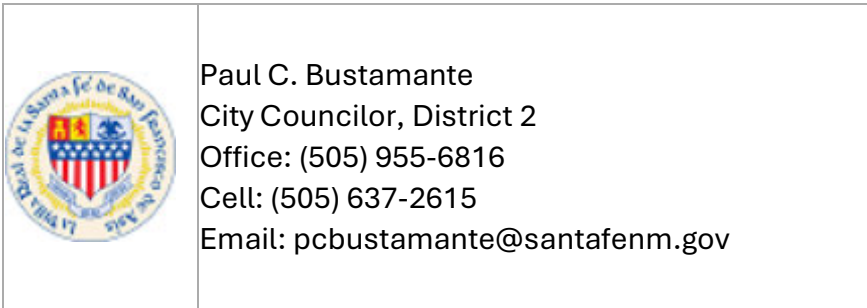


VIGIL, XAVIER I.

From: BUSTAMANTE, PAUL C.
Sent: Monday, February 23, 2026 4:30 PM
To: CARDENAS, GERALYN F.
Subject: Fw: On Soldiers' Monument and State's role



From: berl brechner [REDACTED]
Sent: Sunday, February 22, 2026 2:13 AM
To: CASSUTT, JAMIE A. <jcassutt@santafenm.gov>; GARCIA, LEE A. <lagarcia@santafenm.gov>; CASTRO, ALMA G. <agcastro@santafenm.gov>; FEGHALI, PATRICIA C. <pcfeghali@santafenm.gov>; BARRETT, ELIZABETH A. <ebarrett@santafenm.gov>; FAULKNER, PILAR FH. <pfhfaulkner@santafenm.gov>; CHAVEZ, AMANDA C. <acchavez@santafenm.gov>; BUSTAMANTE, PAUL C. <pcbustamante@santafenm.gov>; GARCIA, MICHAEL J. <mjgarcia@santafenm.gov>
Subject: On Soldiers' Monument and State's role

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TO: City of Santa Fe City Councilors and Mayor Garcia
REGARDING: Soldiers' Monument, future reviews, status of Monument Ownership

Two years ago, *The New Mexican* published a My View column that I researched and wrote detailing nearly a dozen sources, including experts, who confirm the Soldiers' Monument is owned by the State of Mexico, not the city of Santa Fe. This speaks to the heart of the issue of what should be done about the Monument, its obelisk torn down by a mob on Oct. 12, 2020, three months after the Mayor unilaterally and with no authority to do so called for its removal, had the city attempt that removal even before he had signed off on an emergency proclamation regarding it, and after City police abandoned their presence on the Plaza on the day it was destroyed.

The need for a conclusive determination and acceptance of State ownership of the Monument is critical to the next steps, rather than more talk of wishes, hopes and dreams of what should be done with the

Monument, its pieces and the remaining base. Reality needs to be faced. Thoughts and ideas at this time may be totally unworkable, impractical, or create unnecessary distraction and expense. Some commenting may not have considered that the monument is principally a memorial to people who died in New Mexico in the fight against slavery.

The My View is here:

https://www.santafenewmexican.com/opinion/my_view/at-the-plaza-still-a-question-of-ownership/article_91b27586-84aa-11ee-b817-834f6dfd9a91.html

(In case you have any problem with this link, the text as published is below this message.)

Most recently, a 185-page "Feasibility Study" study of the Monument as it is now by CSR Architects, commissioned by the City and released just last December, contains within it a 68-page report of local architect/ historian John Murphey. He exhaustively details a host of historical facts and circumstances over 170 years or so regarding Monument's conception, funding, design, and controversies. Murphey's report points to evidence, some of which is here plus added information, that the State of New Mexico — not the city of Santa Fe — is the Monument's owner. He also pinpoints the various official historical designations of the Monument and the Plaza, how those designations might limit changes to Monument.

It's worth noting that the CHART study of 2021-22, a quarter-million-dollar effort of the city, included surveys. Question 18 specifically asked for views, without regard to legality, costs or any other factors, on what should be done with the Soldiers' Monument.

606 people responded to that question. From the final CHART report....

Restore the monument with its original signage.	11.55%
Restore the monument with its original signage and add language that encourages it to be fully understood and assessed.	31.68%
Restore the monument with different signage.	11.39%
Move the monument to a different location.	12.05%
Replace what's left of the monument with something else.	33.00%
Remove what's left of the monument and leave the space unoccupied.	10.89%
No opinion: what happens to the monument isn't important to me.	6.27%

Summarizing, about 55 percent wanted the Monument in its place and restored in some fashion (three restoration options were offered); 12 percent wanted it moved; 33 percent wanted it replaced with something else; 11 percent wanted nothing there.

Given the "you break it you buy it" philosophy of an antique shop, In this case "you break it you restore it" is more applicable.

