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**City of Las Cruces**<sup>®</sup>  
 PEOPLE HELPING PEOPLE

**Council Action and Executive Summary**

Item # 13 Ordinance/Resolution# 13-099

For Meeting of \_\_\_\_\_  
 (Ordinance First Reading Date)

For Meeting of January 7, 2013  
 (Adoption Date)

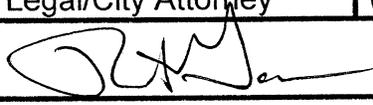
Please check box that applies to this item:

QUASI JUDICIAL       LEGISLATIVE       ADMINISTRATIVE

**TITLE:** A RESOLUTION DIRECTED TO THE GOVERNOR OF THE STATE OF NEW MEXICO AND THE ENTIRE NEW MEXICO CONGRESSIONAL DELEGATION TO SHOW SUPPORT OF THE GOVERNING BODY OF THE CITY OF LAS CRUCES, NEW MEXICO, TO THE RESTORATION OF THE FORT SILL APACHE TRIBE TO A PORTION OF ITS NEW MEXICO HOMELAND WITH ALL RIGHTS NATURAL AND HISTORICAL ASSOCIATED TO THE HOMELAND.

**PURPOSE(S) OF ACTION:**

By passing this resolution, the City Council of Las Cruces supports the restoration to the Fort Sill Apache Tribe of the same rights that other American Indian nations enjoy in regard to what they choose to do on their homelands.

<b>COUNCIL DISTRICT:</b> N/A		
<b><u>Drafter/Staff Contact:</u></b> Harry S. (Pete) Connelly	<b><u>Department/Section:</u></b> Legal/City Attorney	<b><u>Phone:</u></b> (575) 541-2128
<b><u>City Manager Signature:</u></b>		

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**

As the United States expanded westward in the 1800s, native peoples were often pushed from their homelands directly and indirectly by government actions. One such group was the Chiricahua Apache Tribe from southwestern New Mexico Territory, southeastern Arizona Territory, and northern Chihuahua. Four bands of Apache, the Chihende (also known as Warm Springs), the Chukunende (also known as the Chiricahua), Nde'ndai – (sometimes known as Pinery), and Bidanku (those coming from the Chihuahua area) coalesced into the Chiricahua Apache Tribe.

In 1894 the Chiricahua Apache were moved to Oklahoma after having been removed from their homelands almost ten years earlier and being held in Florida and Alabama. Some were allowed to return to New Mexico in 1914 only if they would live on the Mescalero Apache Reservation. Others, having been given such a narrow range of options regarding where they might settle when released from captivity, remained near Fort Sill on land that was allotted for them by the United States government. They and their descendants have come to be known as Fort Sill Apache.

(Continue on additional sheets as required)

While it is understood that no action taken at this time can fully compensate for the actions taken nearly one hundred years ago and before, it has been suggested that it is only fair that the Fort Sill Apache Tribe be given support as they seek to return to their Chiricahua ancestral homeland. At this point, a thirty acre parcel of land at Akela, New Mexico, forty miles west of Las Cruces, is the extent of that restored homeland.

There seems to be little conflict regarding the establishment of tribal land in that location. However, the Tribe's desire to establish a casino on that site has drawn some criticism, and permission to do so has been at various points withheld, withdrawn, and denied. Jeff Houzous, Chairman of the Fort Sill Apache Tribe, has requested that the City Council of Las Cruces pass a resolution in support of the Fort Sill Apache Tribe's return to its New Mexico homeland and in support of the economic benefits that the proposed Apache Homelands Casino would bring to the region.

By passing this resolution, the City Council of Las Cruces supports the restoration to the Fort Sill Apache Tribe of the same rights that other American Indian nations enjoy in regard to what they choose to do on their homelands.

**SUPPORT INFORMATION:**

1. Resolution. Directing that this Resolution be directed to the Governor of the State of New Mexico and the entire New Mexico Congressional Delegation of the City of Las Cruces to show support of the Governing Body of the City of Las Cruces, New Mexico, to the restoration of the Fort Sill Apache Tribe to a portion of its New Mexico homeland with all rights natural and historical associated to the homeland.
2. Attachment "A" – Brief History of the Fort Sill Apache Tribe.

**SOURCE OF FUNDING:**

Is this action already budgeted?  N/A	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from: _____
		<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
		<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue?  N/A	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: _____ in the amount of \$ _____ for FY ____.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

(Continue on additional sheets as required)

**BUDGET NARRATIVE**

N/A

**FUND EXPENDITURE SUMMARY:**

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this will approve sending a message to the governor of the State of New Mexico supporting the restoration to the Fort Sill Apache Tribe of the same rights that other American Indian nations enjoy in regard to what they choose to do on their homelands.
2. Vote "No"; this will not approve sending a message to the governor of the State of New Mexico supporting the restoration to the Fort Sill Apache Tribe of the same rights that other American Indian nations enjoy in regard to what they choose to do on their homelands.
3. Vote to "Amend"; this would allow Council to propose modifications to the Resolution.
4. Vote to "Table"; this would allow Council to postpone consideration of the Resolution to go forward with drafting a message to the Governor of the State of New Mexico regarding restoration of the Fort Sill Apache Tribe to their homelands.

**REFERENCE INFORMATION:**

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

N/A

RESOLUTION NO. 13-099

A RESOLUTION DIRECTED TO THE GOVERNOR OF THE STATE OF NEW MEXICO AND THE ENTIRE NEW MEXICO CONGRESSIONAL DELEGATION TO SHOW SUPPORT OF THE GOVERNING BODY OF THE CITY OF LAS CRUCES, NEW MEXICO, TO THE RESTORATION OF THE FORT SILL APACHE TRIBE TO A PORTION OF ITS NEW MEXICO HOMELAND WITH ALL RIGHTS NATURAL AND HISTORICAL ASSOCIATED TO THE HOMELAND.

