



*LOS INDIGENES
DE NUESTRA SEÑORA DE GUADALUPE*

P.O. Box 164
Mesilla Park, NM 88047

RECEIVED

MAR 28 2016

DOI/AS-IA/OFA
Washington, DC

March 24, 2016

United States Department of the Interior
Office of the Assistant Secretary-Indian Affairs
1951 Constitution Avenue, NW
Washington, D.C. 20240

Subject: Piro-Manso-Tiwa Indian Tribe of the Pueblo of San Juan de Guadalupe;
Petition #005

Dear Sir or Madam:

We are writing on behalf of La Corporacion de Los Indigenes de Nuestra Senora de Guadalupe. La Corporacion de Los Indigenes de Nuestra Senora de Guadalupe is also referred to as "La Corporacion" or "Tortugas Pueblo" or "Tortugas" or "the Corporation". With the assistance of retired Col. Eugene Van Patton, La Corporacion was incorporated in 1914 pursuant to the laws of the State of New Mexico.

We write to register our opposition to the petition for federal recognition by the Piro-Manso-Tiwa Tribe of San Juan de Guadalupe ("PMT" or "PMT's").

From the date of the initial filing of the PMT petition, La Corporacion has been an Interested Party in this matter. For your ready convenience, we are enclosing a copy of a previous letter sent to the U.S. Department of Interior on behalf of the Corporation by our attorney Mike L. Benavidez.

It is our position that the petitions submitted on behalf the PMTs do not accurately reflect the PMT's history or the relationship between our two groups. The PMTs falsely allege that they have suffered dispossessions, encroachments and depredations by La Corporacion. The PMTs misstate their history in attempt to gain federal recognition.

#0355

HISTORY/BACKGROUND

The real property presently owned by La Corporacion was patented by the United States on February 8, 1907, to the Dona Ana Bend Colony. It was deeded by the Board of Trustees of the Dona Ana Bend Colony Community Grant of January 8, 1909, to the Commissioners of the Pueblo of Guadalupe, and the Commissioners, in turn, deeded to La Corporacion on September 14, 1914. Col. Van Patton was the first president of La Corporacion.

Col. Eugene Van Patton died circa 1924, the same year as Regenta Caciqua ("Chief"), Francisca Roybal. Francisca Roybal was the wife of the previously deceased Cacique, Felipe Roybal. The question came up as to who would assume the offices of Cacique and President. These positions were originally held for life and succeeded by "escala" or the eldest son, or any other son. When Francisca Roybal passed away, her brother Senobio Avalos was made Interino Cacique ("Interim Chief"), until such time as the Roybal sons advised La Corporacion as to who was going to serve as Cacique. Victor Roybal, Sr. became the president and Vincente Roybal became the Cacique on December 31, 1935, according to the meeting minutes of La Corporacion, attached hereto as Exhibit A and incorporated herein by reference. Victor and Vincente held these positions between 1935 and 1947, respectively.

Don Miguel B. Fierro was the long time treasurer of the Pueblo and was relieved of his position by the newly elected officials (the Roybals) of La Corporacion. It was during this time and under the Roybal leadership that the money received from donations was handled (and spent) by the Roybals giving no explanation to La Corporacion or its members. Properties were lost for non-payment of taxes and Victor Roybal illegally deeded land to his daughters and son which was against regulations. Victor Roybal, Sr. then went to live in California and would only return each December 11th (which was the day of the pilgrimage to Tortugas Mountain, at which participants would provide small donations to La Corporacion). His sole purpose in returning to Tortugas was to pick up the register and any and all donations made by participants. Money was regularly picked up by Victor or Vincente Roybal and the members of La Corporacion began to catalog such transactions, as evidence of this injustice. A copy of the original receipt signed by Vincente Roybal dated January 3, 1947, is attached hereto as Exhibit B and incorporated herein by reference.

There was a general sense of displeasure with the Roybal leadership and as early as 1946, the members began asking Vincente (who resided in Tortugas) to arrange to bring Victor to a meeting to in order to elect a new board of directors. Victor never responded and the members of the La Corporacion held a meeting in February 9, 1947, at the Casa de Pueblo in Tortugas and elected Don Miguel B. Fierro as President, Ernesto M. Dominguez as Vice-President, Emma D. Narvaez as Secretary, and Felipe Carbajal as Treasurer according to minutes of La Corporacion. A copy of La Corporacion's meeting minutes from February 9, 1947, are attached hereto Exhibit C and incorporated herein by reference. An era of progress followed.

Under the leadership of Don Miguel B. Fierro as the president of La Corporacion, Tortugas Pueblo began working to reclaim the land and historical items from Victor and Vincente Roybal. On March 9, 1948, a Writ and Affidavit of Replevin was filed against Victor Roybal, Vincente Roybal and Luis Roybal by La Corporacion which was and granted by the Justice of the Peace Court, Precinct Number Three, Dona Ana County, New Mexico (Cause No. 1737) and a final judgment was entered on March 16, 1948, stating that La Corporacion was entitled to the possession of its chattels. A copy of the Writ of Replevin, Affidavit of Replevin and the Final Judgment are attached hereto as Exhibit D and incorporated herein by reference. Don Miguel B. Fierro along with the Sheriff went to retrieve La Corporacion's sacred items, including the corporation "seal, maps, records, books, minutes, instruments and all other papers". La Corporacion also filed a quiet title suit in order to protect its rights in the Third Judicial District Court in a case styled *Los Indigenes de Nuestra Senora de Guadalupe vs. Victor E. Roybal, et al.*, Case No. 14917, to quiet title to the real estate illegally titled by Victor E. Roybal. A final decree was entered by the Court on November 18, 1958, La Corporacion's title to the tract of land with improvements was forever quieted and set to rest. A copy of the final decree is attached hereto as Exhibit E and incorporated herein by reference.

On January 18, 1971, the PMTs requested that New Mexico Congressman, Manuel Lujan, Jr. recognize the Tribal Constitution of the [PMTs]. Congressman Lujan referred the request to the Bureau of Indian Affairs for approval. However, on March 11, 1971, the Bureau of India Affairs refused to recognize the PMT Tribal Constitution.

Further attempts by the PMTs to rob La Corporacion of its property continued with a complaint filed by the PMTs in the District Court of the United States for the District of New Mexico on January 19, 1973, styled Adolfo B. Avalos, et al. vs. Roger C. B. Morton, Secretary of the Interior of the United States of America; Cause No. 9920. The Complaint stated that the Plaintiffs were members of the Tiwa Tribe of American Indians of the Pueblo of San Juan De Guadalupe, owning real and personal property individually and real and personal property common as a Tribe of Indians, said pueblo located near Las Cruces, Dona Ana County, New Mexico. The PMTs sought benefits and assistance of the Secretary of the Interior under the provisions of the Snyder Act.

La Corporacion intervened as an interested party through its attorney, T.K. Campbell, Jr. This actions was ultimately dismissed on a motion to dismiss or in the alternative for summary judgment filed by the U.S. Attorney's Office, on the grounds that the Court did not have jurisdiction to grant the relief requested and stating that the Plaintiffs were not Indians within the definitions set forth in the Snyder Act, that Plaintiffs failed to exercise their administrative remedies, that Congress had not consented for the United States to be sued in cases of such nature, and that Plaintiffs did not adequately represent the class allegedly affected. The Complaint was ultimately dismissed by United States District Judge Vearle Payne.

