

AUG 25 1993

Tribal Government Services - AR

Mr. Lamberto Trujillo, Jr.
1915 Cruse Avenue
Las Cruces, New Mexico 88005

Dear Mr. Trujillo:

The Branch of Acknowledgment and Research (BAR) has completed an initial review of your petition for Federal acknowledgment of the Piro/Manso/Tiwa as an Indian Tribe under 25 CFR Section 83, the acknowledgment regulations. This letter describes the obvious deficiencies and omissions we noted in the petition, and provides recommendations and suggestions for addressing them.

The acknowledgment regulations include the Obvious Deficiency (OD) review to ensure that a petition will be considered on its merits, and not rejected because of technical problems. Thus, this letter is not a preliminary determination of the Piro/Manso/Tiwa petition. It should not be taken as evidence that the BAR has, or will, reach a positive or negative conclusion either on what we have reviewed so far, or on the portions of it not discussed in this letter. Also, our questions are not intended to dispute or challenge the Piro/Manso/Tiwa's policies. We simply want to understand how these processes operate within the Piro/Manso/Tiwa organization.

You have conducted extensive and thorough research into the early history and ancestry of Piro/Manso/Tiwa members, and documented the ceremonial customs before 1950. Your organization and presentation of the genealogical documentation was well conceived and easy to follow. This will speed up our work when the petition is placed under active consideration for an in-depth review.

However, to evaluate the petition on its own merits we need additional information. The petition needs more explanation on the recent history and contemporary social life that shows how the Piro/Manso/Tiwa are a society that is distinct from other populations in the area. It needs more information on how leadership and group decision making processes influence the membership in significant respects. The petition directs much of its attention toward the Piro/Manso/Tiwa struggle with the Los Indigenes de Nuestra Senora de Guadalupe faction, and there is less attention on modern day life among the Piro/Manso/Tiwa. Finally, the petition needs to provide some additions to documentation on tribal governance and membership. This information will help clarify our understanding of the governing

documents and the processes used to determine current and past enrollment and membership.

Criterion 83.7(b). Under 83.7(b) the petition must demonstrate that the group has been a community that has been viewed by outsiders as Indian and distinct from other populations. The petition must demonstrate that a community has existed since first historical contact and that the contemporary Indian community has evolved from the historic community. To address these criteria the petition needs more information in four areas. First, it must include evidence that community life actually exists. The petition and its accompanying map provide promising evidence about the geographical distribution of the Piro/Manso/Tiwa around a core community in Las Cruces. However, they only imply that such proximity provides the opportunity for the close social interaction that provides evidence of community. Implying opportunity is not enough. The petition must establish that there is such interaction.

Second the petition needs more than quotes indicating attachment and loyalty to the core community as evidence to support the existence of a tribal group in modern times. The petition needs to show that people act as part of a viable community. For example, the petition mentions training ceremonial dancers, drummers, and singers. Further analysis of this training could provide valuable evidence of community existence. You might start by asking if this instruction is provided regularly to people beyond an immediate kin group. If so, this is important documentation. Other examples may illustrate as well.

Third, the petition shows in great detail how ceremonial beliefs and practices distinguish the Piro/Manso/Tiwa from the people belonging to Los Indigenes de Nuestra Senora de Guadalupe, at the San Juan de Dios community in Tortugas. If these are evidence in support of 83.7(b) the petition must show how the ceremonial beliefs and practices illustrate widespread community involvement. For example, except for the Cacique and War Captains, it is not clear who else among the Piro/Manso/Tiwa take part in the ceremonies, what their roles are, how the roles are passed from person to person, who know the ceremonial skills, or who exclude themselves (or are excluded) from the activities of Los Indigenes.

Without this information the reader of the petition is confronted with contradictions about social life among group members that might otherwise easily be resolved. For example, the petition maintains that Piro/Manso/Tiwa members either avoid Los Indigenes activities or attend only to "laugh like coyotes" at the Tiwa singers (p. 183). Who are these singers, and why are they still involved in the ceremony? Are they Piro/Manso/Tiwa or Ysleta del Sur? Why do some relatives of Piro/Manso/Tiwa continue to participate in the pilgrimages and public ceremonies associated with Los Indigenes. Why do the leaders of the Piro/Manso/Tiwa group also continue to participate, even if only nominally?

