

1936

A Survey of the Economic, Political and Legal Aspects of the Labor Problem in New Mexico

James E. Swayne

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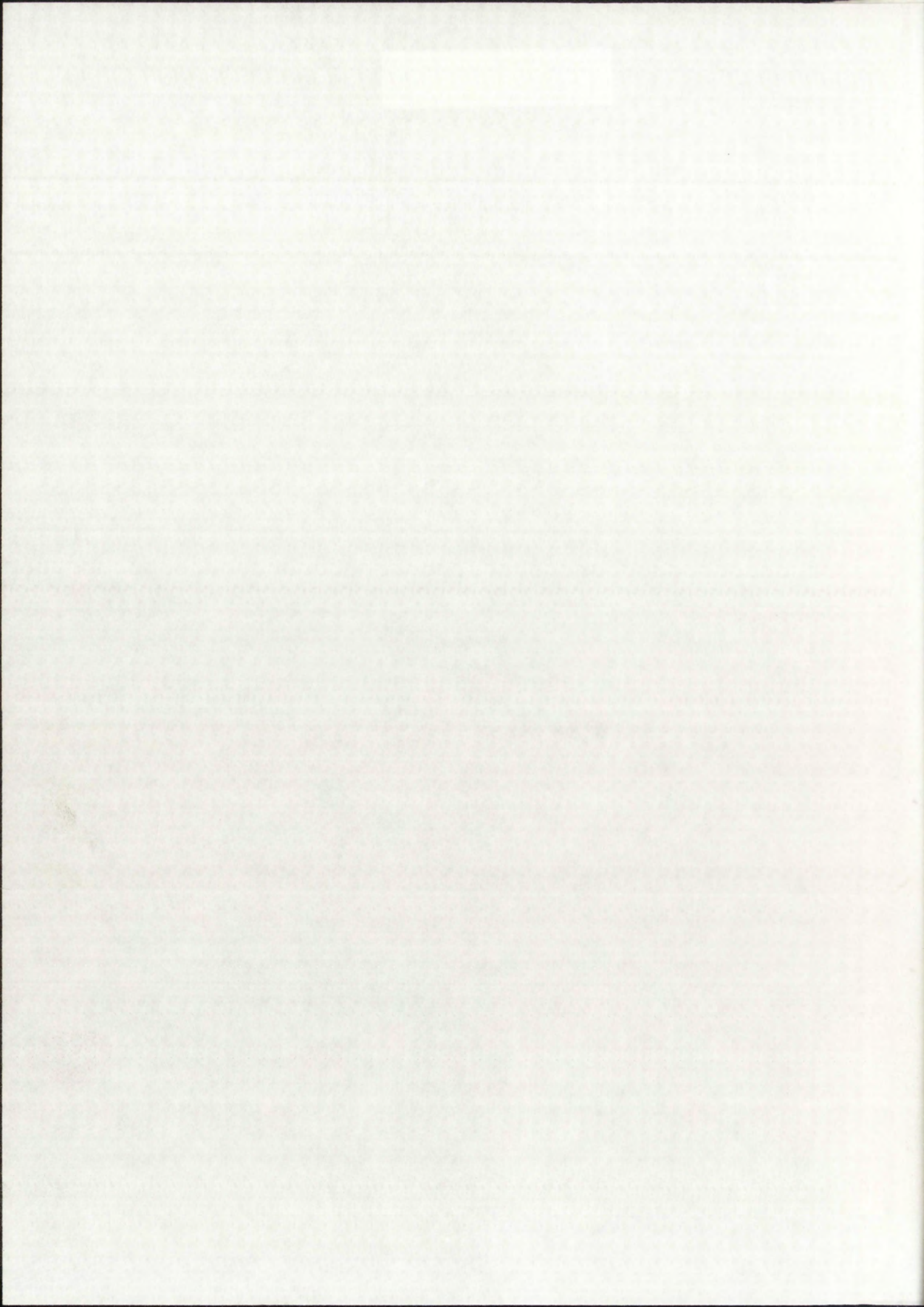
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A SURVEY OF THE ECONOMIC, POLITICAL AND LEGAL ASPECTS
OF THE LABOR PROBLEM IN NEW MEXICO

By
James B. Swayne

A thesis submitted for the degree
of Master of Arts in Government and
Citizenship.

University of New Mexico
1936



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ALBUQUERQUE, N.M.

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REPORT OF THE BOARD OF TRUSTEES
OF THE UNIVERSITY OF TEXAS AT AUSTIN
FOR THE YEAR 1930

James S. Hargis

A special committee for the purpose
of making a study of the
University of Texas at Austin
and its relation to the State.

University of Texas at Austin
1930

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5034
6

PREFACE

This thesis is intended as a general survey of the facts and factors entering into the labor problem in New Mexico. The writer realizes that many phases of the problem have not been adequately treated. However, as a preliminary study of the labor problem in New Mexico, it is hoped that this thesis will indicate the need and serve as a basis for future intensive study and comprehensive survey.

The writer wishes to express appreciation to all who helped in the preparation of the thesis. He is especially grateful to Dr. Thomas C. Donnelly for guidance, criticism, and assistance.

INTRODUCTION

This thesis is intended as a general survey of the labor problem in Mexico. The writer realizes that any phase of the problem have not been adequately treated. However, as a preliminary study of the labor problem in Mexico, it is hoped that this thesis will indicate the need and a way as a basis for future intensive study and comprehensive survey. The writer wishes to express appreciation to all who helped in the preparation of the thesis. He is especially grateful to Dr. Thomas G. Donnelly for guidance, criticism, and assistance.

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CHAPTER I. INTRODUCTION

The labor problem, in a broad sense, is the problem of securing for the workingman conditions conducive to a happy and productive life. Practically speaking, the labor problem is a complex of smaller problems each of which must be considered separately for the purpose of objective and scientific analysis.

The labor problem is a social problem which concerns every member of the social group. Although practically every adult member of society must devote a considerable portion of his life to some form of labor, the labor problem is generally considered to have relation chiefly to manual labor. That this is true is probably due to the fact that the group of workers engaged in manual labor are less able to protect themselves from the hazards of life than the other groups in society.

From the larger viewpoint, there is no line, nor can a line be drawn strictly dividing the problems of labor from other social problems. The social implications arising out of the labor problem and the problems of the "laboring class" must be recognized as problems of the entire social group, therefore problems of government, which is the representative or agent of the social group.

INTRODUCTION

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The nature of the answer given by government or the State to the problems of labor, in the long run, will be determined fundamentally by certain economic and social factors. The form and force of the labor movement is of necessity molded by these economic and social factors which are present within the group, and which come from without the group.

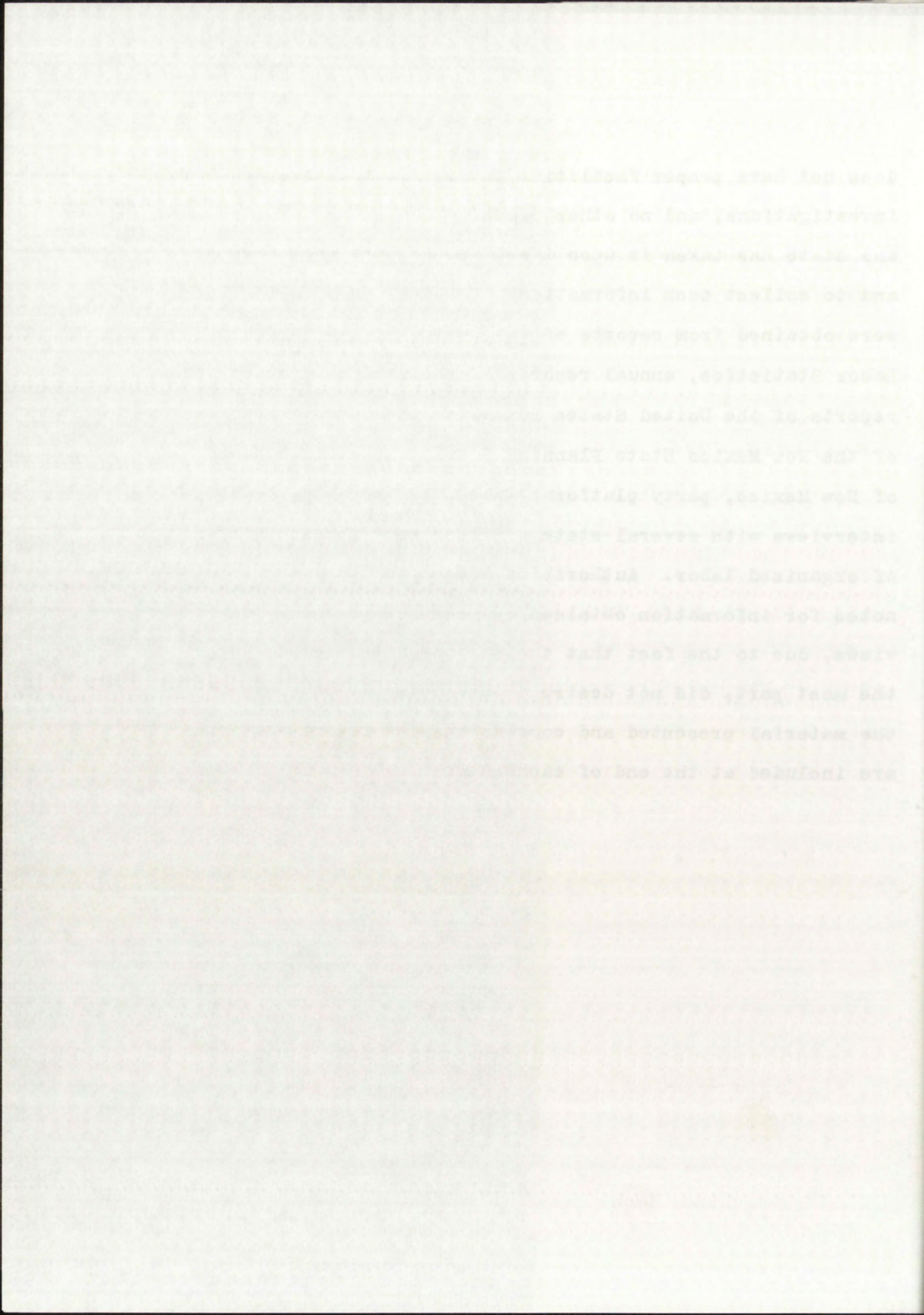
PURPOSE OF THE STUDY

The purpose of this study is (1) To present a general background and description of the labor problem in New Mexico, and (2) To suggest possible programs for solution of the outstanding evils in the existing system. The economic or industrial set-up of the state is considered in its relation to the problems of labor; the organized labor movement is described and its efforts evaluated; the response of political parties to the labor problem is determined, party platforms and pledges are compared with legislation enacted; and finally, legislation for the welfare of workers and existing legal machinery for administration and enforcement of labor legislation are described and evaluated.

SOURCES OF THE DATA

Very little data is readily available on the problems and conditions of labor in New Mexico. No studies have been made of the economic and social factors influencing labor in New Mexico, of the political set-up as it relates to labor, or of the organized labor movement. The Labor Commissioner

does not have proper facilities to carry out extensive investigations, and no other organization in or outside the state has taken it upon itself to conduct such surveys and to collect such information. The data used in this study were obtained from reports of the United States Bureau of Labor Statistics, annual reports of the various state offices, reports of the United States Bureau of the Census, reports of the New Mexico State Planning Board, the statute books of New Mexico, party platforms, newspaper reports, and from interviews with several state officers and representatives of organized labor. Authorities are not cited in the footnotes for information obtained by means of personal interviews, due to the fact that the persons interviewed, for the most part, did not desire to be quoted. A summary of the material presented and conclusions and recommendations are included at the end of each chapter.



CHAPTER II

NATURE OF INDUSTRIAL ENTERPRISE AND EMPLOYMENT IN NEW MEXICO

A consideration of the nature of industrial enterprise and employment in New Mexico is an essential background to a study of the labor problem of this state. The nature of labor organization, the political forces, and the legal set-up for the protection of labor are all closely interrelated with the character and development of our industries and resources.

The data used in this chapter were obtained from U. S. Census Reports, bulletins of the Bureau of Labor Statistics, reports of several state offices, and from reports of the New Mexico State Planning Board. New Mexico has no agency designed specifically to collect and disseminate information regarding conditions of industry and labor. Consequently, very little is known and no attempt has been made to organize the information that is available.

NATURE OF THE POPULATION OF NEW MEXICO

New Mexico's population problem is characterized by two significant facts. First, New Mexico is a very sparsely settled state having a density of only 2.9 persons per square mile, with no large centers of population. Second, there is a racial division of the state between Spanish

and "Anglos." Originally settled by the Spanish, there has been an ever-increasing influx of "Anglos" into New Mexico, so that today the population is approximately evenly divided between the two groups.¹ Some counties, however, are almost predominantly of one group and some of the other. For example, Roosevelt, Lea, and Curry counties in the eastern part of the state have a population of which less than five per cent is of Spanish descent. On the other hand, there are several counties such as Socorro, Valencia, Sandoval, and San Miguel which have a population more than seventy-five per cent of Spanish descent. The labor problem of New Mexico is peculiar in so far as the factor of race is peculiar to New Mexico. The nature and set-up of labor organization, of political parties, and of legislative and administrative bodies is profoundly affected by the racial factor.

A brief general view of the nature of industrial enterprise and employment shows that in 1930, the latest date for which statistics are available, there were 142,866 persons gainfully employed in New Mexico. Of this number 58,971 were engaged in agriculture. The fact that almost fifty per cent of the gainfully occupied persons in New Mexico are engaged in agriculture is of great significance, and the implications of this fact will be dis-

1. Preliminary Report, New Mexico State Planning Board, pp. 14-22.

cussed below. The number of persons engaged in manufacturing, mining, construction, retail and wholesale distribution, and in all other forms of employment little more than equaled the number of persons employed in agriculture in 1930. Aside from agriculture, more people were engaged in distribution than in any other form of employment. Railroad

TABLE I*
GAINFULLY OCCUPIED PERSONS IN NEW MEXICO ACCORDING
TO INDUSTRY GROUPS

Industry Groups	Number of Persons Employed
Total gainfully occupied	142,866
Agriculture	58,971
Extraction of minerals	7,983
Building industry	5,020
Manufacturing (Wage Earners)	4,476
Steam and street railroads	8,404
Wholesale and retail distribution (except autos)	10,200
Hotels, restaurants, etc.	3,772

*1929. Fifteenth Census of the U. S.

transportation and extraction of minerals provide employment for a considerable portion of those gainfully occupied in New Mexico.

Forms of employment especially suited to large-scale production operate on a small scale in New Mexico. Manufacturing employs less than five thousand persons, while agriculture and distribution, necessarily operating in small-scale units employ ten thousand and sixty thousand respectively. A more detailed consideration of the industries and occupations follows.

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MANUFACTURING

In 1929, there were 4,476 wage earners employed in a total of two hundred and fifty manufacturing establishments. Fifty-seven per cent of the wage earners employed in manufacturing worked in factories where there were less than two hundred and fifty wage earners. No factory employed more than one thousand wage earners. Approximately forty-five per cent of those employed in manufacturing worked in factories having between two hundred and fifty and one thousand employees.

TABLE II*
 FACTORIES CLASSIFIED AS TO SIZE BY NUMBER OF WAGE EARNERS

Class	Number of Establishments	Wage Earners (Av. for Yr.)
All Establishments	250	4,476
1-5 Wage earners	165	475
6-20 " "	48	516
21-50 " "	17	522
51-100 " "	5	364
101-250	5	678
251-500	(5)	1,048
500-1000		970

* 1929. Fifteenth Census of the U. S.

Table III shows the geographical location of manufacturing. In 1929, there was only one county in which there were more than one thousand persons engaged as wage earners in manufacturing, Bernalillo county. In Bernalillo county, there were 1,694 wage earners. The total amount expended for wages in Bernalillo County was \$2,329,370, with production valued at \$9,053,719. Two

TABLE III
ESTABLISHMENTS, WAGE EARNERS, WAGES, AND VALUATION OF PRO-
DUCTS OF MANUFACTURING BY COUNTIES IN NEW MEXICO IN 1929*

Counties	No. of :Estab.:	Wage Earners (Av. for Yr.)	Wages	Valuation of Products.
State	250	4,476	5,564,991	21,697,148
Bernalillo	47	1,695	2,329,370	9,053,719
Chaves	22	132	168,882	1,376,321
Colfax	12	267	386,780	1,015,723
Curry	12	331	444,973	1,256,914
Dona Ana	8	120	84,749	656,945
Eddy	9	65	65,393	1,298,710
Grant	10	47	60,087	194,649
Hidalgo	4	42	60,518	129,360
Luna	7	21	20,291	99,495
McKinley	19	244	331,335	885,724
Mora	3	10	9,800	20,520
Otero	14	834	799,794	2,740,729
Quay	7	185	280,795	522,990
Rio Arriba	10	138	117,715	330,259
Roosevelt	5	28	19,396	205,783
Sandoval	4	11	10,737	31,033
San Miguel	16	124	136,741	349,954
Santa Fe	10	41	64,401	278,192
Socorro	5	17	18,166	44,577
Taos	5	18	20,964	63,241
Torrance	3	10	9,399	23,267
Valencia	4	37	52,577	211,895
All other				
Counties	14	59	72,128	665,774

* This table gives statistics for each county in which 10 wage earners or more were employed and for which it was possible to publish a separate figure without disclosing an approximation of the data supplied by individual establishments.

STATISTICAL DATA OF THE MARITIME

Country		Tonnage		Value	
Belgium	1	1,000,000	100,000,000	10,000,000	1,000,000
Canada	2	1,000,000	100,000,000	10,000,000	1,000,000
Collier	3	1,000,000	100,000,000	10,000,000	1,000,000
Germany	4	1,000,000	100,000,000	10,000,000	1,000,000
Italy	5	1,000,000	100,000,000	10,000,000	1,000,000
Japan	6	1,000,000	100,000,000	10,000,000	1,000,000
United States	7	1,000,000	100,000,000	10,000,000	1,000,000
France	8	1,000,000	100,000,000	10,000,000	1,000,000
Spain	9	1,000,000	100,000,000	10,000,000	1,000,000
Sweden	10	1,000,000	100,000,000	10,000,000	1,000,000
Switzerland	11	1,000,000	100,000,000	10,000,000	1,000,000
Denmark	12	1,000,000	100,000,000	10,000,000	1,000,000
Norway	13	1,000,000	100,000,000	10,000,000	1,000,000
Poland	14	1,000,000	100,000,000	10,000,000	1,000,000
Czechoslovakia	15	1,000,000	100,000,000	10,000,000	1,000,000
Yugoslavia	16	1,000,000	100,000,000	10,000,000	1,000,000
Romania	17	1,000,000	100,000,000	10,000,000	1,000,000
Greece	18	1,000,000	100,000,000	10,000,000	1,000,000
Turkey	19	1,000,000	100,000,000	10,000,000	1,000,000
Iran	20	1,000,000	100,000,000	10,000,000	1,000,000
India	21	1,000,000	100,000,000	10,000,000	1,000,000
China	22	1,000,000	100,000,000	10,000,000	1,000,000
Japan	23	1,000,000	100,000,000	10,000,000	1,000,000
Philippines	24	1,000,000	100,000,000	10,000,000	1,000,000
Indonesia	25	1,000,000	100,000,000	10,000,000	1,000,000
Malaya	26	1,000,000	100,000,000	10,000,000	1,000,000
Thailand	27	1,000,000	100,000,000	10,000,000	1,000,000
Siam	28	1,000,000	100,000,000	10,000,000	1,000,000
Other	29	1,000,000	100,000,000	10,000,000	1,000,000
Total	30	1,000,000	100,000,000	10,000,000	1,000,000

This table gives a summary of the tonnage and value of the maritime trade of the various countries of the world. It is based on the latest available statistics and is subject to revision as more complete data become available.

counties, Catron and Sierra reported no manufacturing. Of thirty-one counties in New Mexico, only ten reported having more than one hundred persons employed as wage earners in manufacturing. Only six counties had a production valued at more than one million dollars, and Bernalillo County was the only county in which more than one million dollars was expended in wages during the year. Otero County ranked second in the field of manufactures. Otero County and Bernalillo County combined accounted for more than half of the wage earners employed in manufacturing.

The nature of the manufacturing is also of interest. As shown in Table IV, practically one-third of the wage

TABLE IV*
SUMMARY OF MANUFACTURING IN NEW MEXICO BY INDUSTRIES

Industry	No. of Estab.	Wage Earners	Wages	Value of Products
Beverages	17	31	\$34,909	\$258,498
Bread & Bakery Products	34	177	198,051	1,164,690
Butter	5	13	14,545	303,388
Clay Products and non-clay refractories	5	102	69,741	158,261
Ice, manufactured	16	128	160,926	665,000
Lumber and Timber Products	40	1,549	1,430,117	4,198,302
Planing Mill Products	9	148	128,173	686,319
Printing & Publishing book and job	8	36	46,233	208,863
Printing & Publishing Periodicals & News	42	224	348,237	1,358,298

*Fifteenth Census of the U. S. (Figures for 1929)

earners in manufacturing were employed in the manufacture of lumber and timber products. The value of the products

of this industry in 1929 was estimated at \$4,189,302 and the amount expended for wages at \$1,430,117. The manufacture of lumber and timber products in New Mexico stands alone as the only large manufacture based primarily on the exploitation of a resource produced within the state. That this is true is amply demonstrated when we see that the printing and publishing of newspapers and periodicals ranks second place among the manufactures of New Mexico. Needless to say, this state is not one of the outstanding states in this enterprise, and the prominence of this feature of production in New Mexico's economic scheme shows the comparative weakness of New Mexico in the field of manufacturing. There is, then, only one manufacturing industry in the state which stands on its own feet as a productive enterprise because of the nature of the natural resources, and that is the manufacture of lumber and timber products. Yet, even in the peak year of 1929, only a comparatively small number of persons were employed in this industry.

New Mexico has great potential wealth in timber resources which used rightly can assume even greater importance in our industrial set-up.¹ The number of mills engaged in the manufacture of lumber and timber products varies considerably from year to year, but according to estimates of the Regional Forest Office of the United States Forest Service, the average is from seventy to seventy-five,

1. Preliminary Report, New Mexico State Planning Board, pp. 83-88.

during normal times. According to these estimates, approximately two thousand persons are furnished complete or part-time employment in woods operations and mills.¹ A portion of the product is consumed within the state and the surplus is sold in a number of other states. The production of sawn products is estimated as follows:²

Year	Cut M ft. <u>Board Measure</u>
1923	126,000
1924	125,000
1925	152,000
1926	127,000
1927	173,000
1928	162,000
1929	148,000
1930	143,000
1931	59,000
1932	72,000
1933	87,000

As to future use and development of the forests of New Mexico, the report of the New Mexico State Planning Board states that "There is . . . sufficient timber area if kept productive to indefinitely supply an adequate volume of forest products for local use with some additional supplies for shipment to other states."³

New Mexico ranks low among the states in manufacturing, although the state has abundant supplies of some resources which may in future years be developed so as to provide for new manufacturing enterprises. New Mexico has

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1. Preliminary Report, New Mexico State Planning Board, pp. 83-88.
 2. Ibid., 85.
 3. Ibid., 86.

valuable supplies of mineral products and some production, but the manufacture of metal products has never assumed any proportions. Most of the raw materials produced in agriculture are shipped to other states for manufacture. Some oil is refined in the state, chiefly for home consumption.

Taken as a whole, manufacturing in New Mexico, aside from the field of lumber and timber products, is chiefly small-scale enterprising in products which by their nature cannot be shipped in economically from other sources.

TRANSPORTATION

The railroads have assumed tremendous importance in the economic scheme of New Mexico. Besides employing as many as eight thousand persons, the railroads help to link the widely scattered centers of population. There are 3,091 miles of railroad in New Mexico, of which more than half belongs to the Atchison, Topeka, and Santa Fe Railroad.

The prospects for the future development of New Mexico could be enhanced, according to the report of the State Planning Board, if certain changes and additions were made to the present railroad transportation system. A branch of the Santa Fe connecting the San Juan valley with central Mexico would provide an easy outlet for the agricultural and petroleum production of that region. A connection of the branch lines of the Santa Fe on the Pecos River with the central part of the state, from Roswell to Vaughn,

would be of great value. Further, the Denver and Rio Grande could easily be made to connect with Albuquerque by making use of Santa Fe connections. Finally, an extension of the Texas and Pacific branch line from Lovington on into Roswell is recommended.¹ Such a program of transportation development in the railroad field would go a long way toward industrialization and commercial development of the state, and would mean a considerable change in the organization and general conditions affecting labor. Although the competition of buses and automobiles has to some extent awakened the railroads to the necessity of replanning their program in terms of changing needs, it is impossible to predict as to the possibility of such a program being carried out.

New Mexico's highway system is undergoing rapid changes and development to accommodate growing needs for transportation by means of automobile. The State Planning Board has also outlined an extensive program for the future development of the highway system, and much of the future industrial development of the state hinges on an intelligent road building program to connect production areas with markets.² Much of New Mexico's recent road building program has been made possible by the use of Federal funds.

1. Preliminary Report, N. Mex. State Planning Bd., p. 120

2. Ibid, pp. 93-129.

In 1934, New Mexico's highway system included 10,370 miles, of which 5,982 miles was under maintenance. As shown in Table V, only a small portion of the roads are of hard-surface types such as concrete, rock asphalt, or bituminous penetration macadam. However, 1,014 miles of New Mexico's highways are oiled. The building of oil-type roads has made rapid strides forward, and promises much for the future due to the supplies of the necessary materials available within the state. Almost half of the total road mileage for New Mexico, as of January 1, 1934, was only partly graded or unimproved. That road-building and maintenance is a big enterprise is shown by the fact that in 1934 the average number of men employed in construction of highways was 4,667. The mileage for each of the construction types composing the New Mexico highway system is as follows:¹

<u>Type</u>	<u>Mileage</u>
Portland Cement Concrete	104
Asphalt top, concrete base	1
Bituminous penetration macadam	13
Rock asphalt	9
Oil types	1,014
Gravel Surfaced	1,999
Graded and drained	1,838
Partly graded or unimproved	<u>5,392</u>
Total	10,370

The problem of transportation of crops to market is of great importance, as the subsistence level of farm labor may to some extent be attributed to the inadequate facilities for transportation of commodities to market. In a

1. New Mexico Blue Book, 1933-1934, p. 72.

great many regions of the state, production must be limited because of the great distances to market and the poor transportation facilities. The following table shows the number of farms located on each of the several construction types of highways in New Mexico, as of 1930:¹

<u>Type of Construction</u>	<u>Number of Farms</u>
Concrete	357
Asphalt	10
Macadam	222
Gravel	3,362
Sand-clay.	254
Improved dirt.	6,147
Unimproved dirt.	17,750

Although it is probable that conditions are considerably better now than they were in 1930, yet the above figures show that a real problem faces agriculture as to transportation. Of a total of 31,404 farms in New Mexico, almost eighteen thousand or fifty-six per cent were located on unimproved dirt roads. This condition is a sign of and undoubtedly contributes to the poverty of those engaged in farm labor.

The development of air transportation has, of course, minimized for mail and passengers, the great distances separating this state from the great centers of population and industry. New Mexico's share in air transportation comes mainly in the fact that a main transcontinental line runs through the state, and a branch line connects between Denver and El Paso via New Mexico. Technological and

1. From the fifteenth Census of the U. S.

great many regions of the state, production must be limited because of the great distances to market and the poor transportation facilities. The following table shows the number of farms located on each of the several transportation types of highways in New Mexico, as of 1930.

Type of Transportation		Number of Farms	
Unimproved dirt	17,750	587	
Improved dirt	8,147	10	
Good clay	254	10	
Gravel	2,382	10	
Macadam	10	10	
Asphalt	10	10	
Concrete	10	10	

Although it is impossible to construct any complete and fully better now than they were in 1930, yet the above figures show that a real public transportation system is being developed. Of a total of 25,000 farms in New Mexico, almost eighteen thousand or fifty-six per cent were located on unimproved dirt roads. This condition is a sign of and undoubtedly contributes to the poverty of those engaged in farm labor.

The development of air transportation has, of course, obtained for both mail and passengers, the great distances separating this state from the great centers of population and industry. New Mexico is shown in this state relation comes mainly in the fact that a main transcontinental line runs through the state, and a branch line connects between Denver and El Paso via New Mexico. Technological and 1. From the Technical Center at the U. S.

mechanical developments in the field of transportation promise to effect great changes in industrial conditions with consequent upheaval in labor conditions.

MINING.

New Mexico is rich in mineral resources. Although these resources are not exploited to their full capacity, the extraction of minerals is the outstanding form of industrial enterprise in New Mexico, with the exception of agriculture. The Twenty-fourth Annual Report of the State Inspector of Mines shows that for the twenty-fourth fiscal year, ending October 31, 1935, 4,626 persons were employed in mines in New Mexico.¹ The following figures show the number of employees and the approximate value of the products sold by coal mines and mineral mines for the twenty-third and twenty-fourth fiscal years:

	23rd Fiscal Year	24th Fiscal Year
Number of Employees--Coal Mines.....	2259	2280
Number of Employees--Other Than Coal...	1952	2346
Total Employees.....	4211	4626
Increase.....		415
	23rd Fiscal Year	24th Fiscal Year
Approximate Value of Coal Sold...\$	3,364,028.00	\$ 3,568,606.00
Approximate Value of Mineral.....	5,856,076.00	6,639,503.00
(Other than coal)		
	\$ 9,220,104.00	\$10,208,109.00
Increase.....		\$988,105.00

1. Twenty-fourth Annual Report of the State Inspector of Mines to the Governor, pp. 14-18.

mechanical data... is the field of...
 provided an effect... changes in...
 with... systems, in... systems.

MINING

New Mexico is rich in mineral resources. Although these resources are not exploited to their full capacity, the extraction of minerals is the outstanding form of industrial enterprise in New Mexico. With the exception of agriculture, the twenty-fourth Annual Report of the State Inspector of Mines shows that for the twenty-fourth fiscal year, ending October 31, 1935, 4,875 persons were employed in mines in New Mexico. The following table shows the number of employees and the approximate value of the products sold by coal mines and metallic mines for the twenty-third and twenty-fourth fiscal years:

	23rd Fiscal Year	24th Fiscal Year
Number of Employees--Coal Mines.....	1,775	2,000
Number of Employees--Other Than Coal... 1935	3,100	2,875
Total Employees.....	4,875	4,875
Income.....		
Approximate Value of Coal Sold.....	\$1,141,000.00	\$1,200,000.00
Approximate Value of Minerals.....	\$1,500,000.00	\$1,300,000.00
(Other than coal)		

Interest..... \$1,500,000.00
 \$1,141,000.00 to \$1,200,000.00
 I. Twenty-fourth Annual Report of the State Inspector of Mines in the Territory, Vol. 12-13.