Without interruption, La Corporacion has continued to carry out its customs and traditions for over a century. La Corporacion has a documented history of its presence in Tortugas. Although La Corporacion holds ceremonies and rituals throughout the year, it is largely known for our annual fiesta in honor of the Virgen de Guadalupe held every December 10th -12th. The PMTs' attempts to gain support for federal recognition are based on the misconception that they are responsible for the events and customs carried out by La Corporacion. Even their name suggests that they are from the Tortugas area. The area more commonly known as Tortugas is comprised of two villages, namely the Village of Guadalupe and Village of San Juan. There is no "San Juan de Guadalupe" in Dona Ana County area.

FINDINGS

The PMTs petition includes the following misrepresentations:

- [PMT 2010 Petition:3]The Tribe is widely recognized by others as a distinct tribal polity that is Indian in tradition and character.

La Corporacion is recognized as a distinct group. However, there is a lack of the support for the PMTs at the local level. The Las Cruces City Council refused to adopt a resolution in support of federal recognition of the PMTs on March 21, 2016. However, due to certain misconceptions, the Doña Ana County Commission did adopt a Resolution in support of the PMT's on March 22, 2016.

- [PMT 2010 Petition:10-12]

This section presents the supposed history of the PMTs, as evidence of their indigenous heritage.

However, this section of history is the history of Tortugas Pueblo, thus affirming the indigenous heritage of La Corporacion. Indeed, this contradicts the PMT allegation that their indigenous claim is distinctive from that of Tortugas. If the PMT propose to submit a petition for Federal Recognition to the BIA, based on the shared history with Tortugas, then they must submit the petition as a coherent community. Otherwise, they are submitting the petition as a group, or faction, of a recognized community of indigenous heritage. In this case, the PMTs do not meet the BIA criteria of representing a "community" of indigenous peoples.

- [PMT 2010 Petition: 13-14]

The references regarding PMT children in Indian schools and PMTs serving in the military are in reality statistics which relate to Tortugas Pueblo. If the PMTs wish to claim that they are Native Americans separate from Tortugas Pueblo, then they must disaggregate the data and demonstrate that these data refer only to their group.

- [PMT 2010 Petition:16-18]

The PMTs claim that La Corporacion is/was represented by non-Indians, yet this contention is based on interviews with the PMTs (Roybals). There is no attempt to question the Tortugas community about the ethnicity of the Corporation members. In contrast, Tortugas residents contend that the Corporation members are of indigenous ancestry. If Corporation members are of indigenous ancestry then this negates the PMTs claim that a non-Indian entity “seized” control. Tortugas Pueblo was and is a community of mixed indigenous ancestry.

- [PMT 2010 Petition:20-21]

The PMTs claim that their ceremonies are “more consistent with indigenous Indians ways and practices” because these ceremonies are only for them. Many indigenous communities allow public participation or viewing in some components of indigenous ceremonies without ceding their indigenous heritage or rights. For example, many Pueblo communities in northern New Mexico allow public visitors to certain feasts and dances, at the same time that they maintain certain private rituals that visitors are not allowed to attend. This practice is consistent with the Tortugas Pueblo ceremonies associated with its 3-day Feast for the Virgin of Guadalupe each December 10th to 12th. The public is allowed to view certain components, while other ceremonies are conducted in private. This public/private distinction is consistent with all other Indian Pueblos.

The continued practice of these rituals in Tortugas Pueblo for over 100 years demonstrates the “continuing vitality and sense of community” that characterizes Tortugas Pueblo and is recognized throughout the region and entire state of New Mexico, including for example, the New Mexico Magazine.

- [PMT 2010 Petition: 21-22]

The splintering of the PMTs, as described in the discussion of the “Lefebre Group” highlights the inability of the PMT group to maintain cohesion and a sense of community. Now, the separation of yet another faction, is further proof that the PMTs cannot speak for any community.

- [PMT 2010 Petition:23-43, history, to satisfy 83.7(a).]

All references are to the community of Tortugas, thus this is the indigenous history of Tortugas, not exclusively the PMTs. The references to the “Indian dances” on pp. 33-34 all took place in Tortugas Pueblo and were organized by La Corporacion, not the PMTs. The historic newspaper articles refer specifically to the Tortugas community and the Corporation; there are no distinctive

United States Department of the Interior
March 24, 2016
Page 6 of 10

references to the PMTs as an entity. Simply stated, there is no recognition of this group of individuals as distinct from the community that continues to exist and to reproduce their traditional customs in Tortugas Pueblo.

- [PMT 2010 Petition:37-38]

In the split from the Corporation, the PMTs present no evidence that members of the Corporation are non-Indian. The documentation cited is based on interviews with PMT members and is based on the PMT's opinions. However, the Corporation continued to maintain the religious traditions and traditional practices unchanged. The 1952 Hunt study specifically addresses this, noting that "tribal identity of the Tiwa Indians is preserved," which is a reference to practices as carried out in the community of Tortugas. As well, as indicated on p. 39, "outsiders" (i.e., the community of Las Cruces and public officials throughout the state of New Mexico) continued to publicly recognize the Corporation as the organization body that represented the Indians of Tortugas Pueblo.

- [PMT 2010 Petition:47-48]

The public entities (e.g. New Mexico State University and the Bureau of Land Management) consistently work with the Corporation, not the separate group of the PMTs. The Corporation was issued a Grant of Right-of-Way dated October 25, 1985 from New Mexico State University ("NMSU") to enter University property from December 10 to 12 of each year, and at other times subject to approval of the University. The Corporation also has a Lease for (b)(6) from the Bureau of Land Management which was approved on May 13, 1959 and renewed May 11, 2004, for religious rituals, pilgrimages and sanctuary.

- [PMT 2010 Petition: 71-72]

The reference to the "Indian neighborhood" in Las Cruces is from one newspaper article. In the public consensus, this neighborhood is known as the Mesquite district, comprised historically of poorer Mexican and Hispano households that settled in the Las Cruces community. There is no public recognition of a distinctive Indian neighborhood that is separate from the Mesquite district. The city of Las Cruces and other non-profit organizations have targeted this neighborhood to receive support services, youth programs, etc., in order to address inequities, but these efforts are directed at the Mesquite district in common, not to any specific sub-group who resides within the district. As well, many Hispano New Mexican and Mexican immigrant households also maintain shrines to their patron saint, Nuestra Senora de Guadalupe, who is commonly recognized as the patron saint of Mexicans.

United States Department of the Interior
March 24, 2016
Page 7 of 10

- [PMT 2010 Petition:99-107]

The commemoration of the Virgin of Guadalupe in the Feast of Guadalupe historically was celebrated in Tortugas Pueblo, and organized by the Corporation.

The PMTs contend that their group “like many other Pueblo tribes, co-opted Catholic feast days and rituals as a way to disguise and thereby protect their own traditions and rituals” [PMT 2010 Petition:99]. This presentation of religious syncretism, that religion remained two separate religions is used by the PMTs to lay their claim to “true” indigenous practices, as if they are the only Indians left. This argument is based on a simplistic understanding of religious syncretism. The Indians of the Rio Grande Pueblos, including for example, Santa Ana, Sandia, Tesuque, and Isleta, among others, have long maintained a feast cycle that is organized around the Catholic liturgical calendar. No one questions the indigenous identity of these communities.

The Virgin of Guadalupe is a truly syncretic symbol, i.e., blended, of the integration of Catholicism and indigenous religious systems. During the Spanish Colonial Period, the Virgin Mary appeared to Juan Diego, a Nahua Indian, on a hill north of Mexico City. She spoke to him in Nahuatl and commanded him to build a shrine to her on the site of the present-day Basilica of Guadalupe. The Catholic Church initially resisted, not believing that the Virgin Mary would appear to a mere Indian. In relenting, the Catholic Church allowed a shrine to the Virgin Mary to be built on the site of a pre-Hispani shrine to the Aztec fertility goddess, Tonantzin. The Virgin Mary also appears as a Mestiza, she is of mixed race and skin color.

