

1 SENATE JOINT MEMORIAL 73

2 **48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

3 INTRODUCED BY

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10 A JOINT MEMORIAL

11 REQUESTING THE OFFICE OF THE ATTORNEY GENERAL TO INVESTIGATE
12 THE MERITS OF A LAWSUIT AGAINST THE UNITED STATES TO ENFORCE
13 TREATY OBLIGATIONS TO PROVIDE HEALTH CARE TO NATIVE AMERICANS.
14

15 WHEREAS, the federal government, through treaties entered
16 into with tribal entities, has the primary responsibility for
17 providing health care to the Native American population in New
18 Mexico and the United States; and

19 WHEREAS, a shortfall of millions of dollars in the federal
20 Indian health service budget in recent years has resulted in a
21 severe cutback in health care services to the more than one
22 hundred eighty thousand Native Americans living in New Mexico;
23 and

24 WHEREAS, disparities in the health care provided to Native
25 Americans have been documented many times, including in the

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1 July 2003 report of the United States commission on civil
2 rights, entitled "A Quiet Crisis: Federal Funding and Unmet
3 Needs in Indian Country", and the September 2004 report of the
4 United States commission on civil rights, entitled "Broken
5 Promises: Evaluating the Native American Health Care System";
6 and

7 WHEREAS, cutbacks in the budget of the Indian health
8 service have affected other health care providers and
9 facilities as deserving patients no longer being served by the
10 Indian health service seek services elsewhere; and

11 WHEREAS, delays in obtaining health care, due to a lack of
12 facilities and a shortage of health care professionals within
13 the Indian health service, will discourage Native Americans
14 from seeking treatment in a timely manner and may have a
15 significant adverse effect on their state of health; and

16 WHEREAS, the country's trust obligation to fund services
17 for Native Americans deprived of their lands and traditional
18 ways and to provide access to adequate health care for Native
19 Americans is founded in treaty, statute, constitution and
20 ethics; and

21 WHEREAS, the Indian health service, prior to the funding
22 cuts, spent an estimated one thousand nine hundred twenty
23 dollars (\$1,920) per patient per year, which is less than half
24 the amount spent for veterans, for federal prisoners or for
25 medicare recipients; and

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