The City Council is informed that:

**WHEREAS**, history teaches us that unfortunate and fatal errors resulted in deadly conflict between members of the Chiricahua Apache Tribe and the United States government over one hundred years ago, and

**WHEREAS**, the Chiricahua Apache survivors of that conflict were held prisoner at Fort Sill, Oklahoma, from 1894 to 1914, and

**WHEREAS**, in 1914 some of the survivors of the conflict and their children were released from captivity and given a limited choice to live on the only land allotted for them by the United States government which was located near Fort Sill, Oklahoma, and

**WHEREAS**, since 1914, these indigenous people have come to be known as the Fort Sill Apache Tribe, and

**WHEREAS**, their current name may mislead some into believing their ancestral homeland is in Oklahoma, when in fact it is just west of the Rio Grande in southwestern New Mexico, and

**WHEREAS**, one year ago, thirty acres of land where the ancestral Chiricahua Tribe roamed and occupied were restored to the Fort Sill Apache Tribe as trust lands located at Akela Flats, approximately forty miles west of Las Cruces and twenty miles east of Deming, New Mexico, and

**WHEREAS**, the Fort Sill Apache descendants of the ancestral Chiricahua Apache Tribe continue to struggle to regain rights naturally and historically theirs, and

**WHEREAS**, across America, states and communities in November of 2012 observed Native American Heritage month, and here in Las Cruces the citizens also observed Native American Heritage month; thus, making this a propitious time for this resolution.

**NOW THEREFORE**, be it resolved by the governing body of the City of Las Cruces:

**(I)**

**THAT** the City Council supports the restoration to the Fort Sill Apache Tribe to those sovereign rights afforded other tribes and pueblos in New Mexico, and

**(II)**

**THAT** it welcomes home the Fort Sill Apache Tribe descendants of the ancient Chiricahua Apache Tribe who once inhabited areas northwest, west, and southwest of Las Cruces and were known to come to the site where the City of Las Cruces is presently located to conduct their business, and

**(III)**

**THAT** a copy of this resolution shall be forwarded to the Governor of New Mexico and the entire New Mexico Congressional Delegation to show the support of the Governing Body of the City of Las Cruces, New Mexico of the restoration of the Fort Sill Apache Tribe rights to their New Mexico homeland, and;

(IV)

THAT City staff is hereby authorized to do all deeds as necessary in the accomplishment of the herein above.

DONE AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(SEAL)

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

VOTE:

Mayor Miyagishima:	_____
Councillor Silva:	_____
Councillor Smith:	_____
Councillor Pedroza:	_____
Councillor Small:	_____
Councillor Sorg:	_____
Councillor Thomas:	_____

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

## Brief History

### FORT SILL APACHE HISTORY

The Fort Sill Apache Tribe was moved to Oklahoma in 1894 after nearly a decade of imprisonment and exile at U.S. Army installations in Florida and Alabama. Today's tribal members are survivors and descendants of the Chiricahua Apache tribe, whose original territory covered much of what is now the American Southwest including eastern Arizona and western New Mexico, along the United States border with Mexico. The Tribe's current location is the result of direct action by the United States Congress, which passed a special provision enabling the federal government to relocate the Chiricahua prisoners of war to southwestern Oklahoma. The Chiricahua were the last American Indian group to be relocated to Indian Territory.

Upon their arrival at Fort Sill the Apache prisoners of war were told that the fort would become their permanent home and the military reservation was enlarged to accommodate that purpose. Following the allotment of surrounding Indian lands, local non-Indian politicians, business leaders, and U.S. Army officials agitated to continue the presence of the military near Lawton. By 1910 these individuals began the final orchestration to remove the Apache prisoners of war from the military reservation. The Chiricahua were pressured to leave Fort Sill as a condition for their freedom, but many held out for return to their homeland or allotment at Fort Sill. Eventually, leaders of the Mescalero Apache Reservation (in New Mexico), urged by government agents, invited the Chiricahua to relocate to their reservation (a move that strengthened their own efforts to preserve their reservation lands from non-Indian encroachment).

Despite the efforts of government and military officials, about one-third of the Tribe continued to demand the lands they had been promised. A compromise between the Indian Bureau and the War Department led to the settling of those Fort Sill Apache who had declined joining the Mescaleros in 1913 on unused (dead) allotments from the old Kiowa-Comanche-Apache Reservation lands near Fort Sill. These prisoners of war, numbering approximately eighty-one individuals in about twenty families, were eventually released in 1914 and resettled on small allotments of farmland scattered around Apache and Fletcher, Oklahoma.

The Tribe, seeking reparations and justice, remained organized with no written constitution. They opposed organizing under the Oklahoma Indian Welfare Act of 1937. In the aftermath of a multimillion dollar land and resource claim settlement from the Indian Claims Commission in 1973; the Fort Sill Apache Tribe adopted a Bureau of Indian Affairs constitution in 1976. Funds reserved from the land claim settlement have been used to provide a land base for the Tribe and to provide services for the tribal members.

Chairpersons of the Fort Sill Apache Tribe during the twentieth century include Benedict Jozhe, Jr., Mildred I. Cleghorn (two of the last Chiricahua Apaches born under "prisoner of war" status), the late Ruey Darrow, and Jeff Houser. The Fort Sill Apache Tribe maintains a tribal headquarters north of Apache, Oklahoma with small parcels of land in New Mexico and Arizona. The tribal population is 667 individuals as of February, 2011.