During the wars for Mexican Independence, the Mestizo and Indian soldiers fighting for independence carried the banner of the Virgin of Guadalupe into battle against the Spanish armies.

To allege that veneration of the Virgin of Guadalupe is an example of non-Indian domination is to display an ignorance of history and the Catholic Church. Indeed, that the parishioners of the church of Guadalupe in Tortugas continue the practice and devotion to the Virgin of Guadalupe, culminating in the pilgrimage to (b)(6), is offered as evidence of the persistence of Indo-Hispanic identity, traditions, and ancestral heritage.

- [PMT 2010 Petition:117-118]

The Feast of San Juan provides another example of syncretic indigenous practices. The PMTs allege that they “merely gave the Summer Solstice Ceremony a Catholic name.” The evidence provided is all from Tortugas. The PMTs provide no evidence that they have continued the traditional rituals following the celebration. Furthermore, the practice of going to the immersion

United States Department of the Interior
March 24, 2016
Page 8 of 10

in the Rio Grande is in line with the veneration of St. John the Baptist, for whom the day is named.

- [PMT 2010 Petition:120-122]

Again, there is no evidence presented that the Corporation of Los Indigenes de Nuestra Senora de Guadalupe is non-Indian. This categorization is based on the allegations by the PMTs. The document uses this allegation to disparage the indigenous ancestral heritage of the members of the Corporation and to enhance the PMT's supposed claim to being the "true" Indians. Yet, no evidence of this allegation is ever presented.

- [PMT 2010 Petition:123-126]

After the split, the PMTs allege that they began to carry out the (b)(6) pilgrimage on separate days, apart from the community pilgrimage, in order to "avoid contact with the non-Indian population and to avoid participating in what the PMT consider their desecration" of the site.

The Virgin of Guadalupe, for whom the pilgrimage is carried out, is a patron saint of peoples of both indigenous and mestizo ancestral identity. The Corporation of Los Indigenes de Nuestra Senora de Guadalupe plans, organizes, and carries out the pilgrimage as a public event. Thus, the corporation provides an important service to devout Catholics, both indigenous and mestizo, out of respect for religious beliefs and practices. This religious and cultural charge, or cargo, as known in Mexico, also serves as evidence of the persistence of religious traditions in this community. At the same time, the Corporation maintains the practice of private, or secret, religious rites that are kept apart from the public and are closed to outsiders. As well, this serves as evidence of the Corporation's continued practice of indigenous religious traditions and the careful maintenance of the public/private separation of certain rituals.

- [PMT 2010 Petition:138-141]

The claim of the PMT's collective Indian identity is based on documentation that asserts the indigenous identity of the "San Juan de Guadalupe Tiwa," as noted in Terry Reynolds' study. Although these studies recognize the significance of the split (as in Hurt 1952), at no time do they identify San Juan de Guadalupe or the respective Corporation as "non-Indian." They recognize the split and political differences between a sub-group, or faction, i.e., the PMTs, that split from the Corporation of Los Indigenes de Nuestra Senora de Guadalupe, but the sources do not attribute this split to any effort by the PMTs to retain indigenous practices in the face of "non-indigenous" practices by the Corporation. Thus, it appears that the PMT split constitutes a

*United States Department of the Interior
March 24, 2016
Page 9 of 10*

faction within the San Juan de Guadalupe Tiwa and does not meet the criteria of comprising a separate Indian community.

LOS INDIGENES DE NUESTRA SENORA DE GUADALUPE

The Corporation is the only organization which has continually carried out its Native American customs and traditions in the Villages of San Juan and Guadalupe, commonly referred to as Tortugas. The Corporation is a non-profit corporation which was created to handle the business affairs of the tribe. The Board of Directors of La Corporacion consists of a President, Vice President, Secretary, and Capitan de la Guerra (or War Capitan) which is responsible for the business and administrative affairs of the tribe. La Corporacion also has a Cacique (spiritual leader), which title is appointed for life. The Capitan de la Guerra and his four capitanes are responsible for the tribal ceremonies and keep law and order during these ceremonies.

Throughout the year, the Corporation carries out its Native American rituals on its lands in the Pueblo of Guadalupe. Our buildings include the "Casa del Pueblo" (main meeting house and kiva), the "Capilla" (chapel), "Casa de la Comida" (eating house) and "Escuelita" (schoolhouse). We hold our meetings, Native American religious ceremonies and dances, and tribal government events in these buildings and on the grounds in our village.

In addition the Corporation carries out its Native American pilgrimages at (b)(6). We have a Grant of Right-of-Way dated October 25, 1985 from New Mexico State University ("NMSU") to enter (b)(6) from December 10 to 12 of each year, and at other times subject to approval of the University. We also have a Lease for (b)(6) from the Bureau of Land Management which was approved on May 13, 1959 and renewed May 11, 2004, for religious rituals, pilgrimages and sanctuary. Copies of the NMSU Grant of Right-of-Way and BLM Lease and Lease Renewal are attached hereto as Exhibit F and incorporated herein by reference.

CONCLUSION

The Piro-Manso-Tiwa Indian Tribe of the Pueblo of San Juan de Guadalupe does not own any interest in any of La Corporacion tribal lands nor do they own any interest in Tortugas Mountain. They do not participate in any of our Native American activities in the Village of San Juan or the Village of Guadalupe ("Tortugas").

Our comments can be summarized as follows.

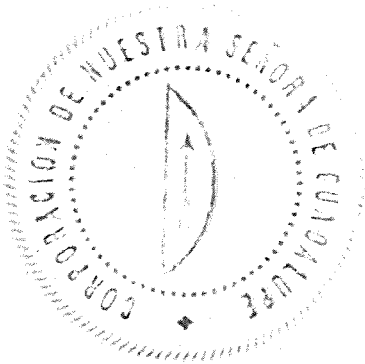
- a) The name "Piro-Manso-Tiwa Indian Tribe of the Pueblo of San Juan de Guadalupe" is misleading. This group does not own any interest or have any presence in the Village of San Juan or the Village of Guadalupe, commonly referred to as Tortugas.

Their basis for federal recognition relies largely on the misrepresentation that they are responsible for the activities and events in Tortugas.

- b) The PMTs are a dissident faction of La Corporacion attempting to gain federal recognition in an attempt to establish a basis for a dissident land grab.
- c) To the extent that the "Piro-Manso-Tiwa Indian Tribe of the Pueblo of San Juan de Guadalupe" seeks federal acknowledgment based upon the continuous Native American activities of La Corporacion, we object.

Sincerely,

La Corporacion de Nuestra Senora de Guadalupe



By: _____

Arianna Fierro
Arianna Fierro, President

By: _____

Patrick L. Narvaez
Patrick L. Narvaez, Cacique

Enclosures as Noted

cc: Kilpatrick Townsend & Stockton, LLP
Susana Martinez, Governor of New Mexico
Hector Balderas, Attorney General of New Mexico
Mr. Jess Williams, Dona Ana County Commissioners
Honorable Carlos Hisa, Governor, Ysleta Del Sur Pueblo
Ms. Natalia Melon, Piro/Manso/Tiwa Tribe of Guadalupe Pueblo
Senator Tom Udall
Senator Martin Heinrich
Congressman Steve Pearce

En la noche fechada 31 del mes de Diciembre de el año 1935 tuvo lugar en la casa del Presidente Victor Roaybal de las Indigenas de la corporacion de Nuestra Sra de Guadalupe en la ciudad de San Buenavista condado de San Antonio estado de N. Mex fue tenida una junta con el fin de elegir un cacique un tercer concejo un humero y cinco capitanes para el año entrante 1936 destinados a servir durante el termino que salgan elegidos.

