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**DOI/OS/AS-IA/OFA
Washington, DC**

Department of the Interior
Office of the Assistant Secretary—Indian Affairs
Attention: Office of Federal Acknowledgment
Mail Stop 4071 MIB
1849 C Street NW
Washington, DC 20240

Dear Secretary:

The Gila Apache (Chihene Nde) have historically inhabited communities in west-central and southwest New Mexico. The consolidation of Apache tribes on reservations and the exile of others from New Mexico have had significant adverse impacts on the visibility of, and even knowledge about, our Nation. Tribal elders have now directed the next generation to petition the federal government for re-recognition to preserve their ongoing culture (Petition 404; <https://www.bia.gov/as-ia/ofa/404-chnnnm-nm>).

Documentary studies, some of which I have done, show the Chihene Nde Nation are modern descendants of the Gila Apache. The Gila Apaches entered into treaties with three nations including Spain, Mexico, and the United States. Moreover, no less than three separate treaties were signed between the Chihene Nde Nation and the United States. Equally important, as once-recognized sovereign entities, ancestors of the Chihene Nde Nation ceded native lands to the U.S.

The Chihene Nde Nation descends from an unambiguous sovereign tribe once recognized by the United States government. They are direct descendants of those who once signed treaties with the United States and do not appear in the history of other Apache tribes. With a history distinct from any current reservation Apache tribe, the Chihene Nde Nation remain a unique people. In a parallel development, the Nation is even now actively engaged in petitioning the Mexican government for recognition as "First Peoples."

To reiterate, the Chihene Nde Nation's petition for re-recognition emphasized the following facts:

- The tribe's leader signed treaties and compiled by confederating their bands into one political identity as the Eastern American Indian tribes
- The existing tribal members descend directly from the treaty signers with the U.S. in 1852, 1853, and 1855.
- After the closing of the Tularosa Valley Indian Agency in 1874, the tribe remained separated in their agricultural villages in the Greater Gila and Mimbres region, Southwest New Mexico along the Rio Grande, and northern Mexico.
- The tribe farmed and ranched in their ancestral territories while maintaining their cultural heritage amidst economic change from a subsistence to a cash economy.

- The tribe had been recognized for almost 80 years before the U.S. government removed its name from the National List of Indian Tribes in 1941.

There is ample evidence of a continuing Chihene Nde presence. For example, the tribe gathers annually in the tradition of its ancestors, documented in the 1850s by its U.S. Indian Agent, Michael Steck. Their culture today continues to encompass traditional language, crafts, and songs.

No less an authority than my colleague, Dr. Thomas Sheridan, acknowledges that elements of the Nde may have persisted despite myriad factors that might have erased them from the history books, a sentiment echoed by Dr. Matthew Babcock and Dr. Paul Conrad. The latter noted Spanish attempts in 1802 to eradicate the Chihene Nde's identity by denoting them as "meco," a shortened version of "chichimeco," meaning "uncivilized" or "nomadic" Indians. Even the Vatican, in the form of the "The Holy See and European Dispossession of Apache-Ndé-Nnee Peoples: A call for truth, disclosure, justice and redress (2015)" has begun to address the Church's role in suppressing the Chihene Nde.

The tribe has submitted evidence for all seven criteria and has previous federal acknowledgment as a sovereign nation, and to be a historical American Indian tribe. Given the tribe's unambiguous previous federal acknowledgment, it should only be assessed on the minimum three criteria described in 25 CFR Part 83.

The OFA should not base its decision in any way on the opinion of any Apache tribe anywhere else in the United States. Until 1871, the tribe was recognized by the federal government and have remained Apaches despite being de-listed simply by passage of the Indian Appropriation Act Of 1871. This was an arbitrary and capricious act by the government that has repercussions even today, particularly for the Chihene Nde Nation. The Chihene Nde Nation is trying to correct a historical mistake and I believe they have made a sufficient case to once again join the families of First Peoples across the United States.

Sincerely yours,

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Neal W. Ackerly, Ph.D.

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