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**PETITION FOR FEDERAL RECOGNITION  
OF THE  
PIRO-MANSO-TIWA INDIAN TRIBE**



Submitted on Petitioner's Behalf by:

Keith Harper  
G. William Austin  
Catherine Munson  
Mark Reeves  
Justin Guildler  
M. Alexander Pearl  
KILPATRICK STOCKTON LLP  
607 14th Street, N.W.  
Suite 900  
Washington, D.C. 20005  
T: 202-508-5800

Counsel for the Piro-Manso-Tiwa Indian Tribe

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## TABLE OF CONTENTS

TABLE OF CONTENTS.....	i
I. INTRODUCTION .....	1
II. HISTORICAL OVERVIEW AND BACKGROUND INFORMATION ABOUT THE PIRO-MANSO-TIWA INDIAN TRIBE. ....	4
A. Origins: Piro, Mansos, and Tiwas.....	4
B. Las Cruces and the Tortugas Pueblo .....	9
C. Late 19th & Early 20th Century PMT Life .....	13
D. The Corporation - Los Indigenas de Nuestra Senora de Guadalupe..	15
E. Modern and Current PMT Life and Practices .....	18
III. THE PMT TRIBE SATISFIES THE MANDATORY CRITERIA FOR FEDERAL ACKNOWLEDGMENT FOR § 83.7(a).....	23
A. The Beginning of PMT’s Modern History: the Late 1800’s to 1914 .....	26
B. The Corporation Era: 1914 to the late 1940s. ....	32
C. The Aftermath of the Split from the Corporation: 1950 to 1991 .....	37
D. The Renaissance of the PMT Tribe: 1992 – Present.....	43
IV. THE PMT TRIBE SATISFIES THE MANDATORY CRITERIA FOR FEDERAL ACKNOWLEDGMENT FOR SECTION 83.7(b).....	52
A. Significant Rates of Marriage Have Occurred Within PMT.....	55
1. The role of intermarriage during the El Paso del Norte period.....	56
a. Piro Intermarriage .....	56
b. Manso Intermarriage.....	58
c. Tiwa (Tigua) Intermarriage .....	59

2.	The PMT’s relocation to the Mesilla Valley and Las Cruces..	61
3.	The role of intermarriage in forming PMT’s tribal identity. ...	65
B.	Significant Social Relationships Connect PMT Members, and There Are Significant Rates Of Informal Social Interaction.....	68
1.	The strong ties of kinship that bind PMT tribal members. ....	70
2.	PMT’s continuous existence as a distinct community is reflected by its geographical contiguity.....	71
3.	The core neighborhood in Las Cruces is located in close proximity to PMT ceremonies. ....	73
4.	There are significant rates of informal social interaction occurring on a continuous basis.....	75
5.	Communications, networking and the maintenance of community ties.....	77
6.	Ceremonies and Meetings.....	78
7.	Drumming and Dances.....	80
8.	Non-Ceremonial Activities.....	82
9.	Documentation of tribal members’ high level of social interaction.....	84
10.	Interactions through fundraising and making traditional and ceremonial items. ....	85
11.	Social groupings reflecting significant involvement in PMT affairs.....	86
12.	Conclusion.....	89
C.	There Is A Significant Degree Of Shared Or Cooperative Labor and Other Economic Activity Among PMT Membership.....	91
1.	Education.....	95
2.	Housing .....	95

3.	Economic Development.....	96
4.	Social Services .....	96
5.	Youth Services .....	98
6.	Newspaper.....	98
D.	Shared Sacred Or Secular Ritual Activity Encompassing Most Of The Group.....	99
1.	Feast of Guadalupe.....	99
2.	Rabbit Hunts.....	107
3.	Other Sacred Rituals .....	111
a.	Baptisms, Marriages and Funerals.....	111
b.	Blessings and Healing Ceremonies .....	114
c.	La Palma .....	115
d.	Feast of San Juan .....	117
e.	Dancing and Drums .....	118
4.	1940s and 1950s.....	118
5.	The split with the Tortugas Corporation.....	120
6.	Ceremonies following the death of Cacique Vicente Roybal .....	123
7.	Reorganization of the Tribe's Ceremonies .....	125
8.	Increased Participation in Ceremonies.....	127
9.	Passing Down of Ceremonies .....	128
E.	Cultural Patterns Shared Among A Significant Portion Of The Group That Are Different From Those Of The Non-Indian Populations With Whom It Interacts.....	129
1.	Shared Language .....	130

2.	PMT Way of Life .....	133
3.	Spiritual Beliefs, Kinship Networks and Tribal Government	136
4.	Distinctive Traits of the PMT .....	137
F.	The Tribe Has Maintained A Named, Collective Indian Identity Continuously Over A Period Of More Than Fifty Years, Notwithstanding Changes In Name.....	138
1.	PMT's Collective Indian Identity .....	138
2.	Preserving PMT's collective Indian identity from 1945 forward. ....	142
3.	Maintaining PMT's Collective Indian Identity in Contemporary Times.....	152
4.	Conclusion.....	156
G.	PMT Has Demonstrated Historical Political Influence Over Tribal Members As An Autonomous Entity Until The Present Day, Thereby Providing Further Support For The Existence Of A Distinct, Historical Community Under Section 83.7(b)(1)(ix).....	158
H.	At Given Points In Time, PMT Also Has Met § 83.7(C)(2)(i)-(iv) Thereby Satisfying § 83.7(b)(2)(v). ....	159
V.	THE PMT TRIBE SATISFIES THE MANDATORY CRITERIA FOR FEDERAL ACKNOWLEDGMENT FOR SECTION 83.7(c).....	161
A.	Overview .....	162
B.	PMT Political History.....	163
1.	Piro-Manso-Tiwa Traditional Leadership Positions.....	163
2.	Piro-Manso-Tiwa Administrative Leadership Positions.....	168
3.	Political History of the Piro-Manso-Tiwa Tribe.....	169
C.	Historically And In Present Day, Utilizing Both Formal And Informal Leaders And Mechanisms, Piro-Manso-Tiwa Has Mobilized Tribal Members And Resources For Tribal Purposes.....	174

1.	1888 Land Grant from the Territory of New Mexico .....	175
2.	Split with St. Genevieve’s Church and Tortugas.....	176
3.	Split with the Corporation.....	179
4.	Rebirth of Tradition in the 1990s.....	183
5.	Attendance at Tribal Meetings.....	186
a.	Corporation Meetings .....	188
b.	Traditional Tribal Meetings.....	189
6.	Requesting Public Service.....	195
a.	Visiting ill tribal members .....	195
b.	Nomination for Leadership Positions .....	196
c.	Responding to Surveys, Providing Donations, and Fundraisers.....	196
D.	Both Currently And In The Past, Piro-Manso-Tiwa Tribal Members Consider Actions Taken And Issues Addressed By Tribal Leaders To Be Important.....	201
1.	Ceremonial and Cultural Aspects .....	202
a.	When the Cacique has been forced to locate a venue for the uninterrupted performance of ceremonies the tribal membership has viewed that as essential. ....	202
b.	When the Cacique and War Captains perform a blessing, funeral, wedding, naming ceremony or other cultural ceremony, tribal members view that act as important.....	205
2.	Political and Administrative Matters .....	207
E.	There Is Widespread Knowledge, Communication, And Involvement In Political Processes Among The PMT Membership. (25 C.F.R. § 83.7(c)(1)(iii).).....	209

1.	The “Extended Community” and “Oral Tradition” ensure that tribal members remain informed, active, and involved in the tribal political processes.....	209
2.	Surveys allow for tribal members to be further involved in the political decisions made by the Tribal Council.....	211
3.	Consistent participation in tribal elections demonstrates that tribal members are actively involved with and knowledgeable of tribal political processes. ....	213
4.	Tribal members continue to be involved in the tribal political process in a variety of ways outside of participating in elections.....	218
F.	PMT Has Provided Robust Evidence That It Is A Distinct Community And Has Existed As Such From Historical Times To The Present Sufficient To Meet § 83.7(c)(1)(iv).....	218
G.	The Presence Of Internal Conflicts Within The Tribe At Various Periods Of Time Demonstrates Both The Value That Members Place On Tribal Values, Resources, And Processes As Well As The Adherence To Tribal Leaders’ Resolution Of These Disputes. ....	219
1.	Throughout the Tribe’s history, internal disputes have arisen when the Tribe was confronted with changes to tribal ceremonies and the expression of PMT culture.....	219
2.	The 1995 split with a group of tribal members evidences the depth of concern over core tribal traditions and tribal values.....	222
H.	At Particular Points In Time, PMT Leaders Have Consistently Allocated Resources To Tribal Members, Settled Disputes Among Tribal Members, Influenced The Behavior Of Individual Members, And Organized Economic And Subsistence Conduct Among Tribal Members. ....	228
VI.	THE PMT TRIBE SATISFIES THE MANDATORY CRITERIA FOR FEDERAL ACKNOWLEDGMENT FOR SECTION 83.7(d).....	232

VII.	THE PMT TRIBE SATISFIES THE MANDATORY CRITERIA FOR FEDERAL ACKNOWLEDGMENT FOR SECTION 83.7(e).....	234
A.	Evidence Of PMT Members’ Descent From An Historical Indian Tribe.....	236
1.	Official Records .....	236
a.	1790 Paso del Norte General Census.....	236
b.	1839 Dona Ana Bend Land Grant Petitions .....	237
c.	1844 Census for Districts of Chamisal and Barrial and Senecu del Sur .....	238
d.	1862 Census Records from Paso del Norte Area .....	239
2.	Church, School, and Other Similar Enrollment Records.....	240
a.	Records of PMT Ancestors at Federal Indian Schools	240
3.	Other Evidence.....	240
a.	1850s Plat Map of Las Cruces, New Mexico .....	240
b.	1888 List of Tortugas Pueblo Members .....	241
c.	1890 List of Men Pledged to Build Church in Guadalupe .....	241
d.	1914 PMT Residents of Tortugas .....	242
B.	PMT Tribal Membership Lists.....	242
VIII.	THE PMT MEMBERSHIP IS PRINCIPALLY COMPOSED OF INDIVIDUALS WHO ARE NOT MEMBERS OF ANY OTHER FEDERALLY RECOGNIZED INDIAN TRIBE AS REQUIRED BY SECTION 83.7(f).....	243
IX.	THE PMT TRIBE SATISFIES THE MANDATORY CRITERIA FOR FEDERAL ACKNOWLEDGMENT FOR SECTION 83.7(g).....	245

## I. INTRODUCTION

Petitioner, the Piro-Manso-Tiwa Indian Tribe (“Tribe” or “PMT”), hereby submits this document and accompanying materials as additional support for its Petition for Federal Acknowledgment. These materials are not intended to replace PMT’s prior 1992 and 1996 Petitions for Federal Acknowledgment. Rather, this submission is a streamlined presentation of materials previously provided to the Office of Federal Acknowledgment (OFA). The Tribe requests that it be considered in conjunction with previously submitted petitions and documentary evidence.

During our January 11, 2010 meeting with OFA Director Lee Fleming encouraged the Tribe to focus on demonstrating how evidence supports one or more specific criteria to prevent significant pieces of submitted evidence from being overlooked or misunderstood. This submission is intended to organize the evidence to serve that purpose and is appropriately tied to the criteria described in 25 C.F.R. § 83.7.

This document, along with the 1992 and 1996 Petitions, establish that PMT has satisfied each of the mandatory criteria delineated in 25 C.F.R. § 83.7(a) – (g). PMT has provided ample evidence “establishing a reasonable likelihood of the validity of the facts relating to” each of the § 83.7 criteria. Governing regulations expressly state that “[c]onclusive proof of the facts relating to a criterion shall not

be required in order for the criterion to be considered met,” yet the materials submitted in the aggregate more than meet the applicable standard. Therefore, the Tribe should be officially acknowledged by the Department.

The evidence proffered by the PMT Tribe is extensive. For each criteria, this submission cites some of the germane available evidence and explains how such evidence supports the PMT Tribe’s fulfillment of the particular criteria.<sup>1</sup> The information is generally organized in accordance with the subparts as set forth in § 83.7 to enhance readability and facilitate review of the submission. Separating out the material in each subpart is not intended to suggest that PMT must provide convincing evidence for each and every subpart of §§ 87.3(a), (b), (c) and (e). It is the totality of the evidence set forth under each criteria, as opposed to subsections within a particular criterion, which must show that each of the mandatory criteria are met.

Like all indigenous communities in North America, PMT has encountered myriad challenges to maintain its political independence while preserving its distinct way of life and the sacred ways of its ancestors. Despite hardships in the form of dispossession, discrimination, and other abuses, the Tribe has succeeded in maintaining its tribal community rooted in the traditions of its forebears. This

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<sup>1</sup> Some previously submitted evidence that is probative and aids in establishing the factual basis of the PMT Tribe’s Petition is not directly discussed in this submission.

tribal community continues to thrive. The Tribe is plainly Native American, and its members descend from Piro, Manso and Tiwa Indians who joined together as a single autonomous political entity. The Tribe has at all times maintained their cultural traditions and shared a close knit tribal community distinct from others because of kinship, religious ceremonies, cultural practices and communal activities, among other things.

Moreover, the Tribe is widely recognized by others as a distinct tribal polity that is Indian in tradition and character. The evidence further shows that the leadership has clear political authority over the membership. Decisions of the Cacique and other tribal leaders are respected and followed. Documented instances of tribal members accepting guidance from their Cacique and others denote the tangible influence of political authority on the day-to-day lives of tribal members.

The appropriate governing documents, such as the 1996 Tribal Constitution, are submitted herewith. In addition, the Tribe also submits a final tribal roll along with a formal Tribal Council Resolution enumerating the tribal enrollment criteria. The members of PMT are not members of any acknowledged North American Indian Tribe and Congress has never passed a statute terminating the Tribe or barring it from enjoying a federal government-to-government relationship. The

available record evidence makes clear that the PMT meet the criteria for federal acknowledgment.

**II. HISTORICAL OVERVIEW AND BACKGROUND INFORMATION ABOUT THE PIRO-MANSO-TIWA INDIAN TRIBE.**

The Piro-Manso-Tiwa Indian Tribe is a vibrant, present-day Native American tribal community that traces its roots and ancestry to the Piro, Manso, and Tiwa Indians who inhabited the region in and around the Mesilla Valley in the historic area of Las Cruces, New Mexico and El Paso, Texas from time immemorial. Members of the PMT Tribe and their ancestors have maintained their community, culture, and traditions through hundreds of years, overcoming many challenges and hardships. That they have done so with no Indian reservation or secure land base, limited economic and financial resources, and in the face of numerous encroachments and depredations by outside forces is a testament to the strength and depth of their societal and cultural bonds and identity. While the PMT Tribe has necessarily adapted to changing times and the impact of external influences and events, it has steadfastly remained an enduring, self-governing tribal community characterized by close-knit familial and social bonds and the continuing practice of traditional cultural activities and ceremonies.

**A. Origins: Piros, Mansos, and Tiwas**

The present-day PMT Tribe has genealogical and cultural ties to three Indian peoples that inhabited the region around Las Cruces and El Paso in historical

times: the Piros, the Mansos, and the Tiwas. Prior to their first contact with Spanish explorers, the Piros lived in villages along the Rio Grande from the Mesilla Valley and north to present day Albuquerque, particularly in the Salinas area east of Socorro, New Mexico. (Campbell, Howard. *Ethnographic Report for the Tribal Petition for Federal Recognition of the Piro-Manso-Tiwa Tribe, Las Cruces, NM*, p. 3 (2005). Manso Indians lived in the general vicinity of present day Las Cruces and El Paso, as well as in the Organ Mountains, which were known in Spanish times as *Sierra de los Mansos*. (Houser, Nicholas. *Chronology of Significant Events-Piro Manso Tigua Tribe*. Report submitted to the Piro-Manso-Tiwa Tribe (1996).)<sup>2</sup> Tiwa pueblos were generally found north of the Piros along the Rio Grande and east in the foothills of the Manzano Mountains. (1992 Petition: 8-9.)

In the years prior to Spanish contact, the ancestors of the modern PMT Tribe maintained self-governing, self-sufficient communities that engaged in agriculture, hunting and gathering, fishing, and organized trade with other tribes in the region. (Campbell 2005: 3; Forbes, Jack. *Apache, Navajo and Spaniard*. Norman: University of Oklahoma Press. 1960.) The Piros and the Tiwas lived in contiguous villages, utilized irrigation to grow cotton, corn, and other indigenous crops, and

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<sup>2</sup> Full citations of referenced reports are included in Howard Campbell's article "Tribal Synthesis: Piros, Manso and Tiwas through History" *Journal of the Roybal Anthropological Institute (N.S.)*, 12, 293-311, 308 (2006).

kept domesticated animals. (1992 Petition: 8; Schroeder 1979: 237.) They lived in multi-story adobe homes built around central plazas that contained subterranean ceremonial chambers known as kivas. (1992 Petition: 8; Schroeder 1979: 237.) Manso Indians lived in villages comprised of homes made of straw, branches, and mud; they were hunter-gatherers who engaged in some agriculture and subsisted largely on corn, mesquite, and fish. (Campbell 2005: 3; Vierra, Bradley J. *Research Design: Cultural history and Culture Contact Along the Lower Rio Grande Valley*. In *Searching for Piros Near the Old Socorro Mission*, pp. 23-29,25 University of New Mexico. 1999.)

The first accounts of Spanish contact with Pueblo Indians in the El Paso area date to around 1540, with other encounters following later in the 16th century. (Campbell 2005: 3-4; Sando, Joe. *The Pueblo Revolt*. Handbook of North American Indians, Vol. 9, Southwest, pp. 194-197, 194. Alfonso Ortiz, ed. Washington: Smithsonian Institution. 1979; Bandelier, Adolph. *Final Report of Investigations Among the Indians of the Southwestern United States, Carried on Mainly in the Years from 1880 to 1885*. Part II. Cambridge: John Wilson & Son. 1892; 348-349; Beckett, Patrick and Terry Corbett. *Tortugas*. Las Cruces, New Mexico: COAS Publishing. 1990, 3; Hammond & Rey 1953: 661; Benavides 1916: 13-14.) In 1659, the Spanish friar Garcia de San Francisco established the Mission of Nuestra Senora de Guadalupe de los Mansos at Paso del Norte (modern day

Cuidad Juarez, Mexico). (Campbell 2005: 4; Hughes, Anne E. *The Beginnings of Spanish Settlement in the El Paso District*. University of California Publications in History, Vol. 1, no. 3, pp. 295-392, 360. Berkeley: University of California Press. 1914.) Manso Indians provided labor for the construction of the Mission church, and as many as 400 Mansos took up residence in the nearby "Manso Pueblo." (Campbell 2005: 4; Beckett, Patrick and Terry Corbett. *The Manso Indians*. Las Cruces, New Mexico: COAS Publishing. 1992, 8.) A small number of Piro Indians also lived near the Guadalupe Mission in Paso del Norte in its early days, and additional Piros (from Sevilleta, Alamillo, Socorro and Senecu) as well as a number of Tiwa Indians (from Isleta) relocated to the area as a result of the Pueblo Revolt of 1680. (Campbell 2005: 4; Sando 1979: 194-197; Brandt, Elizabeth. *Salinas Mission National Monument Cultural Affiliation Study*. Santa Fe, New Mexico: National Park Service. 1996, 2.)

The Catholic Church, through the Guadalupe Mission, served as the primary administrative representative of the Spanish government in the Paso del Norte area. (Campbell 2005: 5.) The Mansos, and later the Piros, Tiwas, and any other Indians that settled near the Mission, maintained their own ethnic governments, but were subject to Spanish laws as administered and enforced by the Church. (Campbell 2005: 5; Beckett & Corbett 1992b: 5.) Many adopted Mexican Catholic religious practices either voluntarily or through coercion, particularly the veneration of the

Virgin of Guadalupe, the Mission Church's patron saint. (Campbell 2005: 5; Simmons, Marc. *History of Pueblo-Spanish Relations to 1821*. Handbook of North American Indians, Vol. 9, Southwest, pp. 178-193, 181-186. Alfonso Ortiz, ed. Washington: Smithsonian Institution. 1979.)

While the Indians of Paso del Norte were ostensibly segregated by ethnicity into separate settlements or barrios along the banks of the Rio Grande south of the Mission, with each settlement having its own governor and other officials, interaction among the settlements was common and many settlements were home to multiple Indian cultures. (Campbell Report: 5-6; Beckett & Corbett 1992b: 5-6; Beckett & Corbett 1992: 15-16; 1992 Petition: 15; Reynolds & Taylor, *The History, Organization, and Customs of the San Juan de Guadalupe Tiwa, Las Cruces, New Mexico*, March 15, 1981 at 20-21.) Intermarriage among the Indian peoples of Paso del Norte was also common, with many local Indians tracing their ancestry to more than one pueblo culture. (Campbell Report: 6 (quoting Houser 1996: 2); Reynolds & Taylor 1981: 20; 1992 Petition: 15.) As a result of this high degree of interaction, as well as population erosion due to famine, disease epidemics and warfare during the late 17th and 18th centuries, the Piros, Mansos, and Tiwas who settled near the Guadalupe Mission gradually merged into a single, multi-ethnic tribal community with shared ancestry, culture, ceremonies, governance and traditions that were largely distinct from those of non-Indians as

well as other Indians in the Paso del Norte area. (Campbell Report: 5-7; Sklar, Deidre. *Dancing with the Virgin*. Body and Faith in the Fiesta of Tortugas, New Mexico. Berkeley: University of California Press. 2001:2; Brandt 1996: 15; Beckett & Corbett 1992b: 6; 1992 Petition: 16-17; Beckett & Corbett 1990: 6; Reynolds & Taylor 1981: 6, 20.) This community served as the precursor to today's PMT Tribe.

### **B. Las Cruces and the Tortugas Pueblo**

Life for the PMT Indians in the Paso del Norte area became increasingly difficult throughout the first half of the 19th century. A number of factors contributed to this, including increasing land disputes with encroaching Hispanic settlers, famine, disease, flooding, and a lack of employment opportunities. (Campbell 2005: 6; 1992 Petition: 24-25.) In response to the mission confinement and the difficult circumstances above at Paso del Norte, many PMT Indian families chose to migrate back to the Mesilla Valley. These Indian families received land grants in the area of modern day Las Cruces – indeed, in the same parts of Las Cruces where many PMT members still live today – as part of the Dona Ana Bend Colony Grant of 1839, and they gradually migrated back to the Las Cruces area during the following years. (Campbell 2005: 6; Sklar 2001: 9; 1996 Petition: 218; Reynolds & Taylor 1981: 34; Houser, Nicholas. *A Description and Analysis of the Tiwa Community of Ysleta, Texas*. Report submitted to Frederick Smith, Project

Bravo, El Paso, Texas, p. 24 (1966); Bartlett, John. *Personal Narrative of Explorations and Incidents in Texas, New Mexico, California, Sonora, and Chihuahua, connected with the United States and Mexican Boundary Commission, during the years of 1850, '51, '52 and '58*. Vol. 1. Chicago Rio Grande Press. 1965 [1854] 148-149.) In the latter part of the 19th century, additional Piro from the Senecu Pueblo, Mansos from the Guadalupe Mission, and Tiwas from Ysleta, Texas continued to migrate into the Las Cruces area, where they intermarried with and assimilated into the existing Piro-Manso-Tiwa Indian tribal community. (Campbell 2005: 6; Sklar 2001: 9; Houser, Nicholas. *Tigua Pueblo*. Handbook of North American Indians, Vol. 9, Southwest, pp. 336-342. Alfonso Ortiz, ed. Washington: Smithsonian Institution. 1979 & 1966: 23; Loomis, C. P., and O. E. Leonard. *Standards of Living in an Indian-Mexican Village and on Reclamation Project*. U.S. Dept. of Agriculture Social Research Report No. XIV. Wash., D.C. 1938; Fewkes, J. Walter. *The Pueblo Settlements near El Paso, Texas*. American Anthropologist, vol. 4, no. 1, pp. 57-75, 61 (1902).) As noted by Becket and Corbett, the “[p]eople from the declining Indian pueblos of the El Paso valley [who] joined together in Las Cruces to maintain their Indian identity ... included [Manso] Indians from the Guadalupe Mission such as the Jemente, Abalos, Roybal and Trujillo families” that comprise a significant part of the modern day PMT Tribe. (Beckett & Corbett 1992b: 6.)

The PMT pueblo at Las Cruces quickly formalized a mode of government and community organization consistent with that of other area pueblos. (Campbell 2005: 7-8.) Felipe Roybal, a PMT member of Manso ancestry, became the first Las Cruces Cacique, the spiritual leader of the Tribe and the officiant during tribal ceremonies. (Campbell 2005: 7; Beckett & Corbett 1992: 19.) Contemporaneous accounts from as early as 1872 reference the Cacique's authority over the PMT Indians of Las Cruces. (1996 Petition, Chronology of Significant Events: 2.) The PMT people in Las Cruces also carried on many of the same cultural and ceremonial practices conducted by Piro, Manso, and Tiwa people in the Paso del Norte area since the 17th century, including ceremonial dances and rabbit hunts, pilgrimages to the (b) (3) (A) and other sacred sites, and the lighting of bonfires in honor of the Virgin of Guadalupe. (Campbell 2005: 10; Loomis & Leonard 1938: 19; Reynolds & Taylor 1981: 40.) Traditional rites and funerals of tribal members were conducted in the traditional PMT way by the Cacique, and traditional rites and marriages took place at the Cacique's home, which served as the hub of the PMT tribal community. (Campbell 2005: 7, 10-11; 03/23/2003 Interview with Victor Roybal, Jr.) All of these traditional practices, including allegiance to established leadership and observance of customs with plain indigenous roots, served to set the PMT people apart from their non-Indian neighbors.

In 1888, under the leadership of Cacique Felipe Roybal, the PMT obtained a grant for forty acres of land just outside of Las Cruces (the “Tortugas Grant”). (Campbell 2005: 8; Rio Grande Republican, 03/03/1888.) The granted land was placed under the authority of the Cacique and two other tribal members who were named Pueblo Commissioners, and the pueblo that the PMT created there became known as Guadalupe or the Tortugas Pueblo. (Campbell 2005: 8; Rio Grande Republican, 03/03/1888; 08/01/1994 Interview with Victor Roybal, Jr.) The Pueblo Commissioners essentially functioned as a PMT housing authority; PMT families who wished to build homes in the Tortugas Pueblo would go to them to request a plot of land, and their request would then be approved by the Cacique. (1996 Petition: 6; 1996 Petition Timeline: 2-3 (detailing transfers of home lots to individual PMT members); Campbell 2005: 16.) House lots were owned individually rather than collectively, but buildings were constructed through cooperative efforts. (Reynolds & Taylor 1981: 50; Rio Grande Republican, 03/03/1888.) PMT families maintained homes, farms, and ranches in the Tortugas Pueblo and throughout the greater Las Cruces area. Although non-Indian settlers continued to displace PMT families from their Las Cruces lands in the “Old Indian Neighborhood” (Amador and San Pedro area), even by way of the Tortugas land grant, the Las Cruces lands conveyed to PMT families under the 1839 Dona Ana Bend Colony Grant remained the geographic core of the community.

### C. Late 19th & Early 20th Century PMT Life

In the early days of PMT life in the Las Cruces area, PMT children were taught traditional Indian ways by adult members of the tribal community. (Campbell 2005: 10; Loomis & Leonard 1938: 4, 16.) However, around the end of the 19th century, the United States government assumed responsibility for the education of Indian children in the Mesilla Valley area through its Indian assimilation policy and removed at least 63 PMT children from their families and relocated them to Indian Boarding Schools in New Mexico, Oklahoma, and California. (Campbell 2005: 10; Slagle 1995: 33-38; Hurt, Wesley. *Tortugas, An Indian Village in Southern New Mexico*. El Palacio, Vol. 59, No. 4, pp. 104-122, 110 (1952); 06/01/2001 Interview with Charles Madrid; 02/23/2003 Interview with Julie Murphy.) For many of the male PMT children, these boarding schools would ultimately serve as feeder programs for the United States military during and after World War I. (Campbell 2005: 10; 11/18/2002 Interview with Felipe T. Roybal; 11/18/2002 Interview with Estella Sanchez.)

Military service would become a common feature of life for the PMT Tribe in the first half of the 20th century, as numerous young PMT men were drafted into or directed toward the United States armed forces during World War I and II. (Campbell 2005: 10; 11/18/2002 Interview with Felipe T. Roybal; 11/18/2002 Interview with Estella Sanchez.) In fact, it is estimated that as much as thirty

percent of the Tribe's male membership joined the military, and additional members participated in the Civilian Conservation Corps. (Campbell 2005: 12-13; 11/18/2002 Interview with Felipe T. Roybal; 11/18/2002 Interview with Estella Sanchez; 11/17/2002 Interview with Victor Roybal, Jr.; 11/17/2002 Interview with Lamberto Trujillo.) While military service and economic considerations forced many tribal members to leave the Tribe's core geographic area, these expatriates continued to return to Las Cruces to participate in tribal ceremonies, visit family members, and renew cultural and social bonds. (Campbell 2005: 12-13; 05/22/2003 Interview with Louis Roybal.) PMT émigrés also maintained their cultural identity and connection to other members of the Tribe as a result of their propensity to live near each other in areas such as Southern California. (Campbell 2005: 13.)

Of course, the vast majority of the PMT Tribe's membership remained in the Las Cruces area. Those individuals and families maintained close social, cultural and geographic ties, with most living in the "Old Neighborhood" around San Pedro Street and Amador Avenue in downtown Las Cruces. (See Campbell 2005: 14-15; 05/22/2003 Interview with Louis Roybal.) This area included the home of Cacique Vicente Roybal, which remained the Tribe's spiritual center and the site of tribal business meetings. (Campbell 2005: 14-15; Hurt 1952 at 111; 11/18/2002 Interview with Felipe T. Roybal.) A lot next to the Cacique's house functioned as

a communal space shared by neighboring PMT families and as the site of many of the Tribe's quarterly ceremonies, and other ceremonies were held in Guadalupe/Tortugas and other areas in close proximity to Las Cruces. (Campbell 2005: 14, 18; 11/18/2002 Interview with Felipe T. Roybal.)

#### **D. The Corporation - Los Indigenas de Nuestra Senora de Guadalupe**

Around the turn of the 20th century, Eugene Van Patten, a Confederate Civil War veteran who had moved to Las Cruces around 1873 and married a Piro woman, ingratiated himself with the PMT Tribe. (Campbell 2005: 11; Reynolds & Taylor 1981: 54.) Van Patten wore many hats in the Las Cruces area, serving at various times as head of the local militia, census officer, land commissioner, resort owner and sheriff. (Campbell 2005: 11.) His increasing involvement with the Tribe coincided with the murder of Cacique Felipe Roybal, who was stabbed in the back in Las Cruces in 1906, and the ensuing PMT leadership vacuum.

In 1914, in what many believe was an effort to swindle the PMT and appropriate their Tortugas lands, Van Patten established *Los Indigenas de Nuestra Senora de Guadalupe* (sometimes referred to simply as "the Corporation" or "Tortugas Corporation") as a New Mexico non-profit corporation with Van Patten as its president and another Anglo-American, Harvey Jackson, as its secretary and record keeper. (Campbell 2005: 11-12; Corporation By-laws and Articles of Incorporation.) Francisca Avalos Roybal, widow of Felipe Roybal and acting

Caciqua Regenta of the PMT Tribe, was named Treasurer of the Corporation by Van Patten. (Reynolds & Taylor 1981: 68.) The Corporation's ostensible purpose was the development and advancement of the town of Guadalupe/Tortugas Pueblo on lands granted to the Tribe in the Tortugas Land Grant.

Van Patten, with some assistance from documents signed with an "X" by tribal members who could neither read nor write, arranged for title of the Tortugas Grant land held by the PMT to be transferred to the Corporation.<sup>3</sup> (Campbell 2005: 12; 01/12/2002 Personal Commentary of Andrew Roybal.) While the Corporation's articles of incorporation and by-laws, which were drafted by Van Patten, mentioned the PMT Tribe and referred to Indian culture and traditions, they did not provide for protection of the Tortugas Grant as Indian land, nor did they restrict non-Indians from membership in the Corporation. (Campbell 2005: 12; Sklar 2001: 23.) This would eventually prove dismal for the Tribe.

The Tribe was heavily involved with the Corporation during its early years. There was significant overlap between tribal and corporate officials and between tribal members and Guadalupe residents and land owners. (1992 Petition: 96.) While some members of the Tribe – and many outsiders – came to view the Tribe and the Corporation as coextensive, the Tribe continued with Tribal life, including

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<sup>3</sup> The extant record seems to indicate that the federal government did not consent to this alienation of tribal lands, which would be a violation of the Non-Intercourse Act.

traditional culture and ceremonies. (1992 Petition: 96; Reynolds & Taylor 1981: 71.) The Corporation, however, exerted a role in some of the Tribe's religious ceremonies, assumed some of its secular government functions, and conducted or oversaw community projects in Tortugas. (1992 Petition: 96; Reynolds & Taylor 198: 71.) In many ways during those years, the Corporation functioned as an instrumentality of the Tribe. (1992 Petition: 96.)

In time, particularly after Van Patten's death and with the emergence of more Mexican corporate officers, the Corporation began to shift its focus away from PMT culture, practices and governance to concentrate increasingly on activities surrounding Catholic and Hispanic religious activities, particularly the Feast Day of Our Lady of Guadalupe. (Reynolds & Taylor 1981: 72-73; Hurt 1952: 110-120; 1992 Petition: 96-97.) This led to the alienation of the PMT Tribe and its members and caused a rift among the members of the Corporation, pitting the largely non-Indian residents of Guadalupe against the PMT Indians who had not taken up residence on their tribal land allotments in Guadalupe and still lived primarily in Las Cruces. (Reynolds & Taylor 1981: 72; Hurt 1952:110-114; 1992 Petition: 97-98.)

Ultimately, as a result of legal and extra-legal maneuvering, the non-Indian members ousted the PMT representatives from their leadership roles and seized control of the Corporation in the late 1940s and early 1950s. (Campbell 2005: 13,

15; Reynolds & Taylor 1981: 82; Hurt 1952: 110-114; 02/22/2003 Interview with Victor Roybal, Jr.) The Corporation's new leadership further marginalized the PMT Tribe, stripping many members of their land at Guadalupe/Tortugas. (Campbell 2005: 15-16, 92; 05/23/2001 Interview with Victor Roybal, Jr.) Although the Tribe attempted to regain control of the Corporation through litigation, its efforts proved unsuccessful. (Campbell 2005: 13; Hurt 1952: 104.) While loss of control of the Corporation deprived the PMT Tribe of its land base in Guadalupe/Tortugas and dealt a significant psychological blow to the Tribe, it did not destroy tribal life, particularly in the Old Indian Neighborhood at Los Cruces where most PMT members resided then and continue to reside today.

#### **E. Modern and Current PMT Life and Practices**

In the 1950s, after non-Indian factions seized control of the Corporation and shifted its focus to Catholic religious festivals and commercial activities, Cacique Vicente Roybal made the decision to dissociate the Tribe from the Corporation. (Campbell 2005: 15; Reynolds & Taylor 1981: 83; 11/17/2002 Interview with Victor Roybal, Jr.) He and other tribal members believed that the Corporation's festivals and ceremonies, while still purporting to maintain their "Indian" character, had become so heavily influenced by commercial interests and Hispanic and Catholic beliefs and rites that they no longer reflected PMT tribal customs, traditions and interests. (Campbell 2005: 15; 1996 Petition: 136; Hurt 1952: 110-

120; 11/17/2002 Interview with Victor Roybal, Jr.) The Cacique's decision, combined with continuing hard feelings between the Tribe and the Corporation's new leadership, effectively severed the Tribe's ties with Guadalupe/Tortugas.

Having parted ways with the Corporation, the PMT Tribe reorganized in its traditional, core Las Cruces neighborhood. (Campbell 2005: 54-55.) The Tribe continued – and continues to this day – to be governed by its traditional leadership structure, with an hereditary Cacique who serves as its spiritual leader and oversees tribal ceremonies and an elected Tribal Council, which consists of both ceremonial and administrative officials, providing civic governance. (Campbell 2005: 53-54.) After the split with the Corporation, the Cacique, after consultation with members of the tribe and with the assistance of Victor Roybal, Jr., approved a new President/Governor, Vice-President/Lieutenant Governor and Secretary to serve as the Tribe's administrative government as well as new war captains to perform the traditional functions of that office. (Campbell 2005: 92.)

From the 1950s into the late 1970s, thanks in part to the efforts of Victor Roybal Jr. and Charles Madrid to keep members informed and active, tribal ceremonies and meetings consistently took place primarily at the home of Cacique Vicente Roybal in the “old Indian neighborhood” in Las Cruces. (Campbell 2005: 17; 1996 Petition: 152; 06/01/2001 Interview with Charles Madrid.) The Tribe also continued to hold regular events that included, among other things, fundraisers

to support its various legal endeavors and its quest for federal recognition. (Reynolds & Taylor 1981: 84; Campbell 2005: 49.)

The 1970s also saw the Tribal Council codify long-governing rules and tribal political structures into a written constitution that the Tribe's membership approved. (Campbell 2005: 40; 1996 Petition: 56; 05/23/2003 Interview with Louis Roybal.) This constitution has been subsequently modified by the Tribe, most recently into its current form on December 15, 1996.

Beginning in the 1980s, under the leadership of Edward Roybal, Sr., who was later appointed Cacique, tribal ceremonies were expanded and conducted at the homes of other PMT members and at sacred sites in and around the Las Cruces area. (Campbell 2005: 18; 1996 Petition: 153.) The current Cacique has also modified the Tribe's ceremonial calendar and practices to more accurately reflect traditional tribal customs, beliefs and practices rather than Hispanic and Catholic beliefs and customs. (Campbell 2005: 60; 1996 Petition: 153; 06/07/1995 Interview with Edward Roybal, Sr.) He has also encouraged the use of Indian-style prayers and blessings and generally emphasized the resumption of Indian religious practices. (Campbell 2005 at 60-61; 06/07/1995 Interview with Edward Roybal, Sr.) Unlike the ceremonies that now take place at Guadalupe/Tortugas, current PMT ceremonies and rituals are conducted exclusively by and for members of the Tribe. (Campbell 2005: 18, 60; 06/07/1995 Interview with Edward Roybal,

Sr.) Tribal members have responded favorably to these changes, which they recognize set them on a new path that is more consistent with indigenous Indian ways and practices. (Campbell 2005: 60; 06/07/1995 Interview with Edward Roybal, Sr.) Although participation in formal tribal activities suffered somewhat in the years following the split with the Corporation, it has increased dramatically in recent years, reflecting the continuing vitality and sense of community that characterizes the PMT Tribe.

While the Tribe's resurgence has not been completely devoid of strife, the internal struggles that the Tribe has overcome are themselves a testament to the Tribe's strength and the success and authority of its government. One particularly strong example is derived from the Tribe's handling of a 1994-95 internal conflict involving tribal secretary Joaquin Lefebre (who had just recently moved to Las Cruces) and several other members (the "Lefebre Group"). In response to the Cacique's decision – which was supported and ratified by the Tribe – not to appoint the son of a recently deceased First War Captain to fill his father's position, Lefebre essentially attempted to stage a coup. (Campbell 2005: 44-45.) He improperly used the tribal logo to send unsigned, unauthorized meeting notices and tribal agendas to members, claimed that he had been elected Governor of the Tribe, and generally attempted to usurp the powers and authority of the Tribal Council. (Campbell 2005: 44-45.) He also made false, slanderous accusations

against members of the Cacique's family in an effort to turn the Tribe against the Cacique. (Campbell 2005: 45.) On February 11, 1995, the Tribal Council called a special meeting to address Mr. Lefebre's conduct. In the interim, the Tribe also discovered that Lefebre was a convicted felon. After discussion among the tribal membership, the Tribal Council adopted a resolution removing Mr. Lefebre and several members of his faction from tribal offices and barring them from participating in tribal activities for a period of four years. (Campbell 2005: 45.) While some members of the Tribe thought that the Tribal Council dealt too harshly with the Lefebre Group, they respected the Council's authority and abided by its decision. (Campbell 2005: 45.) The Lefebre Group subsequently split from the Tribe entirely and formed a separate, unaffiliated rump group that now refers to itself as the Piro-Manso-Tiwa Tribe of Guadalupe Pueblo.

Despite all of the trials faced by the PMT Tribe, today more than sixty percent of the Tribe's membership lives within a four mile radius of downtown Las Cruces, and tribal members still own around twenty properties in the "old neighborhood" where PMT members have lived since the 19th century. (Campbell 2005: 20; 02/22/2003 Interview with Victor Roybal, Jr.) These tribal members maintain a close-knit social network and community that is a great source of strength for the Tribe. (Campbell 2005: 27.) Formal tribal meetings and ceremonies are well attended, both by the core Las Cruces group and by members

who have moved away to other cities and states to find employment. In fact, recent ceremonies have featured multiple rows of Tribal dancers and seen attendance in excess of one hundred people, a substantial supermajority of the PMT Tribe.