Quedo nominado para cacique Vicente Roaybal por Francisco Dominguez y fue secundada la nominacion por Victor Roaybal y fue aceptada por los miembros del pueblo de Nuestra Sra de Guadalupe, se siguio tratando a nominar un tercer concejo y fue nominado Miguel Pizarro el cacique por Vicente Roaybal y secundado por Victor Roaybal y fue aceptada por los miembros del Pueblo de Nuestra Señora de Guadalupe; en seguida se nomino Isabel Hernandez para humero por Miguel Pizarro y secundado por Victor Roaybal fue aceptado por los miembros del Pueblo de Nuestra Señora de Guadalupe.

En presencia y presentes los aqui firmados miembros del Pueblo de Ntra Sra de Guadalupe, el presidente Victor Roaybal labra por palabra dijo al cacique ya nominado y aprobado por los miembros del Pueblo de Ntra Sra de Guadalupe

Vicente Rosabal juró solemnemente ante Dios y entre las bombas de cañon sus deberes como casique de este Pueblo así Dios le ayude. Vicente Rosabal contestó juró solemnemente cumplir como casique de este Pueblo lo mejor de mi capacidad así Dios me ayude.

Se le coronó al casique con las ceremonias de acuerdo con las costumbres del Pueblo.

Se acordó tener un corto descanso y se obsequió un refresco por la ocasión de la coronación del casique Vicente Rosabal.

Por acuerdo del Pueblo queda desechado el secretario juntamente y se nomina Juan Salgado como secretario temporal quedando aprobado por el Pueblo de Ntra. Sra. de Guadalupe.

Nominación para capitanes.

Se nomina ^{para} capitán de la Tierra por Juan Miguel A. Tierso como Jesús Gajala. para capitán segundo lo nomina Salino. Para nomina Andrés Ochoa para tercer capitán lo nomina Andrés Ochoa nomina a Inacio Peña para cuarto capitán nomina el casique Vicente Rosabal nomina Alejandro Aragón para quinto capitán nomina José Sanjales nomina a Valerio Albarrés, todos quedan aprobados por los miembros del Pueblo de Ntra. Sra. de Guadalupe.

Se pidió solicitud para ingreso de nuevos miembros excepto a Alberto Hernández a Helio Villanueva

J. D. Scottie quedando aceptados como miembros y
namentados y así Dios les ayude fue aprobado por
os miembros del Pueblo de Ntra. Sra. de Guadalupe
de hizo el recitamiento de los nuevos oficiales para 1936
e acuerdo con las costumbres del Pueblo de Ntra. Sra. de
Guadalupe.

Firma de todos los miembros aqui presentes.

1. Rafael President

Vicente R. Rojas

Enramir C. Dominguez

Ignacio B. Cruz

Jose P. Ory

Juan M. Gonzalez

Jesus Gajala
Indias Achua

Ignacio Peña

Leonardo Aragon

Alfonso Peña

León Talavera

José H. Navarro

J. D. Scottie

San P. Cruz

Alberto B. ...

Eduardo ...

Esteban Gajala

Juan Fuentes

Jose Angel ...

Atarmino ...

Julio ...

Tomás ...

Juan ...

EXHIBIT B

Jan 3, 1947

Received from Ernesto
129 hundred, 45 cent

Picente Royal

Jan, 3, 1947

Received From Ernesto
129 hundred, 45 cent

Picente Royal

Sunday, Feb. 9, 1947

Meeting held at "Casa De Pueblo" starting at 3:30 P.M. It was postponed from last Sunday (2/2/47) in an effort to get the Cacique Vicente Rayal to attend. This effort by Mr. Miguel B. Sierra. But the Cacique refused to attend again today. So our first order of business was to state the purpose of this meeting was to elect a Board of Directors. Motion was passed as follows:

Mr. Peña nominated Mr. Miguel B. Sierra as president. Nomination was seconded and elected. Mr. Sierra as president was unanimously approved by all members present. Mr. Dominguez was nominated and recorded for Vice President of the Club. He was unanimously elected by members present.

Next Mr. A. J. Caribach was nominated, recorded and elected unanimously to the Post of Treasurer.

Mr. Guillermo Dominguez was nominated and duly elected by all members present as Secretary of the Club.

All officers present pledged their loyalty to the different posts and to the members of the Club of the Pueblo that were present at this meeting.

Mr. Miguel B. Sierra spoke in behalf of

(2-9-47) 2-3

all officers elected saying that he must
take all past papers pertaining to the
Queblo such as minutes of past meetings
official constitution & asked cooperation of all members
to suggest things ^{in this respect} which should be considered
in order that a more "mass understood" executive
that is being proposed and state their
suggestion of that all members be present at a national
meeting closed at 4:30 P.M. and the
following officers attended:

Josue B. Diez - President
Eusebio Dominguez - Vice President
Felipe Barajas - Treasurer
Joaquin A. Y... - Secretary

Ignacio B. Parra - 1st captain
Saturnin Gonzalez - 2nd captain

General Talle
Enrique Parra
pld...
... - 3rd captain
a ...

Rosario M. Gonzales
Francisco H. Durazo
Andres ... - 5th captain

(2-9-49)

3-3

Witnesses
to

Mrs. M. Salgado
B. M. Gonzales
Cruz C. Pedraza

Mrs. Mariana P. Alvarez

Elvira Dominguez Rafaela Dominguez

Mrs. Juan D. Salcedo

Mr. Juan D. Salcedo

~~function~~

Finished business: Election of Officers

Pending Business: President is to start immediate arrangements to acquire necessary documents and keep members advised through a meeting to be called in the future.

THIRD JUDICIAL DISTRICT COURT
COUNTY OF DONA ANA
FILED IN MY OFFICE THIS

IN THE JUSTICE OF THE PEACE COURT, Precinct No. 50, DAY OF MARCH 1948
THREE, DONA ANA COUNTY, NEW MEXICO

[Signature]
District Clerk

Los Indigenas de Nuestra
Señora de Guadalupe, a
Corporation, and Miguel
B. Pierró, Plaintiffs

vs

Victor Roybal, Vicente Roybal
and Luis Roybal, Defendants

N^o 1737 N

WRIT OF REPLEVIN

TO THE ABOVE NAMED DEFENDANTS:

You are hereby notified that an affidavit in replevin has been duly filed in the above cause wherein the plaintiffs aver that there is in your possession certain chattels which are wrongfully detained by you and to which plaintiffs are entitled to possession, and that the value thereof is to-wit the sum of Two Hundred Dollars;

This therefore is to command you and each of you and the officer of this Court serving this writ that the chattels described and mentioned in said affidavit a copy of which is attached hereto and served herewith, be replevied to the plaintiffs, and that you deliver the same to said officer forthwith; and further that you the said defendants shall appear before the undersigned at

2:00 P.M. Tuesday March 16th 1948
at his office in said precinct to answer to the plaintiffs for the unjust detention of said chattels, and the said officer is further commanded to present said chattels before the Court at said time and place for the determination by the Court of the proper disposition thereof.

Done under my hand this 7th day of March, A. D. 1948.

[Signature]
Justice of the Peace
Precinct No. 50, Dona Ana County, New Mexico

RETURN OF OFFICER:

THIS IS TO CERTIFY THAT I have this day served the above writ and a copy of the affidavit in replevin herein upon the defendant

Vicente Roybal & Luis Roybal
such service having been made in Dona Ana County, New Mexico;
Victor Roybal, not served. Could not be located in Dona Ana Co. N.M.

Dated this March 3/10th, 1948.

