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**HOUSE JOINT MEMORIAL 39**

**44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999**

**INTRODUCED BY**

**Ben Lujan**

**A JOINT MEMORIAL**

**REQUESTING THE UNITED STATES GOVERNMENT TO RETURN LAND IN LOS ALAMOS, NEW MEXICO TO THE ORIGINAL NORTHERN NEW MEXICO HOMESTEADERS AND THEIR ASSIGNED HEIRS.**

**WHEREAS, the United States government established the Manhattan project, which is now the Los Alamos national laboratory and Los Alamos county, during World War II and, in doing so, displaced homesteaders who owned land within the boundaries of the laboratory and Los Alamos county, or whose livelihood depended on such land; and**

**WHEREAS, the homesteaders made a significant contribution to the effort of the United States to win World War II and to the post-war national defense program by vacating land within the boundary of the Manhattan project at the demand of the United States government; and**

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1           WHEREAS, the taking of homestead lands was done under an  
2 emergency situation under which the war department, which is  
3 now the department of defense, dispensed with established  
4 formal procedures and due process in the subsequent taking of  
5 the homestead properties; and

6           WHEREAS, as a consequence of the manner in which the land  
7 was taken, the United States government has never fulfilled  
8 the promises made to return land to the homesteaders; and

9           WHEREAS, the government made promises to homesteaders  
10 that the land taken would revert back to the homesteaders once  
11 the Manhattan project was completed, and in those instances  
12 where the original land could not be returned, the government  
13 was to offer to the homesteaders like property elsewhere; and

14           WHEREAS, the refusal by the United States government to  
15 transfer back the land to the homesteaders will result in  
16 irreparable damage to the northern New Mexico Hispanic  
17 community by denying its members participation as full  
18 partners in the economic development of northern New Mexico  
19 and by causing further disenfranchisement of the Hispanic  
20 population in Los Alamos county; and

21           WHEREAS, the homesteaders and their assigned heirs are  
22 mindful of the determination proclaimed by President Truman  
23 and congress to affirm that "In so doing, it will be manifest  
24 that, although the Congress deems it expedient to grant  
25 certain extraordinary powers to the Executive in furtherance

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1 of the common defense during critical times, there is no  
2 disposition on the part of this Government to depart from the  
3 concepts and principles of personal rights and liberties  
4 expressed in our constitution."; and

5 WHEREAS, the homesteaders and their heirs reaffirm their  
6 rightful ownership of the homestead properties taken at Los  
7 Alamos, New Mexico during the 1940s by the government for its  
8 temporary use;

9 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
10 STATE OF NEW MEXICO that the United States government be  
11 requested to transfer Manhattan project land back to the  
12 original homesteaders and their heirs, in accordance with  
13 prior representations and promises, recognizing that much  
14 precedent exists for the government providing this type of  
15 remedy; and

16 BE IT FURTHER RESOLVED that copies of this memorial be  
17 transmitted to the New Mexico congressional delegation.

1 FORTY-FOURTH LEGISLATURE  
2 FIRST SESSION, 1999  
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6 February 12, 1999  
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8 Mr. Speaker:  
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10 Your JUDICIARY COMMITTEE, to whom has been referred  
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12 HOUSE JOINT MEMORIAL 39  
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14 has had it under consideration and reports same with  
15 recommendation that it DO PASS.  
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17 Respectfully submitted,  
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21 R. David Pederson, Chairman  
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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

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4 Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

6 (Chief Clerk)

(Chief Clerk)

8 Date \_\_\_\_\_

10 The roll call vote was 7 For 0 Against

11 Yes: 7

12 Excused: Luna, Pederson, Rios, Sanchez, Taylor, T.

13 Absent: None

15 J: \99BillSWP\HJ039

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FIRST SESSION, 1999

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March 6, 1999

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Mr. President:

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Your JUDICIARY COMMITTEE, to whom has been referred

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HOUSE JOINT MEMORIAL 39

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has had it under consideration and reports same with  
recommendation that it DO PASS.

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Respectfully submitted,

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Michael S. Sanchez, Chairman

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FORTY-FOURTH LEGISLATURE  
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Adopted \_\_\_\_\_ Not

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Adopted \_\_\_\_\_

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(Chief Clerk)

(Chief Clerk)

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Date \_\_\_\_\_

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The roll call vote was 7 For 0 Against

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Yes: 7

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No: None

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Excused: Payne

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Absent: None

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