As the foregoing shows, life for the PMT Tribe has never been easy. Nevertheless, thanks in large part to the strong sense of community among its members, who appreciate the Tribe's importance to their cultural, political and social identities, and the strength of its leadership, the Tribe has overcome the substantial obstacles placed in its path and shown remarkable resilience in the face of literally centuries of challenges.

### **III. THE PMT TRIBE SATISFIES THE MANDATORY CRITERIA FOR FEDERAL ACKNOWLEDGMENT FOR § 83.7(a).**

The Piro-Manso-Tiwa Indian Tribe has been identified as an American Indian entity on a substantially continuous basis since 1900. And though a petitioning tribe may satisfy Section 83.7(a) with evidence of identification from only one subcategory, the PMT Tribe can demonstrate identification under each subcategory, (1)-(6). Evidence supporting the recognition of the PMT Tribe as an Indian group can be found in Federal records and correspondence with various federal agencies; the Tribe's relationship with the State of New Mexico; and its association with the local government, including the City of Las Cruces. Moreover, anthropologists and historians have repeatedly identified the PMT Tribe

as an Indian tribe that exists as a surviving American Indian entity, overcoming hundreds of years of challenges and depredations from outside forces to survive as a tribe. Newspapers have regularly reported on and documented the continued existence of the PMT Tribe as an Indian tribe. Likewise, national Indian organizations identify the PMT Tribe as an Indian tribal entity. Accordingly, the PMT Tribe satisfies the mandatory criteria of Section 83.7(a) as it has been uniformly and repeatedly identified as an Indian tribe since 1900.

As a tribal entity, the PMT Tribe has survived a long, tumultuous history. The historical identification of the PMT Tribe as a distinct Indian entity during the modern history of the PMT tribe – since the late 1800s – is marked by four distinct time periods. The first period, the beginning of the PMT's Tribe's modern history, stretches from the late 1800s until 1914, when the PMT Tribe incorporated its administrative functions in the non-profit state corporation *Los Indigenas de Nuestra Senora de Guadalupe*. During that time, the PMT Tribe struggled to obtain land for its members and to maintain a site for traditional ceremonies. The tribe also experienced the effect of Indian boarding schools as many PMT children were forcibly removed to Indian boarding schools. Notwithstanding those obstacles, the PMT Tribe retained its cultural identity. Indeed, local newspapers regularly reported on the tribe's cultural activities during that time period.

The second period extends from the formation of the Corporation in 1914 to its takeover by non-Indians in the late 1940s. Tragically, the non-Indian takeover group stole many tribal records and significant cultural items, the loss of which limits the tribe's ability to fully document its history. Fortunately, local newspapers continued to document the existence of the PMT Tribe, and several anthropologists have studied and reported on this period.

The third modern historical period of time ran from the Tribe's break from the Corporation until Edward Roybal, Sr. assumed the role of Cacique in 1991. During these decades the PMT Tribe was hurt by the loss of the Corporation, but successfully retained its cultural and tribal identity. Indeed, by the early 1970s the PMT Tribe coalesced around its former Cacique Vicente Roybal and commenced the process of obtaining federal acknowledgment. Outsiders' awareness of the PMT Tribe during this time was so great that the New Mexico Governor Jerry Apodaca offered his unequivocal support for federal recognition of the PMT Tribe.

The fourth and final temporal tranche that began under the leadership of current Cacique Edward Roybal, Sr. represents a true renaissance for the PMT Tribe, culturally and politically. During this period of time, the Cacique has led the PMT Tribe as it rediscovers additional aspects of its cultural history, expands the ceremonial life of the Tribe, and delinks certain spiritual ceremonies from the Catholic calendar. Moreover, despite the lack of federal acknowledgement, the

Tribe expands the exercise of its political influence while internally strengthening culturally and socially under the guidance of its current Cacique. During this period of time, the New Mexico State Senate passes a Memorial confirming the perpetual existence of the PMT Tribe and supporting the Tribe's recognition petition.

**A. The Beginning of PMT's Modern History: the Late 1800's to 1914**

In the 19<sup>th</sup> Century, the Piros, Mansos, and Tiwas who settled near the Guadalupe Mission and shared distinct Indian ancestry, culture, ceremonies, and traditions gradually merged. The PMT Tribe was contemporaneously recognized by newspapers as a cohesive, autonomous Indian entity as far back as 1872: "The Pueblo Indians of Las Cruces and vicinity celebrated one of their festivals this week. To a stranger the scene would have been novel in the extreme." (*The Borderer*, 12/14/1872.) Local newspapers continued to document the cultural ceremonies of the PMT Tribe, noting on December 28, 1878 that "the Pueblo Indians" (*i.e.*, the PMT Tribe) had recently hiked the (b) (3) (A) as part of a religious ceremony. (*Mesilla Valley Independent*, 12/28/1878.) The PMT Tribe continues to celebrate those same sacred cultural ceremonies today.

Anthropological reports independently confirm the existence of the PMT Tribe in late 1800s. (Beckett & Corbett 1992: 19.) The PMT Tribe has continually existed as a cohesive Indian entity since long before 1900: "In the last half of the

nineteenth century many of the Indian families from the Guadalupe mission moved north to the Las Cruces area. Some of these people eventually joined with other immigrants from Senecu and Ysleta del Sur to form the group known today as the Tortugas Indians .... The Roybals are one of the leading families of this group. The first Cacique of the Las Cruces area Indians was Felipe Roybal. His son Vicente was also the Cacique for many years ....” (Beckett & Corbett 1992: 19.)

In 1888, in an effort to strengthen cultural and tribal bonds, the PMT Tribe obtained a land grant from the County of Doña Ana and the Territory of New Mexico. (Tortugas Pueblo Land Grant, 01/21/1888.) Three PMT tribal elders – Felipe Roival [Roybal], Jose Albino Trujillo, and Magdaleno Baca – obtained what is known as the Tortugas Pueblo Land Grant of 1888 on behalf of the Tribe, which at the time included over twenty families. Those three tribal leaders acted as PMT land commissioners, allocating land to tribal members and coordinating the construction of members’ homes. (1996 Petition: 6; 1996 Petition Timeline: 2-3 (detailing transfers of home lots to individual PMT members); Campbell 2005: 16.) This tribal land grant serves as one of the earliest documentations of the governmental relationship that the PMT Tribe had with both the County of Doña Ana and the Territory of New Mexico. A March 3, 1888, newspaper article discussed the surveying and platting of the town site pursuant to that land grant, noting that the “Pueblo Indians [the PMT Tribe], who laid it out, will immediately

proceed to build thirty dwellings and a church.” (*Rio Grande Republican*, 03/03/1888.)

Like many other Pueblo tribes, the PMT Tribe co-opted Catholic feast days to maintain its traditional ceremonies. Later that same year another report from the *Rio Grande Republican* detailed the manner in which the PMT Tribe, “Pueblo Indians,” celebrated both the feast of Our Lady of Guadalupe and the feast of St. Genevieve, the patron Saint of Las Cruces: “The peculiar head dresses, odd costumes, the rattles with which they mark the time of the dance, the different steps and movements, all seeming to prove as attractive to the old residents who have seen them year after year as to the newcomers who had never seen them before.” (*Rio Grande Republican*, 12/14/1888.) In an effort to secure land in the Old Indian neighborhood, several years later in 1896 the PMT Cacique, Felipe Roybal, applied for and obtained a portion of land in Las Cruces on which the PMT Tribe could build a church in honor of Our Lady of Guadalupe, thus securing a land base where his tribal members could celebrate their feast days. (Translated from Spanish by Dr. Howard Campbell, “Newspaper Articles About Tribe 1972-1914,” p. 18, included in “Newspaper Articles” supporting materials.) Construction of the church in Las Cruces began shortly after Cacique Felipe Roybal obtained the land, but by 1902 construction had halted. A May 10, 1902, article in the *Las Cruces Citizen* noted that the work would begin again soon on the

“church east of town which was begun by the Pueblo Indians in honor of Our Lady of Guadalupe.” (*Las Cruces Citizen*, 05/10/1902.) For unknown reasons, the construction was never completed. (1992 Petition: 78.)

The failed construction of that church did not sway the conviction of the Tribe to secure a place to maintain its traditional ceremonies, and local newspapers documented the persistence – and continued existence – of the PMT Tribe. Motivated by the inability to dance at St. Genevieve’s due to the prohibition of Indian dancing ordered by the new Pastor, Father Michael Vandermaesen, PMT pressed forward with an alternative location where the Tribe could maintain its culture of spiritual dancing and drumming. (Slagle, PMT Field Notes, 1991.) By 1910, the PMT Tribe had constructed its own “Chapel at Guadalupe,” (1992 Petition: 79), which is where its annual fiesta took place in December 1910, as reported by the *Las Cruces Citizen*: “The Indian dances will take place Monday at their recently concluded church building in Tortugas. . The ceremonies will be on a grander scale than ever and it will be worth everyone’s time to spend half a day watching them.” (*Las Cruces Citizen*, 12/17/1910.) A local newspaper reported on the distinction that now existed as a result of the PMT Tribe changing the location of its dancing to its newly constructed church in Tortugas away from the non-Indian celebration: “The feast of Guadalupe, on the 12th of this month, was observed with unusual solemnity in the Catholic Church of St. Genevieve, in Las

Cruces, and the Indians had their usual celebration, accompanied by religious dances, in the neighboring town of Tortugas.” (*Las Cruces Citizen*, 12/16/1911.)

Over the next several years, local newspapers continued to identify the PMT Tribe as a separate and distinct Indian group. In 1912, both the *Rio Grande Republican* and the *Las Cruces Citizen* chronicled the PMT Tribe’s annual dances. (*Rio Grande Republican*, 12/13/1912; *Las Cruces Citizen*, 12/14/1912.) And two years later the *Rio Grand Republican* reported on the effects of a small pox outbreak: “the Tortugas Indians will not observe their annual dance in honor of the goddess Guadalupe.” (*Rio Grand Republican*, 12/08/1914.)

At the same time that the PMT Tribe was regularly being recognized by local newspapers for celebrating fiestas and perpetuating its traditional customs and culture, the federal government began to enroll Indian children in boarding school because of the “schools alleged ability to assimilate, [which] was looked upon as an ideal instrument for absorbing those peoples and ideologies that stood in the path of the republic’s millennial destiny.” (Adams 1995: 18.) At least 63 Piro-Manso-Tiwa Indian children attended various boarding schools from 1893 to at least 1913 in Albuquerque, Chilocco, Phoenix, Santa Fe, Sherman, and Haskell. (1992 Petition: 82.)

Indeed, the father of the former President of the Tribe, Charles Madrid, Jr., attended the Sherman Institute from 1909 to 1911, and the Haskell Institute from

1911 to 1913. (1992 Petition: 82.) Eventually Las Cruces area schools were able to provide primary and secondary education for many Indian students, and most Las Cruces Indian children were attending local primary and secondary schools by the end of the 1920s. (1992 Petition: 82-83.) More detailed information regarding how the federal policy of enrolling Indian children in boarding schools affected the PMT Tribe through social distinction and discrimination is discussed elsewhere in this document.

Throughout the duration of the boarding school era, the United States acknowledged that the PMT Tribe existed as an Indian entity. Records detailing Charles Madrid, Sr.'s attendance at the Sherman School specifically identify Charles Madrid, Sr. as a full Tiwa Indian. (12/07/1972 letter from Registrar enclosing health record.) And records from all of the Indian schools that PMT members attended indicate that the students belonged to the "Tigua Community – Ysleta – Las Cruces," with certain notes that specifically recognize PMT members as Pueblo. (07/12/1966 letter from BIA to Nicholas P. Houser and attachment; Listing of PMT Indian children from Las Cruces who attended BIA boarding schools from 1890 thru 1920.) This consistent recognition of PMT members as Tiwa Pueblo Indians confirms that the federal government was keenly aware of the PMT Tribe's continued existence and had no quarrel whatsoever with this designation.

Additional confirmation that the federal government treated the PMT Tribe as a Indian entity during the boarding school era stems directly from federal correspondence. Years after PMT tribal members began attending local schools, the Superintendent of one of the Indian Schools that PMT tribal members attended, the United States Indian School in Albuquerque, New Mexico, unequivocally recognized the PMT Tribe as an Indian band residing near Las Cruces. (09/28/1933 letter from Superintendent C.M. Blair to Mr. Manuel Salmon.) Responding to an inquiry regarding the tribal affiliation of a former Indian student from Las Cruces, the Superintendent of the Albuquerque Indian School explained that he was unable to provide the requested information because the school's records from 1900-1902 could not be located. In an effort to provide some assistance to the recipient of the letter, Superintendent Blair informed the recipient that he might direct his inquiry to the "small band of Indians living not far from Las Cruces called the 'Tortugas,'" thus identifying PMT as an Indian entity. That identification of the PMT Tribe as a distinct Indian community confirms that the federal government has continually identified PMT as an Indian entity.

**B. The Corporation Era: 1914 to the late 1940s.**

In 1914, the year after many PMT youth returned home to Las Cruces following their federally-forced boarding school education, the PMT Tribe established a New Mexico non-profit corporation that effectively served as the

Tribe's administrative branch for almost 40 years. To facilitate better administrative relations with non-Indian entities, the PMT Tribe established the Corporation, *Los Indigenas de Nuestra Senora de Guadalupe*, creating a documented link to the State of New Mexico. (See 1914 Articles of Incorporation and By-Laws.) The Corporation's articles of incorporation and by-laws specifically refer to the Tribe, including references to Indian culture and traditions. (Campbell 2005: 12.) PMT tribal members transferred to the Corporation the land previously obtained from the Territory of New Mexico by the PMT Tribe for its members through the Tortugas Pueblo Land Grant.<sup>4</sup> (Campbell 2005: 12.) Thus, at least with respect to the tribal administrative functions, the PMT Tribe through the Corporation had a formal relationship with the State of New Mexico.

Over the next several decades, the Tribe continued to function administratively through the Tribal Corporation and culturally through its Cacique. The PMT Tribe continued its traditional ceremonies, and local newspapers periodically reported on this. On December 15, 1917, the *Las Cruces Citizen* reported that the "Indian Dance Wednesday at Tortugas was largely attended." (*Las Cruces Citizen*, 12/15/1917.) The *Las Cruces Citizen* also described the "annual celebration" in a December 11, 1926, article, explaining that "the

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<sup>4</sup> As discussed elsewhere herein, that transferred land was lost once non-Indians ousted the Tribe and seized control of the Corporation.

celebration is held each year on December 12 the day on which all descendants of the Pueblo tribe pay honor to the patron saint.” (*Las Cruces Citizen*, 12/11/1926.)

A 1937 *Las Cruces Sun* article confirms that the PMT Tribe maintained its Indian tribal status by preserving and perpetuating its culture through the Cacique and by operating administratively through the Corporation. (*Las Cruces Citizen*, 12/12/1937.) The article in broad terms discusses the Tribe’s history, culture, and “incorporat[ion] under the laws of New Mexico.” It notes that in the second half of the 19th century the Tribe obtained land for its members by making a claim under the “Dona Ana Bend Colony Grant ... through a board of commissioners.” Further, the article mentions how the Cacique is the tribe’s religious leader for life. An article published the following year in the *New Mexico Sentinel* also notes how the PMT Tribe operated through an “Indian corporation.” (*New Mexico Sentinel*, 12/18/1938.) Quoting a local Indian elder, the article also points out that at that time Vicente Roybal was the president of the Corporation.

In 1938, the PMT Tribe is also identified in a study conducted by the United States Department of Agriculture analyzing the standards of living in the Tortugas village of New Mexico. (Loomis & Leonard 1938.) Although the study focuses on the income and expenses of the Tortugas Indians, it does discuss some aspects of Indian culture. To that end, the study notes that the “Tortugas Indians [PMT

Tribe] fairly well represent a homogenous strain of native ancestry.” (Loomis & Leonard 1938: 19.)

Four articles printed in December 1939 also confirm the perpetual existence of the PMT Tribe. On December 10, 1939, the *El Paso Times* discussed how the “Indian village of Tortugas” located just outside of Las Cruces, New Mexico, was preparing for the annual Feast of Guadalupe. (*El Paso Times*, 12/10/1939.) That same day the *Las Cruces Sun* also published an article about the fiesta of Guadalupe and the “Pueblo Indians of Tortugas,” noting that the term Tortugas is the “familiar name of the Pueblo Indian village ....” (*Las Cruces Sun*, 12/10/1939.) Days later the *El Paso Herald* reported on the dancing that took place during the celebration in honor of the Virgin of Guadalupe at the “village of Tortugas.” (*El Paso Herald*, 12/12/1939.) And on December 22 the *New Mexico Sentinel* published a report from Las Cruces, New Mexico, regarding the sacred drums used during the fiesta of Guadalupe by the PMT Tribe, referred to as the “Tegua tribe at Tortugas” in the article. (*New Mexico Sentinel*, 12/22/1939.) That piece on the cultural significance of drums to the PMT Tribe includes quotes from an interview with Vicente Roybal who is correctly identified as the “present cacique.”

Only seven months later, in the summer of 1940, correspondence from the Las Cruces Chamber of Commerce specifically identifies the PMT Tribe,

acknowledging the association that had long existed between the Tribe and the City of Las Cruces. (07/29/1940 letter from Margaret Page Hood, Chairman, Executive Committee of the Fiesta, Las Cruces Chamber of Commerce, to Victor Roybal, President of the Tewa Indians.) The letter expresses gratitude to the PMT Tribe for participating in La Fiesta de la Frontera: “I am writing on behalf of the executive committee of La Fiesta de la Frontera to thank the Indians of your tribe who danced for us during the fiesta, and who also entered such a splendid float in the fiesta parade.” The letter’s conclusion further serves to confirm that the local government and related organizations regarded the PMT Tribe as a distinct Indian entity, crucial to the success of local events. “As always the Indian dances were one of the outstanding attractions and we certainly appreciate everything you and your friends did to help make the fiesta a success.”

Another series of articles identifying the PMT Tribe was published on October 9, 1949. (*Las Cruces Sun-News*, 10/09/1949.) The two short articles appear in the Centennial Edition of the *Las Cruces Sun-News*. One piece revisits the 1939 death of a tribal elder, Victoriano Holquin, who was the “oldest of the Tortugas Indians,” living until 108. The other discusses the history of the PMT Tribe, noting that “the New Mexico Guide book describes [the] Tortugas Indian village three miles south of Las Cruces.” These two 1949 articles represent another link in the unbroken chain of media recognition of the PMT Tribe.

### C. The Aftermath of the Split from the Corporation: 1950 to 1991

In the late 1940's after non-Indians wrested control of the Corporation and ousted the PMT families, Cacique Vicente Roybal helped PMT Tribe sustain itself despite the loss of its administrative branch by holding meetings and ceremonies at his home in Las Cruces. (Campbell 2005: 16.) That the PMT Tribe sustained itself in this period is confirmed by a 1952 anthropological study by Wesley Hurt. (Hurt 1952: 104-122.) The report contains a detailed historic and contemporaneous account of the PMT Tribe. And, importantly, it notes that the "tribal identity of the Tiwa Indians is preserved." (Hurt 1952: 104.)

After discussing the history of the PMT Tribe, the study chronicles the social and religious organization of the tribe. (Hurt 1952: 111-17.) It goes on to note that even after splitting from the Corporation, the PMT Tribe maintained a bicameral governmental structure:

The Tiwa Indians maintain a formal organization entitled "Indigenas de Nuestra Senora de Guadalupe." Three distinct groups of officers were represented until the recent disruption of the organization by an opposing faction. Their religious chief is called the Cacique, and the office is hereditary. The last change in leadership passed from Felipe Roybal to his son Vicente, a man of about 54 years. The secular affairs are handled by the Presidente, Victor Roybal Sr., Vicente's brother, who is now living in San Diego. The Vice Presidente is Jacinto Jemente. In addition one Capitan de Guerra and four subordinate capitanes are appointed each year by the Cacique. The change and appointments of the capitanes takes place each year on New Year's Eve in the home of Vicente Roybal in the Mexican section of Las Cruces.

(Hurt 1952: 111.) The report concludes ultimately that the PMT Tribe, despite the rift between it and the Corporation as a result of the non-Indian corporate takeover, continues to exist as an Indian group. (Hurt 1952: 121-22.)

A 1957 report by Alan James, the research for which was performed during the summer of 1951, also contains a similar description of the continued existence of the PMT Tribe and its bicameral governance structure. (Oppenheimer, Alan. *An Ethnological Study of Tortugas, New Mexico*. M.A. Thesis. University of New Mexico. 1957.) The tribe essentially continues to maintain that structure as evidenced by the documentation submitted in accordance with Section 83.7(d).

There is substantial independent evidence that despite the break with the Corporation and the concomitant dispossession of the PMT caused by the break, the PMT, continued its political existence. Local newspapers, for example, continued to report on the Tribe. In 1955 the *Las Cruces Citizen* published an article discussing the PMT Tribe, including its historical presence in the Las Cruces area. (*Las Cruces Citizen*, 12/08/1955.) The piece describes how the PMT Tribe first obtained land within the Dona Ana Colony Bend Grant, a Mexican Grant of 1840, and how the tribe “incorporated under the laws of New Mexico as ‘*Los Indigenes de Nuestra Senora de Guadalupe*.’” Additionally, the article mentions the “First Families,” including the Roybals and Abalos, from which the PMT Tribe descends. This 1955 article that provides a narrative historical account

of the PMT Tribe thus makes clear that the PMT Tribe continually maintained its tribal existence.

Local periodicals continued to identify the PMT Tribe, and a 1968 article specifically notes that “Vicente Roybal is the chief of the Guadalupe Pueblo.” (Mabe 1968.) And although the gradual decoupling of the PMT Tribe and the Corporation had occurred by 1968, some outsiders still viewed the tribe through the prism of the Corporation. Thus, while that 1968 article discusses the rituals of local Indians, it also points out the continued existence of the Corporation. That notation does not detract, however, from the fact that the article identifies the PMT Tribe. In fact, it concludes with a discussion of how the PMT Tribe historically celebrated “its feast day at St. Genevieve’s Church in Las Cruces.” The article therefore confirms that the PMT Tribe’s group character continued to be observed and recognized by others.

Several years later an official agency of the State of New Mexico, the Inter-Tribal Indian Ceremonial Association, identified the PMT Tribe as an Indian group. (Letter from William L. Ganong, III to Charles Madrid, Jr.) The PMT Tribe was identified in correspondence addressed to Charles Madrid, Jr., as chairman of the “Tiwa Indian Tribe, Pueblo of San Juan de Guadalupe.” Letters describing ceremonial dances were exchanged by the Inter-Tribal Indian

Ceremonial Association and the PMT Tribe, ultimately resulting in the tribe attending and dancing at the 1975 Production in Gallup, New Mexico.

In 1976, several years after the PMT Tribe began formally pursuing federal recognition, New Mexico's Governor Jerry Apodaca wrote a letter supporting federal recognition of the PMT Tribe. (07/01/1976 letter from Governor Jerry Apodaca to Victor Roybal.) The letter, which evidences the State of New Mexico's identification of the PMT Tribe as an Indian entity, explains that Governor Apodaca also sent a letter to Senator Henry Jackson, Chairman of the Committee on Interior and Insular Affairs, urging passage of Senate Bill 3352 that would have recognized the PMT Tribe. Although Congress did not ultimately pass legislation acknowledging the PMT Tribe, Governor Apodaca's 1976 letter still proves helpful today; it establishes that the State of New Mexico has long identified the PMT Tribe as an American Indian tribe.

Two years later, the Parks and Recreation Department of the City of Las Cruces reached out to the PMT Tribe, requesting that the tribe make a presentation to area children attending a summer program. (07/07/1978 letter from Prudence Brooks to Victor Roybal.) The teachers leading the summer program for the City of Las Cruces wanted the PMT Tribe to help educate the children on the tribe's culture and history. Again, this letter serves to confirm that the City of Las Cruces has long identified the PMT Tribe as an Indian group.

In the 1980s, the PMT Tribe renewed its prior attempts at obtaining federal acknowledgement with the help of a federal agency, the Administration for Native Americans (ANA). (1992 Petition at 5.) The funding arrived in 1988 in the form of a federal grant from the ANA, which is the only federal agency serving all Native Americans. (1992 Petition at 5.) When the ANA grant was approved, the entire New Mexico congressional delegation sent a letter informing the PMT Tribe of the approval. (10/12/1988 letter from New Mexico congressional delegation to Charles Madrid, Jr.)

In addition to the financial assistance obtained from the ANA, the PMT Tribe has been assisted by another national Indian organization that considers the PMT Tribe to be an Indian entity—the Association on American Indian Affairs (AAIA). (*See* 1997 Pamphlet: 6.) The AAIA, which since 1922 has assisted American Indian Tribes achieve full economic and social equality, has helped the PMT Tribe in its efforts to gain federal acknowledgment. That assistance came in a variety of manners, including a few grants.

Additional recognition of the PMT Tribe as an existing Indian group can be found in case files from a 1987 child custody proceeding in the State of California. (See various attached ICWA correspondence.)<sup>5</sup> Under the Indian Child Welfare

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<sup>5</sup> Additional materials regarding ICWA proceedings involving the PMT Tribe are located on the electronic database of supporting materials submitted with this petition.

Act (ICWA), in any involuntary proceeding in a State court where an Indian child is involved, the court must notify “the Indian child’s tribe.” 25 U.S.C. § 1912(a). Pursuant to the federal law, the Superior Court of the State of California notified the PMT Tribe of a custody proceeding involving a minor tribal member. The correspondence from the court specifically identifies the child’s tribe as the “San Juan De Guadalupe Tiwa Tribe.”

Four years later the United States Army identified the PMT Tribe as an Indian group in correspondence regarding an environmental impact statement that was being prepared for proposed construction at the White Sands Missile Range. (04/24/1991 letter from William B. Christy to Charles Madrid.) The letter explains that because the proposed construction “lies within the known historic range of the [PMT] tribe, [the United States Army was] consulting the tribe to identify any concerns” it had regarding the area. The letter went on to ask the PMT Tribe if it could “identify sites of religious or cultural significance which must be protected in accordance with the American Indian Religious Freedom Act (PL-341).” This letter confirms that as of 1991 the federal government remained aware of the continued existence of the PMT Tribe.

The PMT Tribe is also identified in a 1991 newspaper article concerning a state wide effort by Indians to raise awareness for environmental issues. (*Las Cruces Sun-News*, 05/09/1991.) The article describes how Indians across New

Mexico were gathering at four locations for the Trees Across New Mexico run and that the PMT Tribe coordinated the Las Cruces starting point. The piece also notes that the “Piro/Manso/Tiwa Tribe, Pueblo San Juan de Guadalupe ... is in the process of getting federally recognized as an Indian tribe.”

As 1991 drew to a close, the PMT Tribe completed its first petition for federal acknowledgement, which it submitted to the Office of Federal Acknowledgement on January 1, 1992. The PMT Tribe alerted its New Mexico Senators – Jeff Bingaman and Pete Domenici – that it had completed its petition, and both replied in support of the petition. (12/17/1991 letters from Senator Jeff Bingaman and Senator Pete Domenici to Lamberto Trujillo, Jr.) These letters of unequivocal support represent further recognition of the PMT Tribe.

**D. The Renaissance of the PMT Tribe: 1992 – Present.**

Under the leadership of Cacique Edward Roybal, Sr., the PMT Tribe has enhanced and expanded its local and national presence. This increased visibility naturally led to more acknowledgement by independent individuals, governments and groups of the PMT Tribe as an existing (and vibrant) Indian tribe and tribal community. Perhaps most noteworthy, this renaissance period is marked by significant recognition from a variety of governments: local, state, federal and Indian. Also, Dr. Howard Campbell studies and reports on the PMT Tribe during this period of time.

The effect of new tribal leadership was felt immediately. In 1992, the year after Edward Roybal, Sr. became the Cacique of the PMT Tribe, two governmental entities – the New Mexico State Senate and the Ysleta Del Sur Pueblo, a federally recognized tribe – formally identified the PMT Tribe as an independent tribal entity. New Mexico State expressed its support for the federal recognition of the PMT Tribe through Senate Memorial 4. (1992 New Mexico States Senate Memorial 4.) In that Memorial the State Senate specifically resolved “that the Piro-Manso-Tiwa Indians, who, as a community, have participated in and carry a significant part of the history of the state of New Mexico, be, in consequence, deemed worthy of full federal recognition for their tribal status.” (Senate Memorial 4: 2.) To facilitate federal consideration of the state support, the State Senate transmitted copies of the Memorial to the United State Secretary of the Interior and the Commissioner of Indian Affairs and requested the Bureau of Indian Affairs “to act favorably upon the petition for federal recognition being presented by the Piro-Manso-Tiwa Pueblo de San Juan de Guadalupe.” (Senate Memorial 4: 2.) Senate Memorial 4, which notes that the history of the PMT Tribe dates back hundreds of years, confirms what Governor Apodaca’s 1976 letter made clear—the State of New Mexico has continually and repeatedly acknowledged that the PMT Tribe continues to exist as an American Indian tribe.

The Ysleta Del Sur Pueblo declared that it considers the PMT Tribe to be “a separate and distinct Indian tribal entity” on November 20, 1992 in Resolution TC-44-92. (1992 Ysleta Del Sur Pueblo Resolution TC-44-92.) After stating that the PMT Tribe was founded on or about 1850, the Resolution removed any PMT Tribal members that inadvertently appeared on the Tribal Rolls of the Ysleta Del Sur Pueblo. By passing Resolution TC-44-92, the Ysleta Del Sur Pueblo made it clear that it identifies the PMT Tribe as an autonomous Indian tribe.<sup>6</sup>

Later that same year, an article in the *Las Cruces Sun-News* identified the PMT Tribe and described its winter solstice ceremony. (*Las Cruces Sun-News*, 12/21/1992.) The article discusses the gathering of “a large group of ceremonial dancers and Piro-Manso-Tiwa Indian tribal leaders....” It also documents how the PMT Tribe began to shift its ceremonies away from the Catholic calendar, embracing traditional Indian spiritual customs so that the tribal children could learn

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<sup>6</sup> Resolution TC-44-92 represents the longstanding official position of the Tribal Council of the Ysleta Del Sur Pueblo. Indeed, it is the only official position the Pueblo has ever taken regarding recognition of the PMT Tribe. Resolution TC-44-92 thus stands in stark contrast to the letter sent to OFA Director Lee Fleming on March 4, 2010, by Javier Loera, a War Captain of the Ysleta Del Sur Pueblo. As that letter is not signed by the Pueblo’s Governor and does not contain a certification confirming that it represents formal Tribal Council action, it cannot trump the expressed and official position of the Ysleta Del Sur Pueblo as evidenced by Resolution TC-44-92. What is more, even if the March 4 letter did represent a sea change in Ysleta del Sur Pueblo’s official attitude towards the PMT Tribe – and there is no evidence that it does – this would do nothing to change the fact that the Pueblo has long recognized PMT as a distinct tribal entity.

more about their Indian heritage. This ceremonial realignment, which Cacique Edward Roybal, Sr. guided, is discussed in greater detail below.

Since as least 1994, various federal agencies have also identified the PMT Tribe as an Indian tribe, repeatedly recognizing the tribe as an interested party and then consulting with the tribe regarding various federal projects. Twice in 1994 the Bureau of Land Management (BLM) consulted the PMT Tribe. In the first correspondence, BLM invited the PMT Tribe to comment on, and participate in, the development of a Resource Management Plan addressing the designation of six areas of critical environmental concern in Otero County, New Mexico, and “identify any potential cultural concerns for the Piro-Manso-Tiwa Tribe.” (07/12/1994 letter from Timothy Murphy to the PMT Tribe.) In the second, BLM notified the PMT Tribe that the Bureau was considering issuing a permit to conduct archeological excavations in Grant County, New Mexico, and informed the tribe that if it had “specific religious or cultural concerns with this archeological work, ... tribal officials must request consultation ....” (07/29/1994 letter from Stephanie Hargrove to Charles Madrid.)

BLM also notified the PMT Tribe in July 1996 regarding an environmental assessment plan for a proposed development project at the Santa Rita Mine located near Silver City, New Mexico. (06/12/1996 letter from Stephanie Hargrove to Governor, PMT Tribe.) In that letter BLM directly identified the PMT Tribe as a

“potentially affected tribe.” The Department of the Army and the National Park Service also consulted the PMT Tribe several times between 1994 and 1996. (09/14/1994 letter from Keith Landreth to Andrew Roybal; 05/01/1995 letter from Joel Kussman to Louis Roybal; 03/11/1996 letter from Glenn Fulfer to Andrew Roybal.) Each letter specifically recognized the continued existence of the PMT Tribe and requested the tribe’s input because of the various projects potential impact on the tribe.

Similarly, since 1994 the PMT Tribe has also been continually identified as an existing Indian tribe by the Bureau of Land Management, the National Park Service, and New Mexico State University. Each of those entities regularly granted the tribe access to conduct spiritual ceremonies, including the gathering of native materials for use in those ceremonies. Each communication that granted the PMT Tribe access specifically recognized the continued existence of the tribe and indeed helped perpetuate the very existence of the tribe by facilitating the tribe’s efforts to carry on its traditions and customs. (See collection of letters submitted herewith.)

Throughout the 1990s the PMT was repeatedly recognized as an existing Indian group by various state courts and agencies, and the Bureau of Indian Affairs, in communication regarding child custody proceedings pursuant to ICWA.

(See various ICWA correspondence attached hereto.)<sup>7</sup> As discussed above, when an Indian child is involved in an involuntary custody proceeding in a State court, ICWA requires the court to notify “the Indian child’s tribe.” 25 U.S.C. § 1912(a). Pursuant to the federal law, several state courts have notified the PMT Tribe of a custody proceeding involving a minor tribal member, specifically identifying the child’s tribe as the “San Juan De Guadalupe Tiwa Tribe.” Significantly, in 1997, in response to a Texas Cradle Society adoption caseworker’s request for information regarding the potential tribal affiliation of a child whose father mentioned having Tiwa heritage, the BIA expressly stated the following about the PMT Tribe: “There is also a Piro-Manso-Tiwa Indian Tribe in Las Cruces, New Mexico. This tribe’s dialect is Tiwa.” (Undated letter from BIA Area Director to Vicki Anthony.)

The National Park Service has also identified the Tribe, finding that it possessed a cultural affiliation to the people of the Salinas Pueblo area. (Brandt 1996: 50-51.) Indeed, PMT tribal members gathered with agency officials on November 12, 1995, and the Tribe reburied and repatriated ancestral remains under the Native American Graves Protection and Repatriation Act (P.L. 101-601). That PMT repatriated ancestral remains is proof that the federal government recognized

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<sup>7</sup> Additional materials regarding ICWA proceedings involving the PMT Tribe are located on the electronic database of supporting materials submitted with this petition.

the continued existence of the PMT. In fact, the express legislative intent of the Native American Graves Protection and Repatriation Act is to return human remains and cultural items to the Indian tribes linked through lineal descent, tribal land, cultural affiliation or aboriginal land to the repatriated items. (Fed. Reg. Vol 65, No. 111, June 8, 2000 at 36462.) After the ceremony was completed, the Tribal Council passed a resolution certifying the successful ceremony. Certification of November 12, 1995. Once again in 2004, the Salinas Pueblo Missions National Monument Staff consulted with the PMT Tribe. (Fed. Reg. Vol. 69 No. 109 June 7, 2004 at 31841-42.)

In addition to honoring its own culture, the PMT Tribe has been called upon to partake in non-Indian community activities. On September 26, 1996, the PMT Tribe participated in the dedication of the Fray Garcia de San Francisco Monument. (06/20/1996 letter from Mayor Larry Francis to Andrew Roybal.) The monument, which is located in El Paso, Texas, honors the founder of the predecessor city to modern day El Paso, Texas, and Ciudad Juarez. Cacique Edward Roybal, Sr. and other Tribal Council members attended the dedication at the request of the Mayor of El Paso, Larry Francis, whose letter specifically identified the PMT Tribe.

Four years later, the PMT Tribe participated in another commemorative ceremony. In 2000 the City of Las Cruces celebrated its 150th anniversary. The

City invited the PMT Tribe to participate in the festivities, and on January 8, 2000, Edward Roybal, Sr. performed a blessing ceremony at Pioneer Women's Park. The *Las Cruces Sun News*, which reported on the anniversary party, described how the "religious leader of the Piro-Manso-Indian Tribe, reminded the crowd that they all come from the same mother – Earth. He burned sage and chanted with fellow tribal members, as part of his blessing." (*Las Cruces Sun News*, 01/09/2000.) Both the article and the invitation from the City of Las Cruces signify continued acknowledgement of the PMT Tribe.

In addition to local government recognition, the PMT Tribe has been identified as an Indian tribe various federal departments, including the United States Department of Agriculture. A January 7, 2002, document from the Department of Agriculture identifies the PMT Tribe as an Indian tribe from New Mexico. (01/07/2002 United States Department of Agriculture, Natural Resources Conservation Service, List of American Indian tribes in New Mexico.) The document represents the list of American Indian tribes in New Mexico recognized by the Natural Resources Conservation Service, an agency within the Department of Agriculture. After noting the 25 federally recognized tribes in New Mexico, the document lists the PMT Tribe, describing it as an "informally recognized State Tribe that is seeking to obtain federal recognition."

And while the PMT Tribe awaited federal acknowledgement, it continued to contribute to the local culture and society. In both 2004 and 2005 the PMT Tribe was once again called upon by a local city to perform blessings at dedication events. The City of Mesilla asked the PMT Tribe in June 2004 to perform a blessing at the City's dedication of a Multi-Use Pathway along the Rio Grande because of the "Tribe's traditional use of the river." (Letter from Carol McCall to the Hon. Pete Domenici.) Cacique Edward Roybal, Sr., members of Tribal Council and other tribal members participated in the event. The PMT Tribe also performed a blessing ceremony for Ribbon Cutting Ceremony for the Mesilla Town Hall and J. Paul Taylor Visitor Center on September 10, 2005. (09/10/2005 Program.)

In sum, the Piro-Manso-Tiwa Indian Tribe has been continuously identified as an American Indian entity since 1900 (and well before). Letters from various federal departments, including the Department of the Interior, verify that the PMT Tribe has existed as an Indian tribe. That is confirmed by the tribe's relationship with the State of New Mexico and various local governments, including the city of Las Cruces. Additionally, anthropologists, historians and national Indian organizations have repeatedly identified the PMT Tribe as an Indian tribe. Local newspapers have likewise documented the continued existence of the PMT Tribe

as an Indian tribe. Accordingly, the PMT Tribe satisfies the mandatory criteria set forth in Section 83.7(a).

#### **IV. THE PMT TRIBE SATISFIES THE MANDATORY CRITERIA FOR FEDERAL ACKNOWLEDGMENT FOR SECTION 83.7(b).**

25 C.F.R. § 83.7(b) requires that PMT show that a predominant portion of the petitioning group comprises “a distinct community” and that it has existed as a community “from historical times until the present.”<sup>8</sup> This criterion may be demonstrated “by some combination of following evidence and/or other evidence” that PMT meets the definition of “community” set forth in § 83.1:

- (i) Significant rates of marriages within the group;
- (ii) Significant social relationships connecting individual members;
- (iii) Significant rates of informal social interaction which exist broadly among the members of a group;
- (iv) A significant degree of shared or cooperative labor or other economic activity among the membership;
- (v) Evidence of strong patterns of discrimination or other social distinctions by non-members;

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<sup>8</sup> The term “community” is defined per § 83.1 as any group of people who can demonstrate that “consistent interaction and significant social relationships exist within its membership” and that its members are “differentiated from and identified as distinct from nonmembers.” However, this same definition further recognizes that the term “community” must be understood “in the context of the history, geography, culture and social organization of the group.” *Id.*

(vi) Shared sacred or secular ritual activity encompassing most of the group;

(vii) Cultural patterns shared among a significant portion of the group that are different from those of the non-Indian populations with whom it interacts. “These patterns . . . may include, but are not limited to, language, kinship organization, or religious beliefs and practices;”

(viii) The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name;

(ix) A demonstration of historical political influence under the criteria in § 83.7(c) “shall be evidence for demonstrating historical continuity.”

*See 25 C.F.R. § 83.7(b)(1)(i)-(ix).*

Moreover, PMT shall be considered to have provided sufficient evidence of “community” at a given point in time if evidence is provided to demonstrate any one of the following:

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(ii) That at least 50 percent of the marriages in the group are between members of the group;

(iii) That at least 50 percent of the group members maintain distinct cultural patterns such as, but not limited to, language, kinship organization or religious beliefs and practices;

(iv) That there are distinct community social institutions encompassing most of the members, such as kinship organization, formal or informal economic cooperation, or religious organizations; or

(v) That the group has met the criterion in § 83.7(c) using evidence described in § 83.7(c)(2).

*See* 25 C.F.R. § 83.7(b)(2)(ii)-(v).

