

NOTE: As provided in LFC policy, this report is intended only for use by the standing finance committees of the legislature. The Legislative Finance Committee does not assume responsibility for the accuracy of the information in this report when used in any other situation.

Only the most recent FIR version (in HTML & Adobe PDF formats) is available on the Legislative Website. The Adobe PDF version includes all attachments, whereas the HTML version does not. Previously issued FIRs and attachments may be obtained from the LFC's office in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT



SPONSOR: Regensberg DATE TYPED: 01/30/02 HB HJM 25/aHJC

SHORT TITLE: Presidential Pardons for Land Grant Disputes SB _____

ANALYST: Wilson

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
		\$0.1 See Narrative			

SOURCES OF INFORMATION

Administrative Office of the Courts (AOC)
LFC files

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment inserts “consider compensation for” instead of “justly compensate” and inserts “consider a pardon for those” instead of “pardon these”.

Synopsis of Original Bill

House Joint Memorial 25 asks the president of the United States and the governor of New Mexico to pardon people who were involved in land grant disputes and were unjustly hanged in 1847 and to clear their names of wrongdoing.

The Memorial also asks the United States to reopen these cases and seek appropriate relief for the descendants of these people.

Finally, the Memorial seeks to erect appropriate memorials for these people in the towns in Northern New Mexico where they were tried and unjustly convicted. Copies of the memorial are to be sent to the president of the United States, the governor of New Mexico and members of the New Mexico congressional delegation.

The Memorial is based on several premises as set forth in the Memorial:

- Land grants were made in the internal provinces in the west, including New Mexico, by both the Spanish crown and Mexico;
- Both Spain and Mexico established laws, customs and traditions regarding land grants;
- Land grant laws required the land grantees to comply with certain conditions in order to keep their land, including defending it from the assault of foreign invaders;
- Many citizens in Taos, Mora and San Miguel counties were unjustly hanged for treasonous acts or for treason when an insurrection occurred against the American army of occupation in 1847;
- It was later found that these people could not be hanged for treason as they were not yet citizens of the United States; however, their names are still stigmatized with a treasonous act;
- The United States assumed the land grant laws under the Treaty of Guadalupe Hidalgo and other later laws and decisions;
- The descendants of the people hanged for treason need closure and justice for their ancestors because these descendants have lived in extreme poverty for many and untrue stigma for all; and
- The United States and New Mexico should clear the names of these people and the United States should compensate the families for the loss of their loved ones and land.

Significant Issues

The AOC states that since the cases stem back to 1847, the cases were likely part of the federal court system. New Mexico did not have a state court system until after its statehood in 1911. The old cases that would be reopened would be federal cases. Further, any right to just compensation by the United States would also likely be brought in federal court, not state court.

FISCAL IMPLICATIONS

There is no appropriation. However, there appear to be several costs associated with HJM 25. These costs appear to be costs associated with erecting memorials in three counties, in reopening old cases to reflect the pardons and in processing claims that may be brought to compensate families for the potential losses incurred.

Since the cases stem back to 1847, the cases were likely part of the federal court system. New Mexico did not have a state court system until after its statehood in 1911. The old cases that would be reopened would be federal cases. Further, any right to just compensation by the United States would also likely be brought in federal court, not state court.

DW/prr:ar