[Signature]
Constable

JUDICIAL DISTRICT COURT
COUNTY OF DONA ANA
FILED IN MY OFFICE THIS

IN THE JUSTICE OF THE PEACE COURT, PRECINCT NO. 1 APR. 1948
TWENTY, DONA ANA COUNTY, NEW MEXICO

Antonio S. Martinez
District Clerk

Los Indigenes de Nuestra
Señora de Guadalupe, a
Corporation, and Miguel B.
Fierro, Plaintiffs

No 1737 N

vs

Victor Roybal, Vicente Roybal
and Luis Roybal, Defendants

AFFIDAVIT IN REPLEVIN

STATE OF NEW MEXICO
COUNTY OF DONA ANA

MIGUEL B. FIERRO, being sworn, says that he is president of the above named corporation, and in his capacity as such, further says that the seal, maps, records, books, minutes, instruments and all other papers of the said corporation are wrongfully detained by the defendants and that plaintiffs have a right to the possession thereof, and that the value thereof is the sum of to-wit Two Hundred Dollars.

Affiant further states that demand upon defendants has been made for the delivery of said chattels, but that same has been refused.

Wherefore plaintiffs pray that the Court issue his writ and that the cause be further determined as required by the law in such cases made and provided.

Miguel B. Fierro
affiant

Subscribed and sworn to
before me this 9th
day of March, A. D. 1948.

W. Adair
Notary Public
Dona Ana County, New Mexico
My Commission Expires July 20, 1949.

IN THE JUSTICE OF THE PEACE COURT, PRECINCT NUMBER
THREE, DONA ANA COUNTY, NEW MEXICO

Los Indigines de Nuestra
Señora de Guadalupe, a
Corporation, and Miguel
B. Fierro, Plaintiffs

No. 1737 N

vs

Victor Roybal, Vicente Roybal
and Luis Roybal, Defendants

FINAL JUDGMENT

Now this cause coming on to be heard upon a setting down for hearing, and plaintiffs and defendants being present in Court and accompanied by their respective counsel; and the Court having heard and considered the evidence submitted by the respective parties as well as argument of counsel; and the Court having been well advised, upon motion of plaintiffs for judgment, doth grant the same; and

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED by the Court that the plaintiffs are entitled to the possession of the chattels as mentioned in the Affidavit in Replevin filed herein, and that the officer of this Court who has possession thereof, deliver same to the plaintiffs herein; and that the plaintiff also have judgment for their costs in this behalf.

Done this 16th day of March, A. D. 1948.

M. J. Roybal
Justice of the Peace
Precinct No. Three, Dona Ana
County, New Mexico

EXHIBIT E

Third Judicial District Court, County of Dona Ana

Civil Records

14917

FORCED

ENTERED
Book No. 48
Page No. 14917

THIRD JUDICIAL DISTRICT COURT
COUNTY OF DONA ANA
FILED IN MY OFFICE

NOV 20 1958

FRANKIE S. MATIASEN
Dist. Clerk
By: *Shirley A. Nance*
Deputy

THIRD JUDICIAL DISTRICT COURT
DONA ANA COUNTY, NEW MEXICO

Los Indigenas de Nuestra Señora
de Guadalupe, a Corporation
Plaintiff

No. 14917

vs.
Victor E. Roybal, Victor A. Roybal
as he is sometimes known, Victor A.
Roybal, Jr., the Unknown Heirs of
Jennie E. Roybal, Deceased, Genevieve
R. Moreno and Estella R. Sanchez,
Defendants

F I N A L D E C R E E

This cause coming on to be heard before the Court at a former day, and the Court having heard and considered the evidence presented by the respective parties and the arguments of counsel, and the Court having taken the case under advisement and counsel having submitted to the Court their respective authorities and arguments upon the issues, and the Court having considered the same and being fully advised, doth find the issues for the plaintiff herein; and counsel for the parties having waived proposed findings and conclusions of fact and law and not having submitted the same within the time fixed by the Court and not having asked for such findings and conclusions, and the Court ruling that it has jurisdiction of the parties and of the subject matter of the cause; thereupon the Court, for itself finds, (a) that the defendants wholly failed to comply with the specific requirements of the articles of incorporation and the by-laws as shown therein of the plaintiff corporation known as Los Indigenas de Nuestra Señora de Guadalupe, shown to be the owner of the property involved in the action, which property is hereinafter described; and (b) that moreover the officials of the said Corporation, the Board of Directors and the members thereof were not called upon to authorize and did not authorize the making of the conveyances of such properties to the defendants named; and such acts as were made were in fact, ultra vires of such Corporation and of no legal effect; (c) that such unauthorized acts constituted constructive fraud upon the rights of said Corporation in said property and upon the rights of the members thereof; (d) and that by reason thereof such attempted conveyances of said unauthorized persons were and are null and void and of no effect in conveying such property; and (e) that the descriptions in said at-



COUNTY OF DONA ANA)
STATE OF NEW MEXICO) ss
FINAL DECREE
PAGES: 2



I Hereby Certify That This Instrument Was Filed for Record On JAN 31, 2012 11:53:03 AM And Was Duly Recorded as Instrument # 1202666 Of The Records Of Dona Ana County

Witness My Hand And Seal Of Office,
Lynn J. Ellins, County Clerk, Dona Ana, NM

Cynthia Chavez

Deputy

Third Judicial District Court, County of Dona Ana
Civil Records

14917

tempted conveyances as introduced in evidence were vague and uncertain and insufficient to satisfactorily identify the property in order to base any claim thereon on behalf of the defendants; and (f) that no authority nor right existed nor was shown whereby the President of the Corporation as such, could convey such corporate property, ^{to himself individually} especially without consideration; (g) and that any such deeds or conveyances, under the circumstances as shown in this case, should be set aside and held for naught; Wherefore

IT IS CONSIDERED, ORDERED, ADJUDGED AND DECREED: (a) That the estate of the plaintiff corporation, Los Indigenas de Nuestra Señora de Guadalupe, in the property hereinafter described is hereby established in said Corporation against any and all adverse claims of defendants and each of them, and any and all persons claiming by, through or under said defendants and all of them, and that the defendants be barred and forever estopped from having or claiming any lien upon or any right or title to the premises hereinafter described adverse to the plaintiff; and that plaintiff's title thereto be quieted and forever set at rest; the land the title of which is herein quieted in favor of the plaintiff, being described as follows: Lots two (2) and three (3), Block 24, in the Indian Town of Guadalupe, near Tortugaa, Dona Ana County, New Mexico, according to Plat No. 200 filed in the Office of the County Clerk, on August 22, 1916, being numbered #15982; and,

Further (b) that for the reasons stated following deeds be set aside, cancelled, declared null and void and of no effect, such Deeds being those recorded in the Office of the County Clerk and Recorder of Dona Ana County, New Mexico, being (a) Deed to Victor Hoybal, dated December 9, 1943, at Book 124, page 357; (b) Deed to Jennie E. Hoybal, dated December 9, 1943, at Book 119, page 542; (c) Deed to Genevieve Moreno, dated September 18, 1957, at Book 143, page 112; and (d) Deed to Estella R. Sanchez, dated September 18, 1957, at Book 143, page 261; and,

Further (c) That defendants pay the costs herein to be taxed.

Done in Chenango this 19th day of November, A. D. 1958.

ST: C
OFT

November 20, 1958

DISTRICT

By:

GENEVIEVE BAUER

Alvin Payne
Judge of the Sixth Judicial District Court,
Sitting herein by Designation for and in the
Place and Stead of the District Judge of
the Third Judicial District.

Date 1/24/12

EXHIBIT F

Exemption 6

GRANT OF RIGHT-OF-WAY

A. Montero

Agreement made this 25th day of October, 1985
between La Corporacion de Los Indigenes de Nuestra Senora de
Guadalupe (hereinafter referred to in this instrument as "La
Corporacion") and New Mexico State University (hereinafter
referred to in this instrument as "the University").