Fourth, the petition needs to describe ~~community~~ the Piro/Manso/Tiwa group from 1950 to the present in more detail. The petition directs attention mostly toward the efforts for acknowledgment and legal defense against Los Indigenes, with only indirect reference to information about other changes in community life among the Piro/Manso/Tiwa. For example, the petition's descriptions of the ceremonies and social life are derived from those of writers conducting research in the 1930s and 1950s. It is unlikely that these ceremonies have continued unchanged, since the petition suggests that ceremonial rabbit hunts were discontinued in the late 1940s, and restarted without the participation of the leadership in 1991. Have there been important changes in the substance of these ceremonies that may reflect the existence of community among the group?

Since the petition directs considerable attention to ceremonial life, it is important to emphasize that cultural differences between the group and outsiders to the group are important to the petition only if they provide evidence for the maintenance of a high level of social relations within a group, and thus the existence of community. Cultural distinctions do not have to be stereotypically "Indian" or trace to aboriginal lifeways or customs: the fact that the culture is distinct or unique is what is important.

Criterion 83.7(c). Criterion (c) requires a demonstration that a petitioning group exercises political influence over its membership, and has done so in the past. This requirement means that there must be leaders. These leaders must in turn have followers whom they influence, and who influence them in significant ways. You have chosen to discuss the Cacique as primary evidence for meeting this criterion. In this context, it will become clear why the petition needs more description on how the Cacique and the tribal council influence the people in the group, and how the people, in turn, influence these leaders. The petition mentions recent shifts, from the 1970s on, in the duties of the Cacique (p. 183) and Mayordomo (pp. 191-192). Are these shifts from ceremonial to tribal council affairs? If so, please describe them. Are there other, more informal, means of influence? Some are mentioned briefly, such as customary visits to the Cacique's house (p. 66), involvement in compadrazgo (p. 156), and discussion on what makes a good cacique (p. 205). The petition needs to provide examples of how these informal indicators of authority actually influences members' behavior and how widespread are these practices.

Criterion 83.7(d). The history of the Piro/Manso/Tiwa and its governing documents is complex. Some of the documents submitted with the petition are undated or unsigned. We therefore do not know where or how they fit into the Piro/Manso/Tiwa history. Enclosure 1 includes copies of all the governing documents provided in the petition, as well those in the BAR files. Each document has been lettered in red in the upper right corner of the first page. Please help us understand each of these

documents clearly and accurately. The simplest way to accomplish this is for you to write on the front of each document (1) the approximate date when it was created (if it is not dated), (2) the circumstances under which it was created, and (3) the organization to which it applies (i.e., the petitioner or Los Indigenes de Nuestra Senora de Guadalupe). Also, please indicate which documents are the group's current governing documents. After you have written the needed information on the documents, return all of them to us. This information is important to our understanding of these documents, and thus to the evaluation of the petition.

Also, the genealogist has other more specific questions about individual documents. These questions are cross-referenced to the red lettered documents in Enclosure 1, to make them easier for you to identify what we are talking about.

First, the "Amended By-Laws, Tiwa Indian Tribe, Pueblo of San Juan de Guadalupe, Tortugas, New Mexico," (Enclosure 1, A, forwarded to the BAR 23 April 1993) need to be signed and dated. Also, when were these By-Laws written? Have they ever been submitted to the membership for a vote? If so, when? Do minutes exist of meetings where these or other governing documents were discussed? If so, please provide copies of the minutes, including lists of people present at these meetings.

Second, the ordinance approved by the Piro/Manso/Tiwa on March 17, 1990, entitled "Records, Enrollment and Membership" (Enclosure 1, B) raises several questions. When was the Records, Enrollment, and Membership Committee created? Who currently serves on the Committee (by name) and how are they are selected? Are there minutes for the March 17, 1990, meeting at which this ordinance was passed? If so, they should be provided, since they may be important to the evaluation. Have any members ~~have~~ been disenrolled through this ordinance? Do written records exist concerning their disenrollment? What is an "inactive member?" How, when and to whom is the notice (on the reverse) distributed? What type of response have you received to this notice?

Third, it is important that we do not inadvertently overlook any of the many documents used by the Records, Enrollment, and Membership Committee in determining eligibility. It will thus be helpful if you provide us with a list of the specific items used, such as a listings of the historical rolls, specific Federal records, state records, etc. Also, do other ordinances of any kind exist? If so, please provide copies.