As reflected below, PMT fully satisfies the criterion of § 83.7(b). As is recognized elsewhere in 25 C.F.R. Part 83, the specific forms of evidence listed in § 83.7(b)(1) “are not mandatory requirements.”<sup>9</sup> Moreover, the criterion of 83.7(b) may be met by demonstrating that “some combination” among the sub-categories of § 83.7(b)(1) – rather than all nine of them – have been satisfied. However, the evidence presented in support of the PMT Tribe’s petition for recognition establishes that *each and every one* of the nine sub-categories of § 83.7(b)(1)(i)-(ix) are met here.

The PMT Tribe has also demonstrated that it is a “community” as defined per § 83.1 in view of the following evidence:

- Up until 1900, at least 50 percent of the marriages of PMT people were between members of the group. *See* 25 C.F.R. § 83.7(b)(2)(ii).

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<sup>9</sup> Per 25 C.F.R. § 83.6(g), “the specific forms of evidence” describing the criterion for § 83.7(a)-(c) and § 83.7(e) “are not mandatory requirements.” Moreover, these criteria may be met “by any suitable evidence that demonstrates that the petitioner meets the requirements of the criterion statement and related definitions.” *Id.*

- At least 50 percent of the Tribe's current members maintain distinct cultural patterns, including religious beliefs and practices. *See* 25 C.F.R. § 83.7(b)(2)(iii).
- There are distinct community social institutions which encompass most of PMT's members. *See* 25 C.F.R. § 83.7(b)(2)(iv).
- As demonstrated in Section IV below, PMT also meets the criterion of § 83.7(c). This too constitutes sufficient evidence of "community" to satisfy the criterion of § 83.7(b). *See* 25 C.F.R. § 83.7(b)(2)(iv).

PMT thus meets and in fact exceeds the mandatory criteria for federal acknowledgement under § 83.7(b).

**A. Significant Rates of Marriage Have Occurred Within PMT.**

The available evidence shows significant rates of marriage within the petitioning group. Indeed, as demonstrated below, intermarriage among Piro, Manso and Tiwa dating back to the late seventeenth century contributed to the PMT's development as a distinct tribal entity hundreds of years ago.<sup>10</sup>

Moreover, following the relocation of PMT members from the El Paso area to the Mesilla Valley and what is now Las Cruces, New Mexico, the rates of

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<sup>10</sup> The role of intermarriage in producing the El Paso del Norte Pueblo culture blending Piro, Manso and Tiwa also is addressed in the Tribe's previous submissions. (1992 Petition: 24-25 ("Intermarriage resulted in a Paso del Norte pueblo culture that was a blend of its component Piro, Tiwa and Manso parts"); 1996 Petition: 254, 257-265.)

mariages within the Tribe increased throughout the nineteenth century to over 60 percent by 1900. Although the rates of intermarriage have since declined somewhat, members of the PMT Tribe are very much bound by blood and kinship, as well as tribal and political affiliation. Indeed, it is such kinship connections that have contributed to PMT's ability to survive as a distinct Native American community, maintaining an enduring form of self-government and practicing its traditional ceremonies (Campbell 2005: 1; Houser 1996: 2.)

1. **The role of intermarriage during the El Paso del Norte period.**

Five hundred years ago, the Piros, Mansos and Tiwas were distinct aboriginal groups residing in what was to become northern New Mexico and El Paso, Texas.

*a. Piro Intermarriage*

Prior to the arrival of the Europeans in the sixteenth century, Piro people lived in villages in the Upper Rio Grande Valley of northern New Mexico. The main Piro settlements were located along the Rio Grande in the vicinity of contemporary Socorro, New Mexico or in the Salina Basin (Campbell, Howard "Tribal Synthesis: Piros, Mansos and Tiwas through History" *Journal of the Roybal Anthropological Institute (N.S.)*, 12, 293-311, 299 (2006); Brandt 1996; Marshall & Walt 1884: 135-234; Riley 1995: 96-97.)

The Piro, like the Tiwa, are a Pueblo Indian culture. They engaged in trading networks and conflicts with various Pueblo groups as well as with mobile Apaches, Navajos and others, establishing a pattern that continued into the colonial period (Brooks 2002: 45-79; Forbes 1960; Vierra 1997: 563-80.)

A major dislocation of the Piro people occurred with the Spanish conquest. When thousands of Pueblo Indians revolted in 1680, Piros and many Tiwas (spelled Tiguas per Spanish orthography) were forcibly removed to and/or sought refuge in the El Paso area. While historians and anthropologists differ over the causes and consequences of the Pueblo Revolt, there is no disagreement that the Revolt was critical in the relocation of Piros, and some Tiwas, to the El Paso area. (Preucel 2002; Roberts 2004; Weber 1999.)

The Piros who left Northern New Mexico during the Pueblo Revolt located principally at the Socorro (Texas) Mission and at Senecu del Sur.<sup>11</sup> Eventually the Piro population at Socorro dispersed and spread to other areas, mixing with other Indians (Fewkes 1902:58.) Today all that remains of the Piro community in Socorro, Texas is the residue of the old Piro mission settlement (now covered by a cotton field), the recently restored mission church (originally known as Nuestra

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<sup>11</sup> Evans has documented Piro burials from 1684 to 1829 in the Socorro Mission Church. The Indian burials confirm the existence of a Piro culture in the El Paso area for nearly 150 years (Evans, Consuelo. *An Analysis of Burials from the Old Socorro Mission, Socorro, Texas*. The Artifact, vol. 27, no.1, pp. 1-50, 41 (1989).)

Senora de la Limpia Concepcior de los Piros de Socorro del Sur), and a few local residents who claim Piro ancestry. (Campbell 2006: 300.)

*b. Manso Intermarriage*

Manso Indians, who are non-Pueblo people, were living in the El Paso area when European explorers first crossed through the area in the sixteenth century (Beckett & Corbett 1992a; Hammond & Rey 1953: 315.) According to Houser, Manso territory encompassed a region bounded on the west by the Mesilla Valley and Gila River in New Mexico and on the east by modern Presidio, Texas. (Houser 1996: 2.)

The early Mansos constructed homes of reeds, straw and wood and clustered together in small *Rancherias*. (Martinez 2000: 6.) They were governed by a chief, whom the Spanish referred to as a *cacique*. (Martinez 2000: 6.)

The Mansos (a Spanish-imposed name meaning “tame” or “domesticated”) welcomed the Europeans only to be conquered and subjugated as the Spanish became more established in the region. (Campbell 2006: 300.) In 1598, Onate celebrated the “La Toma” ceremony formally establishing colonial rule over the Mansos. (Martinez 2000: 7.)

Mansos rebelled against the Spanish during the 1600s but finally settled peacefully at the Guadalupe Mission, in the vicinity of the *Nuestra S nora de Guadalupe de los Mansos* church, and at other locations. (Beckett & Corbett 1990:

5-6; Forbes 1960: 200-207; Hughes 1914: 304-347.) The Mansos built the church and became subject to Spanish laws regarding property, work, religion and civil life. (Campbell 2006: 300; Beckett & Corbett 1992a: 8; Hughes 1914: 295-391; Simmons 1979: 181-186; Walter 1951.)

For most of the colonial period, the Mansos and Piros maintained distinct ethnic barrios or towns controlled by their governor (Beckett & Corbett 1992b: 5-6; Houser 1996: 1.) However, by the end of the colonial period, diseases and violence had depleted the native population. Those who survived began to blend into one loosely connected multi-tribal Indian community – the ancestors of the modern day PMT Tribe. (Beckett & Corbett 1992a: 15-16; Houser 1966; Peterson, John A. *Evaluation of “Senses of Place and Constructions of Affiliation: Hueco Tanks State Historical Park Ethnographic Study”* by Kurt F. Anschuetz. Ms. Submitted to the National Park Service, p. 472 (2003)).

**c. *Tiwa (Tigua) Intermarriage***

The southern Tiwas, like the Piros, were originally northern New Mexico Pueblo people at Ysleta del Sur. The Pueblo Revolt and its aftermath brought hundreds of Tiwas to the Guadalupe Mission. Ysleta del Sur was a thriving agricultural tribal community, despite floods, disease, attacks by Apaches and the eventual transfer of local sovereignty from Spain to independent Mexico. (Hackett 1937: 461; Hendricks 2002.) As of 1744, Ysleta del Sur was the most populous

community in the Lower Valley of El Paso, with about 500 Tigua Indians. (Hendricks 2002: 172.) However, the Indian town later began to decline with the coming of Anglo American influence. (Schulze 2001.)

These three groups then lived in the El Paso area in and around Spanish missions for the next two hundred years. According to Beckett and Corbett, until the end of the colonial period the Mansos, Piros and other tribes of the El Paso del Norte area maintained distinct ethnic identities and governments – distinctions that were reflected in civil and religious records. (Beckett & Corbett (1992b: 6.)

Eventually, however, disease epidemics and violence during the late 17th and early 18th century depleted the Indian population, who began to merge into one tribal peoples – the roots of the contemporary Piro-Manso-Tiwa Indian Tribe. (Beckett & Corbett 1992: 15-16.) Houser notes that during this time period, inter-marriage between these groups was common ....” (Houser 1996: 2 (emphasis added).) While such intermarriage had typically occurred among the Northern Pueblos, it never reached the early proportions that it did in the Paso del Norte region among Piro, Manso and Tiwa people. (*Id.*)<sup>12</sup>

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<sup>12</sup> The practice of clan-arranged marriages, which persisted in the northern Pueblo up until the introduction of American boarding schools for Indian children at the close of the 19th century, broke-down early at Paso del Norte because of the uprooting and wholesale resettlements of the Piro and Tiwa people at an enclave far removed from their ancestral surroundings. (Houser 1996: 2.)

Intermarriage produced a Paso del Norte Pueblo culture that was a unique blend of its components – its Piro, Tiwa and Manso parts. As Houser therefore recognized, the PMT are the contemporary descendants of these three ethnic groups – “the only tribal entity that formally recognizes (as their name implies) their tribal ancestry to the primary indigenous peoples of this region – the Manso, the Piro and the Tigua.” (Houser 1996: 2.)<sup>13</sup>

## 2. The PMT’s relocation to the Mesilla Valley and Las Cruces.

By the mid-1800s, life for the Piro, Mansos and Tiwa Indians of the El Paso area had become increasingly difficult. Famine, lack of jobs, disease and enhanced subjugation by the mission priests forced many Piro-Manso-Tiwa Indians to migrate to the Mesilla Valley. Because of their distinct Indian status, PMT families received land in the Las Cruces area as part of the Dona Ana Band Colony Grant of 1839. (Bartlett 1965 [1854]: 148-149.) Sklar summarizes the history of Indian settlement of the Mesilla Valley during the middle of the 19th century as follows:

In the 1850s, when the land around what is now Las Cruces opened to settlement, some indio families from the Guadalupe mission migrated here. Their grand-children and great-grand-children are among the only known descendants of the Piro and Manso peoples. In the late

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<sup>13</sup> Houser further observed in his January 24, 1996 Cultural/Historical Assessment of the PMT Indian Tribe that “[t]he PMT are a Native American tribal group who have coalesced from three major tribal groups in order to survive. *This was not a merging of tribes but a gradual process of intermarriage between local tribal groups.*” (Houser 1996: 2 (emphasis added).)

1800s, émigrés from the Guadalupe mission were joined in Las Cruces by Tigua families from Ysleta del Sur and Piro families from Socorro del Sur and Senecu del Sur, two El Paso Piro missions that were abandoned at the turn of the twentieth century.

(Sklar 2001: 9.)

Piros from Senecu, Mansos from Guadalupe Mission, and Tiwas from Ysleta further intermarried and reestablished their blended community in the Las Cruces area in the latter half of the 19th century. (Houser 1979: 337; Fewkes 1902: 61; Loomis & Leonard 1938: 4; Campbell 2005: 6-7.) Local newspapers recorded tribal ceremonies in 1872 and thereafter. (See, e.g., *Rio Grande Republican* 12/15/1899 & 12/13/1912.) Beckett and Corbett found that: “People from the declining Indian pueblos of the El Paso Valley joined together in Las Cruces to maintain their Indian identity ... . This group included [Manso] Indians from the Guadalupe Mission such as the Jemente, Abalos, Roybal and Trujillo families.” (Beckett & Corbett 1992b: 6.)

The Tribe that relocated, however, was not comprised of three separate tribes that had combined. Rather, the tribal families themselves had intermarried over the course of two hundred years and formed one group – the PMT. (Brandt 1996: 15; Campbell 2005: 7.) Culture, ceremonies, traditions, chants, language and dances were shared, and the Las Cruces Pueblo became bound by blood, common culture and history. (Beckett & Corbett 1990: 6; Campbell 2005: 7.) According to Beckett and Corbett:

In the last half of the nineteenth century many of the Indian families from the Guadalupe mission moved north to the Las Cruces area. Some of these people eventually joined with other immigrants from Senecu and Ysleta del Sur to form the group known today as the Tortugas Indians [PMT] . . . The Roybals are one of the leading families of the group. The first Cacique of the Las Cruces area Indians was Felipe Roybal. His son Vicente was also the Cacique for many years . . . .”

(Beckett & Corbett 1992: 19.)

In Las Cruces, Piros, Mansos and Tiwas continued to intermarry while maintaining a distinctive collective identity vis-à-vis local *mestizos*, other New Mexico Indians (such as Apaches), Anglos and African-Americans. (Beckett & Corbett 1990: 6.) Traditional clan and moiety structure waned, as did pottery-making, but community members distinguished between Indians and non-Indians.

(Hurt 1952: 104 & 121-22.)

For over a century, the PMT have retained a continuous core culture, even though the constituent elements of that culture had evolved and changed over long stretches of time. These cultural features have been documented by numerous social scientists over a one hundred year period, including Bandelier (1890), Fewkes (1902), Hodge, Frederick. *Manso*. Handbook of American Indians North of Mexico. Bureau of American Ethnology, Bulletin 30. Part I. 1907, Loomis and Leonard (1938), Hurt (1952), Oppenheimer (1957), Houser (1979), Reynolds & Taylor (1981), Beckett and Corbett (1990), and Campbell (2005, 2006, & 2009).

Central elements of the Indian culture at Las Cruces have included:

- Regular meetings of the tribal government
- Traditional religious beliefs
- Hybrid spiritual practices such as worship of the Virgin of Guadalupe (although this has been phased out more recently)
- Pilgrimages to a (b) (3) (A) )
- Traditional dancing to the ceremonial drums
- Strong kin networks
- Traditional dances; chants, songs and costumes
- Blessings with smoke
- Ceremonial bonfires
- Seasonal rabbit hunts
- Consumption of native foods such as dried venison and a corn beverage
- Revival of the Piro and Tiwa languages
- Traditional adobe and viga (wooden beam) house construction.

(Beckett & Corbett 1992b; Granjon, Henry. *Along the Rio Grande. A Pastoral Visit to Southwest New Mexico*. Edited by Michael Taylor. Albuquerque: University of New Mexico Press. 1986 [1902], 36-37; Hodge 1907: 803; Peterson 1993: 462-464; Campbell 2006: 302.)

As the Tribe has no land base or physical infrastructure, PMT activities have been centered around traditional seasonal celebrations, such as the seasonal solstice

and equinox times. These seasonal tribal ceremonies and tribal meetings are described in greater detail below. In addition, Tribal activities are connected with family gatherings such as weddings and other life-cycle events or organized activities. The tribal Cacique guides these gatherings and gives them cohesion with spiritual words about how to live a life on the “Red Road” (the indigenous way). (Campbell 2006: 303.)

3. **The role of intermarriage in forming PMT’s tribal identity.**

Kinship relations are a principal source of the strength of the PMT Tribe. The Tribe is organized and comprised of families with grandparents at the core. Information about the Tribe circulates quickly through families. The heads of the tribal families usually serve as Tribal officials. (Campbell 2005: 92-93).

As outlined in greater detail below, most tribal members interact on a daily basis and are bound by their tribal identity. (Campbell 2005: 101). There is a shared sense of unity and identity separate from that of non-Indians. Tribal members greet each other throughout Las Cruces at the store and the post office, visit each other at their homes, discuss tribal affairs, share information about the well-being of family members, and attend and celebrate graduations, weddings, and other special occasions involving PMT members. (Campbell 2005: 101).

Tribal members are bound by extended family ties resulting from the extensive intermarriage among Piro, Manso and Tiwa Indian people in the El Paso

del Norte area dating back to the late 1700s and 1800s. As Campbell has recognized: “Until the 1900’s, most tribal ancestors were in fact intermarried Piro, Manso, and Tiwa Indians of the Mesilla Valley and the El Paso del Norte area. (Campbell 2005: 102). Moreover, in 1983 anthropologist Terry Reynolds observed that:

[The PMT] definitely are the descendants of a mixed Indian group – Manso, Piro and Tigua – from El Paso del Norte, now Juarez. The Roybal family are definitely the descendants of Manso Indians – aboriginal inhabitants of the Mesilla Valley – they do come by the Caciqueship through inheritance, etc.

(1983 letter from Terry Reynolds to Anita Romerowski, Director, Indian Law Support Center.)

Indeed, PMT’s identity is linked to the original 22 families that comprised the Tribe historically and their descendants. (Campbell 2005:107). Particular names like Roybal, Avalos, Madrid, Jemente, Trujillo, etc. are strongly associated with tribal membership today.

By the turn of the last century, the rate of intermarriages among PMT members had reached 60 percent. (See 1996 Petition: 215). This followed an extended period of time in the 19th century in which the level of intermarriages among tribal members Tiwas had consistently approached 50 percent. (1996 Petition: 199-215).

Analyzing PMT's membership rolls in conjunction with the 1996 Petition, Tribal Staff determined that the incidence of endogamous marriages among Indian ancestors of the current PMT membership reached a high point in the late 1800's — when all, or nearly all, of the Indian core ancestors and their families had settled in the Mesilla Valley and/or Las Cruces.

As further demonstrated in the Tribe's 1996 submission, every member of its then current membership was determined to be the product of one of twelve PMT family lines and/or pairings and/or combinations of pairings linked to original ancestral tribal family lines. (1996 Petition: 208). This is further reflection of the fact that PMT members that intermarried extensively for decades following their relocation to the Las Cruces area.

The significant rates of marriage intra-group among PMT members also are demonstrated by the kinship characteristics of their recorded descendants. In the cases of the 23 Indian individual ancestors of whom there is a record or recollection, at least 12 pairings were between some combination of persons known or believed to have been Piro/Manso/Tiwa before 1880. This is regarded a conservative figure — indeed, it is believed that circumstantial evidence or additional research could lead to a finding that as many as seven more pairings were with PMT Indians.” (1996 Petition: 213). Indeed, the 1996 kinship analysis concluded that intermarriage in the sense of kinship by blood as the result of

intermarriage “is the rule in this tribal population. Fewer than 10% of members are not related by blood to at least one other extended family that was represented in the original core population of the Piro/Manso/Tiwa Tribe.” (1996 Petition: 256).

The fact that until 1900, marriage rates within the PMT group exceeded 50 percent for generations demonstrates the Tribe’s existence as a “community” at that time satisfying the criterion of § 83.7. *See* 25 C.F.R. § 83.7(b)(2)(ii). Moreover, as reflected in the following sections, the PMT has continued to maintain its distinct community and culture over the past one hundred years even as the rate of intermarriage among tribal members has declined.<sup>14</sup>

**B. Significant Social Relationships Connect PMT Members, and There Are Significant Rates Of Informal Social Interaction.**

The modern community life of the Piro-Manso-Tiwa Tribe is conducted as a distinct society with its own customs and traditions separate from surrounding ethnic groups. There are high levels of social interaction among individual tribal members, who form the distinct Indian community in Las Cruces. A rich mixture of ceremonial and political participation, described in greater detail below, gives PMT members an abiding sense of communal solidarity and identity. As detailed below, the significant social relationships that connect PMT members are a product of kinship ties and geographical contiguity, and of the transmission of PMT

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<sup>14</sup> Not surprisingly, the decline in marriages among tribal members commenced with the advent of Indian boarding schools – a development addressed elsewhere in this petition.

customs and traditions through various means including traditional training and instructing dancers, educational activities and oral traditions.

The strong and enduring nature of the social relationships connecting PMT also helps to explain the Tribe's ability to survive the challenges of centuries of pressures from outside forces. As discussed above, the Piro-Manso-Tiwa culture has been under constant attack from non-native cultural, religious, social and economic forces. The Tribe has never enjoyed a protected reservation or sanctuary. It does not have a secure land base or economic resources or other infrastructure from non-Indian pressures.

Yet the PMT Tribe has endured in spite of wars, famine, forced migration, land loss, disease epidemics, forced labor and missionary acculturation activity and done so as a distinct, defined separate political tribal entity. Through the era of Indian boarding schools, the war efforts and relocations, to the realities of economic change in Southern New Mexico, the Tribe has managed to maintain its distinct traditional tribal culture. That it has succeeded in doing so is attributable in large measure to the meaningful social relationships and the high level of informal social interaction connecting PMT members.

The elements of these social relationships and interaction are set forth as follows:

1. **The strong ties of kinship that bind PMT tribal members.**

Members of the PMT Tribe are bound by strong ties of kinship. Of PMT's current membership, 95 percent are descendants of at least two of the original core full-blood Indian ancestors.

*Every* member currently enrolled in PMT is related to at least one family outside of his/her immediate household by ancestry. Members of several of the Tribe's larger families are related to five or more descendant groups from the identified core of PMT full-blood ancestors. Most PMT members have first, second and third cousins of varying degrees of separation within the Tribe.

In its 1996 Petition, the PMT Tribe presented the results of a study analyzing kinship relations among individuals from many of the PMT Indian family lines including ages varying from 3 years to 56 years. The study confirmed the high incidence of actual family ties among the Tribe's members. (1996 Petition: 257-264.)

While the 1996 kinship study did not include all PMT members, it clearly demonstrated that virtually every tribal member is directly related by blood to another PMT member in one or more ways. It also confirmed the fact that extensive intermarriage had occurred within the Tribe until the early part of the twentieth century.

To be sure, particularly since WWII and the Indian Relocation Period, an increasing number of marriages have occurred outside the PMT group. Since the late 1940s, a majority of marriages of PMT members have been to non-member Indians or non-Indians. Even so, some intertribal marriages have continued to occur. For example, (b) (6) [REDACTED] [REDACTED]. (1996 Petition: 265.)

Kinship relations remain a primary source of the strength of the Tribe. Marriage ceremonies and other family and kinship activities are focal points for social interaction. Good examples of family-oriented tribal gatherings including the (b) (6) [REDACTED] family reunions in 1994 and 2008 (with attendance by members of the Gomez, Roybal and Eres families) and the 50-year wedding anniversary of Vicente and Isidre Roybal in 1960. Both families are part of the main lineages that make up the Piro-Manso-Tiwa Tribe. (Campbell 2005: 74.)

2. **PMT's continuous existence as a distinct community is reflected by its geographical contiguity.**

The core neighborhood of the contemporary Piro-Manso-Tiwa Tribe is located in Las Cruces, New Mexico. This general area has been inhabited by PMT families since at least the 1840s, and it was the location of the traditional Indian kiva and home of the Cacique. The original central neighborhood of the PMT Tribe (approximately two square miles in size) is found in this location in the

vicinity of San Pedro and Amador Streets (and bounded by Bowman and Lowman Streets).

Today, despite all the challenges they have faced including a lack of a federally protected land base or reservation, more than 70 percent of tribal members reside in Las Cruces within a radius of about five miles of the “Old Indian Neighborhood” – the traditional PMT lands. The descendants of many of the 22 founding families of the Tribe also continue to own property in this same core area. These include the Avalos, Roybal, Trujillo, Eres, Gomez and Jemente families. (Campbell 2005: 20.)

Approximately 20 properties are owned by Tribal members in “the Old Indian Neighborhood.” Tribal members currently occupying homes in the PMT old neighborhood of Las Cruces include (b) (6)

[REDACTED], Roybal, Avalos and Trujillo families, and (b) (6) family (all of the aforementioned individuals share their homes with numerous relatives). (Campbell 2005: 20.) Other PMT Indian families who have lived in the neighborhood over the years include the (b) (6). (Campbell 2005: 20.)

Tribal members have the sense that this core PMT neighborhood is distinct from the rest of the town of Las Cruces. Historically, the community was known

as an Indian barrio (“*el barrio de los indios*”) by non-Indian residents of Las Cruces. (*El Paso Times*, 5/27/1901; Campbell 2005: 26.) It was, and still is, one of the poorest parts of town. Children from the Indian neighborhood mostly attended the same elementary school (Grandview). The Indian neighborhood was distinguished from other parts of Las Cruces as a result of segregation by the larger society as well as internal Community cohesion. (Campbell 2005: 26.)

The core Indian neighborhood has its own patron saint, *Nuestra Senora de Guadalupe*, for whom some PMT residents have built small shrines at their homes. Tribal members have a strong attachment to this place and the feeling that their families and the Tribe originated there. (Campbell 2005: 26.) The tight weave of the community is also expressed in fictive kinship terms, such as “grandfather” or “uncle” used generically to refer to Tribal Elders. (06/13/2001 interview with Lorenzo Romero.) Most members also refer to each other as “primo” or “prima,” which in Spanish means “cousin,” but in the PMT context is used as a term of close family connection and kinship. (06/13/2001 interview with Lorenzo Romero.)

3. **The core neighborhood in Las Cruces is located in close proximity to PMT ceremonies.**

Many different tribal ceremonies are held in close proximity to the core neighborhood, and prominent physical features with sacred significance to the Tribe form a diamond around the PMT community. To the north is (b) (3) (A);

Exemption 3

to (b) (3) (A) [redacted]

[redacted]. (Campbell 2005: 26.)

These sacred mountains have been the sites of spiritual bonfires lit by tribal members for over a century. Important natural resources (such as mesquite beans) valued by the Tribe are found in these areas. The mountains also are used for collecting medicinal plants such as herbs for tea, greasewood, sage and yucca bark.

Prominent places in Las Cruces where other tribal events, such as ceremonies and meetings, occur include the East Las Cruces Neighborhood Association on N. Tornillo Street, the Las Cruces Branigan Library on Picacho, the Unitarian Universalist Church on S. Solano Drive, the VFW Post on N. Main Street, and the National Guard building on West Interstate 10.

Historically tribal members built their houses according to PMT spiritual beliefs regarding the (b) (3) (A) [redacted]

[redacted]

[redacted]. Remnants of indigenous house types and multi-family housing compounds exist today in the old core neighborhood. PMT people have also used land in the core area to grow corn, beans, squash, melons, chile, *quajes* (rattles) and other plants of special significance to the Tribe. (Campbell 2005: 27.)

4. There are significant rates of informal social interaction occurring on a continuous basis.

The close proximity of tribal members in the core Indian neighborhood in Las Cruces facilitates informal communications. Tribal news travels quickly through the grapevine of verbal interactions. Significant intra-tribal social relationships include endogamous marriages, intergenerational *compadrazgo* (fictive relationships), personal friendships, adoptions and involvement in cultural, educational, ritual and other social activities, as well as group political activities.

The remaining PMT members, including some who do not live in the core neighborhood, form part of an “extended community” – that is, they maintain close ties with the Tribe and frequently return to the core neighborhood for tribal events. (Campbell 2005: 27.)

Tribal members not residing in Las Cruces live primarily in the following locations: Albuquerque, NM, San Diego, California; and Varn Horn, Texas. These migrations were initiated by male heads of households seeking employment and education (including work for the U.S. military during and after World War II and the Indian Relocation Period). Currently, the families in these locations have expanded considerably and formed clusters of tribal members who live close together and also consistently return to Las Cruces for tribal activities such as ceremonies, family sporting events, meetings, weddings, baptisms and funerals. Regular communication is maintained through letters (including regularly

Exemption 6

scheduled mailings announcing tribal events), phone calls, payments of tribal dues, remittances to family members, and word of mouth. (Campbell 2005: 27-28.)

In this fashion, the PMT extended community has maintained strong ties to its community of origin. As one tribal member noted: “If people are part of the Tribe, they’re always part of the Tribe; in the sense of a community.” (Campbell 2005: 28.)

Reflecting the continuing connection, it has not been uncommon for tribal members who left the area to return to Las Cruces to retire. Examples include

(b) (6)

, who had to relocate for military service or employment years ago, but who now once again are residents of Las Cruces.

Urban renewal projects from the 1950s and onward widened and paved streets, filled in arroyos, and tore down some older homes in the Indian neighborhood of Las Cruces. But, the neighborhood still maintains a core group of Indian families who maintain Indian customs, traditions and artifacts in their homes and yards, including photographs of Indian relatives, drums, bows and arrows, bead jewelry, pottery, miscellaneous handicrafts and clay ovens.<sup>15</sup>

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<sup>15</sup> To be sure, contemporary PMT culture is a blend – a mixture of various cultures – as is true of all cultures in the modern world. However, the core elements of the culture are the customs and traditions of the Piro, Manso and Tiwa cultures that have blended and evolved over time through migration from Northern New Mexico to the El Paso area (in the case of the Piros and Tiwas), intermarriage with

5. Communications, networking and the maintenance of community ties.

PMT culture is passed on through a variety of means including training and instructing traditional dancers, educational activities and oral tradition.

The Tribe's oral tradition deals with many issues, including sacred sites, historical events and people, relations with other ethnic groups, spiritual beliefs and practical information about agriculture, plants, foods, recipes, weather and nature. Household visits and participation in meetings and ceremonies also are a key part of PMT social life. (Campbell 2005: 70.)

Mail, phone, and verbal communication are constantly used to keep PMT members abreast of current affairs involving the Tribe. An especially important networking role was played for many years by Victor Roybal, Jr. (now deceased). In their report, Kaufman, et al., noted that:

Victor Roybal ... has remained a central figure. In retirement, he still travels tirelessly throughout the Mesilla Valley, carrying the news of the Tribe among members. He remains an important communication link among tribal members, bearing announcements of meetings, extending condolences, gathering herbs and plants, carrying food, making ceremonial items, teaching cultural traditions. Many Elders as well as youth among the Tribe look to Victor Roybal, Jr. as an authority, a living repository of Piro/Manso/Tiwa tradition. Living near the core neighborhood in Las Cruces, he continuously links key individuals and families throughout the Mesilla Valley ... .

(Kaufman, Barbara and David Batcho. Research Report in PMT Files. 1992.)

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Manso and other Indians, and living among Spanish, Mexican, Mexican-American and Anglo-American peoples in the Las Cruces area. (Campbell 2005: 28 n.25.)

## 6. Ceremonies and Meetings.

The PMT ceremonial cycle is critical to the contemporary functioning of the Tribe and is the core of tribal life and identity. Ceremonies consist of traditional drumming, dances, songs and prayers tied to the changes of the seasons and movements of the sun; specifically, they are scheduled to coincide with the summer and winter solstices and the spring and fall equinoxes.

From 1888 to 1912, PMT members danced near St. Genevieve's Church in Las Cruces. (Campbell 2005: 75.) PMT members later danced at Tortugas until the 1940s, and thereafter near Cacique Vicente Roybal's home in the old Indian neighborhood. From the late 1960s until the present, PMT dances have taken place at various tribal members' homes, including those of Charlie Madrid, (b)(6) [REDACTED] Al Marrujo and Cacique Ed Roybal Sr., and at other sites such as the (b) (3) (A) [REDACTED].

Most PMT ceremonies are meant as offerings of celebration and appreciation, including prayers for the continuance of life and help in the coming season(s). The changing seasons are associated symbolically with sacred colors and directions.

The Winter Solstice Ceremony begins the new year. Traditionally, tribal members have identified this particular day as a sacred day. A feast and dance are held to celebrate the day, pray and give thanks. (Campbell 2005: 75.)

The Spring Equinox Ceremony is the time for planting. PMT members may plant for their crops – corn and other plants. Different locations where the sun comes up in the mountains at specific times each year are used to align and structure planting ceremonies. (Campbell 2005: 75.)

The Summer Solstice Ceremony in June marks cultivation of crops. Prayers and offerings are given to encourage the success of the harvest and the health of the Tribe. Prayers also are made to encourage the rains.

The Fall Equinox Ceremony coincides with the harvesting of crops. This ceremony celebrates the coming of autumn, the end of extreme heat, and the approach of the New Year. Prayers of thanks are given for bounty. (Campbell 2005: 75.)

These are the reasons for the coming together of tribal members four times a year for ritual activities. This routine was revitalized by current Cacique Edward Roybal Sr. Ceremonies and meetings are held at different locations, but typically take place at the homes of tribal members.

Tribal meetings occur prior to the ceremonies at the four main ceremonial periods during the year. Notices indicating the time and location of these meetings are sent out to PMT members. (Campbell 2005: 75.)

Information about these ceremonies and meetings is also passed on through word-of-mouth. After a prayer and blessings are delivered by the Cacique,

Exemption 6

members discuss tribal business. Before the meeting ends, the Cacique talks to tribal members about how the associated ceremony should be held, people's responsibilities, and so on.

In general, most tribes do not detail their sacred ceremonies. For the purpose of the petition, the PMT offer a cursory explanation of their traditional seasonal ceremony. On the day of the ceremony, a Sunrise Ritual takes place to bless the grounds of the ceremony, greet the sun, and thank the sun. This ceremony is led by the Cacique. All of the dancers are encouraged to attend the Sunrise ceremony, which is designed to give them strength and to bless their activities. At the Sunrise Ceremony a fire is lit and kept lit for the rest of the day.

These four ceremonies and associated meetings make up the core of PMT ritual life today.

7. Drumming and Dances.

Drumming has been an important feature of Piro-Manso-Tiwa culture for hundreds of years and is a main element of spiritual practices. Members of each of the various lineages of the PMT have drumming experience and participate in the seasonal ceremonies.

The main drummer of the quarterly PMT ceremonies is (b) (6). (Campbell 2005: 87.) From 1970-1989, (b) (6) was involved in a religious group that practiced Tigua Indian dances at Old Picacho Peak. He has been the lead

## Exemption 6

chanter and drummer at PMT events since the early 1990s. The drumming gives the beat for the dances and is also a spiritual activity. The chants are prayers in the Tiwa language, and each chant has a different beat.

Each of the quarterly ceremonies includes six or seven dances (out of a total repertoire of 15 to 20 dances known by (b) (6) ) with the associated drumming and chanting. The main dances performed at each ceremony are the following (although there is some variation on this basic theme);

- The *entrada*/entrance dance – dancers enter from the east and dance toward the west. A prayer and a spiritual presentation are delivered by the Cacique.
- Dance with a fast beat.
- Slow dance.
- *Cuadro* – a square dance to the four directions.
- Round dance.
- Dance (unnamed) in which Andrew Roybal beats a drum and says a prayer for other Indian groups.
- *Dispedida* – the farewell/friendship dance.

The ceremonial dances last for several hours. The dancers are dressed in ceremonial clothing and shake *quajes* (rattles) while dancing.

## Exemption 6

The main drum, known as *tombe*, is made with a tree stump often of aspen, and is decorated with rawhide (often from an elk), and designs in red paint, including traditional symbols.

The main drummer, (b) (6), leads the drumming and chanting, and is usually accompanied by his grandson (b) (6) and other male tribal members. Other men also join from time to time. The lead drummer beats the drum with a *motala* (a piece of aspen wood with cotton padding and rawhide strapping). The drummers and chanters carry the drum, which is roughly 1-1/2 feet long and 1-1/2 feet in diameter, and follow behind the dancers. Gilbert Moreno says he receives a spiritual sensation from the drumming and chanting; it is a form of cathartic prayer for him. (10/21/01 interview with Gilbert Moreno; Campbell 2005: 88.)

### 8. Non-Ceremonial Activities.

Non-ritual activities also are a source of extensive social interaction among tribal members. These include enchilada dinners, tribal meetings and various non-formalized social interactions.

Communal labor by tribal members includes collecting wood, preparing food for ceremonies, and miscellaneous other activities. (Campbell 2005: 88.)

PMT members have historically farmed in and around the Las Cruces area. Elders recall growing corn along the Rio Grande River and west of Valley Drive

along Amador Avenue. Corn also is grown in the PMT core neighborhood. Additionally, there is a clay pot area west of Tortugas that has been used for making adobes. (Campbell 2005: 91.)

In regard to ceremonial practices, the Tribe's War Captains are responsible for gathering the tribal people for ceremonies and instructing them as to what is required. In the past, notices were sometimes sent through the mail to notify members that dance practices will take place in preparation for ceremonies. This is usually supplemented by phone calls to those that generally dance or sing. Requests to attend are made of all members, especially of children who have not yet participated, by Tribal Elders, War Captains and ceremonial instructors. Often, heads of families are contacted and they then are responsible for informing their family members.

At practices and ceremonial dances, people learn to dance and chant and they learn the meaning of those things for the Tribe. Information is provided, yet an understanding of the ceremonies is an ongoing process throughout one's life. (Campbell 2005: 96.)

In addition to the foregoing, occasions such as weddings, funerals, anniversaries and family reunions provide numerous opportunities for tribal members to interact socially. Informal interaction among PMT membership also

occurs frequently when individual members contact the Cacique or other Tribal Elders seeking guidance and counseling regarding a variety of personal issues.

As is also demonstrated elsewhere in this Petition and in PMT's prior submissions, the level of social interaction among PMT members (especially those continuing to reside in the old neighborhood in Las Cruces) has been and remains extensive. The Tribe would not have survived all the challenges and emerged as an even stronger tribal entity without such connectedness.

9. **Documentation of tribal members' high level of social interaction.**

Historically, communications among tribal members have been mostly verbal. As Victor Roybal, Jr. explained in a 1995 interview: "During that time the Tribe had no money, not even enough for stamps; so I had to go door to door to notify the people of tribal functions and activities." (Campbell 2005: 96.)

In the 1950s and 60s, an atmosphere of secrecy also surrounded most PMT activities and events so that these occasions were not always recorded.<sup>16</sup> Tribal members knew who they were, and participation was based on blood ties and knowledge of one's family and lineage.

However, records of tribal meetings have been available from the 1970s. Meetings, informal gatherings and discussions have been held at the homes of the

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<sup>16</sup> This was due in part to the hostilities with the Corporation, which appropriated and copied most PMT ceremonies. (See Background Section of this Petition; 1992 Petition: 157-177.)

Cacique and other tribal members such as (b) (6), Charles Madrid, Victor Roybal Jr., (b)(6), and Al Marrujo during this time period.

The annual election, which used to take place on New Year's Eve, has been changed to the meeting before the Winter Solstice Ceremony. Tribal officers are elected at that time, and the main issues facing the Tribe for the upcoming years are discussed among the members.

Participation of Piro-Manso-Tiwa Tribal members in the practice of ceremonial dances, drumming and chanting has been documented in recent years by member sign-in sheets. Dance practices have been held at various tribal members' homes or in public places in the City of Las Cruces.

**10. Interactions through fundraising and making traditional and ceremonial items.**

Community interaction also exists through participation of Piro-Manso-Tiwa members in tribal fundraisers. The fundraisers have included hot dog stands at a local shopping center, car washes at a local gas station, hosiery sales by individual tribal members, and enchilada or chili plate sales held at VFW Post #3242 in Las Cruces. Such fundraisers have been held to raise funds to finance all Tribal office activities such as purchasing supplies, mailing notices to tribal members and other operating expenses. Tribal funds also are used to support traditional tribal ceremonial observances, such as assisting the "mayordomos" within defrayment of

costs for providing a traditional meal during ceremonies and for procurement of ceremonial items and traditional dress. (Campbell 2005: 100.)

Making traditional and ceremonial items also is significant and widespread activity of the community. Indian arts and crafts constructed by tribal members include drums, bows and arrows, *quajes* (rattles), ribbon shirts, kilts, sashes, *mantas* (gowns), dresses, headdresses, *quiotes* (large prayer staves) and *ramos* (smaller prayer staves). Other activities include sweat lodge ceremonies, individual physical and spiritual healing ceremonies, births and naming ceremonies; spiritual relay races; visitation of Tribal Elders for guidance, counseling and passing-on of oral traditions and ceremonial observances. (Campbell 2005: 100.)

**11. Social groupings reflecting significant involvement in PMT affairs.**

The community life of the PMT Tribe is based on the traditions, cultures and beliefs of Piro, Manso and Tiwa Indians. People interact on a daily basis and are bound by their tribal identity. A tribal member recognizes and interacts with another tribal member as members of the same tribe creating a unity and identity separate from that of non-Indians. Tribal members greet each other throughout Las Cruces at the store and the post office, visit each other at their homes, discuss tribal affairs, share information about the well-being of family members, and attend and

Exemption 6

celebrate graduations, marriages, weddings, funerals and picnics of other members. (Campbell 2005: 101-02.)

The categories noted below comprise some of the social groupings within the PMT Tribe. The listed individuals are regular participants at tribal meetings, ceremonies and informal gatherings. They are active in tribal affairs and are tribal members in good standing. They have participated in or been kept informed of tribal events, policies, requirements, ceremonies and activities for the last fifteen years.

Social groupings within the Tribe include the following (the persons listed below are examples of some of the – but not the only – individuals who routinely attend tribal functions) (some now deceased):

1. Women: (b) (6)

[REDACTED]. They assist and train tribal members for ceremonies and participate in fundraisers.

