



CHIHENE NDE NATION OF NEW MEXICO
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Department of Interior
Office of the Assistant Secretary – Indian Affairs
Attention: Office of Federal Acknowledgment
Mail Stop 4071 MIB
1849 C Street NW
Washington, DC 20240

**Subject: Response to comments submitted by Mr. Jeff Haozous opposing
OFA Petition 404**

We thank Mr. Haozous for submitting a response to our petition for Federal Re-Acknowledgment dated August 13, 2024. Mr. Haozous provided comments to the Office of Federal Acknowledgment (OFA) opposing our petition. His comments have given us the opportunity to address the many misconceptions stated in his comments. Mr. Haozous is a former tribal chairman of the Fort Sill Apache Tribe of Oklahoma, but his response to the OFA was issued as a private citizen. This letter is in response to his individual comments.

We, the Chihene Nde Nation, utilized oral histories, archival research, land documents, census, and map data to make our case for re-acknowledgment. We consulted with several scholarly experts with specific expertise in documented Apache history who verified the facts in our petition. Our oral history covers the entirety of the 20th century and shows our people living as an Indian entity in our ancestral homelands since time immemorial.

The Chihene Nde Nation has existed as an independent tribe with a distinct cultural and historical identity long before we formally applied for non-profit status in the State of New Mexico. This status, often misunderstood, is an administrative designation for specific legal and organizational purposes. It did not establish our tribal identity, which the United States first acknowledged in treaties dating back to 1853 and 1855. These treaties formally recognized the Coppermine Apaches, dubbed the Mimbres Bands of Gila Apache, as a sovereign entity, a status rooted in our people's enduring presence and our ancestral heritage. These long-standing treaties affirm our tribe's history and identity, not any recent administrative actions taken for the purposes of organizing to conform to the Indian Reorganization Act guidelines.

Mr. Haozous bases his opposition to our re-acknowledgment on tenuous claims that the membership of the Fort Sill Apache Tribe of Oklahoma represents all modern-day descendants of the Chihene people - the Gila, Mimbres, Warm Springs, and Mogollon Apache. He points to a decision by the Indian Claims Commission (ICC) as proof of this statement. However, in the administrative court decision referenced, the descendants of the Chiricahua prisoners of war, who comprise the membership of the Fort Sill Apache Tribe and a portion of the Mescalero Apache Tribe, accepted compensation in payment for any interest their ancestors had in lands taken in New Mexico and Arizona. This decision did not eliminate the right of any party other than the descendants of the Chiricahua prisoners of war to submit separate claims, including claims for federal re-acknowledgment.

Three specific treaties exist between our people and three separate nation-states that acknowledge the territory in Southwest New Mexico as the territory of our direct ancestors. These treaties include the 1790 Treaty with Spain, the 1838 Treaty with Mexico, and the 1855 Fort Thorn Treaty with the United States. The signers of these treaties are the direct ancestors of extended family groups in our modern membership. To our knowledge, no signer of these three treaties is a direct ancestor of any members of the Fort Sill Apache Tribe of Oklahoma.

One of our ancestral leaders, Negrito, signed the 1852 Treaty on behalf of Ponce and the peaceful bands of the Chihene (Coppermine, Gila, Mimbres, and Mogollon Apache). Our bands made the specific sovereign decision not to align with Cochise like Mangas Coloradas. We elected to remain in peace with the Southern Apache Indian Agency rather than to align with bands more inclined towards war. Through the marriage of Mangas Coloradas' daughter to Cochise, this alignment of bands later became known as the Chiricahua Apache, the Tribe that Haozous claims as the sole descendants of the Chihene people - the Gila, Mimbres, Warm Springs, Coppermine, and Mogollon Apache. A later leadership dispute between the sons of one of our past leaders and treaty signers, Cuchillo Negro, and the leader known as Victorio in 1874 on the Tularosa Valley Indian Reservation resulted in the death of two of Cuchillo Negro's sons, which further solidified the divided sovereign identities of our people.

Our peaceful bands were joined by the Sierra Larga bands of Monica, Camilio, and Refugia from the Peloncillos and the Animas Mountains of the border region of Southwest New Mexico. Together, the combined Mimbres and Coppermine bands exercised their sovereign decision-making and confederated into the Mimbres bands of the Gila Apache Tribe that signed the 1853 Fort Webster and 1855 Fort Thorn Treaties with the U.S. Confederation of these bands as a tribe was a specific requirement in these treaties. The historical Chiricahua bands of the Chiricahua Mountains existed in Old Mexico at the time of these two treaties. They were first mentioned in the Southern Apache Indian Agency records in 1859 after their territory was annexed into the United States through the Gadsden Purchase.

