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HOUSE MEMORIAL 1

44TH LEGISLATURE - STATE OF NEW MEXICO - 2ND SPECIAL SESSION, 2000

INTRODUCED BY

Miguel P. Garcia

A MEMORIAL

REQUESTING THE NEW MEXICO ATTORNEY GENERAL TO CREATE A TREATY OF GUADALUPE HIDALGO TASK FORCE TO REVIEW, MONITOR AND ASSIST THE PROPOSED FEDERAL GENERAL ACCOUNTING OFFICE INVESTIGATION ASKED FOR BY THE NEW MEXICO CONGRESSIONAL DELEGATION.

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

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

WHEREAS, the New Mexico congressional delegation has ordered the general accounting office to study how the United States has implemented the provisions of the treaty of

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1 Guadalupe Hidalgo that pertain to the protection of community
2 land grant claims in New Mexico as follows:

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
REPRESENTATIVES OF THE STATE OF NEW MEXICO that the New

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1 Mexico attorney general be requested to create a treaty of
2 Guadalupe Hidalgo task force for the duration of three years
3 beginning June 1, 2000 and ending June 1, 2003 to review,
4 monitor and assist the general accounting office study, and,
5 as resources permit, to 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 attorney
9 general invite the state historian, one or more
10 representatives from the attorney general's office, as
11 resources permit, and five land grant representatives
12 designated by the New Mexico land grant forum and approved by
13 the attorney general to be members of the task force; and

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

19 BE IT FURTHER RESOLVED that the task force be authorized
20 and take appropriate steps as permitted by law to receive
21 grants, donations and contributions to defray expenses of the
22 land grant representatives in pursuit of their
23 responsibilities; and

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

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