2. Men: Louis Roybal, Charlie Madrid, Lamberto Trujillo, Jr., Victor Roybal Jr. (deceased), Edward Roybal Sr., and Al Marrujo. They participate in the tribal government and lead tribal ceremonies and gatherings. They are consulted regarding all matters of policy within the Tribe. (Campbell 2005: 104.)

3. Ceremonial/Spiritual: Ed Roybal Sr., Adolpho Avalos, Victor Roybal Jr. (deceased), Charlie Madrid, Louis Roybal and Lamberto Trujillo, Jr. These

people are knowledgeable about the tradition of the Tribe and ceremonial practices.

4. Adults 18-50: (b) (6)

. Generally, these members are learning about tribal traditions, learning how to operate the tribal government according to traditions. They are tribal dancers; they participate in tribal ceremonies; they receive training from Tribal Elders; they participate in elections and provide input for tribal policies and programs; they are familiar with and guide most tribal programs. (Campbell 2005: 104.)

5. Youth: These members are learning tribal customs, participating in ceremonies, attending dance practices and attending tribal meetings. Oral traditions are handed down to them by Tribal Elders. (Campbell 2005: 104.)

The Piro-Manso-Tiwa Tribe has maintained member participation and attendance rosters for many recent ceremonial and traditional gatherings; all of the tribal council staffing meetings, including staff officers' meetings and meetings in which all tribal members are encouraged to attend; and the Piro-Manso-Tiwa tribal ceremonies.

From 1990 to the present, the rosters demonstrate evidence of increased attendance and participation by Piro-Manso-Tiwa tribal members. (Campbell

2005: 102). There is also videotaped documentation of various practices, meetings and ceremonies. (Campbell 2005: 102.)

## 12. Conclusion

Despite the cultural changes and schisms chronicled elsewhere in this Petition and in PMT's previous submissions, the Tribe and its members have continuously maintained their internal status, tribal form of government and ceremonial life to the present. (Campbell 2006: 305.) Notwithstanding hundreds of years of Spanish, Mexican and American oppression and conflict, PMT has maintained a distinct identity that is attributable to the significant social relationships and the high level of social interaction among its members. (Cambell 2006: 305.)

Due to the strength and enduring nature of those relationships, the Tribe not only has been able to preserve its community under the most challenging conditions, it has actually grown stronger.

Anthropologist Dr. Howard Campbell has studied the PMT Tribe since 1993, and has been "in continuous contact" with tribal members throughout that time period. (Campbell 2009.) He has conducted "hundreds, if not thousands, of conversations/informal interviews" with PMT members. He also has observed PMT's ceremonies and other tribal activities, including family parties and dinners,

Fundraisers, arts-and-crafts making and informal social gatherings of the sort previously outlined in this Section.

According to Dr. Campbell, “the general trend has been toward an increase in numbers of participants in tribal events and greater personal and emotional involvement in these events.” (Campbell 2009: 2.) Indeed, while there has been an ebb and flow of attendance at tribal events, “the core group of tribal members has maintained its integrity and there has been an influx of new members.” (Campbell 2009: 2.) Throughout the period, Dr. Campbell also has observed “tribal members engaging in acts of reciprocity, mutual assistance, and exchange of material goods and emotional support.” (Campbell 2009: 1-2.)

Dr. Campbell has thus concluded in the December 10, 2009 “Addendum” to the comprehensive ethnographic study he has made of the Tribe: “As of December 2009, the Piro-Manso-Tiwa Indians remain a viable Native American Tribe with their own distinctive traditions, history and customs ....” (Campbell 2009: 2.) This is a testament to the abiding social relationships and the high level of social interaction which connect not only the majority of PMT members who reside in Las Cruces, but also those members of PMT’s “extended community” as well. The available evidence clearly satisfies § 83.7(b)(1)(ii)-(iii).

**C. There Is A Significant Degree Of Shared Or Cooperative Labor and Other Economic Activity Among PMT Membership.**

Consistent with the strong social relationships connecting tribal members, there is a significant degree of shared or cooperative labor among PMT members that has been evident throughout the Tribe's history.

Early in the 20th century, members of the Tribe worked together to construct a church and a number of homes in Tortugas. (Reynolds & Taylor 1981: 50.) Indeed, the *Los Indigenes de Nuestra Senora de Guadalupe Corporation* ("the Corporation") was formed in 1914 in part for this purpose. As is chronicled elsewhere in this petition, the Corporation served as a tribal instrumentality until the 1940s.

Minutes from tribal council meetings in the 1920s and 1930s indicate continuing discussions of building needs for the tribal community, contributions of labor by PMT members and the need for supplies such as timber and adobe. (See, e.g., 1992 Petition: 108; Minutes of 07/07/1929 tribal meeting (discussing "building needs for the community and records of contribution of labor"); 1992 Petition: 110; Minutes of 09/11/1932 tribal meeting (discussing "specific needs for supplies, like timber and adobes").)

Moreover, until the late 1940s tribal members engaged in frequent communal rabbit hunts due to the scarcity of food. Although these hunts had a special ceremonial significance, they also helped to feed the tribal community

during the difficult years of the Great Depression. (1992 Petition: 127; Beckett 1974: 40.)

In the 1950s, 1960s and early 1970s, as the Tribe realized it was not going to regain control of the Corporation, PMT began to pursue various legal remedies. To do so, the Tribe had to pull together to document its needs and history. A significant number of tribal members participated in this effort. (*See generally* 1992 Petition: 209 (referring to the “years of tireless efforts” required for PMT to recover from the loss of control over the Corporation to non-Indian interests).)

Numerous meetings were held in the Cacique’s home in Las Cruces, and tribal members went door-to-door to gather information for purposes of litigation. Although this is evidence of PMT’s political activity relevant for purposes of § 83.7(c), it also is evidence of an actively engaged tribal community working cooperatively to achieve a shared objective. Indeed, active involvement in tribal meetings concerning political matters continues to the present.

For decades, PMT members also have engaged in collective wood gathering. (Campbell 2005: 88.) This activity goes on for weeks, particularly in preparation for the Tribe’s winter ceremonies. Adult members of the Tribe commonly take time off from work to participate, and tribal youths are also frequently involved in this activity. (Notes from 04/29/2010 discussion with Andrew Roybal, available from PMT counsel on request.) Tribal members from a number of different tribal

families go out in trucks to places identified by the Elders to gather wood, and each member who participates does so on his own time and at his own expense. The wood is collected *both* for ceremonial purposes and for use by tribal members, many of whom have wood-burning stoves. The Tribe maintains a communal wood pile at the former residence of Victor Roybal, Jr., and tribal members who need wood for heating or cooking purposes are free to take it as necessary after making a request of the Cacique. (Notes from 04/29/2010 discussion with Andrew Roybal, available from PMT counsel on request.)

There also is collective plant gathering (including Yucca and other desert plants) that takes place for ceremonial purposes. (Campbell 2005: 88.) Here too, the gathering is done by tribal members from a number of different tribal families.

Examples of other communal labor include the preparation of dinners for consumption by tribal members following tribal meetings and in conjunction with other non-formalized occasions; and the substantial participation of PMT membership in various Fundraisers described in the preceding section of this petition and as set forth below. Certain tribal members have also on occasion gathered cow dung and worms to distribute to other members of the tribe for use in family gardens. (Notes from 04/29/2010 discussion with Andrew Roybal, available from PMT counsel on request.)

In addition to the foregoing, the Tribe has created a comprehensive plan intended to organize and manage tribal resources concerned with education, economic development, social services and cultural activities. The Tribe's plan is the product of extensive consultation among PMT's Project Coordinator Andrew J. Roybal, Tribal Council and other tribal members dating back to the early 1990s.<sup>17</sup>

On December 20, 1992, members of PMT took part in a housing need and income evaluation survey to gather information for a HUD grant (the Tribe was working at the time with the HUD office in Phoenix on housing and community development). At that meeting, tribal members voted unanimously to establish a non-profit corporation known as Turtle River Nation, Inc., to obtain grants and promote economic development. (05/22/2003 interview with Edward Roybal.) "Turtle River" is what local people had historically called the Rio Grande; and "Tortugas," the name of the Tribe's original pueblo in the Mesilla Valley, is the Spanish word for "turtles." (05/22/2003 interview with Edward Roybal.)

Additional meetings and surveys were thereafter held. These community efforts led to the formulation of the "Piro-Manso-Tiwa Community Plan"

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<sup>17</sup> Grants from the ANA helped PMT identify the economic needs addressed in the Tribe's plan. (Campbell 2005: 72.)

completed in June 1997.<sup>18</sup> The elements of this comprehensive plan are outlined below:

**1. Education**

The PMT Community Plan calls for the creation of an office of education which will be in charge of developing an educational program with culturally-appropriate curricula for the Tribe. This program is to include a tribal school for students from kindergarten through high school, and a tutoring program for PMT members of all age groups. The office of education also will assist tribal members in obtaining scholarships, financial aid and admission to colleges and universities. (Campbell 2005: 72.)

**2. Housing**

The main focus of this element of PMT's Community Plan is to provide low cost housing to tribal members. This would provide shelter, help further consolidate the community and assist the Tribe in its efforts to establish a land base. (Campbell 2005: 72.)

An additional Community Plan objective is to obtain land in order to build a tribal center and museum. The tribal center would house administrative offices

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<sup>18</sup> When the PMT Community Plan was created nearly 13 years ago, the Tribe resolved to pursue economic development whether or not PMT was successful in obtaining federal recognition. That remains the case today. That said, lack of federal recognition coupled with limited financial resources have significantly hampered the Tribe's ability to implement various elements of the plan outlined in this section.

and serve as a location for PMT gatherings. The museum in turn would house exhibits concerned with indigenous culture in order to preserve PMT's heritage and disseminate information about it to the general public. (Campbell 2005: 73.)

### 3. Economic Development

This element of the PMT Community Plan calls for the creation of an office concerned with economic affairs and the implementation of the Tribe's economic objectives. The office is to focus on business planning, market analysis, organization and management. (Campbell 2005: 73.) Its principal purpose will be to create jobs and sources of income for tribal members.<sup>19</sup> PMT's long-range goal is tribal economic self-sufficiency.

### 4. Social Services

This element of the Community Plan entails projects concerned with mental health and general social well being. A priority is the establishment of psychological services to attend to the mental health needs of the group. (Campbell 2005: 73.) A second priority is the creation of classes concerned with parenting and childrearing. A third issue is child services to deal with the problems of orphans and foster children. A fourth area of the social service plan

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<sup>19</sup> The successful operation of a PMT booth at the Whole Enchilada Festival in Las Cruces in October 2001 and October 2002 represented an initial effort in this regard. Forty-one PMT members staffed a booth at the Festival in 2001 selling Indian fry bread, and a similar number participated in this same cooperative enterprise the following year.

involves the care of the Elderly, including the construction of a tribal nursing home. A fifth priority is the implementation of programs to deal with alcohol and drug abuse. (Campbell 2005: 73.)

Accomplishments in these areas to date include the admission of tribal members "G.G.," "W.S.," and "E.M." (initials used to maintain confidentiality) to rehabilitation and diversion programs; the provision of counseling by the Cacique, job referrals; and the obtaining of support from National Relief Charities of Phoenix. (Campbell 2005: 73.)

The Tribal Council certified in Dona Ana County and San Diego County Courts that the aforementioned individuals were tribal members so that they could obtain treatment and help through the Indian Health Service. (Campbell 2005: 73-74.) In addition, Cacique Edward Roybal Sr. testified in family court in San Diego County on behalf of tribal children in order to keep them in tribal families and thus maintain tribal culture and family integrity. (Campbell 2005: 74.) The Cacique's testimony in this matter helped tribal families obtain the benefits of the Indian Child Welfare Act (ICWA). Indian tribes are permitted to intervene in state proceedings involving their children pursuant to the ICWA in order to achieve the Act's goal of preserving Indian families.

## 5. Youth Services

The Tribe's Community Plan also calls for the establishment of programs intended to address the needs of young people. Such programs will include sports, arts and crafts, outings, and the teaching of traditional tribal knowledge; as well as classes concerned with substance abuse, health, and sexuality. (Campbell 2005: 74.) An initial effort in this regard is the youth camp the Tribe held in 2000 with funding provided by the Association on American Indian Affairs (AAIA). (Campbell 2005: 74.)

## 6. Newspaper

In addition to the other elements outlined above, the Community Plan contemplates the development of a newspaper that will report tribal news and provide information about Indian life that is of interest to tribal members. (Campbell 2005: 74.)

The Piro-Manso-Tiwa Community Plan reflects the shared commitment of PMT members to make educational and economic opportunities and social services available to the *entire* tribal community. It demonstrates the same communal approach to helping PMT members meet the challenges of contemporary life that characterized the Tribe's construction of the church and homes for tribal members in Tortugas a century ago. As such, it is compelling evidence of the significant degree of cooperative labor and other shared economic activity which has existed

**Exemption 3**

historically and which continues to bind PMT members at present. The criterion of § 83.7(b)(1)(iv) is clearly satisfied.

**D. Shared Sacred Or Secular Ritual Activity Encompassing Most Of The Group.**

Religious ceremonies, informed by traditional core spiritual beliefs are and historically have been, regularly observed by PMT members. This is due in large part, historically and presently, to the Cacique, the ceremonial and spiritual leader of the Tribe. The Cacique is considered the soul of the Tribe and throughout the Tribe's history has played a central role in maintaining the shared sacred ceremonial activity of the Tribe. (Campbell 2005: 32.)

**1. Feast of Guadalupe.**

A central feature of Tribal life in the 19<sup>th</sup> Century centered on shared sacred ritual activity consisting of the annual December dances, pilgrimage up (b) (3) (A), and bonfires in honor of the Virgin of Guadalupe, a continuation of practices conducted by Piro, Manso and Tiwa Indians in the El Paso del Norte area since the 17<sup>th</sup> century. (Campbell 2005: 10.) While the main conduit for the colonizing of the Mansos, Piro, and Tiwas was the Catholic Church, a complete stamping out of Native ritual never was successful. (Hughes 1914: 295-391; Campbell 2005: 5.) PMT, like many other Pueblo Tribes, co-opted Catholic feasts days and rituals as a way to disguise and thereby protect their own traditions and rituals.

Traditional PMT Winter Solstice ceremonies were maintained as Guadalupe celebrations. The Virgin of Guadalupe was adopted by the Mansos. (Hodge 1907: 803; Campbell 2005: 7-8.) The annual bonfires lit during the month of December in the surrounding mountains also is an ancient tradition originated by the Mansos (before the Church) and later used by them to celebrate the feast of the Virgin of Guadalupe (Houser 1996: 4; Fewkes 1902: 74; Reid, John. *Reid's Tramp*. Austin: The Steck Co. 1935 [1858] : 161.)

By 1872, local news articles reported that the PMT were celebrating the Feast Day of the Virgin Guadalupe at St. Genevieve's Catholic Church in Las Cruces. (*The Borderer*, 12/14/1872).<sup>20</sup> The PMT's celebration lasted a week each December. (*Rio Grande Republican*, 12/16/1904; Reynolds & Taylor 1981: 37.) Only two days of this week have been described in available accounts. (Reynolds & Taylor 1981: 37.) The rest of the week involved a variety of open religious rites and practical preparations, including preparation of the feast for December 12, decoration of the Virgin's image, preparation of the *farolitos* that would illuminated the outline of the Tribal members' houses and church on the night of

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<sup>20</sup> Most Tribal members belonged to St. Genevieve Catholic Church, and their births, deaths, baptisms, and marriages are recorded in parish records as early as 1859. (Buchanan 1949: 11; Reynolds & Taylor 1981: 36; Granjon 1982: 127 n.24). Prior to the construction of St. Genevieve's, either the priest at San Albino's in Mesilla or at Our Lady of Purification in Dona Ana traveled to Las Cruces to perform marriages and baptisms (Reynolds & Taylor 1981: 36.)

Exemption 6

December 11, holding a *velorio* on one or more nights to entreat the Saint's blessing for the group and for various households. (Reynolds & Taylor 1981: 37.)

The critical tribal religious rites were performed the day and night before the feast by the Cacique in Las Cruces and other officials of the Tribe in their capacities as religious leaders. On December 11, the Cacique and the War Captains left the Cacique's house in Las Cruces after he had instructed them. (Reynolds & Taylor 1981: 38). They marched to (b) (3) (A) arranging piles of brush along three trails. (Reynolds & Taylor 1981: 38.) They lit this brush after sundown to light the Virgin's way and to announce the fiesta of the following day. (Reid 1935: 161; Bloom 1903: 56; Oppenheimer 1957: 104-106; Reynolds & Taylor 1981: 38.) Then they returned to the Cacique's house for a ceremony. (Reynolds & Taylor 1981:38.) Thereafter, they prayed at the church of St. Genevieve's, then returned to the Cacique's house again for a feast. (Oppenheimer 1957: 104-106; Reynolds & Taylor 1981: 38.)

On the following morning, the Tribe attended Mass, and afterwards, to the accompaniment of drumming and gunfire, they danced in front of the Church. (Reid 1935: 162; *Rio Grande Republican*, 12/19/1885; 03/22/03 interview with Pablo Garcia.) Before the dancing, the Cacique instructed the dancers on their sacred purpose in their performance. (Burrus 1981.) Both *matachin* and Pueblo dances were performed in alternate sets. (Reid 1935: 162; *Rio Grande Republican*,

12/19/1885; *Rio Grande Republican*, 12/16/1904.) Afterwards, at the Cacique's house, everyone participated in a big feast, and none was turned away, even non-members of the Tribe. (Reynolds & Taylor 1981: 38.) Late in the afternoon, the Virgin was carried in a procession preceded by dancers and accompanied by shotgun blasts all the way from the home of the current year's majordomo to the home of the coming year's majordomo. (Reynolds & Taylor 1981: 38.) The image stayed in the home of the new majordomo for a year. (*Mesilla Valley Democrat*, 12/17/1889; Reynolds & Taylor 1981: 38.)<sup>21</sup>

In 1902, during a visit in Las Cruces, Bishop Henry Granjon observed ceremonies for the Guadalupe Day festival on December 10, 11 and 12, and on New Year's Day, at Saint Genevieve's church. Significantly, he describes it as one involving the "entire tribe." (Granjon 1982: 37.) He recounts the ceremony he observed as follows:

The Church is located a kilometer from the [Atchison and Topeka] train station. I am seated in a cart with benches, and the parade begins: the women and children on foot, through the dust, and the men on

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<sup>21</sup> The Cacique headed the religious branch as well as the secular activities of the tribal government. Following the Cacique was the set of War Captains I-V, operating under the First War Captain, whose main duties involved enforcing the will of the Cacique; that is, their purpose was: "to keep the peace, especially at fiestas and other ceremonials" (Oppenheimer, *Thesis*, p. 53.) Other religious officers were two Majordomos. (Oppenheimer, *Thesis*, p. 53.) The Majordomos, known as "Godfathers to the Virgin," performed ceremonial functions and their office brought them prestige. Much of the financial burden of the Guadalupe fiesta was borne by them. They were partly reimbursed from some of the funds collected by the Cacique. (Oppenheimer, *Thesis*, p. 54 n.5.)

horseback. Just in front of my carriage, which advances majestically at a walk, an entire tribe of Indians and squaws executes, as in the time of David, a sacred dance. There they are heads bare, a row of men, a row of women, alternately, their faces decorated with red ochre, their bodies covered with furs of wild animals or cottons in bright colors, their feet covered with moccasins. A drum beats the rhythm. With their hollow voices, the 'Redskins' roll out musical phrases to the Indian taste, which a composer of the Conservatory would have trouble recognizing. Two or three notes constitute the range of this bizarre chant of a primitive, prehistoric simplicity. The total effect produced is of a deafening buzz, hammered out and taken up, at equal intervals, by crescendos completely unexpected. The steps follow. The beat; and half dancing, half jumping, breaking ranks in cadence so as to change place by running back and forth, the corps de ballet advances slowly, raising a cloud of dust at its passage. The good bourgeoisie of the place come to their doors, curious and sympathetic. . . .

We arrive at the plaza of the church. The Indian chorus installs itself at the entrance of the temple and for another quarter of an hour drums, hums, jumps, and dances, celebrating the great day in its own manner. The leader [the Cacique Felipe Roybal], a large, sturdy fellow, who carries hanging from his arms the hats of all the participants, beats the rhythm tirelessly. These good Indians, grave, impassive, with long, angular, beardless faces in which not a muscle moves, their gazes fixed before them upon the great altar all blazing with lights at the end of the nave, continue their choreographic cycles. All at once, suddenly and with out finales, song and dance stop in a final purr. Breathless, bathed with sweat, the dancers retire in good order. . . .

(Granjon 1982: 37.)

While there had been an uneasy peace with the French priest at St. Genevieve's with respect to the Tribe's dances conducted at the Church, in 1909, a new priest arrived who adamantly refused to allow the Tribe to dance in front of the Church. (*Las Cruces Citizen*, 11/13/1909; 1996 Petition: 246; Slagle: 1991

Field Notes.) As a result, the Tribe moved a few miles to Tortugas and danced in its own plaza the following year. (*Las Cruces Citizen*, 12/17/1910.)

Local news accounts over the next several decades document the fact that the Tribe continued to observe this annual tradition and that participation by tribal members in the ceremonies was widespread. For example, *The Las Cruces Citizen* noted on December 15, 1917 that the “Indian Dance Wednesday at Tortugas was largely attended.” (*Las Cruces Citizen*, 12/15/1917.) Similarly, on December 11, 1926, the *Las Cruces Citizen* reported the “annual celebration” explaining that “all descendants of the Pueblo tribe pay honor to the patron saint.” (*Las Cruces Citizen*, 12/12/1926. (emphasis added)) In 1933, a local paper reported that “[a]bout 200 men and women will take part in the traditional dances of the festival.” (*Las Cruces Citizen*, 12/07/1933.)

In 1938, well-known sociologists who did a study of the economic situation of Tortugas, described importance and strength of the ceremony to the PMT community: “So strong is the tradition that the inhabitants of Tortugas have united and built an instruction chamber where the young warriors are given their first lessons in tribal dancing as soon as they become of age. Popular vote dictates the dance master and trainer of the year, age, dancing ability, and racial purity figuring most prominently in the ultimate selection.” (Loomis & Leonard 1938: 19.) The

sociologists further observed that “the [PMT Indian has] retained his group or community integrity.” (Loomis & Leonard 1938: 5.)

Widespread participation by PMT members in the ceremonies continued into the 1940’s. A local paper described the ceremonies in 1940, estimating “three hundred participants in the solemn and weird chanting procession.” (*Las Cruces Sun-News*, 12/12/1940 at 3.) Ceremonies continued during World War II, notwithstanding the fact that many of the PMT young men were serving in the military. (Campbell 2005: 12-13.) A local paper noted in 1943 that “the climb will have to be made by old men and women and children, because many of the young men are at war.” (*Las Cruces Sun-News*, 12/10/1943 at 1.) Several years later, the paper described the significance of the Indian dances to the PMT, explaining: “For 35 years the village has marked the fiesta, featured by the religious ceremonies at the church, feasting amusements pilgrimages to Tortugas peak and Indian dancing. Even during the war period the feast was observed, though there were few young men left for the march or dancing ....” (*Las Cruces Sun*, 12/09/1945.)

After WWII, a large number of returning veterans and their families renewed their ties to the PMT community, and their native religion through a pilgrimage to (b) (3) (A) in 1946. (Campbell 2005: 15; 11/18/2002 interview with Felipe T. Roybal.) The gathering was so large that “there were not enough

Exemption 3

captains to control the crowd.” (Campbell 2005: 15; 11/18/2002 interview with Felipe T. Roybal.) Adolpho Avalos similarly recalls participating in ceremonies at the Cacique Vicente Roybal’s house, following his return from serving in World War II. (01/29/2010 interview with Adolpho Avalos.) This increase in participation continued, as reflected by a local paper reporting in 1948 that “[a]bout 500 Indians and other faithfuls Friday night took part in the (b) (3) (A) pilgrimage.” (*Las Cruces Sun-News*, 12/12/1948.) That same year, a local newspaper acknowledged the importance of the ceremonies to the tribal members, describing Tortugas as a “place where the inhabitants. . . cling to tribal customs.” (*Las Cruces Sun News*, 10/08/1948.)

Tribal elders similarly recall how annually, Tribal members of the PMT neighborhood in Las Cruces walked to Tortugas to participate in the winter dances and ceremonies. (Campbell 2005: 23; 02/16/2002 testimony of Louis Roybal.) The ceremonies were of such importance to PMT members that Indian families who had moved outside of the Mesilla Valley for employment returned to Las Cruces for the December festivities. (Campbell 2005: 23.) Those who did not have a place to stay were housed with local Indian families according to a protocol established by the Cacique. (Campbell 2005: 23; 11/18/03 interview with Victor Roybal.) Other elders similarly report that in the late 1940s (and 50s and 60s), those who were in the military returned every year “to pay homage to the tribal

ceremonies and for the well-being of the individuals who were in the service.” (Campbell 2005: 13; 05/22/03 interview with Louis Roybal.) The elders also recall how the “all would dance and participate in the ceremonies” further evidencing that the ceremonies encompassed most of the PMT community. (01/29/2010 interview with Louis Roybal.)

## 2. Rabbit Hunts

Another Tribal ritual activity is the traditional rabbit hunt. Dating back to the 1880s, traditional Pueblo rabbit hunts and ceremonial activities were conducted by the Tribe throughout the Mesilla Valley and the Las Cruces area. (Campbell 2005: 9.)

These hunts occurred frequently during the Great Depression, due to the scarcity of food, persisted in the years since then and continue today. (Campbell 2005: 24.) These periodic rabbit hunts, sometimes lasting one whole week, take place on the wild land outside of town. (Campbell 2005: 24.) According to Felipe Roybal, there were “six designated areas for rabbit hunts ... they [the PMT participants] already had a designated place where people before us [hunted rabbits].” (Campbell 2005: 14; 11/18/2002 interview with Felipe T. Roybal.) To preserve the rabbit population, each year, the hunts were held in a different location. (Campbell 2005:14; 11/18/2002 interview with Victor Roybal.) The hunts, due to their sacred significance, were held in areas representing the four

Exemption 3

directions: (b) (3) (A)

[Redacted]

[Redacted]. (Campbell 2005: 24.) During the winter, rabbit hunts occurred almost every weekend. (Campbell 2005: 14.)

The night before the hunt, at sundown, the Cacique, five War Captains, and the Hunt Captain (person in charge of the smoke) met to dance, chant, and prepare themselves for the hunt the next day. These ceremonial rabbit chants were held at the house of Cacique Vicente Roybal through the 1960s and 70s, until his death in 1978. (Campbell 2005: 98.)

The Hunt Captain would light a small fire on the hard dirt floor of a small room inside the Roybal home. (Campbell 2005: 24.) The house, which faces (b) (3) (A)

[Redacted]. (Campbell 2005: 24.) The Cacique gave the blessing for the events by offering smoke to the four sacred directions with a tobacco pipe. Then he would bring out the tribal drum and sing songs and chant followed by more smoke from the pipe successively until about midnight. (Campbell 2005: 24.)<sup>22</sup>

Victor Roybal, Jr. explained that during this ceremony, the men wore traditional clothing consisting of a white cotton shirt and pants, as well as a belt, and

<sup>22</sup> These Chants were documented and recorded by Louis Roybal in 1973. Copies of the recording are available.

the dances would take place with all the men barefoot. Victor stated that “[l]adies didn’t dance in those ceremonial dances, only the males. A lot of these dances that are in the kiva, only the males [participate]; females weren’t allowed. In fact they couldn’t even see, they couldn’t even witness.” (Conn, PMT Field Notes, Tribal Interviews, 1989; Campbell 2005: 98.)

Following the ceremony, Parra, a tribal elder, would build a smoky bonfire (made by placing green branches of “*hediondilla*” – literally “stinkweed” – onto a hot fire of dry wood) on top of a small hill to announce to tribal members (and some Tigua Indian visitors from Ysleta del Sur) where the rabbit hunt would take place the next morning. (Campbell 2005: 24-25; Lamberto Trujillo interview 11/17/02; 11/18/2002 interview with Felipe Roybal.)

Sunday morning, the participants would go to the site of the hunt. Then, the men, dressed in buckskin clothing with fringes, and with their faces painted, would go out to the mesquite bushes and choose a club from the upper branches. Green mesquite branches, slightly hooked, were preferred. (Campbell 2005: 25.) The hunters formed a line, then a circle referred to as a “*cercos*” by tribal members, beat the bushes and shouted “Indian calls to scare the rabbits, surrounded them, and then killed them with the *garrotes*.” (Campbell 2005: 25.) The hunters would throw the *garrotes* at the rabbits, stunning them, and then break the rabbit’s necks by hand. (Campbell 2005: 25.) After the hunts the *garrotes* were burned and the

rabbits were gutted. The dead rabbits were carried by a special person designated for this purpose. For example, Lamberto Trujillo would “tie about 8 dead rabbits around his waist and carry them back to his home and hang them in a cold room” for storage. (11/17/2002 interview with Lamberto Trujillo.) According to Felipe Roybal “by noon you would see all the men with their belts full of rabbits.” (Campbell 2005: 25; 11/18/2002 interview with Felipe Roybal.)

The hunters were accompanied in their efforts by the War Captains carrying whips, who “kept law and order,” and by the sounds of the drumming and chanting of other tribal members. (Lorenzo Romero interview 06/13/2001; Victor Roybal interview 11/18/2002.) Women, also dressed in distinctive costumes whose main element was a long flowing skirt, made food such as *tortillas* and *empanadas*, which they exchanged with the men for the dead rabbits. It was then the women's job to clean the rabbits, soak them in chile, and prepare a stew of *chile colorado* with the rabbit meat. (Campbell 2005: 25; Lamberto Trujillo interview 11/17/2002; Julia Murphy interview 02/23/2003.) These activities occurred within a festive atmosphere and concluded with the Corn Ceremony blessing the dead rabbits Sunday evening. (Campbell 2005: 25.)

The rabbit hunts continued as a ceremony from the 1880s to present day, only ceasing for a short time in 1950s due to closing of range to hunting and poisoning of the rabbit population by BLM. (Beckett 1974; Oppenheimer 1957: 115-

117; Slagle, PMT Field Notes, 1990-1991.) Tribal elders report that the hunts occurred most frequently before World War II and that “many members” participated in the rabbit hunts in the 1960s and 1970s. (Adolpho Avalos Interview; Leroy Portillo Interview 07/15/1994; Reynolds & Taylor 1981: 84.) Others Tribal member recall that as children they would participate by yelling to get the rabbits out of the mesquite bushes and later participating in the hunts as adults. (Louis Roybal Interview 01/29/2010; Charlie Madrid Interview.)

### 3. Other Sacred Rituals

#### a. *Baptisms, Marriages and Funerals*

After centuries of Spanish and Mexican acculturation pressures, most Tribal members became and are Catholic and at one time belonged to St. Genevieve Catholic Church, and their births, deaths, baptisms, and marriages are recorded in parish records as early as 1859. (Buchanan 1949: 11; Reynolds & Taylor 1981: 36; Granjon 1982: 127 n.24; 1992 Petition: 238.) Baptisms, funerals and weddings, however, also have always been were conducted by the Cacique in the traditional PMT manner. (Campbell 2005:10-11.)

Baptism typically took place at the Cacique’s house, although Cacique Vicente Roybal sometimes conducted Tribal baptisms involving immersion in the Rio Grande on San Juan’s Day in June. (Campbell 2005: 10-11; 21; Victor Roybal Jr. Interview 11/17/2001; Campbell 2005: 10-11.) The ceremony consists of “a

blessing with corn meal because the child comes from the corn seed.” (Campbell 2005: 10-11; Victor Roybal Jr. interview 03/23/2003.) Corn meal is rubbed on the child and he or she was blessed with sage smoke, then washed with water and covered with doeskin and homemade cotton. (Campbell 2005: 10-11.) Baby-naming ceremonies also used to take place in which the grandparents gave names to the children. (Campbell 2005: 61.) Present Cacique Edward Roybal Sr. re-instituted the PMT way of naming people because “this empowers them.” (Campbell 2005: 61.) In fact, over a dozen Tribal members were given their PMT at the Spring 2010 Ceremonies. (Description of Spring Equinox Ceremonies, March 21, 2010.)

Marriage ceremonies also traditionally have taken place at the Cacique’s house or more recently, at (b) (3) (A) and permission to marry has to be obtained from the Cacique. (Campbell 2005: 10-11; Rosie Luis-Valenciano Interview 01/29/2010.) The wedding ceremony involves the tying of the bride and grooms arms, a Tribal tradition, and the Cacique blesses the couple (Stella Sanchez Interview 01/29/2010.) Marriages are open to everyone, as you did not have to be a Tribal member to attend a traditional marriage ceremony. (Louis Roybal Interview 01/29/2010.) The present Cacique has married several Tribal members.

Funerals of Indian elders are a ceremonial activity which continues to bring members of the community together. (Campbell 2005: 24.) When Tribal members

die, the Cacique performs a funeral privately. (Stella Sanchez Interview 01/29/2010.) This is called “*El Camino*.” (Stella Sanchez Interview 01/29/2010.) Tribal elders recount how the Cacique uses cornmeal or blue corn for the blessing, as it is the healing corn “in coming or going.” (Stella Sanchez Interview 01/29/2010; Mariaelena Parra Interview 01/29/2010.) The face and body of the deceased is painted, to identify the person as a member of the Tribe for the ancestors to notice and the deceased is buried in an Indian coat. (Mariaelena Parra Interview 01/29/2010; Esther Gomez-Ledesma 01/29/2010 Interview.) A canteen of water and hunting knife is placed with the deceased as well “for the journey.” (Mariaelena Parra Interview 01/29/2010; Esther Gomez-Ledesma 01/29/2010 Interview.)

When Cacique Vicente Roybal died, members of the Tribal Council went to the funeral home where his body was held and gave him a special blessing. Members of the Council oiled and smoked the Cacique’s body, painted his face, and put on his headdress. (Campbell 2005: 24; Charlie Sanchez Interview 08/24/2001.) The current Cacique, Edward Roybal Sr., continues this tradition, presiding over numerous burials of Tribal members including that of the tribal elder Guillermo Portillo in the mid 1990’s and Armand Marrujo and others more recently. (Campbell 2005: 32; Al Marrujo interview 08/30/2001.) For example, the Cacique performed a traditional ceremony “in the old way with the blue corn”

for Rose Luis-Valencia when her young son passed away, which meant a great deal to her. (Rosie Luis-Valenciano Interview 01/29/2010.)

*b. Blessings and Healing Ceremonies*

Tribal elders recount having received blessings from the Cacique since they were children and that these blessings always provide great comfort to them. (Mariaelna Parra Interview 01/29/2010; Esther Gomez-Ledesma Interview 01/29/2010.) The blessings are traditionally performed when a relative has passed away as a way to deal with the loss or for members who are ill. (Mariaelena Parra Interview 01/29/2010; Esther Gomez-Ledesma Interview 01/29/2010; Charlie Madrid Interview 01/29/2010.)

Cacique Vicente Roybal was known for performed curing rituals and using medicinal herbs. (Campbell 2005: 32.) Current Cacique, Ed Roybal, Sr., also continued this sacred tradition by playing an important role in curing the infirm and emotionally troubled; according to various Tribal members who have benefited from his curing abilities. (Campbell 2005: 32; Erminda Marrujo interview 06/15/2001; Al Marrujo interview 08/30/2001.) For example, when Tribal member (b) (6) was seriously injured in a car accident and ended up in a hospital in a coma and sustained by a respirator, the Cacique and other PMT members prayed for her at the hospital and the Cacique gave her herbs as a remedy. (Campbell 2005: 32; Norma Cabanas interview 08/13/2001.) Enriqueta

Cabanas feels that the Cacique's prayers, application of a medicinal white powder, and administering of smoke helped her recover from a blood clot in her brain. (Campbell 2005: 32; Enriqueta Cabanas interview 08/13/2001.) The Cacique also gave (b) (6) an Indian name. (Campbell 2005: 32.) According to another Tribal member Marliaelena Parra, the current Cacique performed a healing blue corn ceremony when she found out she had (b) (5), (b) (6). Her treatment is going well and she attributes it to the Cacique and his blessing. (Mariaelena Interview 01/29/2010.)

*c. La Palma*

*La Palma* are group forays into the desert mesa to gather plant materials for the making of the "Tree of Eternal Life" also known as a "*Palma*" or a "*Rama*." This ceremony is typically conducted in the Spring, close to Palm Sunday. The "*Palma*" is a ceremonial object constructed of Juniper boughs and sotol leaves. (F. Almarez with Juan Benavidez Interview; *PMT Field Notes*, Las Cruces, April 4th, 1991.)

Boughs from the Juniper trees and leaves from Sotol are removed from areas of the plant representing the "four cardinal directions of the universe", *i.e.*, north, south, east, and west. (F. Almarez with Juan Benavidez Interview; *PMT Field Notes*, Las Cruces, April 4th, 1991.) Gatherers cut 12 to 18 inch juniper boughs. They cut 6 inch long portions of the broad, fleshy end of the sotol leaf (the end which connects to the crown of the plant) to make the "*palmas*," or flower- like component of the

object. Sotol leaves are also cut into long, 1/4 to 1/8 inch thick strips to be used as binding material. Sometimes a drummer accompanies the gathering activities, which may include singing and prayers. Also, the group will sometimes take a break from the collection activities to perform the Round Dance, which requires accompaniment of a drummer.

After gathering, the materials were taken to a Tribal member's house, for some years to Victor Roybal, Jr.'s house, where the actual assembling is done. (F. Almarez with Juan Benavidez Interview; *PMT Field Notes*, Las Cruces, April 4th, 1991.) A prayer is always said during the construction to "give it blessing." (F. Almarez with Juan Benavidez Interview; *PMT Field Notes*, Las Cruces, April 4th, 1991.) A couple of the Juniper branches are bound together with the sotol strips, making a bough approximately 18 inches long.

Two bouquet-like foliage arrangements, spaced approximately 6-8 inches apart, are constructed next. For each one, four of the broad ends of the sotol leaves are arranged in the four cardinal directions around the bough, with the narrow end bound to the bough with sotol strips.

The *Palma* is taken to church for the priest to bless with holy water. Sometimes, however, the priest will refuse to bless the object. In such a case, Tribal members will go ahead and bless it themselves with holy water. (F. Almarez with Juan Benavidez Interview; *PMT Field Notes*, Las Cruces, April 4th, 1991.)

The function of the *Palmas* is for special ceremonies and burials. The *Palma* will be laid in the casket with the body before the closing prayers are said “in the four [cardinal] directions ... the Indian way.” (F. Almarez with Juan Benavidez Interview; *PMT Field Notes*, Las Cruces, April 4th, 1991.) During special ceremonies they will burn it in the bonfire "so our prayers will go up to the heavens [with the smoke]." (F. Almarez with Juan Benavidez Interview; *PMT Field Notes*, Las Cruces, April 4th, 1991.) Some people will also hang them on the wall of particular room in their home or sometimes burn them in their fireplaces. (F. Almarez with Juan Benavidez Interview; *PMT Field Notes*, Las Cruces, April 4th, 1991.)

**d. *Feast of San Juan***

On June 24, the Tribe celebrated the feast of San Juan. In this case, as with other celebrations, PMT merely gave the Summer Solstice Ceremony a Catholic name. This festival was not of equal importance to the Feast of Guadalupe. (Oppenheimer 1957: 89.) Prior to the Tribe’s complete withdrawal from participation in ceremonies at Tortugas in the late 1970s, parts of the celebration took place there. The fiestas started in the mid-afternoon and lasted until the following sunrise. The celebration involved the painting of Tribal members faces, dancing and Tiwa chanting. (Oppenheimer 1957: 94.) In connection with the celebration, the Cacique held dances at his house during the day, and some family or families would host a social dance at their home in the evening. (Oppenheimer 1957: 91-98.)

Following the fiesta, women went bathing in an irrigation ditch or in the river and cut off two inches of their hair with a blunt instrument. (Lange & Riley 1970: 158; Interviews of Felipe Roybal, Victor Roybal, Jr. and Estella Sanchez.) Cacique Vincent Roybal also conducted baptisms involving immersion in the Rio Grande on San Juan's Day. (Campbell 2005: 20; Victor Roybal Jr. interview 11/17/2002.)

*e. Dancing and Drums*

Tribal members identify strongly with the drum ("tombé" in the Tiwa Indian language). (Campbell 2005: 109.) Every season, the Cacique, the drummer and all of the War Captains get together to "feed the spirit of life into the pueblo." (Tribal Interviews 1989; Hurt 1952: 114.) The ceremonial "feeding," which continues today, involves the blowing of smoke into the drum which is blessed to pray for the strength of all the Tribe. (Hurt 1952: 114.) The main drum is made of a tree stump, often of aspen, and is decorated with rawhide (often from an elk) and Tribal designs in red paint. (Campbell 2005: 88.) Each of the current quarterly ceremonies (discussed below) includes 6 or 7 dances with the associated drumming and chanting. (Campbell 2005: 88.)

