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1963

A POLITICAL BIOGRAPHY OF HOLM O. BURSUM:

1899-1924

by

Donald R. Moorman

A Dissertation

Submitted in Partial Fulfillment of the

Requirements for the Degree of

Doctor of Philosophy in History

University of New Mexico

1962

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

DOCTOR OF PHILOSOPHY

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TABLE OF CONTENTS

		Page
ACKNOWLEDGMENTS		iii
INTRODUCTION		1
Chapter		
I.	TERRITORIAL COUNCILMAN	6
II.	SUPERINTENDENT OF THE TERRITORIAL PENITENTIARY.	19
III.	RISE TO PARTY PROMINENCE: 1900-1910	61
IV.	QUEST FOR STATEHOOD	99
V.	FIGHT FOR THE GOVERNOR'S CHAIR: 1911	129
VI.	REPUBLICAN POLITICS: 1912-1916	157
VII.	GUBERNATORIAL RACE OF 1916	174
VIII.	REPUBLICAN POLITICS: 1917-1920	205
IX.	UNITED STATES SENATOR	237
X.	PUEBLO LANDS BILL	306
XI.	ELECTION OF 1922	338
XII.	ELECTION OF 1924	345
XIII.	CONCLUSION	364
BIBLIOGRAPHY		367

ACKNOWLEDGMENTS

Any work which hopes to clarify the political scene of a particular era necessarily relies on the contemporaries of that period. In the process of gathering information for the following study, I received the close co-operation of H. B. Hening and A. T. Hannett. Although Mr. Hening has been in ill-health for several years, he willingly gave of himself in order that this study of the period might be more complete. Governor Hannett's comments enabled this writer to gain a unique understanding of the Democratic view of Holm O. Bursum.

Ruth Bursum Harban made available many of her personal papers and clippings. Her enthusiasm and interest gave the writer an insight into the personality of her father. Holm O. Bursum, Jr. generously contributed his father's papers, which will eventually be added to the University of New Mexico archives.

This study has gained immeasurably from the guidance and encouragement of Professor Frank D. Reeve. In the tradition of doctoral students I make my most important acknowledgement--the assistance of my wife, whose contributions would be too great to list.

INTRODUCTION

The history which unfolds in the following chapters encompasses the active political years in the life of Holm Olaf Bursum. Bursum was born at Fort Dodge, Iowa, on February 10, 1867. His parents, Frank O. and Maria (Hilton) Bursum, were natives of Norway. At the close of the American Civil War they immigrated to Prairie du Chien where they prospered and were blessed with two children, Louise and Holm. Tragedy befell the family when the father died at the age of twenty-three. The widowed mother remarried and moved with her young family to Colorado where it was hoped that the mountain climate would bring her happiness and health; however, the new environment failed to restore her health, and as a result, Holm found himself an orphan at the age of twelve.

Upon the death of his mother, the young Bursum struck out for himself. In 1882, after a series of rather undistinguished jobs, he arrived in San Antonio, New Mexico, where he briefly worked at the A. H. Hilton country store. He was twenty-three when he received a Federal freighting contract which entailed hauling supplies to Fort Wingate. At the same time, he purchased horses from the Indians and sold them to the cavalry, but this venture was soon discontinued as the Navajo often stole by night the horses they had sold during the day. When the freighting business proved unrewarding, Bursum returned to San Antonio with twenty-eight mules and several wagons--the result of four years of hard toil. The wagons and mules

were traded for 1,200 head of sheep and several small ranches.

From 1899 to 1906 Bursum served as superintendent of the Territorial penitentiary. In 1911 and 1916 he was the unsuccessful Republican candidate for governor, and from 1905 to 1911 he was chairman of the Republican Territorial Central Committee. When Senator Fall was selected as Secretary of the Interior in President Harding's cabinet, Bursum was appointed to the United States Senate. In the special election of 1921 he was unanimously elected to the Senate.

After four eventful years in the Senate, Bursum was defeated in a disputed election. For the next twenty-nine years he remained in the background of New Mexico politics, choosing instead to recoup his personal fortune. In 1953 he died quietly in a Colorado Springs sanitarium.

Although outwardly silent, Bursum had far greater influence than even his closest associates realized, and his association with the important men of his time bears out this observation. However, this prestige was not without its price, for like so many important figures Bursum was a subject of controversy within his own lifetime. During the twenty-five years in which he held the political limelight, his private and public life was closely scrutinized by his political enemies.

Unfortunately, the influential press was not completely accurate in its appraisal of the New Mexico Senator. For political reasons D. A. McPherson of the Albuquerque Morning Journal and Bronson Cutting of the Santa Fe New Mexican perpetuated stories of

scandal and corruption and by constant repetition gave them such a semblance of truth that even court exoneration failed to check the effect of these aggressive editorials. The stories are still in wide circulation and are being perpetuated by responsible citizens.

Bursum was a conservative member of what became known in America as the "Old Guard." The political influence of this wing of the Republican Party reached its peak during the period of industrial consolidation. The Old Guard resisted social reforms, believing essentially in individualism, the sanctity of private property, and the duty of stewardship. Many members of this group believed that they were bound by their wealth and leadership to develop the natural resources of the state. In the process of this development the Old Guard became one of the wealthiest and most influential forces in American politics. Bursum reached maturity at the height of the power of the Old Guard. He did not create the conditions for which his enemies criticized him, but was a product of these conditions, and it would be unjust to hold him personally responsible for them. J. Hampton Moore described the Old Guard as being composed of men of character who used their ability to enforce loyalty to the party.[1] In a sense loyalty to the party was loyalty to a stable, prosperous country.

When New Mexico was a sparsely populated Territory, there was a dearth of leadership, and into this void stepped the Old Guard. With a religious zeal they developed the mining, farming, and range

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[1] J. Hampton Moore, Roosevelt and the Old Guard (Philadelphia: Macrae-Smith & Company Publishers, 1925), p. 284.

industries. From the east they attracted much-needed capital which went into a network of rail and water systems. As time progressed the leadership was seized by a few dozen men.

With the advent of the twentieth century, the Old Guard failed to sense the undertow of Progressivism. Bursum tried to hold the ranks of the Old Guard firm against the relentless onslaught, but the Progressive movement permanently weakened the Republican Party in New Mexico. Although some ground was regained between 1921 and 1929, the great depression ended the influence of the Old Guard. The members of the Grand Old Party were forced to witness the adoption of legislation favorable to political change.

During the period 1912-1929 the political opponents of Bursum and the rest of the Old Guard associated the conservative political philosophy with corruption, bossism, and disloyalty to the best wishes of the native population. Like many other conservatives, Bursum suffered abuses "to avoid the expense of controversy or suits of law."[2] Many of these critics were sincere in their convictions, but others, like Bronson Cutting, used the Progressive movement as a tool to further their own political ambitions. In the course of the following pages, this writer hopes to separate the fiction of newspaper political attacks from political reality. Bursum did little to clarify rumors and stories during his lifetime, and like the "dead and gone iconoclast

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[2] Ibid., p. 285.

inscribed over the portals of his den":

They say--
What do they say?
Let them say![3]

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[3] Ibid.

CHAPTER I

TERRITORIAL COUNCILMAN

On January 16, 1899, Holm Olaf Bursum of Socorro County stepped into the Council chamber in Santa Fe to start a long and colorful career in New Mexico politics. The Thirty-third Territorial Legislature met in the "commodius and attractive quarters" of one of the large, three-story brick buildings of St. Michael's College. This unusual setting was necessitated by the construction of a new capitol. The Council met on the upper levels while the more numerous house assembled on the first floor.[1]

At 11 o'clock the secretary of the Territory, George H. Wallace, pounded his gavel and shortly thereafter the roll was called--Romero, Martinez, Valdez, Chavez, Ancheta. Others with names not so melodic answered--Catron, Duncan, Finical, Burns, Hughs, Richardson, and Bursum.[2] Some of the best minds of the Territory were assembled, and they were known to be men of outstanding ability. On the day previous to the opening of the legislature, J. Frank Chavez of Valencia County was elected President of the Council and Max Luna was named Speaker of the House.[3] A caucus at the Palace Hotel was

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[1] Council Journal, Proceedings of the Legislative Council of the Territory of New Mexico (Santa Fe: New Mexico Printing Co., 1899), p. 11.

[2] Santa Fe New Mexican, January 16, 1899. Chavez was the "father" of the assembly, having served continuously from 1875. In 1865 he was a delegate to Congress and served three terms.

[3] Council Journal, 1899, p. 12.

attended by most of the important politicians in New Mexico: the legislative leaders were elected after "caucusing, buttonholing, earnest appeals [and] vivacious argument all around, but everything was conducted with the utmost harmony in a spirit of comradeship and amicability."[4]

The first item on the agenda was the election of the chief clerk. Bursum nominated William E. Martin of Socorro County, and since no candidate was offered in opposition, Martin was elected and commenced to record the proceedings of the thirty-third session of the Territorial legislature. The rest of the necessary officers were nominated and elected without opposition.

The standing committees were elected on the following day. There were twenty standing committees with each member of the Council belonging to at least four or five. A few of the members, such as Catron, who were political stalwarts, were appointed to as many as ten committees. Bursum was appointed to the Judiciary, Counties and County Line, Appropriation and Finance, Mines and Public Lands, and Railroad committees.[5]

The improvised gallery of the Council was occupied by a "brilliant array of representative ladies and gentlemen" from all parts of the Territory. The lobbies were ably represented by Sheriff T. S. Hubbell, Don Nestor Montoya, and J. M. Sandoval of Albuquerque.[6] Representatives of the mining, cattle, and railroad

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[4] Santa Fe New Mexican, January 16, 1899.

[5] Council Journal, 1899, pp. 15-16.

[6] Albuquerque Journal-Democrat, January 17, 1899.

industries also occupied the galleries.

In two months the representative from Socorro personally introduced more than twenty-one bills, of which twelve became law. As spokesman for various committees he introduced fifteen bills of which six were approved.

One of the most important laws that received Bursum's support was Council Bill 38. The Council member was deeply interested in Section 10.

> The Sheriff of several counties of this territory shall be paid mileage at the rate of twelve and one-half (12½) cents a mile, for the distance actually and necessarily traveled in serving any warrants, process, order, citation, summons, jury venire, or decree of any courts now provided by law: Provided, that in serving any jury venire mileage shall only be charged once to the farthest point actually traveled in serving such venire. For boarding prisoners confined in the county jail such sheriff shall be paid at the rate of fifty cents per day each.[7]

Normally the salary of frontier sheriffs was very meager, and if a sheriff was unsuccessful in apprehending a fugitive from justice, his financial position was further complicated. An interesting example is cited in a letter from Sheriff Bursum to the Superintendent of the Santa Fe Railroad:

> I have some warrants for parties that have left this country and are now in the Oklahoma Country, Indian Territory, and some as far as Iowa. I have made some trips all ready on requisition papers and the last failed to get my man. The Territory in any event only pays the actual expenses of bringing a prisoner from another state. There is no fee connected with the serving of requisition papers, and when an officer as agent for the territory fails to bring the prisoner the territory will allow him

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[7] Acts of the Legislative Assembly of the Territory of New Mexico, Thirty-third Session (J. S. Duncan, Public Printer, reprint 1903, no date or place), p. 28.

> nothing. The very best an officer can expect under the laws of the territory is to make his actual expenses. Now while I am in favor of bringing all persons charged with crime before the proper tribunal, so that they may be brought to trial I cannot afford to run the chances of failing to arrest the parties wanted and bear the whole expense personally. I therefore request from you if after due consideration you consider my request consistent to extend my transportation as far east as Kansas City.[8]

The most serious problem faced by the Territory during the last half of the nineteenth century was the ever-increasing debt coupled with high interest rates and an antiquated system of tax collection. In 1899, there were four million sheep and one million head of cattle in the Territory. This livestock, along with real property, represented a taxable wealth of $100 million. However, because of numerous shortcomings in the collection of taxes as well as various exemption laws, $40 million was recorded on the tax rolls, but only 60 percent of this was collected.[9]

The problem of taxation was partially solved by Mr. Duncan's bill No. 43 entitled:

> An Act to increase assessed values, facilitate the collection of taxes and to repeal and amend certain sections of the revenue law . . . .[10]

The Bursum bill, Council Bill No. 58, provided for a recalling of all bonds of indebtedness and the reissuance of General Refunding Bonds for thirty years at 4 percent interest. These bonds could

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[8] H. O. Bursum to Superintendent Harley, June 19, 1895, Bursum Papers, Special Collection, Coronado Room, University of New Mexico.

[9] Santa Fe New Mexican, February 1, 1899.

[10] Council Journal, 1899, p. 44.

be refunded in twenty years. To liquidate them, the Territorial Auditor would levy, at the end of ten years, "an annual tax upon all taxable property in the Territory sufficient to produce each year a sinking fund equal to two and one-half (2½) percent, per annum of the amount of territorial bonds so issued." At the end of twenty years, and thereafter for a period of ten years, a tax would be levied equal to 10 percent per annum of the remaining bonds. The law also provided for the refunding of city and county bonds in a similar fashion.[11]

The Territory's bonded indebtedness in 1899 amounted to $1.1 million,[12] and it was estimated that the Bursum bill saved the Territory $15,000 to $20,000 annually. The amount of outstanding indebtedness of the counties was placed at $2.4 million and of the municipalities at $150,000. Since most of these bonds were drawing 7 and 8 percent interest, the new bill meant a saving of $50,000 to the counties and cities. The total savings to the Territory, counties, and cities was approximately $70,000 each year, "or $10,000 more than was borrowed to keep up the interest on the territorial debt during the past two years."[13]

Several of the lobbyists, such as Major R. J. Palen of the First National Bank of Santa Fe, argued that the Territory's credit did not command sufficient respect by eastern bankers; thus it would

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[11] Acts of the Legislative Assembly, 1899, p. 11.

[12] Council Journal, 1899, p. 41. The rate of interest varied from 5 to 7 percent.

[13] Santa Fe New Mexican, February 1, 1899.

be difficult to market these Territorial securities.[14] This argument was put to a pragmatic test. The original appropriation for the construction of the new capitol was not adequate; consequently the legislature was forced to raise additional funds in the form of additional Territorial bonds. Bursum wrote to the Devan Company of New York and within several days informed the Council that the Devan Company would purchase all the capitol improvement bonds at the 4 percent interest rate.[15] The bill became law on March 15, 1899.

Duncan and Bursum also tried to regulate the amount of interest that banks and investment companies would be permitted to charge, but the opposition of Catron was too arduous for them to overcome.[16] It was apparent that the banking interests were not ready to surrender to this act after having lost in their opposition to the General Refunding measure.

Another act of regulation that failed to pass was Council Bill No. 92, "an act fixing the liquor and gambling license in the Territory of New Mexico." The bill established a board of commissioners who would review complaints of local residents, and if sufficient cause was presented the license of the gambling or drink-

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[14] Santa Fe New Mexican, February 2, 1899.

[15] Ibid., February 8, 1899.

[16] Council Journal, 1899, p. 134. Thomas Catron was born in Lafayette County, Missouri, on October 6, 1840. After receiving his Master of Arts degree at the University of Missouri, he enlisted in the Confederate Army. A year after the conclusion of the war he moved to Santa Fe. Among the many political positions held by Catron were: member of the Territorial Council, mayor of Santa Fe, United States Attorney, and United States Senator.

ing establishment would be revoked. Bursum and the Finance Committee tried to salvage the bill by compromising several points, but the Council was resolute in its opposition.

During the thirty-third meeting of the New Mexico Legislature, two new counties were created. Both of the bills, Council Bill No. 23 for the creation of Otero County and House Bill No. 74 for McKinley, were supported by Bursum. Otero County was carved from the counties of Doña Ana, Socorro, and Lincoln.[17] It was named in honor of Territorial Governor Miguel Otero. McKinley County was severed from Bernalillo County[18] and commemorated President William McKinley. The future Senator also voted to partition Colfax County, but sufficient support was not found in either house to pass the measure.

Since a majority of the legislators represented the livestock interest, it was not surprising that considerable attention was given to the improvement of that business. In the decades surrounding the turn of the century, cattle rustling was commonplace, and the greatest loss came with the theft of a few head at a time. Since there was no effective central agency to check on brands, it was a simple task for a rustler to steal and market a few head of livestock. The legislature passed Council Bill No. 49, "an Act in relation to brands," which made it somewhat difficult to sell cattle on the local market because it made registration of brands

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[17] Council Journal, 1899, p. 21. For an interesting account of the reasons for the creation of Otero and McKinley Counties, see William A. Keleher, The Fabulous Frontier: Twelve New Mexico Items (Santa Fe: The Rydal Press, 1942).

[18] Council Journal, 1899, pp. 104-105.

mandatory. Also a facsimile of the brand had to be recorded and a penalty was provided for those who did not fulfill these requirements.[19] If a dispute arose about similarities of brands, the Cattle Sanitary Board had the power to resolve the issue. A companion bill, House Bill No. 67, was also supported by Bursum. This act was entitled, "An Act for the protection of stock raisers, and to prevent the sale of dressed meats from animals that have been stolen in the Territory of New Mexico." According to this act, anyone who offered dressed meat for sale was responsible for showing the hide of the animal. The butcher was obligated to record the brand and had to produce his books on demand of authorities.[20] Failure to comply with this law brought a heavy fine and six months to three years in jail.

New Mexico's Thirty-third Legislature also tried to stamp out the ravages of disease among sheep and other animals. The Council passed a bill to quarantine diseased sheep and to require sheep owners to have their flocks "dipped,"[21] and again Bursum supported this measure. For years he had worked with Solomon Luna to help control various diseases among livestock with little success. While the owners of large flocks encouraged "dipping," small owners resisted controls because they found it difficult to meet the cost of such an operation. Eventually many large ranch owners allowed the small ranchers to utilize their equipment; consequently opposition to the measure dwindled.

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[19] Acts of the Legislative Assembly, 1899, p. 39.

[20] Ibid., p. 94.

[21] Ibid., p. 46 (See Council Bill 46).

Bursum helped pass Council Bill No. 101, which provided for a bounty on certain predatory wild animals at the following rate:

> For each coyote or wild cat, one dollar; for each lynx, two dollars; for each gray wolf, lobo, panther or mountain lyon (sic) five dollars; for each bear seven dollars.[22]

This law was to prove politically embarrassing to Bursum. His huge ranch, which was located east of San Antonio, was infested with these wild creatures, so he hired several bounty hunters. They quickly amassed a huge collection of animal hides--mainly coyotes and bears. Bursum personally paid the bounty to these hunters and over a period of years accumulated several thousand dollars worth of pelts. The accumulation of hides was necessary because the county general fund lacked the money to reimburse him. When Bursum did seek to turn over his pelts for the bounty, it was claimed by his political enemies, especially Bronson Cutting, that he violated the statute, since the animals were to be shot by the individual who collected the money. The original intention of the law was for the sum to be paid to the owners of the pelts, since it would be impossible for huge landowners to eliminate the predators without considerable outside aid.

One of the most frequently used fuels in New Mexico during the period of industrial consolidation was coal oil. Bursum demanded that the people be assured of a high standard of coal oil for domestic use. The first step in achieving this objective was to set a minimum standard for coal oil below which a manufacturer was forbidden to produce. A fee of one cent a gallon was imposed on the producer

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[22] Ibid., p. 86.

to defray the cost of constant inspection.[23] Bursum attached an amendment to this bill which stated that all fees in excess of three thousand dollars were to be paid to the Territorial treasurer and earmarked for school purposes.[24]

The legislator from Socorro introduced an additional act in the Council chamber, Council Bill No. 131, which created a Territorial Commerce Commission , the members of which served at the governor's discretion. The Commerce Commission set minimum and maximum prices for coal oil. According to the law, licenses were issued for one year and could be revoked if a particular company was guilty of monopolistic practices.[25] The Santa Fe New Mexican complimented Bursum on this excellent law, for it gave the people of New Mexico a "proper place to lodge complaints."[26] The petroleum industry was notified to curb questionable practices or be forced out of business.

As the Council's work progressed, the growing importance of the ex-sheriff became noticeable. Most attempts to table bills to avoid debate were frustrated by Bursum. He was of the opinion that a bill should be voted up or down, but voted nevertheless. Leadership in the Council was now passing into his hands. This became so obvious that the Albuquerque Journal-Democrat commented:

> The 33rd legislative assembly of the "Sunshine State" is now coming in on the home stretch with Senator Bursum holding the ribbons over the chariot of legislation in a way that

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[23] Ibid., p. 35.

[24] Albuquerque Journal-Democrat, January 29, 1899.

[25] Acts of the Legislative Assembly, 1899, p. 100.

[26] Santa Fe New Mexican, March 13, 1899.

> would have made Ben Hur envious. Senator Bursum possesses the "catch on" faculty to a marked degree.[27]

The Journal-Democrat was aware of the full consequence of several of his bills.

> His refunding bill and the appropriation bills that he will hereafter introduce will aim to promote the cause of statehood by gilding the credit of New Mexico so that its 4 percent bonds will be largely sought at par in gold.[28]

Not all of the newspapers were generous in their praise. The Socorro Chieftain labeled Council Bill No. 97, a Bursum sponsored measure, as "a piece of petty partisan legislation as contemptible as it is ridiculous." The article went on to urge the Governor to return the measure without his signature.[29] Council Bill No. 97 increased salaries of superintendents of first-class counties in New Mexico from four hundred to nine hundred dollars a year. Section I of this law reduced the classification of Socorro and Grant Counties from one to three. This essentially meant that these superintendents would be paid four hundred instead of nine hundred per year.[30] Ostensibly, the reason for the reclassification of these counties was their loss in population. The Socorro Chieftain charged that the lower classification was due to the failure of these two Democratic superintendents to contribute to a slush fund.[31] Originally Santa Fe County had been included in the classification and scheduled for a reduction, but its name was deleted

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[27] Albuquerque Journal-Democrat, March 7, 1899.

[28] Ibid.

[29] Socorro Chieftain, March 10, 1899.

[30] Acts of the Legislative Assembly, 1899, p. 83.

[31] Socorro Chieftain, March 10, 1899.

in the House. Although this bill was allowed to become law, the superintendents of Socorro and Grant Counties appealed to the Supreme Court for restitution and were upheld.[32] Harvey Fergusson cited this bill as an example of partisan legislation which could be remedied by the recall.[33]

Under a bill signed into law on February 13, 1899, the superintendent of the Territorial penitentiary would become a State officer. Previously he was an "employee" of the Territory. The law also created a Board of Penitentiary Commissioners. The board and the superintendent were appointed by the governor and could be removed at his discretion.[34] Governor Otero appointed Bursum to exercise the duties of supervising the penitentiary as a political reward and because the councilman had proven himself to be a man of considerable financial dexterity.

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[32]The act was unconstitutional because it was contrary to the Act of Congress of July 30, 1886, which essentially stated legislatures of a Territory could not pass local or special laws creating, increasing, or decreasing fees, percentage, or allowance of public officers during the term for which they were elected or appointed. Charles H. Gildersleeve, ed., New Mexico Reports: 1900-1901 (Columbia, Mo., E. W. Stephens Publisher, 1902), pp. 670-92.

[33]H. B. Fergusson, Frank Springer, and Frank W. Clancy, Letters and Addresses Relating to the Constitution of New Mexico (Printed for Frank Clancy, Santa Fe, August 28, 1910), p. 40. In 1882 Harvey B. Fergusson was a native of Alabama. After receiving his legal training at the University of Alabama, Fergusson arrived in New Mexico. He was chosen a delegate to the Fifty-fifth Congress. In 1910 he was elected as a Democratic delegate from Bernalillo County to the Constitutional Convention. Most of his active political years were spent in support of liberal principles; consequently he was considered the spokesman of this group at the Constitutional Convention.

