

THE TIERRA AMARILLA GRANT, REIES TIJERINA, AND THE COURTHOUSE RAID

I. INTRODUCTION

Reies Lopez Tijerina focused the world's attention on the plight of the frequently overlooked Mexican-American community of northern New Mexico. Tijerina was one of the organizers of the infamous Courthouse Raid of June 5, 1967, in Tierra Amarilla, New Mexico. This comment presents an historical overview of the literature regarding the Tierra Amarilla land grant and the Courthouse Raid.

The struggle for the Tierra Amarilla land rights continues today. Like Native Americans, Hispanics continue to struggle to reclaim the land they believe is rightfully theirs. Both groups share a belief that the United States government has not honored its obligations under treaties signed after military conquest of their lands.¹ The Mexican-Americans of the Tierra Amarilla are a land-based people.² Many believe that the land is essential for the survival of the culture indigenous to the Tierra Amarilla and northern New Mexico.³ This comment concludes that the poverty and disillusionment of the people in Tierra Amarilla is related to their inability to obtain land rights.

II. OVERVIEW OF SPANISH AND MEXICAN LAND GRANTS

Spain and Mexico awarded parcels of land to individuals and groups of settlers to encourage colonization of what is now Texas, New Mexico, Colorado, Arizona, and California. These parcels were known as land grants.⁴ The grants were used for a variety of purposes, such as grazing livestock, farming, and establishing cities and towns.⁵ Large land grants were typically awarded because the arid Southwestern climate required large areas of land to support even small populations.⁶ Grants to indi-

1. CHARLES L. BRIGGS & JOHN R. VAN NESS, *LAND, WATER, AND CULTURE: NEW PERSPECTIVES ON HISPANIC LAND GRANTS* 4 (1987).

2. F. LEE BROWN & HELEN M. INGRAM, *WATER AND POVERTY IN THE SOUTHWEST* 55-57 (1987).

3. *Id.*

4. BRIGGS & VAN NESS, *supra* note 1, at 3.

5. *Id.*

6. *Id.*

viduals were known as private grants, while grants to groups of settlers were known as community grants. Private grants were typically given to one or two individuals and were often used for grazing. In 18th century New Mexico, most land grants were private grants.⁷

The community, or "colony" land grant, was given to a group of individuals. The common lands, called *ejidos*, were specifically designated in the grant for a particular use.⁸ Individuals living on the grant would each receive *solar de casa* (land for a house), *suerte* (an irrigable plot of land), and the right to use the *ejido*.⁹ A key feature of the community grant was that a settlor could own his allotment of land after living on it for a specified number of years.¹⁰ The individual settlor would be issued *hijuelas* (conveyances of property, or deeds) for a parcel of land to live on and cultivate, which could then be sold as private property.¹¹ However, the common lands were owned by the community and could not be sold.¹²

In 1848, the Treaty of Guadalupe Hidalgo¹³ officially ended the Mexican War (1846-1848), turning over most of the Southwest from Mexico to the United States. Land grantees of northern New Mexico believed their property rights were protected by the Treaty, because the Treaty guaranteed that property rights of the former Mexican citizens would be "inviolably respected."¹⁴ An early draft of the Treaty also included a provision, Article 10, providing that a land grant would be valid under United States law to the same extent it was valid under Mexican law.¹⁵ Article 10 was deleted by the Senate before ratification of the Treaty.¹⁶

In place of Article 10, the United States and Mexico agreed to the Protocol of Querétaro, designed to allay concerns the Mexican government had for the property rights of its citizens living in the United States. The Protocol provided: "The American Government, by suppressing the 10th (sic) article of the Treaty of Guadalupe did not in any way intend to annul the grants of lands made by Mexico in the ceded territories. . . . [T]he

7. *Id.* at 23.

8. *Id.* at 17-18.

9. *Id.* at 19.

10. *Id.* at 24.

