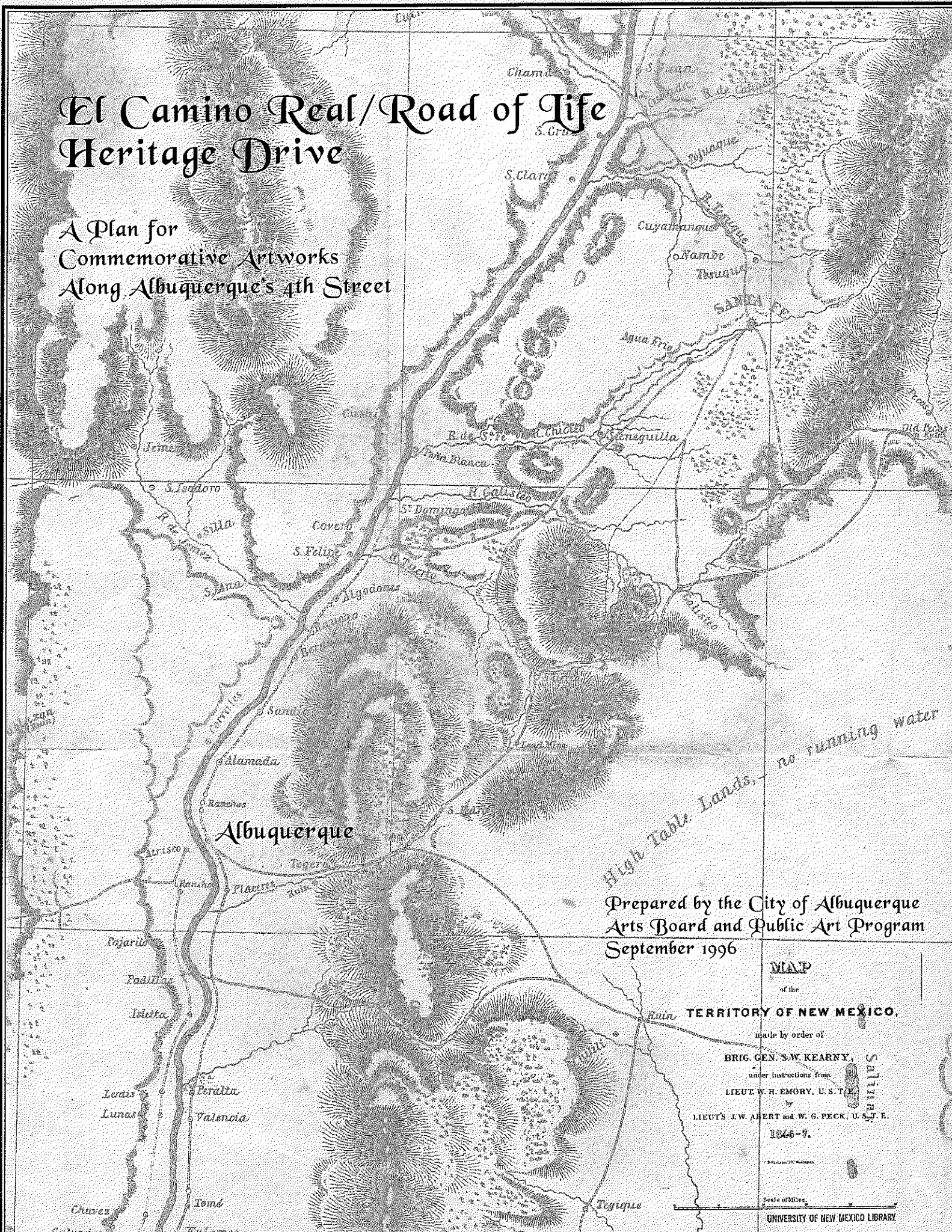


El Camino Real/Road of Life Heritage Drive

A Plan for
Commemorative Artworks
Along Albuquerque's 4th Street



High Table Lands, no running water

Prepared by the City of Albuquerque
Arts Board and Public Art Program
September 1996

MAP
of the
TERRITORY OF NEW MEXICO,
made by order of
BRIG. GEN. S.W. KEARNY,
under instructions from
LIEUT. W.H. EMORY, U.S.T.E.,
by
LIEUT. J.W. ABERT and W.G. PECK, U.S.T.E.,
1846-7.
Scale of Miles.
UNIVERSITY OF NEW MEXICO LIBRARY