[34]Acts of the Legislative Assembly, 1899, p. 32.

Bursum's assumption of the superintendency was a grave political mistake. The administration of the penitentiary was intricately interwoven with the political fortunes of one faction or another. The operation of the institutions of the Territory were used to prove or disprove the efficiency or inefficiency of the reigning political power. Like the soothsayer warning Caesar of the Ides of March, the Socorro Chieftain predicted:

> The penitentiary is a place that, in whatever capacity you go, is the squirrel track that goes up the tree so far as political preferment is concerned unless it is the height of your ambition. This superintendent bee in your bonnet is the work of your enemies. They see in you the embodiment of infinite political possibilities and that is the reason why they are trying to "shoo fly" you around the promising things in sight.
> . . . . . .
> Therefore you should be cautious about nibbling at the first trap that is set for a sucker.[35]

With the conclusion of the Thirty-third Legislature, Bursum's career entered into political maturity. His appointment as superintendent was considered evidence of his growing political importance; however, Bursum's acceptance of the position exposed him to attacks by the opponents of the Old Guard.

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[35] Socorro Chieftain, March 10, 1899.

CHAPTER II

SUPERINTENDENT OF THE TERRITORIAL PENITENTIARY

The new management of the Territorial penitentiary was inaugurated by Superintendent Bursum on May 1, 1899. Several days later rumors were adrift that William Martin had been left in the lurch after having been promised the Assistant Superintendency.[1] When the Penitentiary Board met no mention was made of Martin, and the position of Assistant Superintendent went to John James of Bernalillo County. Rumors of a rift between Bursum and Martin quickly disappeared when Martin was appointed clerk and secretary of the institution.[2]

Bursum's superintendency was inaugurated with an attempt to escape from the prison by Black Jack Ketchem. This prisoner had achieved notoriety throughout the Rocky Mountain region for his daring train and bank robberies. As sheriff of Socorro Bursum had pursued Black Jack from the Rio Grande to Arizona with little success. At one time the hunted man was found in the rear of the sheriff's yard. Fortunately for the culprit, Bursum at that moment was tracing

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[1] Socorro Chieftain, May 5, 1899. William Martin had been a long-time political figure in Socorro. He closely associated himself with Bursum in the hope of securing patronage. While he was never able to obtain a high elective position, his political influence in his town was significant.

[2] Ibid.

rumors that Black Jack was in Silver City[3]

A year and a half later Ketchem was safely behind the confines of the penitentiary walls. Since Black Jack's arm had been shattered during an attempted holdup at Folsom, he had been moved to the hospital for observation. When William Martin and Sheriff Stewart of Eddy County visited him, they found him in an unnatural state of merriment. Ketchem was amused by his obesity: "I am getting fat so when they hang me they can eat me if they want to."[4] Sheriff Stewart and Martin suspected that the prisoner's good nature might be traced to a diabolical plot to escape. Superintendent Bursum's special vigilance resulted in the exposure of Black Jack's plan.

Ketchem had managed to conceal an improvised steel saw made from a clock spring in the bandage which bound his wounded arm. In the water closet frequented by this well-known criminal were found two wooden pistols covered with tin foil. The makeshift guns had a realistic appearance and no doubt could have aided his exodus. The plan of escape centered around sawing a hole in the prison floor. With this accomplished, the prisoner would seize a hostage and make his escape from the hospital or "perish in the attempt." When the plot was discovered Ketchem broke down with emotion, and Bursum decided to remove him from the hospital to the cell block to insure his date with the hangman. After a lengthy appeal to the State Supreme Court, Black Jack was taken to Clayton, New Mexico, for

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[3]Interview with Mrs. H. O. Bursum, Sr., March 25, 1961.

[4]Socorro Chieftain, October 6, 1899.

hanging. Before he mounted the gallows he smiled at the spectators, looked at Bursum, and requested that the execution proceed, for "he didn't want to be late for dinner in hell." Black Jack was executed on April 26, 1901.[5]

A week previous to Black Jack's hanging an attempt was made to rescue him from the clutches of the hangman. Bursum was waiting for the arrival of his wife, Lulu, and a new infant daughter Clara at the prison. As he paced the office floor he heard a commotion in the dining hall.[6] Bursum rushed to the staircase and saw convict George Stevenson[7] peering out from the front door of the dining hall. Stevenson had mysteriously acquired a Smith and Wesson revolver with fifty cartridges, while two convict companions managed to arm themselves with heavy iron rods. Stevenson ordered the weaponless guards to hold up their arms. Before Stevenson had completed his order, Captain Felipe Armijo picked up a chair, threw it at the convict, and dashed out in an attempt to arm himself.[8] Stevenson gave chase. The Superintendent clad in a nightshirt ran to his room in search of his rifle. When he returned to the scene of the conflict he saw Stevenson in the act of firing at Armijo. Bursum fired three shots. The convict fell to the floor with one bullet through the head and two through his heart. Armijo, who had been wounded

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[5] Ibid.

[6] Miguel A. Otero, My Nine Years as Governor of the Territory of New Mexico: 1899-1906 (Albuquerque: The University of New Mexico Press, 1940), pp. 109-10.

[7] Sometimes spelled Stephenson.

[8] Socorro Chieftain, April 20, 1901.

by Stevenson's last shot, armed himself and rushed to the office to rescue the prison physician, Doctor Knapp, who was being held up by Simmons, one of the other convicts. A muzzle blast from Armijo's shotgun cut Simmons down. Before Armijo's nerves had an opportunity to unbend, a trusty entered the office; without hesitation Armijo fired again. Fortunately Armijo had loaded the left barrel of his shotgun with buckshot by mistake and thereby spared the trusty's life. Simmons died of his woulds the next day while the third convict, Frank Carper, surrendered without a struggle.[9]

According to William E. Martin, the plan included the rescue not only of Tom Ketchem--alias Black Jack--but also of Bronco Bill. The story as told in the Socorro Chieftain reported that Bronco Bill's sister had offered William Wilson $500 to smuggle a revolver and ammunition into the penitentiary. The plot was to take place after Wilson left the Territory, but fear of detection caused the convicts to attempt their escape before Wilson had managed to make his exit. Wilson was caught, tried, convicted, and returned to the Territorial penitentiary to lament his errors.

Various other escape attempts were made during Bursum's seven-year administration of the penitentiary. James Chambers, a life prisoner, climbed a fourteen-foot smoke stack and patiently waited for an opportunity to gain his freedom. Like most of the would-be escapees, he was quickly found and returned to his cell. Nine out of ten fugitives were returned to their cells within six

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[9]Otero, p. 110.

months of their abortive attempts.[10]

The Superintendent believed that every man was entitled to show he could mend his ways. The traditional uniform of black stripes was eliminated and a less degrading gray substituted. Various projects were started which gave the convicts ample opportunity to prove their sincerity. Those that did escape were given another chance to make themselves ready for society. Bursum managed the penitentiary with the gentle hand of a stern father as shown by a letter to the mother of an escaped prisoner.

> Your son made his escape or ran away rather, on the 9th day of September. He being a young, and as I thought nice boy, I trusted him fully, and gave him a team to drive to the quarry. He had no trouble to run off from that place. I think he was very foolish to do it, when he had but a few days more, and besides for your sake, he should have behaved himself and gone home, like a man, instead of making an outlaw of himself, it would be much better for him, and I know you will feel better, if you can induce him to give himself up, and wire me and I will go after him. He is young, and there is a chance of his making a good man of himself yet. I will promise you not to punish him but want him back. Please let me hear from you.[11]

Many prisoners who were chronically ill were allowed to live their remaining days outside the confines of the penitentiary. Holidays at the prison were looked forward to with great anxiety, for on these occasions Governor Otero would pardon one or two of the model prisoners. This gave even the most hardened criminal a spark of life and a reason to improve his conduct, or one more opportunity to return to society. This policy of leniency led to a series of charges that Otero and Bursum were turning "a horde of

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[10] Santa Fe New Mexican, September 9, 1903.

[11] Bursum to Mrs. C. Van Lindt, August 23, 1901, Bursum Papers.

desperate criminals on society." This was not true; in order for a pardon to be issued, Otero insisted that letters or petitions of pardon must be approved by the trial judge, the District Attorney, and some of the jurors.[12] All of the pardons were given only after lengthy investigation.

Otero and Superintendent Bursum inaugurated the policy of reducing the sentence of prisoners by one month for the first year of good behavior. For each additional year of good behavior an additional month was given; if a man had a ten-year sentence, he could be pardoned after serving six years and three months.[13]

Governor Otero originated a policy of rewarding trusties who performed any task which helped to improve the Territory. The two most significant projects were the finishing of the Territorial capitol and the scenic road between Santa Fe and Las Vegas.[14] The trusties selected for these projects were not guarded and enjoyed the advantages of labor under the open skies.

The construction of the scenic road, which closely paralleled the old trail, was a popular assignment among the prisoners. The road, from fourteen to twenty feet wide plus an allowance for a shoulder, was generally welcomed by the citizens of the future state, but it was not without its critics. Some who opposed the road-building had legitimate anxieties. The rangers in charge of the Pecos Forest Reserve were reluctant to support the project because they were

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[12] Otero, p. 102.

[13] Ibid., p. 108.

[14] Ibid.

afraid that it was only an attempt to encroach on national forest lands.[15] Bursum assured the Forest Service that the Territory was honorable in its intentions.

> The Penitentiary management desired to construct the scenic road with the greatest regard for the preservation of the forest and your regulations and I hope you will not impose upon us undue hardships or exact from us unreasonable or impracticable things. We feel that the Government should encourage the building of good roads, especially this road in view of the great amount of energy and labor which is being performed thereon in order to make it a serviceable highway for the convenience of the general public and the settlers on either side of the Pecos . . . .[16]

Another vociferous group complained of the economic competition of the convict labor. It advocated the sole use of free labor for the construction of the wilderness road. This was impractical for several reasons. The Territory with limited revenue could not afford the cost of free labor; in addition the cost of providing shelter for the employees' families would have been prohibitive. Nevertheless, the scenic road was nearly completed by the end of Bursum's second term. Numerous problems had been overcome. The pace was slow, for the road was literally torn out of the mountains, which contained a great percentage of granite.

One of the seemingly unsolvable problems faced by every penitentiary superintendent was deficit spending. Bursum, who enjoyed personal financial success in the freight and livestock business, believed that the prison should be put on a business-like basis.

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[15] H. O. Bursum to L. Q. Knipp, August 11, 1905, Bursum Papers.

[16] Ibid. (copy).

The penitentiary was plagued by obsolete machinery in its brick factory. The brick that the prison marketed was of inferior quality and rarely brought in enough revenue to merit production. The Superintendent erected a late model machine at a cost of $5,000. An additional sum of $8,500 gave the penitentiary a plant that made the institution one that others would emulate.[17] The convicts worked a standard day and were credited with specified amounts of money per day. It was hoped that the accumulated funds would enable the released convicts to re-establish themselves as respectable members of society. The brick produced by the convicts was placed on the market at standard rates. This was necessary in order that the local plants of Santa Fe would not be eliminated from business.[18] Generally, the products of the private companies supplemented the product of the penitentiary, for they were of different quality and were used for different purposes.

The management of the penitentiary presented innumerable problems. For years superintendents had neglected to supervise properly goods coming into the institution. A single example of this was the delivery of fresh meat. When bids were offered they were for prime meat minus the less desirable parts of the animal. Bursum, on inspecting shipments, found that the suppliers were adding the weight of the undesirable parts of meat to each shipment. The Superintendent demanded the exact fulfillment of the contract.

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[17] Socorro Chieftain, January 26, 1900.

[18] H. O. Bursum to Chiperfield and Chiperfield, Attorneys at Law, August 3, 1901, Bursum Papers (copy).

Beef was not accepted unless it was up to standard. In this manner the Superintendent forced the suppliers to produce the best quality possible. All goods were purchased on bids and approved by the Board of Penitentiary Commissioners.[19]

Although Bursum supervised all commercial contracts, he ran into serious difficulty with private firms who became careless in their routings. He often had private and prison accounts with the same companies. At times these companies erred and sent prison materials to Bursum's ranch near San Antonio. Despite constant warning, many companies confused the two shipping destinations.[20]

> We have your esteemed favor of the 9th and beg to apologize for the stupidity of our man in not following your instructions.
> . . . . . .
> You will note from the bill of lading attached that the shipment went to San Antonio although it was addressed to yourself as Superintendent of the State Penitentiary.[21]

Errors such as these led to charges by the Superintendent's political enemies that he defrauded the Territory of thousands of dollars. The unfounded charges could have been disproved with little difficulty. These allegations also formed part of the case against Bursum when Hagerman charged him with fraud.

At the end of his first term of office, Bursum's administration was a complete success. The reforms in the Territorial penitentiary were also noted outside the confines of New Mexico.

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[19] H. O. Bursum to Pierce, June 14, 1902, Bursum Papers (copy).

[20] H. O. Bursum to W. H. Joyce, January 10, 1905, ibid. (copy).

[21] W. H. Joyce to H. O. Bursum, January 10, 1905, ibid.

General Francis Torrance, chairman of the Board of Charities and Penal Institutions of Michigan and student and authority on penology, was greatly impressed by the humanitarian treatment given to the Santa Fe prisoners. His impressions were printed in the Detroit Free Press. The paper noted that the Superintendent had added to the penitentiary a new boiler and engineer house, hospital, hot house, and other miscellaneous buildings. The convicts utilized these new facilities to learn skills which would prepare them for society. Bursum saw little need for an institution to punish criminals. He believed it was the obligation of the Territory to rehabilitate prisoners into useful citizens. General Torrance noted that a majority of the convicts enjoyed a more healthful and in many respects a more comfortable life at the penitentiary than they ever did outside of it.[22]

The praise for Bursum in the Socorro Chieftain surpassed that in the Detroit paper.

> Idleness and darkness have been banished from the penitentiary since he took charge. Work, good wholesome work, for the convict has been the ideal that Mr. Bursum has pursued and as a consequence there has sprung into life one of the most complete industrial plants in New Mexico at which improvements are constantly being made and to which additions are still under course of construction. That is the modern and model brick plant with its stupendous up to date machinery that turns out 30,000 of the best bricks made in the West.[23]

Summing up its opinion of Bursum's success, the Socorro Chieftain stated:

> It takes executive ability, unquestioned integrity and strong force of will to be a successful superintendent of

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[22] Detroit Free Press, March 18, 1906.

[23] Socorro Chieftain, April 26, 1902.

> the New Mexico penitentiary. Seldom are all these qualities so prominent in one man as in Superintendent H. O. Bursum. Unassuming, quiet, resourceful, by appearance a beardless young man, with strong steel blue eyes, Supt. Bursum is evidently a man who is bound to succeed in anything he may undertake and New Mexico is fortunate in having been able to retain his services.[24]

In February of 1903 the reappointment of H. O. Bursum was unanimously confirmed by the legislative council. One journal saw the appointment "as a well deserved recognition . . . to an absolutely trustworthy public official . . . [he] is a man of the people, always standing by the people and watching out for their best interests, attending to his duty manfully and courageously . . . ."[25]

Bursum's second administration of the penitentiary was more successful than the first. Convicts' earnings multiplied four fold by the end of his administration. From 1900 to 1905, the earnings showed a steady increase from $8,854.32 to $26,039.83. In the entire period of Bursum's superintendency the convicts earned $112,116.11.[26] This was quite remarkable in light of the fact that nearly 40 percent of the prisoners were convicted murderers.[27] Contrary to popular opinion, cowboys did not make up the greatest percentage of inmates at the institution. Forty percent of the prisoners were ordinary laborers while only about 8 percent were cowboys.[28]

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[24] Ibid.

[25] Santa Fe New Mexican, February 17, 1903.

[26] Socorro Chieftain, March 17, 1906.

[27] Ibid., January 20, 1903.

[28] Santa Fe New Mexican, January 20, 1903.

The cost of keeping prisoners was reduced from 63 cents per day per man in 1899 to 26.9 cents per day per man in 1906 without sacrificing any of the physical comforts of the convicts. This was visible proof of the efficient management of the prison.[29] Governor Otero, who was proud of the administration of the prison, praised Bursum in his annual reports. F. H. Pierce, chairman of the Board of Penitentiary Commissioners, was no less complimentary. Pierce boasted that the penitentiary under the management of Bursum "has taken first place among the penal institutions of the United States and that its record is of the very best."[30] The entire period of his administration illustrated the maxim that a strict discipline blessed with a deep feeling of humanity was not incompatible with sound business practices and that the institution need not be a financial burden to the Territory.

While the operation of the prison ran smoothly, Bursum and Otero had considerable difficulty maintaining control of the Republican Party. Both were obvious targets because of the political positions they held. Otero as Territorial Governor had crushed the opposing faction led by Catron. Bursum, named Republican Territorial chairman in 1901, controlled the party organization. No legislative bill or political appointment could hope to become reality without their consent. Rumors were persistent from 1902 that various political enemies, namely Catron and

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[29] Socorro Chieftain, March 17, 1906.

[30] Ibid.

Thomas Hubbell, were out to get Bursum.[31]

Catron wrote the Secretary of the Treasury an incriminating letter which claimed that the Governor did not fulfill the letter of the law because he failed to make an itemized listing of money spent by him for contingent expenses of the Territory.[32] Catron had enjoyed political prominence in the last three decades of the nineteenth century, but now his political future seemed in doubt. He hoped to regain his political prestige by having Otero replaced by someone who would not hesitate to follow his leadership. Catron wrote to President Theodore Roosevelt on several occasions to persuade the Chief Executive to remove Otero. Catron summed up the Otero administration as being:

> extravagant, impure, oppressive, tyrannical, partial, and has been run by rings and cliques, nor has it been for the welfare of the people, but has been injurious to their prosperity, and the harmony of the Republican Party. It does not represent the wishes of the majority of the Republican Party in this territory. It has been prosecuted in the interest of office-holders under him and of persons who receive some kind of benefit from him and his administration.[33]

Catron continued by listing the shortcomings of the prominent Otero

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[31]An interesting example of this is a letter from J. H. Hilton to H. O. Bursum, October 17, 1902: ". . . say rourmers [sic] have it here that the Abeyta gang and Thom. Hubble is conspiring to have you fired from the position as Warden at the Penn. [sic]. How true, I do not know. Keep your eyes open, they are despirate [sic] and do not stop at anything. I have heard it from different parties and there may be something to it, still I should not think that those hogs had the influence anought [sic] to do anything, at least I hope so." Bursum Papers.

[32]Catron to Secretary of Treasury, March 31, 1905, Thomas B. Catron Papers, Special Collection, Coronado Room, University of New Mexico.

[33]Otero, letter from Catron to Theodore Roosevelt, October 28, 1901, p. 373.

appointees. Roosevelt called Otero to Washington on several occasions to answer these charges. While none of them were accompanied by proof, they served as a source of political embarrassment. Otero bore the insults with an unbecoming humility because he realized that the "gang" in New Mexico would have been pleased to have his resignation. Roosevelt's removals and political appointments without the approval of Otero only widened the gap between the Governor and the President. While Otero was not a candidate for reappointment in 1905, it was extremely doubtful whether he would have been reappointed by Roosevelt. With his resignation the fortunes of the Republican Party waned. When Theodore Roosevelt received Otero's resignation, he asked his supporters to suggest a candidate for the New Mexico governorship. A group of St. Louis politicians suggested H. J. Hagerman. The influence of E. A. Hitchcock, Secretary of the Interior, Horace White, Andrews D. White, and Charlemagne Tower made Hagerman's appointment certain.[34]

In 1906 H. J. Hagerman became governor of New Mexico.[35] One of the supporters recommended him because "New Mexico does not need

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[34]U. S. Department of the Interior, Letters of Recommendation for Appointment of Territorial Governors: New Mexico (no date), National Archives, Department of the Interior, Territorial Affairs, Washington, D. C.

[35]Ralph Emerson Twitchell, The Leading Facts of New Mexican History (Cedar Rapids: The Torch Press, 1917), Vol. II, p. 549. Herbert J. Hagerman was born in Milwaukee, Wisconsin, December 15, 1871. His father, J. J. Hagerman, was the leading factor in the modern development of the agricultural resources of the Pecos Valley in southeastern New Mexico. Governor Hagerman received his early education in the public schools of New York and graduated from Cornell University. After graduation he entered the diplomatic service of the United States and served as assistant secretary under two American ambassadors to Russia, Ethan Allen Hitchcock and Charlemagne Tower. Resigning this position, he was appointed governor of New Mexico early in 1906 and served until 1907 when he resigned.

the stock gospel of manna, or the guidance of the Latin race. It does need a wide awake, vigorous, modern American policy carried out by Americans, and which conforms to the spirit of American institutions."[36] Several other important New Mexicans were offered in nomination, including Bursum,[37] but Roosevelt held the opinion that only an outsider could end the constant quarrel within the ranks of the Territorial Republican Party.[38]

The new Governor purchased the old Fort Marcy officers' barracks for his residence. Its furnishings demonstrated that the Governor was a gentleman of polish and dignity. But polish and sophistication were not sufficient in the rough and tumble game of politics in New Mexico. Hagerman lacked equipment for doing what he set out to do. According to H. B. Hening, "Hagerman was instructed by Roosevelt to go out to New Mexico and clean out the mess--meaning the factional fighting within the Republican Party. However Hagerman took him literally and determined to clean out supposed corruption."[39]

Even before Hagerman reached the capitol, Catron worked behind the scene to have Bursum removed. He wrote Hagerman's father that he, Catron, would be "very much pleased . . . if [Hagerman] will

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[36] J. Laurence Laughlin to Theodore Roosevelt, February 20, 1905, Otero Papers (copy), Special Collection, Coronado Room, University of New Mexico.

[37] Santa Fe New Mexican, November 23, 1905.

[38] Robert W. Larsen, "Statehood for New Mexico, 1888-1912," (unpublished Ph.D. dissertation, Department of History, University of New Mexico, 1961), p. 191.

[39] Interview with H. B. Hening, May 11, 1961.

take immediate steps to have the 'augean stables' cleaned and they ought to be cleaned in one day, as Hercules was required to clean the ancient ones." He continued by listing the officers that should be removed, namely the District Attorney, the Auditor, and the Superintendent of the penitentiary. Catron hoped to have criminal charges brought against these men and assured the elder Hagerman that upon investigation "the grossest rottenness will be found everywhere."[40] To assure prosecution he suggested that he be appointed Attorney General--an attempt no doubt to secure justice for the Territory! Two days later Catron expressed to Roosevelt his assurance that the appointment of Hagerman would heal factional quarrels.[41] These two contradictory letters made it apparent that Catron was not sincere but merely jockeying for political position.

Hagerman, aided by Neil Field, started a quiet investigation of the Otero administration. Field was a successful Santa Fe lawyer with political aspirations. His animosity toward Bursum was generally known by the residents of that ancient capital. Field was joined by D. A. McPherson[42] of the Albuquerque Journal-Democrat in a campaign to oust Bursum from the superintendency and if possible to ruin him politically.

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[40]Catron to J. J. Hagerman, November 22, 1905, Catron Papers.

[41]Thomas Catron to Theodore Roosevelt, November 24, 1905, Catron Papers.

[42]McPherson opposed Bursum on political grounds. He considered himself an Independent Democrat although he generally voted along Democratic Party lines. Telephone conversation with D. A. McPherson, Jr., February 28, 1962.