**4. 1940s and 1950s**

While the sacred rituals and ceremonies continued to be important to the members of the PMT tribal community in the 1940s, as they do today, there was a slight decline in ceremonial participation during World War II and following due

to members serving in the war effort and the need to seek jobs in California and elsewhere to alleviate tribal poverty. (Campbell 2005: 13.) Numerous young men from the PMT Tribe were drafted and served in the U.S. Army, Air Force, and Navy, including members of the Avalos, Gomez, Roybal, Jemente, (b) (6), Madrid, Trujillo, (b) (6) and Jemente families. (Campbell 2005: 12; Louis Roybal pers. correspondence with Campbell 07/29/1996; Victor Roybal Jr. interview 11/17/2002; Felipe T. Roybal interview 11/18/2002; Estella Sanchez interview 11/18/2002.) Several of these individuals were stationed far from Las Cruces and were forced to make their living outside of New Mexico. But the ceremonies were so important to these tribal members that they continued to return to Las Cruces periodically for the purpose of attending Tribal ceremonies. (Campbell 2005: 12.)

Louis Roybal's description of this period in the Tribe's history reflects the importance that Tribal members placed on tribal ceremonies: "During the late 40s, 50s and 60s I came back every year to Las Cruces as did others who were in the military, it was like a pilgrimage you had to do, to pay homage to the tribal ceremonies for the well-being of the individuals who were in the service. And I brought my family and children and they got to know my family members." (Campbell 2005: 12.)

## 5. The split with the Tortugas Corporation

In the 1940s, the *Los Indigenas de Nuestra Señora de Guadalupe* Corporation and the Knights of Columbus began to alienate tribal members and take over the fiestas in Tortugas. (Campbell 2005: 13; Victor Roybal Jr. interview 2/22/2003.) According to Tribal Elders, during this time period the people of the Tribe began to express their displeasure with the focus of the Corporation shifting to primarily Hispanic activities. (Campbell 2005: 13.) Hispanic/Mexican organizations such as the Danzantes and Matachines were attempting to control all functions at Tortugas as well as attempting to claim authority over the members of the Tribe. (Campbell 2005: 13.) The Tribe suffered a significant blow when this non-Pueblo Indian faction, led by Miguel Fierro, obtained the keys to the PMT's ceremonial building and took some tribal records and the tribal seal and, through legal maneuvering, seized the sacred tribal drum. (Hurt 1952: 112; Oppenheimer 1957: 85.)

Faced with this crisis situation, precedent and ceremonial and sacred tradition were the guiding forces for action by the Tribe. (Campbell 2005: 91.) Louis Roybal described the Tribe's response to the Fierro (Hispanic) faction ousting PMT from the Corporation: "At that time we were trying to regroup. Charlie Madrid, Victor Roybal Jr., the Jementes, the Gomez, Lara, Trujillos, Portillos, Avalos – all were involved. They had their meetings and ceremonies.

Exemption 3

What you see that we're doing now [dances and meetings] is what we did during the 50s and 60s even though there was a split with the Corporation." (Campbell 2005: 13; Louis Roybal Interview 5/22/2003.)

During this time period, Cacique Vicente Roybal was the spiritual center of the community. At his home and adjoining lot that functioned as a communal space shared by the neighboring Indian families, the Tribe continued to celebrate its traditional sacred rituals, as its Tribal members always had, including dances and dinners associated with the Feast of Guadalupe, the Feast of San Juan, the seasonal feeding of the drum, and tribal healing ceremonies and baptisms. (Campbell 2005: 91; Felipe T. Roybal interview 11/18/2002; Lomberto Trujillo Interview 4/30/2010.) Away from Vicente Roybal's house, the Tribe also continued its pilgrimages to (b) (3) (A), the collection of plants associated with La Palma and rabbit hunts. (Campbell 2005: 91; Felipe T. Roybal interview 11/18/2002; Lomberto Trujillo Interview 4/30/2010.) The Tribe's chants, songs and dances were documented and recorded by Louis Roybal in 1973. (Description of recording of ceremonies, chants and songs included in the materials labeled "Interviews and First Hand Observations"; cassette tape available upon request.) Because of the hostilities with the Corporation resulting in the loss of sacred tribal objects and PMT's traditional celebrations at the Church, an atmosphere of secrecy surrounded most tribal activities, which were not always recorded in the 1950s and

Exemption 3

Exemption 6

60s. (Campbell 2005: 97.) Nonetheless, Tribal elders recall continuing to participate in these ceremonies, as they always had, and in particular how Vicente Roybal, Felipe Roybal and other elders (from the Avalos, (b) (6) families) continued to use the Tiwa language in these ceremonies. (Victor Roybal Jr. interview 11/17/2002; Adolpho Avalos Interview 01/29/2010.) Tribal elder Adolpho Avalos also specifically remembers participating in ceremonies and singing in Piro and Tiwa at ceremonies in the 1960s at the Cacique Vicente Roybal's house and Mariaelena Parra remembers Tribal members crowding in her house to dance and drum. (Adolpho Avalos Interview 01/29/2010; Mariaelena Parra Interview 01/29/2010.) Tribal members similarly recount that in the late 1960s, PMT dances also took taken place at other Tribal members' homes, including those of Charles Madrid and Al Marrujo, and at sites such as (b) (3) (A) (Trujillo Interview 04/30/2010; Campbell 2005: 75.)

Despite the split with the Tortugas Corporation, during the 1950s, 1960s and 1970s, consistent with their Catholic beliefs, some PMT members also continued to participate in the feast celebrations at the Church in Tortugas. Due to conflicts with the Corporation, PMT participation at Tortugas decreased through the years and ultimately ceased altogether in the wake of Vicente Roybal's death in 1978.

6. Ceremonies following the death of Cacique Vicente Roybal

After the death of Vicente Roybal, the traditional leaders of the Tribe began holding ceremonies, largely in private, so as to gain guidance in the wake of the Cacique's passing. (Campbell 2005: 99-100.) The split with Tortugas was complete, and traditional celebrations of the Tribe's dances, chants and spiritual practices shifted to be exclusively by and for tribal members away from Tortugas. (Campbell 2005: 18.)

In the years 1979 and 1980, the traditional leadership decided to hold the December ceremonies on the (b) (3) (A) exclusively for the Tribe. (Campbell 2005: 98.) Lighting of fires on the (b) (3) (A) (in 1979, 1980, and since) has been conducted one or two days prior to the December 10 and 11 activities of the Tortugas Corporation. (Campbell 2005: 98.) This was done to avoid contact with the non-Indian population and to avoid participating in what the PMT consider their desecration of the (b) (3) (A). (Campbell 2005: 98.) In connection with the ceremonial pilgrimage to (b) (3) (A), Tribal members collected wood during the day, arranged ceremonial fires, and joined members at night. (Campbell 2005: 98.) There was an emphasis on prayer at this time to gain spiritual strength following the death of the Cacique Vicente Roybal. (Campbell 2005: 47.)

Preparation for the ceremony began during the day, prior to the tribal members ascent to the mountain for the night. (Campbell 2005: 98.) Wood, dry yucca, greasewood and other plants would be gathered for the fire and for ceremonial use. (Campbell 2005: 98.) Wood was gathered at various places in the Las Cruces area. Permits were obtained from the BLM, and access to areas such as Corralitos Ranch was granted at the request of Tribal Elders. (Campbell 2005: 98.)

Generally, those participating in the ceremony would visit the homes of other tribal members to request their assistance and participation and to inform the tribal people that the all-night ceremony would be taking place. (Campbell 2005: 98.) The home of Stella Sanchez served as a meeting place for those attending the ceremony and for those offering their support. (Campbell 2005: 98.) Those who maintained the all-night ceremony during the 1980s include Philip Madrid, Charlie Madrid, Adolpho Avalos, Edward Roybal, Victor Roybal Jr., Joe Gomez, Charlie Sanchez, Andrew J. Roybal, Larry Sanchez, and various War Captains. (Campbell 2005: 98.)

In the 1980s, the Tribe's traditions and sacred ceremonies endured as the Elders passed on the traditional ceremonies to the youth of the Tribe. Instruction on the chants, drum making, and other traditional activities was usually provided to younger tribal members during the summer months, when school was not in session. (Campbell 2005: 99.) Chants were taught at traditional meeting places of

the Tribe such as (b) (3) (A) on the eastern slope of the (b) (3) (A).  
(Campbell 2005: 99.)

7. Reorganization of the Tribe's Ceremonies

In the 1990s, Edward Roybal, Sr., as Cacique, revived and reorganized the ceremonial life of the Tribe. (Campbell 2005: 60.) He reorganized the ceremonial calendar, dropping the Catholic-based holiday system in favor of a ritual cycle centered on the seasons and "natural law." (Campbell 2005: 60.) This was a very significant change in tribal customs because it set PMT on a new religious path, separate from the Tortugas group and more in accordance with indigenous, non-Catholic lifeways. (Campbell 2005: 60.) The Tribe responded favorably and accepted this change in the practice of the ceremonies. (Campbell 2005: 60.) As with many Indian tribes, PMT ceremonies are now tied to the seasonal solstices and equinoxes. The ceremonial cycle begins in winter.

Under the Tribe's present ceremonial calendar, the Winter Solstice Ceremony begins the new year. Traditionally, tribal members have identified this particular day as a sacred day. (Campbell 2005: 75.) A feast and dance are held to celebrate the day, pray, and give thanks. Previously, the Tribe made an annual pilgrimage to (b) (3) (A), on the Day of the Virgin of Guadalupe. The Tribe now walks to (b) (3) (A), during the Winter Solstice Ceremony (around December 21) instead of on December 12, Guadalupe Day. (Campbell 2005: 60.) Campbell

gives detailed description of the Tribe's Winter Solstice Ceremony. (Campbell 2005: 83-84.)

The Spring Equinox Ceremony is the time for planting. PMT members pray for their crops: corn and other plants. (Campbell 2005: 75.) Different locations where the sun comes up in the mountains at specific times each year are used to align and structure planting ceremonies. (Campbell 2005: 75.) Campbell provides a detailed description of the Spring Equinox Ceremony in 1996, and the March 2010 Spring Ceremony, which was attended by over 100 Tribal members, is recounted by Mark Reeves. (Campbell 2005: 76-78; Reeves 2010.)

The Summer Solstice Ceremony in June marks cultivation of crops. (Campbell 2005: 75.) Prayers and offerings are given to encourage the success of the harvest and the health of the Tribe and to encourage the rains. (Campbell 2005: 75.) Campbell provides a detailed description of the PMT Summer Solstice Ceremony that took place in 2001. (Campbell 2005: 79-80.)

The Fall Equinox Ceremony coincides with the harvesting of crops. (Campbell 2005: 75.) This ceremony celebrates the coming of autumn, the end of extreme heat, and the approach of the New Year. (Campbell 2005: 75.) Prayers of thanks are given for bounty. (Campbell 2005: 75.) Campbell offers a detailed description of the 1994 PMT Autumnal Equinox Ceremony. (Campbell 2005: 79-80.)

These are the reasons for the coming together of tribal members four times a year for ritual activities. (Campbell 2005: 75.) Ceremonies and meetings are held at different locations, but, with the exception of the Winter Solstice Ceremony on (b) (3) (A) they typically take place at the homes of tribal members. (Campbell 2005: 75.)

**8. Increased Participation in Ceremonies**

From 1990 to the present, there has been increased attendance and participation by the Piro-Manso-Tiwa tribal members, including the Piro-Manso-Tiwa Elders of Guadalupe Pueblo (who were involved in the split between the Mexican members of the Corporation) and the generation of those born after 1950. (Campbell 2005: 102; Index of Meetings and Ceremonies from 1914 to the Present.) Tribal members credit this increased participation to the Cacique taking charge and showing leadership and concern for tribal members. (Gilbert Moreno Interview 1/29/10). Tribal members explain when the Cacique calls, “people really listen” (Gilbert Moreno Interview 1/29/10). Videotapes and other evidence documents this increased participation. The cultural and social importance of participation in tribal ceremonies is further reflected in the fact that those who are most active in the ceremonies have the most say particular issues and most influence in tribal affairs. (Campbell 2005: 93.)

## 9. Passing Down of Ceremonies

That PMT has maintained its sacred rituals and traditions is also due to the efforts of Tribal Elders to pass these traditions on to the youth of the Tribe. (Campbell 2005: 95.) Historically, these traditions have been passed on informally from one generation to the next.

Tribal elders recount how when they were young they learned the dances and rituals from their Tribal elders. This was a clear effort by the entire Community to maintain the PMT's tribal traditions. Genevieve Roybal Moreno remembers Cacique Vicente Roybal teaching her to dance when she was 11. (Genevieve Roybal Moreno Interview 1/29/2010.) Adolpho Avalos similarly remembers learning the songs and how to drum from the former Cacique. President Charles Madrid, Jr. passed these traditions on to Mr. Avalos' children. (Adolpho Avalos Interview 01/29/2010.) Adolpho Avalos is credited, however, for instructing drumming and singing onto other tribal members in the 1970's, like Gilbert Moreno the current main Tribal drummer and chanter. (Gilbert Moreno Interview 1/29/10).

In the 1990s, tribal members also participated in formal practices of ceremonial dances, drumming and chanting at least once a week from June through December 1991 and daily for the week prior to the Winter Solstice Ceremony (Campbell 2005: 99.) Similarly, in 1991 and 1992, the Tribe held practices at

various Tribal members' homes or in public places in the City of Las Cruces. (Campbell 2005: 99).<sup>23</sup>

Younger members of the Tribe explain, however, that learning of the dances tends to be more informal. Per the current practice, no one person does the teaching, everyone teaches the dancing, songs and drums (Norma Jean Parra Cabanaz Interview 01/29/2010). Learning is through the ceremonies and mimicking the dancing (Jesus Parra Garcia Interview 01/29/2010).

In short, the performance of ceremonies and exercise of spiritual rituals rooted in old lifeways and traditions of their people have at all relevant times and are still today central to the PMT Tribe. The community heavily participates and it is a central element of the glue that binds the Tribe and the members together. The Cacique remains today the central spiritual leader, one whose authority is widely recognized and whose persona is a central part of PMT life.

**E. Cultural Patterns Shared Among A Significant Portion Of The Group That Are Different From Those Of The Non-Indian Populations With Whom It Interacts.**

The PMT share a distinct culture consisting of a common language, spiritual beliefs, strong kin networks and other patterns that are different from the Anglo and Hispanic communities with whom they interact. In the later half of the 19th

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<sup>23</sup> Practices were held on the following days: Feb 23; Mar 1; May 3, 9, 17, 31; Jun 7, 14, 18; Aug 2, 9, 16, 30; Sep 3; Nov 1, 8, 15, 22; Dec 13, 16, 17. In 1993 practice occurred on the following days: Feb 21, 28; Mar 7, 18; Apr 4; May 16, 23; Jun 6, 13, 16; Aug 8, 15, 22, 29; Sep 12, 13; Dec 7. (Campbell 2005: 99.)

century, “as the Piro, Manso and Tiwa intermarried and established a community in Las Cruces, culture, ceremonies, traditions, chants, language, and dances were shared and the Las Cruces pueblo became bound by blood, common culture and history.” (Campbell 2005: 7; Beckett & Corbett 1990: 6.) The core elements of the Piro, Manso and Tiwa culture, which have blended over time, endure today.

(Campbell 2005: n.5.) The central elements of the modern PMT culture include:

[R]emnants of the Tiwa language; regular meetings of the tribal government; nature-orientated religious beliefs; hybrid spiritual practices such as worship of the virgin of Guadalupe (although this has been phased out recently); pilgrimages to a sacred mountain (b) (3) (A); beating of ceremonial drums; strong kin networks; Tiwa dances, chants, songs and costumes; cleansing with smoke; bonfires; seasonal rabbit hunts; consumption of native foods such as dried venison and a corn beverage; and traditional adobe and giva (wooden beam) house construction.

(Campbell 2006: 302; Beckett & Corbett 1992b; Granjon 1986: 36-37; Hodge 1907: 803; Peterson 1993: 462-464.)

The PMT’s unique culture is recognized by its surrounding communities, historically and presently, and has bound the close-knit community throughout its history.

**1. Shared Language**

A significant cultural component of the Tribe that distinguishes members from non-members is Piro, Manso and Tiwa language. The Piro language has become extinct, but the last known speakers were PMT tribal members in Las

Cruces. (Campbell 2005: 10; Hymes, Bittle 1967; Voegelin, C. F., F. M. Voegelin, and Noel W. Schultz Jr. *The Language Situation in Arizona as Part of the Southwest Culture Area*. In *Studies in Southwestern Ethnolinguistics*, pp. 403-451, 449. Edited by Dell H. Hymes and William E. Brittle. Paris: Mouton & Co. 1967; Gerald 1974: b, c, d.)

Tiwa, a Tanoan language, was spoken by many members of the PMT Tribe up to the 1950s. (Campbell 2005: 10; Hurt 1952: 121.)<sup>24</sup> Most of the older members of the Indian community spoke little or no English, communicating in Spanish or Tiwa. (Campbell 2005: 21; Louis Roybal testimony 02/16/2002.) Vicente Roybal, Felipe Roybal and other elders (from the Avalos, (b) (6) and (b) (6) families) still spoke the Indian language and used it in ceremonies. (Campbell 2005: 21; Victor Roybal Jr. interview 11/17/2002.) Tribal elders recall learning Tiwa from Vicente Roybal and how their parents spoke Tiwa. (Adolpho Avalos Interview 01/29/2010; Eva Gomez Interview 01/29/2010; Mariaelena Parra Interview 01/29/2010.)

Retaining the Tiwa language has been important for the Tribe. In 1973, tribal officials made a request to New Mexico State University for a language instructor for the Tiwa language. (Campbell 2005: 98.) The Tribe was referred to

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<sup>24</sup> That the Tribe was able to retain its language is remarkable, particularly in the wake of the government's efforts to deprive PMT members of their cultural life as Indians by forcing them to speak English or Spanish during the Boarding School era.

Mr. (b) (6) of Isleta Pueblo. (b) (6)'s wife, (b) (6), agreed to conduct informal classes. (Campbell 2005: 98.) Victor Roybal Jr., (b) (6) and others attended the sessions and were instructed as trainers so that once they learned the language they would be able to instruct other people in the Tribe. (Campbell 2005: 98.) Classes were held at Carmen Baca Gaydos' house. (Campbell 2005: 45.) The Tribe maintains the lesson plans, as well as translations of the Tiwa language. (Tigua Language, Instructor (b) (6), Isleta, N.M. Spring 1975; Lessons April 15, 1975, 3:00 p.m.; April 17, 1975; April 18, 1975; April 22, 1975; April 25, 1975; May 1, 1975.) Cassette tapes of these classes have been maintained and tribal members occasionally borrow them to study the language. (Campbell 2005: 45; cassette tape available for review.) The language classes ended because of fear of violating the tribal law of the Isleta Tribe regarding prohibition of teaching the Tiwa language to people that are not part of that tribe. (Campbell 2005: 45.)

The Tiwa language has been kept alive in the PMT Community. It continues to be used in ceremonies, such as funerals, chants and prayers. (Campbell 2005: 85, 87.) Since 1998, Louis Roybal has devoted himself to preserving the PMT language. He teaches the language to PMT members and has compiled a 200 page dictionary for the Tribe containing the Tiwa, Manso and Piro languages. (Piro-Manso-Tiwa Indian Language Dictionary and Word Primer.)

The Tribe also has submitted proposals to the ANA and universities for funds for the Tiwa language project, but these grants have been turned down. (Campbell 2005: 45.)

## 2. PMT Way of Life

In addition to shared language, members of the PMT Tribe maintain a way of life different from that of the non-Indian communities surrounding them.

In the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, PMT members' houses were made of wattle-and-daub or of adobe with wood ceilings (some of oak), dirt floors and windows made of cattle skins. (Campbell 2005: 9; Julia Murphy interview 02/23/2003.) Relatives built their homes in close proximity to each other. (Campbell 2005: 9.) Doors were built from mesquite and oak wood. Many of these homes were quite large, with high roofs formed from cottonwood *vigas* (beams) and cross beams. (Campbell 2005: 9; Victor Roybal Jr. interview 05/23/2001.)

Most homes had traditional Pueblo clay ovens in the yard for breadbaking. (Campbell 2005: 9.) Such ovens are common in Isleta, New Mexico (ancestral home of Tiwa descendants in the PMT) today. (Campbell 2005: 9; Julia Murphy interview 02/23/2003.) Main Indian foodstuffs included corn, tomatoes, squash, chile, flour tortillas, and various meats, including venison, rabbit, or rattlesnake – all of which the people produced as subsistence foods or hunted. The deer hunters

would cut the jugular vein of the deer and drink the fresh blood, then skin the deer to save the hide and meat. Other tribal members kept goats and sheep that they slaughtered for food. (Oppenheimer 1957:24-49.)

Dried deer, rabbit and goat meat soaked in flour were cured in a special meat-drying room and made into jerky. (Campbell 2005: 9.) Other dried foods included “*chicos*” (dehydrated corn hominy which was served as a stew combined with red chile, onions, meat) fish caught in the Rio Grande, and “*orejones*,” dried apricots, peaches, apples and pears. (Campbell 2005: 9.) The *orejones* were hung on strings and dried in the sun, then put in flour sacks and stored in the drying room. (Campbell 2009: 9; Estella Sanchez interview 06/19/2001; Julia Murphy interview 02/23/2003.) The child’s first food was *atole* and dehydrated venison. (Campbell 2005: 10-11.)

Beverages such as “*tesguino*” or “*tepache*,” traditional intoxicants, were made out of fermented corn or fruit that was buried in the ground for several days. (Campbell 2005: 9.)<sup>25</sup> “*Chaquewi*,” a porridge made of cornmeal, lard, garlic, chile and salt, was popular among the Piro-Manso-Tiwa people. (Campbell 2005: 9; Emilia Rocha interview 08/3/2001; Julia Murphy interview 02/23/2003.)

The core neighborhood in the 1950s and 60s was a tight-knit barrio of dirt-floored, adobe houses of extended families clustered together along the narrow

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<sup>25</sup> For an extensive discussion of “*tesguino*,” see Kennedy 1996.

Exemption 6

Exemption 3

unpaved streets. (Campbell 2005: 25; (b) (6) interview 05/24/2001; Lamberto Trujillo interview 11/17/2002.) The neighborhood was poor and known in Las Cruces as the place “*adonde vivan los indios*” (“where the Indians live”) or simply the Arroyo. (Campbell 2005: 21; Lamberto Trujillo interview 11/17/2002).

Children played in large groups in the streets in the Indian neighborhood, and there was a strong feeling of solidarity. (Campbell 2005: 22; Al Marrujo interview 08/30/2001.) Kids walked to Tortugas Pueblo for religious functions, fiestas, and the annual pilgrimage up to (b) (3). (Campbell 2005: 22.) A group of Indian children (including (b) (6)) played baseball in the vacant lot adjacent to the former Cacique’s house and even formed a primarily Indian softball team, “the Jackrabbits.” (Campbell 2005: 22; Lamberto Trujillo interview 11/17/2002.) There were also all-PMT basketball teams. (Campbell 2005: 22; Felipe T. Roybal interview 11/18/2002.) The Indian children made paper “Indian” dolls, and misbehaving children were given “Indian punishment,” *i.e.*, they were tied to a tree and salt was put in their mouths. (Campbell 2005: 23; Erminda Marrujo interview 06/15/2001; Antonia Armendariz interview 08/03/2001.) Every family had its own chant; the chants were like a family anthem. Members performed various animal dances as well as a hoop dance. (Campbell 2005: Victor Roybal Jr. testimony 02/16/2002.)

The core PMT neighborhood had its own patron saint, *Nuestra Señora de Guadalupe*, for whom some PMT residents built small shrines at their houses. PMT tribal members have a strong attachment to the “Old Indian Neighborhood” and the feeling that their families and the Tribe originated there. Many tribal activities such as funerals, weddings, and baptisms were held at St. Genevieve's Church in the heart of the neighborhood until it was destroyed in 1968. Many tribal members have been buried in this church, and dances were held in the church plaza. The tight weave of the community is expressed in fictive kinship terms, such as “grandfather” or “uncle,” which are used generically to refer to Tribal Elders. (Campbell 2005: 25; Lorenzo Romero Interview 06/13/2001.) Indian elders cured disease with herbs, massages, and other traditional methods. (Campbell 2005: 23; Lorenzo Romero Interview 06/13/2001.)

### **3. Spiritual Beliefs, Kinship Networks and Tribal Government**

Three prevalent components of the PMT's distinct culture present throughout its history and to the present day are the PMT's Tribal government, spiritual beliefs, strong kinship networks. Detailed descriptions of PMT government, spiritual life and social interaction are discussed in intimate detail elsewhere in Sections IV (B), (C) and (D) and Section V of this petition.

#### 4. Distinctive Traits of the PMT

Present day ethnic distinctions between PMT members and local Hispanic residents of Las Cruces are subtle but significant. According to tribal members, quietness and politeness are distinctive traits of the PMT people. (Campbell 2005: 108.) The body language of PMT Indians is different from that of non-Indians; this includes such things as rounding the shoulders and certain facial gestures. (Campbell 2005: 108.)

There is also a spiritual, mystical component to PMT ethnic identity. For example, at PMT rites tribal members frequently see eagles. The eagles are a very important symbol, almost a totem for the Tribe. Zuni people and visitors to the Tribe from Alamogordo have observed this also and feel that something is happening spiritually in Las Cruces. This causes them to visit the Tribe. (Campbell 2005: 108.) In response to questions about how PMT people are different from members of other local ethnic groups, Cacique Ed Roybal, Sr. said, “they don't have the chants we do, they don't have the dances, the drum speaks through us. We look on dreams as being visions.” (Campbell 2005: 108.)

Other tribal members feels that the adobe construction of their homes, cooking, and her knowledge of herbal medicines are things that distinguish them as “being Indian.” (Campbell 108; Kaufman, *et al.* 1992: 211.)

**F. The Tribe Has Maintained A Named, Collective Indian Identity Continuously Over A Period Of More Than Fifty Years, Notwithstanding Changes In Name.<sup>26</sup>**

In spite of the history of oppression and conflict chronicled elsewhere in this petition, the Tribe has maintained a named collective Indian identity dating back to the its re-settlement in the Las Cruces area 150 years ago. The Tribe and its members, despite cultural changes and schisms, have been able to preserve their strong sense of community, tribal form of government and ceremonial life. Moreover, PMT's collective Indian identity has been maintained on a continuous basis throughout the Tribe's history to the present date. As evidenced below, this includes the past sixty years following the conclusion of the Second World War and the Tribe's loss of control over the Tortugas Corporation.<sup>27</sup>

**1. PMT's Collective Indian Identity**

The PMT Tribe is considered an Indian tribe by its members and by the predominantly Hispanic and Anglo non-Indian population of Las Cruces. As anthropologist Terry Reynolds observed in her 1981 study of the Tribe: "The Piro Indians have been identified for four hundred years on a substantially continuous

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<sup>26</sup> Prior to filing its initial petition for recognition, the Tribe was known as the San Juan de Guadalupe Tiwa. Since 1992, however, the Tribe has been known as the Piro-Manso-Tiwa Indian Tribe, Pueblo of San Juan de Guadalupe, Las Cruces, New Mexico ("PMT").

<sup>27</sup> The circumstances giving rise to PMT's split with the predominantly non-Indian Tortugas group are set forth in detail above and the Tribe's prior submissions. (See, e.g., 1992 Petition: 157-177.)

basis as American Indians. Today, the only extant organized group of them remaining in North America are the San Juan de Guadalupe Tiwa [*i.e.* the PMT].” (Reynolds & Taylor 1981: 110.)

Members of the Tribe are listed as Native Americans on income tax forms and in employment records. (Joseph Parra interview 08/14/2001.) The Tribe’s sense of ethnic distinctiveness is reflected in ethnic/racial terms in the native language, Tiwa. “Nakajini” refers to African-Americans and “Naki” refers to Mexicans. (Charles Madrid interview 06/1/2001.) Tribal members also have been viewed in racial terms by Las Cruces Anglos who insulted them with racial slurs. (Lorenzo Romero interview 06/13/2001.)

Arguments within the Tribe about policy and ceremonial matters, as well as factional disputes with the Tortugas group, are a clear indication that Indian identity has great significance for PMT and non-PMT individuals. (Campbell 2005: 106.) As with many other Indian tribes, schisms have been a recurring part of tribal history. Disagreements over how the Tribe should be governed, or who should govern, are not signs of weakness. Instead, they indicate the Tribe’s resiliency and the fact that Indian ethnic identity in Las Cruces is a matter that is taken very seriously. (Campbell 2005:106.) In times of crisis, even those tribal members who may not take an active role in PMT’s everyday affairs “come out of

the woodwork” in defense of what they view as the appropriate direction of tribal policy. (Campbell 2005:106.)

Nowhere has this been more evident than in regard to steps taken by the PMT Tribe to strengthen its ethnic unity and cultural integrity in the face of conflict with the primarily non-Indian Tortugas Corporation. In the late 1940s, after non-Indians had gained control over the Tortugas Corporation and ousted PMT families, Cacique Vicente Roybal helped the Tribe sustain itself despite the loss of its administrative branch by holding meetings at his home in Las Cruces. (Campbell 2005: 16.) “He [the Cacique] was seen as the personification of the tribe whose responsibility it was to maintain tribal culture and traditions. The community life of the Tribe survived because of the actions of the Cacique during the 1950’s, 60’s, 70’s.” (Campbell 2005: 97.)

That the PMT Tribe sustained itself in this trying period is confirmed by Wesley Hurt’s 1952 anthropological study providing a detailed historical and contemporaneous account of the Tribe. (Hurt 1952: 104-122.) Significantly, Hurt found at that time that the “tribal identity of the Tiwa Indians is preserved.” (Hurt 1952: 104.) Indeed, even after PMT’s split with the Corporation, the Tribe had maintained its bicameral governmental structure. As Hurt described:

The Tiwa Indians maintain a formal organization entitled “Indigenas de Nuestra Senora de Guadalupe.” Three distinct groups of officers were represented until the recent disruption of the organization by an opposing faction. Their religious chief is called the Cacique, and the

office is hereditary. The last change in leadership passed from Felipe Roybal to his son Vicente, a man of about 54 years. The secular affairs are handled by the Presidente, Victor Roybal Sr., Vicente's brother, who is now living in San Diego. The Vice Presidente is Jacinto Jemente. In addition one Capitan de Guerra and four subordinate capitanes are appointed each year by the Cacique. The change and appointments of the capitanes takes place each year on New Year's Eve in the home of Vicente Roybal in the Mexican section of Las Cruces.

(Hurt 1952: 111.) Hurt's 1952 report further concluded that the PMT Tribe, despite the rift between it and the Corporation as a result of the non-Indian corporate takeover, continued to exist as a distinct Indian group. (Hurt 1952: 121-22.)<sup>28</sup>

So too, the available evidence demonstrates that the PMT Tribe has continuously maintained its collective Indian identity since that time. As anthropologist Dr. Howard Campbell concluded in his comprehensive ethnographic study of PMT more than fifty years after Hurt: "PMT Tribal culture, traditions, beliefs, and community life have continued to the present day. The Tribe is a viable living Indian tribe." (Campbell 2005:91). Indeed, as the following sections reflect, PMT's culture, its traditions, its beliefs, and the sense of community binding tribal members have not only survived their many 20th century challenges; they have grown even stronger.

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<sup>28</sup> The 1957 report of Alan James Oppenheimer, where research was performed during the summer of 1951, contains a similar description of the continued existence of the PMT Tribe and its bicameral governance structure. (Oppenheimer 1957: 50-54.)

2. Preserving PMT's collective Indian identity from 1945 forward.

The takeover of the Tortugas Corporation by non-tribal forces was a harsh blow to the Tribe, but it did not destroy it. (Campbell 2005: 91.) The loss of administrative control over the Corporation that tribal members had formed several decades earlier was a protracted process. During the period of 1945 and 1965, through court actions, intimidation and other tactics, non-tribal members assumed Corporation offices and gained title to land that was originally deeded to the Cacique in 1888. Nevertheless, the PMT Tribe remained organized as a Tribe of Indians during this trying period and continued to pass on its customs from one generation to the next. (Campbell 2005: 91.)

After the takeover of the Corporation, the Tribe re-emerged to proactively challenge the encroachment of the non-Indian population. PMT members protested against the non-Native nature of events at Tortugas and the attempt to control tribal property and cultural life. As Dr. Campbell has documented in his comprehensive ethnographic report: "Faced with a crisis situation, precedent and tradition were the guiding forces for action for the Tribe." (Campbell 2005: 91.)

Inasmuch as "the Old Neighborhood" in Las Cruces had been the original settlement location of the Tribe and the location of the PMT Cacique's residence

for at least one hundred years, PMT resurfaced in that core neighborhood.<sup>29</sup> The former Corporation President who had served the Tribe as a leader for more than 20 years had died; and the administrative vehicle was no longer serving the interests of the PMT. “So, in the Indian way, it was left behind. The Tribe moved on.” (Campbell 2005: 91.)

Throughout the late 1940s and 1950s, tribal members continued to go to Cacique Vicente Roybal’s home, the spiritual center of the Community and location of the Tribe’s sacred drum, on January 1 of each year for the tribal elections. Ceremonial dancing and other tribal activities took place on an adjacent lot that functioned as a communal space shared by the neighboring Indian families (Felipe T. Roybal interview 11/18/2002.)

Following the split with the Tortugas Corporation, the Cacique held quarterly ceremonies at his home in the Old Indian Neighborhood and swore in the new tribal officials elected each January 1. At times, the Cacique guided the Tribe himself without the benefit of a tribal council. Yet he continued to exercise his moral and spiritual authority over tribal members in the traditional way.

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<sup>29</sup> As noted elsewhere in this petition, PMT’s identity is linked to the original 22 families that comprised the Tribe historically and their descendants. Particular names like Roybal, Avalos, Madrid, Jemente, Trujillo, etc. are strongly associated with tribal membership. In addition, reliance on what PMT members call “the Old Indian Neighborhood,” the center of tribal life in Las Cruces, has been an important element of the Tribe’s collective Indian identity since the 19th century.

According to Victor Roybal, Jr., the Cacique “was the law of the pueblo, the law of the Tribe.” (Victor Roybal, Jr. interview 11/17/2002.)

Accordingly, in spite of the disputes at Tortugas over land and the proper conduct of ceremonies, the PMT Tribe survived and emerged even stronger than before. It continued to be governed by its traditional Cacique, maintained its tribal form of government, and continued on with its indigenous ceremonial and spiritual life. (Campbell 2005: 97.)

Many tribal members had lost their property at Tortugas. The sacred tribal drum was also stolen. Many PMT members were told that they could not participate in the dances that they had always participated in at a place that had previously been theirs. But the Tribe, as it had through hundreds years in the face of disease, relocation, and religious conversion, responded to the challenges. (Campbell 2005: 92.)

Victor Roybal, Jr., the eldest son of the former President Victor Roybal Sr., and a grandson of the first recorded Cacique in Las Cruces, instinctively and in accordance with the Tribe’s traditions assumed the role of organizing the tribal people and helping to lead the way through the crisis. Under the guidance of his uncle, Cacique Vicente Roybal, he began the painstaking task of contacting tribal members individually to reassure them that the Tribe would continue and that the setback of losing control of the Corporation to non-Indians would be overcome.

(Campbell 2005: 92.) So Victor Roybal, Jr. went door-to-door, as his father had done decades before, and requested volunteers to serve the Tribe as administrators and ceremonial leaders. (Campbell 2005: 92.)

In consultation with the Tribe's Cacique, Victor Roybal, Jr. polled the members of the Tribe and decided on a number of individuals who would be best qualified to represent the people. Only someone with a precise understanding of the duties and responsibilities of the tribal government and thorough knowledge of tribal members would have been able to complete such a task.

A President (Governor), Vice President (Lieutenant Governor) and War Captains were chosen. (Campbell 2005: 92.) Victor Roybal, Jr. served as PMT's Secretary. These Officials were then approved by the Cacique. The whole process carried on the traditional ways of choosing Tribal Officials. (Campbell 2005: 92.)

Most of the tribal families remained in "the Old Indian Neighborhood" where PMT people had always lived. It was not difficult to locate tribal members because few had left. Those that had moved away from Las Cruces usually received information through word of mouth, phone or letters. (Campbell 2005: 92.)

A very formal system of networking has always existed within the Tribe. The Tribe is organized and comprised of families with grandparents at the core. Information about the Tribe circulates quickly through the families. The heads of

the tribal families usually serve as Tribal officials. (Campbell 2005: 93.) The key is participation and knowledge that serves the Tribe's interests and assists in the betterment of the tribal member. The Elders are genuinely respected for their knowledge of traditional tribal culture, family and tribal history. (Campbell 2005: 94.)

By the late 1960s, the leadership of the Tribe had come together in response to the crisis over Tortugas and proceeded to lay the foundation for the modern administrative tribal government to deal with non-Indian governmental entities. The revival of the Tribe also meant seeking federal acknowledgment, taking other legal actions on the people's behalf, and revitalizing the tribal government, ceremonies and community life apart from Tortugas and Corporation activities. (Campbell 2005: 94.)

Communications between tribal members during the 1950s, 60s and 70s were primarily through word of mouth. Tribal meetings and activities (both formal and informal) were generally conducted according to the oral tradition of the Tribe (Campbell 2005: 94.) Meetings were called by the Cacique and Tribal Council; and people were notified via the telephone or in person. Many were contacted directly by Victor Roybal, Jr. (Campbell 2005: 94.)

Victor Roybal, Jr. was the most proficient of all tribal people concerning the history and knowledge of individual tribal members who had passed away and of

nearly every tribal member's family history. He was also the most knowledgeable concerning past members of the Tribal Council, including the positions that they held and to what extent they served the Tribe and the Tribal Council. Many middle-aged and younger tribal members would visit with "Junior" to hear stories about their parents, grandparents, great-grandparents and other relatives. Often they would hear more about their family history from him than from their own parents or immediate family. (Campbell 2005: 94.)

This was no accident. As a Tribal Elder and member of the line of hereditary tribal leaders, Victor Roybal, Jr. was in a traditional way required to research and retain such knowledge. (Campbell 2005: 94.) This is how much of the oral history of the Piro-Manso-Tiwa Tribe has been preserved and has survived to the present – through the retention and dissemination of the tribal history by Victor Roybal, Jr. (Campbell 2005: 94-95.)<sup>30</sup>

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<sup>30</sup> An example of this was displayed in an interview with Victor Roybal, Jr. that is recounted in detail in Dr. Campbell's 2005 ethnographic report. In that interview, conducted by the Tribe's then research attorney in Albuquerque, New Mexico, Victor Roybal, Jr. was asked about tribal members dating back to 1830. In virtually every instance, he was able to provide an account of who the person was, which tribal family they belonged to, where they once lived, and what their past role was in the Tribe. And with respect to questions about recent tribal members, he was able to provide information concerning the exact addresses; occupations; and names, locations and occupations of children, etc. If he could not remember the exact location, he was able to provide the name of the closest relative or best means of locating the individual. Once again, this was from memory and personal knowledge. (Campbell 2005: 95.)

Tribal members recall how for many years they would see “Junior” walking among the Old Neighborhood and all over town. (Campbell 2005: 95.) They would see him in the grocery store or post office, and he would relay recent events of the Tribe, announce upcoming tribal meetings, or request assistance with tribal matters. He was in fact acting in a traditional tribal fashion, as he had been taught to do. This face-to-face oral communication network was the only one at his disposal, and he effectively went about organizing the Tribe at a time when its future had been threatened by the split with the Corporation. He communicated tribal issues to people and respected their assistance, and they in turn provided him with knowledge of their families, illnesses, weddings, births, etc. He would then tell other tribal people about the issues. (Campbell 2005: 95.)

Victor Roybal, Jr. explained during in an interview in the spring of 1995 why most of the communications during this period was carried out person to person. “During that time the Tribe had no money, not even enough for stamps; so I had to go door to door to notify the people of tribal functions and activities.” (Campbell 2005: 96.) Because of the hostilities with the Tortugas Corporation and others in the city of Las Cruces, an atmosphere of secrecy also surrounded most tribal activities and events were not always recorded in the 1950s and 60s. Tribal members knew who they were, and participation was based on blood ties and knowledge of one’s family and lineage. (Campbell 2005: 97.)

An excerpt from the minutes of the tribal community meeting held on January 1, 1971 reflects the commitment of PMT members at that time to maintain their identity, tribal form of government and ceremonial life. The primary purpose of the meeting was to approve tribal regulations and to preserve the traditional practices of the community. This excerpt follows:

We, the undersigned, comprising Natives of the Tiwa Indian Tribe at San Juan de Guadalupe, NM, have assembled for the purposes of making the following regulations and complying with those duties, which our ancestors observed and which we wish to transmit to our children: We solemnly bind ourselves in the first place to celebrate in the best manner we are able, our respective beliefs .... [This page then continued for three paragraphs describing the tribal regulations.]

(1971 Tribal meeting minutes; Campbell 2005: 97 (reproducing quoted passage).)

