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# The Republican administration's program in the twenty-first legislature

Jeannine Stafford

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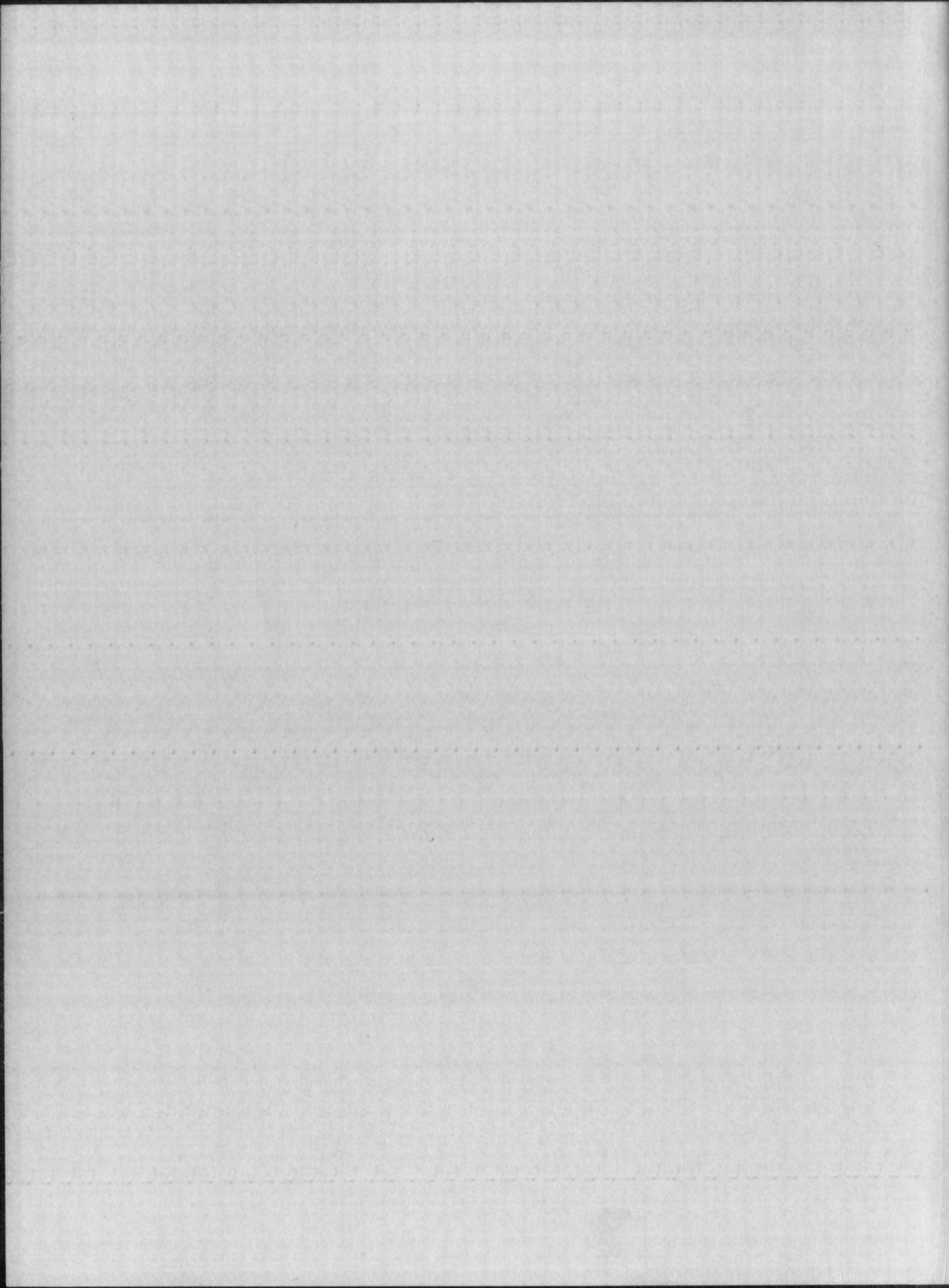


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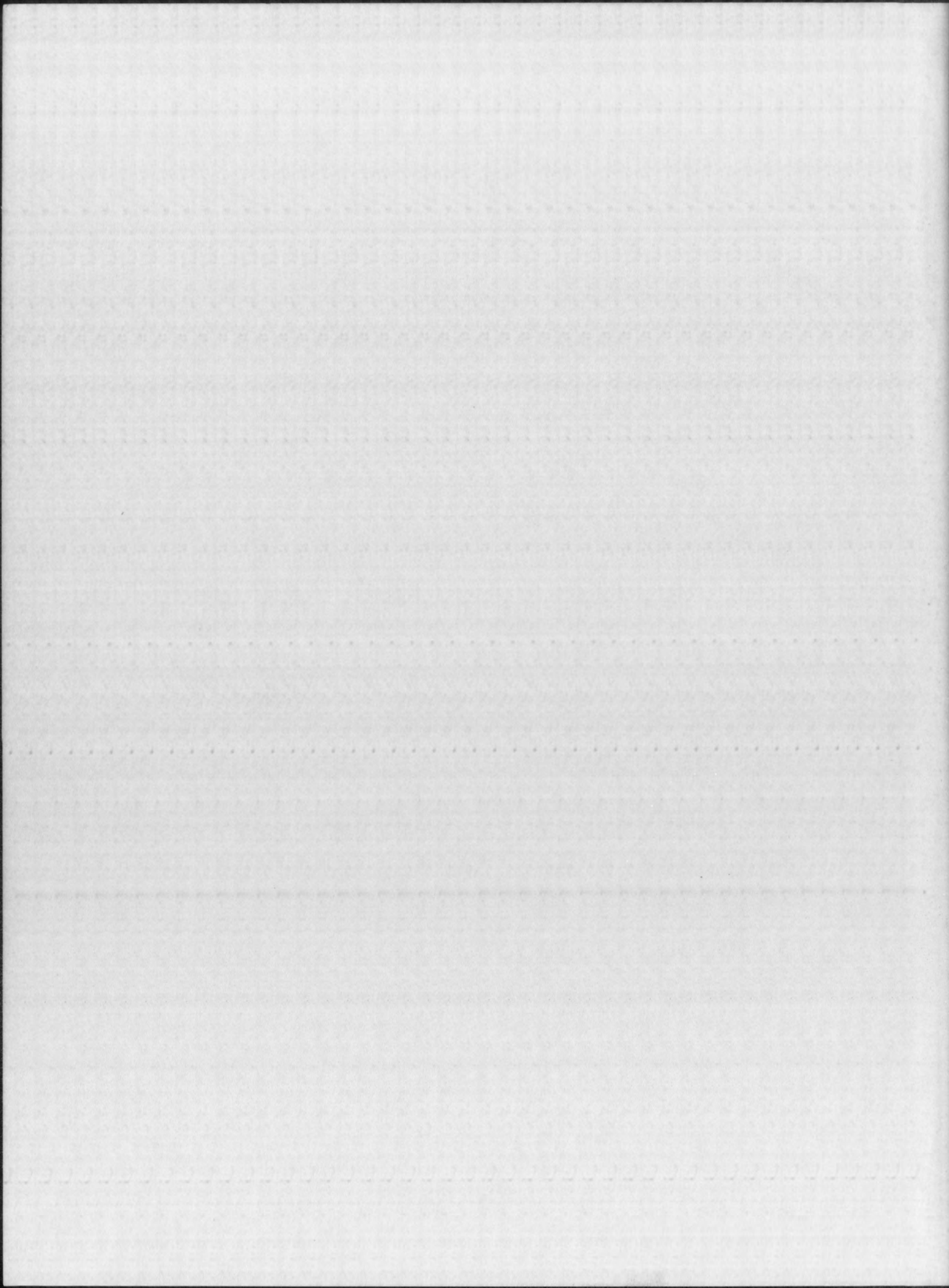




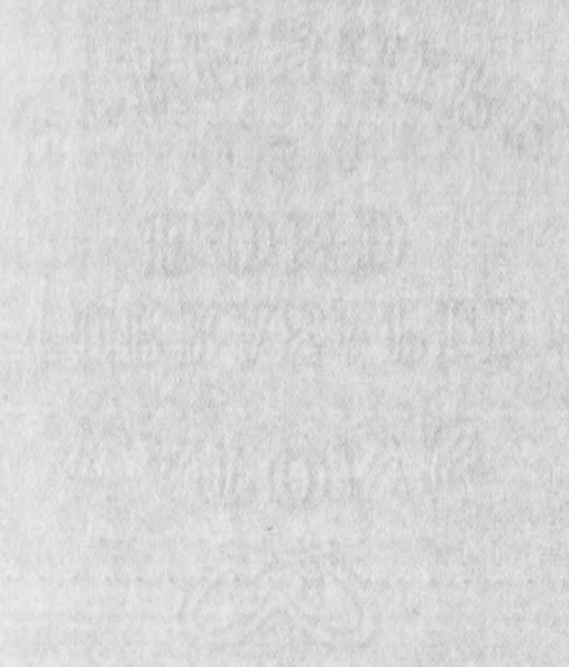
















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THE REPUBLICAN ADMINISTRATION'S PROGRAM  
IN THE TWENTY-FIRST LEGISLATURE

By  
Jeannine Stafford

A Thesis  
In Partial Fulfillment of the  
Requirements for the Degree of  
Master of Arts in Government

The University of New Mexico  
1953



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This thesis, directed and approved by the candidate's committee, has been accepted by the Graduate Committee of the University of New Mexico in partial fulfillment of the requirements for the degree of

MASTER OF ARTS

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DEAN

DATE 9/16/53

Thesis committee

*Charles Goodrich*  
CHAIRMAN  
*Howard M. Munn*  
*Fred C. Lunn*

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submitted has been accepted by the Graduate Committee of the  
University of New Mexico in partial fulfillment of the require-  
ments for the degree of

MASTERS OF ARTS

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Thesis Committee

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I am indebted to many persons for assistance and information provided in the preparation of this study.

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Special thanks go to members of the New Mexico Legislative Council in the Capitol for permission to use records in that office and for the provision of copies of legislative bills.

Above all, I should like to express my appreciation to my husband, Gerald Keith Hammer, who assisted in typing drafts of the manuscript and accompanied me on trips to Santa Fe to aid in compiling information.

I should like to make it clear that the opinions expressed in this study and any errors, which I hope are few in number, are my own; and all persons who have provided assistance are completely absolved from any responsibility.

J. S. H.

ADAMS 100-10000

I am indebted to you for the information  
which has been furnished in the various  
I should like to express my appreciation  
for the aid in connection with the  
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SUBGROUP
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IN THE GROUP

## INTRODUCTION

The purpose of this study is to present a history and analysis of the Republican Administration's program in the Twenty-First Legislature, 1953. The basic provisions of measures drafted for the purpose of effecting this program have been quoted from the legislative bills to add to the general understanding of the topic. An attempt has been made to determine the reasons for the legislators' attitudes toward various proposals; and an evaluation is given of the total proceedings.

The first chapter presents the Administration's program as it was formulated in the Republican platform and in Governor Mechem's campaign speeches and messages to the legislature. The second section is devoted to a study of the individual representatives and senators, the districts from which they were elected, and the officials chosen by the party caucuses after the session convened, so that insight may be gained into the composition and organization of the Twenty-First Legislature. In Chapter III the program is traced through both chambers of the legislature, from the drafting of the bills to the final disposition of them. Where information is available, emphasis is given to debate on the measures and the party breakdown of the vote. In the final chapter a summary of the proceedings is provided in the form of a table, augmented by brief





explanations; and an evaluation is made of the total results.

Source material was obtained from House and Senate journals, copies of bills introduced in the session, the Legislative Bill Locator, newspaper articles, speeches made by various legislators after the session had adjourned, private interviews, and letters written to persons acquainted with certain phases of the proceedings of the session.

Since the legislative journals show only the action taken on the program and often do not provide adequate insight into the reasons for this action, various ramifications of issues under consideration by the legislature are obscure and cannot be fully known. Press reports clarified certain matters, and personal letters and speeches made by the legislators shed light on other issues; but the motives and opinions of each individual member and the reasons for specific group action sometimes cannot be conclusively determined. Many persons who possess this knowledge have plans to remain active in state politics and do not consider themselves in a position to give information.

Newspaper articles were used extensively to secure information on the formulation of the program, the reaction of the legislators to Mechem's proposals, debate on various bills, and certain political aspects involved in action taken on the program. Press reports were critically studied so that pertinent

expansion of the program to include the entire country.

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material could be coordinated, and it is hoped that errors of personal misinterpretation are non-existent or few in number.

Information relating to the legislators and the districts they represent was obtained from The Directory of the Twenty-First General Assembly, New Mexico Blue Books of recent years, two unpublished theses in the University of New Mexico Library, newspaper articles, and personal letters written to some of the legislators.

It is hoped that this study contributes to a better understanding of the proposals in the Republican Administration's program in the Twenty-First Legislature and provides insight into legislative action relating to this program.

activity should be considered, and it is hoped that some of the  
persons mentioned above are now residing in New York City.  
The following persons are the proprietors and the  
they represent a number from the University of the South  
First General Assembly, New York City, and the 17th  
two mentioned above in the University of New York City.  
newspaper editor, and several persons who are in  
the University.  
It is hoped that the study mentioned in a certain  
understanding of the progress in the regional activities  
tion's progress in the University of the South and whether  
these two legislative action related to this program.

## CHAPTER I

### THE FORMULATION OF THE PROGRAM

On May 31, 1952, the Republican state platform was announced. The thirteen member platform committee, headed by William V. Kastler of Santa Fe, unanimously endorsed the fourteen planks forming the program. The points contained in the platform were as follows:

1. Return to the principles of individual liberty, free enterprise, and self government.
2. Qualities of honesty, integrity, thrift, and intelligence must be restored to our national government, elimination of all Un-American activities.
3. Foreign policy administered by a leader whose main objective will be the establishment of a just and lasting peace.
4. Strict economy in government.
5. Immediate and long-range flood control and water development plans.
6. Higher pay for school teachers.
7. Improved state roads.
8. Full protection of rights of U.S. armed forces veterans.
9. Fostering good labor management relations.
10. More adequate welfare program for the state, elimination of all chislers on public assistance rolls.
11. Fair property assessment.
12. Provision for a presidential preferential primary in New Mexico and for absentee voting.



On May 11, 1954, the following information was received:

1. The following information was received from William V. Kasper of the United States Army, Fort Monmouth, New Jersey, dated May 11, 1954:

2. The following information was received from the Office of Naval Intelligence, Washington, D.C., dated May 11, 1954:

3. The following information was received from the Office of Naval Intelligence, Washington, D.C., dated May 11, 1954:

4. The following information was received from the Office of Naval Intelligence, Washington, D.C., dated May 11, 1954:

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8. The following information was received from the Office of Naval Intelligence, Washington, D.C., dated May 11, 1954:

9. The following information was received from the Office of Naval Intelligence, Washington, D.C., dated May 11, 1954:

13. State and federal cooperation in Indian rehabilitation.

14. Just and impartial law enforcement with full benefits accorded everyone regardless of race, color, or creed.<sup>1</sup>

The contents of the platform marked it as just another formality in campaign proceedings, since the program which was presented gave little insight into Republican plans other than in general terms.

Mel Mencher of the Albuquerque Journal's Santa Fe Bureau remarked that only three points had positive value--the advocacy of an absentee ballot, the proposal for fair property assessments, and the plan for a presidential preferential primary.<sup>2</sup> He questioned the promise of higher pay for school teachers, stating that it seemed somewhat out of place and ignored other public servants who perform equally important services. He contrasted the 1952 program with the 1950 Republican platform, which was more compact and included specific recommendations concerning the State Police Force, the Corporation Commission, the Liquor Division, the State Board of Education, and the selection of judges. In speaking of the 1952 program, Mr. Mencher remarked:

In short the platform says nothing with which anyone could disagree. It would not antagonize a soul.

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<sup>1</sup> A news article in the Albuquerque Journal, June 1, 1952.

<sup>2</sup> Mel Mencher, A Column in the Albuquerque Journal, June 5, 1952.

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It could be used almost word for word by the Democratic, Prohibition, and Greenback parties.<sup>3</sup>

Another editorial was kinder in its evaluation of the state Republican platform, stating that "several planks in the New Mexico portion are worthy of study and support."<sup>4</sup> As examples, the editorial cited absentee balloting, the preferential primary, road improvement, adequate welfare programs, higher pay for teachers, and the elimination of chislers on public payrolls.

An editorial in The Carlsbad Current Argus had the following warning: "Party officials should take notice of their high sounding platform and resolve to carry it out if elected."<sup>5</sup>

A comparison of the Republican and Democratic platforms shows similarity between the two, except that the latter platform was longer and covered a wider variety of subjects, including public utilities, liquor control, the pre-primary designating convention, a Governmental Survey Commission, and equal representation for the people of Los Alamos County.<sup>6</sup> Another difference is that the Democratic platform did not call for a presidential preferential primary or for higher

---

<sup>3</sup>Ibid.

<sup>4</sup>A reprint from an editorial in the Roswell Daily Record, reprinted in the Albuquerque Journal, June 7, 1952.

<sup>5</sup>A reprint from an editorial in The Carlsbad Current Argus, reprinted in the Albuquerque Journal, June 7, 1952.

<sup>6</sup>Information relating to the state Democratic platform, 1952, can be found in a news article in the Albuquerque Journal, June 27, 1952.



pay for teachers. All other points contained after the three plank preamble in the Republican platform were expressed in somewhat different fashion in the Democratic platform. The Democratic platform did contain more proposals than the Republican; but, like the opposition party, the framers of the Democratic platform did not escape criticism for dealing too much in generalities and evading specific issues. Mel Mencher, columnist, stated, "The Democrats took special pains to water down an already fairly innocuous statement of policy."<sup>7</sup> Although the specific proposal was made to place the burden of proof on the utilities, no mention was made in the platform of combining the Public Service Commission and the State Corporation Commission as had been suggested in the original draft. The plank on liquor control stated: "We favor adoption of a fair liquor control law which will do away with the vices of the present system"<sup>8</sup>; but there was no specific recommendation of a bi-partisan liquor board and hearings by an impartial referee to be appointed by the Supreme Court.

The platforms of both parties lacked concrete recommendations and were generally disappointing.

During the campaign, the Republican candidate for governor, incumbent Edwin L. Mechem, stressed certain planks of his party's platform and ignored others, although

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<sup>7</sup>Mel Mencher, A Column in the Albuquerque Journal, June 29, 1952.

<sup>8</sup>Op. Cit., A news article in the Albuquerque Journal, June 27, 1952.





apparently agreeing with all of them.

In his bid for re-election, Mechem made various speaking tours of the state, occasionally appearing with Everett Grantham, Democratic candidate, on radio forums and in public meetings.

On September 30, 1952, the two candidates participated in a radio forum sponsored by the Junior Chamber of Commerce in Santa Fe. In what he called off-the-cuff remarks, Mechem said, "The only real issue at the state level is efficiency of the state government. The only question involved is: Are the people getting the most for their money?"<sup>9</sup> Thus he stressed his party's campaign plank of strict economy in government. Grantham, on the other hand, described "honesty in government" as the foremost issue.<sup>10</sup>

In speaking of the public utilities, Mechem stated that an adequate rate-making department for use by both the Public Service Commission and the Corporation Commission was the "only solution."<sup>11</sup> He favored merging the two utility commissions, adding that it was debatable whether members should be appointed or elected. Personally he favored

---

<sup>9</sup> A news article in the Albuquerque Journal, October 1, 1952.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

apparently agreeing with all of them.

In his bid for re-election, Neeson made various

speaking tours of the state, occasionally appearing with

Everett Granman, Democratic candidate, on radio forums and

in public meetings.

On September 30, 1952, the two candidates participated

in a radio forum sponsored by the Junior Chamber of Commerce

in Santa Fe. In what he called an "old-timey" interview, Neeson

said, "The only real issue at the state level is efficiency

of the state government. The only question involved is: Are

the people getting the most for their money?" Thus he

expressed his party's campaign plank of state economy in

government. Granman, on the other hand, attacked Neeson's

is

in government" as the foremost issue.

In speaking of the public utilities, Neeson stated

that an adequate rate-making mechanism for use by both the

Public Service Commission and the Corporation Commission was

the "only solution." He favored merging the two utility

commissions, adding that it was debatable whether mergers

should be expedited or delayed. Personally he favored

5  
A news article in the Albuquerque Journal, October 1,

1952.

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appointment. His statements concerning the public utilities were a repetition of a 1950 Republican platform plank. Grantham's opinion was that the voters of New Mexico favored electing higher officials rather than having them appointed.

On October 21, Mechem appeared with his Democratic opponent at a question and answer forum in Portales sponsored by the Portales Parent Teacher Association.

When questioned concerning an appointive State School Superintendent, Mechem replied that he still favored the creation of a State Board of Education which would be empowered to appoint the State Superintendent. In 1951 the voters defeated a constitutional amendment making such provisions. Mechem said that he had drawn up this legislation. Grantham's views on the matter were that the voters of the state were competent to select one of the party nominees as State School Superintendent. The two candidates agreed that the state school funds should be kept separate from the general fund and that state lands should contribute a larger share toward the state budget. Mechem favored a land reclassification, while Grantham favored an increase in leases in line with other price gains.

Both men were in agreement on the holding of a state constitutional convention in 1953 and on the establishment of a non-political judiciary system. Mechem favored the



so-called Missouri Plan<sup>12</sup> which the voters rejected in the last constitutional election. Grantham's proposal was that candidates for judicial posts run on ballots in which the political party is not designated.

In a speech to the New Mexico Education Association on October 23 in Albuquerque, Mechem reminded the educators that the state tax structure is designed for the benefit of the educational system and promised to oppose any suggestions for the diversion of this tax money for any other purpose than that of education. He spoke of the need for an adequate teachers' retirement program, recommending that any changes in the system be made only by the teachers themselves. However, the gubernatorial candidate preferred to ignore his party's campaign plank of higher pay to school teachers.

Mechem often referred to his two year record as governor in his campaign speeches. In doing so, he apparently had a double purpose. He answered opponents' criticisms and at the same time left the impression that if elected for a second term he would further developments in the fields mentioned, many of which were directly concerned with the Republican platform or were later included in his administrative program.

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12

The Missouri Plan provides that when a vacancy exists in a court, a nominating commission composed of both lawyers and laymen shall nominate three candidates; and the governor must appoint one of these nominees. After serving twelve months, this judge goes before the people on his record, having no competing candidate. The people decide if he should stay in office; and if the people vote in the negative, the process is repeated with a new candidate.



so-called Missouri Plan, which the voters rejected in the last constitutional election. Governor's proposal was that candidates for judicial posts run on tickets in which the political party is not designated.

In a speech to the New Mexico Association on October 19 in Albuquerque, Nathan pointed out the fact that the state tax system is a burden on the people and the educational system and proposed to appropriate suggestions for the diversion of this tax money for the other purposes than that of education. He spoke of the need for an adequate teachers' retirement program, recommending that any changes in the system be made only by the teachers themselves. However, the system could be changed to allow the party's campaign fund of money set aside for school purposes. Nathan often referred to his 1914 year, saying that Governor in his campaign speeches, "I told you, we especially had a noble purpose. He wanted to make a campaign and at the same time take the important matter of education for a second term he would further development in the field of education, many of which were already concerned with the legislative platform or were intermingled in the administrative program."

The Missouri Plan provides that when a vacancy exists in a court, a nominating committee composed of both judges and laymen shall nominate three candidates and the governor must appoint one of these candidates. After serving five years, this judge goes before the people in the next election, being no longer a candidate. The people decide if he should stay in office and if the people vote in the negative, the judge is re-elected with a new candidate.

State welfare was one of the fields which he stressed. Point number ten in the Republican platform promised an adequate welfare program for the state and the elimination of all chislers on public assistance rolls. Democratic opponents had criticized the State Welfare Department in regard to increased costs of operation and "political maneuvering." In his defense of the Department, Mechem stated that during his administration the state welfare services had been enlarged one-third<sup>13</sup> and 1,287 ineligibles had been trimmed from state welfare rolls.<sup>14</sup> He said that increased costs of operation were a natural result of a great increase in services.

Employing the Halloween theme in a Gallup speech<sup>15</sup> in late October, Mechem declared that his administration had cleared out a number of hobgoblins which used to haunt state government. Among the "routed spooks" he included "politics-ridden state police and politically dictated road-building."<sup>16</sup> He listed as other accomplishments of

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<sup>13</sup>A news article in the Albuquerque Journal, November 1, 1952.

<sup>14</sup>A news article in the Albuquerque Journal, October 1, 1952.

<sup>15</sup>Op. Cit., the Albuquerque Journal, November 1, 1952.

<sup>16</sup>Ibid.

State... Point... of all... opportunity... regard to... mentioned... stated... between... had been... indicated... great... Regarding... in late... had elected... state government... "Police... road... 10

13  
12  
November 1, 1931  
October 1, 1931  
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his administration: "start of a personnel classification system, putting a qualified maintenance engineer in charge of the new statehouse, elimination of deadhead employees in the Revenue Bureau, and improving state auditing procedures."<sup>17</sup> In contrast, his administrative record had gloomy reviews from various members of the opposition party.

The subject of laws regulating various phases of the liquor industry had come up several times in the spring and summer of 1952 and continued to be a topic of discussion in the campaign. In April there were press reports of illegal liquor traffic in certain areas<sup>18</sup> and of a general laxity in enforcement of liquor laws. Governor Mechem gave orders to the State Liquor Division to "get tough" with liquor law violaters.<sup>19</sup> He repeatedly stated that population alone rules liquor permits, referring to the 1951 law placing retail liquor licenses on a basis of one for each 1500 residents in a particular area. In the campaign he emphasized:

It is not the intent of my administration to violate the purpose of that law by any subterfuge,

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<sup>17</sup>Ibid.

<sup>18</sup> A Federal Grand Jury reported illegal liquor traffic "alarming" in the areas around Farmington, Cuba, Grants, and Gallup. A news article in the Albuquerque Journal, April 19, 1952.

<sup>19</sup> A news article in the Albuquerque Journal, April 18, 1952.



such as transferring licenses from county to city, county to county, city to county, or by any other means.<sup>20</sup>

With the subject of liquor law enforcement still under discussion, on October 28 Mechem outlined to a rally in Clovis the type of State Liquor Control Board he favored establishing. In the twentieth legislature he had vetoed a bill to set up a Board because provision was made for certain elected officials, including the State Superintendent of Public Instruction, to be members of the Board. In his Clovis speech he declared that the bill "saddled an additional burden on state officers which you elect for very different purposes."<sup>21</sup> Mechem expressed his opinion that a Liquor Control Board should represent the liquor industry, state agencies which share in liquor tax income, and the public. He advocated a non-partisan Board of approximately five members, to be appointed by the governor for staggered terms and to have tenure, replaceable "only for cause, and not at the whim of an executive."<sup>22</sup> He stated that such provisions were necessary so that one man could never control the Board. He declared that if he were elected, the type of Board which he had outlined would be established

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<sup>20</sup> A news article in the Albuquerque Journal, October 22, 1952.

<sup>21</sup> A news article in the Albuquerque Journal, October 29, 1952.

<sup>22</sup> Ibid.





if the 1953 legislature would give him the proper kind of enabling legislation.

Having once served as a member of the state legislature, Mechem expressed the opinion that members of the legislature should have more information about the fiscal operations of the state. He suggested that the legislature place a budget officer or fiscal officer in the comptroller's office to work with the auditor, treasurer, and comptroller throughout the year and report back to the legislature directly. He agreed that such an officer could not be made available for the twenty-first legislature, but said, "I plan to try to get out a financial report as soon as possible after the election, regardless of the outcome of the voting."<sup>23</sup> He emphasized that the governor should have the machinery to draw up an overall budget, but added that the legislators are entitled to the correct information. "They have to approve it [the budget], and you can't ask them to accept the figures blind."<sup>24</sup> Mechem said that some authorities believe that the legislators should not have an advance look at the appropriation bill because they might be inclined to make too many changes in it. He emphasized the fact that he did not agree with this theory.

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<sup>23</sup>Bob Brown, A Column in the Albuquerque Journal, September 4, 1952.

<sup>24</sup>  
Ibid.

if the 1977 legislation is passed, the  
existing legislation.  
Having been passed, the bill will be  
sent, needed, and the bill will be  
legislation is now in the hands of the  
operation of the bill will be in the  
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No enactment, the bill will be in the  
draw up an overall bill will be in the  
enacted as the bill will be in the  
to [the bill] and the bill will be in the  
blind." The bill will be in the  
legislators agreement to the bill will be in the  
then bill becomes law and the bill will be in the  
changes to the bill will be in the  
with this money.

Joe Smith, Jr.  
September 1977  
24  
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After the 1952 campaign ended and Mechem was re-elected to the governor's office, he was in a position to shape the Republican campaign platform into a more definite and concrete statement of policy to form his administrative program. Campaign platforms traditionally deal in generalities; but an administrative program, to be effective, must be specific.

Governor Mechem had previously recommended in March of 1952 that the state's income tax law be changed to provide an income tax based on a percentage of the tax paid to the federal government. He expressed the opinion that this percentage would be somewhere between 5 per cent and 10 per cent. The original state income tax law passed in 1933 was patterned after federal regulations; but several changes had occurred in the federal regulations since that time, making coordination difficult. After Mechem's election, Comptroller Edward Hartman announced that the governor's recommendation concerning the state's income tax law would be drawn up into a bill for presentation to the 1953 legislature.

In December the announcement was made that the administration would oppose any increases in taxes by the next legislature.<sup>25</sup> On the opening day of the legislature,

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<sup>25</sup>

A news article in the Albuquerque Journal, December 2, 1952.

After the 1952 election, the Government

decided to set up a committee to study the  
shape the Republic's future. The committee  
and committee members, including the President,  
Prime Minister, and other high-ranking officials,  
were to study the situation and make recommendations.  
The committee was to be a permanent body, to be  
called the National Development Committee, and  
be appointed.

Government's National Development Committee  
of 1952 that the Government had decided to  
vide an income tax based on a percentage of the  
the Federal Government. The committee was to  
percentage would be set at a level of 10% of  
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Government's National Development Committee was to  
recommendation to the Federal Government's  
be drawn up into a bill for the Federal Government's  
legislation.

In December the Government decided to  
establish a National Development Committee to  
next legislation.

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A new National Development Committee was  
December 2, 1952.

January 13, 1953, Mechem repeated to the members that he saw no need for any tax increases. In his opening speech, he further said:

We need sufficient appropriations to provide more careful inspection of all sources of state income, together with increased centralized accounting facilities. Our institutions of higher learning, for instance, would doubtless profit from a system which would enable us to keep closer watch on their financial expectancy, as well as their current balance sheets. The necessity of annual appropriation should also be given careful consideration.<sup>26</sup>

The initial administrative program which Governor Mechem presented to the twenty-first legislature was composed of 1952 Republican platform planks and various other proposals, many of which had been issues in the twentieth legislature and had been rejected by either the solons or the people. Major administrative proposals were listed in the governor's opening speech to the legislature on January 13,<sup>27</sup> but a more extensive program was later devised and presented to the Republican caucus on January 25. In his speech to the caucus he omitted campaign planks which could be taken for granted, such as improving state roads and the

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<sup>26</sup> A news article in the Albuquerque Journal, January 14, 1953.

<sup>27</sup> Governor Mechem's opening speech to the legislature can be obtained from the following sources: The Journal of the House of Representatives, the Twenty-First Legislature, 1953, Proceedings of the First Legislative Day; A news article in the Albuquerque Journal, January 14, 1953.





fostering of good labor management relations. The program which he presented to the Republican members of the twenty-first legislature contained the following proposals:

1. Re-registration of voters.
2. Repeal of the pre-primary law, setting up a direct primary which would be held in June.
3. Combining the direct primary with a preferential primary in which New Mexico citizens could express their preference for nominees for president of the United States.
4. An absentee ballot for the state of New Mexico.
5. A change in the present ballot to eliminate the straight ticket vote.
6. Revision of the State Police Board, taking the governor off the board, and giving tenure to the officers but not to the board chief.
7. Combining the Corporation Commission and the Public Service Commission through a constitutional amendment.
8. Creating a State Board of Education by constitutional amendment, which in turn would appoint the State Superintendent of Schools.
9. Tightening up the state's budget laws.
10. New property tax laws.<sup>28</sup>
11. Setting up a combination of the Park Commission, the Capitol Building Improvement Commission, and the Capitol Custodian to take charge of all state grounds and buildings.

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Mechem explained that the new property tax laws were being drawn up by the Tax Commission and did not give details to the caucus.

foreseeing of economic conditions, and  
which are presented in the following manner:  
These legislative proposals are:

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These proposals are being  
presented to the public  
for their consideration.



12. Providing for two members of the legislature on the Board of Finance, which considers the budget and other matters between legislative sessions. 29

13. Changing the Oil Conservation Commission, making it a three member appointive board and removing the governor and state land commissioner as members.

14. The setting up of a personnel system, which was described by Mechem as a "merit system without tenure." 30

15. Redefining the powers and duties of the State Canvassing Board. 31

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Subsequent administrative proposals involved a widespread revision of state fiscal procedure in line with Governor Mechem's recommendations. The governor backed a series of bills which had been advocated by the Little Hoover Commission. One such bill provided for a Department

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29 In connection with this proposal, Mechem suggested that the legislature be provided with its own budget officer, a man authorized to go into any agency for information, but having no authority to fix budgets.

30 Mechem said the proposed system would allow for the acquisition of personnel without the strings usually attached to discharges under a merit system.

31 Mechem said the proposed bill would take away many of the duties of the board where it has no powers and would put much of the responsibility on the county canvassing boards and the district courts.

32 A news article in the Albuquerque Journal, January 26, 1953.



of Finance and Administration<sup>33</sup> composed of these divisions: Administration and Control, Local Finance, the Budget, Purchasing, Central Services, Examining and Licensing, and such other divisions as might be established. Another bill stipulated:

The Director [of the proposed Department of Finance and Administration] would be authorized to suspend summarily any county, municipal or school board official, or any deputies in county or municipal schools or offices, or in any state office, institution, department, or agency, in cases of embezzlement, fraudulent misappropriation, and similar situations.<sup>34</sup>

A third bill proposed to establish a Division of Purchasing and would revise the existing law to give that office authority to dispose of any real or personal property belonging to a state department or agency.

In early March, 1953, the Governor proposed the issuance of  $4\frac{1}{2}$  million dollars in bonds to provide funds for erecting, improving, equipping, and remodeling buildings of state agencies and institutions. A bill was sent to the Senate dealing with this matter. To finance the bonds, the measure authorized the levying of an additional ad valorem tax "sufficient to produce an amount equal to one year's

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For further details see: Frederick F. Blachly and Miriam E. Oatman, Report, New Mexico State Reorganization Committee, (Santa Fe, 1952), pp. 104-105.

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A news article in the Albuquerque Tribune, February 23, 1953.





interest and pay the principal of all bonds as they mature."<sup>35</sup>  
The question of the issuance of the bonds would be submitted to the voters at the next general election.

Although vague in certain instances, as in regard to "tightening up the state's budget laws", Governor Mechem's administrative program was a definite improvement over the Republican campaign platform. The difficult task facing him was to see that this program was guided successfully through the legislature. The complexity of this job was increased by the fact that the 1952 elections had produced a legislature of the hybrid variety, consisting of a Republican controlled House and a Senate controlled by Democrats--a rare situation in New Mexico's political history. Therefore, in order to understand the ultimate disposal of the Governor's program it is necessary to look more closely at this legislature.

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A news article in the Albuquerque Journal,  
March 11, 1953.





## CHAPTER II

### THE COMPOSITION AND ORGANIZATION OF THE LEGISLATURE

#### The Composition of the House of Representatives

Since the adoption of a constitutional amendment in 1949, the State of New Mexico has been divided into thirty-one representative districts, from which a total of fifty-five members are elected to the House of Representatives.

In the Twenty-First Legislature the Republican Party held a majority in the House of Representatives by a margin of one vote. This margin, although slight, was significant because it marked the occasion of the Republicans' partial return to power in the legislature. It was the first time they had won a majority in either body since the election of 1928. Unofficial returns two days after the 1952 election gave the Republican Party a three vote majority; but subsequent reports produced uncertainty. In the following weeks the Republican lead in the House teetered precariously, pending the outcome of close races in four areas: Districts Two, Twenty-Seven, Twenty-Eight, and Twenty-Nine. The Republican victory in District Two, the Socorro-Catron area, was contested; and at one point in the political battle, it looked as if the Democratic Party might edge into first place. However, on December 24, 1952, the State Canvassing Board made the official announcement settling the matter.

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The Democrats had won the Socorro-Catron contest and had come out ahead in the Twenty-Seventh District; the Republican Party had gained the Twenty-Eighth and Twenty-Ninth Districts. The result was that the House membership consisted of twenty-eight Republicans and twenty-seven Democrats.

Experienced members are generally considered an asset in a legislative body. This is especially true in the New Mexico House of Representatives where the comparatively rapid turnover results in the election of a high percentage of freshman members each time. In the 1953 Legislature, approximately 69 per cent of the House members had no previous experience in an elective state office. Only seventeen political veterans--a total of 30.9 per cent--were among the representatives. Ten persons were returning for the second time; five men had two previous terms to their credit; one member had been in the House for three terms; and the oldest member, in regard to experience, could draw upon the knowledge gained from four legislative sessions. A study of party membership showed that eleven Democrats and six Republicans made up the group of experienced legislators. Thus it may be seen that the majority party in that chamber which would be responsible for the Governor's program was almost completely lacking in experienced leadership.

This general lack of experience was not treated lightly by either the press or the politicians. An editorial in the Albuquerque Journal reviewed the situation



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and predicted that "the inexperience of the overall membership of the House may hamper its activities."<sup>1</sup> With a view toward remedying the situation themselves, the entire membership of both the House and the Senate attended a three day briefing session under the direction of the Legislative Council in early December. Newspapers commended the idea of a school for legislators as a "refresher" for the experienced members and to give freshman members a preview of the coming session. However, although the training was described by legislators as very helpful, it was generally agreed that a three day briefing course is hardly adequate to overcome the handicap of inexperience.

The following information regarding the members and the districts they represent may throw some light on the subsequent behavior of the House.

District 1. The First Representative District is Valencia County, in which sheep and cattle ranching and farming interests have continued to dominate since territorial days.<sup>2</sup>

Surveys show that the county has not changed significantly since statehood in regard to the ethnic composi-

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<sup>1</sup>  
Bob Brown, A Column in the Albuquerque Journal, November 9, 1952.

<sup>2</sup>  
Information in this thesis relating to the economic interests of counties is based upon: Warren A. Smart, "A Survey of the Background of the New Mexico State Legislators Elected in 1948" (Unpublished Master's Thesis, Department of Government, University of New Mexico, 1950), pp. 1-84.





tion of its population.<sup>3</sup> As in the early days, its inhabitants are chiefly of Spanish-American<sup>4</sup> descent.

This district is represented in the legislature by two Republican members.

Neel Alexander is a freshman representative from Belen. He is a warehouse foreman for the Atchison, Topeka, and Santa Fe Railroad.

Manuel Silva, a resident of Grants, is in the insurance business. This is his first term in the legislature.

District 2. The Second Representative District is composed of Socorro and Catron counties. Chief economic interests in this area are ranching and farming.

In 1915 both Socorro and Catron counties had a predominantly Spanish-American population of 70 per cent or more. Since that time, the ethnic ratio in Socorro County has remained basically the same; but in Catron County population changes have resulted in a decline in ratio for the native group. The Spanish-American group now comprises less than 50 per cent of the population in Catron County.

One Democrat and one Republican were elected to the House of Representatives from the Second District.

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<sup>3</sup> Information in this thesis relating to the ethnic composition of counties is based upon: Dwight M. Ramsay, Jr., "A Statistical Survey of Voting Behavior in New Mexico" (Unpublished Master's Thesis, Department of Government, University of New Mexico, 1951), pp. 52-56.

<sup>4</sup> In this study the term "Spanish-American" refers essentially to a linguistic group. Members of this group are sometimes called "natives" because they were settled here long before the "Anglo" came.



Lorenzo A. Chavez, from Magdalena, is the district's Democratic representative. Mr. Chavez is a lawyer. This is his first term in the legislature.

Hi Gill of Socorro is the Republican representative from this district. Mr. Gill is in the real estate and insurance business. He is new to the legislature also.

District 3. Bernalillo County, constituting the Third Representative District, is the most densely populated of the state's thirty-two counties. Within the past thirteen years Albuquerque, the county seat, has mushroomed in growth because of the influx of workers to Kirtland Air Force Base, Sandia Base, and the numerous district and regional headquarters of agencies of the Federal Government. Health Seekers and tourists have added their numbers to the increasing rank of permanent. The University of New Mexico attracts a large number of out-of-state students each year. In addition to government agencies and military installations, the Santa Fe Railway Shops are an important factor in the economy of the county. The largest portion of the county outside of Albuquerque is devoted to ranching, dairying, and agricultural interests, such as truck farms and fruit orchards.

The Spanish-American element of the population, very much in the majority in territorial days and the early years of statehood, now comprises approximately 50 per cent of the total population. The reduction in ratio for this native group results partially from the influx of residents



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from other states. The Indian village of Isleta is of cultural significance, but the county's Indian population is not large enough to form a significant percentage of the total population.

Bernalillo County has six representatives--twice the number allotted any other district. Five Republicans and one Democrat hold the district's seats in the House of Representatives.

James A. Borland, Republican, is an Albuquerque attorney. He is a native of the city and has practiced law there for three years. Mr. Borland has had no previous legislative experience.

Floyd F. Darrow is the Democratic representative from the county. He is a resident of Albuquerque and has lived in the city for twenty-three years. He is vice-president of the Darrow Ice Cream Company. Mr. Darrow served in the House of Representatives in the Twentieth Legislature.

Hugh Horne, Republican, has practiced law in Albuquerque for three years. He was returned to the House for the second time, having served in the Twentieth Legislature.

W. J. Redak was nominated by the Bernalillo County Republican Central Committee after the withdrawal of Howell Spear. A native of Raton, Mr. Redak is the manager of the Everett Jewelry Company and has had fifteen years business management experience. He is chairman of the City of Albuquerque Retirement Board. This is his first term in the





legislature.

Paul W. Robinson, Republican, is an Albuquerque attorney. He began law practice in the city in 1950. This is his first state office.

Joseph Warner, Jr., is an Albuquerque insurance man. He was a member of the House in the 1951 session. In the 1952 election campaign Mr. Warner was the Bernalillo County GOP Chairman and a member of the party's State Central Committee.

District 4. The Fourth Representative District is Santa Fe County, which is allotted two seats in the House of Representatives. The operation of the state government is an important factor in the economy of this county, as is the large volume of tourist trade attracted to the Capitol. Agricultural interests are also prominent in the county; and there is coal mining at Madrid and Cerrillos.

A majority of the population is of Spanish-American descent, although the percentage has been reduced in recent years.

Two Republican representatives were elected from this district.

Merril B. Johns is in the real estate and insurance business in Santa Fe. This is his first elective state office.

Antonio M. Montoya is a Santa Fe car salesman. Formerly he was a prison guard. This is his first term as a member of the legislature, although he saw the legislature in

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He was a member of the House of Representatives.

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District 5. The Fifth Representative District follows the boundaries of Rio Arriba County. The chief sources of income are lumber, fruit, and sheep ranching.

The population of Rio Arriba County is predominantly Spanish-American.