Despite our distinct and sovereign experiences, Mr. Haozous argues that our sovereign identity exclusively represents his perception of Chiricahua identity. Our tribe intentionally does not use the terms 'Chiricahua' and 'Warm Springs' but 'Chihene' to identify our separate histories. The collective term Chiricahua, popularized during the Apache Wars, identifies another political entity that did not participate in the 1853 and 1855

treaties and was more nomadic and non-farming. They were not a part of the Southern Apache Indian Agency until four years after the treaties. Sometime after 1871, Chiricahua became a general umbrella term used by the U.S. to describe warring Apache bands in the region.

Early settlers and later researchers documented our Chiende farming throughout our recorded history. The Mimbres Bands of Gila Apache, also referred to as the Mimbreno-Apache, Southern Apaches, Rio Mimbres and Rio Gila Apache Bands, Mimbres Bands of Gila Apache, Coppermine Apache, Chihenne-Apache, Gila-Apache, Hot Springs-Apache, Mimbrenyo-Apache or Mogollon-Apache, and Bedonkohe-Apache, farmed under treaties with Spain, Mexico, and the United States. Some of the earliest Spanish records offer evidence of our irrigation canals and farming practices. In the 19th century, U.S. officials acknowledged us as farmers, and we continued farming in the 20th century. John P. Wilson, an archeologist and historical researcher, has authored a foundational article on our farming heritage from 1630 to 1870.

In 1858, Indian Agent Michael Steck advised our people to continue farming in our established locations without a ratified treaty. Consequently, our Chiende treaty-keeping ancestors continued farming near the old Fort Webster, the old Fort Thorn, Mesilla, the village of Paraje, the old Fort Tularosa Reservation area, and Ojo Caliente or Cañada Alamosa. Later, as reported by Vincent Colyer, Member of the Board of Indian Commissioners, in 1871, entitled *Peace with the Apaches of New Mexico and Arizona*, Agent Steck instructed our leaders, absent a ratified treaty, to continue farming on our old fields on the Rio Mimbres and Rio Palomas (Palomas), a tributary of the Rio Grande River. Colyer writes, "The interest manifested in the farming operations has been greater than in any previous year. Having no lands set apart by treaty, they were advised to plant upon their old fields on the Rio Mimbres and the Rio Palomas [Palomas]. They have about one hundred and fifty acres planted and in a state of cultivation that will compare well with any corn field in the country, and all by their labor, except the breaking up of the land, digging, and repairing of their acequias." He also reported on a continuing peace with farming Apaches lasting 15 years.

Like other Native tribes that descend from farming communities, we practiced this as a part of our traditional, holistic, and sustainable way of life. Our land-based lifestyle required domesticated and wild plants and animals. Some Apache bands primarily hunted and gathered more, while others, like the Petitioner, farmed corn, beans, squashes, and melons but also traveled to gather seasonal plants and wild game. Our ancestors' knowledge of collecting and consuming desert plants for nutrition and healing was also pivotal for our cultural protocols. The mescal of the Agave plant was a staple among our people, and we used it for trade. Agave was also plentiful in the Black Range. Sotol, Datil, and Yucca were also roasted and eaten because they offered supplementary protein, micronutrients, minerals, fiber, fat, and amino acids. Tunas remained a popular food in ancestral times, and a Gran Tunal existed in Coahuila that various Southwest Indigenous peoples attended seasonally to gather the sweet fruits of the Opuntia or prickly pear cactus. The gathering and cultivation of these plant species entailed cultural protocol and reconnected our families with land, an essential relationship that forged our identity. After U.S. rule, many of these plants stretched across the U.S. border, which attracted free Apaches to a more mobile life as a strategy for maintaining traditional lifeways. Rather than cutting ties after the establishment of the U.S. Mexico border, our farming Apache and free

Apache families often united along the margins of our farming settlements to trade for the mountain and desert plant species.

Some Chiende lived near communities with settlers and acted as intermediaries between settlers and our mountain Apache relatives. Some of the Petitioner's families sought refuge in the Sierra Madre to live in the old ways while others clustered near farming communities in small adobe towns throughout Southwest New Mexico. Farming Apache bands inhabited the regions of the Mimbres, San Francisco, Tularosa, Gila, Palomas, and Lower Rio Grande rivers, tributaries, and valleys. However, close ties were maintained among our farming families and mountain Apache relatives.

For our ancestors, visiting relatives in the mountains was an opportunity to conduct ceremonies and share meals in the mountains and box canyons, which were well guarded by the surrounding terrain. The Leyva family is an example of one of our extended family groups that included free Apaches living in the Sierra Madres, farming Apaches at West-Central and Southwest New Mexico settlements, and mountain Apaches living in Southwest New Mexico.