The minutes then continued with a description of the duties of the Tribal Officers. This was an issue the community chose at that time to address as a whole. The participants resolved to approve and spell out the duties of the Tribe's governing body, the Tribal Council. (1971 Tribal meeting minutes; Campbell 2005: 97 (reproducing quoted passage).)<sup>31</sup>

The following individuals signed this 1971 tribal document and served as heads of households or heads of tribal families at the meeting: Victor Roybal, Jr.;

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<sup>31</sup> Dr. Campbell compiled a detailed listing of tribal documents from this time in conjunction with his 2005 study of the PMT Tribe (Campbell 2005: 98.) This listing is provided at the end of his comprehensive ethnographic report as "demonstrat[ing] the community involvement and interaction among tribal families" that existed in the early 1970s and that has continuously characterized the PMT tribal community throughout its history.

Exemption 6

Arturo Avalos, Richard Portillo, Erenesto Jemente, Vicente Roybal, Gabriel Parra, Adolpho Avalos, Ernesto Portilla, Florenzia Marquez Ramirez, Mary Francis Ramirez, Emillia Apodoca, Concepcion Ramirez, Lucano Avalos, Robert Avalos, Juanita Eves and Graciella Portillo. (Campbell 2005: 97-98).

Other tribal activities and events were held throughout the 1970s at various homes of tribal members such as Charlie Madrid, Victor Roybal, Jr., Adolpho Avalos and other members of the core families that make up the PMT. (Campbell 2005: 98.) The Tribe also was engaged in other activities to preserve its culture and traditions. In 1973, tribal officials requested a Tiwa language instructor from New Mexico State University. (Campbell 2005: 98.) The Tribe was referred to (b) (6) of Isleta Pueblo. Mr. (b) (6)'s wife, (b) (6), agreed to conduct informal classes. Victor Roybal, Jr., (b) (6) and others attended sessions. They were instructed as trainers, so that once they learned the language they would be able to instruct other people in the Tribe. (Campbell 2005: 98.)

From the 1950s through the 1980s, the ceremonial, community and cultural life of the Tribe continued in Las Cruces. The Tribe's traditional celebrations, dances, chants and spiritual practices were conducted exclusively by and for tribal members. The primary cultural change that occurred following the split with the Tortugas was that tribal ceremonies were no longer conducted within the Catholic Church and its various organizations. (Campbell 2005: 18.) Even so, ceremonies

directed by the PMT Cacique and War Captains in the 1950s and 60s mainly followed the schedule of the Corporation and the Church as in previous years. (Oppenheimer 1957: 89-111; Hurt 1952: 114-120.)

As the 1970s began, ceremonies still focused around Tortugas and church activities, but the participation of tribal members began to wane due to continued conflicts with non-Indian interests. Indeed, PMT members were forced out of Tortugas, especially during the Guadalupe fiesta. (Reynolds & Taylor 1981: 92.)

During this time period, chants, dances and tribal meetings still took place at the Cacique's home for tribal members only. Ceremonies were often held spontaneously on occasions when tribal members would gather. Burial ceremonies also were conducted at the request of PMT families. (See Reynolds & Taylor 1981: 112 (observing in the "Addendum" to their 1981 report that: "Today they [PMT members] live within reasonable proximity to allow group interaction and maintain tribal relations.").)

After the death of Cacique Vicente Roybal in 1978, the traditional leaders of the Tribe began holding ceremonies, largely in private, so as to gain guidance in the wake of the Cacique's passing. The years 1979 and 1980 saw a conscious decision by the traditional leadership to hold December ceremonies on the (b) (3) (A) exclusively for the Tribe. Lighting of the fires on the (b) (3) (A) (in 1979, 1980 and since) has been conducted on one or two days prior

to the December 10 and 11 activities of the Tortugas Corporation (Campbell 2005: 98.) This has been done to avoid contact with the non-Indian population and to avoid participating in what the PMT Tribe considers the desecration of the (b) (3) (A). (Campbell 2005: 98.)

Beginning in the late 1970s and throughout the 1980s, ceremonies also took place in the homes of PMT members residing in the Old Indian Neighborhood in Las Cruces, including the homes of Charles Madrid, (b) (6), Charles Sanchez, Victor Roybal, Jr., Felix Gomez, Jr., Narciso Eves and Adolfo Avalos. As in the early 1970s, ceremonies were often held spontaneously as people would gather – hence, what occurred was not always documented. The ceremonies included gathering of wood, ceremonial fires, chanting, drumming, ceremonial smoking, etc. Ceremonies and gatherings were also held on (b) (3) (A), in the (b) (6), (b) (3) (A) and near the (b) (3) (A). Burial ceremonies were conducted at the request of PMT families in the 1980s as well. (*See generally* 1992 Petition: 181, 208-212.)

### 3. Maintaining PMT's Collective Indian Identity in Contemporary Times

Since the early 1990s, Piro-Manso-Tiwa tribal members have participated in a number of ceremonial and traditional observances throughout the year. The tribal observances include the Pueblo ceremonial cycle reintroduced by current Cacique Edward Roybal, Sr., which is based on the changing of the seasons. The

Exemption 3

quarterly ceremonies presently observed include the Winter and Summer Solstice Ceremonies and the Vernal and Autumnal Equinox Ceremonies. These ceremonies coincide with the planting and harvesting cycles, which mirror the cycles of the sun.

Other PMT observances include annual pilgrimages to the Tribe's sacred (b) (3) (A) (as noted above, observed on a different day than by the non-Indian community in Tortugas); attending the annual elections of Tribal Council officers; attendance at other regularly scheduled tribal meetings immediately proceeding each of the quarterly ceremonies; and a variety of other tribal occasions, including traditional weddings, naming of children and adults, healing of the sick, blessings for those going to war, graduations and death/burial ceremonies routinely conducted by the Cacique as needed and as requested by PMT families.<sup>32</sup>

The PMT Tribe also continues to be recognized by outsiders as Indian and as distinct from other populations. Recent invitations to give guest presentations on the history and traditions of the tribal community and to participate in community functions evidence this fact. These include the following:

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<sup>32</sup> As noted elsewhere in this petition, contemporary PMT life also continues to reflect a high level of social interaction among tribal members and extensive communal labor. *See* 25 C.F.R. § 83.7(b)(1)(ii)-(iv).

- The Tribe was invited to participate in a workshop and panel discussion at New Mexico State University on October 19, 1993 concerning federal legislation pertaining to the Native American Graves Protection Repatriation Act (NAGPRA). PMT member Lamberto Trujillo, Jr. attended on behalf of the Tribe.
- Members of the Tribe spoke at Las Cruces High School to Foreign Exchange Students from Dresden, Germany with Dr. Zarabia, Director of Chicano Programs, New Mexico State University. (Campbell 2005: 110.)
- The Tribe was invited to speak as a Native American Storyteller to pre-school children in the Head Start Program at New Mexico State University on March 17, 1992. (Campbell 2005: 110.)
- Tribal members spoke on five different occasions to the Boy Scouts, Cub Scouts and Webelos at Roundtable Programs in 1992. (Campbell 2005: 100.)
- The New Mexico State University Kent Museum invited members of the Tribe to speak at the Children's Workshop on Pueblo Indians for elementary school children. (Campbell 2005: 110.)
- The Tribe was asked to participate in the United American Indian Organizations Second Annual Pow-Wow at the Corbett Center in April

1993. This event was attended by Tribal Council Officials and Members of the PMT Tribe Ceremonial Dancers. (Photographs and a NMSU videotape are available.)

- The Tribe was invited to participate in the Indian Affairs Committee on September 15-16, 1993 at the Inn of the Mountain Gods, Mescalero, New Mexico.
- The Tribe hosted a board meeting of the Association on American Indian Affairs in Las Cruces in the year 2000.
- Also in 2000, the City of Las Cruces invited the Tribe to perform a blessing ceremony at Las Cruces' 150th Birthday Celebration. Cacique Ed Roybal, Sr. and other PMT members participated in that event.<sup>33</sup>
- In October 2001 the Tribe set up a booth and sold Indian tacos at the Enchilada Fiesta in Las Cruces. (Campbell 2005: 100-101.)
- On January 7, 2006, the Tribe took part in a dedication ceremony held in the Mesquite District of Las Cruces for "the Mesquite Historic District Ceramic Tile Mural Project." The Mural consists of eight panels which are an historical narrative of the Mesquite district. According to the Project Statement, "the first panel pays tribute to the original and

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<sup>33</sup> The 2000 blessing ceremony is described in greater detail elsewhere in this petition.

indigenous people of the original town site, who were Piro-Manso-Tiwa.”<sup>34</sup>

#### 4. Conclusion

Despite the lack of official federal “recognition,” PMT has never voluntarily relinquished its relationship as a sovereign Indian culture with the federal government. Tribal members have not abandoned their identities as Indians or as parts of tribal society. (Campbell 2006: 305.) Many have exercised their status and have been acknowledged by local, county and state schools and universities, and by Indian health Service facilities on reservations and in urban areas. (Campbell 2006: 305.) Many tribal members have received federal assistance for social services and economic development based on their affiliation with the PMT Tribe. (Campbell 2006: 305.)

The Tribe and its members, despite cultural changes and schisms, have continuously maintained their internal status, tribal form of government and ceremonial life to the present. The governments of Spain, Mexico, the State of New Mexico and the United States have all dealt with the Tribe as a self-governing entity. (Campbell 2006: 305.)

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<sup>34</sup> The 2006 dedication ceremony is further described elsewhere in this petition. The same section also identifies several other instances in which state and local government officials have recently recognized the Tribe as a distinct Indian community dating back to the 19th century.

In spite of oppression and conflict, the PMT has successfully maintained its Cacique, a tribal council, ceremonial dances, pilgrimages and its distinct Indian identity. Reflecting the continuing nature of such activity, the Tribe has maintained member participation and participation rosters for all of the ceremonial and traditional practices; all of the tribal council staffing meetings, including staff officers' meetings and meetings in which all tribal members were encouraged to attend; and all of the PMT Tribal ceremonies. (Campbell 2005: 101.)

Member attendance and participation rosters have been kept since 1950. (Campbell 2005: 101.) From 1990 to the present, those rosters provide evidence of *increased* attendance and participation by Piro-Manso-Tiwa members. (Campbell 2005: 102.) Indeed, anthropologist Howard Campbell has observed not only “the general trend ... towards an increase in numbers of participants in tribal events,” but also the “greater personal and emotional involvement in these events.” (Campbell 2009: 2.) Perceiving the deeper sense of community that binds PMT members, he also has “observed tribal members engaging in acts of reciprocity, mutual assistance, and exchange of material goods and emotional support.” (Campbell 2009: 1-2.)

Dr. Campbell has concluded from his research and “continuous contact with tribal members” dating back to 1993 that Piro-Manso-Tiwa Indians “remain a viable Native American tribe with their own distinctive traditions, history and

customs ....” (Campbell 2009: 2.) That this is so is a testament to the PMT Tribe’s resilience and its determination to remain a separate and distinct Indian tribe notwithstanding the challenges that it has faced historically and over the past sixty years. The PMT Tribe’s distinctive customs and culture and its traditional form of government remain intact today, just as they have on a continuous basis for generations. Evidence satisfying the criterion of § 83.7(b)(1)(viii) clearly exists.

**G. PMT Has Demonstrated Historical Political Influence Over Tribal Members As An Autonomous Entity Until The Present Day, Thereby Providing Further Support For The Existence Of A Distinct, Historical Community Under Section 83.7(b)(1)(ix).**

The previous subsections present multifaceted evidence that the PMT Tribe has existed as a distinct community from historical times until the present day. PMT is not merely a community that regularly participates in traditional ceremonies and has lived in the same geographic area for centuries – PMT is also a community with a vibrant historical political existence and complex present-day political processes that mobilize tribal membership.

The presence of political mechanisms and an identifiable lineage of formal and informal tribal leaders lends further texture to the Tribe as a distinct Indian community. PMT members began as a particular community of Indians in the Mesilla Valley and remain so to this day in part because of the effectiveness of internal political systems and the normative importance of the Cacique and other informal and formal tribal leaders.

Additional detail concerning the political history of the Tribe is provided in the following section of this petition, which further identifies PMT as a distinct community as required under the criterion delineated in § 83.7(b).

**H. At Given Points In Time, PMT Also Has Met § 83.7(C)(2)(i)-(iv) Thereby Satisfying § 83.7(b)(2)(v).**

Because the PMT Tribe also meets the criterion in § 83.7(c) using evidence described in § 83.7(c)(2), the Tribe has provided additional evidence of “community” that is recognized as sufficient to satisfy § 83.7(b)(2)(v).

At various times throughout PMT’s history, the Cacique and other tribal leaders have allocated group resources among tribal members. For example, in 1888, Cacique Felipe Roybal obtained a land grant from the Territory of New Mexico and distribute plots of land to tribal members for the construction of homes. (1888 Land Grant Petition; Campbell 2005: 8, 16.) Given the Tribe’s limited financial resources, both historically and in the present day, fundraising has been a primary objective of tribal leadership. The funds raised have been traditionally redistributed among tribal members in a variety of ways, such as the creation of a summer youth program in 2000 to aid in the transmission of tribal traditions and customs to PMT youth. (Red Road 2000 materials.)

The difficult historical circumstances encountered by the Tribe have created disputes among tribal members throughout the 20<sup>th</sup> century. Disputes are a necessary product of a distinct community with rich traditions that are valued and

protected by tribal members. Beginning with the banishment from St. Genevieve's Church in 1909, the split with the Tortugas Corporation in the 1940s and the intra-tribal dispute with the Portillo/Lefebvre faction in 1995, the Tribal Council has resolved these disputes through specific political channels designed to safeguard and preserve the community.

By virtue of the importance of PMT's culture to tribal members, alterations to generations-old traditions are not easily implemented. Nonetheless, the Caciques, at various points in time, have ushered in changes to tribal traditions and tribal members have accepted them, as evidenced by their consistent participation in revised tribal ceremonies and gatherings. This clearly demonstrates the strong influence the Cacique has had over tribal members. Finally, PMT Caciques have organized community labor and other economic activities, such as fundraisers, tribal donations, and constructing tribal members' homes, to benefit the Tribe and individual members.

In accordance with § 83.7(c)(2)(i)-(iv), the PMT Tribe has demonstrated the continued existence of political authority and influence over tribal members. This evidence not only satisfies the criterion of section (c) for the relevant time periods, but § 83.7(b)(2)(v) as well. Consequently, in view of the evidence set forth in Section IV and elsewhere in this petition and the Tribe's prior submissions, PMT

clearly meets and in fact exceeds the mandatory criteria for acknowledgment under § 83.7(b).

**V. THE PMT TRIBE SATISFIES THE MANDATORY CRITERIA FOR FEDERAL ACKNOWLEDGMENT FOR SECTION 83.7(c).**

25 C.F.R. § 83.7(c) requires that PMT show that it has “maintained political influence or authority over the members as an autonomous entity from historical times until the present.” As is true for § 83.7(b), the criterion of section (c) may be demonstrated by “some combination” of the evidence listed in § 83.7(c)(1)(i)-(iv) “and/or by other evidence that the petitioner meets the definition of political influence or authority in § 83.1.”<sup>35</sup>

As evidenced below, the PMT Tribe clearly meets and in fact exceeds the mandatory criteria for federal acknowledgment under section (c). Each of the four subcategories of § 83.7(b)(c)(1)(i)-(iv) is satisfied by the evidence presented in this petition and in the PMT Tribe’s 1992 and 1996 submissions. Moreover, PMT has demonstrated the exercise of political influence or authority at various times

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<sup>35</sup> As defined by § 83.1, the term “political influence or authority” means a tribal council, leadership, internal process or other mechanism which the group has used as a means of influencing or controlling the behavior of its members in significant respects, and/or making decisions for the group which substantially affect its members and/or representing the group in dealings with outsiders in matters of consequence.” As detailed in Section V and elsewhere of this petition, the existence of such political influence or authority has been amply demonstrated throughout the PMT Tribe’s history to the present date.

throughout the Tribe's history that is sufficient to satisfy criterion (c) in accordance with § 83.7(c)(2)(i)-(iv).

#### **A. Overview**

The political structure of PMT is the product of its tripartite ancestral roots and the history of the Mesilla Valley. (Houser 1996: 2.) As an historical tribal people, the Tribe has survived the challenges of various outside pressures for centuries. PMT is the contemporary descendant of the Piro, the Manso, and the Tiwa indigenous ethnic groups and is "the only tribal entity that formally recognizes (as their name implies) their tribal ancestry to the primary indigenous peoples of this region—the Manso, the Piro, and the Tigua." (Houser 1996: 2.) The Tribe and its leaders have maintained an enduring form of self-government and community. (Houser 1996: 2.)

For centuries, the tribal leadership has guided its members through the obstacles encountered by the Tribe, including the difficult times felt by all Americans during the Great Depression and World War II, up to the present day where PMT functions as an autonomous political society. The available evidence shows that, without question, PMT has a history of formal and informal leaders that mobilize both tribal membership and resources, act on matters important to tribal members, and resolve difficult and meaningful internal disputes. PMT has a unique political history including the method of communicating with tribal

members regarding the political processes of the Tribe. PMT incorporates the tribal tradition of the “extended community” into its governmental structure to facilitate the dissemination of political knowledge to tribal members in order to ensure political awareness and participation across the tribal membership. (Campbell 2005: 92-93.) This traditional way of communication has existed from historical times up until the present day. For centuries, PMT has existed as a vibrant and distinct political community.

## **B. PMT Political History**

The Tribal Council is the governing body of the Tribe and is divided into two branches: Traditional and Administrative. The Tribe has maintained a system of governance and political autonomy with an unbroken line of traditional leaders throughout the community’s history, which continues to the present day. The Administrative leadership positions arose in 1914 and also continue to the present day. Each branch has clearly defined roles for each office that are respected and observed by tribal members.

### **1. Piro-Manso-Tiwa Traditional Leadership Positions**

The traditional branch of the Tribal Council includes six positions<sup>36</sup>: the Cacique and five War Captains. (Campbell 2005: 29; Oppenheimer 1957: 50-53,

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<sup>36</sup> In historical times, the traditional leadership included a “*Hunt Captain*.” The Hunt Captains, also referred to as the “*humero*,” are responsible for organizing rabbit and other hunts. Campbell 2005:34. In the absence of the Hunt Captain, the 5th War Captain will assume all the duties of that office. Campbell 2005:34.

Figure 3.) The Cacique is the ceremonial, spiritual, and political leader of the Tribe. (Campbell 2005: 29, 31; Reynolds & Taylor 1981: 22; Oppenheimer 1957: 50-51; Hurt 1952: 111; January 1, 1971 Tribal Declaration of Tribal Council.) He is considered the soul of the Tribe. (Campbell 2005: 32; Reynolds & Taylor 1981: 22.) The Cacique has a number of duties. As the spiritual leader of the Tribe, one of the Cacique's primary responsibilities is the oversight and arrangement of tribal ceremonies, including the keeping of the tribal drum and other sacred objects. (Campbell 2005: 29; Reynolds & Taylor 1981: 22, 41-42; Oppenheimer 1957: 50-51.) In addition, the Cacique is responsible for nominating individuals to hold the position of War Captain. (Campbell 2005: 29; Oppenheimer 1957: 50-51; Hurt 1952: 111; January 1, 1971 Tribal Declaration of Tribal Council.)

The Cacique coordinates and defines tribal policies that govern the tribal membership while also protecting the general welfare of the Tribe. (Campbell 2005: 30-32; Reynolds & Taylor 1981: 41.) In addition, the Cacique can act as the representative of the Tribe in relation to other tribes and governments. (Campbell 2005: 32; Reynolds & Taylor 1981: 41; Oppenheimer 1957: 50-51.) In accord with tribal tradition, the Cacique does not get involved in *financial* or administrative matters. (Campbell 2005: 32; Hurt 1952: 111.) In accordance with the tradition of the Piro-Manso-Tiwa Tribe, the Cacique position is filled by a male member of the Roybal family who serves a life tenure. (Campbell 2005: 29, 31;

Reynolds & Taylor 1981: 14.) On rare occasions, and for short periods of time, the Cacique position was held by an interim Cacique, or *Caciqua Regente*. (Campbell 2005: 29; Reynolds & Taylor 1981: 42; Oppenheimer 1957: 51-52.) In addition, an Assistant Cacique has also been utilized—albeit rarely—to assist in carrying out the spiritual, religious, and ceremonial duties of the Cacique. (Campbell 2005:29, 31.)

The line of Caciques from the Roybal family dates back to the mid-18<sup>th</sup> century. Cacique Cayetano Roybal was born before 1740 in Senecu del Sur or Chamisal, Mexico and served as Cacique from 1794 to 1836. (Campbell 2005: 30.) Jose F. Roybal followed Cayetano as Cacique. (Campbell 2005: 30.) Anastacia Benavides Roybal was briefly *Caciqua Regenta* for some time during 1836. (Campbell 2005: 30.) Agapito Roybal, born about 1800 in Paso Del Norte, Mexico, served as Cacique from 1836 to 1862. (Campbell 2005: 30.) Jose Francisco Roybal was Cacique in 1863. (Campbell 2005: 30.) Jose Roybal was Cacique for the year of 1864. (Campbell 2005:30; Reynolds & Taylor 1981: 42.) Felipe Roybal served as Cacique from 1865 to 1906. (Campbell 2005: 30; Reynolds & Taylor 1981: 42; Oppenheimer 1957: 51; Hurt 1952: 111; *Rio Grande Republican*, November 9, 1906; *Las Cruces Citizen*, November 10, 1906.) Francisca Avalos Roybal was *Caciqua Regenta* from 1914 to 1920.” (Campbell 2005: 30; Reynolds & Taylor 1981: 42; Oppenheimer 1957: 51.)

As stated above, Francisca occupied the position until a suitable male heir could take the position, thereby complying with tribal tradition. (Campbell 2005: 30; Reynolds & Taylor 1981: 42; Oppenheimer 1957: 51.) Senobio Avalos was *Regente* from 1923 to 1936 and functioned much as a placeholder until Vicente Roybal (Felipe's son and traditional descendent for the position of Cacique) was old enough to assume the Caciqueship. (Campbell 2005: 30; Oppenheimer 1957: 52.) Felipe Roybal's son, Vicente Roybal, born on April 5, 1897, was Cacique from 1936 to 1978. (Campbell 2005: 30; Oppenheimer 1957: 52; Hurt 1952: 111.) When Cacique Vicente Roybal passed in April of 1978, Isidra Trujillo Avalos, the widow of Cacique Vicente Roybal, served as *Caciqua Regenta* from 1978 to 1980. (Campbell 2005: 30; April 3, 1978 Tribal Council Statement of Appointment Ratified by Tribal Membership.)

As with Francisca Avalos during 1914-1920, Isidra Trujillo Avalos occupied the Cacique position until the appropriate male Roybal could take over the position. (Campbell 2005: 50; Louis Roybal interview 5/23/2003; April 3, 1978 Tribal Council Statement of Appointment Ratified by Tribal Membership.) Felipe Roybal, Cacique Vicente Roybal's eldest son, born on October 25, 1920, became the Cacique in 1979 and held the position until the early 1990s. (Campbell 2005: 30, 50; April 3, 1978 Tribal Council Statement of Appointment Ratified by Tribal Membership.) In 1992, Edward Richard Roybal Sr., born on January 14, 1940,

succeeded Felipe Roybal after having served as the Assistant Cacique for a number of years. (Campbell 2005: 30; September, 15-17 1991 meeting minutes.) Edward Roybal Sr. is the Tribe's current Cacique. (Campbell 2005: 30, 49-50.)

The other group of traditional positions in the Tribe are the War Captains. (Campbell 2005: 29; Reynolds & Taylor 1981: 23, 41; Oppenheimer 1957: 53; Hurt 1952: 111.) The Head War Captain (or First War Captain) is the primary assistant to the Cacique in ceremonial matters and aids him in performing all indigenous rituals. (Campbell 2005: 32-33; Oppenheimer 1957: 53-54.) At tribal ceremonies, the War Captains are responsible for maintaining order at tribal ceremonies and to oversee all tribal activities. (Campbell 2005: 33; Reynolds & Taylor 1981: 23; Oppenheimer 1957: 53-54.) In modern times, Oppenheimer reiterates that the War Captains were no longer simply scouts, trackers, and community guards, but conducted rituals under the Cacique's guidance and maintained religious discipline during ceremonies. (1992 Petition: 73; Oppenheimer 1957: 52-56.) A number of tribal members have held the position of War Captain, including Victor E. Roybal, Jr., who was a formal and informal leader of the Tribe for decades. (*See Election Confirmations for 1970's.*) War Captains play a pivotal role in mobilizing tribal members for ceremonies and delegating tasks to individuals to benefit the Tribe. (Campbell 2005: 29-35; Reynolds & Taylor 1981: 23, 41; Oppenheimer 1957: 51-56; Hurt 1952: 111.)

## 2. Piro-Manso-Tiwa Administrative Leadership Positions

The Administrative Branch of the tribal government arose during the formation of the Corporation in 1914. (Campbell 2005: 35; 1971 Tribal Council Statement of Positions; Oppenheimer 1957: 52-53; Hurt 1952: 111; Articles of Incorporation, 1914.) That Corporation developed its own positions including a President, Vice President, Secretary, and Treasurer. (Hurt 1952: 111; Articles of Incorporation, 1914.) The Tribe's break with the Corporation in the late 1940's, ushered in a return to tribal tradition and reliance upon the formal traditional leaders—the Cacique and the War Captains. The experience with the Corporation created a hesitation with immediately installing new Administrative positions.

With the modernization of the Tribe in the early 1970s, the re-commissioned new administrative positions solely composed of tribal members who represent only the interests of the Tribe. (Reynolds & Taylor 1981: 84; 1971 Tribal Council Statement of Positions.) These positions include a President, Vice-President, Secretary, and Treasurer.<sup>37</sup> (Campbell 2005: 35-37; Reynolds & Taylor 1981:84; 1971 Tribal Council Statement of Positions.) The first President of the Tribe after the split with the Corporation was Charlie Madrid, Jr. (Election Confirmations for 1970s.) In the 1970s and 1980s Charlie Madrid occupied the position of President and directed the Tribe through a difficult time for the Tribe. (Campbell 2005: 50.)

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<sup>37</sup> The titles "President" and "Vice-President" would later be renamed "Governor" and "Lt. Governor."

Similarly, Victor E. Roybal Jr.—Cacique Vicente Roybal’s nephew—was an essential person to steward the Tribe and its membership. (Campbell 2005: 50.) The position underwent a change in name from President to Governor in 1992. This modification reflects the Tribe’s Pueblo roots by adopting the traditional Pueblo political structure of calling the administrative leader of the tribe, the Governor.<sup>38</sup> (Campbell 2005: 7-8.) The current Governor of the Tribe is Edward Roybal II, the son of the present Cacique. (Campbell 2005: 35.)

### 3. Political History of the Piro-Manso-Tiwa Tribe

In 1888, the Tribe received forty acres of land from the Territory of New Mexico via the Tortugas Pueblo Land Grant. (Campbell 2005: 8, 16; Rio Grande Republican March 3, 1888.) The then Cacique of the Tribe, Felipe Roybal, along with two other PMT members Magdaleno Baca and Jose Albino Trujillo, secured the grant of land on behalf of the Tribe. (Campbell 2005:8 ; 1992 Petition: 74-76.)

While the Cacique represents the spiritual heart of the Tribe, the Tribe developed a separate Administrative Branch of leadership to accommodate the Tribe’s existence in the public forum in Las Cruces. Therefore, in 1914, Caciqua Francisca Avalos assisted in the formation of a Corporation to act as the public face of the Tribe and formally represent the Tribe’s interests. (1992 Petition:90-94; Articles of Incorporation, 1914.) Given the distinct community of the Tribe

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<sup>38</sup> Correspondingly, the Vice-President became the Lieutenant Governor. (Campbell 2005: 7-8.)

and the fact that it was surrounded by non-Tribal individuals and entities, the Tribe needed an organization to effectively deal with outside parties. The Corporation filled this need and acted as a formal organization that represented the Tribe's interests in the public sphere. In particular Hurt noted this: the "Tiwa Indians maintain a formal organization entitled 'Indigenas de Nuestra Senora de Guadalupe.'" (Hurt 1952:111.)

During the end of the 1930s and 1940s, a rift grew between PMT members in the Corporation and the non-Indian individuals involved with the Corporation. (Campbell 2005: 15-17, 54-55; Victor Roybal Jr. interview 11/17/02; Hurt 1952: 111.) Ultimately, the drastically differing opinions as to the purpose of the Corporation and its usage of resources led to the electoral ouster of PMT individuals and families from the Corporation in the 1950s. (Charles Madrid interview 6/1/01.) The Tribe faced a difficult decision. The leadership of the Tribe understood that they had to separate the Tribe from the Corporation if the Tribe was to maintain its political sovereignty as a distinct Indian community.

Unsurprisingly, the vitriolic split with the Corporation and simultaneous dispossession of cultural property created a great deal of hardship for PMT. The land provided to tribal members in the 1888 New Mexico land grant was lost and stayed in the hands of the non-Indian faction of the Corporation. (1992 Petition: 156-166.) In addition, essential tribal records documenting the Tribe's

historical, social and political existence were confiscated by the Corporation. (Hurt 1952: 112.) Moreover, the ceremonial tribal drum was also usurped by the Corporation. (Hurt 1952: 112.) The Corporation had the financial resources and legal representation to withstand the attempts by PMT leadership to recover these critical items. (Hurt 1952: 112.)

This time period was difficult for the Tribe. But despite this challenging ordeal, Cacique Vicente Roybal led his people back to the Old Indian Neighborhood in Las Cruces where he, and many other PMT families, still maintained property. (Campbell 2005: 20, 75.) The Cacique showed his people a pathway to reconstitute the Tribe and refocus its political existence on purely tribal matters. While the split represented a time where tribal members could have left the Tribe altogether, under the direction of Cacique Vicente Roybal, the membership adhered to his directives and continued their existence as a cohesive community.

In 1971, the Tribe formalized its own Administrative Branch of leadership to account for the lack of administrative leaders created by the split with the Corporation. 1971 Tribal Council Statement of Positions. Principal leaders arose during this time and in the 1970s. In particular, throughout the 1960s through 1970s, Victor Roybal, Jr., the nephew of Cacique Vicente Roybal, emerged as a moral authority for the Tribe as well as a constant Administrative, Ceremonial, and

informal leader of the Tribe. (Campbell 2005: 34.) Similarly, Charles Madrid Jr., would go on to become Tribal President throughout the 1970s and 1980s providing essential leadership to the members. (See Election Confirmations for the 1970s; Campbell 2005: 45, 50, 98.)

In April of 1978, Cacique Vicente Roybal passed away. (April 3, 1978 Tribal Council Statement of Appointment.) Under tribal tradition, Vicente's eldest son, Felipe Roybal, was in line to become the next Cacique. (April 3, 1978 Tribal Council Statement of Appointment.) In 1979, Felipe Roybal became Cacique. (April 3, 1978 Tribal Council Statement of Appointment.) Having been in the military since he was 17, Felipe had been away from Las Cruces for a long time and had only recently returned to the area permanently. (Campbell 2005: 13.) During this time, Charlie Madrid was the President of the Tribe and Victor Roybal was an informal leader and also held various Administrative and Traditional positions. (Election Confirmations for 1970s.) Both of these individuals provided strong leadership in the Tribe while Felipe was the formal Cacique. During this time, Edward Roybal acted as an Assistant Cacique and as a War Captain to provide an additional source of political influence and leadership. (September 15, 1991 Meeting Minutes.) Notwithstanding Felipe's absence prior to 1980, several individuals rose to the call for leadership from tribal members.

In 1991, Edward Roybal Sr. succeeded Felipe. (Campbell 2005: 49-51; September 15-17, 1991 Meeting Minutes.) Edward Roybal had been performing many of the duties of the Cacique, such as performing the blessing prior to commencement of a tribal meeting, while Victor Roybal and Charlie Madrid continued to provide the administrative leadership. (September 15-17, 1991 Meeting Minutes.) With Cacique Edward Roybal now directing the membership of the Tribe, he implemented a number of changes, some significant, to further sever ties with the Catholic church and bring the Tribe's present-day ceremonies closer to their indigenous, traditional roots.

A primary change was the movement away from the ceremonies performed by the Corporation at Tortugas (which coincided with the Catholic Church) to four ceremonies per year in concert with the natural seasons. (Campbell 2005: 60.) Cacique Edward Roybal implemented these changes to bring the tribal membership back to their culture and traditions that were lost under the heavy influence of Catholicism. (Campbell 2005: 60.) Corresponding changes in dress occurred as well. (Campbell 2005: 43.) In addition, the time of the yearly elections was moved to the Winter Solstice ceremony. (Campbell 2005: 60.) As with the previous split with the Corporation, the tribal membership adhered to the directives of the Cacique and other tribal leaders in complying with these changes.

Throughout the 20<sup>th</sup> century, the Caciques have lead the Tribe through obstacle after obstacle while maintaining political influence over the policies of the Tribe and the conduct of individual members. Despite the shift in governmental structure, from Corporation affiliation to the creation of a new Administrative branch, tribal members listen to the Cacique and follow his guidance. Both formal and informal leaders, in the past and up to the present day, utilize the scarce tribal resources for the betterment of the Tribe as a whole. The issues addressed by the Caciques over time have been of the utmost importance to tribal members, and go to the heart of Piro-Manso-Tiwa existence as a culturally distinct Indian community. The presence of internal disputes and their resolution by the Cacique evidences the great weight placed on the political and social existence of the Tribe. For centuries, Tribal leadership has guided tribal members to where they are today—a vibrant, unique, and discrete Indian community that continues the practice of traditional culture based in PMT’s rich history.

**C. Historically And In Present Day, Utilizing Both Formal And Informal Leaders And Mechanisms, Piro-Manso-Tiwa Has Mobilized Tribal Members And Resources For Tribal Purposes.**

As described above, efforts to mobilize tribal membership can come from a number of individual leadership positions. The Cacique is the ceremonial, spiritual, and ultimate political leader for the Tribe, but the War Captains,

Governor, Lt. Governor, and other tribal members have mobilized members in the past and continue to do so up to the present.

1. **1888 Land Grant from the Territory of New Mexico**

In 1888, Cacique Felipe Roybal, the Tribe's first Las Cruces-based Cacique of the Tribe obtained a land grant from the Territory of New Mexico on behalf of the Tribe. (Campbell 2005: 8.) As discussed, this provided an initial land base from which the Tribe could more effectively protect tribal culture and sustain tribal values. (Campbell 2005: 18.) The 1888 land grant land was placed under the authority of the Cacique and two other tribal members who were named Pueblo Commissioners. (Campbell 2005: 8.) The Cacique and two other Land Commissioners functioned as a PMT housing authority by allotting parcels of land to the heads of tribal families to consolidate tribal members in a geographic location. (1996 Petition: 6; 1996 Petition Timeline: 2-3 (detailing transfers of home lots to individual PMT members); Campbell 2005: 16.) These PMT tribal leaders, were denoted as commissioners of the property on behalf of twenty PMT families, under the authority of the Cacique and commissioner of the lands of Tortugas, Felipe Roybal. (Campbell 2005: 16.) Tribal members would request that the Cacique provide them with a plot of land to build a home on, and the Cacique would need to approve the request. (1996 Petition: 6; 1996 Petition Timeline: 2-3 (detailing transfers of home lots to individual PMT members);

Campbell 2005:16.) These lots were owned by tribal families and the buildings were constructed on lots through cooperative efforts of tribal members, at the direction of the Cacique. (Reynolds & Taylor 1981: 50.)

The Cacique's political authority to grant land to tribal members was well-recognized and accepted by tribal members. Tribal members adhered to the process by which they could receive land and complied with it as evidenced by the land grants sought and received by tribal members. (1996 Petition Timeline: 2-3 (detailing transfers of home lots to individual PMT members.)) If tribal members desired land at what would become know as Tortugas Pueblo, they made a formal request to the Cacique. The marshalling of communal resources evidences the traditional duty of the Cacique to mobilize the tribal membership for a specific purpose.

## 2. Split with St. Genevieve's Church and Tortugas

In 1902, Father Lassaigne—the then Pastor at St. Genevieve's Church—died. Father Michael Vandermaesen succeeded him in November of 1909. (1992 Petition: 69 ; *Las Cruces Citizen*, November 13, 1909.)<sup>39</sup> The previous Pastor had allowed tribal members to perform ceremonial dances, but the new Pastor refused to allow dancing in front of the church (1992 Petition: 157; Slagle, PMT Field Notes, 1991.) The new Pastor's hard line stance and heightened degree of control

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<sup>39</sup> For more information on the ceremonies conducted at St. Genevieve's Church, see section 83.7(b).

had a significant impact on the Tribe. (Buchanan 1961: 20.) Without a locale to conduct their ceremonies, the Cacique sought a proper venue for their dances, drumming, and cultural expression. Needing a place to perform their ceremonial dances, the tribal leadership reorganized at the Chapel at Guadalupe to perform their dances. (1996 Petition: 246; *Las Cruces Citizen*, December 17, 1910.) The *Las Cruces Citizen* reported on December 17, 1910 that the “the Indian dances will take place Monday at their recently concluded church building in Tortugas.” (*Las Cruces Citizen*, December 17, 1910.) One year later, the Tribe danced at the chapel at Tortugas in December of 1911 with the local newspaper reporting that the “[t]he feast of Guadalupe, on the 12th of this month, was observed with unusual solemnity in the Catholic Church of St. Genevieve, in Las Cruces, and the *Indians had their usual celebration, accompanied by religious dances, in the neighboring town of Tortugas.*” (*Las Cruces Citizen*, December 16, 1911 (emphasis added); 1992 Petition: 70.)

The tribal leadership led tribal members from their banishment at St. Genevieve’s to a suitable location. Tribal members had a number of options before them. For one, they could have stayed affiliated with St. Genevieve’s and allowed their Catholic faith and customs and traditions associated with the Church to result in their separation from the Tribe and its traditions. However, this did not occur. Tribal members chose to follow tribal leaders to Tortugas in order to

sustain their community as Piro-Manso-Tiwa tribal members. In sum, tribal leaders exerted their political influence over tribal members and guided them to a place where the Tribe could continue to exist politically, socially, and culturally.

Unfortunately, the Tribe's usage of Tortugas for ceremonial dances would come to an end in approximately 1943. (Campbell 2005: 75.) As discussed above in the political history for the Tribe, the differences between the Corporation and the Tribe grew through the 1930s and 1940s. The Tribe ceased conducting its ceremonies at Tortugas at the time of the split with the Corporation, and the dances moved to Cacique Vicente Roybal's home in the old Indian neighborhood in Las Cruces until the late 1960s. (Campbell 2005: 75.) From that time until the present, PMT ceremonies have taken place at various tribal members' homes, including those of former President/Governor Charlie Madrid, Jr. and Al Marrujo, and at sites such as White Sands National Monument. (Campbell 2005: 75.)

Participation in the ceremonies was a critical part of tribal members' lives. The Caciques who lead the Tribe at various times understood this and made sure that an appropriate place for the tribal ceremonies was obtained and that the membership followed their directions. In the early 1900s, this meant tribal leaders directing tribal members to hold ceremonies at the chapel at Tortugas. The ouster of the tribe from St. Genevieve's was an important event, and the Cacique's efforts

to lead the tribal membership to another venue demonstrates the Cacique's political influence over members.

### 3. Split with the Corporation

In the 1940s, the Corporation grew closer to the Knights of Columbus. (Campbell 2005: 13; Victor Roybal Jr. interview 2/22/03.) This union contributed to the change in the Corporation's direction, resulting in the alienation of tribal members. (Campbell 2005: 13; Victor Roybal Jr. interview 2/22/03.) The very close relationship between the Tribe and the Corporation that existed in the mid and late 1910s began to erode. This is evidenced in particular by the change in the fiestas held in Tortugas. In addition, according to Hurt, the non-Indian faction of the Corporation obtained the keys to the Tribal ceremonial building at Tortugas and stole tribal records, the tribal seal, and the sacred drum. (Hurt 1952: 112.) Becket concurred by noting that control and direction of the Corporation had been almost entirely expropriated by non-Indians in the late 1940s, primarily second generation Mexican descendants. (*See generally* Beckett 1980, 1979, 1974.)

The rift between the two groups spilled into violence on numerous occasions. (Campbell 2005: 13.) This was exacerbated by the electoral ouster of several Piro-Manso-Tiwa families from the Corporation. (Charles Madrid interview 6/1/01.) Families with no Piro-Manso-Tiwa ancestry wrested control of the Corporation away from the Tribe by holding elections out of cycle, as opposed

to the elections to be held on the first of January in accordance with tribal tradition adopted by the Corporation. (Campbell 2005: 13; Hurt 1952: 112; Victor Roybal Jr. interview 2/22/03.) The new controllers of the Corporation were non-Indians who proceeded to take the Corporation away from the tribal traditions. (Hurt 1952: 104.) Hurt described the two competing factions as follows:

One of the groups [i.e., the Roybals and other members of the contemporary PMT or their now deceased relatives] considers itself to be Tiwa Indians who have always lived in the vicinity. The other major group classify themselves as Indios or Mexican Indians...The tribal identity of the Tiwa Indians is preserved, while the various groups of Mexican Indians now consider themselves to be one large group of Indios. The village presents the rare phenomenon of non-Indians [i.e., the second, non-Tiwa, group] endeavoring to become identified as Indians, rather than the reverse condition usually found in highly acculturated communities.