Fourth, the copy of the 1914 Articles of Incorporation provided with the petition is incomplete (Enclosure 1, G). We have only the first page of the document.

Finally, the By-Laws of the Corporation, Los Indigenes de Nuestra Senora de Guadalupe (Enclosure 1, E) make repeated reference to "Rules and Regulations." These do not appear with the petition.

In order to interpret this document accurately, we will need a copy of them.

Criterion 83.7(e). The membership list needs formal certification by the group's governing body that it is the group's most accurate, complete, and current list. To evaluate the petition we need information on who drafted it, whether and when it was ratified, and what documents, if any, that this document replaces, or that replace it. Also, please help us understand the development of the official tribal roll. Included in the petition's supporting documents is a document entitled "September 2, 1990, Official Tribal Roll" (Enclosure 1, I). This document discusses the method used in compiling the tribal roll. We will need a copy of the list of Tribal members and their descendants that the document mentioned as provided to the Federal Court in the "Avalos vs. Morton" court case; and a list of all individuals who are part of the Piro/Manso/Tiwa group for whom documentation of ancestry is still pending. Finally, is a record maintained of persons who have appeared "before the Tribal Council and the Tribe to plead and provide evidence..." of their qualifications? If so, it will help to document the membership process and political authority under 83.7(c).

The current tribal roll appears to be in a computerized database. Would you be willing to share a copy of that database on disk with the BAR? If so, the BAR staff would greatly appreciate getting a copy of it, because it would save them countless hours of data entry time.

When your petition is placed under active consideration, we will need a supplemental list containing new births and deaths that have occurred since January 1, 1992, the date of the official Tribal Roll submitted with your petition. The supplemental list should also contain any individuals who may have been left off the roll inadvertently. This list should be certified as to its accuracy and completeness by the Piro/Manso/Tiwa governing body or membership committee, as it will be attached to the 1/31/92 tribal roll. This compiled roll will become the tribe's base roll for Federal funding and other administrative purposes, if the Piro/Manso/Tiwa are acknowledged as an Indian tribe through the acknowledgment process.

Criterion 83.7(f). The petition at pages 226 and 243 states

NO MEMBERS of the Piro/Manso/Tiwa may be enrollees with any OTHER Federally-recognized Tribe and retain their P/M/T membership.... Future P/M/T enrollment applicants must prove they do not hold current dual enrollment.

Where is this prohibition spelled out for the membership? How many persons were dropped from the Piro/Manso/Tiwa membership because of "dual enrollment?" Who makes such decisions? If individuals were dropped, were they given an opportunity to choose between the Piro/Manso/Tiwa and the other tribe? Could

they appeal the decision? How does an applicant prove they are not currently enrolled in another tribe?

Requests for Copies of Documentation. Enclosure 2 to this letter contains requests for materials that are not required for having your petition put on active consideration status. However, if you can provide the material, it will speed up the evaluation process at the BAR.

Conclusion. The OD review of the petition merely gives the petitioner the chance to submit additional information or clarification before the actual active consideration period begins. It is a limited, preliminary review conducted over several weeks by a staff anthropologist, genealogist, and historian. Thus, if a petitioner responds to the OD review, it does not mean that the group can meet the seven mandatory criteria simply by submitting additional data. Other questions may still emerge that we cannot anticipate until we have conducted the in-depth research necessary for the active consideration phase.

As a petitioner you may respond in part or in full to this OD review, or you may ask us to proceed with the petition using the materials already submitted. If you decide to respond, you may request that the BAR also review your response for adequacy. Whatever your decision, we urge strongly that it be made by the group, not solely by the researchers.

Our caseload no longer permits us to do the research for the petitioner that fills in gaps in the petition, as we have sometimes done in the past. As a result, the BAR's research during the active consideration period is limited to verifying and clarifying an already complete petition. We can, however, provide guidance that will save your researchers considerable time and effort in addressing both the OD letter and responding to questions during the Active Consideration phase. Thus, we welcome an opportunity to discuss this letter with you and your researchers.

We look forward to your reply. Again, please contact us either by writing c/o Bureau of Indian Affairs, Branch of Acknowledgment and Research, Mail Stop 2611-MIB, 1849 C Street, N.W., Washington, D.C. 20240; or by calling the Acknowledgment staff at (202) 208-3592.

Sincerely,

/s/ CAROL A. BACON

Director, Office of Tribal Services

Enclosures

cc: Surname:440B:Chron440:400
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