An increase is shown for the fiscal year ending in 1935 over 1934 both in number of employees and in the value of the production. The number of employees engaged in coal mining and in mineral mining is approximately equal for the two years, although the value of the mineral products is considerably higher than the value of the coal produced.

Colfax County, McKinley County, and Santa Fe County produce most of the coal that is produced in New Mexico. Colfax County leads in production of coal with McKinley County a close second.

TABLE V
STATISTICS OF COAL MINES
IN
NEW MEXICO COUNTIES

Counties	Tons : Produced :	Tons : Sold :	Approx. : Value :	Machine : Cut :
Colfax.....	692,939 :	691,685 :	1,927,351 :	237,389
McKinley.....	462,805 :	451,611 :	1,200,479 :	28,404
Santa Fe.....	113,348 :	102,318 :	348,299 :	26,824
Rio Arriba.....	23,584 :	23,488 :	45,102 :	
Sandoval.....	7,257 :	7,257 :	21,560 :	
Lincoln.....	3,254 :	1,651 :	12,700 :	
Socorro.....	2,250 :	2,250 :	6,500 :	
San Juan.....	1,615 :	1,615 :	6,615 :	
Total	1,307,052 :	1,281,875 :	3,568,606 :	292,617

The largest coal mine in New Mexico is the Gallup American which employed 449 men during the twenty-fourth fiscal year ending October 31, 1935. There were six other coal mines which employed more than one hundred men.

As indicated in column 1, the first year ending in 1935 was 1934, in which the value of the production of copper was \$1,000,000. The amount of copper exported in 1931 was \$1,000,000, which is approximately equal to the two years after the value of the mineral production is considerably higher than the value of the coal produced. Colfax County, McKinley County, and Santa Fe County produce most of the coal that is produced in New Mexico. Colfax County leads in production of coal with McKinley County a close second.

NEW MEXICO COUNTIES

County	Production	Sold	Value	Cost
Colfax	1,000,000	1,000,000	1,000,000	1,000,000
McKinley	1,000,000	1,000,000	1,000,000	1,000,000
Santa Fe	1,000,000	1,000,000	1,000,000	1,000,000
Santa Rita	1,000,000	1,000,000	1,000,000	1,000,000
Sandoval	1,000,000	1,000,000	1,000,000	1,000,000
Lincoln	1,000,000	1,000,000	1,000,000	1,000,000
Doña Ana	1,000,000	1,000,000	1,000,000	1,000,000
San Juan	1,000,000	1,000,000	1,000,000	1,000,000
Total	1,000,000	1,000,000	1,000,000	1,000,000

The largest coal mine in New Mexico is the Gallup American which produced 100,000 tons during the twenty-four fiscal year ending October 31, 1935. There were six other coal mines which produced more than one hundred tons.

TABLE VI
EMPLOYEES OF COAL MINES
IN
NEW MEXICO
BY
COUNTIES

Counties	Miners	Day Men	Outside Men	Outside Boys	Total
Colfax.....	628	170	214	4	1016
McKinley.....	562	180	129	2	873
Santa Fe.....	182	45	18	27	272
Rio Arriba.....	30	5	10	—	45
San Juan.....	8	8
Sandoval.....	21	8	5	..	34
Socorro.....	10	3	6	..	19
Lincoln.....	7	3	3	..	13
Total	1,448	414	385	33	2,280

Table VII shows the decrease in production of coal and minerals during the years from 1929 to 1932 and shows the annual average for the years from 1923 to 1932

TABLE VII*
VALUE OF NEW MEXICO MINERAL PRODUCTION FOR 1929 and 1932,
AND
AVERAGE ANNUAL VALUE FOR THE YEARS 1923-1932

Product	1929	1932	Annual Average 1923-1932
Clay & clay products	\$ 175,159	62,496	125,626
Coal	8,314,000	3,321,000	7,803,300
Copper	17,198,238	1,790,397	9,680,769
Gold	727,162	479,753	582,440
Lead	1,402,431	606,810	747,210
Natural Gas	536,000	2,448,000	684,750
Natural Gasoline	71,000	377,000	139,800
Petroleum	2,170,000	7,650,000	3,366,200
Sand and Gravel	177,368	570,555	234,424
Silver	597,784	322,143	609,452
Stone	21,193	253,051	173,977
Zinc	4,548,060	1,535,580	2,465,256
Miscellaneous	1,209,247	848,657	937,410
Total	\$37,147,642	20,265,442	27,550,614

* Preliminary Report, New Mexico State Planning Board, p. 94.

TABLE 1
 SUMMARY OF THE PRODUCTION OF SELECTED MINERALS IN THE UNITED STATES, 1954-1958
 (In thousands of short tons)

Commodity	1954	1955	1956	1957	1958
Copper	1,445	1,445	1,445	1,445	1,445
Gold	1,445	1,445	1,445	1,445	1,445
Iron	1,445	1,445	1,445	1,445	1,445
Lead	1,445	1,445	1,445	1,445	1,445
Mercury	1,445	1,445	1,445	1,445	1,445
Molybdenum	1,445	1,445	1,445	1,445	1,445
Nickel	1,445	1,445	1,445	1,445	1,445
Potash	1,445	1,445	1,445	1,445	1,445
Silver	1,445	1,445	1,445	1,445	1,445
Sulfur	1,445	1,445	1,445	1,445	1,445
Tin	1,445	1,445	1,445	1,445	1,445
Vanadium	1,445	1,445	1,445	1,445	1,445
Zinc	1,445	1,445	1,445	1,445	1,445
Total	1,445	1,445	1,445	1,445	1,445

TABLE II
 SUMMARY OF THE PRODUCTION OF SELECTED MINERALS IN THE UNITED STATES, 1954-1958
 (In thousands of short tons)

TABLE III
 SUMMARY OF THE PRODUCTION OF SELECTED MINERALS IN THE UNITED STATES, 1954-1958
 (In thousands of short tons)

Commodity	1954	1955	1956	1957	1958
Aluminum	1,445	1,445	1,445	1,445	1,445
Asbestos	1,445	1,445	1,445	1,445	1,445
Bauxite	1,445	1,445	1,445	1,445	1,445
Coal	1,445	1,445	1,445	1,445	1,445
Copper	1,445	1,445	1,445	1,445	1,445
Gold	1,445	1,445	1,445	1,445	1,445
Iron	1,445	1,445	1,445	1,445	1,445
Lead	1,445	1,445	1,445	1,445	1,445
Mercury	1,445	1,445	1,445	1,445	1,445
Molybdenum	1,445	1,445	1,445	1,445	1,445
Nickel	1,445	1,445	1,445	1,445	1,445
Potash	1,445	1,445	1,445	1,445	1,445
Silver	1,445	1,445	1,445	1,445	1,445
Sulfur	1,445	1,445	1,445	1,445	1,445
Tin	1,445	1,445	1,445	1,445	1,445
Vanadium	1,445	1,445	1,445	1,445	1,445
Zinc	1,445	1,445	1,445	1,445	1,445
Total	1,445	1,445	1,445	1,445	1,445

TABLE IV
 SUMMARY OF THE PRODUCTION OF SELECTED MINERALS IN THE UNITED STATES, 1954-1958
 (In thousands of short tons)

The only products in which there was an increase in production in 1932 over 1929 were natural gas, natural gasoline, and petroleum. The production of these increased many fold during the three-year period and helped to make up for some of the losses in other products. Although figures are not available for the years since 1932, it is probable that production and employment in the field of mineral production in the state has increased considerably. The figures on employment in production of natural gas and petroleum were not included in the census reports or in the reports of the Mine Inspector, and so are not available for comparison. Although more men were employed in the production of coal in 1932, the value of the copper produced was considerably higher than that of the coal produced. The three products, coal, copper, and zinc accounted for more than ninety per cent of the products of mines and quarries in New Mexico in 1932.

The fields for the production of oil are scattered throughout the state. The Artesia field in Eddy County was the largest petroleum producer in the state for several years.¹ The Hobbs field in Lea County brought New Mexico prominence in the field of oil production. According to estimates of the New Mexico Bureau of Mines and Mineral Resources, this field has a potential production of 2,100,000 barrels a day, although actual production has been kept

1. Preliminary Report, Op. Cit., pp. 107ff

The only... production in 1932 over 10... line, and... and... the... some of the... of... production and... in the... employment in production... not included in the... Mrs. Inspect... Although... in 1932, the value of... higher than that of... coal, copper, and... cent of the... 1932.

The... throughout the... the largest... year. The... province in the... estimates of the New Mexico... however, this... contains a... is...

down to less than 30,000 barrels a day under proration agreements. There are a number of other less important oil fields which are at present producing oil.

New Mexico has also developed important gas fields in San Juan County, and less important fields in other counties. Gas is piped from these fields to Durango, Colorado, to Albuquerque, Santa Fe, and intermediate points.¹ This line also extends to southeastern Arizona and northern Mexico. Pecos valley towns are supplied with gas from the Artesia and Maljamar fields, and Lovington gets gas from Hobbs. With the passing of the years, this industry promises to assume greater importance in the industrial life of the state.

RETAIL AND WHOLESALE DISTRIBUTION

Distribution presents no peculiar problems in New Mexico. A large number of persons are employed in distribution, generally in small-scale enterprises. Table VIII shows that in 1929 there were 8,596 persons employed in retail distribution. The automotive group of enterprises accounts for almost 25% of the total retail distribution. About two thousand were employed in this form of distribution with net sales of almost \$30,000,000. Food stores, general stores, general merchandise stores, restaurants, and eating places combined accounted for fifty per cent of the total retail sales for the year. Although retail distribution

1. Preliminary Report, Op. Cit., pp. 107ff

down to less than 50,000 barrels a day under production system. It is now a matter of when the system will be replaced.

It is worth the effort to produce oil. The United States has also developed important gas fields in the Gulf Coast, and these important fields in other countries. Gas is piped from these fields to Mexico, and then to the United States.

Although the United States has not yet developed oil fields in the Gulf Coast, it has developed gas fields in the Gulf Coast. The United States has also developed important gas fields in the Gulf Coast, and these important fields in other countries. Gas is piped from these fields to Mexico, and then to the United States.

With the passing of the years, this industry has been to become a major industry in the industrial life of the United States.

RETAIL AND WHOLESALE DISTRIBUTION

Distributed products in petroleum products in New Mexico. A large number of persons are employed in this industry, generally in small-scale enterprises. Table VII shows that in 1937 there were 4,500 persons employed in retail distribution. The automotive group of enterprises accounts for almost 50% of the total retail distribution. About two thousand were employed in this form of distribution with net sales of about \$50,000,000. Food stores, general stores, general merchandise stores, restaurants, and eating places combined accounted for 15% of the total retail sales for the year. Although retail distribution

TABLE VIII*
RETAIL DISTRIBUTION IN NEW MEXICO
BY TYPE OF BUSINESS

Type of Business	No. of Stores	Full time Employees	Payroll	Net sales	% of Total
All groups	4,191	8,596	\$10,343,691	119,758,409	100%
Food group	1,071	1,034	1,131,561	18,767,961	15.6%
General Stores	702	1,028	1,293,905	22,599,214	18.8%
Automotive	920	1,998	2,612,391	28,968,612	24.19%
Apparel	156	258	334,221	4,262,816	3.56%
Furn. & Hhd. grp.	141	413	581,901	4,449,729	3.71%
Rest. & Eating Pls.	317	1,165	895,109	4,818,470	4.02%
Lbr. & Blg.	141	431	709,161	7,348,215	6.14%
Other Retail stores	529	1,261	1,652,617	16,076,074	13.42%
Second Hd. Stores	34	13	12,385	173,875	.16%

* 1929. Reports of the Fifteenth Census of the United States.

has been characterized by small-scale enterprises, there has been a growing chain store movement which has brought many problems to the small retail distributor, as well as furnishing a new problem in the relations of the employee to the large corporation by whom he is employed. Recent acts of the state legislature regulating the hours of men and women in mercantile establishments, are a recognition of the rapid changes which are taking place within the field of distribution.

AGRICULTURE

Agriculture is the chief form of employment for labor in New Mexico. In 1929 there were more than fifty thousand persons engaged in farming, a number almost equal to the number of persons engaged in all other occupations combined.

TABLE VI
RETAIL DISTRIBUTION IN NEW MEXICO
BY TYPE OF BUSINESS

Type of Business	1929	1930	1931	1932	1933	1934	1935	1936	1937	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405	2406	2407	2408	2409	2410	2411	2412	2413	2414	2415	2416	2417	2418	2419	2420	2421	2422	2423	2424	2425	2426	2427	2428	2429	2430	2431	2432	2433	2434	2435	2436	2437	2438	2439	2440	2441	2442	2443	2444	2445	2446	2447	2448	2449	2450	2451	2452	2453	2454	2455	2456	2457	2458	2459	2460	2461	2462	2463	2464	2465	2466	2467	2468	2469	2470	2471	2472	2473	2474	2475	2476	2477	2478	2479	2480	2481	2482	2483	2484	2485	2486	2487	2488	2489	2490	2491	2492	2493	2494	2495	2496	2497	2498	2499	2500	2501	2502	2503	2504	2505	2506	2507	2508	2509	2510	2511	2512	2513	2514	2515	2516	2517	2518	2519	2520	2521	2522	2523	2524	2525	2526	2527	2528	2529	2530	2531	2532	2533	2534	2535	2536	2537	2538	2539	2540	2541	2542	2543	2544	2545	2546	2547	2548	2549	2550	2551	2552	2553	2554	2555	2556	2557	2558	2559	2560	2561	2562	2563	2564	2565	2566	2567	2568	2569	2570	2571	2572	2573	2574	2575	2576	2577	2578	2579	2580	2581	2582	2583	2584	2585	2586	2587	2588	2589	2590	2591	2592	2593	2594	2595	2596	2597	2598	2599	2600	2601	2602	2603	2604	2605	2606	2607	2608	2609	2610	2611	2612	2613	2614	2615	2616	2617	2618	2619	2620	2621	2622	2623	2624	2625	2626	2627	2628	2629	2630	2631	2632	2633	2634	2635	2636	2637	2638	2639	2640	2641	2642	2643	2644	2645	2646	2647	2648	2649	2650	2651	2652	2653	2654	2655	2656	2657	2658	2659	2660	2661	2662	2663	2664	2665	2666	2667	2668	2669	2670	2671	2672	2673	2674	2675	2676	2677	2678	2679	2680	2681	2682	2683	2684	2685	2686	2687	2688	2689	2690	2691	2692	2693	2694	2695	2696	2697	2698	2699	2700	2701	2702	2703	2704	2705	2706	2707	2708	2709	2710	2711	2712	2713	2714	2715	2716	2717	2718	2719	2720	2721	2722	2723	2724	2725	2726	2727	2728	2729	2730	2731	2732	2733	2734	2735	2736	2737	2738	2739	2740	2741	2742	2743	2744	2745	2746	2747	2748	2749	2750	2751	2752	2753	2754	2755	2756	2757	2758	2759	2760	2761	2762	2763	2764	2765	2766	2767	2768	2769	2770	2771	2772	2773	2774	2775	2776	2777	2778	2779	2780	2781	2782	2783	2784	2785	2786	2787	2788	2789	2790	2791	2792	2793	2794	2795	2796	2797	2798	2799	2800	2801	2802	2803	2804	2805	2806	2807	2808	2809	2810	2811	2812	2813	2814	2815	2816	2817	2818	2819	2820	2821	2822	2823	2824	2825	2826	2827	2828	2829	2830	2831	2832	2833	2834	2835	2836	2837	2838	2839	2840	2841	2842	2843	2844	2845	2846	2847	2848	2849	2850	2851	2852	2853	2854	2855	2856	2857	2858	2859	2860	2861	2862	2863	2864	2865	2866	2867	2868	2869	2870	2871	2872	2873	2874	2875	2876	2877	2878	2879	2880	2881	2882	2883	2884	2885	2886	2887	2888	2889	2890	2891	2892	2893	2894	2895	2896	2897	2898	2899	2900	2901	2902	2903	2904	2905	2906	2907	2908	2909	2910	2911	2912	2913	2914	2915	2916	2917	2918	2919	2920	2921	2922	2923	2924	2925	2926	2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A study of the labor problems must be confined chiefly to a study of the labor engaged in industrial pursuits other than agriculture. Labor engaged in agriculture has never become conscious of its common problems with other forms of labor. Consequently, the problems of the farm laborer are customarily considered as the farm problem, and the problems of other labor as the labor problem. Such a division of the problem is not fundamental, perhaps, but for the purposes of this study the labor problem will be considered primarily as it affects wage earners in other forms of industry.

SUMMARY

New Mexico is a very sparsely settled state having no large centers of population. The population of the state is evenly divided between two racial groups, the Spanish and the "Anglos." A survey of industries and employment shows that manufacturing is relatively unimportant. The only manufacture based on a native resource of the state is the manufacture of lumber and timber products. Adequate transportation facilities are essential to industrial development of the state. By a planned building program, the railroads could contribute to further industrial development of the state. The highway system, which is being developed and expanded rapidly under the program of federal aid, does not yet provide adequate transportation facilities to many remote portions of the state. Mining is the one large-scale indus-

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Summary

New Mexico is a very sparsely settled state having no large centers of population. The population of the state is evenly divided between the rural groups, the Spanish and the "Anglos." A survey of industrial and employment shows that manufacturing is relatively insignificant. The only manufacturers based on a native resource of the state is the manufacture of lumber and timber products. Adequate transportation facilities are essential to industrial development of the state. By a planned building program, the railroads should contribute to further industrial development of the state. The highway system, which is being developed and expanded rapidly under the program of Federal Aid, does not yet provide adequate transportation facilities to many remote portions of the state. Mining is the only large-scale industry.

trial enterprise of New Mexico, and is based on the wealth of mineral resources which the state possesses. Distribution, both wholesale and retail, is largely in small-scale enterprises, although there has been a rapid tendency toward consolidation and the chain store movement. The number of workers employed in all the above-mentioned forms of occupations does not equal the number employed in agriculture. Almost half the population of New Mexico is engaged in agriculture. For the purposes of this study, the problems of farm labor has been divorced from the labor problem.

A few generalizations may be drawn from this short survey of industrial enterprise and forms of employment in New Mexico. First, most gainfully occupied workers in New Mexico are employed in occupations which are not easily adaptable to labor organization. The sparsity of population, the large portion of the population engaged in agriculture, and the small-scale enterprising in other forms of employment contribute to this end.

Second, politically speaking, labor is weak. The small farmer and individual enterpriser in conjunction with the industrial interests cast the dominant note in the political set-up of the state. There are only a few counties in New Mexico in which the laboring group is of sufficient strength to organize, much less to exert political influence. If New Mexico is backward in providing protection for the lives

and safety of those engaged in industry and for the general welfare of the workingman, it may be due to the fact that the nature of our industrial enterprise is such as to make difficult any political movement of labor.

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 difficult for political movements of labor.

CHAPTER III

THE ORGANIZED LABOR MOVEMENT IN NEW MEXICO

The policies and practices of organized labor are generally of three types, economic, political, and social.¹ In the economic field, organized labor seeks through collective action to bargain with the employer on equal terms, through political action it seeks to obtain favorable legislation and governmental protection, and through a social program it seeks to better the home, family, and educational interests of working people.

(The nature of the industrial development of New Mexico has not been conducive to strong labor organization. The sparsity of population, the large proportion of the workers engaged in agriculture, and the predominance of small-scale enterprise are all factors contributing to the weakness of labor organization in New Mexico.)

The purpose of this chapter is to describe the organized labor movement of New Mexico, and to attempt to evaluate its needs in the light of present-day conditions.

(The New Mexico Federation of Labor is the state branch of the American Federation of Labor. Approximately forty per cent of the organized labor of New Mexico is affiliated

1. Yoder, Dale, Labor Economics and Labor Problems, pp. 436-469.

The purpose of this report is to provide a comprehensive overview of the current state of the labor market in the United States. The report is organized into several sections, each focusing on a different aspect of the labor market. The first section discusses the overall labor market conditions, including the unemployment rate and the growth of the labor force. The second section examines the wage and benefit trends, while the third section focuses on the skills and education requirements for different occupations. The fourth section discusses the impact of technology on the labor market, and the fifth section provides a summary of the key findings and recommendations.

The report is based on data from the Bureau of Labor Statistics and other reliable sources. The data is presented in a clear and concise manner, with tables and graphs used to illustrate key points. The report is intended for a wide audience, including policymakers, employers, and the general public. It is hoped that the report will provide valuable insights into the labor market and help to inform decision-making.

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Albuquerque, Santa Fe, and Las Vegas. There are several other local unions functioning at present in different towns of the state.¹

The New Mexico State Federation of Labor is financed by means of assessments on the local unions. The State Federation in turns pays an assessment to the American Federation on the affiliated unions. However, only a very small sum of money is obtained by this means. Consequently, the scope of activities of the central organization is very limited. The State Federation does not maintain a paid organizer or secretary. All the state officers, including the secretary, simply donate their time, though in certain cases where money is available, officers are reimbursed for extraordinary expenditures made in the service of the State Federation. No central office is maintained in New Mexico, although the home of the state secretary serves this purpose, and all the supplies and office equipment belonging to the Federation are kept there.

The lack of sufficient funds is a considerable handicap in the legislative program of the State Federation. There are no funds to provide for the drafting of bills or to provide expenses otherwise incurred by those engaged in promoting specific bills. In spite of this handicap, some notable

1. Official Year Book, 1935, New Mexico State Federation of Labor.

work has been done, and much of the progress within the state in the field of labor legislation may be ascribed to the work of officers and members of the State Federation.

The Legislative Drafting Committee of the New Mexico State Federation of Labor is responsible for promoting the legislative program. The State Federation, meeting in convention, determines certain policies and programs for legislation. The Legislative Drafting Committee in turn is responsible for drafting bills and for presenting these bills in the most favorable manner. This Committee, as a general rule, does not have the benefit of expert legal advice except when it is donated. Ordinarily, in drafting a bill, the Committee obtains copies of laws and bills presented in other states, and from these attempts to work out a bill for the New Mexico Legislature embodying the principles of the proposed legislation, and drafted in such a way as to insure the greatest favor of the members of the legislature. The Drafting Committee must use its discretion in deciding on the tactics to be used, what pressure should be exerted, and to which house of the legislature the bill should be presented.

In campaigns and elections, the State Federation, as a general rule, maintains a non-partisan attitude, although upon occasion it has endorsed an entire party ticket where such procedure was thought to be to the best interests of labor. Where one or several labor candidates are

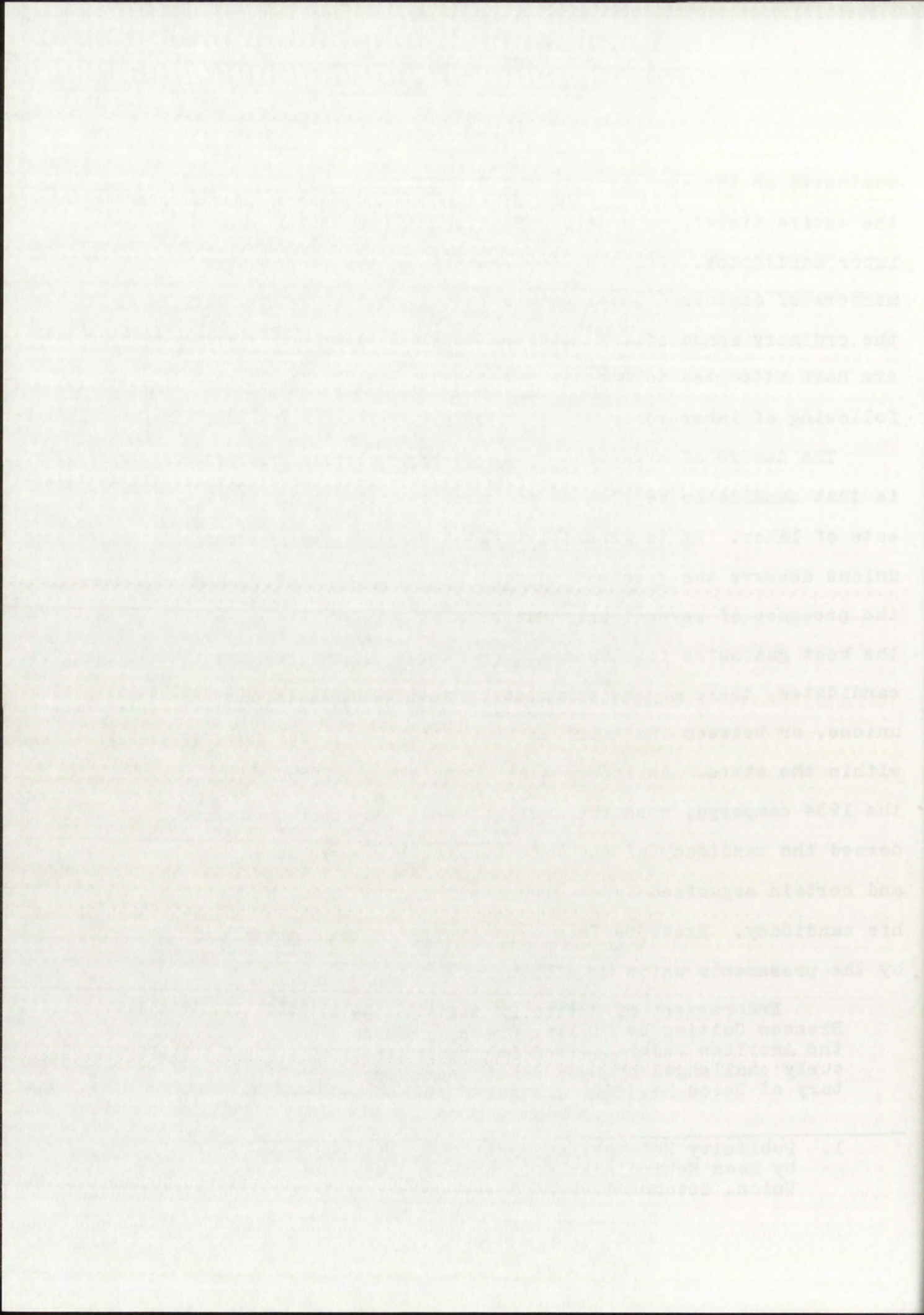
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nominated on the same ticket, the State Federation may endorse the entire ticket, in order to insure the support of the labor candidates. Certain leaders believe that the vote of members of organized labor groups cannot be "delivered," in the ordinary sense of the word, although in some cases leaders have attempted to bargain politically on the basis of a following of labor votes.

The desire of organized labor in any political campaign is that candidates be elected who are friendly to the interests of labor. It is generally felt that members of labor unions deserve the greatest support by organized labor, and the presence of several union members on a party slate is the best guarantee for labor endorsement. In endorsement of candidates, there may be conflict between various local unions, or between the American Federation and local unions within the state. An interesting example was afforded in the 1934 campaign, when the American Federation of Labor endorsed the candidacy of the late Senator Bronson Cutting, and certain organized labor groups within the state opposed his candidacy. Excerpts from a publicity release given out by the pressmen's union in Albuquerque follow:¹

Endorsement of United States Senator Bronson Cutting by William Green, president of the American Federation of Labor, has been vigorously challenged by Leon Schingledecker, secretary of Union No. 234, Albuquerque who declares

1. Publicity Release, and letter to William Green by Leon Schingledecker, Secretary Pressmen's Union, October 6, 1934.



in a letter to Mr. Green that Senator Cutting's press in New Mexico has never been friendly to labor and only after a bitter fight did his personally owned newspaper agree to a one-year's contract with the printing pressmen's union.

Over 90 per cent of the Cutting controlled press, Mr. Schingledecker charges, is non-union. In view of this record, he protests the endorsement given Senator Cutting and urges that this endorsement be withdrawn and extended to Congressmen Dennis Chavez, who is opposing Senator Cutting for the long senate term, and who is a friend of labor. . .

Various political factors enter into the matter of endorsements and support by labor groups. Where the labor leader is engaged in local or state politics, or is or expects to be the recipient of a political job, the endorsement is more apt to be based on personal bias and selfish reason than on an objective, scientific evaluation of the candidate's record.

The State Federation of Labor has never sponsored any Third Party Movements in New Mexico. However, certain local unions and independent groups of workingmen have sponsored third party movements. Most of these movements have been of a radical nature and have not assumed any great importance. Of recent date, certain groups including the Liga Obrera (Spanish Workers League), the Unemployment Council, the Farm Holiday Movement, and occasional groups affiliated with the American Federation have sponsored a Labor Party movement in New Mexico, which has not made much headway.¹

1. Albuquerque Journal, March 13, 1936.

In a letter to Mr. Green, Mr. Kennedy stated that he was in New Mexico and would be returning to New York City in the near future. He also stated that he was in the process of organizing a new political party in New Mexico and was seeking support from other political leaders in the state.

Over 50 per cent of the political parties in New Mexico are non-union. In view of this, Mr. Kennedy is seeking support from other political leaders in the state. He is also seeking support from the labor movement, which is represented by the United Brotherhood of Carpenters and Joiners of America, the International Union of Marine and Shipbuilding Workers of America, and the International Union of Shipbuilding Workers of America.

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The support of the press is a big factor in the success of any program attempted by organized labor. Although no objective study has been made of the attitude of Newspapers in New Mexico toward labor and the efforts of organized labor, the general consensus of labor leaders consulted is that few newspapers are actually hostile in editorial policy, though the major portion of newspapers take no definite stand either for or against. Certain labor leaders believe that the Albuquerque Tribune is one of the fairest papers to labor, in that it leaves its news columns open to releases of the organized labor groups without undue diletion and maintains a sympathetic editorial policy.

Although organized labor cannot always obtain a favorable hearing in the press of the state, it does not support any paper of wide circulation. One paper, recognized by the American Federation of Labor, is published in the state. Although recognized by the American Federation, officers of the State Federation, due to disagreement in policy, have withdrawn their endorsement from the paper. This paper, the Union Organizer, is supported almost entirely by advertising, and its editorial policy is dictated solely by its owner and manager. The publisher of the Union Organizer also publishes an annual year book, known as the Official Year Book of the New Mexico State Federation of Labor. This so-called "year book" is merely an advertising medium, supported entirely by advertising and distributed free of charge to members of organized labor groups in the state. The only information

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contained within the 1935 Year Book pertaining to the State Federation of Labor is a directory of local labor unions within the state and of officers of the State Federation. The Year Book like the Union Organizer is affiliated with the International Labor News Service, Inc., which serves newspapers loyal to the American Federation of Labor.

Relative to the racial question, there is a big problem in obtaining an adequate representation of the Spanish American group in organized labor. The Spanish speaking people of New Mexico have supported organized labor, and practically every local union in the state has both Spanish and "Anglo" members. However, due to the economic status of a great portion of the Spanish speaking population, membership in the various craft unions is impossible. Furthermore, the only union within the state which can admit common labor is the Hod Carriers' Union, and the expense of belonging to this union is prohibitive to most of the above-mentioned group.

