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HOUSE JOINT MEMORIAL 1

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 1998

INTRODUCED BY

James Roger Madalena

A JOINT MEMORIAL

**EXPRESSING THE SUPPORT OF THE NEW MEXICO LEGISLATURE FOR
FEDERAL LEGISLATION TO COMPENSATE MEMBERS OF THE JEMEZ EAGLE
FIREFIGHTING CREW NUMBER 4 AND THEIR SURVIVORS FOR THE
INJURIES AND DEATHS SUFFERED IN THE ACCIDENT OF AUGUST 24,
1986 DURING THE ANDERSON CREEK FIRE IN IDAHO.**

**WHEREAS, on August 24, 1986, an Idaho national guard
truck carrying a group of eighteen firefighters, members of
the Jemez eagle crew number 4 from Jemez pueblo, New Mexico,
who were returning from fighting the Anderson creek fire in
the Boise national forest near Boise, Idaho, veered off
Danskin Creek road and rolled eighty feet down a steep
hillside, killing four members of the crew and injuring the
rest; and**

WHEREAS, although this accident was apparently the result

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1 of negligence on the part of the driver, a member of the Idaho
2 national guard, who by statute was considered a federal
3 employee at the time of the accident, and also negligence on
4 the part of the United States forest service officials who
5 were managing the firefighting operation, the injured
6 firefighters and the survivors of the deceased firefighters
7 were unable to bring claims for compensation against the
8 United States because the firefighters and the deceased were
9 erroneously determined to be federal employees themselves at
10 the time of the accident; and

11 WHEREAS, many of the permanently injured firefighters and
12 the survivors of the deceased firefighters may be forced to
13 rely on temporary assistance to needy families or welfare-to-
14 work programs because of the destitution in which they have
15 been placed due to this tragic accident that occurred when
16 they or their loved ones were providing a great service to the
17 people of this country; and

18 WHEREAS, the injured firefighters and the survivors of
19 the deceased firefighters received only minimal or no
20 compensation pursuant to the provisions of the Federal
21 Employees' Compensation Act, even though two of the deceased
22 left small children, and most of the survivors of the accident
23 were seriously and permanently injured; and

24 WHEREAS, since the accident occurred, the firefighters
25 and the survivors of the deceased firefighters have repeatedly

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1 sought assistance from congress allowing them by way of a
2 private bill to file a claim against the United States or
3 providing direct compensation to them for their injuries and
4 losses, but so far without success; and

5 WHEREAS, federal legislation will soon be introduced in
6 the current session of the United States congress again
7 seeking compensation for the members of the Jemez firefighter
8 crew injured or killed in this tragic accident; and

9 WHEREAS, securing a remedy for the tragic wrong suffered
10 by these brave young firefighters is long overdue;

11 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
12 STATE OF NEW MEXICO that strong support be expressed for
13 legislation by the United States Congress to provide
14 compensation to the members of the Jemez eagle crew number 4
15 killed or injured in the accident of August 24, 1986; and

16 BE IT FURTHER RESOLVED that the legislature of the state
17 of New Mexico support the policy of this state and the
18 national government to do all that is necessary to keep
19 families from relying on temporary assistance to needy
20 families and to encourage families to pursue all avenues
21 available to them to provide the means necessary to support
22 their families; and

23 BE IT FURTHER RESOLVED that the legislative of the state
24 of New Mexico urge all members of the New Mexico congressional
25 delegation to do everything within their power to obtain

1 passage of a private bill providing compensation to the
2 injured firefighters and the survivors of those deceased, and
3 to urge their colleagues to do the same; and

4 BE IT FURTHER RESOLVED that copies of this memorial be
5 transmitted to each member of the New Mexico congressional
6 delegation and to the majority and minority leadership in each
7 of the houses of congress.

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