The county is represented in the House by two Democrats.

Albert Amador, Jr., is a teacher in the Espanola public schools. He was a House member in the 1951 session.

Matias L. Chacon, also from Espanola, is a lawyer. He is a Freshman representative.

District 6. San Miguel County constitutes the Sixth Representative District. The area depends primarily on farming and ranching. A state hospital, Highlands University, and the Santa Fe Railway also contribute to the economy.

The majority of the county's population belongs to the Spanish-American ethnic group.

The Sixth District is represented in the House by one Democrat and two Republicans, all of whom are new to the legislature.

The Democratic member is Noble M. Irish of Las Vegas, who is in the insurance and real estate business.

Antonio Sanchez is a Republican representative from Solano. He makes his living by stock raising and ranching.

Morris Shillinglaw, Republican, is a Las Vegas lawyer.





District 7. Mora County alone forms the Seventh Representative District. Farming is the principal economic interest in this section of New Mexico.

This area has remained predominantly Spanish-American in ethnic composition since the early days.

Two Republican members occupy this district's seats in the House of Representatives.

Gabriel Rael comes from Mora and is a small builder. This is his first election to a state office.

Fred Thompson, a cattleman from Wagon Mound, was returned for his second consecutive term as a state representative.

District 8. Colfax County constitutes the Eighth Representative District. At the present time, ranching is the basic means of livelihood in this district, although vestiges of ghost towns are reminders of days when mining was also a principal industry here.

The population ratio in Colfax County is about evenly divided between the Spanish-Americans and the Anglos.

Two Republican representatives were elected from this district.

Alvin Stockton of Raton won his second consecutive political victory in the county and became Speaker of the House of Representatives of the Twenty-First Legislature. Mr. Stockton is a rancher. Relatively unknown in the state until his 1950 election to the House, he is now a possible





candidate for governor in 1954.

Howard McDaniel is a freshman member of the House from Colfax County. He operates a farm in Cimarron.

District 9. Taos County alone constitutes the Ninth Representative District. The main economic interests of the county are farming and stock raising. Because of its historical sites, the area is an attraction for tourists. The town of Taos is the center of an artist colony.

The population is predominantly Spanish-American.

One Republican and one Democrat represent this district.

The Republican representative is Salamon Ortega, who was a member of the House during the session of 1919. Mr. Ortega is a lawyer and has farming interests.

Ruben T. Romero of Taos is the district's Democratic representative. He is a bookkeeper for four small business concerns and was formerly a bookkeeper for the State Land Office. Mr. Romero is new to the legislature.

District 10. The Tenth Representative District, Sandoval County, has an economy which is centered around lumber, cattle, and small-scale farming.

A majority of this district's population is of Spanish-American descent.

Sandoval County is allotted one seat in the House of Representatives.

Richard Velarde, Republican, is the representative



from the Tenth District. A resident of Cuba, Mr. Velarde is a barber by occupation. This is his first election to the legislature.

District 11. The Eleventh Representative District consists of Harding and Union counties. Farming and ranching are the basic means of livelihood in the district.

The past thirty-five years have brought changes in the ethnic composition of these counties. In Harding County the percentage of the population which is Spanish-American has increased from 25 per cent or less in 1915 to between 25 per cent and 50 per cent in the early 1950's. In comparison to Harding County, the percentages have been reversed since 1915 in Union County, where the Spanish-American population is decreasing in ratio.

Each of the two counties is allotted one representative.

Harding County is represented by W. O. Culbertson, Jr., Democrat, from Mosquero. Mr. Culbertson is in the ranching business. He has had experience as a House member in the Nineteenth and Twentieth Legislative Sessions. In 1952 he had no opposition in the general election.

H.C. Gilliland, Clayton Democrat, is the representative from Union County. He owns and operates a small cattle ranch. He is a freshman member of the House of Representatives and was unopposed in the general election.



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District 12. Torrance County forms the Twelfth Representative District. Small-scale farming and ranching are the principal sources of income. One of the chief agricultural crops is beans.

The area is predominantly Spanish-American in ethnic composition.

The district's one seat in the House of Representatives is held by J. E. Welch, Republican. A resident of Estancia, Mr. Welch is in the insurance business and is also a warehouseman. This is his first term in the legislature.

District 13. The Thirteenth Representative District, Guadalupe County, is primarily a ranching area.

A majority of the residents are of Spanish-American descent.

Allotted one member in the House, the district is represented by Luis S. Page, Democrat, from Santa Rosa. Mr. Page operates a filling station and is also engaged in farming. He is a freshman member of the legislature.

District 14. The Fourteenth Representative District covers only one county--McKinley. The county's principal sources of revenue are coal, oil, lumber, and ranching. The town of Gallup and surrounding areas attract many tourists who are interested in the Indian culture.

The Indian population is politically important in this section since the granting of the voting franchise to





Indians. It appears that three ethnic groups--Anglo, Spanish, and Indian--are prominent in McKinley County, with no group forming a definite majority of the population.

Two Democratic incumbents of the Nineteenth and Twentieth Sessions were returned to the legislature from the Fourteenth District, which is represented by a man and a woman.

Mrs. Lillian W. Thompson, representative from Gallup, is a cosmetologist by profession. The Twenty-First Legislature marks her third session in the House of Representatives. She was first elected in 1948.

William Grijalva, also from Gallup, is a miner. He was named House Whip for the Democrats in the Twenty-First Legislature. Mr. Grijalva has the record of serving in the House of Representatives longer than any other member of the 1953 Legislature. In the 1952 elections, he was victorious in the House contest for the fifth consecutive time. He was first elected to the legislature in 1944.

District 15. Dona Ana County alone forms the Fifteenth Representative District. Farming is an important factor in the economy of this county. Cotton is a leading product, followed by truck farm products such as melons.

The county has a relatively high percentage of Spanish-American residents, although the percentage has been decreasing in recent years.

Two Democratic representatives from Las Cruces were



elected from this district.

Donald T. Law is associated with a trucking firm. He is new to the legislature.

Earl Stull, Jr., is a retail merchant. This is his first term in the legislature also.

District 16. Lincoln County, comprising the Sixteenth Representative District, receives its revenue largely from stock raising, lumber, farming, and fruit growing, especially apple orchards.

The population of the county is about evenly divided in ratio between the Anglo and the Spanish-American groups.

L. S. Drake, Republican, represents this district. He is retired and is a resident of Ruidoso. A member of the House in the 1951 Session, he was returned to the legislature without opposition in either the primary or the general election.

District 17. Otero County forms the Seventeenth Representative District. Livestock raising and lumbering are basic factors in the district's economy. A large military reservation is located in the area.

At present the county's population is about evenly divided numerically into Spanish-American and Anglo ethnic groups, although in the early years of statehood the Anglos were in the majority.

The district has one seat in the House of Representatives.





Herbert Bays, Democrat, has been the district's representative since the 1948 elections, in which he was unopposed in both the primary and the general elections. He is an Alamogordo merchant, operating a motor supply company in the town.

District 18. The Eighteenth Representative District follows the boundaries of Chaves County. Farming, ranching, and oil production are the county's main sources of income.

This district is located in the area known as "Little Texas," otherwise called "The East Side." Traditionally, the counties in this area are expected to vote a heavy Democratic majority, but returns from the last two elections indicate that they are not immune to Republican persuasion. The population of the county has been predominantly Anglo since the early years of statehood. The population has been increased in this county and other East Side counties in recent years by out-of-state settlers, particularly those from Texas.

Results of the 1952 elections sent three Republicans to the House from this district. All of them are freshman members.

Erwin W. Mitchell is a Roswell merchant, dealing principally in feed, seed, and chemicals.

Charles F. Waller is in the livestock business in Roswell.





Richard F. Whitman is a Roswell feed dealer. He is a former labor relations man for industry in Pittsburg.

District 19. Eddy County forms the Nineteenth Representative District. The economy of the county is dependent primarily upon farming, ranching, and oil production. A national park, Carlsbad Caverns, has made the area famous as a tourist attraction. A potash company is located at Carlsbad and contributes to the county's payroll.

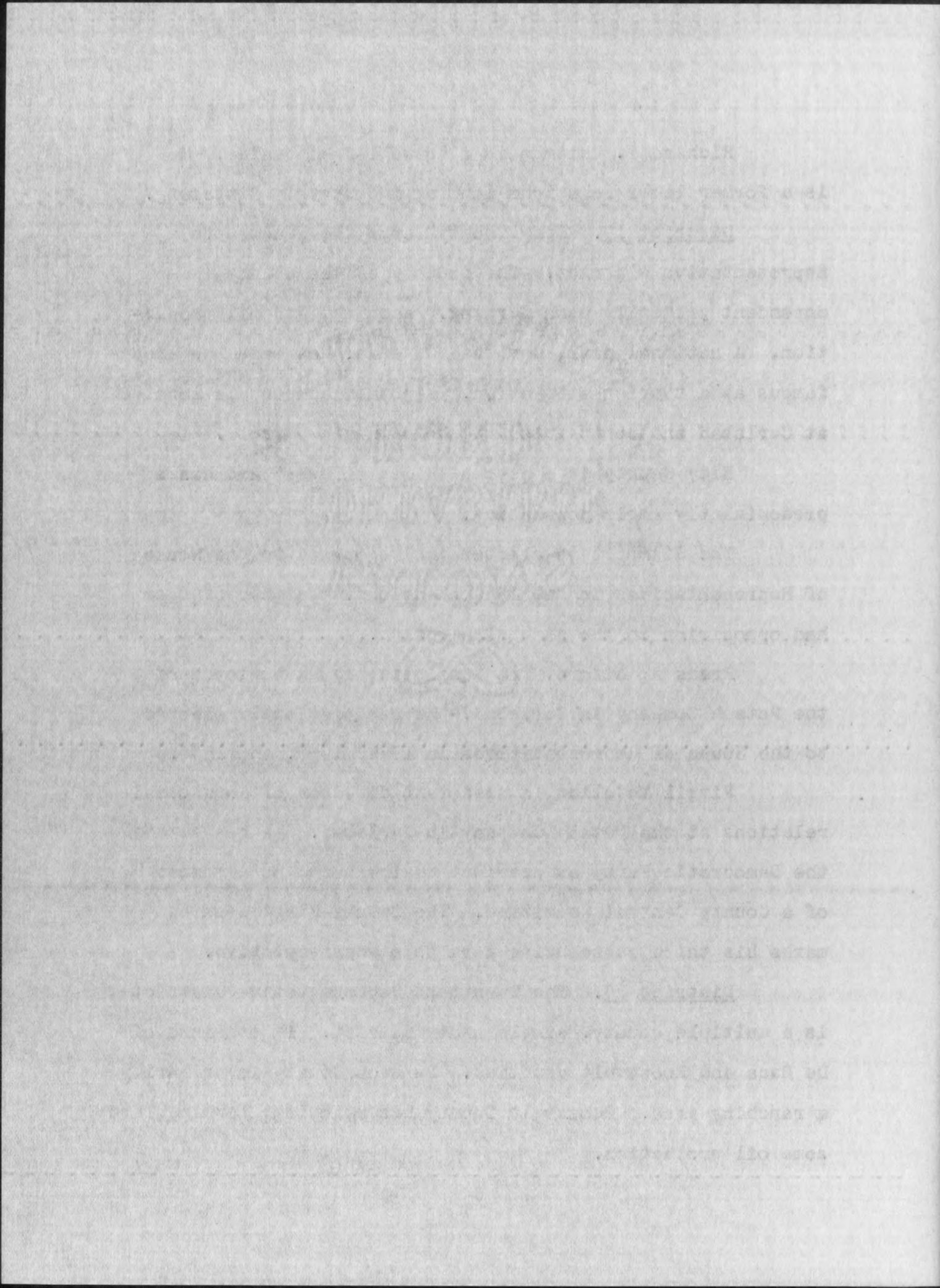
Eddy County is a part of "Little Texas" and has a predominantly Anglo population.

The district re-elected two Democrats to the House of Representatives in the 1952 elections. Neither of them had opposition in the general election.

Frank A. Alford, from Carlsbad, is an employee of the Potash Company in Carlsbad. He was previously elected to the House of Representatives in 1944, 1948, and 1950.

Virgil McCollum is assistant director of industrial relations at the Potash Company in Carlsbad. He has served the Democratic Party as precinct chairman and as a member of a County Central Committee. The Twenty-First Session marks his third consecutive term as a representative.

District 20. The Twentieth Representative District is a multiple county, single seat district. It consists of De Baca and Roosevelt counties. De Baca County is primarily a ranching area. Roosevelt County has ranching, farming, and some oil production.



Both counties have a majority of Anglo residents. Roosevelt County belongs in the "East-Side" classification.

Occupying this district's seat in the House of Representatives is Anderson Carter, Democrat, from Portales. He is a rancher. This is his first term in the legislature.

District 21. The Twenty-First Representative District, Luna County, is devoted almost completely to ranching.

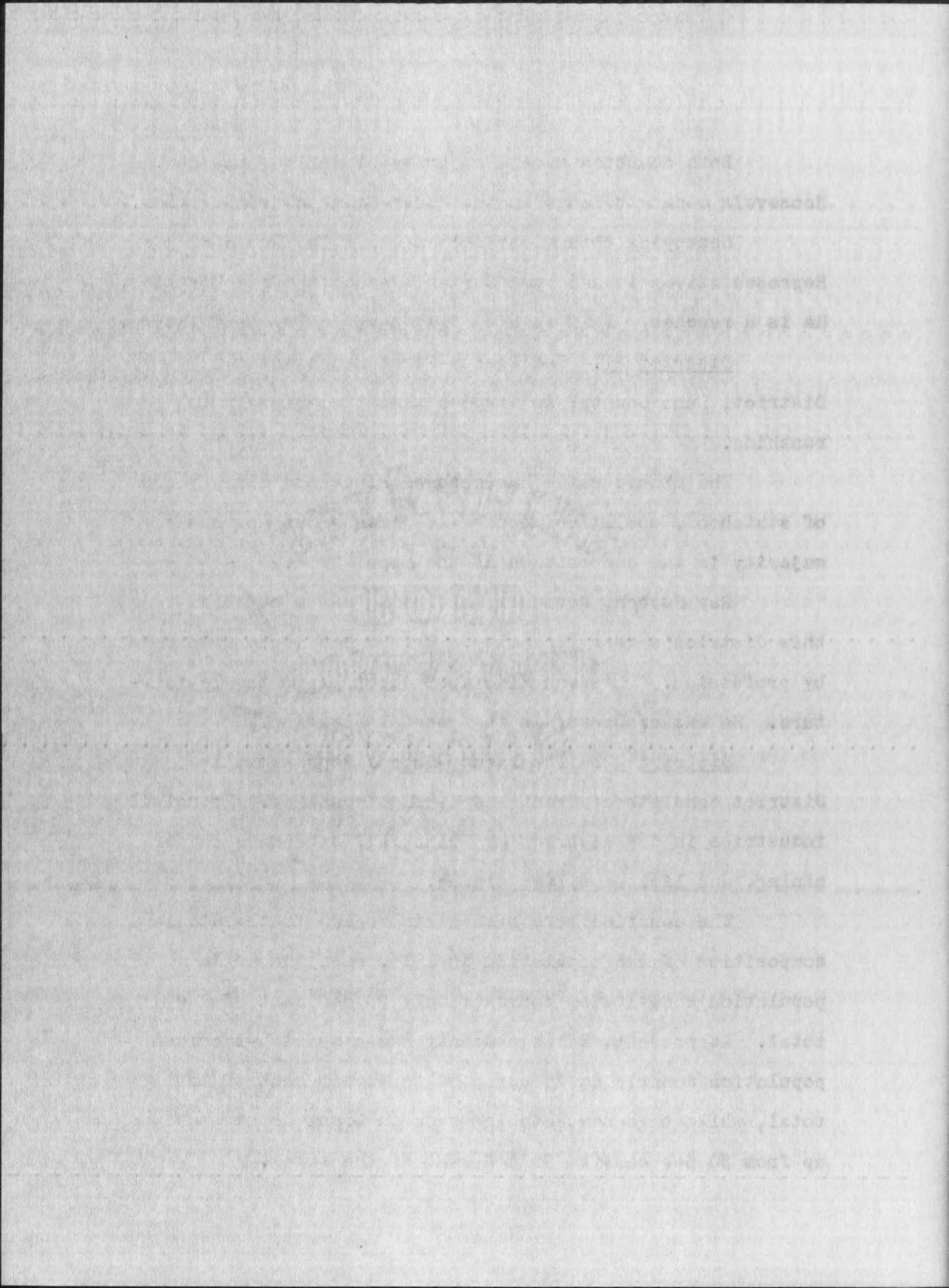
The ethnic ratio has changed since the early years of statehood, until the Spanish-American group now has a majority in the composition of the population.

Ray Hughes, Democrat, of Deming was elected as this district's representative. Mr. Hughes is an attorney by profession. This was his first election to the legislature. He was unopposed in the general election.

District 22. The Twenty-Second Representative District consists of Grant and Hidalgo counties. Principal industries in the district are ranching, extensive copper mining, and limited silver mining.

The counties were similar in regard to the ethnic composition of the population in 1915, when the Anglo population constituted approximately 70 per cent of the total. At present, Hidalgo County has a Spanish-American population comprising 25 per cent to 50 per cent of the total, while this same ethnic group in Grant County makes up from 50 per cent to 70 per cent of the total.





Two representatives are allotted the Twenty-Second District.

Robert C. Martin, Democrat, is from Redrock. His occupation is ranching. He is a freshman member of the legislature.

Freeman McWhorter, Democrat, is a Lordsburg stockman. He is new to the legislature also.

District 23. The Twenty-Third Representative District follows the boundaries of Sierra County, which has ranching as a basic factor in its economy. The county has an important health resort, Truth or Consequences, which was formerly called Hot Springs.

The ethnic composition of the district's population has remained basically the same since 1915. The Spanish-American group constitutes a majority of from 50 per cent to 70 per cent of the total population.

The district's seat in the House of Representatives is held by Ruben E. Panky, Republican. A resident of Truth or Consequences, Mr. Pankey is a cattleman. This is his first legislative office.

District 24. The Twenty-Fourth Representative District has only one county, San Juan. The county's main products are fruit, other farm products, sheep, oil, and natural gas.

The Indian ethnic group is relatively large numerically in this district and is an important factor to be taken into





consideration in a study of the county's voting patterns. The Spanish-American group constitutes less than 25 per cent of the total population. A majority of the area's residents are Anglos.

The Twenty-Fourth District is represented in the House by Dave Martin, Republican, from Bloomfield. He is a farmer. This is his first term in the legislature.

District 25. Quay County constitutes the Twenty-Fifth Representative District. Farming and ranching are the principal sources of income. The tourist trade is also a contributing factor to the economy.

The county forms a part of the East Side. Since the early years of statehood it has been predominantly Anglo in ethnic composition.

Traditionally Quay County has produced a heavy vote for Democratic candidates to the state legislature. Neither of the two Democrats elected to the House of Representatives in 1952 had opposition in the general election.

Manford W. Rainwater was returned to the House for a second term, having served previously in the 1951 Session. He is a lawyer from Tucumcari.

Thomas G. Morris, a freshman member of the legislature, is a Tucumcari rancher.

District 26. Curry County is designated as the Twenty-Sixth Representative District. Wheat farming is a basic factor in the area's economy.



A majority of the county's population is of Anglo origin.

Belonging to the "Little Texas" section, Curry County repeated this area's political tradition of past years and sent Democratic representatives to the state legislature in 1952.

Andrew Chitwood, Clovis resident, has varied occupations. His occupational interests include farming, ranching, wholesale and retail oil and gas, and rural telephone service. He has had no previous experience in the legislature.

Theo Rozzell is in the insurance and real estate business in Clovis. He was returned for a third term, having been previously elected to the House of Representatives in 1946 and 1948.

District 27. The Twenty-Seventh Representative District consists of Rio Arriba and Sandoval counties. The principal products of this district are livestock, lumber, and limited farm crops.

The majority of the district's residents are of Spanish-American descent.

The district is allotted one member in the House of Representatives.

The House seat is held by Ralph Gallegos, Democrat, from Chama. He is in the insurance business. Mr. Gallegos is a freshman member of the legislature.



4. 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 2681,

District 28. The Twenty-Eighth Representative District is a shoestring district composed of Santa Fe, Los Alamos, Torrance, and Guadalupe counties. In speaking of New Mexico's districting system, Thomas C. Donnelly, President of Highlands University, says, "The shoestring district has the disadvantage of combining vast sections that frequently have little in common."<sup>5</sup> He speaks of the Twenty-Eighth District as an example. A study of the district's economy shows that its interests along this line are indeed varied. Santa Fe County has the offices of the state government and is a tourist center. Los Alamos County, created in 1949, is noted for "The Hill," an atomic energy project of the Federal Government. Torrance County has both farming and ranching, while Guadalupe County is primarily a ranching area.

In regard to ethnic composition, the district is also varied. The Spanish-American population is densest in ratio in Guadalupe County (70 per cent or more); in Santa Fe County this ethnic group constitutes from 50 per cent to 70 per cent of the total population; in Torrance County the ratio is approximately equal between the Spanish-Americans and the Anglos. A study of the ethnic composition of Los Alamos County has not been made yet, but it would seem that in the town of Los Alamos, at least, a large majority of the residents are Anglos.

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<sup>5</sup> Thomas C. Donnelly, The Government of New Mexico, (Second Edition, the University of New Mexico Press, 1953), p. 97





This is the only New Mexico district represented in the legislature solely by a woman. The representative is Mrs. Wayne Bell, Republican, from Los Alamos. She is a housewife and is married to a farmer. She has had no previous legislative experience.

District 29. The Twenty-Ninth Representative District consists of San Miguel and Guadalupe counties. Stock raising is the principal industry in Guadalupe County. The economy of San Miguel County is based primarily upon ranching, farming, and the state institutions located in Las Vegas.

The Twenty-Ninth District is predominantly Spanish-American in ethnic composition.

Ernest T. Valdez was elected as representative from this district. He is a Republican from Santa Rosa. Mr. Valdez is in the grocery business. This is his first term in the legislature.

District 30. Lincoln, Socorro, and Otero counties comprise the Thirtieth Representative District. The advisability of combining these areas into a shoestring district is questioned by Dr. Donnelly. The economy of Lincoln County centers around stock raising, lumbering, farming, and fruit growing. Livestock and lumber are basic factors in the economy of Otero County. Socorro County depends upon livestock and agricultural crops, such as alfalfa, beans, grains, and truck farm produce. The economic interests of this shoestring district are more compatible than those of the



### Twenty-Eighth District.

In Socorro County the Spanish-American segment comprises 70 per cent or more of the total population. In Otero and Lincoln counties this ethnic group makes up 25 per cent to 50 per cent of the entire population.

This district's seat in the House of Representatives is held by A. S. Walter, Republican, of Socorro. Mr. Walter is a consulting mining and metallurgical engineer. He was once Dean of Mining and Metallurgy at the State School of Mines. He has held no previous office in the legislature.

District 31. Lea County constitutes the Thirty-First Representative District. The principal industries are the raising of cattle and sheep, and the production of oil. "The oil production of Lea County is greater than the combined production of all the other New Mexico counties."<sup>6</sup> Part of the county is in the Permian Basin Territory.

The population is predominantly Anglo.

A part of "Little Texas," the county sent two Democrats to the House of Representatives in the 1952 elections.

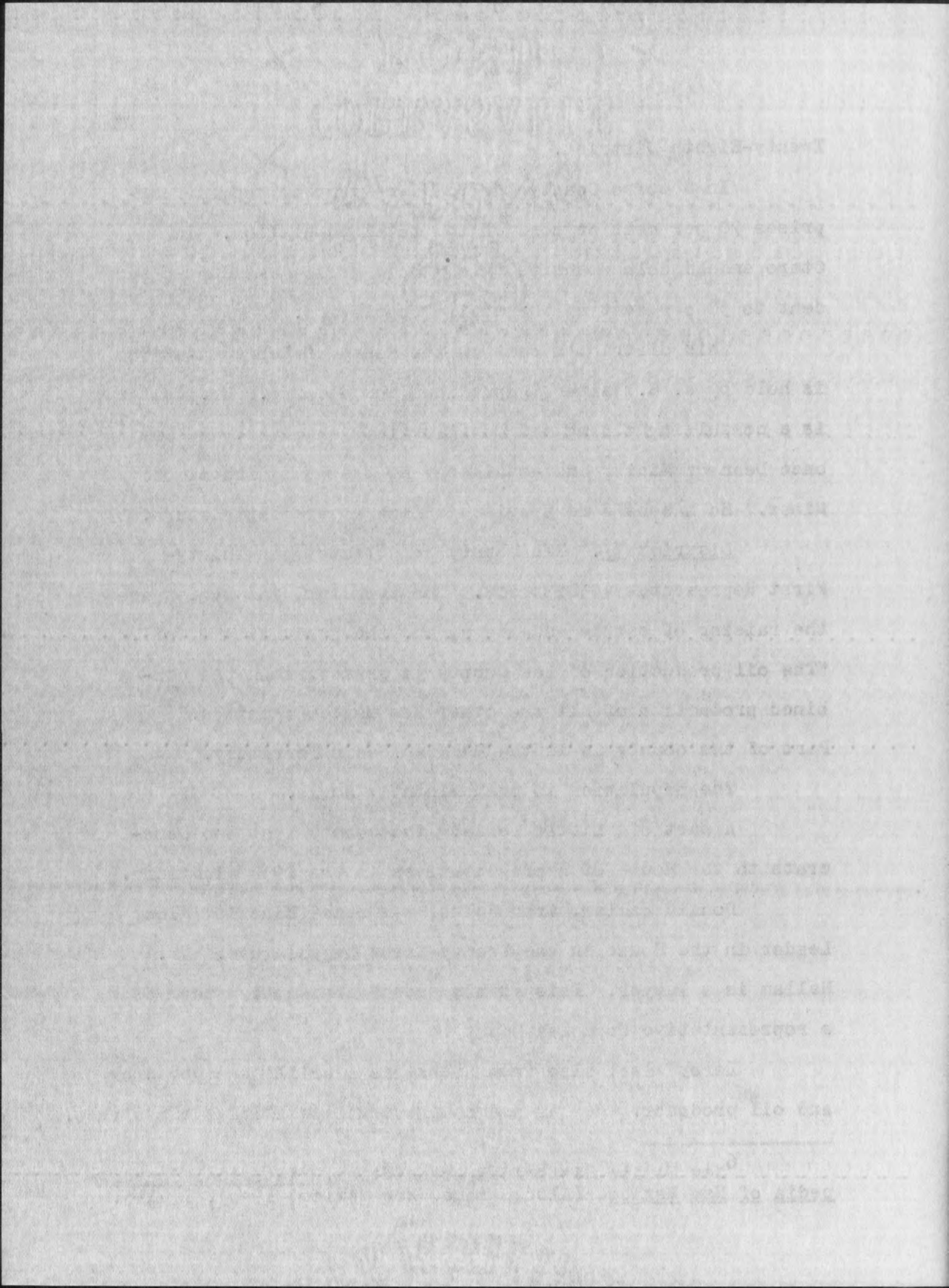
Donald Hallam, from Hobbs, was named Minority Floor Leader in the House in the Twenty-First Legislature. Mr. Hallam is a lawyer. This is his second consecutive term as a representative from Lea County.

Leroy Wise, also from Hobbs, is a drilling contractor and oil producer. He has had no previous legislative experience.

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<sup>6</sup>New Mexico Historical Association, Historical Encyclopedia of New Mexico, (Albuquerque, New Mexico, 1945), I, 145.





Occupation. A study of occupations in the House of Representatives reveals that those who are engaged in business form the largest category. Sixteen persons, approximately 29 per cent of the total membership, have business interests. Insurance and real estate men were first in number, followed by merchants.

The fourteen professional men formed the second largest category (25.5 per cent). Ten lawyers made up the largest group in this category.

Ranching and agricultural interests ranked third among the major categories (23.6 per cent), with thirteen ranchers forming the largest single group in the House of Representatives.

The fourth grouping is designated as "Miscellaneous" for the purpose of this study, and includes such occupations as mining and warehouse work. The percentage of occupations listed under "Miscellaneous" is 12.72 per cent.

The fifth category is labeled "Joint Occupations" and includes those persons having more than one occupation (9 per cent).

Occupational groups in the House of Representatives are listed in Table I.

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TABLE I

OCCUPATIONAL GROUPS IN THE HOUSE OF REPRESENTATIVES  
IN THE TWENTY-FIRST LEGISLATURE

Main Category and Individual Occupations	Total Number in Individual Occupations	Total Number in Category	Per Cent
<b>BUSINESS INTERESTS</b>			
Insurance and Real Estate	6		
Merchants (Grocer, Retail Merchant Feed Dealer, Two General Merchants)	5		
Ice Cream Company	1		
Jewelry Store	1		
Trucking Firm	1		
Oil Production, Drilling	1		
Small Builder	<u>1</u>		
		16	29.1
<b>PROFESSIONS</b>			
Lawyers	10		
Teacher	1		
Engineer	1		
Bookkeeper	1		
Cosmetologist	<u>1</u>		
		14	25.5
<b>RANCHING AND AGRICULTURAL INTERESTS</b>			
Ranchers	11		
Farmers	<u>2</u>		
		13	23.6
<b>MISCELLANEOUS</b>			
Barber	1		
Car Salesman	1		
Director of Industrial Relations at Potash Company	1		
Miner	1		
Warehouse Foreman	1		
Retired	<u>1</u>		
		7	12.7



TABLE I--Continued

Main Category and Individual Occupations	Total Number in Individual Occupations	Total Number in Category	Per Cent
JOINT OCCUPATIONS			
Lawyer and Farmer	1		
Housewife and Farmer	1		
Warehouseman and Insurance	1		
Farmer and Filling Station Operator	1		
Farmer, Rancher, Oil and Gas Wholesaler and Retailer, Rural Telephone Service	<u>1</u>	5	9.1



SECRET

Joint Chiefs of Staff  
Washington, D.C.  
20 May 1954  
To: The President  
From: The Joint Chiefs of Staff  
Subject: Proposed Revision of  
National Security Council  
Policy Directive 54

1. The Joint Chiefs of Staff have reviewed the proposed revision of National Security Council Policy Directive 54, dated 14 May 1954, and have concluded that the proposed revision is not in the best interests of the United States.

2. The proposed revision would require the Department of Defense to submit a report to the President and the National Security Council on the feasibility of the proposed revision. This would be a significant increase in the burden on the Department of Defense and would not be justified by the benefits to be derived from the proposed revision.

3. The Joint Chiefs of Staff recommend that the proposed revision be rejected.

SECRET

## The Organization of the House of Representatives

The Speaker. Representative Alvin Stockton of Colfax County was elected Speaker of the House of Representatives in the Twenty-First Legislature by a vote of 29 to 25 over the Democratic nominee, Virgil O. McCollum of Eddy County. Mr. Stockton's election climaxed two months of speculation and uncertainty regarding the post. Hugh Horne, Fred Thompson, and Joe Warner had previously been mentioned as speaker candidates in Republican circles, although Stockton continually appeared to have the strongest backing. After he received the Republican caucus designation on the eve of the opening of the legislature, it was still uncertain that he would be elected, despite the slender 28-27 margin the Republicans commanded in the House. There were rumors that one or two Republican representatives might be swayed to the Democratic ranks. However, the Democrats polled only twenty-five votes for their candidate. Democratic Representative Ruben T. Romero of Taos County was absent; and Representative Theo Rozzell of Curry County voted for the Republican candidate, saying, "I don't like votes on party lines."<sup>7</sup>

Alvin Stockton is a Raton rancher. He was graduated from the University of Denver with a degree in business

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<sup>7</sup> A news article in the Santa Fe New Mexican, January 13, 1953.





administration and had the reputation of being an excellent student.

Stockton's rise in politics started in 1950 when Colfax County Republicans, with the 1948 disaster still fresh in their minds, were searching diligently for a candidate. They needed new faces; and Alvin Stockton provided the answer. He won the election and proved himself adept as a legislator during his first term in Santa Fe. Pleased with his performance, Colfax County Republicans then named him County Chairman.

In July of 1952, New Mexico Republicans designated Stockton, an Eisenhower supporter, as Campaign Manager. He and Harry Robins, State GOP Chairman, were to divide Republican campaign authority, with Stockton in charge of the campaign and Robins running the regular organization. In August a break developed between the two men. A major part of the difficulty resulted from Robin's objection to Stockton's appointment of Lilburn Homan of Estancia as Assistant Campaign Manager. Homan supported Eisenhower and was unacceptable to the Mechem-Robins faction. Robins, who supported Wesley Quinn for senator against Patrick J. Hurley, had angered certain members of his party. With John Knorr, former Republican State Chairman, joining the group which demanded Robin's ouster, the GOP Central Committee voted on the matter of retaining Robins in his post. The decision was in the affirmative. Alvin Stockton then announced that he could no longer serve as Campaign Manager because he lacked the necessary authority



to carry out his job. He went home to Raton to await the fall elections.

In the autumn of 1952, Alvin Stockton was returned to the legislature by a strong majority, receiving more votes in his district than either Eisenhower or Mechem. As Speaker of the House in the Twenty-First Legislature, Stockton gained the respect of both Democrats and Republicans. On March 12, 1953, the House of Representatives gave Speaker Stockton a standing ovation upon unanimous passage of a resolution honoring his service during the 1953 Session. "The measure said Stockton conducted the business of the House 'with intelligence and dispatch' and 'has earned for himself the reputation of being one of the most impartial and unbiased presiding officers in the history of the New Mexico House of Representatives.'"<sup>8</sup> An editorial in the Albuquerque Journal described Stockton as a "guy with a dry sense of humor and a knack for getting along with everybody, even his political enemies."<sup>9</sup> He has been mentioned as a likely candidate for governor in 1954. After a GOP meeting on April 1, M. B. Johns of Santa Fe issued the following statement: "The group did discuss the matter of a candidate for governor and it was the

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<sup>8</sup> A news article in the Albuquerque Tribune, March 12, 1953.

<sup>9</sup> An editorial in the Albuquerque Journal, March 18, 1953.





consensus of opinion that Alvin Stockton would be a good man, but felt it was not their place to take formal action."<sup>10</sup> When asked about the race for governor, Stockton replied, "If they want me, of course I will run."<sup>11</sup>

Floor Leaders. Fred Thompson of Mora County was named Majority Floor Leader by the Republicans in the House of Representatives. Thompson was also designated as Chairman of the Committee on Committees. He is a cattleman from Wagon Mound. He was previously elected to the House in 1950.

The House Democrats chose Donald Hallam of Lea County as Minority Floor Leader. He was named to the following committees: Education, Irrigation and Drainage, Judiciary, and the Committee on Committees. An attorney by profession, Mr. Hallam is a resident of Hobbs. This is his second consecutive term as a representative.

Party Whips. Antonio Sanchez of San Miguel County was designated as House Whip for the Republicans. A Solano stock raiser and rancher, Sanchez was also chosen as Vice-Chairman of the Committee on Agriculture. In addition, he was a member of the following committees: Enrolling and Engrossing, Public Lands and Livestock, Taxation and Revenue, Judiciary, Public Affairs, and the Committee on Committees.

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<sup>10</sup> A news article in the Albuquerque Journal, April 2, 1953.

<sup>11</sup> Ibid.





This was his first session in the legislature.

House Democrats named William Grijalva, Jr., of McKinley County as Party Whip. He was a member of the following House committees: Counties and County Lines, Labor, Public Affairs, and Ways and Means. Grijalva is a miner and is active in labor organizations. A resident of Gallup, he has the distinction of serving more terms in the House of Representatives than any other member of the Twenty-First Legislature. Following his first election in 1944, he has been returned to the House in each succeeding election, and has had experience as a member of several committees.

#### The Composition of the Senate

With the exception of Los Alamos County, each of the counties in New Mexico constitutes a separate senatorial district. There are thirty-one districts in all. The 1952 elections marked the instigation of the new districting plan adopted by constitutional amendment in 1949. Formerly there were twenty-four senatorial districts, eleven of which consisted of two or more counties. The new plan provides that every county, except counties of the sixth class, shall elect a senator to the legislature. In the 1953 session, a bill was introduced to make the sixth class county of Los Alamos a senatorial district, but the bill failed to become law. The plan adopted in 1949 will remain unchanged for at least another two years; and the number of Senate members cannot be increased until 1956.



The 1952 elections resulted in a Senate membership consisting of twenty-two Democrats and nine Republicans.

Since there are no overlapping terms in the New Mexico State Senate, the entire membership is elected every four years. Thus, in even numbered sessions of the legislature the entire Senate membership has had the experience of at least one legislative session; but in odd numbered sessions the Senate as well as the House must depend upon the re-election of former members of the legislature to provide experience in its ranks.

However, the Senate consistently has a higher percentage of experienced members than does the House. This may be partially explained by the fact that many Senate members have worked their way up from the House, whereas it is rare for a former senator to seek election to the House of Representatives. Also, the four year Senate term may be a greater inducement for a senator to seek re-election, while the shorter House term might discourage many members from making the effort to seek re-election every two years.

In the Twenty-First Legislature, nineteen senators had previous legislative experience in either the House or Senate, and sometimes in both bodies. Of the total membership, 61.3 per cent was experienced, as compared with an experienced membership of 30.9 per cent in the House of Representatives. Fourteen Democrats and five Republicans formed the group of eighteen veteran legislators.





Eight members had previous experience in the Senate alone, six of them having served one term, and one man having served two terms. Henry L. Eager, Quay County Democrat, had three previous Senate terms to his credit.

Eight Senate members had previous experience only in the House of Representatives. Two men had each served one term in the House; three men had experience in two former House sessions. Calvin Horn, Bernalillo County Democrat, H. Verle Payne, Democrat from Hidalgo County, and M. P. Carr, De Baca County Democrat, had all been members of the House in three previous sessions.

Three senators had experience in both the House and the Senate, one of them having served in the capacity of Lieutenant Governor. The New Mexico Blue Book of 1949-50 shows that Senator C. C. Royall, Grant County Democrat, was elected to the House of Representatives in 1946 and to the State Senate in 1936, 1938, and 1948.<sup>12</sup> Reginaldo Espinoza, Santa Fe County Republican, was elected as a representative in 1942, 1944, and 1946, and was elected to the Senate in 1948.<sup>13</sup> Joe M. Montoya, Sandoval County Democrat, was elected to the House of Representatives in 1938, was elected to the

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<sup>12</sup> The New Mexico Blue Book, 1949-50, (Santa Fe: The Rydal Press, 1950), p. 97.

<sup>13</sup> Ibid.





Senate in 1940 and 1944, and served as Lieutenant Governor from 1948 to 1950.<sup>14</sup>

In regard to the experience of its membership, it is evident that the Senate, controlled by the Democratic Party, had an advantage over the Republican controlled House. Whether this advantage had significance in the final analysis is a controversial matter which will be discussed later.

The following information regarding the senators and the counties they represent may be helpful in studying the subsequent actions of the Senate.

Bernalillo County.<sup>15</sup> Calvin Horn, Democrat, is the state senator from Bernalillo County. He is an oil dealer connected with the Horn Oil Business. Senator Horn was elected to the House of Representatives in 1946, 1948, and 1950. During the 1951 Session, he was Speaker of the House.

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<sup>14</sup> Who's Who in the West, (Chicago: The A. N. Marquis Company, 1949), p. 456.

<sup>15</sup> The economic interests of Bernalillo County and the ethnic composition of the county's population are given on page 22 of this study. Those counties which alone constitute a separate Representative District for election of House Members have been described previously; and the reader will be referred to these descriptions for information regarding the economic interests and ethnic composition of the county. The only counties in this section on the Senate which will be described regarding economic interests are those which in the section on House members form part of a shoestring district or multiple county area and are not described as separate counties. The ethnic composition of each separate county can be determined from the previous section on House members and will not be repeated.

Report of the Committee on the Administration of the Government of the District of Columbia, 1940-1941

In regard to the administration of the District of Columbia, the Committee has the honor to report that the District of Columbia has been a successful example of the administration of a territory under the direct control of the Federal Government. The Committee has the honor to report that the District of Columbia has been a successful example of the administration of a territory under the direct control of the Federal Government. The Committee has the honor to report that the District of Columbia has been a successful example of the administration of a territory under the direct control of the Federal Government.

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Catron County.<sup>16</sup> The State Senator from Catron County is I. N. Curtis, Democrat, of Quemado. The economy of this county depends principally upon livestock. Considerable area is devoted to the raising of sheep and goats. Mining is also a contributing factor to the economy. The area is known as a hunter's paradise. Curtis' business is the production and sale of salt for livestock. This is his first term in the legislature.

Chaves County.<sup>17</sup> John P. Cusack, Republican, of Roswell, occupies the seat allotted to Chaves County in the State Senate. An attorney by profession, Cusack is a Caucus Chairman of his party in the legislature. This is his first state office.

Colfax County.<sup>18</sup> Colfax County sent John Morrow, Raton Democrat, to the State Senate in the 1952 elections. He is a livestock raiser. He has served two terms as Colfax County Assessor. He was first elected to the Senate in 1944 and has been a Senate member since that time.

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16

See p. 21, the Second Representative District, for the ethnic composition of Catron County's population.

17

See p. 32, the Eighteenth Representative District, for Chaves County's economic interests and the ethnic composition of its population.

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See p. 26, the Eighth Representative District, for Colfax County's economic interests and the ethnic composition of its population.



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Curry County.<sup>19</sup> Lewis C. Cox, Jr., Democrat, is the State Senator from Curry County. He is a Clovis lawyer. In 1950 he was elected to the House of Representatives. Senator Cox is Secretary of the Democratic Policy Committee.

De Baca County.<sup>20</sup> M. P. Carr, Democrat, was elected to the State Senate from De Baca County. This county depends mainly upon cattle raising and wool growing. Fruit orchards are located along the Pecos River. Senator Carr is a lumberman. He was elected as a representative in 1946, 1948, and 1950.

Dona Ana County.<sup>21</sup> The Senator from Dona Ana County is Jesse U. Richardson, Democrat. Richardson is a Las Cruces farmer. He was elected to the House of Representatives in 1950.

Eddy County.<sup>22</sup> The Senate seat allotted to Eddy County is held by T. E. Lusk, Democrat, of Carlsbad. Senator Lusk is a lawyer by profession. He has had no previous legislative experience.

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<sup>19</sup> See pp. 36-37, the Twenty-Sixth Representative District, for Curry County's economic interests and the ethnic composition of its population.

<sup>20</sup> See p. 34, the Twentieth Representative District, for the ethnic composition of De Baca County's population.

<sup>21</sup> See p. 30, the Fifteenth Representative District, for Dona Ana County's economic interests and the ethnic composition of its population.

<sup>22</sup> See p. 33, the Nineteenth Representative District, for Eddy County's economic interests and the ethnic composition of its population.





Grant County.<sup>23</sup> Charles C. Royall, Jr., Democrat, was elected to the Senate from Grant County. Mining is the basic industry in this area. Livestock and agricultural crops such as wheat and corn are also important factors in the county's economy. Senator Royall is engaged in law practice in Silver City. He was a member of the House of Representatives in the 1947 Session and was previously elected to the Senate in 1936, 1940, and 1948.

Guadalupe County.<sup>24</sup> R. A. Chavez, Republican, is the State Senator from Guadalupe County. Senator Chavez is a retail liquor dealer in Santa Rosa. This is his first election to the legislature.