Mrs. Field introduced Hagerman to the "right people" of Santa Fe. Soon sins both imagined and real were whispered into Hagerman's ear.[43] He failed to make any official investigation of the charges that were rumored in Santa Fe but instead wrote the President of his findings. Roosevelt failed to caution Hagerman, nor did he ask the Governor for evidence. Instead the President gave him a free hand:

> I entirely approve of your course. I shall give you an entirely free hand in the Territory because I hold you to an absolute responsibility for the conduct of affairs. Remove whenever you deem wise the three men whom you report as unsatisfactory and improper government officials, and any others whom you thus find to be unsatisfactory and improper. If any of my appointees hamper you, let me know at once and I will remove them.[44]

Thus Roosevelt opened the door to the very thing he sent Hagerman to quiet--the further disruption of the Republican Party. Roosevelt's record in New Mexico illustrated his complete lack of understanding of the people of the Territory and was marked by political chaos. He was willing to forget the heavy support given him by Bursum in the 1904 campaign and did not render the common courtesy of allowing Bursum an opportunity to defend himself.

Without the advice of the national committeeman, Solomon Luna, Hagerman arbitrarily asked Bursum for his resignation. This did not come as a shock to New Mexico politicians, for rumors were adrift that Bursum had intended to resign upon the inauguration of

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[43] Interview with H. B. Hening, May 11, 1961.

[44] Theodore Roosevelt to H. J. Hagerman, March 13, 1906, Letters of Theodore Roosevelt, Elting E. Morison, ed. (Harvard University Press, Cambridge: 1951-1954), Vol. V, p. 177.

Hagerman.[4] This he did on March 19, 1906, to take effect on April 2, 106.[46] In disclosing his resignation, he hoped that the new manageent would provide for the people a successful, humane, and worthyadministration.[47] The appointment of Arthur Trelford, a career sperintendent from the Federal prison at Fort Leavenworth, Kansas, semed a wise choice. The Republicans were reluctant to criticize Trelford's administration, and they appeared to be willing to albw the penitentiary situation to die unnoticed. Twitchell, long a meper of the Republican Party, later judged:

> The appintment of a non-resident to the superintendency of thepenitentiary was unwise and impolitic; but the governc had ideas of prison management and proposed to introdce them in New Mexico. From a business standpoint and asan experiment in criminology and prison discipline it is ossible that the appointment was made with some wisdom the fact remained, however, that New Mexico and her peple as a whole were not interested in such experiments. There were plenty of men in New Mexico capable of filing the position. It failed signally in making a good ipression upon the politicians, who regarded the prisonsuperintendency as a political office.[48]

A chairman of the Territorial Republican Party, Bursum was concernedlest the Governor ignore the party in other appointments. The Chairan, one of the most powerful men in the State, did not take his force resignation lightly. He forecasted that Hagerman would remain a nonentity and the Governor's influence could no longer be

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[6]B. Wilson to H. O. Bursum, January 18, 1906, Bursum Papers.

[6]H. O. Bursum to H. J. Hagerman, March 19, 1906, ibid.

[7]Ibid.

[8]Twitchell, II, 552.

considered a political factor.[49] Bursum predicted a long, difficult administration for Hagerman:

> He can raise some stink and amuse himself between now and January but after that I would not like to be in his shoes. The truth of the matter is he is entirely too small a caliber to occupy the place he does and will not be able to cope with the situation.
>
> His ideas are impracticable and his judgement of men very poor. There are plenty of men in the territory whom he might have selected to substitute the present incumbents who might have added some strength to his administration. In as much as he has demonstrated that he will and is antagonistic to the Republican organization of course I am pleased at his policy. I feel relieved to get out of the Penitentiary management and am glad matters took the turn they did. I still have about 15 days to serve and will to the best of my ability continue to give the best administration possible to the people and for the welfare of the territory up to the last minute.
>
> . . . . . .
>
> No conspiracy has or is necessary to form. It would take extremely hard work on the part of the organization to secure for him any material support. I have said nothing about him to the public but of course I have my eyes and ears open. My idea is to give him all the rope possible and let him continue to commit political suicide this he is doing at a remarkable rapid rate, under these circumstances why should we form any conspiracy against him we would be foolish. We extended the hand of fellowship when he came here advised him honestly and concientiously [sic] for his own good he ignored the advise now let him paddle his own canoe as he thinks best. Time will adjust all wrongs and the people can generally be trusted to do what is right, just and proper. I think Hagerman is honest so far as I know, but the trouble with him is that he is incapable and dense and lacks the many essential qualifications to enable him to provide a successful administration. He has a good college education, but knows nothing of the world as represented by the general masses. He is of course young but I doubt whether he will ever improve. He has a happy faculty of making many enemies and few friends.[50]

In April of 1906 Hagerman employed a private Colorado firm

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[49] H. O. Bursum to M. A. Otero, March 28, 1906, Otero Papers.

[50] Ibid.

to investigate the penitentiary records. The Colorado Title and Trust Company did not have authority from the prison board or the legislature of the Territory. Hagerman also requested the Federal government to investigate the permanent improvement fund of the penitentiary, which derived its revenue from the sale and leasing of government lands attached to the prison. Although rumors were rampant to the contrary, the government investigation failed to produce evidence of irregularities.

Upon hearing of the investigation of the Colorado firm, Bursum requested that the case be given a public airing and that the traveling auditor of the Territory, a Hagerman appointee, make a complete investigation.[51] This was not acceptable to Hagerman. Bursum was confident that an investigation would exonerate him: "I am sure that I am not indebted to the Territory in any sum unless by chance it should be an error or omission of entry which I do not believe to be the case."[52] After his initial rebuff from Hagerman, the former Superintendent requested the traveling auditor, Safford, to conduct an investigation to ascertain and report for publication the following facts;

> How much money did the Penitentiary receive from the proceeds of sales of public lands during the said period between May 1st, 1899, and the 12th day of April, 1906?
> What amount was paid out for machinery, land, lots, lumber or other materials . . . . Ascertain total amount of disbursements and deposits with Treasurer made by the said undersigned during said period beginning the said

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[51] H. O. Bursum to H. J. Hagerman, July 11, 1906, Bursum Papers (copy).

[52] H. O. Bursum to Max Frost, July 11, 1906, ibid. (copy).

> First day of May A. D. 1899 and ending the 12th day of April A. D. 1906.
>
> It is my desire that this investigation be thorough and impartial; that the results of the same whatever they may be, be given to the public. If the results of this investigation should prove that I am in any way indebted to the Territory, I stand ready to make immediate settlement. If on the contrary, the investigation should show the Territory is indebted to me, I shall expect the same treatment. If on the other hand, the accounts as already audited are found to be complete and correct which I hope will be the case, then the public will have been satisfied as to the exact status concerning the financial transactions of the territorial penitentiary during my incumbency of said office.[53]

But Safford did not receive authority from the Governor to conduct the investigation. Meanwhile, wire releases of exaggerated proportions were given to the press.[54] Bursum was forced to rely on newspaper reports and letters from friends on the scene to keep track of the investigation proceedings in Santa Fe. Although he showed little concern over incriminating evidence, he wanted to know how the books balanced at the end of his term. Meanwhile former customers of the penitentiary started to receive demands for payment on bills which they had already paid. One of these bills was addressed to the Y. M. C. A. in Las Vegas. Bursum had donated the bricks with the permission of the prison board for construction of the building, but the Hagerman administration now demanded payment for the material.

The Governor charged that bills of 1905 were paid out of 1906 appropriations. Bursum answered the charge in the following manner:

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[53]H. O. Bursum to Charles V. Safford, July 11, 1906, ibid. (copy).

[54]H. O. Bursum to James J. McNary, July 21, 1906, ibid.

> The appropriation for maintenance of the Penitentiary for the present fiscal year which commenced on the first day of December, 1905, amounts to $35,000. The present management of the Penitentiary took charge of the same on the 12th day of April, 1906, at which time 4 months and 12 days of the fiscal year had passed, or a little over one-third of the fiscal year, which should leave two-thirds of the appropriation for maintenance, or approximately $23,000. Upon the 12th day of April, there was due from general maintenance appropriation, $17,032.60: at the same time, supplies for the Penitentiary to the amount of $8,738.87 were turned over to the new management making a total asset available for this year of $25,721.47 something over $2,000.00 more than the two-thirds pro rata for the year's expenditure.[55]

Letters from friends in the prison administration kept Bursum informed on the course of the investigation. A communication was received by the State Institution for the Blind at Alamogordo from Superintendent Trelford demanding payment for bricks that were donated by Bursum with approval of the prison board. The bill amounted to $1,237.50.[56]

Meanwhile, Hagerman assured Bursum that the investigation was not an attempt to avenge any personal grievance, that he only wished to ascertain the exact financial standing of the penitentiary. Since he found it impossible to do this from the books of the Bursum administration, he called for the "assistance of an accountant of great experience."[57] The Governor further assured Bursum that he would have the opportunity to state his case if the need arose and that the ex-Superintendent would be given an exact copy of the

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[55] H. O. Bursum to James J. McNary, July 31, 1906, ibid.

[56] H. O. Bursum to A. J. King, August 2, 1906, ibid.

[57] H. J. Hagerman to H. O. Bursum, August 3, 1906, ibid.

Colorado Title and Trust Company report. Despite these assurances, demands were made by the administration for $1,727.00 which were to cover supposed shortages. A part of this amount, $1,027.00, was the sum not properly accounted for to Mr. Windsor, a Santa Fe contractor. Also, $700.00 was incorrectly deposited with the Territorial Treasurer and appeared to be a shortage but in reality was improperly entered.[58]

R. C. Garrett, former Assistant Superintendent of the penitentiary under Bursum, was removed by Trelford from the administration of the institution because he informed Bursum of the progress and strategy of Hagerman.[59] Garrett, bitter upon his removal, alleged that Trelford was guilty of mistreatment of negroes. Several of these stories were used as evidence against Trelford and served as an excuse for his removal. Two weeks later Garrett informed Bursum that the administration intended to bring criminal charges against Bursum at the next term of court. He also stated that a former employee, Jack Donovan, had given a statement claiming a voucher had been signed in his name for $400. The ex-Superintendent showed little concern.

> I do not see how Donovan could go and make such an affidavit, as the voucher referred to, if I remember correctly and I am pretty sure I am correct, was to cover amounts of money which Jack Donovan had drawn at different times, and he surely knows that he got the money. There will be no trouble in proving every item and if Jack Donovan goes and makes this sort of an affidavit he is very likely to get himself in trouble and be taken up for perjury. It seems to me that he has been inveighed into this

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[58]Report of Charles Safford to the Honorable Frank W. Parker of the Third Judicial District, pp. 7-8, ibid.

[59]R. C. Garrett to H. O. Bursum, August 13, 1906, ibid.

> in some way, or does not understand what he is doing. He must, for his own sake, be careful about testifying to anything that is not true. I have all the proofs of the money which he drew and which fully covers the voucher.[60]

On August 30 the report of the Colorado Title and Trust Company was made public. It mentioned that the cash book and the individual customers ledger were rewritten. The originals were "supposed" to have been destroyed by Mr. Bursum.[61] Thus the myth was created which would haunt Bursum until the end of his political life. Despite his later vindication, Bursum lost support among the business men who did not hesitate to condemn him for his poor accounting methods.[62]

When the charges of shortages reached the newspapers, the Old Guard accused Hagerman of muckraking in order to gain control of the Republican Party. W. A. Hawkins, W. H. H. Llewellyn, Charles Mills, and Ed Mann were quick to come to the aid of the Republican chairman. Mills summarized their position:

> When we first saw that so-called expert report made up against you, we felt not little humiliated although we knew that it was sort of a trumped up one-sided affair. It was the effect on a credelous [sic] public that bothered us more than anything else and we can see now that that is about all there is in the whole thing.
> . . . . . .
> It is to [sic] bad that there are men who would try to tear down the character of others that they might elevate themselves sometimes.
> . . . . . .
> There were many people who boasted over the way the new

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[60] Ibid., August 27, 1906.

[61] Report of the Colorado Title and Trust Company with relation to the New Mexico Penitentiary, August 30, 1906, ibid.

[62] Twitchell, II, 553.

> governor started out, and who feel considerably chagrined at the sudden fall, and who now more so that an attack should be made upon you with apparently such a mix up doubtful nature. It is quite evident that a big lot of opposition is gathering and growing up against the new state of things that may assume such proportions as to explode with a big noise later on.[63]

The Territorial Committee, which was solidly behind Bursum, passed resolutions endorsing his administration; these resolutions were significant in their failure to mention Governor Hagerman. Hagerman had intended to attend the Territorial Republican committee meeting in Albuquerque but changed his mind. The Bursum faction claimed he was not well-received in Albuquerque; hence he decided to send his proxy Jerry Leahy. Leahy was disqualified because he was not a resident of Chavez County, which he was to represent. Fortunately, no resolutions were introduced by the Hagerman supporters condemning Bursum, for the Old Guard was ready in that event to offer a substitute resolution condemning the Hagerman administration.[64]

A few pacifists such as Will Robinson of the Roswell Register suggested Bursum resign the chairmanship of the Republican Party in order to heal the split within the party, but these appeals were not generally accepted by the rank and file.[65]

The Albuquerque Morning Journal, a long-time enemy of Bursum and the Old Guard, used the Colorado Title and Trust Company report

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[63] Charles Mills to H. O. Bursum, September 6, 1906, Bursum Papers.

[64] H. O. Bursum to David McMillan, September 8, 1906, ibid.

[65] H. O. Bursum to Senator Andrews, August 25, 1906, ibid.

in its long battle against Charles Springer, Charles Spiess, Frank Hubbell, and Bursum. H. B. Hening and Dana Johnson were allowed to slash out with prose of righteous condemnation. Hening admitted that when he "reached the age of discretion he realized he had made a serious mistake" and had been used as a political pawn by McPherson. Reflecting on the rough and tumble New Mexico scene, Hening stated that the Journal had "libeled Bursum shamefully."[66] Dana Johnson, a close friend of Hening, detested Bursum beyond description--a dislike which could not be accounted for even by his close friends. Bursum failed to realize the inroads that were made by the opposition press.

> I suppose you have heard about the notoriety that has been given me, and the partiality of the Albuquerque Journal in giving me more space than is usually given ordinary individual. While this matter is not pleasent [sic] or agreeable, at the same time it is best under the circumstances to think, for one to look at the matter [in a] philosophical way and make the best of it. It is my opinion that this harangue and newspaper stories will not rebound to the benefit of the instigator. The whole business is trumped up and filled with malice and intended to discredit me politically.[67]

The grand jury was called into session on September 14, 1906, at the request of the Governor to ascertain whether or not criminal and civil suits should be brought against the former Superintendent. While the investigation was proceeding, Robert Dross, "an expert accountant of standing and reputation," used the published report of the Colorado Title and Trust Company to determine whether the

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[66] Interview with H. B. Hening, May 17, 1961.

[67] H. O. Bursum to Edward A. Mann, September 8, 1906, Bursum Papers.

company's findings were correct.[68] His conclusions differed materially from those of the Colorado company:

> The whole report has the blush of venom plainly stamped on its face, and my experience in the profession has demonstrated the fact that there is hardly a set of books in the world but what an expert determined to find something suspicious, would not succeed. That the books were not kept in a strictly business like method is evidenced by the fact that Mr. Bursum found it necessary or advisable to pay the sum of $1,727 into the treasury after his connection with the penitentiary ceased.[69]

This report was given wide circulation in the Republican papers and no doubt had some effect on the proceedings of the grand jury, which for ten days investigated the charges against Bursum. After witnesses were brought forth and affidavits read, the jury recessed. The jury failed to report a true bill against H. O. Bursum, W. E. Martin, Robert B. Garrett, or W. H. Newcomb, all ex-Territorial penitentiary officials.[70] Members of the grand jury complained that "during the investigation of the Bursum case, the District Attorney in an address to the Grand Jury stated among [other] things that the Governor of the Territory demanded that they find a true bill against the said Bursum."[71]

One Santa Fe resident, William Budd, an expert accountant, complained that he was ordered to find shortages in the Bursum

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[68] Socorro Chieftain, September 18, 1906. A reprint of an article in the Industrial Advertiser.

[69] Ibid.

[70] Socorro Chieftain, September 22, 1906.

[71] Affidavit, Territory of New Mexico, County of Santa Fe, signed by members of the Grand Jury, September 22, 1906, Bursum Papers (copy).

accounts:

> Upon entering into the investigation of the territorial penitentiary I supposed that the purpose sought to be obtained was to ascertain the true condition of the finances of said penitentiary while under the management of H. O. Bursum as superintendent and to discover any errors or shortages of funds, if any there were. Shortly after having commenced the investigation of said institution, I was informed by Governor Hagerman that "Mr. Bursum must be indicted at all hazards or be he [sic] [Hagerman] would be placed in an embarrassing position."[72]

Although Bursum was cleared of the criminal charges, the administration pressed for payment of money that was missing according to the report of the Colorado Title and Trust Company.[73] Bursum complained to the Attorney General that money was being demanded of him yet the administration did not see fit to present the official report to him in order that he might ascertain whether the accounting of the company could be questioned. Bursum reiterated his willingness to have his accounts thoroughly investigated, but he insisted that such an investigation should be made public.[74] He did not feel that shortages were beyond the realm of possibility, for:

> In the keeping of accounts of the Penitentiary, I of course was as every warden has been and will be, compelled to depend upon the accuracy of those keeping the books of the institution and I have every reason to believe, and I now believe, that those who kept the books during my administration did so with accuracy . . . .[75]

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[72] Affidavit of William Budd, December, 1906, ibid. (copy).

[73] H. O. Bursum to William C. Reid, September 27, 1906, ibid.

[74] Ibid.

[75] Ibid.

In fairness to all parties, he requested an investigation to be made by a committee of two or more, one of whose members would be a representative of the former Superintendent.[76] If the committee found shortages, Bursum was willing to accept their findings and reimburse the Territory for the total amount.

The Democrats quietly circulated reports to the effect that large sums of money had been turned over to the Territorial Treasurer, and Dougherty, Bursum's counsel, openly admitted the payments. The stories carried such a semblance of truth that influential Republicans urged Bursum to ask the Board of Managers of the penitentiary for an investigation:

> You know in a general way that the situation is all right, but from a book-keeper's stand-point you must know wherein certain entries need explanation, and you can only ascertain this by having an expert of your own election go over the books and point out the various omissions and discrepancies of your former book-keeper.[77]

However, before such an investigation could be requested, a demand was made on behalf of the Territory for $8,392.58, the alleged amount of shortage in the prison accounts. When Bursum's attorney Dougherty reached Santa Fe, the Attorney General demanded $12,475.33 in addition to the original amount. When Dougherty refused to pay the new demand, the Attorney General "conceded that these amounts were not legally due . . . and insisted upon the payment of $2,470.38."[78] Bursum paid the last amount under protest,

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[76] Ibid.

[77] Daniel McMillan to H. O. Bursum, October 9, 1906, Bursum Papers.

[78] Santa Fe New Mexican, June 10, 1907.

for he did not want a suit brought against him or his bondsman. He was confident that an investigation would find he owed nothing to the Territory.[79]

The anti-administration forces realized that little could be done to secure an equitable settlement of the prison accounts; consequently they tried to win support for their cause in the Territorial Legislature. Attempts were made by J. J. Hagerman, father of the Governor, to involve former Governor Otero in the dispute, but Otero cleverly sidestepped the issue. However, his attitude toward the Bursum administration was favorable, as could be expected:

> It is not customary on my part to attempt to praise anyone who is undeserving, nor to condemn a man before he has been tried. I am frank to confess that Mr. Bursum's connection with my administration was always regarded as being first class and honest with every particular and I was more than surprised to see charges brought up against him.[80]

Otero told the senior Hagerman that Bursum's selection as chairman of the Republican Party was the unanimous choice of the convention. Not a single vote was cast against him, which singularly illustrated "that the party and the people as a whole believe in him the same way I always have. I have never questioned his honesty or good intention."[81]

Most of the Republican leaders considered the attack against their chairman as an attack against the party. Colonel Prichards

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[79] Ibid.

[80] M. A. Otero to J. J. Hagerman, October 27, 1906, Otero Papers (copy).

[81] Ibid.

stated his feelings thus: "I am with you to the finish. They can't down the 'Old Guards.'"[82]

Hagerman made a deliberate attempt to give the prison investigation complete news coverage. "It has caused a profound sensation throughout the Territory as I anticipated . . . ."[83] He confessed failure at the Territorial convention to have weakened the Old Guard, but promised not to let up as long as he stayed in office.[84]

When the Territorial legislature met in January, 1907, rumors were in wide circulation that the lawmaking body had declared open war against Hagerman. "Tales of personal revenge to be obtained by legislative act were told and told with a definiteness of detail which left nothing to be desired save the roses and a knot of crepe."[85] Before the beginning of the 1907 session, the Bursum forces gained complete control over the legislature. After the Republican caucus it became evident that "Bursum and his friends" would elect whomever they pleased. As a result, William E. Martin was made chief clerk, R. L. Baca was selected Speaker of the House, and Charles Spiess defeated H. B. Holt for President of the Council.[86]

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[82] Colonel Prichards to H. O. Bursum, no date, Bursum Papers.

[83] H. J. Hagerman to B. S. Rodey, October 3, 1906, Letters Sent by Governors, New Mexico Archives, Santa Fe. A thorough search of the Hagerman papers sent and received revealed a conspicuous absence of any notice of Bursum. This is strange when one considers the importance attached to Bursum's prison prosecution.

[84] Ibid.

[85] Albuquerque Morning Journal, January 20, 1907.

[86] Ibid., January 21, 1907.

D. A. McPherson, president of the Journal, continued daily attacks against Bursum in order to diminish his importance as political leader of the party. His attacks provoked such a hostile feeling that H. B. Hening, city editor of the paper, and four other newspapermen were bodily removed from the meetings of the legislature.[87] McPherson showed his contempt for the legislature by raising the salaries of the reporters before they left the floor. Bursum received the flagellations of the Journal for every act that did not meet its approval.

On March 8, 1907, the Council received and passed Council Bill 185 entitled, "An act relating to the settlement of the accounts of public officers." Stated briefly, the act provided that whenever a dispute arose between the Territory or any county and one of its officials, either in or out of office, a suit could be instituted by either party to secure restitution. It further provided that the District Court appoint an expert accountant as referee. This expert was to make a thorough investigation of the disputed accounts, then present his findings to the District Court. The District Court judge would accept or reject the findings. The ruling of the court would be final and not subject to appeal.[88]

The law was received with mild acclamation by the opposition press. The Journal outlined its viewpoint in the following manner:

> The passage of the new bill is a distinct victory for the friends of sane legislation, who have protested throughout

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[87] Ibid., February 19, 1907.

[88] New Mexico Acts of 1907 (No publisher listed, Santa Fe, 1907), Ch. 15, pp. 13-17.

> the session against the passage of measures armed for the especial [sic] benefit of one man or set of men.[89]

Bursum, quick to use the provisions of the new law, brought suit against the Territory.[90] The ex-Superintendent was represented by Attorneys Dougherty and Griffith. The Territory of New Mexico, the defendant, was represented by the Attorney General. The case was presented before Judge Frank W. Parker, judge of the Third Judicial District at Las Cruces, on March 30. The Territory, if it protested the hearing, was to show why the case should not be heard, or "why the territory should not grant the accounting prayed for."[91] As a result of the court session the traveling auditor, Charles V. Safford, was appointed special auditor with power to make a thorough investigation of the alleged frauds in the prison accounts. Safford was traveling auditor under Governor Otero and was reappointed by Governor Hagerman, and so for all intents and purposes he had the endorsement of both parties.[92]

As the Bursum hearing settled down to quiet investigation, the citizenry of New Mexico were stunned by the sudden news that Governor Herbert J. Hagerman had resigned.[93] The resignation was forced by President Theodore Roosevelt who believed that Hagerman had allowed thousands of acres of public land in New Mexico to be

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[89] Albuquerque Morning Journal, March 8, 1907.

