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The Use of Troops in Labor Disputes in New Mexico

Richard B. Stephenson

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DISPUTES

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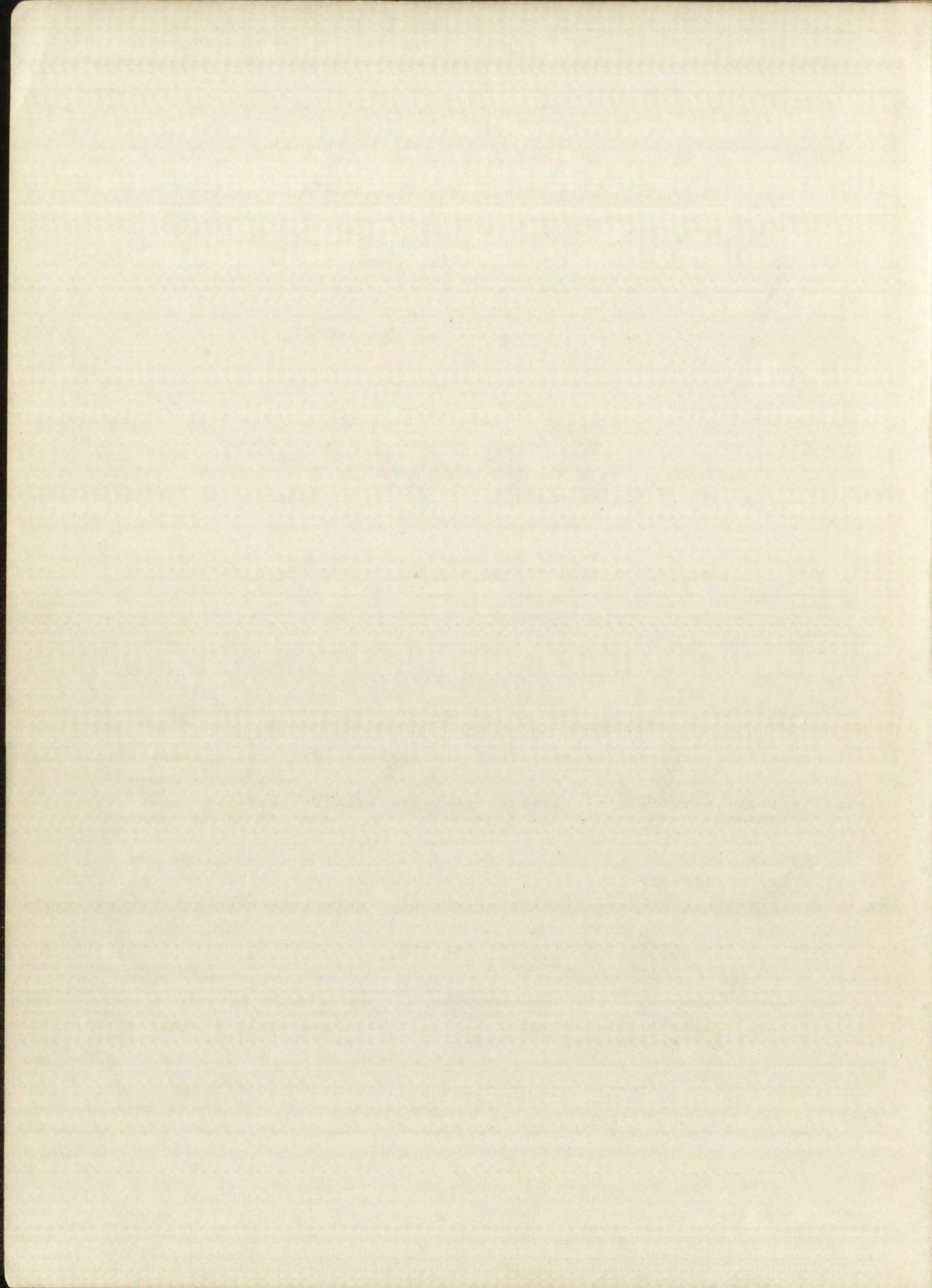
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THE USE OF TROOPS IN LABOR DISPUTES
IN NEW MEXICO

by
RICHARD B. STEPHENSON

A thesis
In partial fulfillment of the
Requirements for the Degree of
Master of Arts in Political Science

The University of New Mexico

1952



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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CHAPTER

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PREFACE

The purpose of this thesis is to study the motivation and manner of the use of the military arm of the state government of New Mexico in labor disputes. The emphasis has been laid on the constitutional authority of the governor of New Mexico to declare martial law and the manner in which the various governors involved have exercised this power.

There has not been much research on this topic in New Mexico and it is hoped this thesis will contribute towards filling a gap in the study of the political and economic development of New Mexico.

The author wished to express his appreciation to the people who have helped in this study. The suggestions and constructive criticisms of Dr. Charles B. Judah, Professor of Government who directed this thesis, and Dr. Frederick C. Irion and Miss Dorothy Cline, Professors of Government who were members of the Thesis Committee, greatly aided in the preparation of this study.

The purpose of this study is to examine the role of the government in the development of the economy and the impact of the government on the private sector. The study is based on a review of the literature and a survey of the government's policies and actions. The study finds that the government has played a significant role in the development of the economy and that its policies and actions have had a significant impact on the private sector. The study also finds that the government has been successful in promoting economic growth and development and that its policies and actions have been effective in addressing the needs of the private sector. The study concludes that the government should continue to play a significant role in the development of the economy and that its policies and actions should be aimed at promoting economic growth and development and addressing the needs of the private sector.

CHAPTER I

INTRODUCTION

The military arm of the government of the state of New Mexico has been employed in three strikes and one possible potential strike danger zone since the year of 1912 when New Mexico became a state. The strikes were in the coal fields of McKinley and Colfax Counties in 1919; and the coal fields of McKinley County in 1922 and 1933. The possibly potential strike danger zone was Colfax County in 1927.

This thesis is devoted to a study of those four labor disputes. Each dispute is treated in a separate chapter, but the procedure used has been the same in each case. First, a background of each strike has been laid to determine the causes of it; secondly, an attempt has been made to discover the reasons for the sending of troops; thirdly, the public reaction to the troops and the events while the troops were on active service has been described; and, fourth, the consequences of the presence of the troops have been pointed out.

I have relied entirely upon newspapers and a few legal source books in this study. By far, the bulk of my materials has come from New Mexico newspapers of the periods discussed. The newspapers, in most cases, furnished a full and complete, even if often very biased, source of primary material. One must keep in mind that newspapers are usually partisan in their

political outlook and this has affected their comments on the use of troops in the four situations described. Due to the fact that the first situation occurred in 1919 and the last one in 1933, practically everyone connected with them who could have given much information is dead or has moved away and their address was unknown to me. In a few cases, the people are still active in New Mexico politics and therefore unwilling to give any information. No personal files of the various governors were available. Since the purpose of this study is the use of troops in labor disputes in New Mexico, I have made no attempt to make a survey of the national scene as it existed at the time of each dispute, except during the strikes of 1919 and 1922, the only strikes which were nation wide in scope.

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CHAPTER II

The first strike with which this thesis will deal was a nationwide coal strike called by the United Mine Workers of America in 1919. This strike resulted in the declaring of martial law in McKinley and Colfax Counties, New Mexico, by Governor O. A. Larrazolo and the sending of the United States Army to those counties. The Army was sent because the National Guard was still mobilized for World War I.

The period immediately following World War I was one of great industrial unrest all over the nation. There was a steel strike, the Boston police strike, the railroad strike, and the coal strike. The nation was jittery over the supposed threat of infiltration of "Reds" or "Bolsheviks" as Communists were called at the time. United States Attorney General Mitchell Palmer was conducting sweeping investigations into many organizations accused justly or unjustly of being "Bolshevik." These investigations were coupled with many raids on suspected organizations, many arrests, and many deportations of aliens suspected of Communist or "radical" sympathies.

It was in this atmosphere that the annual national convention of the United Mine Workers was convened in Cleveland, Ohio on Wednesday, September 12, 1919.¹ Many things occupied the attention of the delegates. The convention decided to

¹ The Evening Herald, September 12, 1919.

undertake an active campaign to oppose the compulsory military training bill then before Congress.¹ It declared for speedy Americanization of all foreign born and rejected a motion offered by the extreme left wing to withdraw from the American Federation of Labor. Speaking its mind on matters vital to labor, it classified the Chamber of Commerce and the Industrial Workers of the World as hostile to organized labor and adopted an amendment to its constitution forbidding membership in either of those organizations. A motion to combat "Bolsheviks" carried by a big majority.² The convention then proceeded to vote down a motion for a sympathy strike to aid the steel workers in their strike because the convention was drafting an economic plan which would tax the mine workers' own resources. It then adopted the following resolutions: (1) recall of American troops from Russia; (2) self government for Ireland; (3) creation of a national labor party to be launched at a conference of the representatives of organized labor, the cooperatives, and the farm organizations.³ The convention then endorsed nationalization of the coal mines in principle.⁴ It also endorsed the Plumb Plan for the nationalization of the railroads and extended an invitation to the railway brotherhoods to join in an alliance for joint action.⁵

¹ The Evening Herald, September 12, 1919

² Ibid., September 20, 1919.

³ Ibid., September 20, 1919.

⁴ Ibid., September 12, 1919.

⁵ Ibid., September 13, 1919.

The convention then got down to the main business at hand, that of drawing up a set of demands for its representatives to present to the coal mine operators of the Central Competitive field which was comprised of the mines in the coal fields of western Pennsylvania, West Virginia, Kentucky, Ohio, and Indiana. Those demands were to be presented in a joint wage conference at Buffalo, New York on September 25. The demands were these: (1) a sixty percent increase in all mine wages; (2) a limit of six hours a day underground; (3) a five day week and time and a half for overtime and double time on Sunday and holidays; (4) important improvements in the conditions of work.

The convention then adjourned on September 24 to await the outcome of the joint wage conferences with the decision that it would meet again in Indianapolis, Indiana to accept or reject the results of the conference. If no agreement was reached by November on a new wage agreement to take the place of one due to expire on that date, a general strike was to begin on that day in all bituminous coal fields.¹

The somewhat jingoistic attitude of the general public toward the current labor unrest was revealed by an editorial in The Evening Herald, an Albuquerque newspaper, of Saturday, September 20 which quoted the statements of the New York Globe on the actions of the United Mine Workers convention in

¹ The Evening Herald, September 24, 1919.

resisting the "Reds" then advocating nationalization of the railroads and coal mines. The Herald then commented that there was no need for alarm by the conservative citizen because the average railroad workman was a patriotic American who would not turn over control of the railroads to uneducated foreign miners.

Meanwhile, the Wilson administration was taking a serious view of the threatened strike. Secretary of Labor, William B. Wilson, called Lewis and Thomas Brewster of the operators to a conference on October 16. This conference met and a meeting of the wage scale committee of the United Mine Workers rejected all proposals of Secretary William Wilson and the operators saying they were like those made in a speech in the United States Senate by Senator Freylinghuysen, Republican, of New Jersey, chairman of the Senate committee investigating the threatened strike.² He had termed unionism under its current leadership as a "new autocracy" tending towards Bolshevism, predicting that the miners' demands would lead to price increases. "This is class government, not democracy. This country is not ready to be dictated to by a horde of aliens," he said.³

The wage scale conference opened on September 26, but

¹ The Evening Herald, September 24, 1919.

² Ibid., October 23, 1919.

³ Ibid., October 14, 1919.

the miners and operators failed to agree on any major points. United Mine Workers Acting President John L. Lewis arrived in Indianapolis on October 14 and the reconvened convention issued a strike order for all union bituminous coal miners of the nation to strike on October 31, at midnight.¹

President Wilson's concern over the serious industrial strife caused him to convene a National Industrial Conference in Washington, D. C. on October 6, 1919. This conference consisted of five members from the United States Chamber of Commerce, five from the National Industrial Conference Board, fifteen from the American Federation of Labor, three from the farming organizations, two from investment banking, and fifteen from the general public selected by the President. The purpose of the conference was to find a basis for unity and better relations for capital and labor.² It may be noted in passing that President Truman called a somewhat similar conference--The President's Labor-Management Conference of November of November 5-20, 1945.

On October 9, John D. Rockefeller, Jr., a public representative in the National Industrial Conference, proposed the conference approve a principle of representation giving workers in industry an even voice in determining terms of employment and working and living conditions. Mr. Bernard Baruch, chairman

¹ The Evening Herald, October 15, 1919.

² Ibid., September 20, 1919.

of the public delegation, proposed an immediate three month industrial truce, and the creation of an arbitration board by the President and Congress. Samuel Gompers, a labor delegate, proposed immediate arbitration of the steel strike. On the same day the public group submitted the following resolutions to the conference: (1) the conference recognize the right of workers to form unions and combinations of unions; (2) the conference recommend that Congress should enact legislation making it a penal offense for any industrial employer or department of government to refuse to deal with organized labor as represented by union officials; (3) Congress should make it unlawful for any employer to interfere with the lawful union activity of any employee; (4) the Conference should endorse the right of labor to use any peaceful and legal means to promote unions; (5) the Conference should advocate the establishment of boards in every state of capital, labor, general public to inquire into charges of suppression of free speech and assembly and to remove any prohibition of these rights; (6) no strike shall be called without a vote of all of the workers affected and it shall be supervised by the Department of Labor; (7) no public employee should be permitted to join any organization using the strike as a method to gain its ends; (8) wages should automatically follow the cost of living; (9) close cooperation should exist between managers and workers and foremen should be selected on their ability to lead, not to

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drive.¹ Charles S. Barrett, president of the Farmers Union, demanded fair returns for the farmers' labor and investment and equal social, educational, and political opportunities for the farmer. Mr. L. S. Sheppard, head of the railway conductors brotherhood, proposed the conference advocate tripartite control of all industries based on public grants and monopolies.²

At the next day's session, the public and labor delegates approved a resolution declaring the right of wage earners to bargain collectively and be represented in wage negotiations by representatives of their own choosing. The delegates from business and finance opposed this. They, in turn, at the next day's session submitted a substitute resolution reserving the right of employers to refuse to deal with representatives not chosen from among their own employees.³

The conference failed to make much progress. On October 22, a letter from President Wilson halted a threatened bolt of the labor delegates who then renewed their efforts to get the Conference to endorse collective bargaining. Failing that, the labor delegates did bolt a few days later, which ended the Conference and on October 25 it adjourned, recommending to President Wilson that he create a commission to carry on the Conference's work.

¹ The Evening Herald, October 21, 1919.

² Ibid., October 15, 1919.

³ Ibid., October 23, 1919.

President Wilson then appealed to the miners and operators to accept Secretary William Wilson's proposals which were as follows: (1) that the pick mining price be advanced fifteen cents per ton; (2) that machine mining yardage, deadweight and day hours be advanced in the same ratio; (3) that the work day shall be eight hours from bank to bank; (4) that there shall be a Saturday half holiday; (5) that with these changes the existing agreement continue in effect until March 31, 1922; (6) that while the legal termination of the war will not take place until some unknown time in the future the increase in the cost of living is an existing fact, therefore these changes will go into effect on November 1, 1919. The operators refused to consider these proposals. The miners said they were not satisfactory but they were willing to consider them.¹

Public interest and apprehension continued to mount and editorial opinion seemed to be anti-miner. In an editorial discussing the six hour day, five day week, the editor of The Evening Herald had this to say: "It is an imported principle, a foreign product like bombs or Bolshevism; internationalism; and the I. W. W." He went on to say that it was un-American not to work at full capacity and this was not full capacity. The editor said he recognized collective bargaining but not collective wreaking.²

¹ The Evening Herald, October 15, 1919.

² Ibid., October 15, 1919.

An editorial from the Christian Science Monitor reprinted in The Evening Herald stated that the miners' demands would result in an increase of \$10,000,000.00 in the United States coal bill and that shortening of work time would mean less production with hardship on other industries, increase in the present high cost of living and hampering of Europe's recovery efforts. Patriotic miners would double production. The Cleveland Plain Dealer stated that the strike would do more harm than good at this time when expansion is needed.¹

Governor O. A. Larrazolo of New Mexico issued a proclamation asking the coal miners of New Mexico to consider whether they had any real reason to strike. "It appears," said the proclamation, "that there have been no complaints from the coal miners of New Mexico against their employers and that in a general way they were satisfied with wages and conditions." In an interview with an Evening Herald reporter he attributed the labor agitation and social unrest to the foreign element.²

State Mine Inspector, J. E. Sheridan, said few miners in New Mexico would strike because most were satisfied with wages and conditions. The lowest rate paid to the company helper, the lowest paid man, was \$5.25 a day. When digging coal the men earned from \$7.00 to \$8.00 a day to \$10.00 or

¹ The Evening Herald, October 21, 1919.

² Ibid., October 24, 1919.

\$12.00 a day. He praised the governor's proclamation as a stabilizing influence among the miners.¹

Numerous conferences under government auspices were held to settle the dispute but to no avail. Congress supported the administration with several resolutions. The administration began to take steps to avoid public suffering in connection with the strike and laid the following plans: (1) the administration promised to protect the men who stayed on the job with troops if necessary; (2) Dr. Harry A. Garfield, fuel administrator, had ample authority to handle coal distribution; (3) maximum prices were set in order to protect the public; and (4) the railroads were ordered to seize coal in transit if they needed it.²

President Wilson issued the following ultimatum to labor respecting the impending coal strike which was printed in The Evening Herald as a reprint of an editorial in the Philadelphia North American.

When the time and manner are considered it constitutes a fundamental attack which is wrong both morally and legally upon the rights of society and the welfare of our country. When a movement reaches the point where it appears to involve practically the entire productive capacity of the country with respect to one of the most vital necessities of daily domestic and industrial life, and when the movement is asserted at a time and in a manner calculated to involve the maximum of danger to the public welfare, the public interest becomes the paramount consideration.

¹ The Evening Herald, October 25, 1919.

² Ibid., October 30, 1919.

These matters touch not only the welfare of a class, but vitally concern the well being, the comfort, and the very life of all the people. I feel it my duty in the public interest to declare that any attempt to carry out the purposes of this strike and thus to paralyse the industry of the country with the consequent suffering and distress of all of the people, must be considered a grave moral and legal wrong against the government and people of the United States. I can do nothing less than to say that law will be enforced, and means will be found to protect the interests of the nation in any emergency that may arise out of this unhappy business.¹

The editorial went on to comment that this represents a reversal on Wilson's part as compared with his previous attitude towards railroad men. The editorial said this strike was a violation of an agreement made by collective bargaining.

Union reaction towards Wilson's statement was swift. A statement issued from the United Mine Worker's international headquarters in Indianapolis, Indiana, on October 30, "Declared President's Course in Strike is Climax of a Series of Attempted Usurpations of Executive Power," according to the topic headline in The Evening Herald that day.

All efforts towards settlement of the dispute had failed and the miners in all of the unionized bituminous coal fields of the nation including those in New Mexico went out on strike November 1, as provided in the strike order. Practically all of the men at the coal camps at Raton, Dawson, Gerillos, Gallup, and Carthage refused to go to work.²

¹ The Evening Herald, November 8, 1919.

² Ibid., November 1, 1919.

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Failing in efforts to gain a settlement of the dispute by arbitration or negotiation, the government then turned to the courts to break the strike. Mr. C. B. Ames, assistant Attorney General in charge of enforcement of the wartime Food and Fuel Control Act filed a petition in the federal district court in Indianapolis charging Frank J. Hayes, President of the United Mine Workers of America, and eighty-three other national and district officers with entering into a conspiracy to restrict the production and supply of coal and to restrict operations of the railroads by cutting off their fuel supply and thus were liable under the Act. Judge A. B. Anderson issued a temporary injunction against the union officials barring them from actively directing the strike pending a hearing on the petition.¹

On November 3, Governor Larrazolo declared martial law in McKinley and Colfax Counties. In McKinley County, all of the mines except that of the Gallup-American Company were closed. The governor said the impression of the operators was the miners would work if protected. The mines at Dawson, Cerillos, and Carthage were operating normally. There was a general walkout in Colfax County at the Van Hauten, Koehler, Brilliant, Sugarite, Swastika, and Gardiner camps.² The

¹ The New York Times, November 1, 1919.

² The Evening Herald, November 3, 1919.

governor received offers from practically every post of the American Legion to aid in maintaining order by serving as mounted policemen.¹

Since the National Guard was still in federal service, the Army was sent into the various states where requested by the governors. One squadron of the 12th United States Cavalry, less one troop, and two companies of the 24th Infantry totaling about 700 men were sent to Colfax County under the command of Colonel George W. Bigler. One squadron totaling about 240 men went to McKinley County.

In a news report the next day, Larrazolo said he had informed the coal operators the mines must be kept operating and production up to standard by regular miners or others hired in their places or the troops would be withdrawn. He revealed he had received protests from labor unions in Albuquerque and from Mayor A. T. Hannett of Gallup against the presence of the troops, but the troops would remain until he saw fit to withdraw them. Sheriff J. H. McCammet of McKinley County wired the governor to the effect that withdrawal of the troops would produce the impression that the governor's promise of protection to miners wanting to work was false. He said many miners would return to work if protected. The Central Labor Union of Albuquerque sent a resolution to Larrazolo saying the declaration of martial law was "premature"

¹ The Santa Fe New Mexican, October 31, 1919.

and created friction in communities which could handle their own problems.¹

The governor's action stirred up various types of comments from different sources. An editorial in the Gallup Herald said that with the cooperation of all good citizens the mines would be open again. It complemented the state and federal governments on their actions and said the innocent public must be considered.² In a message to the governor sent later to the Albuquerque Journal, Mr. J. A. Brentari, post commander of the Palmer Kentner Jr. Post of the American Legion in Gallup, indicated that post's attitude by saying:

The Palmer Kentner Jr. post of Gallup notified the adjutant general of the state that the post did not desire to volunteer for service as strike breakers; that the post stood for the preservation of law and order but that no unlawfulness or violence was expected here; also that the local authorities could handle any situation arising. No meeting of the post has been held for the discussion of any armed organization whatever. No trouble expected in the Gallup field.³

The first incident under martial law occurred in Colfax County when Mike Levada, a union organizer, and several union officials from Trinidad, Colorado, were arrested at Raton on November 3 for attempting to hold a public meeting of miners and were held for military authorities. The Sheriff of Colfax County said all the mines were closed and everything was quiet.⁴ This incident was used by The Evening Herald as an

¹ The Evening Herald, November 4, 1919.

² The Gallup Herald, November 5, 1919.

³ The Albuquerque Morning Journal, November 20, 1919.

⁴ The Evening Herald, November 4, 1919.

excuse to express its views again. In an editorial, that paper said the name of one of the arrested men was "Mike Levada." Many fine Americans had foreign names, but many "foreign" names were involved in "inciting miners to strike." We object to the activity of foreigners imperiling our lives. The citizenship of every man engaged in industrial ruction should be ascertained and featured in the news.¹

Adjutant General James Baca went to Gallup on November 5 and telegraphed the governor that there was no disturbance in Gallup and that the miners would return to work if protected. Major (Captain?) Edmunds, commander of the troops there, wired the governor that no trouble was expected unless labor was imported.²

Meanwhile, the union leaders in Indianapolis were busy fighting the injunction forbidding them to encourage or direct the strike. Their attorneys filed a motion in the United States District Court to dissolve the injunction saying that the Fuel Administration had been dissolved by the President and could not be legally restored by him. This was in answer to the government's assertion there had been a conspiracy under the Food and Fuel Control Act to reduce the output of coal.³ On Saturday, November 9, Judge A. B. Anderson heard both the petition of the government for a permanent injunction and the

¹ The Evening Herald, November 4, 1919.

² Ibid., November 5, 1919.

³ Ibid., November 6, 1919.

union's motion to dissolve the injunction and then affirmed the allegation of the Department of Justice that the strike was a violation of the wartime federal Food and Fuel Control Act. He ordered the union leaders to cancel the strike order.¹ The union attorneys sought in vain for a chance to present arguments on the right to strike. The judge gave the union until November 11 at 6 p.m. to withdraw the strike order.

On November 11, the United Mine Workers headquarters called the strike off in compliance with the court ruling. The attorney for the miners stated the government wished to vindicate its supremacy and the operators had said they would negotiate if the strike order was withdrawn, so a wage conference should now be called.²

The same day, Secretary William B. Wilson called a wage conference of the United Mine Workers officials and representatives of the coal mine operators. Fuel Administrator Garfield represented the public and John L. Lewis represented the miners. Lewis stated the miners were not defeated, but had merely acquiesced in the government's action and would expect good faith on the government's part.³

President Walker of the Gallup local received word the strike was called off and called a meeting to advise the miners of the same but they decided to hold off returning to work

¹ Albuquerque Morning Herald, November 1, 1919.

² The Evening Herald, November 1, 1919.

³ Ibid., November 13, 1919.

union's action was... the allegation of... a violation of... He ordered the union... union attorney... name on the... November 11... On November 11... called the union... attorney for the... case is... negotiate in... reference should... The same day... conference of... given of the... represented the... Lewis... expressed... faith on the... P. Richard... strike was... of the same...

