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1 those removed to Fort Sill, Oklahoma; from those who returned  
2 to help rebuild the tribe of their ancestors; and

3 WHEREAS, as a leader of the Mescalero people, Wendell  
4 Chino turned to the courts of the United States and, in Fort  
5 Sill Apache Tribe, Chiricahua Apache Tribe and Warm Springs  
6 Apache Tribe v. United States, Lipan Apache Tribe and  
7 Mescalero Apache Tribe v. United States and Mescalero Apache  
8 Tribe v. United States, he sought verification of aboriginal  
9 title to lands taken from the Apache people and recompense for  
10 the aboriginal lands taken from his people without  
11 compensation in Arizona, New Mexico and Texas; and

12 WHEREAS, in Fort Sill Apache Tribe of Oklahoma v. United  
13 States, Wendell Chino sought damages for the harm done to the  
14 fabric of the great Apache nation, which was ripped asunder by  
15 separation and relocation, and detention of the Apache people,  
16 who were scattered far and wide throughout the continent or  
17 restricted to lands many times reduced in breadth from their  
18 original homelands; and

19 WHEREAS, as a leader of the Mescalero people, Wendell  
20 Chino could see a day when the Mescalero Apache tribe would  
21 rebuild itself and develop tribal cohesion and increased  
22 stability and prosperity for tribal members; and

23 WHEREAS, Wendell Chino realized that to ensure the  
24 longevity of the Mescalero people, the people had to assert  
25 their rights in the foreign system in which the Mescalero

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1 Apache people now lived, wrongs of the past needed to be made  
2 right and his people needed to know that the courts were there  
3 to protect the rights of the tribe and the Mescalero people  
4 from the heavy hand of external control that would lead to  
5 their extinction; and

6 WHEREAS, as a modern warrior, Wendell Chino moved to  
7 strengthen tribal sovereignty and proceeded issue by issue,  
8 battle by battle, to confirm that a tribe may control its own  
9 resources; establish its own regulatory systems; and not be  
10 subject to state taxes for structures on tribal land; and

11 WHEREAS, in Mescalero Apache Tribe v. U. S. (Tenth  
12 Circuit), the right of the tribe to adopt and enforce its own  
13 game and fish laws was confirmed; in United States v. New  
14 Mexico, the courts verified that the tribe could regulate the  
15 commerce of alcohol within its exterior boundaries; and in  
16 Mescalero Apache Tribe v. Jones, the structures built at ski  
17 Apache were found to be beyond the reach of state taxation;  
18 and

19 WHEREAS, not all of the battles were won, and winning the  
20 battle was not always the goal, and many of the battles won  
21 were procedural or established jurisdiction in the federal  
22 courts; these battles created a clear path for others to  
23 follow and a means for tribes to be heard by the federal  
24 courts of this land; and

25 WHEREAS, Wendell Chino, the warrior for justice, knew

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1 that no one battle would win the war, but that each battle was  
2 a step toward a day when tribal sovereignty would be accepted  
3 by all people, when tribal people could be secure in the  
4 continued existence of their cultures and communities and when  
5 Native Americans could rely on equal justice under the law;

6 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF NEW  
7 MEXICO that it recognize the great contribution to the body of  
8 Indian law that was made by the fearless yet reasoned  
9 litigation brought before the federal courts by the honorable  
10 Wendell Chino and the Mescalero Apache tribe to restore and  
11 preserve the sovereignty of all the tribes of the United  
12 States; and

13 BE IT FURTHER RESOLVED that the legislature request the  
14 United States congress to name the new federal courthouse in  
15 Albuquerque, New Mexico after the great and honorable Wendell  
16 Chino; and

17 BE IT FURTHER RESOLVED that copies of this memorial be  
18 transmitted to the members of the New Mexico congressional  
19 delegation, the chief justice of the United States supreme  
20 court, the president of the United States, the secretary of  
21 the interior, the family of the honorable Wendell Chino and  
22 the president of the Mescalero Apache tribe.

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

3  
4  
5 February 11, 1999

6  
7 Mr. President:

8  
9 Your RULES COMMITTEE, to whom has been referred

10  
11 SENATE JOINT MEMORIAL 35

12  
13 has had it under consideration and reports same with  
14 recommendation that it DO PASS.

15  
16 Respectfully submitted,

17  
18  
19  
20  
21  
22 \_\_\_\_\_  
23 Gloria Howes, Co-Chair

Adopted \_\_\_\_\_ Not

Adopted \_\_\_\_\_

1

(Chief Clerk)

(Chief Clerk)

2

3

4

5

Date \_\_\_\_\_

6

7

8 The roll call vote was 6 For 0 Against

9 Yes: 6

10 No: 0

11 Excused: Adair, Gorham

12 Absent: None

13

14 SJ035RU1

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