



**Founded 1692**

**Board of Trustees**

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**Town of Atrisco Grant-Merced**

To: New Mexico Land Grant Interim Committee  
July 16, 2012

Dear Sir/Madam:

The Board of Trustees of the Town of Atrisco Grant-Merced adamantly opposes any attempt to diminish the rights and privileges entailed patents granted to Spanish/Mexican land grants by the Federal Government.

These patents flow from the Treaty of Guadalupe Hidalgo, which ended the war between the United States and Mexico. As such, according to the Supremacy Clause of Article VI of the United States Constitution, these patents are part and parcel of the "Supreme Law of the Land." Such federal patents for land grants were obtained after a grueling process to which land grant heirs were subjected. Thus, one cannot lightly tamper with a federal land patent. A land patent is the highest evidence of title to land.

Also, the Constitution of the State of New Mexico declares in Article Section 5 that "The rights, privileges and immunities, civil, political and religious guaranteed to the people of New Mexico by the Treaty of Guadalupe Hidalgo shall be preserved inviolate." Furthermore, the New Mexico state law establishing land grants as political subdivisions states: All land grants-mercedes in the state or land grants-mercedes described in Section 49-1-2 NMSA 1978 shall be managed, controlled and governed by their bylaws, by the Treaty of Guadalupe Hidalgo as provided in Sections 49-1-1 through 49-1-18 NMSA 1978 political subdivisions of the state."

**Board of Trustees are**  
Entrusted by law "to control, care for and manage the land grant-merced" and operating in the best interests of Heirs of Town of

**Town of Atrisco Grant-Merced**

Is a lawfully constituted political subdivision under the General Provisions of §§ 49-1-1 through 49-1-23 NMSA 1978

PO Box 95046 Albuquerque, New Mexico 87199-5046

## Town of Atrisco Grant-Merced

There are then clear statements at both the federal and state levels underlying the legitimacy of land patents for land grants that are political subdivisions of the State. Nevertheless, in spite of the protections implied by such patents, land grant land continued to be lost. Hispanic land grant heirs did not have effective access to the imposed Anglo American economic, political and legal systems.

Thus, as part of a colonial process of dispossession, land grants were considered to be part of a subsistence economic paradigm, while the American paradigm was based on private commercial exploitation of the natural resources that were possessed by the land grants.

The inevitable happened and Nuevomexicanos lost the major portion of their lands. Indeed, of 84 identified community land grants, there are only 322,102 acres left of the 5,356,967 acres that had originally been confirmed by the U.S. Government. Interestingly, New Mexico's 19 Indian pueblos currently retain 2,359,567 acres of land. However, the Federal Government has a fiduciary responsibility to protect Pueblo lands, while it does not have such a duty for Spanish/Mexican land grants.

Now that land grants are experiencing somewhat of a Renaissance and are barely organizing themselves into effective political units, the diminution of their federal land patents would prove a fatal blow to this hopeful movement to make something of the 400 year heritage of land ownership in New Mexico on the part of Nuevomexicanos.

The Treaty of Guadalupe Hidalgo guaranteed that private property rights would be "inviolably respected" and that the inhabitants of the conquered territory would be "maintained and protected in the free enjoyment of their liberty and property ....

" The Supreme Court expressed its confidence that the United States would live up to those solemn promises: "[The United States] have desired to act as a great nation, not seeking, in extending their authority over the ceded country, to enforce forfeitures, but to afford protection and security to all just rights which could have been claimed from the government they superseded. "

**Board of Trustees are**  
Entrusted by law "to control, care for and manage the land grant-merced" and operating in the best interests of Heirs of Town of Atrisco Grant Heirs Merced. (Ch.49 -1-3)

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**Town of Atrisco Grant-Merced**

We urge you to refrain from modifying or negating these Rights and privileges afforded under the Treaty of Guadalupe and Patent rights. We respectfully request that all legislation, laws not conflict or diminish the intended purposes of the Treaty of Guadalupe signed by the United States Government.

Sincerely



Jerome Padilla, Town of Atrisco Grant- Merced  
President, Board of Trustees

And the Board of Trustees

- Cc The Honorable Susana Martinez
- Senator Jeff Bingaman
- Senator Tom Udall
- Representative Ben Ray Lujan
- Michelle Lujan Grisham, Bernalillo County Commissioner
- Gary King, New Mexico Attorney General
- Eric Griego, New Mexico State Senator
- Nicholas Koluncich, Atty. for Lane vs. Page Class Action Lawsuit
- Richard Rosenstock, Attorney at Law

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