

HOUSE JOINT MEMORIAL 1

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

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This document incorporates committee amendments adopted during standing committee(s) consideration of this measure. It is a tool to show the amendments in context and is not to be used for introduction, amendment or substitution.

FOR THE INDIAN AFFAIRS COMMITTEE

A JOINT MEMORIAL

REQUESTING THE ATTORNEY GENERAL AND CULTURAL AFFAIRS DEPARTMENT TO WORK WITH TRIBAL AND COMMUNITY LEADERS TO MAKE RECOMMENDATIONS FOR ENHANCED PROTECTION OF CULTURAL ITEMS AND CULTURAL PROPERTIES FROM THEFT, WRONGFUL SALE OR ALIENATION.

WHEREAS, pursuant to the Cultural Properties Act, "cultural property" means a structure, place, site or object having historic, archaeological, scientific, architectural or other cultural significance; and

WHEREAS, under the Cultural Properties Act, the unauthorized appropriation of cultural property is a violation of state law; and

.202320.2 Amendments in Context

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WHEREAS, the theft, wrongful sale or alienation of cultural property is damaging to all cultures and communities in New Mexico; and

WHEREAS, the federal Native American Graves Protection and Repatriation Act describes the rights of Indian tribes with respect to the treatment, repatriation and disposition of Native American human remains, funerary objects, sacred objects and objects of cultural patrimony, referred to collectively in the statute as cultural items, with which they can show a relationship of lineal descent or cultural affiliation; and

WHEREAS, "cultural patrimony" is defined under the federal Native American Graves Protection and Repatriation Act as an object having ongoing historical, traditional or cultural importance central to the Native American group or culture itself, rather than property owned by an individual Native American, and which, therefore, cannot be alienated, appropriated or conveyed by any individual regardless of whether or not the individual is a member of the Indian tribe or Native Hawaiian organization and such object shall have been considered inalienable by such Native American group at the time the object was separated from such group; and

WHEREAS, it is a federal crime to steal, misappropriate or sell cultural patrimony or cultural items under the federal Native American Graves Protection and Repatriation Act; and

WHEREAS, the Native American nations, tribes and pueblos

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in New Mexico are ancient communities, each with a unique culture, heritage, language and world view, that have worked steadfastly to maintain and protect their spirituality and traditional cultural practices; and

WHEREAS, the theft, wrongful sale or alienation of cultural patrimony is not only illegal, it is also deeply offensive because it strikes at the heart of what it means to be tribal people and at the core of cultural belief systems in ways that impact what is significant and sacred; and

WHEREAS, despite the illegality of the practice, New Mexico continues to be a target for those who engage in the theft, sales and purchase of cultural items; and

WHEREAS, this misappropriation of cultural items has surpassed the reach of state and federal law, with sales occurring internationally in galleries and at auctions, leaving Native American nations, tribes and pueblos in New Mexico with little recourse;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the attorney general of **New Mexico** and the **New Mexico** cultural affairs department be requested to work with tribal and community leaders to review the Cultural Properties Act and applicable federal laws to make recommendations for enhanced protection of cultural items, take steps to prevent the theft, wrongful sale or alienation of cultural items and cultural properties and discourage such acts

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by way of the creation and enforcement of treaties, laws and joint powers agreements to curtail these destructive practices; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the secretary of cultural affairs, the secretary of Indian affairs, the governor, the attorney general, the New Mexico congressional delegation and the appropriate interim legislative committees.

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