The Leyva, Rodriguez, Morales, Alderete, Enriquez, and Luna families, and their extended family groups, in our membership descend directly from the extended family groups of, at a minimum, Ponce, Poncito, Josécito, Cuchillo Negro, Parajito, José Nuevo, Refugia, Elías, Showanocito, Bartolo, Ytan, Placeres, Negrito, and Riñon that were all actual signers on these treaties at Fort Webster and Fort Thorn. The extended family groups in our membership can demonstrate over two centuries of kinship, cooperation, and intermarriage. To our knowledge, Haozous cannot point to a signer on the 1853 or 1855 Treaty from which his extended family group directly descends.

We reiterate that our ancestors consistently identified as Chiende and remained farmers in the areas identified by our 1853 and 1855 Treaties and Southern Apache Indian Agency locations. From the 1850s through the 1930s, the Chiende people experienced peace and adaptation in the United States. Most Southern Apache families, including those relocated to reservations and our Chiende ancestors, faced and survived U.S. assimilation efforts in several ways. During this same period, Chiende land bases passed into non-Indian hands as a result of U.S. occupation after the war with Mexico (1846-1848), the signing of the Treaty of Guadalupe Hidalgo (1848), and the Gadsden Purchase (1854).

CNN notes a significant shift in Mr. Haozous's recent position regarding the Chihene Nde Nation's (CNN) petition for federal re-acknowledgment. His comments illustrate a profound lack of knowledge of the historical records maintained by the Southern Apache Indian Agency, or the many extended families served by the Agency. He has departed from an earlier stance where he was open to supporting our tribe's submission to the federal acknowledgment process. Haozous's letter to the OFA opposes our effort based primarily upon his many misconceptions of who we are and his critique of our Tribal Chairman and other members.

In 2011, when Mr. Haozous was still known as Mr. Houser, he expressed his willingness to support the Chihene Nde Nation's pursuit of federal acknowledgment through the Department of the Interior (DOI) process. As per the "MINUTES of the THIRD MEETING of the INDIAN AFFAIRS COMMITTEE dated August 17, 2011," "Mr. Houser told

the committee that the DOI has a well-used process to determine tribal recognition and that the Fort Sill Apache Tribe will support the Chihene Nde Nation if it can achieve federal recognition based on DOI federal regulations (p.4)." At the time, he never directly stated that he opposed our process of becoming federally re-acknowledged. Furthermore, according to the minutes, "A member of the committee asked if the Fort Sill Apache Tribe is related to the Chihene Nde Nation. Mr. Houser clarified that the groups are separate. The Fort Sill Apache Tribe has achieved federal recognition and has trust land in Arizona, Oklahoma, and New Mexico. Mr. Houser stated that the Fort Sill Apache Tribe could not comment on the legitimacy of claims made by the Chihene Nde Nation (p.4)." His stance suggested recognizing the two groups' shared historical ties but differences. The minutes referenced are a public record at the following webpage:
<https://www.nmlegis.gov/minutes/IACminAug17%2011.pdf>.

Mr. Haozous's 2024 comment to the OFA did not include references to the mutual discussions he was involved in with Chairman Manny Sanchez, nor his participation, as Chairman of the Fort Sill Apache Tribe of Oklahoma, in up to four meetings with our tribal leadership, including at least one tribal council meeting, between July 2010 and August 2011. Haozous's current position raises several questions about his interest in moving to oppose our re-acknowledgment efforts as an individual.

In our first discussions, Mr. Houser introduced the topic of gaming by requesting our leadership to express support to New Mexico State elected officials for the Fort Sill Apache Tribe gaming project at Akela Flats. Our tribe agreed to lobby to support the Akela gaming project in Santa Fe. Any discussions with Mr. Haozous about a Fort Sill gaming project were intended to provide him with ways elected officials expressed they might better support his project during our lobbying efforts. We guided him toward the elected official's primary focus of helping an economically disadvantaged community and keeping revenue in New Mexico. His apparent interest in leveraging CNN for economic gain contrasts sharply with his comment opposing our current federal recognition efforts.

Haozous, a chairman of a federally recognized tribe, requested the support of our non-federally recognized tribe. This symbolizes Haozous' respect for our tribe and confirms he knows who we are and recognizes our authenticity as an Apache Nation in New Mexico. Perhaps his current position stems from his lack of ability to realize the Akela Flat gaming project, which ultimately may have contributed to the loss of political support within his tribe.