WHEREAS La Corporacion is a nonprofit New Mexico
corporation dedicated to promoting certain cultural and religious
traditions, including the worship of our Lady of Guadalupe; and

WHEREAS La Corporacion has conducted an annual
pilgrimage from the Casa del Pueblo at Guadalupe (Tortugas) to
[REDACTED] (b)(6), sometimes referred to as the (b)(6),
since the 1800's; and

WHEREAS the University is the custodian of the land upon
which (b)(6) is located, and owner of the land between
Guadalupe (Tortugas) and the mountain (b)(6) of interstate highway
(b) [REDACTED]; and

WHEREAS the University and La Corporacion have enjoyed a
long history of mutual respect and cooperation; and

WHEREAS the University wishes to support La Corporacion
in its efforts to continue its cultural and religious traditions;

NOW, THEREFORE, it is mutually agreed and stipulated as
follows:

Exemption 6

New Mexico State University does hereby grant a right-of-way unto La Corporacion, to enter University property from December 10 to 12 of each year, and at other times subject to approval of the University, for the purpose of conducting its annual pilgrimage to (b)(6) by traveling from the Casa del Pueblo to (b)(6) in and to otherwise carry on its religious traditions including the worship of Our Lady of Guadalupe. It is understood and agreed that the route to be followed from the Casa del Pueblo to (b)(6) may be changed by the University, so that it can enjoy full use of its land. This grant of right-of-way will be in effect for a period of 99 years, and will expire automatically in the year 2084. La Corporacion and the University expressly reserve the right to renew or extend this grant of right-of-way at any time before or after this document has expired.

If this Lease is determined invalid by a court of competent jurisdiction, the University shall not be liable for any damage to La Corporacion. This agreement is not valid until approved by the Board of Regents of New Mexico State University.

WITNESS

Emma D. Narvaez
EMMA D. NARVAEZ

LA CORPORACION DE LOS INDIGENES
DE NUESTRA SENORA DE GUADALUPE

By Robert L. Gonzales
ROBERT L. GONZALES, President

By Henry F. Narvaez
HENRY F. NARVAEZ, Attorney

NEW MEXICO STATE UNIVERSITY

By David W. King
PRESIDENT, BOARD OF REGENTS

STATE OF NEW MEXICO)
COUNTY OF DONA ANA) ss.

SUBSCRIBED AND SWORN TO before me this 18th day
of November, 1985, by ROBERT L. GONZALES, HENRY F. NARVAEZ and
EMMA D. NARVAEZ, on behalf of La Corporacion de Los Indigenes de
Nuestra Senora de Guadalupe.

Barlene H. Amigo
Notary Public

My Commission Expires:
May 22, 1987

STATE OF NEW MEXICO)
COUNTY OF DONA ANA) ss.

SUBSCRIBED AND SWORN TO before me this 25th day
of October, 1985, by David W. King, President, Board of
Regents, on behalf of New Mexico State University.

Josie Peña
Notary Public

My Commission Expires:
July 16, 1988

6240C



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005
www.nm.blm.gov

SURNAME

Initials / Date JS/10/04

Initials / Date 275/10/04

Initials / Date RS/11/07

Initials / Date _____

Initials / Date _____

IN REPLY REFER TO:
NMNM 035370
2912 (03000)

CERTIFIED-RETURN RECEIPT REQUESTED
7003 1010 0000 6074 7228

MAY 11 2004

DECISION

Mr. Frank Torres
President
Corporacion de Nuestra Senora
de Guadalupe (Tortugas)
P.O. Box 164
Mesilla Park, NM 88047

:
:
:
:
:
:
:

Recreation and Public
Purposes Lease
NMNM 035370

Renewal of Lease Approved

Favorable consideration has been given the renewal application of Recreation and Public Purposes Lease NMNM 035370 which will expire on May 13, 2004. Approval is hereby granted to the renewal of the lease, effective May 13, 2004, for a 20-year period for the purpose of religious rituals, pilgrimages, and sanctuary for Nuestra Senora de Guadalupe.

On February 19, 2004, rental in the amount of \$250.00 was received. Rental for the 20-year lease period of \$200.00 will be applied. An overpayment of \$50.00 will be refunded to you under separate cover within 5-10 working days.

The lessee agrees to comply with and be bound by the terms and conditions of the original lease and to the Stipulations attached to and made a part of the renewal lease as Exhibit C.

Should you have any questions contact Vickie Aguilar, Land Law Examiner, at (505) 525-4302 of our office.

Tim L. Sanders

Tim L. Sanders
Supervisor Multi-Resource Specialist
Division of Multi-Resources

1 Enclosure

03000:VAguilar:x4302:5/10/04:NM035370

FILE COPY

NOTE - RECORDED: 15 JUN 2004
RECEIVED No 19491
BOOK 528
PAGE 1330-3A

1992)

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Serial Number

RECREATION OR PUBLIC PURPOSES LEASE

Act of June 14, 1926, as amended (43 U.S.C. 869 et. seq.)

NMNM 035370

This lease entered into on this _____ day of _____, 1920, by the United States of America, the lessor, through the authorized officer of the Bureau of Land Management, and _____

Corporation de Nuestra Senora de Guadalupe of the Pueblo de Guadalupe (Tortugas)

Accepted by the lessee, pursuant and subject to the terms and provisions of the Recreation and Public Purposes Act and to all reasonable regulations of the Secretary of the Interior now or hereafter in force when not inconsistent with any express and specific provisions herein, which are made a part hereof.

WITNESSETH:

c. 1. The lessor, in consideration of the rents to be paid and the conditions to be observed as hereinafter set forth, does hereby grant and lease to the lessee the right and privilege of using for the purposes hereinafter set forth in the following-described lands:

New Mexico Principal Meridian, New Mexico

(b)(6)

containing 0.553 acres, together with the right to construct and maintain thereon all buildings or other improvements necessary for such use for a period of 25 years, the rental to be \$10.00 per annum. If, at the expiration date of the lease the authorized officer shall determine that the lease may be renewed, the lessee herein will be accorded the privilege of renewal upon such terms as may be fixed by the lessor. The lessee may use the premises for religious rituals, pilgrimages and sanctuary for Nuestra Senora de Guadalupe Corp

c. 2. There are reserved to the United States all mineral deposits in the leased lands, together with the right to mine and remove the same under applicable laws and regulations to be established by the Secretary of the Interior.

c. 3. The lessor reserves the right of entry, or use, by

- a) any authorized person, upon the leased area and into the buildings constructed thereon for the purpose of inspection;
- b) Federal agents and game wardens upon the leased area on official business;
- c) the United States, its permittees and licensees, to mine and remove the mineral deposits referred to in Sec. 2, above.

Sec. 4. In consideration of the foregoing, the lessee hereby agrees:

(a) To improve and manage the leased area in accordance with the plan of development and management designated as an area for religious rituals, pilgrimages and sanctuary for Nuestra Senora de Guadalupe Corp and approved by an authorized officer on May 13, 1959 or any modification thereof hereinafter approved by an authorized officer, and to maintain all improvements, during the term of this lease, in a reasonably good state of repair.

(b) To pay the lessor the annual rental above set forth in advance during the continuance of this lease.

United States Department of Interior
Bureau of Indian Affairs
1951 Constitution Avenue NW
Washington, D.C. 20205

ATTENTION: Federal Acknowledgment Project

Re: San Juan de Guadalupe Tiwa

Dear Sirs:

As you well know, I represent the corporation "Los Indigenes de Nuestra Senora de Guadalupe" who desires to oppose the Petition for federal acknowledgment of the "San Juan de Guadalupe Tiwa". The purpose of this letter is to provide background information to the reasons behind the opposition.