The City's mayor in 2020, without authorization of the owner, the State, unilaterally sought the Monument's removal and failed to have it protected when it was apparent a mob would take action. The city has no choice, now, but to restore the monument because it's the right thing to do, it gets the city back to where it was when considered and constructive discussion and review of options and impact of those actions could be assessed, and would allow for that discussion now so the right decision can be made, respecting the nearly two-century history of this key fixture of the City of Santa Fe, and respecting the future views of people looking at this in the decades and centuries ahead.

Rebuilding of Monument would also comport with District Judge Matthew Wilson's decision in the Union Protectiva case against Mayor Webber and the city, in which the judge required rebuilding of the monument, or if an alternate option is to be undertaken that it be explored with and ok'd by State historic officials and offices.

Thank you for your consideration of this.

Respectfully,

Berl Brechner
Santa Fe, NM
Feb. 22, 2026

FROM THE SANTA FE NEW MEXICAN:

My View Berl Brechner

At the Plaza, still a question of ownership

By Berl Brechner

Dec 1, 2023 Updated Jan 5, 2025

It seems *The New Mexican* (“On to governing: Start with opening up the Plaza, Our View, Nov. 8) wants what remains of the Soldiers’ Monument, which was at the heart of the Santa Fe Plaza, to be removed. It could be replaced by “a few benches and flowers for the time being.”

This obelisk, 35 feet tall or so, had been in place for more than a century and a half before being torn down in October 2020. The mob with ropes and cables who did that would be pleased with *The New Mexican*’s suggestions. But I don’t believe the question of who owns and should have a say in the monument’s standing has been resolved.

So far, it’s one vote for the city as the authority, and a dozen or so that it’s the state that should be the controlling party.

Erin McSherry, the city attorney hired by and who serves at the will of the mayor, suggests the city has the final say. (Remember, it was the mayor who unilaterally initiated a midnight raid to remove the Soldiers’ Monument in June of 2020.) More than three years later, despite promising an ownership analysis in the fall of 2020, McSherry finally presented her conclusion that the city owned the monument, relying on a “patent” from 1901 signed by then-President William McKinley. However a reading of that patent shows it to be a transfer of “lands” of the Plaza to the city; it has no reference to things, such as benches, statues or monuments.

A number of sources and bits of information suggest the state of New Mexico owns the Soldiers’ Monument.

- The monument was conceived and funded through actions of the Territorial Legislative Assembly in 1867.

- In September of 1973, according to articles in *The New Mexican* then-Mayor Joseph E. Valdes told the City Council that legal analysis found the Monument is not under control of the city; the council rescinded a vote to remove the monument, in part to avoid loss of state funds for Plaza renewal; and the city manager added, “We don’t plan to tinker with the monument” since it was state property.
- An over 200-page Santa Fe Plaza: Cultural Landscape Report done in 2005 for Santa Fe by an Albuquerque architecture firm has several references to the state being owner of the monument (tinyurl.com/bdv4f2un).

It includes: on page 19, “The Santa Fe Plaza property is owned by the City of Santa Fe and managed as a public park. All of the property located within its boundaries belongs to the City, except for the Soldiers’ Monument at the center of the Plaza, which belongs to the State of New Mexico.”; on pages 82-83: “Obelisk and Wall — The Soldiers’ Monument is the oldest existing material feature in the Plaza and should be maintained with special care ... and that nothing be done to compromise it ... The Property Control Division of the State General Services Department has responsibility for maintaining the Monument.”; in Appendix K, an inspection report on the monument done for the state’s Historic Preservation Division says, “The monument is owned by the State of New Mexico and is located in the Santa Fe Plaza which is owned by the City of Santa Fe. The Plaza is a National Historic Landmark.”; Appendix H, a letter from John Gaw Meem, architect for the city and the Plaza from the 1940s through 1970s, which refers to “the present Soldiers’ Memorial Monument, which is a State Monument.”

- During 1973-74, a state’s Cultural Properties Review Committee of the New Mexico Historic Preservation Division, not the city, created wording for and placed an interpretive plaque about the history of the words on the monument base’s sides.
- And another academic paper, by two university professors, “Turning Social Relations into Space: Property, Law and the Plaza of Santa Fe, New Mexico,” funded by a grant from the National Science Foundation, includes a section, “Who Owns the Plaza?”: “The obelisk itself is owned by the state of New Mexico and nothing can be legally done to it unless the state agrees. The actual Plaza is city property, but what can or cannot be done to its property is closely tied to the monument, since the monument is the anchor of the Plaza’s designation as a national historical landmark. Any alteration to the monument, even if the state allowed it, could threaten the historic status of the Plaza.”
- David Rasch, who was the historic preservation officer for the city of Santa Fe for 15 years, noted state ownership of the monument at one of the council meetings where public comment was heard on CHART findings.

Given this body of information that says the state owns and controls the monument, conflicting with and not addressed by city attorney McSherry, broader independent research and definitive answers are a must before acting on anybody’s suggestions. It’s the least we can do for today’s residents of Santa Fe, and for the soldiers who were, for over 150 years, memorialized on the Soldiers’ Monument that vandals destroyed.

Berl Brechner lives in Santa Fe.