Mr. Haozous also references our tribe's participation in a Hot Springs Land Development project. Like Haozous, the Hot Springs Land Development approached our tribe for political support. This was a private project seeking to capitalize on the nearby location of the New Mexico Spaceport Authority. Hot Springs Land Development's project never had a gaming component, and our tribe's involvement was to be focused on eco-tourism and employment opportunities for our tribal members in the San Mateo Mountain region in Sierra and Socorro Counties.

Our tribe considered economic development projects such as the Hot Springs Land Development project under the recommendations of Community Relations Service representative mediators Richard Sambrano and Justo Garcia of the U.S. Department of Justice Civil Rights Division. The representatives advised the tribe that we must be involved

in economic development initiatives to achieve re-acknowledgment. The Hot Springs Land Development project allowed our tribe to explore economic development as directed by the DOJ Civil Rights Division, but the project never materialized.

Mr. Haozous also references our tribe's participation in the Hidalgo Downs project in Lordsburg, New Mexico. This claim is unfounded. Our tribe did not participate in this project, as Mr. Haozous references. The private project involved an effort to obtain the last available license to operate a live horse race meet in New Mexico. Manny Sanchez pursued this license as a private citizen and part of a limited liability company. In his communications with Mr. Haozous, Manny Sanchez shared plans for Hidalgo Downs. The Hidalgo Downs project never materialized.

Mr. Haozous also questions the late Tribal Historian Emeritus Audrey Espinoza's affiliation with a social organization known as the Chiricahua Apache Alliance. The Alliance was organized more as a chamber of commerce and has never sought federal acknowledgment. Although some of our members participated in the Alliance, we have never participated in the Alliance as a tribe. Contrary to what Mr. Haozous believes, the one we once called Audrey had the prerogative to volunteer with this and other Indian organizations without compromising her tribal membership and identity.

Mr. Haozous goes on to question the late tribal elder Eddy Montoya, disturbing the sacred rest of yet another passed-on member. Haozous claims Montoya did not know of his Apache roots before meeting Manny Sanchez. This claim is unfounded. Mr. Montoya is not here to offer his testimony to this allegation. However, Mr. Montoya's wife and children find Haozous's statement offensive and false.

Archaeologist Karl Laumbach, who conducted archaeological research at Cañada Alamosa for over 25 years and had a personal relationship with Eddy Montoya, affirmed Montoya's knowledge of his family's history at the Berrenda Creek near Michael Steck's Southern Apache Agency. Laumbach vividly remembers his conversations with Montoya about his childhood and the story Montoya shared of his grandmother during the period when Steck's Southern Apache Agency was near Berrenda Creek.

It was the one we once called Eddy who called upon our people to organize for re-acknowledgment the first time he met Manny Sanchez. Upon learning more about Sanchez's extended family group, he immediately recognized the kinship of the families and shared history at the Southern Apache Agency. He even shared the location of the burial of Sanchez' second great-grandfather at Steck's Agency on Fort Thorn, New Mexico, land that later became the Enriquez extended family group ranchería.

Lynda A. Sánchez, the late author Eve Ball's assistant, shared that Eve was "given many things over the years by Apaches, cowboys, ranchers, Hispanic & Anglo families, etc." Among the many things she was gifted was a box from the Apache elder, once known as Samuel E. Kenoi. The box contained materials from the 1930s. The box's contents indicate that Apache elders, such as Samuel Kenoi and the elder once known as Sam Haozous (grandfather of Jeff Haozous), discussed Apache bands who remained free and were not placed into captivity. We assert that the bands referred to in the letter are some of the ancestors of the Leyva extended family group in our membership based on the band leader's name (Adelnietze) provided to the late American Anthropologist Grenville Goodwin

by Sam Haozous on July 4, 1938. These families are an example of our continued tribal identity and sovereignty.

Kenoi, born in 1875, was a member of the Nednhi (Net-da-he) band of Chiricahua Apache. In 1886, he, Geronimo, and others were forcibly taken to Florida as prisoners of war. After spending time in Alabama, he and the others were relocated to Fort Sill in 1893. In 1913, he chose to resettle on the Mescalero Reservation. He served as tribal secretary and participated in ethnographic work with scholars like Harry Hoijer.

In the box with the materials given to Eve Ball as part of her research was a letter sent to Kenoi by his friend Sam Haozous, who remained at Ft. Sill in Anadarko, Oklahoma. The letter reads precisely as written,

"Apache, Oklahoma, March 6, 1935 Dear Friend Sam: I received your letter sometime ago and was glad to hear from you again. Well I went to that Council I told you about it took place at our church our supt.(superintendent) from Anadarko came down and they told him of the Hot Springs Reservation and 80 acres which they didn't give us. He said he will write up to Washington to get some one to come and we talk to him about these two things and which ever one looks promising we will hire a lawyer to work on it for us that is what he told us we should do. Most of them rather work on the Hot Springs Reservation. You must tell me in your next letter more about what Yanozha told you about those wild Indians did he get to see them I like to hear more about them. I mean those Apaches out in Old Mexico. I am alright now but I don't go any place very much. I hope you are all well.

