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_____ JOINT MEMORIAL

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

DISCUSSION DRAFT

A JOINT MEMORIAL

REQUESTING THAT THE UNITED STATES CONGRESS SUPPORT THE ESTABLISHMENT OF THE CHIHENE NDE NATION OF NEW MEXICO PEOPLE AS A RECOGNIZED NATIVE AMERICAN TRIBE.

WHEREAS, the people of Chihene Nde Nation of New Mexico are the descendants of Squielnoctero, El Compa, Ojos Coloradas, Manta Negro, Victoriano Montoya, Denacio Montoya, Juan Jose Compa, Cigarrito, Pisago Cabezon, Fuerte, Mano, Tebuca, Costilla, Tucilito, Cristobal, Torres, Manuel Chirini, Antonio Bibora, Anaya, Vicente, Ponce, Jose Domingo Tain, Manuelito, Coyante, Nichindo, Ita'n, Yezcas, Antinio Mansisco, Matias, Marcelo, Negrito, Cuentas Azules, Fusilito, Delgadito, Capitan Simon, Mangas Coloradas, Cauchilla Negro, Blancito, Jose Nuevo, Josecito, Sargento, Veinte Reales, Rinon, Dealgadito Largo, Fusho, Placera, Carrosero, Pajarito, Elias, Delante, Apache

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Soco, Camilio, Monica Zher, Refujia, Placeres, Tinajas and Victorio; and

WHEREAS, tribal members have reunited as an organization of Apache descendants of Chihene and Nde people that entered into peace accords with New Spain in the Janos district in 1789, 1790 and 1792; and

WHEREAS, the same Nde people also entered into successive peace treaties with the Republic of Mexico in 1835, 1838, 1842 and 1843; and

WHEREAS, the Nde people also entered into three treaties with the United States of America: on July 1, 1852 in Santa Fe, New Mexico; on April 7, 1853 at Fort Webster, New Mexico; and on June 9, 1855 at Fort Thorn, Dona Ana county, New Mexico; and including the peace compacts stemming from these treaties, which were monitored at Fort Thorn; and

WHEREAS, from the time of peace agreements between New Spain and the Chihene Nde Nation, including the Mimbres, Gila, Mogollon, Ojo Caliente and Warm Springs Apache, their ancestors resided on common Spanish land grants that were specifically identified as Apache rancherias of their people; and

WHEREAS, these common Spanish land grants include Rancheria de los Rincones, Rancheria de la Gallina, Rancheria de los Comales, Rancheria de los Corrales, Rancheria del Cobre, Rancheria de Mimbres, Rancheria de Gila, Rancho de Manta Negro, Rancho de Victoriano Montoya, Rancho de Cuchillo Negro, Rancho

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de Donaciano Montoya, Rancho de Juan Jose Galindo and, later, the Refugio civil colony; and

WHEREAS, the Rancho de Victoriano Montoya later became known as the Ojo Caliente Indian Reservation, established under United States jurisdiction in the 1870s; and

WHEREAS, these areas comprise much of southwest New Mexico south of Socorro on the west bank of the Rio Grande into northern Mexico, including lands in the Gila national forest, the Black range, the San Mateo range, the Mimbres range and the Florida range; and

WHEREAS, after the transition to United States of America jurisdiction over these lands, many of the Chihene Nde ancestors continued to farm and homestead lands within the Apache rancherias, with some also residing on Indian reservations, such as the Fort Thorn Southern Apache agency in Dona Ana county and the Gila agency, the Hot Springs agency and the Southern Apache agency in the Black and Mogollon ranges; and

WHEREAS, the people of Dona Ana and Mesilla petitioned the United States congress against forcing the peaceful "Dona Ana Apaches" to relocate to the Bosque Redondo in March 1865, as ordered by General James Carleton, to join the Mescalero, Jicarilla and Navajo people interned there; and

WHEREAS, after 1871, the Chihene Nde were no longer recognized as an Indian tribe under United States Indian

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policy, similar to the pueblo tribes in New Mexico, yet they continued to gather together in extended family groups, which is their traditional form of government, and lived together on homestead lands established under the Homestead Act of 1862 or in camps in traditional homelands throughout New Mexico; and

WHEREAS, after 1880, the United States government began a policy of forced removal of all Chiricahua Apaches from their homelands, shipping most of these bands of Chiricahua Apaches to Florida; and

WHEREAS, in order to resist this policy, many of the Chihene Nde ancestors followed a brother of Mangas Coloradas, who assumed the name Mangas Coloradas, to the Mescalero Jicarilla agency by 1882 and then to the Jicarilla agency when it was formed in 1887 in northern New Mexico, while others hid and blended in among the Hispanic population in southwest New Mexico and still others managed to maintain control of homestead lands until the beginning of the 1900s; and

WHEREAS, from 1899 through 1930, those Chihene Nde ancestors that were able to maintain ranches and farms on homestead lands within their former Spanish and Mexican land grants were displaced as their lands were methodically taken by the United States government for water, irrigation and other public works projects that took place throughout southwest New Mexico during that period, including the Elephant Butte dam; rerouting the Rio Grande through the Garfield, Salem and Hatch

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areas; and irrigation projects in the area of Lake Valley; and

WHEREAS, other land grant and homestead lands were also taken for the establishment and expansion of the Gila national forest and to lease for private mining operations; and

WHEREAS, the Indian Reorganization Act of 1934 changed United States policy relating to the definition of "Indian" to include all people indigenous to the United States, including settled and farming indigenous communities, allowing pueblo tribes in New Mexico to be recognized as Indian tribes; and

WHEREAS, due to complete displacement from their lands immediately prior to the Indian Recognition Act of 1934, the Chihene Nde ancestors were working on Indian civilian conservation corps and bureau of reclamation public works projects throughout the southwest, including the Elephant Butte dam, the Hoover dam, the San Gabriel dam and other irrigation or agriculture projects, and were no longer in a single geographic area and thus unable to reorganize under the 1934 act; and

WHEREAS, New Mexico pueblo tribes, such as Tesuque, Pojoaque and Tortugas, have experienced very similar histories in the transition from Spanish and Mexican rule to United States jurisdiction; and

WHEREAS, the Chihene Nde ancestors have always maintained a presence in their traditional homeland and, in most cases, continue to this day to hold federal patents issued for their

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homestead lands taken between 1899 and 1930; and

WHEREAS, since the 1930s, many individual descendants of the Chihene Nde ancestors and their families have worked individually to preserve their culture and heritage and have diligently worked to remind everyone that they are still here, living as a distinct people with a common history and culture; and

WHEREAS, the Chihene Nde people have unified again as a tribal organization, called the Chihene Nde Nation of New Mexico, a New Mexico domestic nonprofit organization, and all of its members have joined in a collective effort to work to maintain culture, language and traditions and ultimately to achieve the goal of re-recognition of the Chihene Nde people as a distinct American Indian tribe;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the United States congress be requested to support reestablishment of the Chihene Nde Nation of New Mexico as a federally recognized Native American tribe; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the New Mexico congressional delegation.

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