

1 A MEMORIAL

2 RECOGNIZING THE ORIGIN OF THE ZIA SUN SYMBOL ON THE STATE
3 FLAG OF NEW MEXICO; FURTHER RECOGNIZING THE INCLINATION OF
4 ENTITIES TO USE THE STATE FLAG AND THE ZIA SUN SYMBOL FOR
5 PUBLIC AND PRIVATE PURPOSES; REQUESTING A REPORT.

6
7 WHEREAS, in the early 1920s, Dr. Harry Mera designed a
8 proposed flag for the state of New Mexico that incorporated
9 colors and patterns from both Native American and Spanish
10 traditions. The proposal adapted a sun symbol found on a Zia
11 pot and combined it with the red and gold colors of King
12 Ferdinand and Queen Isabella of Spain; and

13 WHEREAS, the Mera flag design was formally adopted by
14 the state of New Mexico in 1925, and it is intended to
15 celebrate New Mexico's tradition of cultural diversity and
16 symbolize a "perfect friendship among united cultures"; and

17 WHEREAS, in the nearly ninety years since the adoption
18 of the state flag, hundreds of individuals, businesses,
19 organizations, schools and political subdivisions of New
20 Mexico have made use of the Zia sun symbol; and

21 WHEREAS, in 1993, an application by Coulston
22 International for a United States trademark for a logo
23 incorporating the Zia sun symbol precipitated litigation
24 between Coulston International and the Pueblo of Zia and the
25 eventual withdrawal of the trademark application; and

1 WHEREAS, in 1997, an application by American Frontier
2 Motorcycle Tours, Inc., for a United States trademark for a
3 logo incorporating the Zia sun symbol precipitated federal
4 legislation for the listing and protection of official
5 insignia of Native American tribes and the eventual
6 withdrawal of the trademark application; and

7 WHEREAS, the United States patent office maintains the
8 Native American tribal insignia database created pursuant to
9 Section 302 of the Trademark Law Treaty Implementation Act of
10 1998; however, the Zia sun symbol is not listed within that
11 database; and

12 WHEREAS, in 2000, it was publicly reported that
13 Southwest Airlines was the first corporation to pay the
14 Pueblo of Zia for the use of the Zia sun symbol; and

15 WHEREAS, in 2003 and 2004, the governor of New Mexico
16 issued executive orders calling for the formation of a task
17 force to review proposals regarding compensation to the
18 Pueblo of Zia for use of the Zia sun symbol; however, there
19 is no public record of any proceedings of such a task force;
20 and

21 WHEREAS, in several sessions of the New Mexico
22 legislature from 1994 through 2000, legislation regarding the
23 use and ownership of the Zia sun symbol was introduced and
24 reported upon; and

25 WHEREAS, in 2012, both houses of the New Mexico

1 legislature passed memorials acknowledging the Zia sun symbol
2 as an "ancient and sacred symbol of the Zia people";

3 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE
4 STATE OF NEW MEXICO that widespread interest by the public in
5 the use of the state flag of New Mexico and the Zia sun
6 symbol incorporated within it be recognized; and

7 BE IT FURTHER RESOLVED that the history of litigation,
8 legislation, gubernatorial actions and efforts by the Pueblo
9 of Zia has created questions as to who may use the Zia sun
10 symbol and how it may be used; and

11 BE IT FURTHER RESOLVED that, during the first week of
12 the first session of the fifty-second legislature in 2015,
13 the cultural affairs department be requested to make a report
14 to the senate Indian and cultural affairs committee and the
15 senate public affairs committee regarding who has a right to
16 use the Zia sun symbol and if there are any restrictions on
17 how it may be used; and

18 BE IT FURTHER RESOLVED that copies of this memorial be
19 transmitted to the governor of New Mexico, the secretary of
20 cultural affairs and the governor of the Pueblo of Zia. _____

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