Harding County.<sup>25</sup> Stephen L. Brock, Democrat, was elected to the Senate from Harding County. Cattle and sheep ranching are important industries in this area. Agricultural products include winter wheat, grain sorghum, barley, and beans. Dry ice production is a contributing factor to the economy. Senator Brock is a rancher from Roy, New Mexico. He is a freshman member of the Senate.

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<sup>23</sup> See p. 34, the Twenty-Second Representative District, for the ethnic composition of Grant County's population.

<sup>24</sup> See p. 29, the Thirteenth Representative District, for Guadalupe County's economic interests and the ethnic composition of its population.

<sup>25</sup> See p. 28, the Eleventh Representative District, for the ethnic composition of Harding County's population.



Hidalgo County.<sup>26</sup> H. Verle Payne, Democrat, is the State Senator from Hidalgo County. The county's economy depends upon cattle and sheep ranching and agriculture. The crops produced include alfalfa, cotton, grains, dry beans, and potatoes. There is also some vegetable and fruit growing. Senator Payne is a Lordsburg lawyer. He has had previous legislative experience in the House in the sessions of 1943, 1945, and 1947.

Lea County.<sup>27</sup> F. J. Danglade, Democrat, was unopposed in the Lea County State Senate election. He is an oil producer from Lovington. Senator Danglade was James Forrestal's Chief Procurement Officer in World War II, and was decorated with the highest award given to civilian personnel. He was a delegate to the 1952 Convention in Chicago. This is his first state office.

Lincoln County.<sup>28</sup> J. G. Moore, Republican, is Lincoln County's senator. He is in the insurance business in Carrizozo. Senator Moore has had no previous legislative experience.

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See p. 34, the Twenty-Second Representative District, for the ethnic composition of Hidalgo County's population.

27

See p. 40, the Thirty-First Representative District, for Lea County's economic interests and the ethnic composition of its population.

28

See p. 31, the Sixteenth Representative District, for Lincoln County's economic interests and the ethnic composition of its population.





Luna County.<sup>29</sup> Robert S. Palmer, Democrat, was elected to the State Senate from Luna County. Senator Palmer operates a building material store in Deming. He is a freshman member of the Senate.

McKinley County.<sup>30</sup> The State Senator from McKinley County is Guido Zecca, Democrat. He is President Pro-Tem of the Senate. Senator Zecca is a Gallup realtor and has been a resident of the town since 1919. This is his second election to the Senate.

Mora County.<sup>31</sup> The Senate seat allotted to Mora County is held by Napoleon F. Sanchez, Republican. Senator Sanchez is a merchant in the town of Mora. He is new to the legislature.

Otero County.<sup>32</sup> Murray E. Morgan, Democrat, is the State Senator from Otero County. He is the Majority Floor Leader and a member of the Democratic Policy Committee. Since 1950 he has published an Alamogordo newspaper. Senator Morgan

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See p. 34, the Twenty-First Representative District for Luna County's economic interests and the ethnic composition of its population.

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See pp. 29-30, the Fourteenth Representative District, for McKinley's economic interests and the ethnic composition of its population.

31

See p. 26, the Seventh Representative District, for Mora County's economic interests and the ethnic composition of its population.

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See p. 31, the Seventeenth Representative District, for Otero County's economic interests and the ethnic composition of its population.

1920 Census

to the 1920 Census of the United States. The population of the county was 1,000. The population of the county was 1,000.

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County is United States. The population of the county was 1,000. The population of the county was 1,000.

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County is United States. The population of the county was 1,000. The population of the county was 1,000.



was elected to the House of Representatives in 1940 and again in 1946. During the latter session he served as Majority Floor Leader in the House. His first election to the Senate was in 1948.

Quay County.<sup>33</sup> The State Senator from Quay County is Henry L. Eager, Democrat. He is a Tucumcari merchant, associated with the Eager Lumber and Hardware Company. He was first elected to the State Senate in 1936. In 1938 he was elected as State Corporation Commissioner. Eager was again returned to the Senate in 1944 and in 1948, serving as Majority Floor Leader during the 1949 Session. Senator Eager has been a member of the Democratic Party's Executive Central Committee in Quay County. He has had a total of seventeen years experience in elective state offices.

Rio Arriba County.<sup>34</sup> Horace De Vargas was elected to the State Senate from Rio Arriba County. He was designated Democratic Whip in the Twenty-First Legislature. His occupational experience includes teaching school, work with the United States Department of Agriculture, and editing the Espanola Valley News. He is at present in the insurance business in Espanola. From 1931 to 1932 he was County Clerk of

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<sup>33</sup> See p. 36, the Twenty-Fifth Representative District, for Quay County's economic interests and the ethnic composition of its population.

<sup>34</sup> See p. 25, the Fifth Representative District, for Rio Arriba County's economic interests and the ethnic composition of its population.

was elected to the office of

in 1906. During his term

floor leader in the House.

was in 1908.

Henry A. Smith, Speaker.

associated with the House.

was elected to the House in 1908.

returned to the House in 1910.

floor leader during the 1908 session.

a member of the House.

in New York.

in elective state offices.

the state administration.

Democratic who is

national experience.

United States Representative.

business in Chicago.

for New York's second congressional district.

of the population.

the first Congress.

tion of its population.

Rio Arriba County. In 1939 and 1941 he was elected as Superintendent of Schools in Rio Arriba County and at the same time was appointed to serve on the New Mexico State Board of Education. De Vargas was elected to the State Senate in 1946 and again in 1948.<sup>35</sup>

Roosevelt County.<sup>36</sup> R. C. "Ike" Morgan, Democrat, is the State Senator from Roosevelt County. The economy of the county depends upon cattle raising, wool growing, dry land farm products such as cotton and various types of grain, and irrigated crops such as alfalfa and vegetables. A resident of Portales, Senator Morgan is a farmer. He has had no previous legislative experience.

Sandoval County.<sup>37</sup> Joe M. Montoya, former Democratic Lieutenant Governor, is the State Senator from Sandoval County. Senator Montoya is a farm owner and operator. His experience is both extensive and varied in New Mexico State Government. He served as Sandoval County Representative from 1937 to 1940, holding the position of Democratic Floor Leader in the 1939-1940

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<sup>35</sup> The New Mexico Blue Book, 1949-50, (Santa Fe: The Rydal Press, 1950), p. 97.

<sup>36</sup> See p. 34, the Twentieth Representative District, for the ethnic composition of Roosevelt County's population.

<sup>37</sup> See p. 27, the Tenth Representative District, for Sandoval County's economic interests and the ethnic composition of its population.





Session. In 1940 Senator Montoya was elected to the State Senate and held this office until 1946. In the 1945-46 Session he was Democratic Whip. After the 1946 elections he held the post of Lieutenant Governor for a two year term. He was Vice-Chairman of the 1952 Delegation to the National Convention. Since 1944 Senator Montoya has been a member of the Board of Managers of the Council of State Governments.

<sup>38</sup>  
San Juan County. The State Senator from San Juan County is Charles C. Mumma, Jr., Republican. He is the Republican Senate Whip. Senator Mumma is a Farmington merchant. He was elected to the House of Representatives in 1942 and 1944.

<sup>39</sup>  
San Miguel County. The Senate seat allotted San Miguel County is held by Gordon E. Melody, Democrat, from Las Vegas. Senator Melody is in the outdoor advertising business. This is his second consecutive term in the State Senate.

<sup>40</sup>  
Santa Fe County. Reginaldo Espinoza, Republican, holds the Senate seat from Santa Fe County, and is Minority

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<sup>38</sup>  
 See pp. 35-36, the Twenty-Fourth Representative District, for San Juan County's economic interests and the ethnic composition of its population.

<sup>39</sup>  
 See p. 25, the Sixth Representative District, for San Miguel County's economic interests and the ethnic composition of its population.

<sup>40</sup>  
 See p. 24, the Fourth Representative District, for Santa Fe County's economic interests and the ethnic composition of its population.

session. In 1940 Senator Smith was elected to the Senate and held office until 1944. In the 1940 session he was re-elected to the Senate. He held the post of Lieutenant Governor of the State from 1940 to 1944. He was Vice-President of the 1940 National Convention. Since 1944 Senator Smith has been a member of the Board of Directors of the Council of State's Officers.

San Juan County. The first Governor of the County is Charles C. Smith, Jr., who was elected to the position in 1940. He was elected to the position of Governor in 1942 and 1944.

San Rafael County. The first Governor of the County is Michael County is held by Governor Michael County, who is in the position of Governor. He is also in the position of Governor. This is his second term in the office of Governor.

San Diego County. The first Governor of the County is Michael County, who is in the position of Governor. He is also in the position of Governor.

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See pp. 37-38, for San Juan County's economic interests and the ethnic composition of the population.

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See p. 39, for San Juan County's economic interests and the ethnic composition of the population.

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See p. 40, for San Juan County's economic interests and the ethnic composition of the population.



Floor Leader. Senator Espinoza is an auto parts wholesaler in Espanola. His political experience is varied. In 1942 he was elected to the House of Representatives and became Republican Whip of that session. He was re-elected to the House in 1944 and again in 1946, serving as Republican Floor Leader of the Eighteenth Legislature. The New Mexico Federation of Young Republicans elected Espinoza as Chairman in 1947 and returned him to the post in 1948. He was elected State Senator in 1948, serving as Republican Whip of the Nineteenth Session. In 1949 he became Chairman of the Eleven Western States Federation of Young Republicans.

Sierra County.<sup>41</sup> Sierra County's State Senator is Fulton J. Cox, Republican. A resident of Las Palomas, Senator Cox is engaged in mining. He was elected State Representative in 1942 and in 1950.

Socorro County.<sup>42</sup> T. C. Jaramillo is the State Senator from Socorro County, which is dependent upon livestock and agriculture. Alfalfa is one of the most important crops in the county. Other products include fruits, truck farm produce, and grains. A resident of La Joya, Senator Jaramillo is

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<sup>41</sup> See p. 35, the Twenty-Third Representative District, for Sierra County's economic interests and the ethnic composition of its population.

<sup>42</sup> See p. 21, the Second Representative District, for the ethnic composition of Socorro County's population.

floor leader. Senator Robinson is an auto parts wholesaler in Espanola. His political experience is varied. In 1952 he was elected to the House of Representatives and served regularly on this of that session. He was re-elected to the House in 1954 and again in 1956, serving as Republican floor leader of the Nineteenth District. The New Mexico Federation of Young Republicans elected Robinson as chairman in 1957 and returned him to the post in 1958. He was elected State Senator in 1958, serving as Republican Chair of the Nineteenth Session. In 1959 he became Chairman of the Eleven Western States Federation of Young Republicans.

State County. State County's State Senator is John J. Lee, Republican, a resident of Las Alamos, Senator Cox is engaged in mining. He was elected State Representative in 1958 and in 1960.

Soconito County. T. C. Laramie is the State Senator from Soconito County, which is dependent upon livestock and agriculture. Alfalfa is one of the most important crops in the county. Other products include wheat, truck farm produce, and grains. A resident of Las Alamos, Senator Laramie is

See p. 51, the Twenty-Third Representative District, for State County's economic interests and the ethnic composition of its population.

See p. 51, the Second Representative District, for the ethnic composition of Soconito County's population.

Superintendent of the La Joya Independent Rural School District. He was formerly President of the County Educational Association and a member of the New Mexico Education Association. Senator Jaramillo was first elected to the State Senate in 1948.

Taos County.<sup>43</sup> W. P. "Bill" Cater, Democrat, was elected to the State Senate from Taos County. A resident of Cerro, Senator Cater is a rancher. He has had no previous legislative experience.

Torrance County.<sup>44</sup> Earl Parker, Democrat, holds the Senate seat from Torrance County. He is a merchant in Estancia. Senator Parker is a freshman member of the legislature.

Union County.<sup>45</sup> W. C. Wheatley, Democrat, is the Senator from Union County, which is dependent upon cattle raising, wool growing, and general agricultural pursuits. The county's agricultural products include beans, sorghum, corn, alfalfa, and wild hay. Senator Wheatley is an automobile dealer in Clayton, and at one time was President of

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<sup>43</sup> See p. 27, the Ninth Representative District, for Taos County's economic interests and the ethnic composition of its population.

<sup>44</sup> See p. 29, the Twelfth Representative District, for Torrance County's economic interests and the ethnic composition of its population.

<sup>45</sup> See p. 28, the Eleventh Representative District, for the ethnic composition of Union County's population.



Department of the Interior, and was formerly President of the Board of Supervisors and a member of the Bar Association. He was elected to the State Senate in 1904.

James H. Smith, of Union County, was elected to the State Senate in 1904. He was a member of the Bar Association and a member of the Board of Supervisors.

Thomas H. Smith, of Union County, was elected to the State Senate in 1904. He was a member of the Bar Association and a member of the Board of Supervisors.

John H. Smith, of Union County, was elected to the State Senate in 1904. He was a member of the Bar Association and a member of the Board of Supervisors.

John H. Smith, of Union County, was elected to the State Senate in 1904. He was a member of the Bar Association and a member of the Board of Supervisors.

John H. Smith, of Union County, was elected to the State Senate in 1904. He was a member of the Bar Association and a member of the Board of Supervisors.

John H. Smith, of Union County, was elected to the State Senate in 1904. He was a member of the Bar Association and a member of the Board of Supervisors.

the Clayton Chamber of Commerce. A member of the Democratic Policy Committee, he was elected to the House of Representatives in 1948 and in 1950.

Valencia County.<sup>46</sup> Valencia County's Senator is Sidney S. Gottlieb, Republican, of Cubero. Senator Gottlieb is a livestock merchant. He was a member of the Senate from 1944 to 1948.

Occupation. A study of occupations in the Senate shows that seventeen businessmen make up the largest category in this body, forming 54.8 per cent of the total. Merchants rank first in number in this group, followed by insurance men.

Six professional men form a group which makes up 19.4 per cent of the total. Lawyers are in the majority in this category.

Ranching and agricultural interests form 19.4 per cent of the total. Three ranchers and three farmers compose this group.

The fourth category is labeled "Miscellaneous" and includes a miner and a lumberman. This group forms 6.4 per cent of the total.

The occupations of members of the Senate are listed in Table II.

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<sup>46</sup>

See pp. 20-21, the First Representative District, for Valencia County's economic interests and the ethnic composition of its population.

The Dayton Chamber of Commerce, a member of the National  
Policy Committee, has been elected to the House of Representatives  
since 1945 and in 1950.

Valencia County, New Mexico  
Attorney E. Corbin, President of the Chamber of Commerce  
is a livestock salesman. He was a member of the board  
from 1945 to 1948.

Occupation. A study of occupations in Valencia  
shows that seventeen businessmen were in the largest category  
in this body, forming 15.3 per cent of the total. Following  
this list in number in this group followed by 10.0 per cent  
six professional men form a group which makes up

12.4 per cent of the total. In the category  
in this category.

Handing and agricultural interests form 12.4 per  
cent of the total. These interests and other interests  
this group.

The fourth category is labeled "Miscellaneous"  
and includes a miner and a lumberman. This group forms  
5.4 per cent of the total.

The occupations of members of the Board are  
listed in Table II.

See pp. 20-21, the first two pages of the report  
for Valencia County's economic interests and the relative  
composition of its population.



TABLE II  
OCCUPATIONAL GROUPS IN THE SENATE  
IN THE TWENTY-FIRST LEGISLATURE

Main Category and Individual Occupations	Total Number in Individual Occupations	Total Number in Category	Per Cent
<b>BUSINESS INTERESTS</b>			
Merchants <sup>47</sup>	10		
Insurance	2		
Advertiser	1		
Newspaper Publisher	1		
Oil Dealer	1		
Oil Producer	1		
Realtor	<u>1</u>		
		17	54.8
<b>PROFESSIONS</b>			
Lawyers	5		
School Superintendent	<u>1</u>		
		6	19.4
<b>RANCHING AND AGRICULTURAL INTERESTS</b>			
Ranchers	3		
Farmers	<u>3</u>		
		6	19.4
<b>MISCELLANEOUS</b>			
Lumberman	1		
Miner	<u>1</u>		
		2	6.4

<sup>47</sup>

The classification "merchant" includes the following:  
 4 general merchants, 1 livestock merchant, 1 livestock salt  
 dealer, 1 retail liquor dealer, 1 auto parts wholesaler,  
 1 building materials dealer, and 1 auto dealer.



## The Organization of the Senate

Floor Leaders. The Senate Democratic Caucus, in control of the upper house, designated Murray Morgan of Alamogordo as Majority Floor Leader. The State Senator from Otero County is also a member of the Democratic Policy Committee. Senator Morgan is a newspaper publisher. He was elected to the House of Representatives in 1940 and again in 1946, at which time he was named Majority Floor Leader in that body. In 1948 Morgan was elected to the State Senate.

Senate Republicans named Reginaldo Espinoza, Santa Fe County senator, Minority Floor Leader. Espinoza resides in Espanola and is an auto parts wholesaler. He has had considerable political experience in the state. Following his first election to the House of Representatives in 1942, he became Republican Whip of that session. He was returned to the House in 1944 and again in 1946, serving as Republican Floor Leader of the latter session. In 1947 he was elected Chairman of the New Mexico Federation of Young Republicans and was returned to the post in 1948. Following his election to the State Senate in 1948, he was designated Republican Whip of the Nineteenth Session. He became Chairman of the Eleven Western States Federation of Young Republicans in 1949.

President Pro-Tem. Guido Zecca of McKinley County was named President Pro-Tem of the Senate by the Democratic Caucus. Senator Zecca is a Gallup realtor. He was first





elected to the State Senate in 1948.

Party Whips. Horace DeVargas from Rio Arriba County is the Democratic Whip in the Senate. He is in the insurance business in Espanola. He was county clerk of Rio Arriba County from 1931 to 1932. He was elected to the State Senate in 1946 and was re-elected in 1948.

Senate Republicans named Charles C. Mumma of San Juan County as Senate Whip. Senator Mumma is a Farmington merchant. He was a member of the House of Representatives in the 1943 and 1945 sessions.

elector to the 1945 session.

Early in 1945, he was elected to the 1945 session.

is the Democratic Party in the 1945 session.

business in 1945. He was elected to the 1945 session.

from 1945 to 1945. He was elected to the 1945 session.

and was re-elected in 1945.

He was a Republican member of the 1945 session.

County as a member of the 1945 session.

He was a member of the House of Representatives in 1945.

and 1945 session.



## CHAPTER III

### LEGISLATIVE ACTION ON THE ADMINISTRATION'S PROGRAM

#### Introduction

Before the Twenty-First Legislature convened, members in both parties expressed their opinions regarding major problems which they believed should be acted upon during the session. All members of both the Senate and House of Representatives were sent a questionnaire by the Albuquerque Journal's Santa Fe Bureau. Of those answering the questionnaire, all but six gave the answer "finances" to the question: "What do you consider the major problem facing the legislature?"<sup>1</sup> Representative E. W. Mitchell of Roswell summarized the views of his fellow lawmakers when he said, "In general I believe that the toughest problem will be in the solution of money requests."<sup>2</sup> He mentioned the needs of various institutions throughout the state in connection with his statement. However, although the legislators indicated concern over state finances, the Albuquerque Journal reported that the solons had few suggestions for solving the need for cash. Tax increases were ruled out by the majority as an unsatisfactory

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<sup>1</sup> A news article in the Albuquerque Journal, January 4, 1953.

<sup>2</sup> Ibid.



solution. "Most of the lawmakers agree with Governor Mechem that while the state may need, the people want no new taxes."<sup>3</sup> The only legislator answering the questionnaire who advocated a tax hike in any category was Ralph Gallegos, Democrat, of the Rio Arriba-Sandoval District. He favored increasing the tobacco and gasoline taxes. Manford W. Rainwater, Tucumcari County Democrat, remarked, "Progressive legislation may require an increased tax burden, but if the money is spent wisely, the people are well compensated for what increases may be necessary."<sup>4</sup> Most solons saw little or no possibility of a decrease in taxes in the near future.

The lawmakers predicted that liquor legislation was going to occupy an important portion of their time, placing it in number two position behind finances in the pre-session poll. Several members expressed favor for establishment of a liquor control board.

A personnel system for state employees was listed as the number three problem by the lawmakers prior to the session.

Utility controls were ranked fourth in importance before the opening of the legislature.

Results of the survey indicated that there should be certain changes in election laws, including repeal of the

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<sup>3</sup>  
Ibid.

<sup>4</sup>  
Ibid.



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pre-primary designating convention. Reorganization of state government also ranked high in the minds of the legislators, although several of them stated that they had not had time to study the report of the Little Hoover Commission set up by the previous legislature.

Also mentioned as important problems were welfare needs, property tax equalization, establishment of a new state police board, the adoption of a safety law, and the regulation of juvenile delinquency.

Results of the poll indicated that the legislators and the governor basically agreed on the designation of major issues to be handled during the session. Although the governor did not list his administrative proposals in order of importance, his proposals were concerned in many cases with the major legislative problems designated in the poll by the senators and representatives.

The Chief Executive specified certain legislation to deal with the problems of finance and budgeting, advocated a liquor control board, proposed a personnel system, and suggested that the Corporation Commission and the Public Service Commission be combined through constitutional amendment. Thus he proposed action to deal with the four primary problems which had been listed by the legislators.

Five of his administrative proposals called for revisions in the election system; one concerned property tax equalization; and one advocated revision of the State Police Board. All of





these matters had been mentioned in a general fashion in the poll. The Governor also advocated certain proposals which had been suggested by the Little Hoover Commission and added other recommendations of his own concerning such matters as the powers of the Oil Conservation Commission and the State Canvassing Board. His program, for the most part, related to matters which the legislators believed should be acted upon during the session.

Democratic members of the legislature met in a caucus and formulated a statement of general principles which would be followed by their party during the session. Democratic solons went on record as being opposed to any tax increases and to the creation of any "new agencies or units which might increase the cost of government."<sup>5</sup> However, Senator Calvin Horn, Democrat from Bernalillo County, stated at the beginning of the session that he thought the Governor "skipped over the problem too lightly by simply calling for economy and no tax increases."<sup>6</sup> Certain Republican members shared his viewpoint. "We believe in economy," Horn added, "but we do not believe in letting the house fall down in the guise of economy when a small preventive expenditure would save it."<sup>7</sup>

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<sup>5</sup> A news article in the Albuquerque Journal, February 4, 1953.

<sup>6</sup> A news article in the Albuquerque Journal, January 16, 1953.

<sup>7</sup> Ibid.

these matters and have been mentioned in a number of places in the

bill. The Government is a supporter of the bill, and it has

been suggested by the House that the bill should be passed

recommendations of its own committee and that it should be

of the bill, and that it should be passed by the House.

house. His opinion, however, is that the bill should be passed

which the legislature has passed, and it is hoped that the

question.

Democratic members of the legislature have been

and formulated a statement of their position on the bill.

be followed by their party during the session.

actions must be based on the basis of the bill.

and to the extent that the bill is passed, it will be

increase the cost of government.

born, however, from the fact that the bill is

of the session, and he thought that the bill would be

provides the right to elect a committee to study the

increase." Certain Republican members of the legislature

"we believe in economy," says a Republican member of the

letting the house fall down is the cause of economy.

small conservative expansionism you have to.

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2 A news article in the Albany Journal, January 2,

1953.

A news article in the Albany Journal, January 2,

1953.

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The statement of general Democratic principles included a pledge to support only such laws as "accomplish the greatest good for the greatest number"<sup>8</sup> and a promise to keep the public welfare in mind. The Democrats went on to say they believed in fewer governmental restrictions, wished to eliminate costly overlapping functions of state government, and wherever practicable, pledged to endeavor to vest all authority in the local governmental subdivision. They strongly opposed the creation of any new agencies or units which might increase the cost of government; and further stressing the economy issue, they stated they considered present revenues adequate for the efficient operation of state government. A general summary was made in the following principle: "We believe in study and action during this legislative session on major governmental problems, with serious thought given to revision and corrective statutes instead of many laws being passed."<sup>9</sup>

There was little in the Democratic statement of principles which would indicate conflict with the Governor's administrative program, unless opposition to the creation of any new agencies could be interpreted as disagreement with the proposal to set up a new Department of Finance and Administration, as recommended by the Little Hoover Commission. However, Democrats

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<sup>8</sup> A news article in the Albuquerque Journal, February 4, 1953.

<sup>9</sup> Ibid.



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expressed disapproval of the creation of new agencies only if the cost of government was thereby increased. The Democratic platform had pointed out the efforts of Democratic legislators in the creation of the state's Little Hoover Commission and pledged the continued efforts of the party to the achievement of a progressive and practical reorganization of New Mexico's governmental agencies. In regard to the Commission's recommendations, the Albuquerque Journal poll showed that lawmakers who had studied the Hoover Commission Report apparently believed that selected parts "which are practical and which can be enacted by a simple legislative act"<sup>10</sup> should be pushed through the legislature. The report did not mention whether the above proposal concerning establishment of a Department of Finance and Administration was included in this category. Legislative action on the matter indicated support for the basic idea, but there was controversy over the manner in which the bill was drafted to effect this purpose.

Both parties stressed economy in government and emphasized that taxes should not be raised.

In regard to the regulation of public utilities, the Democratic caucus approved the idea of a constitutional amendment to place the burden of proof on utilities in rate cases. Mechem had called for merger of the Public Service Commission and the Corporation Commission.

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<sup>10</sup>

A news article in the Albuquerque Journal, January 4, 1953.

expressed views of the people of the country.

The cost of government was estimated at Rs. 100 crores.

platform had been set out in the report.

In the creation of the state of Jammu and Kashmir.

pledged the government to work for the welfare of the people.

of a progressive and democratic government.

Governmental system. In 1952 the Government of India.

tion, the Government of India had decided to.

and studies the Government of India had decided to.

that selected parts of the Constitution of India.

enacted by a single legislative body.

the institution. The report of the committee.

proposed working arrangements for the Government of India.

and Administration and Finance and Revenue.

action on the matter indicated that the Government of India.

there was controversy over the matter in India and all.

desired to effect this purpose.

Both parties agreed to work for the welfare of the people.

aided in the development of the country.

In view of the fact that the Government of India.

domestic credit approved the plan of a new financial system.

went to place the matter of credit on the agenda of the Council.

Government had called for the report of the committee.

and the Corporation Development.



Concerning liquor legislation, Mechem had plans for a liquor control board, while the Democrats had said in their platform: "We favor adoption of a fair liquor control law which will do away with the vices of the present system."<sup>11</sup>

Some of the Governor's proposals coincided with points in the Democratic campaign platform. Both Republicans and Democrats promised to attempt to secure an absentee ballot for the state. They also agreed on the repeal of the pre-primary convention system and the substitution therefore of a direct primary.

In January it was announced that a majority of the Democratic legislators favored Mechem's plan to revise the state income tax law and base the state tax on a percentage of the federal tax.<sup>12</sup> Democrats also expressed approval of the Chief Executive's proposal to give tenure to state policeman and to revamp the Police Board, omitting the governor as a member.

Since neither party was in complete control of the legislature, differences of opinion would have to be resolved by compromise if plans of either party were to be effected. An editorial in the Albuquerque Journal had the following comment:

The important thing is that the programs be merged insofar as possible and that the legislators get down to

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<sup>11</sup> A news article in the Albuquerque Journal, June 27, 1952.

<sup>12</sup> A news article in The Albuquerque Tribune, January 5, 1953.

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A news article... ..

1952.

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A news article... ..

5, 1952.

consideration of the essential legislation before the houses get bogged down in minor measures. The interests of the state should be put ahead of party advantage and a degree of cooperation maintained if this session is to make a record for good legislation. 13

Since Governor Mechem's party had a majority of votes only in the House of Representatives, all but a few measures pertaining to his administrative program originated in this chamber. Exceptions included Senate bills to provide for the creation of a State Buildings and Parks Commission and to authorize the sale and issuance of  $4\frac{1}{2}$  million dollars in bonds to provide funds for acquiring, erecting, improving, remodeling, and equipping buildings of state agencies, departments, and institutions. In addition, four measures which had Mechem's support were introduced in the Senate to authorize the issuance of institutional bonds totaling  $5\frac{4}{10}$  million dollars to finance improvements at and expansion of the State Prison, the Mental Hospital at Las Vegas, the Springer Industrial School, and the Los Lunas Mental Hospital.

In some cases, both chambers drafted bills relating to the Governor's program. Measures providing for an absentee ballot originated in both the House and the Senate, as did bills revising the state's property tax laws and budget system.

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13

An editorial in the Albuquerque Journal, January 16, 1953.





Mechem's plan to eliminate the straight ticket vote on the ballot was an administrative proposal reported as being directly opposed in principle by the Democratic Party. The Democratic Caucus announced that it would fight this provision.<sup>14</sup> The Chief Executive's suggestion that the voting lists be purged met almost solid Democratic opposition; but the issue was complicated by an amendment which changed the original provision that only the names of voters registered prior to December 31, 1948, would be purged and stipulated that all voters would have to re-register. Whether Democratic opposition was directed at the idea of a purge of any type, or whether it was directed at the amendment, could not be clearly determined.

However, most of Mechem's proposals apparently were not opposed in principle by the Democrats as a body, although there were later controversies over legislation dealing with the proposals. For example, in the case of the absentee ballot, a debate arose between several Democrats and Republicans over the correct procedure to follow in achieving this end. It would appear that in the majority of cases differences of opinion resulted not from party conflicts over the basic content of the administrative suggestions, but from controversies over methods to be used in carrying out these proposals and the drafting of bills pertaining to them.

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<sup>14</sup> A news article in the Albuquerque Journal, February 12, 1953.

McDonough's plan to eliminate the straight ticket

The ballot was an administrative measure, reported as such

directly opposed in principle by the Democratic Party

Democratic Party announced that it would oppose the plan

also. The Civil Service Commission had been established

be passed not almost solid Democratic opposition, but the

was complicated by an amendment which changed the method of

which that only the names of voters were to be printed

December 11, 1948, would be changed and replaced by the

voters would have to re-register. Another Democratic proposal

tion was directed at the idea of a purge of any party

whether it was directed at the amendment, and not at the

definitely.

However, most of McDonough's proposals were opposed

opposed in principle by the Democrats as a whole, although there

were later controversies over registration during the 1950s.

such. For example, in the case of the straight ticket, a debate

arose between several Democrats and Republicans over the

procedure to follow in achieving this end. It was a

in the majority of cases after a period of opinion polling, but

from party officials over the merits of the

tive suggestions, but then continued for over a decade

used in carrying out these proposals and the issue of this

pertaining to them.

14

A news article in the Washington Post, January 12, 1953.

12, 1953.



On certain occasions, as in the case of Mechem's suggestions for appointment of members of the State Corporation Commission and the State Superintendent of Public Instruction, Republican members of the legislature also expressed disapproval of the Chief Executive's plans. Three Republicans, who did not wish to be quoted, were not in favor of appointing public officials, according to press releases. They were reported as saying, "When you appoint a man instead of electing him, you are getting too far from the people."<sup>15</sup>

The introduction of bills, other than appropriation measures and acts designated as emergency bills, was limited to the first forty-five days of the session. The House of Representatives had a "gentleman's agreement" that bills would be introduced only through the first thirty days. The time limit on exchange of bills between the two bodies was fifty-five days.

The Legislative Council, set up by the Twentieth Legislature, was at the disposal of the solons to assist in drafting bills and to answer any questions they might have.

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<sup>15</sup>

A news article in The Albuquerque Tribune, January 14, 1953.

On certain occasions, as in the case of the...

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Issues Pertaining  
to the Governor's Administrative Program

Regulation of Public Utilities. Public utility regulation was a major issue in the Twenty-First legislature, although bills pertaining to this subject did not receive as much publicity as certain other measures, such as those concerning liquor control. However, the regulation of utilities has been the object of much controversy over a period of years. The control of public utilities and the powers of the Corporation Commission and Public Service Commission have been argued in court, discussed in the press, and debated in former legislatures; but disagreement still exists concerning the effectiveness and powers of the two regulatory bodies.

Governor Mechem asked the Twenty-First Legislature to merge the two state commissions into a single appointive utilities commission. He urged approval of a proposed constitutional amendment creating a five-member board appointed by the governor, with Senate approval, for six-year terms. The new commission would take over the duties of the elective three-member Corporation Commission and the appointive Public Service Commission. The Chief Executive said, "In my opinion, legislative approval of this amendment would give the State Corporation Commission powers to exercise actual jurisdiction over rates."<sup>16</sup> He added, "A definite effort has been made to remove

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<sup>16</sup> A news article in the Albuquerque Journal, February 19, 1953.



James P. ...  
to the Governor's administrative program

# Statement of James P. ...

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all of the restrictions on such powers contained in the existing constitutional provisions."<sup>17</sup> The Governor also pointed out that the proposed amendment would give the legislature much more power over the regulatory commissions.

In order to understand the issues involved in this matter in the Twenty-First Legislature and to gain insight into Mechem's proposal for a merger of the two regulatory bodies, it is necessary first to review the history of public utility regulation in New Mexico.<sup>18</sup>

The State Corporation Commission was created by the New Mexico Constitution in 1910 and consists of three members elected for six year terms. The commissioners may succeed themselves in office indefinitely. The following is a description of the duties of the Corporation Commission:

In carrying out its work the Commission performs the following duties: issues charters to domestic corporations and licenses to foreign corporations to do business in the state; issues permits to truck and bus lines to operate freight and passenger services in the state; regulates the rates of railroad, air line, pipeline, telephone, telegraph, express, and sleeping car companies engaged in intrastate commerce in the state; passes upon applications for the incorporation of insurance companies under the laws of

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17

Ibid.

18

For a study of public utility regulation in New Mexico see: Frederick C. Irion, The New Mexico Corporation Commission (Albuquerque: Division of Research, Department of Government, University of New Mexico, May, 1950).

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the state; and collects the franchise tax levied on corporations, for the privilege of doing business in the state. <sup>19</sup>

The membership of the Corporation Commission is identical with that of the State Insurance Board, created in 1947. However, the regulation of the rates of gas, electric, and water utilities is not a power of the New Mexico Corporation Commission, as it is in many states. In a law case, *Seaburg v. Raton Public Service Company*, in 1932, the Supreme Court held that "local gas and electric light companies are not 'transmission companies' subject to the commission's jurisdiction within the meaning of the state constitution."<sup>20</sup> Until 1941, control of the rates of these companies was left to the municipalities. In that year the legislature created the Public Service Commission, composed of three members appointed by the governor for six-year terms, to regulate the rates of gas, electric, and water utilities, together with related transmission services. Although a division of authority is specified between the two agencies, there is some duplication of functions. For instance, both commissions<sup>21</sup> have authority to regulate butane.

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<sup>19</sup>

Thomas C. Donnelly, The Government of New Mexico, (First Edition, the University of New Mexico Press, 1947), pp. 135-137.

<sup>20</sup>

Irion, op. cit., p. 2

<sup>21</sup>

Ibid.



A major controversy concerning the powers of the two commissions has centered around the question of burden of proof in rate increases. Judicial decisions have tended to place the burden of proof on the commissions, despite constitutional provisions which on the surface may seem sufficient to allow the commissions adequate powers to protect the public interest in rate matters. In speaking of the Corporation Commission, Dr. Frederick C. Irion says, "From the very first, the New Mexico Supreme Court established the authority of the courts over the commission."<sup>22</sup> The total result of this practice is that in New Mexico the powers of the bodies regulating public utilities are confused and inadequate. There is a need for legislation to remedy the situation.

Criticism of dividing public utility regulation functions between two commissions was given by the Little Hoover Commission:

There is clearly no logic in dividing the task of regulating public utilities between two commissions, with railroads, telephone and telegraph companies and oil and gas pipelines under one commission and electric, gas and water and steam utilities under another. In only one other state is such a division found. The chief difficulties of this dual structure, beside that of breaking up a unified function between two agencies, are financial in nature. With two commissions, it is necessary to pay the salaries of six commissioners rather than three; there must be two overhead staffs, such as secretaries, accountants, attorneys, and others; there must be separate budgets, accounts, reports, and financial controls.<sup>23</sup>

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<sup>22</sup>

Irion, op. cit., p. 15

<sup>23</sup>

Blachly and Oatman, op. cit., p. 54.



A major consideration in the power of the two

commissions has centered around the question of jurisdiction  
over the various agencies. The Federal Commission has jurisdiction  
place the burden of proof on the commission, leaving doubt-  
ful provisions which on the whole may not be sufficient  
to allow the commission adequate power to protect the public

interest in this matter. In the case of the Commission  
Commissioner, Mr. Frederick C. Jones said, "There are very little  
the New Mexico and the County established the authority of the  
court over the commission." The Federal review of this

practice is that in New Mexico the power of the public reg-  
ulating public utilities the conduct and discipline. There  
is a need for legislation to remove the jurisdiction.

Criticism of division public utility regulation functions  
between the commissions was given by the little Hoover Commission

There is clearly no basis for dividing the jurisdiction of  
regulating public utilities between the commissions.  
with Federal, State, and local agencies and officials,  
oil and gas industries, and the transportation and electric  
gas and water and steam utilities which are another.  
only one other state is such a division found. The  
chief difficulty of this kind of structure, beside that  
of creating up a unified transportation system, is that  
one limited in nature. With the commissions, it is  
necessary to pay the salaries of the commissioners rather  
than have them as two covered salaries, such as  
regulation, economic, attorney, and other; these  
must be separate, separate, separate, and separate  
and separate.

Mechem's proposals concerning the regulation of public utilities were incorporated into House Joint Resolution No. 21, introduced by Representatives Alvin Stockton, F. H. Thompson, and E. W. Mitchell. The resolution provided that Article 11 of the State Constitution be amended to create a new State Corporation Commission which would exercise the powers of the existing State Corporation Commission and would also take over the powers vested by law in the Public Service Commission, which would be abolished on the effective date of the amendment. The newly created Corporation Commission would consist of five members, appointed by the Governor with Senate consent, for six-year terms, without limitation on the number of consecutive terms which any member could serve.<sup>24</sup> Any elected members of the former State Corporation Commission would be members of the new State Corporation Commission until the expiration of the respective terms for which they were elected. Until otherwise fixed by the legislature, the compensation for each member would be at the rate of Nine Thousand (\$9,000.00) Dollars per annum. Section 2 of the resolution provided:

Such Commission shall have and exercise the power to regulate, supervise and control business and non-profit corporations, carriers for hire of passengers or property, insurance, communications, public utilities and pipe lines for the transportation of gas and oil, and such grant of powers shall include, but not be limited to, the power to establish, regulate and control

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24

House Joint Resolution No. 21, the Twenty-First Legislature (Santa Fe: 1953), Section 1, pp. 1-2.





rates and charges of enterprises affected with a public interest. In addition to the foregoing powers, additional powers may be granted by statute to such commission, from time to time, whether or not such powers are of the same general class as herein enumerated. In the exercise of any of its powers, the Commission shall have the power to make reasonable rules and regulations not in conflict with the Constitution or Laws of New Mexico. <sup>25</sup>

After its introduction in the legislature, House Joint Resolution No. 21, backed by Governor Mechem, was attacked by both Republicans and Democrats.

Members of the Judiciary Committee, to which the measure was referred, expressed disapproval of it in vigorous terms. After discussions were held, Representative Hugh Horne, Albuquerque Republican and Chairman of the Judiciary Committee, termed the measure "horrible" and moved that it "do not pass."<sup>26</sup> He said, "It is the worst drawn bill I've ever seen."<sup>27</sup> Representative Manford Rainwater, Tucumcari County Democrat, remarked that the powers granted by the measure were too broad. Representatives of various public utilities had protested against any change in the provision of the State Constitution governing their activities in New Mexico. They had appeared before the legislative committee and complained of broad powers which would be given the regulatory body.

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<sup>25</sup>  
p. 2 House Joint Resolution No. 21, op. cit., Section 2,

<sup>26</sup>  
1953. A news article in the Albuquerque Journal, March 5,

<sup>27</sup>  
Ibid.



However, according to press reports, it is doubtful that the arguments of the utilities had significant influence on the decision of the House to kill the measure. "The Republicans had decided before the committee meeting that they could not pass it [House Joint Resolution No. 21] without having it amended to make the commission elected--and they preferred to have it killed."<sup>28</sup> The House adopted the "do not pass" recommendation of the Judiciary Committee, thus terminating action on the matter. The Chief Executive indicated shortly after the committee's action that he would rather see the measure die in committee than be amended in the House to provide for an elected commission.

Senator Henry Eager, Democrat from Quay County, applauded the House Judiciary Committee's unfavorable report on the administration's proposed constitutional amendment. Eager had previously condemned the measure as one which concentrated too much power in the governor's hands and had said it disenfranchised the people of their right to elect the commissioners. A former corporation commissioner himself, the Senator introduced his own proposed constitutional amendment in the upper chamber. Senate Joint Resolution No. 17, which he sponsored, provided for a three-member elected Corporation Commission which would absorb the duties of the Public Service

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A news article in the Albuquerque Journal, March 6, 1953.



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Commission. His measure stipulated that the burden of proof in rate cases would be placed on the utilities instead of the commission. Eager said his amendment had been taken from the better portions of other states' amended constitutions and expressed confidence that his proposals would stand up under court tests.<sup>29</sup> However, there was controversy over the advisability of electing officials to deal with such technical problems as those involved in regulating utilities. The State and County Affairs Committee killed the measure, and it was not revived on the floor.

After the defeat of the Eager proposal, Senate Joint Resolution No. 20 was introduced by Senator Murray E. Morgan. This measure was drawn up by a subcommittee of the State and County Affairs Committee to replace the two previous resolutions which had been killed. The measure concerned only the question of burden of proof and did not deal with the consolidation of the two regulatory bodies; but the subcommittee recommended that a special group be formed to study the matter and to present a consolidation proposal to the next legislature. The proposed amendment applied only to the State Corporation Commission and the railroad, telephone, and truck firms regulated by it. Natural gas, electric, and water utilities regulated by the Public Service Commission were not affected by

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<sup>29</sup>

A news article in The Albuquerque Tribune, March 5, 1953.

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the amendment. As finally approved by the Senate, the section relating to burden of proof provided that companies mentioned in the measure could not increase rates except upon a showing before the State Corporation Commission that such increase was justified. The resolution required the Commission to hold a hearing within sixty days after an application for higher rates was filed and to issue an order within thirty days after the hearing had ended. The Commission was given power to suspend higher rates pending the outcome of such a hearing.

The Senate by a vote of 27 to 2 passed the proposed constitutional amendment outlined in Senate Joint Resolution No. 20.<sup>30</sup> However, when the measure was sent to the House of Representatives, it was defeated by a vote of 41 to 9.<sup>31</sup> Representative Manford Rainwater said, "This body cannot safely pass this matter. It includes too much."<sup>32</sup> He added, "We're not opposing the shifting of the burden of proof; but this constitutional amendment goes too far."<sup>33</sup> He said that the amendment, as approved by the Senate, "would enable our Corporation Commission to go in and run our public utilities."<sup>34</sup>

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<sup>30</sup>

The Journal of the Senate, the Twenty-First Legislature (Santa Fe: 1953), the 57th Legislative Day.

<sup>31</sup>

The Journal of the House of Representatives, the Twenty-First Legislature (Santa Fe: 1953), the 60th Legislative Day.

<sup>32</sup>

A news article in the Albuquerque Journal, March 16, 1953.

<sup>33</sup>

Ibid.

<sup>34</sup>

Ibid.