11. MALCOLM EBRIGHT, *LAND GRANTS AND LAWSUITS IN NORTHERN NEW MEXICO* 45 (1994).

12. *Id.*

13. Treaty of Guadalupe Hidalgo, Feb. 2, 1848, U.S.-Mex., 9 Stat. 922 (1851).

14. "In the . . . territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected." Treaty of Guadalupe Hidalgo, Feb. 2, 1848, U.S.-Mex., art. VIII, 9 Stat. 922, 943 (1851).

15. BRIGGS & VAN NESS, *supra* note 1, at 27.

16. RICHARD GRISWOLD DEL CASTILLO, *THE TREATY OF GUADALUPE HIDALGO: A LEGACY OF CONFLICT* 44-45 (1990).

grantees may cause their legitimate titles to be acknowledged before the [A]merican tribunals."¹⁷ "Legitimate" grants were limited to those that were valid according to Mexican law as of May 13, 1846.¹⁸ Eventually, opposition to the Protocol in the legislative and executive branches led the State Department to dispute its validity.¹⁹ The United States government's recalcitrance on the Protocol was indicative of its attitude toward the entire treaty. Briggs and Van Ness put it succinctly: "[T]he United States looked at the Treaty as an enormous real estate deal; it expected to get clear title to most of the land it was paying for regardless of the property rights of the Mexicans."²⁰ Without a provision like the Protocol, Congress and the courts were given much latitude in adjudicating the legal status of the land previously owned by Mexicans.²¹

III. THE TRICKY BUSINESS OF ADJUDICATING LAND CLAIMS

After the signing of the Treaty of Guadalupe Hidalgo in 1848, the United States undertook the task of adjudicating Spanish and Mexican land grant claims made prior to the Treaty. A congressional act of July 22, 1854, created the Office of the Surveyor General under the supervision of the Secretary of Interior. This act gave the Surveyor General the authority to "ascertain the origin, nature, character, and extent of all claims to lands under the laws, usages, and customs of Spain and Mexico."²² After an investigation, the Surveyor General was to report his findings on the size and extent of the grants to Congress, and submit his recommendation along with any documents or testimony. Congress would then review the report and either confirm or reject the claim largely based on the Surveyor General's recommendation.²³

Frequently, however, Congress relied on incorrect recommendations of the Surveyor General and would confirm grants which were in violation of the intent of Spanish and Mexican law.²⁴ For example, two grants made under the Mexican Colonization Law of 1824, which limited each grantee to 48,000 acres, were treated quite differently by Congress.²⁵ Acting on the Sur-

17. The Protocol of Querétaro, U.S.-Mex., May 26, 1848, *reprinted in* GRISWOLD DEL CASTILLO, *supra* note 16, at 182.

18. *Id.*

19. BRIGGS & VAN NESS, *supra* note 1, at 28.

20. *Id.* at 29.

21. *Id.*

22. Act of July 22, 1854, ch. 103, § 8, 10 Stat. 308, 309 (1854).

23. RICHARD W. BRADFUTE, *THE COURT OF PRIVATE LAND CLAIMS: THE ADJUDICATION OF SPANISH AND MEXICAN LAND GRANT TITLES, 1891-1904* iv-v (1975).

24. *Id.* at v.

25. *Id.*

veyor General's recommendation, Congress confirmed the Maxwell grant, made to two individuals, for 1.7 million acres. By comparison, the *Las Animas* grant, also made to two individuals, was limited to only 97,000 acres.²⁶ Thus, the land grant system did not produce consistent results.

Another problem was the volume and the complexity involved with investigating land grant claims. The determination of landmark boundary descriptions and rightful heirs, the identification of fraudulent papers, and the differences in Spanish and Mexican laws from United States law were only some of the issues left open by land grant claim investigation.²⁷ In 1891, Congress created the Court of Private Land Claims in New Mexico to deal with these complexities. The law establishing the court also prohibited reexamination of grants previously acted upon by Congress or lands which had previously been patented.²⁸

The 1891 statute establishing the New Mexico Court of Private Land Claims followed a technical, rigid approach.²⁹ The 1891 Act required that only a grant "lawfully and regularly derived from the Government of Spain or Mexico" could be confirmed.³⁰ While the claimant had the burden of proving the existence of the grant and performance of all its conditions, presumptions previously allowed were no longer available.³¹ For example, the presumption of a community grant from the existence of a settlement on the grant in 1846, and the presumption of the authority of a granting official were eliminated from the 1891 Act.³² This made the claimants' cases much more difficult to prove and favored the government in most instances.

