

STATE OF NEW MEXICO
CATRON COUNTY
RESERVE, NEW MEXICO 87830

ORDINANCE NO. 002-91
AMENDMENT 1

**AMENDMENT TO ORDINANCE OF THE CATRON COUNTY COMMISSION, STATE
OF NEW MEXICO AMEND ORDINANCE 002-91 Y INSERTING THE FOLLOWING
LANGUAGE:**

THE COMMISSION ADDITIONALLY FINDS:

4. That an additional purpose of the Civil Right Act, 42 U.S.C. §1983, based upon the Act of April 20, 1871, ch 22, §1, 17 Stat. 13, is to protect citizens of the United States from acts which deprive them from enjoying their Constitutionally protected rights, privileges, and immunities. Should such deprivation occur, such offender shall be liable to the injured party in a suit in equity, or action at law. The Civil Rights Act 1871 states:

That any person who, under color of law or any law, statute, ordinance, regulation, custom, or usage of any State, shall subject, or cause to be subjected, any person within the jurisdiction of the united States to the deprivation of any rights, privileges, or immunities secured by the Constitution of the United States, shall, any such law, statute, ordinance, regulation, custom, or usage of the State to the contrary notwithstanding, be liable to the party injured in any action at law, suit in equity, or other proper proceeding for redress. 17 Stat. 13 (1871).

5. That the Civil rights Act at 18 U.S.C. §§241, 245, states:

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution of laws of the United States. . . They shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and if death results, they shall be subject to imprisonment for any term of for life. 18 U.S.C. §241.

Nothing in this section shall be construed as indicating an intent on the part of Congress to prevent any State, any possession or Commonwealth of the United States, or the District of Columbia, from exercising jurisdiction over any offense which it would have jurisdiction in the absence of this section, nor shall anything in this section be construed as depriving State and local law enforcement authorities of responsibility for prosecuting acts that may be violations of this section and that are violations of State and local law. 18 U.S.C, §1245(a)(1).

6. That the U.S. Supreme Court has ruled that rights in property are basic civil rights. The Supreme Court states:

Property does not have rights. People have rights. The right to enjoy property without unlawful deprivation, no less than the right to speak or the right to travel, is in truth a "personal" right, whether the "property" in question be a welfare check, a home, or a savings account. In fact, a fundamental interdependence exists between the personal right to liberty and the personal property right. Neither could have meaning without the other. That rights in property are basic civil rights has long been recognized. (Citations omitted) Congress recognized these rights in 1871 when it enacted the predecessor of §§1983 and 1343(3). We do no more than reaffirm the judgment of Congress today. *Lynch v. Household Finance Corp*, 405 U.S. 538 (1972).

THE COMMISSION ADDITIONALLY DECLARES:

7. That in addition to any criminal actions that may occur through the enforcement of this statute, that every person, who under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. (This language has been taken from 42 U.S.C. §1983). In any such action at law, suit in equity, or other proceeding, the injured party may include a request for and offer evidence that punitive and/or other monetary damages should be assessed upon the offending party.

PASSED, ADOPTED, AND SIGNED by the Catron County Board of County Commissioners as Catron County Ordinance No. 002-91 Amendment 1, and recorded with the Catron County Clerk this 16th day of October, 1990.

**BOARD OF COUNTY COMMISSIONERS
CATRON COUNTY, NEW MEXICO**

ATTEST:

/s/
G. V. Allred, Jr.

/s/
J. V. Blancq, Clerk

/s/
S. Rufus Choate

/s/
Phillip W. Swapp