

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

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

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

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

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

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

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

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

WHEREAS, for the first one hundred forty years after its establishment, the commercial and cultural focus of the Atrisco community was mostly channeled through Chihuahua,

Mexico, along the Camino Real de Tierra Adentro, the Spanish royal road of the interior; and

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

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

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

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

WHEREAS, the history of the Spanish and Mexican mercedes

in New Mexico has been fraught with questions about who qualifies as heirs of a given merced, internal disputes over land administration and, in some cases, outright chicanery with regard to land sales; and

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

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

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

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

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

WHEREAS, in 1967, the New Mexico legislature enacted a

law allowing community mercedes to transform themselves into domestic stock corporations, known as Article 2 land grants-mercedes, wherein the corporations own and manage the assets, including land, of the land grants-mercedes while the members own shares of stock in the corporations; and

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

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

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

WHEREAS, the Atrisco land grant-merced's history of litigation and administration is an example for many of the challenges, successes and failures faced generally by land grants-mercedes in the ongoing process of establishing themselves in a legal system that is foreign to their inception; and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that the indigenous design and planning institute at the university of New Mexico and the Atrisco land grant-merced be requested to develop a plan for the preservation of historical and cultural sites within the historical boundaries of the land grant-merced and for the establishment of a multipurpose center that could be used for the cultural and economic growth of the Atrisqueño community; and

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

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