IV. HISTORY OF THE TIERRA AMARILLA LAND GRANT

The 524,215 acre Tierra Amarilla land grant was issued in 1832. The grant was traversed east to west by the Denver and Rio Grande Railroad, and crossed by the Chama River.³³ On April 23, 1832, Manuel Martínez, a descendant of Spanish settlers, petitioned Governor Santiago Abreu for the grant, who then submitted the request to the territorial deputation, the legis-

26. *Id.*

27. *Id.* at 6-8.

28. Court of Private Land Claims Act, ch. 539, 26 Stat. 854 (1891).

29. EBRIGHT, *supra* note 11, at 45.

30. *Id.* at 46, *citing* Court of Private Land Claims Act, ch. 539, § 13, 26 Stat. 854, 860 (1891).

31. *Id.*

32. *Id.*

33. FRANCES L. SWADESH, *LOS PRÍMEROS POBLADORES: HISPANIC AMERICANS ON THE UTE FRONTIER* 87-88 (1970).

lative body of New Mexico.³⁴ The territorial deputation referred it to the *ayuntamiento* of the village of Abiquiú. The *ayuntamiento* was the local governing body or town council authorized for towns having a population of at least 1,000.³⁵ The *ayuntamiento* of Abiquiú approved the Tierra Amarilla grant, recommending that "the common pasture grounds and watering places remain free to all inhabitants of this jurisdiction of Abiquiú."³⁶ This was a typical provision of a community grant, a distinction that becomes critical later.³⁷

In July 1832, the Tierra Amarilla grant was made, providing that "the pastures, watering places, woods and roads remain free, according to the custom existing in all settlements."³⁸ The petition requested that Governor Abreu make the grant to Manuel Martínez, "*en union de ocho hijos varones y algunos otros que voluntariamente me quieren acompañar . . .*"³⁹ David Miller, the official government interpreter, translated the passage as: "[To] [t]hé citizen Manuel Martínez together with eight male children and others who may voluntarily desire to accompany him . . ."⁴⁰

Miller incorrectly translated the Spanish "*me quieren acompañar*" into the subjunctive "those who may desire to accompany" Martínez.⁴¹ Translated correctly, this phrase reads "others who desire to accompany me," indicating a definite population of settlers. This critical error meant that the Tierra Amarilla grant was interpreted as a private grant, rather than the intended community grant.⁴²

In August 1856, Francisco Martínez, Manuel Martínez's brother, applied for congressional confirmation of the Tierra Amarilla grant on his brother's behalf.⁴³ The application mentioned nothing about the rights of the settlers of Abiquiú to the common areas. The application ultimately was made as a private grant, not a community grant. On September 10, 1856, Surveyor General William Pelham recommended approval of the grant.⁴⁴

Congress confirmed the grant in June 1860 in the name of Francisco Martínez.⁴⁵ At this time, Martínez began deeding

34. MALCOLM EBRIGHT, *THE TIERRA AMARILLA GRANT: A HISTORY OF CHICANERY* 6-7 (1980).

35. *Id.* at 6.

36. *Id.* at 8.

37. EBRIGHT, *supra* note 11, at 105-06.

38. FRANKIE McCARTY, *LAND GRANT PROBLEMS IN NEW MEXICO* 10 (1969).

39. EBRIGHT, *supra* note 34, at 32 (emphasis added).

40. *Id.* at 8.

41. *Id.*

42. *Id.* at 8, 16.

