

1 SENATE JOINT MEMORIAL 5

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Gerald Ortiz y Pino

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7  
8 FOR THE LAND GRANT COMMITTEE

9  
10 A JOINT MEMORIAL

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

14  
15 WHEREAS, the people of Chihene Nde Nation of New Mexico  
16 are the descendants of Squielnoctero, El Compa, Ojos Coloradas,  
17 Manta Negro, Victoriano Montoya, Denacio Montoya, Juan Jose  
18 Compa, Cigarrito, Pisago Cabezon, Fuerte, Mano, Tebuca,  
19 Costilla, Tucilito, Cristobal, Torres, Manuel Chirini, Antonio  
20 Bibora, Anaya, Vicente, Ponce, Jose Domingo Tain, Manuelito,  
21 Coyante, Nichindo, Ita'n, Yezcas, Antinio Mansisco, Matias,  
22 Marcelo, Negrito, Cuentas Azules, Fusilito, Delgadito, Capitan  
23 Simon, Mangas Coloradas, Cauchilla Negro, Blancito, Jose Nuevo,  
24 Josecito, Sargento, Veinte Reales, Rinon, Dealgadito Largo,  
25 Fusho, Placera, Carrosero, Pajarito, Elias, Delante, Apache

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

3 WHEREAS, tribal members have reunited as an organization  
4 of Apache descendants of Chihene and Nde people that entered  
5 into peace accords with New Spain in the Janos district in  
6 1789, 1790 and 1792; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 homestead lands taken between 1899 and 1930; and

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

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

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

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