

underscored material = new
~~[bracketed material] = delete~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE MEMORIAL 33

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

Linda M. Lopez

A MEMORIAL

RECOGNIZING THE HISTORY OF THE ATRISCO LAND GRANT-MERCED;
REQUESTING A PLAN FOR PRESERVATION OF CULTURAL SITES AND A
MULTIPURPOSE CENTER.

WHEREAS, New Mexico is a land of many cultures with a
common thread, wherein each culture derives part of its
identity from the history of the land and water; and

WHEREAS, to a great degree, the modern identity of New
Mexico is an outgrowth of generations of competition and
sometimes hostile conflict among different cultures for control
of land and water; and

WHEREAS, Spain, as the first European colonial power in
New Mexico, divided the then-province of Nuevo Mexico into two
administrative districts in the seventeenth century: the Rio
Arriba district from the rise in the land at La Bajada north;

underscored material = new
~~[bracketed material] = delete~~

1 and the Rio Abajo district south of La Bajada; and

2 WHEREAS, at the time of its designation some three hundred
3 years ago, the Rio Abajo area that is now seen as arid and
4 sparse rangeland was characterized by lush vegas, or
5 grasslands; and

6 WHEREAS, in 1692, the government of Spain awarded a
7 merced, a grant of land, in the Rio Abajo to Don Fernando Duran
8 y Chávez for his military service during the Spanish reconquest
9 of New Mexico from the Pueblo Indian tribes; and

10 WHEREAS, this land grant-merced, named Atrisco, was
11 formally constituted in 1703; and

12 WHEREAS, Atrisco is a derivation of the Nahuatl word
13 "atlisco", which translates as the "surface of a body of
14 water", and this name is attributed as coming from the military
15 auxiliaries and the followers of Don Fernando Duran y Chávez
16 from central Mexico, who spoke the Nahua Indian language; and

17 WHEREAS, the Atrisco merced was one of the first land
18 grants within Spain's North American colonies, and its Nahua
19 residents can be viewed as one of the first genizaro
20 communities within New Mexico; and

21 WHEREAS, in their successful 1768 petition to the provincial
22 government to expand the merced to the Rio Puerco, the Atrisqueños
23 argued that their community would be required to be a defensive
24 front for Spanish settlements in their competition for land with
25 the indigenous peoples within the province of Nuevo Mexico; and

.196086.1

underscored material = new
[bracketed material] = delete

1 WHEREAS, that argument proved prophetic in that the growth of
2 the Atrisco community into the expanded land grant-merced was
3 constrained for nearly one hundred years due to military
4 incursions by Navajo and Apache Indians; and

5 WHEREAS, for the first one hundred forty years after its
6 establishment, the commercial and cultural focus of the Atrisco
7 community was mostly channeled through Chihuahua, Mexico, along
8 the Camino Real de Tierra Adentro, the Spanish royal road of the
9 interior; and

10 WHEREAS, after New Mexico was transferred to the United
11 States under the Treaty of Guadalupe Hidalgo in 1848, the avenues
12 for the sale of Atrisqueño beef and wool, and for cultural
13 influences, changed. New markets were opened in California, and
14 with the coming of the railroad in the 1860s, additional, and much
15 larger, markets opened in the eastern United States; and

16 WHEREAS, Atrisqueño ranchers participated in the New Mexico
17 livestock industry boom at the end of the nineteenth century,
18 wherein the total size of the territory's cattle herd grew from
19 one hundred sixty thousand to nearly one million and the total
20 number of sheep more than doubled to almost five million from 1880
21 to 1900; and

22 WHEREAS, Article 8 of the Treaty of Guadalupe Hidalgo created
23 legal protections for property rights within New Mexico previously
24 established under the law of Mexico, including awards of land made
25 by the Spanish government and subsequently recognized by Mexico;

.196086.1

underscoring material = new
~~[bracketed material] = delete~~

1 and

2 WHEREAS, regarding land ownership and governance, the laws of
3 Spain, Mexico and the United States are different, and create
4 different bundles of rights and obligations for the property
5 owner; and

6 WHEREAS, the history of the Spanish and Mexican mercedes in
7 New Mexico has been fraught with questions about who qualifies as
8 heirs of a given merced, internal disputes over land
9 administration and, in some cases, outright chicanery with regard
10 to land sales; and