43. McCARTY, *supra* note 38, at 10.

44. *Id.*

45. *Id.*

hijuelas to the people of the Tierra Amarilla.⁴⁶ However, many of these *hijuelas* had disappeared by the late 1870s.⁴⁷ Many of the residents of the Tierra Amarilla believe these deeds were stolen from the Office of the Surveyor General by land speculators to eliminate evidence supporting the people's claim.⁴⁸ In the deeds, Martínez provided that each settlor living there for at least three years was entitled to use of the community lands.⁴⁹ Martínez then conveyed his interest in the Tierra Amarilla grant to Francisco Manzanares on June 1, 1871.⁵⁰ Three years after Manzanares bought the grant, he and his wife conveyed it back to Martínez.⁵¹ When Francisco Martínez died in 1874, his wife and heirs sold this interest to a local land speculator named Thomas Catron, an attorney from Missouri.⁵² Catron received the patent to the Tierra Amarilla Grant in February, 1881.⁵³

Catron first arrived in New Mexico in 1866.⁵⁴ His land speculation and business exploits eventually led him to be the single largest landholder in America.⁵⁵ He owned or had an interest in as many as seventy-five other grants besides the Tierra Amarilla.⁵⁶ Catron was a leader of the Santa Fe Ring, an organization of land speculators, lawyers, railroad barons, and politicians who had an interest in virtually every business and governmental entity in New Mexico.⁵⁷ The Santa Fe Ring sought to control as many land grants as possible. Eventually the Ring had received as much as 80 percent of the land grant property in the territory in lieu of attorney's fees.⁵⁸

After acquiring all of the interests in the Tierra Amarilla, Catron then filed suit to quiet title in 1883.⁵⁹ In his suit, Catron named only the unknown heirs of Manuel Martínez as defendants.⁶⁰ However, at least 113 *hijuelas* were recorded in 1863 and 1864 from Francisco Martínez to the settlers, most of whom were not Martínez heirs.⁶¹ At this time there were two chains of title, one tracing back to the heirs of Manuel Martínez as a private

46. *Id.* at 11.

47. SWADESH, *supra* note 33, at 86.

48. *Id.*

49. MCCARTY, *supra* note 38, at 11.

50. *Id.*

51. *Id.*

52. *Id.*

53. *Id.*

54. *Id.*

55. SWADESH, *supra* note 33, at 86.

56. BRADFUTE, *supra* note 23, at 3.

57. MCCARTY, *supra* note 38, at 11.

58. BRADFUTE, *supra* note 23, at 3.

59. EBRIGHT, *supra* note 34, at 26.

60. *Id.*

61. *Id.*

grant, the other from Manuel Martínez as principal settler of the Tierra Amarilla community grant.⁶²

In 1889, the people of Tierra Amarilla commenced an action to set aside Catron's patent.⁶³ The people's arguments were adversely affected by an 1876 United States Supreme Court decision. In *Tameling v. U.S. Freehold & Emigration Co.*,⁶⁴ the Court refused to overturn any Congressional confirmation of land grants.⁶⁵ Because of *Tameling*, the Tierra Amarilla grant was recognized as a personal grant to Catron.⁶⁶ Hence, the chain of title began with the issuance of the patent from the U.S. Government. Catron vigorously defended the action and was ultimately successful, retaining title to the Tierra Amarilla.⁶⁷

V. MEXICANO RESISTANCE AND THE COURTHOUSE RAID

Expropriation of lands by Anglo ranchers was the prime catalyst of the Mexicano resistance effort in New Mexico. Shortly after the Civil War, Anglo migration to New Mexico increased.⁶⁸ Because the loss of land rights was a direct threat to the survival of their culture, Mexicanos engaged in violent confrontation and resistance, especially in the upper Rio Grande area.⁶⁹

In the late 1880s, a group known as *Las Gorras Blancas* (the White Hats) came to San Miguel County, New Mexico.⁷⁰ Known as an organization of "uneducated" Mexicanos, their activities included burning haystacks, barns, houses, sawmills and bridges as well as fence cutting.⁷¹ *Las Gorras Blancas* gained popular sympathy in the area, mostly because of their success in resisting the control of Eastern and foreign land and cattle companies. Young Mexicano businessmen and politicians also gave their support to *Las Gorras Blancas*.⁷²