[90] Ibid., March 18, 1907.

[91] Ibid.

[92] Socorro Chieftain, April 6, 1907.

[93] Albuquerque Morning Journal, April 10, 1907.

deeded to the Pennsylvania Development Company. Hagerman thought the operations lawful and had the deeds delivered to Willard S. Hopwell, the representative of the company.[94] Twitchell, then a young lawyer, believed Hagerman was "actuated only by the best of motives in thus handling the matter . . . ."[95] Whatever his motives, Hagerman made a serious political mistake which his enemies in New Mexico used to their advantage in Washington. Bursum's friends and enemies thought he was responsible for Hagerman's removal. Although this argument seems logical, it was not substantiated by evidence. Roosevelt insisted that the only motives that compelled him to remove Hagerman were those of illegal land transactions. A few days later, and after considerable notoriety in the national newspapers, Roosevelt reviewed the Hagerman removal:

> Hagerman is a good fellow, but has made an impossible Governor. He finally committed an antic in connection with ratifying a grossly improper acquisition of public land which, if I did not know him, would make me feel absolutely certain that he is corrupt, and which if I let it go unpunished, would mean that I could not hold any other Government official in New Mexico to accountability for anything he did hereafter.[96]

Apparently Roosevelt thought the situation more serious than his contemporaries in New Mexico had realized. The President requested his Attorney General, Charles J. Bonaparte, to initiate suits to recover public land lost during the administrations of Otero and

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[94] Twitchell, II, 555.

[95] Ibid.

[96] Theodore Roosevelt to Philip Bathell Stewart, April 16, 1907, Letters of Theodore Roosevelt, Elting E. Morrison, ed., V, 649-50.

Hagerman.[97]

Hagerman defended himself against the charges made by Roosevelt, but the President was steadfast. Nor did the thousands of letters delivered to Roosevelt on Hagerman's behalf have the desired effect on the resolute President. The Albuquerque Journal called on the citizenry to rally behind the former Governor, and prepared the populace for Hagerman's arrival in Albuquerque with passionate headlines:

> Do the people of Albuquerque believe in Governor Hagerman?
> Do the people of Albuquerque, of Bernalillo County, and of New Mexico propose to see him removed by "Bull" Andrews, Major Llewellyn and H. O. Bursum with out a protest?
> Do the citizens of Albuquerque want the government of the "Bull" Andrews brand?
> Do the honest republicans desire a return to power of the Bursum gang which the fearless "Boy Executive" has had on the run?[98]

But the power of the Journal had little effect on the mind of Roosevelt. Hagerman realized this and by-passed the Albuquerque protest rally. He returned to his father's home in southeastern New Mexico with the realization that he had lost the first round in what was to be his lifetime struggle with the Old Guard. His fight from the beginning was no contest; it could be compared to a dude matched against a seasoned rider. "Hagerman had ridden the bucking bronco of New Mexico politics and had been thrown."[99] He had been urged on by the enemies of the Old Guard, then when the battle came out in the

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[97]Theodore Roosevelt to Charles J. Bonaparte, May 26, 1907, ibid., p. 673.

[98]Albuquerque Morning Journal, April 21, 1907.

[99]Interview with W. A. Keleher, May 26, 1961.

open, these friends deserted. "Hagerman was not a fighter or battler and had things too easy--he became governor because of the influence of good friends."[100] Few people in New Mexico believed Hagerman was guilty of any deliberate land fraud. Probably his greatest mistake was to place his trust in his friends and President Roosevelt. He tried to wrest control of the Republican Party from the Old Guard, but succeeded only in weakening the party and laying the groundwork for the assumption to power by the Democrats in the election of 1911.

> It is a glaring fact that if Hagerman had deliberately undertaken to overthrow the Republican party in New Mexico and put the Democratic party in power he could hardly have come nearer succeeding than he did in the course he actually pursued.[101]

As the Hagerman controversy subsided, Bursum once more centered his attention on his exoneration of the prison charges. Although he desired to settle the matter as quickly as possible, many members of the Old Guard wanted to "get after that breed of bunco steers good and strong so the citizens of New Mexico may know the facts."[102] H. B. Holt wanted an open battle to show that the President was not deceived in any way in removing Hagerman, and that Roosevelt was "fully advised concerning the facts relative to Hagerman's notorious career."[103] Holt demanded all out action by the Republican newspapers against the Journal, but Bursum thought it prudent to try to

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[100] Ibid.

[101] Socorro Chieftain, April 20, 1907.

[102] H. B. Holt to H. O. Bursum, April 23, 1907, Bursum Papers. Holt had led the Territorial House in its fight against Hagerman in 1907.

[103] Ibid.

mend the open wounds of political warfare and overruled the more vociferous elements within the Old Guard.

Meanwhile the Albuquerque Journal kept up a steady attack on the Bursum record. "Burn the Books" became a password which later opponents used as a slogan without believing the truth of its meaning.[104] The Journal was accused of using the Hagerman-Bursum quarrel to stimulate its own circulation.

Upon the forced resignation of H. J. Hagerman, the Secretary of the Territory, James Wallace Raynolds, acted as governor. George Curry, who was appointed to replace Hagerman, made the long journey from the Philippines and stopped in Washington to receive instructions from President Roosevelt. When he assumed the reins of the governorship there was considerable misgiving in the Territory and in Washington.

> To many it appeared that the republican party was broken up, and to those acquainted with the situation it seemed absurd to send a democrat who, notwithstanding his success in suppressing revolts among the Moros, would be an easy mark for the political intrigues of New Mexico.[105]

Curry reassured the Republicans of the Territory of his loyalty to their cause. "He immediately engaged in the work of building for the Territory's future and made politics and politicians a matter of secondary importance."[106] Bursum, pleased with the appointment of Curry, vowed to give him all the support possible. In the course

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[104] Interview with A. T. Hannett, May 16, 1961.

[105] Twitchell, II, 563.

[106] Ibid., p. 564.

of the following months the two men became close political and personal friends.

In June, 1907, C. V. Safford, the special auditor, subpoenaed the leading figures in the prison account case. Francis McMahon of the Colorado Title and Trust Company was called before the hearing but refused to give testimony until supplied with the original copy of his report, alleging that the copies handed him were altered and improper. McMahon insisted he had received no authority from the Colorado Title and Trust Company to give testimony.[107] Consequently, Bursum decided not to use the testimony of the Title Company to point out errors in its findings, but only to point out the differences between its conclusions and that of the special auditor.

A long list of witnesses were called before the hearing for cross examination by Safford. The Assistant District Attorney verified that the figures used by Safford were those used by McMahon and "if the referee total [is] correct, then Mr. Bursum [does] not owe the territory of New Mexico the items which were presented before the Grand Jury as evidence of shortage against him."[108] The witnesses who signed affidavits which in essence stated that they were owed money from the prison funds were called. After lengthy examination they admitted that they were not entitled to funds from the state institution.

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[107] Albuquerque Morning Journal, June 23, 1907.

[108] Report of C. V. Safford to Honorable Frank V. Parker, p. 29, Bursum Papers (copy).

The Safford report and hearing were given wide coverage in the New Mexico papers. Day by day transcriptions of the hearing allowed the people to see the great injustice done to Bursum. At the conclusion of the hearing the special auditor summarized his case in a thirty-page document to Judge Frank W. Parker of the Third Judicial District.

> My report, which is herewith submitted, shows in detail all of the debits and credits of all transactions, but the result is so entirely different from a report made by the Colorado Title and Trust Company, dated August 30, 1906, that I do not feel that in justice to myself, that I can submit this report without calling your Honor's attention to the many manifest errors in the former report.[109]

Safford emphasized that the Colorado Title and Trust Company had charged that valuable records had been destroyed or were not available, while on the contrary he found all books of original entry. From these financial records of the penitentiary, Safford was able to make a complete accounting.[110] He further testified that the only record that was missing, "which in no sense was a book of original entry, [was] an old individual ledger, used in keeping accounts of persons buying material from the Penitentiary . . . ."[111]

The traveling auditor explained the re-writing of the prison records. He stated that the only book rewritten was a cash book

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[109] Ibid., p. 1.

[110] Ibid.

[111] Ibid. H. B. Hening, one of the persons responsible for the creation of these myths, essentially agrees with this statement. When asked if Bursum burned the books, he stated, "That's a damn lie; there were no books burned." Interview with H. B. Hening, June 23, 1961.

which was not an official record but was recopied by Bursum for use of the prison board: "This book should have had no place whatever in the examination above referred to, except as a guide or a check and this fact should have been recognized by the party who made the audit."[112] The auditor illustrated how Bursum's employees had made serious mistakes of entry. Safford reworked the accounts on one hundred and seventy-five sheets of paper and arrived at the following conclusions:

1) That the accounting done by the prison employees was very poor.

2) No books of original entry were missing.

3) Bursum was entitled to refunds for money paid under protest.

4) During his regular administration Bursum had funds remaining and was entitled to their use.

Before Judge Parker passed on the validity of the findings of the special auditor, a bill of exceptions was filed by the Territorial Attorney General George Washington Prichard and by Special Assistant Attorney General of the United States, Mr. Ormsby McHarg. The bill of exceptions was forced by the adverse publicity of the Albuquerque Morning Journal. The bill rested on six points:

1) The district court of the territory was without jurisdiction to hear the case.

2) The case was not sufficiently advertised.

3) Safford had not prepared the case properly.

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[112] Ibid., p. 2.

4) The court was partisan.

5) The case was not complete enough and valuable evidence was left out.

6) The case was not held open long enough.[113]

The Journal rejoiced at the bill of exceptions, for it was expected that it would assure a true verdict:

> As we have already said, that is a matter of very great surprise to the public, no honest man will regret it. All good citizens desire to see the case tried on its merits. If the territory owes Mr. Bursum anything they desire to see him paid, to the last farthing . . . .[114]

The hearings on the bill of exceptions, held in Silver City on September 19, 1907, gave ample opportunity for all sides to question the findings of the auditor's report.[115] Attorney General Albert Fall represented the Territory, while E. P. Holcombe spoke for the Federal government. However, neither the Territory or Federal government made any contest on the bill of exceptions or the report of Safford. "There was an examination of the report, a few questions were asked and the report was finally approved."[116] The confirmation of the report meant that the Territory was under judgment to pay Bursum the sum of $4,333.66.[117] Hagerman failed to defend the findings of the Colorado Title and Trust Company; instead he wrote a long tirade against Bursum and the Old Guard in

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[113] Albuquerque Morning Journal, July 26, 1907.

[114] Ibid.

[115] Ibid., September 1, 1907.

[116] Ibid., September 22, 1907.

[117] Ibid.

which he tried to convict them for various crimes for which Bursum had just been cleared.[118]

Thus ended a stormy episode in the political life of H. O. Bursum. Although he had been exonerated in the courts, the report of the Colorado Title and Trust Company haunted him in every election of his subsequent political career. It seemed strange that this report, which did not have the sanction of any official except Governor Hagerman, should have been accepted by so many people, especially since it was not defended in open court by the Colorado firm nor by Francis McMahon, the man who originated it.

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[118] H. J. Hagerman, Matters Relating to the Administration and Removal of Herbert J. Hagerman: Governor of New Mexico 1906-1907 (Printed for private circulation 1908).

CHAPTER III

RISE TO PARTY PROMINENCE: 1900-1910

Bursum rose rapidly in the Republican Party. In 1894 he was elected to his first public office as sheriff of Socorro County, and within a period of eleven years he became the chairman of the Territorial Party. To those who did not know him, his rapid rise came as a surprise. However, those who had the opportunity to weigh him on political and social questions realized that his ascendency was "nothing more than the logical consequence of the labors of an enterprising and far seeing genius."[1] The ex-sheriff was not well known to many people of New Mexico, for he preferred to work quietly behind the scene. "His clear talent and his unerring judgement placed him far above his enemies . . . ."[2]

Politics at the turn of the century in the Territory was no place for the weak-hearted. A candidate subjected himself to public ridicule, personal abuse, and the enmity of disappointed office seekers. Vote buying was universally practiced by both parties, and since most elections were won by only a few thousand votes, money played a heavy role in the defeat or victory of a candidate.

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[1]Benjamin M. Read, Illustrated History of New Mexico (Santa Fe: New Mexican Printing Company, 1912), I, 739. Translated into English under the directions of the author by Eleuterio Baca.

[2]Ibid.

In 1900 the political condition of the Republican Party at the national level looked promising. The Republican administration had carried the American banner to the Far East and Cuba with more fanfare than fighting. However, this harmonious state of affairs did not exist at the Territorial level. Thomas Benton Catron led a revolt in Santa Fe against the regular Republican candidates selected by Governor Otero which resulted in the election of Democrats for local offices.[3] When Otero was first appointed in 1896 by President McKinley, Bursum was not one of his supporters and would have preferred a candidate from the ranks of the Territorial party.[4] Bursum and Otero became political and personal friends when the former later joined the Otero faction of the party.

In 1898 Pedro Perea won the nomination for delegate to Congress to oppose Democratic incumbent Harvey Fergusson. Since Perea had supported Catron for the Territorial governorship, his candidacy was not approved by Otero. Otero did not oppose the convention's wish because he did not desire to destroy party harmony. Moreover, the Governor could not find a suitable candidate to oppose Perea.

When the convention of 1900 met in the chamber of the House of Representatives at Santa Fe on October 3rd, sufficient opposition was formed against Perea to assure his defeat for renomination. Aside from his poor record in Congress, Perea had worked against

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[3]Otero, p. 132.

[4]H. O. Bursum to Secretary of Interior, no date, Letters of Recommendation for Appointment of Territorial Governors. Bursum recommended Hugh H. Price of Socorro because he was acceptable to all parties and "brought into the territory nearly a million dollars which has been invested therein."

the Republican Party to further the interest of Catron. Bursum realized that Perea's opposition to the administration would make his candidacy unacceptable:

> Perea was elected at the last election through the extraordinary effort made by the administration and friends thinking that he would show a friendly spirit and appreciation in return but the opposite has been the result, however unless things very materially change his political career as far as the republicans of this territory are concerned will not trouble anyone.[5]

Several men of exceptional ability would have made excellent candidates for delegate to Congress, the most prominent among these being Soloman Luna, Bursum, and Bernard S. Rodey.[6] Rodey received the nomination on the strength of his record as an Albuquerque attorney and partially because he was the most fluent speaker available. The Republican Party lacked funds to run a well-ordered campaign, but with the aid of the railroad, which issued free passes, they transported their candidates from one hamlet to another.[7] The colorful Governor campaigned actively for Rodey and played no small role in Rodey's victory over the Spanish-speaking Octaviano A. Larrazolo. Bursum, who spent most of the campaign months in Santa Fe as superintendent of the penitentiary, played a limited role in the campaign. The Superintendent's campaigning was confined to Socorro County, where, on October 13, he arrived with Rodey. The ex-sheriff knew the temperament of the frontier county and addressed

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[5]H. O. Bursum to Cyrus Leland, October 31, 1899, Bursum Papers (copy).

[6]Socorro Chieftain, September 20, 1900.

[7]Otero, p. 136.

its residents in their native tongue.[8] He reminded the citizenry of the glories of the party and of their obligation to uphold its principles. After Elfego Baca introduced Rodey, Bursum remained on the platform so that his alliance would not be mistaken.

The Superintendent was absolutely confident that the Republican Party would make a clean sweep of the election, and with the retention of the Grand Old Party the United States would find itself in a new period of prosperity.[9]

The results of the campaign bore fruit as Rodey defeated Larrazolo by nearly 4,000 votes. It was singularly important that the official spokesman of the Territory should not be at odds with the Territorial officials. If they were unable to work harmoniously, little positive good would be accomplished.

> Furthermore, if the delegate were opposed to the governor, the delegate became the spokesman, not for the territory as a whole, but for the disgruntled element in the party. This of course, would be a source of great embarrassment to the governor, and might lead to his removal.[10]

With the popular victory of McKinley and Rodey, the Republicans prepared to settle down for a long and prosperous future. The Old Guard in New Mexico had won the confidence of President McKinley, and with Rodey in Congress they prepared to push their fight for statehood. However, the assassination of the President put their future in doubt. Six months previous to the assassina-

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[8] Socorro Chieftain, October 13, 1900.

[9] H. O. Bursum to Lulu Bursum, October 18, 1900, Bursum Papers.

[10] Otero, p. 133.

tion, Otero, Bursum, and J. W. Raynolds journeyed to Washington to defend the Governor from charges leveled by the Catron faction. Although Otero minimized the importance of these charges, and Catron's influence on Mark Hanna, McKinley, and Roosevelt, the fact that he personally went to Washington with two of the most important Republicans illustrated his immediate concern. Roosevelt showed Otero the letters charging the alleged misdeeds[11] and the Governor then prepared his answer with the aid of Bursum and Raynolds.

Bursum was concerned with the fate of Otero, for his political fortunes were tied to the Governor. If the opponents of Otero were successful in having him removed, it would mean a sudden collapse of the Superintendent's political future. It would also mean another open war within the Republican ranks which would delay statehood. But the fears of Bursum were not realized, for on June 15, 1901, McKinley renewed Otero's commission. The three figures from the Territory "were all happy, and began sending telegrams to New Mexico."[12]

With the death of McKinley, Otero again found himself answering questions to Roosevelt, who apparently did not pay the slightest attention to the findings of the deceased McKinley. The situation became much more alarming, for several of the Rough Riders plus the esteemed Lew Wallace were opposed to Otero. Bursum and Raynolds returned to Washington with Otero to defend the Governor's administration. The Superintendent was aware that the insurgents were undertaking a fight against the Governor in the Senate committee

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[11] Ibid., pp. 151-53.

[12] Ibid., p. 159.

headed by Beveridge and was partially responsible for the sending of a large delegation from New Mexico to testify in behalf of the Governor.[13] No doubt the barrage of telegrams plus the delegation from the Territory swayed Congress into approving the reappointment of Miguel Otero.

As the convention of 1902 approached, the renomination of Rodey as delegate to Congress was apparent. Catron tried to control the selection of the ten delegates from Santa Fe County but was defeated. The Catron faction bolted the county caucus and hoped to be recognized in the Territorial convention. However, "the Committee on Credentials recognized the regular delegation from Santa Fe County and dismissed the claims of the Catron faction . . . ."[14] Bursum was directly responsible for this move since he had maneuvered the administration forces into position a month before the convention.[15] Charles A. Spiess was elected chairman of the convention. Rodey was unanimously renominated because of his strong stand on the Omnibus Statehood Bill.

While Bursum scrutinized Catron's activities, events in Socorro County went in the usual pattern for the regular organization. In Sierra County Senator W. H. Andrews was nominated despite the open opposition of some of the senior members of the party. The opposition accused Andrews of sacrificing party solidarity in

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[13] H. O. Bursum to W. A. Hawkins, January 11, 1902, Bursum Papers.

[14] Santa Fe New Mexican, October 10, 1902.

[15] William H. H. Llewellyn to H. O. Bursum, September 14, 1902, Bursum Papers.

order to secure a seat in the United States Senate.[16]

Bursum's leadership of the Republican Party was also challenged by Abran Abeyta of Socorro, who had joined the anti-administration forces of Albuquerque led by Frank Hubbell.[17] Bursum was thoroughly roasted in the Bandera Americana, an organ of Hubbell, and charged with having "bought the democratic delegates in order to prevent a fusion of the Republican Convention with the Democrats . . . ."[18] This charge was never proved and its veracity could be seriously challenged.

A common charge leveled by the Democrats during successive campaigns was that the Republican Party was heavily financed by Big Business. The amount of money spent by Rodey in the 1902 campaign was scarcely sufficient to meet minimum expenses and was usually donated by party members of limited resources. One campaigner, Billy Martin, complained of the lack of funds.

> [Rodey] started with $48--and I with . . . ten dollars . . . . Two years ago they gave me [William Martin] $40 to take the Northern trip, this time I was started out [sic] without a cent. Rodey says, "We will draw" but he can do the drawing so far as I am concerned, . . . If it was intended for me to pay my own way they should have said something to me about it, I never felt so small, a campaign of 1300 miles or more to make without dough . . . .[19]

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[16] Louis W. Gallis to H. O. Bursum, August 13, 1902, Bursum Papers. Andrews had been a resident of New Mexico for eight years. He induced Pennsylvania capital to spend $2 million in railroad building. He was a State Senator in Pennsylvania for several terms prior to coming to the Territory.

[17] C. T. Brown to H. O. Bursum, October 13, 1902, ibid.

[18] H. O. Bursum to C. T. Brown, October 14, 1902, ibid.(copy).

[19] William Martin to H. O. Bursum, October 18, 1902, ibid.

Rodey was elected over his Democratic opponent H. S. Fergusson mainly because of his positive stand on statehood. Rodey favored immediate statehood while Fergusson "made the assertion that many conservative citizens did not want statehood. In fact, the inference from his speeches indicated that he has gone back on the statehood movement and no longer favored it."[20]

Before the conclusion of the 1902 campaign, the attentions of the Old Guard shifted to Santa Fe. There, in the capital city, a fight ensued between Bursum and Catron over control of the lower House. Bursum pushed for the re-election of Major Llewellyn as Speaker because of his friendliness to the administration and because of his legislative experience. Frank Hubbell of Albuquerque supported the selection of Nestor Montoya of Bernalillo County.[21] W. H. H. Llewellyn decided to resign in the face of heavy opposition but Bursum persuaded him to run for re-election. The Major counted on the support of the outstanding leaders in the House and the Otero administration.[22] After a short but rather colorless fight Llewellyn lost his seat in the lower house mainly because of the opposition of W. A. Hawkins. Catron was able to have Nestor Montoya selected as Speaker of the House.

While Bursum's control of events in the capital waned, he

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[20] Santa Fe New Mexican, October 29, 1902. Larson's "Statehood for New Mexico: 1888-1912," discusses Rodey's roll in the statehood movement at the turn of the century, pp. 119-31.

[21] H. O. Bursum to W. A. Hawkins, November 1, 1902, Bursum Papers (copy).

[22] H. O. Bursum to W. H. H. Llewellyn, November 19, 1902, ibid. (copy).

had to contend with an open revolt by the regular Republican organization in Socorro County. The insurgents, led by Abram Abeyta, received the open support of Frank Hubbell.[23] Hubbell's strategy was to destroy Bursum's political power in Socorro and by so doing the influence of Otero's closest advisor.[24] Without Bursum, Hubbell felt certain that the Otero reign would terminate. They hoped to include "Bull" Andrews, the rising comet from Sierra County. The plan did not materialize because the administration failed to support Rodey in the election of 1904, delivering instead its support to the former Pennsylvania legislator. Andrews thus became a close ally of the Old Guard and represented its interest until the advent of statehood.

One of the first members of the Old Guard to fall from power was Judge Daniel McMillan. Charges of immorality were brought against the Judge by "an attorney who disliked him because of a court decision."[25] Otero went to Washington to defend McMillan but was rebuked by Roosevelt, who once more illustrated his complete lack of understanding of New Mexico affairs and his willingness to make judgments without obtaining a complete picture of the local scene. For six months, the people of the Territory awaited Roosevelt's decision but it was slow in coming.

In the interim Bursum busied himself in the defense of McMillan. He requested the citizenry to send protests to Washington.

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[23]H. O. Bursum to Daniel McMillan, November 15, 1902, ibid. (copy).

[24]Ibid.

[25]Otero, p. 327.