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pending outcome of the wage conference.¹

Governor Larrazolo continued to use every effort to bring the strike to an end and get the mines going again. In a new report from Santa Fe he said that the keynote of his program was production regardless of the situation. He appealed to the operators to use every honorable means including bringing in outside workers if the miners did not return to work under guaranteed protection. Troops would be withdrawn unless the mines were operated.²

In an interview a few days earlier he had said the impression of the operators was that the men would return to work if offered protection. He then said he had received information from the sheriffs of McKinley and Colfax Counties and the mine operators to the effect that the situation had gotten beyond the control of the civil authorities in the coal camps and the sheriffs requested troops as did the mine operators.³

Sheriff McCammet of McKinley County reported to the governor on November 7 that coal production was 872 tons a day compared to a normal of 3,000 tons. He declared that the railroad officials and ninety percent of the citizens of Gallup approved of the presence of the troops. The sheriff reported

¹ The Evening Herald, November 13, 1919.

² Ibid., November 6, 1919.

³ The Evening Herald, November 3, 1919.

a conference called by Major Edmunds, troop commander, at which Mayor Hannett was also present and at which Hannett had said he had been opposed to the presence of the troops all along and would do all in his power to secure their removal.¹

The majority of editorial opinion in New Mexico seemed to back the Governor's stand. The Evening Herald, in an editorial entitled, "Larrazolo's Call for Troops," stated the case this way. It was the Governor's duty to preserve order. Miners had a right to strike but certain miners did not have the right to keep others from working. The strike imperiled public health. The same issue of the Herald reprinted an editorial from the New York Globe entitled, "Under What Flag?" which said that Governor Sproul of Pennsylvania said labor unions were beset by radicals who were bent on destroying them. It then contrasted with that statement a statement by Samuel Gompers that capital was trying to beat labor to its knees. Gompers used to be conservative but had "about faced." Sproul was right; the choice was old fashioned Gompers type of unionism or domination by revolution.²

Other sections of the country were experiencing their tensions also. A report from Washington said Department of Justice reports indicated Russian agents were active in the fields of West Virginia, and that agents were being sent to

¹ The Evening Herald, November 7, 1919.

² Ibid., November 7, 1919.

investigate. In Spokane, Washington, police arrested seventy-four members of the Industrial Workers of the World in a raid on an Industrial Workers of the World hall. In Lincoln, Nebraska, Governor Samuel F. McKelvie sent circular letters to all County attorneys asking them to arrest all members of the Industrial Workers of the World. The Border Patrol at Tucson, Arizona was ordered to keep a watch for all members of that union and other "agitators."¹

The conference in Washington of Secretary William Wilson, John L. Lewis, Garfield, and Brewster was under way. The miners started by insisting on their original demands and insisting that the new agreement be effective March 31, 1920. Secretary Wilson said the demands of the miners and the stand pat position of the operators were both impossible. The scale committees of the miners and operators went into executive session on November 19. On the 20th the operators offered a fifteen percent a ton and twenty percent a day scale wage raise effective as soon as the miners returned to work. The existing working conditions would be continued and the present contract would be effective until March 31, 1922. This offer was rejected by Lewis and the United Mine Workers as inadequate on the grounds that the proposed increase in the price of miners' supplies would absorb the wage increase.² On November 22,

¹ The Evening Herald, November 11, 1919.

² Ibid., November 20, 1919.

Lewis and the union accepted Secretary Wilson's offer of a wage advance of 31.6 percent for day labor and 27.12 percent a ton advance for coal diggers. The operators said the offer only widened the breach.

When the United Mine Workers headquarters at Indianapolis withdrew the strike order most of the nation's bituminous miners ignored the withdrawal order. The Gallup miners held a meeting on Wednesday, November 12 as soon as the withdrawal order came and decided to return to work on the company's promise that they would rehire all men without prejudice.¹ The men worked about two days when a second strike was called at the Direct Line Coal Company due to the refusal of Gregory Page, receiver of the company, to rehire six men. The miners said union men were discriminated against.² Within one week virtually all of the Gallup miners were on strike again.³

Adjutant General Baca had been on the scene in Gallup and on Monday, November 7, he advised Larrazolo that the mines were all open and the situation was expected to be normal within twenty-four hours. Ninety-nine percent of Gallup supported the governor, he said.

On November 24, Gregory Page secured a court order giving the striking miners ten days to vacate the company houses. As

¹ Albuquerque Morning Journal, November 13, 1919.

² Gallup Independent, November 20, 1919.

³ The Evening Herald, November 25, 1919.

the order was a civil court order, Baca used state mounted police to enforce the order at the end of the ten day period, but they found that most of the miners who had been ordered evicted had left for other fields and most of the remaining had gone back to work.

Due to the fact that the situation in Gallup was returning to normal Larrazolo ordered the withdrawal of all troops from Gallup except one troop of cavalry within eight days. Only a small patrol of cavalry was left in Colfax County.¹

On December 2, W. O. Clarkson, a railroad switchman, Pete Casna, a meat wagon driver, and Cipriano Lucero, a member of the 3rd Legislature, all union leaders, were arrested and bound over to the United States Grand Jury on charges of violating the Food and Fuel Control Act.² This was part of the mass arrests of eighty-four international and district officers of the United Mine Workers on charges of criminal contempt of court for violations of the injunction. Included, among others, were John L. Lewis, Acting President of the United Mine Workers, William L. Green, Secretary-Treasurer of the United Mine Workers, and the officers of District 15 of the United Mine Workers with headquarters at Pueblo, Colorado. Clarkson, Casna, and Lucero were taken to the penitentiary at Santa Fe.

There, according to a news reprint in the Carbon City

¹ The Evening Herald, December 2, 1919.

² Ibid., December 2, 1919.

the order was a slight...
police to enforce...
but they found...
evidence had...
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Due to the...
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News, a pro-labor weekly published at Gallup, they were thrown into a darkened cell in solitary confinement and were not informed of how their arrests came about.¹ They were released because of lack of evidence. Their arrest was by state officials, not federal.² The three were back at work the next day.

The Carbon City News editor spoke his mind on the arrest and temporary detention of the three in an editorial entitled, "High Handed Methods":

The deportation of the three Gallup workingmen by the Governor is looked upon as a rather deplorable condition in American affairs. The Republican and his business methods of importing foreign labor in a stupendous conspiracy to defeat Americanism and progress has placed the country in a condition from which it will have difficulty in extricating itself. The common geaser, is of course, to blame. Even though we know the fact of the conspiracy of the monied element to upset things we have been educated in our public schools to conceal the facts and feed the public upon deceit, intrigue, and falsification.³

Commenting on the eviction of the strikers, the Gallup Herald said eighty percent of the Gallup strikers were aliens. There were some in Gallup who would prevent their deportation merely to gain a point of vantage. Every alien who caused trouble should be deported.⁴

¹ Carbon City News, December 6, 1919.

² Albuquerque Morning Journal, December 6, 1919.

³ Carbon City News, December 6, 1919.

⁴ Gallup Herald, December 6, 1919.

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Here, a preliminary report of the investigation into a possible connection between the two cases is being prepared. The report will be submitted to the appropriate authorities for their consideration. The investigation is being conducted in a confidential manner and the results will be reported to you as soon as they are available.

The following information was obtained from the investigation:

and necessary information of the case is being provided.

"High Ranked Member"

The investigation has revealed that the individual in question is a member of a group known as the "High Ranked Member". This group is active in the area of international relations and is known for its involvement in various activities. The individual in question is believed to be a member of this group and is being monitored for any further activities. The investigation is continuing and the results will be reported to you as soon as they are available.

Consequently, the investigation is being conducted in a confidential manner and the results will be reported to you as soon as they are available. The investigation is being conducted in a confidential manner and the results will be reported to you as soon as they are available.

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The Gallup Independent engaged in an amusing editorial battle with the Santa Fe New Mexican in an editorial entitled, "Can't Tell the Truth About Gallup":

The Santa Fe New Mexican is getting right up in the top row with the Albuquerque Journal for distorting the truth about Gallup. This week it carried a wild eyes I.W.W. Propaganda story about a terrible disorder of the Gallup mining camps. It is a fact that a few miners got into a fight over a gambling game which the coal company encourages and they did beat each other up a bit. When the Santa Fe New Mexican heard of it, it was immediately contorted into Bolshevik propaganda, and undoubtedly it did make several anarchists its influence was so rotten. It seems peculiar to us that a paper which is striving to gain a place in the list of alleged daily papers would use it. At the present cost of newsprint it is criminal to use space with such infamous and defiled propaganda. Had a seven year old child, half-witted, epileptic, and maimed written the article, we might have overlooked it, but we can't from any of the staff of the Santa Fe New Mexican.¹

On December 2, the Albuquerque Morning Journal carried a summary of the strike up to that time by Captain [or Major] Edmonds, commander of the troops. He said the miners called off the strike when the troops arrived and instructions from the United Mine Workers came through. Then they worked two days. The second strike was called when the Direct Line Coal Company refused to take six workers, saying they had quit work and their jobs were taken by others willing to work. Governor Larrazolo, as chief executive of the state, assumed control with the cooperation of the troops. Under federal law [Food and Fuel Control Act], Captain Edmonds took the position that any action to restrict coal output would be a conspiracy. He

¹ Gallup Independent, November 27, 1919.

prohibited any meeting without his permission. One such meeting was held, and the vote was to continue the strike. One meeting was held without permission, alleging permission from Hannett, and thirty-seven miners were arrested. Eviction notices by civil court were served on 200 or 300 persons. He has had the hearty cooperation of Adjutant General Baca, United States Attorney Summers Burkhart and officials of McKinley County and of Gallup though Mayor Hannett protested against the presence of the troops. He said the real trouble center was the foreign element. The foreigners had secret societies antagonistic to the United States. Most were aliens and were not in sympathy with the United States' form of government. The reason why the foreigners quit and refused to go back to work was because of orders of "fellows back east." They belong to a Slavonic benefit society in Illinois which provided that members of the organization who act as "strike breakers" would be expelled from the lodge and would forfeit all rights to future benefits. Members construed the term "strike breakers" to bar return to work until the strike is officially settled.¹

The United States government, meanwhile, devoted all of its efforts towards enforcement of the injunction and its agents were busy gathering evidence of violations of it. Judge A. B. Anderson summoned a United States Grand Jury to hear charges

¹ Albuquerque Morning Journal, December 2, 1919.

that the coal operators conspired to violate the Food and Fuel Control Act.¹ When the grand jury inquiry began on Wednesday, December 10, he instructed it to determine whether the mine owners had conspired among themselves and with the miners to restrict the output of coal. Stress was laid on the failure of most of the nation's bituminous miners to return to work when the strike rescinding order was issued.²

Meanwhile, the government used stringent measures to alleviate the developing coal shortage. It decided to seize all bituminous coal mines where the owners showed no disposition to cooperate in increasing production and to use troops to protect miners who wanted to work. A plan of a 14 percent wage increase, adopted by President Wilson and his cabinet, would be put into effect immediately in those mines. The mines would be run by the Fuel Administration. There was no overall seizure policy; each case would be decided on its own merits.³

Attempts at satisfactory settlement of the wage disputes continued on high administration levels. The miners' representatives and the coal operators' representatives, meeting in conference with Secretary Wilson in Washington, failed to agree on a nationwide wage scale so they decided to settle the

¹ The Evening Herald, December 4, 1919.

² Ibid., December 10, 1919.

³ The Evening Herald, November 26, 1919.

wage and working conditions of the Central Competitive Field first. No results came from this move either. They next considered President Wilson's proposals for a fourteen percent wage increase and referred it back to their respective organizations.

At Indianapolis, the General Committee of the United Mine Workers considered and accepted President Wilson's plan which provided the miners would return to work at once with a fourteen percent increase in wages and that a commission of three would be created to determine a new wage agreement. The commission would meet within sixty days.¹

The United Mine Workers then met in convention in Columbus, Ohio, on January 7, and ratified the agreement to end the strike on President Wilson's proposals.² Since the mine operators had agreed to Wilson's plan also, an order ending the strike was then sent out from the United Mine Workers headquarters.

Conditions in New Mexico had reached such a close proximity to normal that on December 4 orders were issued withdrawing all troops from the New Mexico coal fields.³ On December 16, Governor Larrazolo lifted martial law from Colfax County.⁴ On December 31 it was ended in McKinley County.⁵

¹ The Evening Herald, December 10, 1919.

² Ibid., January 7, 1920.

³ Ibid., December 4, 1919.

⁴ Ibid., December 16, 1919.

⁵ Ibid., December 30, 1919.

The Governor issued a proclamation appealing to all patriots to always maintain the law and order. He appealed especially to the foreign-born, reminding them of the benefits they received as residents of the United States.

After the lifting of martial law in McKinley County, there appeared in the Albuquerque Evening Herald the following letter from A. T. Hannett, Mayor of Gallup and later governor of New Mexico. Mr. Hannett wrote this letter to Governor O. A. Larrazolo expressing his strong opposition to the declaration of martial law and to the presence of the Army in McKinley County:

Honored Sir:

I beg leave to acknowledge receipt of your esteemed favor of the 30th inst., enclosing a proclamation lifting "martial law" in this community.

I feel it my duty, as a member of the bar, a citizen of this state and of the United States and as the chief executive of the town of Gallup, to take this occasion of informing you of matters of importance, touching the situation here during the last two months. I feel that I would be derelict and grossly shirking my duty if I failed to present to you, what is hereinafter set forth.

Prior to your issuing a proclamation for martial law in the town of Gallup and portions of McKinley County, there was neither violence, threat of violence, nor any situation that indicated that violence might ensue; nor was there a violation of any law of this state or nation. Since that time and up to the proclamation which you mailed me yesterday, there had been no violence or any violation of the laws of this state arising out of the strike situation, except that one deputy sheriff, who is a guard at one of the mines, was fined for drunken and disorderly conduct, and you, violated the law of the state and the constitution of the United States in the following particulars:

1--Section 9, Article II of the constitution of New Mexico

The Governor has been a member of the Council of the State since 1901.

He has always been a member of the Council of the State.

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provides: "The military shall always be in strict subordination to the civil power."

You violated this provision of the constitution of New Mexico by endeavoring to impose military law upon this community.

2--Both the constitution of the United States and the state of New Mexico provide: "That people have the right to bear arms for their security for defense, but nothing herein shall be held to permit the carrying of concealed weapons." Section 6, Article II Constitution of New Mexico: "The people shall be secure in their persons, papers, homes, and effects from unreasonable searches or seizures, and no warrant to search any place, or seize any person or thing, shall issue without describing the place to be searched or the persons or things to be seized, not without a written showing of probable cause, supported by oath or affirmation." Section 10, Article II.

HOMES SEARCHED

You vilated the above sections in ordering the people living at the Coal Basin Camp searched and ordering them out of the houses upon which they had lease or hold estates.

Section 2, Article II of the Constitution of New Mexico and Article 12 of the Constitution of the United States, in practically the same words provide that "The right of trial by jury as it has heretofore existed shall be secured to all and remain inviolate."

You violated this provision of the Constitution when you forced some 30 or 40 people to leave their homes without the statutory notice or without any trial whatever, resulting in their sacrificing their personal property and their right to a leasehold estate without any process of law, when they and each of them were ready, willing and offered to dig coal at the respective mines where they lived, the only excuse or justification being they were people who were black-listed by the company which employed them.

"No person shall be deprived of life, liberty or property without due process of law, nor shall any person be denied the equal protection of the law." Section 18, Article II.

You and your officers violated this constitutional provision when you seized the person of Cipriano Lucero, William Clarkson, and the Sasna boy. I will not trust to

provision: "The military shall have the right to...
attention to the civil..."

Not violated this...
Noted by...
community.

2--Each the constitution of the...
state of New Mexico...
to state arms...
person shall be...
weapons...
Kerick: "The...
papers, houses, and...
any person or thing...
place to be...
seized, not without...
supported by...

Not violated the...
living at the...
out of the house...

Section 2, Article 11...
and Article 11...
is provided...
total by...
must be...

Not violated the...
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solving in...
their...
law, when they...
offered to...
lived...
people who were...

"No person shall...
without the...
the equal protection...

You and your...
when they...
William...

the paucity of my own diction in condemning your action, but will quote to you the words of the supreme court of the United States and other giants of Anglo-American freedom, who have been fighting the battles of constitutional government to preserve the liberties of a free people for the past seven hundred years:

The constitution of the United States is a law for rulers and people, equally in war and peace and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that of its provisions can be suspended during any of the great exigencies of government. Such doctrine leads directly to anarchy and despotism, but the theory of necessity on which it is based is false, for the government within the constitution has all the powers granted to it which are necessary to preserve its existence. "Ex Parte Milligan, 4 Well, 120, 18L. Ed. 295."

Mr. Hannett then quotes Alexander Hamilton, George Washington, Professor Valentine, David Dudley Field and others in support of the position. He then continues:

You will therefore see, my dear governor, why I am deeply grieved at your casting reflections upon the loyalty and efficiency of local public officials and why I am constrained to characterize your appeal to me as either profoundly hypocritical or inexcusably ignorant in that you are the chief offender against the laws and constitutional safe-guard of our beloved state and republic.

I am very anxious, governor, for you to know that I was bitterly opposed to the strike. At a meeting of the miners, before the troops came here, where several hundred miners were present, I told them that the strike was absolutely illegal, immoral, unjust and un-American and urged them to return to their labors. This they refused to do. That did not justify, however, a violation of the law or the constitution of the State by those entrusted with its enforcement. I personally, have a profound faith in the constitution of our state and nation, and have therefore, a deeprooted and abiding conviction that there never has been and never will be an occasion which the letter of the spirit can be safely disregarded. When you sent your troops here there were approximately 57 members of the United Mine Workers in this district. There are now approximately 900 in the organization. Production of coal is not more than 70% percent normal at

the present time by reason of your mounted police and local officers of the skilled miners. I predict that after the unskilled miners proceed with further development of the mines, production will decrease instead of increase. Had an impartial attitude been taken between the workers of the mines and the operators, much of this unhappiness could have been avoided. I personally, own shares in a local coal company which represents a substantial portion of all that I own in the world, and at the same time I have been for years, attorney for organized labor in this locality. I am, therefore, not lacking in sympathy with either the operators or the miners and in all due humility feel that I am amply justified in placing my opinion against your own in regard to the local situation in saying that you made a grave mistake, and there is not now, and never has been to my knowledge or the knowledge of any other person an I. W. W. or a Bolsheviki in this county. If such a person ever appears here he will find no hand heavier than my own.

COMMUNITY PATRIOTIC

McKinley county and Gallup stand first and foremost among the counties of the state in the manner in which it doubled and trebled its quotas in every war work and activity during the past two years. It stands second to none as to per-capita enlistments. The loyalty of its people and their ability for self-government are second to none. A large majority of the population is Anglo-Saxon, whose ancestors have labored, fought, bled and died for constitutional government long before you immigrated from our sister republic in the south. You may, therefore, readily see, my dear governor, that this community will continue to function as it always has.

May I hope that this communication will be carefully and dispassionately considered and if ever you are solicited to again infringe upon the liberty of a free people, that the quotations herein set forth will give you a better perspective on the constitutional guarantees for which Anglo-Saxons have fought, bled and died for the past seven hundred years. It would not be frank and fair to you, my dear governor, if I failed to tell you that I feel that you have been misguided and misinformed in many instances, as to what has taken place. Your advisors were not concerned with the production of coal but with the breaking up of the Union. I give you credit for desiring to produce more coal. Your attitude in the matter defeated the ends you sought. I give you credit, however, for entirely honest motives. Your advisors were of the Old Bourbon type who never learn anything and never forget

anything. Your attitude frustrated their hopes for instead of breaking up the Union, you now have 900 coal miners in the Union where at the outset of the strike you had 57. Oppression and suppression have a tendency to drive human beings into the opposite direction from which those seeking to oppress and suppress would herd them.

With every assurance of my high esteem, I am,

Yours very respectfully,

A. T. Hannett¹

Hannett's letter defending the miners and criticizing Larrazolo for the use of the troops in the strike brought the following reply from the governor:

My dear Sir:

I have received your favor of the 1st instant, and have carefully read its contents. It is very kind of you to give so much valuable information concerning the constitution. I have also enjoyed the reading of the conduct of President Washington under conditions somewhat similar to those which existed in the country during the recent coal miners' strike. Your quotations from other eminent authors in the matter of constitutional interpretations, the limitations of powers of executives, etc., have been very instructive, and for all of this most valuable information I thank you.

If it be true that I have so grossly violated the fundamental law of our state and country, there certainly ought to be a way of reaching and punishing me for the same and indeed that ought to be done, if I am as guilty as you seem to think that I am; Because I must confess that if similar conditions should arise during my incumbency as governor of this state, I certainly shall pursue the same policy as I did in the past. In this connection I beg to state that for that conduct I am alone responsible, and will not have such responsibility shared by my advisors whom you believe to have been responsible, at least in a measure, for my conduct, for I beg to assure you that I had no advisors and that whatever I did, I did of my own notion, and not at the suggestion of anyone.

¹ Albuquerque Evening Herald, January 1, 1920.

Again thanking you for the most learned knowledge that you so liberally and gratuitously imparted to me, and wishing you a very happy and prosperous New Year, I am,

Very respectfully yours,

O. A. Larrazolo, Governor¹

The coal commission created by the President's plan, consisting of Harry M. Robinson, chairman, Rembrandt Peale of the operators, and John P. White of the miners began work on January 2 and on March 11, 1920 they announced a wage increase of twenty-five percent, absorbing the fourteen percent increase already granted, with no change in working hours or conditions. The increase was not retroactive to November. This wage award was not applicable to New Mexico because New Mexico was not in the central competitive field and the mines were operated on an open shop basis not on a contract with any miners' organization. The fourteen percent wage increase of the President's plan was applicable though.

CONCLUSION

In analyzing the use to which the military arm of the state government was put in this strike several factors must be considered: they are in prevailing climate of public opinion concerning labor disputes and labor organizations; the conditions which existed in the coal fields of McKinley and Colfax Counties at the time martial law was declared and the troops sent; the actions of the state and federal governments; and the conduct of the troops while on active duty.

¹ Gallup Herald, January 10, 1920.

Judging by the bulk of the editorials which dealt with the coal strike and other strikes and by the statements of various national and state leaders and organizations as reported in the columns of the newspapers, one can hardly escape the conclusion that the prevailing climate of public opinion towards labor unions was one of suspicion if not actual hostility. The frequent references to "Reds," "Bolsheviks," "Radicals," "agitators," and the "anti-foreign" bias of many newspapers and officials, particularly the New Mexico newspapers and Governor Larrazolo, bear this out.

The efforts of the United States government and the government of the State of New Mexico seemed to be bent towards keeping production going or, in other words, breaking the strikes. This is borne out by the United States government's resort to the use of the injunction preventing the union leaders from giving direction to the strike under pain of arrest on charges of conspiracy to violate the Food and Fuel Control Act. This is also demonstrated by the appeals of President Wilson and Governor Larrazolo to the miners to remain on the job and produce coal. Larrazolo even went so far as to suggest the importation of labor if the miners at the mines refused to go to work. Both state and federal governments promised miners who went back to work sufficient troops to protect them from those who desired to continue the strike.

Most significant of all, perhaps, is the fact that although the provisions of the New Mexico constitution state

that the governor shall have power to declare martial law and order out the militia in time of riot, breach of the peace, and so on, or threat of such, and although courts and attorney generals have tended to interpret these provisions so as to give the governors broad discretionary powers in determining whether such conditions exist, it can be shown that no such conditions or threat of such conditions existed in McKinley or Colfax Counties, New Mexico, at the time of Governor Larrazolo's declaration of martial law on November 3, 1919 or before. This can be proved by reference to the statements made by various state and county officials and newspapers who supported the sending of soldiers as to the quietness of conditions in and around Gallup and Raton; to the letter of Mayor Hannett of Gallup to Governor Larrazolo; and to the complete absence of any reports in the newspapers of any violence in the coal camps of New Mexico on or before November 3, which was of such scope that competent local county officials and civil courts could not have handled satisfactorily.

The conduct of the troops while on active duty seems to have been reasonable and restrained at all times. There were no clashes between the townspeople or the strikers and the soldiers.

This writer, therefore, in sight of the demands for production on the part of public officials, public hostility towards labor unions and labor leaders, and the absence of any condition of disorder in the coal camps of New Mexico which

would have justified the sending of troops and declaring of martial law, cannot help but conclude that martial law was declared and troops were sent into the coal fields to break the strike and the union and that such actions constituted a violation of the civil rights of the miners. This does not necessarily mean that any of the officials of the state government had any "understanding" with the coal mine operators. It just means that the type or direction of public sentiment and official conviction prevalent at that time called forth that type of action.

Larrazolo's endeavor to break the strike and maintain production by sending troops to the Gallup and Raton coal fields failed. The evidence does not indicate that the presence of the troops contributed towards maintenance of coal production in any manner. The miners struck when ordered to by their national headquarters and returned to work when told to by the same authority.

CHAPTER III

As the wage agreement negotiated by the three man commission appointed as part of the agreement settling the strike of 1919 was due to expire March 31, 1922, conferences of union officials, mine operators and government officials began in late December, 1921 and early in January, 1922. The possibility of a strike loomed very early in these conferences because of the determination of the mine owners to reduce wages to meet non-union competition and the determination of the union to resist any such move. Secretary of Commerce, Herbert Hoover, who had sat as government representative at the conferences, issued a strike warning on January 20, 1922.

