

HOUSE FLOOR SUBSTITUTE FOR  
HOUSE MEMORIAL 70

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

A MEMORIAL

REQUESTING THE OFFICE OF THE ATTORNEY GENERAL, THE CULTURAL AFFAIRS DEPARTMENT AND THE INDIAN AFFAIRS DEPARTMENT TO WORK WITH PUEBLOS, NATIONS AND TRIBES OF NEW MEXICO TO ENHANCE THE PROTECTION OF PUEBLO, NAVAJO, APACHE AND INTERTRIBAL DANCES AND SONGS AS PROTECTED STATE CULTURAL RESOURCES.

WHEREAS, New Mexico will safeguard Pueblo, Navajo, Apache and intertribal native dances and songs as protected state cultural resources; and

WHEREAS, New Mexico officially acknowledges Pueblo, Navajo and Apache tribal nations and other Native American groups as legitimate heirs, owners and originators of their unique cultural and spiritual traditions of dances and songs that constitute the original dances and songs of New Mexico; and

WHEREAS, New Mexico acknowledges the historical, cultural

1 and regional distinctiveness of the customs, practices and  
2 religious obligations of the Pueblo, Navajo and Apache people  
3 and other tribal groups pursuant to their unique dances and  
4 songs; and

5 WHEREAS, New Mexico acknowledges that native dances and  
6 songs are culturally and spiritually crucial elements to the  
7 core identities of Pueblo, Navajo and Apache people and other  
8 Native American groups; and

9 WHEREAS, native dances and songs embody who and what  
10 native people are, and this reverence creates a collective bond  
11 among Pueblo, Navajo, Apache and other Native American people;  
12 and

13 WHEREAS, native dances and songs do not belong to any one  
14 individual but are considered divinely ordained inheritances to  
15 all who are legitimately affiliated with their pueblo, nation  
16 or tribe; and

17 WHEREAS, New Mexico acknowledges that significant Native  
18 American cultural events take place on state-operated  
19 properties, as well as pueblo and tribal lands, attracting  
20 visitors worldwide who bring significant tourist revenue and  
21 gross receipts taxes to the state; and

22 WHEREAS, New Mexico acknowledges pueblo and tribal  
23 performers who share their unique cultural identities through  
24 traditional, intertribal and contemporary dances and songs, and  
25 Native American dance groups and individuals are hired by and

1 receive stipends from various state-operated departments; and

2 WHEREAS, the tourism department uses traditional and  
3 intertribal dance images to promote New Mexico as a major  
4 tourist destination, and these images should include an  
5 intellectual property clause recognizing native dances and  
6 songs as state cultural resources; and

7 WHEREAS, the federal Indian Arts and Crafts Act of 1990  
8 protects Native American arts and crafts that are part of  
9 actual pueblo and tribal dances and songs and arts and crafts  
10 that are worn, displayed and handled and that are required to  
11 complete authentic dances and songs indigenous to the Pueblo,  
12 Navajo and Apache people and Native American groups; and

13 WHEREAS, the federal Bald and Golden Eagle Protection Act  
14 allows enrolled Pueblo, Navajo and Apache people and other  
15 Native American groups to use eagle feathers and parts of other  
16 federally protected birds and animals in native dances and  
17 songs; and

18 WHEREAS, native spiritual practitioners, healers and  
19 society leaders use these federally protected items and pass  
20 them down through biological lineage and tribal affiliation;  
21 and

22 WHEREAS, the office of the attorney general, the cultural  
23 affairs department and the Indian affairs department are  
24 requested to work collectively with pueblos, nations and tribes  
25 to create legal mechanisms that encourage the appropriate and

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1 sensitive use of Native American dances and song;

2 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
3 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the office of  
4 the attorney general, the cultural affairs department and the  
5 Indian affairs department be requested to collaborate with  
6 pueblos, nations, tribes and others to further strengthen,  
7 protect and preserve the sanctity of actual Pueblo, Navajo,  
8 Apache and intertribal dances and songs; and

9 BE IT FURTHER RESOLVED that copies of this memorial be  
10 transmitted to the secretary of cultural affairs, the secretary  
11 of Indian affairs, the governor, the office of the attorney  
12 general, the New Mexico congressional delegation, the all  
13 pueblo council of governors, the Navajo Nation, the Jicarilla  
14 Apache Nation, the Mescalero Apache Tribe and the Fort Sill  
15 Apache Tribe.