Several representatives indicated they did not know enough about the proposed resolution to vote on it intelligently. Representative Paul Robinson, Albuquerque Republican, agreed that the House had had little time to consider the proposal. He remarked, "I do resent the fact that a good many members had so many objections to the measure without having had a chance to study it."<sup>35</sup> There was speculation that this statement referred to the fact that representatives of various utilities had been circulating among House members. E. C. Phillips, District Manager of the Mountain States Telephone Company, emphatically denied that his firm had advocated defeat of the Senate Joint Resolution, stating, "All we wanted was a few changes in it."<sup>36</sup> He said that his company had accepted the burden of proof in recent rate cases and "would like to see it spelled out in the Constitution."<sup>37</sup>

Reports indicate that, aside from direct opposition, this resolution failed in the House because of caution on the part of the representatives, lack of understanding of the measure's provisions, and inadequate time to study the proposal.

The legislature passed Senate Joint Memorial No. 4

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<sup>35</sup>  
Ibid.

<sup>36</sup>  
Ibid.

<sup>37</sup>  
Ibid.



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which sets up an interim committee to study the problems of a single regulatory body for public utilities. The committee's findings will be presented at the next legislative session. This action represents the legislature's total accomplishment relating to Mechem's proposal to merge the two regulatory bodies into a single commission.

Public utility regulation in New Mexico remained unchanged by the Twenty-First Legislature despite platform pledges in both parties to provide more adequate regulation. There was no indication that the Governor's measure or the other two resolutions were defeated along party lines. In the case of Mechem's proposal, the long-standing conflict of appointment vs. election of commissioners was the primary factor contributing to its defeat. This same dispute was also involved in the killing of Eager's resolution in the Senate. There are also other factors to be taken into consideration in the defeat of the Governor's proposal and other measures relating to the same subject. For instance, Representative Rainwater expressed disapproval of having a commission with power "to run the public utilities." It is possible that this reasoning reflects a general attitude on the part of various legislators and some of the public toward utility regulation. Although protests are made each time a rate hike is put into effect and editorials are written demanding that something be done, it is conceivable that public opinion is skeptical of reducing the power of the utilities to regulate





their own affairs and thus is cautious about changing the existing arrangement providing for a division of authority and function between two weak regulatory bodies.

After the session ended, Joe L. Martinez, former Attorney General, urged that the Democratic Party at its convention on April 13 adopt a proposed resolution asking the governor to call a special session of the state legislature to consider the public utility question.<sup>38</sup> He hoped that a resolution could be passed which would specify that public utilities could not raise rates without first having obtained the consent of the "state administrative body,"<sup>39</sup> after full hearings had been held. Mechem was reported as being "cool" to the idea of a special session,<sup>40</sup> and the Democratic Party apparently felt that the matter had been debated enough in the Twenty-First Legislature. The suggestion for another session produced no results; and the question of public utility regulation awaits the opening of the Twenty-Second Legislature in January of 1955.

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<sup>38</sup> A news article in The Albuquerque Tribune, April 8, 1953.

<sup>39</sup> Ibid.

<sup>40</sup> A news article in The Albuquerque Tribune, March 19, 1953.

their own affairs... existing... and function between two... After the session... Attorney General... venton on April... governor to call... for consider the... resolution could be... utilities board... the consent of... hearings had been... to the... Party apparently... in the Twenty-third... session produced... utility regulation... legislature in January 1953.

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The Pre-Primary Designating Convention. Both parties pledged the abolition of the pre-primary convention system of selecting candidates and the substitution therefore of a direct primary. The system became part of the state's political machinery in 1949 when the Nineteenth Legislature enacted a law providing for a pre-primary convention to designate candidates of the major parties for state and national office.<sup>41</sup>

The law provided that candidates for nominations for United States Senators, Representatives in Congress, Presidential Electors and all elective state offices, with the exception of legislators, would be chosen by party designating conventions to run in the primary. Elections for city, town, and village offices, as well as special elections, were stipulated as being exempt from the measure's requirements. Every candidate who received 25 per cent of the convention vote would be placed upon the direct primary ballot as a party candidate for nomination for office; but no method was provided whereby a candidate who failed to receive the required number of votes could get on the ballot by petition.

There was some debate over the pre-primary designating convention bill in the Nineteenth Legislature, but it was passed with substantial majorities in both bodies. After the law was enacted, however, opposition to it developed, first

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<sup>41</sup>

For a detailed study of the pre-primary convention system in New Mexico, see: Charles B. Judah and Oliver E. Payne, New Mexico's Proposed Pre-Primary Designating Convention, (Albuquerque: Division of Research, Department of Government, University of New Mexico, October, 1950).





in the newspapers and shortly thereafter in a faction of the Democratic Party.<sup>42</sup> In June of 1950 a petition disapproving the law was filed with the Secretary of State, making it possible for the people to vote on a referendum to repeal it in the fall elections of that year. Among those who voted on the referendum, a substantial majority favored annulling the pre-primary convention law. However, according to the State Constitution, a referendum can go into effect only if the votes cast in favor of it equal at least 40 per cent of the total number of votes cast at the general election for governor or other state officers. The number of votes cast for the repeal of the pre-primary convention law did not meet this constitutional requirement. Thus the referendum failed although a majority of those voting on the matter favored its passage.

However, the referendum did produce minor results despite its defeat in the election. Conscious of growing agitation concerning certain provisions in the pre-primary convention law, the Twentieth Legislature in 1951 amended the law to allow a candidate to get on the party primary ballot by petition although he did not receive the necessary percentage of votes in the pre-primary convention. The requirement that a candidate must receive 25 per cent of the total votes cast in the convention was altered to specify that only 20 per cent of

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<sup>42</sup>

Ibid., p. 1 (foreward).

in the newspapers and shortly thereafter in a edition of the  
 Democratic Party. In June of 1959 a petition, requesting  
 the law was filed with the Secretary of State, asking it  
 possible for the people to vote on a referendum to repeal it  
 in the fall elections of that year. Among those who voted on  
 the referendum, a substantial majority favored annulling the  
 pre-primary convention law. However, according to the State  
 Constitution, a referendum can go into effect only if the votes  
 must in favor of it equal at least 50 per cent of the total  
 number of votes cast at the general election for Governor or  
 other state officers. The number of votes cast for the  
 repeal of the pre-primary convention law did not meet this  
 constitutional requirement. Thus the referendum failed. It  
 though a majority of those voting on the matter favored the  
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However, the referendum did produce minor results  
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 tation concerning certain provisions in the pre-primary conven-  
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 candidate must receive 25 per cent of the total votes cast in  
 the convention was altered to specify that only 20 per cent of



the vote was necessary for a candidate to be placed on the party ballot.

Despite the changes made by the 1951 Legislature, the law continued to be under attack by various members of both parties. General objections included charges that it facilitates party bossism and makes possible a return to 'smoke-filled rooms,' (Hurley, Knorr); that it curtails the right of the people to choose their own officials (Frazier, Roach); and that it accomplishes nothing and requires a year's campaigning (Hurley, Frazier).<sup>43</sup> Arguments for retaining the pre-primary are traditionally based on the belief that it encourages party responsibility, results in a balanced ticket, and makes possible a reduction in individual campaign expenses.<sup>44</sup> Although not definitely in favor of the pre-primary convention, Calvin Horn remarked, concerning the Democratic convention on March 3, 1952, "The pre-primary led to more party responsibility than I had realized."<sup>45</sup>

In March of 1952, the Associated Press reported, after a survey on the matter, "New Mexico's pre-primary convention plan has met its first test and most political leaders think

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<sup>43</sup> A news article in the Albuquerque Journal, March 9, 1952.

<sup>44</sup> Ibid. This fact is also obtained from the following source: Judah and Payne, op. cit., pp. 9-14.

<sup>45</sup> A news article in the Albuquerque Journal, March 9, 1952.

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the system flunked.<sup>46</sup> Among eleven prominent Democrats and Republicans polled by the Associated Press, the majority favored eliminating the pre-primary and reverting to the direct primary. Two or three persons in the group were undecided or thought the pre-primary designating convention should be given another chance. Democrats who favored the direct primary over the pre-primary designating convention were Everett Grantham, Lake J. Frazier, former Governor John E. Miles, and former State Senator Burton Roach, one of the original sponsors of the law. Republican leaders advocating abolition of the pre-primary convention law included Patrick J. Hurley, party nominee for United States Senator, State Republican Chairman Harry Robins, and Grants Mayor Carrol Gunderson. Governor Mechem's opinions were not given in the press report. Waldo Spiess, who was then Democratic State Chairman, felt the system would have to be judged in the light of time; and Wesley Quinn, Clovis Republican who ran second to Hurley in the 1952 primary race, thought the plan should be given another trial. Although the poll did not have an adequate sample of public opinion to justify final conclusions on the matter, the survey did indicate the attitude of several top political leaders and predicted correctly that both parties would fight for repeal of the system.

House Bill No. 37, carrying out Governor Mechem's administrative proposal on repeal of the pre-primary designating

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<sup>46</sup>  
Ibid.





convention, provided that a direct primary would replace the system enacted by the Legislature in 1949. Section 2 of the bill stipulated:

All candidates for elective offices in the State of New Mexico to which this act applies shall be nominated by political parties to which this act applies at a primary election, wherein all of the qualified registered electors of such political party or parties shall be eligible to vote, and the candidates of the political parties for the offices to which this act applies shall not be otherwise selected or nominated. <sup>47</sup>

The proposed measure applied to the offices of United States Senator, representative in the Congress of the United States, presidential electors, and to all elective state, district, legislative, county and precinct officers in the state who are elected at the general election held in November of each even-numbered year. The act did not apply to city, town and village offices, nor to any type of special elections to fill vacancies. The bill applied only to those political parties whose candidates received as much as 15 per cent of the total number of votes cast for the candidates for governor by all parties at the preceding general election. The proposed direct primary would be held in each county on the first Tuesday after the first Monday in June of each even-numbered year.

The bill was introduced by a bi-partisan group of representatives: Fred Thompson, Republican; Virgil Mc Collum, Democrat; W. O. Culbertson, Jr., Democrat; James Borland,

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<sup>47</sup>

House Bill No. 37, the Twenty-First Legislature (Santa Fe: 1953), Section 2, p. 3

connected, provided that a certain minimum number of  
system, and by the fact that the system is not  
will attend:

All candidates for office in the State of  
New Mexico to whom this bill applies, shall be  
by official action of the State Board of  
elections, and shall be subject to the same  
elections as the other candidates for office in  
the State, and shall be subject to the same  
not be otherwise qualified for office.

The proposed measure relates to the election of  
representatives in the House of Representatives,  
and is intended to provide for the election of  
representatives in the House of Representatives.

Legislative Council, and the House of Representatives,  
elected as the general election held in the State  
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Office, not to the House of Representatives,  
The bill applies to the House of Representatives,  
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would be held in the State of New Mexico, and  
first time in the State of New Mexico, and  
The bill was introduced by the House of  
Representatives, and the House of Representatives.

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Representatives, and the House of Representatives,  
Representatives, and the House of Representatives.

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(Senate No. 10, and the House of Representatives)



Republican; Thomas Morris, Democrat; Theo Rozzell, Democrat, Richard Velarde, Republican; Floyd Darrow, Democrat; Joseph Warner, Jr., Republican; and Antonio Sanchez, Republican. It was referred to the Privileges and Elections Committee, receiving a "do pass" report from this group.

Almost three weeks elapsed from the time the committee report was adopted until the House of Representatives voted on the bill. During this interim, the measure was debated by its sponsors and opponents. House Majority Floor Leader Fred Thompson, Republican from Mora County, called the pre-primary system "a hybrid, half bird and half beast."<sup>48</sup> Minority Floor Leader Donald Hallam, Lea County Democrat, emphasized that "the direct primary is not the answer,"<sup>49</sup> and added that in the absence of something better he preferred the pre-primary. Representative Theo Rozzell, Curry County Democrat, termed the pre-primary a monstrosity and asserted, "The direct primary is the only way out."<sup>50</sup> Representative Morris Shillinglaw, San Miguel Republican, opposed the bill on the grounds that "The state ticket under a direct primary is dictated by the people who occupy the state offices in Santa Fe."<sup>51</sup> He stated that

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<sup>48</sup>  
A news article in The Albuquerque Tribune, February 17, 1953.

<sup>49</sup>  
Ibid.

<sup>50</sup>  
Ibid.

<sup>51</sup>  
Ibid.

Representative Thomas Lewis, Democrat; John Rossell, Democrat;  
Representative John Lewis, Democrat; John Rossell, Democrat;  
Representative John Lewis, Democrat; John Rossell, Democrat;  
It was referred to the Privileges and Elections Committee, no-  
ceiving a (no name) report from this group.  
Almost three years elapsed from the time the committee  
report was adopted until the House of Representatives voted  
on the bill. During this interval, the Senate was divided by  
its sponsors and opponents. House majority floor leader Fred  
Thompson, Republican from Iowa County, called the pro-straw  
system "a hybrid, half dead and half beast." Minority floor  
leader Bernard Hallam, Iowa County Democrat, emphasized that  
"the straw vote is not the answer," and stated that in  
the absence of something better he preferred the pro-straw  
representative John Rossell, Iowa County Democrat, termed the  
pro-straw a "monstrous and absurd," the straw vote is  
the only way out. Representative John Rossell, Iowa  
County Republican, opposed the bill on the grounds that the  
straw vote and a direct primary is stated in the people  
who occupy the state office in Iowa. He stated that

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A news article in the Register and Tribune, February 17,  
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the people who voted for the referendum in 1950 did not repudiate the pre-primary designating convention but only the lack of a provision for getting on the ballot by petition.

To gain further insight into the matter under debate, the legislature invited two government professors from the University of New Mexico to speak to the Senate and House in joint session regarding the merits of the pre-primary, direct primary, and convention systems.

On February 17, 1953, the House of Representatives passed House Bill No. 37 by a vote of 38 to 16.<sup>52</sup> Although Republican members supported the measure by a large majority, the Democrats were evenly divided in their vote on the measure. A breakdown of the vote shows the following results: 25 Republicans and 13 Democrats approved the bill; 3 Republicans and 13 Democrats opposed it.

The bill was then referred to the Senate, where it stayed in the Privileges and Elections Committee until late in the session. The press reported that backers of the measure, including both Democrats and Republicans, were determined that

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For the vote of individual members, the reader is referred to the following sources: (1) The Journal of the House of Representatives, the Twenty-First Legislature, (Santa Fe: 1953), Proceedings of Thirty-Fifth Legislative Day; and (2) A news article in The Albuquerque Tribune, February 17, 1953.



The people who voted in the election of 1933...

The President, who was elected in 1933...

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it should not be stifled by the committee.<sup>53</sup> Senator Murray Morgan, Democrat from Otero County, who was Committee Chairman, had previously declared that he had no intention of bottling up the Republican sponsored pre-primary repealer although he personally was against the bill. He stated early in March, "Any member of the Committee could bring up the bill any time he wants to."<sup>54</sup> Then he added, "Every time I mention it, they all flinch."<sup>55</sup> On March 10 the measure was withdrawn from the committee on a motion by Senator Lewis Cox, Curry County Democrat, and placed on the Senate calendar.

A partial survey of the Senate and members of its election committee indicated that many of the senators were not actually in favor of either the direct primary or the pre-primary convention.<sup>56</sup> Instead, they preferred to return to the system of nominating by convention entirely, but agreed that this method tended to have a bad connotation in the public mind. Senator Eager, Tucumcari Democrat, hoped to see his pet measure, Senate Bill No. 250, get through the legislature. His bill would have returned the state to a full convention system of

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<sup>53</sup> A news article in The Albuquerque Tribune, March 10, 1953.

<sup>54</sup> A news article in the Albuquerque Journal, March 4, 1953.

<sup>55</sup> Ibid.

<sup>56</sup> A news article in the Albuquerque Journal, February 18, 1953.

it should not be taken by the committee. Senator Hiram Bingham, Democrat from Utah, who was Committee Chairman, had previously stated that he had no intention of moving to the Republican sponsored measure, although he personally was against the bill. He stated early in March, "any member of the Committee could bring up the bill any time he wants to." Then he stated, "every time I mention it, they all flinch." On March 10 the measure was withdrawn from the committee on a motion by Senator Lewis Clark, D-Mont., and placed on the Senate calendar.

A partial survey of the Senate and members of the House then committee indicated that many of the senators were not actually in favor of either the direct election of the presidency convention. Instead, they preferred to return to the system of nominating by convention entirely, but agreed that this method tended to have a bad connotation in the public mind. Senator Beyer, Republican Democrat, hoped to see the get measure, Senate Bill No. 270, get through the legislature. His bill would have returned the state to a full convention system.

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1953. A news article in the Albuquerque Tribune, March 10, 1953. A news article in the Albuquerque Journal, March 1, 1953. Ibid. A news article in the Albuquerque Journal, February 18, 1953.



nominating state and federal candidates. However, the consensus of opinion was that this bill could not be passed in time for House action; and Eager's measure was left to die in the Privileges and Elections Committee.

The Republican sponsored measure, House Bill No. 37, was acted upon by the Senate in the closing hours of the session on March 14 and 15. Before passing the bill, the Senate added thirteen amendments. Amendment No. 12, which became a pivotal point of controversy, provided for a run-off election between the two highest candidates for an office if no candidate received a majority of the votes in the primary. The opinion was expressed that without a run-off primary, the candidate winning by a plurality might have received as little as 10 per cent of the total votes cast.

The bill, as amended by the Senate, was passed by a vote of 19 to 11.<sup>57</sup> Eighteen Democrats and one Republican favored the amended measure; three Democrats and eight Republicans disapproved. One Democrat was absent.

When the Senate version of the bill was submitted to the House, Representative Fred Thompson proposed House Floor Amendment No. 1, which struck out Senate Floor Amendments 9 through 13. Thompson's proposal was aimed primarily at the

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For the vote of individual members, the reader is referred to the following sources: (1) The Journal of the Senate, the Twenty-First Legislature, (Santa Fe: 1953), Proceedings of the Sixtieth Legislative Day; and (2) A News article in the Albuquerque Journal, March 16, 1953.



Senate provision for a run-off primary. A voice vote was taken on the adoption of the House amendment to the Senate version; and the Speaker ruled that the majority voted in the affirmative.<sup>58</sup> The House concurred in adoption of the first eight Senate amendments and returned the bill to the upper chamber, having eliminated the proposal for the run-off primary by striking out the last five amendments.

When House Bill No. 37 again reached the upper body, Senator Horn moved that the chamber concur in the House amendments and pass the measure without the provision for a run-off primary. The senators voted to table Horn's motion by a vote of 22 to 9,<sup>59</sup> following party lines closely except in the case of two members, Calvin Horn, Democrat, and Republican Senator T.C. Jaramillo. Senator Eager then moved that House Bill No. 37 be recommitted to the Privileges and Elections Committee. The roll call on the vote for recommitment showed seventeen ayes and thirteen nays.<sup>60</sup> Fourteen Democrats and three Republicans voted in the affirmative; seven Democrats and six Republicans voted in the negative. One Democrat was absent.

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The Journal of the Senate, op. cit., Proceedings of the Sixtieth Legislative Day.

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Ibid.

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Ibid.



Senate provision on a two-day period. A single vote was taken on the adoption of the House amendment to the Senate version; and the House version was adopted by a majority vote in the affirmative. The House returned in session at the first eight o'clock session, and returned the bill to the upper chamber, having eliminated the proposal for the old priority of striking out the last five amendments.

Then House Bill No. 37 again reached the upper chamber. Senator Horn moved that the amendment stand in the House amendments and pass the measure without the provision for a run-off priority. The senators voted to table Horn's motion by a vote of 32 to 8. Following party lines closely

except in the case of two Democrats, William Horn, Deland, and Republican Senator E. J. Tamm. Senator Horn then moved that House Bill No. 37 be recommitted to the Privileges and Elections Committee. The roll call on the vote for recommitment showed seventeen ayes and thirty on nays. Fourteen Democrats and three Republicans voted in the affirmative; seven Democrats and six Republicans voted in the negative. The Democrats are absent.

The Journal of the Senate, No. 411, Proceedings of the Sixtieth Legislative Day.

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After being passed back and forth between the two chambers, House Bill No. 37 was finally permanently laid to rest in the Senate Privileges and Elections Committee.

The bill failed for several reasons. The existence of differing views concerning the advantages and disadvantages of the pre-primary designating convention and the direct primary contributed largely to its defeat. The quarrel over the run-off primary between the Republican controlled House and heavily Democratic Senate was also a determining factor in the closing hours of the session. Although the bill was sponsored by the Republican Administration, Republican legislators did not back it as a body, since three party members opposed it when it first passed the House; and Republican senators did not vote in a solid bloc.

The Albuquerque Journal had correctly predicted that "voting on the bill will be according to individual views of the legislators rather than strict party lines."<sup>61</sup>

After the legislature adjourned, there was talk of a special session to consider repeal of the pre-primary law. Representative Virgil McCollum and Senator T. E. Lusk, Carlsbad Democrats, made the suggestion on March 19, and were followed on April 8 by Joe L. Martinez, who wrote a letter to Joe Grant, acting Democratic State Chairman, urging the party to adopt a

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<sup>61</sup>

A news article in the Albuquerque Journal, February 15, 1953.





resolution for a special session to act on the matter. Governor Mechem expressed his opinion on the subject in the following statement: "I'm not inclined to call a special session just to have them go through what they just finished."<sup>62</sup> He added, "If they could sit down and work out among themselves something concrete that looked as though it might get through, it would be worth thinking about."<sup>63</sup> The special session was not called, despite limited efforts to revive the issue.

The Presidential Preference Primary. In May of 1952 the Republican Party announced in its state platform that it advocated the establishment of a presidential preference primary<sup>64</sup> in New Mexico. This action was a reflection of a trend among certain factions in the major national parties. With heightened rivalry developing in Republican and Democratic circles over the nomination of candidates, factions in both parties charged the opposing inner group with steamroller tactics and emphasized that the people should have a stronger voice in the selection of presidential candidates. The 1952 campaign marked the rise of a demand for the revival of the

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<sup>62</sup> A news article in The Albuquerque Tribune, March 19, 1953.

<sup>63</sup> Ibid.

<sup>64</sup> For a study of the presidential preference primary, the reader is referred to the following source: Charles B. Judah, The Presidential Primary (Albuquerque: Division of Research, Department of Government, University of New Mexico, January, 1953).

resolution for a special session to meet on the matter. However, not having expressed the opinion on the subject in the following statement: "I'm not inclined to call a special session just to have them go through what they just finished." He added: "If they could sit down and work out some thing, something concrete that would be enough to bring it through, it would be worth thinking about." The special session was not called, despite the fact that it was the issue. The Presidential Preference Election. In May of 1952 the Republican Party announced in its state platform that it advocated the establishment of a presidential preference primary in New Mexico. This action was a reflection of a trend toward certain factions in the major national parties. With heightened rivalry between the Republican and Democratic parties over the nomination of candidates, factions in both parties charged the opposing inner group with steamroller tactics and emphasized that the people should have a stronger voice in the selection of presidential candidates. The 1952 campaign marked the rise of a demand for the revival of the

A news article in the Albuquerque Tribune, March 19, 1952.

For a study of the presidential preference primary, the reader is referred to the following sources: Charles E. Jones, The Presidential Election (a paper presented to the Research Department of Government, University of New Mexico, January, 1952).

presidential preference primary after the system had been subject to increasing disapproval since 1915.<sup>65</sup> There were demands for the adoption of a national presidential primary and for the extension of state primaries to allow the voters to express their preference for presidential candidates.

In January of 1952, Senator Paul Douglas of Illinois had introduced in the United States Congress Senate Bill 2570 which authorized the Attorney General of the United States to enter into agreements with the several states to conduct preferential primaries for suggesting nominees for President and Vice-President to each political party which polled a popular vote of more than 10,000 in the last Presidential election.<sup>66</sup> Senator Douglas indicated that he regarded his bill as basically a stop-gap measure which would serve until a national primary could be established.<sup>67</sup>

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Charles B. Judah, The Presidential Primary (Albuquerque: Division of Research, Department of Government, University of New Mexico, January, 1953), pp. 2-4.

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Ibid., p. 13, citing Proceedings of the Eighty-Second Congress, Second Session, 1952.

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Judah, The Presidential Primary, op. cit., p. 9, citing Senator Paul H. Douglas to Subcommittee on Rules, Preference Primaries for Nomination of Candidates for President and Vice-President, Hearing Before the Subcommittee on Rules and Administration of the United States Senate, Eighty-Second Congress, Second Session, on S. 2750 to Authorize the Attorney General to Conduct Preference Primaries for the Nomination of Candidates for President and Vice-President (March 22, 1952) p. 14.





Although the bill was not enacted into law by Congress, its sponsors gained significant support for the principle proposed by the measure. Results of a Gallup Poll indicated very strong support for the national primary; and editorial comments, on the whole, were favorable.<sup>68</sup>

The Senate Subcommittee which held hearings on S. 2570 sent letters to state governors to enlist their help in the matter. "Fifteen of the forty who replied approved the principle, fifteen were evasive or pleaded lack of time to study the proposal, and only ten were unequivocally opposed."<sup>69</sup> As a group, the governors termed plans for immediate action as impractical, but there were indications of approval or interest from a number of state executives.

In replying to the Senate Committee's letter, Governor Mechem said, "If I am in office at the next session, will be happy to submit similar proposal to legislature."<sup>70</sup>

The Chief Executive acted on his promise and included a proposal for a presidential preference primary in the administrative program which he presented to the legislature. Seven other

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Judah, The Presidential Primary, op. cit., p. 14, citing from Senator Paul H. Douglas to Subcommittee on Rules, Preference Primaries for Nomination of Candidates for President and Vice-President, op. cit., pp. 143-153.

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Ibid.

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Ibid., p. 15 citing from p. 148

Although the bill was not enacted into law by Congress, its sponsors gained a significant amount of support for the principle proposed by the measure. Several of the leading Wall Street firms, among others, for the national priority and educational committee on the whole, were favorable.

The Senate Subcommittee which held hearings on S. 1270 sent letters to state attorneys to advise them in the matter. Fifteen of the forty who replied approved the principle, fifteen were equivocal or indicated lack of time to study the proposal, and only ten were unequivocally opposed.

As a result, the government cannot claim for immediate action as impractical, but there were indications of approval at least from a number of state executives. In replying to the Senate Committee's letter, Governor Neches said, "It is in effect the next session, will be happy to submit similar proposal to legislature."

The Chief Executive acted on his promise and introduced a proposal for a presidential preference primary in the administrative program which he presented to the Legislature. Seven other

Today, the Presidential Election on May 3, 1968, citing from Senator Paul H. Douglas to be considered on issues, preference primary for nomination of candidates for President and Vice-President, pp. 127-128.

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127, p. 127 citing from p. 127



states had similar measures introduced in their legislatures. Colorado, Connecticut, Indiana, Iowa, Missouri, Tennessee, and Washington joined New Mexico in proposing to take action on the matter.<sup>71</sup>

Mechem's suggestion formed the basis of House Bill No. 51, introduced by Morris Shillinglaw, Antonio A. Sanchez, and Thomas G. Morris. The measure was referred to the Privileges and Elections Committee.

Section 1 specified that in the years when a President is to be nominated and elected the several political parties may express their choice for candidates for such office as provided by the act. Section 2 described the procedure for the filing of petitions naming the candidate desired:

A petition or petitions shall be filed with the Secretary of State bearing the signatures of at least one hundred (100) qualified electors from each of at least ten (10) counties of this state, which petition or petitions shall show the county and precinct of each person signing said petition, shall name a person as a candidate for nomination by the political party of which the person signing is a registered member for the office of President of the United States, shall declare that the qualified electors signing such petition are registered members of such political party and shall declare that the signers of such petition support the candidacy of the person named therein.<sup>72</sup>

No petition could be filed later than forty-five days prior to the date of the primary; and all petitions would be subject

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<sup>71</sup> A news article in the Albuquerque Journal, March 2, 1953.

<sup>72</sup> House Bill No. 51, the Twenty-First Legislature, (Santa Fe: 1953), Section 2, p. 2.



to a filing fee of \$25.00. The bill required the Secretary of State to examine all petitions to determine if the signers are registered as voters of the political party named in the petition and to strike from the petition the names of all persons not meeting this requirement. If investigations showed that there were sufficient signatures to meet the provisions of the act, the candidate's name would appear on the regular primary election ballot unless he specifically declined by a required date (thirty-five days prior to the date of the primary election). Delegates to the national nominating convention would be required to cast their votes on the first and second ballots for the candidate receiving the highest number of votes at the primary election. Section 9 of the bill further specified:

The delegates shall continue to cast their votes for such person as long as in their conscientious judgment there is any possibility of such person obtaining <sup>73</sup> a majority of the votes of the national convention.

A better understanding of the principles involved in the bill can be gained by reviewing general arguments for and against the state presidential preference primary.<sup>74</sup> "The case for the presidential primary rests upon the thesis that if representative government is to be democratic government there must be the

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<sup>73</sup>

Ibid., Section 9, p. 4

<sup>74</sup>

Arguments for and against the presidential preference primary are based on: Judah, The Presidential Primary, op. cit., pp. 5-12.



to a filing fee of \$25.00. The bill requires the Secretary

of State to examine all petitions for nomination in the primary

and registered as voters of the political party named in the

petition and to derive from the petition the names of all

persons not meeting this requirement. It is further provided

that there shall be sufficient signatures to meet the provisions

of the act, the candidates named shall appear on the regular

primary election ballot unless he is specifically excluded by a

required date (thirty-five days prior to the date of the

primary election). Delegates to the national convention are

entitled to vote on their own behalf on the first and

second ballots for the candidate receiving the highest number

of votes at the primary election. Section 9 of the bill reads:

SECTION 9.

The delegates shall continue to cast their votes for

and against as long as the primary election is held

there is any possibility of such action being taken by

a majority of the voters of the national convention.

A better understanding of the principles involved in the

will can be gained by reviewing general arguments for and against

the state presidential preference primary. The case for the

presidential primary rests upon the theory that if representative

government is to be democratic government there must be the

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Arguments for and against the presidential primary

primary are based on the theory that if representative

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broadest possible popular participation in selecting elected officials."<sup>75</sup> Supporters of the system have pointed out that the presidential preference primary will allow the people to express their will in the choice of presidential candidates. Those who oppose the state presidential preference primary argue that the voters are not given a real chance to choose among major candidates since only part of the states have presidential primaries; and all candidates do not enter.<sup>76</sup> The matter of increased expenses is also cited, as is the danger of the promotion of factional fights within the party. Opponents have also expressed the opinion that a primary binding the individual delegates makes compromise difficult at the nominating convention. On the other hand, those who favor the system argue that many problems of procedure and other points attacked by opponents can be worked out once the basic principle is accepted.

The actions of the House and Senate indicate that a majority of the members were convinced of the basic merit of the state presidential preference primary. The minor opposition which did exist came primarily from the Democratic Party.

House Bill No. 51 passed the House of Representatives

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<sup>75</sup>

Judah, The Presidential Primary, op. cit., p. 9

<sup>76</sup>

Ibid., p. 8

proposed possible popular participation in selecting electors  
officials. The majority of the House have decided that  
the presidential preference primary will follow the second  
express their will in the choice of presidential electors.  
Those who oppose the state presidential preference primary  
argue that the voters are not given a real chance to express  
among major candidates since only part of the states have  
barring primaries, and all candidates are not open. The  
majority of House members is also divided as to the danger  
of the promotion of factional fights within the party. Oppo-  
nents have also expressed the opinion that a primary during  
the individual delegates would compromise the integrity of the  
nominating convention. On the other hand, those who favor the  
system argue that many problems of procedure and other points  
attacked by opponents can be worked out once the basic principle  
is accepted.

The actions of the House and Senate in recent years  
majority of the members were convinced of the basic merit of  
the state presidential preference primary. The minor opposition  
which did exist came primarily from the Democratic Party.  
House Bill No. 31 passed the House of Representatives

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Today, The Presidential Preference Primary, H. R. 31  
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1944, c. 8



by a vote of 39 to 14.<sup>77</sup> Only one Republican in this chamber voted against the measure. Two representatives were absent.

The Senate amended the bill, striking out the section requiring delegates to the national conventions to vote on the first two ballots for the presidential candidate receiving the highest vote in the preferential primary. It was argued that this action would not endanger the purpose of the measure, since the delegates would not be likely to repudiate the expressed wishes of the people. The amended bill passed the Senate by a vote of 17 to 8.<sup>78</sup> Ten Democrats and seven Republicans favored the measure; eight Democrats opposed it. Four Democrats and two Republicans did not vote on the matter. The House of Representatives concurred in the amendment; and the bill was sent to the governor for his signature.

In the closing days of the session, the press predicted that the presidential preference primary would be a part of the state's election machinery in 1956.<sup>79</sup> On the matter of unpledged delegates, The Albuquerque Tribune remarked, "In other states, the delegates have followed the wishes of the majority as a practice."<sup>80</sup>

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The Journal of the House of Representatives, the Twenty-First Legislature, op. cit., Proceedings of the Twenty-Ninth Legislative Day.

78

The Journal of the Senate, The Twenty-First Legislature, op. cit., Proceedings of the Twenty-Ninth Legislative Day.

79

A news article in The Albuquerque Tribune, March 9, 1953.

80

Ibid.



The Senate amendment did not meet the Chief Executive's approval, however; and the bill was vetoed. This action came as a surprise to many observers who were under the impression that the Governor favored the final version of the bill. In his veto message, Mechem stated:

The provisions that would have made the results of the primary election binding on any delegate to the national convention--even on the first ballot--were deleted by Senate amendments. These provisions which were killed by Senate action formed the original intent of the bill. <sup>81</sup>

Thus another plank in Mechem's administrative platform was not enacted into law because of disagreement over the manner in which the measure was drafted. The Governor and a majority of the members of the legislature had differing opinions concerning the basic purpose of the presidential primary. The Chief Executive's objection to the election of unpledged delegates was reported as the determining factor in the bill's defeat.

The Nomination and Election of Presidential Electors.

Though not specifically backed by the administration, House Bill No. 63, which provided for the nomination and election of presidential electors, met the approval of both the legislature and the Governor.

This act was introduced in the House of Representatives by W. Morris Shillinglaw and Merrill B. Johns, Jr., and was referred to the Privileges and Elections Committee.

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<sup>81</sup> A news article in The Albuquerque Tribune, March 20, 1953.



The Senate committee on the bill... approved, however, and... as a result... that the House... all were... The bill... the... national... were... of the bill.

There another... was not... manner in which... majority of the... opinions... witness. The... of... in the bill's... in the bill's...

The... Though not... House Bill No. 10... tion of presidential... legislature and the... This act was... by... referred to the Privileges and Immunities...

The bill required presidential electors to be nominated by state party conventions and stipulated that no presidential elector would be nominated at the primary election. The names of the presidential electors would not appear on the ballot, but the candidates' names would appear instead. Section 2 of the act further stipulated:

The names of the nominees for President and Vice-President of the United States for each political party shall be printed together in pairs upon the general election ballot. A vote for any such pair of nominees shall be a vote for the electors of the political party by which such nominees were named. The presidential elector nominees of the party whose nominees for President and Vice-President of the United States receive the highest number of votes at the general election shall be deemed the elected presidential electors.<sup>82</sup>

The Privileges and Elections Committee reported favorably on the bill; and it passed the House by unanimous vote.<sup>83</sup> The Senate also passed the act, with twenty-four members in favor of it and only one person voting against it.<sup>84</sup> The Governor signed House Bill No. 63 on March 16, thus completing the measure's successful passage through the Twenty-First Legislature.

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82

House Bill No. 63, the Twenty-First Legislature, (Santa Fe: 1953), Section 2, p. 2

83

The Legislative Bill Locator, Office of the Legislative Council (Santa Fe: 1953).

84

The Journal of the Senate, op. cit., Proceedings of the Fifty-Fourth Legislative Day.





The Massachusetts Ballot. On February 1, 1953, Governor Mechem sent a special message to the House of Representatives urging passage of House Bill No. 67, which proposed to eliminate the straight ticket vote, as requested in the administrative program. The bill was introduced by Representatives Noble Irish, Floyd Darrow, W. Morris Shillinglaw, Antonio A. Sanchez, Neel Alexander, Manuel Silva, F. H. Thompson, and Virgil McCollum. It was referred to the Privileges and Elections Committee.

The bill provided that the ballot be altered so that party emblems and the circles at the top of each party column would be abolished and the candidates' names grouped by office rather than by party.<sup>85</sup> The candidate's party would be listed after his name, but there would be no party columns. Thus the voter would be required to mark an "X" for every candidate he wished to see elected instead of being allowed to designate that he wished to vote for all candidates in a particular party. This arrangement is popularly known as the Massachusetts Ballot. The position of names in each office column would be determined in each county by a drawing held by the county clerk and instructions would be given the voter specifying the number of candidates sufficient to fill a particular office.<sup>86</sup> Provisions were made for voting for a person whose name was not

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<sup>85</sup>

House Bill No. 67, the Twenty-First Legislature, (Santa Fe: 1953), Sections 3-4, p. 3

<sup>86</sup>

Ibid., Section 10, p. 6



printed on the ballot by writing in the name of the candidate. Candidates for President and Vice-President of the United States would have their names printed on the ballot in pairs.

The provision was made that ballots for absentee voting would be printed and in the hands of the County Clerk at least thirty days before the primary or general election.

Ballots would continue to be numbered, but Representative Shillinglaw, one of the bill's sponsors, said he welcomed reactions on that point.

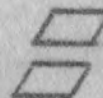
The following is a sample of the ballot form which House Bill No. 67 proposed to establish:<sup>87</sup>

PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

(Vote for One Pair)

A. B. and C. D., Republican

E. F. and G. H., Democrat

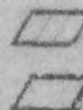


UNITED STATES SENATOR

(Vote for one)

A.B., Democrat

C.D., Republican



REPRESENTATIVES IN CONGRESS

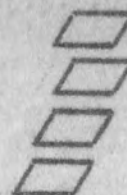
(Vote for any Two)

A.B., Republican

C.D., Democrat

E.F., Democrat

G.H., Republican



87

This sample is taken from the following source: House Bill No. 67, the Twenty-First Legislature, op. cit., Section 9, p. 6





Basic arguments in favor of the bill were listed in Mechem's message to the legislature. In defending his administrative proposal for the elimination of the party column on the ballot, the Chief Executive stated, "Each voter should consider the name and qualifications of each individual candidate. This is very important if our democratic form of government is to succeed."<sup>88</sup> He also expressed the opinion that "the bill will correct the many faults in our present antiquated ballot and make it possible for each voter to express his choices without doubt on his part or on the part of those doing the counting as to how he has voted."<sup>89</sup> He continued:

Election judges and even the courts have been unable to determine how to appraise the wishes of the voters under our present ballot, especially when more than one person is to be elected for the same office. Many of the election contests have arisen from this condition. I feel, as I am sure you do, that it is imperative that this be corrected. <sup>90</sup>

The general assumption of the bill's sponsors seemed to be that the elimination of the straight ballot would cause the voters to give more careful consideration to their choice of a candidate, and by doing so, would become more intelligent voters. Another argument in favor of the measure was that the

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<sup>88</sup>

A news article in the Albuquerque Journal, February 3, 1953.

<sup>89</sup>

Ibid.

<sup>90</sup>

Ibid.

Basic arguments in favor of the bill were stated in  
Congress's message to the Legislature. It is unnecessary to repeat  
effective progress for the restoration of the party system in  
the nation, the United Executive stated, "which would involve  
also the same and qualification of each individual candidate."  
This is very important if the Legislature has a right to  
to choose. He also expressed the opinion that the bill

will restore the party system in the present situation. He  
and also it possible for each voter to choose his candidate  
without cause on his part or on the part of those with whom  
he is associated. He commented:

Electoral judges and even the courts have been unable  
to determine how to operate the system of the voters  
under our present system. It is necessary to have a  
system in which the voters are able to choose their  
candidate without any interference from the courts.  
I feel as if we have now, that it is possible to  
have a corrected, so

The general assumption of the bill's sponsors seemed to  
be that the elimination of the strange ballot would enable the  
voters to give more careful consideration to their choice of a  
candidate, and by doing so, would give more intelligent  
voters. Another argument in favor of the measure was that the

1917.  
A new article in the American Journal, in March 1917.  
The bill was passed by the House of Representatives on March 1, 1917.  
The bill was passed by the Senate on March 1, 1917.  
The bill was passed by the President on March 1, 1917.



proposed ballot would eliminate the problem which occurs when a voter places an "X" in the circle of one party column and then votes for a candidate in another column. It has also been pointed out that under the present ballot, many voters do not know the correct procedure, especially in situations like those which occur in Bernalillo County, where six representatives are elected from the district. According to the bill's backers, the new ballot would clarify the procedure.

Shortly after the measure was introduced, Democrats decided in a party caucus to oppose the bill.<sup>91</sup> The Albuquerque Tribune reported, "Democrats who have a heavy majority of registered voters feel that any move to eliminate party line voting would favor the minority Republican Party."<sup>92</sup> This statement, however, is a generality and does not bring in other factors involved in opposition to the bill. There were reports made by Will Harrison, Santa Fe columnist, that certain members of the Republican Party also opposed the elimination of the party ballot on general principles.<sup>93</sup> Harrison stated:

Not only Democrats are pledged against the Republican proposal to change the form of the election ballot, but the Republicans are under siege from a couple of their

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<sup>91</sup> A news article in the Albuquerque Journal, February 12, 1953.

<sup>92</sup> A news article in The Albuquerque Tribune, February 12, 1953.

<sup>93</sup> Will Harrison, A Column in The New Mexican (Santa Fe), February 19, 1953.



own who have been launching into high flown oratory at the party caucuses in defense of the Dear Old Flag, <sup>94</sup> the symbol used on the ballot for the Republican Party.

Some of the legislators, both Democrats and Republicans, believed the Massachusetts ballot would be a set-back to the illiterate voter and to older people with poor eyesight. The Santa Fe New Mexican columnist reported, "The sentiment here is that it [the proposed bill] won't get very far."<sup>95</sup>

Arguments for and against the elimination of the straight ticket ballot involve a question of emphasis. It can be asserted that the elimination of the party column weakens the party system in any group, Democratic or Republican. The rebuttal to this argument is that such action will strengthen the party system by making the workers put forth more effort to keep party members in line. One statement in favor of the bill was that it would force the voter to consider each candidate separately. However, the voter can do this under the present system if he wishes; and there is no reason to believe that the mere elimination of the party ballot would make the voter better qualified to consider the merits of each individual candidate. If the voter knows relatively little about the candidates running, as is often the case, the Massachusetts Ballot would not guarantee more intelligent

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<sup>94</sup>

Ibid.

<sup>95</sup>

Will Harrison, A Column in The New Mexican (Santa Fe), February 22, 1953.



over the past few years, and it is a fact that the party has been able to maintain its position in the House of Representatives.

Some of the reasons for this success are: first, the party has been able to maintain a strong and consistent policy; second, it has been able to attract a large number of new members; and third, it has been able to maintain a high level of organization and discipline.

It is true that the party has faced many difficulties in the past, but it has always been able to overcome them. This is due to the fact that the party has always been able to maintain a strong and consistent policy, and it has always been able to attract a large number of new members. The party has also been able to maintain a high level of organization and discipline, which has enabled it to overcome many difficulties in the past.