Later, in the late 1920s, an organization known as *La Mano Negra* (the Black Hand) emerged from recent Mexican immigrants.⁷³ Because *La Mano Negra* directed their attacks against outsiders and oppressors, they had the support of the people in

62. EBRIGHT, *supra* note 11, at 42.

63. EBRIGHT, *supra* note 34, at 26.

64. 93 U.S. 644 (1876).

65. *Id.*

66. EBRIGHT, *supra* note 34, at 21, citing *Tameling*, 93 U.S. at 663.

67. *Id.* at 26.

68. BRIGGS & VAN NESS, *supra* note 1, at 276.

69. *Id.* at 279.

70. *Id.* at 288.

71. *Id.*

72. *Id.* at 289.

73. *Id.* at 295.

the area.⁷⁴ Both of the resistance groups developed resentment among the native peoples toward outside control of the lands.

The growth of resistance groups in the early 20th century culminated in the formation of the *Alianza Federal de Mercedes* (Federal Alliance of Land Grants) on October 8, 1963.⁷⁵ Led by Reies Tijerina, the *Alianza's* articles of incorporation spelled out the group's objectives:

To organize and acquaint the Heirs of all the Spanish Land Grants covered by the Guadalupe Hidalgo Treaty . . . Thus providing unity of purpose and securing for the Heirs of Spanish Land Grants the highest advantages as provided by the afore-said Treaty and Constitutions (of the United States and State of Mexico).⁷⁶

Shortly after the *Alianza* formed, cattle shootings and fence cuttings occurred.⁷⁷ The Abiquiú Corporation, an organization of heirs and claimants to the Tierra Amarilla grant, served Anglo ranchers with an eviction order in late July, 1964.⁷⁸ Meanwhile, Tijerina continued to express the organization's intent to reclaim Spanish and Mexican land grants.

As time went on, confrontation between the *Alianza* and the government became more inevitable. The *Alianza* first confronted the Forest Service in October 1966. The *Alianza* declared a new republic within the borders of the San Joaquín De Chama grant. They served this proclamation on regional forester William Hurst at his office in Albuquerque. Hurst responded that the land in question belonged to the United States government and would be protected.⁷⁹ On Saturday, October 22, 1966, the *Alianza* occupied Echo Amphitheater, a natural rock formation and picnic area on the original San Joaquín de Chama grant. *Alianza* members remained at Echo Amphitheater until the following Wednesday, when the United States District Court in Albuquerque issued a restraining order and allowed federal

74. *Id.* at 296.

75. RICHARD GARDNER, ¡GRITO! REIES TIJERINA AND THE NEW MEXICO LAND GRANT WAR OF 1967-96 (1970).

76. *Id.*

77. *Id.* at 97.

78. *Id.* The order read:

In the name of Almighty God, and by virtue of the legal land title given to MANUEL MARTÍNEZ, by the Mexican authorities in the year of our Lord on 20th day of July, 1832, we, the heirs of Manuel Martínez, acting under the POWER invested in us by the above-mentioned Land Title, do hereby SERVE NOTICE to ALL those non-heirs now possessing either SMALL or LARGE TRACTS of land within the Boundaries of the Tierra Amarilla Grant, that on the 20th day of October, 1964, we are DETERMINED with FIRM and RESOLUTE ACTION to take POSSESSION of these tracts . . .

Id. (emphases in original).

