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HOUSE JOINT MEMORIAL 35

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

James Roger Madalena

A JOINT MEMORIAL

REQUESTING CONGRESS TO NAME THE NEW FEDERAL COURTHOUSE AFTER
THE HONORABLE WENDELL CHINO IN HONOR OF HIS SIGNIFICANT
CONTRIBUTIONS TO THE LAW, TO JUSTICE FOR NATIVE AMERICANS AND
TO THE STRENGTHENING OF TRIBAL SOVEREIGNTY.

WHEREAS, Wendell Chino, president of the Mescalero Apache
tribe from 1965 until his death in 1998, was a leader with
great vision and determination and respect for the United
States federal court system; and

WHEREAS, President Chino's life was touched by survivors
of the early days who told stories of the old ways and the
tragedy of tribal removal; and

WHEREAS, in his youth he heard stories from the survivors
of removal; from those taken by train in open cars to Florida,
from those who walked or were carried to Bosque Redondo, from

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1 those removed to Fort Sill, Oklahoma; from those who returned
2 to help rebuild the tribe of their ancestors; and

3 WHEREAS, as a leader of the Mescalero people, Wendell
4 Chino turned to the courts of the United States and, in Fort
5 Sill Apache Tribe, Chiricahua Apache Tribe and Warm Springs
6 Apache Tribe v. United States, Lipan Apache Tribe and
7 Mescalero Apache Tribe v. United States and Mescalero Apache
8 Tribe v. United States, he sought verification of aboriginal
9 title to lands taken from the Apache people and recompense for
10 the aboriginal lands taken from his people without
11 compensation in Arizona, New Mexico and Texas; and

12 WHEREAS, in Fort Sill Apache Tribe of Oklahoma v. United
13 States, Wendell Chino sought damages for the harm done to the
14 fabric of the great Apache nation, which was ripped asunder by
15 separation and relocation, and detention of the Apache people,
16 who were scattered far and wide throughout the continent or
17 restricted to lands many times reduced in breadth from their
18 original homelands; and

19 WHEREAS, as a leader of the Mescalero people, Wendell
20 Chino could see a day when the Mescalero Apache tribe would
21 rebuild itself and develop tribal cohesion and increased
22 stability and prosperity for tribal members; and

23 WHEREAS, Wendell Chino realized that to ensure the
24 longevity of the Mescalero people, the people had to assert
25 their rights in the foreign system in which the Mescalero

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1 Apache people now lived, wrongs of the past needed to be made
2 right and his people needed to know that the courts were there
3 to protect the rights of the tribe and the Mescalero people
4 from the heavy hand of external control that would lead to
5 their extinction; and

6 WHEREAS, as a modern warrior, Wendell Chino moved to
7 strengthen tribal sovereignty and proceeded issue by issue,
8 battle by battle, to confirm that a tribe may control its own
9 resources; establish its own regulatory systems; and not be
10 subject to state taxes for structures on tribal land; and

11 WHEREAS, in Mescalero Apache Tribe v. U. S. (Tenth
12 Circuit), the right of the tribe to adopt and enforce its own
13 game and fish laws was confirmed; in United States v. New
14 Mexico, the courts verified that the tribe could regulate the
15 commerce of alcohol within its exterior boundaries; and in
16 Mescalero Apache Tribe v. Jones, the structures built at ski
17 Apache were found to be beyond the reach of state taxation;
18 and

19 WHEREAS, not all of the battles were won, and winning the
20 battle was not always the goal, and many of the battles won
21 were procedural or established jurisdiction in the federal
22 courts; these battles created a clear path for others to
23 follow and a means for tribes to be heard by the federal
24 courts of this land; and

25 WHEREAS, Wendell Chino, the warrior for justice, knew

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1 that no one battle would win the war, but that each battle was
2 a step toward a day when tribal sovereignty would be accepted
3 by all people, when tribal people could be secure in the
4 continued existence of their cultures and communities and when
5 Native Americans could rely on equal justice under the law;

6 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF NEW
7 MEXICO that it recognize the great contribution to the body of
8 Indian law that was made by the fearless yet reasoned
9 litigation brought before the federal courts by the honorable
10 Wendell Chino and the Mescalero Apache tribe to restore and
11 preserve the sovereignty of all the tribes of the United
12 States; and

13 BE IT FURTHER RESOLVED that the legislature request the
14 United States congress to name the new federal courthouse in
15 Albuquerque, New Mexico after the great and honorable Wendell
16 Chino; and

17 BE IT FURTHER RESOLVED that copies of this memorial be
18 transmitted to the members of the New Mexico congressional
19 delegation, the chief justice of the United States supreme
20 court, the president of the United States, the secretary of
21 the interior, the family of the honorable Wendell Chino and
22 the president of the Mescalero Apache tribe.

1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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6 February 18, 1999
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8 Mr. Speaker:
9

10 Your VOTERS AND ELECTIONS COMMITTEE, to whom has
11 been referred
12

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15 has had it under consideration and reports same with
16 recommendation that it DO PASS.

17 Respectfully submitted,
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21 _____
22 Edward C. Sandoval, Chairman
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FORTY-FOURTH LEGISLATURE
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4 Adopted _____ Not Adopted _____

6 (Chief Clerk)

(Chief Clerk)

8 Date _____

10 The roll call vote was 6 For 2 Against

11 Yes: 6

12 No: Buffett, Sandoval

13 Excused: Lujan, Coll, Macko

14 Absent: Foley

16 J:\99BillsWP\HJ035

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