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WILLIAM H. HARRIS, A Gentleman and a Scholar, (1880-1950).  
February 15, 1951.

voting. The argument for individual consideration of each candidate can be used effectively only if the voters take it upon themselves to study the qualifications of all candidates; and few voters do. The question of numbering the ballots has been debated for a number of years; and Representative Shillinglaw, Chairman of the Privileges and Elections Committee, said he would welcome further debate on the subject. It has been argued that such a practice violates the principle of the secret ballot. On the other hand, it has been declared that this procedure is necessary for accurate counting in case of contested elections.

The House Privileges and Elections Committee made a study of the points which were most favored and those which were most opposed. The strongest opposition, both in Democratic and Republican circles, was directed against the removal of party emblems and the party column. This opposition was termed as mainly Democratic, but not entirely so. Neither party voiced objection to having the candidates for President and Vice-President appear on the ballot, nor did they object to having them paired. The absentee ballot provision also won approval.

After its study the committee amended the bill so that the columns were left as before with the party emblem at the top, but not the circle. This amendment thwarted some of the main points which the administration backed, but it was deemed necessary to assure the support of all the Republicans and some





of the Democrats. There were also other amendments relating to voting and counting in lieu of the above amendment.

As amended, House Bill No. 67 passed the House by a vote of 31 to 23, with Republican member Rael excused.<sup>96</sup> Twenty-seven Republicans and four Democrats voted for the bill; twenty-three Democrats opposed it. Thus it can be seen that the opposition followed a party line.

When the bill reached the Senate, it continued to meet Democratic opposition. The measure was killed by the Senate Privileges and Elections Committee and did not reach the floor. The early decision of the Democratic caucus to oppose the measure resulted in the bill's defeat.

The Absentee Ballot. The provision for an absentee ballot was included in the campaign planks of both parties, but there were differing opinions concerning the procedure to be used in fulfilling this proposal. Governor Mechem did not specify in his speech to the legislature the type of measure he preferred, but the Republican controlled House later introduced House Bill No. 13, which would amend existing statutes to permit absentee voting. The Democratic Party, on the other hand, had stated in its campaign platform that it favored a constitutional amendment to provide an absentee ballot for the state. Controversy in the Twenty-First Legislature over the correct

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The Journal of the House of Representatives, the Twenty-First Legislature, op. cit., Proceedings of the Fifty-Second Legislative Day.



procedure to be followed can best be understood by reviewing previous attempts to secure an absentee ballot in New Mexico.

The question of absentee voting, though basically non-political in principle, has been involved in political contests and has been the subject of numerous Supreme Court cases.

The State Constitution, as adopted in 1912, contained no definite provision for absentee voting; but in 1920 an amendment permitting absentee voting legislation was submitted to the people and approved by a vote of 6,742 to 5,069.<sup>97</sup> In 1927 an absentee-voting law was passed under the authority of this amendment, but the measure was repealed in 1933 and a new law passed. Under the 1933 Act the voter was required to return his ballot by registered mail in an envelope addressed jointly to the County Clerk and County Chairman of the Democratic and Republican parties of his county. The validity of the act was first questioned in an election contest between A. J. Scheier and R. T. Thompson, rival candidates for the office of sheriff in Harding County.<sup>98</sup> Scheier was elected sheriff by a majority of nine votes, but it was found that all of sixty-one absentee ballots cast had been marked for Scheier; and Thompson declared the absentee ballots were invalid, bringing the suit into district court. The case eventually reached the State

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<sup>97</sup>

Thomas C. Donnelly, The Government of New Mexico, (First Edition, the University of New Mexico Press, 1947). pp. 73-76

<sup>98</sup>

Ibid., p. 74



provisions to be followed and have been introduced by resolution  
provisional articles to be introduced by resolution in the future.  
The question of the election of the President of the United States  
political in principle, has been involved in political questions  
and has been the subject of many an important case.  
The State Constitution, as amended in 1877, provided  
no definite provision for an election of the President, but in 1880  
and determining the election of the President of the United States  
the people and approved by a vote of 5,700 to 2,000.  
1889 an amendment to the Constitution was passed under the authority  
of this amendment, but the measure was rejected in 1890 and a  
new law passed. Under the 1890 Act the vote was reported to  
return the President of the United States and the President of the  
Jointly to the Jointly and the President of the United States  
and the President of the United States. The President of the United  
was first questioned in an election of the President of the United  
Scholar and A. J. Thompson, given candidates for the office of  
Scholar in Harvard County. The scholar was elected to the office of  
majority of the votes, but he was found to be ineligible.  
Scholar and Thompson had been named for the office of the President  
declared the scholar ineligible, bringing the case  
into district court. The case eventually reached the State

Supreme Court in 1936, and the absentee voter's law was held unconstitutional on the grounds that the 1920 amendment pertaining to absentee voting had never been legally passed and was not a part of the State Constitution.<sup>99</sup> The amendment had been passed by a small majority not equal to the number required to amend the elective franchise section of the constitution. This section can be changed only upon the approval of three-fourths of the electors voting in the whole state and at least two-thirds of those voting in each county.

In March of 1944 the State Supreme Court declared an absentee ballot law invalid on the grounds that a voter's physical presence was required by a constitutional reference to the "precinct in which he offers to vote."<sup>100</sup> Thus any attempt to enact an absentee ballot by statute rather than by constitutional amendment was not likely to gain the acceptance of the Supreme Court as long as those same members remained on the bench and adhered to the opinion that the Constitution requires a voter to be present to cast his ballot.

Since that time, various amendments have been proposed to establish a system of absentee voting; but these have failed to gain the high percentage of affirmative votes required to

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Ibid., p. 75

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The Constitution of the State of New Mexico, As Subsequently Adopted by the People in General and Special Elections 1912 to 1949, Prepared under Supervision of Beatrice B. Roach, Secretary of State (Santa Fe: January, 1953), Article 7, Section 1.





change the elective franchise section of the constitution. In 1951 a proposal dealing with this subject again failed, although it was the only one of eight amendments to achieve a simple majority: 18,478 in favor; 15,602 against.<sup>101</sup>

From this summary of past activities regarding absentee voting, it can be seen that the Twenty-First Legislature would be required to consider various problems involved in its attempt to provide an absentee ballot for the state. Members of the House and Senate who proposed to accomplish this purpose by a statute alone were faced with the possibility that the State Supreme Court would repeat the 1944 decision and declare that the statute violated the elective franchise section of the constitution. Senate Democrats who drew up a resolution to make absentee voting legal by constitutional amendment were confronted with the problem of getting the amendment approved by a sufficient number of voters to assure its passage. M. E. Morgan, in an editorial in the Alamogordo News, expressed the latter problem in this fashion: "The people themselves must be very desirous indeed of an absentee ballot law before they can ever have it."<sup>102</sup> According to a press report, New Mexico and South Carolina are the only states having no absentee ballot

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A news article in the Albuquerque Journal, February 1, 1953.

102

M. E. Morgan, an editorial in the Alamogordo News, January 29, 1953.



of some kind.<sup>103</sup>

Representative Merrill B. Johns, Santa Fe Republican, introduced House Bill No. 13, which proposed to amend existing statutes to permit absentee voting. This measure did not provide for a constitutional amendment, but attempted to circumvent the former Supreme Court decision that the voter had to be physically present, by adding a section stipulating that the election judge would be considered the agent of the absent voter. Section 7 of House Bill No. 13 reads:

No absentee voter is considered to have voted until his ballot has been cast, by a precinct election judge of the voter's voting precinct into the ballot box on the day of the election. For the purposes of this act, the election judge or judges of the voter's voting precinct shall be considered his agent in fact for the purposes of casting such voter's ballot.<sup>104</sup>

The bill was sent to the Privileges and Elections Committee.

Two measures which the press labeled as "companion bills" to Representative John's proposal were introduced in the Senate by J. G. Moore, Republican, and W. P. Cater, Democrat. Senate Bill No. 16 would authorize the use of absentee ballots and provided that such ballots be cast and counted in the absent voter's precinct under supervision of regular election judges. Senate Bill No. 17 eliminated in the instructions to election officials the prohibition against counting ballots not cast in

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<sup>103</sup>

A news article in The New Mexican (Santa Fe), March 9, 1953.

<sup>104</sup>

House Bill No. 13, The Twenty-First Legislature, (Santa Fe: 1953), Section 7, p. 6.





person. Moore stated he had opinions from some attorneys saying the two bills could get around difficulties that stand in the way of legalizing the absentee ballot; other attorneys did not agree, however, he added. "All we can do is put in the bills and see what happens," Moore concluded.<sup>105</sup>

Representative Johns predicted that his measure, House Bill No. 13, would have to undergo a Supreme Court test if enacted. He explained, "This is a shortcut, the easiest and fastest way to find out if New Mexico can have an absentee ballot. I was told the bill might have a better chance if written to cover only service personnel; but we want an absentee ballot that will include everybody."<sup>106</sup> He continued, "I'm no Supreme Court judge, but the way I construe the law, if a man offers to vote--whether he be here or there--he's still a resident when there, and he should be granted the right to vote by absentee ballot."<sup>107</sup>

The House committee gave a "do pass" report on Representative John's measure; and the bill passed the House by a unanimous vote of forty-one members.<sup>108</sup> Other representatives were absent or were excused.

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<sup>105</sup>

A news article in The New Mexican (Santa Fe), January 20, 1953.

<sup>106</sup>

A news article in The New Mexican (Santa Fe), February 22, 1953.

<sup>107</sup>

Ibid.

<sup>108</sup>

The Journal of the House of Representatives, The Twenty-First Legislature, op. cit., Proceedings of the Forty-Seventh Legislative Day.

person, some time ago, I was told that the two of them were very close friends. However, he said that he had never seen them together. I was told that they were very close friends, but he said that he had never seen them together. I was told that they were very close friends, but he said that he had never seen them together.

At the time, I was told that they were very close friends, but he said that he had never seen them together. I was told that they were very close friends, but he said that he had never seen them together. I was told that they were very close friends, but he said that he had never seen them together.

but the fact that he had never seen them together. I was told that they were very close friends, but he said that he had never seen them together. I was told that they were very close friends, but he said that he had never seen them together.

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sentive to the fact that he had never seen them together. I was told that they were very close friends, but he said that he had never seen them together. I was told that they were very close friends, but he said that he had never seen them together.



When the bill reached the Senate, it was killed in committee on the grounds that it might not be constitutional and would not meet the approval of the Supreme Court. Senate Bill No. 16 was killed by the Senate Judiciary Committee for similar reasons. Representative Johns criticized the Senate for its action on House Bill No. 13. He asserted, "It is not my considered opinion that the Senate should set itself up as a screening agency for the Supreme Court."<sup>109</sup> He believed that the existing court might favor his measure, since four of the five Supreme Court judges had come into office after the 1944 decision that the constitution bars absentee voting. Chief Justice Sadler is the only member of the present Court who participated in the former ruling, which was passed on a split decision. Johns further declared, "The House passed the bill unanimously 'with our eyes open.'"<sup>110</sup>

The upper chamber voted to reconsider the measure and to seek the Attorney General's advice. The Senate's final decision was to pass the bill and send it on to the Governor.

Senate Bill No. 17 also was passed by both bodies and reached the Governor's desk. Likewise, Senate Bill No. 32 to permit members of the armed forces to vote received approval of both chambers.

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109

A news article in The New Mexican, (Santa Fe), March 9, 1953.

110

Ibid.



In addition to the bills proposing to establish absentee voting by statute, the Senate drafted Joint Resolution No. 3, which called for an amendment to the Constitution to authorize the absentee ballot. Section 1 stipulates: "The legislature may enact laws providing for the voting of qualified electors who cannot be physically present at their polling places on the day of any election."<sup>111</sup> This amendment was to be added to Article 7, Section 4, of the New Mexico State Constitution, and would pave the way for the legislature to enact statutes to establish the absentee ballot.

The Chief Executive signed all bills passed by the legislature pertaining to absentee voting in the hope that at least one of them would accomplish its purpose. His signature was not required on Senate Joint Resolution No. 3. Instead, the amendment proposed by this resolution will be presented to the voters in the 1953 September election.

An editorial in The Albuquerque Tribune summarized the matter:

There is no justice in depriving a great many people of the right to vote merely because their occupation requires them to be out of their precinct on election day. It is hoped that these latest efforts of the Legislature [to secure an absentee ballot] succeed. <sup>112</sup>

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<sup>111</sup>

Senate Joint Resolution No. 3, The Twenty-First Legislature, (Santa Fe: 1953), Section 1, pp. 1-2.

<sup>112</sup>

An editorial in The Albuquerque Tribune, March 18, 1953.





Re-Registration of Voters. In his speech at the opening of the legislature Governor Mechem emphasized the need for a statute which would authorize a new registration of New Mexico voters. He stated:

We have met with little success in our attempts at so-called 'purging' of the voting rolls, and I urge your careful study and consideration of means and methods which will make possible the complete and total registration of our voters. The first prerequisite of self-government is that we have an accurate up-to-date listing of qualified voters.<sup>113</sup>

House Bill No. 266 was drafted to carry out the Chief Executive's proposal and was introduced in the House of Representatives by Paul W. Robinson, F. H. Thompson, Hugh Horne, James A. Borland, and Floyd Darrow. Section 1 of the bill read as follows:

Commencing on the first day of April, 1953, all public officials having custody of affidavits of registration, registration records and voting lists as provided by Chapter 56, New Mexico Statutes 1941 Compilation, as amended, shall proceed to purge from said affidavits of registration, registration records and voting lists all names of registered voters where it appears that the affidavit of registration was subscribed and sworn to on or before December 31, 1948.<sup>114</sup>

The purging of the records and voting lists would be done under the direction of the County Clerk of each county; and the provision was made that the County Chairmen of the dominant political parties could be present in person or by proxy to

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<sup>113</sup>

A news article in the Albuquerque Journal, January 14, 1953.

<sup>114</sup>

House Bill No. 266, The Twenty-First Legislature, (Santa Fe: 1953), Section 1, pp. 1-2.

of the University of Wisconsin, Madison, Wis., U.S.A.

to the University of Wisconsin, Madison, Wis., U.S.A.

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to the University of Wisconsin, Madison, Wis., U.S.A.



examine the affidavits to be purged. During the week of May 11 all purged affidavits would be publicly burned.<sup>115</sup> A list of the electors purged from the rolls would be drawn up by the County Clerk and forwarded to the Secretary of State, who would then purge names from registration lists or records in her custody. It was specified that a certified list of voters purged from the rolls would be posted on the front door of each county courthouse; and certified copies would be furnished the chairmen of the dominant political parties, if so requested. Any elector whose name had been purged could immediately re-register in accordance with the provisions of the law.

The date of June 6, 1953, was designated officially as "Registration Day."<sup>116</sup> Members of each Board of County Commissioners were instructed to designate a registration place for each precinct or voting district at least twenty days prior to that date and to see that notices of Registration Day were published at least twice in county newspapers having general circulation. On the specified date, the duly appointed registration clerks of each precinct or voting district, would proceed to register electors who are qualified to register by law, between the hours of 8 a.m. and 7 p.m.<sup>117</sup>

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<sup>115</sup> Ibid., Section 4, p. 2

<sup>116</sup> Ibid., Section 7, p. 3

<sup>117</sup> Ibid., Section 9, p. 4



Section 10 of the act declared an emergency, stating:

It is necessary for the preservation of the peace and safety of the inhabitants of the State Of New Mexico that the provisions of this Act shall become effective at the earliest possible time, and therefore an emergency is declared to exist and this Act shall take effect and be in full force and effect from and after its passage and approval. <sup>118</sup>

The House Privileges and Elections Committee, to which the bill was referred, amended it, moving the date for the beginning of the registration purge from April to July.<sup>119</sup> The Committee also eliminated the requirement that the list of purged voters be sent to the Secretary of State.

As amended from the floor, the measure would require all voters to register anew; and House Democrats, after a caucus, opposed the amended bill.<sup>120</sup> The House passed the measure by a vote of 30 to 24.<sup>121</sup> The vote followed party lines quite closely, with the Republicans solidly in favor of the measure and all but two Democrats opposing it. One Democrat was absent.

Debate on the measure was not given in the legislative journals or in the press; but Democratic opposition seemed to be aroused particularly by the amendment requiring purging of

<sup>118</sup>

Ibid., Section 10, p. 4

<sup>119</sup>

The Journal of the House of Representatives, The Twenty-First Legislature, op. cit., Proceedings of the Forty-Eighth Legislative Day.

<sup>120</sup>

A news article in The New Mexican (Santa Fe) March 3, 1953.

<sup>121</sup>

The Journal of the House of Representatives, op. cit., Proceedings of the Forty-Ninth Legislative Day.



Section 10 of the act...

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the names of all voters instead of those who registered prior to December 31, 1948. The advisability of an unlimited purge can be questioned because of the time and expense involved in re-registering voters who just recently registered. Public reaction to this matter, especially in the case of members of the Indian ethnic group, who were recently granted the right to vote, would clarify the issue. An editorial in The Albuquerque Tribune speculated that Democratic opposition stemmed from apprehension that a new registration would result in a loss of members registered in the Democratic Party.<sup>122</sup> A survey made in October of 1952 showed New Mexico registration as heavily Democratic,<sup>123</sup> thus it is conceivable that the Democrats felt they had nothing to gain by the measure and might possibly lose part of their majority on the registration lists. However, as the Tribune editorial pointed out, "How a man votes is what counts, not how he is registered."<sup>124</sup> Registration data is not an infallible key to a person's vote in the general election. If a person is registered in one party, whether it be Democratic or Republican, and continually tends to favor the

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An editorial in The Albuquerque Tribune, March 3, 1953.

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An Associated Press Survey made in October of 1952 showed that out of a total of 366,451 registered voters in New Mexico, 237,798 were listed as Democrats, 102,241 as Republicans, and the rest as independents, other party, or declined to state. A news article in the Albuquerque Journal, October 29, 1953.

124

An editorial in The Albuquerque Tribune, op. cit., March 3, 1953.





opposition, that voter's re-registration in the opposite party would be a clarification of membership, aiding both parties concerned.

In considering another issue involved in the bill, the Tribune editorial stated that since the original permanent registration in 1939, the voter lists have accumulated a great number of names of people who for one reason or another are no longer eligible to vote. "Their names remain on the rolls, inviting unscrupulous politicians to use the names in voting ineligible people."<sup>125</sup> There was no party mentioned in connection with this statement, since such practices are not peculiar to one party alone.

After the proposal for re-registration of voters passed the House, it was sent to the Senate Privileges and Elections Committee. The bill was never reported out of committee. A move to force the bill onto the Senate floor failed on March 13 by a party line vote of 22 to 9.<sup>126</sup> Democratic opposition to the measure remained firm; and House Bill No. 266 was defeated.

In April, 1953, The Legislative Reference Bureau at the Capitol advised the New Mexico League of Women Voters it might be able to help counties purge their voter registration lists.<sup>127</sup>

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<sup>125</sup>

Ibid.

<sup>126</sup>

The Journal of the Senate, op. cit., Proceedings of the Fifty-Eighth Legislative Day.

<sup>127</sup>

A news article in The New Mexican (Santa Fe), April 3, 1953.



Director Jack Holmes expressed the opinion that there is sufficient authority under the present election law to purge unqualified names from the lists, including persons who have died or moved away. Thus, although Mechem's proposal was defeated in the legislature, certain groups apparently are still interested in the matter of purging the election lists, and it appeared that some action might be taken to bring the voting rolls up to date. Shortage of help in county offices has been blamed in the past for failure of some counties to keep their registration lists up to date;<sup>128</sup> thus the problem of securing personnel to work on the matter also must be considered.

The State Board of Education and the State Superintendent of Public Instruction. On the opening day of the Twenty-First Legislature, Governor Mechem told the lawmakers;

As contained in my message to the Twentieth Legislature, I still favor the establishment of a non-partisan Board of Education created through constitutional amendment. This Board would function in administrative and advisory capacities. One of the duties would be the selection and employment of a superintendent of public instruction.<sup>129</sup>

Under existing constitutional provisions, members of the Board of Education are appointed by the Governor with Senate consent; and the Public School Superintendent is elected, serving as ex-officio member of the Board along with the Chief Executive.

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128

Ibid.

129

A news article in the Albuquerque Journal, January 14, 1953.





During his first term in office, Mechem's proposals concerning public school administration were incorporated into a constitutional amendment and presented to the voters at a special election on September 18, 1951. The amendment proposed to change the composition of the Board of Education and permit the legislature to decide whether the members of the Board of Education would be appointed or elected. The provision was also made that the Board be given power to appoint the Superintendent of Public Instruction. The state's Little Hoover Commission expressed regret that this amendment failed of passage, remarking, "It would have been a change in the general direction of modern administrative thinking."<sup>130</sup>

Leading educators in New Mexico have made recommendations similar to Mechem's proposals concerning the state educational organization. Thomas C. Donnelly, President of Highlands University, states:

The dual control of education by an appointive board and an elected superintendent may lead to discord if and when a sufficiently irritating situation develops. It has often been proposed by educators that the office of superintendent be taken out of politics by changing it from an elective to an appointive basis. <sup>131</sup>

The basic argument in favor of appointment appears to be that the relationship between the Board and the Superintendent would be clarified.

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<sup>130</sup>

Blachly and Oatman, op. cit., p. 26.

<sup>131</sup>

Thomas C. Donnelly, The Government of New Mexico, (First Edition, the University of New Mexico Press, 1947), pp. 190-191

During his first term in office, Johnson

concentrated public control on the

a constitutional amendment and

special election of November 15, 1911.

to change the composition of the

the Legislature to include

members who were appointed

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Thomas C. Donnelly, The

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Mechem's suggestions relating to the administration of the public school system formed the basis of House Joint Resolution No. 18, introduced by Representatives J. E. Welch, Theo Rozzell, A. S. Walter, Noble M. Irish, Lorenzo A. Chavez, and Merrill B. Johns, Jr. The resolution was referred to the House Education Committee.

This measure proposed to amend Section 6, Article 12, of the State Constitution and to delete the reference to the Superintendent of Public Instruction in Section 1, Article 5, which lists elected members of the Executive Department.

The amendment changed the State Board of Education to an elective body of ten members and provided that the Superintendent of Public Instruction be appointed by the Board, which would have authority to fix the salary of that office.<sup>132</sup> The requirement was made that the Superintendent must be an experienced educational administrator with not less than a master's degree. Section 1, Part A, of the resolution further specified: "The said Board shall determine all phases of public school policy, including vocational education."<sup>133</sup> It continued: "It shall enact and publish by-laws for the administration of the public school system."<sup>134</sup>

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<sup>132</sup> House Joint Resolution No. 18, The Twenty-First Legislature, (Santa Fe: 1953), Section 1, Part A, p. 2

<sup>133</sup> Ibid.

<sup>134</sup> Ibid.



Instead of being appointed by the governor, members of the State Board of Education would be elected biannually in February of each odd numbered year for over-lapping terms of six years. Donnelly states that many educators favor over-lapping terms for Board members.<sup>135</sup> One member would be elected from each of the existing ten judicial districts; and members would be residents of the judicial districts from which they were elected.<sup>136</sup> In a study of a similar provision in the 1951 constitutional amendment, Dr. Charles Judah states that a system of geographical representation would enhance the bargaining power of the less well-endowed parts of the state and would tend to assure that minimum standards and equalization formulas recommended by the Board would reflect more accurately the needs of the state.<sup>137</sup> Vacancies would be filled by the Board until the next election.

This measure had the full support of the New Mexico Educational Association and had final approval of the Association's Executive Committee before it was introduced in the legislature.<sup>138</sup>

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Donnelly, The Government of New Mexico, (First Edition), op. cit., p. 191.

136

House Joint Resolution No. 18, op. cit., Section 1, Parts B. and C., p. 2

137

Charles B. Judah, Proposed Constitutional Amendments in New Mexico in 1951, (Albuquerque: Division of Research, Department of Government, the University of New Mexico, August, 1951), p. 4

138

Letter from the New Mexico Educational Association, May 4, 1953.



There is a great deal of work to be done in the

the first of the year, and it is hoped that the

meeting of the committee will be held in the

six years. The committee will be held in the

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The constitutional amendment proposed by House Joint Resolution No. 18 would be submitted to the people at the next regular election; and the legislature convening after the amendment's passage would be required to set up a nominating procedure designed to secure highly qualified candidates for State Board of Education membership in each of the judicial districts.

The resolution was given a "do pass" report by the House Education Committee and received a favorable vote of 30 to 17 on the floor.<sup>139</sup>

The Senate Education and Public Institutions Committee amended the measure, requiring the filling of vacancies from the district in which the vacancy occurs, and sent it onto the floor with a "do pass" recommendation.

Although the measure appeared to be slated for passage, it was killed on the Senate floor by voice vote.<sup>140</sup>

Reasons for opposition to the measure varied. Mechem's proposal that the Superintendent of Public Instruction be appointed instead of elected drew criticism from both Democrats and Republicans.<sup>141</sup> The fact that the people defeated a similar measure in the special election in 1951 also apparently influenced the voting of some members.

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<sup>139</sup>

The Journal of the House of Representatives, op. cit., Proceedings of the Forty-Eighth Legislative Day.

<sup>140</sup>

The Legislative Bill Locator, Office of the Legislative Council, (Santa Fe, 1953).

<sup>141</sup>

A news article in The Albuquerque Tribune, January 14, 1953.





A System of Personnel Administration for the State of New Mexico. In the summer of 1952, the New Mexico State Reorganization Committee, popularly known as the Little Hoover Commission, emphasized the need for a personnel merit system for state employees in New Mexico. The following is an excerpt from the report made by the Committee:

It is common knowledge that appointments to State Office in New Mexico are often made primarily for political reasons, and but secondarily on the basis of individual qualifications for specific types of work. The results of this system are unfortunate... The highly qualified persons who might make State service a career if they had security, will not do so when they know they may be replaced at any time by unqualified hangers-on. The service of the State and the dignity of the State are both injured by such a situation. 142

The Committee wished to see the establishment of a personnel system designed to do away with disadvantages of the existing situation without introducing other disadvantages instead. It was stressed that plans should be made for attracting suitable persons into the State service and retaining them, while preventing the unqualified from obtaining positions. It was also stated that arrangements should be made for dismissal "for cause" if an apparently suitable person, after appointment, should display qualities which would warrant his separation from the service. 143

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Blachly and Oatman, Report, op. cit., p. 33

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Ibid.

A statement of the results of the investigation.

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The State Reorganization Committee recommended the creation of a Department of Personnel, headed by a Commission of five members appointed by the Governor. It was specified that the Commission should appoint a qualified Director of Personnel as executive head of the Department. This Director would be removed by the Commission for cause and would be retained as long as his work was satisfactory. The explanation was given that this arrangement was preferred to a department with a single head appointed by the Governor, partly because it provides a group to hear appeals from administrative actions deemed unfair, and partly because it leaves the way open for the Executive Director to continue in office even though the members of the Commission are replaced.<sup>144</sup> Members of the State Reorganization Committee further recommended that the duties of the Commission and Director be set forth by law. A proposed bill was drafted by the Legislative Council to establish a personnel system for the state. It set forth in detail all the rules and regulations recommended by the Little Hoover Commission.

When the Twenty-First Legislature convened, Governor Mechem listed the setting up of a personnel system for the state as one of his administrative objectives. He stated that he wished to see the legislature provide for a merit system without tenure, which would allow for acquisition of personnel

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<sup>144</sup>Ibid.





without the strings usually attached to discharges under a merit system.<sup>145</sup>

The Little Hoover Commission's basic recommendations were incorporated into House Bill No. 85, which was introduced by Paul Robinson, Republican, and Floyd Darrow, Democrat. It was entitled:

An Act providing for a system of Personnel Administration for the State of New Mexico, Establishing the Department of Personnel, Defining Its Powers and Duties, Making an Appropriation, and Repealing Sections 10-401, 10-402, and 10-404 of the New Mexico Statutes Annotated, 1941 Compilation.<sup>146</sup>

The intent of the plan was to devise a system of personnel administration governing the appointment, promotion, transfer, lay-off, removal, and discipline of state employees.

As recommended by the Little Hoover Commission, the measure provided for a Department of Personnel under the control and direction of a Personnel Commission consisting of five members appointed by the Governor for six year terms.<sup>147</sup> This Commission would appoint a Director of Personnel who would be the executive head of the Department and could be removed by the Commission for cause.<sup>148</sup> This person would direct and supervise

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<sup>145</sup>

A news article in the Albuquerque Journal, January 26, 1953.

<sup>146</sup>

House Bill No. 85, The Twenty-First Legislature, (Santa Fe: 1953), p. 1

<sup>147</sup>

For a detailed study of the measure's provisions, see House Bill No. 85, op. cit., Sections 1-24.

<sup>148</sup>

House Bill No. 85, op. cit., Section 2, p. 2





all the administrative and technical activities of the Department. No member of the Commission could be a member of any local, state, or national committee of a political party, or an officer or member of a committee in any partisan political club or organization, or hold, or be a candidate for, any elective office.<sup>149</sup> A commission member could be removed by the Governor only for cause after being given a copy of the charges against him and an opportunity to be heard publicly on such charges before the Governor.<sup>150</sup> Each member would be paid \$15.00 for each day devoted to the work of the Commission, but not more than \$600.00 in any one year.<sup>151</sup>

The Personnel Department would classify and standardize as to qualifications and pay all state jobs except legislative, elective office, department heads, board and commission members appointed by the Governor, court officials and employees, and employees of educational institutions.<sup>152</sup> Political activities on the part of employees in the classified service would be prohibited.

Any employee dismissed or demoted after completing his probationary period of service, or suspended more than thirty

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<sup>149</sup> Ibid., Section 3, p. 2

<sup>150</sup> Ibid.

<sup>151</sup> Ibid.

<sup>152</sup> Ibid., Section 7, p. 6

All the members of the committee are hereby notified that the committee

has the honor to acknowledge the receipt of your letter of the 10th inst.

and in reply to inform you that the committee has the honor to

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days in any one year, would be allowed, within thirty days after such action, to appeal to the Commission for review and would have the right to be heard publicly and to present facts pertinent to the appeal.<sup>153</sup> If the Commission should find that the action complained of was taken by the appointing authority for any political or religious affiliation or opinion, or for racial reasons, the employee would be reinstated to his former position or a position of like status without loss of pay for the period of suspension.<sup>154</sup> In all other cases the findings and recommendations of the Commission would be submitted and considered by the appointing authority, who would be given thirty days to make his final decision.<sup>155</sup> When any employee should be dismissed and not reinstated after such appeal, the Commission in its discretion could direct that his name be placed on an appropriate re-employment list.<sup>156</sup> All actions and decisions of the Commission would be final and not subject to judicial review.

In addition to the duties set forth elsewhere in the law, the Commission would:

(a) Represent the public interest in the improvement of personnel administration in the State Service.

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153

Ibid., Section 13, p. 11

154

Ibid.

155

Ibid., Section 13, p. 12

156

Ibid.





(b) Advise the Governor and the Director on problems concerning personnel administration.

(c) Foster the interest of institutions of learning, and of civil and professional and employee organizations in the improvement of personnel standards in state service.

(d) Make, either at the direction of the Governor, or upon its own motion, any investigation concerning the administration of personnel in the state service, and make recommendations to the Director, with respect thereto.

(e) Make special reports and recommendations to the Governor, upon his request. 157

The sum of \$75,000.00 was appropriated for the forty-second fiscal year, and for the forty-third fiscal year the sum of \$50,000.00 was appropriated out of the general fund of the state for the purpose of paying the expenses of the Department of Personnel and administering the act's provisions. The money appropriated would be expended only after a budget had been submitted to and approved by the State Board of Finance and the Governor.

Section 24 of the Act proposed repeal of Sections 10-401, 10-402, and 10-404 of the New Mexico Statutes Annotated, 1941 Compilation, (being laws 1935, Chapter 70, Sections 1, 2, and 4 as amended by Laws 1942, Chapter 10, Sections 1, 2, and 4) relating to classification of employees of the Executive Department of the state by the Governor, relating to employment of a Personnel Director by the Governor, relating to the fixing of hours of labor of employees, and relating to use of funds of

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the State Comptroller in carrying out the provision for personnel classification.<sup>158</sup>

The bill was first referred to the Ways and Means Committee of the House of Representatives. John Robb, Jr., Chairman of the State Junior Chamber of Commerce, which favored the proposed merit system, speculated that the measure would be killed in committee; but the Ways and Means group gave it a "do pass" recommendation<sup>159</sup> and sent it to the Appropriations and Finance Committee, which also approved it.<sup>160</sup>

Before the floor vote was taken, advantages of the bill were pointed out by its various supporters, including representatives of interested lobbyist groups outside the legislature.

Representative Floyd Darrow, co-sponsor of the bill, said it would not only give the state more efficient government, but that it would save from \$4,00,000.00 to \$500,000.00 a year now spent in training new employees.<sup>161</sup> He stated, "The bill is trying to do away with Andrew Jackson's philosophy, that to the victor belong the spoils."<sup>162</sup>

158

Ibid., Section 24, p. 16

159

The Journal of the House of Representatives, The Twenty-First Legislature (Santa Fe: 1953), Proceedings of the Forty-Sixth Legislative Day. Also see: A news article in The Albuquerque Tribune, March 5, 1953.

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The Journal of the House of Representatives, op. cit., Proceedings of the Forty-Seventh Legislative Day.

161

A news article in The Albuquerque Tribune, March 10, 1953.

162

Ibid.



John Robb, Jr., Albuquerque lawyer, stated the bill was supported by his group, the State Junior Chamber of Commerce, and also by the New Mexico Federation of Women's Clubs and the State League of Women Voters.<sup>163</sup> He termed the bill one of the "most important" recommendations of the State's Little Hoover Commission and expressed the belief of the State Junior Chamber of Commerce that the system would promote efficiency in government and save the taxpayers money. The Albuquerque attorney then quoted figures that he said were given in committee testimony by Marvin Tillery, member of the Governor's Employee Classification Committee:

The bill will save the state \$250,000.00 a year by cutting down the employment turnover rate, which is 50 per cent. Another \$250,000.00 will be saved with the establishment of a more competent and professional personnel staff which would be able to hire more efficient employees and help bureau heads in cutting their costs of operation.<sup>164</sup>

Robb described these figures as "very conservative." He explained, "The State employs 5,000 persons and has a \$15,000,000.00 annual payroll. That's big business, and House Bill No. 85 can make it more economical."<sup>165</sup>

In lieu of the approaching House vote on the matter,

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<sup>163</sup> A news article in The Albuquerque Tribune, March 5, 1953.

<sup>164</sup> Ibid.

<sup>165</sup> Ibid.



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Robb warned, "We were confidentially informed by committee members that the bill is in serious trouble and that there is danger of its being killed...when it is voted on."<sup>166</sup>

When the bill reached the floor, Representative Amador, Rio Arriba County Democrat, amended the measure to remove janitors from its provisions.<sup>167</sup>

The Albuquerque Tribune reported that the only fight which the bill touched off in the House was among Democrats;<sup>168</sup> but the accuracy of this statement is subject to question, since the Journal of the House of Representatives shows that the opposition was not entirely from the Democratic Party. The measure passed the House by a vote of 38 to 13, with twenty-two Republicans and sixteen Democrats expressing approval, and eight Democrats and five Republicans voting in the negative.<sup>169</sup> Analysis of the negative vote shows that the Democratic Party had only three more opponents to the bill than did the Republican; but The Albuquerque Tribune did not show a breakdown of the vote in its March 10 article.

With the end of the session drawing precariously near, the personnel bill was sent to the Senate Appropriations

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166

Ibid.

167

A news article in The Albuquerque Tribune, March 10, 1953.

168

Ibid.

169

Journal of the House of Representatives, op. cit., Proceedings of the Forty-Eighth Legislative Day.

Both parties, the Government and the private sector, have a role to play in the development of the country. The Government should create a conducive environment for investment and growth, while the private sector should focus on innovation and productivity. Collaboration between the two is essential for sustainable development.

The Government should also ensure that the benefits of development are shared equitably among all citizens. This requires a strong social safety net and effective social services. The private sector should also be encouraged to invest in social infrastructure and community development projects.

Education and skills training are key to long-term economic growth. The Government should invest in quality education and vocational training to equip the workforce with the skills needed for the modern economy. The private sector should also provide opportunities for on-the-job training and apprenticeships.

Infrastructure development is another critical area. The Government should prioritize the construction and maintenance of roads, bridges, ports, and airports. The private sector can also play a significant role in financing and operating infrastructure projects through public-private partnerships.

Finally, good governance and the rule of law are fundamental for a successful development process. The Government should ensure transparency, accountability, and integrity in its operations. The private sector should also adhere to ethical standards and legal requirements.

In conclusion, the development of the country requires a concerted effort from all stakeholders. By working together, the Government and the private sector can achieve sustainable economic growth and improve the lives of the citizens.

The following table provides a summary of the key areas of focus for the development process:

Area of Focus	Government Role	Private Sector Role
Investment Environment	Policy formulation, regulatory framework	Investment, innovation, productivity
Social Services	Provision, funding, regulation	Investment, innovation, productivity
Education and Skills Training	Policy formulation, funding, regulation	Investment, innovation, productivity
Infrastructure Development	Policy formulation, funding, regulation	Investment, innovation, productivity
Good Governance and Rule of Law	Policy formulation, funding, regulation	Investment, innovation, productivity

By focusing on these key areas, the Government and the private sector can work together to achieve sustainable economic growth and improve the lives of the citizens.



Committee, headed by Democratic Senator Henry Eager of Tucumcari. John Robb, Jr., did not relax his lobbying efforts to get the measure through to the Governor's desk, but it continued to stay in committee. On March 13 an attempt to force the measure onto the floor failed by a vote of 18 to 13.<sup>170</sup> On March 14, officially the last day of the legislature, Robb declared, "If the bill loses, it is largely the result of one man's work. I'm referring to Henry Eager, who has been sitting on the bill and refusing to report it out."<sup>171</sup> According to the Albuquerque attorney, Eager had admitted his intentions to defeat the bill and had denied several groups a fair committee hearing "so our side could be heard."<sup>172</sup> When the measure failed to be brought out by a Senate floor vote, Robb's only hope lay in the belief that three senators might change their mind and put the bill over.

In the Saturday evening session, after the legislative clock had been stopped, Senator M. P. Carr, Vice-Chairman of the Appropriations Committee, made a motion to place the bill on the Senate calendar "without recommendation."<sup>173</sup> In the

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Journal of the Senate, op. cit., Proceedings of the Fifty-Ninth Legislative Day.

171

A news article in The Albuquerque Tribune, March 14, 1953.

172

Ibid.

173

The Journal of the Senate, op. cit., Proceedings of the Sixtieth Legislative Day. Also see: A news article in the Albuquerque Journal, March 15, 1953.



momentary absence of Committee Chairman Henry Eager, Carr and eight other committee members had agreed that the bill should be fought on its merits on the floor. Democratic Floor Leader Murray Morgan agreed to exempt the measure from his motion that all bills still in committee be declared dead. He said, "The heat is on the personnel bill, put it on the calendar if you want to."<sup>174</sup> When Eager returned to the chamber, he disapproved of this action, stating that there had been a sufficient test vote on March 13 to show that the bill was not wanted.<sup>175</sup>

Eager's opinion proved to be correct, for when the vote was taken a second time, the senators still refused by a vote of 18 to 13 to place the bill on the calendar.<sup>176</sup> Fourteen Democrats and four Republicans were in favor of leaving the measure in committee; eight Democrats and five Republicans wished to take action on it. Only two members had changed their vote since the previous roll call. Senator Stephen Brock, Democrat, decided to support it because, as he put it, "I learned last night that at least parts of the bill were meritorious."<sup>177</sup> Senator Robert Palmer, Democrat, switched to "no" because he

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<sup>174</sup>

A news article in the Albuquerque Journal, March 15, 1953.

<sup>175</sup>

Ibid.

<sup>176</sup>

The Journal of the Senate, op. cit., Proceedings of the Sixtieth Legislative Day. Also see: A news article in the Albuquerque Journal, March 15, 1953.

<sup>177</sup>

A news article in the Albuquerque Journal, March 15, 1953.





objected to the procedure used in trying to have the bill reconsidered.

Reasons for opposition to the bill, among both Democrats and Republicans, included the opinion that amendments in both houses had destroyed the measure's original purpose until it provided for little more than a classification system which did not warrant the appropriation proposed for it. The opinion was expressed that by the time the bill got to the final vote there wasn't anything left that wasn't already in the law books. Another objection was directed at the broad power given the Governor through his authority to appoint members of the Personnel Commission. Robb brought in another angle, saying, "The opponents of the bill are afraid of cutting into their political patronage."<sup>178</sup>

The roll call showed that the measure was not strictly a partisan issue, since both Democrats and Republicans were divided in their opinions on the matter. A minority in both parties opposed it in the House; and in the Senate a majority of the Democrats and four out of nine Republicans expressed disapproval. If those four Republican senators could have been persuaded to vote for the bill, it could have passed despite the opposition of several Democratic members. This was a case of Mechem's own party contributing to the defeat of an administrative measure.

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<sup>178</sup>

A news article in The Albuquerque Tribune, March 14, 1953.





The General Appropriations Bill. On January 28, 1953, state budgets of \$74,338,474.00 for the forty-second fiscal year, 1953-54, and \$74,519,520.00 for the forty-third fiscal year, 1954-55, were transmitted to the legislature by Governor Mechem.<sup>179</sup> These had been prepared by Budget Director Edward Hartman and his staff, who were commended by legislators for their thorough and prompt job. The share of the state general fund in the budgets was recommended at \$12,789,725.00 for the forty-second year, a deficit of \$226,357.00 from estimated revenue, and \$12,777,480.00 for the forty-third year, a deficit of \$222,573.00.<sup>180</sup>

The general fund comes from many different items, chief of which are severance tax money, the ad valorem property tax, and the money from the Bureau of Revenue. The rest of the money which operates state institutions, departments, and agencies comes from such earmarked funds as fees, land revenue, federal allotments, and other sources.<sup>181</sup>

In his message accompanying the budget, Mechem told the legislators:

The recommendations made for most of the organizations financed by the state show substantial reductions from their requests. These recommendations are generally

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<sup>179</sup> A news article in the Albuquerque Journal, January 29, 1953.

<sup>180</sup> Ibid.

<sup>181</sup> Ibid.



higher than current budgets, however, and should provide adequate funds for successful service to the people. 182

The Chief Executive stated:

I cannot emphasize too strongly the limitations of our state general fund. The original requests for general fund monies exceed the most liberally estimated supply by completely disproportionate amounts. Downward recommendations were made in relationship to current operating costs and a realistic appraisal of availability of revenue. 183

He added:

It has not been a pleasant task to reduce to hard financial realities the well-intentioned aspirations of so many of our state organizations. I feel, however, that you will agree with me that we cannot embark on an extensive building program or general departmental expansion in light of our estimated revenues. 184

Mechem called attention to a state bonding margin of \$4,500,000.00 and said this amount could provide the start of needed building programs for the state penitentiary and the state hospital for the mentally ill. This view was considered a blow to the ambitious building plans of some of the institutions of higher learning. 185

State Comptroller Edward Hartman said in his letter of transmittal to Mechem:

It has been a difficult task to adjust the financial

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A news article in the Albuquerque Journal, January 29, 1953.

183

Ibid.

