

1 **HOUSE JOINT MEMORIAL 22**

2 **44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2000**

3 INTRODUCED BY

4 Miguel P. Garcia

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9 A JOINT MEMORIAL

10 REQUESTING THE NEW MEXICO LEGISLATIVE COUNCIL TO CREATE THE
11 TREATY OF GUADALUPE HIDALGO TASK FORCE TO REVIEW, MONITOR AND
12 GUIDE THE PROPOSED FEDERAL GENERAL ACCOUNTING OFFICE
13 INVESTIGATION ASKED FOR BY THE NEW MEXICO CONGRESSIONAL
14 DELEGATION.

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16 WHEREAS, New Mexico has a unique history in the
17 acquisition of land to the substantial number of Spanish and
18 Mexican community land grants that were an integral part of
19 the colonization and growth of this area of the country; and

20 WHEREAS, various provisions of the treaty of Guadalupe
21 Hidalgo signed under prior sovereigns have not been fully
22 implemented in the spirit of Article 6 of the United States
23 constitution and Article 2, Section 5 of the constitution of
New Mexico; and

24 WHEREAS, the New Mexico congressional delegation has
25 ordered the general accounting office to study how the United

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1 States has implemented the provisions of the treaty of
2 Guadalupe Hidalgo that pertain to the protection of community
3 land grant claims in New Mexico as follows:

4 A. a description of the legal obligation of the
5 United States to protect the rights of community land grants
6 and its actions in carrying out the provisions of the treaty,
7 including efforts to adjudicate community land grant claims;

8 B. an assessment of the issues raised concerning
9 the implementation of the treaty provisions, including
10 whether the procedures established by the United States to
11 implement the treaty appear to have been adequate and whether
12 the community land grant claims appear to have been equitably
13 adjudicated; and

14 C. identification of potential methods of
15 resolving any failure by the United States with regard to
16 community land grant claims, and a discussion of the
17 potential effects of those options on intervening legal
18 rights and on Indian nation, tribal and pueblo land claims;
19 and

20 WHEREAS, the general accounting office has been directed
21 to submit a final report of its findings by December 31,
22 2002; and

23 WHEREAS, the state of New Mexico shares its concern and
24 responsibility for the status for community land grants and
25 therefore should assist in seeking remedies that may be
recommended by the general accounting office study;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE

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1 STATE OF NEW MEXICO that the New Mexico legislative council
2 be requested to create the treaty of Guadalupe Hidalgo task
3 force for the duration of three years beginning June 1, 2000
4 and ending June 1, 2003 to review and monitor the general
5 accounting office study, take testimony from the land grant
6 community and provide historical, legal and social analysis
7 to the study; and

8 BE IT FURTHER RESOLVED that the New Mexico legislative
9 council invite the state historian, a representative for the
10 attorney general's office and five land grant representatives
11 designated by the New Mexico land grant forum to be members
12 of the task force; and

13 BE IT FURTHER RESOLVED that the task force propose
14 legislative and legal remedies to the New Mexico
15 congressional delegation and the New Mexico legislature and
16 submit reports of its findings with proposed remedies to the
17 legislature in 2002 and 2003; and

18 BE IT FURTHER RESOLVED that the task force be authorized
19 to receive grants, donations and contributions in pursuance
20 of its responsibilities; and

21 BE IT FURTHER RESOLVED that a copy of this memorial be
22 sent to the members of the New Mexico congressional
23 delegation, the New Mexico legislative council, the attorney
24 general, the New Mexico land grant forum and the state
25 historian.

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