Best wishes to you all

- From your Friend Sam Haozous."

The 1935 letter corroborates our oral histories that tell of our ancestors living as free Apache. In his letter, Sam Haozous, Mr. Jeff Haozous's grandfather, affirms the existence of our families of free/lost Apaches by mentioning, "...what Yanozha told you about those wild Indians...I mean those Apache out in Old Mexico." Some people, perhaps Mr. Haozous, believe that there were not many Apaches who had not been exiled to Florida. In their 1966 book *Chihuahua: Storehouse of Storms*, Florence Cline Lister, and Robert Hill Lister mention on page 310, "It is estimated that approximately twenty-five Apache families still roam the no man's land of mountains between northern Sonora and Chihuahua." As documented in our petition, the existence of some of our extended families meets the definition of lost/free Apaches discussed by these and other researchers.

Eve Ball's research notes are in the archives at Brigham Young University. Serious scholars must take note of the strong evidence produced in Ball's 1980 work *Indeh* that supports this, as well as that of Lynda A. Sánchez and other authors. In 2015, Sánchez wrote a well-researched article for *True West Magazine*, "A Brilliant But Doomed Mission to Track Down Apaches," detailing U.S. Army Captain Hugh L. Scott's 1895 plan to lead a "special ops" mission to capture renegade free Apaches a fascinating glimpse into a turbulent era in the Southwest. According to Sánchez, Scott, who served at Fort Sill, believed the military's failure to swiftly deal with the remaining Apaches who continued to raid along the U.S.-Mexico border was akin to "hunting deer with a brass band." His proposal involved using Apache scouts and experienced officers to infiltrate Apache hideouts in the Sierra Madre mountains, a region known for its resistance to military control.

Scott aimed to bring these so-called "renegades" in without further bloodshed, hoping this would prevent the continued violence, killings, and raids that plagued the borderlands.

Scott enlisted the help of three Apache leaders who had previously worked as scouts and were knowledgeable about the various free bands of Apache in the Sierra Madre Mountains. One of these leaders, Naiche, was the son of Cochise and can be seen in a photograph taken by C.S. Fly on March 25-26, 1886, pictured alongside Apache Elías 'Natcułbaye,' one of our ancestors who remained free but was pictured in *Geronimo's Surrender* (Van Orden 1991, 18-19). Naiche's reported kin, Adelnietze, was also a part of the photography session, further documenting free Apache contemporaries with other loosely associated Apache bands. Another leader, Toclanny, had been married to the sister of Apache Frank (Francisco Leyva, another ancestor of our current members), illustrating another example of our connection to the free Apache bands. Lastly, Kaytennae, raised in the Sierra Madres, survived the Massacre at Tres Castillos, like Apache Frank Leyva's brother, Jim Miller, thus strengthening a third connection.

Captain Scott relied on Apaches' intimate knowledge of the Sierra Madre to track their former comrades, surrounding their camps under the cover of night for a peaceful surrender. However, the Mexican government, represented by Minister Matías Romero, refused to grant permission for U.S. forces to enter Mexico, effectively foiling the U.S. military plan. The mission could not proceed without Mexican approval, and consequently, the border region remained unstable for decades.

The overlooked opportunity highlights the intricate challenges of border diplomacy and the enduring complexities in U.S. and Mexican relations with Apache communities on both sides of the border. The conflation of all Apache bands in southern New Mexico, such as in Haozous' comment, has led to confusion between the free Apache like Massai and the Apache Kid, underscores the need for a more accurate understanding of our population by the U.S. Unfortunately, we, the descendants of the free Apaches in the U.S. are currently striving to be recognized. At the same time, those remaining in Mexico have recently gained federal acknowledgment by the Mexican government. Our unwavering commitment to preserving our cultural heritage emphasizes our dedication to upholding our identity nearly 130 years later.

Mr. Haozous's position that the Indian Claims Commission (ICC) factored into our bands and families' identity and self-determination is inaccurate. Our tribe does not accept the loss of our autonomy. We did not have our bands represented in the proceedings of the ICC with the descendants of the prisoners of war. Former President of the Mescalero Apache Tribe Mark R. Chino describes this well. In 2011, Chino wrote directly to the New Mexico Legislature in opposition to the Haozous-led legislative memorial, "*The Memorial is littered with historical inaccuracies... For example, the 'entire tribe' was not taken into captivity in 1886. There were numerous bands of Chiricahua (including some of the Warm Springs bands) that remained free, some going deep into Mexico.*"

Chino has documented that some Warm Springs (Chihene) bands were not taken captive. In this context, we believe Chino explicitly refers to our direct ancestors in this comment and his comments at a 2011 public meeting of the New Mexico Legislature Indian Affairs Committee, when he commented that our grandparents were genetically Apache.