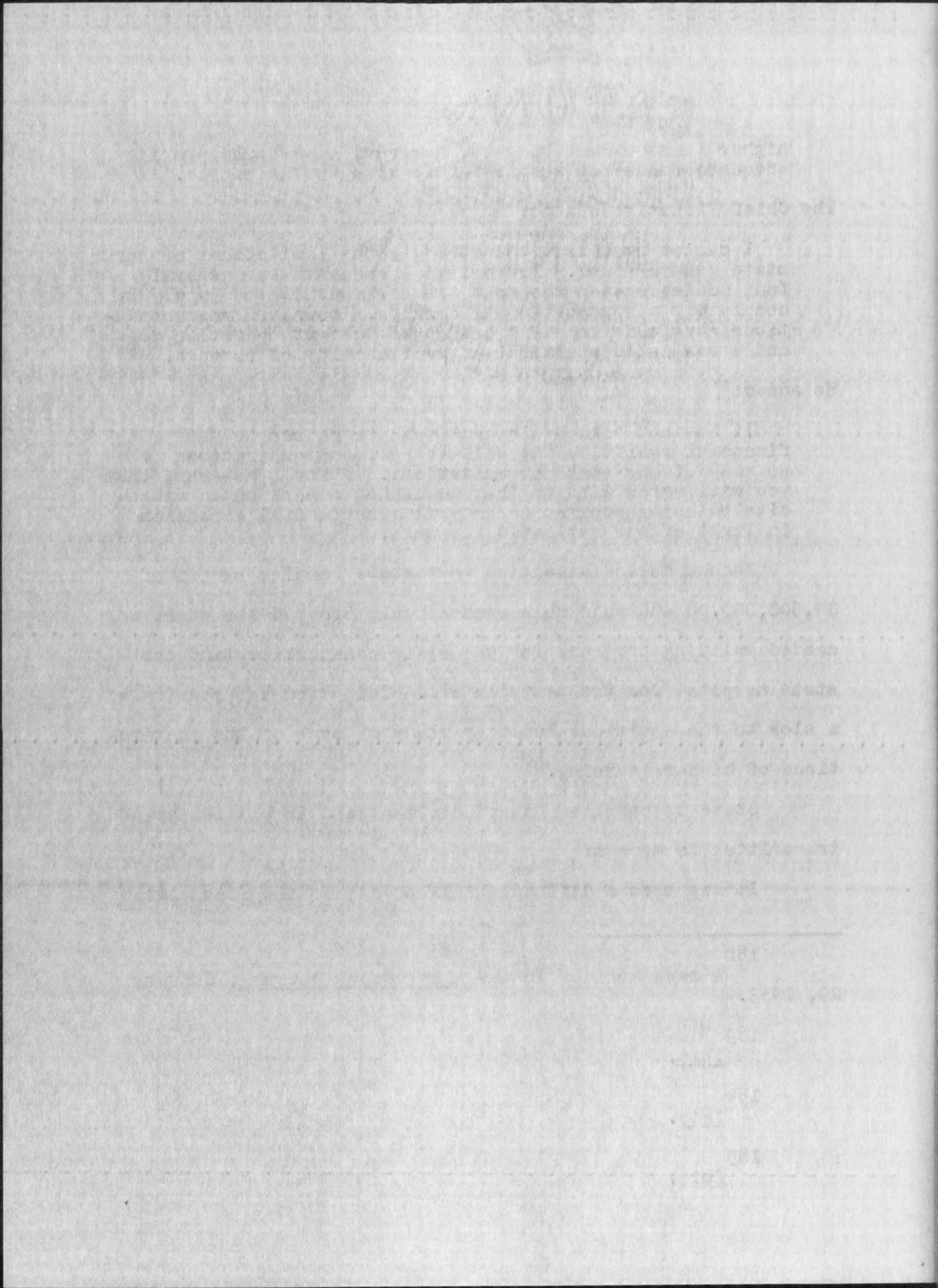
184

Ibid.

185

Ibid.





resources of our state to the budget requests of the various institutions. Our guiding principle has been economy which would not, in our opinion, impair the fulfillment of any organization's responsibility to the people of New Mexico. 186

Noting the prospective general fund deficits, Hartman stated:

We considered balancing expenditures with income by either further cuts in individual budgets or by an overall percentage reduction of all budgets. We have done neither, however, and offer our recommendations as they now stand. I would like to see the budget balanced by the legislature if possible. 187

A detailed breakdown of recommended expenditures for the various institutions and agencies was given in a 172 page document prepared by Hartman and his staff.

Veteran Senator Henry Eager, Chairman of the Appropriations Committee, told the Senate this was the first time in his experience that the budget was submitted within the first three weeks of the session.

Senators who had discussed the proposed budget with State Comptroller Hartman early in the session had said they considered it "fair" and "not out of line." However, the Senate Appropriations Committee Chairman emphasized that the budget would get the closest possible scrutiny so that any unnecessary expenses could be detected. 189

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Ibid.

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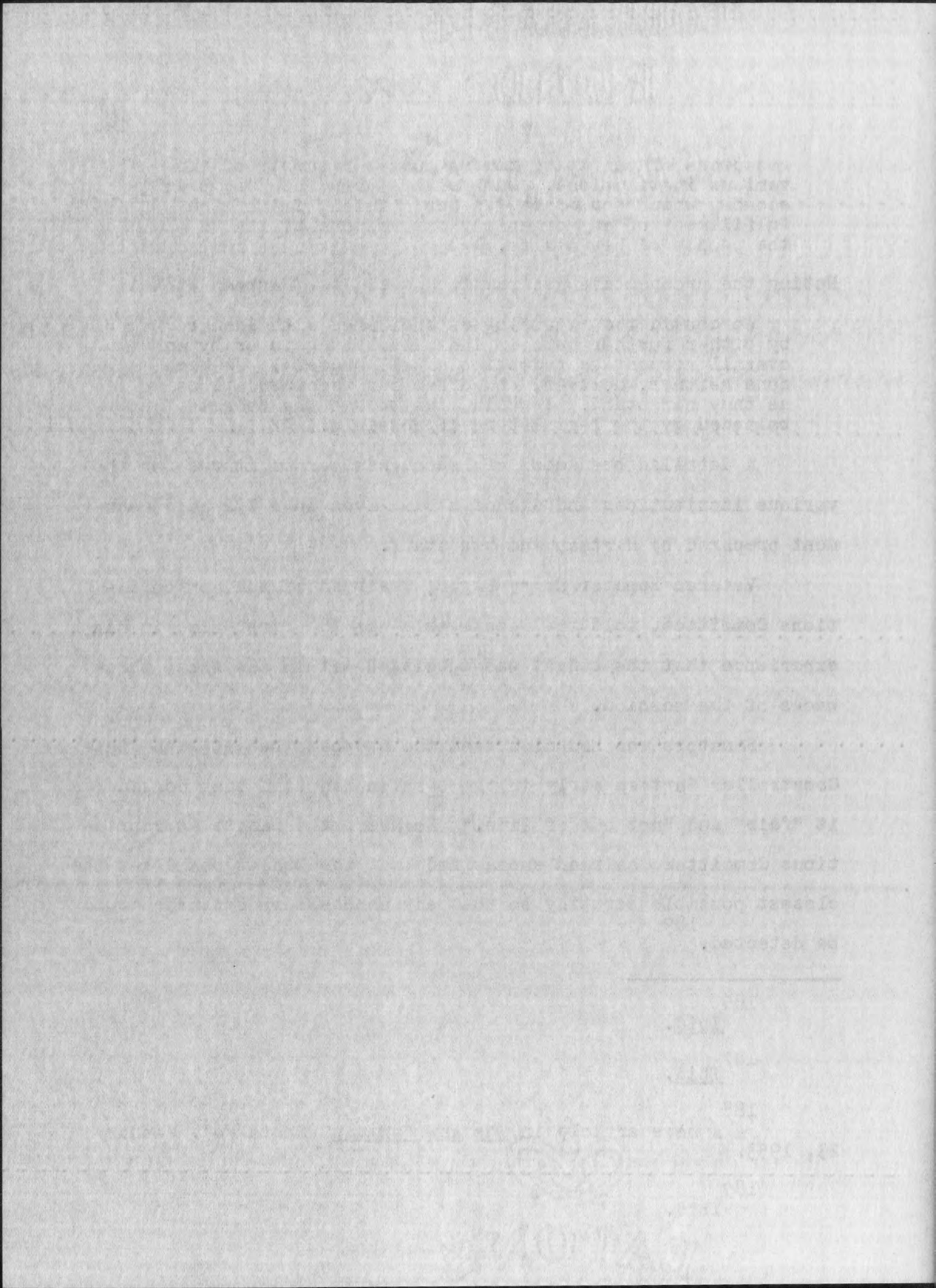
Ibid.

188

A news article in The New Mexican (Santa Fe), January 23, 1953.

189

Ibid.





Both House and Senate appropriations committees planned a schedule of public hearings on the budget.

On February 11, 1953, House Bill No. 196, the general appropriations measure, was introduced by Representatives Joseph Warner, Jr., J. E. Welch, Howard McDaniel, W. J. Redak, Virgil McCollum, and Anderson Carter, members of the House Appropriations and Finance Committee. The administration's recommendations, as prepared by Budget Director Edward Hartman, <sup>190</sup> had been closely followed.

The measure made no specific appropriations for individual educational institutions. Instead, the State Board of Educational Finance was authorized to divide the general fund appropriation of \$5,445,317.00 among the various institutions listed. <sup>191</sup> This appropriation was the total recommended by Mechem and Hartman. <sup>192</sup>

Some of the leading appropriations listed for the forty-second year, <sup>193</sup> compared with amounts approved for the forty-first year, <sup>194</sup> and in some cases later cut by the State Finance

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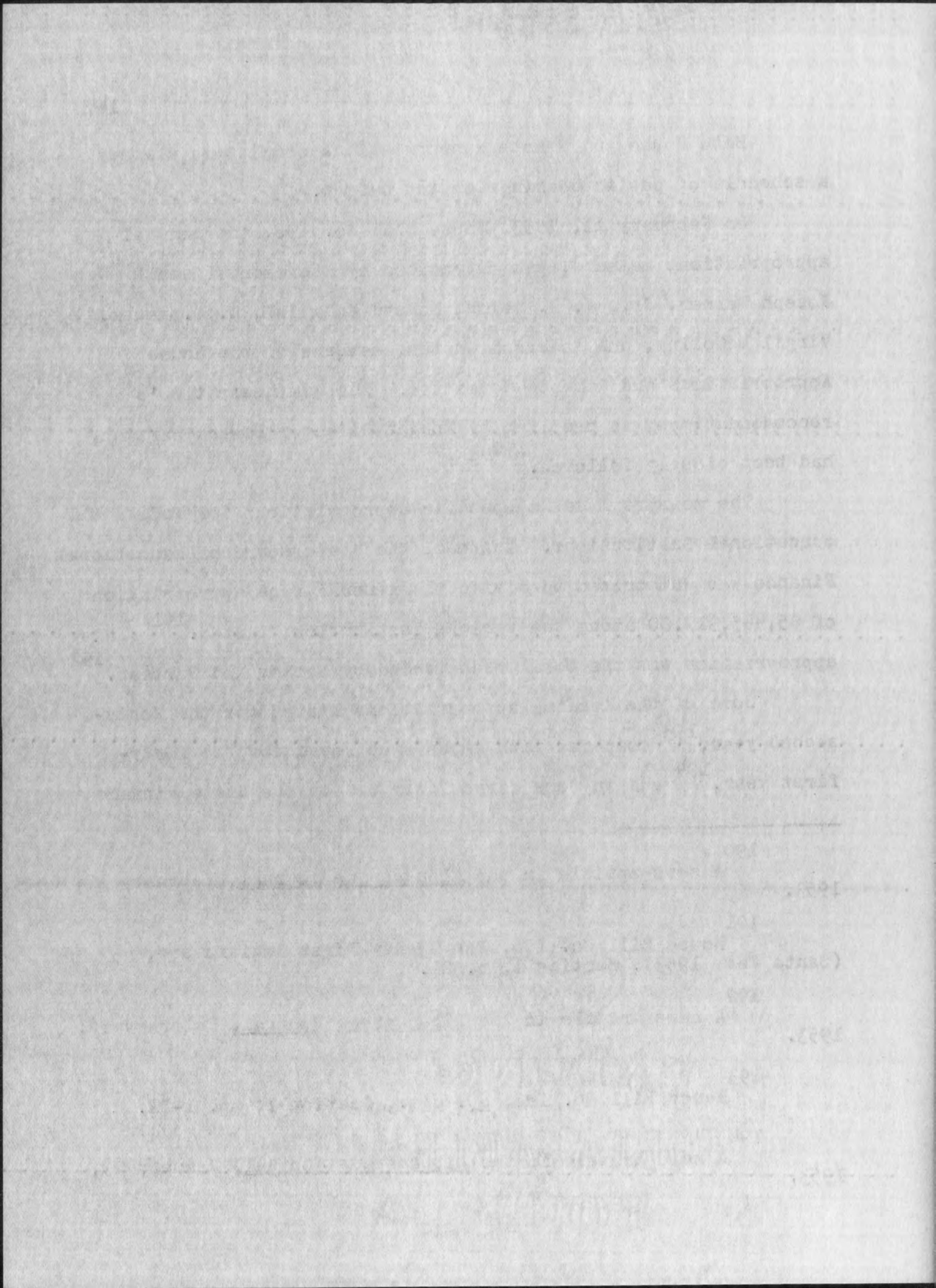
<sup>190</sup> A news article in the Albuquerque Journal, February 12, 1953.

<sup>191</sup> House Bill No. 196, The Twenty-First Legislature, (Santa Fe: 1953), Section 1, p. 21.

<sup>192</sup> A news article in the Albuquerque Journal, February 12, 1953.

<sup>193</sup> House Bill No. 196, op. cit., Section 1, pp. 1-21.

<sup>194</sup> A news article in the Albuquerque Journal, January 29, 1953.



Board, were as follows:

<u>Office or Agency</u>	<u>Forty-Second Year</u>	<u>Forty-First Year</u>
Adjutant General	\$ 245,000.00	\$ 224,621.00
Attorney General	72,131.00	51,000.00
Governor's Office	50,000.00	43,000.00
Health Department	375,000.00	417,250.00
Interstate Streams Commission	156,302.00	102,650.00
State Finance Board, (operations and emergency)	210,000.00	110,000.00
State Police	825,000.00	690,000.00
Supreme Court	72,065.00	63,285.00
Tax Commission	145,542.00	133,542.00

With only one exception, all of the above appropriations for the forty-second year followed the administration's recommendations. Mechem had recommended \$540,000.00 for the Health Department, and this amount was cut by \$165,000.00.

Additional appropriations listed in House Bill No. 196 for the forty-second fiscal year included the following: 195 196

<u>Office or Agency</u>	<u>Forty-Second Year</u>
The Twenty-Second Legislature	\$ 75,000.00
The Legislative Council	27,890.00
Office of the Secretary of State	61,435.00
Office of the State Auditor	65,439.00
Office of the State Treasurer	56,200.00
Corporation Commission (all expenses)	347,755.00
Department of Education	1,019,032.00

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House Bill No. 196, op. cit., Section 1.

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For information concerning other appropriations made for the forty-second year by the Twenty-First Legislature in the original version of House Bill No. 196, the reader is referred to: House Bill No. 196, op. cit., pp. 1-43, since the inclusion of all data in the 43 page measure is beyond the scope of this study.



Report, made on July 15, 1914

Official Report of the

Attorney General  
Department of Justice  
Washington, D.C.  
July 15, 1914  
The following is a report  
made by the Attorney  
General, Department of  
Justice, Washington, D.C.,  
on July 15, 1914.

When this report was  
made, the Attorney  
General, Department of  
Justice, Washington, D.C.,  
was in the city of  
Washington, D.C., and  
the following is a report  
made by the Attorney  
General, Department of  
Justice, Washington, D.C.,  
on July 15, 1914.

Office of the  
Attorney General  
Department of Justice  
Washington, D.C.  
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Washington, D.C.  
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The following is a report  
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Justice, Washington, D.C.,  
on July 15, 1914.

Section 17 of the measure stipulated that the State Board of Finance would have the authority to allocate any unencumbered balances or surpluses in the State General Fund, otherwise not appropriated, at the end of each fiscal year; provided that 20 per cent of such unencumbered balances or surpluses would be distributed among the state institutions of higher learning on the basis of need as determined by the State Board of Finance.<sup>197</sup> The remaining 80 per cent would be allocated by the State Board of Finance for the specific purposes of highway construction and construction of state public buildings or to allow any emergency appropriation.<sup>198</sup> However, none of the funds could be allocated for highway construction except for matching federal allotments.

Section 18 stated:

Any salary increases allowed by specific Act of the Twenty-First Legislature shall be considered as appropriated in addition to the salaries appropriated herein, and shall be included in the Appropriations of this Act.<sup>199</sup>

Section 19 stipulated that the State Board of Finance could reduce all appropriations listed in the act by an amount not to exceed 25 per cent, excepting interest payments on debts, appropriations made to pay premiums on insurance and official

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<sup>197</sup>

House Bill No. 196, op. cit., Section 17, p. 41

<sup>198</sup>

Ibid.

<sup>199</sup>

Ibid., Section 18, p. 41





bonds, and salaries for state elected officials originally fixed by the Constitution.<sup>200</sup>

Section 21 provided:

There shall be appropriated from the State Road Fund such amounts as may be necessary for the operation of the State Highway Department as determined by annual budgets submitted to and approved by the State Board of Finance; provided that the State Board of Finance shall increase any appropriations to the extent of available funds if such additional amounts are needed to insure participation in federal matching monies.<sup>201</sup>

According to plans of the legislators, public hearings were held on the general appropriations bill; and officials of various institutions and agencies appeared before House and Senate committees to explain their budget requests.

On March 9, 1953, the House Appropriations Committee gave a "do pass" recommendation to the general appropriations bill after making changes in certain provisions.<sup>202</sup> All funds for the Economic Development Commission were eliminated.<sup>203</sup> The bill as originally drafted had authorized \$25,000.00 annually for the agency. Two years ago the legislature cut off the Commission's funds, forcing it to go to the State Finance Board for money.

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<sup>200</sup>  
Ibid., Section 19, p. 41.

<sup>201</sup>  
Ibid., Section 21, p. 43.

<sup>202</sup>  
A news article in the Albuquerque Journal, March 10, 1953.

<sup>203</sup>  
Ibid.



The committee voted to revise the percentages of various taxes which go into the general revenue fund for "general administrative overhead."<sup>204</sup> A flat 6 per cent was the amount set to be charged by tax collecting agencies for this purpose. Hartman explained that this change would provide the hard pressed general fund with an additional \$480,000.00 per year.<sup>205</sup> He said that some of the percentages would go up, some of them down, since the 6 per cent feature would make the amount uniform. For instance, the collection fee on the gasoline tax would go up from 3 to 6 per cent, as would the fee on the severance tax. On the other hand, the compensating tax would drop from 10 to 6 per cent.

The committee also provided that unexpended balances of more than a score of examining boards would revert to the general fund.<sup>206</sup> This requirement was expected to mean about \$200,000.00 for the general fund for the first time, according to Edward Hartman.<sup>207</sup>

The committee's version of the bill left \$5,495,225.00 annually for the educational institutions, an increase of \$49,908.00 over Hartman's recommended figure.<sup>208</sup> This amount

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<sup>204</sup>  
Ibid.

<sup>205</sup>  
Ibid.

<sup>206</sup> A news article in The New Mexican (Santa Fe), March 10, 1953.

<sup>207</sup>  
Ibid.

<sup>208</sup>  
Ibid.





was 23 per cent under the total submitted by the educational institutions. An annual contingent fund of \$293,261.00 was set up from which the schools would derive more revenue if the money should be available. Out of the lump sum appropriated for the educational institutions, the University of New Mexico was recommended to receive \$1,922,987.00 for the forty-second fiscal year and \$1,980,080.00 for the forty-third fiscal year for current operating expenses and general purposes.<sup>209</sup>

Representative Virgil McCollum, Carlsbad Democrat, proposed to reduce the powers of the State Finance Board and the Governor to revise budgets and budget figures between sessions of the legislature. He was successful in removing a provision from the bill which would allow the State Finance Board "to readjust all salaries and items" set up by the appropriations bill,<sup>210</sup> but he failed to kill a section of the measure which would make all budgets subject to revision by the Governor. McCollum indicated that he would make a further attempt on the floor "to take away powers from the powers that be."<sup>211</sup>

An attempt was made by Representative Ervin Mitchell, Roswell Republican, to limit the Board of Finance's power to reduce appropriations by 25 per cent. Mitchell wished to see

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<sup>209</sup>

Ibid.

<sup>210</sup>

A news article in the Albuquerque Journal, March 10, 1953.

<sup>211</sup>

Ibid.





this figure cut to 5 per cent, but his proposal was voted down after Comptroller Hartman insisted the Board saved \$75,000.00 the previous year by such trimming.<sup>212</sup>

The committee made numerous other changes in the bill before placing it before the House membership. Readjustments were made in the appropriations for various institutions, agencies and departments.<sup>213</sup> The budget of the State Health Department was trimmed \$50,000.00 per year, leaving an annual appropriation of \$325,000.00. The Veterans Service Commission's appropriation was boosted from \$79,000.00 per year to \$100,000.00; while the amount for the adjutant general was cut from \$245,000.00 to \$215,000.00 per year. A fund of \$500.00 for the State Housing Commission was entirely eliminated; and the amount for the Fair Employment Practices Commission was trimmed from \$4,065.00 per year to \$2,000.00. The Museum of New Mexico was allotted an additional \$25,000.00 annually for the International Museum of Folk Art. A \$10,000.00 item to apply on operating expenses for the State Fair was killed; but the amount for the Inter-Tribal Indian Ceremonial was upped from \$20,000.00 to \$25,000.00. The Mental Hospital at Las Vegas would receive \$1,300,000.00 annually instead of \$1,200,000.00, with \$100,000.00 additional as a contingent fund should the hospital have a new building ready for

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<sup>212</sup>

Ibid.

<sup>213</sup>

Information relating to changes in appropriations made by the committee is based upon: A news article in the Albuquerque Journal, March 10, 1953.



occupancy the second year of the biennium. The expense money for the penitentiary was raised from \$470,000.00 to \$550,000.00 annually, with a deficiency appropriation of \$130,000.00 added to the end of the bill. The appropriation for the Industrial School at Springer was boosted from \$104,000.00 to \$112,000.00 per year, while the budget for the Los Lunas Mental Home was trimmed from \$144,000.00 to \$125,000.00.

The Appropriations bill reached the House floor on March 10, 1953, and was passed unanimously on the same day with a few changes in the committee version.<sup>214</sup>

A floor amendment approved by voice vote eliminated a provision which would have allowed the State Finance Board to reduce the general fund appropriation whenever an institution's land income exceeded the estimates set forth in its budget.<sup>215</sup> By this method, the administration had hoped to discourage the practice of some institutions which hand in conservative estimates on land income in an effort to receive a larger share of the general fund. The successful move to strike out this provision was led by Representatives Albert Amador, Democrat from Rio Arriba County, and Herbert Bays, Otero County Democrat.

Another change made on the House floor restored the original amounts asked by the Attorney General and Treasurer

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The Journal of the House of Representatives, op. cit., Proceedings of the Fifty-Sixth Legislative Day.

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A news article in The New Mexican (Santa Fe), March 11, 1953.





for additional help on the staff of each.<sup>216</sup>

House Bill No. 196, as finally approved by the House, proposed general fund expenditures of approximately \$13,200,000.00 a year.<sup>217</sup> Budget Director Edward Hartman said the Appropriations committeemen had added about \$445,000.00 yearly to the administration's recommended budget, which had totaled around \$12,700,000.00 a year.<sup>218</sup>

Following House approval, the bill was referred to the Senate Appropriations Committee, headed by Democratic Senator Henry Eager of Quay County. Realizing the ramifications of the budget from the Democratic point of view, Eager asked J. D. Hannah, employee of the State Land Office and former State Comptroller, to meet with John Walker and other key Democrats to revise the budget. On the evening of March 13, members of the Senate received copies of the proposed substitute for the general appropriations bill passed by the House.

In the new version, some healthy pokes were taken at Governor Mechem's Republican-dominated State Finance Board.<sup>219</sup> The substitute measure would limit to 18 per cent, instead of the existing 25 per cent, the Board's power to reduce general

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<sup>216</sup>  
A news article in the Albuquerque Journal, March 11, 1953.

<sup>217</sup>  
Ibid.

<sup>218</sup>  
Ibid.

<sup>219</sup>  
A news article in The Albuquerque Tribune, March 14, 1953.

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fund appropriations. The substitute bill also trimmed the Board's emergency fund from \$200,000.00 annually to \$50,000.00 and provided that no part of that figure could be used for salaries or to supplement legislative appropriations. The Board would also be prohibited from giving funds to any agency not receiving money from appropriations made by the legislature. This action was viewed as a move to kill off entirely the Economic Development Commission, which had previously been deprived of all funds by the House Committee.<sup>220</sup> Another provision which the substitute bill eliminated would have allowed the State Board of Finance to use 80 per cent of any surplus in the general fund at the end of a fiscal year for highways or needed buildings. The first 20 per cent of such surplus would have gone to the state's colleges.

The substitute measure proposed to cut \$100,000.00 from the amount allotted by the House to the Las Vegas Mental Hospital.<sup>221</sup> This would leave \$1,200,000.00 for that institution, plus a contingent fund of \$100,000.00.

The committee version proposed to increase appropriations slightly for various state colleges. The amount for operating expenses at the University of New Mexico would be increased to \$2,100,000.00.<sup>222</sup> An annual item of \$42,000.00 was included for

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<sup>220</sup> A news article in the Albuquerque Journal, March 14, 1953.

<sup>221</sup> Ibid.

<sup>222</sup> A news article in The Albuquerque Tribune, March 14, 1953.



the vocational school at Highlands University at Las Vegas.<sup>223</sup>  
The only college budget left unchanged was that of New Mexico Western.

On the Senate floor, Joe Montoya, Sandoval County Democrat, questioned a provision which would allow the State Finance Board to approve the Highway Department Budget. He declared, "The provision is too overwhelming a power to delegate to the State Board of Finance."<sup>224</sup> Senator Calvin Horn defended the requirement as a means of keeping salaries in the Highway Department in line with other provisions. The Senate was told that a court test on the matter appeared inevitable. The provision was left in the bill, which passed the Senate without further amendments by a vote of 23 to 8 on March 14.<sup>225</sup> Members voting against the measure said they did so because they had not had enough time to study it or its effects.<sup>226</sup>

The appropriations bill was then sent back to the House for reconsideration. Representative Joe Warner, Chairman of the House Appropriations Committee, stated he thought that chamber would go along with changes made by the Senate group, but predicted correctly that there would be an argument on the inclusion of a \$42,000.00 annual appropriation for the vocational

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<sup>224</sup> A news article in the Albuquerque Journal, March 15, 1953.

<sup>225</sup> Ibid.

<sup>226</sup> Ibid.



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school at Highlands University.<sup>227</sup> The House voted to eliminate this item.

Final approval of the appropriations bill was considered the major hurdle to be cleared before adjournment. A member of the House of Representatives stated that this chamber finished its work at 11 p.m. on March 14 and "sat on" the appropriations measure until the Senate cleared its calendar of several important House bills.

The final version of the appropriations bill passed by the legislature retained the provision requiring submission of annual highway budgets for Finance Board approval. The Board's authority to cut appropriations was limited to 18 per cent. The Board had asked for \$200,000.00 a year for its emergency fund and received \$100,000.00 a year, the same as the existing figure. The bill expressly provided that the Finance Board could not increase any appropriations.

Unexpended balances in the examining boards' funds would revert to the general fund.<sup>228</sup> This provision carried out a recommendation of the Little Hoover Commission.

The section requiring an assessment of a flat 6 per cent for administrative costs for all Bureau of Revenue tax collecting agencies remained unchanged, except in the case of the gasoline

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<sup>227</sup> A news article in the Albuquerque Journal, March 16, 1953.

<sup>228</sup> A news article in The New Mexican (Santa Fe), March 17, 1953.

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tax, the figure for which was 5 per cent.<sup>229</sup>

The annual appropriation for educational institutions administered by the Board of Educational Finance was \$5,734,468.00.<sup>230</sup> The University of New Mexico was allotted \$2,088,769.00 of this sum;<sup>231</sup> Highlands University received \$508,370.00.<sup>232</sup> Expansion programs of all institutions were reported as being "hard hit" by economy budgets, which were 17 per cent below "justified needs."<sup>233</sup> All of the schools received at least as much as they did from the 1951 Legislature, and most received slightly more, but John Russell, Director of the State Educational Finance Board, said that climbing enrollments and increased living costs had hiked operational expenses at least 10 per cent.<sup>234</sup>

The State Hospital at Las Vegas received \$1,300,000.00 in the final version of the bill, but lost an additional contingent fund of \$100,000.00.<sup>235</sup>

The Economic Development Commission was cut off without any appropriation; and the State Finance Board suggested that

<sup>229</sup>

Ibid.

<sup>230</sup> A news article in The Albuquerque Tribune, March 16, 1953.

<sup>231</sup> A news article in The New Mexican (Santa Fe), March 17, 1953.

<sup>232</sup>

Ibid.

<sup>233</sup> A news article in The Albuquerque Tribune, March 16, 1953.

<sup>234</sup>

Ibid.

<sup>235</sup> A news article in The New Mexican (Santa Fe), March 17, 1953.

that, but it is for which we are not responsible.

The annual report of the Board of Directors is as follows:

administered by the Board of Directors, the amount of \$1,000,000.

The amount of the fund was \$1,000,000, of which

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this agency try to finish its work by the end of March. The press announced: "The orphaned Economic Development Commission, which has had a bumpy four-year career, today was given only a few weeks to live."<sup>236</sup>

When the general appropriations bill was sent to Governor Mechem, the Chief Executive trimmed \$2,400.00 from his office salary fund for each of the next two fiscal years and cut \$1,100.00 annually from his own budget.<sup>237</sup> He reduced the salary fund for the Secretary of State by \$1,500.00 per year,<sup>238</sup> and trimmed the election expense for the forty-third fiscal year by \$10,000.00.<sup>239</sup>

After Mechem's action, State Auditor Robert Castner asked for the Attorney General's interpretation of the constitutional provision which states that "The Governor may...approve or disapprove any part or parts, item or items, of any bill appropriating money..."<sup>240</sup> Caster stated, "There does not appear to be a ruling either by the Attorney General or any court in New Mexico on this subject."<sup>241</sup> At the same time, he quoted from various

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<sup>236</sup>  
A news article in the Albuquerque Journal, March 19, 1953.

<sup>237</sup>  
A news article in the Albuquerque Journal, March 31, 1953.

<sup>238</sup>  
Ibid.

<sup>239</sup>  
Ibid.

<sup>240</sup>  
The Constitution of the State of New Mexico, op. cit., Article IV, Section 22.

<sup>241</sup>  
A news article in the Albuquerque Journal, March 31, 1953.



1937. The

first anniversary of the death of the late President

which was held at the White House on May 1, 1937.

few weeks to live.

When the late President died, he was very weak and

aching, the doctor estimated that he would live for

several days at the most.

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salary fund for the Secretary of State, \$1,400,000 per year.

and estimate the election expense for the year 1937 at \$1,000,000.

by \$10,000,000.

After the election, the President's salary was \$100,000 per year.

For the second year, the President's salary was \$100,000 per year.

provision was made for the President's salary for the year 1937.

prove any part of the salary, even for the year 1937.

money. 238

During the year 1937, the President's salary was \$100,000 per year.

on this subject. 239

At the same time, the President's salary was \$100,000 per year.

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A new article in the Washington Post, dated May 1, 1937.

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A new article in the Washington Post, dated May 1, 1937.

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A new article in the Washington Post, dated May 1, 1937.

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A new article in the Washington Post, dated May 1, 1937.

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A new article in the Washington Post, dated May 1, 1937.

1937.

cases in other parts of the country in which courts have held that the governor does not hold such powers.<sup>242</sup>

A spokesman for the Chief Executive reported that the Attorney General's office was checked before the reductions were made by Mechem. "They told us that governors have done it for the last twenty years," the spokesman stated.<sup>243</sup>

The Act of 1953 Authorizing the Issuance and Sale of State Building and State Institution Bonds--Series 1955, in the Sum of Four and One-Half Million Dollars. Senate Bill No. 278 authorizing the issuance of \$4,500,000.00 in bonds to provide funds for acquiring, erecting, improving, remodeling, and equipping buildings of state agencies, departments, and institutions, was backed by Governor Mechem and introduced in the Senate by Calvin Horn, Albuquerque Democrat.

The measure instructed the State Treasurer to prepare negotiable serial bonds of the State of New Mexico, to be known as "State Building and State Institution Bonds--Series 1955" in denominations as the Governor should determine.<sup>244</sup> The bonds would be dated January 1st or July 1st of the year in which they were to be issued and would bear interest at a rate not to exceed

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<sup>242</sup>

A news article in the Albuquerque Journal, March 31, 1953.

<sup>243</sup>

Ibid.

<sup>244</sup>

Senate Bill No. 278, The Twenty-First Legislature, (Santa Fe: 1953), Section 1, p. 1.





4 per cent per annum.<sup>245</sup> Payment on the principal would begin not more than three years after the date of their issue; and they would mature in substantially equal annual installments in such a manner that all of the bonds would mature not later than twenty years after the date of their issue.<sup>246</sup>

Proceeds from the sale of the bonds would be spent as determined by the State Board of Finance, but it was specified that no funds would be spent until surveys were made of agency, departmental, and institutional needs by a special commission or survey board created by the legislature or appointed by the Governor.<sup>247</sup>

The bonds would be sold by the State Board of Finance at such times and in such manner and amounts as the Board should elect for cash at not less than par and accrued interest to date of sale.<sup>248</sup> Notices of sales would be published in a newspaper of general circulation in the state and in a recognized financial journal outside of the state.<sup>249</sup>

The expenses incurred by the State Board of Finance in

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<sup>245</sup> Senate Bill No. 278, op. cit., Section 2, p. 2

<sup>246</sup> Ibid.

<sup>247</sup> Ibid., Section 3, pp. 2-3.

<sup>248</sup> Ibid., Section 5, p. 3

<sup>249</sup> Ibid.

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preparation and sale of the bonds would be paid out of the proceeds from the sale of said bonds.<sup>250</sup>

Section 8 specified the method to be used to finance the bonds:

To provide for the payment of the interest and principal of the bonds issued and sold pursuant to the provisions of this Act there shall be and there is hereby imposed and levied during each year in which any of said bonds shall be outstanding an ad valorem tax on all property in the State of New Mexico subject to taxation for State purposes sufficient to produce an amount equal to one year's interest on all bonds then outstanding, together with an amount sufficient to pay the principal of all bonds as they mature.<sup>251</sup>

The measure was passed unanimously by both houses of the legislature<sup>252</sup> with a technical amendment, but no basic change, and was signed by the Governor on March 20, 1953.<sup>253</sup>

As provided by Section 11 of the bill, the act shall be submitted to the qualified electors of the State at the general election to be held in November, 1954.<sup>254</sup> The act will be published in full in at least one newspaper in each county of

<sup>250</sup> Ibid., Section 7, p. 5

<sup>251</sup> Ibid., Section 8, p. 5

<sup>252</sup> The vote of the Senate is based upon: The Journal of the Senate, op. cit., Proceedings of the Fifty-Eighth Legislative Day. The vote of the House is based upon: The Journal of the House of Representatives, op. cit., Proceedings of the Sixtieth Legislative Day.

<sup>253</sup> A news article in the Albuquerque Journal, March 21, 1953.


<sup>254</sup> Senate Bill No. 278, op. cit., Section 11, p. 6.






the state once a week for four successive weeks preceding the election.<sup>255</sup>

All ballots in the 1954 general election will contain an explanation of the act and will have the following printed on them:<sup>256</sup>

For the Act of 1953 authorizing the issuance and sale of State Building and State Institution Bonds--Series 1955. 

Against the Act of 1953 authorizing the issuance and sale of State Building and State Institution Bonds--Series 1955. 

The voters will be instructed to mark the appropriate square to indicate whether they approve or disapprove of the act.

If it receives a majority of the votes cast in the 1954 election, the measure will take effect upon certification of the State Canvassing Board announcing the election results.<sup>257</sup>

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<sup>255</sup> Senate Bill No. 278, op. cit., Section 11, p. 7

<sup>256</sup> This sample is taken from: Senate Bill No. 278, op. cit., Section 11, p. 6

<sup>257</sup> Senate Bill No. 278, op. cit., Section 11, p. 6

The state shall have a right to sue for the recovery of the

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of the state.

It is the policy of the state to provide for the

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Measures Authorizing the Issuance of Institutional Bonds  
Totaling \$5,400,000.00 to Finance Improvements at and Expansion  
of Four State Institutions. On February 20, 1953, Senate Bills  
 No. 178, 179, 180, and 181 were introduced to authorize the  
 issuance of institutional bonds totaling \$5,400,000.00 to finance  
 improvements and expand facilities at the State Prison, the State  
 Hospital at Las Vegas, the Industrial School at Springer, and  
 the Los Lunas Mental Hospital.

Under provisions of Senate Bill No. 178 the State Prison  
 Board would be authorized to issue bonds totaling up to  
 \$3,000,000.00 for new prison facilities.<sup>258</sup>

Senate Bill No. 179 provided that bonds up to \$2,000,000.00  
 could be issued for improvements at the State Mental Hospital at  
 Las Vegas.<sup>259</sup>

Senate Bill No. 180 specified that bonds totaling  
 \$250,000.00 would be issued for the Industrial School at Springer.<sup>260</sup>

Senate Bill No. 181 authorized the issuance of bonds in  
 an amount not to exceed \$150,000.00 for the Los Lunas Mental  
 Hospital.<sup>261</sup>

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<sup>258</sup>

Senate Bill No. 178, The Twenty-First Legislature,  
 (Santa Fe: 1953), Section 1, p. 1.

<sup>259</sup>

Senate Bill No. 179, The Twenty-First Legislature,  
 (Santa Fe: 1953), Section 1, p. 1.

<sup>260</sup>

Senate Bill No. 180, The Twenty-First Legislature,  
 (Santa Fe: 1953), Section 1, p. 1.

<sup>261</sup>

Senate Bill No. 181, The Twenty-First Legislature,  
 (Santa Fe: 1953), Section 1, p. 1.

MEMORANDUM FOR THE RECORD

Re: [illegible]  
[illegible]  
[illegible]

1. [illegible]  
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44. [illegible]  
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According to Calvin Horn, sponsor of the four measures, the proposed amounts would not completely meet the needs of the institutions but would greatly improve existing conditions.<sup>262</sup>

Senator Calvin Horn said the bond issues would be amortized out of 10 per cent or less of the revenue from the state severance tax, which at present totals about \$4,000,000.00 and goes directly into the state general fund.<sup>263</sup> Horn stated that the bonds could be retired solely by the anticipated average increase in severance tax collections, with no reduction from the source to the state general fund.<sup>264</sup> He estimated that the average annual increase in the severance tax is approximately \$400,000.00.<sup>265</sup> He emphasized that no new taxes or increases of existing taxes would be called for under the plan.

Horn stated that Governor Mechem had definitely indicated he would approve the plan if enacted as proposed by the four bills.<sup>266</sup>

The bond measures passed the Senate by a unanimous vote on March 5.<sup>267</sup> The House approved the four bills by a vote

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<sup>262</sup> A news article in The New Mexican (Santa Fe), February 20, 1953.

<sup>263</sup> Ibid.

<sup>264</sup> Ibid.

<sup>265</sup> Ibid.

<sup>266</sup> Ibid.

<sup>267</sup> The Journal of the Senate, op. cit., Proceedings of the Fifty-First Legislative Day. Also see: A news article in the Albuquerque Journal, March 6, 1953.





of 53 to 1 on March 14.<sup>268</sup> The measures were signed by the Governor on March 20.<sup>269</sup>

After the legislature adjourned, Bob Brown, columnist, wrote, "As predicted by a majority of the legislators, money matters proved to be the session's number one headache."<sup>270</sup> He stated that few of the senators and representatives had suggestions for solving the need for cash and added, "They did stick pretty closely to their resolve not to increase state taxes-- preferring to cut down appropriations to minimum figures."<sup>271</sup>

Albert Nohl, Acting Director of the New Mexico Taxpayers Association, said, "From the taxpayers' point of view, I can't see that we have been particularly hurt by this legislature."<sup>272</sup> He noted that the taxpayers' burden had not been reduced, however, and stated that there were a few plans for increasing it.<sup>273</sup> As an example, he mentioned the general obligation bond issue of \$4,500,000.00 to be voted on by the people in 1954.

The general consensus of opinion concerning the legislature's action on financial matters seemed to be that economy and

<sup>268</sup> The Journal of the House of Representatives, op. cit., Proceedings of the Sixtieth Legislative Day. Also see: A news article in the Albuquerque Journal, March 15, 1953.

<sup>269</sup> A news article in the Albuquerque Journal, March 21, 1953.

<sup>270</sup> Bob Brown, A column in the Albuquerque Journal, March 21, 1953.

<sup>271</sup> Ibid.

<sup>272</sup> A news article in The New Mexican (Santa Fe), March 15, 1953

<sup>273</sup> Ibid.





limited spending had been stressed in the general appropriations bill and in other measures relating to fiscal policies.

The Proposed Department of Finance and Administration.

In its 1952 Report the Little Hoover Commission recommended that a Department of Finance and Administration be established to provide an effective system of state financial management for New Mexico. It specified that this Department should be empowered to manage all the financial operations of the state, except those connected with revenue collection, pre-audit, and the custody of money.<sup>274</sup> The need for such action was emphasized by presenting a brief analysis of basic weaknesses of existing financial management in New Mexico. The report described conditions which would be corrected by the creation of the proposed Department. Included in the difficulties cited were: confusion between the pre-audit and post-audit functions, lack of an adequate reporting system, so that the people may know what is taking place financially, and the division of budget preparation among several authorities which are not subject to a single centralized control.<sup>275</sup> Also mentioned was the fact that there is no complete responsibility for the furnishing of adequate financial information upon which the Legislature, the Governor, and the administrative agencies may take action.

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<sup>274</sup>

Blachly and Oatman, op. cit., p. 104.

<sup>275</sup>

Ibid., p. 103.

limited, appearing as they do, in the  
will and in other respects, to the  
The Board of Directors of the  
In the 1933 report the Board of Directors  
has been a substantial increase in the  
listed to provide an adequate fund for the  
most for the future. It is a matter of  
be considered of course, and the Board of Directors  
about those connected with the Board of Directors.  
the custody of money. The Board of Directors  
sized by providing a fund for the Board of Directors  
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passed Department. Included in the Board of Directors  
conducting between the Board of Directors and the  
it is an important matter to the Board of Directors  
what is taking place in the Board of Directors  
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Governor Mechem followed the recommendations of the Little Hoover Commission concerning financial management and urged the legislature to pass a series of bills designed to effect widespread revision of state fiscal procedure in line with the Commission's suggestions.