(Hurt 1952: 104; Campbell 2005: 13-14.) These wholesale changes forced the Tribe to relocate its ceremonial practices and seat of government (both administrative and traditional) once again, this time to the Old Indian Neighborhood in Las Cruces. (Campbell 2005: 16; Victor Roybal Jr. interview 2/22/03.) With the relationship between the Corporation and Tribe irreparably severed, the Cacique set out in search of a place where his people could continue their tribal traditions and tribal government without interference or discrimination from non-Indians.

Simultaneous with the split with the Corporation, Cacique Vicente Roybal refused to participate in Corporation activities because of his belief that these

activities no longer represented the Tribe. (Victor Roybal Jr. interview 11/17/02; Campbell 2005:16; Louis Roybal interview 5/22/03.) Tribal membership followed the Cacique's direction. (Campbell 2005: 18.) The Cacique ordered that from then on, tribal ceremonies and meetings were to be limited to tribal members. (Campbell 2005: 18.) Despite the hardship endured by the forced removal from the Corporation, the Tribe continued to gather and perform ceremonies while also holding both social and governmental meetings in the Old Indian Neighborhood in Las Cruces where Cacique Vicente Roybal and other PMT members still maintained land. (Campbell 2005: 14, 19; Erminda Marrujo interview 6/15/01.) In particular, the Cacique required that elections for tribal leaders, including the traditional War Captains, be held according to custom, on January 1, as opposed to the Corporation election held in August. (Campbell 2005: 14.) Ceremonial dancing and other tribal activities took place in a lot adjacent to the Roybal family home that functioned as a communal space shared by tribal members and their families. (Felipe T. Roybal interview 11/18/02; Campbell 2005: 14, 16; Oppenheimer 1957: 37-42.)

Despite the over three decades long relationship with the Corporation at Tortugas, tribal members remained loyal to their Cacique. Most tribal members refused to participate in ceremonies affiliated with the Corporation. (Campbell 2005: 17; Louis Roybal interview, 5/22/03.) Louis Roybal, a recognized tribal

elder and former Governor and War Captain, remembered that “tribal people did not go over with the Fierros [the non-Indian faction] and the Corporation... the tribal people were not participating in any way. I stayed away, everyone else stayed away... They are just playing games pretending they are Indians. The tribal people kept their ceremonies.” (Campbell 2005: 17; Louis Roybal interview, 5/22/03.) The tribal connection to Tortugas was more than mere involvement in a social club—as indicated by Hurt, the Corporation embodied the Tribe in its tradition and government. (Hurt 1952: 111.) Leaving Tortugas was not easy for tribal members, but Cacique Vicente Roybal knew that the Tribe would cease to exist if it were to continue the association with the Corporation. (Campbell 2005: 46.) The Corporation was moving toward the ultimate usurpation of the Tribal identity and Cacique Vicente Roybal guided PMT members away from it in order to preserve their distinct community.

Despite the very significant personal and cultural ties to the Corporation, the membership nonetheless listened to Cacique Vicente Roybal and followed him—again—to a location where their culture and governing ability could continue without outside interference. As in the case of Cacique Felipe Roybal’s influence over tribal members during the split with St. Genevieve’s Church in 1902, political influence is also apparent during the 1940s when Cacique Vicente Roybal lead tribal members to the Old Indian Neighborhood. The split with the Corporation

was a potentially devastating event, but Cacique Vicente Roybal began the process of leading tribal members back to their traditional roots by moving the tribal community's focus back to the Old Indian Neighborhood. The fact that the Tribe survived such a challenging time and emerged with active membership evidences the political authority enjoyed by the Cacique over tribal membership over the period from 1902 to the 1950s.

#### 4. Rebirth of Tradition in the 1990s

According to tradition, the Tribe is to meet and hold ceremonies at the request and direction of the Cacique. (Campbell 2005: 31.) Evidence of this fact is found in the now two decade old transition away from Catholic influenced ceremonies to traditional ceremonies that focus on PMT customs. In the Fall of 1991, Edward Roybal, Sr. was nominated and confirmed as the Cacique, replacing Felipe Roybal.<sup>40</sup> (Campbell 2005: 49-51; Louis Roybal Interview 5/23/2003; September, 15-17 1991 meeting minutes.) This confirmation of Edward Roybal Sr. as Cacique is one of the most critical moments in the Tribe's recent history. Cacique Edward Roybal ushered in a return to the ancestral, indigenous traditions of the Tribe. Cacique Edward Roybal refers to this return to tradition as walking the "Red Road." (Campbell 2005: 60; Summer 2000 Red Road Youth Program.)

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<sup>40</sup> The political history of the Tribe from the 1950s to the 1980s is discussed in detail at later sections of the petition.

The changes were significant, and tribal members adopted these alterations of custom.

A critical change occurred when Cacique Edward Roybal changed the time of the tribal ceremonies and meetings, including the annual elections, to correspond with the natural cycles of the earth and sun at four times a year. Cacique Edward Roybal stated that these changes should occur because “the Tribe needed to go back, to understand who they were in order to move forward as a people.” (Campbell 2005: 60; Edward Roybal interview June 7, 1995.) He established the times and locations of these ceremonies and meetings and tribal members followed. This is highly significant given that tribal members have attended ceremonies and meetings at increasing rates since Cacique Edward Roybal instituted the return to tribal tradition.

Cacique Edward Roybal made other changes in the Tribe as well. During ceremonies, men and women had clearly defined and uniform standards for men’s and women’s regalia. (Campbell 2005: 42; interview with Louis Roybal, April 26, 1995.) However, in 1991 the Cacique decided to alter the ceremonial style of dress for men and women during PMT ceremonies. (Campbell 2005: 43.) Specifically, the dress changed in response to the Cacique’s objective to cleanly break from the Corporation. (Campbell 2005: 60-61.) At the same time, Cacique Edward Roybal emphasized the distinction between the Catholic religion and the Tribe’s traditional

culture. (Campbell 2005: 60-61.) To effectuate these changes, Cacique Edward Roybal removed the veil from the woman's ceremonial dress to emphasize their natural beauty. (Campbell 2005: 60-61.) Another change instituted by Cacique Edward Roybal is changing the title of President to Governor. (Campbell 2005: 7-8.) This change emphasizes the Pueblo roots of the Tribe by renaming a leadership position in accordance with other Pueblos in New Mexico. Ultimately, this alteration makes clear that the Cacique is the ceremonial and spiritual leader of the Tribe and no other position has the obligations of the Cacique. Again, the tribal membership complied with this change.

As with other difficult times in the Tribe's past, like with the banishment from St. Genevieve's and split with the Corporation, tribal members could have left and refused to participate in the revised, more traditional tribal ceremonies. However, the high attendance at ceremonies and meetings demonstrates that tribal members accepted the changes, thereby evidencing their recognition and acceptance of their Cacique's authority. Despite the challenges presented by the St. Genevieve's discrimination against the Tribe in 1902, the dramatic impact World War I had on the Tribe by removing tribal males from the area, the similar devastating impact of World War II, the split with the Corporation, the significant cultural and political changes accompanying Cacique Edward Roybal in 1991, and the internal tribal disputes of the 1990s, tribal members consider the Cacique and

the Tribal Council their leaders and follow their directions. This is the very definition of political authority.

The history of more than a century demonstrates the sustained leadership of individual tribal leaders and the influence that they have had over tribal members during that entire time. If at any point there was a complete lack of leadership, the challenges experienced by tribal members would have broken the Tribe apart. The importance of the Cacique in particular, as well as other leaders, in the effort to sustain the political existence of the Tribe and influence tribal members cannot be understated.

#### 5. Attendance at Tribal Meetings

As described above, the Tribal leadership has undergone changes in form since the late 1800s. The substance of the traditional branch of leadership, the Cacique and War Captains, is unchanged from the Tribe's tripartite ancestral roots. The Cacique is responsible for informing tribal members of tribal affairs and has done so in the form of informal and formal tribal meetings. (Campbell 2005: 32; *see e.g.*, December 20, 1991 Tribal Notice.) Prior to formation of the Corporation, the Cacique informed members of events affecting the Tribe and the membership, such as land grants and the construction of housing. (Campbell 2005: 8, 16, 31.) Even with the formation of the Corporation in 1914, the Cacique held meetings with tribal members on an informal basis on matters solely relating to internal

tribal affairs. The Cacique communicated with tribal members via the “extended community”—a long-held tribal tradition. (Campbell 2005: 27-28.) The Cacique would inform the heads of tribal families as to the important matters of the Tribe and that individual head of the family would return to his/her family members and pass the information along. (Campbell 2005: 27-28.) This extended community methodology for communication was especially important to the Tribe during World War I and World War II when so many tribal members were off serving in the military or contributing to the military effort. The extended community continues to the present day.

The Corporation, especially in the early years, acted on behalf of the Tribe’s interests in the public forum and held meetings to address issues of importance. (Index of Documents Indicating Meetings, 1914-1936.) The issues of importance to the Corporation and the Tribe were the same at the time, and the formal meetings held by the Corporation involved tribal members, tribal leaders, and managed the direction of the Corporation. (Campbell 2005: 12,14; Hurt 1952: 111.) While the Corporation addressed matters affecting the Tribe from an administrative standpoint, it did not represent the traditional leadership of PMT. Meetings involving both the Corporation and the Tribe evidence the leadership’s ability to mobilize the membership and resources for the Tribe’s benefit.

*a. Corporation Meetings*

At the formation of the Corporation in 1914, the Corporation represented the interests of the Tribe. Hurt described the tribal government as follows:

[t]he Tiwa Indians maintain a formal organization entitled ‘Indigenas de Nuestra Senora de Guadalupe’ [the Corporation formed in 1914]...Their religious chief is called the Cacique, and the office is hereditary. The last change in leadership passed from Felipe Roybal to his son Vicente, a man of about 54 years. The secular affairs are handled by the Presidente, Victor Roybal Sr., Vicente’s brother, who is now living in San Diego. The Vice Presidente is Jacinto Jemente. In addition one Capitan de Guerra and four subordinate capitanes are appointed each year by the Cacique. The change and appointments of the capitanes takes place each year on New Year’s Eve in the home of Vicente Roybal in the Mexican section of Las Cruces.

(Hurt 1952: 111; Campbell 2005: 14.) Clearly, the Corporation reflected the Tribe’s governmental structure, the leadership of the Tribe, as well as the interests of the Tribe. By 1920, the Corporation was being referred to as a Tribe (“Tribu” in Spanish) in Corporation records. (1992 Petition: 96.)

Starting in 1914, the Corporation kept records of various types for regularly held meetings. (Index of Documents Indicating Meetings, 1914-1936.) Notably, Francisca Avalos is identified as the Cacique—consistent with her traditional position in the view of tribal members. (1914 Corporation Meeting Minutes.) The tradition of the Cacique having a leadership position in the Corporation continued well into the 1920’s and 1930’s. (1916 sign in sheet identifying Francisca Avalos Roybal, 1927 Election Certification signed by Cacique Francisca Avalos Roybal

and President Victor E. Roybal Sr., 1932 sign in sheet identifying Victor E. Roybal Sr. as President, 1936 Election Certification signed by both President Victor E. Roybal Sr. and Cacique Vicente Roybal.) In the 1930s and 1940s, an internal struggle for control of the Corporation developed. (Campbell 2005: 12-15; Oppenheimer 1957: 82-88; Hurt 1952: 104, 111-112.) As described above, two factions arose—one composed of Tribal members and families and another composed of non-Indians. With the electoral ouster of tribal members and families in a non-traditional election, the Corporation ceased to represent the interests of the Piro-Manso-Tiwa tribe. (Campbell 2005: 13.) Up until the split with the Corporation, the leadership of the Corporation included traditional tribal leaders and addressed Tribal issues. After the split, the Tribe unified the Administrative and Traditional branches of government into one single Tribal Council which held formal meetings at the time of the ceremonies and informal meetings more frequently.

***b. Traditional Tribal Meetings***

Since the inception of the Tribe, formal tribal meetings were held during the time of the tribal ceremonies and on New Year's Eve, when leaders were elected. An important duty of the Cacique is to keep members of the Tribe informed about matters affecting them and the Tribe as a whole, including the holding of elections and meetings. Communication with tribal members has always occurred via the

extended community, whereby the Cacique would inform the head of a tribal family who would disseminate the information to other familial tribal members. (Campbell 2005: 27-28.) It is also important to note the importance of the oral tradition in the Tribe. The extended community exists in conjunction with the oral tradition. (Campbell 2005: 27-28.) The word of mouth traveled quickly and was the most effective way of informing the membership. Prior to the creation of the Corporation, the Cacique organized meetings among tribal members via the extended community. This tradition is carried on today and incorporates advances in technology. Communicating meeting dates and other important tribal information has also been done by Administrative Leaders, such as the President/Governor or Secretary of the Tribe.

The Corporation endeavored to document the existence of meetings. However, for the traditional tribal meetings that occurred before 1914 (when the Corporation was formed) and in the 1950s and 1960s, there is not abundant documentary evidence for the existence of formal and informal tribal gatherings and meetings. But the limited nature of the documentary evidence is not an indication that such formal meetings and informal gatherings did not take place. Rather, the limited available evidence is the result of certain practical realities of PMT's circumstances during this time period.

First, there was the reality that documentation of tribal business and culture was not a custom of the community. And indeed, in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, most PMT members could not read or write, thereby preventing the recording of minutes or collection of signatures for attendance rolls. (1992 Petition: 78.) In addition to the practical inability of tribal members to record their own meeting minutes or documentary evidence, the recording of meetings and ceremonies was a foreign concept to the Tribe which lasted well into the 1970s, when the regular taking of meeting minutes re-occurs. (Campbell 2005: 27-28.)

Second, after the split with the Corporation, the Tribe focused much of its financial resources on the prosecution of lawsuits against the Corporation in an attempt to reacquire the tribal records, tribal seal and tribal drum wrongfully obtained by the non-Indian faction of the Corporation. (Campbell 2005: 17; Hurt 1952: 112.) The economic conditions in Las Cruces during and after World War II were bleak, and employment for tribal members was difficult to come by. (Campbell 2005: 12-13; Loomis and Leonard 1938: 1-5; Lamberto Trujillo interview 8/17/94.) With the already limited tribal resources being spent on the effort to reacquire the Tribe's own cultural artifacts and political records (which remain in the wrongful possession of the Corporation to this day) the Tribe literally lacked supplemental resources to purchase the administrative supplies necessary to document meetings. (Campbell 2005: 13.)

Third, and perhaps most importantly, the non-Indians from the Corporation who betrayed PMT members were the ones who instituted such non-traditional practices like recordation of meetings. Given the experience of tribal members with the formalized method of operation used by the Corporation, Cacique Vicente Roybal understandably endeavored to break away from the Westernized approach to tribal operations. Cacique Vicente Roybal wanted tribal members to protect their tribal culture and he relied upon the oral tradition and the extended community to communicate with tribal members rejecting the non-traditional practices of those who betrayed and stole from the Tribe. Interviews from tribal members confirm that despite the lack of abundant and comprehensive documentation of meetings, tribal members still regularly gathered at Cacique Vicente Roybal's home in the Old Indian Neighborhood from the moment the Tribe split with the Corporation up until his death in 1978. (Campbell 2005: 13-15; Louis Roybal interview 5/22/2003.)

Wholly apart from the Corporation's own recorded meeting minutes, the Tribe maintained tribal member-only meetings in the late 1800s and 1900s to discuss internal matters relating to ceremonies and other matters. When the non-Indians took over the Corporation and ousted the PMT families in the late 1940s, Cacique Vicente Roybal commenced meetings and ceremonies at his home in the Old Indian Neighborhood in Las Cruces where many tribal families still owned

property and lived. (Oppenheimer 1957: 37-42.) This represents a significant degree of political influence. The split with the Corporation created a difficult situation for the Tribe, with no tribal facilities to perform dances or hold meetings. However, despite that obstacle, the Cacique led his people to the Old Indian Neighborhood and once again placed the Tribe's roots in the culture and traditional leadership rather than the administration of the Corporation. (Campbell 2005: 75.)

In 1971, the Tribe commences the recordation of evidence for the existence of meetings. Victor E. Roybal, Jr., was a pivotal figure in the documentation of meetings. Throughout the 1970s and 1980s, the Tribe conducted regular meetings and documented their occurrence. (See Index of Documents Indicating Meetings; 1971 Statement of Tribal Council Positions; April 3, 1978 Statement of Appointment and Ratification.)

In 1992, when Edward Roybal Sr. became the Cacique, the Tribe moved to having ceremonies and meetings four times during the year—to correspond with the solstices and equinoxes.<sup>41</sup> Notwithstanding the cultural change that this shift to four ceremonies and meetings represented, tribal members nonetheless followed the direction of Cacique Edward Roybal, Sr., in coming to meetings at those times. Cacique Edward Roybal, Sr., directed the President to send out notices for meetings and ceremonies via regular mail. (March 1993 Tribal Meeting Notice

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<sup>41</sup> See section D, above. In addition, this shift will be addressed in 83.7(c)(iii) as well. For information relating to the ceremonies, see section 83.7(b).

and other related materials.) These notices are intentionally sent to the heads of families, consistent with tribal tradition, and where economically feasible additional notices are sent out to other tribal members. Notices for regular meetings and ceremonies and other special meetings is sent to the head of a family, who then has the responsibility to inform other members of tribal meetings. The Cacique also has the responsibility of directly contacting tribal members to request their attendance at special gatherings or ceremonies. Of particular importance was a special ceremonial gathering on November 12, 1995. This meeting involved the reburying and repatriation of PMT ancestral remains. (Photos and Tribal Certification of November 12, 1995 for repatriation of remains.) On that day, tribal members gathered to rebury remains repatriated under the Native American Graves Protection and Repatriation Act (P.L. 101-601). Tribal members attended the ceremony at the request of the Cacique. After the ceremony was completed, the Tribal Council passed a resolution certifying the successful ceremony. (Certification of November 12, 1995.)

Regular meetings since 1991 demonstrates the Cacique's political authority to mobilize tribal members through direct contact via telephone and the regular advance mail notice sent to tribal members and heads of families. Some individuals not living in Las Cruces attend these meeting because the Cacique has requested that they do so. (Campbell 2005: 96; January 2010 interviews with tribal

Exemption 6

members; 1992 Petition: 205.) Tribal members do not have abundant financial resources and their travel to Las Cruces for meetings demonstrates the degree of influence the Cacique has over individual members.

**6. Requesting Public Service**

Tribal leaders mobilize individual tribal members, and groups of tribal members, by making requests of them for specific purposes. This level of political influence is shown in a variety of ways.

*a. Visiting ill tribal members*

The Cacique requests that War Captains and other appropriate tribal members accompany the Cacique to visit a tribal member that is seriously ill. (b) (6), for example, was seriously injured in a car accident and ended up in a hospital in a coma and sustained by a respirator. Cacique Edward Roybal enlisted the assistance of the War Captains, along with other members of the Ms. (b) (6)'s family to attend as well. The Cacique and War Captains led the visit to the hospital and performed a blessing while giving her herbs as a remedy and prayed for her recovery. (Campbell 2005: 32; Norma Cabanas interview 8/13/01.) To this day, Ms. (b) (6) feels that the Cacique, and his mobilization of additional tribal members, had a profound impact on her healing process. (Campbell 2005: 32; Enriqueta Cabanas interview 8/13/01.) More recently, (b) (6) a tribal member, was diagnosed with (b)(6). (Interview with Mariaelena

Parra, January 29, 2010.) The cacique was one of the first individuals to visit her at the hospital. Consistent with tradition, the Cacique organized War Captains and other tribal members to accompany him to visit her and perform a blessing. (Interview with Mariaelena Parra, January 29, 2010.)

***b. Nomination for Leadership Positions***

In accord with long-standing tribal tradition, “[w]hen a position opens the Cacique will ask if a person wants to serve in that position.” (Campbell 2005: 34; Interview with Andrew J. Roybal 5/14/0.) The act of asking tribal members to become a War Captain evidences the impact that the Cacique has upon an individual tribal member. The Cacique calls the tribal member to serve the Tribe, for the benefit of the group. The obligations of being a War Captain are significant and of critical importance. After the tribal member assents to the Cacique’s request, the Cacique presents the individual to the tribal community at the next electoral meeting. This tradition existed when elections were held on New Year’s Eve and also after 1992 when the Tribe shifted to four ceremonies each year with the election occurring during the ceremony at the winter solstice.

***c. Responding to Surveys, Providing Donations, and Fundraisers***

At various points in time, the tribal council has sought information from tribal members on a variety of issues. The tribal council has surveyed individual tribal members soliciting their views on these matters. Often this request for

information assists in the filing of paperwork to receive grants. (Campbell 2005: 41.) Surveys can focus on a particular issue, such as housing or language revitalization, or it can be a general survey requesting tribal members' views on which matters are the most important for the Tribe to address.

In 1992, the Tribe conducted a survey of its members relating to housing. (December 18, 1992 Tribal Housing Surveys and Results.) This initial survey provided Tribal Council with sensitive information relating to employment, finances, income, and the tribal member's current housing status. (See 1990s Housing Surveys.) Information of this sort is not the kind that tribal members would readily distribute and publicly announce except for the fact that the Tribal Leadership sought the information. The willingness to comply with a Tribal Council made request for very personal information demonstrates the mobilizing ability and political influence enjoyed by tribal leaders.

In the Spring of 1999, the Tribe conducted a further and more detailed survey of the needs and circumstances of tribal members. This survey was conducted with a more focused questionnaire to begin the organization and administrative process for obtaining housing for tribal members in need. With the initial 1992 survey complete, the 1999 questionnaire served to more fully document the needs of tribal members. (1999 Housing Survey.) Very sensitive information relating to individuals living in the home, monthly payments made,

utility access and payment, and income was again sought to be used in developing a tribal housing program. 1999 Housing Survey. This continues to demonstrate the weight of influence that the Tribal Council has in compelling tribal members to provide information and assist with projects that directly benefit the tribal entity.

For many years, the Tribe has attempted to revitalize the Tiwa language among tribal members. In 1996, Governor Louis Roybal sent out a Tribal Notice to tribal members explaining that the Tribe was conducting a language survey to assess the need for such a project. (Tribal Notice, December 1996.) Andrew Roybal, the Project Director, mailed surveys to tribal members to obtain the views of tribal members on language classes and their pre-existing familiarity with the Tiwa language along with other information. (1996 Language Surveys.) Tribal members responded by completing the surveys in large numbers. This represents another example of leadership coming from a tribal member other than the Cacique—in this case then Governor Louis Roybal and the Project Director Andrew Roybal.

After collecting data from tribal members in 1996, in March-April of 1999 the Tribe again soliciting information from tribal members regarding the importance of revitalizing the Tiwa language. (1999 Language Surveys.) In 2001, additional surveys were sent out to tribal members to further detail individual member views on the language revitalization attempt. (January 2001 Community

Surveys.) Surveys on the language program continued in the Fall of 2005. (Fall 2005 Language Surveys.) The following Spring, Tribal members again completed further surveys on the language program. (Spring 2006 Language Surveys.) At that time, tribal members also signed “Letters of In-Kind Support” to demonstrate their commitment to the language project by donating five hours per month for the entire year to assist with the project. (February 2006 Letters of In-Kind Support.) In February of 2008, more tribal members signed letters of in-kind support as well as a statement that the language revitalization is an important goal for them. (February 2008 Statements on Language Revitalization.) The sustained compliance with tribal leadership’s request for information and donations of time demonstrate the Tribe’s ability to mobilize membership.

In September and December of 2005, the Tribe again sought the opinion of its members on the issue of modernizing the administrative capacity of the Tribe’s enrollment files and process. (September and December 2005 Enrollment Surveys.) Tribal members did as the Tribal Council asked because the surveys were a way of facilitating the improvement of a fundamental aspect of the Tribe’s political existence—citizenship. Tribal enrollment and membership decisions go to the heart of tribal sovereignty and identification as an Indian community. *See Santa Clara Pueblo v. Martinez*, 436 U.S. 49 (1978) (holding that federal courts may not hear intra-tribal disputes regarding the membership in an Indian tribe).

With this information from tribal members, the Tribal Council could proceed with modernizing the administrative system and process for tribal enrollment.

In 2006, the Tribe solicited assistance in developing a “General Health Survey” to evaluate the overall well-being of tribal members. In the Fall of 2006, tribal members were asked to complete a nine page survey on intimate details of their personal medical health, including both physical and mental health. (2006 General Health Survey.) As with questions pertaining to income, finance, level of education and employment status, these questions are intensely personal and all individuals are disinclined to publicly announce their individual medical history in response to an anonymous survey. However, tribal members filled out the surveys en masse, evidencing a relationship of trust and confidence in the tribal leadership and a significant degree of influence over intimate details of their personal lives.

The Tribe has mobilized tribal membership in additional ways as well. Fund-raising has been a frequent activity of the Tribe to obtain adequate resources for tribal economic, political, and ceremonial purposes. (Campbell 2005: 49.) On many occasions, tribal members have participated, at the request of the Cacique and other tribal leaders, in enchilada dinner sales, car washes, and solicitation of donations via notices to tribal members. (Campbell 2005: 49.) For example, from March 1-15, 1978, the Tribe organized a fundraiser on Amador Ave. in Las Cruces to raise money for a trip to the National Congress of American Indians Conference.

(March 1-15 Fundraiser.) Again, on October 5-7, 2001, 41 tribal members staffed a booth that sold Indian fry bread at the Whole Enchilada Festival in Las Cruces. (Campbell 2005: 49.) Fundraising activities are a constant for the Tribe given the lack of tribal resources. For every tribal announcement, preparation for ceremonies, and purchase of office supplies and administrative materials, funds must be raised or items must be donated. The tribal members' commitment to the Tribe—as evidenced by the collection of resources for the benefit of the Tribe—demonstrates the Tribal Council enjoyed significant political influence over tribal members.

**D. Both Currently And In The Past, Piro-Manso-Tiwa Tribal Members Consider Actions Taken And Issues Addressed By Tribal Leaders To Be Important.**

According to time immemorial PMT customs, the Cacique is the ceremonial and spiritual leader of the Tribe, often referred to as the soul of the Tribe. Tribal members place great weight on matters addressed by the Cacique and the Tribal Council—whether they involve ceremonial, cultural, practical, or administrative aspects of tribal life. As discussed in the above section, the Cacique and other tribal leaders mobilize tribal members and exercise their political authority on a range of matters. These issues upon which the Cacique acts are considered to be important by the majority of tribal members.

## 1. Ceremonial and Cultural Aspects

The Cacique exerts political influence over tribal members concerning both ceremonial and non-ceremonial aspects of tribal life. The changes implemented by Cacique Edward Roybal in 1992 dealt specifically with the Tribe's culture and ceremonies. The Cacique utilized his political authority to put these changes into effect and to ensure that the tribal members adhered to them. Ceremonies and cultural expression hold a place of unquestioned importance to tribal members. As evidenced by the Tribe's history, tribal members have encountered challenges to the free expression of their distinct culture throughout history. Over the course of the Tribe's history, the Cacique and Tribal Council have utilized their political authority to ensure that tribal members have the ability to participate in ceremonies and engage in authentic cultural expression.

- a. *When the Cacique has been forced to locate a venue for the uninterrupted performance of ceremonies the tribal membership has viewed that as essential.*

Tribal members associated with St. Genevieve's until the arrival of Father Vandermaesen in 1909, when he banished Indians from the church because of their different cultural practices. (1992 Petition: 69; *Las Cruces Citizen*, November 13, 1909; Buchanan 1961: 15, 20.) Given the importance of the tribal ceremonies to tribal members, they viewed the tribal leadership's search for a new location to perform their ceremonies as critical. Had it been of minimal consequence to them,

tribal members would have remained at the St. Genevieve's to participate in Catholic service without their traditional practices. The tribal leadership's decision to move the ceremonies to the chapel at Tortugas was of great meaning to tribal members.

When the Corporation was formed in 1914, the Articles of Incorporation filed with the State of New Mexico contained a clause that reserved the right of the Piro-Manso-Tiwa Tribe to perform their ceremonies in accord with their traditions. (Articles of Incorporation, 1914.) Similarly, the Tribe's land commissioners reserved a number of rights regarding the celebration of Guadalupe day in transferring land to the Church. (Articles of Incorporation, 1914; 1992 Petition: 95-96.) These stipulated rights included power to celebrate Guadalupe Day with a fiesta in keeping with the tradition of the Piro-Manso-Tiwa Tribe without intervention by parish priests. (1992 Petition: 95-96.)

By specifically reserving these rights to exercise traditional PMT religious ceremonies in the land transfer and the Articles of Incorporation, tribal leaders deliberately protected the invaluable cultural aspects of the Tribe. This protection was of the utmost importance to tribal members given that they identified as a separate and distinct Indian community in Las Cruces. As Hurt has expressed, the Tiwa Indians living in Las Cruces preserved their tribal identity. (Hurt 1952: 111.) Protecting the distinct culture, as the Cacique and tribal leadership did in the

above-described instances, ensured that tribal members would not lose their identity. This is one of the most fundamentally important issues to tribal members—maintaining their culture and identity.

When the disagreement between the Corporation and the Tribe grew in the 1930s and 1940s, tribal members once again were forced to decide whether to move from Tortugas—under the direction of Cacique Vicente Roybal—to another location to perform ceremonies. Like with the banishment from St. Genevieve’s church in 1902, tribal members followed the leadership from Tortugas. Tortugas was not merely a place to meet with other tribal members. It became a ceremonial seat of culture, where principal tribal records and the sacred ceremonial drum were located. (Hurt 1952: 112.) Leaving was difficult, but the rift that existed between the Corporation and the Tribe posed a choice to tribal members—to sacrifice their tribal heritage and identity or to relocate and continue their existence as a distinct tribal community at another location. This time period presented a crossroads of immense importance for tribal members, and Cacique Vicente Roybal did not sit idle. As described previously, tribal members followed Cacique Vicente Roybal back to the Old Indian Neighborhood in Las Cruces. (Campbell 2005: 75.) Once again, the immeasurably important tribal values and culture were at stake and Cacique Vicente Roybal’s protection of them, by relocating the cultural seat of the Tribe, evidenced that fact.

In 1992, Cacique Edward Roybal implemented similar watershed changes. The transition to ceremonies occurring quarterly, to coincide with the change in seasons, was of significant weight to tribal members. (Campbell 2005: 46, 78.) As discussed in Section 83.7(c)(1)(i), the tribal membership responded enthusiastically to the changes brought on by Cacique Edward Roybal. (See generally January 2010 Interviews with tribal members.) The importance of ceremonies to tribal members cannot be overstated; therefore, when Cacique Edward Roybal put these changes into place and explained that the Tribe needed to return to its roots as tribal people, tribal members understood the shift and have increased their attendance in the recent years. (See generally Sign-in sheets in 1990s-2010.) The search for a place and manner to freely participate in their traditional culture is a thread that runs throughout the Piro-Manso-Tiwa history. Every act relating to the Cacique's protection of tribal members' ability to perform ceremonies is of paramount meaning.

***b. When the Cacique and War Captains perform a blessing, funeral, wedding, naming ceremony or other cultural ceremony, tribal members view that act as important.***

The Cacique, is not merely a political leader who directs the Tribe to allocate scarce resources for various projects or initiatives. The Cacique is the "soul of the Tribe." (Campbell 2005: 58.) This truth compels the conclusion that

the Cacique uses his political influence to guide tribal members spiritually as well as politically.

When the Cacique performs spiritual ceremonies, he is nonetheless acting as the political leader of the Tribe and using his political authority. Furthermore, tribal tradition requires that the Cacique is the main tribal leader that performs weddings, funerals, naming ceremonies, and blessings. (Campbell 2005: 58, 61.) While the War Captains and others participate in the ceremonies, they largely assist the Cacique. To be sure, War Captains or the Governor are not allowed to lead these types of ceremonies because they are not the Cacique. Thus, when a tribal member requests or receives a blessing or ceremony, this is an intensely important event and the Cacique is the individual responsible for its occurrence. The details of weddings, funerals, naming ceremonies and blessings are detailed in § 83.7(b), but the political context in which they occur exhibits that tribal members view the Cacique's dual spiritual/political role as of paramount importance.

Two additional events warrant particular description. On November 12, 1995, the Cacique gathered tribal members together to rebury the remains of Piro-Manso-Tiwa ancestors that were previously displayed and housed at the San Diego Museum of Man. (Photos and Tribal Certification of Repatriation of Remains, November 12, 1995.) The Cacique and tribal leadership worked to obtain these remains through the Native American Graves Protection and Repatriation Act.

The proper reburial of ancestral remains is an act that requires a ceremonial component, lead by the Cacique. Tribal members attended this ceremony and witnessed the laying to rest of their ancestors. Such an act goes to the very heart of the tribal community and culture. In June of 2000, the Cacique began a summer program for Piro-Manso-Tiwa youth, entitled "Red Road 2000." (Red Road 2000 Flyer and Information.) This program occurred during the summer and taught young tribal members about the history of the Tribe, taught the participants beadwork, dancing, drum making, and the fabrication of ceremonial clothing among other things. Tribal members participated in the summer program to make sure that their children appreciated their own culture and knew where they came from. For PMT, the struggle to express their own culture was not a decades long fight of limited importance to tribal members. Tribal members viewed the defense, growth and retention tribal cultural values as important.

## 2. Political and Administrative Matters

The Cacique serves as both a distinctively political leader as well as the spiritual leader of the Tribe. Throughout the Tribe's history, the Cacique has addressed both ceremonial and political matters that are of importance to tribal members.

The attempts to secure a land base for housing of tribal members has long been a goal for both tribal members and the tribal leadership. In 1888, the

Tortugas Land Grant, discussed in detail in Section 83.7(c)(1)(i), represented an historical event where tribal members sought a community for the unified practice of ceremonies and the establishment of a cohesive community distinct from non-Indians. Tribal members requested land from the Cacique to build homes and create a community, thereby illustrating the great weight individual tribal members placed on securing a contiguous land base for the community as a whole.

Tribal members still view housing as an important need to be addressed by the Tribal Council. In 1992, the Tribe began conducting surveys of tribal members relating to the housing needs and issues within the community. (1992, 1997 Housing Surveys.) The results evidenced a clear desire for improvements in the housing conditions of tribal members. Consequently, the Tribal Council set to work on establishment of a formal tribal housing authority and programming funds in an attempt to remedy the needs identified by tribal members in the 1992 and 1997 surveys. (Campbell 2005: 41; interview with Louis Roybal, April 26, 1995.) It is clear that the Tribal Council's conduct is viewed as important by individual tribal members.

Similarly, the Tribe conducted surveys relating to the relative importance among tribal members for the revitalization of the Tiwa language. (*See generally* 1990, 1992, 1997 Language Surveys.) Beginning in the late 1990s, and carrying through to the present day, the Tribal Council has surveyed tribal members to

obtain data on familiarity with the language, the degree of importance to re-learn the language, and whether or not tribal members would be willing to donate their time to the operation of a language program. (1997 Language Surveys.) Survey results indicate that the institution of a language program to teach tribal members the Tiwa language is of great importance. (*See generally* 1990, 1992, 1997 Language Surveys.) The Tribal Council's leadership on bringing the language back to the tribal members evidences another clear statement that tribal members view this as a priority.

**E. There Is Widespread Knowledge, Communication, And Involvement In Political Processes Among The PMT Membership. (25 C.F.R. § 83.7(c)(1)(iii).)**

**1. The "Extended Community" and "Oral Tradition" ensure that tribal members remain informed, active, and involved in the tribal political processes.**

In accord with the traditional method of communication, the Cacique utilizes the extended community to ensure that tribal members are made aware of developments in the Tribe. The heads of tribal families act as a representatives for their familial tribal members. A line of communication exists between the tribal leadership and the representative heads of families. When information needs to be disseminated among the tribal membership, the Cacique will inform the tribal family heads who then distribute the information to family tribal members. The

extended community is the traditional method of communication that has been used by the Tribe for generations.

Another important communicative tool is the oral tradition. The geographic consolidation of tribal members in Las Cruces and Mesilla Valley has allowed the tribal leadership to communicate directly and quickly with tribal members by word of mouth. In the recent history, Victor Roybal Jr. played an especially important networking role for the Tribe. In their report, Kaufman et al. noted

“Victor Roybal...has remained a central figure. In retirement, he still travels tirelessly throughout the Mesilla Valley, carrying the news of the Tribe among members. He remains an important communication link among tribal members, bearing announcements of meetings, extending condolences, gathering herbs and plants, carrying food, making ceremonial items, teaching cultural traditions. Many Elders as well as youth among the Tribe look to Victor Roybal Jr. as an authority, a living repository of Piro/Manso/Tiwa tradition. Living near the core neighborhood in Las Cruces, he continuously links key individuals and families throughout the Mesilla Valley...every member of the tribal government relies upon his leadership and instruction to some degree.”

(Kaufman et al. 1992: 211.) Additionally, Kaufman described Victor Roybal Jr. as the ‘communicative glue’ of the Tribe. (Kaufman et al. 1992: 230; Campbell 2005: 71.)

Through the difficulties faced by the Tribe, leaders have utilized both the extended community and the oral tradition to ensure that the tribal membership remains a cohesive and distinct entity. Whether the information distributed focuses on ceremony times, meeting dates, the method of requesting land from the

Cacique in the late 1800s, notifying members about tribal surveys, requests for acceptance of a political position, or the solicitation of donations of manual labor, the extended community and the oral tradition ensure that there is an expeditious flow of information both from tribal leaders to tribal members and vice versa. These two traditions ensure that tribal members are involved in and knowledgeable of the tribal political processes.

2. **Surveys allow for tribal members to be further involved in the political decisions made by the Tribal Council.**

An important, and tangible, tool of communication for the Tribe is the usage of surveys. The tribal surveys provide information to the Tribal Council regarding a specific substantive area of tribal life. In addition, the surveys are a way for tribal members to inform the Tribal Council about the issues that are most important to them.

In the early 1990s, the Tribe began collecting information related to housing from tribal members through surveys. (1992 Housing Survey.) Further surveys followed in 1997 which were tailored to acquire specific data related to housing in order to allow the Tribe to apply for housing grant money. (1997 Housing Surveys.) A first step in the political process to improving housing conditions for tribal members was the acquisition of more detailed information about the tribal housing situation. After tribal members informed the Tribal Council that there were housing needs in the community, the Tribal Council could then attempt to

remedy those needs. Having communicated with tribal members, the Tribal Council continues the political process in attempting to obtain assistance with housing.

Another prime example of a high level of communication within the political process is the attempts by the Tribe to revitalize the Tiwa language. As with the housing survey, the Tribe needed to obtain the opinions of tribal members to inform the choices made by the Tribal Council. (1992 Language Surveys.) PMT has limited resources—both financial and in terms of personnel—and Tribal leaders must be selective in allocating these resources. The language survey represented the method by which the Tribal Council can assess the importance of revitalizing the Tiwa language. Via the surveys, tribal members communicated to the Tribal Council that an effort should be made to bring the language back to the community. (1992, 1999, 2005 Language Surveys.) Tribal members are a critical part of the political process for the Tribe. Without the return of the surveys and the expression of their opinions, the Tribal Council would have allocated resources elsewhere. However, the importance of the Tiwa language was evident in the surveys and the tribal members influenced the Tribal Council's actions through political channels. The surveys conducted among the tribal members evidence that individuals are involved in the political process and are knowledgeable about its mechanics.

3. Consistent participation in tribal elections demonstrates that tribal members are actively involved with and knowledgeable of tribal political processes.

Tribal members are intimately involved in the confirmation and election of tribal leaders. The position of Cacique is not an elected post, although the War Captains are traditional positions that are confirmed by the tribal membership. “[War Captains were] nominated by the Cacique and elected yearly on New Year's Eve. As with other offices, however, ‘nomination’ by the Cacique [was] tantamount to election. They [could] be re-elected, and many men [held] the office for a long period.” (Oppenheimer 1957: 54.)

After the formation of the Corporation, elections for ceremonial representatives coincided with the election of Corporation officers. Tribal members were knowledgeable about the political process and their tribal leaders. With the split from the Corporation in the late 1940s, the Tribe needed to reaffirm the leadership and select new Administrative leaders. (Campbell 2005: 54.) “Tribal officials during this time were elected in the traditional fashion, i.e., they were primarily nominated by Cacique Vicente Roybal at the December meetings. Those who wished to serve as War Captains or other officials were required to present themselves to the Cacique the week prior to the election. At the election the people were nominated and a vote was taken by the members present to approve the nominations.” (Campbell 2005: 55.) It is critical to note at this difficult

juncture that the tribal members never doubted that Vicente Roybal remained Cacique, nor did tribal members doubt his political authority. This political influence never wavered; tribal members did not suddenly adopt the leader of the non-Indian Tortugas faction as their Cacique despite his attempts to usurp the Cacique Vicente Roybal's political authority. (Oppenheimer 1957: 82-88; Hurt 1952: 112.) Tribal members retained their traditional political knowledge, and remained involved in the Tribe during this new period in the confirmation of ceremonial leaders and new Administrative leaders. (January 1, 1951 Meeting Minutes and Election.)