Bursum personally vouched for the integrity of Judge McMillan:

> The general feeling of citizens of all classes is to the effect that the charges are unfounded on fact; that they have been prompted for selfish purposes and to further the ends of certain individuals. Such individuals in promoting the charges referred to have not been seeking the public welfare, but on the contrary seek to gratify their personal and individual spleen by advocating the removal of Judge McMillan. The better element and in fact the people generally are in favor of his retention as judge; his administration on the bench has been fair, impartial and able. As to his private character nothing can be truthfully said against him. He enjoys the confidence, respect and esteem of the best element of our District.[26]

However, the influence of the Old Guard was of no consequence. Judge McMillan was removed by the President on June 27, 1903. Roosevelt's poor judgment in interfering in local appointments caused great friction within the ranks of the Republicans in the Territory and drove many faithful Republicans into the Democratic ranks.

The first test of Bursum's strength since the election of 1902 was in the selection of delegates from Socorro County to the Las Vegas convention which was to select delegates from the Territory for the National Republican convention in Chicago. Bursum's rival in Socorro County, Abran Abeyta, presided over the meeting of the Republican Central Committee of Socorro County.[27] Abeyta, who was supported by Frank Hubbell, bolted the party in 1902. This split caused the county to swing into the Democratic camp. When

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[26]H. O. Bursum to Attorney General, January 24, 1903, Bursum Papers (copy).

[27]Santa Fe New Mexican, February 22, 1904.

the business of the committee came to a vote, it became evident that Abeyta had little strength since he could only count on two votes.[28] Furthermore, the friends of Bursum had a strong organization in every precinct of the county, while the primaries were so arranged that no "underhanded work on the part of Abeyta and his crowd"[29] could change the outcome. Bursum carried the primaries by a two to one margin and was thus assured control of the delegates to the Las Vegas convention.

The newspapers of the Territory advocated sending Bursum to the National convention because he was "a Roosevelt man, built after the Roosevelt pattern, and it [is] fitting and proper that he should have a voice in the nomination of Roosevelt at Chicago."[30] Even the hostile Albuquerque Morning Journal was forced to concede this argument.[31] Bursum, a staunch supporter of Roosevelt, was elected as a delegate to the National convention of 1904.

A few days before the Republican Territorial convention assembled, Governor Otero informed Rodey that he must give up his support of Hubbell or be defeated for renomination.[32] Delegate Rodey, who now received Catron's support, believed he could win the nomination without Otero's aid. Catron, who made a special effort to remove Rodey from the Governor's camp, was pleased at the

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[28] Ibid.

[29] Ibid.

[30] Ibid., February 13, 1904.

[31] Ibid.

[32] Otero, p. 229.

apparent break by the popular delegate to Congress.[33] As the convention met in Albuquerque the forces of Thomas Catron and Frank Hubbell seemed to have captured enough strength to nominate Rodey. Nevertheless, when the roll of delegates was called, Rodey collected 65½ votes as opposed to 101½ for Andrews.[34]

Bursum, who had been elected chairman of the party, opposed Rodey on the ground that his acceptance of the proposal for joint statehood was a political mistake and could seriously jeopardize the party's chances of victory.

Bursum's second reason for deserting Rodey was that the delegate had openly allied himself with his political enemies, Hubbell and Catron. In reality Bursum had little choice in the matter since the Republican Party was split into several camps which, with the exception of Otero, were opposed to him. Although Bursum was friendly toward Rodey, he believed Andrews would have the staunch support in Congress of the entire Pennsylvania delegation. Moreover, he reasoned, Andrews could attract investments to the Territory and thereby greatly improve business and commerce.

On October 12th, 1904, Bursum opened the campaign by touring the northern counties of New Mexico with Otero and Andrews. Generally, they were well received in this traditionally Republican

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[33] "I tell you now the Governor is no friend of yours; he is not in favor of your renomination; he may tell you so, but he has been shaping things in order to get the nomination of Spiess or himself. A great deal of talk is that he wants it for himself." Thomas Catron to Delegate Rodey, December 25, 1903, Catron Papers.

[34] Otero, p. 233.

stronghold. Rodey ran on an Independent Republican ticket and hoped to draw from the strength of the regular Republicans. This was impossible because Bursum kept Andrews, Roosevelt, and the Grand Old Party in the front pages of the Territorial newspapers.[35] Rodey was limited to secondary articles in the Albuquerque Morning Journal.

Bursum tried to prevent a split by convincing the would-be insurgents that loyalty to the party was a higher principle than loyalty to a single candidate. In a sense this was the major problem of the campaign. Not only were the votes for delegate in danger, but on the local level several counties had more than one Republican candidate to oppose the Democrats. Both the Independent Republicans and the regular Republicans expected aid from the Central Committee. They warned that aid should not be given to the opposition: "If we discover that you are aiding the other fellows to defeat our County Officers, we will consider ourselves, in duty bound, to give Mr. Andrews a cold shake, and cast against, 400 votes which are his. Now please be governed accordingly."[36] The Sage of Socorro gave words of wisdom to the county members who considered bolting the party:

> I believe . . . that a man to be effective must stay with the pot and ultimately get his remedy inside the pot and ultimately get his remedy inside the lines otherwise he is out. It is sometimes a hard proposition to do but nevertheless it is good policy and will ultimately win. Many a time my enemies would have been pleased if I

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[35] H. O. Bursum to Jose Montoya, September 22, 1904, Bursum Papers (copy).

[36] R. Romero to H. O. Bursum, October 23, 1904, ibid.

> would have jumped the tracks and got out for then they would have been rid of me and had clear sailing inside party lines although the party might have suffered.[37]

Since the Catholic vote during the Territorial period usually went to the Republican Party, the chairman advised his constituents to create a picture of Roosevelt as the defender of the Holy See.[38] This tactic was to be used in the northern counties while the opposite approach was to be used in southern and eastern New Mexico. Bursum attempted to attract Democratic votes on the "east side" by recreating the myth of the Rough Rider--the man of the plains and prairie.[39] Though Bursum expected Roosevelt to win, he hoped to pull the Territorial Republicans into office on the strength of the vote for the President.

Since New Mexico seemed in doubt, Bursum spent most of his energy trying to increase Republican votes with money, literature, and encouragement. He suggested a campaign on the quiet, even though the situation might seem hopeless. The correspondence from county chairmen enforced Bursum's conviction that the Democratic candidate for delegate to Congress, George P. Money, was very popular and that the Republican Party would encounter its strongest opposition since the election of 1894. Money and his Democratic colleagues endeavored "to stir up strife between Santa Fe and Albuquerque."[40] The adherents of Money stated that Albuquerque would be "knocked

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[37] H. O. Bursum to Honorable L. O. Fuller, June 6, 1904, ibid. (copy).

[38] Ira Bond to H. O. Bursum, October 10, 1904, ibid.

[39] Stanford to H. O. Bursum, October 19, 1904, ibid.

[40] J. J. Sheridan to C. V. Safford, October 21, 1904, ibid. (copy).

silly as to appropriation for public buildings, and military posts . . . ."[41] and was bound to be politically subservient to Santa Fe. The Republicans counteracted this propaganda by issuing press releases to the Journal which reported the building of the Santa Fe Central Railroad to Albuquerque. To deceive the voters of Albuquerque, J. J. Sheridan recommended:

> Set up special correspondence from the camp at the front as to what [you are] doing . . . . Hammer it hard, have Engineer Farwell and his men drop in and run a few lines about [the] outskirts . . . , a few fake advertisements for bids for construction. Get your "hot air" man busy . . . .[42]

Railroad management was asked to contribute to the campaign fund while the labor vote was eagerly sought. The railroad yardmen of Raton strongly favored the Republicans and figured "to run in extra gangs on election day."[43]

Catron and Hubbell remained a constant problem in the campaign; consequently the Republicans did not hesitate to blame them for misdeeds for which they were not responsible. In the towns of Aztec and Fruitland a controversy, into which political issues were introduced, erupted between the Mormons and the Methodists. It was believed that one of the Mormon leaders was responsible for circulating material favoring Rodey at the expense of Andrews. The Republicans were instructed to laugh it off and simply say that "it is all a move on the part of Tom Catron to create strife and

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[41] J. J. Sheridan to C. V. Safford, October 21, 1904, Bursum Papers.

[42] Ibid.

[43] G. A. Russell to H. O. Bursum, November 4, 1904, ibid.

dissension in the Party ranks and for that reason it is the duty of all true Republicans to stand together . . . ."[44]

The Republican chairman minimized the influence of Hubbell and Catron despite the warning of the party hierarchy. Frank W. Clancy kept Bursum informed on the material being published by Hubbell's Bandera Americana. This organ leveled a steady attack against Andrews, Otero, and Bursum.[45] Clancy complained to Otero that, as a result of Bursum's inclination not to believe Hubbell a threat, the polls were occupied with people proclaiming the Rodey and Money ticket while "I could hear nothing of Andrews . . . and that Andrews seems to be entirely forgotten by everybody."[46]

Catron busied himself with several of the disgruntled members of the Republican Party; he urged them to vote the "anti-Bursum and anti-Andrews ticket whatever it may be."[47] The Santa Fe leader was willing to see the Democratic candidate Money elected if it would mean the political demise of Bursum. Catron also tried to enlist the support of W. A. Hawkins, the wealthy corporation lawyer, to put through an anti-Otero legislative ticket. Although Hawkins did not support the Catron faction in Santa Fe, he did materially weaken the party by attempting to defeat W. H. H. Llewellyn for the

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[44]Dr. E. G. Condit to H. O. Bursum, October 19, 1904, Bursum Papers.

[45]Frank W. Clancy to H. O. Bursum, October 22, 1904, ibid.

[46]Frank W. Clancy to Miguel A. Otero, November 8, 1904, Otero Papers.

[47]Thomas Catron to R. E. Thomas, October 29, 1904, Catron Papers (copy).

House. Hawkins was apparently operating under instructions of the E. P. & N. E. railroad.[48]

The results of the election were heartening to the Old Guard, for Roosevelt stepped into an avalanche of votes while Andrews won with a plurality of well over five thousand. The victory of the Republican Party was a tribute to the ceaseless efforts of its chairman. One political observer noted that the results proved that Bursum was the right man in the right place:

> He says very little, but he thinks a great deal, and he does things quickly and well.
> . . . . . .
> Mr. Bursum's word is quite the equal of his bond on politics as in business, and [he] is thoroughly respected and very popular . . . .[49]

On the eve of the election, Bursum came off his ranch looking "like a thoroughbred cowman" after a month on the range. He was confident that his party would win and failed to check on the results until several hours after he was in town.[50]

If anyone doubted Bursum's power and ability, their unrealistic visions were shattered by the election returns. On March 14, 1905, the jubilant party gathered for "a royal old stag party" at the old governor's palace. Max Frost, editor and owner of the New Mexican, was especially eloquent in his description of the event:

> If the spirits of those who occupied the Old Palace since the days of the conquistadors, visited the historic old

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[48]H. O. Bursum to J. M. Hawkins, December 14, 1904, Bursum Papers (copy).

[49]Socorro Chieftain, November 19, 1904.

[50]Ibid.

> buildings last evening, they must have looked on in astonishment. Many of them undoubtedly in their day, were present at revelries within the solid adobe walls of the structure but it is to be doubted if any of them ever ran up against a combination of a night in Bohemia, a Dutch luncheon, and a reception to a chairman of the Republican Party, who snatched a glorious victory from a situation that looked dubious even to his most loyal and optimistic followers.[51]

Distinguished guests from every county of the Territory crowded into six rooms. The decoration symbolized the patriotic consciousness of the "forgotten Territory." The main portal was adorned with red, white, and blue lights while flags and tri-colored streamers decorated the speaker's platform.[52] The colorful Cavalry Band "worked overtime to add to the prevailing cheer." Fine wine and an ample supply of succulent food added materially to the "flow of wit and wisdom."

Bursum, unaware of the real purpose of the gathering, attended the party and was his usual unassuming self. As the evening wore on, Governor Otero led the procession from the Ben Hur room into the main gallery. Bursum followed and took an inconspicuous seat at the back of one of the small platforms, but was asked by Otero to take a position in front of the stand. When the chairman assumed the designated position, the main lights were extinguished while colored lights were turned on to illuminate a picture of Bursum.[53]

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[51] Santa Fe New Mexican, March 15, 1905.

[52] Ibid.

[53] Ibid.

As the chairman became more and more uneasy, Governor Otero stepped to the platform to make a presentation. Never lacking in oral ability, Otero was unusually sentimental:

> Mr. Bursum--It is a great pleasure I assure you, to have been selected as the one to present to you this lovely token from all your friends throughout the territory . . . . Few, if any of the former chairmen of the Republican party of New Mexico have been loved and respected as you have been. We all recognize in you, not only a past master in the art of holding your friends, but also a man of brains, saying little, but thinking from morning till night in the interest of all the positions you have assumed. I know of nothing too good for H. O. Bursum.[54]

Applause and cheers became so loud that they threatened to "raise the roof." This did not relieve the embarrassment of Bursum, and his response to the generous gift was "humble and to the heart." Solicitor General Pichard, Judge E. A. Mann, Nestor Montoya, Elfego Baca, Secundino Romero, and W. B. Childers of Albuquerque followed Otero's speech with short testimonials praising Bursum's political acumen. When the time came for "Billy Martin," a long-time friend of Bursum, to give his brief speech, he found that there remained little to be said. "Handsome Billy" could talk against time if need be but found himself at a loss for words. His speech was of ten-sentence duration and ended by saying that Socorro was "proud of its favored son, H. O. Bursum, whose broad and brilliant mind has never conceived a vicious or malicious thought and whose tender and loyal heart has never been guilty of prompting one."[55]

The results of the Republican victory were overshadowed by

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[54] Ibid.

[55] Ibid.

a new split in the party. The split occurred when Governor Otero ordered District Attorney Frank W. Clancy of Albuquerque to prefer charges against Frank A. Hubbell, treasurer and "ex officio collector," Thomas Hubbell, sheriff, and Eslavio Vigil, superintendent of public schools of Bernalillo County.[56] These political enemies of Otero were charged with misappropriation of public funds and of general misconduct with fiscal reports. Although no records are available which reflect Bursum's impressions of the event, one may judge from the election of the previous year that the Superintendent did not believe in stirring up the muddy waters of Albuquerque politics. Bursum's ambition was to solidify the party by placating the disgruntled elements. He realized that a court battle between two party factions would only achieve the opposite effect.

The chairman resisted all attempts to interfere in county politics. Bursum staunchly held the premise that the Territorial committee had no authority to make selections to fill county vacancies. The chairman's duty, as he saw it, was not to prefer one candidate over another but merely to support the one who was favored by the majority of the electorate.[57] In Bursum's long political career he upheld this principle, although members of the opposition could not understand how he could command party loyalty without controlling the party at the local level.

During most of his political career, Bursum agreed with the policies of Theodore Roosevelt. However, there was one minor

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[56] Ibid., August 31, 1905.

[57] H. O. Bursum to T. W. Watson, n. d., Bursum Papers (copy).

exception--conservation. Bursum was a stockman who believed that public land should not be diverted into forest reserves. Sheep raising in New Mexico was a feast or famine proposition[58] and public lands were used freely to graze flocks. As the government enlarged its forest reserves in New Mexico, the sheepmen believed they would soon be without adequate winter grazing ranges. In 1905, the Federal government proposed to create a forest reserve north of the Gila Reservation. This land had been used for grazing when the flocks spent their allotted time in the Reservation.[59] When the government incorporated new lands into forest reservations, grazing territory was temporarily lost. Bursum failed to comprehend the long-range benefits which would accrue to the sheep industry through conservation.

> We believe in the principal of forest reserves and believe such reserves are essential to the protection of our forests, as well as the water shed which furnish the source of supply of water for the streams which irrigate our farming lands, but in the matter to which reference is herein made, we believe that the good of the service does not demand the creation of said additional proposed reserve and on the contrary if created would involve a great hardship on our people, who are engaged in an industry which has taken a life time [sic] to build up and which would in our judgment practically be ruined by the creation of said additional reserve.[60]

In 1906 the political fortunes of Bursum suffered a setback. While Andrews was re-elected as delegate to Congress, Bursum was forced to resign as Superintendent. It was also the year that

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[58] Interview with Frank A. Hubbell, Jr., October, 1961.

[59] H. O. Bursum to Gifford Pinchot, December 15, 1905, Bursum Papers (copy).

[60] Ibid.

Hagerman tried to eliminate him as Republican Territorial Central committeeman. Among the other misfortunes of that year was the failure of joint statehood for Arizona and New Mexico. During the general election of 1906 New Mexico favored the joint statehood bill by a majority of 11,000 votes while Arizona rejected the proposal by a vote of 16,265 to 3,141.[61] Bursum long held to the idea of single statehood but shifted his influence to joint statehood. The defeat of joint statehood by Arizona forced New Mexico to wait six more years for admission into the Union.

When Bull Andrews came into the Territory, he brought with him a vast fortune. However, by 1906, his personal wealth was exhausted; therefore he was forced to rely on Bursum for financial support. Andrews returned his campaign printing bills to the Territorial party for payment with the request that they be paid by special assessment.[62] In February two notes of large denomination fell due and Bursum was requested to have the notes renewed for Andrews by Mr. Palen of the First National Bank of Santa Fe. Subsequently Bursum became Andrews' political and financial mentor.

The chairman arranged to have the Republican convention of 1906 meet at Las Vegas. He was confident that if enough money could be raised to finance the campaign, Andrews would win without difficulty. The burden was increased by an Interstate Commerce Com-

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[61] Twitchell, II, 545. Also Larson, "New Mexico Statehood," p. 229.

[62] Max Frost to H. O. Bursum, July 31, 1906, Bursum Papers.

mission ruling which prohibited the issuance of free passes except to workers of the railroad and their immediate families.[63]

The campaign was financed by the conservative element within the Republican Party. W. A. Hawkins, for instance, raised $3,000 while Bursum and Solomon Luna each contributed $1,000.[64] The banks of New Mexico were requested to contribute to the campaign fund. The funds requested were small but the dividends promised were great:

> Confidentially, I wish you would also see your bank at Alamogordo . . . . You can say to them that it will be the policy of the Republicans to place the banks on an equal basis with other taxpayers, with reference to taxation.[65]

However, the contributions that were received were from individuals of the banks and not the bank proper.[66] The banking institutions of the Territory confessed a general unwillingness to actively engage in politics.

When the Republican Territorial convention convened, the Hagerman forces tried to block the re-election of Bursum and the renomination of Andrews, but with little success. Loyal Republicans such as Will Robinson thought it best for Bursum to step aside for the good of the party until the prison episode was completely clear.[67] This reasoning was not accepted by the leaders of the party.

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[63] Dudley Evans to H. O. Bursum, August 23, 1906, ibid.

[64] W. A. Hawkins to H. O. Bursum, October 27, 1906, ibid.

[65] H. O. Bursum to Downs, October 12, 1906, ibid.

[66] H. O. Bursum to C. N. Blackwell, October 29, 1906, ibid. (copy).

[67] Will Robinson to ?, August 25, 1906, ibid.

The Democrats once more offered Larrazolo as their candidate for delegate to Congress. Bursum placed Andrews in front of the people either by the medium of newspapers or by sending such influential native sons as Elfego Baca, Solomon Luna, or Carrera into northern New Mexico. These speakers stressed the prosperity brought about by the Republican administration and the benefits which might be derived from joint statehood.

In order to receive additional news coverage, members of the Old Guard attempted to buy the Albuquerque Morning Journal. This sudden move was necessitated by the rumor that Catron and Hagerman were negotiating for the purchase of this influential press. D. A. McPherson, the owner of the Journal, would not sell to "the gang" unless the Old Guard was willing to relieve him "from his embarrassment on the water plant." Apparently the newsplant and the Albuquerque water works were controlled by a syndicate which wanted to realize a $25,000 profit from its operations.[68] Since the price was unrealistic the purchase was dropped and the Journal remained a constant source of harsh criticism.

Larrazolo's emphasis on the importance of placing a native son in the halls of Congress led the Republicans to believe that the Democratic candidate was using the race issue to defeat Andrews. To combat this, the indefatigable Bursum formed truth squads which followed Larrazolo and corrected supposed misconceptions.[69]

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[68]Daniel McMillan to H. O. Bursum, September 7, 1906, ibid.

[69]H. O. Bursum to George H. Utter, October 26, 1906, ibid. (copy).

One of the future handicaps of the Republican Party became manifest as reports filtered into central headquarters which indicated the growing Democratic strength in the eastern counties of the Territory. Between 1904 and 1906, it was believed, Democratic strength increased by an average of 2,500 votes per year. Since the northern counties could not count on similar gains, the future of the Republican Party seemed dim.[70]

The election returns gave Andrews a narrow margin of victory. Larrazolo contested the decision. He claimed he was defeated because of fraudulent election practices.[71] No political figure of any consequence in New Mexico would deny that election irregularities such as vote buying existed in the Territory, but it is generally conceded that both parties indulged in irregularities. In the election of 1906 Bursum received a letter from Gallegos of Tucumcari which made this observation: "There are fifty negroes at Sunnyside who are qualified to vote and will vote our way for about $50.00. I have a man by the name of Barney Greer at Santa Rosa who can handle them."[72]

From Roy, New Mexico, came complaints that the last election had proceeded in a most disgraceful manner.

> The Democrats were [had] conducted their side of the fight with lawless drunkards, starting riots and shooting at the

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[70]Max Frost to H. O. Bursum, April 20, 1906, ibid.

[71]Alfred C. Cordova & Charles B. Judah, Octaviano Larrazolo, A Political Portrait, Department of Government, University of New Mexico (Albuquerque, New Mexico, 1950), p. 11.

[72]Gallegos to H. O. Bursum, October 31, 1906, Bursum Papers.

> polls, the six special officers, were unable to quash the riots, voters especially those of the republican side did not dare to go to the polls to cast their votes, they resorted to very shameful means to carry the precinct.[73]

Among the important leaders who fell by the wayside in 1906 was Thomas Catron, the political boss of Santa Fe who was defeated by the regular Republican candidate Epimenio Miera. Catron was forced to fight for a place in the legislature when the Governor reapportioned the counties of the Territory.[74] The senior citizen of Santa Fe asserted that Miera used the race issue to defeat him. He also declared Miera went into the various precincts and claimed he was a Penitente. Furthermore, Catron stated that Miera "got them to pledge themselves to vote for him as a member of that order, and traveled from house to house in those precincts urging the people to vote for him and Larrazolo as natives against two Americans, as he called them."[75] He also charged that improper ballots and stickers were used to prevent the people from voting the way they wished.[76]

Catron contested the election because of the technicality that the reapportionment was illegal and because his name did not appear on all the ballots.[77] However, he failed to heed the political

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[73]Bushkwitz to H. O. Bursum, November 7, 1906, ibid.

[74]Mary Elizabeth Sluga, "The Political Life of Thomas Benton Catron, 1896-1921" (unpublished Master's thesis, Department of History, University of New Mexico, 1941), p. 9.

[75]Thomas B. Catron to H. O. Bursum, November 12, 1906, Bursum Papers.

[76]Ibid.

[77]Ibid.

maxim that one cannot achieve in Washington what was not given at the polls--and lost his appeal.

With the removal of H. J. Hagerman from the governor's chair, Bursum recommended that Arthur Trelford, Bursum's successor at the penitentiary, "get his rear end kicked out of the Territory and back into Kansas; just as soon as possible."[78] This suggestion was made because of Trelford's harsh criticism of Roosevelt for the removal of Hagerman. However, Bursum advised Raynolds to proceed with extreme caution. All removals, he warned, would have to meet the approval of Curry. Secretary Raynolds failed to follow Bursum's advice and removed Trelford,[79] charging that Trelford had treated many of the inmates in a brutal manner. However, the charges leveled against Trelford were but a front for the vindictive scorn of the Old Guard. The Superintendent was removed because of his close association with the Hagerman administration.