House Bill No. 322, introduced by J. E. Welch, Republican, Richard F. Whitman, Republican, and Noble M. Irish, Democrat, proposed to establish a Department of Finance and Administration composed of the following divisions: Division of Administration and Control, Division of Local Finance, Division of the Budget, Division of Purchasing, Division of Central Services, Division of Examining and Licensing, and such other divisions as might be established by law.<sup>276</sup> The Department and each division would be under the control of a director to be appointed by the Governor. The director would be authorized to employ all administrative assistants, accountants, and other employees necessary for the functioning of the Department. Until the establishment of a classified service or personnel system for state employees, the director would establish qualifications for employment and fix the salaries of employees of the Department.<sup>277</sup>

In addition to supervising its various divisions, the Department of Finance and Administration would be authorized to

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<sup>276</sup> House Bill No. 322, The Twenty-First Legislature, (Santa Fe: 1953), Section 3, p. 3

<sup>277</sup> Ibid., Section 8, pp. 4-5.





supervise the financial operation of state agencies and the fiscal officers of the state, audit the accounts of state agencies and the accounts of local public bodies, develop financial policies and plans for consideration by the Governor as the basis for the budget to be submitted to the legislature, and make rules and regulations necessary to carry out the provisions of the act.<sup>278</sup>

The Department could examine and/or audit the financial affairs of any public body whenever the director should deem such action to be necessary.<sup>279</sup> Such action could be taken without the request or consent of the governing unit of the public body concerned.<sup>280</sup>

The Division of Administration would be authorized to establish uniform systems of accounting and reporting for all public bodies and would examine the financial affairs of all state agencies and audit their accounts annually.<sup>281</sup>

Included in the powers and duties of the Division of Local Finance was the examination of the budgets of local public bodies. This division would also require quarterly and

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<sup>278</sup>

Ibid., Section 4, pp. 3-4.

<sup>279</sup>

Ibid., Section 12, p. 8.

<sup>280</sup>

Ibid., Section 12, p. 8.

<sup>281</sup>

Ibid., Section 9, pp. 5-6.

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annual financial reports of all local public bodies.<sup>282</sup>

An appropriation for the proposed Department of Finance and Administration would be made from the general fund of the state.<sup>283</sup> The amount of the appropriation was not specified by the bill; the sum was to be filled in later.

The bill was referred to the Appropriations and Finance Committee and was passed by the House on March 9 by a vote of 47 to 7.<sup>284</sup> It was then sent to the Senate Appropriations Committee. In the closing hours of the session, the upper chamber voted to kill all bills which had not yet been placed on the calendar; and House Bill No. 322 was included in this category. The measure died in committee without ever reaching the floor.

One reason for defeat of the act was that it gave broad powers to the director of the proposed Department, who would be selected by the Governor. This concentration of power was criticized by Democratic senators.

Also included in Mechem's suggestions for revision of state fiscal procedure was the recommendation that the director of the proposed Department of Finance and Administration be given power to suspend summarily any county, municipal, or school board

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<sup>282</sup> Ibid., Section 10, p. 7

<sup>283</sup> Ibid., Section 21, pp. 13-14.

<sup>284</sup> The Journal of the House of Representatives, op. cit., Proceedings of the Fifty-Fifth Legislative Day. Also see: A news article in the Albuquerque Journal, March 10, 1953.

annual financial statement of the company.

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official, or any deputies in county or municipal schools or offices, or in any state office, institution, department or agency, in cases of embezzlement, fraudulent misappropriation, and similar situations.<sup>285</sup> This proposal formed the basis of House Bill No. 326, introduced by J. E. Welch, Richard F. Whitman, and Noble Irish. The measure included the provision that any person suspended from office could request a hearing to show cause why such suspension should not be continued.<sup>286</sup> The hearing would be held before the director of the Department of Finance and Administration. If the suspension should be continued after this hearing, the suspended person would have the right, upon petition, to a summary order from the District Court of the county where he was serving as an official directed to the director of the Department of Finance and Administration requiring him to show cause why such official should not be reinstated.<sup>287</sup> If the director should fail to show reasonable cause for the suspension of the official, the Court would direct that the official be reinstated.<sup>288</sup>

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285

A news article in The Albuquerque Tribune, February 23, 1953.

286

House Bill No. 326, The Twenty-First Legislature, (Santa Fe: 1953), Section 3, pp. 2-3.

287

Ibid., Section 5, p. 3

288

Ibid., Section 5, p. 3.





This measure was referred to the House Appropriations and Finance Committee, receiving a "do pass" recommendation. It was passed by the House by a vote of 32 to 20;<sup>289</sup> but it was never reported out of the State and County Affairs Committee in the Senate. It was automatically killed on March 14 when the upper chamber voted the death of all bills still remaining in its committees.

The third measure relating to state financial operation was House Bill No. 327, which proposed to transfer the powers of the Surplus Property Agent to the State Purchasing Agent. The Division of Purchasing, under the Department of Finance and Administration, would have custody and control of all records and files of the Office of the Surplus Property Agent, which would be eliminated.<sup>290</sup> This measure was killed by the House Appropriations Committee.<sup>291</sup>

When House Bill No. 322 died in the Senate committee, plans for revision of the state fiscal procedure were thwarted, since the provisions of the two minor bills depended upon the establishment of a Department of Finance and Administration proposed in the first measure. Basic weaknesses of financial

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The Legislative Bill Locator, Office of the Legislative Council, (Santa Fe: 1953).

290

House Bill No. 327, The Twenty-First Legislature, (Santa Fe: 1953), Sections 1-6, pp. 1-2.

291

The Legislative Bill Locator, op. cit.

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management which had been pointed out by the Little Hoover Commission remained uncorrected. Such developments prompted "El Chivo" to write in The New Mexican, "The State spent \$25,000.00 on the Little Hoover Commission and has little, if anything, to show for it."<sup>292</sup> An editorial in the Albuquerque Journal had the following comment:

The State Taxpayers' Association, which lent its support to the Little Hoover Commission, and aided the Commission in publicizing the recommendations for reorganization of the state government, is among those who were disappointed in the failure of the Legislature to pay much heed to the report on which the state expended \$25,000.00.<sup>293</sup>

#### Other Administrative Proposals<sup>294</sup>

Revision of the State Police Board. On the opening day of the legislature, Mechem urged the solons to pass a bill which would result in more substantial tenure for members of the New Mexico State Police Department.<sup>295</sup> He also stressed

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<sup>292</sup> "El Chivo", A column in The New Mexican (Santa Fe), March 27, 1953.

<sup>293</sup> An editorial in the Albuquerque Journal, March 31, 1953.

<sup>294</sup> Since a detailed study of all administrative proposals is beyond the scope of this study, the remaining measures in the Governor's program will be discussed only briefly.

<sup>295</sup> A news article in the Albuquerque Journal, January 14, 1953.

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that the operation of the State Police Commission should be as far removed as possible from the threat of political interference and that membership on the Commission should be restricted.<sup>296</sup>

House Bill No. 103 was introduced by E. W. Mitchell, Alvin Stockton, Joseph Warner, Jr., Floyd Darrow, Hugh Horne, F. H. Thompson, and Virgil O. McCollum to carry out the Chief Executive's recommendations. The measure provided for a non-partisan three-member State Police Board appointed for six-year terms by the Governor with Senate consent.<sup>297</sup> As requested by Mechem, the Governor was removed from the Board. The act further provided for disciplinary proceedings against a member of the State Police, regulated the appointment, qualification and removal of the Chief and his aides, and provided for the promulgation of the said Board of Rules establishing standards of conduct for officers of the State Police.<sup>298</sup> All new state policemen would be on probation for two years; and after that time, they could be suspended or otherwise penalized only on written charges with a hearing by the Board. The Chief of the State Police Board could be removed at the discretion of the

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<sup>296</sup>

Ibid.

<sup>297</sup>

House Bill No. 103, The Twenty-First Legislature, (Santa Fe: 1953), Section 1, p. 2

<sup>298</sup>

This information is contained in the Title of House Bill No. 103, op. cit., p. 1.





Board, but he could not be removed or suspended except according to the procedure for such action set forth in the act.

The bill passed the House by a vote of 54 to 0,<sup>299</sup> and also received the unanimous approval of the Senate.<sup>300</sup> The act was signed by the Governor on March 19 and will be added to the laws of New Mexico.

The State Buildings and Park Commission. Senate Bill No. 229 was introduced by John P. Cusack, Calvin Horn, T. E. Lusk, and H. Vearle Payne to provide for the establishment of a five-member Commission which would take over the duties of the State Park Commission, the Capitol Custodian Commission, and the Capitol Buildings Improvement Commission. The bill had Governor Mechem's support, since he had recommended the creation of such an agency to take charge of all state grounds and buildings. It was also backed by Fred Moxey, Chief Tax Commissioner, who stressed the fact that none of the three existing boards had enough jurisdiction to manage state property properly.<sup>301</sup>

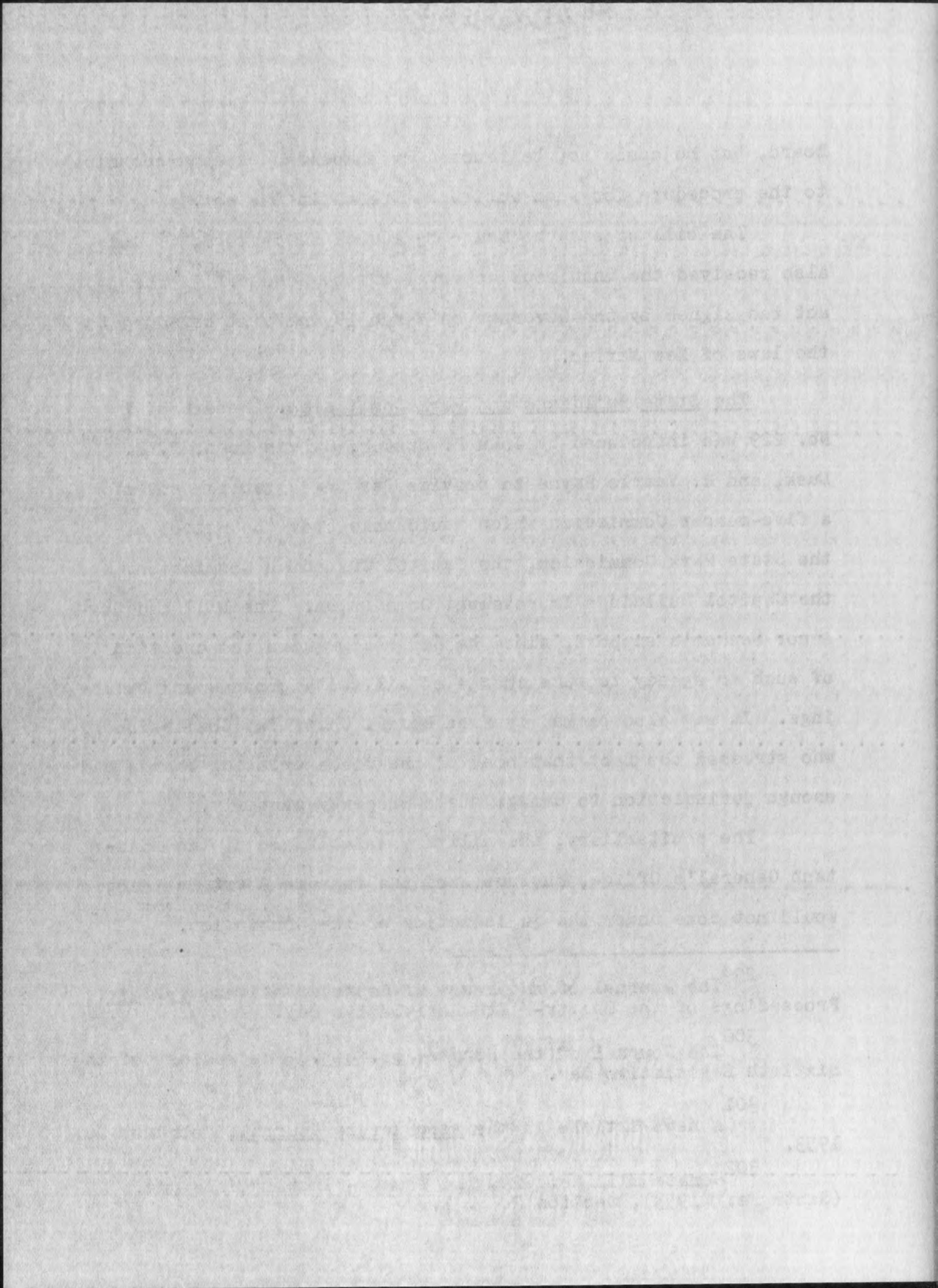
The penitentiary, the military establishment, the Adjutant General's Office, museums, and the Supreme Court Building would not come under the jurisdiction of the Commission.<sup>302</sup>

<sup>299</sup>The Journal of the House of Representatives, op. cit., Proceedings of the Thirty-Fifth Legislative Day.

<sup>300</sup>The Journal of the Senate, op. cit., Proceedings of the Sixtieth Legislative Day.

<sup>301</sup>A news article in the Albuquerque Journal, February 26, 1953.

<sup>302</sup>Senate Bill No. 229, The Twenty-First Legislature, (Santa Fe: 1953), Section 2, p. 2.





As originally introduced, the bill provided that the Commission would consist of the Governor and four other members to be appointed by him.<sup>303</sup> Not more than three members could belong to the same political party.

Democrats agreed with the fundamental idea of the bill, but felt that as presented, it was a Republican move to take over janitorial employment in the State Capitol.<sup>304</sup> Under existing conditions, this employment was divided under an uneasy truce between Democrats and Republicans.<sup>305</sup>

The bill was amended in the Senate to provide that three members, the Governor, the Secretary of State, and the State Auditor would be on the Commission. Under the present officials this action would place the agency's control in Democratic hands. It was argued that there was no need for additional members, since the extra cost would not be offset by increased efficiency. As amended, the measure passed the Senate and was sent to the House.

At 2:30 a.m. on the final day of the session, the measure was returned to the upper chamber with the provision that the Commission would be controlled by the Governor, the Superintendent of Public Instruction, the Land Commissioner, and two members to

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Ibid., Section 14, p. 8.

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A news article in the Albuquerque Journal, March 7, 1953.

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Ibid.

...the Commission ...  
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1911, Section 1, c. 3.

be appointed by the Governor. The measure had passed the House by a vote of 28 to 23, following partisan lines closely.<sup>306</sup>

Senator Brock was in favor of concurring with the House version when it was first returned from that chamber; and the Senate concurred by a majority of one vote. This action angered Murray Morgan, Majority Floor Leader, who pointed out the advantages which the bill gave to the Republican Party; and the Democratic Caucus voted to reconsider the measure at 3:15 a.m. Many senators who had been in favor of concurring with the House version changed their minds, deciding that if the measure did not involve partisan motives on the part of Republican legislators the provision for two additional members appointed by the Governor would not have been included.

The Senate then amended the bill, eliminating the provision for two additional members, and sent the measure back to the House. This chamber failed to concur with the new Senate amendment; and since the session was drawing to a close, the bill was killed on the House floor, instead of being further revised.<sup>307</sup>

An analysis of action taken on the matter shows that the bill was defeated on partisan lines because of a struggle for party control over the proposed Commission. Neither Republicans or Democrats were willing to allow the opposite party to have an advantage in composition of the agency's membership.

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<sup>306</sup> The Journal of the House of Representatives, op. cit., Proceedings of the Sixtieth Legislative Day.

<sup>307</sup> The Legislative Bill Locator in the Office of the Legislative Council shows the measure was killed on the House floor.





Provision for Two Members of the Legislature on The Board of Finance. In his message to the legislature, Mechem emphasized that senators and representatives should be more familiar with financial operations of the state and recommended that two members of the legislature be placed on the Board of Finance, which considers the budget and other fiscal matters between sessions.<sup>308</sup>

House Bill No. 294 was introduced to carry out the Governor's proposal and was sponsored by Noble Irish, Ray Hughes, Thomas G. Morris, William Grijalva, Jr., Howard McDaniel, W. J. Redak, and J. E. Welch. The measure provided that the State Board of Finance would consist of seven members, including the Governor, State Auditor, three members appointed by the Governor with Senate consent, and two legislators.<sup>309</sup> The latter two members would be appointed as follows:

The Speaker of the House of Representatives and the President of the Senate of the State of New Mexico shall each nominate three (3) members from their respective bodies, whose nominations will be submitted to the Governor, who in turn will appoint one of the three from each body to serve as a member of the State Board of Finance.<sup>310</sup>

The legislators would serve two-year terms on the Board, as would the three members appointed by the Governor. The terms

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A news article in the Albuquerque Journal, January 14, 1953.

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House Bill No. 294, The Twenty-First Legislature, (Santa Fe: 1953), Section 1, pp. 1-2.

310

Ibid., Section 1, p. 2.





of remaining members would be coextensive with their terms of office.

House Bill No. 294 passed both the House<sup>311</sup> and Senate<sup>312</sup> by unanimous vote. The Governor signed the measure on March 20, thus paving the way for his recommendations to become law.

Revision of the Oil Conservation Commission and Related Measures. One of Governor Mechem's administrative planks concerned reorganization of the State Oil Conservation Commission. He proposed to remove the Governor, the State Land Commissioner, and the State Geologist as members of the Commission and replace them by a three-member appointive board.

On February 19, 1953, three bills went to the House with a message from the Chief Executive to reorganize the Oil Conservation Commission and restate certain provisions of the oil and gas law. Mechem said the bills were designed to protect the interests of both the state and the industry.<sup>313</sup>

House Bill No. 313, introduced by Alvin Stockton, F. H. Thompson, Merril B. Johns, Jr., and Charles F. Waller provided that an Oil Conservation Commission of three members would be

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The Journal of the House of Representatives, op. cit., Proceedings of the Forty-Ninth Legislative Day. Also see: a news article in the Albuquerque Journal, March 4, 1953.

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The Journal of the Senate, op. cit., Proceedings of the Sixtieth Legislative Day. Also see: a news article in the Albuquerque Journal, March 16, 1953.

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A news article in the Albuquerque Journal, February 24, 1953.

by examining the records of the  
Office.

It is requested that you  
be present at the meeting.

Very respectfully,  
Your obedient servant,

Wm. L. Garrison

Second Secretary

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appointed by the Governor for a term of six years.<sup>314</sup> The Commission would elect its own chairman and appoint a Director of Conservation, who would be a qualified Petroleum Engineer.<sup>315</sup> The Commission could also appoint any other assistants and employees necessary to carry out its duties.

The bill passed the House by unanimous vote on March 8.<sup>316</sup> When the measure reached the Senate, it was referred to the Committee on Conservation and Natural Resources, which gave it an unfavorable report. The bill was then pushed onto the floor "without recommendation." On March 13, Senator F. J. Danglade, Lea County Democrat, Senate sponsor of the measure, moved to table House Bill No. 313. He said that he was in favor of the changes proposed by the act, but had become convinced that it didn't have a chance in the Senate.

Democratic opposition to the bill was based on the opinion that it would give the Governor too much control over the commission through appointment of members. Opposition outside the legislature had come from State Land Commissioner E. W. Walker, who objected to the provision which would eliminate him as a member

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<sup>314</sup>

House Bill No. 313, Section 3, Part A, p. 2.

<sup>315</sup>

Ibid., Section 3, Part C, p. 3.

<sup>316</sup>

The Journal of the House of Representatives, op. cit., Proceedings of the Fifty-Fourth Legislative Day. Also see: a news article in the Albuquerque Journal, March 9, 1953.



appointed by the Governor for a term of six years. The Commission would effect a 10 per cent increase in the salaries of the members, who would be a paid position. The Commission would also appoint any other assistants and employees necessary to carry out its duties.

The bill passed the House by unanimous vote on March 1. When the measure reached the Senate, it was referred to the Committee on Government and Natural Resources. While there it was an unfavorable report. The bill was then passed over the floor without recommendation. On March 1, Senator E. J. Langford, Lee County Democrat, made motion of the measure, moved to table House Bill No. 215. He said that he was in favor of the changes proposed by the bill, but had become convinced that it didn't have a chance in the Senate.

Democratic opposition to the bill was based on the opinion that it would give the Governor too much control over the courts. Also enough appointment of judges. Opposition came from the fact that he had come from State Land Commissioner E. J. Walker, who objected to the provision which would eliminate him as a State

House Bill No. 215, Section 1, Part 1, 2, 3.  
Bill, Section 1, Part 1, 2, 3.  
The Journal of the House in Session, March 1, 1935.  
Proceedings of the 1935-36 Session, March 1, 1935.  
a new article in the Constitution, March 1, 1935.

of the State Oil Conservation Commission.<sup>317</sup> John M. Kelly, Roswell oil operator and former State Geologist, also expressed disapproval of the entire revision plan, urging the establishment of a fulltime commission with members elected, rather than appointed.<sup>318</sup>

Two companion measures of House Bill No. 313 were backed by the Governor in a special message to the House of Representatives.<sup>319</sup>

House Bill No. 314 would require the Land Commissioner to employ a geologist or petroleum engineer and a staff of specialists to protect the state's interests in the proceeds of oil and gas production.<sup>320</sup>

This measure passed the House by unanimous vote<sup>321</sup> and received a favorable vote of 21 to 8 in the Senate.<sup>322</sup> It was signed by the Governor on March 19.

The third act, House Bill No. 315, would permit the Oil Conservation Commission to establish pre-ration units for each

<sup>317</sup> A news article in the Albuquerque Journal, March 12, 1953.

<sup>318</sup> Ibid.

<sup>319</sup> A news article in The Albuquerque Tribune, February 19, 1953.

<sup>320</sup> House Bill No. 314, The Twenty-First Legislature, (Santa Fe: 1953), Section 1, p. 2.

<sup>321</sup> The Journal of the House of Representatives, op. cit., Proceedings of the Fifty-Fourth Legislative Day.

<sup>322</sup> The Journal of the Senate, op. cit., Proceedings of the Fifty-Ninth Legislative Day.





oil or gas pool, governing the number of wells to be drilled. <sup>323</sup>  
 The Commission could thus prevent the drilling of too many wells, in accordance with economy measures and conservation of natural resources.

This proposal drew criticism from spokesmen of major oil companies. Clarence Hinkle, Roswell attorney speaking for operators opposing the bill, said it would create "an unfavorable atmosphere" for oil companies because it would give the Commission power to force them to drill wells they might consider uneconomical. <sup>324</sup>

The measure passed the House by a vote of 52 to 2. <sup>325</sup>  
 It received a favorable vote of 18 to 13 in the Senate after an amendment had been added which partly eliminated phrasing which drew objections from the oil industry. <sup>326</sup> The Governor signed the bill on March 19.

Two of Mechem's proposals relating to the oil industry became law, but his plan to reorganize the Oil Conservation Commission failed because of Democratic opposition in the Senate.

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<sup>323</sup>

House Bill No. 315, The Twenty-First Legislature, (Santa Fe: 1953).

<sup>324</sup>

A news article in the Albuquerque Journal, February 28, 1953.

<sup>325</sup>

The Journal of the House of Representatives, op. cit. Proceedings of the Fifty-Fourth Legislative Day. Also see: A news article in The Albuquerque Tribune, March 9, 1953.

<sup>326</sup>

The Journal of the Senate, op. cit., Proceedings of the Fifty-Ninth Legislative Day. Also see: A news article in the Albuquerque Journal, March 14, 1953.



Clarification of Regulations Pertaining to the Duties and Authority of Members of the State Canvassing Board. Governor Mechem listed as one of his administrative objectives the clarification of regulations pertaining to duties and authority of members of the State Canvassing Board. He stated:

Vague and overlapping instructions, as contained in our present statutes, seriously hamper the accurate, speedy, and efficient canvass of our election returns. The Board has duties---with no power---one or the other should be changed. 327

House Bill No. 277 was introduced by Representatives Richard Whitman, Hugh Horne, Rueben Pankey, and Paul Robinson to carry out the Chief Executive's recommendations.<sup>328</sup> The bill was entitled:

An Act Relating to the Canvass of Election Returns, Defining the Duties of the State Canvassing Board, and Amending Section 56-101, Sections 56-349 and 56-358, and Sections 56-359, 56-360, 56-361, and 56-362, New Mexico Statutes 1941 Compilation. 329

Mechem said the measure would take away many of the duties of the Board where it has no powers and would put much of the responsibility on the county canvassing boards and the district courts.<sup>330</sup>

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A news article in the Albuquerque Journal, January 14, 1953.

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For explicit provisions of the measure, the reader is referred to House Bill No. 277, The Twenty First Legislature, (Santa Fe: 1953), Sections 1-7.

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House Bill No. 277, op. cit., Title of the Act, p. 1

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A news article in the Albuquerque Journal, January 26, 1953.



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The bill passed the House by unanimous vote on March 5 <sup>331</sup> and received the unanimous approval of the Senate on March 14. <sup>332</sup> It was signed by the Governor on March 20.

Establishment of a State Liquor Control Board. In his gubernatorial campaign, Mechem outlined to a rally in Clovis, New Mexico, the type of State Liquor Control Board he favored establishing. He advocated a non-partisan Board of approximately five members to be appointed by the Governor for staggered terms, and to have tenure, replaceable only for cause. <sup>333</sup>

Two attempts were made in the legislature to create a State Liquor Control Board.

On February 12, 1953, Representative Floyd F. Darrow introduced by request House Bill No. 252, which would establish a New Mexico Liquor Control Board of five appointed members and define its powers and duties. <sup>334</sup> Not more than three members of the Board could belong to the same political party; and not more than one member could have any interest, either directly or indirectly, in any business connected with the sale or manufacture

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<sup>331</sup> The Journal of the House of Representatives, op. cit., Proceedings of the Fifty-Second Legislative Day. Also see: A news article in the Albuquerque Journal, March 7, 1953.

<sup>332</sup> The Journal of the Senate, op. cit., Proceedings of the Fifty-Ninth Legislative Day. Also see: A news article in the Albuquerque Journal, March 16, 1953.

<sup>333</sup> A news article in the Albuquerque Journal, October 29, 1952.

<sup>334</sup> House Bill No. 252, The Twenty-First Legislature, (Santa Fe: 1953), Section 1, p. 1.

The bill passed the House by unanimous vote on March 9, 1931 and received the unanimous approval of the Senate on March 14, 1931. It was signed by the Governor on March 20.

### Establishment of a State Liquor Control Board. In his

hypernational campaign, Keenan outlined to a rally in Chicago, New Mexico, the type of State Liquor Control Board he favored establishing. He advocated a non-partisan Board of approximately five members to be appointed by the Governor for staggered terms, and to have tenure, replaceable only for cause. 333

Two attempts were made in the legislature to create a

State Liquor Control Board.

On February 12, 1933, Representative Lloyd F. Brown intro-

duced by request House Bill No. 252, which would establish a few

Mexican liquor control boards of five appointed members and define

its powers and duties. 334 Not more than three members of the

Board could belong to the same political party, and not more

than one member could have any interest, either directly or

indirectly, in any business connected with the sale or manufacture

331 The Journal of the House of Representatives, pp. 211-212. Proceedings of the Fifty-second Legislative Day. Also sent A news article in the Albuquerque Journal, March 7, 1933.

332

The Journal of the Senate, pp. 211-212. Proceedings of the Fifty-second Legislative Day. Also sent A news article in the Albuquerque Journal, March 16, 1933.

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A news article in the Albuquerque Journal, October 29,

1932.

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House Bill No. 252, The Twenty-third Legislature, (Senate for 1933), Section 1, p. 1.



of intoxicating liquors.<sup>335</sup> The first members appointed to the Board would serve staggered terms, but thereafter, each member would be appointed for a term of four years.<sup>336</sup> The bill did not contain a provision relating to removal of members for cause only.

The Board would be authorized to administer the provisions of the law relating to the control and regulation of alcoholic liquors, including the issuance and revocation of licenses.<sup>337</sup> The Chief of the Division of Liquor Control would not be relieved of any of his powers and duties as provided by law; but no action of the Chief would be considered final until such action was expressly approved by the New Mexico Liquor Control Board.<sup>338</sup>

The measure passed the House by a vote of 52 to 2;<sup>339</sup> but it was killed in the Senate State and County Affairs Committee as the session drew to a close.<sup>340</sup>

House Bill No. 320, introduced on February 20, by Ralph Gallegos, also proposed to establish a Liquor Control Board and

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<sup>335</sup> Ibid., Section 1, pp. 1-2.

<sup>336</sup> Ibid., Section 1, p. 2

<sup>337</sup> Ibid., Section 3, pp. 2-3.

<sup>338</sup> Ibid., Section 3, pp. 2-3.

<sup>339</sup> The Journal of the House of Representatives, op. cit., Proceedings of the Fifty-Ninth Legislative Day. Also see: A news article in the Albuquerque Journal, March 14, 1953.

<sup>340</sup> The Journal of the Senate, Proceedings of the Sixtieth Legislative Day. Also see: A news article in the Albuquerque Journal, March 15, 1953.

of investigating liquor. The first members appointed to the

Board would serve staggered terms, but first year, each member

would be appointed for a term of four years. The bill is

not certain a provision relating to removal of members from

office only.

The Board would be authorized to administer the provisions

of the law relating to the control and regulation of alcoholic

liquors, including the issuance and revocation of licenses.

The Chief of the Division of Liquor Control would not be relieved

of any of his powers and duties as provided by law; but no action

of the Chief would be considered final until such action was

expressly approved by the New Mexico Liquor Control Board.

The Senate passed the House by a vote of 25 to 2.

but it was killed in the Senate State and County Affairs Committee

as the session drew to a close.

House Bill No. 120, introduced on February 10, by

Gallegos, also proposed to establish a Liquor Control Board and

125 Ibid., section 1, pp. 1-2.

126 Ibid., section 1, p. 2.

127 Ibid., section 2, pp. 2-3.

128 Ibid., section 3, pp. 3-4.

129 The Journal of the House of Representatives, 1933, Proceedings of the Fifty-Ninth Legislative Day, also says a news article in the Albuquerque Journal, March 1, 1933.

130 The Journal of the Senate, Proceedings of the Sixty-Sixth Legislative Day, also says a news article in the Albuquerque Journal, March 1, 1933.

stipulated that the governor would appoint three members for terms of four years.<sup>341</sup> One of the appointees would be a retail liquor dealer in the state; one would be a wholesale liquor dealer in the state; and the third appointee would have no financial interest in the sale of alcoholic liquors.<sup>342</sup> These three members, together with the Attorney General and the Chief of the New Mexico State Police, would constitute the Liquor Control Board.<sup>343</sup> The Chief of the Liquor Control Division would be under the direct supervision and control of the Board.<sup>344</sup>

This bill was killed by the House Public Affairs Committee on March 6.<sup>345</sup>

Revision of Property Tax Laws. Mechem's administrative program called for "new property tax laws," but the Chief Executive did not give details to the Republican Caucus, stating that the measures were being drawn up by the Tax Commission.<sup>346</sup>

Although he did not publicly announce support for any specific bill dealing with property taxes, the Governor later

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<sup>341</sup> House Bill No. 320, The Twenty-First Legislature, (Santa Fe: 1953), Section 1, Part A, p. 2.

<sup>342</sup> Ibid.

<sup>343</sup> Ibid.

<sup>344</sup> Ibid., Section 1, Part 2, p. 2

<sup>345</sup> The Journal of the House of Representatives, op. cit., Proceedings of the Fifty-Second Legislative Day. Also see: A news article in the Albuquerque Journal, March 7, 1953.

<sup>346</sup> A news article in the Albuquerque Journal, January 26, 1953.





approved certain legislation by placing his signature on it. Property tax measures which passed both Houses and were signed by the Governor include the following:

House Bill No. 264 - An act which sets up a unit tax system for maintaining a permanent tax index of real property.

House Bill No. 336 - An act removing the Dee Donnell reassessment as the basis for real property tax assessment.

House Bill No. 261 - An act providing for the classification of counties after 1955 by the State Tax Commission.

Senate Bill No. 146 - An act prohibiting the sale of tax delinquent property by the County Treasurer, and providing for the administration of such property by the State Tax Commission.

Senate Resolution No. 3 - A resolution setting up an interim committee to study community property law revision. <sup>347</sup>

At the present time, property is assessed quadrennially in New Mexico, but it has often been argued that assessments should be made annually. House Bill No. 263, which would have repealed a group of statutes relating to quadrennial property <sup>348</sup> assessment, was killed by the Senate Taxation Committee; and the existing system continued to be criticized by legislators and public officials. In May of 1953, Fred Moxey, State Tax Commissioner, addressed a Business Relations Conference at the University of New Mexico and stressed that valuations should be

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<sup>347</sup>

Information concerning final action on these five measures was obtained from the following source: The Legislative Bill Locator, Office of the Legislative Council, (Santa Fe: 1953).

<sup>348</sup>

The Legislative Bill Locator, Office of the Legislative Council, (Santa Fe: 1953).

approved certain legislation by giving his signature on 12. Property tax measures which passed both Houses and were signed by the Governor include the following:

House Bill No. 284 - An act which sets up a unit tax system for maintaining a permanent tax index of real property.

House Bill No. 336 - An act renewing the two biennial assessments as the basis for real property tax assessment.

House Bill No. 351 - An act providing for the classification of counties after 1955 by the State Tax Commission.

Senate Bill No. 146 - An act prohibiting the sale of tax delinquent property by the County Treasurer, and providing for the administration of such property by the State Tax Commission.

Senate Resolution No. 3 - A resolution setting up an interim committee to study community property law revision.

At the present time, property is assessed synthetically

in New Mexico, but it has often been argued that assessments

should be made annually. House Bill No. 263, which would have

repealed a group of statutes relating to quadrantal property

assessment, was killed by the Senate Taxation Committee; and the

existing system continued to be criticized by legislators and

public officials. In May of 1951, Fred Meyer, State Tax Commis-

sioner, addressed a Business Relations Conference at the Uni-

versity of New Mexico and stressed that valuations should be

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Information concerning final action on these five measures was obtained from the following sources: The Legislative Bill Locator, Office of the Legislative Council, (Santa Fe: 1953).

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The Legislative Bill Locator, Office of the Legislative Council, (Santa Fe: 1953).



established for one year only instead of being fixed for four years.<sup>349</sup> He also pointed out the need for further legislation to provide more accurate and uniform property evaluation and assessment throughout the state.

Revision of the State's Budget Laws. In his speech to the Republican Caucus, Mechem recommended "tightening up the state's budget laws."<sup>350</sup> He made the specific suggestion that the legislature be provided with its own budget officer, a man authorized to go into any agency for information, but with no authority to fix budgets.<sup>351</sup>

House Bill No. 111 carried out the Governor's recommendation and established a position within the Legislative Council Service to be known as "Legislative Budget Analyst."<sup>352</sup> This analyst would be authorized and directed to examine the books and accounts of each state department, agency or institution, to analyze the disbursement and use of all money appropriated by the legislature, and to report to each legislature and to the Chief Executive concerning his activities and findings.<sup>353</sup> The

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<sup>349</sup> A news article in The Albuquerque Tribune, May 4, 1953.

<sup>350</sup> A news article in the Albuquerque Journal, January 26, 1953.

<sup>351</sup> Ibid.

<sup>352</sup> House Bill No. 111, The Twenty-First Legislature, (Santa Fe: 1953), Section 1, p. 1.

<sup>353</sup> Ibid., Section 2, p. 2

established for one year only in 1952 at the time of the  
 years. He also pointed out the need for further legislation  
 to provide more accurate and uniform property evaluation and  
 assessment throughout the state.

### Revision of the State's Budget Law

The Legislative Council, however, recommended "listening to the  
 state's budget laws." He made the specific suggestion that  
 the legislature be provided with its own budget office. It was  
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House Bill No. 111 carried out the governor's recommenda-  
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 analyst would be authorized and directed to examine the books  
 and accounts of each state department, agency or institution, to  
 analyze the disbursement and use of all money appropriated by  
 the legislature, and to report to each legislative body and to the  
 Chief Executive concerning his activities and findings.

A news article in the Albuquerque Journal, May 1, 1953.  
 A news article in the Albuquerque Journal, January 20,

1953.

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House Bill No. 111, the Twenty-First Legislature,  
 (Lancaster, 1953), Section 1, p. 1.

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1953, Section 2, p. 2.

sum of \$11,000.00 would be appropriated to the Legislative Council for each of the forty-second and forty-third fiscal years for the purpose of paying the salary and office expense of the budget analyst and necessary assistants.<sup>354</sup>

The measure was passed unanimously by the House on March 10<sup>355</sup> and was referred to the Senate Appropriations Committee. It received a "do pass" recommendation from this group and was placed on the Senate calendar, where it remained during the final rush of the session without being voted upon by the entire membership.<sup>356</sup> It appeared close to passage but did not reach the floor for final action.

Other bills were introduced in the legislature to accomplish the general purpose of improving the state's budget system; but few of them reached the Governor's desk so that it could be determined whether the Chief Executive definitely approved of them as they were drafted.

House Bill No. 21 required the submission of biennial budget estimates to the Governor by November 15, instead of December 15, of each year preceding the regular session of the

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<sup>354</sup>

Ibid., Section 3, p. 2.

<sup>355</sup>

The Journal of the House of Representatives, op. cit., Proceedings of the Fifty-Sixth Legislative Day. Also see: A news article in the Albuquerque Journal, March 11, 1953.

<sup>356</sup>

The Legislative Bill Locator, Office of the Legislative Council, (Santa Fe: 1953).





legislature.<sup>357</sup> The heads of all departments, institutions, and agencies of the state government through which any of the state funds are disbursed, except the legislative and judicial departments, would submit to the Governor by the above specified date estimates of appropriations required to meet the ordinary financial needs of the agency or institution and statements in detail of all moneys for which any extraordinary appropriation would be desired.<sup>358</sup> The estimates of the financial needs of the legislature and the judicial department would be transmitted to the Governor within five days after the convening of each regular session of the legislature.

The bill passed the House<sup>359</sup> and Senate<sup>360</sup> by unanimous vote; and the Chief Executive signed it on March 3. The Measure will give the Governor more time to consider the financial needs of the departments and agencies concerned and to hold public hearings before the opening of the legislature.

House Bill No. 77 proposed to establish a State Budget Division which would have the following bureaus: General Budget Bureau, Local Education Bureau, and Higher Education Bureau.<sup>361</sup>

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<sup>357</sup>House Bill No. 21, The Twenty-First Legislature, (Santa Fe: 1953), Section 1, pp. 1-2.

<sup>358</sup>Ibid., Section 1, p. 2

<sup>359</sup>Journal of the House of Representatives, op. cit., Proceedings of the Sixteenth Legislative Day. Also see: A news article in the Albuquerque Journal, January 31, 1953.

<sup>360</sup>Journal of the Senate, op. cit., Proceedings of the Thirty-Ninth Legislative Day. Also see: A news article in the Albuquerque Journal, February 21, 1953.

<sup>361</sup>House Bill No. 77, The Twenty-First Legislature (Santa Fe: 1953), Sections 6-7, p. 4.





This agency would prepare a tentative budget and submit it to the Governor not later than November 15 and would assist the Governor in the preparation of the budget.<sup>362</sup> The Governor would be required to submit the revised budget to the legislature not later than the tenth legislative day of each regular session.<sup>363</sup>

The measure passed the House by a vote of 32 to 20 on March 9,<sup>364</sup> but it was killed in the Senate Appropriations Committee.<sup>365</sup>

Senate Bill No. 248 proposed to establish a State Purchasing Board. This measure was killed on the Senate floor.<sup>366</sup>

Revision of the State Income Tax Law. In March of 1952, the Chief Executive recommended that the state income tax be based on a percentage of the tax paid to the federal government. After Mechem's re-election, Comptroller Edward Hartman announced that the Governor's recommendations concerning the state's income tax law would be drawn up into a bill for presentation to the 1953 Legislature.<sup>367</sup> House Bill No. 222 was introduced

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<sup>362</sup> Ibid., Section 6, p. 4

<sup>363</sup> Ibid., Section 16, p. 7

<sup>364</sup> The Journal of the House of Representatives, op. cit., Proceedings of the Fifty-Fifth Legislative Day. Also see: A news article in the Albuquerque Journal, March 10, 1953.

<sup>365</sup> The Legislative Bill Locator, Office of the Legislative Council, (Santa Fe: 1953).

<sup>366</sup> Ibid.

<sup>367</sup> An editorial in the Albuquerque Journal, November 30, 1952.

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by F. H. Thompson and Thomas G. Morris and was entitled:

An Act to Amend Section 76-1220, New Mexico Statutes, 1941, Annotated, as Amended, the Same Being Section 20, Chapter 85 of the New Mexico Session Laws of 1933, as Amended, Relating to Individual Income Tax Rates--Residence and Non-Residence. <sup>368</sup>

The amendment provided that:

Resident individuals who have an adjusted gross income of \$10,000.00 or under, as shown on the Federal Return, in lieu of the personal exemptions as permitted by the Act, may elect to pay a tax equal to four per centum (4%) of the total income tax that would be payable for the same taxable year to the United States under the provisions of the Internal Revenue Code, without the benefit of the deduction of the tax payable hereunder to the state. <sup>369</sup>

The provisions of the amendment would apply to taxes for the year 1953 and all years thereafter. <sup>370</sup> Upon request of the Bureau of Revenue, any taxpayer would have to furnish the Bureau a correct copy of any tax return which he had filed with the United States Collector of Internal Revenue. <sup>371</sup>

The measure received the unanimous approval of the House on March 3, <sup>372</sup> and was passed unanimously by the Senate on March 14. <sup>373</sup> Governor Mechem signed the bill on March 20, 1953.

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<sup>368</sup> House Bill No. 222, The Twenty-First Legislature, (Santa Fe: 1953), Title of the Act, p. 1.

<sup>369</sup> House Bill No. 222, op. cit., Section 1, Part E, p. 3.

<sup>370</sup> Ibid.

<sup>371</sup> Ibid.

<sup>372</sup> The Journal of the House of Representatives, op. cit., Proceedings of the Forty-Ninth Legislative Day. Also see: A news article in the Albuquerque Journal, March 4, 1953.

<sup>373</sup> The Journal of the Senate, op. cit., Proceedings of the Fifty-Ninth Legislative Day. Also see: A news article in the Albuquerque Journal, March 14, 1953.





## CHAPTER IV

### SUMMARY AND CONCLUSIONS

It is impossible to give a complete and detailed evaluation of a legislative session without possession of all the facts. The many ramifications of issues under consideration by the 1953 State Legislature, the personal motives and opinions of each individual member and the specific influences of lobbies, pressure groups, and press reports are obscure and cannot be fully known. Because of limited information available, this analysis must be confined accordingly. However, the sources which are accessible provide insight into the proceedings of the session and bring to light factors which might otherwise be overlooked. From the available background material, certain conclusions can be drawn and a basic evaluation made concerning the proceedings and results of the Twenty-First Legislature.

Adjournment of the 1953 Legislature was announced at 8:07 a.m., Sunday, March 15, following a final session which lasted twenty-two hours and extended twenty hours beyond the official deadline. It was reported to be the first all-night closing session since 1935.<sup>1</sup> In the final period between Saturday and Sunday morning, the solons made decisions on a number of the Governor's proposals which were still pending, thus completing action on the administration's program in the Twenty-First Legislature.

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<sup>1</sup>A news article in The Albuquerque Tribune, March 16, 1953.





Editorials labeled the 1953 Session the "do-nothing legislature";<sup>2</sup> and the general reaction of the press indicated dissatisfaction with its total proceedings, especially in regard to action on the Governor's program. "El Chivo" reported in The New Mexican:

With the sound and fury dying down following last Sunday's adjournment, veteran New Mexican political reporter Art Morgan, who has seen legislators come and go for some thirty years, assessed the results: 'Governor Mechem might just as well have skipped his message to the legislature, at the opening of the session. About the only material recommendation he got through was contained in a bill to place the State Police on a civil service footing.'<sup>3</sup>

Neither chamber escaped criticism, but the press directed its censure primarily at the Democratic Senate; and, in general, blamed Senate Democrats for the failure of Mechem's program in the legislature.<sup>4</sup> Two measures defeated in the Republican-

<sup>2</sup> Sources which labeled the Twenty-First Legislature the "do nothing legislature" include the following: (1) An editorial in the Albuquerque Journal, March 16, 1953, and (2) Will Harrison, A column in The New Mexican (Santa Fe), March 16, 1953.