We did not participate in the Indian Claim Commission (ICC) process with Fort Sill. As a result, we did not receive any benefits from the ICC process, including acknowledgment, land, or compensation. Nor did we concede to have other bands represent us in decision-making, or did we surrender our right to pursue our legitimate claims to the aboriginal land title as Fort Sill did by accepting payment.

Haozous's claim lacks evidence and our own input in stating our tribe conceded our authority. By including the ICC report in his public comment submission to the OFA, he seems to disregard the distinctiveness of our tribe and the narration of our own history as separate and distinct from the prisoners of war. Mr. Haozous needs to understand the complexities surrounding individual Apache band identity. The historically forced removal of his ancestors from New Mexico and Arizona does not entirely redefine the cultural identity of the bands who remained.

Concerning Indigenous identity, in her book, *Those Who Belong*, Dr. Hilary N. Weaver wrote, "*Some Native nations are not acknowledged to exist by the federal government. This lack of recognition has implications for how these tribes/nations are viewed by other people as well as how they view themselves. Issues of authenticity are increasingly debated in the courts as some Native groups seek federal recognition and a return of traditional lands.*" This is the purpose of our petition. We do not intend to ask for any compensation or land in Oklahoma or the land his tribe has acquired and put into federal trust in the State of New Mexico.

There is precedent for federal acknowledgment of multiple bands of a tribe. For example, the Western Shoshone, the Kumeyaay, and other federally recognized California Indian tribes that are recognized as independent bands of the same tribe. We desire a similar understanding given the other U.S. southwestern tribes, who were able to establish separate identities from the initially recognized group. These examples demonstrate a similar band structure to ours, and each band has an independent political identity.

Mr. Haozous believes that CNN members petitioning for federal acknowledgment should seek enrollment in existing Apache tribes. However, this is an untenable position as this would weaken our tribal identity and sovereignty, which is the basis of our identity. In addition, as Native American Studies scholar Jill Doefler notes, "*Once a roll is established as the basis for citizenship, it becomes politically difficult to expand citizenship beyond its confines,*" as observed by Goldberg.

The 1887 General Allotment Act imposed blood quantum-specific eligibility on tribes and defined tribal citizenship. Census data from Indian reservations became the primary factor in determining tribal citizenship. Even if our ancestors had previously lived there, individuals who left the reservation lost their tribal citizenship status with the United States. Free Apache who never forsake their identity or self-determination would not have qualified as most were not included in early or modern reservation censuses.

Despite common sense suggesting otherwise, Mr. Haozous needs to acknowledge our authenticity based on our petition evidence as Indigenous Aboriginal Indians of southwestern New Mexico who, despite the ICC process, did not surrender our right to our aboriginal land title as decided in Appellate Case: 20-2145 - *Pueblo of Jemez v United States of America and New Mexico Gas Company*.

It is essential to acknowledge that our ancestors were remarkably progressive when considering the transition to a cash economy, a fact that Mr. Haozous seems to overlook. Unlike many others, we did not have the support of the U.S. Bureau of Indian Affairs, which should not be used as a measure for defining our Indianness. This matter was resolved in the landmark 1913 U.S. Supreme Court case, *United States v. Sandoval*. This case determined the Pueblos of New Mexico were "Indians" although they were settled, engaged in agriculture, and not living on Indian reservations.

We represent an Indigenous nation that existed before the founding of the United States and the concept of U.S. Indians and the associated stereotypes. Our lineage can be traced back to those who entered into treaties and political agreements distinct from the experiences of other ethnic minority groups. We are not an ethnic minority; instead, we are a small, independent Indigenous nation with well-documented nation-to-nation relationships with the U.S., Mexico, and Spain.

Haozous's ancestors and ours navigated a bi-national agreement, the Treaty of Guadalupe Hidalgo, to the best of our abilities. Mr. Haozous's tribe did not participate in the 1934 Indian Reorganization Act (IRA) either. Like us, they established their governance structure independently of the IRA and only achieved federal acknowledgment in 1976. By the rationale that Haozous applies to our petition, one can say that his tribe did not exist before 1976. This is an obvious misconception given the fact that, like us, the Fort Sill Apache Tribe of Oklahoma has existed as an Indian entity since time immemorial. It is improbable that either tribe could have anticipated our loss of lands more than a century ago. Mr. Haozous references the ICC, which determined the U.S. had dispossessed his ancestors of their claims to 14 million acres of our traditional territory, but this did not resolve the claims of our direct ancestors recognized by treaty as the Indigenous People of the land. Haozous' Tribe accepted compensation. We are not bound by a federal administrative court proceeding to which we were not a party.