The corporation of "Los Indigenes de Nuestra Senora de Guadalupe" is not per se in opposition to federal acknowledgment but desires to protect their interests as a separate entity not affiliated in any way or form with the petitioning group. Enclosed for your information is a copy of the corporation's Articles of Incorporation and a copy of its Bylaws. By reviewing the corporate bylaws you will note that the corporation is a not-for-profit corporation organized under the laws of the State of New Mexico, whose membership consists of Tiwa Indians and, in a few cases, spouses of Tiwa Indians, residing in the town of Tortugas, County of Dona Ana, State of New Mexico. The corporation is not closed to non-Indians who live within the town of Tortugas. Articles of Incorporation were first filed by this group with the State of New Mexico on May 14, 1914. The group re-incorporated on August 24, 1963.

The corporation is the owner and fee of a tract of land with improvements thereon in the pueblo of Guadalupe (Tortugas), State of New-Mexico. Upon the tract of land is located the "Casa del Pueblo" (main meeting house) the "Capia" (chapel), "La Casa de Comida" (eating house), and other improvements, which all constitute the traditional meeting place for the annual tribal fiesta, religious ceremonies, and formal tribal government.

The tract presently owned by the corporation was patented by the United States on February 8, 1907, to the Dona Ana Bend Colony in satisfaction of a claim established under the Act of March 3, 1891 (26 Stat. 854). It was deeded by the Board of Trustees of the Dona Ana Bend Colony Community Grant

Page Two

Grant of January 8, 1909, to the Commissioners of the Pueblo of Guadalupe, who in turn deeded it to the corporation on September 14, 1914.

The corporation, since 1914, have actively carried on the religious traditional form of government of the Tiwa Indian Tribe in Dona Ana County, New Mexico. From time to time during the period of existence of the corporation, and especially in recent times, a small faction of Tiwa Indians have attempted to gain control of the real estate and chattels owned by the corporation. A history of such attempts are as follows:

~~The~~ corporation was forced to resort to the courts in 1948 in order to protect its rights, all of which culminated in a suit brought by the corporation in the Third Judicial District Court of Dona Ana County, New Mexico, in a case styled Los Indigenes de Nuestra Senora de Guadalupe vs. Victor E. Roybal, et al., Case No. 14917, to quiet title to the real estate located in the Pueblo de Guadalupe (Tortugas). By judgment of that Court, on April 1963, the corporation's title to the tract of land with improvements mentioned was forever quieted and set to rest.

On January 18, 1971, the above group requested that Congressman, Manuel Lujan, Jr., of New Mexico, attempt to have the Tribal Constitution of the Tiwa Tribe of San Juan de Guadalupe recognized. Congressman Lujan referred the request to the Bureau of Indian Affairs on January 18, 1971 for approval. However, on March 11, 1971, the Bureau of Indian Affairs refused such recognition of the Tribal Constitution.

Further attempts by the group to attain other benefits through the Tribal Operations Officer of the Albuquerque Area Office, Bureau of Indian Affairs, were to no avail.

On January 29, 1973, the group continued its efforts by filing a Complaint in the District Court of the United States for the District of New Mexico styled, Adolfo B. Avalos, et al. vs. Roger C. B. Morton, Secretary of the Interior of the United States of America, Cause No. 9920. The Complaint stated that the Plaintiffs were members of the Tiwa Tribe of American Indians of the Pueblo San Juan de Guadalupe, owning real and personal property individually and real and personal property common as a Tribe of Indians, said pueblo

located near Las Cruces, Dona Ana County, New Mexico. The Petitioners were seeking benefits, care and assistance of the Secretary of the Interior under the provisions of the Snyder Act.

The corporation through its attorney, T. K. Campbell, Jr., intervened as an interested party. Ultimately, a Motion to Dismiss or in the alternative for Summary Judgment was filed by the U. S. Attorney's Office, stating that the Court has no jurisdiction to grant the relief requested, that the Plaintiffs were not Indians within the purview of the Snyder Act, that Plaintiffs failed to exercise their administrative remedies, that Congress had not consented for the United States to be sued in cases of this-nature, and that Plaintiffs did not adequately represent the class allegedly affected. The basis behind the last allegation were the vast majority of the Tiwa Indians in the Tortugas area did not want or need federal assistance and that the cause of action was brought about by a small group of individuals who did not represent the corporation. The Complaint was ultimately dismissed by United States District Judge Verle Payne.

The group in 1976 managed to get Pete Dominici of New Mexico to introduce a bill recognizing the Indians of Tortugas as American Indians and to qualify them for federal assistance. People who approached the Senator were not residents of Tortugas and were not active participants within the corporation. Members of the corporation immediately submitted letters to Senator Pete Dominici in opposition to the proposed bill as it was currently written. They indicated that they did not want the corporation implicated or associated with the group requesting such recognition in any manner and that the group was not affiliated with the corporation or the town of Tortugas. Subsequently, the bill died in committee and was not re-introduced by Senator Dominici once he became familiar with the circumstances behind the requested assistance.

The group is now attempting to achieve federal recognition through the United States Department of the Interior by petitioning for federal acknowledgment as an Indian Tribe. The corporation believes that this attempt by ~~some~~^{the} group to obtain federal recognition is primarily an attempt by the parties to gain control of the real estate and chattels of the corporation through the aid of the United

Page Four

States government and that this group is wrongfully utilizing your agency for that purpose. As stated in your guidelines for preparing a petition for federal acknowledgment as an Indian Tribe, in order to be acknowledged as an Indian Tribe by the Department of the Interior, a Petitioner must meet all seven of the criteria found in Sec. 54.7 of the Regulations, Subsection A - G. The corporation feels that the group~~s~~ requesting or seeking federal acknowledgment will have a difficult time establishing the required criteria without the use of the corporate name^{and} ~~A~~ foundation, facilities, and would request that the Department of the Interior does not confuse the corporate existence and association as one affiliated with that petitioning group.

The Tiwa Indians have populated the Mesilla Valley, County of Dona Ana, State of New Mexico, for seventeen centuries. Since 1914 the only viable and working tribal organization and tribal government has been carried on by the corporation. The vast majority of the adult Tiwa Indians of the Mesilla Valley are businessmen, farmers, ranchers and working people who have never expected special treatment and assistance from the United States as a result of the fact that they are decendents of the first Americans, and they do not now want or need such assistance. The Board of Directors of the corporation has unanimously adopted a resolution that the corporation is to be excluded from any form of recognition awarding benefits, care and assistance to the Tiwa Indians and the corporation, and ~~further as a result~~ that the corporation shall take all necessary steps to protect its property interest in the Pueblo de Guadalupe (Tortugas), and further has resolved that the petitioning group have no authority to act for or on behalf of the corporation.

The members of the corporation are not all necessarily Indian people. It is very difficult to ascertain which residents of Tortugas are Indian. We understand^{that} in the history of Tortugas, ~~that~~ some pueblo Indians did settle there ~~possibly~~ centuries ago. Some of the original members of the corporation were pueblo Indians probably of the Tiwa Tribe. The corporation continues to carry on certain of the Indian rituals, namely, of a religious nature.

The corporation is against federal recognition of Indian tribes in Tortugas because of its fear of federal intervention and control. Benefits which would be available to the corporation by achieving federal recognition have been

explained to the members of the corporation, however, they desire against achieving such status. The members of the corporation want to make it clear that they oppose the proposed recognition if their name and their lands are to be affected, but do not oppose any group requesting such recognition without reference to Tortugas or the corporation. Because of many instances in the past, the members of the corporation feel that the individuals that are seeking recognition are attempting to gain control of the land which the corporation owns in Tortugas. While they respect these individual's rights to attain federal recognition, they do not want to be associated with such a group or recognized in any manner.