<sup>3</sup> "El Chivo", A column in the New Mexican, (Santa Fe), March 21, 1953.

<sup>4</sup> News reports in The Albuquerque Tribune, the Albuquerque Journal, and The New Mexican (Santa Fe), should be regarded critically since some of them tended to be biased. For example, the use of such headlines as "Demo State Senate Wrecks GOP Setup" can be questioned from an objective point of view, since this statement can be interpreted to imply that only Senate Democrats were opposed to planks in Mechem's program; and legislative voting records show that certain members of the Republican Party also opposed various proposals. For a summary of final legislative action on Mechem's program, the reader is referred to the chart on pp. 199-201 and can draw his own conclusions.

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controlled House<sup>5</sup> and one bill vetoed by the Governor<sup>6</sup> did not receive as much emphasis in newspapers as other measures which were killed by a Democratic majority in the Senate. In at least two cases, Republican members in both houses contributed in a decisive fashion to the defeat of administrative proposals; but certain press reports, dealing in generalities, stated that Democrats wrecked these plans.<sup>7</sup>

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<sup>5</sup> Measures defeated in the House of Representatives were House Joint Resolution No. 21, providing for the merger of the Corporation Commission and the Public Service Commission, and House Bill No. 320, providing for a State Liquor Control Board. Both of these measures were killed in committee.

<sup>6</sup> The bill vetoed by the Governor was House Bill No. 51, proposing to establish a presidential preference primary, and including a provision for the selection of unpledged delegates.

<sup>7</sup> Examples of erroneous implications made by the press in news reports include the following:

(a) "Earlier the Democrats killed bills which would have created....a personnel system." (Source: A news article in the Albuquerque Journal, March 16, 1953).

The records of the Senate vote show that four Republicans in the Senate voted against withdrawing this measure from committee; and if they had voted for it, the bill would have been acted upon, since the vote to kill it in committee was 18 to 13.

(b) "Governor Mechem recommended the EDC (Economic Development Commission) be given \$25,000.00 a year, and the House went along with that. However, the Senate's substitute appropriations bill cut the EDC off without anything." (Source: A news article in the Albuquerque Journal, March 19, 1953).

Legislative records show that the \$25,000.00 for the Economic Development Commission was first eliminated by the House Appropriations Committee; and the Senate concurred in this action. The Senate then took further action which would affect the Economic Development Commission by including a provision that the State Finance Board would be prohibited from giving funds to any agency not receiving an appropriation in a legislative bill.





The basic attitude of the press toward the Democratic Senate can be understood in a general fashion by reviewing news reports and editorials in three of the state's leading newspapers. In announcing the adjournment of the session, The Albuquerque Tribune reported:

The conclusion of the first two-party legislature in thirty years today left Republicans smoldering with resentment against Democrats' strategy and tactics which all but made a complete wreck of the GOP Administration's program. <sup>8</sup>

The New Mexican made a similar statement:

The Democratic State Senate left most of the Republican administration's program in wreckage Saturday night. <sup>9</sup>

An editorial in the Albuquerque Journal remarked:

The record of the narrowly controlled Republican House was not too good, but it was a lighthouse compared with the record of the heavily controlled Democratic Senate, which appeared to be determined to further wreck the Democratic Party in the state by refusing to let any legislation pass that might rebound to the credit of the administration of Governor Mechem. <sup>10</sup>

The Chief Executive had no specific criticism of members of the upper chamber, stating:

They tell me if you can't say anything good about anybody, don't say anything. Some of the members of the Senate are some of the finest men in the state. <sup>11</sup>

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<sup>8</sup> A news article in The Albuquerque Tribune, March 16, 1953.

<sup>9</sup> A news article in The New Mexican (Santa Fe), March 15, 1953.

<sup>10</sup> An editorial in the Albuquerque Journal, March 16, 1953.

<sup>11</sup> A news article in The Albuquerque Tribune, March 16, 1953.





The Republican Party was criticized in a letter bearing the signature "J. Rooney" in The Albuquerque Tribune Public Forum Section. The correspondence read:

I see where the Republican State Chairman has lauded the work of the Republican-controlled House of the Twenty-First Legislature. He says, quote, 'The House worked diligently, hard, ably, and sincerely.' Yes, Mr. Robins, the House did work diligently for the liquor interests and the public utilities. The Republican House had its first chance in twenty-four years to submit an amendment to the Constitution to place the burden of proof as to rates upon the utilities when asking for a rate increase. Such a bill was before the House in the closing hours and was promptly killed. It is very obvious that the myopic Republican leadership cares nothing about the welfare of the consumer. Seems like there is nothing like twenty years out of office to destroy a party's perspective. <sup>12</sup>

Before an analysis can be made of legislative action on the Governor's program, a brief summary of proceedings on this subject is needed. The table on pages 199-201 gives House and Senate action on major proposals in the Chief Executive's platform, shows the Governor's final approval or disapproval, and lists the party vote where it is available. The table does not include bills which would be listed under a general heading, such as "new property taxes."

It is hoped that from this table a better understanding can be obtained concerning the history of Mechem's program in the Twenty-First Legislature.

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A letter in the Public Forum Section, The Albuquerque Tribune, March 20, 1953.



TABLE III

## SUMMARY OF ACTION TAKEN ON MAJOR PROPOSALS IN THE GOVERNOR'S PROGRAM

Bill	Subject Covered	House Action	Senate Action	Governor's Action
HJR 21	Public Utility Regulation	Killed in Judiciary Committee		
HB 37	Pre-Primary Designating Convention	for: 25 R, 13 D against: 3 R, 13 D	After House and Senate Amended, recommitting to Senate Privileges and Elections Committee Recommitment: 3 R, 14 D Opposed: 6 R, 7 D	
HB 51	Presidential Preference Primary	for: 27 R, 12 D against: 1 R, 13 D	Amended for substitute: 7 R, 10 D opposed: 8 D	Vetoed
HB 67	Massachusetts Ballot	for: 27 R, 4 D against: 23 D	Killed by Privileges and Elections Committee	
HB 13	Absentee Ballot (attempt to secure by statute)	Passed Unanimously	First killed, then reconsidered and passed	Signed
HB 266	Re-registration of voters	for: 28 R, 2 D against: 24 D	Killed in Privileges and Elections Committee	
HJR 18	Election State Board of Education; Appointment of Superintendent of Public Instruction	for: 30 against: 17	Killed on floor by voice vote	

\* \*\* The abbreviations "R" and "D" stand for "Republican" and "Democrat."



TABLE I

PERCENTAGE OF

POPULATION

RECEIVING

INCOME TAXES IN THE UNITED STATES, 1913-1928

TABLE II

TABLE III---Continued.

Bill	Subject Covered	House Action		Senate Action	Governor's Action
HB 85	Personnel System for State Employees	for: 22 R, 16 D against: 5 R, 8 D		Senators refused to place on calendar. Against: 4 R, 14 D For: 5 R, 8 D	
HB 196	General Appropriations Measure	Passed first draft unanimously; later passed substitute.		Passed substitute. for: 23 against: 8	Signed after making changes
SB 278	State Building and State Institution Bonds	Passed unanimously		Passed unanimously	Signed
HB 322	Department of Finance and Administration	for: 47 against: 7		Killed in Appropriations Committee by motion to kill all bills still in committee.	
HB 103	Revision of State Police Board; merit system for policemen	Passed unanimously		Passed unanimously	Signed
SB 229	State Buildings and Parks Commission	Refused to pass Senate substitute of original version.		Refused to pass House substitute for amended Senate version.	

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DATE	NAME	ADDRESS	CITY	STATE
1901	J. H. H. H. H.	101 N. 2nd St.	St. Louis	Mo.
1902	J. H. H. H. H.	101 N. 2nd St.	St. Louis	Mo.
1903	J. H. H. H. H.	101 N. 2nd St.	St. Louis	Mo.
1904	J. H. H. H. H.	101 N. 2nd St.	St. Louis	Mo.
1905	J. H. H. H. H.	101 N. 2nd St.	St. Louis	Mo.



TABLE III---Continued.

Bill	Subject Covered	House Action	Senate Action	Governor's Action
HB 313	Revision of Oil Conservation Commission	Passed Unanimously	Reached floor from Committee on Conservation of Natural Resources "without recommendation;" tabled	
HB 277	Revision of powers of State Canvassing Board	Passed Unanimously	Passed Unanimously	Signed
HB 252	State Liquor Control Board	for: 52 against: 2	Killed by State and County Affairs Committee	
HB 320	State Liquor Control Board	Killed by Public Affairs Committee		
HB 111	Legislative Budget Analyst	Passed Unanimously	Favorable Appropriations Committee report, placed on calendar, but vote not taken	
HB 222	Revision of State Income Tax Laws	Passed Unanimously	Passed Unanimously	Signed
HB 294	Provision for two members of legislature on Board of Finance	Passed unanimously	Passed Unanimously	Signed



A study of the twenty proposals presented in the table reveals that seven measures, approximately one-third of the total, were passed by the legislature (in some cases with amendments to the original version) and received the Chief Executive's signature.

Governor Mechem vetoed the bill relating to the presidential preference primary because he reportedly objected to the inclusion of a section providing for the selection of unpledged delegates.

Committees in the Republican-controlled House were responsible for the defeat of two measures: House Joint Resolution No. 21, providing for the merger of the State Corporation Commission and the Public Service Commission; and House Bill No. 320, proposing to establish a State Liquor Control Board. It was not certain that House Bill No. 320 definitely had the Governor's approval, but the bill did provide for a Liquor Control Board of five members as Mechem had suggested during his campaign.

As shown by the roll call, both Democrats and Republicans were divided in their opinions on House Bill No. 85, proposing to establish a personnel system for state employees. Republican action in the Senate was partially instrumental in this measure's defeat because of the relatively close vote of 18 to 13. It is evident that a majority of the Democratic senators opposed this measure, but four of the nine Republican senators also contributed to its defeat; thus it cannot be said that the measure was killed by one party alone.



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Senate Bill No. 229 was defeated because of a partisan dispute over composition of the membership of the proposed State Buildings and Parks Commission. The responsibility for its defeat rests with both parties, since neither Democrats or Republicans were willing to compromise.

Republicans and Democrats were also divided in their action on House Bill No. 37, proposing to replace the pre-primary designating convention system with the direct primary, and House Joint Resolution No. 18, providing for the election of members of the State Board of Education and the appointment by them of the Superintendent of Public Instruction. After House Bill No. 37 passed the House, with thirteen Democrats and three Republicans voicing opposition, a dispute arose over a proposed Senate amendment to provide for a run-off primary. The Senate refused to pass the bill without this amendment by a vote of 22 to 9, with one Republican and one Democrat voting with the opposite party. The roll call on the vote for recommitment to the Senate Privileges and Elections Committee showed that fourteen Democrats and three Republicans voted in the affirmative; and seven Democrats and six Republicans voted in the negative. The Republican vote was a definite factor in recommitting the measure to the committee, but not in the previous defeat of the House version by a vote of 22 to 9. The controversy over the amendment resulted in the bill's defeat by a heavy majority of the Democrats in the Senate, but the issue was not strictly partisan, since a minority in the Republican

Senate Bill No. 227 was a Federal Reserve of a national  
dispute over constitutionalism of the relationship of the proposed  
state officials and House Committee. The responsibility for  
the defeat rests with both parties, since neither Democrats  
or Republicans were willing to compromise.  
Republicans and Democrats were also divided in their  
action on House Bill No. 227, proposing to require the pro-  
vision regarding conversion of the House Bill No. 227, proposing  
and House Joint Resolution No. 12, providing for the election  
of members of the State Board of Education and the appointment  
by them of the superintendent of public instruction. After  
House Bill No. 227 passed the House, with thirty-one yeas  
and three nays, the Senate voted on the same, with twenty-one yeas  
and a proposed Senate amendment to provide for a run-off in the  
The Senate refused to pass the bill without this amendment, a  
vote of 22 to 9, with one Republican and one Democrat voting  
with the opposite party. The vote was on the vote for recon-  
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a heavy majority of the Democrats in the Senate, but the issue  
was not strictly party-line, since a Republican in the Republican



Party opposed the bill. In the case of House Joint Resolution No. 18, at least two Republican senators were reported to be opposed to the appointment of the State Superintendent of Public Instruction, preferring that this official be elected. The measure passed the House by a vote of 30 to 17, but it was killed by voice vote in the Senate.

The defeat of these two measures, House Bill No. 37, and House Joint Resolution No. 18, was determined by Senate Democrats, but a few members of the Republican Party supported this action.

Two bills passed the House by unanimous vote, but were killed in various ways in the Senate. House Bill No. 313, a proposal to revise the Oil Conservation Commission, obtained the unanimous approval of the representatives, but received an unfavorable report from the Senate Committee on the Conservation of Natural Resources. It reached the floor "without recommendation", and was tabled. House Bill No. 111, providing for a legislative budget analyst, passed the House without an opposing vote, and was approved by the Senate Appropriations Committee. It was then placed on the Senate calendar, but a vote on it was never taken. Senate Democrats were correctly blamed for the defeat of these two measures.

Two measures were passed by the House with heavy majorities, and were then killed in Senate committees. House Bill No. 252, introduced by request, provided for a State Liquor Control Board. It received House approval by a vote of 52 to 2,



but was killed by the Senate State and County Affairs Committee, controlled by Democrats. House Bill No. 322, providing for a Department of Finance and Administration, received a favorable vote of 47 to 7 in the House; it was stifled in the Senate Appropriations Committee by a motion made late in the session to kill all bills not yet placed on the calendar. A study of proceedings on these two bills shows that certain Democratic committeemen were primarily responsible for the measures' defeat; and that the bills were also opposed by a small minority in the House.

House Bill No. 67 and House Bill No. 266 were opposed by an almost solid bloc of Democrats in both chambers and were unanimously supported by Republicans in the House. These measures apparently would also have received the approval of a heavy majority of Republican senators,<sup>13</sup> but the bills were killed in committee before reaching the Senate floor. House Bill No. 67, proposing to eliminate the party column on the ballot, was approved by twenty-seven Republicans and four Democrats in the House; and was opposed by twenty-three Democrats in this chamber. The Democratic Caucus had announced its intention to defeat this measure; and the bill was killed in the Senate Privileges and Elections Committee. House Bill No. 266, relating to the re-registration of voters, was favored by

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<sup>13</sup> The Massachusetts Ballot provision was reported to be opposed by two Republican Senators, T. C. Jaramillo and R. A. Chavez, according to the following source: Will Harrison, A column in The New Mexican (Santa Fe), February 19, 1953.





twenty-eight Republicans and two Democrats in the House, and was disapproved by twenty-four Democrats in this body. The measure was killed in the Privileges and Elections Committee in the Senate. An analysis of the House vote on both these matters shows that opposition came entirely from the Democratic Party; and Democratic senators were responsible for the defeat of the bills in the Senate Privileges and Elections Committee.

Analysis of legislative action on the twenty measures listed in the table shows that the Democratic Senate was primarily responsible for the defeat of eight measures. In at least three of these cases, a few Republicans also opposed the bills, although their vote was not a deciding factor. Thus the Democratic Senate must take the responsibility for killing eight out of twenty, approximately two-fifths, of the proposals in Mechem's platform; but it cannot be objectively stated that this body wrecked a major percentage of the platform, since analysis shows that this group by itself defeated less than half of the measures advocated by the Chief Executive. Two measures, providing for a personnel system for state employees and proposing a State Buildings and Parks Commission, were defeated by both Republicans and Democrats; and it cannot be conclusively stated that either party was totally responsible for killing these bills. Democratic opposition was emphasized as the primary factor in the failure of these measures to get through the legislature; but Republican action cannot be overlooked in their defeat.

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 with both groups a major percentage of the picture, since  
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 killing these bills. Democratic opposition was emphasized as  
 the primary factor in the failure of these measures to get through  
 the legislature, but Republican action cannot be overlooked in  
 their defeat.



Of the thirteen specific proposals which Mechem presented to the Republican Caucus (excluding "tightening up the state's budget laws" and "new property taxes"), four measures were passed by both houses and signed by the Chief Executive; one bill was vetoed by the Governor; one piece of legislation was defeated in the House Judiciary Committee; two measures failed as a result of the combined action of both parties; and five proposals were killed in the Democratic Senate, two of them on the floor, and three in committee.

A few of Mechem's proposals were opposed in principle by the Democrats as a body; but a majority of the controversies arose from debate over methods to be used to effect the purpose of the proposals. The Governor's plan to eliminate the party column on the ballot met solid Democratic opposition; and the Democratic Caucus announced its objection to this provision, eventually defeating it. Similar opposition was directed at the plan to purge the voting lists; but an amendment requiring total re-registration complicated the issue. It could not be definitely determined whether the members objected to the amendment or to the basic idea of a voting purge of any type. Some Democrats disapproved of the Chief Executive's suggestion for a personnel system "without the strings usually attached to discharges under a merit system,"; but the Democratic legislators did not oppose it as a group; and many Republicans also objected to this plan. Solons in both the House and Senate reported that a vast majority of the bills introduced in the Twenty-First



Legislature were non-political in nature and were not decided along strict party lines.

In the majority of cases, differences of opinion resulted not from partisan conflicts over the basic content of the administration's platform planks, but from controversies regarding technique and the formulation of legislation to carry out the Governor's proposals. For example, a debate between several Democrats and Republicans concerned the proper procedure to follow in securing an absentee ballot for the state. Other controversies arose over a struggle for party control of certain agencies and departments. An example of this type of conflict is seen in the attempt of both Democrats and Republicans to gain control of the proposed State Buildings and Parks Commission. Neither group objected to the establishment of this agency; but they both refused to let the opposite party have an advantage in the composition of the membership.

As predicted by the press early in the session,<sup>14</sup> Democrats tended to disapprove of legislation that would give the Governor further appointive powers. In January, Senator Henry Eager had stated:

We are not proposing to sponsor party-line legislation, but on the other hand we do not intend to stand aside and allow the opposition to entrench themselves in our state government through legislative power plays.<sup>15</sup>

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<sup>14</sup> A news article in the Albuquerque Journal, January 21, 1953.

<sup>15</sup> Ibid.



Legislature with non-political in nature and content.

along similar party lines.

in the majority of cases, differences of opinion are

settled not from partisan considerations but from the merits of the case.

the administration's position is clear, but that is not always

regarding legislation and the formation of legislative action.

and the Governor's proposals, for example, a balance between

central committee and legislative committee is a proper balance.

to follow in securing an adequate bill for the state, there

controversies arise over a principle of party control of the

legislative and executive. An example of this type of conflict

is seen in the attempt to pass a bill for the state.

again control of the proposed bill is the subject of the

also. Neither house objected to the establishment of a

agency, but they both refused to let the committee report

an advantage in the composition of the committee.

is provided by the state bill in the Senate.

Democrats seemed to disapprove of legislation that would

the Governor's former associates. In January, however,

Henry Exeter had stated:

It is not proposed to appoint party-line legislation

also, but on the other hand we do not intend to

either side and allow the opposition to maintain its position.

in our state government through legislative action.

A new article in the Albany Journal, January 11,

1911.

12

1911.

Objections to Mechem's plans for revision of the Oil Conservation Commission and for establishment of a Department of Finance and Administration were based, to a large extent, on the belief that the bills which were drafted gave too extensive powers to the Governor and his appointees. This same idea was involved in opposition to the personnel bill.

In certain instances, Republicans also objected to giving the Governor further appointive powers. This fact was evident in Republican opposition to the Chief Executive's proposal for the appointment of members of the new Corporation Commission. Mechem and members of his party did not come to an agreement on this matter; and the Chief Executive indicated he would rather see the measure killed in committee than be amended in the House to provide for an elective commission.

Two Republicans also voiced objections to the Governor's proposal that the State Superintendent of Public Instruction be appointed by the State Board of Education. They expressed the opinion that the people should be allowed to choose public officials through the election process.

Since neither party had complete control of the legislature, the unwillingness to compromise on certain points resulted in the defeat of many entire plans. Both parties were guilty of refusing to come to an agreement on specific points of various proposals which had the approval of both groups, such as the repeal of the pre-primary designating convention. In some instances the party members could not agree among themselves;





and in the case of the presidential preference primary, the Governor was unwilling to concur with the provision approved by a majority of Republican legislators.

Since the Republican Party had won the governorship, and a majority of seats in one House of the Legislature, Republicans hoped that Democrats would make efforts to coordinate their plans with those of the administration. In some instances, their refusal to do so may reflect a lack of ability to adjust satisfactorily to a situation in which the Democratic Party has only partial control and must become more skillful in the art of compromise. The Republican Party also shows the need for improvement along this line. Instead of the traditional one-party control, there is at present a struggle for political control in New Mexico; and both parties need to make further adjustments to this new situation.

In addition to the divided control of the legislature, the parties were divided internally, further complicating matters. Both Republicans and Democrats had to battle dissension within their ranks during the campaign, and total unity had not been achieved in either group by the time the legislature convened. There was a need for more adequate party guidance in both Democratic and Republican circles.

Will Harrison reported that the twenty-eight Republican representatives who held a one-vote margin in the House complained throughout the session about the lack of party guidance



and program.<sup>16</sup> Much of the criticism was directed at State Chairman Harry Robins, and Governor Mechem did not escape entirely.<sup>17</sup> After the session ended, three Republican legislators, Representatives M. B. Johns, Rueben Pankey, and J. E. Welch, called a meeting in Albuquerque to discuss a program for the party. They stated that they felt the Republicans did not offer an adequate program in the recent session, and said, "We want to work up something more aggressive, more positive, and lay it on the table."<sup>18</sup> The Santa Fe representative, Mr. Johns, reported that the meeting had the sanction of Governor Mechem, remarking that rebellion against party leadership "is the furthest thing from our minds."<sup>19</sup> He declared, "We are concerned with the future of the Republican Party in New Mexico as the younger folks in the Democratic Party are concerned with their future."<sup>20</sup>

In the 1952 campaign the unity of the Democratic Party was weakened by the Grantham-Frazier battle in the primary election. Grantham's nomination was contested; and although

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<sup>16</sup> Will Harrison, a column in The Albuquerque Tribune, March 30, 1953.

<sup>17</sup> Ibid.

<sup>18</sup> A news article in the Albuquerque Journal, March 31, 1953.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.





the matter was settled in his favor before the start of the autumn campaign, dissension remained. During the legislative session, the need for better party guidance was reflected in significant differences in the voting record of House and Senate Democrats, and in varying opinions of Democratic members in the same chamber. After the session ended, the fact that Democrats still had not achieved satisfactory unity was reportedly in evidence at the party meeting on April 13, 1953, at which a temporary state chairman was selected and possible candidates for the 1954 election were discussed.

Those who can most effectively apply the experience gained from the 1953 session and attempt to avoid similar deadlocks in the future are the twenty-two Democrats and nine Republicans of the Senate who will participate in the Twenty-Second Legislative Session in 1955.

One reason for the deadlock and pressure of unfinished business in the closing hours of the session was reported to be the result of maneuvering by members and chamber groups to force support of pet measures by threatening to kill the favorite bills of another member or group. It was said that the solons sometimes did not vote the way they thought best because of uneasiness concerning the effect their vote would have on the fate of some other bill in which they were particularly interested.

The lack of sufficient time to study proposals was a major problem in the Twenty-First Legislature, as it had been





in previous sessions. In former years, the state attempted to solve this difficulty by splitting the session into two thirty-day periods, with an interval of a few weeks between them; but this plan did not produce the desired results, and the straight sixty day session was again inaugurated. Members complained of the failure of committees to place bills on the calendar within a reasonable period, pointing out that prompt committee action on measures would aid in easing the pressure in the closing weeks. Time limits on the introduction of bills and the exchange of bills between the two houses failed to solve the basic problem of insufficient time to consider the measures thoroughly. In the final days of the 1953 Session several proposals were killed in Senate committees or remained on the calendar without a vote being taken on them partly because the members lacked time to study them properly and take action. As adjournment drew near, legislators in both chambers apparently voted hurriedly on many measures to clear the calendar.

An adequate solution to the time problem has not been found, although various suggestions have been made, including the proposal for a unicameral legislature, which would end the duplication of work between two chambers. Senator Calvin Horn's proposal for a joint committee of members from both houses to coordinate work on legislative measures would have tended toward greater unity between the two chambers, and might have accelerated the proceedings of the legislature. A constitutional amendment to provide for an annual session of the legislature

in previous sessions. In 1950, the House passed a bill to provide for the establishment of a National Council on Education, and the Senate passed a similar bill. The House bill provided for a council of 15 members, with the President appointing 10 and the Senate confirming 5. The Senate bill provided for a council of 12 members, with the President appointing 8 and the Senate confirming 4. The House bill also provided for the council to report to the President annually, while the Senate bill provided for the council to report to the Senate annually. The House bill was passed by a vote of 317 to 197, and the Senate bill was passed by a vote of 77 to 17. The two bills were then sent to conference, where they were reconciled. The conference report was passed by the House on May 10, 1950, and by the Senate on May 11, 1950. The bill was then signed into law by the President on May 12, 1950. The National Council on Education was established on May 15, 1950, and has since been responsible for coordinating and improving the nation's educational system.

will be presented to the voters at a special election on September 15, 1953. An annual session would reduce the amount of legislation to be acted upon at one period and would give the solons more time to consider each individual proposal. However, whether this advantage would offset the increased cost is another matter which must be taken into consideration.

The legislators of both houses were, on the whole, satisfactorily qualified to carry out their responsibilities. Visitors to the legislature reported that the solons conducted themselves with decorum and were courteous to one another. Although a code of ethics for legislators failed to be enacted, there were no evidences of bribery; and the majority of members were reported to be frank and open in expressing their opinions. The general consensus of opinion appeared to be that the members were of high caliber individually and that they worked earnestly and diligently in carrying out their business.

In March the press reported that special interests tended to dominate the session.<sup>21</sup> In regard to the Governor's program, two bills which were opposed by lobbies failed to get through the legislature, but there was no evidence that these groups had significant influence on the solons' decisions to kill the measures.

Mechem's proposal to merge the Corporation Commission and the Public Service Commission and give the body more

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<sup>21</sup>

A news article in the Albuquerque Journal, March 10, 1953.



will be presented to the Senate in a special session on Monday, May 15, 1933. The House passed the bill on Monday, May 14, 1933. The bill is intended to be passed by the Senate in a special session on Monday, May 15, 1933. The bill is intended to be passed by the Senate in a special session on Monday, May 15, 1933.

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adequate regulatory powers drew criticism from representatives of the public utilities. However, this measure was not defeated because of the lobby's opposition, but primarily because of a controversy over the method to be used in selecting members of the proposed regulatory agency.

The Governor's plan for revision of the Oil Conservation Commission was reported to have brought forth objections from spokesmen for various oil industries, as did two companion bills relating to oil production. The revision plan was killed in the Senate, but the two other measures, apparently even more objectionable to the oil industries, were passed and signed into law. Thus it would appear that the oil lobby was not influential in affecting the vote on these bills, and that the revision plan failed because of Democratic objections to the Governor's appointment of members of the Commission rather than because of pressure from outside the legislature.

The liquor industry had a very powerful lobby, according to the press, and opposed the bill to repeal the Fair Trades Act on liquor. The influence which the lobby had on the bill's defeat could not be determined, however, since the legislators were divided in their opinions on the matter and the Governor himself debated the values of the act which the bill sought to repeal.<sup>22</sup>

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22

House Bill No. 256 to repeal the Fair Trade Practices Act on liquor is not considered by the author of this study as a part of the Governor's program.

adequate regulatory powers have been withdrawn from the Commission at the public utilities. However, this measure has not been passed because of the lobby's opposition, and primarily because of a controversy over the method to be used in selecting members of the proposed regulatory agency.

The Governor's plan for revision of the Public Utilities Commission was reported to have passed the House of Representatives. However, for various reasons, it will be necessary to refer the matter to the Senate. The revision plan was drafted in the House, but the two most important amendments, one relating to the method of selecting members, were passed and signed into law. This is a great step, but the bill has not yet passed the Senate. In fact, the vote on the bill was 10-10, and the revision plan failed because of a technical objection to the Governor's appointment of members of the Commission rather than because of a substantive objection to the revision.

The liquor industry has a very powerful lobby, according to the press, and opposed the bill to repeal the Public Utilities Act. The industry which the lobby has on the bill's side could not be deterred, however, since the industry was divided in their opinion on the matter and the Governor himself debated the merits of the bill and the bill passed to the Senate.

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repeal.

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For the bill, 20 to 10, the Public Utilities Commission was divided in their opinion on the matter and the Governor himself debated the merits of the bill and the bill passed to the Senate.



A study of legislative action on the Governor's program does not reveal that any lobby or special interest group was primarily instrumental in either defeating bills or assuring the passage of measures suitable to its particular plans. Legislative action on the Chief Executive's platform occasionally reacted in favor of so-called special interests, but there is no indication that the interest groups themselves affected this result. Thus it cannot objectively be stated that special interests dominated the legislature's consideration of measures in the Governor's program. Whether lobbies significantly influenced action taken on approximately six hundred other bills introduced in the session is a controversial matter which would require a detailed evaluation of the proceedings on each measure and the basic reasons for approval or opposition; and such an analysis is beyond the scope of this study.

Statistics show that the work of the legislature totaled 622 bills, of which 183 were enacted into law.<sup>23</sup> The Governor signed 101 measures introduced in the Senate and 82 bills introduced in the House.<sup>24</sup> He placed a veto on 24 Senate measures and 16 House Bills that reached his desk.<sup>25</sup> In addition to the 183 bills enacted into law, several resolutions and memorials also

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<sup>23</sup> This information was obtained from the Legislative Bill Locator, Office of the Legislative Council, (Santa Fe: 1953). Another source is: A news article in the Albuquerque Journal, March 22, 1953.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

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were passed by the legislature and received the Chief Executive's approval. Eleven proposed constitutional amendments will be submitted to the voters at a special election on September 15, 1953.<sup>26</sup>

In comparison, the 1951 Session produced 714 bills and 231 laws.<sup>27</sup>

Although the measures placed on the law books included a certain amount of constructive legislation, the total results of the session were generally below expectations because of the fact that numerous major issues remained undecided, many of them relating to recommendations of the Little Hoover Commission. In regard to the Governor's program, negative action was taken on a number of proposals which were given widespread publicity and concerned matters which have been under consideration by various groups, in state government or political parties, in recent years. Examples of such proposals are: merger of the Corporation Commission and the Public Service Commission, provision for a merit system for state employees, repeal of the pre-primary designating convention, and establishment of a Department of Finance and Administration.

The legislators are to be commended for their action on

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26

A news article in The New Mexican (Santa Fe), March 18, 1953. Also see: A news article in the Albuquerque Journal, March 17, 1953.

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A news article in the Albuquerque Journal, March 22, 1953.



were passed by the Legislature and received the Chief Executive's

approval. These provisions were contained in the bill as passed

and in the version of the bill as passed by the Legislature.

In connection with the 1951 session, the bill was

the bill.

Although the bill was passed by the Legislature, it was

a certain number of amendments were made to the bill, and

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recent years. Examples of such proposals are given in the

Corporate Commission and the State Revenue Commission, and

vision for a new system for the State, and the bill

pre-primarily designed to provide for the establishment of

a Department of Finance and Administration.

The Legislature are to be recommended for their action on

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A news article in the New York Times dated May 15, 1951.

Also see a news article in the Washington Post, March 17, 1951.

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A news article in the Washington Post, March 17, 1951.

1951.

the absentee ballot and the merit system for state policemen. In all fairness, it should also be noted that certain other beneficial measures in the Governor's program were passed by the lawmakers and that Mechem's administrative program had a limited amount of success in the legislature, although the major portion of it was defeated.

Will Harrison, columnist, effectively summarized the nature of the Twenty-First Legislature and its proceedings: "The session will be remembered for the high quality of its members and the measures they did not pass."<sup>28</sup>

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Will Harrison, a column in The Albuquerque Tribune, March 16, 1953.





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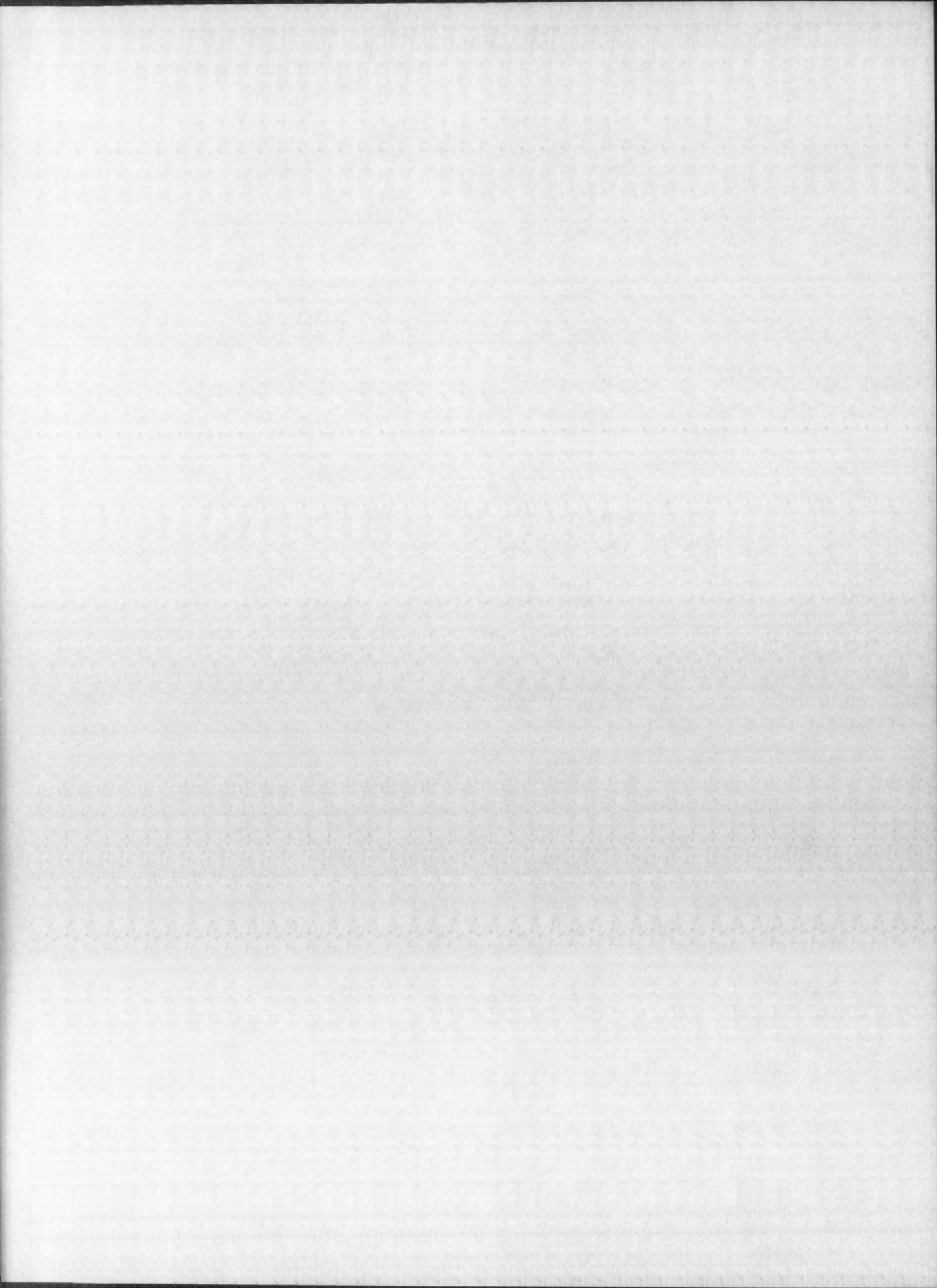


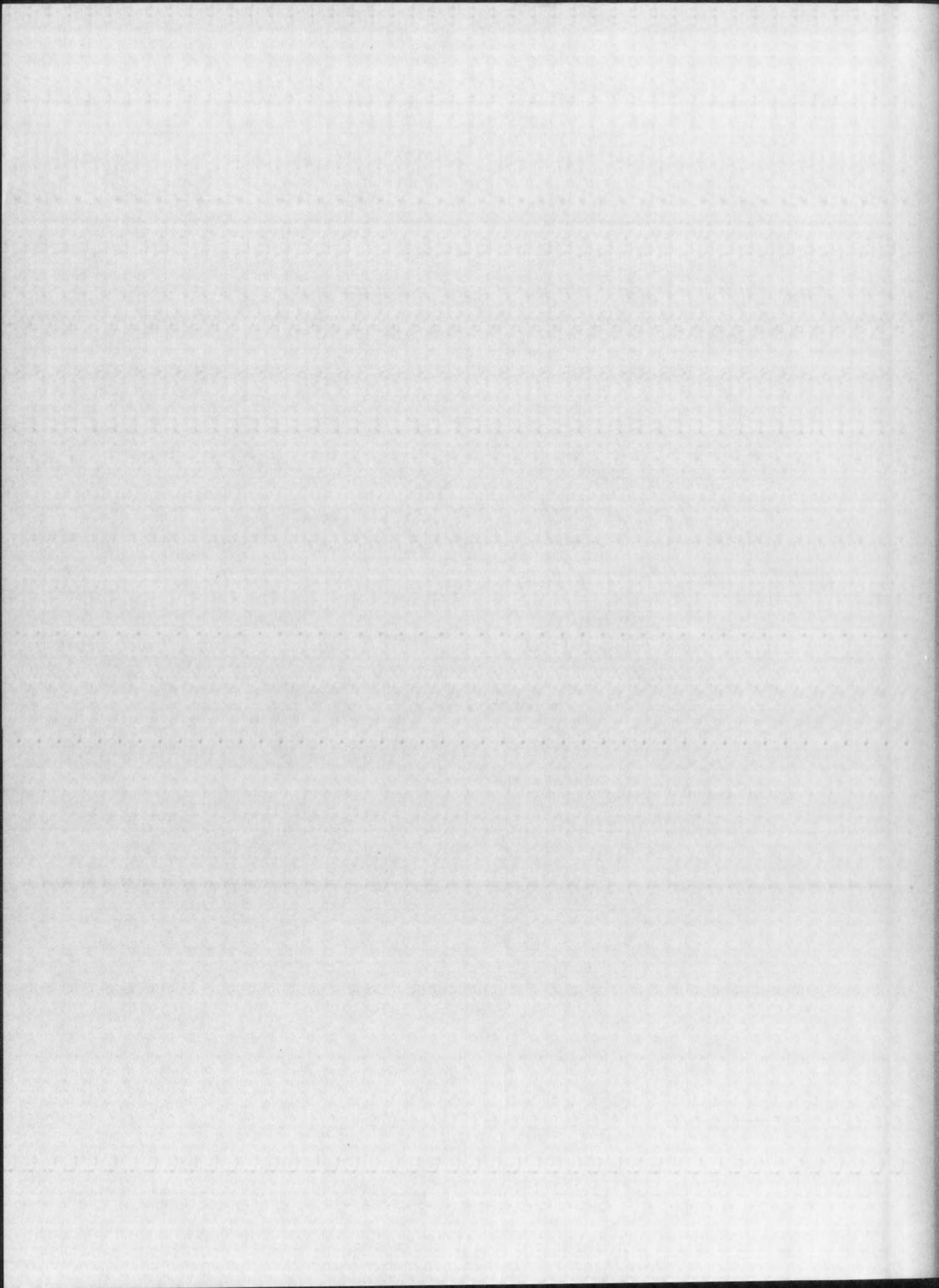
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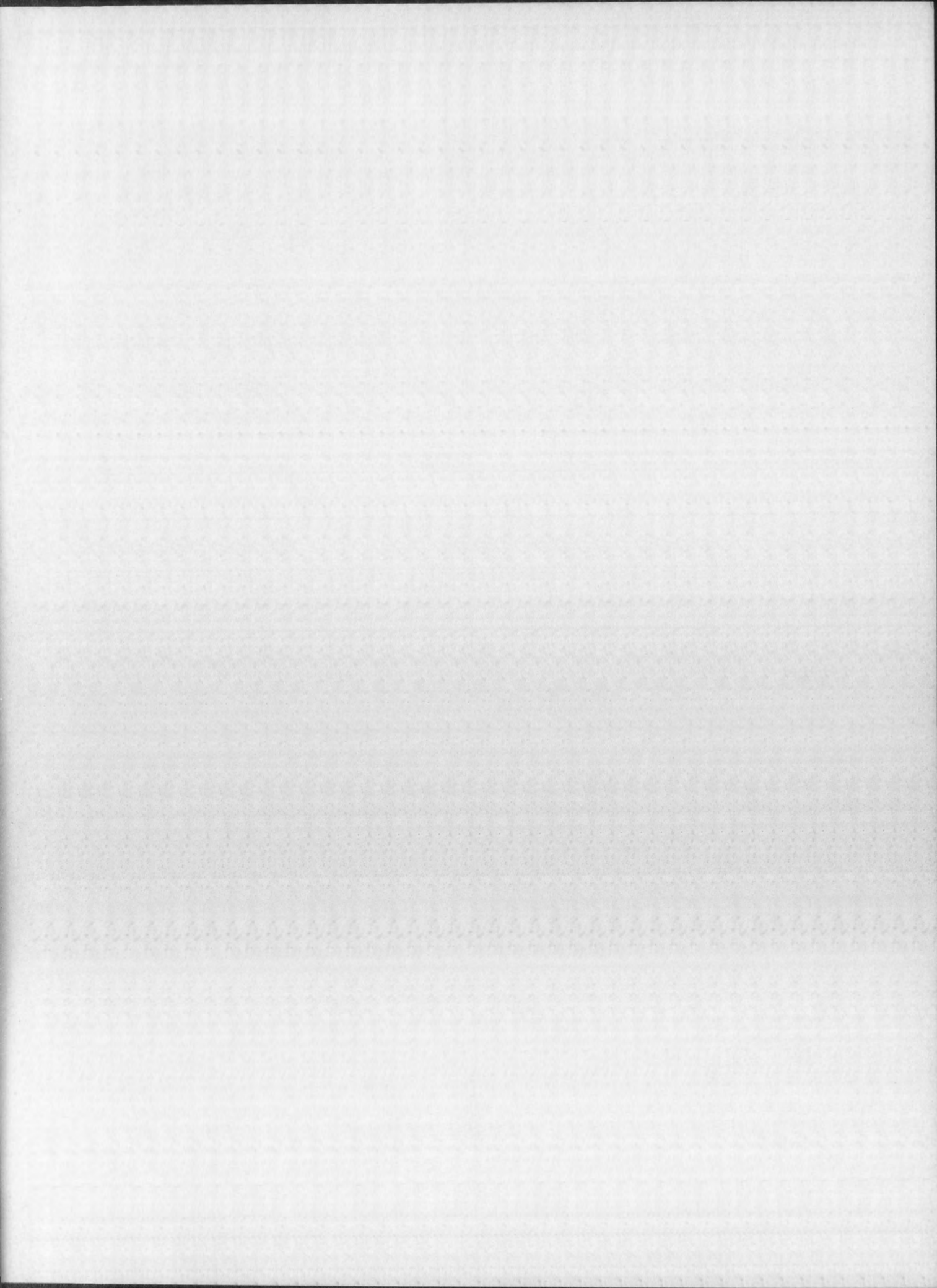
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