In order to facilitate organization of the Spanish speaking workers, the Liga Obrera (Worker's League) was organized. The Liga Obrera, however, in its later development has veered away from the ordinary labor union activities and has assumed more a political nature.

From a long-time viewpoint, the best interests of labor in New Mexico demand the inclusion of all labor with-

out regard to race and economic status in groups combined with the State Federation. No reflection on the policy of the State Federation is intended, for as far as is known to the author, the State Federation or local unions have not discriminated against any portion of the population. However, the situation is indicative of the present economic and social status of a large portion of the population who are unable to avail themselves of the opportunities of advancement afforded by the various trade and labor unions. An adjustment of labor organization is needed in New Mexico to fit the needs of this major portion of the laboring population.

The United Mine Workers of America is the outstanding labor union in New Mexico. Organized on an industrial basis, it is stronger than all the craft unions in New Mexico combined. The conflict which has been raging between the industrial and craft unions within the American Federation of Labor has its counterpart in New Mexico, although there has been no outward manifestation of hostility.¹ The constitution of the United Mine Workers calls for affiliation with the State Federation of Labor, but this has never been accomplished. The United Mine Workers although not directly affiliated with the State Federation of Labor are organized under the American Federation of Labor.

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1. The Case for Industrial Organization. Committee on Industrial Organization.

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The National Miner's Union which until recently had a strong organization in the mines in the Gallup region, is now in a state of liquidation.

cently merged with the United Mine Workers to become a part of that organization.

The State of New Mexico is in District fifteen of the national organization of the United Mine Workers. This district includes not only New Mexico but Colorado with headquarters in Denver, where the district president and secretary-treasurer maintain offices. New Mexico is divided into two sub-districts, with headquarters in Raton and Gallup. The work in each of these sub-districts is carried on by paid organizers or secretaries.

Labor troubles occur most frequently in the mines in New Mexico, and practically every major strike in the past few years has been in the coal fields. The extent of strikes and lockouts in New Mexico during the period from January 1, 1933 to January 1, 1935 is shown in the following figures:¹

<u>Strikes in Progress</u>			
<u>Month</u>	<u>Year</u>	<u>Number</u>	<u>Men Involved</u>
October.....	1933.....	2	788
November.....	1933.....	2	788
December.....	1934.....	2	482
January.....	1935.....	1	170
February.....	1935.....	1	170
September.....	1935.....	1	36
October.....	1935.....	2	308

The most serious strikes during the period from 1933 to the present time were the Dawson and Gallup strikes in the fall of 1933. The Dawson strike involving 231 men was

1. Monthly Labor Review, U. S. Bureau of Labor Statistics, Vols. 37-42.

cently merged with the United Mine Workers to become a part of that organization.

The growth of New Mexico is an interesting feature of the national development of the United Mine Workers. This district includes not only New Mexico but Colorado, Utah, and Arizona. In Denver, where the district headquarters are located, the district includes all of the coal fields in the West. The work in this district is carried on by local organizations or representatives.

Local branches were established in the mines in New Mexico, and especially in the coal fields. The extent of strikes in New Mexico during the period from January 1, 1933 to January 1, 1935 is shown in the following table:

Month	Year	Number	New Mexico
October	1933	2	700
November	1933	2	700
December	1933	2	400
January	1934	1	170
February	1934	1	170
March	1934	1	50
April	1934	2	200

The most serious strikes during the period from 1933 to the present time were the Denver and Gallup strikes in the fall of 1933. The Denver strike involved 251 men.

I. Monthly Labor Review, U. S. Bureau of Labor Statistics, Vol. 57, No. 1.

settled by a compromise agreement, and the Gallup strike involving 537 men was ended with no gain to employees, after martial law was declared and national guard troops sent in.

A strike in the silver mines at Terrero in February, 1936, involved a demand by the strikers for increased wages, the closed shop, and reinstatement of persons discharged for union activities in connection with the reorganization of the International Union of Mine, Mill and Smelter Workers.¹ Although the mines were reopened, at the date of writing there has been no settlement, and the case is before the National Labor Relations Board. At Santa Rita, activities of members of the International Union of Mine, Mill, and Smelter Workers brought about complete closing of the mines following a threat by the mine owners. These few examples of labor disorder indicate that the mine workers' efforts at collective bargaining in New Mexico have not been successful, although there has been fair success in organizing mine workers.

Relative to the field of labor legislation, the United Mine Workers have no paid lobbyists other than the organizers. Like the State Federation, the United Mine Workers have a legislative committee composed of members from each of the local unions. During the last session of the legislature,

1. Monthly Labor Review, U. S. Bureau of Labor Statistics, Vol. 42, No. 4, April 1934, p. 126.

the United Mine Workers supported two measures. The first was an attempt to obtain legislation creating the office of State Scale Inspector, and the second was an effort to have the Workmen's Compensation Law amended so as to offer greater protection to the worker. Although both measures have been advocated in the major party platforms from time to time, the efforts were unavailing.

SUMMARY

Organized labor in New Mexico has been hindered in carrying out its program by several economic and social factors including sparsity of population, nature of the small-scale industry, large proportion of agricultural enterprise, and division of the population into two racial groups.

The State Federation of Labor is composed chiefly of craft unions, and membership in the Federation constitutes only forty per cent of the total organized labor of the State. The State Federation operates with very limited means and is not strongly organized, although the Federation has been successful in obtaining certain legislative measures for the benefit of labor. The attitude of the State Federation in campaigns and elections is generally non-partisan and the labor vote is for the most part independent. The State Federation does not support any state-wide publications, although a newspaper and a yearbook are published under independent management. The Spanish-speaking portion of the

population of New Mexico, although cooperative are not strongly organized within labor groups, and adequate provisions are not made for union organization of common laborers.

The United Mine Workers of America, although a member group in the American Federation of Labor, is not affiliated with the State Federation. Membership in the United Mine Workers amounts to somewhere between two and three thousand and constitutes a large proportion of the miners in New Mexico. The New Mexico organization of the United Mine Workers is more strongly organized than the State Federation, and the Union is able to support paid secretaries in two districts. Although the efforts of the United Mine Workers in collective action cannot be evaluated on the basis of data included in this report, it is evident that the Union has achieved a fair degree of organization and cooperation among the mine workers of the State. In its legislative program, the United Mine Workers has not been very successful nor have extensive efforts been made in this field.

The future needs of organized labor in New Mexico suggest expansion of the movement, stronger organization, and closer cooperation between the various existing labor groups. A first step is affiliation of all labor groups within the State of New Mexico within a state federation. A second step is expansion of the labor movement into at least two as yet practically untouched fields in New Mexico:

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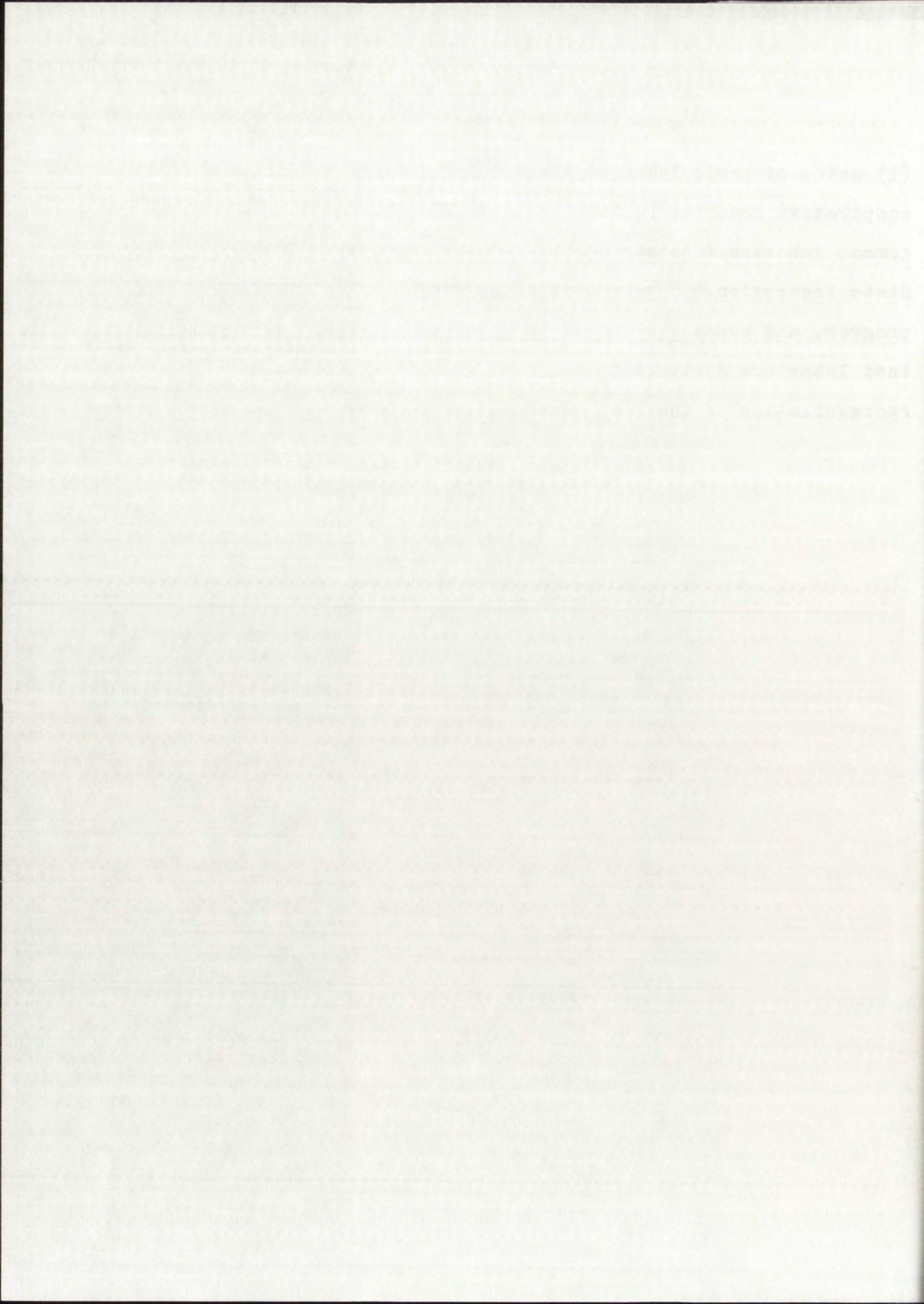
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(1) union of agricultural workers and development of the cooperative movement in farming, and (2) organization of common laborers into strong groups affiliated with the State Federation. Development of an adequate legislative program, and success of economic measures attempted by organized labor are contingent upon a program of expansion and reorganization of the labor movement.



CHAPTER IV
THE LABOR PROBLEM IN NEW MEXICO PARTY
PLATFORMS

The problems of labor constitute some of the greatest problems of society. Maintenance of a suitable living standard, provision for the health and safety of workers, provision for social security, providing employment and care for the indigent, are all recognized as responsibilities of the social group. Government is the agency, by means of which, society seeks to fulfill its responsibility.

Under our democratic form of government, the political party is the instrument through which popular will is expressed. The political party formulates certain principles, policies, and specific programs. These are laid down in the party platform and in the declarations of party leaders and candidates. Brooks, in his Political Parties and Electoral Problems, states it thus: "The formulation of party principles and party policies is not the most distinctive of party functions, it is nevertheless of high importance and great social utility. . . Although many 'planks' may be evasions, misrepresentations, or pious platitudes, the theory of the party in the matter is that the principles it holds furnish

CHAPTER IV
THE LABOR UNION IN NEW MEXICO
PLANNING

The problem of labor consists not only of the problem of security, maintenance of a stable living standard, protection for the health and safety of workers, protection for social security, providing employment and care for the unemployed, but also recognition as responsible citizens of the social system. Government is the agency by means of which, society seeks to fulfill its responsibility.

Under our democratic form of government, the political party is the instrument through which popular will is expressed. The political party formulates certain principles, policies, and specific programs. These are laid down in the party platform and in the declaration of party leaders and candidates. However, in the political parties and National Congress, there is the formulation of party principles and party policies is not the main distinctive of party functions. It is necessary of high importance and great social utility. Although many plans may be suggested, representations, or plans presented, the theory of the party in the matter is that the principles of policy through

all that is needed for higher guidance, while the policies it proposes supply a detailed program quite sufficient for the general conduct of government in case the party is given power."¹

Each party, under the theory, must support or oppose certain broad policies and specific programs. If the political party fails to meet the issues, or having chosen its stand, gives only word allegiance to its pledge, the whole system becomes a mockery of popular government. Party platforms are mirrors of public opinion, but public opinion generally becomes vocal only under the influence of organized minorities. Labor must function as an organized minority to influence public opinion, and in the end to gain political consideration for the multitudinous problems which confront the laboring man. Political parties must be willing to recognize the issues involved, and must be willing to accept the challenge presented by organized labor.

The purpose of this chapter is to show how political parties in New Mexico have responded to the labor problem. The program for labor legislation outlined in each party platform is described, and the legislation enacted by the several sessions of the state legislature is compared with the party pledges. This study covers the years 1924 to 1935 inclusive. Labor planks and labor legislation are delimited

1. pp. 6-7.

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to laws relating to protection of the labor market, collective bargaining, regulation of wages, hours, and working conditions, problems of social insurance, and the problem of the government as an employer of labor.

Platforms of 1924

The Republican and Democratic platforms of 1924 advocated ratification of the National Child Labor Amendment, and pledged members of the legislature to vote for its ratification. The Republican platform urged "fair treatment of the railroads and of all the employees thereof, whether organized or unorganized," and condemned any legislation by Congress which might be "unfair to railroad labor and which will give the public no representation upon the proposed labor adjustment board."¹ This statement, of doubtful connotation, may represent more hostility to organized labor than friendliness. The Republican Platform contained no plank specifically referring to the labor situation in New Mexico, nor was any program for remedying abuses laid down in the platform.

The Democratic platform favored "the enactment of laws for the protection of the lives and safety of those engaged in work in mines and other hazardous industries," and advocated "amendment of the Workmen's Compensation Law to make it adequate, liberal, and extending the limits of its provisions to state employees and to families of

1. Santa Fe New Mexican, Sept. 25, 1924.

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non-residents employed in the state. . ."¹ Although the Democratic platform was strictly limited, the provisions called for a definite program of known value.

Labor Legislation in 1925

As a result of the election of November, 1924, the Democratic gubernatorial candidate was placed in office. The Democrats gained a majority of nine in the House of Representatives, and the Republicans obtained a majority of two in the Senate. The division in the control of the two houses is a factor that must be considered, for it is difficult for a party to carry out its policies when it does not have complete control. However, the curious thing about this session of the legislature is that the one plank advocated by both parties, ratification of the national Child Labor Amendment, was defeated. The Governor favored ratification of the National Child Labor Amendment, and in a special message to the legislature, urged ratification. Both houses of the legislature, however, in an effort to "pass the buck," introduced a joint resolution "referring to the people of the state at the next general election the question 'shall the legislature of New Mexico ratify the proposed amendment to the Constitution of the United States known as

1. Santa Fe New Mexican, Sept. 17, 1924.

the Child Labor Amendment'. . .¹ The Senate passed this Joint Resolution, and introduced it in the House, where it was referred to the Committee on Public Affairs. The Committee on Public Affairs reported unfavorably on the Resolution, and the House accepted the Report.² Thus ended the attempt to obtain ratification of the National Child Labor Amendment. Despite the defeat of the National Child Labor Amendment, a new state child labor law was enacted which strengthened the older acts of 1921 and 1923.³ One other act dealing with labor was passed by the Seventh Session of the Legislature. This act repealed an old statute dealing with apprentices. The old Act dated back to 1862 and provided that the probate judge should bind out as apprentices, orphans and children whose parents could not maintain them, until they were of age.⁴ The repeal of this relic of antiquity is undoubtedly a fitting accompaniment to the passage of the Child Labor Law. The changes in the Workmen's Compensation Law advocated in the Democratic platform were not made.

From this brief summary, it will be seen that the Legislature of 1925 entirely ignored the platforms of both parties, but did succeed in enacting one very significant piece of legislation, the Child Labor Law.

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1. House Journal, Proceedings of the Seventh State Legislature, pp. 42-43, 64.
 2. Ibid., pp. 103, 106.
 3. Laws of 1925, Chapter 79.
 4. Ibid., Chapter 117.

the Child Labor Amendment, . . . The Senate passed this large measure, and introduced it to the House. There it was referred to the Committee on Education. The Committee on Public Affairs reported unfavorably on the Amendment, and the House accepted the report. Then ended the attempt to obtain ratification of the Amendment. Child Labor Amendment. Part of the defeat of the Amendment Child Labor Amendment, a new Senate Child Labor Law was enacted which strengthened the older one of 1916 and 1925. One other act dealing with labor was passed by the Senate Session of the Legislature. This act repealed an old law dealing with apprentices. The act also dealt with in 1922 and provided that the Senate judge should find out an apprentice, apprentice and other those persons could not maintain them, until they were 21 years of age. The report of this bill of amendment is accordingly a bill. This amendment to the Senate of the Child Labor Law. The change in the Senate's Committee Law adopted in the Democratic platform with not made. From this brief summary, it will be seen that the Legislature of 1925 greatly ignored the question of child labor, but did succeed in enacting one very important piece of legislation, the Child Labor Law.

1. House Journal. Transactions of the Senate
2. State Legislature, pp. 44-45, 46.
3. Ibid., pp. 102, 103.
4. Laws of 1925, Chapter 37.
5. Ibid., Chapter 119.

Platforms of 1926

The labor question seems not to have been an issue in the campaign of 1926. The Republican platform contained no plank concerning labor,¹ while the Democratic platform contained only one labor plank.² This plank favored amendments to improve the Workmen's Compensation Law, a plank which was included in every subsequent Democratic platform and in several Republican platforms. The year, 1926, the peak of the "New Era," marks the low point for the labor issue in New Mexico party politics.

Labor Legislation in 1927

The Republicans were successful in 1926, not only in electing their candidate for governor, but also in obtaining a majority of fourteen in the House of Representatives. The Republican Senate, elected for a four-year term in 1924, of course, continued in office.

As the Republicans made no pledges to labor in their platform, it is not surprising that their record on this score is not very brilliant. The only act passed by this Session pertaining to labor was entitled, "An Act to Extend the Provisions of the Workmen's Compensation Law to Employees of the State Highway Department."³

1. Santa Fe New Mexican, August 14, 1926.

2. Ibid., September 4, 1926.

3. Laws of 1927, Chapter 100.

January 1955

The labor question

The movement of 1954

Black movement, labor

United only one labor union

to improve the government

included in every subject

and Hamilton Hall

was not, and the law

Next party politics

Labor movement in 1957

The movement was

electing their candidate for

ing a majority of votes in the election

The President's Senate, elected in 1954

1954, of course, elected in 1954

as the President was elected in 1954

platform, it is not surprising

score is not very different

Senator returning to office

and the revelation of the

Employees of the State

1. Battle in the Senate

2. 1954, 1955

3. Loss of 1954

Platforms of 1928

The year, 1928, marks the beginning of a trend back toward a more active interest in labor legislation. The Republican platform endorsed the principle of collective bargaining, pledged Republican members of Congress to support legislation curtailing excessive use of the injunction in labor disputes, favored enactment of a more favorable workmen's compensation law, and advocated the creation of the office of state labor commissioner.¹ The planks advocating a more adequate workmen's compensation law and the creation of the office of labor commissioner pertain directly to the labor problem in New Mexico and seem suited to remedy many of the abuses which existed at that time. In endorsing the principle of collective bargaining, the party was only giving voice to a growing conviction of public opinion that collective bargaining is a valid means for labor to use in protecting its interests. In pledging its members in Congress to support legislation curtailing excessive use of the injunction in labor disputes, the Republican Party was giving further recognition to the validity of the attempts of organized labor to remedy abuses by means of collective bargaining.

The sole labor plank in the Democratic platform, as in the previous platform, advocated amendment of the Work-

1. Santa Fe New Mexican, September 12, 1928.

Witnesses at 1905

The year 1905

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Republicanism

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men's Compensation Law to provide better means for compensation and collection of benefits.¹ The Republican platform, fairly comprehensive and cognizant of state labor problems, was superior from the labor viewpoint.

Labor Legislation in 1929

Again, in 1929, the Republicans held very substantial majorities in both houses of the legislature, as well as control of the executive branch of the government. Conditions, then, were favorable to the fulfillment of the pledges made in the 1928 platform. Two provisions, it will be remembered, of the Republican platform pertained directly to labor legislation in New Mexico. The first, favored the enactment of a more favorable workmen's compensation Law, and the second advocated the creation of the office of state commissioner of labor. The first pledge was carried out, and an entire new workmen's compensation act was enacted with provisions much more favorable to the workingman. The coverage of the act was increased considerably as was the compensation payable under the act.² No action was taken by this session of the legislature to establish the office of labor commissioner.

Platforms of 1930

The first effects of widespread unemployment, coming as a result of the depression, seem to have reflected them-

1. Santa Fe New Mexican, Sept. 6, 1928.

2. Laws of 1929, Chapter 113.

selves in the platforms of both parties in 1930. The spirit of localism became acute, as both parties advocated employment by the State of residents of the State only. The Republican platform favored legislation providing for the creation of a fund for old age pensions, which indicates an awakening interest in social legislation.¹ As in 1928, the platform advocated creation of the office of labor commissioner.

In addition to advocating employment by the state of residents of the state only, the Democratic platform advocated amendment of the Workmen's Compensation Law, and for the first time since 1924, advocated ratification of the National Child Labor Amendment. Improvements in the State Child Labor Law were suggested, as was legislation to extend mining regulations to include metal mining and other industries and to modernize mines with regard to safety. Like the Republican Platform, the Democratic Platform favored creation of the office of labor commissioner. The duties outlined for the labor commissioner included enforcement of labor laws for the welfare of women and children and of laboring people in general.² The Democratic Platform, although closely paralleled by the Republican Platform, is more inclusive and may be rated superior on the labor issue.

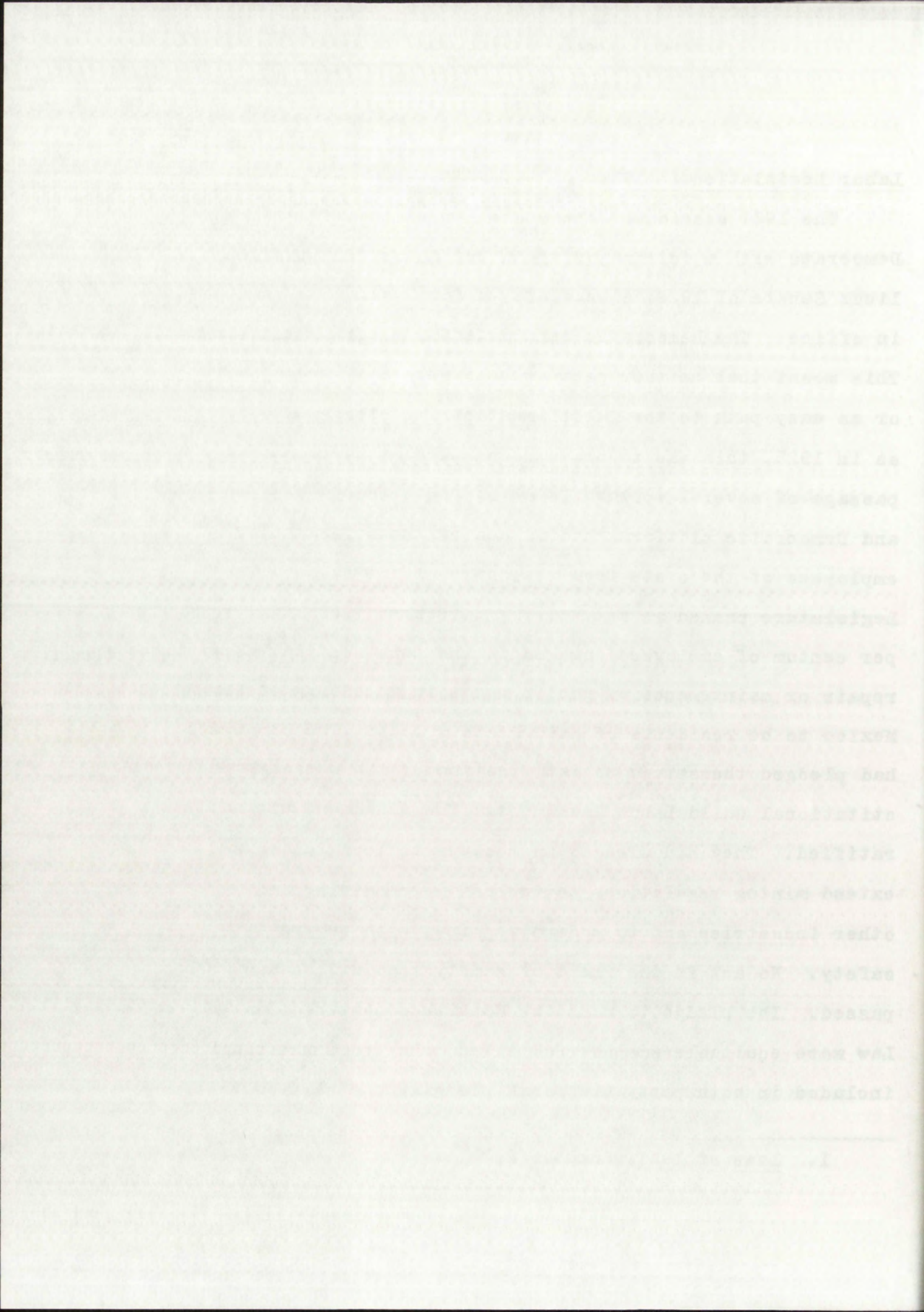
1. Santa Fe New Mexican, September 23, 1930.

2. Ibid., September 19, 1930.

Labor Legislation in 1931

The 1931 session of the State Legislature found the Democrats with a fair majority in the House, but the Republican Senate of 1929, elected for a four-year term remained in office. The Democratic candidate for governor was elected. This meant that neither party was to have a clear majority or an easy path to the fulfillment of its pledges. But, as in 1925, this was to prove no particular barrier to the passage of several worthwhile acts. Both the Republican and Democratic platforms had advocated the selection of employees of the state from residents of the state. The Legislature passed an act, ". . . . requiring eighty-five per centum of employees engaged in the construction, alteration, repair or maintenance of public works in the State of New Mexico to be residents of said State" ¹ The Democrats had pledged themselves to ratification of the national constitutional Child Labor Amendment. The Amendment was not ratified. They had pledged themselves to legislation to extend mining regulations to include metal mining and other industries and to modernize mines with regard to safety. No act in the field of safety regulations was passed. The pledge to make the Workmen's Compensation Law more equitable was not fulfilled. However, the plank included in both party platforms pledging the parties to

1. Laws of 1931, Chapter 20.



the creation of the office of labor commissioner was passed.¹ This was probably the most important step taken in the field of labor legislation and administration during the entire period under consideration or perhaps in the history of the state. The functions and duties of the Labor Commission and the Labor Commissioner are considered more fully in the chapter on Labor Administration in New Mexico.²

One other act pertaining to labor was passed by the 1931 session of the legislature, entitled, "An act providing seats for females in factories, mercantile establishments, freight and passenger elevators, laundries, hotels, and restaurants and providing penalty for violation thereof."³

Of seven planks relating to labor in the Democratic platform of 1930, two were fulfilled. The two that were fulfilled were also included in the Republican platform of the same year. The fact that the Republicans had control of the Senate may have been responsible for this situation, although it will be remembered that in 1925, where a similar condition existed, quite opposite results occurred. A plank advocated in both platforms was defeated, while a significant piece of labor legislation was passed which had not been pledged by either party.

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1. Laws of 1931, Chapter 9.
 2. See Chapter VI.
 3. Laws of 1931, Chapter 109.

the committee of the House of Representatives was passed.
This was probably the most important step taken in the field
of labor legislation and administration during the entire
period under consideration or perhaps in the history of the
State. The Committee and House of the Labor Commission and
the Labor Commission were considered more fully in the
chapter on Labor Administration in New Mexico.
The other act relating to labor was passed by the
1931 session of the Legislature, entitled, "An act provid-
ing for the creation of a labor board, and for other
purposes, relating to labor, commerce, and industry."
and amendments and providing for the creation thereof.
Of course, unlike relating to labor in the Democratic
platform of 1930, two were fulfilled. The two that were
fulfilled were also included in the Republican platform of
the same year. The fact that the Republicans had control
of the Senate may have been responsible for this situation,
although it will be remembered that in 1920, where a similar
condition existed, quite opposite results occurred. A plank
advocated in both platforms was defeated, while a significant
plank of labor legislation was passed which had not been
pledged by either party.

1. Laws of 1931, Chapter 2.
2. See Chapter VI.
3. Laws of 1931, Chapter 105.

Platforms of 1932

The platforms of 1932 mark a continuation of the trend toward greater manifestation of interest in labor issues. The Republican platform of 1932 advocated "enactment of proper legislation to protect labor and prohibit issuance of indiscriminate and unjust injunctions in labor disputes."¹ As to what is meant by "proper legislation" is not made clear, nor is it indicated whether the state or the federal government is to act to prevent the indiscriminate use of injunctions. The platform, further, advocates "Restriction of foreign immigration for better protection of American labor." One other plank based on more or less general terms was "Enactment of legislation for stabilization of employment and to promote the employment of American labor." What the nature of this legislation should be is not indicated. The final plank, in addition to its vagueness, is ambiguous: "Enactment of proper legislation to protect employees of railroads, and communities in case of change of railroad lines, removal of terminal or diversion of traffic."

The same general criticism may be made of all the planks in the Republican platform of 1932; they are vague, stated in general terms, and do not relate definitely to the problems of labor in New Mexico.

1. Santa Fe New Mexican, September 25, 1932.

The Democratic platform of 1932 speaks more definitely and specifically as to the New Mexico labor problem, although the general tone of the whole platform may be seen in the plank condemning "the Republican Party and its officials in causing the unemployment of more than eleven and one-half million people."¹ Recommendations were that the period of residence for state employees be at least one year, that there be a penalty provided for violation of the eight-hour day for state employees, and that ninety per cent of those employed on public works be residents of New Mexico. It will be remembered that the 1931 session of the legislature had passed an act providing that at least eighty-five per cent of those employed on public works be residents of the state. In addition, the platform advocated amendment of the Workmen's Compensation Law, strengthening of the Labor Commission, and regulation of the hours of labor of females, employees of bus and truck lines, and males in mercantile establishments. The Constitution provides for the eight-hour day for employees of the state, counties and municipalities of New Mexico, but does not provide any penalty for violation. The pledges in the Democratic platform constitute a quite comprehensive program providing for specific action, and, on the whole, are superior to the Republican program.

1. Albuquerque Journal, Sept. 21, 1932.

Labor Legislation in 1933

The Eleventh Session of the State Legislature (1933) undoubtedly has the best record for labor legislation of any session included in this study. Some action was taken on almost every labor pledge in the platform of 1932. The Democrats had complete control of both houses by big majorities and complete control of the executive branch of the Government.