On January 21, a tri-state wage convention of the United Mine Workers of the Anthracite fields, meeting at Shamokin, Pennsylvania adopted a recommendation made by the scale committee that the union demand a 20 percent wage increase for contract mines and an advance of \$1.00 a day for day men. This was the principle one of nineteen demands.¹

A spirit of impatience was entering the ranks of the union officials and on March 9 an ultimatum was sent by the Illinois miners to William Green, international secretary of the United Mine Workers of America, to the effect that the Illinois miners would enter into a conference with the Illinois

¹ Albuquerque Morning Journal, January 20, 1922.

operators unless the international officers succeeded in arranging a conference with the operators of the central field.

Secretary of Labor Davis held out small hope for such a conference or of avoiding a strike on April 1, the date upon which the existing wage agreement expired. The mine operators refused to enter a conference. The United Mine Workers was willing to enter one, though it insisted upon retention of the existing wage scale adopted in 1920, while the operators were insisting upon a wage reduction of 20 percent or more.

The United Mine Workers continued to make preparations for a strike and on March 10 the bituminous miners of the nation balloted on whether to strike April 1 or not. On March 22, it was announced that the meeting of the anthracite miners and operators in New York had failed to produce an agreement. On the same day, strike orders affecting 600,000 anthracite and bituminous coal miners through the nation was issued from the United Mine Workers headquarters at Indianapolis ordering a strike on April 1.¹ In a statement issued from the United Mine Workers headquarters by John L. Lewis, Acting President of the United Mine Workers, he stated that the miners' demand for a six hour day, five day week meant that the miners asked not a six hour maximum, but a reasonable assurance they would have reasonably steady employment throughout the year. At the time, miners worked eight hours a day only a small part

¹ Albuquerque Morning Journal, March 22, 1922.

of the year. In 1921, the miners were employed forty percent of the time and unemployed sixty percent of the time.

The conference of operators and anthracite miners in New York City continued. The operators said the miners received a "saving wage," in a reply against the nineteen demands presented to them by the United Mine Workers. Phillip Murray, vice-president of the United Mine Workers, denied this.

All efforts at strike settlement having failed, the strike began as scheduled on April 1, and within a week almost 100 percent of the coal miners of the nation, including those at Gallup, New Mexico, had quit work.¹

Governor Merritt C. Mechem of New Mexico issued an order through Adjutant General Henry Rolf Brown on April 7 that the National Guard of the state be mobilized and on April 8 he proclaimed martial law in McKinley County.² This action was taken in response to requests for troops from Gregory Page, Republican Party leader in McKinley County, and from Sheriff Robert's office. Mayor A. T. Hannett of Gallup, in response to a wire from Mechem requesting information on the situation in Gallup, replied that everything was quiet and no troops were needed:

Gallup, N. M.
April 7, 1922
Hon. Merritt C. Mechem
Governor, Santa Fe, N. M.

¹ Albuquerque Morning Journal, March 22, 1922.

² Ibid., April 8, 1922.

of the year. In 1931, the miners who employed forty percent
of the time and approximately fifty percent of the time.
The collection of operators and employees in 1931
York City continued. The operators said the miners received
"saving wages," in a reply against the National Council's statement
to them by the United Mine Workers. Philip Murray, vice-
president of the United Mine Workers, denied this.
All efforts at settling the settlement having failed, the
strike began as scheduled on April 1, and within a week almost
100 percent of the coal miners of the nation, including those
at Gallup, New Mexico, had quit work.
Governor Herbert H. Lehman of New Mexico issued an order
through Adjutant General Henry Hall Brown on April 2 that the
National Guard of the state be mobilized and on April 3 the
National Guard was mobilized in McKinley County. This action was taken
in response to requests for troops from the New Mexico National
Guard, and from the New Mexico National Guard's
office. Mayor A. J. Hummer of Gallup, in response to a wire
from Lehman requesting information on the situation in Gallup,
replied that everything was quiet and the troops were needed.

Gallup, N. M.
April 2, 1931
Hon. Herbert H. Lehman
Governor, State of New Mexico

I acknowledge receipt of your letter of April 2, 1931.

Sincerely,
Herbert H. Lehman

Albuquerque Press reports troops ordered to Gallup field. There is no disturbance threatened in the town of Gallup that would justify the sending of troops into the town of Gallup. The people of the town of Gallup are as peaceful and law abiding as any in the state and this includes miners resident in Gallup. There is absolutely no justification for sending troops within the corporate limits of Gallup. Respectfully urge that troops not be sent within the corporate limit of the town of Gallup as there is no occasion for reflecting on the inhabitants of the town of Gallup or its authorities.

A. T. Hannett, Mayor¹

In fact, Hannett protested vigorously against the presence of the Guard in Gallup just as he had during the same situation in 1919. In a wire to the Morning Herald he said:

No disturbance whatever at Gallup and no disturbance as far as I can see at the mines. The authorities of the town of Gallup have not requested troops and are perfectly capable of coping with the situation here. Miners have been perfectly law abiding, sober, and peaceful, obeying all laws; their leaders urging that all laws be obeyed and the men seem to be under the control of the leaders. Authorities of the town of Gallup object to troops being stationed in the town.²

Outside of an incident involving a few women pickets at the Mentmore mine, no incidents of violence had been reported in the newspapers.

The United Mine Workers launched a vigorous organizing campaign at Gallup, and on April 7 a local of about 900 miners was organized.

Mechem, on April 9, sent a telegram to Secretary of War Weeks requesting the aid of federal troops, saying:

¹ The Sunday Herald, April 9, 1922.

² Albuquerque Morning Journal, April 8, 1922.

Serious disturbances are in progress in the Gallup coal mining district owing to the strike. Our national guard is not recruited up to strength. I am sending them into the district and although the state of New Mexico may be able ultimately to control the situation, yet we believe that the presence of federal troops in the Gallup district will prevent the destruction of life and property which with state troops alone we regard as nearly inevitable. Therefore, I request that federal troops be immediately dispatched to Gallup, N. M. from Fort Bliss, Tex.

Secretary Weeks replied, "Unless disorder develops to a point where state authorities are unable to preserve order federal troops cannot be used in connection with local strike."¹

It was not long before violent reactions to the Governor's action began to be expressed from various sources.

Mechem's sharpest critic during the duration of martial law and the presence of the troops in Gallup was Carl C. Magee, editor and owner of the Albuquerque Morning Journal.² Magee made a trip to Gallup to survey the situation for himself and he reported his findings in a dispatch from Gallup to the Journal on April 9 in the following personal column written on April 8:

Carl C. Magee Finds No Just Cause for Use of Guardsmen

¹ Albuquerque Morning Journal, April 9, 1922.

² Carl C. Magee was a very controversial figure in New Mexico politics of this period. Born in Iowa, he moved to Tulsa, Oklahoma where he was a successful attorney. Then he bought the Albuquerque Morning Journal and won fame as a crusading editor. He was influential in uncovering evidence against Albert B. Fall, Secretary of Interior, and former United States Senator from New Mexico, which helped lead to the investigation of Fall and oil man Harry F. Sinclair in connection with the leases of the Naval Oil Reserves in the Teapot Dome Basin in Wyoming. First a Republican, he became a violent Democrat. W.G. Shepard, "How Carl Magee Broke Fall's

"We went to the mine mouth to work Thursday morning and found three or four women there with two or three children. They tossed stones at us and said, 'Shame, Shame', and we were ashamed and went away and thought we would not work any more until things were all right." Such was the statement made to me today by the spokesman of a group of three miners who were 'assaulted' on Friday at the Mentmore mine when they went to work. They were laughing and happy and were apparently surprised to know that the incident had been magnified into an excuse for declaring martial law.

Superintendent Miksch of the Mentmore mine, when asked his version of the rock throwing incident, stated that the women threw rocks as big as a man's fist while a group of strikers stood on a nearby hill-hooting and calling those who wished to work vile names. Questioned further he stated that the county officers made no effort to remove the women from the mouth of the mine. This is the mine owners' version of the rioting which led them to ask for federal troops.

No Serious Disorder

There is no serious disorder in Gallup or its environs. There is none of the ugly spirit which precedes rioting. There is no reason for the presumption that there is likely to be any trouble which a free and fearless sheriff and the district judge could not have handled. The whole county is almost as peaceful as a Quaker meeting.

I do not care at this time to express my opinion as to the merits of the strike. It began as a sympathetic movement to aid the national walkout. Perhaps there are local grievances, but no demands preceded quitting work. The men quit because President Lewis of the mine workers asked all non-union men to go out with the unions. These men complied and some twelve hundred quit work. Since that time some nine hundred of these have joined the union. Not to exceed three hundred in this area at work. These are all at the Gallup-American shafts.

The matter which brought me here was to learn whether or not there was justification for declaring martial law at this time. I desire to discuss only that question. As it has cost some \$3,500.00 to bring the troops down here and will cost as much to get them back home with a cost of some \$500.00 per day for maintenance while here it is a matter of some concern to tax-payers. But that

is the least of the evils which arise from an unnecessary and premature declaration of martial law.

Today a czar rules McKinley County. That he is a wise and benevolent despot makes him no less a czar. Gen. Henry Rolf Brown's word is fine. All the functions of the local officers elected by the people are absolutely suspended except as he sees fit to direct them to function. The right of trial by jury and of habeas corpus is suspended. The people are at the mercy of the judgment and justice of one man. That he is not abusing the power is aside from the question. That fact remains that some 5,000 American citizens have temporarily and on slight pretext lost all of their civil rights.

It is a serious precedent to establish. Acquiescence to the unnecessary suspension of civil rights menaces every free American. It should be condemned except as a last resort.

No adequate justification for such a course exists here.

The processes of the courts have been served in civil matters without trouble. Not a single criminal warrant has been issued nor has an arrest been attempted. The sheriff had no grounds for saying that the matter was beyond his control for he has not attempted to control anything or had occasion to try to do so. The whole representation made to the governor is false.

The idle workmen are mostly unarmed and harmless to the point of being playful. I attended a meeting of 500 of them today. Every speaker told them that any act of violence would cause them to lose the strike. There was not a single radical or incendiary sentence in any of the half dozen speeches made. One speaker took his three year old boy with him to the platform and the lad was cheered and greeted from the crowd as "little man" and "little striker." An atmosphere of relaxation was evident throughout the meeting. There was not the slightest evidence of a tense or critical situation.

Sending soldiers here is a libel on Gallup. She is as peaceful as Central Avenue in Albuquerque. Practically the whole thing is a manufactured case to lead the state of New Mexico to pay the bill for guarding the mines and reopening operations.

Four words tell the whole story. It is a case of "too much Gregory Page." Page was once a saloon keeper. Later he was a wholesale liquor dealer. Now he is a merchant and

banker. All of the time he is a hardboiled and influential politician of the politico-financial group which has been a curse to New Mexico. Page very largely set up this deal and his group persuaded the governor to furnish the troops. Governor Mechem may have intended merely to enforce the law but Page and his crowd intended to use the troops to break the strike.

Twice before the mine owners have used the state of New Mexico in a framed state of facts and led the people to acquiescence. Why not do it again?

Perhaps a condition might have developed which would have made the sending of the troops a necessity. That time had by no means arrived.

The mine owner group have slipped something over on a too credulous governor and an unsuspecting people.

This is my judgment after a busy day on the ground talking to all classes of people. Perhaps the strike should fail but the money and power of the state should not be used to make it fail unless the general welfare becomes involved.¹

Further insight into the attitude of certain portions of the citizens of Gallup towards the presence of the troops may be gained by examination of the following exchange of letters between Mayor A. T. Hannett and Reverend A. J. G. Dowie:

April 12, 1922;

Rev. A. J. G. Dowie
Gallup, N. M.

Dear Sir,

In behalf of the board of trustees of the town of Gallup I desire to be advised as to whether or not you were correctly quoted in the Albuquerque Herald as likening the sending of troops into Gallup to the entrance of Jesus into Jerusalem. Of course, you are entirely familiar with the facts and know that it was through the efforts of

¹ Albuquerque Morning Journal, April 9, 1922.

REPORT OF THE
COMMISSIONER OF THE
GENERAL LAND OFFICE
OF THE UNITED STATES
DEPARTMENT OF THE INTERIOR
WASHINGTON, D. C.
1900

THE LAND OFFICE
OF THE UNITED STATES
DEPARTMENT OF THE INTERIOR
WASHINGTON, D. C.
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THE LAND OFFICE
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THE LAND OFFICE
OF THE UNITED STATES
DEPARTMENT OF THE INTERIOR
WASHINGTON, D. C.
1900

the town of Gallup and the board of trustees and the Burns agents employed by the board of trustees of Gallup that the town has been cleaned of bootleggers and prostitutes and that the military had nothing to do with the situation except to help serve the warrants making the arrests. I believe that you, together with all good citizens, also resent the action of the governor in illegally declaring martial law in the town of Gallup.

I would be very much pleased however, if you would define your position.

Respectfully,
A. T. Hannett
Mayor of Gallup¹

Gallup, N.M. April 13, 1922
Mayor A. T. Hannett
Gallup, N. M.

dear Sir,

My attention already had been called to the quotation of the Albuquerque Herald on Monday last in which I am supposed to have compared the coming of troops into Gallup to the entrance of Jesus into Jerusalem.

I made absolutely no reference to the coming of the military. The only passage which could possibly be connected with this alleged reference was one in which I did not mention the military, but in this section of my sermon I spoke with appreciation of the successful cleanup of bootleggers and prostitutes made the night before by municipal authorities under your direction. A cleanup about which we had been in conference, as you well know, for many months. Never throughout my whole sermon did I mention the soldiers and the reasons, or lack of them, for their coming to Gallup. So far as I know, or can learn, the action of the Governor in declaring martial law in Gallup is absolutely without a shadow of reason. Acts of violence may have occurred in Allison although only one such has been reported to me but certainly nothing has happened in the town of Gallup that would justify such action.

It appears to me as if the Albuquerque Herald was more

¹ Albuquerque Morning Journal, April 15, 1922.

anxious to justify the governor than to report my remarks on Sunday last.

Very Sincerely Yours
A. J. G. Dowie
Rector, Holy Spirit Church¹

Hannett sent these letters to Magee along with an explanatory letter explaining that the town authorities had been conducting action against bootleggers under the authority of the provisions of the Volstead Act.

A news report in the Morning Journal indicated that the strike was spreading in Gallup and would be 100 percent effective by the 17th. The leaders of the strike indicated that the objects of the strike here were closing of the universal wage contracts for all miners in America and recognition of the union local by the mine operators.²

On April 11 the miners began evacuating their homes under military order. The union leaders urged compliance and the move was carried out peacefully.³ The military furnished tents for those evicted.

Union officials were busy securing funds both for the conduct of the strike and for relief of the miners. The businessmen of Gallup were solicited for funds for miners' relief and fifty out of fifty-two of them responded with donations. The Albuquerque Trades Council decided to back the strike financially.⁴

¹ Albuquerque Morning Journal, April 15, 1922.

² Ibid., April 10, 1922.

³ Ibid., April 11, 1922.

Acting Sheriff Roberts still held to his belief that his men would have been unable to maintain order and the miners' smiles concealed a desire to start trouble at the first possible moment.¹ Adjutant General Brown, in a statement to the Morning Journal on April 12, said:

I consider the situation caused by the strike of the Gallup miners a very serious one not only locally, but for the state of New Mexico in general. The question not only concerns the question of whether the Gallup mines shall operate but extends to whether New Mexico shall be able to receive railroad supplies and whether train service shall continue after the next few days. The troops are here not because of the little trouble at the Mentmore mine but in the hope of protecting the rights of all New Mexico people in their fuel supply and in their railway service which my investigation forces me to believe are seriously threatened by the condition which exists and has existed for several days in the Gallup coal mining district.²

Judging by this statement Brown apparently felt that the troops were in Gallup, not to preserve order, since little trouble had occurred in McKinley County, but to keep production going; which means keep the miners at work and "break" the strike.

The Department of Justice was keeping its eye on the activities around Gallup. Its agent, Mr. A. E. Gere, in a statement to the Evening Herald, said the arrival of the troops was the only thing that prevented general turmoil. His version of the incident at the Mentmore mines was that a large crowd of strikers was ready and willing to back the women in their

¹ Albuquerque Morning Journal, April 11, 1922.

² Ibid., April 12, 1922.

rock throwing. The men were willing to work but were afraid to do so. The troops ran the bootleggers and prostitutes out of town when they took over.¹

On April 14, Mechem issued an executive order to Adjutant General Brown exempting the McKinley County Court House and Jail in Gallup from military law. This was to restore civil court proceedings and processes.²

On the national scene, the anthracite miners and owners sub-committee on wage negotiations, in session since March 15, was still considering the miners' nineteen demands. Strike headquarters of the United Mine Workers was shifted from Indianapolis to Springfield, Illinois.

Governor Mechem and the mine operators continued to receive scorching blasts of criticism from Carl C. Magee in his Morning Journal. On April 10, Magee published this open letter to Judge Reed Holloman, Judge of the First Judicial District Court, New Mexico, at Gallup:

AN OPEN LETTER

Judge Reed Holloman
District Judge
Gallup, N. M.

Dear Judge Holloman: The Journal is concerned for law and order and the orderly processes of the law. We do not believe that we should secure law and order at the expense of the orderly processes of the law. The established and orderly processes of the law should have been exhausted, in

¹ The Evening Herald, April 10, 1922.

² Albuquerque Morning Journal, April 14, 1922.

look through. The first thing I saw was a man
in a suit, the judge, and a woman, the
lady, who was very pretty.

On April 1st, 1901, I was called to
General Brown's office. He was a
tall, thin man with a white mustache.
He was sitting at a desk with a
court proceeding on it.

On the wall behind him was a
map of the state of Ohio. The
map was very large and it was
very old. It was a map of
Indiana, I think.

General Brown was a very
kind man. He was very
friendly to me. He was very
kind to me. He was very
kind to me. He was very
kind to me.

General Brown was a very
kind man. He was very
friendly to me. He was very
kind to me. He was very
kind to me. He was very
kind to me.

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friendly to me. He was very
kind to me. He was very
kind to me. He was very
kind to me.

General Brown was a very
kind man. He was very
friendly to me. He was very
kind to me. He was very
kind to me. He was very
kind to me.

our judgment, before troops were sent and martial law declared at Gallup. Were they? It is for the purpose of learning the facts that the Journal addresses this open letter to you.

You are the judge of the district court in McKinley County, although your place of residence is in Santa Fe. You were in Santa Fe; instead of in Gallup, when the Gallup episode occurred if we are correctly advised. Did the Sheriff of McKinley County notify you that he could not serve the processes of your court or that anyone was interfering with his functioning as Sheriff? If so, what was your reason for not proceeding at once to Gallup to place the powerful arm of your office and your decisive personality behind the Sheriff in his efforts to maintain law and order? We believe that no one communicated with you and that you were not advised of any trouble at Gallup until troops were ordered there. Is this true?

Now that you are on the ground and holding court can you learn of any arrests which the sheriff attempted to make which he was unable to make because of the interference of any mob or other lawless groups?

Can you learn of any trouble which existed in the coal mining regions of McKinley County with which you could not have coped as district judge had the powers of the court been invoked by proper application? Did you remain away from Gallup merely because you were uninformed of any need for your presence or because you were intimidated and were afraid to go there, hear applications and issue proper court orders?

Do you believe that the extraordinary proceeding of sending troops into a community should be indulged until after the orderly processes of the court have been exhausted and have failed? Had your powers been so exhausted when troops were sent to Gallup?

This open letter is not sent in a slighting way. The Journal has great faith in your ability, courage, and firmness. We believe that you have been entirely capable of handling the situation at Gallup had your aid been properly invoked. This letter is for the purpose of developing our opinion as to whether or not we are wrong in our conclusions. We will gladly publish your reply.

Yours Sincerely,
ALBUQUERQUE MORNING JOURNAL¹

¹ Albuquerque Morning Journal, April 9, 1922.

our business, we have been very successful in
the past, and we hope to continue to be so in the
future. We have a large number of customers, and
we are always looking for new ones. We have a
very good reputation, and we are always trying to
improve our service. We have a very good
location, and we are always trying to make it
better. We have a very good staff, and we are
always trying to make them better. We have a
very good product, and we are always trying to
make it better. We have a very good price, and
we are always trying to make it better. We have
a very good quality, and we are always trying to
make it better. We have a very good quantity,
and we are always trying to make it better. We
have a very good variety, and we are always
trying to make it better. We have a very good
selection, and we are always trying to make it
better. We have a very good assortment, and we
are always trying to make it better. We have a
very good range, and we are always trying to
make it better. We have a very good stock,
and we are always trying to make it better. We
have a very good supply, and we are always
trying to make it better. We have a very good
demand, and we are always trying to make it
better. We have a very good market, and we are
always trying to make it better. We have a very
good economy, and we are always trying to make
it better. We have a very good industry, and
we are always trying to make it better. We have
a very good government, and we are always
trying to make it better. We have a very good
society, and we are always trying to make it
better. We have a very good culture, and we are
always trying to make it better. We have a very
good education, and we are always trying to
make it better. We have a very good health,
and we are always trying to make it better. We
have a very good environment, and we are always
trying to make it better. We have a very good
climate, and we are always trying to make it
better. We have a very good weather, and we are
always trying to make it better. We have a very
good time, and we are always trying to make it
better. We have a very good place, and we are
always trying to make it better. We have a very
good people, and we are always trying to make
it better. We have a very good world, and we
are always trying to make it better. We have a
very good universe, and we are always trying to
make it better. We have a very good everything,
and we are always trying to make it better.

[Signature]

It was not long before Magee's savage attacks on Mechem brought several newspapers of the state to the Governor's side in a vigorous defense of his actions. The editor of The Evening Herald spoke back at Magee in this fashion:

The Gallup Situation

If the only interests to be considered by the authorities of this state in the present situation at Gallup are those of a few imported organizers of the United Mine Workers of America who have been sent out to organize the coal mining camps of New Mexico and stop production in the interest of the success of the national coal strike, then Governor Mechem was wrong to order state troops into charge of the menacing situation that existed and still exists in McKinley County.

If there are other interests at stake in the Gallup district; if there is an interest in the preservation of law and order; if there is an interest in the protection of property; if there is an interest in ensuring to men who wish to work the right to work unthreatened and unmolested--if these rights are at stake in the situation at Gallup--and all of them are at stake there--then the Governor was right in ordering the troops to Gallup and he will be right in keeping them there just so long as those interests are endangered.

Political opponents of the governor, notably the publisher of the local morning paper [Magee] hold to the view that the only interest which has a right to be considered in the Gallup strike development is that of the professional organizers who desire to organize the Gallup mining district and stop the production of coal there. All the other interests concerned at Gallup, these persons contend, have no option but to bow to the command of the professional organizers.

Mr. Trotsky of Russia, were he running the Albuquerque Journal, or advising the leaders of the Gallup strikers or both, would no doubt incline to the same view and vigorously advocate it.

We seriously doubt whether any considerable number of American citizens, after sober second thought, would agree with him.¹

¹ The Evening Herald, April 11, 1922.

It was not until 1904 that the first
practical method was devised for the
in a laboratory setting. The method
Hurler's method was first used in 1904.
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In an interview reported in The Evening Herald, Adjutant General Brown made the statement that the troops were sent to Gallup to keep coal production going and prevent the spread of the strike to other areas of New Mexico.¹ This again indicated that Brown's conception of the purpose of the soldiers at Gallup was to help the operators and Mechem to break the strike.

When Mechem issued his order on April 14 exempting the McKinley County Court House and Jail from martial law, Magee seized upon that move as the cause of another blast at him and at Judge Holloman:

The People of McKinley County Win

It was rather clever, the Journal admits it was. We refer to the manner in which Mechem extricated himself from the martial law order at Gallup. We think we see the adroit and fertile brain of our friend Judge Reed Holloman in the finesse with which this thing was accomplished. Holloman would have been far-sighted not to have gotten into the mess. The solution for getting out of it excites our imagination....²

The editorial went on to say that the civil rights of the people was now restored by Mechem's freeing of the court from martial law.

The Gallup Herald made its position clear in an editorial saying, "This paper endorsed the action of Governor Mechem in sending the state troops to McKinley County and the establishment of martial law, small bore, gimlet headed politicians to the contrary notwithstanding." [probably refers to Hannett]

¹ The Evening Herald, April, 1922.

² Albuquerque Morning Journal, April 15, 1922.

In an interview reported in The Evening Herald, Adjutant General Brown made the statement that the troops were sent to Gallegos to keep cool protection going and prevent the spread of the epidemic to other areas of New Mexico.¹ This again indicated that Brown's conception of the purpose of the soldiers at Gallegos was to help the operators and keep the epidemic from spreading. When Brown issued his order on April 14 exempting the McKinley County County House and Jail from martial law, Brown seized upon that move as the cause of another blight at him and at Judge Holloman:

The People of McKinley County Win

It was further stated, the Journal writes, that the order to the troops in which Brown was quoted as saying that the martial law order at Gallegos was the first of its kind in the history of our United States. The order was issued in the line with which this thing was accomplished. Holloman could have been far-sighted not to have gotten into the case. The solution for getting out of it was one question.

The editorial went on to say that the civil rights of the people was not restored by Brown's freeing of the court from martial law.

The Gallegos Herald made its position clear in an editorial saying, "This paper endorsed the action of Governor Brown in sending the state troops to McKinley County and the establishment of martial law, and will soon, it is hoped, be able to do the contrary not withstanding." "Probably before we know."

¹ The Evening Herald, April, 1922.

² Albuquerque Morning Journal, April 15, 1922.