11 WHEREAS, from 1891 to the present, the territorial and state
12 legislatures of New Mexico enacted laws designed to accommodate
13 the communal ownership of many Spanish and Mexican mercedes and to
14 provide a basis within state law for their administration; and

15 WHEREAS, in 1892, the Atrisco merced incorporated itself and,
16 as described by the New Mexico supreme court, acquired "the
17 character of a quasi-municipal corporation" under territorial law;
18 and

19 WHEREAS, the territorial land grant-merced incorporation law,
20 although amended many times, remains part of the law of New Mexico
21 and now governs what are known as Article 1 land grants-mercedes;
22 and

23 WHEREAS, in the 1920s, the city of Albuquerque began an
24 extended period of growth and encroachment into the boundaries of
25 the Atrisco merced; and

.196086.1

underscoring material = new
~~[bracketed material] = delete~~

1 WHEREAS, in 1952 and again in 1957, litigation among the
2 members of the Atrisqueño community over the administration and
3 disposal of the lands of the merced culminated in decisions by the
4 New Mexico supreme court; and

5 WHEREAS, in 1967, the New Mexico legislature enacted a law
6 allowing community mercedes to transform themselves into domestic
7 stock corporations, known as Article 2 land grants-mercedes,
8 wherein the corporations own and manage the assets, including
9 land, of the land grants-mercedes while the members own shares of
10 stock in the corporations; and

11 WHEREAS, in 1967, the Atrisco land grant-merced, by a narrow
12 vote of five hundred eighty-three to five hundred twenty-eight,
13 became an Article 2 land grant-merced, eventually named the
14 Westland corporation; and

15 WHEREAS, between 1969 and 2006, the Westland corporation sold
16 most, if not all, of the lands of the Atrisco land grant-merced,
17 and that land is now occupied by family housing, businesses and
18 municipal buildings, as well as portions of the Petroglyph
19 national monument; and

20 WHEREAS, the history of the Atrisco land grant-merced
21 embodies much of the history over the last three hundred years
22 that has shaped the modern identity of New Mexico, including the
23 physical change in the landscape, the conflicts over land
24 ownership and the intermingling of people and cultures; and

25 WHEREAS, the Atrisco land grant-merced's history of

.196086.1

underscoring material = new
~~[bracketed material] = delete~~

1 litigation and administration is an example for many of the
2 challenges, successes and failures faced generally by land grants-
3 mercedes in the ongoing process of establishing themselves in a
4 legal system that is foreign to their inception; and

5 WHEREAS, the history and culture of the Atrisco land-grant
6 merced is a living legacy that has helped shape the culture of New
7 Mexico, particularly the culture within the Rio Grande valley; and

8 WHEREAS, in 2011, at the request of Atrisqueño heirs, New
9 Mexico reestablished the town of Atrisco as an Article 1 land
10 grant-merced, excluding land or interests in land held by other
11 persons and entities, thereby creating a unique urban land grant-
12 merced; and

13 WHEREAS, as an urban land grant-merced, the Atrisco community
14 is both uniquely situated to educate the broader population about
15 the history that formed New Mexico's modern identity and
16 vulnerable to losing its own cultural identity; and

17 WHEREAS, the Atrisqueño legacy should be nurtured and
18 preserved for future generations;

19 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF
20 NEW MEXICO that the indigenous design and planning institute at
21 the university of New Mexico and the Atrisco land grant-merced be
22 requested to develop a plan for the preservation of historical and
23 cultural sites within the historical boundaries of the land grant-
24 merced and for the establishment of a multipurpose center that
25 could be used for the cultural and economic growth of the

.196086.1

underscoring material = new
~~[bracketed material] = delete~~

1 Atrisqueño community; and

2 BE IT FURTHER RESOLVED that the indigenous design and
3 planning institute at the university of New Mexico and the Atrisco
4 land grant-merced be requested to present this plan to the
5 appropriate interim legislative committees by October 1, 2014; and

6 BE IT FURTHER RESOLVED that copies of this memorial be
7 transmitted to the board of trustees for the Atrisco land grant-
8 merced, the president of the university of New Mexico and the co-
9 chairs of the New Mexico legislative council.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25