El Camino Real / Road of Life Heritage Drive

A Plan for Commemorative Artworks Along Albuquerque's 4th Street

This Plan was adopted by the Albuquerque Arts Board on June 18, 1996

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1. Introduction:

This Plan is designed to provide structure and guidelines for developing public art works and appropriate memorials along the length of 4th Street within the Albuquerque city limits. At the beginning of the century, 4th Street was officially designated as *El Camino Real* by the New Mexico Highway Department. While the actual *Camino Real* trail wandered between the Rio Grande and the eastern foothills, depending on seasonal conditions, the designation of 4th Street as *El Camino Real* by the New Mexico Highway Department sets a precedent for this Plan.

2. Plan Name: "El Camino Real / Road of Life Heritage Drive"

"*El Camino Real*" describes the imperial Spanish route from Mexico City to the far north. Use of this designation represents the centuries of Spanish influence on New Mexico. In pueblo tradition however, this ancient trading route was called the "*Road of Life*". The project title, "*El Camino Real/Road of Life*" seeks to incorporate and honor these two formative influences on Albuquerque and New Mexico history.

3. Background:

Many Albuquerque and New Mexico citizens, together with events and attributes of humanity and of nature have made great contributions to the history and growth of the City of Albuquerque, the State of New Mexico, and indeed the Nation. In order to provide an appropriate way to commemorate these contributions, the Albuquerque Public Art Program proposes to develop 4th Street from the city's northern boundary to its southern boundary, including Civic Plaza and the Pedestrian Mall, as an *Avenue of Honor*. Imagery of selected contributors to our city, state and nation, will be rendered in appropriate public art works, as decided by the Albuquerque Arts Board in cooperation with each project planning committee. Artwork will be accompanied by commemorative plaques that describe the contributors' impact on history. These art works are intended to encourage the viewer to study, remember and celebrate these notable contributors.

Commemorative art works will be located along *El Camino Real* in order to reinforce the historic significance of this *Road of Life*. For the purpose of this plan, 4th Street has been recognized as *El Camino Real*. The actual route meandered, depending on season and weather. Within the boundaries of contemporary Albuquerque the route sometimes followed 4th Street, sometimes followed the river, and during periods of flood, it may have followed the high road, now well known as Edith Blvd., and other more easterly alternatives.

El Camino Real began in Mexico City and went north through Chihuahua and the present day city of El Paso. From there it proceeded along the Rio Grande, through Jornada del Muerto, and on to Albuquerque, Santa Fe and Taos. For the fragile colony of Nuevo Mexico, the road was a life line to New Spain and imperial aid. Yet, even in the 16th century, the route was not new. It followed the ancient trade routes of Native Americans who plied their wares far to the south for millennia before the Spanish arrived. To the puebloans, as to the Nuevo Mexicanos, the *Road of Life* provided an important source of material goods and creative inspiration.

With the opening of the Southwest to Americans in the early 19th century, the ancient route became an important extension of the Santa Fe Trail. A new round of trade and settlement flourished in the footsteps of Indian and Spanish settlers. In the late 20th century, in response to the opportunities provided by the North American Free Trade Agreement (NAFTA), the road has been reborn again as an important and strategic trading link between Mexico, the U.S. and Canada.

Recognizing that the road is embedded deeply in both our historic development and the culture of the southwest, the National Park Service is studying *El Camino Real* for designation as a National Historic Trail and several efforts in New Mexico are focusing on this historic route for purposes of education and tourism.

4. Mission/Purpose of the Plan:

The purpose of the *El Camino Real/Road of Life Plan* is to create, through the visual arts, an historically accurate sense of New Mexico's experience and to commemorate individuals, groups, and events, that contribute to the shaping of New Mexico's cultural history. It is our mission to highlight and celebrate the positive attributes of New Mexicans and their environment.

Efforts to implement the plan will endeavor to provide written and visual information about New Mexico as a community, and about its history. The hope is to educate residents and visitors alike about the meaning of citizenship, especially within the historical context of Albuquerque and New Mexico. Various perspectives of achievements, aspects of the person, and interpretations of events which are deemed to be significant and which have impacted the development of New Mexico as a community, will be represented.