In the 1960s-70s, Victor Roybal Jr., Vicente Roybal, Luciano Avalos, Adolpho Avalos, Charlie Madrid, Narciso Eres, Edward Roybal Sr. and Louis Roybal were some of the most active formal and informal tribal leaders. (Campbell 2005: 55.) In the early 1970s, tribal leaders held a meeting where 135 tribal members (the vast majority of the PMT membership) signed a document renewing their commitment to the three principles affirming the Traditional leadership and authority of the Tribe, in response to the difficulties experienced with the Corporation. (January 1, 1971 Tribal Council Ratification of Three Principles of Sovereignty by 135 tribal members.) At that same meeting, tribal members signed a document setting forth the duties of each position on the Tribal Council, including the Administrative positions. (January 1, 1971 Tribal Council

Ratification of Tribal Council Positions by 135 tribal members.) Notably, with respect to the Administrative positions, the document indicates that the duties of the President, Vice-President, Treasurer, and Secretary are the same as when the Tribe was affiliated with the Corporation. (January 1, 1971 Tribal Council Ratification of Tribal Council Positions by 135 tribal members.)

In anticipation of the annual elections, Victor Roybal would mail out formal ballots for tribal members to confirm or deny a particular person who occupied a position in the previous year. (*See generally* 1970s election ballots.) In this way, the Cacique was informed by the tribal members as to their opinion of the tribal leaders and whether or not the Cacique needed to nominate someone else for the position. This is an example of the Tribe incorporating modern elements of political governance into its traditional system, which requests the Cacique to first nominate a person for a position before the tribal membership may confirm that individual.

The death of Cacique Vicente Roybal in April of 1978 was a difficult event for the Tribe to endure. The hardship caused by his death affected the Tribe culturally, socially, emotionally, and politically. Nonetheless, the Tribe had to take steps to fill the void. A new Cacique had to be nominated and the position needed to be filled. In a meeting shortly after Cacique Vicente Roybal's death, on April 3, 1978, over one-hundred tribal members (again, a vast majority of PMT members)

ratified a “statement of appointment of Interim Cacique” for Cacique Vicente Roybal’s widow, Isidra Trujillo Roybal to act as Interim Cacique. (April 3, 1978 Statement of Appointment.) This ratification confirms that tribal members had a large role in the political process and were intimately informed of the political structure and process of the Tribe. Subsequently, Felipe Roybal, Cacique Vicente Roybal’s eldest son, became Cacique. (April 3, 1978 Statement of Appointment; January 1, 1979 election certification.)

During the 1980s, Charlie Madrid, Victor Roybal, and Louis Roybal continued to play pivotal roles in the Tribal Council. Charlie Madrid was President every year during the 1980s except for 1986, when Louis Roybal occupied that position. (Election Certifications 1980-1989.) As with the 1970s, Victor Roybal, Jr. and Louis Roybal occupied Administrative and Ceremonial positions throughout the 1980s. (Election Certifications 1980-1989.) Tribal meeting minutes evidence tribal members’ routine and consistent attendance at tribal meetings and elections. This sustained involvement demonstrates the membership’s consistent involvement in political processes of the Tribe. (Election Certifications and Meeting Minutes 1980-1989.)

In 1992, the Tribe nominated Edward R. Roybal, Sr. to become Cacique. (Campbell 2005: 50; September, 15-17 1991 Meeting Minutes.) The tribal members indicated that they felt as though the Tribe lacked a true spiritual leader

who could devote the time necessary to upholding the traditions of the Tribe. (Campbell 2005: 50; September, 15-17 1991 Meeting Minutes.) Cacique Edward Roybal made a number of changes to the Tribe's ceremonies. One of these changes was to schedule the election of the Tribal Council during the winter solstice ceremonies. The membership's support of this recent change is evidenced by the sustained attendance at tribal elections and meetings both before and after the 1992 revision of election procedures. (Sign-in Sheets, 1992-1999.) That tribal members incorporated the change into their lives and attended demonstrates that they are involved with and knowledgeable about the tribal political process.

Tribal participation grew through the 1990s and into the 2000s. (Sign-in Sheets, 2000-2010.) Tribal members came and participated in elections at every winter solstice ceremony. Cacique Edward Roybal has sought enhanced participation and involvement with tribal ceremonies and the political processes of the Tribe. The heads of tribal families continue to receive notices about the quarterly ceremonies and meetings consistent with the tradition of the extended community.

Through the sustained participation in tribal elections, tribal members evidence an undeniable familiarity with the political structure and processes of the Tribe. Tribal members actively participate in elections and confirmations of both Traditional and Administrative leaders, aid in directing Tribal Council's efforts,

ratify any transitions in the position of Cacique, and adhere to changes implemented by the Cacique. All of those provide multi-faceted evidence of political influence and authority over tribal members while demonstrate the widespread knowledge and involvement in PMT political processes.

4. **Tribal members continue to be involved in the tribal political process in a variety of ways outside of participating in elections.**

In addition to the substantial electoral participation, tribal members evidence their knowledge of the tribal political system through their routine and sustained participation in influencing the direction of the Tribe. In 1972, the Tribe examined the question of hiring a tribal attorney. On April 10, 1972, a tribal meeting provided tribal members the opportunity to sign a statement evidencing their support for Tribal Council to approve an attorney contract with Robert J. Nordhaus. (April 10, 1972 signatures of tribal members; April 10, 1972 Tribal Council Resolution affirming Nordhaus contract.)

**F. PMT Has Provided Robust Evidence That It Is A Distinct Community And Has Existed As Such From Historical Times To The Present Sufficient To Meet § 83.7(c)(1)(iv).**

The preceding section, 83.7(b), of this document provides thorough evidence that PMT is a vibrant and distinct Indian community both historically and in the present day. Notwithstanding the dramatic impact of PMT specific challenges, such as forced attendance at Indian boarding schools and other discriminatory

conduct, as well as the difficulties encountered by all Americans during World War I, the Great Depression, and World War II, the Tribe and its members continued to perform tribal ceremonies and adhere to their tradition values and culture.

The resilience of PMT as a distinct community is evident in their resurgence to this day. The tribal community needed the oversight and leadership of the various Caciques, other formal tribal leaders, and informal tribal leaders to guide them through the myriad challenges while protecting their heritage, culture, and values. The clear distinctions between the community of PMT members and the surrounding individuals in the Mesilla Valley exhibit a vibrant, unwavering and consistent expression of traditional culture among tribal members.

**G. The Presence Of Internal Conflicts Within The Tribe At Various Periods Of Time Demonstrates Both The Value That Members Place On Tribal Values, Resources, And Processes As Well As The Adherence To Tribal Leaders' Resolution Of These Disputes.**

**1. Throughout the Tribe's history, internal disputes have arisen when the Tribe was confronted with changes to tribal ceremonies and the expression of PMT culture.**

As discussed in 83.7(b), the tribal ceremonies in the late 1800s were performed at St. Genevieve's church and in the Old Indian Neighborhood. In 1909, Cacique Vicente Roybal addressed a divisive issue impacting the tribal membership—the demand made by the new Catholic priest, Father Vandermaesen, that tribal members cease their tribal dances and ceremonies. (*Las Cruces Citizen*,

November 13, 1909); (Buchanan 1961: 15, 20). Tribal members had grown accustomed to the ceremonies at the Church and became attached to the services and building. (Reynolds & Taylor 1981:36-37; Bloom 1903:56.) When told that they would not be allowed to perform their traditional dances, tribal members faced a crossroads as to whether they would maintain their tribal cultural heritage or select the Catholic religious culture as required by Father Vandermaesen. Tribal members had differing views on the matter, and ultimately, the Cacique presented a solution to their problem by identifying a new location and constructing a chapel at Tortugas. Tribal members uprooted their traditions and moved them to another venue—such a shift was sure to have created disputes among the members. Ceremonies continued despite this internal dispute, because tribal members were not willing to forfeit the continuation of their tribal culture.

As previously discussed, the Tribe formed the Corporation to allow them to have a more formal administrative presence in the Las Cruces area during the early 20<sup>th</sup> century. However, when the Corporation began to move away from the Tribe's traditional values and culture, Cacique Vicente Roybal and other tribal members were troubled. In addition to the electoral ouster of PMT families by non-Indians, discussed above, the Corporation forbade PMT members from participating in "Indian" rituals and promoted more commercialized events. (Campbell 2005: 46.) Since the 1950s the Tribal Council has made an effort to

break away from the Corporation and to conduct traditional tribal ceremonies linked to the four seasons and without Catholic elements. (Campbell 2005: 46.)

To facilitate the movement away from the Corporation and the Catholic church, “[m]embers of the Tribal Council went to each individual tribal family and arranged to separate from [the Corporation] and have their own ceremonies.” (Campbell 2005: 46.) After the split with St. Genevieve’s, tribal members had grown accustomed to the Corporation and severing that relationship was difficult. Some tribal members were unsure about what the future would hold for them without the Corporation. An internal dispute necessarily arose when the time came for Cacique Vicente Roybal to make a formal split with the Corporation. During that time, Cacique Vicente Roybal attempted to reassure tribal members that PMT culture was the foundation and the Tribe would live on without the Corporation. To that end, the Tribal Council encouraged the making of blankets, pottery, and baskets to demonstrate the resilience of tribal values and culture. (Campbell 2005: 46.) Tribal leaders also gave instructions in PMT dancing, to reiterate that the Corporation was not required to facilitate the handing down of tribal culture and traditions. (Campbell 2005: 46.) Eventually, the internal dispute over the future of the Tribe subsided with the members of the Tribe wanting “Pueblo rule” in everyday life. (Campbell 2005: 46.)

The meaningful changes experienced by tribal members caused disputes as to where they would perform their ceremonies. The connections and histories that tribal members developed with St. Genevieve's and the Corporation were not easily left behind. Nonetheless, in the aftermath of the dispute, tribal members concurred with the Cacique's method of preserving the Tribe's culture.

2. **The 1995 split with a group of tribal members evidences the depth of concern over core tribal traditions and tribal values.**

During the December 1994 election, a dispute erupted among tribal members regarding the proper process for electing and confirming new Tribal Council members. This dispute began when Guillermo Portillo Sr. died approximately two weeks before tribal elections in December of 1994. December, 1994 meeting minutes. At the time of his death, Portillo was the Head, or First, War Captain. The Lefebre Group, a faction of tribal members that included the then Secretary Joaquin Lefebere and the family of Guillermo Portillo Sr., wanted Guillermo Portillo Jr. to replace his father as First War Capitan. (Campbell 2005: 43.) The position of First War Captain involves critical duties involving the organization of ceremonies, dances, and other cultural activities. At the time, Guillermo Portillo Jr. had no experience in the position and was not a War Captain. However, Jose Rivera, who was the Second War Captain at the time of Guillermo Portillo, Sr.'s death, was promoted to First War Captain because he had extensive

experience with the PMT ceremonies and he understood and respected the Tribe's customs and traditions. (Campbell 2005: 43.)

As described previously, generations of tribal traditions demonstrate that the Cacique nominates an individual for the position of War Captain. According to tribal tradition, the position of War Captain is not hereditary like the Cacique. Traditionally, the Cacique may solicit an individual to serve the Tribe in the position of War Captain or a tribal member wishing to be a War Captain may request that the Cacique consider them for the position. In essence, the Cacique makes nominations and the tribal membership then ratifies the appointment. The Lefebre Group wished to bypass a centuries-old tradition of nomination and ratification through the Cacique by asserting that the son of a recently deceased War Captain had a hereditary claim to that vacant position. (Campbell 2005: 44.)

At the meeting in December 1994, Cacique Edward Roybal Sr. announced that he was seeking a Head War Captain to replace the deceased Guillermo Portillo Sr. December, 1994 meeting minutes. (Campbell 2005: 44.) Jose Rivera requested to be the Head War Captain, Leroy Portillo (another son of Guillermo Portillo Sr.) asked to be Second War Captain, Andrew J. Roybal requested to be Third War Captain, Anthony Jojola's mother requested that her son be named the Fourth War Captain, and the Cacique suggested that Guillermo Portillo, Jr. be Fifth War Captain. (Campbell 2005: 44.; December 1994 meeting minutes.) Tribal

members ratified those individuals for the enumerated positions. (Campbell 2005: 44.)

At the swearing-in ceremony the following day, the Portillo family was upset with the tribal member ratified selections. (Campbell 2005: 44.) Guillermo Portillo, Jr. refused to attend while roughly half of his family, as a sign of protest, refused to dance at the ceremonies. (Campbell 2005: 44.) They asserted that they were the largest tribal family and that if they did not participate in the ceremony, then the culture would fall apart.<sup>42</sup> (Campbell 2005: 44.) The Tribal Council and tribal membership were then assembled for the swearing-in of the War Captains. (Campbell 2005: 44.) At the meeting, the Cacique said that it was disrespectful to the Tribe that the Portillos boycotted the swearing-in ceremonies. (Campbell 2005: 44.) He said that because the Portillos purposefully missed the time for the swearing-in, they would not be sworn-in. (Campbell 2005: 44.) The Cacique then said that those positions left vacant by the Portillo members, despite being ratified in the election the previous day, would remain vacant. (Campbell 2005: 44.) This resulted in the Tribe lacking some War Captains for the upcoming year.

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<sup>42</sup> The death of Guillermo Portillo Sr. caused an additional, albeit smaller dispute during the meeting and ceremony. According to tribal custom, Guillermo Portillo's death could triggered the cancellation of the Winter Solstice dances, as a sign of respect and mourning for the surviving family members and tribal members. Accordingly, Cacique Edward Roybal Sr. suggested canceling the dance. Guillermo Portillo's family initially said that they wanted to dance and still have the ceremony despite Guillermo Portillo Sr.'s passing. However, after the election results, the Lefebere Group boycotted the ceremony entirely.

(Campbell 2005: 44.) Jose Rivera, who had been ratified as the Head War Captain a day earlier, reaffirmed this. (Campbell 2005: 44.) After the Cacique and Head War Captain made this statement, tribal Secretary Joaquin Lefebre pressured Andrew J. Roybal, recently ratified as Third War Captain, to swear in the Portillos. Andrew Roybal refused Lefebre's attempt to usurp the Cacique's authority. (Campbell 2005: 44.)

Lefebre then attempted to swear in the Portillos and alleged that he had the authority to do so because he was the Secretary. (Campbell 2005: 44.) Lefebre attempted to pressure other members of the Tribal Council to swear in the Portillos. (Campbell 2005: 44.) Secretary Lefebre then threatened to call another tribal meeting thinking that he had a majority (including members of the Portillo family who were not sworn in) backing him. (Campbell 2005: 44.) At that time, Secretary Lefebre misappropriated the tribal logo on letterhead and sent out his own notice scheduling a rogue tribal meeting. (Campbell 2005: 44.) The Tribal Secretary, however, lacks the authority to call meetings. The Cacique schedules ceremonies and the Governor notices meetings. Thus, the Secretary has no authority to override the political decision of the Cacique or the Governor. In collusion with members of the Portillo family, Lefebre tried to usurp the powers of the Cacique, Tribal Council, and PMT Government.

Subsequently, the Tribal Council provided Lefebre with a PMT “cease and desist” order to prevent him from going even further beyond his realm of authority. (1995 PMT Cease and Desist Notices to the Lefebre Group members and additional Tribal Council Resolutions, Default Judgments, and Public Notices; Campbell 2005: 45.) Nonetheless, Lefebre continued to send notices of tribal agendas and meetings using the tribal logo without the authorization of the Cacique, Governor or Tribal Council. (Campbell 2005: 45.) In addition, Secretary Lefebre began accusing other Tribal Council members of stealing money from the Tribe. (Campbell 2005: 45.)

The conflict escalated until February 11, 1995 when the Tribal Council called a meeting to address the matter. (Campbell 2005: 45.) The Tribal Council requested the Treasurer to attend in order to provide clarity, transparency and truth to the contention that other people were stealing money. (Campbell 2005: 45.) Treasurer Natalia Melon, a member of the Portillo family, refused to attend the meeting or to provide any tribal records. (Campbell 2005: 45; *see generally* Tribal Council Resolution “Show Cause for Audit.”) At the meeting, in an effort to maintain the political authority of the Tribal Council and the collective identity of the Tribe, the Tribal Council offered a resolution proposing to remove Secretary Joaquin Lefebre and Treasurer Natalia Melon from office. (Campbell 2005: 45;

*see generally* Tribal Council materials related to the removal of the Lefebre Group members.)

After a lengthy discussion of the matter by tribal members, a majority of the Tribal Council voted in favor of the resolution. (Campbell 2005: 45.) Accordingly, the Tribe removed the dissenting group (Joaquin Lefebre, Natalia Melon, Leroy Portillo, Antonio Jojola, and Guillermo Portillo Jr.) from office and forbade them to participate in any tribal activities for four years. (Campbell 2005: 45; *see generally* Tribal Council materials related to the removal of the Lefebre Group members.) Although some tribal members opposed this action, the majority of tribal members approved the sanction. (Campbell 2005: 44, 58-59.)

The Portillo/Lefebre dispute evidences an internal struggle over maintaining generations-old tribal traditions and political processes. Furthermore, it exhibits the mechanics of the political processes and the resolution of intra-tribal disputes on sensitive cultural and political issues. The existence and resolution of disagreement among Tribal Council leaders—the Portillo family and the ratified Tribal Council—points to the fact that core tribal values are sacrosanct as to compel weighty punishment, like banishment—a traditional tribal political remedy. (Tribal Constitution, Art. IV, Sec. 2.)

As with the disputes with St. Genevieve's, the Corporation, and other disputes tribal members relied upon tradition tribal values, resources, and political

processes to resolve this internal dispute. The Cacique, Tribal Council, and tribal members worked together to resolve conflicts and maintain tribal traditions. While resolution of each conflict was difficult, over time the Tribe was more dedicated to its traditional values and became stronger. The presence of these types of political difficulties and the Tribal leadership's ability to address them evidence a vibrant and active polity that cares deeply about tribal values and traditions that govern and guide the daily lives of tribal members and the direction of the Tribe as a whole.

**H. At Particular Points In Time, PMT Leaders Have Consistently Allocated Resources To Tribal Members, Settled Disputes Among Tribal Members, Influenced The Behavior Of Individual Members, And Organized Economic And Subsistence Conduct Among Tribal Members.**

Through the history of the Tribe, when the Tribe has acquired resources, it has distributed them to tribal members. The resources involved include land, cultural or ceremonial articles, and funds: As discussed, one of the earliest instances of tribal leadership allocating tribally held resources is the 1888 Land Grant from the New Mexico Territory. (1888 Tortugas Land Grant Petition; Campbell 2005: 8, 16.) Cacique Vicente Roybal utilized his political authority to allocate plots of land to the heads of tribal families for the construction of homes at what would become Tortugas. (Campbell 2005: 8, 16.); (Reynolds & Taylor 1981: 50 and article cited therein.)

In 2000, Cacique Edward Roybal created a summer youth program for tribal members wishing to become more involved in and aware of PMT culture. (Red Road 2000 Notice.) The Tribe solicited monetary and non-monetary donations from the tribal membership and re-allocated those resources among the group of tribal youth participating in the “Red Road 2000” youth program.

For centuries, the Tribal Council has demonstrated its ability to resolve disputes of all kinds among members and subgroups. As described previously, the Tribal Council encountered and resolved a difficult dispute with the Portillo/Lefebvre faction of the Tribe. Political processes unique to the tribe resolved the dispute without permanent damage to the Tribe’s culture or political system. In fact, the Cacique, War Captains and Administrative leaders work to appropriately resolve the dispute and helped to ensure the continuation of traditional tribal political processes in the future.

The behavior of individual tribal members—both historically and presently—is influenced by the decisions of the Cacique and the Tribal Council. When the Tribe was banished from St. Genevieve’s in the early 20<sup>th</sup> century, the tribal leadership moved the performance of ceremonies to the chapel at Tortugas. (*Las Cruces Citizen*, November 13, 1909; Slagle, PMT Field Notes, 1991; Buchanan 1961: 20.) The leadership influenced individual tribal members by encouraging them to perform ceremonies at another location—a break with the

custom of dancing at St. Genevieve's. (1996 Petition: 246; *Las Cruces Citizen*, December 17, 1910). Had the tribal leadership lacked significant influence over tribal members behavior, no en masse movement to Tortugas for ceremonial performances would have occurred. Similarly, with the separation from the Corporation in the late 1940s, Cacique Vicente Roybal influenced the decisions and behavior of tribal members by returning to the Old Indian Neighborhood in Las Cruces for the performance of ceremonies. (Victor Roybal Jr. interview 2/22/03; Campbell 2005: 16-18; Louis Roybal Interview 5/22/03.) Tribal members could have continued on with the Corporation and performed ceremonies according to the Corporation's directives, but the Cacique influenced them to alter their behavior and continue the traditional expression of culture in the Old Indian Neighborhood.

A more recent normative change in individual tribal member behavior occurred in 1992, when Cacique Edward Roybal increased tribal ceremonies to four times per year in conjunction with the natural solstice and equinox calendar. (Campbell 2005: 50, 60; Edward Roybal Sr. Interview 6/7/95.) Any modification of customs relating to tribal ceremonies constitutes an important change in tribal members' lives. Notably, tribal members accepted the shift to four seasonal ceremonies and participation in these ceremonies increased in recent years. (*See*

generally Sign-in sheets from 1992-2010.) This clearly evidences the Cacique's ability to influence the behavior of individual tribal members.

The Tribal Council has organized economic activity and shared labor among tribal members for generations. After the allotment of land to tribal families in 1888, under the Tortugas Land Grant, the Cacique organized tribal members to contribute labor to the construction of homes and other buildings on those plots of land. (Campbell 2005: 8,16; Reynolds & Taylor 1981: 50.) This is an early instant of cooperative labor occurring under the direction of tribal leadership. The effort to coordinate the construction and repair of additional buildings and homes continues through the 1920s and 1930s. Meeting minutes describe the building needs of the Tribe, and the efforts by tribal leadership to organize shared labor. (1992 Petition: 119; Minutes of July 7, 1929 tribal meeting (discussing "building needs for the community and records of contribution of labor"); 1992 Petition: 120; Minutes of September 11, 1932 tribal meeting ("centered on specific needs for supplies, like timber and adobes."))

As described elsewhere, throughout the 1940s tribal leaders facilitated the collection of subsistence foods for consumption by tribal members. *See* 83.7(b). Tribal members also contribute their time and efforts in the preparation of food for the membership after tribal meetings and other informal gatherings. The preparation of food plays a prominent role in the various fundraisers that the Tribe

has held over the years. (1978 Fundraising Notice; October 2001 fundraising materials; see also donation solicitations and responses 1970-1990.) In addition, tribal members contribute labor to the collection of ceremonial articles, including wood, yucca, and other desert plants. (Campbell 2005: 88.)

In 1997, the Tribe completed the “Piro-Manso-Tiwa Community Plan.” The surveys discussed above were a basis for the creation of the Tribe’s non-profit corporation, Turtle River Nation, Inc. Similar to the original, intended function of the Corporation in the 1920s and 1930s, Turtle River Nation is intended to obtain grants and represent an administrative arm of the Tribe’s government. The PMT Community Plan includes the following elements: housing, education, economic development, social services, youth services, and newspaper. *See* 83.7(b). The Plan, which is described in detail in previous sections of this document, is the product of a Tribal Council organized effort to collect data from tribal members via surveys and utilize that data in marshalling group resources to reach the stated objectives.

**VI. THE PMT TRIBE SATISFIES THE MANDATORY CRITERIA FOR FEDERAL ACKNOWLEDGMENT FOR SECTION 83.7(d).**

The Tribe formally adopted a written constitution on December 15, 1996. (Tribal Constitution, December 15, 1996; Campbell 2005: 39-41.) The Tribal Constitution confirms the long-standing customary laws and tribal traditions that have governed the Tribe for centuries. (Preamble, Tribal Constitution.) The

procedures, governmental processes, and powers of the Tribe with respect to tribal membership, the tribal roll, the Tribal Council, duties and powers of both Administrative and Native Ceremonial Officers, tribal meetings, and elections are defined in the Constitution. (Tribal Constitution Art. I-XI.)

Articles II and III govern tribal membership and the tribal roll. Tribal membership “shall be by either paternal or maternal descentance.” (Tribal Constitution, Art. II, Sec. 2.) Article III states that the tribal roll “shall be comprised of the active adult members of the Tribe and their children who are of proven Indian descendency.” (Tribal Constitution, Art. III, Sec. 1.) The Tribal Council “shall have power to make all laws and regulations which they shall deem necessary and proper for the Tribe, which shall not be contrary to the Constitution or tribal tradition.” (Tribal Constitution, Art. IV, Sec. 2.)

Like other Indian tribes and governmental entities, the Tribe periodically updates its membership by reviewing the tribal roll and evaluating recent applications for enrollment. (PMT Tribal Council Resolution, 2010-003, April 21, 2010.) In early 2010, Cacique Edward Roybal, Sr. “gathered a group of Tribal Elders to serve as the Tribe’s Enrollment Committee to review current and pending Tribal membership.” (PMT Tribal Council Resolution, 2010-003, April 21, 2010.) Comprised of Edward Roybal, Sr., Pablo Garcia, Estella Sanchez, Norma Jean Cabanas, and Eva Gomez, the Enrollment Committee evaluated tribal membership

based on the following enumerated criteria: (1) a completed enrollment application, (2) descendance from PMT Indian ancestry, (3) descendance from one of the 22 Indian families prior to 1934, and (4) whether the person has participated in Tribal activities and/or maintains contact with the Tribe. (PMT Tribal Council Resolution 2010-03, April 21, 2010; Certification for Final Tribal Roll, submitted April, 2010.) The final tribal roll was submitted to the Tribal Council and approved on April 21, 2010. (PMT Tribal Council Resolution, 2010-003, April 21, 2010.)

#### **VII. THE PMT TRIBE SATISFIES THE MANDATORY CRITERIA FOR FEDERAL ACKNOWLEDGMENT FOR SECTION 83.7(e).**

The PMT Tribe's membership consists of individuals who descend from historical Indian tribes that combined to function – and continue to this day to function – as a single, autonomous political entity. Members of the PMT Tribe trace their ancestry to the Piro, Manso, and Tiwa Indians who inhabited the region in and around the Mesilla Valley in the area of present-day Las Cruces, New Mexico and El Paso, Texas since time immemorial. The Piros, Mansos, and Tiwas existed as autonomous political entities prior to their first contact with Europeans. They came together in the 17th century in the area around Paso del Norte and the Guadalupe Mission, and they amalgamated into a single, autonomous political entity through extensive intermarriage and interaction and in response to outside forces over the course of two centuries. In the second half of the 19th century,

ancestors of the present-day members of the PMT Tribe carried their distinctive culture, government, ceremonies, and traditions with them back to the indigenous Manso lands of the Las Cruces area, where their descendents continue to this day to live and interact as the single, multi-ethnic tribal community that comprises the PMT Tribe. As explained in detail in the PMT Tribe's 1992 and 1996 submissions to OFA and the documentary evidence supporting them, and as discussed in condensed form below, numerous historic records document the present-day tribal members' ancestral ties to the original PMT Indians of Paso del Norte and their descendents who returned to Las Cruces.

Using the official records discussed below as well as other sources, the PMT Tribe has carefully researched and documented the genealogies and kinship relationships of present-day and historic members of the Tribe. This research and documentation, which includes individual member files, family group charts, ancestry charts, descendency charts, and other records, is reflected in the Tribe's prior submissions. (1996 Petition at 1-4, 42-44, 200-218, 257-270, 278-298, 320-329, 332-337 and referenced exhibits; 1992 Petition at 43-58, 242 and referenced attachments.) The Tribe submitted copies of these files, charts, and records to OFA in 1996, and all of these documents are available for resubmission upon OFA's request.

**A. Evidence Of PMT Members' Descent From An Historical Indian Tribe.**

The following is a very brief, non-exhaustive overview of historical documents of the types specifically identified in Section 83.7(e)(1) that provide evidence of today's PMT tribal members' descent from an historical Indian tribe. The PMT Tribe's prior submissions discuss these documents in greater detail. Of course, Section 83.7(e)(1) expressly states that other types of evidence besides those listed in the regulation (and discussed below) may be used to establish that a Tribe meets this mandatory criterion, and the Tribe's own independent and commissioned genealogical research, which is attached to this submission and addressed in the Tribe's prior submissions, significantly expands upon and supplements the information contained in these documents.

**1. Official Records**

***a. 1790 Paso del Norte General Census***

The 1790 Paso del Norte general census identified 46 male Piro Indian heads of households ("*Yndios Piros*") living in the Paso del Norte area and provided certain census information about each, including his age, marital status, and children. (General Census of Paso del Norte, 10/08/1790, Jaurez Archives ("JA") Reel 47 ("1790 Census"); 1996 Petition at 192; 1992 Petition at 17-18.) It also identified 13 Indian women ("*Yndias*"), who apparently served as heads of households, stating for each her age and the ages of her children. (1790 Census.)

Most current members of the PMT Tribe are direct descendants of the Indians identified in this document. In fact, while not all of the names provided in the 1790 census are legible, those that are include surnames that are still common among present-day and historic PMT members, including Garcia, Abalos/Avalos and Truxillo/Trujillo. (1790 Census.)

***b. 1839 Dona Ana Bend Land Grant Petitions***

As noted above, members of the PMT Tribe petitioned for and received a land grant from the Mexican government in the area of present-day Las Cruces in conjunction with the Dona Ana Bend Land Grant of 1839. Several of the men who signed the petition or other documents related to the land grant are listed as heads of Indian families in census records maintained in the Juarez Archives. This includes Jose Garcia (JA 1863, Ysleta Native Family Heads), Mariano Trujillo (JA 1862, Natives of the Regional Capital), Jose Abalos/Avalos (JA 1803, Ysleta Native Family Heads), Felipe Gonzales (JA 1863, Ysleta Native Family Heads), Pedro Gonzales (JA 1863, Ysleta Native Family Heads), Antonia Apodaca (JA 1863, Ysleta Native Family Heads), Jose Velarde (JA 1844, Chamisal and Barrial), and Francisco Ortega (JA 1844, Chamisal and Barrial). Direct descendents of at least three of these men (Jose Abalos/Avalos, Felipe Gonzales, and Perfecto Avalos) later settled in Las Cruces, and their descendants remain a part of the Tribe to this day. (1992 Petition at 43.)

Additionally, a 1843 list of men ready to proceed from Paso del Norte to Dona Ana includes several PMT Indian ancestors whose names appear elsewhere on contemporary Indian censuses. These include Jose Garcia (JA 1963, Ysleta Native Family Heads), Juan Trujillo (JA 1844, Chamisal and Barrial) and Perfecto Avalos (JA 1844, Chamisal and Barrial (son of Pedro Nasario Avalos)).

*c. 1844 Census for Districts of Chamisal and Barrial and Senecu del Sur*

1844 census records for the districts of Chamisal and Barrial, which are presently maintained in Juarez, record the presence of several PMT Indians whose ancestors can be traced to prior censuses of local Indians and who share surnames commonly found in the genealogies of historic and present-day PMT tribal officers. (JA 1844, Reel 13.) Included among these are:

Agapito Abalos	Bacilio Abalos	Cristobal Abalos
Francisco Abalos	Nasario Abalos	Jose Maria Gemente
Juan Simon Gemente	Juan Simon Gemente	Perfidio Gemente
Agapito Roybal	Felipe Trujillo	Juan Trujillo

(JA 1844, Chamisal and Barrial Census Records, Reel 13; 1992 Petition at 19-20, 46-48.) Agapito Roybal served as Cacique of the PMT Tribe, as did his father, Jose Francisco Roybal (born prior to 1800 in the Paso del Norte area), and his grandfather, Cayetano Roybal (born before 1740 in either Senecu del Sur or Chamisal). (1996 Petition at 44.) The current PMT Cacique, Edward Roybal, Sr.,

is a direct descendant of Cayetano, Jose Francisco, and Agapito Roybal. (1996 Petition at 44.)

1844 census records for Senecu del Sur, also presently maintained in Juarez, likewise identify several Indian family heads whose surnames are recurrent in the genealogies of historical PMT tribal officers. These include, but are not necessarily limited to:

Juan Fernando Alejo	Sebastian Duran	Basilio Jojola
Ignacio Marques	Geronimo Pedrasa	Hilario Pedrasa
Jose Pedrasa	Jose Delores Pedrasa	Jose Luis Pedrasa
Juan Pedrasa	Miguel Pedrasa	

(JA 1844, Native Family Heads Senecu del Sur, Reel 13; 1992 Petition at 20, 47-48.)

*d. 1862 Census Records from Paso del Norte Area*

1862 census records from the Paso del Norte area continue to reflect the presence of many members of the PMT Tribe, with many of those listed as “Native Family Heads” bearing names common in the genealogies of present and historic PMT tribal officers. These include, among others:

Francisco Abalos/Avalos	Marcos Abalos/Avalos	Marcelino Jemente
Mario Perea	Jose Ruibal/Roybal	Aloisco Trujillo
Jose Trujillo	Locario Trujillo	

(JA 1862, Natives of the Regional Capital, Reel 24; 1992 Petition at 20, 49-50.)

2. **Church, School, and Other Similar Enrollment Records**

a. ***Records of PMT Ancestors at Federal Indian Schools***

Many PMT Indians attended federal boarding schools in the late 19th and early 20th centuries. Indian children from Las Cruces comprised a significant percentage of the student population at the Albuquerque Indian School during that time period, and additional Indian children from the area attended the Chilocco Indian School in Oklahoma and the Santa Fe Indian School. Three of PMT member Magdaleno Baca's children briefly attended the Phoenix Indian School, and Charles Madrid, Sr., whose son later served as President of the PMT Tribe, attended the Sherman Institute from 1909-1911 and the Haskell Institute from 1911-1913. A detailed discussion of these records and list of Las Cruces/PMT Indians who attended federal Indian schools may be found at pp. 82-86 of the 1992 Petition.

3. **Other Evidence**

a. ***1850s Plat Map of Las Cruces, New Mexico***

The original plat map of Las Cruces, New Mexico, which would have been created between 1853 and 1855, identifies the following PMT Indians whose descendants have been a part of the tribal population:

M. Avalos	M. Barela	F. Benavides	E. Duran
_. Jemente	Jesus Lara	G. Madrid	V. Minjares
A. Padilla	S. Perea	Maria Trujillo	M.A. Vaca

(1992 Petition at 48-49.)

**b. 1888 List of Tortugas Pueblo Members**

While many of the census documents discussed above date to the earliest stages of PMT migration to the Mesilla Valley and show PMT ancestors who were still in Paso del Norte, a list of Tortugas Pueblo members dating to approximately 1888 shows that many ancestors of present day PMT members had established themselves in Las Cruces by that time. PMT Indians identified on this list include:

Pablo Alderete	Damasio Avalos	Tanilado Avalos	Juan Avalos
Senobio Avalos	Antonio Avalos	Madeleno Baca	Francisco Barela
Pedro Benavides	Blas Delfin	Andres Dominges	Jesus Dominges
Juan Eres	Severo Gonzales	Pasteris Gonzales	Felipe Gonzales
Felis Gomez	Visevio Gomez	Ynasio Grijalba	Juana Gurule
Jorje Jemente	Juan Jemente	Bindal Minjares	Nicomedes Lara
Juan Pais (?)	Pedro Pania	Diego Paz	Felipe Roybal
Alvido Trujillo	Francisco Trujillo	Jose Trujillo	Lucario Trujillo
Pedro Trujillo	Erjina Quetada		

(1992 Petition at 51-52, 77-77.)

**c. 1890 List of Men Pledged to Build Church in Guadalupe**

In approximately 1890, authorities in Guadalupe/Tortugas Pueblo compiled a list of men who had agreed to begin work on a church for the Virgin of Guadalupe. The surnames of men on this list included many common PMT names, such as: Avalos, Baca, Benavides, Dominges, Gomes, Gonzales, Gurule, Jemente, Lara, Madrid, Minjares, Pas, Perea, Rivera, Roybal, Sais, and Trujillo. (1992 Petition at 52.)

*d. 1914 PMT Residents of Tortugas*

A review of the 1914 residents of Tortugas further establishes the genealogical links between the earliest and present-day members of the PMT Tribe. Ancestors of current PMT members resident at Tortugas at that time include:

Cirildo Avalos	Estanislado Avalos	Juan Avalos
Senobia Avalos	Victoriano Avalos	Jose Maria Carabajal
Cornelio Duran	Jacinto Juan Jemente	Antonio Jojola
Elias Jojola	Jesus Jojola	Jose Faustino Pedraza
Longino Pedraza	Jesus Maria Rivera	Julio Rivera
Candelario Roybal	Victor A. Roybal, Sr.	

(1996 Petition at 322-323; April 12, 1914 Land Map of the Indian Pueblo of Guadalupe (Tortugas), New Mexico (attached to 1996 Petition).) The 1996 Petition includes a list of the many current PMT members who are direct descendents of the PMT members who resided at Tortugas in 1914. (1996 Petition at 324-325.)

**B. PMT Tribal Membership Lists**

In early 2010, the PMT Tribe's Cacique assembled a group of tribal elders to serve as the Tribe's Enrollment Committee and to conduct a review of the Tribe's current and pending members. (PMT Resolution No. 2010-03.) The Enrollment Committee approved and the Tribe certified the current tribal membership roll that is provided as an exhibit to this submission. (2010 PMT Tribal Roll; PMT Resolution No 2010-04.) The circumstances surrounding the evaluation and

adoption of the PMT Tribe's current membership roll are set forth in PMT Resolution No. 2010-03, which is also attached as an exhibit to this submission.

Earlier PMT Tribe membership lists and information surrounding their adoption were included as exhibits or attachments to the Tribe's previous submissions. (1996 Petition at 1-43 and referenced exhibits; 1992 Petition at 242 and referenced attachments.)

**VIII. THE PMT MEMBERSHIP IS PRINCIPALLY COMPOSED OF INDIVIDUALS WHO ARE NOT MEMBERS OF ANY OTHER FEDERALLY RECOGNIZED INDIAN TRIBE AS REQUIRED BY SECTION 83.7(f).**

As described by Campbell and Houser and elsewhere in this petition, the PMT Tribe traces its history to the Piro, Manso, and Tiwa Indians. (Campbell 2005: 2-3, 6; Houser 1996: 2.) PMT is the sole tribal entity that formally and authentically represents this tripartite tribal ancestry. (Campbell 2005: 2-3, 6; Houser 1996: 2.) Given PMT's Pueblo and southern New Mexico roots, it is expected that tribal members might share some distant history with other tribal communities. Such coincident histories are widespread in Indian Country, as in the Pacific Northwest among Indian tribes who are signatories to the Treaty of Point Elliot, ratified in 1855.

Despite this remote although common history, PMT is composed principally of individual tribal members that are not presently enrolled in another federally recognized Indian tribe. More specifically, given the Tribe's historical origins in

the Mesilla Valley, some tribal members may share a degree of ancestral origin to the Ysleta Del Sur Pueblo Tribe of Texas. (*See* section 83.7(a)).

Despite this remote common history, there are no members of the PMT Tribe that are presently members of another federally recognized Indian tribe. Moreover, no PMT members are eligible for enrollment in another federally recognized Indian tribe. A nearly twenty-year old law passed by the Ysleta Del Sur Tribal Council confirms that any such distinct historical connection is of no relevance to the political and social existence of PMT and Ysleta Del Sur as separate and discrete Indian tribes.

In a formal tribal council resolution, Ysleta Del Sur stated in no uncertain terms that PMT is a “separate and distinct Indian tribal entity.” (1992 Ysleta Del Sur Pueblo Resolution TC-44-92.) The Ysleta Del Sur Tribal Council Resolution went on to recognize that PMT was “founded” on or about 1850, thereby acknowledging the unassociated origins of these two separate tribal polities. (1992 Ysleta Del Sur Pueblo Resolution TC-44-92.) Furthermore, of note for purposes of this petition, the Ysleta Resolution explicitly removes any PMT members from Ysleta Del Sur’s tribal rolls. (1992 Ysleta Del Sur Pueblo Resolution TC-44-92.)

In light of the lack of PMT members that are presently enrolled, or eligible for enrollment, in another federally recognized Indian tribe, PMT has satisfied the

§ 83.7(f) criteria that the PMT membership be comprised principally of persons who are not members of any acknowledged North American Indian tribe.

**IX. THE PMT TRIBE SATISFIES THE MANDATORY CRITERIA FOR FEDERAL ACKNOWLEDGMENT FOR SECTION 83.7(g).**

The Tribe has researched congressional legislation and concludes that the Congress has neither terminated the Tribe nor forbidden the existence a trust relationship between the Tribe and the Federal government.