In fulfillment of the pledge to provide a penalty for violation of the eight-hour day for State, County, and municipal employees, an act was passed entitled: "An Act providing that not more than eight hours shall constitute a day's work in all cases of employment by or on behalf of the State of New Mexico; providing that all contracts hereinafter by or on behalf of the State of New Mexico, or by or on behalf of any county, municipality or other political subdivision of the State of New Mexico for the performance of any work or the furnishing of any material manufactured within the State of New Mexico, shall be deemed and considered as made upon the basis of eight hours constituting a day's work; and providing for a penalty for the violation thereof."¹

The Democratic platform pledged the party to a law to regulate the hours of service of women employees, employees of

1. Laws of 1933, Chapter 145.

The present condition of the State of New York

undoubtedly has the same trend as other legislation in
any measure intended to give effect to the policy of 1935. The
on almost every point which in the passage of 1935. The
Democracy has complete control of both houses of the Legislature
and complete control of the executive branch of the
Government.

In addition to the steps to provide a remedy for
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legal employees, as not yet passed without the law
violation that not more than eight hours shall constitute

day's work in all cases of employment by or on behalf of
the State or New York, providing that all contracts here-
in made by or on behalf of the State of New York, or
or on behalf of any county, municipality or other political
subdivisions of the State of New York for the performance
of any work or the furnishing of any material shall be made
within the State of New York, shall be deemed and con-

sidered as made upon the basis of eight hours constituting
a day's work and providing for a penalty for the violation
thereof.

The Democratic platform pledged the party to a law to
regulate the hours of service of women employees, employees of

bus and truck lines, and males in mercantile establishments. In fulfillment of this pledge two acts were passed. The first act provided for the eight-hour day for female employees in industrial establishments, mercantile establishments, hotels, restaurants, cafes, eating houses, business offices, and telephone and telegraph offices.¹ The other act sets up the eight-hour day for male employees of mercantile establishments and the ten-hour day for male employees of hotels, restaurants, cafes, and eating houses.²

In an avowed effort to strengthen the Labor Commission as pledged in the platform, two acts were passed. The first, amending Section 14 of Chapter 9, of the Laws of 1931, merely provided for a minor change in the procedure relative to the annual report of the labor commissioner to the governor.³ Under the amendment, any representative or agent of any person, firm, or corporation whose acts are reported or discussed in the report is allowed to inspect and take copies of the report. The second, amending Section 6 of Chapter 9 of the Laws of 1931, changes the procedure in regard to the calling of meetings of the Labor Commission.⁴ Instead of a regular quarterly meeting, the Commission meets at the call of the chairman or upon the petition of any two members of the Commission.

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1. Laws of 1933, Chapter 148.
 2. Ibid., Chapter 149.
 3. Ibid., Chapter 146.
 4. Ibid., Chapter 147.

the Commission has been established to study the
institutions of the country and to make
recommendations for their improvement. The Commission
is composed of representatives of the various
departments of the Government and of the
public. It is the duty of the Commission
to report to the President of the United States
on the results of its studies and on the
recommendations it may make. The Commission
is authorized to hold public hearings and to
conduct such other investigations as it may
deem necessary. It is also authorized to
make such recommendations as it may deem
advisable. The Commission is to report to the
President of the United States on or before
the first day of January, 1915.

1. The Commission shall be composed of
the following members:
2. The President of the United States
shall appoint the members of the Commission.
3. The members of the Commission shall
hold office for a term of three years.
4. The members of the Commission shall
be eligible for reappointment.

The Democratic platform pledged amendment of the Workmen's Compensation Law to more adequately protect workmen. The Workmen's Compensation Law was amended by two acts of the 1933 Legislature. Under the first, amending section 10 of Chapter 113 of the Laws of 1929, the list of extra-hazardous occupations covered by the Workmen's Compensation Law was extended to cover all peace officers and the warden and guards at the State Penitentiary.¹ By the law of 1929, the State, counties, and municipalities were liable for employees engaged in extra-hazardous occupations only when four or more were employed. Under the act of 1933, the State, counties, and municipalities are liable for injuries to employees in extra-hazardous occupations regardless of the number of men employed. By Chapter 51 of the Laws of 1933, amending Section 17, Chapter 113, of the Laws of 1929, eight dollars per week was set as the minimum compensation for total disability, whereas under the 1929 Compensation Law, persons earning less than eight dollars per week received only an amount equal to their weekly wage. Further, the schedule prescribing periods during which compensation is payable for certain partial disabilities was amended by reducing from 110 weeks to 100 weeks the period during which compensation is payable for loss of one leg between the knee and ankle.² Experience showed, no doubt, that

1. Laws of 1933, Chapter 178.

2. Ibid., Chapter 51.

The Department of Health and Human Services of the
Workmen's Compensation Law is more adequately provided
therein. The Workmen's Compensation Law was amended by
two acts of the 1955 Legislature. Under the 1955 amend-
ing act, Section 10 of Chapter 175 of the Laws of 1955, the
list of extra-hazardous occupations covered by the Work-
men's Compensation Law was extended to cover all
occupations and the various and groups at the State Penitentiary.
By the act of 1955, the State, municipal, and non-
profit organizations engaged in extra-hazardous occupa-
tions only when their workers were employed. Under the act of
1955, the State, municipal, and non-profit organizations were
included to employees in extra-hazardous occupations regard-
less of the number of men employed. By Chapter 175 of the
Laws of 1955, amending Section 10, Chapter 175, of the Laws
of 1955, eight dollars per week was set as the minimum com-
pensation for total disability, whereas under the 1955 Com-
pensation Law, persons earning less than eight dollars per
week received only an amount equal to their weekly wage.
Further, the schedule prescribing periods during which com-
pensation is payable for certain periods of disability was
extended by the act of 1955 from 100 weeks to 150 weeks. The period
during which compensation is payable for loss of one leg be-
tween the 1955 and 1955² amendments showed, no doubt, that

1. Laws of 1955, Chapter 175.
2. 1955², Chapter 51.

loss of the leg between the knee and the ankle was not as serious as it was once thought to be. Although, on the whole, the changes in the Workmen's Compensation Law were minor, the eight dollars minimum compensation for full disability and the extension of extra-hazardous occupations were steps toward more adequate protection of the workingman.

One other act, included in the Democratic platform of 1930, but not in the platform of 1932, was passed by the 1933 session. This act was, "to provide for the health and safety of persons employed in and about mines; for the protection of property connected therewith; . . ."¹ The act modernized and brought up to date the old laws relative to safety of workers in mines, and provided for inspection of mines operated in the state, and set forth the duties of the Mine Inspector in providing for the safety and welfare of those employed in mines.

Only one pledge to labor in the Democratic platform of 1932 was completely neglected. This was the plank advocating that at least ninety per cent New Mexico labor be employed on public works. This is not a serious omission, and does not detract from the value of the other acts passed.

The Special Session of the Eleventh State Legislature (1934) enacted only one law directly relating to labor.² This Act provided, "For the establishment and maintenance

1. Laws of 1933, Chapter 53.

2. Laws of the Special Session of 1934, Chapter 15.

of employment agencies" in accordance with the provisions of the Act of Congress entitled "An Act to Provide for the Establishment of a National Employment System and for Cooperation with the States in the Promotion of Such System and for other Purposes." One other Act was passed by the Special Session which is perhaps worthy of note. This Act, in imitation of the National Recovery Act of the Federal Government, provided for the creation of codes of fair competition.¹ This act was in force until the next session of the legislature, when a similar act was passed which repealed the original act and resulted in a few changes. The chief significance of the act is as a political gesture, and due to the interrelation of the Act with the National Recovery Act and the decision of the Supreme Court, relative to that act, it is no longer in force.

Platforms of 1934

Again, in 1934, the labor question assumed a place of high importance in the platforms of the major parties. The Republican platform, substantially the same as the Progressive Republican platform of 1932, reached a new high. The platform advocated "legislation which will insure to labor the right to organize and bargain collectively."² Relating to Congress and the Federal Government, the party pledged itself to support, "a constitutional amendment authorizing legisla-

1. Laws of the Special Session of 1934, Chapter 107.

2. Platform of the Republican Party, adopted September 25, 1934.

of employment agencies, in accordance with the provisions of the Act of Congress entitled "An Act to provide for the establishment of a National Employment System and for cooperation with the States in the promotion of such system and for other purposes." The other Act was passed by the Special Session which in passage wrote of note. This Act, in imitation of the National Recovery Act of the Federal Government, provided for the creation of codes of fair competition. This Act was in force until the next session of the Legislature when a similar act was passed which repealed the original act and resulted in a few changes. The chief significance of the act is as a political gesture and due to the restoration of the Act with the National Recovery Act and the decision of the Supreme Court relative to that act, it is no longer in force.

Platform of 1934

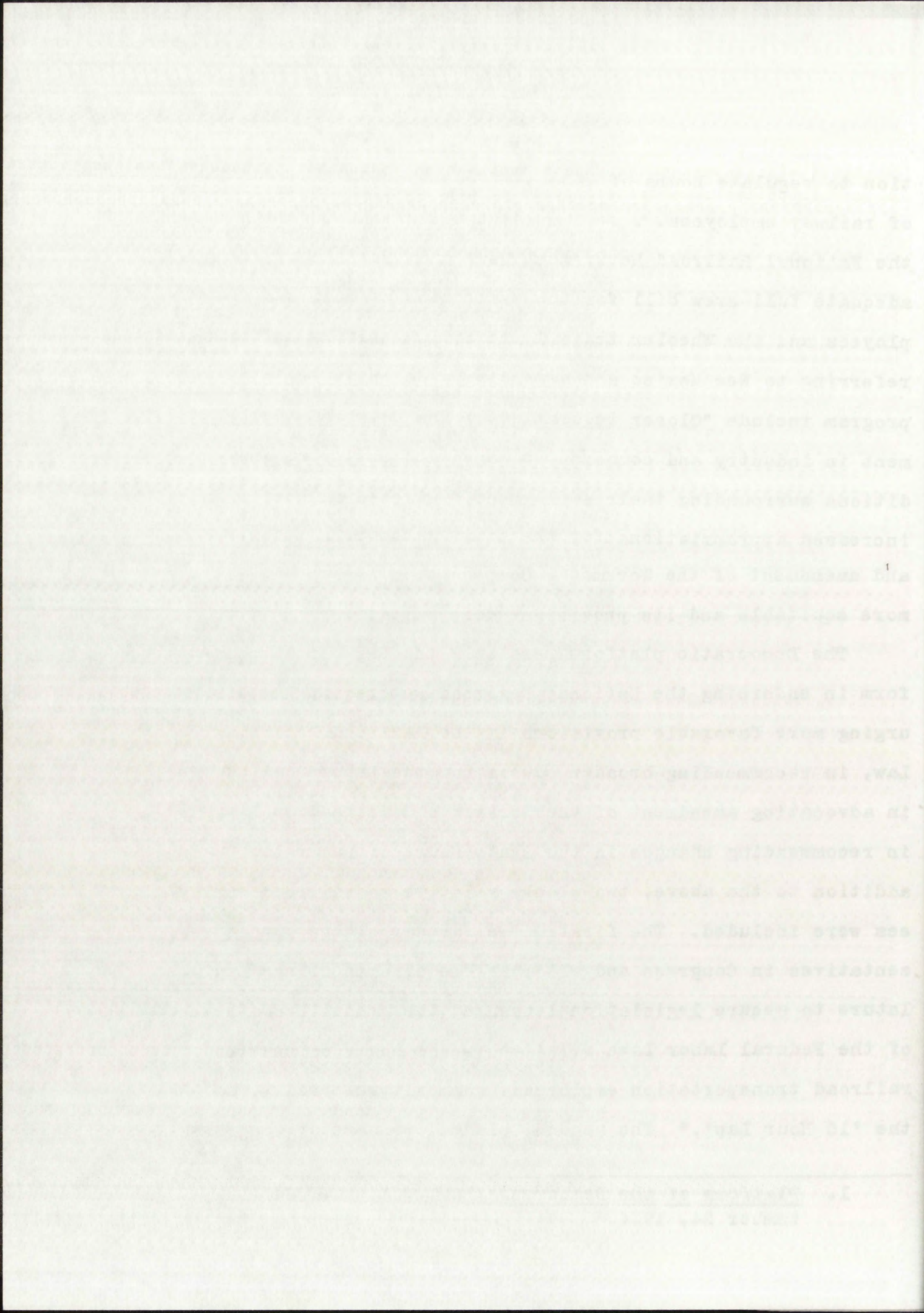
Again, in 1934, the labor question assumed a place of high importance in the platform of the major parties. The Republican platform, substantially the same as the Progressive Republican platform of 1932, reached a new high. The platform advocated legislation which will insure to labor the right to organize and bargain collectively.² Relating to Congress and the Federal Government, the party pledged itself to support "a constitutional amendment authorizing Federal

1. Laws of the Special Session of 1934, Chapter 107.
2. Platform of the Republican Party, adopted September 25, 1934.

tion to regulate hours of labor," "reduction in hours of labor of railway employees. . . , " enlargement of the benefits of the National Railroad Retirement Law, and "Passage of an adequate full-crew bill for the protection of railroad employees and the Wheeler train limit bill." Planks definitely referring to New Mexico and demanding a definite legislative program include "Closer regulation of the hours of employment in industry and commerce of women and children, and conditions surrounding their employment," widened authority and increased appropriations for the state labor commissioner, and amendment of the Workmen's Compensation Law to make it more equitable and its provisions more certain.

The Democratic platform parallels the Republican platform in endorsing the National Railroad Retirement Law, in urging more favorable provisions in the Railroad Retirement Law, in recommending broader powers for the Labor Commissioner, in advocating amendment of the Workmen's Compensation Law, and in recommending changes in the State Hours of Labor Law.¹ In addition to the above, two planks relative to railroad employees were included. The first: "We further pledge our representatives in Congress and all possible efforts of our Legislature to secure legislation lessening the present requirement of the Federal Labor Laws relative to the hours of service of railroad transportation employees, commonly referred to as the '16 Hour Law'." The second, pledged members of Congress

1. Platform of the Democratic Party, Adopted September 24, 1934.



to work "for the gradual elimination of grade crossings, and such other laws as will provide for the welfare and safety of transportation employees and passengers."

Further planks included a minimum wage scale for employees on public works and one other plank relative to a state scale inspector. The phrasing of the plank is ambiguous as included in the platform printed and distributed by the Democratic headquarters. It is therefore difficult to determine the exact meaning intended. The plank reads as follows:

Relative to those employed in the production of coal upon a basis of weight, we pledge our representatives in the next legislative session to use their fullest efforts toward removing the enactment of legislation amending our present Mine Laws in such manner that miners shall be granted the privilege of naming for themselves some person or persons to act as scale inspector of coal so produced or mined, which representative or person is commonly termed a scale inspector.

Although the United Mine Workers strongly supported a measure providing for the appointment of a state scale inspector, the legislative session of 1935 failed to take any action relative thereto.

The Republican program, outlined in the 1934 platform, seems to envisage a broader program for social welfare and indicates a better understanding of labor needs and practical considerations, than does the Democratic platform.

Labor Legislation in 1935

The 1935 Session of the Legislature again found the Democrats in full power in both the legislative and execu-

tive branches of the government. After the excellent record of the 1933 Session, the 1935 Session failed to pass any especially significant labor legislation. This is true in spite of the fact that, as we have seen, the platform had pledged the party to a comprehensive revision of existing labor legislation as well as several constructive measures. Aside from an appropriation for the continuance of the State Employment Service, the only legislation which in any way related to the labor problem was an act repealing the State Recovery Act passed by the 1934 Special Session, and reenacting the law along similar lines.¹

SUMMARY

In 1925, each party had control of one house of the legislature. The pledges of both parties were completely ignored, although the Child Labor Law was reenacted laying down higher standards than existed under the previous law. In 1927, the party elected to power included no labor planks in its platform. During the legislative session, the Workmen's Compensation Law was extended to certain workers in the Highway Department. In 1929, the party in power fulfilled only one of two pledges relative to labor--the Workmen's Compensation Law was reenacted with provisions more favorable to workmen. An act was also passed providing seats for females in certain kinds of employment. In 1931

1. Laws of 1935, Chapter 107.

each party was again in control of one house of the Legislature. Two acts were passed relating to labor, both of which were included in the Republican and Democratic platforms of 1931. The office of state labor commissioner was created, and an act was passed requiring that eighty-five per cent of the labor employed on public works be residents of the state of New Mexico. In 1933, we find the best record. In that session, the Legislature took some action relative to every pledge, except one. Employees of the state were compelled to be residents of the state, a penalty for violation of the eight-hour law for state employees was provided, the Workmen's Compensation Law was amended, measures to strengthen the Labor Commission and Labor Commissioner were passed, and provision was made for regulation of hours of work of men and women in certain types of employment. The 1935 session of the legislature, in complete reversal of the 1933 session, failed to enact a single piece of legislation advocated in the platform of the party in power.

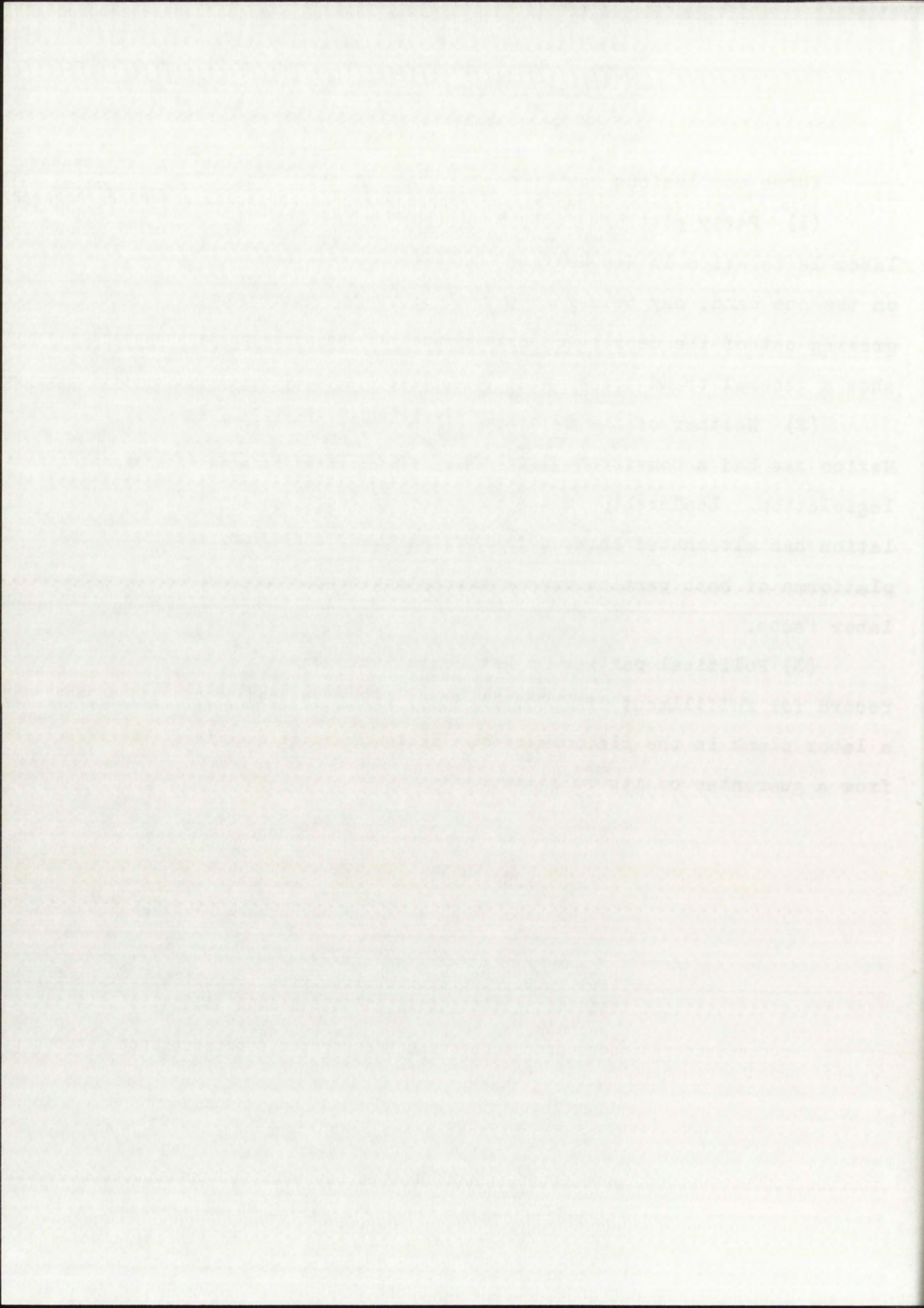
Of six party platforms and six sessions of the state legislature considered in this study, in only one instance was there a record of more than fifty per cent fulfillment of party pledges for labor legislation. In two cases, no pledge was fulfilled; in one, the party elected made no pledge; and in the two remaining cases each party was in control of one house of the legislature, and an insignificant portion of the platforms of both parties was enacted into law.

Three conclusions may be drawn from this study:

(1) Party platform indicate a growing interest in labor legislation in New Mexico. This growing interest, on the one hand, may be merely a reflection of conditions growing out of the depression or, on the other hand, it may show a general trend toward greater social control.

(2) Neither of the major political parties in New Mexico has had a consistent long-time policy favoring labor legislation. Leadership in the advocacy of labor legislation has alternated between the two parties, and certain platforms of both parties have entirely neglected the labor issue.

(3) Political parties in New Mexico have a poor record for fulfillment of labor pledges, and existence of a labor plank in the platform of the party in power is far from a guarantee of its fulfillment.



CHAPTER V
LABOR LEGISLATION IN NEW MEXICO

The courts, historically speaking, have regarded labor as a commodity, and as a commodity labor was subject to the law of contract.¹ A fundamental concept of the law of contract, under the laissez-faire theory, was freedom of contract. Freedom of contract hypothecates that those who are parties to a contract can bargain on equal terms. The "right" of freedom of contract has been nothing more than a stumbling block to labor, because the individual worker cannot bargain on equal terms with his employer. The courts, bound by tradition, refused to go behind the legal face of things to examine the bargaining power of those entering into the labor contract. The legislatures, however, more subject to the influence of public opinion and of changing conditions, recognized that labor, without property, hence always under the immediate necessity of entering into a labor contract, cannot bargain equally with capital. In order to equalize bargaining power, governments institute measures which are commonly known as, "labor legislation."

1. Commons, J. R. and Andrews, J. B.; Principles of Labor Legislation, pp. 1-34.

CHAPTER V
LABOR LEGISLATION IN MEXICO

The contract, historically speaking, has been regarded as a contract, and as a contract labor was subjected to the law of contract. A fundamental concept of the law of contract, under the laissez-faire theory, was freedom of contract. Freedom of contract by itself means that those who are parties to a contract can bargain on equal terms. The right of freedom of contract has been nothing more than a stumbling block to labor, because the individual worker cannot bargain on equal terms with his employer. The contract, viewed by legislation, refused to go behind the legal face of things to examine the bargaining power of those entering into the labor contract. The legislatures, however, were subject to the influence of public opinion and of changing conditions, recognized that labor, without property, hence always under the immediate necessity of entering into a labor contract, cannot bargain equally with capital. In order to equalize bargaining power, governments institute measures which are commonly known as "labor legislation."

Labor legislation may take any of several forms. The earliest form taken by labor legislation was legislation designed to prescribe the rights and duties of workingmen as individuals bargaining with their employers. With the development of the organized labor movement, the right of collective bargaining has been recognized, and certain legal aids and restrictions have been placed on this method of bargaining. Labor legislation has also taken the form of measures designed to place restrictions and regulations on employers in their relations to labor. These measures include hours of labor laws, minimum wage laws, and laws providing for health and safety of workers. However, it is recognized that certain evils will exist in spite of the closest regulation and attempts to prevent the recurrence of these evils. Consequently, we have legislation providing social insurance to indemnify workers for losses resulting from the hazards of industry. In addition to social insurance, governments institute measures designed to prevent unemployment, and to alleviate the evils of unemployment.

The following pages trace the general principles underlying each type of labor legislation and describe the form and development of these types of labor legislation in New Mexico.

labor legislation may have any of several forms. The most common form is that of a law which is designed to protect the rights and welfare of workers by imposing certain duties upon their employers. With the development of the organized labor movement, the right of collective bargaining has been recognized, and certain legal rules and regulations have been placed on this subject. Labor legislation has also taken the form of measures designed to give workers certain rights and regulations on matters such as hours of work, minimum wage laws, and laws providing for health and safety of workers. However, it is recognized that certain evils will exist in spite of the labor legislation and attempts to prevent the recurrence of these evils. Consequently, we have legislation providing for social insurance for industrially workers for losses resulting from the hazards of industry. In addition to social insurance, governments institute measures designed to prevent unemployment, and to alleviate the evils of unemployment.

The following pages trace the general principles underlying each type of labor legislation and describe the form and development of these types of labor legislation in the United States.

INDIVIDUAL BARGAINING

As previously stated, the earliest form taken by labor legislation was legislation designed to lay down the rights and duties of workingmen as individuals bargaining with their employers. Laws relating to the rights and duties of the individual workingman may have to do with the individual relations of the employee as a debtor, as a creditor, or in his relations to the state.¹ Apprenticeship, contract labor, wage exemptions, homestead exemption, and assignment of wages all have to do with the individual relations of the employee as a debtor. Other laws relating to time of payment of wages, the place, basis, and medium of payment, deductions from wages, and mechanics' liens have to do with the individual relations of the employee as creditor. Further, the state may take such measures to protect the bargaining power of the individual as: restriction of immigration, protection against convict labor, establishment of industrial courts, and public legal aids for the laborer.

A statute providing the legal basis for apprenticeship was repealed by the State Legislature of New Mexico in 1925.² This statute, dating back to 1862, provided that the probate judge should bind out as apprentices orphans and children whose parents could not maintain them until they were of

1. Commons, J. R., and Andrews, J. B.: Op. Cit., pp. 1-34.

2. Laws of 1925, Chapter 117.

INDIVIDUAL RESPONSIBILITIES

As previously stated, the earliest laws taken by labor legislation was legislation designed to lay down the rights and duties of workers as individuals bargaining with their employers. Laws relating to the rights and duties of the individual workers may have to do with the individual relations of the employee as a debtor, as a creditor, or in his relations to the state. Legally, the contract labor laws, exemption, exemption, and assignment of wages all have to do with the individual relations of the employee as a debtor. Other laws relating to time of payment of wages, the place, place, and method of payment, deductions from wages, and mechanics' liens have to do with the individual relations of the employee as creditor. Further, the state may take such measures to protect the bargaining power of the individual as restriction of limitation, protection against non-union labor, establishment of industrial courts, and public legal aid for the laborer.

A statute providing the legal basis for apprenticeship was enacted by the State Legislatures of New Mexico in 1905. This statute, dating back to 1885, provided that the graduate judges should also act as apprentices' officers and children whose parents could not maintain them until they were of

1. Commons, L. E., and Andrews, L. B. Op. Cit., pp. 1-24.
2. Laws of 1905, Chapter 117.

age. Apprenticeship has become, for the most part, a thing of the past, largely due to the mechanization of industry.

Contract labor is labor, the performance of which can be enforced by law. New Mexico has two statutes relative to contract labor. The first provides that where an employer makes an advance to an employee in consideration of the promise of work to be done by such employee, failure to fulfill the promise is punishable by fine or imprisonment or both.¹ The second provides that where there is a contract for labor and the contract does not specify the date for fulfillment of the contract, no money demand can be made until a demand of performance has been made, and the maker refuses, or a reasonable time is allowed for performance.² Indentured service was one of the earliest forms of contract labor. Under later development, however, the system has been based on freedom of contract. However, such abuses occurred under the system that the federal government found it necessary, in relation especially to aliens brought into this country, to place certain restrictions and prevent this form of contract labor.

Under the New Mexico statutes certain restrictions are placed on garnishment proceedings. For example, not over twenty per cent of the current wages of an employee may be

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1. Annotated Statutes of New Mexico, 1929, Chapter 35, Section 1923.
 2. Ibid., Chapter 27, Section 103.

garnished if such wages do not exceed seventy-five dollars per month.¹ If they exceed seventy-five dollars per month, in addition to the twenty per cent, all excess over seventy-five dollars may be taken.² Further, in order to protect employees from suits of garnishment brought from outside the state, certain charges are placed on the suitor to provide travel, board, and witness expense to and from the place of suit.³

If a worker assigns his wages, the statutes provide that in order for the assignment to be valid, it must be acknowledged by the party making the assignment before a notary public, or if the person is married and living with his wife, such assignment must be recorded in the office of the county clerk.⁴

It is generally accepted that the worker should receive his pay at stated intervals of not too long duration. The statutes of New Mexico provide that all railway, mining, and manufacturing corporations within the state must designate regular days, not more than sixteen days apart for the payment of wages.⁵ This Act also provides that wages must be paid "in lawful money of the United States, or in negotiable bank

1. Annotated Statutes of New Mexico, 1929, Chapter 59, Section 126.

2. Ibid., Chapter 59, Section 20.

3. Ibid., Chapter 59, Section 127.

4. Ibid., Chapter 8, Section 101.

5. Ibid., Chapter 32, Section 303.

check payable on demand, of the date of said check . . ."

There are further provisions as to the medium of payment.

All scrip must be redeemable in money, with the exception that the provisions of the Act do not "apply in any instance where the issuance of scrip, check, draft, or order is upon the voluntary request or at the instance of the party to whom issued, but only in cases where the employer seeks to compel, coerce, or influence the employee against his will."¹

In furtherance of the provisions of this Act, it is "unlawful for any person, firm, or corporation employing labor in this State, or any agent, superintendent, or boss of said person, firm, or corporation, by threat, direct or indirect, or in any other manner, to coerce or compel any employee to buy goods of or trade with any store, business, or commissary, or to discharge or threaten to discharge any employee for failure so to do."² The existence of company stores is a powerful obstacle to the organization of labor and to the inauguration of a strike, due to the implied threat that failure to trade with the company store will mean discharge.