5. Eligibility

A. Nominees of Individuals shall be:

1. Deceased citizen of New Mexico, or in the case of early residents, one who has resided in the area which is presently New Mexico (preference given to native New Mexicans).
AND
2. One who has contributed in a remarkable/marked fashion to the prosperity or betterment of New Mexico
AND
3. The person has had an impact beyond the State of New Mexico and/or to a particular ethnic group or segment of society
AND
4. Contributions in 2 and 3 above cannot have been made for primarily political or financial benefit of the contributor.
OR
5. The action of the Albuquerque City Council to designate a significant individual to be honored is suitable in making that individual eligible, whether the nominee is deceased or alive. If an issue arises regarding this designated individual, as identified by the historian preparing the necessary profile on the individual, the Arts Board may inform City Council of pertinent information before continuing with development of an appropriate memorial.
6. If an individual or individuals have been honored by the City before this, they may still be included in the *Heritage Drive*, with a new monument or

any previous monument may be moved to the Heritage Drive.

B. Nominees of Events, Positive Attributes of Humanity or the Environment shall be:

1. Events in history, up to and including the present, which have had major impact on the development of New Mexico.
2. Attributes of humanity or the environment which will be considered in the context of each project developed along 4th Street.

C. Grounds for Disqualification:

1. War Crimes, Crimes against Humanity or Crimes against Peace as described in Appendix A may disqualify an individual, group or events from commemoration.
2. If information related to such crimes is identified by a historian, the information will first be forwarded to the Project Planning Committee which may consider the issue/issues and then forward a recommendation along with the historian's profile to the Arts Board for final action regarding the appropriateness of the individual, etc. for commemoration. If the Board decides to proceed with the commemoration, the issues raised should be identified in the memorial artwork/signage in order that the individual, event, etc. is commemorated fairly.

6. Solicitation of Nominees and Committee Review

- A. The selection of those to be so honored will could begin with the Arts Board's solicitation of nominees through the media; while names could be submitted at any time, a series of decisions would be made every two years or more often at the discretion of the Albuquerque Arts Board on which names, events, or attributes should be added to the "nomination bank".
- B. Solicitation of names, events and attributes will occur at least once each year. Simple applications will be developed to include a categorization of individuals, events, etc. (e.g., sports heroes, states people, cultural leaders. etc.).
- C. A sponsoring organization or group must nominate the individual, event or attribute and provide documentation on the individual and their/its contribution to history (this can not be co-workers, family, relatives, friends, etc.). Local neighborhoods and communities along El Camino can identify an individual or

event for commemoration as long as the nominee met other selection criteria.

- D. The Review Committee will review the nominations. The Committee will include two members of the Albuquerque Arts Board, two historians, a representative of the Mayor's Office, one member of the Indian Pueblo Cultural Center and one community/public representative. Individuals, groups of individuals or events should be separated into two groups, one for general appropriateness and the other for those individuals, etc. which may have issues in their lives or in the history of the event which will require additional scrutiny before being commemorated.

7. Project Development

- A. The Arts Board will function as the planning committee and jury for projects in the Downtown core which includes 4th Street between Silver and Lomas including Civic Plaza and the 4th Street Pedestrian Mall.
- B. The planning committees for projects outside of the Downtown core including those in areas with active neighborhood associations will include the user department representative, community representatives, arts board representatives, etc.
- C. The Arts Board staff will present the nominations, or artists' images of those subjects, to neighborhoods along 4th Street and ask them to consider commemoration within the boundaries of their area. If interested, the neighborhoods can respond to the City/Arts Board with a proposal to accept a memorial.
- D. The selection of honored citizens can could also be related to each specific community site along 4th Street. The Planning Committee/Jury can could choose from the "nomination bank" or identify their own "honored citizen"; this might be, for example, the original founders of the various communities along El Camino such as Los Griegos, Los Candelarias, etc. If a new name is identified, a profile on the individual, group, etc. must be developed and returned to the Project Planning Committee which can then forward a recommendation of the Planning Committee to the Albuquerque Arts Board. However, the City would encourage neighborhood associations to consider their civic responsibility to the larger community and therefore consider the names developed and prioritized by the community at-large.
- E. Additions to this series of commemorative art works will take place in relation to each general obligation bond cycle--perhaps two being added each cycle.
- F. The works to be sited in the Downtown core shall be more traditional in nature;

decisions about the size and medium of an art work to honor each citizen, event, etc. will depend upon funds available, the individual or event to be honored, the site/physical context for the art work, etc.