The Herald went on to describe the incident at the Mentmore mine, threats to blow up the Gallup Southwestern Mines, [this was never mentioned in any of the news reports in Gallup or Albuquerque newspapers] and the ability of the company guards to maintain law and order in the opinion of Sheriff Roberts.¹

Magee's jubilation at the modification of martial law in regard to the court brought this caustic retort from the Santa Fe New Mexican as reprinted in the Evening Herald:

The Habeas Corpus Dilecta

Has St. George [Magee] again shook the dragon, or merely potted a prairie dog with a .22 calibre rifle?

Jack-the Giant-Killer, otherwise known as Carl Magee, trumpets forth from the housetops that he has restored the right of trial by jury in the Gallup coal district and that the writ of habeas corpus has again been saved. He informs us that he took his verbal blade in hand, and while standing a while in uffish thought the Jabberwock, with eyes of flame, came wiffling through the tulgey wood, and burbled as it came. As the venomous fire-breathing monster was about to swallow all the ancient liberties granted by the Magna Charta in one prodigious gulp, one two, one two and through and through his vorpal blade went snicker snack; he killed it dead, and with its head, he came galumphing back.

The massacre of the would be devourer of our constitutional rights, it is explained, took the form of a clever crawfish maneuver by Governor Mechem, who, Magee elucidates, by an order permitting the district court to function and its processes to prevail in all parts of the county revoked the status of martial law without apparently doing so....

The editor of the New Mexican went on to say that the writ of habeas had never been affected since the order of the Attorney

¹ Gallup Herald, April 15, 1922.

General had imposed martial law only in disturbed areas and there were no disturbed areas after the troops arrived. He finished with:

And has thou slain the Jabberwock?
Come to my arms, my beamish boy;
O Frabjous Day! Kaloo-Kaloy!
He chortled in his joy.¹

A special news release to the Herald reported that soldiers arrested a foreigner April 15 after he finished cutting the electric wires leading to the soldiers' camp. It is claimed he had no connection with the union.²

A statement reaching the Morning Journal indicated that under the pressure of the strike, the Gallup local of the United Mine Workers had grown from a membership of seventeen on April 1 to 1,285 on April 17. Reports also indicated that all of the independent and small operators in the Gallup district were willing to sign a contract with the United Mine Workers. The Evening Herald scoffed at this, pointing out that the "small" producers willing to negotiate" was misleading to the uninformed in as much as the "small producers" referred to were operators of very small "wagon mines" and the other small openings were operated by the union men. No coal mine operator had indicated any desire to negotiate with the United Mine Workers. Adjutant General Brown, in a statement from Santa Fe, in describing union activity in Gallup,

¹ The Evening Herald, April 18, 1922.

² Ibid., April 16, 1922.

said many men struck because they were intimidated into doing so. He further states that the picketing had been of the violent kind with strikers stationed on the roads and forcibly preventing the men from going to work.¹

Magee's comments on the defense offered for Mechem's actions were short and to the point:

The motly group of misstatements of fact, sophistries and satires indulged in are intended to break the force of this egregious blunder easily misleading the public.

For instance the evening paper says, "We have seen no propaganda in recent years that exhibited as little concern for popular rights of the public welfare as the Journal's championship of the little ring of agitators at Gallup who set out to stop coal production in New Mexico...."

Magee went on to say that there was no coal shortage in New Mexico and the troops were sent to pay Mechem's political debt to the operators. Gregory Page's newspaper defended sending the troops because a stone had been thrown through the windshield of the car of George Miksch, superintendent of the Mentmore mine. "I [Magee] talked to Miksch and he didn't mention it. 'A short and ugly word' would be our opinion of the probability of such a thing having ever happened."²

The Evening Herald carried this reprint of an editorial which had appeared in the Las Cruces, N.M. Republic. It was entitled, "Public Safety vs. Votes" and stated that the Journal implied Mechem was protecting his friends. They were property

¹ The Evening Herald, April 18, 1922.

² Albuquerque Morning Journal, April 19, 1922.

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owners and entitled to it. Past experience taught the danger. If he stayed neutral and enforced the law, Mechem would win respect. The miners' organizations had some political power which might have been useful in a pinch; maybe Magee recognized this.¹

The editor of The Evening Herald, Mr. H. B. Henning, needled Magee some more. Referring to Magee's support of Larrazolo in the strike of 1919-1920 at Gallup and Raton, he hinted that perhaps the reason was that in 1919-1920 Magee was supporting Larrazolo for the Republican gubernatorial nomination a second time while now he was trying to engineer a Democratic nomination and election.²

George A Byus, editor of the Gallup Herald, let loose this scornful and humorous dig at the ebullient Albuquerque editor:

As Spiteful as a Sick Kitten

Monkeycarlmagee has a sore ear-or som'in. Probably her naval band has slipped an inch or two. After her failure to uncork 'red neckism' in the Gallup coal fields, and her all day visit with the legal headquarters of 'red nickism' she returned to her lippy lair; caused an interview with herself, capped it with a four deck heavy black face display; taking care that her own dear name should be used at least two times in the decks. This was all done after sipping her inspiration from the fount of Gallup Tammanyism, when just a little bit ago she had branded as some kind of small second rate [probably Hannett?] all on account of her desire to unbridle 'red neckism' in the Gallup coal district, which in turn would sorter repay the price of a \$200.00 bond to her doubtful 'second rate'.

¹ The Evening Herald, April 22, 1922.

² Ibid., April 18, 1922.

[Magee, in order to pay off the debt incurred when he bought the Journal, had issued a series of \$200.00 bonds.]

Then she is possessed with some kinder mania over the pre-occupation of one of Gallup, New Mexico's finest citizens, and while the Herald holds no brief for this citizen, [probably Hannett]...¹

A special grand jury of the First Judicial District, N. M. had met to investigate and report on the strike and on April 20 its report was released:

Grand Jury Report, Special A. D. 1922 Term Report of Grand Jury.
To the Honorable Reed Holloman, Judge of the above mentioned court.

The Grand Jury respectfully report that it has been in session for three days, has examined seventeen cases, fifty-six witnesses, found thirteen bills, and four in true bills.

The Grand Jury made an investigation as to the condition in the coal mining camps and vicinity in connection with the pending strike. Various officers of the miners' union, employees of the coal mining companies, officers of the law and citizens of Gallup were called before the jury and testimony of these witnesses was almost unanimous to the effect that the conditions existing in the coal mining camps at the time that the strike was called and shortly thereafter were such that the declaring of martial law and the sending of the National Guard to Gallup, and the coal mines in its vicinity by the governor of our state was necessary and advisable. From the testimony heard by your Grand Jury it is apparent that by such action the governor prevented possible loss of life and destruction of property. With few exceptions, both the citizens of Gallup, and the mine officials who testified before the Jury expressed the opinion that it has been for the best interests of all concerned, including the citizens of Gallup, that martial law has been declared and that the maintenance of law and order has been entrusted to the National Guard. From the testimony taken it appears that generally, in the vicinity of the mining camps, probable bloodshed has been averted.

¹ Gallup Herald, April 22, 1922.

Herewith find copies of the report of the committee appointed to investigate the court house and jail.

Respectfully submitted
Jerry B. Farris
Foreman¹

Sharp comments on the Grand Jury report immediately came from the group hostile to the Governor's actions. Mayor A. T. Hannett of Gallup, in Albuquerque for a visit, reiterated his opposition to troops in Gallup and said conditions were getting worse. Commenting on the grand jury investigation, he said:

They called me in to give the hearing an atmosphere of fairness. I told them I did not expect my testimony to stand against that of all of the witnesses called in. The strikers who were before the grand jury were asked one question, whether they would rather be under martial or civil law.

They all said that they did not know anything about law but would rather have the soldiers in charge in the district than to have the company gunmen.²

A news item in the Albuquerque Morning Journal stated that Assistant General Edwards, and George Craig, state republican chairman, were in charge of the proceedings. Witnesses called included C. N. Cotton and H. Newman, wholesale merchants. Both are reputed to have approved the sending of troops. The report that the Republican state chairman procured their names from invoices for goods furnished the troops could not be confirmed and probably was not true. Sharp Hansen and George Miksch, mine superintendents, were called.

¹ Carbon City News, April 22, 1922.

² The Evening Herald, April 21, 1922.

Herewith find copy of the report of the committee on the subject of the proposed amendment to the constitution of the State of New York.

These amendments to the constitution of the State of New York are proposed from the report of the committee on the subject of the proposed amendment to the constitution of the State of New York.

They call for the amendment of the constitution of the State of New York in order to provide for the better government of the State of New York.

They call for the amendment of the constitution of the State of New York in order to provide for the better government of the State of New York.

A report of the committee on the subject of the proposed amendment to the constitution of the State of New York.

That Amendment to the constitution of the State of New York is proposed.

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It is proposed that the constitution of the State of New York be amended.

It is proposed that the constitution of the State of New York be amended.

Very respectfully,
JAMES H. HARRIS, April 27, 1901.

2 THE HARRIS FAMILY, April 27, 1901.

The general impression was that their testimony was favorable to the companies. Mayor A. T. Hannett reportedly protested vigorously against the troop's presence. Two miners were in the room about one minute each. Edwards reportedly told the jury to judge by the evidence presented, not by any facts they may have personal knowledge of. The foreman was said to have been a personal friend of Gregory Page, local Republican boss. The purpose of the investigation was not revealed. Street gossip that it was for the purposes of "whitewashing" Governor Mechem was denied by Edwards.¹

Magee revealed his opinion of the report in no uncertain terms in an editorial in the same issue of the Journal entitled, "But Politics is Politics":

. . . . Of course a republican judge who desires to be governor and a republican sheriff who "belongs" to Gregory Page, republican overlord and a republican district attorney who controls the question of what witnesses go before the grand jury and the coal barons who went before the grand jury, never thought of such a thing as pulling a piece of politics to help governor Mechem out. We would favor putting anyone who intimated such a thing in jail for contempt of court. Those officials and worthy gentlemen never think of politics when court is in session--except when they are awake....²

Several organizations, including the American Civil Liberties Union, were investigating various aspects of the strike. The Evening Herald discussed the American Civil Liberties Union's press release on the Gallup situation by stating

¹ Albuquerque Morning Journal, April 22, 1922.

² Ibid.

that the release had condemned Mechem's action and then going on to say that the American Civil Liberties Union had asked its correspondent at Gallup to make an investigation. They could have wired Magee. The Herald wondered what concern it was of the American Civil Liberties Union and the "Prophet of the Dawn of the New Day" [Magee] that the miners then at work were Huns, Slavs, and Croats. Those were United Mine Workers and so had privileges over those relying merely on constitutional rights because the United Mine Workers of America was superior to the constitution. Such was the attitude of the American Civil Liberties Union and Magee, said the Herald.¹

Magee made another trip to Gallup to survey the scene and to make an address. He reported his observation in this editorial:

Cruelty

Gallup looks perfectly normal except for beavies of national guardsmen doing duty as military police. An onlooker asked if they traveled in groups and wore those ugly looking guns for protection.

We told him that the guns were novel ornaments and that the boys traveled in groups to keep from getting lonesome. We think the governor hard hearted. It has been more than two weeks since the boys have seen their best girls. Why the unnecessary cruelty?

Perhaps Not

Judge Reed Holloman tells us that he intends to express no opinion whatever of the governor's martial law order at Gallup. Why not? The governor is his personal friend. If it is his judgment of the law and the facts that the governor is right why not say so?

¹ The Evening Herald, April 22, 1922.

We entertain the fear that the judge maintains a discreet silence because he disagrees with the governor. Perhaps not.¹

In a resume of the strike situation in The Evening Herald on May 1, Adjutant General Brown said the state government policy from then on would be to make the union responsible for acts of violence. Several incidents, including an attempt to blow up the city water works, had created a need for this change in policy, he said.²

On May 9, a suit of \$10,000.00 was filed in the federal court in Santa Fe by H. J. McDaniel, a miner, against Henry R. Brown, Adjutant General of the National Guard, and George Midsch, superintendent of a coal mine in McKinley County. McDaniel said his house was entered by Miksch who held a deputy sheriff's commission and a uniformed guardsman acting under Brown's orders. He alleged that he moved from a company house after Miksch threatened him with eviction if he did not go to work.³

A series of conferences of miners and operators began in many parts of the country. In Gallup, Gallup Local No. 3,558 asked the operators for a conference to end the strike in Gallup. The operators had offered the anthracite miners a twenty-one percent wage increase, but the miners' wage scale committee, meeting in New York, refused this. On June 8,

¹ Albuquerque Morning Journal, April 25, 1922.

² Ibid., May 9, 1922.

³ Ibid.

Secretary of Commerce Herbert Hoover revealed, in response to a resolution introduced in the Senate by Senator Walsh, Democrat of Idaho, that several informal propositions had been advanced by the Departments of Labor and Commerce to the miners and operators though the government had no authority to intervene in the strike. Hoover said the government's efforts to prevent large price increases as a result of the coal tie-up had met with measurable success.

Back in Gallup, S. H. Gruber of the Gibson mining camp was wounded by a provost guard while Gruber was violating martial law regulations. He and his family were returning to camp at 10 p.m. and he was not expecting a guard at that point.¹

In New York the operators of the anthracite mines refused to negotiate further unless the miners agreed to accept arbitration. This the miners' representatives refused to do. Phillip Murray, vice-president of the United Mine Workers, said it looked like the strike had been called a "work stoppage" up until then.

A round of conferences between John L. Lewis and Secretary of Labor Davis, ending in one with President Harding, Lewis, and Davis, resulted in no solution. Lewis held firm to the miners' demands.²

¹ Albuquerque Morning Journal, May 26, 1922.

² Ibid., June 27, 1922.

Secretary of the United States Department of the Interior
Washington, D. C.

Dear Sir:

I have the honor to acknowledge the receipt of your letter of the 10th inst.

and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

I am, Sir, very respectfully,
Your obedient servant,

Wm. H. Hunt

Enclosed for you are two copies of a report of the Commissioner of the General Land Office, dated and captioned as above.

I am, Sir, very respectfully,
Your obedient servant,

Wm. H. Hunt

I am, Sir, very respectfully,
Your obedient servant,

Wm. H. Hunt

I am, Sir, very respectfully,
Your obedient servant,

Wm. H. Hunt

On July 1, the operators and miners began conferring in Washington under Harding's threat that if the strike was not settled, "the servants of the American people will be called to the task in the name of American safety."¹ The conferees resolved themselves into two conferences; the bituminous and the anthracite. In the bituminous conference, the miners wanted the central competitive field wage scale negotiated. The operators were not ready to concede. The anthracite miners wanted renewal of wages as of April 1, 1922. The operators wanted arbitration to determine whether wages should be reduced.

President Harding then made an offer of work resumption on the basis of conditions prevailing April 1 and submission of the dispute to arbitration by a commission of labor, operators, and public. Both the bituminous and anthracite miners rejected this offer. Most of the bituminous and part of the anthracite operators accepted.²

Bituminous operators who called at the White House to voice acceptance of his offer of arbitration were told to go home and operate the mines. Alfred M. Ogle, president of the National Coal Association and chairman of the group, said all means possible would be used in each locality to comply. Harding sent a telegram on July 9 to the governors of twenty-seven coal mining states, including Mechem, saying his offer

¹ Albuquerque Morning Journal, July 2, 1922.

² Ibid., July 6, 1922.

had been rejected and asking the governors to "second his invitations to the miners and operators and resume coal production" and to give them "assurance of maintained order and protection of lawful endeavor."¹

In order to prevent critical shortages of coal from developing in any area, Harding set a federal emergency fuel control organization in motion under a central coal distribution committee of government officials headed by Secretary of Commerce Hoover. Hoover wired all governors asking them to set up similar committees.² Governor Mechem advised Hoover he would name a committee to see that New Mexican coal was distributed fairly at equal prices. The state corporation commission pledged its cooperation to the interstate commerce commission.³

A report from Cleveland forecast that a conference of miners and operators beginning August 9 would be reestablished and extended until March 31, 1923.⁴

Negotiations at Philadelphia between the anthracite unions and operators were broken off on August 23 with no indication of resumption.

Within a few days after the bituminous conference ended the agreement was ratified by the officials of the United Mine Workers and the operators associations and orders went out from

¹ Albuquerque Morning Journal, July 6, 1922.

² Ibid., July 27, 1922.

³ Ibid., July 28, 1922.

⁴ Ibid., August 16, 1922.

strike headquarters to end the strike. Orders to that effect arrived in Gallup on September 5 from the United Mine Workers District 15 headquarters at Pueblo, Colorado.¹

All soldiers were withdrawn to Gallup from the mining camps on that same day and on September 18 martial law was lifted and the soldiers were ordered home.²

Meanwhile, the anthracite operators and miners accepted the proposals of Senators Reed and Pepper from Pennsylvania that the strike end and the miners return to work at the wage scale effective on March 31, which would be extended until August 31, 1923.³

A. T. Hannett, already a leader in the Democratic Party in New Mexico, was perhaps strengthened by his vigorous opposition to Mechem. At any rate, on August 25 the Democratic county conventions of McKinley and Colfax Counties endorsed his candidacy for the Democratic nomination for governor and instructed their delegates to the state convention to support him.⁴ However, Hannett did not have enough strength to swing the nomination and on September 2, the state convention nominated James F. Hinkle, a conservative banker and businessman from Roswell, by a vote of 285 for Hinkle to 208 for Hannett.⁵

¹ Albuquerque Morning Journal, September 6, 1922.

² Ibid., September 8, 1922.

³ Ibid., September 3, 1922.

⁴ Ibid., August 25, 1922.

⁵ Ibid., September 2, 1922.

CONCLUSION

As in Chapter II, we must, in analyzing the exercise of the military arm of the state government in this strike, consider several factors: the prevailing climate of public opinion in New Mexico concerning labor leaders and organizations; the conditions existing in the coal fields of McKinley County at the time martial law was declared and troops sent; the action of state and federal officials; the conduct of the troops while in McKinley County; and the effect the presence of the troops had on coal production.

The prevailing public opinion in New Mexico towards organized labor seemed to be unfriendly. At least, that is the impression gained from reading the editorials of the daily papers of the period. There was still an "anti-foreigner" bias, though perhaps not quite as strong as in 1919.

Careful reading of the newspapers of New Mexico for a period of two or three weeks prior to the strike reveals no violence or threat of such which could not have been handled by competent, local civil authorities. The reports of the incident at the Mentmore mine do not indicate anything which could not have been handled by a good Sheriff's posse if, indeed, even that had been necessary. Statements by Mayor A. T. Hannett, Carl C. Magee, and various state and military officials, including Adjutant General Brown, all indicate the fact that Gallup and McKinley County were peaceful both before and after the troops came.

State and federal officials all seemed more concerned with keeping up production of coal rather than with arriving at a settlement of the dispute satisfactorily to both sides. Numerous appeals to the miners to return to work with promises of protection by soldiers and the statement of Adjutant General Brown support this statement.

While the conduct of the soldiers in Gallup was marred by one accidental shooting, their behavior was, on the whole, very quiet and peaceful. There were no clashes and little friction with the townspeople of Gallup or with the people of the mining camps.

Evidence does not show that the presence of the soldiers and the promise of protection to the miners resulted in any significant increase in the production of coal or in the number of men at work.

Because of the absence of any conditions of violence or threat of such in McKinley County prior to the strike; because of the prevailing unfriendly public and official attitude in New Mexico towards organized labor; and because of the hostility of state and federal officials toward the strikers as evidenced by the use of the Grand Jury to justify Mechem's actions; the inevitable conclusion must be that Governor Mechem sent the troops to McKinley County to "break the strike" by intimidating the strikers.

The troops failed at their mission though, since, as

prevail

previously stated, the evidence does not indicate that the presence of the troops resulted in any significant increase in coal production or in any great "return to work" movement before the strikers received word from their national headquarters that they were to return to work.

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CHAPTER IV

After settlement of the strike in the coal fields in 1922, New Mexico did not experience the use of the military arm of the state government again until late in 1927.

During the early part of 1927, organizers of the Industrial Workers of the World began organizing in the coal fields of Colorado and preparing for a possible strike. As early as July 27, A. S. Embree, an organizer for that union, was in Walsenburg, Colorado.¹

New Mexico's coal mine operators became alarmed lest the Industrial Workers of the World extend its' activities to New Mexico. Reports from various sources indicated the Industrial Workers of the World planned to organize the coal fields of New Mexico also.²

The first overt action of the Industrial Workers of the World in Colorado was a sympathy strike in the last week of August in favor of Sacco and Vansetti, two alleged radical labor

¹ The Industrial Workers of the World was a revolutionary, syndicalist, labor organization. Its philosophy was based on the theory that labor produced all value. It advocated class warfare of labor against the capitalists. It advocated the "One Big Union" and the general strike. See Brooks, J. G., American Syndicalism; The I. W. W., New York, 1913.

² Svanum to Embree, July 27, 1927, Dillon Papers, cited by Charles J. Bayard, The Southern Colorado Coal Strike of 1927-28 and New Mexico's Preventative Measures, University of New Mexico, 1949, p. 74.

organizers then on trial before a Massachusetts court on charges of murder. The charges grew out of the political beliefs of the accused rather than out of any legal evidence against them.

On September 4, a meeting at Aguilar, Colorado authorized a strike in all coal mines in Southern Colorado. The demands formulated were: (1) a minimum wage scale set at \$7.75 per day for a five day week of six hours a day; (2) the work period would be designated as "bank to bank"; (3) check weighmen and pitmen and a pit committee at each mine and (4) no discrimination against members of the Industrial Workers of the World.¹

Governor Adams of Colorado said the state Industrial Commission could handle the situation because the strike was routine. He expressed the belief that most of the miners would heed the admonitions of the State Federation of Labor and the United Mine Workers and remain at work. Both organizations had disclaimed any connection with the strike.²

Strike votes were taken in various areas of southern Colorado. Four thousand miners in the Boulder area voted to strike on October 8. Similar action was taken at Walsenburg and Aguilar. The United Mine Workers at Aguilar refused to join. A citizens committee at Aguilar banned Industrial Workers of the World organizers. Special guards were prepared to combat the strike. State officials believed that the strike, which

¹ Albuquerque Morning Journal, September 5, 1927.

² Ibid., September 18, 1927.

had been outlawed by the State Industrial Conference, would be peaceful and would involve only the Industrial Workers of the World.

Thomas Annear and three members of the State Industrial Commission called on Sheriff Harry Capps of Walsenburg and read him Colorado's law outlawing picketing. The Sheriff immediately went to a strikers camp and informed them of the same. Bridges on the Lama branch of the Colorado and Southern Railroad were guarded that evening against sabotage. The strike hit hardest in northern Colorado, but about 5,000 miners in the Walsenburg area walked out. There were no disturbances the first day. Sheriff Harry Capps had word that the miners had received a freight car load of rifles and ammunition and four car loads of food the week before the strike. Rumors were rife that the strikers had secret headquarters in Walsenburg and armed bands in the nearby hills. Eighteen persons were arrested for picketing in Las Animas County. The strike was complete in northern Colorado by the 21st but was still partial near Trinidad. Pickets in Huerfano County received written instructions to be peaceful. County Commissioners of Huerfano County granted Capps ten extra men. Forty pickets were arrested there the 20th and 21st and they made the walls of the county jail at Walsenburg ring with "Solidarity", an Industrial Workers of the World fight song.¹

¹ Albuquerque Morning Journal, October 22, 1927.

On the 22nd the county commissioners of Huerfano County informed Governor Adams that troops were not necessary to protect the mines. The mine operators and Walsenburg residents were dubious as to the wisdom of this stand in view of the picketing and the strikers' determination to defy the anti-picketing law.¹

K. Clemens, chairman of the strike committee in northern Colorado, delivered a message to Governor Adams through F. S. Tobin, former secretary of the state transportation commission, pledging no violence. Tobin arranged a meeting between the governor and the strikers for the 25th in the governor's office.

A conference was held in Walsenburg on October 26 between Governor Adams, businessmen, miners, and peace officers. One proposal was that the United Mine Workers represent the miners in all negotiations because the Industrial Workers of the World had been declared illegal, but such a plan would have been opposed by the Colorado Fuel and Iron Company and all independent operators.²

On the 27th, Governor Adams outlawed the strike and offered the use of every instrument within his power to enforce the law and protect life and property.³

¹Albuquerque Morning Journal, October 23, 1927.

²Ibid., October 26, 1927.

³Ibid., October 27, 1927.

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Coal mine operators and state officials of New Mexico had been watching developments and on October 27, after receiving reports of a pending sympathy strike among Colfax County miners, Governor R. C. Dillon sent sixteen men and eight officers of the National Guard under Captain C. W. Latimer to Raton.

In an accompanying telegram to Sheriff William Davis of Colfax County, Dillon said:

We want no interference from the Industrial Workers of the World with industries in New Mexico. Am sending national guard officer immediately instructing them to investigate and make necessary plans to prevent trouble and protect miners.

(Signed) R. C. Dillon¹

Dillon had requested that an army officer be sent to investigate but the army declined since it had no authority in such situations.²

Some idea of conditions in Colfax County is given by a news report stating that the mines were peaceful and it was hoped there would be no strike there.³ Sheriff's officers of Colfax County said they had not asked for aid and were otherwise non-committal as to their attitude towards the governor's action.⁴

The Albuquerque Morning Journal, in an editorial on the 28th of October, stated that there was no dissatisfaction among

¹New Mexico State Tribune, Ibid.