To better guarantee to the worker the wages he should receive for services rendered, there are several provisions in the statutes providing prior liens on certain types

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1. Annotated Statutes of New Mexico, 1929, Chapter 88, Section 614, 615.
 2. Laws of 1921, Chapter 10.

about possible evidence, but it is not clear that the
There are several other points to be made. First, it is
All evidence must be relevant to the case. Second, it must be
that the evidence is relevant to the case. Third, it must be
where the evidence is relevant to the case. Fourth, it must be
the voluntary request of the person. Fifth, it must be
plain and simple, but only in the sense that it is
correct, correct, or correct. Sixth, it must be
in the presence of the person. Seventh, it must be
but not any person. Eighth, it must be
this State or any other. Ninth, it must be
person. Tenth, it must be
or in any other manner. Eleventh, it must be
by means of a person. Twelfth, it must be
ministry, or to the contrary. Thirteenth, it must be
employee for failure to do so. Fourteenth, it must be
states is a serious matter. Fifteenth, it must be
and so the investigation of a person. Sixteenth, it must be
threat that failure to do so. Seventeenth, it must be
mean otherwise. Eighteenth, it must be
to better contacts to the person. Nineteenth, it must be
positive for positive results. Twentieth, it must be
in the state of the person. Twenty-first, it must be
1. The person is a person. Twenty-second, it must be
person. Twenty-third, it must be
2. The person is a person. Twenty-fourth, it must be

of property. Any person who performs or supplies materials for the construction, alteration, or repair of any mining claim, building, bridge, ditch, flume, tunnel, fence, machinery, etc. has a lien upon such property for the labor done or materials furnished.¹ In the case of the insolvency of a corporation, laborers and workmen in the employ of such corporation have a first lien on the assets of that corporation.² Such provisions exist on the statute books of every state, and are a generally recognized right of the worker.

The competition afforded by convict labor may have a demoralizing effect upon the labor market. Consequently, most states have restrictions upon the use to which convict labor can be put. The New Mexico statutes place no restriction on the competition of convict labor and do provide that all the products of convict labor shall be sold to the highest bidder after twenty days' notice.³ However, in general practice, in order to avoid undue competition, all the products of convict labor are sold at the regular market price rather than calling for competitive bids.

The statutes also provide that highway work may be performed by convicts, and the value of such work credited to

1. Annotated Statutes of New Mexico, 1929, chapter 82, Section 202.

2. Ibid., Chapter 32, Section 191.

3. Ibid., Chapter 130, Section 133.

of property. The person who performs at least one of the
for the corporation, or agent of such person,
shall be deemed to have been a partner in the
business, and shall be liable for the debts of the
corporation. In the case of the
incorporation of a corporation, the person who
of such corporation shall be deemed to be a partner
of that corporation. Such provisions shall be
binding on every state, and are a generally binding
of the parties.

The corporation affected by contract law may have a
determining effect upon the labor market. Consequently,
most states have restrictions upon the use of which
and labor can be put. The law makes it impossible
restricted on the competition of contract labor and
provide that all the products of contract labor shall be
sold at the highest bidder after certain days have
However, in general practice, in order to avoid undue
position. All the products of contract labor are sold at
the regular market price rather than selling for low
positive bids.

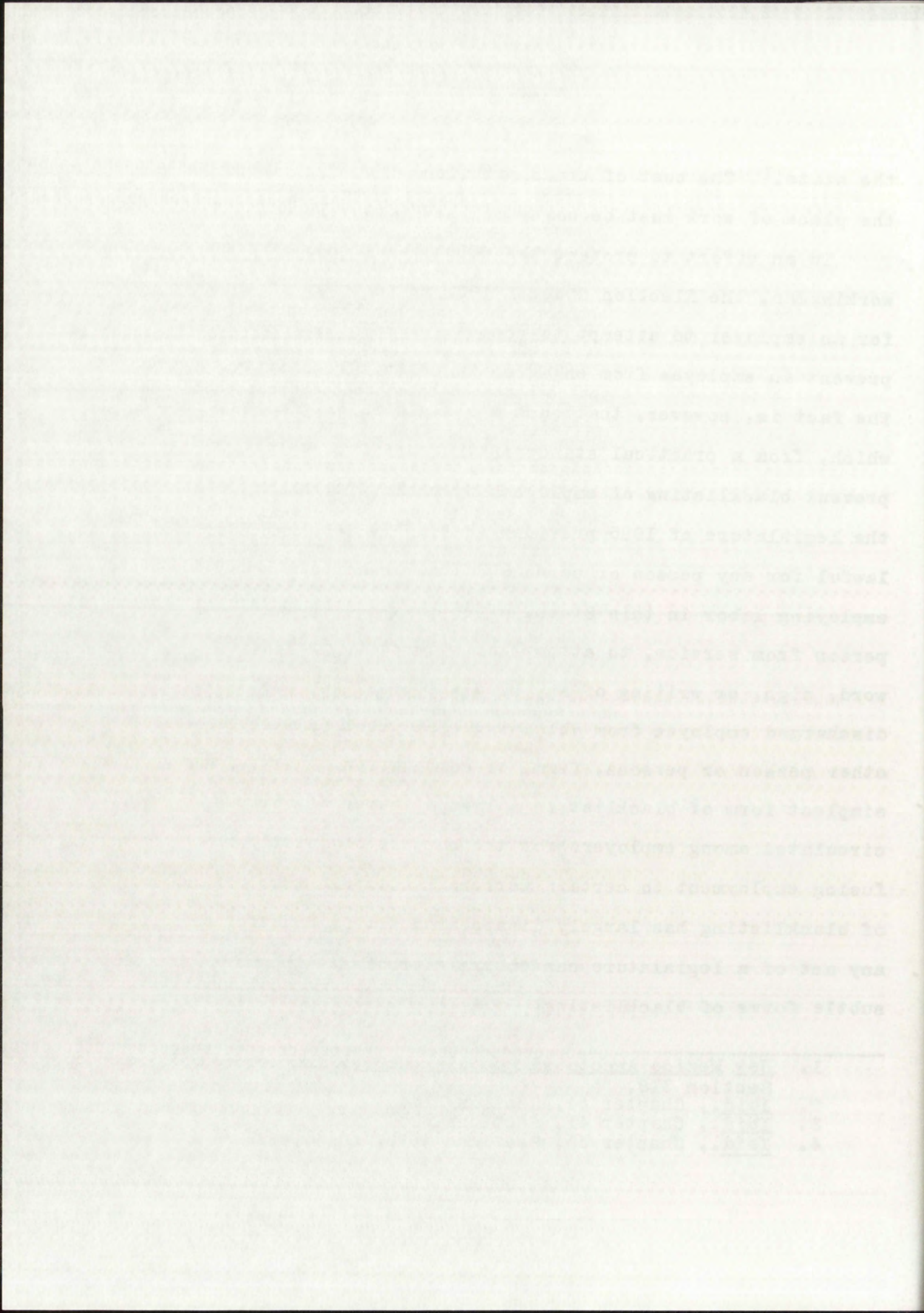
The statutes also provide that slightly more than 50
formed by contract, and the value of such work shall be

1. American Statutes of New Mexico, 1919, Chapter 22,
Section 208.
2. Ibid., Chapter 22, Section 191.
3. Ibid., Chapter 22, Section 192.

the state.¹ The cost of transportation of convict labor to the place of work must be borne by the Highway Department.²

In an effort to protect the political rights of the workingman, the Election Code of 1927 makes it an offense for an employer to attempt to coerce an employee, or to prevent an employee from engaging in political activity.³ The fact is, however, that such a statute is only a gesture which, from a practical standpoint, is unenforceable. To prevent blacklisting of employees by employers, an act of the legislature of 1925 provides that: "It shall be unlawful for any person or persons, firm, or corporation, employing labor in this State, after having discharged any person from service, to attempt or attempt to prevent by word, sign, or writing of any kind whatever, any such discharged employee from obtaining employment from any other person or persons, firm, or corporation. . ."⁴ The simplest form of blacklist is a list of names of workers circulated among employers for the purpose of jointly refusing employment to certain workers. Although this method of blacklisting has largely disappeared, it is doubtful if any act of a legislature can entirely eradicate the more subtle forms of blacklisting.

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1. New Mexico Annotated Statutes, 1929, Chapter 64, Section 318.
 2. Ibid., Chapter 64, Section 335.
 3. Ibid., Chapter 41, Sections 515, 516.
 4. Ibid., Chapter 35, Sections 4613, 4614, 4615.



Most of the rights and duties of the individual worker discussed thus far have developed through our common law system, and have been enacted into statutes. However, of late years, there has been a trend toward more constructive measures aimed at protection of the individual bargaining rights of the workingman. These include the establishment of industrial courts, and public legal aid for the workingman. New Mexico has no system of industrial courts such as have been adopted in other states. However, certain provisions are made for legal aid to workingmen in certain types of cases. For example, the Labor Commissioner is empowered to prosecute certain cases coming under the Workmen's Compensation Act, and suits for payment of wages, where the individual workman has not and can prove that he has not the financial means for the prosecution of the case himself.¹

COLLECTIVE BARGAINING

Collective bargaining has been defined as "The method or process of determining the specific conditions of the labor contract--particularly wages, hours, and working conditions--by direct negotiation between the representatives of one or more trade unions, on the one hand, and of an employer or association of employers on the other."² Among the first historical examples of such collective bargaining

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1. Laws of 1931, Chapter 9.
 2. Brown, Waldo R., What's What in the Labor Movement, pp. 75-76.

are the town charter and the merchant guild. The courts developed certain doctrines and theories relating to collective bargaining, and in recent years the legislatures have taken steps to protect collective groups of laborers from interpretations and theories laid down by the courts which have tended to invalidate any attempts made by labor to act collectively. The doctrine of conspiracy is the principle on which the courts have acted. As stated by Commons and Andrews, "This doctrine makes illegal acts done collectively in pursuance of an agreement which are legal when done by one person."¹ Under the doctrine as it originated, all associations or combinations were considered illegal as being conspiracies against some other group, for example, the employer. In the later development of the doctrine, three theories have been developed which underlie most of the cases involving collective bargaining. The first is that the legality of the acts of any combination depends upon their motives; the second is that intentional interference with the rights of others is wrong unless it results from the exercise of equal or superior rights; and the third is that the methods used by a combination, for example, coercion or intimidation, are determining factors in the legality of such combination. Under any of these theories, as is pointed out by Commons and Andrews, the bias of the judge is likely to be the determining factor.

1. Commons, J. R. and Andrews, J. B., Principles of Labor Legislation, pp. 97-113.

In the United States, the common law doctrine of conspiracy has never been accepted to the extent that it was accepted in England, but nevertheless it has held a restraining hand over the efforts of organized labor. With the passage of the anti-trust laws, the courts found a new weapon with which to attack labor organization.¹ By declaring combinations of workers or, more exactly, the acts of such combinations to be in restraint of trade, the efforts of organized labor were effectively blocked. In order to counteract this interpretation placed upon the Sherman Anti-trust Act, Congress stated specifically in the Clayton Anti-trust Act, "that the labor of human beings is not a commodity or an article of commerce. . . . Nothing contained in the anti-trust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations instituted for the purpose of mutual help."

The same succession of events occurred in a great many of the states. New Mexico has several statutes dating back as early as 1897 which prohibits monopolies or conspiracies in restraint of trade.² In 1923, the state legislature enacted a statute embodying substantially the same principles relative to collective bargaining as the Clayton Anti-trust Act.³

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1. Yoder, Dale, Labor Economics and Labor Problems, pp. 476-77.
 2. Annotated Statutes, 1929, Chapter 35, Sections 2902, 2903.
 3. Ibid., Chapter 35, Section 2904.

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 assumed as such, but nevertheless it was held a re-
 sulting from the efforts of organized labor. With
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 ing organizations of workers or, more exactly, the role of
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 Trust Act, Congress stated specifically in the Clayton Anti-
 Trust Act, "that the labor of human beings is not a commodity
 or an article of commerce. . . Nothing contained in the Anti-
 Trust laws shall be construed to forbid the existence and
 operation of labor, agricultural, or horticultural organiza-
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 restraint of trade. In 1923, the state legislature enacted
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 tive to collective bargaining as the Clayton Anti-Trust Act.

1. Yoder, *Dual Labor Movement and Labor Problems*,
 pp. 475-77.
2. *Amended Statutes, 1923, Chapter 35, Section*
 2902, 2903.
3. *Ibid.*, Chapter 35, Section 2904.

Section 1--Labor not a commodity; organization.--The labor of a human being is not a commodity or article of commerce. No law against monopolies or combinations in restraint of trade shall be held or construed to forbid the existence and operation of labor, agricultural or horticultural organizations, instituted for purposes of mutual help, and not having capital stock or conducted for profit to the organization, or to forbid or restrain individual members of such organizations from lawfully carrying out the objects thereof; nor shall such organizations or the members thereof be held or construed to be illegal combinations or conspiracies in restraint of trade: Provided, however, That, nothing herein contained shall be held or construed to justify any restraint of trade or restriction of competition except such as incident to the protection and promotion of the interests of the members of such organizations, in view of their situation and circumstances; but such organizations and their objects, and the effectuation thereof, shall prima facie be presumed to be in reasonable restraint of trade or restriction of competition.

It is evident that although the right of labor to organize and to act collectively is recognized by this Act, the courts still have it within their power through interpretation to determine what acts of a combination are, "Incident to the protection and promotion of the interests of the members of such organization. . . ." The bias of the judge may remain a determining factor in any specific case brought before the courts. The general need for the protection of the right of collective bargaining has been recognized in New Mexico. The Republican platform of 1934 advocated "legislation which will insure to labor the right to organize and bargain collectively," and the 1932 platform advocated, "enactment of proper legislation to protect labor and prohibit issuance of indiscriminate and unjust injunctions in labor

disputes." The specific remedies for the abuses mentioned may not lie entirely within the field of labor legislation, but the Federal Government and several of the states have made rapid strides forward in the movement.

The establishment of boards of mediation and conciliation is a recognition of the legal right of labor to organize and to bargain collectively. New Mexico has no provision for a board or means for settling or conciliating labor disputes. However, the United States Conciliation Service, operating under the Department of labor performs this service in all of the states.

The employers or the employees may call for the aid of the United States Conciliation Service. The Conciliation Service then sends a commissioner who attempts to work out an amicable settlement of the dispute. It might also be mentioned that the Labor Commissioner of New Mexico confers with the employers and employees, in the case of industrial disputes, with the aim of helping to protect the interests of the workingman in any way possible.

THE MINIMUM WAGE

That a large number of workers are paid wages which are considerably below a proper subsistence level is an undisputable fact. In order to remedy this condition, many states have enacted minimum wage laws which set up a standard below which wages cannot be depressed.¹ Under

1. Commons and Andrews, Op. Cit., p. 198.

minimum wage legislation, the legislature may in effect define a "living wage" and set up a minimum wage scale, or as has been done in many cases, a board or commission may be set up with the power to set up the minimum standard in every industry and locality on the basis of a "living wage." Other factors which must be considered aside from "living wage" are the risk consequent from periods of unemployment and, from the employers viewpoint, the profits of the business.¹

The effect of minimum wage laws, according to Commons and Andrews, has been to raise wage rates, although they admit that in some instances it has failed.² They contend, further, that the charge often made that the minimum wage rate tends to become the maximum rate is not generally the case. The fact that some workers are forced out of industry because the workers appear unprofitable at the legal wage rate or because they can be replaced by apprentices is not inherent under a minimum wage law. Such defects may be remedied by correct drafting of the laws. Moreover, it does not appear that minimum wage laws are a serious detriment to industry or that the minimum wage laws have been any handicap to trade union officials, in spite of the fear that in allowing individuals to secure wage gains without the aid of organization it would be harmful to trade unions.

1. Commons and Andrews, pp. 210-212.

2. Ibid., pp. 212-216.

New Mexico is one of the few states which have no minimum wage legislation. That this is justified due to conditions peculiar to New Mexico, I do not think can be argued. The argument for the minimum wage can be defended on the same principle that underlies the protection of men, women, and children from excessive hours of labor. The worker is powerless to uphold his side of the wage bargain, so the state must step in to equalize the bargaining power, and to guarantee to the worker a suitable standard of living.

UNEMPLOYMENT

Legislation to meet the problem of unemployment may take any of the following forms: (1) Regulation of private employment offices, (2) establishment and operation of public employment offices, (3) systematic distribution of public work, (4) regularization of industry, (5) unemployment insurance.¹

No provision is made in the statutes of New Mexico for regulation of private employment agencies, although the Labor Commissioner is empowered to "prosecute claims arising as between employment agencies and those seeking employment when in his judgment they are valid and enforceable in the Courts."² The abuses prevalent under the system of private employment agencies, however, have been largely done away with through the establishment of a public employment system.

1. Commons and Andrews, *Op. Cit.*, p. 289.
 2. Laws of 1931, Chapter 9, Section 9.

New Mexico is one of the few states which have no minimum wage legislation. That this is justified may be argued. The argument for the minimum wage can be based on the fact that it is a principle that underlies the protection of man, woman, and children from excessive hours of labor. The writer is powerless to spend the time at the state capital, as the state must step in to regulate the bargaining power, and to guarantee to the worker a certain standard of living.

CONCLUSION

Legislation to meet the problem of unemployment may take any of the following forms: (1) Regulation of private employment offices, (2) establishment and operation of public employment offices, (3) systematic distribution of public work, (4) regulation of industry, (5) unemployment insurance.

No provision is made in the statutes of New Mexico for regulation of private employment agencies, although the Labor Commissioner is empowered to "promulgate minimum rates as between employment agencies and those seeking employment when in his judgment they are valid and enforceable in the State." The statute provided under the system of private employment agencies, however, have been largely done away with through the establishment of a public employment system.

1. Connors and Andrews, Op. Cit., p. 282.
2. Laws of 1933, Chapter 2, Section 2.

In 1933, the state legislature of New Mexico, by accepting the provisions of the Wagner-Peyser Act, established the New Mexico State Employment Service to act in conjunction with the United States Employment Service.¹ The Wagner-Peyser Act, passed by Congress in 1933, provided for the establishment of a national employment system by means of cooperation with the states.² In addition to the national employment system, the act provided for the establishment and maintenance of a Veteran's Placement Service and a Farm Placement Service all under the United States Employment Service. Under the Act, funds were appropriated which were to be apportioned among the states according to population. In return, each state must agree to abide by standards laid down by the United States Employment Service, and must match the funds provided by the Federal Government.

Under the act, each state names an agent to represent the state and to administer the funds under the direction of the United States Employment Service. If reasonable and in accord with the terms of the Wagner-Peyser Act they are approved by the Director of the United States Employment Service. Each state makes reports of its expenditures and activities. If approved by the Director, the state is given a certificate or order on the United States Treasury

1. Laws of 1934, Chapter 15.

2. Wagner-Peyser Act: Public No. 30--73d Congress; 48 Stat. 113.

for the amount apportioned to the State. The Director may revoke the certificate, if he finds that the state is not living up to the terms of the Act, and the state has the right of appeal to the Secretary of Labor who has the final decision.

The administration of the act in New Mexico was turned over to the State Labor Commission who serves as director of the New Mexico State Employment Service. The United States Employment Service operating in New Mexico is composed of two parallel organizations--the National Reemployment Service and the New Mexico State Employment Service. The National Reemployment Service is a temporary division designed to serve public works, road building, and other recovery projects requiring special selection and permanent facilities.¹ An idea as to the scope and importance of the work carried on by the two combined services in New Mexico may be obtained from Table IX.²

Most of the placements made in New Mexico, however, have been on public relief projects. During the period from June 1935 through January 1936, there were a total of 33,290 placements, of which 5,370 were in private employment, 9,060 in public and government work, and 18,860 on relief work.³ The value of the Service, however, from the long-time viewpoint, must of course, lie in the number of placements that

1. Employment Service News, April 1935, p. 11.

2. Ibid., March-April, 1936, p. 21.

3. Ibid., Loc. Cit.

TABLE IX
THE NATIONAL REEMPLOYMENT SERVICE FOR NEW MEXICO
SUMMARY OF ACTIVITIES
FROM
AUGUST 7, 1933
TO
APRIL 30, 1936,
Inclusive

TOTAL REGISTRATIONS AND PLACEMENTS						
	: Total : Regis- : trations	: Total : Place- : ments	: W.P.A. : Place- : ments	: Public : Place- : ments	: Priv. : Place- : ments	: Total Reg.* : Placements
Bernalillo	: 12094	: 6829	: 2213	: 5392	: 1437	: 110
Catron	: 1510	: 1264	: 316	: 1205	: 59	: 69
Chaves	: 5159	: 3120	: 937	: 2375	: 745	: 150
Colfax	: 3406	: 2460	: 386	: 2215	: 245	: 64
Curry	: 4899	: 2641	: 273	: 1759	: 882	: 103
De Baca	: 1243	: 1854	: 32	: 1307	: 547	: 102
Dona Ana	: 6016	: 5072	: 870	: 2943	: 2129	: 86
Eddy	: 4343	: 5141	: 472	: 3924	: 1217	: 154
Grant	: 4291	: 2874	: 1437	: 2527	: 347	: 127
Guadalupe	: 3964	: 3062	: 297	: 2723	: 339	: 161
Harding	: 1554	: 922	: 535	: 512	: 410	: 0
Hidalgo	: 2050	: 811	: 785	: 735	: 76	: 71
Lea	: 2188	: 1082	: 84	: 784	: 298	: 54
Lincoln	: 2628	: 1882	: 304	: 1643	: 239	: 179
Luna	: 1506	: 1209	: 369	: 1067	: 142	: 112
McKinley	: 3432	: 2223	: 209	: 1366	: 857	: 2
Mora	: 3093	: 906	: 298	: 796	: 110	: 131
Otero	: 2989	: 1816	: 461	: 1599	: 217	: 74
Quay	: 2946	: 1318	: 298	: 1224	: 94	: 0
Rio Arriba	: 5659	: 2321	: 243	: 2095	: 226	: 107
Roosevelt	: 3788	: 1455	: 235	: 949	: 506	: 55
Sandoval	: 2344	: 1677	: 258	: 1445	: 232	: 6
San Juan	: 2141	: 1950	: 130	: 1183	: 767	: 0
San Miguel	: 6379	: 3715	: 1195	: 3170	: 545	: 68
Santa Fe	: 6190	: 1952	: 1542	: 1694	: 258	: 122
Sierra	: 1838	: 2138	: 289	: 1567	: 571	: 60
Socorro	: 2799	: 1929	: 1038	: 1692	: 237	: 5
Taos	: 3795	: 1316	: 132	: 1136	: 180	: 11
Torrance	: 2899	: 828	: 443	: 621	: 207	: 39
Union	: 2849	: 1079	: 870	: 589	: 190	: 0
Valencia	: 4847	: 2869	: 273	: 2582	: 287	: 111
TOTALS:	: 114839	: 69715	: 17224	: 55119	: 14596	: 2333

* W.P.A. placements are not included in the total placements of this report. Only placements of gainful employment are shown under total placements.

can be made in private employment.

In an effort to obtain public confidence and the co-operation of industry and business, the United States Employment Service has instituted the merit system for the personnel of the State Employment and National Reemployment services, as well as providing for the establishment of state advisory councils to serve more or less as public relations committees for the Service.

The more progressive states have conducted public employment agencies for many years, and it has been only with the aid of the Federal Government that New Mexico has been able to provide this service. In its future development, the New Mexico State Employment Service may be of great value to the state, not only in bringing the worker and the job together, but in public education leading, in so far as possible, to regularization of industry and vocational guidance and training designed to help in the solution of the unemployment problem.

An extensive public works program has been carried on in New Mexico, as in other states, for the purpose of alleviating the unemployment problem and to provide relief for the indigent. The general aim of these projects has been to reduce unemployment and to aid in the restoration of purchasing power through the construction of useful public works, by providing allotments of funds for road building, public buildings, forest conservation, irrigation,

can be made to assist employment.

In an effort to obtain public employment and the co-
operation of industry and business, the United States
Employment Service has instituted the merit system for
the personnel of the State Departments and National govern-
ment activities, as well as providing for the establish-
ment of state advisory councils to serve more or less as
public relations committees for the service.

The more progressive states have conducted public
employment agencies for many years, and it has been only
with the aid of the Federal Government that New Mexico
has been able to provide this service. In its future
development, the New Mexico State Employment Service may
be of great value to the state, not only in obtaining the
worker and the job together, but in public education,
leading in so far as possible, to regulation of
industry and vocational guidance and training designed to
help in the solution of the unemployment problem.

An extensive public works program has been carried
on in New Mexico, as in other states, for the purpose of
alleviating the unemployment problem and to provide relief
for the indigent. The general aim of these projects has
been to reduce unemployment and to aid in the restoration
of purchasing power through the construction of useful
public works, by providing alternate of funds for road
building, public buildings, forest conservation, irrigation,

power development, waterworks, sewer system, electric light plants, streets and highways, bridges, hospitals, schools, recreational facilities, railroad improvements, low-cost housing and many other projects. One of the first agencies created to carry out this program was the Federal Emergency Relief Administration, which was followed by the Civil Works Administration.¹ The Civil Works Administration was created for the purpose of carrying on a program of public works projects, and continued to function until March 31, 1934.² The Public Works Administration was created to carry out projects of a larger nature and involving greater expenditures than the Civil Works. The Works Progress Administration was established to replace the Federal Emergency Relief Administration and the Civil Works Administration. The purpose of the Works Progress Administration was chiefly to provide work and relief for the unemployed who were on the relief rolls. Hundreds of small projects consisting of public works and various "white collar" projects have been carried through under this program in New Mexico.

Many other less important programs are being carried out and have been carried out in New Mexico under the Federal Government designed to aid in solving the problem of unemployment, as well as serving other useful purposes. However, lest we go too far afield from labor legislation, it may be

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1. New Mexico Relief Bulletin, Jan. 22, 1936, p. 1
 2. New Mexico Blue Book, 1933-1934, pp. 67-68.

power development, education, water supply, electric light, health, science and industry, agriculture, housing, social, recreational facilities, and other improvements. However, and with other projects, one of the first agencies created to carry out this program was the Federal Emergency Relief Administration, which was followed by the Civil Works Administration. The Civil Works Administration was created for the purpose of carrying on a program of public works projects, and continued to function until March 31, 1934. The Public Works Administration was created to carry out projects of a larger nature and involving greater expenditure than the Civil Works. The Public Works Administration was established to replace the Federal Emergency Relief Administration and the Civil Works Administration. The purpose of the Public Works Administration was chiefly to provide work and relief for the unemployed and work on the public works. Hundreds of small projects consisting of public works and various other projects have been carried through under this program in New Mexico. Many other less important programs are being carried out and have been carried out in New Mexico under the Federal Government designed to aid in relieving the problem of unemployment, as well as serving other useful purposes. However, just as we are far from labor legislation, it may be

1. New Mexico Relief Statistics, Jan. 22, 1934, p. 1.
2. New Mexico Relief Statistics, 1933-1934, pp. 23-24.

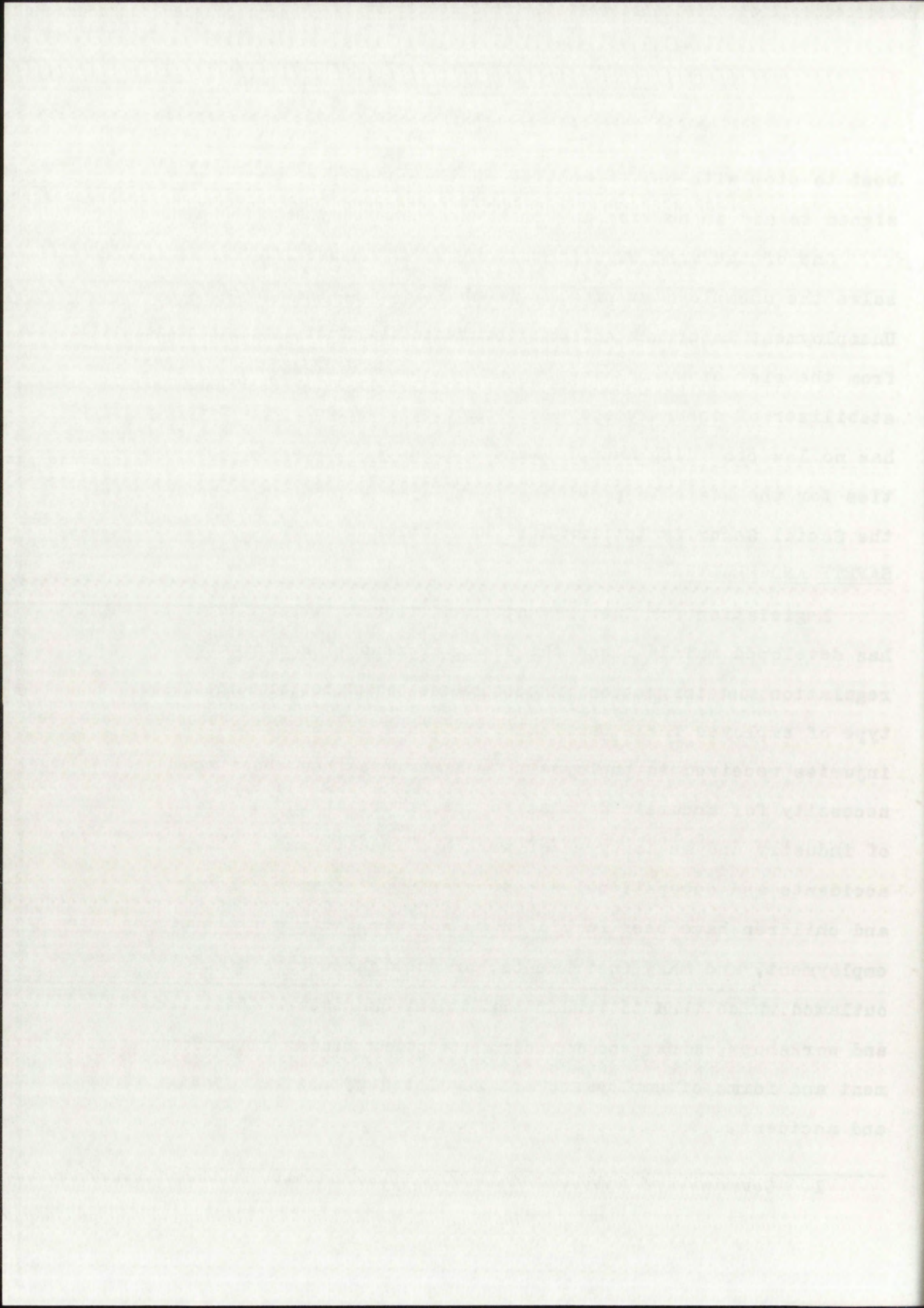
best to stop with only a mention of the chief programs designed to aid in solving the problem of unemployment.

One of the most significant of the means used to solve the unemployment problem is unemployment insurance. Unemployment insurance not only protects the individual from the risk of unemployment, but also serves as a stabilizer of industry and employment. Although New Mexico has no law providing unemployment insurance, the opportunities for the state in providing unemployment insurance under the Social Security Act are discussed below.

SAFETY AND HEALTH

Legislation for the prevention of industrial accidents has developed mainly along the lines of reporting accidents, regulation and inspection of conditions, restrictions on the type of employee for a particular job, and compensation for injuries received in employment.¹ Experience has shown the necessity for accurate data as to the nature of the hazards of industry and as to types of work and industries in which accidents and occupational diseases are most common. Women and children have been forbidden to work in certain types of employment, and many instruments, or substances have been outlawed which tend to render employment dangerous. Factories and workshops, mines and tunnels, and other places of employment and forms of employment are regulated to prevent disease and accident.