79. *Id.* at 127.

officials to end the occupation.⁸⁰ The *Alianza* confronted federal and state authorities several more times during the remainder of the winter and spring.⁸¹

In March 1967, Reies Tijerina wrote a letter to Denver social reform activist, Rudolfo Gonzalez. Gonzalez was the founder of the Denver based organization Crusade for Justice and had previously headed Denver's War on Poverty program. In his letter to Gonzalez, Tijerina wrote: "The takeover of San Joaquín will take place around the 3rd of June. Those Valiants of Denver who wish to come and personally witness the valor of 'The sons of San Joaquín' are invited . . ."⁸² The letter spawned rumors in Río Arriba of a June 3, 1967 showdown between the *Alianza* and the federal government in Coyote, New Mexico.⁸³

In May 1967, a United States District Court judge granted a government motion to compel the *Alianza* to produce a complete membership roster to the Internal Revenue Service. To avoid turning over a list which he believed would be used to harass the membership, Tijerina announced that the *Alianza* had been disbanded. In its place, Tijerina formed a new group, the *Confederación de Pueblos Libres* (Confederation of Free City-States).⁸⁴

Upon hearing the rumors that a grand meeting of the *Confederación* would take place in Coyote, District Attorney Alfonso Sanchez took steps to ensure that the meeting would not occur.⁸⁵ Sanchez justified his actions by labeling the meeting of the *Confederación* an attempt to take over private property, and threatened those who attended with criminal charges of unlawful assembly and extortion.⁸⁶ At the meeting, members of both the *Confederación* and the government bore firearms and several *Confederación* supporters were arrested.⁸⁷ Ultimately, the District Attorney was successful in quashing the meeting. Members of the *Confederación* believed Sanchez's actions violated their constitutional right of peaceful assembly.⁸⁸ As a result, *Confederación* supporters initiated a citizens' arrest against Sanchez for violating their constitutional rights.⁸⁹

The animosity towards Sanchez culminated on June 5, 1967, when twenty men arrived at the courthouse in Coyote looking

80. *Id.* at 128, 132.

81. *Id.* at 132.

82. *Id.* at 145.

83. *Id.*

84. *Id.* at 146.

85. *Id.* at 147.

86. *Id.* at 150.

87. *Id.* at 151-53.

88. U.S. CONST. amend. I.

89. GARDNER, *supra* note 75, at 156.

for the district attorney.⁹⁰ During their fruitless search for Sanchez, State Police officer Nick Sais and County Jailer Eulogio Salazar were shot and wounded.⁹¹ Río Arriba County Sheriff Benny Naranjo and Under Sheriff Dan Rivera were severely beaten.⁹² United Press International reporter Larry Calloway and Deputy Sheriff Pete Jaramillo were taken hostage and later released.⁹³

Governor Cargo then ordered National Guard occupation of Río Arriba County in response to the Courthouse Raid.⁹⁴ Tanks and artillery, 350 National Guardsmen, and numerous police officers moved into the area.⁹⁵ Political leaders and law enforcement overreacted due to rumors of communist Cuban infiltrators masterminding the *Alianza's* activities.⁹⁶ Tijerina fled and was arrested in the early morning hours of June 10, 1967, in the northern outskirts of Albuquerque.⁹⁷ Ultimately, Tijerina was acquitted of all charges stemming from the Courthouse Raid.⁹⁸

Two days after the Courthouse Raid, the *Santa Fe New Mexican* called the Raid a consequence of economic indifference:

Only in recent years have there been any concentrated efforts made by public officials to improve the economic lot of the people of the area. . . . Probably the most far-sighted men did not see that the consequences of indifference to the social problem of [northern New Mexico] would be as serious as they were. The consequences were that frustrated men were willing in their frustration to follow a false prophet down a road to personal disaster.⁹⁹

The *Albuquerque Journal* also ran an editorial two days after the Raid, blaming it on the people's lack of education:

[A] lot of innocent people were duped into doing something they normally would not think of, and New Mexico's *generally good relations* between Anglo and Spanish Americans suffered a severe setback The tragedy of the whole thing is many of the members of Tijerina's band are good, hard-working people who *lack the education* to realize what is being done to them.¹⁰⁰

90. *Id.* at 1.

91. *Id.* at 2-3.

92. *Id.* at 4-5.

93. *Id.* at 6-7.

94. *Id.* at 161.