- G. Before entering into an Agreement with an artist(s) to create an artwork memorial, the Public Art Program shall commission a respected New Mexico historian to research and document the individual, event, etc. if the Arts Board requests such a study to be made.
- H. Following the decision of the Arts Board and based upon the historian's profile of the individual, etc., the project shall be developed to acknowledge both the positive and negative achievements of the individual in the interest of fairness and historical accuracy.

8. *The Relation of the Art work Memorials/Projects to 4th Street*

- A. The installation of various memorials along 4th Street will not represent a continuous, chronological progression in relation to New Mexico's history; however, staff will develop a brochure to be updated periodically which gives detailed information about each project and its context in New Mexico history.
- B. Both the north and south ends of 4th Street in Albuquerque should be marked by gateways.
- C. The Albuquerque Arts Board and the Public Art Program shall pursue the development of a project to identify the City's boundaries through Albuquerque history.

9. *Art Work Parameters*

- A. Each project planning committee including the Arts Board when functioning as a planning committee will relate its project, art work medium, and theme to the overall plan.
- B. This Plan allows for both traditional, representational art works and more abstract, contemporary art works to be used in creating memorials.

10. *Planning Implications*

A. Other Potential Areas for the Extension of this Plan:

Bernalillo County, Valencia County and Sandoval County: these counties and the particular communities in these counties should be notified of the development and implementation of this Plan for their consideration of extending the Plan concept into their counties.

B. Suggested Planning/Construction Steps to be coordinated with this Plan would reinforce a distinctive character for the *Heritage Drive*. All projects should be developed so as to provide visual consistency with other projects along 4th Street. This drive should be beautiful so the entire city is proud of it. In time, the pride of those living along 4th Street will be greatly enhanced.

C. Paving around commemorative art works (when applicable), sidewalk paving materials, light posts, benches, other street furniture, trees and other landscaping should all be distinctive and consistent for the length of 4th Street.

11. *Plan Review and Modifications*

A. This Plan will be reviewed for effectiveness approximately one year from the date of its adoption by the Albuquerque Arts Board. It will also be reviewed periodically following the first review.

B. The Plan may be modified by a majority vote of the Albuquerque Arts Board.

* This Plan was prepared by an Ad Hoc Committee of the Albuquerque Arts Board including Board members Raymond Quintana, Walter BigBee, Muriel Stephenson and Francie Cordova; other participants included Francisco LeFebre, Special Events Division and John Grassham, Albuquerque Museum.

APPENDIX A

War Crimes, Crimes Against Humanity, Crimes Against Peace

As the Public Art Program requests recognized New Mexico historians to provide a report on individuals, groups of individuals or events recommended for public commemoration, the historians will be asked to provide relevant information related to this section. The resulting report including information relevant to this section will be submitted to the appropriate Planning Committee and/or the Arts Board for review and for a decision regarding the appropriateness of including the individuals, groups of individuals or events in the commemoration project.

The following information provides a limited framework for evaluating the actions of various individuals and groups of individuals in New Mexico's history. The "crimes against humanity" concept is useful for describing the nature of actions which constitute crimes, but much of the law on which this is based (Nuremberg Charter, the Tokyo Trials, the Rwanda and Yugoslavia statutes) is aimed at establishing international jurisdiction over what normally are areas restricted to domestic jurisdiction. Ex post facto did not appear to be an important barrier to decisions by the Nuremberg Tribunal. A number of defendants were convicted for crimes against humanity along with crimes against the peace and war crimes. Obviously many of the "crimes" committed within nations, including actions by our own western expansionists, were crimes as defined by national law, e.g., murder, torture, etc. Since jurisdiction is not an issue, evaluations of a frontiersman's place in history could be evaluated by considering the nature of his acts, many of which might fall into "crimes against humanity" (and war crimes) categories as we understand them in current international law. (Correspondence, Clifton E. Wilson, Professor of International Law, University of Arizona, dated February 9, 1996).