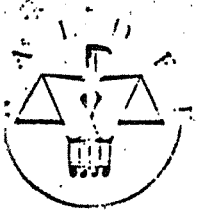
The corporation in Tortugas is a model of highly self-sufficient, cooperating, self-contained community, one that is viable because its constituents work together to define and to solve their own problems ~~on their own~~ without any intrusion from well-meaning ^{but} ~~by~~ misguided outsiders. They feel that it is the right of the people in the community to run themselves without conforming to federal guidelines.

Back in the early days people were embarrassed and ashamed to be acknowledged as Indians. It has not been until recently that everyone has jumped to the band wagon claiming Indian ancestry in order to acquire the benefits that come with it. As we stated earlier, the corporation is not against federal recognition of any Indian group but will oppose any individual or group attempting to use the corporation as a means to achieve federal recognition. Today the corporation is an outstanding asset to the community and this section of the state, a unique organization and a worthy example of ~~the capabilities~~ of their ancient and honorable heritage, as the first Americans. They have peopled this region of beauty and grandeur for centuries before European invaders ever dreamed of their existence, and they are an example of a group who are self-sufficient which require no federal intervention or benefit. I am hopeful that this position paper will enlighten the committee so that they may better evaluate the subject Petition for acknowledgment. I would appreciate your keeping me informed as to the status of this application. If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely yours,

MIKE L. BENAVIDEZ

MLB:kskl



Native American Legal Defense and Education Fund

New Mexico . . . Arizona . . . Oklahoma . . . Colorado . . . Utah
1015 Tijeras St., N.W. . . Albuquerque, New Mexico 87102 . . . (505) 247-2449

July 29, 1974

aff
Director
John Belindo
(Kiowa-Navajo)
Attorneys
Richard L. Young
Thomas E. Luebben, Jr.
Research Assistant
Robert Roman
(Santa Ana)

T.G. Gebhard, Jr.
Director of Utilities
P.O. Box 760
Las Cruces, New Mexico 88001

Dear Mr. Gebhard:

Enclosed are petitions from members of the Tiwa Indian Tribe and residents of the Village of Tortugas opposing the extension of the Las Cruces city water system into the Village.

The Tiwa Indian Tribe, governed by its Cacique, Vicente Roybal, and its Tribal Council is the duly constituted government of the Village of Tortugas. The City of Las Cruces can not lawfully extend its water system into the Village of Tortugas without the concurrence of the Village government, which is the Cacique and Council of Tiwa Indian Tribe. We are not aware that the Tortugas Improvement Association has any legal status or any claim to governance of the Village. Consequently, the Tortugas Improvement Association has no authority to approve extension of the water system and the city has no power to respond to the Association's request. The City of Las Cruces certainly would not extend services to any other town or village without the approval of the governmental organization of such village.

As you know, the Tiwa Tribal Council has passed a resolution rejecting the City's offer to extend water lines into the Village. The Tribe therefore, requires that construction of the water system be halted immediately pending further discussions with the City.

Very truly yours,

Thomas E. Luebben, Jr.
Thomas E. Luebben, Jr.
Staff Attorney

RECEIVED

JUL 31 1974

OFFICE OF LAS CRUCES
UTILITY DEPARTMENT

TEL/cp
Enclosures

△

Tiwa Indian Tribe
Pueblo San Juan de Guadalupe
Tortugas, N.M., July 15, 1974

Mr. Thomas E. Luebben, Jr.
N.A.L.D.E.F., 1015 T. JERVIS, N.W.
ALBUQUERQUE, N.M. 87106

DEAR SIR:

The Tiwa Indian Tribe, Pueblo, Tortugas, San Juan de Guadalupe, N.M. PETITIONERS - undersigned do earnestly request that the extension of City of LAT BRUNES water facilities be halted immediately.

EL Cacique Vicente Roybal, EL Presidente Charles Madrid, Jr. AND EL Capitán de Guerra, Adolfo B. Ayala of the Tiwa Indian Tribe, Pueblo, Tortugas, Tribal Council shall send you the rest of your made up petition, authorized by the Tribe as soon as Tribal members sign it.

An Indian Communal Thank You
is given

Sincerely yours
Vicente E. Roybal, Jr.
Tribal Secretary.

P E T I T I O N

Exemption 6

The undersigned residents of the Village of Tortugas, P.R., and persons having an interest in the affairs of the Village, are opposed to the extension of the water system of the City of Las Cruces to and into the Village, and hereby request that planning for such extension of city water facilities be halted immediately.

Name	Resident of Village of Tortugas	Member of Tiwa Indian Tribe of Tortugas
<i>Abraham Madrid, Jr.</i>	(b)(6)	(Check - (b)(6))
<i>Victor E. Roybal, Jr.</i>	(b)(6)	(b)(6)
<i>Joseph J. Sanchez</i>	(b)(6)	(b)(6)
<i>William R. Sanchez</i>	(b)(6)	(b)(6)
<i>Eric G. Gomez</i>	(b)(6)	(b)(6)
<i>Ramon Lara</i>	(b)(6)	(b)(6)
<i>Ernest Alvarez</i>	(b)(6)	(b)(6)
<i>[Signature]</i>	(b)(6)	(b)(6)
<i>[Signature]</i>	(b)(6)	(b)(6)
<i>Manuel S. Flores</i>	(b)(6)	(b)(6)
<i>Camden B. Flores</i>	(b)(6)	(b)(6)
<i>Angelita E. Marrero</i>	(b)(6)	(b)(6)
<i>[Signature]</i>	(b)(6)	(b)(6)
<i>[Signature]</i>	(b)(6)	(b)(6)
<i>[Signature]</i>	(b)(6)	(b)(6)
<i>[Signature]</i>	(b)(6)	(b)(6)
<i>[Signature]</i>	(b)(6)	(b)(6)
<i>[Signature]</i>	(b)(6)	(b)(6)
<i>[Signature]</i>	(b)(6)	(b)(6)
<i>[Signature]</i>	(b)(6)	(b)(6)

The undersigned residents of the Village of Tortugas, N.H., and persons having an interest in the affairs of the Village, are opposed to the extension of the water system of the City of Las Cruces to and into the Village, and hereby request that planning for such extension of city water facilities be halted immediately.

Name

Resident of Village of Tortugas

Member of Tiwa Indian Tribe of Tortugas

Jeremy P. Alvarez
Madaluzo D. Alvarez
Paul E. Malina
Rosa A. Flores
Palerie A. Flores
Maria A. Barola
Benito S. Barola
Lorenzo D. Alvarez
Marcelo A. Perez
Camelia A. Barchajal
Cristal Barchajal
Ignacio A. Perez
Antonio Barchajal
Antonio A. Barchajal
Adolfo Barchajal
Edmundo Barchajal
Richard Barchajal
Charles Mitchell III

(b) (6) (Check - (b) (6))

The undersigned residents of the Village of Tortugas, H.R., and persons having an interest in the affairs of the Village, are opposed to the extension of the water system of the City of Las Cruces to and into the Village, and hereby request that planning for such extension of city water facilities be halted immediately.

Name	Resident of Village of Tortugas	Member of Tiwa Indian Tribe of Tortugas
<i>Robert J. ...</i>	(b)(6)	(b)(6)
<i>Yvonne R. ...</i>		
<i>Earl E. ...</i>		
<i>Martin R. ...</i>		
<i>Sharon M. ...</i>		
<i>Narciso ...</i>		
_____	_____	_____
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