95. *Id.*

96. *Id.* at 259.

97. *Id.* at 170-71.

98. *Id.* at 279.

99. *Bitter Fruits of Neglect*, SANTA FE NEW MEXICAN, June 7, 1967.

100. John McMillion, *No Illusions About Tijerina*, ALBUQUERQUE JOURNAL, June 7, 1967, at A4 (emphasis added).

The editorial assumes that there were good relations between Anglo and Spanish Americans in the area. Further, it assumes that the Mexicans in the area were "duped" into following Tijerina. These assumptions ignore the deep-seated resentment that caused the Courthouse Raid. The natives of the Tierra Amarilla echo the sentiments of other native peoples, such as those in Central and North America. All of these groups believe they have a greater claim to the land than history or the legal system has recognized.

VI. CONCLUSION

The people of Tierra Amarilla still consider the use of the common lands an explosive issue. In 1988, an Arizona land development company sought to develop land which Tierra Amarilla resident Amador Flores believed to be his home.¹⁰¹ The development company sought and received an injunction to evict Flores from the land. Flores, in the presence of the media and other land grant activists, tossed the injunction into a campfire.¹⁰² The property then became an armed encampment which was continually guarded for over a year. The title insurance company finally reached a settlement with Flores, who retained 200 acres of land and received a cash settlement.¹⁰³

Other Tierra Amarilla claimants have been less successful in the litigation of land claims. The court's language in *H. N. D. Land Co. v. Suazo*¹⁰⁴ is illustrative of the courts' treatment of the issue of the erroneous confirmation of a private grant:

[I]f this were a private grant, the act of confirmation merely carried out the treaty obligation; if it were a community grant, the common lands were merely government domain and the confirmation constituted a grant de novo to the grantee, Francisco Martinez. Under either view the absolute title was vested, by the act of confirmation in the said grantee.¹⁰⁵

As *Suazo* indicates, the courts have created an impossible burden for claimants to meet. Thus, the courts have offered little help to the residents of Tierra Amarilla wishing to regain their land.

Sadly, little has changed economically since 1967. Twenty percent of New Mexico's population lives in poverty, the fourth highest percentage in the nation.¹⁰⁶ In Río Arriba, Taos, Mora,

101. Jon Christensen, *A Real "Milagro Beanfield War" in New Mexico*, S.F. CHRON., July 5, 1988, at A11.

102. *Id.*

103. Peter Eichstaedt, Gannett News Service, Aug. 29, 1989, available in LEXIS, Nexis Library, ALLNEWS File.

104. 105 P.2d 744 (N.M. 1940).

105. *Id.* at 749.

106. ECONOMICS AND STATISTICS ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, Pub. No. P-60 #175, POVERTY IN THE U.S. 5 (1990).

and San Miguel counties of northern New Mexico, the average annual per capita income in 1989 was approximately \$9,000.¹⁰⁷ Sixty to eighty percent of the households in the same area are of Hispanic origin.¹⁰⁸

Regardless of how history views him, Reies Tijerina brought attention to the plight of the Mexicano people of northern New Mexico. The major cause of the Courthouse Raid was not Tijerina, but rather the disenfranchisement of the people of northern New Mexico. Tragically, this disenfranchisement still exists. Many Anglo Americans are aware of the presence and mistreatment of Native Americans. However, few acknowledge or are even aware of the United States government's mistreatment of the Mexican people of New Mexico. The people of northern New Mexico should have their land claims respected. As a land-based people, the survival of their culture is threatened by the loss of land rights. Until the people of the Tierra Amarilla feel their culture and land rights are respected, poverty and social unrest will persist.

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107. BUREAU OF ECONOMIC ANALYSIS, U.S. DEPARTMENT OF COMMERCE, VOLUME 5, LOCAL AREA PERSONAL INCOME, 1984-1989, 25-33.

108. ECONOMICS AND STATISTICS ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, 1990 CENSUS, NEW MEXICO, 1990-CPH-1-33 (1991).

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