

1 SENATE JOINT MEMORIAL 21

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Michael Padilla

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10 A JOINT MEMORIAL

11 RELATING TO THE ZIA SUN SYMBOL; REQUESTING FEDERAL, STATE,
12 MUNICIPAL AND COUNTY AGENCIES TO POST NOTICE OF THE PUEBLO OF
13 ZIA CULTURAL DEVELOPMENT FUND.

14
15 WHEREAS, the Zia sun symbol is a sacred religious symbol
16 for the members of the Pueblo of Zia; and

17 WHEREAS, representations of the Zia sun symbol
18 traditionally have been held as proscribed knowledge by the
19 various religious societies integral to the belief system of
20 the Zia people; and

21 WHEREAS, the only publicly known, indigenous
22 representation of the Zia sun symbol was on a pot that belonged
23 to the Pueblo of Zia, but the pot was noted as missing shortly
24 after a visit to the pueblo by archeologists in 1890; and

25 WHEREAS, that pot was subsequently placed on public

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1 display in a museum in Santa Fe; and

2 WHEREAS, in 1925, inspired by the symbol on the Zia pot, a
3 modified representation of the Zia sun symbol was used in a
4 successful proposal for the New Mexico state flag; and

5 WHEREAS, in the years since the incorporation of a Zia sun
6 symbol into the New Mexico state flag, the symbol has become
7 nationally and internationally known; versions of the symbol
8 have been incorporated into the city flags of Wichita, Kansas,
9 and Madison, Wisconsin, and the Zia sun symbol has been
10 incorporated into the logos of hundreds of organizations and
11 businesses; and

12 WHEREAS, in the 1990s, attempts to obtain trademark status
13 for logos incorporating the Zia sun symbol led to a federal law
14 prohibiting the trademarking of designated Native American
15 tribal insignia and religious symbols and establishing the
16 Native American tribal insignia database that is maintained by
17 the United States patent and trademark office; and

18 WHEREAS, the federal law provides strictly limited
19 protections for Native American tribal insignia and religious
20 symbols and does not prohibit their use within non-trademarked
21 corporate logos; and

22 WHEREAS, the Zia people have always felt that the public
23 dissemination of the Zia sun symbol was a theft from, and
24 diminishment of, their cultural and religious heritage; and

25 WHEREAS, despite the ubiquitous influence of mass media in

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1 today's society, the Zia people strive to pass along to each
2 new generation the religious and traditional knowledge that
3 shapes and defines their culture; and

4 WHEREAS, the Pueblo of Zia cultural development fund was
5 established specifically to facilitate the continued
6 educational, religious and cultural development of the Zia
7 people; and

8 WHEREAS, Southwest airlines extended the courtesy to the
9 Pueblo of Zia of requesting to use the Zia sun symbol prior to
10 placing it on airplanes, made a contribution to the development
11 of the Pueblo of Zia, received permission from the Pueblo of
12 Zia to use the symbol and was the first business or
13 organization to take any of these steps;

14 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
15 STATE OF NEW MEXICO that the United States patent and trademark
16 office, the economic development department, the tourism
17 department and equivalent agencies in municipal and county
18 governments within New Mexico be requested to place a notice on
19 their web sites stating that the Pueblo of Zia would appreciate
20 the courtesy of a request prior to use of the Zia sun symbol
21 and that the Pueblo of Zia cultural development fund is
22 available for individuals or businesses that wish to assist in
23 the continued development of the Zia culture; and

24 BE IT FURTHER RESOLVED that copies of this memorial be
25 transmitted to the United States commissioner for patents and

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1 trademarks, the secretary of economic development, the
2 secretary of tourism and municipal and county governments
3 throughout the state of New Mexico.

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