The Hagerman forces retaliated with charges that claimed Raynolds issued unwarranted pardons and had transferred Territorial land leases illegally to his sheep ranch.[80] Andrews and Bursum tried to defend Raynolds, but Roosevelt was convinced that Raynolds was guilty of land fraud and he was promptly removed.

To quiet the slanderous remarks of the Journal, W. H. H. Llewellyn suggested that "Andrews, Childeress [sic] and himself file a $50,000

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[78] H. O. Bursum to J. W. Raynolds, May 2, 1907, ibid.

[79] Ibid.

[80] Max Frost to H. O. Bursum, June 17, 1907, ibid.

libel suit against the paper." Llewellyn reasoned that this was the only way to silence the "lies and punish the liars."[81] The former District Attorney from Alamagordo claimed that he had received a letter from the senior Hagerman which stated that he was going to revenge his son and get even with the Old Guard.[82] Since the Journal was co-operating with Hagerman in this plan it was assumed by Llewellyn that a law suit would delay if not stop the scheme. Bursum accepted the challenge of Hagerman and the Journal:

> Whom the gods would destroy, they first make mad. No doubt this adage would properly apply to Old Man Hagerman's case. He is a good deal of a bluffer and a blusterer, and if his threats will not buy many chips in this game. Let him crack his whip and do his d--dest. He will find someone there with the goods.[83]

The Republican supporters of Bursum complained of the poor political coverage by the press and warned that if adequate rebuttals were not in the offing, the citizens of the Territory would soon come to believe the charges brought against Bursum. They further stated that the Albuquerque Citizen and Santa Fe New Mexican were concerned with their personal welfare rather than the well-being of the party. The Republican chairman, who tended to minimize the effect of the Journal, failed to press for adequate replies. Although the immediate effects of this policy were negligible, Bursum was soon to realize the power of the Journal in the election of 1911. However, he was not alone in failing to recognize the strength

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[81] W. H. H. Llewellyn to H. O. Bursum, May 10, 1907, ibid.

[82] Ibid.

[83] H. O. Bursum to W. H. H. Llewellyn, May 14, 1907, ibid.

of the Journal. The Socorro Chieftain called the Journal's attack on Bursum the work of a Blunderband whose power was disregarded by the people.[84] In reply the Journal warned that when Bursum lifted the scalp of Hagerman he consigned himself to an early political grave.[85]

Rumors of Hagerman's reinstatement were rampant but Bursum showed little concern. He had been given a copy of the scathing letter from the President to Hagerman which demonstrated that Hagerman was no longer a threat. This allowed Bursum's attention to shift to the renomination of Roosevelt for the presidency.

Bursum, a supporter of Roosevelt, had aided him in securing delegates from New Mexico in 1904. He looked upon the President's appointment of Hagerman as being unfortunate but not based on personal opinion. The former Superintendent was pleased at Curry's appointment and vowed to give Roosevelt his full and complete support.[86] Roosevelt was flattered with Bursum's firm stand but insisted that he would not be a candidate for the presidency.

The ex-sheriff did not take Roosevelt at his word and attempted to create enough public opinion to force Roosevelt to accept another term. He started his campaign on May 2, 1907, with an article to W. H. Wiseman, intended for circulation in the Des Moines paper The Capital.

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[84] Socorro Chieftain, March 17, 1908.

[85] Ibid.

[86] Telegram from H. O. Bursum to Theodore Roosevelt, no date except 1907, Bursum Papers.

> New Mexico believes in Roosevelt and his politics. Our people admire his frankness, rugged honesty and positive character.
>
> The famous "Rough Rider Regiment," which Roosevelt led to victory at San Juan, was raised principally in New Mexico and President Roosevelt is looked upon by our people more as a favorite son of the West than of New York.
>
> The name of "Roosevelt, exponent of the Square Deal," is found in every household. The people are for him for President, and will insist that he be made the Presidential nominee at the next National Republican Convention.[87]

Bursum's argument was not only grounded on a sentimental tie with Roosevelt, but on the belief that only Roosevelt would be able to complete the policies commenced under his administration. Whether Roosevelt wished to be nominated was of secondary importance. Bursum believed that Roosevelt would be drafted and would respond like a patriot by accepting the nomination. According to Bursum there were "no ifs and ands about it, [the convention] must and will deliver the goods."[88]

Early in March of 1908, Roosevelt issued a call to Governor Curry, Solomon Luna, and H. O. Bursum to come to Washington to discuss the fall election.[89] The President informed the New Mexico delegates that under no circumstances would he consider himself a candidate for the presidency. Roosevelt then requested support for William Howard Taft and asked that the New Mexico delegation be delivered to the Ohioan at the convention. Curry and Luna readily

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[87] H. O. Bursum to W. H. Wiseman, May 2, 1907, ibid. (copy).

[88] H. O. Bursum to W. H. H. Llewellyn, May 8, 1907, ibid. (copy).

[89] George Curry, 1861-1947, An Autobiography, ed. H. B. Hening (Albuquerque: University of New Mexico Press, 1958), p. 219.

agreed, but Bursum was reluctant to support anyone other than Roosevelt, adding bluntly that he thought the President owed it to the country and the party to run for a third term.[90] Roosevelt was pleased at the faith shown by Bursum, but this loyalty failed to change his mind. Since Roosevelt was resolute, Bursum reluctantly accepted the President's decision and agreed to support Taft.

That afternoon the Republican leaders from the Territory called on Taft and advised him that every effort would be made to deliver the New Mexico delegation for his nomination. Taft replied:

> You boys do what you can to help make me your President, and if I am nominated and elected, I assure you that I will do everything I can to make New Mexico a state.[91]

At Taft's suggestion the Republican convention for the selection of delegates convened early "in order to get the ball rolling for Taft." Bursum was elected as a delegate from Socorro County to the Silver City convention.[92]

The convention met on March 21, immediately selected national delegates, and passed the usual lengthy resolutions. These soundly Republican statements recognized the "able and efficient" work of Delegate Andrews, and the "splendid administrations of Roosevelt and Curry," and gave unqualified support to the nomination of Taft.

The caucus selected Thomas Catron, Miguel A. Otero, Charles A. Spiess, H. O. Bursum, A. B. Fall, and W. H. H. Llewellyn as delegates to the national convention. One delegate was selected from each of

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[90] Ibid.

[91] Ibid.

[92] Socorro Chieftain, March 21, 1908.

the five judicial districts of the state while the Governor went as a delegate at large. This immediately produced a quarrel between Miguel Otero and Catron. In order to avoid an open break, Governor Curry stepped aside to permit both Santa Fe delegates an opportunity to attend the national convention.[93] When the delegates arrived at the convention, they were informed that Territories were permitted only two seats. After a brief caucus, the delegation selected Charles Spiess and H. O. Bursum to represent the New Mexico interests. Catron protested the selection of Bursum, claiming that according to the New Mexico Republican convention the candidates were to be seated in order of selection. Since Catron was selected second and Bursum last, Catron thought he should be a delegate.[94] The national convention selected Spiess to serve on the Credentials Committee while Bursum was chosen for the Resolutions Committee. The chief interest of the New Mexico delegation was to have a resolution passed which committed the Republican Party to immediate statehood. When the arguments were over, the full Resolutions Committee adopted the Bursum motion: "We favor the immediate admission of the Territories of New Mexico and Arizona as separate states in the Union."

The chairman of the Territorial party gave signal service in defending southern states in the convention. Several northern constituents within the Republican Party attempted to reduce southern

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[93] Curry, p. 220.

[94] T. B. Catron to Frank Hitchcock, June 11, 1908, Catron Papers (copy).

representation at the convention. Bursum resolved that "as long as the Southern States have representatives in Congress based upon the number of residents, so long should the Republican Party give the representation upon that ratio. This ratio was not based upon votes but based upon residents."[95]

The campaign of 1908 commenced early in New Mexico. The Democrats again nominated Larrazolo, the unsuccessful candidate of 1900 and 1906. He was the best candidate who could have been offered, for Larrazolo had all of the qualities necessary for victory. Picturesque in appearance, he was gifted with one of the finest minds in the Territory. His graceful manner and perfect speech, both in English and Spanish, epitomized the best qualities of the Spanish Dons. But Larrazolo was idealistic and failed to see the political contest for what it was--that is, a contest that required compromise and accommodation. There seems little doubt that if he had joined the Old Guard and remained loyal to its principles he would have eclipsed most of his contemporaries.[96]

The summer months in New Mexico were spent by the various political leaders of the Territory in securing strength for their candidates. Charles Spiess succeeded in having the Las Vegas Optic, Raton Range, and Cimarron News and Press attack Andrews in such a

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[95] Santa Fe New Mexican, June 26, 1908.

[96] For a detailed account of Larrazolo's political life, consult the thesis of Alfred G. Cordova, "Octaviano Ambrosio Larrazolo: The Prophet of Transition in New Mexico" (unpublished Master's thesis, Department of Government, University of New Mexico, 1950).

manner that it hurt the delegate in the campaign.[97] Catron allowed the Santa Fe delegation to go uninstructed; he hoped to be nominated as delegate if the convention broke down.[98] Secundino Romero and Judge Mann also were considered candidates for delegate.

One of the important political positions to be filled was chairman of the party. Former Governor Otero and Ralph Twitchell made feeble bids for this position but lacked support within the party. The feeling of many was that the appointment of Otero and Twitchell "would be political suicide."[99]

The opposition came near to party control when Bursum narrowly escaped with his life as a result of an automobile accident. Bursum, William Martin, and F. L. Weed, a stenographer who accompanied Frank H. Hitchcock of the Republican National Committee, were touring the Garden of the Gods near Colorado Springs when the brakes of their limousine failed. As the car picked up speed the passengers jumped to safety. The car ran off the road and turned turtle in a deep ravine.[100] Fortunately none of the passengers was injured.

Curry personally opposed the nomination of Andrews[101] but worked with the party chairman for Andrews' renomination. Curry acted as the party pacifier and succeeded in uniting all but the Hagerman faction.

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[97] Max Frost to H. O. Bursum, July 3, 1908, Bursum Papers.

[98] Ibid.

[99] Ibid., July 17, 1908.

[100] Santa Fe New Mexican, July 20, 1908.

[101] Curry, p. 252. Curry believed Andrews had a corrupting influence on the party.

The colorful capital of the Territory was selected as the host city for the Republican convention. The mayor of Santa Fe welcomed the party faithful in warm August weather. After a brief invocation by the Reverend W. R. Dye, the delegates prepared themselves for an address by their party leader.

Bursum briefly reviewed the role of Lincoln, Garfield, McKinley, and the illustrious "Teddy" in advancing the standard of the Republican Party. Whenever the name of Roosevelt or Taft was mentioned, the gallery shouted their unanimous approval.[102]

> Bursum referred to the Philippine Islands, Porto Rico, and Cuba and said that it was the Republican party that gave to the people of these Island possessions their liberty from the chains of monarchy; and William H. Taft, republican standard bearer, was the man of the big heart and big brains, who established and plotted out that form of government in the Philippines.[103]

After the chairman reviewed the growth of the New Mexico Territory, he attacked the argument put forth by Samuel Gompers which pictured the Republican Party as hostile to the wishes of labor. Bursum believed that the Republican Party was created by a laboring man--Lincoln--and the party of Lincoln was favorable to all men, regardless of class.

The business of the convention continued. Bursum was re-elected chairman of the Republican Territorial Central Committee for the fourth time while Andrews was unanimously renominated to carry the standard of the Republican Party. The delegate to Congress had the united support of the party; those who did oppose him put away

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[102] Socorro Chieftain, August 28, 1908.

[103] Ibid.

their personal feelings and openly campaigned in his behalf.[104]

The chief issue of the campaign was statehood. The Republicans claimed a Democratic victory would retard the statehood movement. The Democratic candidate Larrazolo tried to combat the anti-statehood element within his party, but met with little success. His failure to convince the Progressive members of the Democratic Party of the immediate need for statehood was partially responsible for his leaving the party in 1911.[105]

Andrews, Curry, Secundino Romero, Solomon Luna, and Bursum toured the northern New Mexico counties to secure votes for the Republican party while Fall, Hawkins, and W. H. H. Llewellyn toured the southern counties. Since Taft was irrevocably committed to statehood for New Mexico, both campaign groups stressed one platform--a vote for a straight Republican ticket was a vote for statehood.

The Republicans did not consider Larrazolo a real threat, but his popularity was far-reaching. When the election returns were counted, the Democrats had received the support of half of the counties and came within a few hundred votes of winning. Poor administration of the campaign on the Territorial level, the split over statehood within the Democratic Party, the racial prejudice in eastern New Mexico, and the ability of the Republicans to unite their party, cost the Democrats the campaign.

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[104] Curry, p. 222.

[105] Cordova, p. 16.

With the election of Taft and Andrews, the Territory anticipated that statehood was within their reach. Many of the leaders who fought the long battle did not live to see their dreams realized. Max Frost, a lifelong friend of Bursum and champion of the Old Guard, was one of the first to pass away. Frost, owner and editor of the Santa Fe New Mexican, was instrumental in answering the charges of the Albuquerque Morning Journal. On January 19, 1909, Frost retired from his newspaper and nine months later he was dead. His death was a great personal and political loss for Bursum because Frost knew the personalities of both parties and could predict their reaction to various events with a great deal of accuracy.

In the same month that Frost died New Mexico was honored by the appearance of the newly elected President. Taft's destination was El Paso. The avowed purpose of his meeting there with President Porfirio Diaz of Mexico was to exchange diplomatic courtesies. When it was formally announced that the President was going to visit Albuquerque, the city spared no expense to make him welcome. When he stepped from his special train, a huge crowd assembled. After an enjoyable dinner at the Alvarado, Curry introduced Catron, Bursum, and Democratic leader Owen N. Marron to Taft.[106] When Taft concluded his Albuquerque stop, he proceeded to El Paso on a special train of the Santa Fe Central Railroad. Among the several citizens who were privileged to accompany him were Curry, Catron, and Bursum.

But this apparent harmony with the Washington administration was short-lived. A month after Taft's visit to the Territory, Curry

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[106] Curry, p. 245.

resigned the governorship. His resignation was precipitated by disagreements with Secretary of the Interior Ballinger over appointments in the Territory. Curry resigned in order to avoid an open fight which would have embarrassed Taft.[107] On October 25, 1909, he sent his resignation to Taft and then informed Secretary Nathan Jaffa, Solomon Luna, and Bursum of his decision.[108] Chief Justice of the New Mexico Supreme Court William J. Mills was appointed governor with the approval of the national committeeman Solomon Luna. The Albuquerque Morning Journal accused Luna of "dictatorial conduct" in the choice of Judge Mills.[109] Bursum charged that "if any mistake was made in dealing solely with the National Committeeman, it should be chargeable to the President, who is responsible for the method and policy pursued in determining appointments for New Mexico."[110]

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[107] Ibid., p. 246.

[108] Socorro Chieftain, December 25, 1909.

[109] Ibid.

[110] Ibid.

CHAPTER IV

QUEST FOR STATEHOOD

The ambition of most New Mexicans at the turn of the century centered on statehood. From 1850 until its admission to the Union, opponents of New Mexican statehood offered many reasons against bringing the Territory into the Union. The arguments were formed in the 1890's and suffered constant repetition. They were:

1) The native Spanish people lacked sufficient education to understand their responsibilities as citizens.

2) The political situation within the state was corrupt and suffered from bossism.

3) The Territory lacked a large enough population to receive representation comparable to eastern states.

4) The economy of the Territory was not well enough stabilized for the state to operate without undue influence of vested interests.

Attempts by Delegate Rodey for single statehood were temporarily suspended in 1902 when the Beveridge Committee offered to make a trip through the Territory and report to Congress on the fitness of Arizona and New Mexico to become states. Although Beveridge claimed to have started without preconceived prejudice,

recent research has proven otherwise.[1] While the Indiana senator went through the motions of an impartial investigation, his conclusions were not surprising to his contemporaries. Though the "Beveridge report" carried great weight, it would not delay statehood, for Quay of Pennsylvania could muster ample strength to pass a statehood measure. However, the adroit politician from Indiana managed to defeat the measure by parliamentary procedure and filibustering.

Delegate Rodey realized that joint statehood was the only possible objective for the Territory. In the spring of 1903 he called a conference of Territorial representatives to unite their forces behind an omnibus bill for Arizona-New Mexico and Oklahoma-Indian Territory statehood.[2] Rodey was aided in his fight by Senator Quay who was won over to jointure by Mark Hanna. Other prominent members of the Senate united in the jointure proposal; thus statehood for New Mexico and Arizona, as well as for Oklahoma and the Indian Territory, became the policy of Senator Beveridge, President Roosevelt, and the Republican Party.[3]

Representative Hamilton of Michigan introduced the omnibus bill into the House on April 1, 1904,[4] but it failed to pass the

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[1]Charles Edgar Maddox, "The Statehood Policy of Albert J. Beveridge 1901-1911" (unpublished Master's thesis, Department of History, University of New Mexico, 1938), p. 127; also Larson, pp. 143-46.

[2]Maddox, p. 86.

[3]Ibid., p. 90.

[4]U. S., Congressional Record, 58th Congress, 3rd Session, 1904, LIX, Part 2, 1132.

Senate because of adjournment. The introduction of the bill brought quick protests from the Territory. The New Mexico delegates to the National Republican Convention were unanimous in their opposition to joint statehood. Rodey, who was partially responsible for the joint statehood bill, failed to receive the support of the regular Republican Party for renomination and was replaced by Andrews who managed to win the election. Andrews was promptly sent east to oppose joint statehood. He was urged to see his "friends and insist that New Mexico be admitted as a single state or left out of the bill."[5]

Senator Foraker of Ohio and National Republican Committeeman George B. Cortelyou were recipients of telegrams protesting the Hamilton bill. The national committee had made specific promises that "every effort would be made to induce Congress to grant us statehood within . . . present boundaries."[6] Bursum and Luna reasoned that only twenty-five percent of the population of either Territory wished joint statehood; furthermore, the two Territories had little in common either politically, socially, or commercially.

The joint statehood bill was amended by Senator Foraker to give the citizens of New Mexico and Arizona an opportunity to accept or reject the bill. Another blow was struck against single statehood when Roosevelt came out for joint statehood without

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[5]H. O. Bursum to W. H. Andrews, December 9, 1904, Bursum Papers (copy).

[6]H. O. Bursum and Solomon Luna to George B. Cortelyou, January 4, 1904, ibid. (copy).

further delay.[7] Despite the obviously difficult position of the New Mexico Republicans, Delegate Andrews introduced a bill which would have enabled New Mexico to come into the Union as a separate state.[8] The bill was in line with a resolution passed at a meeting of the Republican Central Committee by a vote of 29-6.[9]

Meanwhile rumors were rampant that Bursum, Prichard, and Solomon Luna had pledged to the President that new appointees and judges would work for joint statehood in New Mexico.[10] Five days later Bursum received a letter from former Judge A. A. Freeman restating this promise.[11] Before the chairman had an opportunity to answer, Freeman reviewed the letter in the Albuquerque Citizen.[12] Bursum denied the charges leveled against him. Donald D. Leopard, who has made a complete study on Bursum's role in the 1905-1906 joint statehood movement, concludes that Freeman's charges were not substantiated by the events that followed. If a bargain was struck, why did Roosevelt give Hagerman complete authority to remove all Territorial officers--including Superintendent Bursum? Leopard points to the policy of the Santa Fe New Mexican which,

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[7] U. S., Congressional Record, 59th Congress, 1st Session, 1905, XL, Part 1, 105.

[8] Ibid., p. 362.

[9] Santa Fe New Mexican, November 15, 1905.

[10] W. B. Childs to T. B. Catron, December 22, 1905, Catron Papers.

[11] A. A. Freeman to H. O. Bursum, December 27, 1905, Bursum Papers.

[12] Albuquerque Citizen, January 4, 1906.

for all intents and purposes, reflected the opinion of Bursum and the Republican Party and was opposed at that time to jointure.[13]

Bursum indicated he believed it would be better for the Territory to obtain separate statehood, but he made the concession that if Congress should pass a joint statehood bill he would not openly oppose the measure. His resistance to jointure was further weakened when Delegate Andrews caused to have removed the clause in the Hamilton bill which stated "that ability to read, write and speak the English language sufficiently well to conduct the duties of the office without the aid of an interpreter shall be a necessary qualification for state offices."[14]

Bursum began to understand the tide was shifting to the side of jointure. To combat this trend he unfolded several plans which would allow the two Territories to achieve single statehood. If the joint statehood bill passed both houses of Congress, Bursum would try to write a provision into the State constitution which provided for two districts--the District of Arizona and the District of New Mexico. Each district would have its own local government along the same lines as a state. When the Territory was admitted,

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[13]Donald D. Leopard, "Joint Statehood: 1906" (unpublished Master's thesis, Department of History, University of New Mexico, 1958), pp. 15-16.

[14]W. H. Andrews to H. O. Bursum, January 10, 1906, Bursum Papers. Andrews had long been accused by Otero of failing to support single statehood and thus not upholding the party platform of 1904. He further stated that Andrews failed to support the other Territories in a joint effort for single statehood, and accused Andrews of telling the House that Luna, Bursum, and Otero had authorized him to say they were for jointure, which was not true. M. A. Otero to H. O. Bursum, March 18, 1906, Bursum Papers.

the legislature would set forth its arguments as to the impossibility of a joint state government and instruct the senators and House members to work for segregation. The whole process was to take no more than two years. Bursum concluded his first plan with a warning: "If we turn down the statehood proposition as a territory these fellows in the east may badger us for several years . . . ."[15]

The second plan was to favor joint statehood while Arizona voted it down, thus enabling New Mexico to demand separate statehood.

> In other words, the burden of opposing the administration's policy would rest on the heads of Arizona leaders while New Mexico, loyally supporting statehood, would, after the defeat of jointure, be admitted on the basis of its devotion to the administration.[16]

In any case it became apparent that while Bursum was willing to support joint statehood as a temporary measure, he held the opinion that the only long-term solution was single statehood.

The chairman formally announced his position in favor of jointure on June 16 and hoped that the people of Arizona would accept the Hamilton bill.[17] However, Bursum realized that Arizona would not accept the Hamilton bill because a month before the Republicans of the New Mexico Territory came out for jointure the two political parties of Arizona denounced joint statehood.

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[15] H. O. Bursum to M. A. Otero, March 28, 1906, Otero Papers.

[16] Leopard, p. 18.

[17] Santa Fe New Mexican, June 16, 1906.

While the New Mexican and the Albuquerque Morning Journal filled their pages with favorable material to jointure, the opponents of the bill organized their forces. The opposition to jointure was led by Catron, Field, Clancy, M. A. Otero, Judge Laughlin, and Harvey Fergusson.[18] They represented a formidable array of political figures. Ex-governor Otero, the most outspoken of the group, succeeded in having his letters published in many of the Territorial newspapers.

Thomas B. Catron refused to recognize statehood as a party issue.

> He denounced the proposed land grants to schools as overvalued and, in reality, worthless. His chief complaint, however, dealt with the fear that if the consolidation took place the Anglos of Arizona would dominate and eventually disfranchise the Spanish-speaking peoples of New Mexico.[19]

Bursum tried to use his personal prestige to convince the New Mexico voters that Arizona would vote favorably for the statehood bill,[20] even though evidence from that Territory seemed to indicate the opposite. The day after Bursum issued the statement that ". . . joint statehodd is absolutely certain to carry Arizona . . . ," he received a letter from W. S. Sturgess, chairman of the Arizona Republican Party, reiterating Arizona's "unalterable opposition" to jointure.[21]

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[18] H. O. Bursum to B. S. Rodey, n. d., Bursum Papers (copy).