1. Commons and Andrews, Op. Cit., pp. 323-382.



New Mexico has a rather complex and disorganized system to provide for the safety and health of workers. The administration of the various laws relative to health and safety is vested in a number of state offices such as the State Corporation Commission, the Bureau of Public Welfare, the Relief and Security Authority, the State Labor Commissioner, and the State Inspector of Mines.

By the Constitution of the State of New Mexico, the State Corporation Commission is given the power and charged with the duty of requiring all intrastate railways, transportation companies or common carriers to provide such safety appliances as may be necessary for the safety of its employees and the public.¹ The Constitution also vests similar powers relative to mines in a State Mine Inspector.² From time to time since the Constitution was adopted, laws have been passed defining the powers and duties of the State Mine Inspector and setting up a safety code for mines. In 1933, the laws relative to safety and health of workers in mines were reenacted and brought up to date.³ The state mine inspector is charged with the duty of administering the three hundred and nine sections of the Act. The qualifications of the Mine Inspector are prescribed in the Act as follows:

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1. Constitution of New Mexico, Article XI, Section 7.
 2. Ibid., Article XVII, Section 2.
 3. Laws of 1933, Chapter 153.

The Commission has a rather complex and diversified system to provide for the safety and health of workers. The administration of this system is relative to health and safety is vested in a number of state offices such as the State Department of Public Welfare, the Bureau of Public Welfare, the State Labor Commissioner, and the State Inspector of Mines.

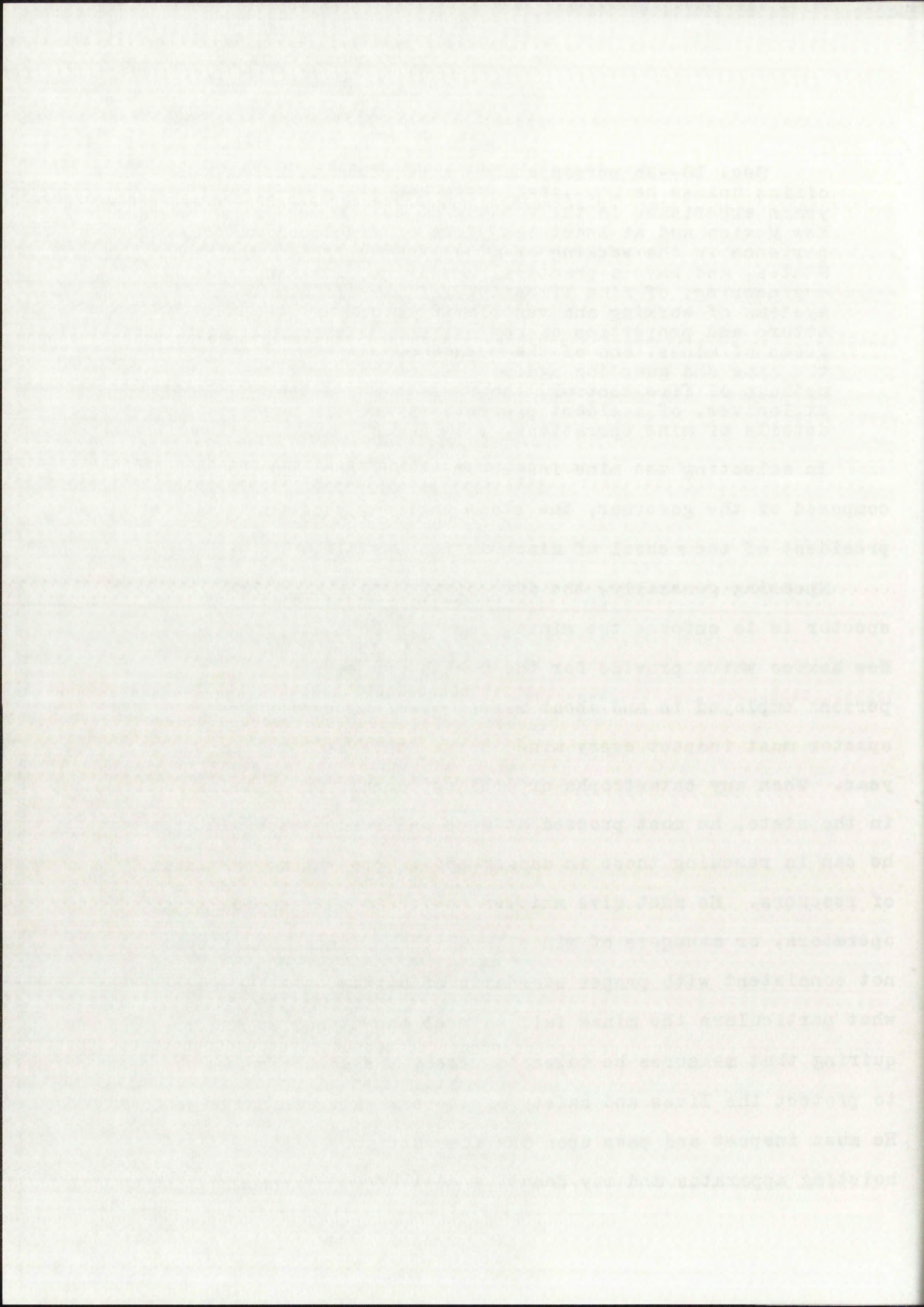
By the Constitution of the State of New Mexico, the State Department of Public Welfare is given the power and charged with the duty of regulating all interstate railways, lines, and other means of common carriers to provide such safety as may be necessary for the safety of the passengers and the public. The Commission also vests similar powers relative to mines in a State Mine Inspector. From time to time when the Commission was created, laws have been passed defining the powers and duties of the State Mine Inspector and vesting in a safety code for mines. In 1907, the laws relative to safety and health of workers in mines were amended and brought up to date. The state mine inspector is charged with the duty of administering the laws, rules and mine sections of the Act. The qualifications of the Mine Inspector are prescribed in the Act as follows:

1. Qualifications of Mine Inspector, Article XI, Section 2.
2. Laws of 1907, Chapter 122.
3. Laws of 1908, Chapter 122.

Sec. 13--No person shall be eligible to hold office unless he . . . shall have had at least five years experience in the working of coal mines in New Mexico and at least ten years of practical experience in the working of mines in the United States, and have a practical knowledge of mining engineering, of mine timbering, of the different systems of working and ventilating mines, of the nature and properties of noxious and poisonous gases of mines, and of the method of dispelling the same and guarding against explosions or fires, methods of fire control, the storage and use of explosives, of accident prevention, and all other details of mine operations. . .

In selecting the mine inspector, a board of examiners composed of the governor, the state engineer, and the president of the school of mines is responsible.

Speaking generally, the duty of the state mine inspector is to enforce the mining laws of the State of New Mexico which provide for the health and safety of persons employed in and about mines. The state mine inspector must inspect every mine in the State at least once a year. When any catastrophe or accident occurs in any mine in the state, he must proceed at once and render such aid as he can in rescuing those in danger and in protecting the lives of rescuers. He must give written notice to the owners, operators, or managers of mines in which he finds conditions not consistent with proper standards of safety, stating in what particulars the mines fail to meet the standards and requiring that measures be taken to remedy the condition so as to protect the lives and safety of those working in the mines. He must inspect and pass upon the adequacy and safety of all hoisting apparatus and may demand a test of such apparatus,



if he believes it to be defective. The Inspector must arrange a uniform system of mine bell signals and must notify the mine operators of such. In addition to the above, the Inspector must make an annual report to the governor. This report contains a record of fatal accidents in all mines in the state, and states where the accident happened, how the accident occurred, and what the verdict of the coroner's inquest was, in addition to the inspector's own verdict as to the causes of the accident. Every coal mine in the State is required to be registered, and the owner or operator must provide certain statistics to the Mine Inspector. This makes it possible for the Inspector to include in his report, statistics pertaining to the operation of coal mines and mineral mines in the state, telling the tons produced, the tons sold, and the approximate value thereof, in addition to the number of persons employed in the mines.

The Act lays down specifications for blasting, escape-ways, means of fire control, underground ladderways, underground haulage, hoisting equipment, and explosive. Reasonable means must be taken to furnish adequate ventilation, and electric equipment used in coal mines must comply with rigid standards. It is the duty of the Mine Inspector to apply these rules, to interpret, and to enforce them. The inspector is given leeway under certain provisions of the Act to determine what is "reasonable," which allows a sufficient degree of flexibility to facilitate administration.

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a written report of mine field signs and must notify the

mine operators of such. In addition to the above, the

operator must make an annual report to the Governor. This

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accident occurred, and what the value of the property

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tion.

New Mexico is one of the few states which provide a home and hospital for indigent miners.¹ The purpose of the New Mexico Miners' Hospital and Home for Old Miners is to provide a home for old miners who have lost their health while working in the mines of New Mexico, and to provide medical treatment for indigent miners. The hospital may take pay patients, and in this way is self-sustaining. However, such patients may be accepted only so long as it can be done without excluding the indigent miners for whom the hospital is intended.

Relative to corporations, firms, or companies which receive any money from their employees for the purpose of providing medical care, a statute provides that such firm, company, or corporation must erect a pesthouse in some suitable place a proper distance apart so as to protect the other employees from contagious diseases.²

The Department of Public Welfare is charged with the duty of inspecting and regulating conditions in factories and other places of work, relative especially to health conditions. It is provided that, "The State Department of Public Welfare shall have power to investigate . . . the effect of localities, employment, and other conditions upon the public health; to inspect public buildings, institutions and premises and industries. . . to regulate the sanitation

1. Annotated Statutes of New Mexico, 1929, Chapter 130, Section 501.

2. Ibid., Chapter 88, Section 705.

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1. Annotated Statutes of New Mexico, 1929, Chapter 130, Section 501.
2. Ibid., Chapter 83, Section 505.

of . . . factories, workshops, industrial and labor camps."¹
 The actual administration of this portion of the Act is, of course, entrusted to the Bureau of Public Health under the Department of Public Welfare.

One other law, designed for the protection of the health of women, might be mentioned.² This is an Act of 1931 providing seats for female employees in factories, mercantile establishments, freight and passenger elevators, laundries, hotels, and restaurants. The labor commissioner is charged with the enforcement of the Act.

CHILD LABOR

The most important social factors involved in child labor are that child labor has a detrimental effect on the health of children, that child labor interferes with normal family life and the social control which family life exerts, and that child labor limits the opportunities for education, thus precluding the most productive participation in the privileges and obligations of citizenship.³

A recognition of the social factors involved in child labor has led the State to place certain restrictions on the labor of children. The first child labor law in New Mexico was enacted in 1921. Laws of 1923 and 1925 have added to the

1. Annotated Statutes of New Mexico, 1929, Chapter 110, Section 310.

2. Laws of 1931, Chapter 109.

3. Yoder, Dale: Op. Cit., p. 273.

1. The Committee on the Status of Women, 1927, Chapter 110.
2. The Committee on the Status of Women, 1927, Chapter 110.
3. The Committee on the Status of Women, 1927, Chapter 110.
4. The Committee on the Status of Women, 1927, Chapter 110.

restrictions placed on child labor.¹ Children under fourteen years of age are not permitted to engage in gainful occupations during school hours under any circumstances. By special permit, children under fourteen may be gainfully employed during hours before and after school. Children between the ages of fourteen and sixteen may be employed either during school or at other times, if a permit is obtained. Children under sixteen cannot be employed more than forty-four hours per week or more than eight hours in any one day, except under special circumstances to be determined by the one who issues the permit. The number of hours of attendance in school must be considered a part of the hours of labor.² Children under sixteen must not labor before 7:00 A. M. or after 7:00 P. M. Children under sixteen cannot be employed in occupations dangerous to "lives and limbs, or injurious to health or morals of children under sixteen years of age." Children under sixteen years who wish to work must obtain a permit. All permits are issued by school superintendents, and the school superintendent before issuing such certificates is directed to determine whether or not the work in which the child is to engage is dangerous to the child or injurious to its health or morals. Where children over fourteen and under sixteen are employed during school hours, he must determine in

1. Annotated Statutes of New Mexico, 1929, Chapter 80.

2. Ibid., Chapter 120, Section 1206.

...children placed on child labor. Children under fourteen years of age are not permitted to engage in certain occupations during school hours under any circumstances. The special permit, children under fourteen may be lawfully employed during the hours before and after school. Children between the ages of fourteen and sixteen may be employed either during school or at other times, if a permit is obtained. Children under sixteen cannot be employed more than forty-four hours per week or more than eight hours in any one day, except under special circumstances to be determined by the one who issues the permit. The number of hours of attendance in school must be considered a part of the hours of labor. Children under sixteen must not labor before 7:00 A. M. or after 7:00 P. M. Children under sixteen cannot be employed in occupations dangerous to lives and limbs, or injurious to health or morals of children under sixteen years of age. Children under sixteen years who wish to work must obtain a permit. All permits are issued by school superintendents, and the school superintendant before issuing such certificate is directed to determine whether or not the work in which the child is to engage is dangerous to the child or injurious to his health or morals. Where children over fourteen and under sixteen are employed during school hours, he must determine if

1. Annotated Statutes of New Mexico, 1929, Chapter 80.
2. Ibid., Chapter 130, Section 1203.

addition to the foregoing, the necessity to the family or to the dependents or for his own support of the income to be derived from the labor. Such certificates must be renewed every six months. The employer of children must keep on file the permits and must post in a conspicuous place a list of all children at work by virtue of labor permits.

The Law provides for a state child labor inspector, appointed by and subject to the director of the Bureau of Child Welfare. However, in practice there has been no child inspector. Other employees of the Bureau of Child Welfare have carried on the functions of the office. The district courts are given original jurisdiction in all cases arising out of the Child Labor Law, and penalties are provided for violation. According to good authority, practically no attempt is made at the present time to enforce the Child Labor Law in New Mexico.

HOURS OF LABOR

The general justification for hours of labor legislation lies in the fact that excessive hours of work endangering health and lower industrial efficiency, as well as in the fact that shorter hours help to stabilize employment and to protect unorganized workers.¹

The Constitution provides the first legal restriction on hours of labor in New Mexico:²

1. Commons and Andrews, *Op. Cit.*, pp. 221-286.

2. Constitution of New Mexico, Article XX, Section 19.

Section 19. Eight-hour day.--Eight hours shall constitute a day's work in all cases of employment by and on behalf of the State or any county or municipality thereof.

In furtherance of this provision of the Constitution, in 1933, the State Legislature enacted a law providing that "all contracts by or on behalf of any county, municipality or other political subdivision of the State of New Mexico for the performance of any work or the furnishing of any material manufactured within the State of New Mexico, shall be deemed and considered as made upon the basis of eight hours constituting a day's work; and providing for a penalty for the violation thereof."¹ In addition to extending the coverage of the eight-hour day, provided in the constitution, this act provided penalties for violation which had not been provided in the constitution.

Aside from the field of public service, the state of New Mexico has not gone very far toward establishing the eight-hour day. However, two acts were passed by the 1933 session of the Legislature which provide for the hours of labor of males and females in certain types of employment and under certain conditions. Following are excerpts from the law relative to hours of labor of females:

Sec. 1--No female shall be employed in any industrial or mercantile establishment, hotel, restaurant, cafe or eating house; or in any laundry, or in any office as a stenographer, clerk, bookkeeper or in any other clerical position; or in any place

1. Laws of 1933, Chapter 145.

of amusement; or in any telephone or telegraph office, within the state more than eight hours in any one week of six days . . .

Sec. 8--Every employer to whom this Act applies, shall be required to keep a time record showing for each day the hours of labor of each employee so engaged.

Such time record shall be open at all reasonable hours to the inspection of the State Labor Commissioner, his agent or agents, record of which is required to be kept as herein provided for.

Sections from the Act relating to hours of labor of males in certain employment follow:

Sec. 1--No person or persons, firm, partnership, corporation, company or association owning or operating any mercantile establishment within this state, shall not be allowed to cause any male employee therein, to labor more than eight hours in any twenty-four hours in any one day, nor more than forty-eight hours in any one week of six days.

Sec. 3--Any person or persons, firm, association or corporation, owning any hotel, restaurants, cafe or eating house within this state, shall not be allowed to cause any male employee therein to labor more than ten hours in any twenty-four hours of any one day, nor more than seventy hours in any one week of seven days.

One other statute dealing with hours of labor is part of the law of New Mexico. This statute makes it unlawful for any railway company within the State of New Mexico to require or permit any employee engaged in or connected with the movement of any rolling stock, engine, or train, to remain on duty for a longer period than sixteen consecutive hours.¹ It is provided, however, that the provisions of this Act do not hold in cases of unavoidable accident, in cases

1. Annotated Statutes of New Mexico, 1929, Chapter 116, Section 724.

where it is necessary to take passenger trains and freight trains to the nearest division point, nor does it apply to employees of sleeping car companies nor to crews of wrecking or relief trains.

Legislation on hours of labor in New Mexico is not very comprehensive, effecting only persons in the employ of the state, those employed in certain railroad work, women in various types of employment, and men in mercantile establishment, and cafes and eating houses. New Mexico's hours of labor laws do not comprise a sufficiently comprehensive program to adequately protect the health of workers, and to increase industrial efficiency and stabilize employment.

SOCIAL INSURANCE

Social insurance is generally accepted to mean insurance intended to indemnify members of the social group for losses resulting from the hazards of life, and to protect them against the extremes of poverty. The general forms for social insurance are sickness, accident, unemployment, old age, maternity, and death benefits.¹ The two forms of social insurance most closely connected with the labor problem are workmen's compensation and unemployment insurance.

The basic theory upon which workmen's compensation laws are based is that the producer should pay all the costs of production, including the cost of accidents and disease due

1. Commons and Andrews, Op. Cit., pp. 383-448.

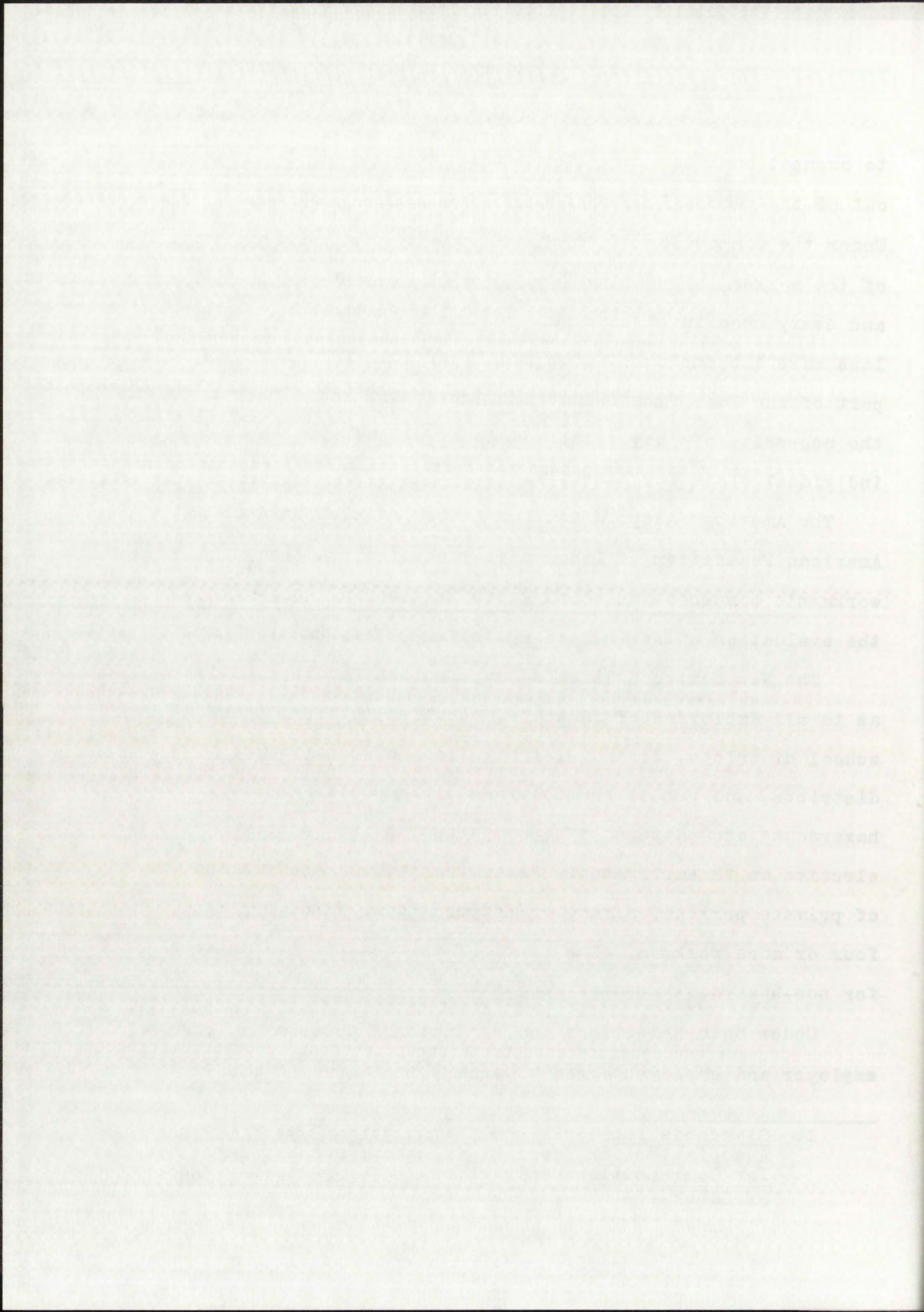
to occupational hazards. Workmen's compensation has grown out of the common law concepts of employer's liability. Under the common law of employer's liability, the rights of the worker in securing damages were closely restricted, and every case involved a suit at law. Workmen's compensation laws make the employer automatically responsible for at least part of the loss from industrial accidents, and eliminates the necessity of jury trial and judicial decision in each individual claim for benefits.

The American Association for Labor Legislation and the American Federation of Labor have conducted studies on workmen's compensation which serve as a useful basis for the evaluation of New Mexico's Workmen's Compensation Law.¹

The New Mexico Workmen's Compensation Law is elective as to all employees of the state, counties, cities, towns, school districts, drainage, irrigation, or conservancy districts, and public institutions employed in "extra-hazardous" occupations. The compensation law is also elective as to employees in "extra-hazardous" occupations of private persons, firms, or corporations, which employ four or more workmen. The terms of the Act are "voluntary" for non-hazardous occupations.

Under both "election" and "voluntary" acceptance, the employer and employee agree to accept the terms of the

1. Standards for Workmen's Compensation Laws, American Association for Labor Legislation; and Standards for Compensation Legislation, American Federation of Labor.



Workmen's Compensation Law, and to be bound by it. The distinction between "election" and "voluntary" acceptance is that where an employer fails to "elect," the defenses under employer's liability of assumed risk, fellow service, and contributory negligence are abrogated. Elections are assumed on the part of both parties in the absence of written notice to the contrary.

The list of extra-hazardous occupations and pursuits includes the following:¹

Factories, mills and workshops, where machinery is used; foundries, blast furnaces; mines, oil wells; gas works, natural gas plants, water works, reduction works, breweries, elevators, dredges; smelters, power works; laundries operated by power; quarries, engineering works; logging, road building and construction; lumbering and saw mill operations; street railways; buildings being constructed, repaired, moved, or demolished; telephone, telegraph, electric light or power plants or lines, steam heating or power plants; bridge building, railroad construction work, but shall not include railroad construction work of any character when done by the owner or operator of any railroad; and all employment wherein a process requiring the use of any dangerous explosive or inflammable materials is carried on; and each of which employments above named, including all employees of telephone and telegraph companies, is hereby determined to be extra-hazardous, in which, from the nature, conditions or means of prosecution of the work therein require risks to the life and limb of the workmen engaged therein are inherent, necessary or substantially unavoidable.

The studies made by the American Association for Labor Legislation and the American Federation of Labor recommend that the coverage of workmen's compensation laws should be

1. Annotated Statutes of New Mexico, 1929, Chapter 156, Section 110.

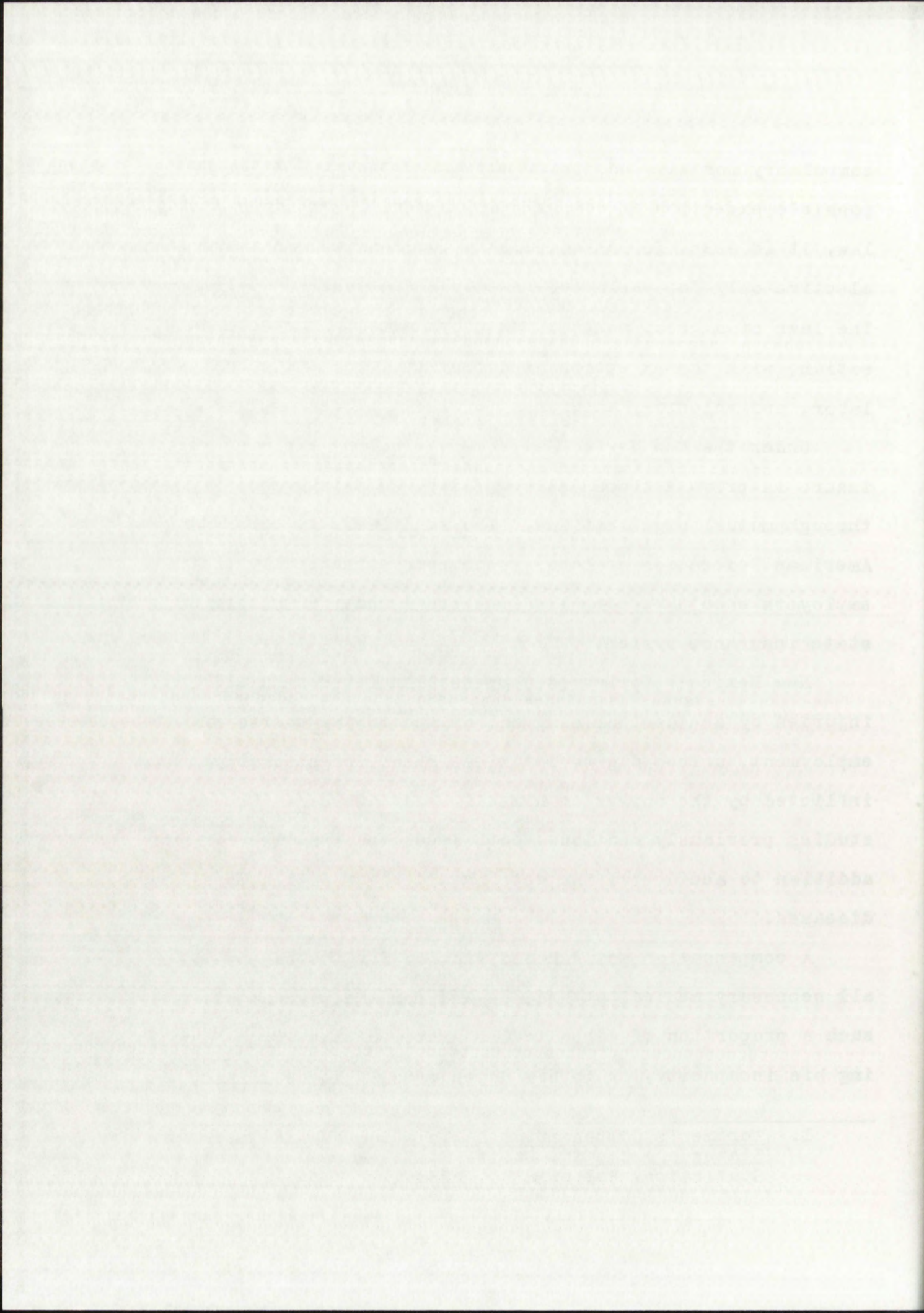
compulsory for all industries and all employees, with the possible exception of domestic and casual labor. New Mexico's law, it is seen, is not compulsory for any employee, and is elective only for employees in extra-hazardous occupations. The laws of a great many states provide compulsory compensation, with the exception of domestic, farm, and casual labor, and voluntary insurance for the excluded employments.¹

Under the New Mexico Law, every electing employer must insure in private companies or provide self-insurance through mutual organizations. The study made by the American Federation of Labor recommends emphatically that employers should be compelled to insure under some form of state insurance system.

New Mexico's Workmen's Compensation Law covers all injuries by accident arising out of and in the course of employment, unless due to intoxication or intentionally inflicted by the worker on himself or by another. The studies previously mentioned both recommend that in addition to accidents, the acts should cover occupational diseases.

A compensation act "should provide for the expense of all necessary medical attendance and for the payment of such a proportion of wages to the victim of the injury during his incapacity, or to his dependents if he be killed,

1. Workmen's Compensation Legislation of the United States and Canada; United States Bureau of Labor Statistics, Bulletin No. 496.



as will provide for the resulting needs and yet not encourage malingering."¹ Under the New Mexico Compensation Law, a worker totally disabled receives fifty-five per cent of his total wages, not to exceed a maximum of fifteen dollars per week for the period of his disability, but in no case more than five hundred and fifty weeks.

Where wages are less than eight dollars per week, the worker receives the full amount of such earnings. Nineteen states provide compensation for persons totally disabled as long as the disability lasts. The study made by the American Association for Labor Legislation recommends that each totally disabled workman should receive $66\frac{2}{3}$ per cent of his wages as long as the disability exists. The recommendations of the American Federation of Labor were substantially the same.

For partial disability of a permanent character, the New Mexico Law sets up a schedule providing fifty-five per cent of the weekly wage of the worker for a period of weeks of from one hundred and fifty for the loss of an arm at or near the shoulder to six weeks for the loss of the fourth finger at the distal joint. For permanent facial disfigurement, a court may allow an additional sum for compensation not to exceed seven hundred and fifty dollars. If by reason of infection or other cause not due to misconduct on the part of the injured workman, the disability prevents the

1. Standards for Workmen's Compensation Laws, p. 3.

worker from returning to work, he may receive compensation beyond the stipulated period up to the limit of five hundred and fifty weeks. Cases of paralysis coming as a result of an accident in the course of employment are considered as equivalent to the loss of the injured member. Permanent partial disability schedules, according to the report of the American Federation of Labor, bear little actual relation to the loss of earning capacity. "It is suggested that instead of the flat rate schedules there should be a standard permanent disability schedule in which the compensation benefits shall be expressed in percentages of permanent total disability."¹

As to medical and surgical aid, the New Mexico Law provides that the employer shall furnish all reasonable surgical, medical, and hospital service and medicine not to exceed the sum of three hundred and fifty dollars. Both the studies previously mentioned recommend payment of all reasonable surgical, medical, hospital service and medicine, with no maximum limit set.

As to death benefits the New Mexico law provides, in case there are no dependents, one hundred and twenty-five dollars for funeral expenses, and the expense of medical and hospital service as well as the sums paid for disability prior to death. In case there are dependents, compensation

1. Standards for Compensation Legislation, p. 9.

includes funeral expenses not to exceed one hundred and twenty-five dollars, and benefits for three hundred weeks based on a schedule which varies from sixty per cent of the total weekly wages of the deceased for a widow having four or more children, to twenty-five per cent in case of one child, where there is no widow or widower.

