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SENATE MEMORIAL 16

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Eric G. Griego

A MEMORIAL

REQUESTING THE ATTORNEY GENERAL TO INVESTIGATE THE STATUS OF
NEW MEXICO'S ADHERENCE TO THE PROVISIONS AND REQUIREMENTS OF
THE TREATY OF GUADALUPE HIDALGO AND DETERMINE WHETHER THE STATE
HAS ANY OUTSTANDING LIABILITY FOR HARM TO LANDOWNERS.

WHEREAS, the Treaty of Guadalupe Hidalgo, signed on
February 2, 1848, brought an official end to the Mexican-
American War; and

WHEREAS, under the treaty, the United States obtained vast
territories in the southwest, including land in New Mexico; and

WHEREAS, much of this land was subject to preexisting land
grants to individuals, groups and communities, made by Spain
and Mexico from the seventeenth to the mid-nineteenth
centuries; and

WHEREAS, among the important provisions of the treaty is

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1 the provision that the "property of every kind now belonging to
2 Mexicans not established there shall be inviolably respected";
3 and

4 WHEREAS, many people in New Mexico and the nation,
5 including grantee heirs, scholars and legal experts, feel that
6 the United States did not protect the property rights of
7 Mexican-Americans and their descendants; and

8 WHEREAS, on January 12, 1911, New Mexico ratified a
9 constitution and on February 24, 1911, President William Howard
10 Taft signed that constitution, which included the statement:
11 "The rights, privileges and immunities, civil, political and
12 religious guaranteed to the people of New Mexico by the Treaty
13 of Guadalupe Hidalgo shall be preserved inviolate."; and

14 WHEREAS, when New Mexico attained statehood on January 6,
15 1912, the provisions of the constitution of New Mexico ensured
16 that the protection of property rights guaranteed in the treaty
17 became the responsibility of the state; and

18 WHEREAS, the office of the attorney general is charged
19 with upholding the constitution and laws of the state,
20 including those laws and regulations that emanate from the
21 Treaty of Guadalupe Hidalgo; and

22 WHEREAS, in the 2009 annual report of the office of the
23 attorney general, Deputy Attorney General David Thomson
24 referred to the "Report to the New Mexico Attorney General – A
25 Response to the GAO's 2004 Report, Treaty of Guadalupe Hidalgo:

.183869.1

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1 Findings and Possible Options Regarding Longstanding Community
2 Land Grant Claims in New Mexico", noting that the report had
3 been presented to the entire legislature and that Mr. Thomson
4 "continues to monitor and report the federal response";

5 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
6 OF NEW MEXICO that the attorney general be requested to
7 investigate New Mexico's adherence to the provisions and
8 requirements of the Treaty of Guadalupe Hidalgo and determine
9 whether the state has any outstanding liability for harm to
10 landowners; and

11 BE IT FURTHER RESOLVED that a report of the findings and
12 recommendations of the attorney general's investigation be
13 presented to the appropriate interim legislative committee by
14 December 1, 2011; and

15 BE IT FURTHER RESOLVED that a copy of this memorial be
16 transmitted to the attorney general.

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