[19] T. B. Catron to T. D. Burns, Dargan Papers, University of New Mexico.

[20] Socorro Chieftain, August 11, 1906.

[21] W. S. Sturgess to H. O. Bursum, August 11, 1906, Bursum Papers.

The chairman of the New Mexico Republican Party was accused of not adequately supporting the statehood measure; however, from evidence which is available, this argument is unsubstantiated. To combat the "anti-jointers," who were industriously circulating literature among the native population, Bursum sent pro-statehood matter to La Voz del Pueblo, El Nuevo Mexicano, La Bandera Americana, and kept in constant communication with the important political figures in Arizona and New Mexico.[22] His support of jointure rested on the belief that it was better "to have any kind of statehood rather than the present conditions."[23]

The Republican leader tried to convince the electorate of Arizona that they would have equitable treatment under the joint statehood proposal. In a letter to the Daily Star of Tucson he restated that support for statehood should center on the ambition of the people of the Territory to become "full fledged citizens with the right to participation in the federal government--not, as some argued, to control the offices of the territory."[24]

Bursum was concerned with the lack of strong support for joint statehood in the northern counties of the Territory. This no doubt was due to Secundino Romero's opposition to jointure. However, the "Big Three" for jointure, Bursum, Andrews, and Frost,

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[22] H. O. Bursum to C. Ross, August 15, 1906, ibid.

[23] Ibid.

[24] H. O. Bursum to Col. L. C. Hughes, August 15, 1906, ibid. (copy).

convinced Romero to join forces for the sake of party harmony.[25] Bursum had no objection to co-operating with the Democratic Party. Since joint statehood was a bi-partisan measure,[26] he urged that the Santa Fe New Mexican not print anti-statehood interviews or communications regardless of party affiliation.[27]

When autumn arrived, the issue of statehood was settled in the minds of the people in both Territories. It was generally believed that jointure would be rejected by Arizona and accepted by New Mexico. This conviction, plus the fact that statehood had been a key issue for so many years, led to the general impression that the electorate no longer took the issue seriously. Although defeat of the measure seemed inevitable in Arizona, Bursum increased his efforts to enlarge the majority for statehood within New Mexico. "Party pressure and skillful propaganda gradually produced a workable solidarity within Republican ranks."[28] The party chairman hoped that his efforts would put the New Mexico Republican Party in good stead with Roosevelt.

Probably the last attempt to influence the Arizona vote was made in several letters to Mr. Hughes and C. F. Ainsworth. These letters included an extract from the 1906 Inter-State Commerce Act:

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[25]This is apparent in the many letters between H. O. Bursum and Max Frost during August and September, 1906.

[26]H. O. Bursum to Max Frost, August 21, 1906, Bursum Papers (copy).

[27]H. O. Bursum to Max Frost, August 23, 1906, ibid. (copy).

[28]Leopard, p. 74.

> It shall be unlawful for any railroad company to transport from any State, territory, or the District of Columbia, or to any foreign county, any article or commodity, other than timber and the manufactured products thereof, manufactured, mined, or produced by it, or under its authority, or which it may own in whole, or in part, or in which it may have any interest direct or indirect except such articles or commodities as may be necessary and intended for its use in the conduct of its business as a common carrier.[29]

The chairman reminded the readers that several of the railroads doing business in the two Territories would be out of business if single statehood would pass, hence more effort on their part should be directed toward jointure. However, the propaganda of the New Mexico chairman had little effect on the Arizona corporations. Bursum probably realized this when he wrote the letters, for he agreed to stop the transport of all pro-jointure literature from Santa Fe to Arizona.[30]

Though the Old Guard complained of the lack of interest in the statehood measure, the results pleased them. Only 9,264 votes were cast for the delegates to Congress while the statehood measure received the attention of 41,930 voters.[31] The vote in Arizona was heavily against joint statehood while the citizenry of New Mexico took pride in their 11,460 vote majority which favored the measure.

Miguel Otero believed the impressive victory was due to the lack of organized opposition to jointure.[32] This is not borne out

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[29] Inter-State Commerce Act of 1906, in U. S., Statutes at Large, XXIV, Part 1, 585.

[30] Max Frost to H. O. Bursum, October 15, 1906, Bursum Papers.

[31] Santa Fe New Mexican, November 9, 1906.

[32] Las Vegas Optic, November 11, 1906.

by the comparison of votes cast for delegates and those cast for statehood. There were thirty thousand more votes cast for statehood than there were cast for delegate to Congress. The former Governor negated the importance of party leadership in convincing the electorate that by voting for statehood they would make a favorable impression upon Washington.[33] The fact that there was little opposition to jointure indicated the magnitude of the chairman's efforts to secure the loyalty of the party faithful.

At the conclusion of the campaign the Territory of New Mexico was in the same position as it was in 1850. Thousands of dollars had been spent with no more tangible result than cancelled ballots. Yet the campaign was not without its benefits.

> The triumph of joint statehood in New Mexico was almost a personal victory for the Chairman and his immediate associates. The victory of the Roosevelt support measure produced no noticeable accolades from the President, but such a hollow victory could hardly be held as deserving too much praise. It seemed as if the effort given to jointure was both futile and empty, but in the complexity of partisan politics it obviously possessed a value that need not be depreciated and in truth was not depreciated by those personally involved in the effort.[34]

The defeat of statehood did not prevent the Republican chairman from keeping the desired goal constantly in front of the eyes of the American people. During 1907 several meetings were called at Santa Fe for the purpose of organizing and launching a strong statehood campaign.

Forty or fifty of the most prominent and influential men of New Mexico were on hand in the nation's Capital when an

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[33] Leopard, p. 63.

[34] Ibid., p. 75.

enabling bill for New Mexico came up for consideration. A. A. Jones of the Democratic Central Committee joined Bursum, Ex-governor Otero, Governor Curry, and Bradford Prince in this sojourn in Washington.[35] Bursum was very skeptical of the results which might accrue from a trip to Washington. He predicted that the "selfish spirit which has always permeated the East which looks with abhorrence at any additional membership being admitted to the Union" would block statehood.[36] The leaders of Congress pressed upon the New Mexico delegates their desire to hold statehood for New Mexico in abeyance until after the presidential election, and gave assurance to the Territorial citizens that an enabling act would be passed at the short session of Congress.[37] The New Mexico delegation secured the "unreserved assistance" of President Roosevelt, Vice-President Fairbanks, Secretary Taft, Speaker Cannon, Senator Beveridge, and Chairman Hamilton of the House Committee on Territories.[38] This indicated that Beveridge had committed himself to single statehood although privately he still opposed it.[39]

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[35] Santa Fe New Mexican, December 6, 1907.

[36] H. O. Bursum to Willard Belknap, January 28, 1908, Bursum Papers (copy). Many eastern congressmen wanted New Mexico and Arizona to wait until 1910, while "some of them went further than this and declined to consider the question of separate statehood under any conditions." T. Roosevelt to George Curry, April 20, 1907, Roosevelt Papers, Manuscript Room Library of Congress, Washington, D. C.

[37] Socorro Chieftain, February 1, 1908.

[38] Ibid., February 22, 1908.

[39] Maddox, p. 104.

Arrangements were made by the New Mexico Territorial Committee to send representatives to the House and Senate during spring recess in order that they might inquire fully into Congressional reaction to single statehood. They received the impression from Congress that statehood would be achieved, but since it was an election year all legislation was deferred until after the election.[40] Thus it would be necessary for the Republican chairman to force his party to commit itself openly to single statehood at the national convention.

Since Taft had promised full support for New Mexico statehood, it seemed like an easy matter to include a statehood resolution in the National Republican platform. But eastern congressmen were resolutely opposed to such a plank in spite of the encouragement the Territorial Committee had received in Congress. Before the convention Bursum contacted Frank Hitchcock and others in an attempt to have the party openly commit itself. Hitchcock at first refused to give the Taft delegate an audience. When he did, Bursum received little except the cold hand of an uncompromising politician.[41]

Bursum commanded seven votes representing the Territories of Puerto Rico, Hawaii, Alaska, the Philippine Islands, the District of Columbia, Arizona, and New Mexico. These seven votes were held

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[40] Socorro Chieftain, February 22, 1908.

[41] Dorothy E. Thomas, "The Trial Years of New Mexico's Struggle for Statehood: 1907-1912" (unpublished Master's thesis, Department of History, University of New Mexico, 1939), pp. 46-47. Based on an interview with Bursum.

out to such eastern leaders as Representatives Dalzell of Pennsylvania, Payne of New York, Senator Hopkins of Illinois, and Republican National Chairman Frank Hitchcock. "In addition, Bursum was able to get further promise of aid by virtue of his assistance in helping certain contested delegates to get seated."[42] Since the easterners, "in order to attract the labor vote, were anxious to incorporate an injunction compromise into the platform, they agreed to include a statehood plank in exchange for the seven votes controlled by Bursum."[43] Secundino Romero thoroughly enjoyed the Bursum strategy, especially since it was perpetrated against Beveridge. According to Romero, Beveridge promised to watch day and night to keep a statehood plank from going into the 1908 platform. However, the "watchman went to sleep for a few minutes, and H. O. Bursum, who was right on the job, slipped through the barrier and had the statehood plank firmly nailed in the platform before the Senator woke up."[44] Thus the anti-statehood element within the Republican Party had been outfought and outmaneuvered. "It was a masterful job of convention strategy. Without its adoption, statehood for New Mexico might have been delayed for years."[45]

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[42] Ibid., p. 47.

[43] Maddox, p. 104. Interview with H. O. Bursum, March 4, 1938.

[44] Santa Fe New Mexican, as quoted in the Socorro Chieftain, July 11, 1910.

[45] Curry, p. 221. Also B. L. Prince, New Mexico's Struggle for Statehood: Sixty Years of Effort to Obtain Self-Government (Santa Fe: The New Mexican Printing Co., 1910), pp. 72-73.

With the victory of the Republican President, the Territory counted on immediate statehood. Scarcely a month after Taft's election Andrews wrote to Bursum and informed him that the "incoming President is dead against any statehood legislation at this session and it is having its effect in the senate among the friends of New Mexico."[46] Although many of the senators were reluctant to introduce legislation that Taft did not wish to handle, Roosevelt and National Chairman Hitchcock worked for immediate action on the enabling act.[47] Andrews was advised to line up with Senators Borah, Penrose, and Foraker and conduct a vigorous fight by using obstructionary tactics to force through a bill. In desperation Andrews was instructed to tie the statehood measure to appropriation or any other bill. Bursum feared the results on the Republican Party of postponing statehood:

> If matter [is] delayed next excuse will be the census, which may go on indefinitely. Borah, Penrose and Foraker with the backing they can get can force this bill through . . . . It must be passed now, otherwise [the] democrats will control this territory in spite of all that can be done, and our New England friends will reap whirlwind they are now busily sowing.[48]

A New Mexico delegation headed by Governor Curry arrived in Washington to help secure passage of the statehood measure.[49] The

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[46]W. H. Andrews to H. O. Bursum, December 27, 1908, Bursum Papers.

[47]Ibid.

[48]Telegram, H. O. Bursum to W. H. Andrews, February 24, 1909, ibid.

[49]H. M. Daugherty, Arthur Seligman, George S. Kloch, Venceslao Jaramillo, W. F. Buchanan, William E. Martin, and Secundino Romero.

Territorial legislature appropriated $3,500 for this committee. The Washington newspapers stated that the delegates and their wives, who were traveling at Territorial expense, accomplished little "except to disarrange and confuse matters by redoubling the hostilities of Beveridge, Aldrich and others."[50] John T. Devine, one of the unofficial statehood advocates in Washington, complained that while Andrews was conducting a "quiet shoe" campaign, Curry fell in behind a brass band much to the chagrin of the Senate who resented this interference. When the newspaper stories reached the ears of Roosevelt he demanded that Curry return the $3,500 to the treasury and go back to New Mexico. Devine added that while Curry was assuring the press that Taft was for statehood in the next session, letters from Taft to Roosevelt and Aldrich indicated the opposite.[51]

Curry was unsuccessful in securing support for the statehood measure. His brief meeting with Beveridge only brought the statement that it would be impossible for Congress to act in the first session.[52] However, when the Committee on Territories met, Senators Beveridge and Aldrich read to the session a long series of charges reminiscent of the "Beveridge Report" of 1902. Beveridge introduced a resolution "which authorized his committee to investigate these charges in the territory."[53] No move was made to consider statehood

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[50]John T. Devine to H. O. Bursum, February 27, 1909, Bursum Papers.

[51]Ibid.

[52]Arizona Republican, February 14, 1909.

[53]Thomas, p. 65.

despite the maneuvers of supporters before the first session of the Sixty-first Congress adjourned.

The newspapers of the two disappointed Territories and the El Paso Herald questioned the political integrity of Congress. In one of its criticisms the Texas newspaper called the senators a group of "frock-coated fakers," who were not capable of making an honest judgment on statehood.[54]

Congress was not the only branch of government to come under popular criticism. Taft's inactivity was construed by many in the Territory as a deliberate attempt to rebuke Roosevelt[55] who, in the closing days of his administration, had tried to secure statehood for the Territory.

The Journal accused Bursum of being responsible for the defeat of statehood.[56] The charges were without merit, for statehood was out of the hands of the Territory and in the hands of Taft and Congress. Taft was sincere in his promise but needed additional time to whip the opposition, which was led by Beveridge, into line with the Republican platform. The President promised Andrews that statehood would be accomplished at the next session. Taft's promise, which was given in the presence of Senators Penrose and Oliver, was not advertized for fear of "stirring up opposition."[57]

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[54] El Paso Herald, n. d., Bursum Papers.

[55] H. O. Bursum to Frank Hitchcock, February 28, 1909, ibid. (copy).

[56] H. M. Dougherty to H. O. Bursum, March 8, 1909, ibid.

[57] W. H. Andrews to H. O. Bursum, March 29, 1909, ibid.

When Taft came to New Mexico after the closing of Congress there was considerable feeling that he was not doing all that was possible to secure statehood. This attitude was held by Fall, who had resented the anti-injunction link to statehood and accused the President of trying to evade and submerge the statehood question. Fall further insinuated that Taft's assurances were "warm and not as sincere as they might have been."[58] However, Bursum did not hold the same opinion of Taft. When Governor Curry called upon him to toast "Statehood," Bursum painstakingly traced the attempts of the Territory to achieve statehood since 1876. He reviewed the difficulty in getting both of the national houses to take concurrent action. Yet, he continued, despite New Mexico's role in both the Civil and Spanish-American Wars, the loyalty of her citizens had always been questioned. As his speech neared its climax, Bursum made his final plea:

> Make us a state. New Mexico will never dim the glory of that flag we all love. Give us statehood. We will prove by the enactment of a constitution, our conservatism, our appreciation of American liberty, yes of human rights, property rights, equal rights, and obedience to law . . . .[59]

When it came time for Albert Fall to make his speech, he "launched into what amounted to an attack on the President, questioning his sincerity in his position on statehood for New Mexico."[60] Taft managed to show his usual composure and answered Fall's charges

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[58]Keleher, p. 193.

[59]Santa Fe New Mexican, October 16, 1909.

[60]Curry, p. 245.

briefly but to the point. "Judge Fall," said the President, "I have heard your argument and am for your cause in spite of it." Taft returned to his seat, leaned toward Bursum and whispered: "I had to take the fall out of Fall."[61]

On January 14[62] Representative Hamilton introduced H. R. 18166 known as the Hamilton bill. It was passed on January 17[63] and sent to the Senate Committee on Territories on the following day.[64] Senator Beveridge introduced Senate Bill No. 5916,[65] a much more restrictive measure for statehood. When the Hamilton bill was reported favorably out of committee, it became apparent that the Beveridge amendment had taken its toll. The bill was placed on the calendar and was to follow a pet administration conservation act. As the Congressional session wore on, it appeared that the statehood measure would not be acted upon. The delay immediately received scathing editorial notice from western and liberal eastern papers.[66] However, in the closing days, Beveridge called the statehood measure to the floor. The Democrats favored the House measure while the Republicans favored the Senate bill incorporating the Beveridge amendments. Since the Beveridge bill lacked sufficient strength

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[61] Letter from Ruth Bursum Harban to the author, January 30, 1962.

[62] U. S., Congressional Record, 61st Congress, 2nd Session, 1909, XLV, Part 1, 654.

[63] Ibid., 714.

[64] Ibid., 731.

[65] Ibid., Part 2, 1249.

[66] Thomas, pp. 77-78.

for passage, the Senate adopted the Hamilton bill which incorporated the Beveridge amendments. The measure was unanimously adopted and sent to the House.[67]

Taft called a caucus of leaders of both Houses in which he expressed his desire to have the Senate statehood measure passed. Congressman Hamilton put aside his personal feelings and recommended passage of the Senate measure. The bill was promptly passed and sent to the President, who signed it June 20, 1910, in the presence of the delegates from the two Territories. The only step remaining was the approval of the electorate of the two Territories.

During the six preceding months the Republicans of the Territory had called various committee meetings to discuss the pending statehood bills. When the Beveridge bill was introduced they expressed their preference for the Hamilton act although they would accept the Beveridge plan out of necessity.[68] The Republican chairman was sent to Washington to assist Andrews. Bursum made an impassioned plea to restore the provision of the Hamilton bill which specified the return of vast acreage allotments to the new state in order that the Territorial indebtedness would be cancelled. Although he did not succeed in having this provision restored, he was able to report that Santa Fe and Grant Counties would receive a million acres of land to pay the railroad aid bonds that were validated

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[67] U. S., Congressional Record, 61st Congress, 2nd Session, 1909, XLV, Part 1, 8225.

[68] George Curry to W. H. Andrews and H. O. Bursum, February 15, 1910, Bursum Papers.

by Congress.[69] He was also able to have the Senate bill amended to assure the citizens of Santa Fe that their city would remain the capital until 1925, after which time the problem "would take care of itself."[70] To the Beveridge proposal guaranteeing the rights of Spanish-Americans, Bursum had added a provision which excluded from voting on statehood those who had not lived in the Territory for at least a year.[71] The provisions for a regular election of Territorial and county officers in 1910, which would have brought four general elections within a period of twelve months, were eliminated; instead the officers elected in 1908 were held over until the beginning of state government under the new constitution.[72]

Governor Mills, who succeeded George Curry, issued a call for a state-wide election to choose one hundred delegates to the constitutional convention. Since sincere and able men existed in both parties, Bursum hoped for a bi-partisan representation. In July, the chairmen of both parties met to accomplish this objective. All hopes of a bi-partisan convention vanished when both parties refused to yield the majority advantage which they held in the various counties. In the southern and southeastern counties no Republican was elected, while in the northern, western, and central counties few Democrats were chosen as delegates.

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[69] Socorro Chieftain, March 19, 1910.

[70] Ibid.

[71] Ibid.

[72] Ibid.

Socorro was one of the counties that sent a bi-partisan delegation, two Republicans and one Democrat, Holm Bursum being one of the Republicans. At the Republican convention in Socorro, which met to pick the candidates, Bursum fought the first in a series of battles over the initiative and referendum.

> The true initiative and referendum . . . is the rule of the people, by the people, for the people, through a representative form of government as founded by the Fathers.[73]

On the day preceding the election, Bursum predicted a Republican majority for the convention. He was reasonably sure of this statement because he had sent speakers into every village of the Territory. The Republicans elected seventy-two delegates while the Democrats elected twenty-eight. The Socorro Chieftain claimed that the initiative and the referendum lacked popular support.

> Thus it appears that the initiative and referendum, made by the democrats practically the only issue before the voters of the territory, have very little show of finding a place on the proposed state constitution. Even if the democratic delegates and all republican delegates who pledged to those measures should be able to agree upon a form of them . . . there would still be lacking enough votes to insure their incorporation in the State Constitution. New Mexico is winning a reputation for safety and sanity.[74]

Harvey Fergusson, the most popular Democrat at the convention and strong critic of the Old Guard, realized the awkward position of his party. He attempted to weaken the Republican ranks by removing the Progressive Republicans from the regular Republicans.[75]

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[73] Socorro Chieftain, August 27, 1910.

[74] Ibid., September 10, 1910.

[75] Harvey Fergusson to C. M. Compton, September, 1910, Fergusson Papers, University of New Mexico.

He also attempted to draw away the Spanish vote by alleging that if boss rule continued, the Spanish population would be disenfranchised.[76] Fergusson was given a helping hand by the Albuquerque Morning Journal which claimed that despite its best efforts, Bursum, the boss and representative of the corporations, had been elected.[77]

On October 3, the constitutional convention was called to order by Thomas Catron in the hall of Representatives in the capitol at Santa Fe.[78] Catron was a rumored choice for the presidency, but his unimpressive showing in the election of delegates from Santa Fe County removed him from the honor.[79] Charles Spiess was nominated by the Republicans for the presidency while Harvey Fergusson was the unanimous choice of the Democrats. The results closely paralleled party lines with Spiess receiving the nod by a vote of 68 to 29.

An animated caucus was called by Bursum in the council chamber to discuss the strategy of the convention. When Bursum left the conference he promised that the convention would not last thirty days, since time would not be spent "on frivolous motions and quibbling over technicalities."[80] Although Bursum tried to crush the complaints that the convention was owned and operated by vested

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[76]Harvey Fergusson to Antonio Lucero, July 30, 1910, Fergusson Papers.

[77]Thomas Donnelly, The Government of New Mexico (Albuquerque: University of New Mexico Press, 1953), p. 37.

[78]Socorro Chieftain, October 8, 1910.

[79]Undated newspaper clipping, Andrews Papers.

[80]Socorro Chieftain, October 8, 1910.

interests by issuing invitations to representatives of various organizations such as the W. C. T. U. and the Anti-Saloon League, the vested interests were able to inject various provisions into the constitution which assured a conservative document.

Bursum justified a "safe and sane" constitution on the grounds that it was the demand of the President and a large segment of the population. Since opposition would come from all sources, the future senator felt he would be justified in creating a document which reflected conservative leanings rather than one that would have to be compromised to such an extent that it would lose its identity. However, this reasoning fails to justify the overt favoritism shown in the constitution toward corporations or the cumbersome amending procedure.

Bursum's position in the convention was further strengthened by a sizable delegation of Spanish-Americans, who traditionally voted with the Republican Party. He had long cultivated the friendship of the Spanish-speaking people and could address them in their native language. They regarded him as more of a patron that a politician and relied on him to protect their interest at the convention.[81] His followers were not disappointed, for Bursum was credited with incorporating into the constitution Articles VII and XII which guaranteed the natives political and social equality.[82]

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[81] Interview with H. B. Hening, May 16, 1961.

[82] Thomas, p. 96. This is the view of George W. Armijo, secretary of the constitutional convention. Article VII gave all males over twenty-one years old the right to vote. Article XII provided for a uniform system of free public education. Section 10

Although Bursum was not named as one of the "reigning" officials at the convention, this was not as significant as one might at first suppose. On the third day a Committee on Committees was formed which provided that a group of twenty-six men would be responsible for the selection of the other convention committees.[83] Since the majority of the members of the Committee on Committees were Republican, the formation of a constitution along conservative lines was assured. The Socorro delegate was "selected" as chairman of the Committee on Corporations.