The administration of a workmen's compensation act is of considerable importance to the functioning of the act. Most states have an industrial accident board or commission to administer the workmen's compensation law. The only states which do not have an industrial accident board or commission are Louisiana, New Hampshire, Rhode Island, Tennessee, Wyoming, and New Mexico.¹ The American Federation of Labor recommends that the administration of a compensation act should be under such an industrial accident board or commission.

The New Mexico law gives the district court the power to authorize, direct or approve any settlement or compromise of any claim for compensation. It also provides that all accidents shall be reported to the Insurance Department of the State Corporation Commission. The State Labor Commissioner is empowered to prosecute cases arising under the act where the worker is financially unable to do so himself. Such a diffusion of administrative responsibility minimizes the value of the Workmen's Compensation Act.

1. Standards for Compensation Legislation, p. 11.

includes funeral expenses not to exceed one hundred and twenty-five dollars, and benefits for three hundred weeks based on a schedule which varies from fifty per cent of the total weekly wages of the deceased for a widow having four or more children, to twenty-five per cent in case of one child, where there is no widow or widow.

The administration of a woman's compensation and its considerable importance to the functioning of the act. Most states have an industrial accident board or commission to administer the women's compensation law. The only state which does not have an industrial accident board is California. New Hampshire, Rhode Island, Tennessee, Wyoming, and New Mexico. The American Federation of Labor recommends that the administration of a compensation act should be under such an industrial accident board or commission.

The New Mexico law gives the district court the power to authorize, direct or approve any settlement or compromise of any claim for compensation. It also provides that all accidents shall be reported to the Insurance Department of the State Corporation Commission. The State Labor Commissioner is empowered to prosecute cases arising under the act where the worker is financially unable to do so himself. Such a diffusion of administrative responsibility minimizes the value of the Women's Compensation Act.

Provision of an adequate workmen's compensation program should, of course, be one of the first steps in a long-time social security program. However, New Mexico's future development in the field of social insurance promises to be molded, to a large extent, by the steps taken by the Federal Government to provide social security in cooperation with the states.

The program for development within this field was outlined by an act of the Legislature of 1935 creating the New Mexico Relief and Security Authority.¹ One purpose of the Relief and Security Authority is "to cooperate with the United States or any agency or instrumentality thereof, in any matters relating to the exercise of the power hereby vested in the Authority, including old age pensions and unemployment insurance."

The Social Security Act of 1935 was devised to provide cooperative action of the Federal and State Governments in a program of social security. This program includes unemployment compensation, old-age assistance, and old-age benefits, security for children, aid to the blind, extension of public health services, and vocational rehabilitation. New Mexico has already accepted the provisions and had plans approved by the Social Security Board for old-age assistance, aid to dependent children, and aid to the blind. However, before

1. Laws of 1935, Chapter 86.

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New Mexico Relief and Security Authority. The purpose of
the Relief and Security Authority is to cooperate with the
United States or any agency of the Federal Government in
any matter relating to the welfare of the people of New
Mexico. The Authority, including all its agencies and sub-
sidiaries, is authorized to employ such personnel as may be
necessary.
The Social Security Act of 1935 was revised to provide
cooperative action of the Federal and State Governments in a
program of social security. This program includes unemploy-
ment compensation, old-age insurance, and aid to families,
security for children, aid to the blind, expansion of public
health services, and vocational rehabilitation. New Mexico
has already accepted the provisions and has plans approved by
the Social Security Board for old-age insurance, aid to
dependent children, and aid to the blind. However, before

New Mexico can participate in the program for unemployment insurance she must enact a law to provide for unemployment insurance, and this law must be approved by the Federal Social Security Board. To finance the system of unemployment insurance under the Social Security Act, there is a pay-roll tax amounting to one per cent of the pay-roll in 1936, two per cent in 1937, and three per cent in 1938. Each employer may credit against this tax, up to ninety per cent, his contributions to the state unemployment compensation fund. That is to say, the employers effected by the Act, are liable for the Federal Pay-Roll Tax or the equivalent thereof in contributions to the state unemployment insurance fund, regardless of whether or not the state accepts the provisions of the Act. There is, therefore, no advantage to the state in remaining out of the system, and it is very likely that the next session of the legislature will see the enactment of an unemployment insurance law for New Mexico.

tion and for the necessity for special administrative officers with technical knowledge and experience in the enforcement of labor legislation.

Before the development of administrative action in this country, labor law was chiefly enforced by means of judicial action. Through the years, there has been a gradual shift to administrative action, that is to say, the change has been from the judicial method to the administrative method in labor administration.

For the purpose of this study, the following factors were considered:

1. The degree of social mobility in the community.

2. The degree of social mobility in the community.

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27. The degree of social mobility in the community.

28. The degree of social mobility in the community.

CHAPTER VI
LABOR ADMINISTRATION IN NEW MEXICO

A determining factor in the value of labor legislation is administration. For enforcement of labor legislation, the state cannot rely alone on its regular police and administrative officers. Experience has demonstrated that where a rule of law declaring a right or duty is specific, where its violation is readily detected and easily proved, and where there exists some public agency which may be expected to act vigorously in detecting, proving, and redressing its violation, an individual is not apt to disregard it; but where the rule imposes a standard of conduct which is indefinite, and the proving of its violation is difficult, the law is difficult to enforce. This accounts for the difficulty in enforcing most labor legislation and for the necessity for special administrative officers with technical knowledge and experience in the enforcement of labor legislation.

Before the development of administrative action in this country, labor law was chiefly enforced by means of judicial process. Through the years, there has been a gradual shift to administrative action or, that is to say, the change has been from the "curative" method to the "remedial" method in labor administration.

The first administrative agencies in the field of labor were bureaus of labor statistics. In function they were generally limited merely to investigation, publication of information, and education of public opinion. These investigations generally resulted in a mass of prohibitory regulations with attempted enforcement by means of judicial process. The failure of the regular method of enforcement rapidly led to the advancement of the administrative method.¹

The development of the administrative agency in labor legislation did not come without a struggle. Supremacy of the legislative branch of the government has been a cardinal principle of our constitution and system of government. The question was raised, to what extent can the legislature delegate its power to administrative organs. Theoretically speaking, the legislature cannot delegate its powers. The device developed to circumvent a rigid interpretation of the theory is the commission vested with power to enforce laws, broadly stated, so that in the interpretation and enforcement of the laws the commission has discretionary powers which, strictly speaking, are legislative. Thus the commission may render administrative orders which have the force of law, but which under the theory are not law in the strict sense of the term.²

1. Parkinson, T. I.; Function of Administration in Labor Legislation.

2. Andrews, J. B.; Major Issues in Labor Law Administration, pp. 4ff

Legislatures have come to realize that they are not equipped to deal in technical details in such problems as safety and health arising out of modern industrial conditions. Therefore, authority is delegated to a labor commission or department to investigate, confer, hold public hearings, and then issue administrative orders under a broad authorization, for example, to make working conditions safe.¹ The use of such administrative orders makes labor law on the one hand specific, and on the other hand flexible.

A commission may not only perform the executive function of enforcement of laws and the legislative function of giving administrative orders, but also performs a judicial function in that it may hold public hearings and decide claims. The contention of John R. Commons is that the commission is neither a part of the executive, the legislative, or the judicial branch of the government, but rather "the commission is a fourth branch of government combining, but not usurping, the work of the three other branches. It is a legislature continually in session, yet the power of legislation is not delegated. It is an executive sharing with the governor the enforcement of laws, but also enforcing its own orders. It is a court deciding cases that the judiciary formerly decided, but not assuming the authority of the courts."²

1. Commons, John R., Labor and Administration, p. 384.

2. Ibid., p. 396.

The functions which may be performed by a central labor administrative authority are multitudinous, and under a centralized system of administration, require an extensive machinery to meet wide responsibilities.¹ For example, the State Department of Labor of New York consists of more than forty administrative organization units. The chief divisions and bureaus under the industrial commissioner who is the head of the Department are: The Bureau of Inspection, the Division of Industrial Hygiene, the Bureau of Statistics and Information, the Bureau of Women in Industry, the Bureau of Workmen's Compensation, the State Insurance Fund, the Division of Self-Insurance, and the Bureau of Industrial Relations.

Charts on the following pages show the difference between a unified administration on the one hand and a decentralized administration on the other, with a comparison to New Mexico's system of labor administration.

The purpose of this portion of the study is to determine to what extent administration of labor legislation in New Mexico conforms to the best administrative practice as defined by some of the more outstanding authorities on problems of labor administration. The following standards for evaluation of a system of labor administration are based on recommendations of such authorities as John B. Andrews,

1. Activities and Functions of a State Department of Labor, U. S. Bureau of Labor Statistics, p. 4.

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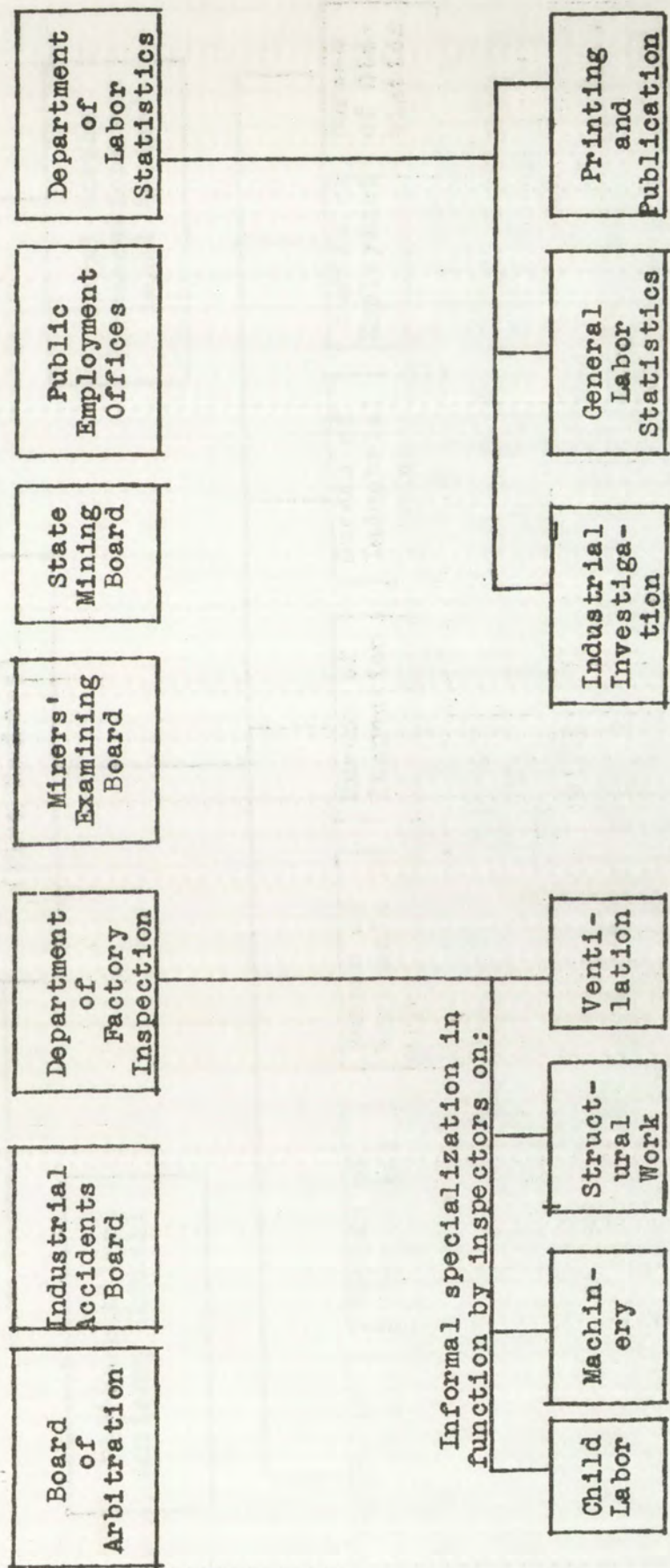
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CHART I
EXAMPLE OF DECENTRALIZED LABOR ADMINISTRATION



1. General
a. Definition
b. Scope
c. Purpose

2. Background
a. History
b. Current Status

3. Objectives
a. Primary
b. Secondary

4. Methodology
a. Research Design
b. Data Collection
c. Data Analysis

5. Results
a. Findings
b. Conclusions

6. Discussion
a. Implications
b. Limitations
c. Recommendations

7. References
a. Books
b. Articles
c. Web Sources

8. Appendices
a. Tables
b. Figures
c. Other

9. Glossary
a. Terms
b. Definitions

10. Index
a. Subjects
b. Names
c. Numbers

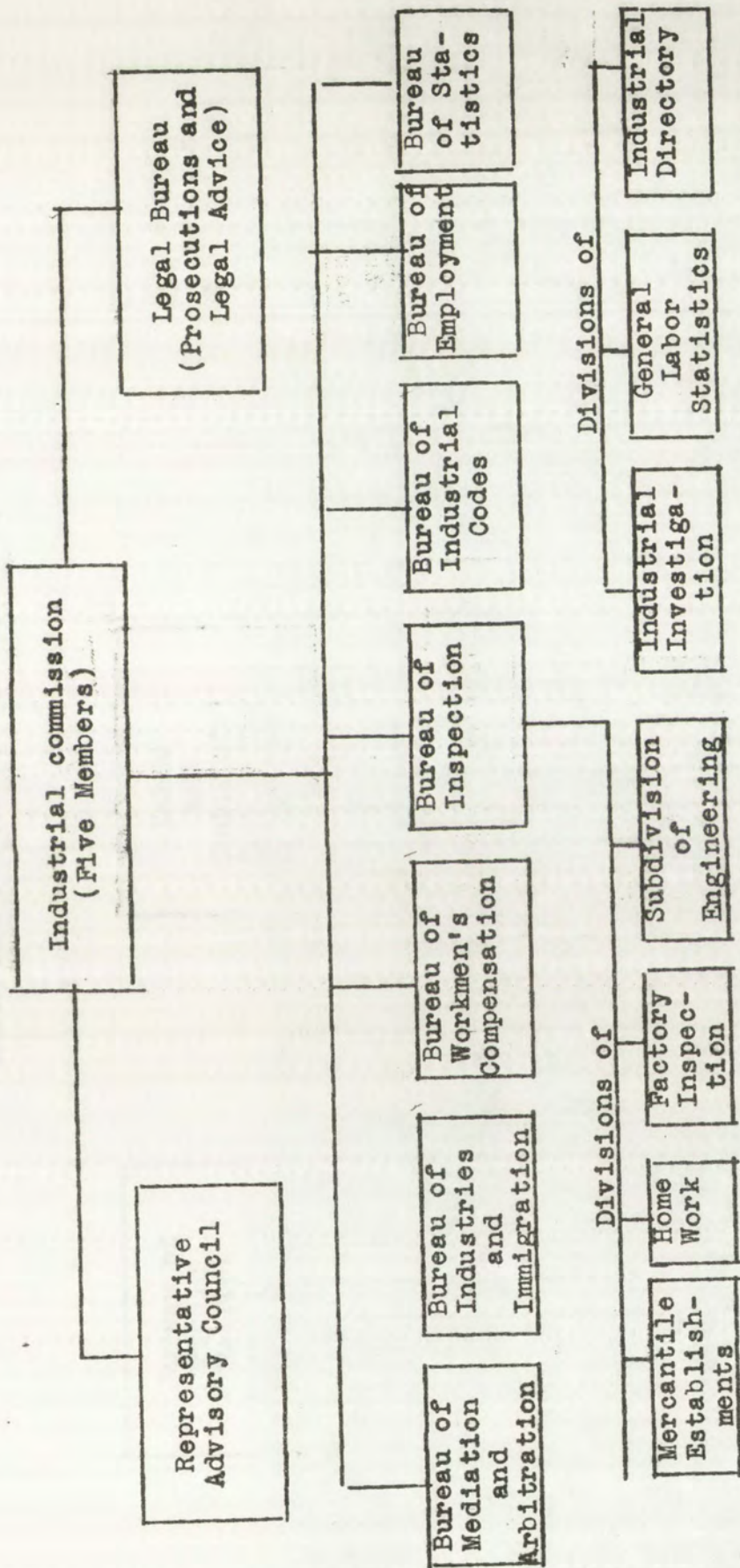
11. Notes
a. General
b. Specific

12. References
a. Books
b. Articles
c. Web Sources

13. Appendices
a. Tables
b. Figures
c. Other

14. Glossary
a. Terms
b. Definitions

CHART II
EXAMPLE OF UNIFIED LABOR ADMINISTRATION



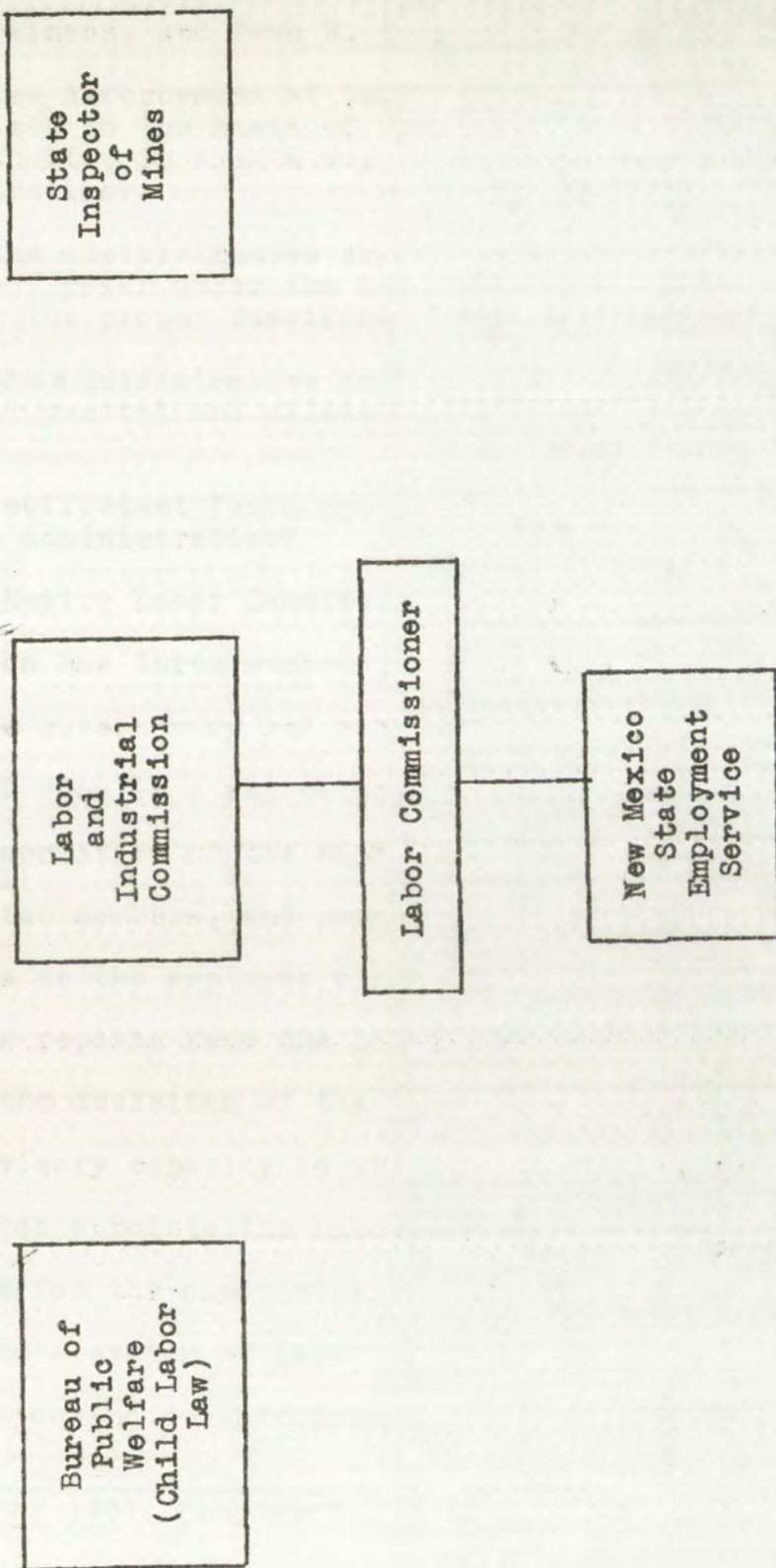
IT BEARS
 WITNESS TO THE FOLLOWING

<div data-bbox="445 170 563 425"> <p>1. The first of the above-named parties is a resident of the County of _____, State of _____.</p> </div> <div data-bbox="445 425 563 680"> <p>2. The second of the above-named parties is a resident of the County of _____, State of _____.</p> </div> <div data-bbox="445 680 563 936"> <p>3. The third of the above-named parties is a resident of the County of _____, State of _____.</p> </div> <div data-bbox="445 936 563 1191"> <p>4. The fourth of the above-named parties is a resident of the County of _____, State of _____.</p> </div> <div data-bbox="445 1191 563 1447"> <p>5. The fifth of the above-named parties is a resident of the County of _____, State of _____.</p> </div>	<div data-bbox="563 170 682 425"> <p>6. The sixth of the above-named parties is a resident of the County of _____, State of _____.</p> </div> <div data-bbox="563 425 682 680"> <p>7. The seventh of the above-named parties is a resident of the County of _____, State of _____.</p> </div> <div data-bbox="563 680 682 936"> <p>8. The eighth of the above-named parties is a resident of the County of _____, State of _____.</p> </div> <div data-bbox="563 936 682 1191"> <p>9. The ninth of the above-named parties is a resident of the County of _____, State of _____.</p> </div> <div data-bbox="563 1191 682 1447"> <p>10. The tenth of the above-named parties is a resident of the County of _____, State of _____.</p> </div>	<div data-bbox="682 170 801 425"> <p>11. The eleventh of the above-named parties is a resident of the County of _____, State of _____.</p> </div> <div data-bbox="682 425 801 680"> <p>12. The twelfth of the above-named parties is a resident of the County of _____, State of _____.</p> </div> <div data-bbox="682 680 801 936"> <p>13. The thirteenth of the above-named parties is a resident of the County of _____, State of _____.</p> </div> <div data-bbox="682 936 801 1191"> <p>14. The fourteenth of the above-named parties is a resident of the County of _____, State of _____.</p> </div> <div data-bbox="682 1191 801 1447"> <p>15. The fifteenth of the above-named parties is a resident of the County of _____, State of _____.</p> </div>	<div data-bbox="801 170 920 425"> <p>16. The sixteenth of the above-named parties is a resident of the County of _____, State of _____.</p> </div> <div data-bbox="801 425 920 680"> <p>17. The seventeenth of the above-named parties is a resident of the County of _____, State of _____.</p> </div> <div data-bbox="801 680 920 936"> <p>18. The eighteenth of the above-named parties is a resident of the County of _____, State of _____.</p> </div> <div data-bbox="801 936 920 1191"> <p>19. The nineteenth of the above-named parties is a resident of the County of _____, State of _____.</p> </div> <div data-bbox="801 1191 920 1447"> <p>20. The twentieth of the above-named parties is a resident of the County of _____, State of _____.</p> </div>	<div data-bbox="920 170 1038 425"> <p>21. The twenty-first of the above-named parties is a resident of the County of _____, State of _____.</p> </div> <div data-bbox="920 425 1038 680"> <p>22. The twenty-second of the above-named parties is a resident of the County of _____, State of _____.</p> </div> <div data-bbox="920 680 1038 936"> <p>23. The twenty-third of the above-named parties is a resident of the County of _____, State of _____.</p> </div> <div data-bbox="920 936 1038 1191"> <p>24. The twenty-fourth of the above-named parties is a resident of the County of _____, State of _____.</p> </div> <div data-bbox="920 1191 1038 1447"> <p>25. The twenty-fifth of the above-named parties is a resident of the County of _____, State of _____.</p> </div>	<div data-bbox="1038 170 1157 425"> <p>26. The twenty-sixth of the above-named parties is a resident of the County of _____, State of _____.</p> </div> <div data-bbox="1038 425 1157 680"> <p>27. The twenty-seventh of the above-named parties is a resident of the County of _____, State of _____.</p> </div> <div data-bbox="1038 680 1157 936"> <p>28. The twenty-eighth of the above-named parties is a resident of the County of _____, State of _____.</p> </div> <div data-bbox="1038 936 1157 1191"> <p>29. The twenty-ninth of the above-named parties is a resident of the County of _____, State of _____.</p> </div> <div data-bbox="1038 1191 1157 1447"> <p>30. The thirtieth of the above-named parties is a resident of the County of _____, State of _____.</p> </div>
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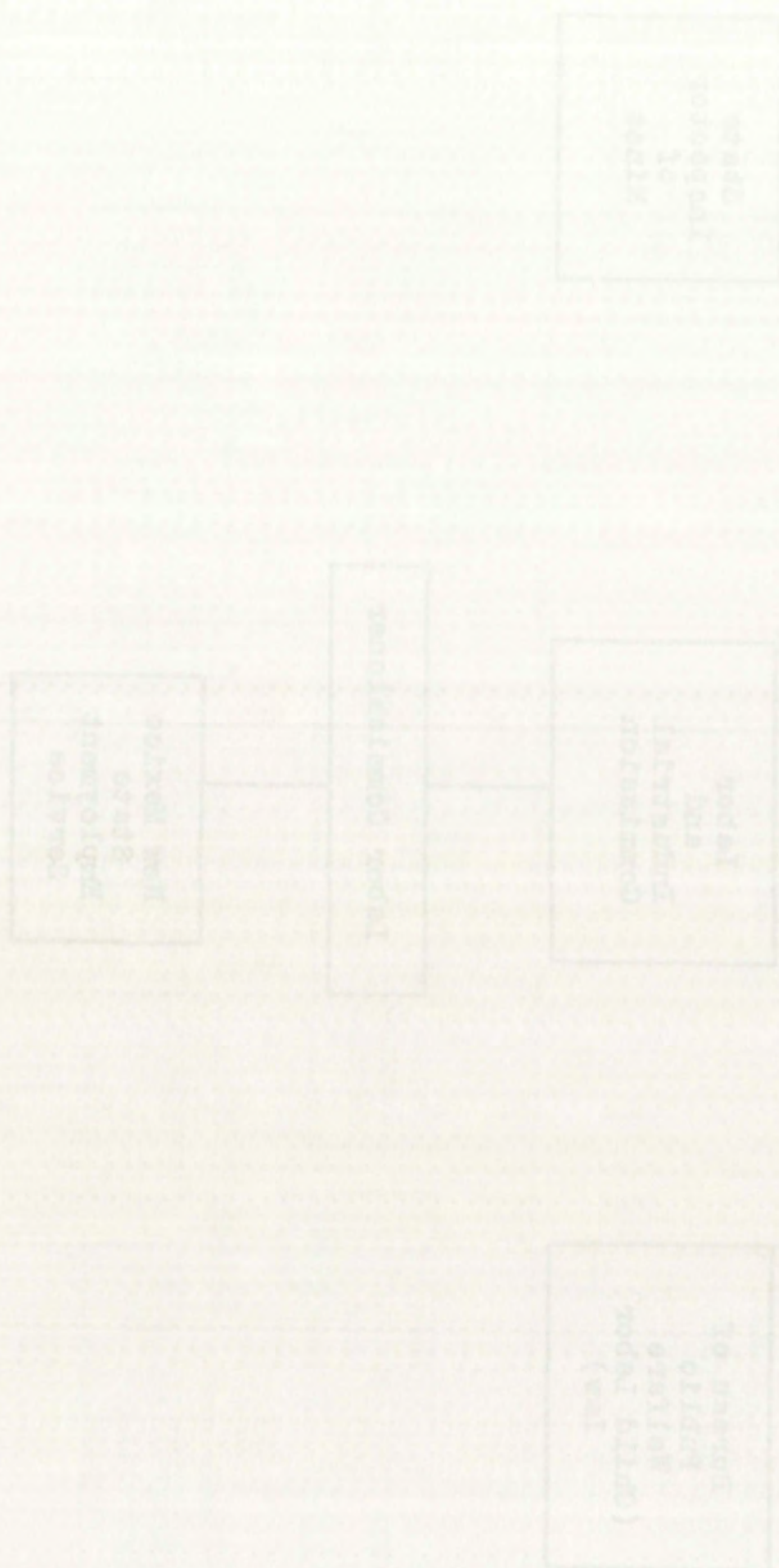
Witness my hand and seal of office this _____ day of _____, 19____.

Notary Public for the State of _____

CHART III
LABOR ADMINISTRATION IN NEW MEXICO



ALL THINGS
GOVERNED BY AN INVISIBLE HAND



Thomas I. Parkinson, and John R. Commons:

1. Is the enforcement of labor legislation centralized in the hands of one administrative authority in such a way as to facilitate administration?
2. Is the administrative authority granted sufficient power under the law to permit performance the proper functions of his office?
3. Is the administrative authority free from political control and allowed continuity in office?
4. Are sufficient funds provided to permit adequate administration?

The New Mexico Labor Commission was created in 1931.

This Commission has three members, two of whom are appointed by the governor by and with the consent of the senate, one of whom is a representative of employers and the other a representative of the employees. The third is selected by the first two members, and cannot be a member of either the employer class or the employee class. This commission or board receives reports from the labor commissioner, hears appeals from the decisions of the labor commissioner, and acts in an advisory capacity to the governor. The State Labor Commission appoints the Labor Commissioner who is largely responsible for the administration of labor legislation.¹

New Mexico's system of labor administration is a mixture of centralization and decentralization. On the one hand, the

1. Laws of 1931, Chapter 9.

Labor Commissioner alone performs the functions performed by several bureaus or divisions, let us say, of the New York State Department of Labor. To that extent, the administration of labor legislation is centralized. On the other hand, however, the enforcement of three of the most important labor laws of the state is not even in the hands of the Labor Commissioner except in an incidental way. The statutes provide for a Child Labor Inspector under the Bureau of Child Welfare to enforce the Child Labor Law. The laws relative to the health and safety of workers in mines are enforced by the State Inspector of Mines whose office functions separately from the Labor Commissioner. The Workmen's Compensation Law makes no provision for administration except that accidents are reported to the State Corporation Commission and the district courts hear and decide all claims. The Labor Commissioner may report violations of all these laws, but that is as far as he can go under our present system.

FUNCTIONS

Basically, the function of the labor commissioner is to "foster, promote and develop the welfare of wage earners."¹ The question is, does the labor commissioner have power under the law to perform even those functions outlined for him in the law. To answer this question requires an examination of the duties of the labor commissioner and the means provided

1. Laws of 1931, Chapter 9, Sections 9-13.

Labor Commissioner might perform the functions performed by several bureaus or divisions. Not as yet of the New York State Department of Labor. To what extent the administration of labor legislation is centralized. On the other hand, however, the enforcement of laws of the most important labor laws of the state is not even in the hands of the Labor Commissioner, except in an indirect way. The statutes provide for a Child Labor Inspector under the Bureau of Child Welfare to enforce the Child Labor Law. The laws relative to the health and safety of workers in mines are enforced by the State Inspector of Mines whose office functions separately from the Labor Commissioner. The Bureau's Enforcement Law takes no provision for administration except that agencies are required to the State Corporation Commission and the District Court and decide all claims. The Labor Commissioner may report violations of all these laws, but that is as far as he can go under our present system.

