SENATE JOINT MEMORIAL 73

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

INTRODUCED BY

Timothy Z. Jennings

A JOINT MEMORIAL

REQUESTING THE OFFICE OF THE ATTORNEY GENERAL TO INVESTIGATE

THE MERITS OF A LAWSUIT AGAINST THE UNITED STATES TO ENFORCE

TREATY OBLIGATIONS TO PROVIDE HEALTH CARE TO NATIVE AMERICANS.

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

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

WHEREAS, disparities in the health care provided to Native
Americans have been documented many times, including in the
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July 2003 report of the United States commission on civil rights, entitled "A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country", and the September 2004 report of the United States commission on civil rights, entitled "Broken Promises: Evaluating the Native American Health Care System"; and

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

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

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

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

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WHEREAS, New Mexico and other states cannot bear sole fiscal responsibility for providing adequate health care to their Native American populations;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the office of the attorney general be requested to investigate the basis for, and the merits of, filing a lawsuit against the United States regarding the federal government's failure to comply with its obligations under treaties with Native American nations, tribes and pueblos to provide adequate and appropriate health care to Native Americans who are beneficiaries of those treaties; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the attorney general, the secretary of Indian affairs, the president of the Navajo Nation, the speaker of the Navajo Nation council, the president of the Jicarilla Apache Nation, the president of the Mescalero Apache Tribe, the chair of the Ute Mountain Ute Tribe, the governors of the nineteen Indian pueblos in New Mexico and the members of the New Mexico congressional delegation.

- 3 -