²Dillon to Commanding General Eighth Corp. Area, October 27, 1927, Dillon Papers, Bayard, op. cit., p. 75.

³Raton Reporter, October 28, 1927.

⁴Albuquerque Morning Journal, Ibid.

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the coal miners of New Mexico and as long as there was not, it would be a mistake to permit the Industrial Workers of the World "agitators" to enter the state and cause a strike. It considered the Governor's steps to investigate and prevent a strike wise.¹ Apparently the Journal regarded the use of state troops to prevent strikes and labor organization justifiable. In this, Governor Dillon seems to have agreed.

The New Mexico State Tribune took a slightly different stand. It said that the Governor's action was startling inasmuch as there was no previous indication of spread of the Colorado strike. However, if as was possible, the Industrial Workers of the World was involved, vigor was desirable.²

A report from Santa Fe on the 29th said there were then sixty-five guardsmen in Colfax County [the number was eventually raised to about 100 men]. Sheriff Davis telephoned Colonel James Baca, the Adjutant General, that there had been no trouble and that he did not object to the presence of the troops. The soldiers had the status of investigators since martial law had not been declared. If the Sheriff deputized them they could act as law enforcers. On the 29th Davis informed the Tribune that all was quiet in Colfax County and the miners appreciated the presence of the troops.³

¹Albuquerque Morning Journal, October 28, 1927.

²New Mexico State Tribune, Ibid.

³Ibid., October 29, 1927.

the coal miners of New Mexico and the fact that
would be a mistake to assume the "American" position on the
"American" to carry the case and to make a "case" of it.
the Governor's appeal to the people and the fact that
apparently the "American" position is not the same as
previous strikes and labor movements in the past.
Governor Dillion seems to have acted.

The New Mexico State Tribune, a leading newspaper
of the State, has published an editorial on the
subject. It says that the Governor's appeal is not
such as there are no previous strikes in the State
of Colorado. However, it is not the first time
known of the world's laboring people, and it is
a report from the State of New Mexico that
sixty-five thousand in Colfax County, the number of
raised to about 100 men. The report is that
James P. Coe, the Attorney General, has been
and that he is not object to the raising of the
soldiers but the means of raising them since the
not been decided. If the district reported that they
as law enforcement, on the other hand, the district
all was done in Colfax County and the means of
provision of the troops.

Editorial, New Mexico Tribune,
The State of New Mexico,
Albuquerque, N.M., 1911.

On the 29th, Dillon sent thirty-five additional troops to Raton from Santa Fe at, "The request of the citizens".¹ Just what citizens were referred to is not clear. By the 30th, seventy men were doing patrol duty. The Guard established its headquarters in the Seaburg Hotel and patrolled all roads into Raton and the mining camps, including the highway across Raton Pass from Trinidad, Colorado, to prevent the Industrial Workers of the World from entering. The Raton Reporter expressed satisfaction at the presence of the soldiers.² Sheriff Davis deputized them on the 30th.³ W. G. Halthusen was raised to the rank of Colonel and made Adjutant General in place of James Baca who had resigned two weeks previously.⁴

A close check was kept on the Colorado strikers and it was revealed that a large number of them had passed through Raton on their way to Gallup. Names, descriptions, and car numbers were taken and forwarded to the Gallup mine operators. The Gallup operators reported a few Industrial Workers of the World organizers had arrived but that they would have little success in fomenting a strike because of Dillon's attitude and the lack of unrest in the coal camps at Gallup.⁵

¹Albuquerque Morning Journal, Ibid.

²Raton Reporter, November 1, 1927.

³New Mexico State Tribune, Ibid.

⁴Ibid.

⁵Albuquerque Morning Journal, November 1, 1927.

Sheriff Davis said the soldiers duty was chiefly moral; that their presence had prevented a strike. The lack of specific duties for the soldiers was indicated by the fact they spent much time writing letters. Preparations were made for a dance for them.¹

Word arrived in Albuquerque from Santa Fe on November 5 that several 'wobblies' [Industrial Workers of the World] were headed toward that city and Colonel Halthusen notified Sheriff Hubbel of Bernalillo County to be on the alert.

Sheriff Davis cleared all drifters and organizers out of Colfax County and the soldiers stopped all cars coming through from Colorado and turned back all those travelers who could not explain themselves satisfactorily. Guard headquarters were moved to a tourist camp at the foot of Raton Pass. Business was good in Raton and Governor and Mrs. Dillon made a survey of the area. One official cited a small walkout in a small, privately owned mine, caused by an Industrial Workers of the World man, as an example of what would have happened if the soldiers had not come.²

Back on the Colorado scene, five strikers were killed and more than a score were wounded in a battle with state police in Weld County [Columbine mines battle] on November 21. This caused Governor Adams to send the National Guard into Weld

¹Raton Reporter, November 4, 1927.

²Ibid., November 8, 1927.

and Boulder Counties.¹ On the 25th, Adams declared partial martial law in those counties.²

The State Tribune continued its cautious sniping at Dillon in this editorial:

Out of the Hotel

Inasmuch as the I. W. W. is moving its waning Colorado activities towards the northern fields; considering the fact that New Mexico's troop detail has accomplished the arrest of four suspected "wobblies"; in view of the circumstances that many of the national guardsmen may have private business to attend to and recalling that their presence in the Raton coal fields is costing the state five dollars per day per man; is it presumptuous to inquire whether the governor will be able to get the boys out of the hotel by Christmas?³

The state's attempts to clamp down on the possible strike organizers were tightened as authorities sent the criminal records of some of the organizers to Dillon for study. Since eighty-four percent of the strikers were Mexican, it was suggested that this type of labor should be eliminated and that each state should have a board of two men to watch "radical" movements and forewarn the states.⁴

The question of finance of the troops at Raton plagued New Mexico state officials and State Auditor Miguel Otero Jr. asked the state finance board to decide whether the expenses

¹ Albuquerque Morning Journal, November 22, 1927.

² Ibid., November 27, 1927.

³ New Mexico State Tribune, November 10, 1927.

⁴ Trudor and Thornton to Dillon, December 8, 1927, Dillon Papers, Bayard, op. cit., p. 79.

of the national guardsmen at Raton may be considered an expense to suppress insurrection or for the public defense. An opinion Otero received from Attorney General Robert Dow ruled the constitution limits special expenses of the guard to those two uses.¹

Relations between the soldiers and the citizens were, on the whole, peaceful. However, one incident did occur which involved the school principal in a fist fight with a soldier. The only incident of any consequence was one involving Joe Romero, a National Guardsman from Las Vegas, who confessed to the shooting of Elias Mares, also a National Guardsman. In a coroner's jury hearing, three soldier companions of Romero, when confronted with Romero's confession, said the incident occurred when Romero tried to prevent Mares from going to a brothel in East Raton. All had been drinking.²

The State Tribune continued its opposition to Dillon's policies. In an editorial on December 26, the editor stated the news reports from Colorado indicated that troops there had violated the civil rights of the citizens to assemble. He cautioned the New Mexico troops at Raton to be doubly careful not to violate any civil rights as such violations would lead to violence. The editorial ended by urging the

¹New Mexico State Tribune, December 12, 1927.

²Albuquerque Morning Journal, December 4, 1927.

of the National Government as it may be considered an expense
 an expense in connection with the public defense. An opinion
 given by the Attorney General Robert H. H. Lee in the
 attention of the special expenses of the Government for these two
 years.

Relations between the soldiers and the citizens were
 on the whole, peaceful. However, one incident did occur which
 involved the school principal in a fight with a soldier.
 The only incident of any consequence was one involving the
 Hanes, a National Guardsman from Los Angeles, who was sent to
 the shooting of Alvin Karpis, also a National Guardsman. In a
 soldier's jury hearing, three soldier companions of Hanes,
 when confronted with Hanes's confession, said the incident
 occurred when Hanes tried to prevent Karpis from going to a
 hospital in Los Angeles. All had been drinking.

The State Tribune continued its opposition to Dillon's
 policies. In an editorial on December 15, the editor stated
 the news reports from Colorado indicated that troops there
 had violated the civil rights of the citizens in numerous
 He mentioned the New Mexico troops at Bataan as being
 careful not to violate any civil rights as such violations
 would lead to violence. The editorial ended by urging the

New Mexico State Tribune, December 15, 1937.
Albuquerque Morning Journal, December 4, 1937.

governor to caution the officers to "use horse sense and read the constitution".¹

Rumors of alleged Industrial Workers of the World plots appeared continuously. Guard officers, on December 27, claimed to have discovered a plot to blow up the national guard camp at Raton and the railroad tunnel over Raton Pass and were taking precautions to prevent it.²

The Morning Journal supported Dillon's action. In a comment on a voluntary wage increase just given to New Mexico's coal miners similar to increases just given to Colorado's miners as a result of Industrial Workers of the World activity, the Journal stated that the Governor had acted wisely and the miners had profited by remaining at work though fear of the Industrial Workers of the World, caused by that organization's strike in Colorado, was responsible for the wage increases.³

The State Tribune pointed out the next day that the cost of coal in Albuquerque had gone up \$1.00 a ton while the cost of production in New Mexico's coal fields had gone up \$.05 a ton [the amount of the wage increase] and hinted that the difference represented the price the New Mexico consumer was paying

¹ New Mexico State Tribune, December 26, 1927. In the opinion of the author of this thesis, the New Mexico State Tribune was not so much opposed to interference by the soldiers with the right of the miners to strike as it was with possible violations of civil rights of non-mining citizens. The Tribune offered no objections to the presence of the troops at the start of their period of service at Raton.

² New Mexico State Tribune, December 27, 1927.

³ Albuquerque Morning Journal, Ibid.

Government to consider the
the constitution.
Executive of Illinois has
suggested constitution
to have discovered a
at Baton and the
provisions to prevent it.

The Illinois
consent on a voluntary basis
coal mine strike
as a result of
Illinois
miners had
Industrial
strike in Colorado.

The State
of coal in
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1. New
opinion of the
Tribune was not
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for the cost of the maintenance of the troops which were at Raton at the request of the operators. It was costing the state \$50.00 a day, the Tribune said, to keep the militia at Raton and they should be withdrawn because the Phelps-Dodge Corporation and Charles Springer could take care of themselves without the aid of the taxpayers.¹

There was no apparent change in the situation in Colfax County, but on January 1 Dillon declared martial law and issued the following proclamation: "[. . .] to suppress insurrection and provide for the public defense, (I) do hereby proclaim the existence of a state of insurrection and declare martial law [. . .] in Colfax County".²

The Tribune kept up its attack, centering it now on Halthusen:

The Reign of Terror

We are living, citizens, in the Halthusenic Reign of Terror. It now becomes the duty of every honest burgher to peer under the bed each night before retiring. It seems that no one can tell when an I. W. W. has secreted himself beneath the slats.

Since the troops moved into Raton, a surprisingly peaceful little town, considering the grave state of affairs, communiques from Adjutant General Halthusen have stated that:

- I. W. W. 's plotted to blow up the Raton tunnel
- I. W. W. 's plotted to blow up the guard camp
- Guardsmen have been sitting on a volcano
- I. W. W. 's are getting a grip on New Mexico labor

¹New Mexico State Tribune, January 7, 1928.

²January 1, 1928, Dillon Papers, Bayard, op. cit., p. 81. Dillon may have done this to solve the problem of payment of the costs of the soldiers at Raton or it may have been because of a possible increase in the threat of a strike in Colfax County.

I. W. W. 's will tie up industry this summer
 I. W. W. 's have sewed up maintenance of way men
 I. W. W. 's have established headquarters in Albuquerque
 Troops must stay in Raton until April to keep back the
 tide of vandals

Colfax County miners don't want to strike so the troops
 will see to it that they don't

Someone should tell the adjutant general that the public
 is beginning to yawn slightly at his epidemic of bugaboos.

Governor Dillon told it all last fall when he said the
 strike in Colorado was providing a splendid market for New
 Mexico operators and he proposed to see that the industry
 got full advantage of it. Taxpayers will contribute some-
 thing like \$50,000.00, according to the Adjutant General's
 figures, for the maintenance of ninety guardsmen in Raton
 as long as the operators want them there. We move that
 the adjutant general cite some evidence to support his
 numerous warnings or give the public a rest.¹

Dillon conferred with several coal mine operators on January 24
 concerning methods of financing the guards' services. The con-
 ference brought forth the following comment from the Tribune:

Confide in the Public

Coal operators conferred Tuesday with Governor Dillon
 and he announced Wednesday that troops will be continued
 in the Raton area. The sequence dulls the keen edge of
 surprise.

The governor also announced that he talked to the
 operators in an effort to get all angles of the situation.
 We respect our suggestion that he talk also to miners in
 Colfax County and get their angle.

The public, we think, is entitled to a little more
 information as to the nature of the emergency that neces-
 sitates a standing army of ninety men in a peaceful town.
 The public which elected the governor and is paying the
 bill merits his confidence in the matter. The public should
 be convinced that a smaller and less expense detachment
 could not achieve the same ends. The adjutant general's
 bristling communiques do not furnish this concrete evidence
 of necessity.²

¹New Mexico State Tribune, January 24, 1928.

²Ibid., January 26, 1928.

The Raton Reporter on January 27 commented that the conference produced little prospect of removal of the troops which had already cost \$8,000.00 or \$9,000.00, but the governor believed them necessary to protect life and property.

Financing the guard at Raton was an acute problem for the state and new methods of financing had to be found. On January 31, the First National Bank of Santa Fe agreed to buy up to \$50,000.00 in state certificates of indebtedness bearing four percent interest to cover the cost of the Guard.¹

Governor Dillon used other means than the Guard to keep a check on Industrial Workers of the World activities. He hired Carl H. Sutton to observe the strikers on the scene in Colorado as his personal agent. Dillon put Sutton on the state payroll as State Publicity Director. Sutton joined the strikers while working secretly with Louis Scherf, head of the Colorado state police.² Sutton got hold of a few documents obtained in a raid on a strikers' hall in Walsenburg, but most of his information was obtainable from current newspapers.³ He wrote a series of articles for the Santa Fe New Mexican while in Colorado. The first of these appeared on February 1. In it he stated that Governor Adams and the State Industrial Commission had been dealing with the situation. No compromise with the Industrial

¹ Raton Range, January 31, 1928. p. 1:5, Bayard, op. cit., p. 78.

² Bayard, op. cit., p. 81.

³ Ibid.

The House Committee on Education and Labor, in its report on the
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already over \$1,000,000 in the report of the committee on the
then necessary to report on the report of the committee on the
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January 31, the committee on the report of the committee on the
up to \$1,000,000 in the report of the committee on the report of the
four persons in the report of the committee on the report of the
Governor of the state of New York, in the report of the committee on the
a check on the report of the committee on the report of the
hired Carl A. ... in the report of the committee on the report of the
Colorado as the report of the committee on the report of the
report of the committee on the report of the committee on the report of the
while working ... in the report of the committee on the report of the
state police, in the report of the committee on the report of the
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dealing with the ... in the report of the committee on the report of the

Workers of the World had been possible. Adams finally had to use the state troops in the southern area with the National Guard in the north. Governor Dillon took no chances and saw to it that the National Guard was at Raton even before reports of violence were received. The only way to handle the Industrial Workers of the World was by armed force. He then stated that it was dangerous for Adams to recognize the Industrial Workers of the World as their aim was to overthrow the government. He then included the constitution of the Industrial Workers of the World:

Preamble

The working class and the employing class have nothing in common. There can be no peace so long as hunger and want are found among the millions of working people and the few, who make up the employing class, have all of the good things of life.

Workers Must Possess Earth

Between these two classes a struggle must go on until the workers of the world organize as a class, take possession of the earth and the machinery of production and abolish the wage system. We find that the centering of the management of industry into fewer and fewer hands makes the trade unions unable to cope with the ever growing power of the employing class. The trade unions foster a state of affairs which allows one set of workers to be pitted against another set of workers in the same industry thereby helping to defeat one another in wage wars. Moreover, the trade unions aid the employing class to mislead the workers into the belief that the working class have interests in common with their employers.

These conditions can be changed and the interest of the working class upheld only by an organization formed in such a way that all the members in any one industry, or in all industries if necessary, cease to work whenever a strike or lockout is on in any department thereof thus making an injury to one an injury to all.

Must Abolish Wage System

Instead of the conservative motto, "a fair day's work for a fair day's pay", we must inscribe on our banner the revolutionary watch word, 'abolition of the wage system'.

It is the historic mission of the working class to do away with capitalism. The army of production must be organized, not only for the every-day struggle with the capitalists, but also to carry on production when capitalism is overthrown. By organizing industrially, we are forming the structure of the new society within the shell of the old.¹

The Morning Journal contributed its bit by stated that the Governor had acted wisely in keeping the Industrial Workers of the World out of the state, but the public needed to be convinced that there was serious danger of invasion by that organization. The governor and adjutant general thought so but had offered no convincing proof as yet. The situation was running the state into debt and a special commission with a labor representative should investigate.²

Sutton had another article in the New Mexican in which he said the Colorado Industrial Commission was wasting its time listening to a lot of foolish testimony. He said the Industrial Workers of the World had practiced incendiarism and their real fight was against the government.³

A sharp editorial battle occurred between the Santa Fe New Mexican and The New Mexico State Tribune. The Tribune let loose with this blast:

¹ Santa Fe New Mexican, February 1, 1928.

² Albuquerque Morning Journal, Ibid.

³ Santa Fe New Mexican, February 2, 1928.

Horse Sense Lacking

The Santa Fe New Mexican, Senator Cutting's paper, has discovered editorially that the Tribune is a Wobbly, a red, a believer in industrial revolution.

The New Mexican found all this out the other day when we opined that the governor's threat to call out the entire national guard was a childish piece of business considering that no disturbance of any kind has been recorded within the zone of New Mexico's Army of Occupation.

We happen to know that quite a few taxpayers and labor representatives feel as we do about the \$10,000.00 per month expenditure of state money to maintain a standing army in a peaceful community.

We think it odd that the spokesman for a United States Senator and a governor should brand their constituency Wobblies because they ask evidence that this continual outgo of state money is necessary to preserve the peace. A good many of us think that civil authorities can handle the situation, that that is what civil authority is for. From studying the principles of American government we have got the idea that troops are to be used when civil authority believes it is unable to prevent civil disorder and bloodshed without use of armed forces.

The Tribune, along with others, will be right at the governor's shoulder when evidence proves that an industrial tie-up by the I. W. W. is immanent but we do not see the necessity for the perpetual use of troops with attendant heavy expense. We ask that such necessity be shown and the New Mexican answers with the semi-facetious retort that we are "Red". It solemnly quotes an anarchistic credo as though it were trying to convert someone to a purer life but it presents no evidence of the peril to our state. All in all its latest production is a masterpiece of imbecility, threatening in every line with genuine incompetence.

The New Mexican has dealt in shoddy journalistic goods so long that its editorials are beginning to smell dusty. A little horse sense wouldn't do it any harm.¹

The New Mexican continued to carry Sutton's articles. On February 6, he said organizers were coming to Colorado from all over the United States. Sutton interviewed George Kunitz, organizer, as to his view of New Mexico's calling out the Guard and Kunitz replied:

¹ New Mexico State Tribune, February 3, 1928.

The first thing I noticed when I stepped out of the car was the cold. It was a sharp, biting cold that seemed to penetrate my coat. I shivered as I walked towards the building, my hands tucked into my pockets. The air was thick with the scent of old stone and the distant hum of city traffic. I had never before, and I was not sure I ever would, feel so alone in a crowd. The building loomed before me, its Gothic arches and intricate carvings a stark contrast to the modern world I had just left. I took a deep breath, steeling myself for what was to come. The door was open, and I stepped inside, the heavy door closing behind me with a soft thud. The interior was dimly lit, the light coming from small, arched windows high up on the walls. The air was still, and I could hear the faint echoes of my footsteps on the polished floor. I walked down a long, narrow hallway, the walls covered in tapestries and the floor made of dark, polished wood. At the end of the hallway, a large, ornate door stood ajar. I pushed it open and stepped into a grand hall. The hall was vast, with high ceilings and vaulted arches. In the center of the hall, a large, round table was set with a white tablecloth and gold plates. Several people were seated around the table, their faces lit with the warm glow of the candles. I stood there for a moment, taking in the scene before me. It was a sight I had never before, and I was not sure I ever would, see. The people around the table looked at me with curiosity and interest. I smiled at them, feeling a sense of belonging that I had never before experienced. The hall was filled with the sound of voices and the clinking of glasses. I walked towards the table, feeling a sense of purpose and direction that I had never before felt. I sat down at the table, and the people around me looked at me with a mix of surprise and delight. I felt a sense of peace and contentment that I had never before known. The hall was filled with the sound of voices and the clinking of glasses. I walked towards the table, feeling a sense of purpose and direction that I had never before felt. I sat down at the table, and the people around me looked at me with a mix of surprise and delight. I felt a sense of peace and contentment that I had never before known.

For many years, the old building had been a place of mystery and intrigue. It was a place where secrets were often kept, and where the past seemed to live on. The people who lived and worked in the building were a mix of old and new, each with their own stories and secrets. The building was a place of power and influence, and it was a place where the future was often shaped. The people who lived and worked in the building were a mix of old and new, each with their own stories and secrets. The building was a place of power and influence, and it was a place where the future was often shaped.

THE END

The abolishment of all armed forces is one of our objectives, it will come. The governor of New Mexico will then take orders from the great working classes; everyone will be a part of this same class where an injury to one is an injury to all. New Mexico will then not have to close its schools on account of no money which was used by the yellow legs to look wise.

Conrad Avila, another organizer, said in an interview by Sutton:

The I. W. W. has come to stay; we now have a foothold in the state /Colorado/ where we command the situation. It is only a question of time before the surrounding states will be organized thoroughly enough for action.¹

Sutton's last article appeared on February 8. In it he quoted excerpts from a speech by a Frank A. Goodwin before the Kiwanis Club entitled "The Red Peril" in which Mr. Goodman quoted this statement of Lenin:

We have established God; the best country is a Godless country. If religion will pass out quietly without any fuss, our attitude will be one of benevolent tolerance, but if it resists, we will hasten religious exile with a violence proportionate to its resistance.

Sutton then quoted from a diary of a sixteen year old Walsenburg school girl:

I understand the Church is all bunk. The neighbor next door goes to church every Sunday. I used to go to church but my parents put it into my head that what the priest preaches is all a lie, and now I am satisfied that what my parents told me is true. The priest wants heaven for me and money for him. The priest eats pie, and tells me that I will eat it by and by, when I die, I will eat it in the sky.²

On February 9, the Santa Fe New Mexican contained this editorial reprinted for the Las Vegas Optic:

¹Santa Fe New Mexican, February 6, 1928.

²Ibid., February 8, 1928.

A Stitch in Time

Governor Dillon's timely action is commendable in contrast to Governor Adam's tardiness. Disturbance has been avoided in northern New Mexico. There will be no loss of life or production. Dillon saw what was happening in Colorado and what would happen in New Mexico if the miners were not assured of protection against the I. W. W.¹

The strike in Colorado was settled in the first half of February and on February 19, 1928, Governor Dillon removed martial law from Colfax County.²

Following is a summary of the National Guard's service at Raton:

Report of the Adjutant General of New Mexico 15th and 16th Fiscal Years 1926-1928

Summary of Duty Performed Under the Call of the Governor.

Mobilization of units called into service was orderly and the men responded promptly. The average reporting was (95%) per cent. Enlisted men who were in college, also those holding important positions were not taken as the emergency was not such that it required the maintenance of a large body of men in the field. After the situation had been gone over thoroughly the force was reduced so as to carry an average of six (6) officers and sixty-four (64) enlisted men.

The officers and enlisted men were billeted in cottages at the local camp ground. A combination kitchen and mess hall was constructed at the camp ground, which added to the comfort of the men during the winter months.³ A ration of fifty (50) cents per day per man was allowed.

¹Santa Fe New Mexican, February 9, 1928.

²Records in the Adjutant General's office, Santa Fe, New Mexico.

³Report of the Adjutant General of New Mexico 15th and 16th Fiscal Years 1926-1928, University of New Mexico Law Library.

Government of the United States
Department of the Interior
Bureau of Land Management
Washington, D. C. 20250

The following is a list of the
lands owned by the United States
in the State of California.

Section 1. The following is a list of the
lands owned by the United States
in the State of California.

Section 2. The following is a list of the
lands owned by the United States
in the State of California.

Section 3. The following is a list of the
lands owned by the United States
in the State of California.

Section 4. The following is a list of the
lands owned by the United States
in the State of California.

Section 5. The following is a list of the
lands owned by the United States
in the State of California.

Section 6. The following is a list of the
lands owned by the United States
in the State of California.

CONCLUSION

Perhaps the first comment which should be made is that according to evidence available which included statements by Industrial Workers of the World organizers themselves, the state of New Mexico was faced with the possibility of industrial strife caused by the efforts of the Industrial Workers of the World to organize labor in New Mexico.

The question, however, is whether this possibility contained within itself such a grave threat to the peace under security of the state and particularly of Colfax County as to justify the suspension of civil law and its replacement by martial law enforced by soldiers in a hitherto peaceful and law abiding community.

The series of violent acts in Colorado may have convinced many New Mexico officials that such a threat did exist. However, detailed analysis indicates that all or almost all of the violence in Colorado occurred as clashes between the National Guard or state police and the Industrial Workers of the World.¹ No evidence was ever presented to substantiate rumors of arms caches or attempts to blow up bridges or the Raton tunnel or the National Guard encampment at Raton.