FUNCTIONS

Basically, the function of the labor commissioner is to "test, promote and develop the welfare of wage earners." The question is, does the labor commissioner have power under the law to better even these laborious outline for him in the law. He answers this question repeated an examination of the duties of the labor commissioner and the means provided

for fulfilling these duties.

The labor commissioner is granted the "power to enter any store, factory, foundry, mill, office, workshop, mine, or public or private works. . .for the purpose of gathering statistics contemplated by this Act, and to examine safeguards and methods of protection from danger to employees, the sanitary conditions of the building and surroundings and make a record thereof." The commissioner of labor is neither empowered to make regulations covering safety appliances and health conditions, nor has the legislature set up any standards or regulations for enforcement by the commissioner. Inspection without the power to enforce remedies is practically valueless.

The chief function of the labor commissioner is the enforcement of labor legislation. The statutes read as follows relative to the enforcement of labor laws:¹

Sec. 13. It shall be the duty of the labor Commissioner to report to the District Attorney of the District in which such violations occur, any violation of labor and industrial laws of the State of New Mexico, except violation of the State Child Labor Law, which shall be reported to the Bureau of Child Welfare, and it shall be the duty of the District Attorneys of the several districts upon the complaint of the Labor Commissioner to prosecute all violation of law which may be reported to said District Attorney by the Labor Commissioner.

The labor commissioner, under New Mexico law, is a special investigator whose duty it is to discover violations

1. Laws of 1931, Chapter 9, Section 13.

The Commission on the Status of Women, established in 1946, was the first international body to deal with the status of women. It was created by the Economic and Social Council of the United Nations. The Commission's mandate was to study the status of women in all countries and to make recommendations for their improvement. It has since held numerous sessions, each with a specific theme. The Commission's work has been instrumental in the development of international law and policy regarding women's rights. It has also played a key role in the drafting of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which was adopted in 1979. The Commission's efforts have led to significant progress in the recognition and protection of women's rights worldwide.

of the labor law and to report these violations to the proper authorities. In the course of investigation, the labor commissioner has the power to hold hearings, examine witnesses, administer oaths, and take testimony in matters relative to the enforcement of labor laws.¹ A wise use on the part of the labor commissioner of the power to hold hearings and to take testimony can in itself be a powerful influence in enforcement of labor legislation.

The labor departments of a great many states have statistical bureaus. In New Mexico, the labor commissioner is directed to perform the functions of a statistical bureau. The Law states that the labor commissioner must "require, acquire and disseminate useful information on all subjects connected with labor, . ." In addition, the commissioner is required to present an annual report to the governor:²

Sec. 10. The Commissioner shall collect, systematize and present in annual reports to the Governor statistical details relating to his office and especially as bearing upon the commercial, social and sanitary conditions of the employees, the means of escape from dangers incident to their employment; the protection of life and health in factory or other places of employment; the labor of women and children and the hours of labor exacted from them and in general all matters which tend to affect the prosperity of the mechanical, manufacturing and productive industries of this state and of the persons employed therein.

The value of comprehensive reports on the state of affairs and conditions of labor should not be minimized. How-

1. Laws of 1931, Chapter 9, Section 8.

2. Ibid., Section 9.

ever, there must be some provision for collecting information other than a mere statement that it is the duty of the labor commissioner. To perform this function properly would require a statistical expert and a staff of helpers. One man, operating with very limited funds, and performing many other duties, cannot be expected to make a very comprehensive statistical survey of labor conditions.

The Labor Commissioner of New Mexico is director of the New Mexico State Employment Service which operates under joint funds of the state and Federal Government.¹ The duties of the Labor Commissioner relative to the Employment Service are outlined in the Act accepting the provisions of the Wagner-Peyser Act:

Sec. 2. The Labor Commissioner of the State of New Mexico is hereby designated and constituted the agency of the State of New Mexico for the purpose of such Act, with full power to establish such public employment offices throughout the State of New Mexico as he may deem necessary to fully carry out the purposes, to employ such agents, clerks and employees as are necessary therefor, with full power to cooperate with all authorities of the United States having powers or duties under said Act of Congress and to do and perform all things necessary to secure to this State the benefits of said Act in the promotion and maintenance of a system of public employment offices

The administration of public employment offices properly belongs in the hands of the Labor Commissioner. Although the terms of the Wagner-Peyser Act provide considerable control of the state employment services by the Federal Government, the Labor Commissioner can do a great deal to coordin-

1. Laws of 1934, Chapter 15.

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ate the functioning of the employment offices with other labor legislation, and can adjust the functioning of the employment offices to the particular needs of New Mexico.

The duties of the labor commissioner, summarized are: Enforcement of labor legislation, protection of the rights of workers, inspection of conditions in factories, workshops, etc., collection and dissemination of information, presentation of an annual report to the governor, and direction of the New Mexico State Employment Service. Analysis of the statutes shows that the Labor Commissioner is not granted sufficient power and facilities to perform his functions under the law.

PERSONNEL

Quality of the personnel engaged in labor administration is of great importance. Freedom from political control and continuity in office are two factors in securing proper personnel for labor administration. Relative to continuity in office, John B. Andrews says, "If labor law administration is to attract men of the desired calibre, and is to benefit by the training and experience they receive while in office, it must provide these men with a greater degree of security."¹ The Labor Commissioner in New Mexico is appointed by the Labor and Industrial Commission. This practice is in accordance with the best principles of administration. However,

1. Andrews, John B., Major Issues in Labor Law Administration, p. 7.

with each change in administration, it is customary for each appointive board or commission in New Mexico to tender its resignation, regardless of the term of office provided by law. With a change in the Labor and Industrial Commission there is a change in Labor Commissioners. This is the commonly accepted procedure, and the office of labor commissioner is considered the pawn of the successful party.

FINANCE

A basic factor to be considered in labor law administration is the amount of money available for carrying on the functions of administration. Expenditures of money, of course, are not the only measure of the effectiveness of the administration of labor legislation, for efficiency of the personnel and methods of work also enter in.

Administration of labor legislation, under our present constitutional system must be primarily a state function. A study of state expenditures for labor administration has been made by Elizabeth S. Johnson of the Department of Economics at the University of Wisconsin.¹ The total amount spent by the forty-eight states to operate and maintain labor and mining departments in 1927 was \$9,280,000, whereas the Federal Government spent \$1,695,000. Of the amount spent by

1. Johnson, E. S., Expenditures for Labor Law Administration.

with each other in the same way as the other two countries. The results of the investigation are given in the following table. It is seen that the results are very similar to those obtained in the other two countries. This is due to the fact that the same method was used in all three cases. The results are given in the following table.

The results of the investigation are given in the following table. It is seen that the results are very similar to those obtained in the other two countries. This is due to the fact that the same method was used in all three cases. The results are given in the following table.

TABLE I. Results of the investigation for the three countries.

the Federal Government, nearly half went to statistics and research. The study further shows that in eleven states chosen for analysis as being representative of different geographical areas and of both manufacturing and agricultural regions, there was an increase in aggregate expenditures from \$200,000 in 1889 to \$5,500,000 in 1927. It is pointed out, however, that during this period new types of laws have been added and the scope of existing laws has been broadened. Also there has been a great increase in the number of wage-earners and manufacturing establishments.

Johnson's study in administration finance compares eleven states as to expenditures per wage-earner in manufacturing and mining and as to percentage of the total expenditures of each state for all departments in 1927. The following table shows the results of the study:

TABLE X
EXPENDITURES FOR LABOR LAW ADMINISTRATION COMPARED FOR
SEVERAL STATES
1927

States	: Expenditures per : wage earner in : manufacturing and : mining. :	: Proportion for : labor of all expen- : ditures for operat- : ing and maintaining : Govt. departments.
California	: \$2.20	: 0.97
New York	: 2.16	: 1.51
Illinois	: 1.30	: 1.97
Wisconsin	: 1.21	: 0.85
Massachusetts	: 1.10	: 1.18
Kansas	: .96	: 0.13
Missouri	: .89	: 0.87
Virginia	: .88	: 0.50
Connecticut	: .69	: 0.82
New Jersey	: .63	: 0.47
Mississippi	: .11	: 0.04
Eleven states combined	: 1.40 :	: 1.11 :

The following results were obtained from the analysis of the data obtained from the study of the effect of the concentration of the solution on the rate of reaction. The results are given in Table I. It is seen from the table that the rate of reaction increases with increasing concentration of the solution. This is to be expected, since the rate of reaction is proportional to the concentration of the reactants. The results also show that the rate of reaction is independent of the concentration of the catalyst. This is also to be expected, since the catalyst is not consumed in the reaction and its concentration remains constant throughout the reaction.

TABLE I
EFFECT OF CONCENTRATION OF SOLUTION ON RATE OF REACTION

Concentration of solution (M)	Rate of reaction (M/min)
0.01	0.001
0.02	0.002
0.03	0.003
0.04	0.004
0.05	0.005
0.06	0.006
0.07	0.007
0.08	0.008
0.09	0.009
0.10	0.010
0.11	0.011
0.12	0.012
0.13	0.013
0.14	0.014
0.15	0.015
0.16	0.016
0.17	0.017
0.18	0.018
0.19	0.019
0.20	0.020
0.21	0.021
0.22	0.022
0.23	0.023
0.24	0.024
0.25	0.025
0.26	0.026
0.27	0.027
0.28	0.028
0.29	0.029
0.30	0.030
0.31	0.031
0.32	0.032
0.33	0.033
0.34	0.034
0.35	0.035
0.36	0.036
0.37	0.037
0.38	0.038
0.39	0.039
0.40	0.040
0.41	0.041
0.42	0.042
0.43	0.043
0.44	0.044
0.45	0.045
0.46	0.046
0.47	0.047
0.48	0.048
0.49	0.049
0.50	0.050
0.51	0.051
0.52	0.052
0.53	0.053
0.54	0.054
0.55	0.055
0.56	0.056
0.57	0.057
0.58	0.058
0.59	0.059
0.60	0.060
0.61	0.061
0.62	0.062
0.63	0.063
0.64	0.064
0.65	0.065
0.66	0.066
0.67	0.067
0.68	0.068
0.69	0.069
0.70	0.070
0.71	0.071
0.72	0.072
0.73	0.073
0.74	0.074
0.75	0.075
0.76	0.076
0.77	0.077
0.78	0.078
0.79	0.079
0.80	0.080
0.81	0.081
0.82	0.082
0.83	0.083
0.84	0.084
0.85	0.085
0.86	0.086
0.87	0.087
0.88	0.088
0.89	0.089
0.90	0.090
0.91	0.091
0.92	0.092
0.93	0.093
0.94	0.094
0.95	0.095
0.96	0.096
0.97	0.097
0.98	0.098
0.99	0.099
1.00	0.100

California and New York show the largest expenditures per wage earner in manufacturing and mining, while New York and Illinois show the largest proportion of expenditures for labor administration.

To compare the expenditures of New Mexico, the following figures were compiled from the State Treasurer's report:¹

TABLE XI

EXPENDITURES FOR LABOR LAW ADMINISTRATION IN NEW MEXICO

	Fiscal Year	Fiscal Year
	ending	ending
	June 30, 1933	June 30, 1934
Inspector of Mines		
Salary.....	\$ 2,400.00	\$ 2,400.00
Contingent.....	1,981.69	1,981.69
Labor Commission		
Salary.....	2,875.00	4,925.00
Contingent.....	2,941.66	3,063.12
Employment Service...	- - - -	1,021.63
Total expenditures		
for		
Labor administration..	10,198.35	13,798.59

For the fiscal year ending June 30, 1933, New Mexico spent a total of \$10,198.35 on labor administration. Expenditures for inspection of mines and for the reemployment service are included, because these are properly functions of the labor commission. From the only available figures it can be estimated that there were approximately 8,500 wage earners employed in manufacturing and mining in New Mexico. The per capita expenditure per wage earners in manufacturing and

1. Biennial Report of the State Treasurer, Twenty-first and Twenty-second Fiscal Years Ending June 30, 1933 and June 30, 1934.

California and New York show the highest expenditures per wage earner in manufacturing and mining, while New York and Illinois show the largest proportion of expenditures for labor administration.

To compare the expenditures of New Mexico, the following figures were compiled from the State Treasurer's report:

TABLE XI

EXPENDITURES FOR LABOR LAW ADMINISTRATION IN NEW MEXICO

	Fiscal Year ending June 30, 1935	Fiscal Year ending June 30, 1934
Labor administration:	\$ 20,798.88	\$ 22,798.52
For:		
Total expenditures:		
Employment Service:		
Continuance:	2,941.68	2,062.12
Salary:	2,622.20	1,322.00
Labor Commission:		
Continuance:	1,681.62	1,981.62
Salary:	2,400.00	2,400.00
Inspector of Mines:		
Salary:	2,400.00	2,400.00

For the fiscal year ending June 30, 1935, New Mexico spent a total of \$10,798.88 on labor administration. Expenditures for inspection of mines and for the employment service are included, because these are properly functions of the labor commission. From the only available figures it can be estimated that there were approximately 8,500 wage earners employed in manufacturing and mining in New Mexico. The per capita expenditure per wage earner in manufacturing and

1. Statistical Report of the State Treasurer, Twenty-fifth Annual Report, Fiscal Year ending June 30, 1935 and June 30, 1934.

mining was \$1.11. In comparison with the eleven states shown in Table X, for 1927, New Mexico ranks only below California and New York, Illinois, Wisconsin, and evenly with Massachusetts. However, for two reasons, too much reliance cannot be placed on these figures. The first is that the figures for the states included in the Johnson study are for 1927, while the New Mexico figures are for 1933. In 1927, New Mexico did not have a labor commission or labor commissioner. The second reason is that, although the per capita expenditures for wage earners in New Mexico are high, the total number of wage earners is so small and likewise the total expenditure for labor administration, that a high per capita expenditure does not mean that the New Mexico Labor Commissioner has sufficient funds to perform his proper functions. New Mexico has not reached the point where it can obtain the greatest returns for its per capita investment in labor administration.

The proportion of expenditures for labor administration to total expenditures for all departments does not prove to be a favorable comparison for New Mexico. For the fiscal year ending June 30, 1933, the total expenditures for the State government amounted to \$10,086,200.¹ The expenditure for labor administration in the same year, we have seen, amounted to \$10,198.35. On the basis of these figures, the

1. Church, E. S., Financial Survey of New Mexico, p. 60.

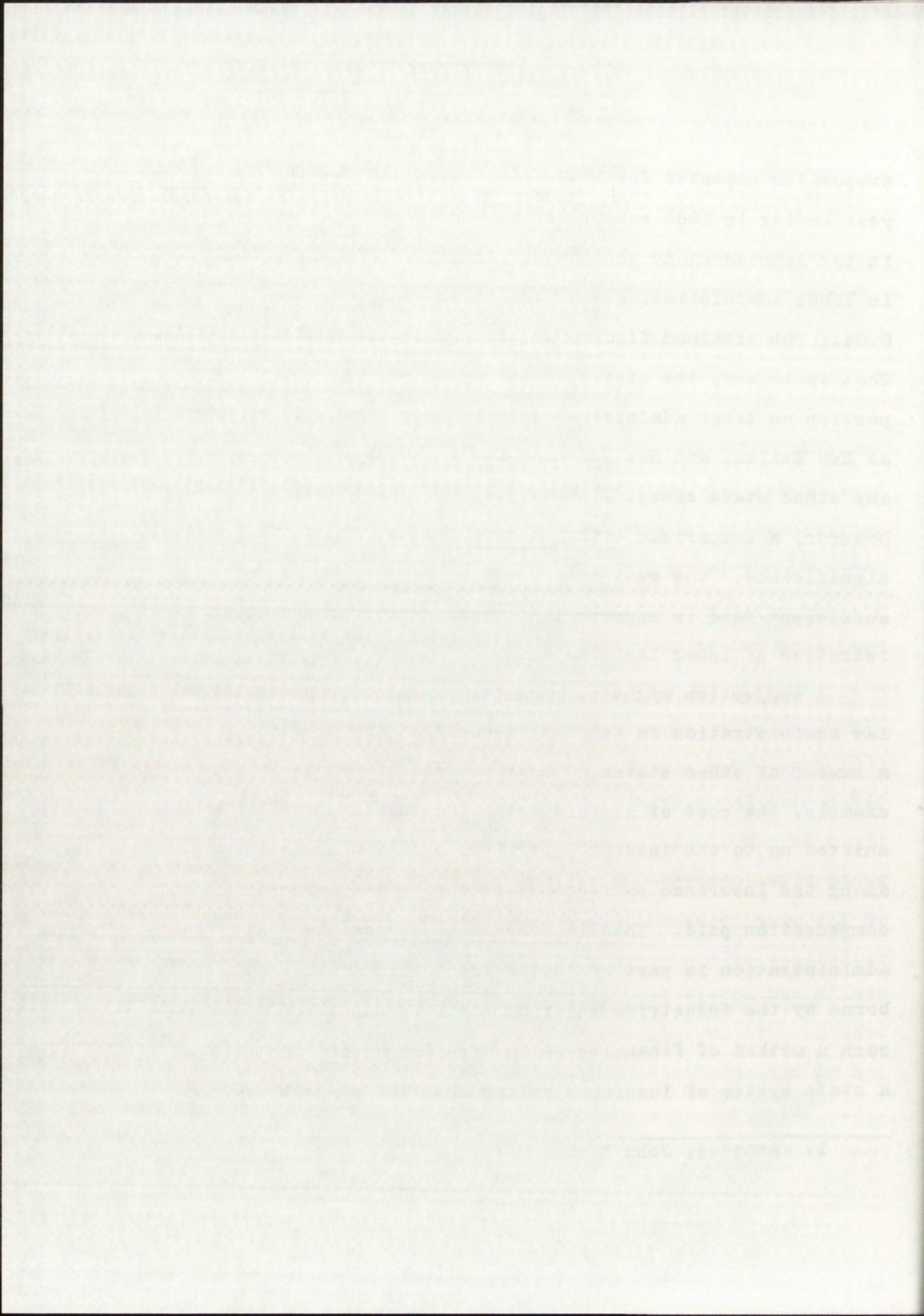
...in 1922. It was reported with the silver mines ...
...in 1922. The Mexican people were very ...
...and New York. ...
...However, the two ...
...not be planned as these ...
...area for the ...
...1922, while the ...
...New Mexico did not have a labor commission or labor ...
...missions. The ...
...despite expenditures for ...
...the total number of ...
...total expenditures for labor administration. ...
...capital expenditures have not been ...
...Government has not ...
...from. New Mexico has not ...
...obtain the ...
...labor administration.

The ...
...to total expenditures for ...
...by a favorable ...
...year ending June 30, 1922. The total expenditures for the ...
...State government amounted to \$1,000,000. The expenditures ...
...for labor administration in the next year, we have seen, ...
...amounted to \$10,000,000. On the basis of these figures, the

proportion expended for labor administration for the fiscal year ending in 1933 was 0.10. Of the eleven states included in the Johnson study the lowest proportion for expenditure in labor administration was Mississippi with a proportion of 0.04. The combined figure for all the eleven states was 1.11. That is to say, the eleven states on an average spent a proportion on labor administration more than ten times as great as New Mexico, and New Mexico's figure is lower than that of any other state except Mississippi. In the last analysis, however, a comparison with other states is not of the greatest significance. The real consideration is whether or not a sufficient fund is appropriated to allow for proper administration of labor legislation.

A suggestion might be made relative to financing labor law administration in New Mexico based on the experience of a number of other states.¹ In the state of New York, for example, the cost of administering the compensation law is shifted on to the insurance carriers by dividing the cost among the insurance carriers according to the amount of compensation paid. This is done on the principle that administration is part of the accident burden and should be borne by the industries insured. In New Mexico, of course, such a method of financing would depend upon the adoption of a state system of insurance rather than the present system

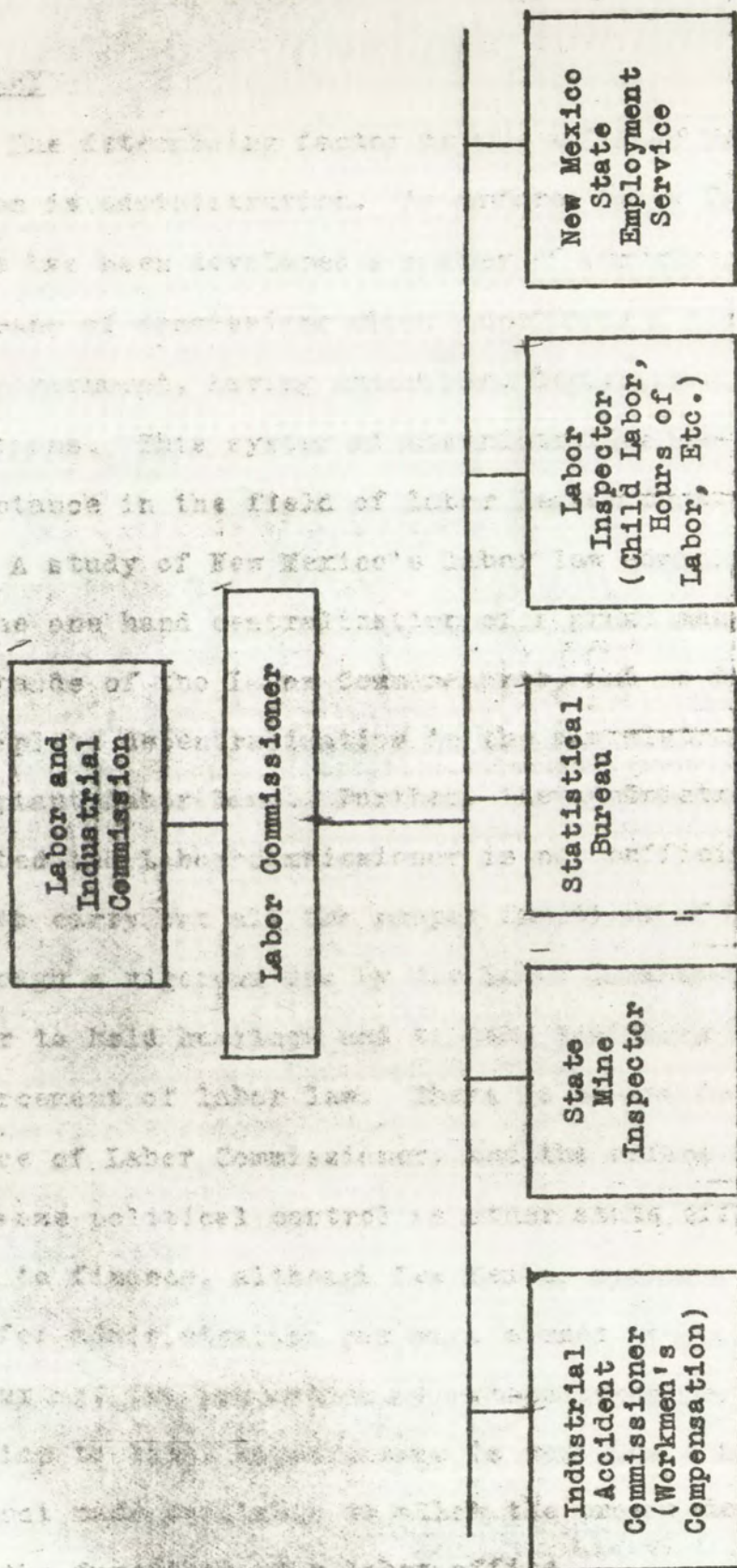
1. Andrews, John B. Op. Cit., p. 7.



of private compensation insurance. Much the same principle has been carried over into the field of safety inspection and other types of labor legislation. With the future industrial development of New Mexico, it may become desirable to inaugurate such a method for financing labor administration in New Mexico.

Embodying some of the suggestions outlined in this study, Chart IV outlines a plan for administration of labor legislation in New Mexico. The principal feature in this plan is centralization of the administration of all labor laws in the hands of the Labor Commissioner. Under the centralized set-up, the Labor and Industrial Commission would continue to hear appeals, to receive reports, to act in an advisory capacity, and to appoint the Labor Commissioner. Under the Labor Commissioner and directly responsible to him are several officers, whose duties are outlined. The officers responsible to the Labor Commissioner are a statistical chief or clerk to compile data assembled by the other officers, a state mine inspector, having the present functions and duties of the mine inspector, a state labor inspector to investigate violations of the child labor law, hours of labor laws, and health and safety laws, and an inspector and officer to make reports on industrial accidents other than in mines, and to enforce the provisions of the Workmen's Compensation Act. Under this plan, of course, the Labor Commissioner remains as Director of the New Mexico State Employment Service.

CHART IV
PROPOSED PLAN FOR LABOR ADMINISTRATION IN NEW MEXICO



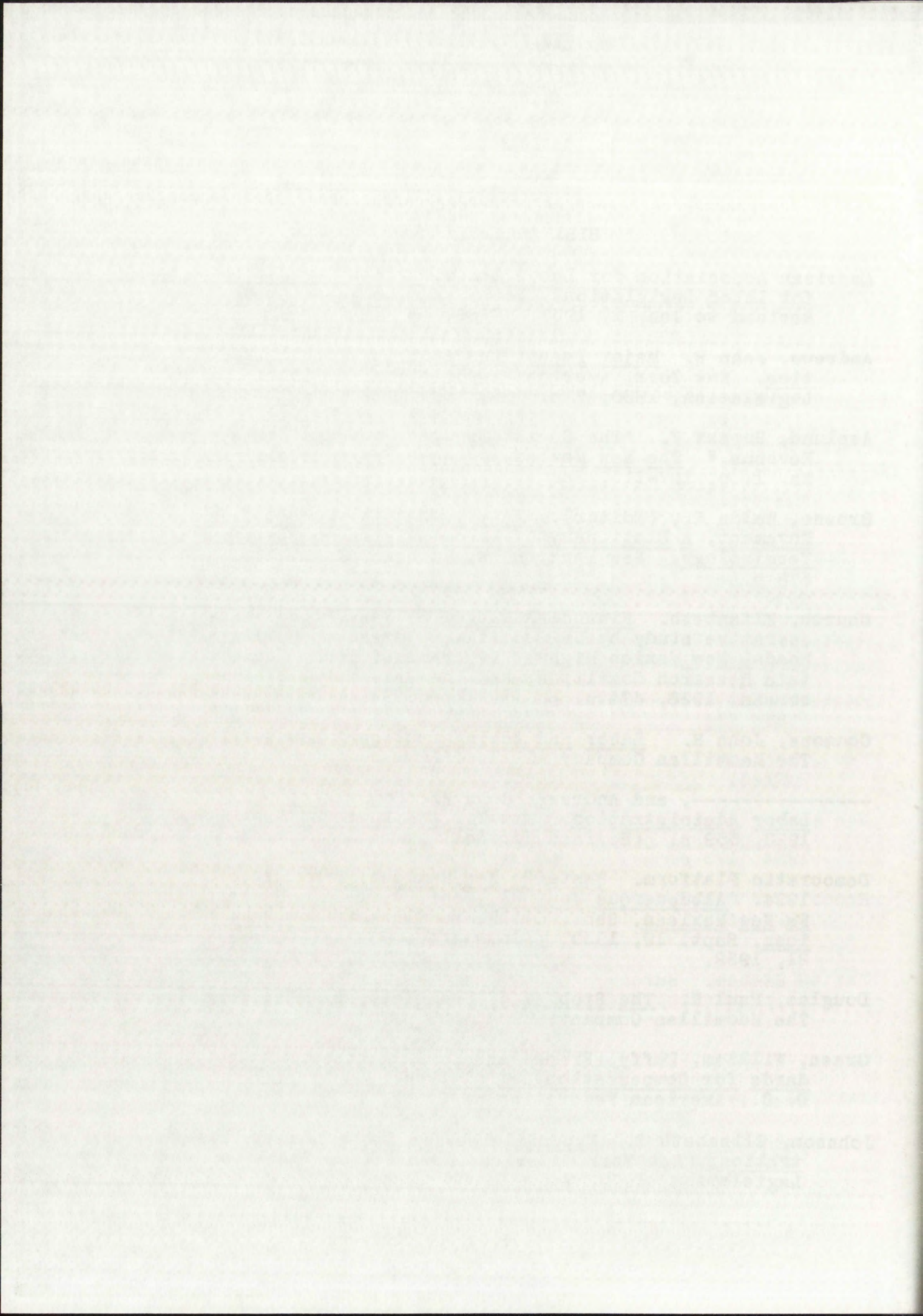
SUMMARY

The determining factor in the value of labor legislation is administration. To enforce labor legislation, there has been developed a system of administrative action by means of commissions which constitute a fourth branch of our government, having executive, legislative, and judicial functions. This system of administration has had wide acceptance in the field of labor legislation.

A study of New Mexico's labor law administration shows on the one hand centralization of a great many functions in the hands of the Labor Commissioner, and on the other hand, a complete decentralization in the administration of several important labor laws. Further, the administrative authority granted the Labor Commissioner is not sufficient to enable him to carry out all the proper functions of his office, although a vigorous use by the Labor Commissioner of the power to hold hearings and to take testimony will facilitate enforcement of labor law. There is no continuity in the office of Labor Commissioner, and the office is subject to the same political control as other state offices. Relative to finance, although New Mexico spends a considerable sum for administration per wage earner in mining and manufacturing, the proportion of expenditures for labor administration to total expenditures is very low. Sufficient funds are not made available to allow the proper development of all the functions of a labor office.

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

Attention: Director, Bureau of Land Management, Washington, D.C. 20250

Re: Bureau of Land Management, Washington, D.C. 20250

1. The following information was received from the Bureau of Land Management, Washington, D.C. 20250:

2. The Bureau of Land Management, Washington, D.C. 20250, is currently conducting a study of the land use patterns in the area of the proposed project.

3. The study is being conducted in order to determine the impact of the proposed project on the land use patterns in the area.

4. The study is being conducted in order to determine the impact of the proposed project on the land use patterns in the area.

5. The study is being conducted in order to determine the impact of the proposed project on the land use patterns in the area.

6. The study is being conducted in order to determine the impact of the proposed project on the land use patterns in the area.

7. The study is being conducted in order to determine the impact of the proposed project on the land use patterns in the area.

8. The study is being conducted in order to determine the impact of the proposed project on the land use patterns in the area.

9. The study is being conducted in order to determine the impact of the proposed project on the land use patterns in the area.

10. The study is being conducted in order to determine the impact of the proposed project on the land use patterns in the area.

THESIS ACCEPTED:

COMMITTEE

G. S. White

James C. Samuel

Marion D. Ang.