We have several differences from Mr. Haozous's family's experiences. Our tribal enrollment criteria, as outlined by CNN's Constitution and By-Laws, rely on documented lineal descent in the traditional way our ancestors honored kinship. William G. Pollard III interviewed some Fort Sill Apache for his 1965 Anthropology Masters Thesis. Pollard remarked that his Fort Sill informants felt that the traditional kinship structure observed by the ancestors "had been modified to the point of no longer being functional." CNN holds closely to our aboriginal social structure. We possess knowledge of our family surnames and genealogies, as well as the mountains and communities where our ancestors resided. The survival of our nation has depended on making choices that prevent our disappearance. We firmly believe in our ability and responsibility to maintain our traditional Ndé identity as knowledge of place.

We understand that not everyone will marry someone from our specific tribe. Our traditional values have existed long before the modern U.S. racial classifications and the introduction of the nuclear family. When a man or woman marries into our tribe, they are embraced as one of our own. They are welcome to wear our traditional regalia, learn our language and songs, and take on leadership roles as opportunities arise. For instance, they can act as godparents in our coming-of-age ceremony. Several members have been invited to be godparents for other federally recognized Apache families. While they may not have

been born into our tribe, they are integral members of our tribal community. This also applies to any children they may have before joining our tribe. This is the customary Apache way.

CONCLUSION:

As a whole, Mr. Haozous's response fails to assess our OFA petition evidence, instead challenging the character of a few key individuals, some of whom are deceased and unable to defend themselves. This attempt to attack the character of certain members based on limited in-person contact reflects a rush to judgment that does not address historical evidence and contemporary claims. Instead, his response seeks to elicit personalistic criticisms of specific individuals to undermine an entire tribe's efforts to pursue its self-determination. His comments touch on our tribal spirituality and connection to Christianity through the Catholic Church. Mr. Haozous appears unfamiliar with histories of Native Americans that demonstrate some aspects of Western religion, such as the Fort Sill Apache Tribe of Oklahoma that embraced the Dutch Reformed Church before its federal acknowledgment. In addition, he demonstrates a lack of knowledge of our people's interactions with Christian missionaries. Perhaps he is speaking from an uninformed perspective and showing a fundamental disconnect between New Mexico's history and other tribes' participation in the Native American Church.

Hilary N. Weaver's "Indigenous Identity: What is It, and Who Really Has It?" discusses the incorrect idea that some Indigenous people, like Haozous, question whether one can be both Indian and Christian, implying that these are mutually exclusive categories. Weaver also sheds light on the mistreatment of Indigenous individuals often perpetuated by Indigenous people against their own, which likely stems from the accusers' own insecurities about identity and the racism ingrained in them through the process of colonization. Our tribe's first documented historical contact with missionaries occurred in 1626. Our then-leader, Sanaba, accepted the faith. By 1628, we had a missionary living among our people. The missionary stayed for one year before returning. Since that time, we have developed a syncretized spirituality. Religious syncretism combines two or more religious beliefs into one. The majority of the signers of the 1853 and 1855 treaties had been baptized by the Catholic Church before the U.S. jurisdiction. As recently as Labor Day Weekend 2024, we as a tribe held a gathering and participated in a traditional Apache ceremony.

Readers should consider whether Mr. Haozous's perceived understanding of our tribe is accurate. Many apparent omissions in his comments reveal his need for more knowledge about our self-conception and how it differs from his own. They also demonstrate his profound lack of knowledge about the copious documentation maintained regarding our ancestors by the Southern Apache Indian Agency, kept at the Center for Southwest Collections at the University of New Mexico. Our people identify as Chihene or Gila, not Chiricahua or Warm Springs. The U.S. historically labeled us as the Mimbres and Mogollon Apache. To assert our Indigenous identity in the U.S. polity, we reject non-Apache names imposed on us and prefer our traditional Apache names that tie us to the land, like 'Chihene,' 'Gila,' and 'Nde.'

