raise livestock. In the area of religion they added Catholicism but adopted the new faith to their traditional religion, with continued emphasis on the latter. Tradition, customs, and religious instructions are usually passed on by grandparents, who are no longer strong enough to do the daily labor, to their grandchildren. Thus information on tradition obtained from the old men of the Pueblo living today, including those who testified before this Commission,

