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SENATE MEMORIAL 10

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

Jacob Candelaria

A MEMORIAL

REQUESTING THE ATTORNEY GENERAL TO INVESTIGATE THE STATUS OF  
NEW MEXICO'S ADHERENCE TO THE PROVISIONS AND REQUIREMENTS OF  
THE TREATY OF GUADALUPE HIDALGO AND DETERMINE WHETHER THE STATE  
HAS ANY OUTSTANDING LIABILITY FOR HARM TO LANDOWNERS.

WHEREAS, the Treaty of Guadalupe Hidalgo, signed on  
February 2, 1848, brought an official end to the Mexican-  
American War; and

WHEREAS, under the treaty, the United States obtained vast  
territories in the southwest, including land in New Mexico; and

WHEREAS, much of this land was subject to preexisting land  
grants to individuals, groups and communities, made by Spain  
and Mexico from the seventeenth to the mid-nineteenth  
centuries; and

WHEREAS, among the important provisions of the treaty is

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1 the provision that the "property of every kind now belonging to  
2 Mexicans not established there shall be inviolably respected";  
3 and

4 WHEREAS, many people in New Mexico and the nation,  
5 including grantee heirs, scholars and legal experts, feel that  
6 the United States did not protect the property rights of  
7 Mexican-Americans and their descendants; and

8 WHEREAS, on January 12, 1911, New Mexico ratified a  
9 constitution, and on February 24, 1911, President William  
10 Howard Taft signed that constitution, which included the  
11 statement: "The rights, privileges and immunities, civil,  
12 political and religious guaranteed to the people of New Mexico  
13 by the Treaty of Guadalupe Hidalgo shall be preserved  
14 inviolate."; and

15 WHEREAS, when New Mexico attained statehood on January 6,  
16 1912, the provisions of the constitution of New Mexico ensured  
17 that the protection of property rights guaranteed in the treaty  
18 became the responsibility of the state; and

19 WHEREAS, the office of the attorney general is charged  
20 with upholding the constitution and laws of the state,  
21 including those laws and regulations that emanate from the  
22 Treaty of Guadalupe Hidalgo; and

23 WHEREAS, in the 2009 annual report of the office of the  
24 attorney general, Deputy Attorney General David Thomson  
25 referred to the "Report to the New Mexico Attorney General - A

.191037.1

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1 Response to the GAO's 2004 Report, Treaty of Guadalupe Hidalgo:  
2 Findings and Possible Options Regarding Longstanding Community  
3 Land Grant Claims in New Mexico", noting that the report had  
4 been presented to the entire legislature and that Mr. Thomson  
5 "continues to monitor and report the federal response";

6 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE  
7 OF NEW MEXICO that the attorney general be requested to  
8 investigate New Mexico's adherence to the provisions and  
9 requirements of the Treaty of Guadalupe Hidalgo and determine  
10 whether the state has any outstanding liability for harm to  
11 landowners; and

12 BE IT FURTHER RESOLVED that a report of the findings and  
13 recommendations of the attorney general's investigation be  
14 presented to the appropriate interim legislative committee by  
15 December 1, 2013; and

16 BE IT FURTHER RESOLVED that a copy of this memorial be  
17 transmitted to the attorney general.