Mr. Haozous has misjudged us solely as Mimbres-Chihene Apache in an attempt to impose his tribe's authority over us. We are recorded as a 'confederation' in our treaties. In 1853 and 1855, several peace-seeking leaders from the four principal bands (Chihene,

Bedonkohe, Nednhi, and Chiricahua) confederated into one 'tribe or nation.' Twenty of our Apache leaders signed these treaties with the U.S., representing bands distinct from some of the more well-known leaders' bands that later became known as the Chiricahua and Warm Springs. In our last treaty, we are given the tribal name the "Mimbres Bands of Gila Apache." In this century, we have been called the lost or free Apache. Thus, we exercise our sovereignty and prior nation-to-nation relations with the U.S.

Mr. Haozous also questions Knifewing Segura's representation of the tribe. Knifewing Segura is a member of our tribe and a leader of his extended family. He engages in business ventures separate from tribal participation. Notwithstanding the administration of his business, Knifewing often supports and is supported by tribal members in cultural activities. Segura has been the Executive Director of the tribe's cultural attaché, the Ojo Caliente Restoration Society (OCRS), for years. As Executive Director, Segura, a Native artist and musician, provides cultural, artisan, radio station communications, and musical learning opportunities for our tribal community. Tribal members regularly assist Segura with conferences, administrative writing projects, grant reports, searching for funding opportunities, setting up events, and participating in intertribal events.

In our petition, we pointed out that Knifewing was invited by the late honorable President of the Mescalero Apache Tribe, Wendell Chino, to testify before the New Mexico State Legislature and in a joint session of the New Mexico State Senate and House of Representatives supporting Indian gaming. Knifewing, then-Chairman to the Council of Artists for the Southwestern Association for Indian Arts (SWAIA), agreed to assist Mr. Wendell Chino. In our petition, we indirectly used the name Mark Chino instead of Wendell Chino.

Despite the clear evidence in our petition, we understand that Mr. Haozous may be unwilling to change his perspective regarding our tribal identity. We reiterate the term "Chiricahua" was initially used to represent a distinct band identity. During the 1870s, the U.S. established reservations and popularized the terms "Chiricahua" and "Warm Springs." We believe that names imposed on our people by foreign nations should not be used as a weapon against our identity. Even the Navajo Nation had considered a name change to reclaim their traditional identity as Diné. His positioning of himself and his people above us reflects a deep-seated impression of identity based on his ancestors' exclusive experiences as prisoners of war. In this fact, there is a contrast between our two communities' self-conceptions of identity.

Mr. Haozous should acknowledge our diverse identities instead of attempting to marginalize our community. He focuses on positioning himself through his association with prominent Apache leaders and their legacy. His direct descendency from Mangas Coloradas does not make him the gatekeeper of Apache identity. His claim that we are trying to appropriate his people's identity is unfounded. Instead, we are asserting our own individual Indian identity as descendants of treaty signers with three separate nation-states.

Our unique identity challenges the prevailing narratives of Apache Peoples, including those of his ancestors. Our story does not fit the historical depiction of exiles; instead, we were displaced within our homeland as refugees. While both "*exiles*" and "*refugees*" refer to individuals forced to leave their homes or countries, we differ in the reasons for our displacement. Haozous's people were expelled from Arizona and New Mexico, while we

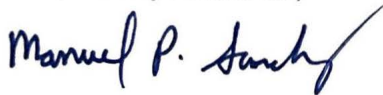
were forced to hide due to persecution and violence. Today, we strive to correct the incomplete and hegemonic view of Apache history and people.

Some may perceive our petition as a call to protest; it is an act of self-determination in pursuit of sovereignty. Our petition has brought attention to the unique story of our ancestors. It has garnered interest from esteemed academics such as Deni Seymour, PhD, Karl Laumbach, Lynda A. Sánchez, Tiffany Lee, PhD, Jeffrey P. Shepherd, PhD, Matthew Babcock, PhD, Neil Goodwin, and others.

Our petition highlights resilience, marginalization, identity, and resistance against societal beliefs about Indians. It aims to achieve federal re-acknowledgment as free Apache people who survived without the intervention of the Bureau of Indian Affairs (BIA). We now seek to be reinstated on the BIA's List of Indian Tribes for reasons of protecting our sacred sites, continuing our cultural legacies and authenticities, and preserving our Apache spiritual freedoms for our future generations. Mr. Haozous's comments have further allowed us to tell our story and explain to the general public how systemic structures outside our control have kept us hidden from history books.

We are thankful to have been given this opportunity to respond to the comments submitted by Mr. Haozous, as an individual.

Respectfully submitted,



Manuel Paul Sanchez, Chairman
Chihene Nde Nation of New Mexico



Gilbert Anthony Flores, Vice-Chair
Chihene Nde Nation of New Mexico



Lauren Denson, Secretary
Chihene Nde Nation of New Mexico



Paul Martinez, Treasurer
Chihene Nde Nation of New Mexico