No reports of any violence, insurrection, riot or threat of such in Colfax County which competent local civil officials

¹Bayard, op. cit.

could not have handled appeared in the newspapers of the state prior to the declaration of martial law.

Governor Dillon himself, as reported in the New Mexico State Tribune of January 24, said his main concern would be to help New Mexico's operators take advantage of the advantageous market situation offered them by the Colorado strike. His main object seemed to be to aid the mine operators. This opinion was held by a portion of the state press, especially by the New Mexican State Tribune.

Considering, then, the absence of any condition of undue violence or threat of such in Colfax County and also Governor Dillon's reported opinion as to where his duties and responsibilities lay, the unavoidable conclusion is that Governor Dillon sent the National Guard to Colfax County and, later, declared martial law there in order to block attempts by the Industrial Workers of the World to organize the miners there, and thus prevent a possible strike which would affect the profits of the coal mine operators.

With few exceptions, good relation existed between the soldiers and the citizens of Colfax County.

An additional comment concerning the use of the National Guard in New Mexico might be that in the case under consideration the burden of service fell on those guardsmen who were not in college and who did not occupy important positions in their

communities; in other words, laboring men and those in clerical jobs.¹

¹Report of the Adjutant General of New Mexico 25th and 26th Fiscal Years 1926-1928, Ibid.

COMMUNIST PARTY OF THE UNITED STATES OF AMERICA

MEMORANDUM FOR THE RECORD

DATE: 10/10/54

TO: SAC, NEW YORK

FROM: ASAC, NEW YORK

SUBJECT: [Illegible]

RE: [Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

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CHAPTER V

By 1933 the American people had undergone a great psychological change. They had reached the heights of prosperity in 1929 only to be plunged into the depths of the depression in which they were still enmeshed. Franklin D. Roosevelt was in the White House and many experiments were being undertaken in political, economic, and social fields.

Among the most far reaching and novel experiments undertaken was the establishment of the National Recovery Administration under the authority of the National Industrial Recovery Act, later to be declared unconstitutional by the United States Supreme Court. Under the National Recovery Administration, attempts were made to establish "codes" regulating many aspects of our industrial life, including the problems of labor-management relations. Many forward strides, including recognition of labor's right to bargain collectively, were made by organized labor under the National Recovery Administration.

During the summer of 1933 a code to regulate the coal mining industry was being drawn up. On August 9, Mr. Karl Aber, sales-manager of the Gallup-American Coal Company, announced that the Central New Mexico Coal Operators Association would submit an appendix to a master code prepared in Denver to General Hugh Johnson, administrator of the National

Recovery Administration, for his approval. As submitted to General Johnson, the New Mexico codes would establish a maximum underground pay scale of \$.56 per hour for common labor, an outside minimum for \$.30 per hour for common labor; an eight hour day, forty day week; no boys under sixteen to be employed; and recognition of labor's right to bargain collectively. The existing schedule was a maximum of eight hours a day and a maximum of forty eight hours a week. However, it had been years since any coal miner had worked forty eight hours a week. The purpose of the provisions of the new code were to enable a miner to average enough hours of work every week to insure a satisfactory level of income.¹

At the beginning of the National Recovery Administration organization drive, the National Miners Union began to be active in McKinley County, New Mexico. The McKinley County mines were open shop mines.

On August 11, the Gallup town council denied permission to the organizers of the National Miners Union to hold an "on to Cleveland" dance for the purpose of raising funds to send a delegate to the union's national convention in Cleveland. Denial was based on the belief that the union was communist. The council then sent a telegram to General Hugh Johnson for further instructions.²

¹Albuquerque Tribune, August 13, 1933.

²Albuquerque Morning Journal, August 12, 1933.

Mr. Edward McGrady, assistant National Recovery Administration administrator, advised city officials the government had heard rumors to the effect that the National Miners Union was affiliated with the communists but did not have enough facts to make a definite statement.¹

The union held a mass meeting on Sunday, August 13. They denied they were reds and protested the denial of "privileges granted other organizations".²

The Gallup-American Coal Company announced it would not deal with the National Miners Union "as it had been fully determined this organization is not in accord with the national recovery program and is without standing in the American Federation of Labor and with mine operators".³

A set of demands was drawn up by a committee from Local 4025 of the National Miners Union containing these provisions: (1) recognition of the miner's committee elected without interference by the company; (2) applicants for jobs would be hired in turn as they apply; (3) miners should have the right to join any union and would not be discriminated against because of their membership; (4) creation of a limit on penalties for loading dirty coal to amounts over ten pounds and to change the notice for two offenses and penalties; (5) permit "dead

¹ Albuquerque Tribune, August 14, 1933.

² Ibid.

³ Ibid., August 28, 1933.

Mr. [Name] [Address] [City] [State] [Zip]

Attention: [Name], [Title]
has been [action] to the [office] [of] [Name]
was [action] [Name] [Title] [Address] [City] [State] [Zip]

The [Name] [Title] [Address] [City] [State] [Zip]
They [action] [Name] [Title] [Address] [City] [State] [Zip]
[Name] [Title] [Address] [City] [State] [Zip]

The [Name] [Title] [Address] [City] [State] [Zip]
[Name] [Title] [Address] [City] [State] [Zip]
[Name] [Title] [Address] [City] [State] [Zip]

[Name] [Title] [Address] [City] [State] [Zip]
[Name] [Title] [Address] [City] [State] [Zip]
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work" on company pay and allow the miners committee to decide what constitutes "dead work"; and (6) allow time and a half for all overtime by company men and double time for Sundays and holidays.¹

The strike started on August 29 when the operators refused to recognize the National Miners Union because it was not recognized by the American Federation of Labor.² Ninety seven percent of the men employed by the Gallup-American Coal Company, the Direct Line Coal Company, and the Gallup-Southwestern Coal Company walked out. Sheriff Dee Roberts said everything was orderly. Picketing was begun by men, women and children.

Mr. Robert F. "Bob" Roberts, organizer for the National Miners Union, from Brooklyn, New York declared his organization had signed up better than ninety percent of the mines in the area and had no communist affiliations. His wife Martha, also an organizer, said the women's auxiliary would support the strike to the last.³

The Albuquerque Tribune said in an editorial on August 29, 1933, that the strike had come on the eve of permanent labor peace under the coal code which was about to be promulgated by the National Recovery Administration and New Mexico

¹Albuquerque Tribune, August 28, 1933.

²Ibid., August 29, 1933.

³Ibid.

wanted peace. Both miners and operators had to show deliberation. "We trust there will be no hair trigger decisions by state authorities, no rash display of troops merely at a signal from the operators. That sort of thing had happened too often in the past.

Governor Seligman declared martial law in McKinley County on August 30. He said prominent citizens, labor leaders, mine operators, and his own representatives had all recommended such a step and officials at Gallup had advised him the situation was beyond their control.¹

Seligman wired an inquiry to General Hugh Johnson about the National Miners Union which he said had refused to arbitrate and was contemplating a statewide strike.

Adjutant General Osborne C. Wood and Ralph E. Davy the state labor commissioner went to Gallup on August 29 to obtain a strike conference with the union, but failed.

A march of 600 men, led by Mrs. Martha Roberts, to relieve the pickets at the Gramerco mine, was stopped by guards on the grounds the relief pickets were armed. They were admitted later and Undersheriff Carmichail said pickets were barred only from certain portions of the company property.²

¹Albuquerque Tribune, August 30, 1952.

²Ibid.

Governor Seligman met with a delegation from the National Miners Union including "Bob" Roberts which came to his offices on August 30 to protest martial law.

A few men returned to work in the coal mines under the protection of the National Guard. Peaceful picketing continued. A crowd of 800 miners was dispersed on August 31 at the Gallup-American property when Captain E. K. Neumann, attorney general, told them their assemblage there was a violation of martial law.

The miners requested permission to hold a mass meeting which apparently was not granted. The night before that "Bob" Roberts had told the miners in a meeting in Union Hall that it was useless to resist the troops.¹

The American Civil Liberties Union asked Mayor Watson of Gallup to reconsider this refusal to permit the National Miners Union to hold a dance and allow that labor union the same privileges as other groups. The American Civil Liberties Union offered its legal services to the miners in case a court test of their rights was necessary. Robert H. LaFollette, an attorney from Albuquerque, offered to assist in the negotiations between the miners and operators. He returned to Albuquerque the next day saying the miners had been willing to negotiate but that the operators were not on the grounds that he did not represent anyone.²

¹Albuquerque Tribune, August 31, 1933.

²Ibid.

By August 31, the total military force in McKinley County consisted of twenty-two officers and 230 men under the command of Lieutenant Colonel C. G. Sage of Deming.

The Albuquerque Tribune took a position hostile to Seligman on the matter of martial law. On August 31 it said.

Troops are unnecessary in Gallup, there was no danger. We are not in sympathy with the strike because the coal code, settling things peacefully, is soon to be adopted.

Coal crisis in Gallup is due to refusal of city officials to grant N. M. U. officials permission to meet in the town hall. This gave N. M. U. a lot of publicity. N. M. U. is a left wing union, in disfavor with the conservative U. M. W. which the government deals with, but that doesn't make N. M. U. communists. The union's demands are in character with the spirit of the N. R. A. Gallup is in no danger of being submerged by a Red horde.

[...] the strike has been conducted peacefully. Troops were not sent to Gallup to halt disorder, for there has been no disorder.

Troops were sent to Gallup by the alleged friend of labor to break the strike. He and all the other officials from here to kingdom come can gloss over the motives as they will but they cannot change the obvious facts.

[...] The Governor is behind the times. He is a tool of old feudal capitalism and only knows armed force as a way to settle labor disputes. [...]

A special dispatch by Max Stern, Tribune Capital Correspondent in Washington, D. C., said the National Recovery Administration was investigating the strike and the martial law order. Mr. Edward McGrady, assistant administrator for labor, made no comment but it was believed he had no sympathy for either the strike or the martial law order. McGrady's information was that the strike was caused by communists in

¹Albuquerque Tribune, August 31, 1933.

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the National Miners Union to force recognition of that union.¹

In Gallup, National Miners Union officials announced the suspension of picketing pending a conference in Gallup with Seligman either Friday, September 1 or Saturday, September 2. Individual strikers intimated that the real reason for the suspension was fear of the soldiers.

An open air mass meeting was held at a cave in the red sandstone along the Rio Puerco just over the Arizona-New Mexico state border near Supton, Arizona. Some of the miners wanted to call off the strike, but Martha and "Bob" Roberts persuaded them to continue and to picket peacefully. Two detachments of guardsmen were sent to the state border by Adjutant General Wood but the meeting was peaceful. Brown and Sage turned back eight carloads of strikers at the state line because of fear that some might have been National Miners Union leaders from Colorado.²

Mr. Frank Hefferly of Denver, district president of the United Mine Workers of America, ordered the members of the organization who had quit work to return because the strike was not approved by the United Mine Workers. He stated that the National Miners Union was a branch of the Communist Party.³

¹Albuquerque Tribune, August 31, 1933.

²Ibid., September 1, 1933.

³Ibid.

It had been reported that the operators had indicated a willingness to recognize the United Mine Workers.¹

Officials of the Gallup local of the Brotherhoods of Locomotive Engineers and Firemen and Enginemen issued a statement denying reports that they had joined in requesting the presence of soldiers.

The Albuquerque Journal, on September 1, stated that the right of assemblage is fundamental. Its suspension without cause of violence struck at the liberty of the whole people. No violence had occurred at Gallup. Only when violence occurs is martial law justified. Seligman was yielding to the demands of the operators against their employees.²

The National Labor Relations Board ordered Charles W. Grub, secretary of the regional National Recovery Administration, whose office was in Los Angeles, to go to Gallup and suggest to the miners and operators the strike end pending mediation by the labor board. This action followed the wire from Seligman asking information on the National Miners Union. The government had no information.³

Martha Roberts, addressing a crowd in the Santa Fe Railroad plaza, refused permission for an immediate mass meeting, suggested holding another one over the state line in

¹Albuquerque Tribune, September 1, 1933.

²Ibid.

³Ibid., September 2, 1933.

It has been pointed out that the Government has been too slow in its response to the needs of the people.

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Arizona. Her husband then told the strikers the government would allow peaceful picketing.

In a statement issued from Santa Fe, Colonel Clyde Ely, commander of the 111th Cavalry, said Seligman's action had averted trouble; that the strikers had been armed. State Labor Commissioner Ralph Davy who had just returned from Gallup said things were peaceful there and that the governor's action had averted trouble.¹

The Journal, on September 2, in an editorial entitled, "Friend of Labor", stated that Governor Seligman had denied that he had sent the troops to Gallup to break the strike then asked if that was not his purpose why did he order out the troops? The governor had said the armed forces of the state were sent to Gallup "to protect life and property" but no lives had been endangered and no property had been threatened with destruction or even minor damage. The only accomplishments of the troops so far had been in invade the right of "peaceful public assembly", to get the state involved in a controversy between two labor unions, and to partially break the strike.²

At the request of Robert F. "Bob" Roberts, the American Civil Liberties Union sent Mr. Edward D. Tittman, of Hillsboro,

¹Albuquerque Tribune, September 2, 1933.

²Albuquerque Journal, September 2, 1933.

New Mexico, a member of its national committee, to Gallup.¹ Tittman's first act was to go to Santa Fe and tell Seligman that if he refused to withdraw the troops, he, Tittman, would go to court. The governor had said his answer was in Wood's hands.²

The National Miners Union made an attempt to organize the other coal mining camps of the state. Richard Allendar tried to organize a local at Madrid. He arranged a mass meeting the 5th of September, which was addressed by Miguel Leyva, a legislator, who attacked the method of operation at Madrid.³

An open telegram was sent to Seligman and Davy from Las Vegas, New Mexico by the Brotherhood of Locomotive Firemen and Enginemen, Order of Railroad Conductors and the Brotherhood of Railway Trainmen, condemning the sending of troops to Gallup. It charged Davy with forgetting his obligations to labor.⁴

¹Ibid. Tittman, who is still a practicing attorney in Hillsboro, New Mexico, was a member of the convention which drew up the state constitution. In 1920, he was counsel for the defense in a case involving eviction of strikers by McKinley County authorities. He was District Attorney of the New Mexico judicial district in 1913-14 and was attorney for the Pueblo Indians in 1916-1917. Albuquerque Tribune, September 5, 1933.

²Albuquerque Tribune, September 5, 1933.

³Ibid.

⁴Ibid.

One of several incidents marring relations between the soldiers and the townspeople of Gallup occurred when an unidentified horseman, believed to have been a Navajo, was fired on by a National Guard sentry while riding through the property of the Direct Line Coal Company at Mentmore. The National Miners Union filed a protest with martial law authorities against the shooting.¹

Peaceful picketing, discontinued to await Seligman's arrival, was resumed on the 5th. The Guard officers prohibited picketing on one of the highways through Gallup on the ground that the state had not secured clear title to the land when it built the highway and so the highway was technically company property. Mr. Tittman investigated that point on behalf of the miners.²

In his conference with the miners' representatives at Santa Fe the week before, Seligman had requested a letter containing their grievances. Accordingly, one was sent to him. It charged him with strike breaking and demanded immediate withdrawal of the troops; claiming there had been no insurrection or breaking of the peace or threat of such. The letter charged that the presence of the troops had checked union development. Objection was made to employers statements that

¹ Albuquerque Tribune, September 5, 1933.

² Ibid.

the United Mine Workers was recognized by the National Recovery Administration as "lies". It charged the employers were opposed to arbitration and dwelt on the right of miners to form a union of their own choosing and charged the operators made attempts to force them to join the United Mine Workers in violation of Section 7, Clause A, of the National Industrial Recovery Act.¹

Another incident occurred when a sentry at the Allison camp routed some strikers who were pelting him with stones by firing in the air. Picketing continued. Sheriff Dee W. Roberts investigated charges that strikers were threatening the women and children of non-union men. A total of twenty-eight evictions

¹Albuquerque Tribune, September 5, 1933. Section 7, Clause A, of the National Industrial Recovery Act: Every code of fair competition agreement, and license approved, prescribed or issued under this title shall contain the following conditions: (1) that employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of any employers of labor, or their agents in the designation of such representatives, or in self-organizations or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; (2) that no employee and no one seeking employment shall be required as a condition of employment to join any company union or refrain from joining, organizing, or assisting a labor organization of his own choosing; and (3) that employers shall comply with the maximum hours of labor, minimum rates of pay and other conditions of employment approved or prescribed by the President. United States Statutes at Large, Vol. 48, Part I, 73rd Congress, Session I, Chapter 90.

from homes and nineteen from the property of the Gallup-American Company were made on the grounds that those involved were agitators.

General Wood ordered the strikers to halt of picket line on United States Highway 66 where it crossed the Gallup-American coal Company property. Tittman had advised the miners the highway was on state land and they could establish a picket line on it.¹

The National Miners Union announced that a committee of fifteen which was conferring with Governor Seligman at Santa Fe would like to hold a mass meeting on Thursday night, September 7 at Santa Fe and one at Albuquerque Friday night to raise funds for striker relief.² Mayor Clyde Tingley gave his permission to the National Miners Union to hold the mass meeting in Robinson Park for the purpose of protesting the presence of soldiers in McKinley County. The announcement said the meeting would be presided over by Mr. Robert H. LaFollette, Albuquerque attorney, and that the speakers would be Mr. and Mrs. Robert F. Roberts of the National Miners Union; Pat Toohey, a national representative of the National Miners Union, and Mayor Tingley who would speak on freedom of speech.³

¹ Albuquerque Tribune, September 6, 1933.

² Ibid.

³ Ibid., September 7, 1933.

The Gallup Chamber of Commerce telegraphed a protest to Tingley against the holding of the mass meeting saying the issue was one of Americanism and local people could deal with it if there is no outside interference. Tingley replied that permission to hold the meeting had been sought and granted but he did not know whether or not he could attend.¹

Seligman, in conference with the fifteen strikers representatives, said he favored the miners' demands for a less severe penalty for dirty coal, pay for cleaning rock, and elimination of profit on the sale of powder to the miners. The miners stressed the issue of the weighmaster and check weighman and charged that the militia had removed printed matter from the miners' bulletin board. General Wood said only inflammatory matter had been moved. The Governor denied the charge that Wood had refused permission to hold mass meetings, pointing out that three permits had been given in the current week. One application for a permit to hold a dance had to be refused because the dance hall was located close to a speakeasy and the liquor from it might cause a fight..² The miners promised the governor no physical harm would come to the light and power plant at Gallup but were opposed to admitting coal to fuel it. It was rumored that

¹Albuquerque Tribune, September 8, 1933.

²Ibid.

THE STATE OF NEW YORK, COUNTY OF ALBANY, ss.

I, the undersigned, Clerk of the County of Albany, do hereby certify that the within and foregoing is a true and correct copy of the original thereof as the same appears from the records of the County of Albany.

In testimony whereof, I have hereunto set my hand and the seal of the County of Albany, at Albany, this 1st day of January, 1901.

CLERK OF THE COUNTY OF ALBANY.

ALBANY, N. Y.

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Solligman fed the strikers and bought them enough gas to get to Albuquerque. He refused to confirm this, but he mentioned Mr. Ed Swope, state Democratic chairman.

On September 7, Wood suspended the power of all regularly established courts in the military district of McKinley County and created a provost martial's court with Lieutenant Samuel W. Morgan, justice of the peace of Clovis, New Mexico, in charge.¹ Wood informed the National Miners Union that the military court would have jurisdiction only in cases of misdemeanors and felons. The civil court would still rule in all other cases including those of evictions. No actual evictions had taken place as yet although quite a number of three day eviction notices had been served.

In Hot Springs (now Truth or Consequences) New Mexico, Tittman announced he would file suit to test the legality of martial law in McKinley County.²

Speaking at the mass meeting in Robinson Park in Albuquerque, Pat Toohey and Martha Roberts charged Davy made no effort to meet the union men. Mr. Leon Schingledecker of the Central Labor Union of Albuquerque, and member of the state National Recovery Administration Board and mediator for Gallup, offered his services as mediator.³

¹ Albuquerque Tribune, September 8, 1933.

² Albuquerque Journal, September 9, 1933.

³ Id.

Belgium, the Netherlands, and Luxembourg.

At the same time, the Commission is also

concerned with the situation in the

United Kingdom, where the situation is

also very serious.

During the last few days, the Commission

has been in contact with the British

Government, and it is hoped that

the situation will improve.

The Commission is also in contact with

the other countries of the Community.

It is hoped that the situation will

improve in the near future.

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Editorial comment on Seligman's course continued. In an editorial reprinted in the Albuquerque Journal on September 9, the editor of the Silver City Independent said the governor was motivated by a desire to prevent violence. The governor had denied the assertions of the upstate press that he desired to break the strike. When such a situation faced a governor, he had to act.

Edward Tittman filed a suit in district court in Santa Fe on September 11 in the names of James Walker, Frank Gallegos, Frederico Montoya, all members of the National Miners Union, and John Tmac, a filling station operator, asking that Governor Seligman and Adjutant General Isborne C. Wood be enjoined from enforcing martial law. The suit charged that the governor's proclamation was unconstitutional in that there had been no riots, unlawful assemblages, nor breaches of the peace, and that the constituted authorities in McKinley County had sufficient power to maintain the peace. The only breach of the peace was committed by a deputy sheriff, and that in declaring martial law, the governor had exceeded his authority and deprived the strikers of their liberty and property without due process of law. The suit charged Wood issued rules prohibiting peaceful assemblage, the possession of arms, and that he set up a provost court which was not recognized by the state constitution except for military offenses. The suit

further charged that the regulation issued under military law was enforced only against the National Miners Union and its members and was issued for the purpose of denying to the members of that union their rights under the constitutions of the United States and New Mexico. Regulations were not enforced against officers, employees, and guards of the mines.¹

Predictions were made in Gallup that members of the National Miners Union local at the Mutual mine would return to work after a conference between Mr. H. F. Mills, manager, and the miners' representatives called by Mr. Grubbs, the National Recovery Administration representative. There was no confirmation of that report at the time.²

Members of the strikers committee charged that a mounted policeman had ridden down a sick picket at the Gramercy mine. The reply was that the mounted patrol had to charge the picket line as the "dawn patrol" of pickets was reluctant to leave. The Gramercy mine was now being worked by the United Mine Workers which had very recently formed a local there.³

The Mexican Consul from El Paso, Texas, Mr. Benito Rodriguez, arrived in Gallup on September 13 in response to a report that Mexican citizens who were strikers might be

¹Albuquerque Tribune, September 11, 1933.

²Ibid.

³Ibid., September 12, 1933.

deported if the National Miners Union was found to be communist. Mr. Manuel Garcia, Mexican vice-consul in Albuquerque, had made a survey of the situation and had decided the consul was needed. Garcia said 70 percent of the strikers were Mexican citizens.¹ Rodriguez stressed his conciliatory role and said he was in Gallup in the interests of his countrymen. He submitted the strikers demands to the managers. Grievances submitted to him by the strikers included: (1) wage cuts; (2) "dead work" and "dead yardage" without pay; (3) no check weighman; (4) the state mine inspector had not been there in several years; (5) the men were fired for refusal to work in dangerous places; (6) Mexicans were discriminated against in assigning good places to work; (7) miners had to pay for their own transportation; (8) powder should be sold at cost; (9) miners consider it their legal right to picket peacefully; and (10) striking miners going to and from the mines were molested by the guards. Rodriguez transmitted these grievances to the managers but he found the reports of mistreatment of threatened deportation of Mexicans false.²

The next day, Martha and "Bob" Roberts, "Harry the Greek" Allendore Alvarado, and Exiquio H. Navarro were arrested as vagrants by Sheriff D. W. Roberts. Military authorities

¹Albuquerque Tribune, September 13, 1933.

²Ibid., September 14, 1933.

were investigating a charge made by R. F. Roberts that Nararro had been intimidated by three National Guardsmen who had told him they would "run him out of the county" unless he divulged the names of three men, quit picketing, and returned to work. A board of inquiry was appointed to hear the case.¹

The board of inquiry delayed hearing the case. The strike leaders were held incommunicado as witnesses.²

The possibility of the first court martial occurred when two guardsmen on duty at the military camp dressed themselves in "civvies" and raided a home on a private raid of their own. A complaint was made by one worker that the strikers molested his family.³

Meanwhile, picketing was resumed on a large scale.

Alarming reports, repeated by Mexicans and others, that Mr. Benito Rodriguez had been threatened with bodily harm led to statements he might be offered an armed escort.⁴ However, he returned to El Paso on the 19th; his mission a failure.

Speculation became rife in Gallup that the newly adopted coal codes provision that operators may recognize any union

¹ Albuquerque Tribune, September 15, 1933.

² Ibid., September 16, 1933.

³ Ibid.

⁴ Ibid., September 18, 1933.

chosen by their employees might put the National Miners Union out of business in Gallup because the Gramerco and Allison mines were now worked by the United Mine Workers; and the mine at Mentmore had twelve to fourteen unorganized Navajos as employees. The Mutual and Southwestern companies had been negotiating with the National Miners Union but were closed and had no employees; so the code, the operators of those two mines said, meant that any men hired from then on could form their own union.¹

A strike of school children which had begun on Friday, September 15 because of the arrest of the strike leaders was ended the following Tuesday.²

The military court released the strike leaders into the custody of the Sheriff after hearing them as witnesses in the case of the intimidation of Navarro. An announcement was made that the verdict would be made public in a week.³ Roberts and the other strike leaders were released the same day.⁴

The operators declared flatly on September 20, they would deal with the National Miners Union no longer and they would break the strike.⁵

¹Albuquerque Tribune, September 18, 1933.