Definitions

Any person, whether a civilian or a member of a state's armed forces, who commits an act that violates a rule of the international law governing armed conflicts is responsible for his act and is liable to punishment as a war criminal." ("War Crimes," Law Among Nations by Gerhard von Glahn, Macmillan Publishing Co., New York, 1992, p. 870)

A discussion of crimes under that law is greatly complicated by the fact that today three categories of such offenses are recognized . . . (1) war crimes, (2) crimes against humanity and (3) crimes against peace." (Ibid., p. 870)

War Crimes

Generally, a war crime is any act for which soldiers or other individuals may be punished by the enemy on capture of the offender. The category includes acts committed in violation of international law and the laws of the criminal's own country as well as acts in violation of the laws of war and undertaken by order and in the interest of the criminal's own state." (Ibid., p. 870)

Most authorities concur that there are four kinds of war crimes: (1) violations of the rules governing warfare; (2) hostile armed acts committed by persons who are not members of recognized armed forces; (3) espionage, sabotage, and war treason, and (4) all marauding acts. (Ibid., p. 871)

Acts Constituting War Crimes

(Ibid., pp. 871-873)

1. Using poisoned or otherwise forbidden arms or munitions;
2. Treachery in asking for quarter or simulating sickness or wounds;
3. Maltreating corpses;
4. Firing on localities that are undefended and without military significance;
5. Abusing or firing on a flag of truce;
6. Misusing the Red Cross or similar emblems;
7. Troops wearing civilian clothes to conceal their identity during the commission of combat acts;
8. Improperly using privileged (exempt, immune) buildings for military purposes;
9. Poisoning streams or wells;
10. Pillaging;
11. Committing purposeless destruction;
12. Compelling prisoners of war to engage in prohibited types of labor;
13. Forcing civilians to perform prohibited labor;
14. Violating surrender terms;
15. Killing or wounding military personnel who have laid down arms, surrendered, or are disabled by wounds or sickness;
16. Assassinating and hiring assassins;
17. Ill-treating prisoners of war or the wounded and sick--including despoiling them or possessions not classifiable as public;
18. Killing or attacking harmless civilians;
19. Compelling the inhabitants or occupied enemy territory to furnish information about the armed forces of the enemy or his means of defense;
20. Appropriating or destroying the contents of privileged buildings;

21. Bombarding from the air for the exclusive purpose of terrorizing or attacking civilian populations;
22. Attacking enemy vessels that have indicated their surrender by lowering their flag;
23. Attacking or seizing hospitals and all other violations of the Hague Conventions for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention;
24. Committing unjustified destruction of enemy prizes;
25. Using of enemy uniforms during combat and using the enemy flag during attack by a belligerent vessel;
26. Attacking individuals supplied with safe-conducts, and other violations of special safeguards provided;
27. Breaking parole;
28. Grave breaches of Articles 50 and 51 of the 1949 Geneva Convention . . . 'wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, and extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly';
29. Grave breaches of article 130 of the Geneva Convention . . . 'wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, compelling a prisoner of war to serve in the forces of the hostile Power, or wilfully depriving a prisoner of war to serve in the forces of the hostile Power, or wilfully depriving a prisoner of war of the rights of fair and regular trial prescribed' in the convention;
30. Grave breaches of the Geneva convention as detailed in Article 147, 'wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of the hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly';
31. Destroying civilian cultural objects and places of worship (unless, von Glahn believes, true military necessity demands it);
32. Conspiring, directly inciting, and attempting to commit, as well as complicity in the commission of, crimes against laws of war,
33. Taking hostages, and
34. Killing hostages.

Crimes Against Humanity

“Offensives Constituting Crimes Against Humanity.” The wording of the section in question reveals a combination of two different sets of offenses. ‘Murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population’

represented, in time of war and applied to enemy citizens, crimes against the laws of war. The article [Charter of the International tribunal at Nuremberg listed in Article 6(a)] went further, however, and specified not only the criminality of such acts in time of war by also 'before' a war and then stipulated 'or persecution on political, racial, or religious grounds in execution of or in connection with any crime with the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the county where perpetrated . . . Basically, crimes against humanity, beyond the sphere of traditional war crimes, represented offenses committed against civilians, and not so much against individuals as against civilian populations."(*Ibid.*, p. 885)

Crimes Against Peace

"Under provisions of Article 39 of the Charter of the United Nations, the planning, preparation, and launching of a war not strictly in self-defense may be regarded as unlawful."

"The prohibition of retroactive penal measures is a fundamental principle of criminal justice and a customary, even peremptory, norm of international law that must be observed in all circumstances by national and international tribunals." ("International Criminalization of Internal Atrocities" by Theodore Meron, The American Journal of International Law, Vol. 89:554, 1995, p. 565).

(Special thanks to Clifton E. Wilson, Professor of International Law at the University of Arizona in Tucson for his help in providing documents and guidance for the preparation of this Appendix.)