



OFFICE OF THE GOVERNOR

Charles P. Riley, Governor
Loren Aragon, 1st Lt. Governor
Ted Ortiz, 2nd Lt. Governor
Ardell Concho, Tribal Secretary
Norman F. Torivio, Tribal Interpreter

25 PINSBAARI DRIVE ACOMA, NM 87034

PO BOX 309 ACOMA, NM 87034

PHONE: 505-552-6604

FAX: 505-552-7204

May 7, 2025

Secretary Sean P. Duffy
Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590.

Re: Your letter of April 24, 2025

Secretary Duffy,

I serve as the Governor of the Pueblo of Acoma, a federally recognized tribal government. Thank you for your correspondence of April 24, 2025 reminding all who receive Department of Transportation funds regarding the Department's requirements. After reviewing your letter, I am very concerned that you assume federally recognized tribes are "racial" and programs to assist federally recognized tribal governments could constitute illegal racial discrimination. That assumption is clearly wrong and certainly inaccurate.

Whether there is any scientific basis for dividing peoples into "races" is questionable. However, with Indian tribes this type of categorization has been extremely detrimental and discriminatory, as it was generally used historically as a basis for denying Tribes and their respective citizens federal rights and benefits. Acoma, as with most tribes, include all of the alleged races because tribal citizenship is not dependent on a racial category. There are several individuals who may be identified as "indigenous" or "native American", but many are not citizens of a federally recognized Indian tribe.

It is critical to truthfully characterize federally recognized Indian tribes as governments. The foundation for providing funding and services to federally recognized tribal governments is explicit in the trust responsibility of the federal government. By taking away our full sovereign status in international relations, the United States affirmatively took on the responsibility of protecting and recognizing our remaining governmental status.

Our request is straightforward. We ask that you explicitly state in Department of Transportation policy and practice that providing programs and grants to federally recognized Indian tribes is not in any form or fashion discrimination on the basis of race in violation of the 5th Amendment to the United States Constitution. Understand that our position is firm and clear: DOT programs must be fully implemented as part of the enduring trust responsibility of the federal government to federally recognized tribal governments. We

respectfully ask that you adhere to this well established, historical principle and follow the lead of other Department Secretaries. I have attached the statement of the United States Department of Agriculture for your consideration.

Respectfully submitted,

PUEBLO OF ACOMA

A handwritten signature in black ink, appearing to read 'Charles P. Riley', with a large, stylized initial 'C'.

Charles P. Riley
Governor

Attachment: USDA Secretary's Memorandum 1078-010

CC:

Secretary of the Interior Burgum

Senator Martin Heinrich

Senator Ben Ray Lujan

Representative Gabe Vasquez

Representative Teresa Leger Fernandez

Representative Melanie Stansbury

Greg Smith, D.C. Counsel

Chestnut Law Offices, P.A. General Legal Counsel