²Ibid., September 19, 1933.

³Ibid.

⁴Ibid., September 20, 1933.

⁵Ibid.

Announcement was made from Washington, D. C. that the National Labor Board had dropped its efforts at reconciliation in Gallup on the grounds that the newly adopted coal code made its services unnecessary.¹

On the 19th, District Judge M. A. Otero, Jr. sustained a demurrer filed by Attorney General E. K. Neumann asking dismissal of the complaint filed by Edward Tittman in the names of James Walker, et al, of Gallup against Governor Seligman and Adjutant General Wood seeking an injunction against further use of soldiers in Gallup. The decision was based upon the judge's opinion that the declaration of martial law was a matter reserved exclusively by the state constitution to the governor's discretion.²

Six strike pickets were hospitalized on September 22, after their eyes had been sprayed by liquid from a fire extinguisher held by a person in a moving automobile. Military authorities arrested Mr. William Reece, a Gramerco miner and United Mine Workers organizer and held him for questioning. Martha Roberts charged the attack was premeditated. Mr. George Kaplan, a Denver attorney and representative of the International Labor Defense, telegraphed a full report of the affair to Defense headquarters in New York City.

¹Albuquerque Tribune, September 20, 1933.

²Albuquerque Journal, September 19, 1933.

He said he had been advised that a delegation from there was leaving to discuss the Gallup strike with President Roosevelt.¹

News reports indicated increased picketing and heightened tension in Gallup as a result of the previous episode when, according to a different version of the incident, a rock was thrown through a window of Reece's car and some liquid fell on six pickets. Military authorities found Reece had acted in self defense and released him. Manuel Hernandez was detained an hour by military police when he was found at the head of the picket line with three rocks in his pockets. R. F. Roberts, Alejandro Alvarado, and George Kaplan charged Hernandez had been framed by the guardsmen who had put the stones in his pockets. Kaplan charged General Wood with responsibility for the violence. Wood warned the National Miners Union in a letter against any more violence.²

Eviction hearings for thirty miners at the Mentmore camp were given a change of venue to Allsion.

Governor Seligman died of a heart attack in the Franciscan Hotel in Albuquerque on September 25 after having addressed a banquet of the state bankers association.³ Lieutenant Governor A. W. Hockenhull, the next governor,

¹ Albuquerque Tribune, September 22, 1933.

² Ibid., September 23, 1933.

³ Ibid., September 25, 1933.

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followed the same policy in relation to the Gallup strike as Seligman had.

On September 25, Mr. Alejandro Corea, an officer of the National Miners Union local at the Gallup-Southwestern Coal Company mine, announced that an agreement had been reached between the union and the company and the men would return to work. Conditions of the agreement included: (1) a definition of "dirty" coal as twenty five pounds of dirt to a ton; (2) recognition of a committee of miners to represent all employees; and (3) return of all strikers to their old jobs.¹

Seligman's funeral was held on September 28 and the pickets suspended operations at the request of the National Guard out of respect to him.²

The Gallup sub-district board of the National Miners Union voted to file charges demanding impeachment of Mayor Watson and the town council because of their refusal to issue a dance permit several weeks prior to the strike on the grounds the union was "communistic" and, also, because Watson was a physician for the Gallup-American Coal Company which refused to deal with the union.³

¹Albuquerque Tribune, September 25, 1933.

²Ibid., September 28, 1933.

³Ibid.

Received of the Treasurer of the
Board of Directors of the
City of New York
the sum of \$100.00
for the purchase of
the bonds of the
City of New York
dated the 1st day of
January 1900
and payable on the 1st day of
January 1901
at the rate of 100%
per annum
and the same is hereby
certified to be correct
and true
this 1st day of
January 1900
at New York City
in the County of New York
State of New York
John J. Smith
Treasurer of the Board of Directors
of the City of New York

Witness my hand and the seal of the
City of New York
this 1st day of
January 1900
at New York City
in the County of New York
State of New York
John J. Smith
Treasurer of the Board of Directors
of the City of New York

More incidents occurred. On September 30, Jimmy Thais, a non-union miner, claimed he was attacked by strikers. Guardsmen and mounted cavalymen dispersed the pickets at the Gramercio mine when the pickets did not disperse at the 7 p.m. whistle as was customary.¹

General Wood said that the legal action of the union against him for false arrest of union leaders two weeks previously was void because New Mexico law prohibited suits for arrests against officers for arrests under martial law.²

A change of union leadership seems to have occurred at about this time. Carl Hose and H. R. Schmidt of Los Angeles, both representatives of the International Labor Defense, and William Dietrich of Denver, a Communist Party leader, seemed to have taken over leadership while Roberts busied himself with the internal affairs of the union and Pat Toohey was sick in bed.³

In a letter on October 30 to Governor Hockenhull, charging the soldiers and Deputy Sheriff Roberts with strike breaking; the National Miners Union and the Trade Union Unity League of Denver charged that: (1) the strikers were denied permits to hold mass meetings and benefits while the companies could hold them for pleasure; (2) strikers were intimidated by

¹Albuquerque Tribune, September 30, 1933.

²Ibid.

³Ibid., September 29, 1933.

being denied permission to enter the mines for personal business whereas mine officials and working miners can come and go as they please; (3) "excitable and irresponsible youth [probably a reference to the National Guard] carrying guns who attempted to use them without any provocation"; (4) no investigation by the guard of the incident involving William Reece; and (5) deputy Sheriff Roberts was alleged to have promised the county jail prisoners release if they would work for the coal companys. The letter was signed by A. C. Alvarado for the Gallup local off the National Miners Union sub-district board, William Diletrich, secretary of the Denver district of the trade union Unity League, and R. F. Roberts, organizer for the National Miners Union.¹

The state's newspapers continued their editorial comments. The Albuquerque Journal stated it was glad that forty guardsmen were going home. The taxpayers would get a break. The use of troops had already cost the state \$30,000.00 and the operators had been given protection to keep operating. One mine had already come to terms with the union. The National Recovery Administration's Coal Code was now in effect so there was no further need for the troops.²

¹ Albuquerque Tribune, October 3, 1933.

² Albuquerque Journal, October 4, 1933.

Governor Hockenull's emissaries, on a mission to Gallup to determine the feasibility of transferring control of the strike zone from the National Guard to the newly created state highway motor patrol, were greeted with cries of "scabs" as they observed a picket line. The emissaries were: the Attorney General, E. K. Neumann [himself a National Guard Officer]; the State Highway Engineer, G. D. Macy; and the State Highway Superintendent of Equipment, Frank Horn.¹

The three strikers who attacked Jimmy Thais, a non-union man, a few days before were given a choice of ten days in jail or \$20.00 fines. They each gave notice of appeal and bonds were set at \$200.00 each.²

On October 5, George Kaplan; Clarence Lynch of Phoenix, Arizona, an attorney for the International Labor Defense; "Bob" Roberts; Harry Allendar, a National Miners Union organizer; James C. Walker, a colored organizer for the National Miners Union at the mine at the Montmore camp; William Gonzales, president of the National Miners Union sub-district board at Gallup; and A. C. Alvarado, secretary of the sub-district board were arrested on the charge of urging, at a bus-district board meeting, that the strikers arm themselves and hold a mass meeting in spite of the

¹ Albuquerque Tribune, October 4, 1933.

² Ibid.

National Guard. The men at the Gallup-Southwestern Coal Company mine, who had just signed an agreement with that company, walked out again in protest against the arrest of the seven leaders. William Deitrich charged the arrests were made in an effort by the National Guard to break the strike. Governor Hockenhull, commenting on the arrests, said he had complete confidence in the National Guard.

In an editorial, "It Can't Go on Forever" the Albuquerque Tribune said the Gallup coal operators said they could not mine coal without the troops and then commented that if that was true the mines should close as the state could not properly nor practically support a commercial operation at the expense of the taxpayers. The resumption of work at the Gallup Southwestern mine disproved the operators argument.¹

The governor's three man investigating committee urged him to leave the guard at Gallup as the state motor patrol would be "insufficient". They discussed the possibility of a reduction in the number of soldiers.²

Hockenhull called representatives of the operators and miners to confer with him in Gallup on Wednesday, October 7. He had received a telegram from Tittman threatening habeas corpus proceedings unless the seven arrested men were released.

¹ Albuquerque Tribune, October 5, 1933.

² Ibid., October 6, 1933.

Meanwhile, it was announced that all of the mines had been operating under the newly effective National Recovery Administration's Coal Code since Monday, October 1 with its forty hour week and that all mines would be closed on Saturdays and Sundays. The protest strike at the Gallup-Southwestern mine lasted only one day.¹

The seven strike leaders were put on a bread and water diet (of one meal a day on Saturday, October 9, when they refused to clean up their quarters. William Dietrich protested, saying the men had been ordered to dig post holes. General Wood said the men were military prisoners and would do the same work as the other prisoners. The seven claimed the status of "political" prisoners under the National Miners Union by-laws. Wood said he recognized no such by-laws.²

The Tribune, in a very sarcastic editorial, stated that it was noteworthy that no charges had been filed against the strike leaders. The National Guard said they were military prisoners. Perhaps that was true as it might have been possible that a state of warfare did exist if McKinley County and possibly someone might yet be arrested as a spy. The Guard had kept the peace. "But all of the evidence is that the individual liberty of the strike leadership has been trampled underfoot by the suave ministration of military law..."³

¹Albuquerque Tribune, October 7, 1933.

²Ibid., October 9, 1933.

³Ibid., October 10, 1933.

The strike leaders were tried individually by a special court martial. Roberts was tried first on October 11 on the charge of urging the strikers to hold a mass meeting in defiance of military authorities and of commanding his followers to arm themselves against the National Guardsmen. The latter, if true, was a violation of Article 4 of General Wood's general order promulgating the military regulations for the martial law district of McKinley County. This Article forbids interference of any kind or character with the military authorities and all persons cooperating with and under the direction of military authorities. The maximum penalty provided was a sentence of six months in jail or a \$200.00 fine or both. Robert's attorney was Robert H. LaFollette of Albuquerque. Roberts pled not guilty. LaFollette made a plea challenging the authority of the military to try these cases on the grounds that the charges were not specific. Both motions applied to all of the defendants. The military action was attacked on the grounds that the defendants were being tried on charges which do not constitute a crime under criminal law. The defense also held that military authorities, even under martial law, are subordinate to the law of the state and to civil power. Both motions were overruled. Major Harry S. Bowman, trial judge advocate, quoted the governor's proclamation of martial law under which the peril of insurrection was cited as a legal exception made by the New Mexico state

constitution to the principle of military subordination to civil authorities.¹ Sentence was passed but announcement of it was delayed a few days pending a review of it by Wood.

The day after Roberts trial, Mrs. Martha Roberts led a march of a mob of about 20 members on the military camp where the eight strike leaders, including a newcomer, Herbert Benjamin of New York, a representative of the National Unemployed Council, were held. Benjamin had attempted to speak to the strikers in spite of having been refused a permit by the military authorities. The mob yelled, "baby killers", and, "you're starving our leaders". One little girl had been trampled but not hurt by a guardsman's horse. The march followed Benjamin's arrest at the picket line. The soldiers used cavalry, infantry, and tear gas.²

On the same day, a delegation from the National Miners Union presented a set of demands to Hockenhull in Santa Fe and accompanied them with threats to go to court to have the soldiers withdrawn on the grounds that there was no insurrection. They said the military's prisoners were in danger of dying because of the bad treatment they were receiving. Besides removal of the soldiers, the strikers demanded restoration of all rights and privileges of meetings, entertainments, dances, and benefits; and unconditional release

¹ Albuquerque Tribune, October 11, 1933.

² Ibid., October 11, 1933.

of the imprisoned men. Charles Gwynne, an official of the National Miners Union, denied that outsiders were preventing the miners from reaching an agreement with the operators. Hockenhull suggested appointment of a board of arbitration. The union men said any findings of such a board would have to be ratified by the union local. Gwynne charged state officials with strike breaking. Samuel D. Menin, a lawyer from Denver who was a representative of the Internal Labor Defense said the United States Supreme Court had ruled that troops cannot be called and martial law declared unless there is a state of insurrection and the local authorities could not handle the situation. He said no such situation existed in McKinley County and threatened to take the strikers' case into Federal court.¹

Hockenhull heard the operators the next day. They told him the mines would have to close if the troops were withdrawn. Their belief was that since, in their opinion, the activities of the National Recovery Administration was partly responsible for the situation, the Federal government should be willing to send Federal soldiers if necessary.²

Sheriff Roberts was busy securing all of the information he could on the union leaders and advisers. Information

¹Albuquerque Tribune, October 12, 1933.

²Ibid., October 13, 1933.

reached him that Gwynne had come from Price, Utah where he was under a \$15,000.00 bond on charges of inciting to riot and of criminal syndicalism in connection with a strike in Carbon County, Utah led by the National Miners Union.¹

The Tribune complimented Hockenhull on his approach to the situation, saying he was fair and sincere. The editor said the operators like the situation and are making money out of the strike while the miners had been denied their rights. He said the operators were hypocrites and proved it by pointing out that the operators in Gallup had refused to recognize the National Miners Union, saying they preferred the United Mine Workers because it was recognized by the National Recovery Administration while the operators at Dawson, New Mexico were now refusing to deal with the United Mine Workers even under the National Recovery Administration. The operators were hypocritical in their unwillingness to give labor the right to bargain collectively. Hockenhull, as a representative of the public, was trying to achieve a just settlement and the miners should have recognized this.

The imprisoned leaders had been on a hunger strike for twenty four hours prior to Saturday, October 14 but they ended it that day. They still refused to do light work, contending they were "political" prisoners under the by-laws of the

¹ Albuquerque Tribune, October 13, 1933.

National Miners Union. The military authorities recognized them as military prisoners who could be made to do light work around the prison headquarters.¹

On Monday, October 16, Woods announced the verdict of the trial of Roberts. Roberts was found guilty and sentenced to six months of hard labor in the McKinley County jail. (Since he had been in the military stockade for ten days an equal amount of time was detracted from his sentence.) Orders were given to transfer him to the prison at Santa Fe for safety. The trials of the rest were scheduled to begin immediately. Samuel Merin took over the defense from Robert Lafollette.²

The Tribune, in an editorial, "A Simple Proposal", stated that the operators refused to deal with the National Miners Union violated the National Recovery Administration's provision which guaranteed to workers the right to join or refuse to join any union and which protected them against discrimination because of union membership. The troops were in Gallup to frustrate this provision and Governor Hockenull, in investigating the broad foundation of facts pertaining to the strike as he was then doing, would find this true. If the operators had abided by the coal code, peace would have come. It was that simple.³

¹ Albuquerque Tribune, October 14, 1933.

² Ibid., October 6, 1933.

³ Ibid., October 16, 1933.

George Kaplan's case was finished on Tuesday, October 17 and the proceedings were reviewed by Wood. The prosecution filed a motion to dismiss the charges against Lynch, Walker, Alkdar, Gonzales, Neavarro, and Alvarado because there was insufficient evidence against them to obtain a conviction. Decision on this point was up to Wood. Menis charged the testimony of three guardsmen against Kaplan was framed. He said he would ask the governor to vacate the sentence against Roberts. If the governor refused, he would go into either the state or federal courts.¹

Herbert Benjamin escaped from the stockade the night before, but was soon recaptured.

Kaplan's sentence was announced by Wood on Thursday of that same week. He also was sentenced to six months hard labor in the McKinley County jail. Thirteen days were taken off for time already served. It was assumed he would be transferred to Santa Fe.²

Six men: Lynch, Joe Barretol, Carl Howe; Harry Navrogenis, Joe Valenzuela, and Gregorio Clorrea, were arrested the same day for holding an illegal meeting.³

Edward Tittman announced he had filed habeas corpus proceedings with the state supreme court to secure Roberts' release.⁴

¹Albuquerque Tribune, October 17, 1933.

²Ibid., October 19, 1933.

³Ibid.

⁴Ibid.

2 It was announced on Friday of that week that the Diamond Coal Company was negotiating an agreement with the National Miners Union on the same basis as the agreement between the union and the Gallup-Southwestern Coal Company.¹

A few days before, Mr. Clarence Iden, president of the New Mexico Taxpayers Association, had made a survey of the coal camps and Gallup and wrote a letter to the governor that the strike was a part of an active "Red" plot throughout the nation. He included in the letter a resolution from the McKinley County Taxpayers Association urging that the troops stay.² Menin denied Iden's "Red" assertion.

Counter measures to offset Wood's attempts to secure federal aid to help maintain the soldiers in Gallup were made by the labor forces. Pat Toohy said a complete statement would be sent to the National Recovery Administration outlining the situation in McKinley County and a delegation would leave from Pittsburgh for Washington.³

Colonel Sage, commanding officer of the troops in Gallup, wrote an editorial for his own newspaper in Deming, New Mexico in which he criticized the strikers and strike leaders. He was sharply criticized for doing this by the Tribune which pointed out that he had signed the editorial

¹Albuquerque Tribune, October 19, 1933.

²Ibid., October 16, 1933.

³Ibid., October 20, 1933.

as commander of the troops must that as commander of the troops it was his duty to be neutral and preserve the peace impartially. The Tribune's comment was entitled "Colonel Sage's Bias."¹

A new wage agreement between the union and the Diamond Coal Company was announced on October 23. It included a recognition of the National Recovery Administration's Coal Code in full; acceptance of the pit committee which had been in charge since the second week of the strike; the management was to take back all workers as soon as possible; and the strikers would not press for pay for "rock" work.²

William Dietrich sent a letter to the governor demanding the pardon of Roberts and Kaplan. He also sent a letter to the Secretary of Labor, Frances F. Perkins, demanding an investigation of the strike by the Department of Labor. In this letter, he protested against the Guard's interference when strikers talked to "scabs" and against the denial of permits to hold mass meetings.³

On October 24, Tiltman filed a petition for a writ of habeas corpus with the state supreme court claiming that Roberts' conviction by a special court martial was illegal,

¹Albuquerque Tribune, October 23, 1933.

²Ibid.

³Ibid., October 24, 1933.

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unlawful, and in violation of the laws and constitution of the state and the United States. He said the civil and criminal courts of McKinley County were still functioning and that Roberts should have been tried in them if at all. The court said a date would be set for Roberts' hearing.¹

Herbert Benjamin was tried on October 23 by a military court on charges of attempting to make a public speech to the strikers and attempting to escape from the military stockade. Benjamin admitted both charges but denied he had violated martial law by his speech. Since the governor was commander-in-chief of the National Guard, he had to review the transcript of the case before the verdict was announced.²

Governor Hockenhull was informed that the federal government would not act until every resource of New Mexico had been exhausted. He then asked the National Labor Relations Board for aid and was informed by Mr. Wayne Ellis, coal code administrator, through General Wood, that the Gallup strike would be one of the first ones considered by the Rocky Mountain regional labor dispute board when it was set up.³

Herbert Benjamin was convicted on both counts and sentenced to one year in prison according to the announcement released by Hockenhull.⁴

¹Albuquerque Tribune, October 24, 1933.

²Ibid.

³Ibid., October 24, 1933.

⁴Ibid., October 28, 1933.

On October 30, two National Miners Union members, Jojo Ruiz, and Victorio Correa were ambushed by unknown assailants while they were making a house to house survey to persuade men not to work in the three mines still struck. Ruiz was injured seriously. Colonel Sage ordered the entire area patrolled. The assailants were believed to have been non-union men. The ambush took place in the Black Canyon District where, on the preceding Sunday, eight strikers beat up Deputy Sheriff Frank Kauzleric. The eight had been turned over to Deputy Sheriff Roberts by the military authorities and released on their own recognizance.¹

Also, on October 30, Mrs. Martha Roberts led a delegation of strikers to Santa Fe to ask the governor to remove the troops because they were interfering in internal union affairs.²

On the same day, the state supreme court began hearings on the petition for a writ of habeas corpus for Roberts.³

By October 28, the military force at Gallup was reduced to seventy-four men and ten officers.⁴

A free-for-all occurred on Saturday, November 4 when a group of from 150 to 200 strikers, led and harangued by Martha Roberts, marched to the county court house about noon protesting the arrest of Benjamin and Kaplan and demanding their release.

¹Albuquerque Tribune, October 30, 1933.

²Ibid.

³Ibid.

⁴Ibid., October 27, 1933.

A group of Guardsmen arrived and began tossing tear gas bombs which the strikers tossed back at them. Mrs. Roberts and eleven others were arrested. Troop A with sixty men from Albuquerque was ordered to entrain for Gallup immediately.¹

Benjamin and Kaplan sent a wire to Hockenhull protesting their imprisonment. They charged they suffered petty persecution and discrimination at the hands of county officials. County officials said they received the same treatment as the other prisoners did.

A board of arbitration appointed by Governor Hockenhull and consisting of attorneys W. E. Kelleher and M. C. Mechem met briefly in Albuquerque on the same Saturday. They scheduled a conference with the National Miners Union to be followed by one with the United Mine Workers then by one with the operators.² The conference with National Miners Union occurred that same day. After the conference was over, the union's representatives announced they would not negotiate under "the bureaucratic method which Governor Hockenhull and Frank Pefferly, Denver district president of the United Mine Workers are attempting to force down our throats".³

The board met with the United Mine Workers on the following Monday⁴ and with the operators on Tuesday.⁵

¹Albuquerque Tribune November 11, 1933.

²Ibid., November 4, 1933.

³Ibid., November 6, 1933.

⁴Ibid.

⁵Ibid., November 7, 1933.

After Saturday's riot, the military authorities armed their men with hickory sticks and established a curfew which was lifted on Monday. Governor Hockenhull sent another appeal on Tuesday to the National Labor Board to hasten the selection of a man to investigate the strike. For the third time, he was assured this would be done.¹

It was announced the same day that Kaplan and Benjamin, who had protested against being held in the Gallup jail, or military stockade, were being transferred to the Bernalillo County jail which had been designated as a military strong point.²

The nine incarcerated strike leaders, eight of them arrested after Saturday's clash, were placed on bread and water rations after they refused to do light housekeeping. Tony Bubany, strike leader at the Allinson Camp had no definite charges filed against him. A National Miners Union bulletin said this failure to prefer charges against him was an attempt by the operators who had not signed a new wage agreement as yet and by Frank Hefferly to make a wedge for their new offer of \$4.70 per day wage and a 5% increase.³

On November 10, Harry Navrogenilis, Charles Gwynne, and Joseph Barol, all of the National Miners Union, Clarence Lynch,

¹ Albuquerque Tribune, November 7, 1933.

² Ibid.

³ Ibid., November 9, 1933.

Phoenix, Arizona; an International Labor defense attorney, and Henry Sumid of Phoenix, a representative of the National Labor Research Association, were arrested for violations of martial law.¹

The American Legion post at Gallup made plans for its annual Armistice Day parade but General Wood announced that neither the strikers nor any miners, nor any National Guardsmen would take part in it.²

Major John D. Moore, national labor board representative, arrived in Gallup on November 14 after having conferred in Santa Fe with Governor Hoskenhull and his board of arbitration.³ He conferred immediately with representatives from the National Miners Union and from the United Mine Workers and said he planned to confer with Wood and prominent Gallup townspeople, then with the operators. Most of the conditions demanded by the strikers, he said, were contained in the National Recovery Administration's coal code.⁴ He finished his round of conferences at the end of that week. No solution had been reached but he was confident one would be very soon.

On Wednesday of the following week an eight point wage agreement which had been reached under Moore's guidance became

¹ Albuquerque Tribune, November 10, 1933.

² Ibid.

³ Ibid., November 14, 1933.

⁴ Ibid., November 15, 1933.

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known and first returns from the elections held in the National Miners Union rank and file meetings indicated it would be accepted by that organization. The agreement included the following points: (1) One hundred strikers, including the strike leaders would be given immediate employment; (2) the remaining strikers would be placed on a preference list to be rehired as soon as jobs could be made available for them; (3) that there would be no discrimination on the part of the operators in assigning penalties for "dirty" coal; (4) the checkweighmen would be elected by the miners without interference; (5) that a check off system would be established to pay the checkweighmen elected by the miners; (6) that physical examinations would not be required for employment in the mines; (7) that company houses could be occupied by the miners as long as they pay their rent; and (8) that all scales would be tested. Moore accepted the provision calling for release of the strike leaders but said final decision on that point was up to Hockenhull as governor.¹

Hockenhull announced the next day that he had agreed to the release of all the strike leaders held prisoner. It was announced in Gallup that all of them had been released except six, including Martha and "Bob" Roberts.²

¹ Albuquerque Tribune, November 22, 1933.

² Ibid., November 23, 1933.

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The status of the strike was uncertain on Friday, November 14 as the imprisoned strikers leaders refused to sign a promise to leave the state and not return for one year if released. The general consensus of opinion among the strikers was that they wanted to work but not if their leaders were still in prison as the continued detention of the leaders was a violation of the new wage agreement. Attorney Robert I. Lafollette said Kaplan and Roberts could not sign such an agreement as it would be a violation of their civil rights and they preferred imprisonment to a deprivation of their civil rights to go wherever they choose to go.¹

Announcement was made on Monday, November 27 that the strike was over. A committee of miners signed a promise that the strike leaders would leave the state.²

All miners were back at work by Wednesday of that week except at the Gallup-American mines where a dispute had arisen over the rehiring of the strikers. The strikers insisted they be rehired without being passed on by an employees committee consisting of non-union miners. The company insisted that the employment committee was the sole judge of acceptable workers. Orders which had been issued for troop withdrawal were cancelled pending outcome of the dispute.³ The men returned to work when Moore advised them that the agreement

¹Albuquerque Tribune, November 24, 1933.

²Ibid., November 27, 1933.

³Ibid., November 29, 1933.

meant the rehired strikers were to be passed on by the employment committee.¹

Martha and "Bob" Roberts, Frank Georges, Charles Gwynne, Harry Allendar, and Richard Sumid, were arrested on December 1, for failure to leave the state as pledged.² They were immediately deported across the Arizona state border. The action caused no disturbance.³

The soldiers were withdrawn as rapidly as conditions permitted. On December 19, Governor Hockenull revealed he had a proclamation on hand to withdraw the troops and restore civil authority but had not signed it due to petitions from Gallup businessmen requesting troops be left until after his holidays. There were only twenty soldiers left in Gallup at the time.⁴ He did sign the proclamation very soon after his holidays.

The State Supreme Court heard Tittman's arguments for a writ of habeas corpus for Roberts and on January 8, 1934 it handed down a decision denying Roberts a rehearing on his case:

Habeas corpus proceeding by the State, on the relation of R. F. Roberts against E. B. Swope, Superintendent of the New Mexico Penitentiary.

¹ Albuquerque Tribune, December 1, 1933.

² Ibid, December 1, 1933.

³ Ibid., December 2, 1933.

⁴ Ibid, December 19, 1933.

Writ discharged, and relator remanded to respondent's custody. Edward D. Tittmann, of Hillsboro, for relator. E. K. Neumann, Atty. Gen.; and Harry S. Bowman of Santa Fe for respondent.

The decision first reviewed the events preceding the hearings.

[. . .] In the argument on the writ, the relator admit that the governor's declaration that a state of insurrection exists cannot be controverted, but maintains that the militia can only be used as deputy sheriffs or civil officers. He cites [. . .]

The respondent challenges the jurisdiction of this court to proceed further in the matter, and maintains that the governor and his officers can legally carry the war to their logical conclusion, can seize and hold persons whom they believe are contributing to a continuance of the insurrection, and that the civil courts cannot properly interfere. He cites [. . .]

The court then cited cases touching on a governor's authority to declare martial law and the scope of the authority of the governor and military officers under martial law.

Then the court stated:

[. . .] Roberts' theory that the military can only be used as deputy sheriffs or constables in cases of insurrection is not tenable. Their employment is not resorted to while the local peace officers are able to cope with the situation. The troops were sent into the district when the local officials were no longer able to maintain law and order and after the governor had found a state of insurrection to exist. They proceeded under the "executive process" authorized by the constitutional provision above quoted as military forces and were authorized to act as such in suppressing the insurrection.

The resort to the military arm of the government, therefore, means that the ordinary civil officers to preserve order are subordinated to whatever extent may be necessary in the discretion of the military commander. To call on the military, and then have them stand quiet and helpless, while mob law overrides the civil authorities, would be to make the government contemptible, and destroy the purpose of its existence.

The effect of martial law, therefore, is to put into operation the powers and methods vested in the commanding

officer by military law. So far as his powers for the preservation of order and security of life and property are concerned, there is no limit but the necessities and exigencies for the situation. And in this respect there is no difference between a public war and domestic insurrection. What has been called the paramount law of self-defense, common to all countries, has established the rule that whatever force is necessary is also lawful. Commonwealth v. Shortall [. . .]

The court then proceeded to rule out court interference in the quelling of insurrection. The court stated that the question of whether or not a governor and his officers have overstepped their authority was a judicial one, but the court held that under the precedence of a couple of cases it cited the restraining of the liberty of one who was arrested while fomenting the insurrection is within executive discretion. The court ordered the writ discharged and Roberts returned to the custody of Swope. Chief Justice Watson read the decision and Justices Sadler, Bickly and Zinn concurred. The rehearing was denied because Roberts had already been released.¹

¹State ex. rel. Roberts v. Swope, 38 N. M. 53, 28 Pa (2d) 4, November 10, 1933, NEW MEXICO REPORTS, 38.

CONCLUSION

Because of the admitted communist influence and greater degree of violence which occurred it is difficult to deliver an arbitrary judgment on the propriety of the use of the state troops in this strike.

One must consider several factors: (1) The presence or absence of condition of violence or insurrection or threat of such preceding the proclamation of martial law which local authorities could not have handled; (2) the prevailing climate of public opinion in New Mexico towards organized labor; (3) the attitude of state and federal officials towards organized labor; (4) the conduct of the troops while in Gallup; (5) the degree to which the strikers were influenced by Communists; and (6) benefits gained by the miners by means of the strike.

A fairly thorough check of the newspapers for a period of a week or two before the strike began reveals no unusual amount of violence or insurrection in McKinley County prior to Governor Seligman's proclamation of martial law. The strike was an isolated, local phenomenon which began rather suddenly as a result of the refusal of the mine operators to recognize the National Miners Union as representing their employees. There was no period of tension or anticipation beforehand. Plenty of violence occurred during the strike

but all of it occurred after the troops arrived. This does not prove that violence may not have occurred eventually anyway, but it does indicate that the presence of troops does not always ensure peace; the troops may be an aggravating element.

Public opinion in New Mexico, as reflected in the newspaper columns and editorials, had undergone a profound change in its attitude towards organized labor since the strikes of 1919 and 1922. It was much more friendly to unions; in fact, it was almost pro-union. However, this change of attitude on the part of the newspapers may have been political in nature inasmuch as the governors were Republican in 1919 and 1922 and the Democrats were in office in 1933.

The same trend was evident in the attitudes of the state and federal officials towards unions and toward the particular union involved. Certainly a marked contrast is evident between the words and actions of Governors Arthur Seligman and A. H. Hockenbush in 1933 towards the strikers and those of Governors O. A. Larrazolo, Merritt C. Mechem, and Richard C. Dillon towards the strikers they were faced with in 1919, 1922, and 1927 respectively. Neither Seligman nor Hockenbush nor the state officials under them issued statements blaming the dispute on "foreigners" "agitators" or "Reds" nor did they continually urge the miners and operators to maintain production. Especially significant was the fact that both Seligman and Hockenbush seemed willing to accept the particular union

involved as the legitimate representative of the miners with a legitimate right to demand that the miners grievances be listened to. At last, both governors were willing to devote a great amount of time to conferences with the representatives of the National Miners Union. However, it is difficult to determine how much of this more friendly attitude toward labor which Seligman showed was due to a change of attitude from that of previous governors and how much was due to the fact that he was operating under the provisions of the National Recovery Administration as embodied in the National Industrial Recovery Act as he was reputed to have been New Mexico's most conservative governor. Undoubtedly much of the credit for this apparent change in attitude should go to the National Industrial Recovery Act.

The relations between the soldiers and the portion of the citizenry of McKinley County who were miners were marked by sporadic violence. It would be impossible here to determine where the fault lay except to point out again that violence did not occur until after the troops arrived. Accusations of ill treatment of the prisoners by the military cannot be proved or disproved. Neither can the blame for the riot be assessed. The strike leaders repeatedly cautioned their followers to obey the soldiers rather than to dispute with them. The refusal of the military authorities to grant the National Miners Union permission to hold mass meeting

indicated a repressive policy on the part of the military authorities against the union.. The frequent arrests and rearrests of the strike leaders leads to a suspicion that the policy of the military authorities was one of harassment of the union. General Woods refusal to allow the strikers, union miners or National Guardsmen to participate in the Antislavery Day parade indicates his opinion of the temper of the town of Gallup by that time.

The question of the degree of Communist leadership of the strikers and of whether the presence of Communists justifies the use of armed force by the state are perhaps the key to any discussion of the use of troops in this strike. The Gallup town council may have had sufficient evidence to declare the National Miners Union Communist but it was never proven as they published no evidence to substantiate that charge. It is significant that when the National Recovery Administration was queried by Seligman as to whether the National Miners Union was communist the reply was the federal government has no information on that point. Certainly, the possibility of communist leadership or influence in the union did not deter Seligman and Hockenhull from entering into conferences with it. But then, that may have been due to the existence of National Recovery Administration. Judging from the chronology of events as recorded in the newspapers, the communist influence, which

admittedly was present, did not come until after the strike was a week or two old.¹

News reports stated that the strike leaders during the early part of strike cautioned their followers to obey the laws and avoid clashes with the soldiers, indicating the union's policy was one of obedience to the law.

Would the presence of Communists justify sending soldiers? My opinion is, no. Neither the provisions of the National Defense Act which established the National Guard nor the sections of the constitution of New Mexico which define the powers of the governor as the head of the militia recognize the mere presence of Communists or of any other ideological group as constituting proof or indication of a state or threat of insurrection. What is significant here is the fact that the union followed a policy of obedience to the law.

In view of the friendly public opinion towards organized labor; the attitude of partial acceptance shown by Seligman and Hockenhull towards the National Miners Union; and the peaceful conditions in McKinley County prior to the proclamation of martial law; and the policy of the strikers to obey the law; Seligman's sending of the troops is baffling. The only explanation is that he sent them to break the strike.

¹The author attempted to find some information in the University of New Mexico Library on the character of the National Miners Union but could find nothing. As far as available evidence went, William Dietrich was the only Communist present.

admittedly was a great deal of time, but it was not a week or two only.

Now, however, it is not a week or two only, but a month or more.

It is not a month or more, but a year or more.

It is not a year or more, but a decade or more.

It is not a decade or more, but a century or more.

It is not a century or more, but a millennium or more.

It is not a millennium or more, but an eternity or more.

It is not an eternity or more, but an infinity or more.

It is not an infinity or more, but an omnipotence or more.

It is not an omnipotence or more, but an omniscience or more.

It is not an omniscience or more, but an omnipresence or more.

It is not an omnipresence or more, but an omnibenevolence or more.

It is not an omnibenevolence or more, but an omnimagnificence or more.

It is not an omnimagnificence or more, but an omnigloriousness or more.

It is not an omnigloriousness or more, but an omniblessedness or more.

The condition of law and order which are the criteria a governor is supposed to use in determining whether to impose military rule were not such as to justify such action according to the state constitution and federal law. The representative policy of the military authorities towards the National Mers Union substantiates the charge that it was the policy of the troop command to break the strike if possible.

What benefits did the miners gain from the strike? If this question is answered from the point of better working and living conditions, the answer is: none. From this standpoint the strike harmed the miners when the wages they lost during the duration of the strike are considered. A comparison of the miners' demands with the provisions of the National Recovery Administration's coal code reveals that Major Moor was absolutely correct when he said that the miners would have received the same benefits under the coal code. So the strike was useless and a waste. The union may have started the strike as part of a drive to organize the nation's miners under its banner, but the evidence presented here is not broad enough in scope to determine what the union program was.

A GENERAL CONCLUSION

The state militia of New Mexico has been used four times in connection with labor disputes since New Mexico became a state. At no time was there violence or insurrection or threat of such prior to the proclamation of martial law and sending of the troops. As far as can be determined there was no visible public demand that the governor send the troops during any of the four times. Evidence indicates that the sending of the troops was the result of pressure upon the governor by the coal mine operators. Therefore, it can be said positively that in every labor dispute in the State of New Mexico in which the National Guard has been used, it has been used not for the purpose of maintaining or restoring law and order or putting down insurrection but to break the strikes and hamper labor organization in the state.

THE HISTORY OF THE

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REPORT

Albuquerque, New Mexico, 1941-1942
The following is a summary of the work done during the year 1941-1942.
The work was done in the following order:
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100. The hundredth part of the work was done in the spring of 1941.

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APPENDIX A

Following is a list of the significant constitutional provisions regulating the power of the governor to declare martial law and call out the militia, plus excerpts from various court decisions and opinions of attorneys-general which have clarified and interpreted these constitutional provisions.

When the constitution of the state of New Mexico was adopted the following provisions were included:

GOVERNOR'S EXECUTIVE POWER-COMMANDER OF THE MILITIA
The supreme executive power of the state shall be vested in the governor who shall take care that the laws be faithfully executed. He shall be commander in chief of the military forces of the state except when they are called into the service of the United States. He shall have power to call out the militia to preserve the public peace, execute the laws, suppress insurrection and repel invasion.¹

Section 66-904 of the New Mexico Code 1941 Annotated states that the officers of the National Guard shall cooperate with the civil authorities. The specific reason for the presence of soldiers is to be determined by the civil authorities, but the tactics used are to be determined by the commanding officer. A sheriff may call on the commander-in-chief of the Guard and if the governor feels that the

¹ New Mexico Statutes 1941 Annotated, Vol. 1, p. 194
Article 5, Section 4, New Mexico Constitution.

power of the county officials is insufficient to maintain law and order he must then order out the militia.¹

Differences of opinion as to the meaning of the state constitution have led to the following court decisions, excerpts of which are given here.

[. . .]. Where the governor of the state, seeking to quell insurrection, calls out the militia, and puts it in charge, such military forces do not act as sheriff or deputy sheriffs, but their power supersedes the civil authorities. *State ex rel Roberts v Swope*.²

[. . .]. The governor is sole judge of the facts that may seem to him to demand the aid and assistance of its military force of the state. *State ex rel Charlton v French*.³

[. . .]. To provide for the public defense embraces consideration of preparedness as well as execution. *State ex rel Charlton v. French*.⁴

[. . .]. Power of Governor When acting within the power vested in him by the Constitution, Article 5, Section 54 and this section, the governor may order into active service the militia of the state and direct the locality of the operations. He is made sole judge of the facts that may seem to demand the assistance of the military forces of the state. The presumption of course is that he will not exercise this power unless it becomes necessary. To his good judgment and sound discretion the law has left the final decision as to whether the military forces of the state shall be ordered into service. There is no power in the court to control or restrain his acts. *State ex rel Charlton v. French*.⁵

¹ New Mexico Code 1941 Annotated, 66-904.

² New Mexico Code 1941 Annotated, Vol. 1, p. 194, citation is to *State ex rel Roberts v Swope*, 38 N. M. 53, 28 Pac (2d) 4.

³ New Mexico Statutes 1941 Annotated, Vol. 1, p. 19, citation is *State ex rel Charlton v. French*, 44 N. M. 169, 99 Pac (2d) 715.

⁴ Ibid.

⁵ Ibid.

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[. . .]. The power conferred on the governor by [Section] 66-116 [New Mexico Code] to organize the militia and the power conferred on him by this section to meet emergencies, is ample for every situation that may present itself. It gives to the chief executive of the state the fullest authority to reorganize and equip the national guard and to call to his assistance in any contingency that may arise a force sufficient in numbers and properly equipped to safeguard the health and welfare of the people and provide for their defense. State ex rel Charlton v. French.¹

[. . .]. Proclamation of a State of Insurrection If troops are employed in aid of civil authority, the governor, if he feels law and order would be promoted, may declare a county or a city to be in a state of insurrection and declare martial law. State ex rel Roberts v. Swope.²

[. . .]. Power of the Governor to Call Out the Militia [first paragraph] The governor shall have power, in case of insurrection, invasion, riot, or breach of peace, or imminent danger thereof, to order into active service of the state, the national guard or any thereof and the unorganized militia is made subject to call provided that the organized national guard is insufficient to cope with the situation. State ex rel Roberts v. Swope.³

Following are the opinions of the Attorneys-General of New Mexico:

[. . .]. The governor has almost unlimited authority to suppress insurrection, and is himself the judge as to the local conditions requiring it.⁴

¹ New Mexico, Ibid., 66-219, p. 305, citation is State ex rel Charlton v. French, 44 N. M. 169, 99 Pac (2d) 715.

² New Mexico Statutes 1941 Annotated, 66-104, citation is State ex rel Roberts v. Swope, 38 N. M. 53, 28 Pac (2d) 4.

³ New Mexico Code 1941 Annotated, 66-105, citation is State ex rel Roberts v. Swope, 38 N. M. 53, 28 Pac (2d) 4.

⁴ New Mexico Statutes 1941 Annotated, Vol. 1, p. 19, Article 5, Section 4, Constitution of New Mexico, Opinions of Attorney General, 1919-20, p. 83.

1. The first of these is the fact that the
the government of the United States has
the right to regulate the commerce
between the United States and foreign
countries. This right is derived from
the Constitution of the United States
and is one of the most important
powers of the federal government.

2. The second of these is the fact that
the government of the United States has
the right to regulate the commerce
between the United States and foreign
countries. This right is derived from
the Constitution of the United States
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the Constitution of the United States
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the government of the United States has
the right to regulate the commerce
between the United States and foreign
countries. This right is derived from
the Constitution of the United States
and is one of the most important
powers of the federal government.

5. The fifth of these is the fact that
the government of the United States has
the right to regulate the commerce
between the United States and foreign
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the Constitution of the United States
and is one of the most important
powers of the federal government.

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the government of the United States has
the right to regulate the commerce
between the United States and foreign
countries. This right is derived from
the Constitution of the United States
and is one of the most important
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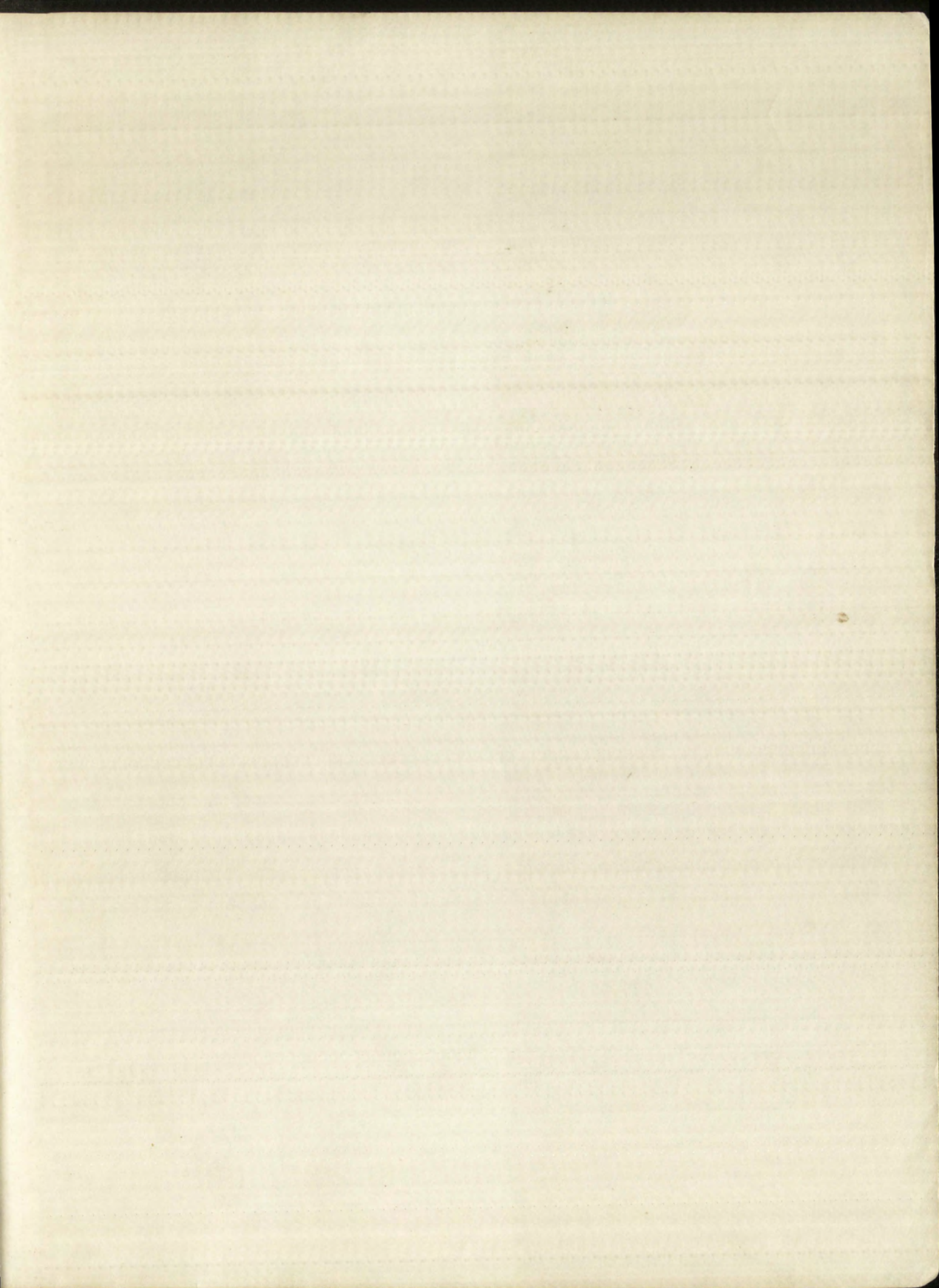
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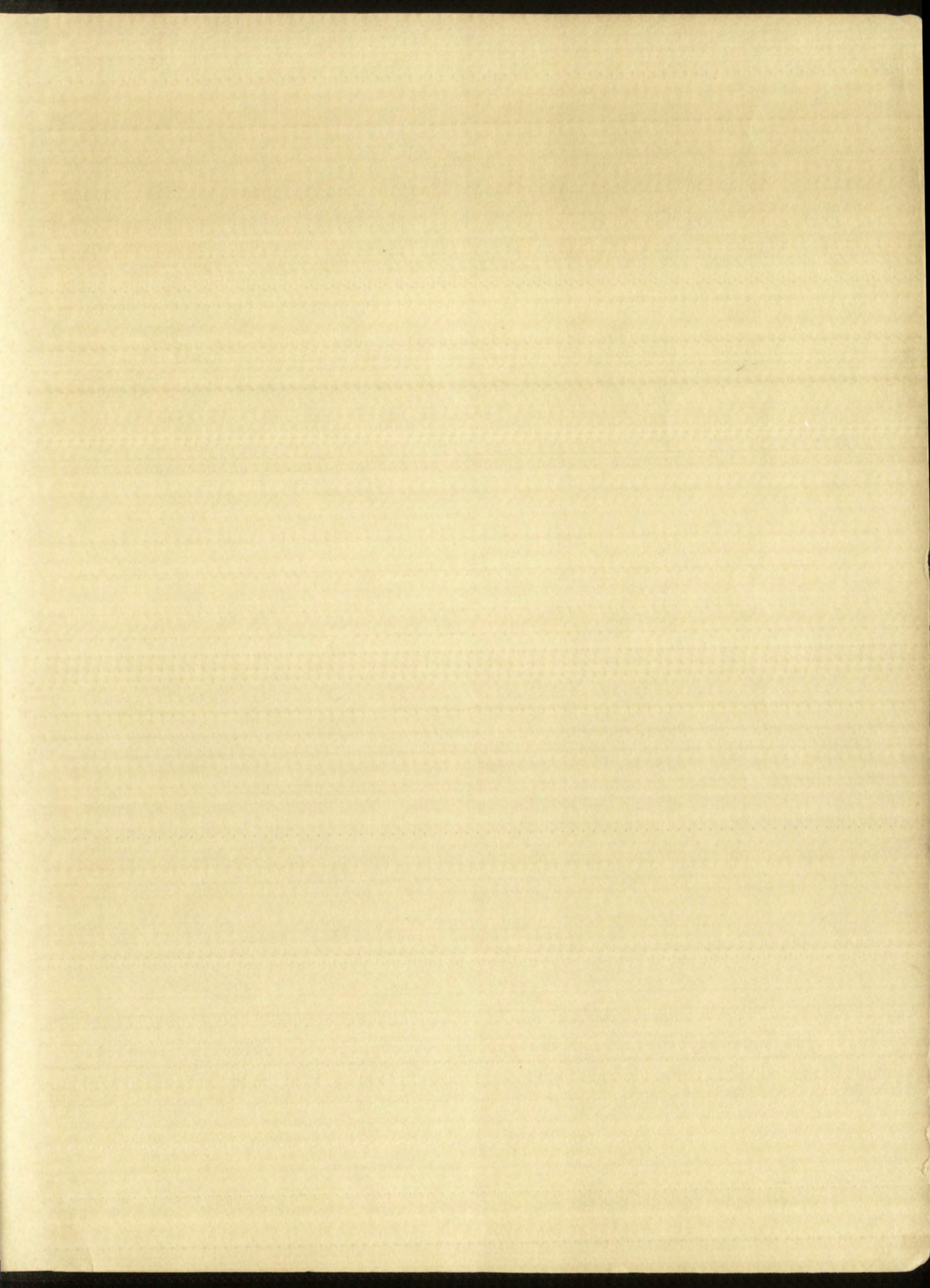
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the government of the United States has
the right to regulate the commerce
between the United States and foreign
countries. This right is derived from
the Constitution of the United States
and is one of the most important
powers of the federal government.

[. . .]. The governor does not have to set out in his decree why an emergency or martial law is declared. When he makes such declaration, his decision is conclusive.

¹ 1951 Cumulative Supplement, New Mexico Statutes 41, Vol. 5, 66-104, Opinions of the Attorney-General, 1943-44, No. 4252.





IMPORTANT!

Special care should be taken to prevent loss or damage of this volume. If lost or damaged, it must be paid for at the current rate of typing.



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