Each committee was given a copy of the 1889 Territorial constitution to use as a guide. When a committee's section was completed it was submitted to the Republican caucus; thus it seldom met with disapproval from the members of the Old Guard. But if the Republicans thought they would be without opposition in the convention, they were disappointed. Democratic candidates Fergusson and J. H.Crist rose to heights of biblical oratory which led to strained relations between the partisan groups.[84] Although many issues separated the opponents, the most serious cleavage came over direct legislation.

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of the same article provided that children of Spanish descent shall never be denied the right and privilege of admission to and attendance in public schools, nor would separate schools be established to segregate them from the non-Spanish-speaking population.

[83]Territory of New Mexico, Proceedings of the Constitutional Convention of the Proposed State of New Mexico, Held at Santa Fe, New Mexico October 3rd, 1910 to November 21st, 1910 (Albuquerque Press of the Morning Journal), p. 13. Hereafter shall be cited as Proceedings of the Constitutional Convention.

[84]Reuben W. Heflin, "New Mexico Constitutional Convention," New Mexico Historical Review, XXI (January, 1946), 62.

With the exception of Bursum's chairmanship of the Committee on Corporations, his role in the convention is clothed in political darkness. But if one were to judge his importance by the personal attacks upon him, his influence was far-reaching. Bursum, guided by the realization that New Mexico needed to attract capital in order to develop its economic potentialities, was reluctant to incorporate any provision in the laws which would "discourage corporations from coming in the state or hamper those already there."[85] His articles in the constitution covering corporations received little opposition. However, one provision had a weakness that was not apparent at the time of its introduction. It provided that the party subject to an order of the Corporation Commission had the right of appeal to the Supreme Court. If no appeal were taken, the commission had to present the order with the justifying evidence to the Supreme Court which would then affirm or reject the order. In short, the proof of injustice rested with the state and not with the corporation. If the latter acted in an arbitrary manner and the action was not questioned by the commission, the people had no redress but to wait for the next election to choose new commissioners.[86]

Not all of Bursum's actions could be called completely conservative. He did favor adequate salaries for state officials. He believed that payment for services should be commensurate with the cost of living so that high state offices would not be available

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[85]Donnelly, p. 41.

[86]Proceedings of the Constitutional Convention, pp. 170-73.

only to the wealthy.[87] He introduced a provision "limiting succession to certain state and county offices and [providing] for the abolition of the unsatisfactory and unpopular fee system employed in the compensation of certain county officers."[88]

The constitution was adopted on November 21, 1910, by a vote of 78 to 18, with three members not voting.[89] By most people it was considered a moderate document. The anti-Bursum Old Guard newspaper, the Albuquerque Morning Journal, commented upon its merits:

> It has not run to the "old guard" extreme; it has not committed us to radicalism and fire eating. It is a golden mean. It is calculated to give every man a square deal in the new state, and if further questions remain unsettled every man will have his fair chance to make a fight for his own ideas under the state government.[90]

Harvey Fergusson saw the first draft of the constitution as the embodiment of the corruption of the "gang" and as a shield for protection from the people.[91] The Republican chairman was accused of preventing the Democrats at the convention from meeting as an

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[87] Socorro Chieftain, November 5, 1910.

[88] Thomas Mabry, "New Mexico's Constitution in the Making--Reminiscences of 1910," New Mexico Historical Review, XIX (April, 1944), 175.

[89] Proceedings of the Constitutional Convention, p. 252.

[90] Albuquerque Morning Journal, November 3, 1910.

[91] Harvey Fergusson to C. R. Worral, November 29, 1910, Bursum Papers. All of the Democratic opponents of the constitution did not agree with Fergusson. Edward D. Tittmann of Sierra County described the Old Guard as "men of great ability, of staunch belief in the righteousness of their cause, of wide and public view, and of generous appreciation of the ability and equal political honesty of their opponents." Edward D. Tittmann, "New Mexico Constitutional Convention: Recollections," New Mexico Historical Review, XXVII (July, 1952), 183.

organized body.

On November 22, the day of the final session, Governor Mills proclaimed January 21, 1911, the day when the people of the Territory would accept or reject the constitution.

Both parties spent the two months after the convention trying to win converts to their respective causes. Fergusson worked hard to impress upon the electorate the necessity for direct legislation, and he was willing, if need be, to see New Mexico remain a Territory until it could adopt a more progressive instrument. He did not hesitate to level charges against the constitution and its framers.

The Albuquerque attorney was not alone in his opposition. He was joined by A. A. Jones, and together they drafted a manifesto which decried the methods used by the Republicans in drafting the constitution. This document was widely circulated in the weeks preceding the election.[92] Although the Democrats considered the constitution conservative, and no one denied this, their attack on the motives of the accused men was not in accord with the general opinion of their contemporaries. Thomas Mabry, a delegate to the convention, commented several years later on the Republican leaders: "They were men of great ability, of staunch belief in the righteousness of their cause, of wide and public view, and a generous appreciation of the honesty of their opponents."[93]

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[92] Twitchell, II, 587.

[93] Mabry, p. 183.

The voters ratified the constitution on January 21, 1911, by a majority of 18,343 votes. This pronounced majority did not clearly provide "a perfect index" to the popularity of the document; it merely indicated that the majority of the population was willing to accept the constitution as it was in order to attain statehood. The voters considered the constitution a compromise measure; its rejection would have been an experiment which might have resulted in great misfortune.[94]

Bursum, pleased with the fine showing for statehood, believed the real struggle was simply "a question of getting the people who favored the Constitution . . . aroused to the importance of casting their individual votes."[95] This was vitally necessary in order to convince Congress that the people of New Mexico "almost to the man desired statehood." The Republican chairman was especially pleased with the large vote in favor of the constitution in traditionally Democratic counties and in those counties that were divided politically. The constitutionalists, by securing a large majority, robbed the opponents of statehood of their last chance of crying fraud and coercion. Bursum predicted that the statehood bill would be passed before the end of summer.

The constitution was submitted to President Taft on March 1, 1911, and he recommended its passage to Congress. After more than five months delay in the legislative body, the measure was placed

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[94] Twitchell, II, 589.

[95] Albuquerque Morning Journal, January 23, 1911.

before Taft who signed the document on August 21. The long struggle was over, the scramble for offices was to start, and the fortunes of the Socorro patron were destined to be appreciably changed.

CHAPTER V

FIGHT FOR THE GOVERNOR'S CHAIR

On August 29, 1911, Governor Mills was advised that President Taft had signed the statehood measure. On the following day the Governor issued a proclamation calling for the election of State and Congressional officials on November 7. Besides the selection of officers, the electorate was to reject or accept the "Blue Ballot" amendment which, if adopted, would allow the State constitution to be more easily amended.

Bursum's name had been frequently mentioned in various Territorial newspapers as a possible candidate for governor, but the Socorro mayor was quick to deny his candidacy. He believed that the State convention should be the place to pass on a candidate for State office.[1] He knew he could easily control the State convention, and there was no advantage in arousing early opposition.

The Republican chairman was optimistic about the outlook for the Republican Party in the approaching campaign. "From a party standpoint," he said, "statehood could not have come at a more opportune time. The Republicans have been in control of the territorial administration for years, and have made a record on which they can go before the people with confidence."[2]

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[1] Albuquerque Morning Journal, August 22, 1911.

[2] Ibid., August 25, 1911.

The Republican Central Committee called the party convention for September 28, 1911, at Las Vegas. The chairman reminded the readers of the Santa Fe New Mexican that since the state had a representative in the national Congress, the representatives of the former Territory could secure for their constituents a more favorable tariff as well as a greater say in all questions of national importance. He contended that it was not a question of "what individuals [were] nominated for office, but what [were] the policies and principles of the party that nominated them."[3]

He issued an appeal for a united front and asked that consideration be shown for the enduring principles of the party, perhaps even at the expense of individual nominees. This plea was directed toward the Republicans of Bernalillo County who had split into two factions, one led by W. H. Gillenwater and the other by Frank Hubbell.[4] Several newspapers tried to involve Bursum in the quarrel, but he replied that the matter was not "one which comes within the province of the Territory Central Committee, which, under party usage, is not empowered to settle internal disputes in counties."[5] As chairman he had no inclination to pass upon the merits of a controversy which arose in Bernalillo or any other county in New Mexico.

The first mention of Bursum for governor was made in the September 5 issue of the Santa Fe New Mexican. Along with Bursum,

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[3]Santa Fe New Mexican, September 4, 1911

[4]Twitchell, II, 597.

[5]Albuquerque Morning Journal, February 4, 1911.

Solomon Luna, Nathan Jaffa, Miguel Otero, and Secundino Romero were suggested. Thomas Catron and Albert Fall moved to secure senatorial chairs.

Although the Republican Central Committee received assurance that the Bernalillo quarrel was settled, the Albuquerque Morning Journal kept up a steady attack to help the wound fester. It claimed a continuous struggle against Hubbell from the days of Rodey's defeat in the 1904 convention. Its convictions were solidified in the Hagerman-Bursum quarrel of 1906-1907, and it made known its desires to fight Bursum, Hubbell's political ally. The Journal hoped for a deadlock between Bursum and Romero so that a literal candidate would be nominated.[6]

The Santa Fe New Mexican hoped, in a long series of articles, to characterize the real Bursum.

> Go to the silent, vast ranges upon which graze the countless flocks of sheep, the numberless herds of cattle, sit by the glowing watch-fires at night around which are grouped the men of the plains, and listen to what they have to say. "We want for the first governor of the state a man who knows our conditions, our needs, one who has watched with us during the lonely night hours; who has been with us in the shearing pens and camped with us when the snows were falling or the storms were raging . . . ."
> . . . . . .
> Go to the mining camps! Walk with the prospector, as with his burro and his grub-stake he threads his lonely way through cañons and over rocky ridges . . . . There you will hear: "Give us a man who is a miner . . . . Give us a man like Holm O. B., who in the Mogollons, who at Carthage, who in other mining camps has gone down the shafts with us; who has put his money into our mines; who has faith in the mineral wealth of the new state."
> . . . . . .

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[6] Albuquerque Morning Journal, September 14, 1911.

> Go to the Railroad Lodges.
> . . . . . .
> Go to the counting rooms of small business.
> . . . . . .
> Then let us go into the humble adobe farm houses that lie scattered all over the Spanish-American counties; in the hills, on the mesas, in the valleys. Let us go to the man who tills a few acres of ground and owns a few head of sheep or goats. There especially, one finds love, confidence, respect for Holm O. Bursum. He has entered under the low doorway; has supped from the humble fare of the family; has extended the warm hand of fellowship and spoken the hearty greeting. "Here is a man who understands us," they say. He has sympathy; he knows our language and our ways. He has defended us in the legislature. He has fortified our rights--by the Constitution . . . .[7]

The Santa Fe newspaper was aware that the opposing party had its arsenal "filled with rumors, reports, slander, affidavits and 'official documents'" which would be used against the Republican candidate for governor.[8] Bursum had one advantage; he had withstood similar attacks and triumphed over them; he had walked the path of fire of the Hagerman administration and came out unscathed.

Although the Republican chairman had obvious political shortcomings, the Santa Fe New Mexican pointed to the liabilities of possible opponents. Nathan Jaffa was not known outside of the Pecos Valley and had made little effort to secure support. He did not speak Spanish; moreover he lacked legislative experience. The New Mexican questioned his ability to engage in a "rough and tumble campaign."[9] Miguel Otero lacked political tact and had partially disrupted the Republican Party. He was an office-holder and the

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[7] Santa Fe New Mexican, September 18, 1911.

[8] Ibid., September 21, 1911.

[9] Ibid., September 22, 1911.

people expected the governor to be selected from outside the circle of past officials. Furthermore, the "Little Governor" had made many political enemies as chief executive of the Territory.[10] Secundino Romero could never hope to be elected for he was an "unknown factor" with the people.[11] Solomon Luna cast his lot with Bursum.

The Journal was dissatisfied with all of the candidates: "By placing in the field a ticket made up of handy men of a ring which ran New Mexico with a high hand . . . the Republican Party in New Mexico will be signing its own death warrant."[12] When it became clear that Bursum was to be the convention choice, the Journal quietly warned that should he be nominated as a candidate for governor it would be "too big a load for the already overburdened republican party in New Mexico to carry at the first state election . . . . He is too vulnerable."[13]

Before the delegates gathered at the convention in Las Vegas, Bursum had almost secured sufficient strength to receive the nomination. The only alternative left to the opposition was to pool their votes and cause a deadlock. There was also promise of securing one or both of the Bernalillo County delegates if the Romero forces could seat Gillenwater at the expense of the Bursum group led by Hubbell.

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[10] Ibid.

[11] Ibid.

[12] Albuquerque Morning Journal, September 22, 1911.

[13] Ibid., September 26, 1911.

The first day of the convention, September 28, was spent in examining credentials and seating delegations. When the Hubbell delegates were seated, Bursum was in complete control of the convention. It was almost noon when the chairman called to order the first Republican State convention of New Mexico. The auditorium of the Duncan Opera House was gaily decorated in the national colors with a huge figure "47" appearing in the middle of each tri-color decor. As each central figure of the party appeared he was given an ovation. Every move of H. O. Bursum was followed with applause that came from the 1,500 people gathered in the Opera House.[14]

Bursum confined his introductory speech to the necessity of protecting New Mexico industry in the nation's Congress and the need of the party to adopt a live-and-let-live policy.[15]

Temporary chairman Bradford Prince welcomed Octaviano A. Larrazolo, who was given the floor to introduce his choice for the governorship. The nomination of Secundino Romero rested on the ability of Larrazolo, a former Democrat and "the most accomplished orator in New Mexico public life."[16] He delivered an impassioned speech for the selection of a native New Mexican.[17] Although the speech was a masterpiece of oratory, it failed to win the nomination for his candidate.

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[14] Santa Fe New Mexican, September 28, 1911.

[15] Ibid.

[16] Curry, p. 259.

[17] Twitchell, II, 599.

Bursum was nominated for the governorship by John E. Griffith of Socorro. The balloting commenced toward midnight. At one o'clock on the morning of September 29 amidst scenes of "indescribable enthusiasm" Holm O. Bursum was selected to represent the Republican Party in the first State election by a vote of 228 against 75 cast for Romero.[18] The favorite son of San Miguel County, Secundino Romero, immediately moved to make the vote for Bursum unanimous. This brought the convention to its feet. Corncob pipes were lit and the county banners waved high as the delegates marched in wild delirium around the convention floor.

A committee was appointed to bring the new candidate into the convention hall. With the brass band playing the national anthem, Bursum was escorted into the hall and to the speaker's platform where he delivered his acceptance speech.

> If I am elected governor I shall undertake to the best of my ability to see to it that the laws are faithfully executed and if we have bad laws the quickest way to secure their repeal will be through enforcement.
>
> . . . . . .
>
> If I am elected governor I shall favor the passage of a corrupt practices act. There is nothing so demoralizing in politics as the use of money in election[s] and the sooner it is stopped the better . . . .
>
> . . . . . .
>
> The public lands of this state, which belong to land grants and forest reserves, represent nearly one-half of the entire acreage of the state. There are those who say that we ought to retain the lands as a future heritage and for future generations; that we should lease them all and adopt a sort of a landlord and tenancy policy, If we are to pursue this policy, how can we expect to obtain immigration from other states?
>
> The issue to my mind which will likely come up within the very near future of this state and which is most dangerous

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18 Santa Fe New Mexican, September 29, 1911.

> is the recall of the judiciary. It is very likely that the proposition may be endorsed by the Democrats of this state at this election. If it is, there ought to be a vigorous fight made to stamp it out for all time. It is the most dangerous and un-American proposition, in my mind, that has been submitted as a governmental policy. To say that the decision of a court shall be subject to the will of the majority to my mind, is an absolute denial of personal rights and of property rights. Tyranny by the majority is as oppressive, as the tyranny of a king or potentate![19]

The following day the permanent chairman, C. A. Spiess, ntroduced Thomas B. Catron from the Committee on Resolutions to ead the platform which, with two major exceptions, was liberal in utlook. It endorsed and commended the "wise and fearless adminis- ration of President Taft." The resolutions favored the contin- ance of the protective tariff on wool and woolen fabrics; a cor- upt practices act which would insure honest elections; a compul- ory compensation law coupled with a wise industrial insurance; and he granting of liberal pensions to Civil War veterans.[20]

The Republican convention was adamant in its opposition to he "Blue Ballot" and condemned it by a vote of 229 to 82.[21] The esolution read:

> We invite attention to the fact that by the proposed blue-ballot amendment, there is no limit to the number of amendments which may be proposed at any one time, so that each session of the legislature may become the equivalent of a constitutional convention, beginning to end; and that all the safeguards placed around the right of suffrage and other sacred rights of our people by our constitution can be taken away by a constitutional convention which may be

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[19] Speech of the Honorable H. O. Bursum accepting the Republican nomination for governor, Bursum Papers.

[20] State Republican Platform of New Mexico, 1911, Bursum apers.

[21] Santa Fe New Mexican, September 29, 1910.

> immediately called under the provisions of the blue-ballot amendment by a bare majority of those voting thereon; and we urge every voter who has the public welfare at heart to vote against this amendment.[22]

The Republicans opened the campaign with an air of cautious optimism. They tried to avoid a split in the party which would cross county lines. This, however, was not possible, for the convention had all but ignored the Hagerman faction of the party. Others such as Washington Ellsworth Lindsey were convinced that the Republican candidate for governor would serve the industrial corporations and that the Old Guard in general was against popular participation in government. Lindsey did not join the Hagerman faction and, while supporting the local and county ticket, he failed to aid the State candidates.[23] Former Governor Curry who always passed as friend and supporter of Bursum wrote Theodore Roosevelt and proclaimed his disgust with Bursum's selection.[24]

One of the most serious splits within the party came when Miguel Otero resigned the treasurership of the Territory. Ostensibly, Otero resigned over the failure of the Republican Party to

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[22]State Republican Platform of New Mexico, 1911, Bursum Papers.

[23]Ira C. Ihde, "Washington Ellsworth Lindsey, Third Governor of New Mexico" (unpublished Ph.D. dissertation, Department of History, University of New Mexico, 1950), p. 282. Also see Ira C. Ihde, "Washington Ellsworth Lindsey," New Mexico Historical Review, XXVI (July, 1951). Lindsey was born on December 20, 1862, Belmont County, Ohio. He matriculated at the University of Michigan in 1888, and in 1891 he received his LL.D. from the same institution. In 1900 he moved to Roswell, New Mexico, where he soon became identified with progressive Republicanism. At the death of E. C. de Baca, Lindsey became governor of New Mexico.

[24]Theodore Roosevelt to Bronson Cutting, June 14, 1912, Letters of Theodore Roosevelt, V, 561-62.

adopt the "Blue Ballot"; however, his failure to receive the Republican nomination for governor had much to do with his shift.[25] In 1906 when he had resigned his governorship, he had also relinquished party control; by 1911 his influence had reached its nadir. He was unpopular with many Republicans because he failed to defend Bursum on the penitentiary issue even though he was convinced of Bursum's innocence. Otero's failure to support the Old Guard in their attempt to remove Hagerman only added to his unpopularity. Despite all of these shortcomings, the Old Guard needed Otero because his influence among the "natives" never waned.

When Bursum's nomination was certain, the Albuquerque Journal started its long campaign to convince its readers that Bursum was not only incapable of managing the State but that he was dishonest, corrupt, and the robber of public treasuries. Cartoons showing Bursum "burning the books" illustrated the Journal's intent to destroy not only the candidate but the man.[26] In a letter to Bursum an unidentified J. M. H. professed to have had conversations with the Journal's owner and the purported progressive crusader revealed his "innermost soul." The owner confessed the desire to break Bursum's leadership of the Republican Party by depriving him of any support he might have. He desired "to drive away from [Bursum] popular support of the men who were under [Bursum's] control; wanted to break up the team of leaders; wanted to get W. A. [William Andrews] 'split off

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[25]Miguel Otero to H. O. Bursum, October 15, 1911, Bursum Papers.

[26]Albuquerque Morning Journal, September 27, 1911.

from Sully' and also to discredit Springer."[27] The report revealed that the owner of the Journal hoped to destroy the Old Guard and establish "a new regime of his own."[28]

In the course of the campaign, Bursum was to be charged with every "sin" perpetrated by members of the Republican Party. For instance, an editorial in the Journal on September 27, 1911, held him responsible for the 1903 "Hawkins Bill"[29] which passed under the guidance of Fall, Hawkins, and Andrews. The Hawkins measure made it virtually impossible for an individual to secure compensation for personal injury resulting from the negligence of a railroad. Former Governor Otero was instrumental in bringing these charges against Bursum, who emphatically denied that he had verbally supported the Hawkins measure. To make his position plainer, he referred to section 16, article 22 of the New Mexico Constitution--a section he had written--that enabled individual citizens to recover damages for personal injury.[30]

The Democratic State convention met in Santa Fe on October 2. After two uneventful days the delegates nominated William C. McDonald for governor. E. C. deBaca was nominated for lieutenant-governor

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[27] J. M. H. to H. O. Bursum, n. d. Bursum Papers. Internal evidence indicates the letter referred to the 1911 campaign. The signature of the three initials seems to be those of John M. Hawkins, who for many years had been identified with newspapers in New Mexico and at one time had connections with newspapers in Santa Fe, Silver City, and Carlsbad.

[28] Ibid.

[29] Albuquerque Morning Journal, September 27, 1911.

[30] Santa Fe New Mexican, November 6, 1911.

to attract the support of citizens of Spanish ancestry. McDonald was a business man of sound conservative leanings and his selection was interpreted as an appeal to the business classes.[31] Furthermore, McDonald had gained stature when he was elected chairman of the Democratic Central Committee in 1910.

Although the selection of a candidate for the chief executive position reflected the conservative element within the Democratic Party, the Santa Fe convention was quick to adopt the "Blue Ballot." This was an excellent tactical move for the Democrats:

> Thousands of republicans and democrats who had voted for the adoption of the constitution, who had been willing to sacrifice almost anything in order that statehood might be attained, now that it was assured, voted for the "blue ballot" amendment, and many republicans, influenced by the stand taken by the democratic party in its platform on this subject, voted for Mr. McDonald . . . .[32]

On the second day of the convention, former Governor Hagerman published an open attack on Bursum in the Journal. The charges which the courts had failed to substantiate were revived. He alleged that there was a general conviction throughout the Territory of corruption in Bursum's prison administration. After giving his "burn the books" resume, he charged that every one of Bursum's friends were willing to be dishonest to save the Republican chairman, naming Judge Parker, Attorney General Fall, the traveling auditor Safford, and the members of the prison board.[33] He failed to mention that Safford was one of his own personal appointees.

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[31] Twitchell, II, 599.

[32] Ibid., p. 600.

[33] Albuquerque Morning Journal, October 3, 1911.

Hagerman pictured a legislative and judicial conspiracy against the people of New Mexico while he envisioned himself as the defender of the electorate.

A group of Republicans led by Hagerman met at Santa Fe with the intent of organizing a Republican Progressive League. Jesús Romero was elected chairman and Richard H. Hanna was chosen secretary.[34] They issued a call for a Progressive Republican convention to be held in Santa Fe on October 10, 1911. However, before the Progressive Party met for their first convention, they united with the Democrats to produce a statewide fusion ticket. McDonald was nominated as Progressive and Democratic candidate for governor. The party secretary, Richard H. Hanna, was named as a fusion candidate for the State Supreme Court while George H. Van Stone was a candidate for the State Corporation Commission.[35] The Progressive Party convention stated that the League "supported the National Republican Party, that they were in favor of separate elections for the judiciary, that they condemned the State Republican nominee for Governor who is known to be a ring politician and who is subservient to special interest . . . ."[36] The convention also endorsed the "Blue Ballot" amendment, direct election of senators, direct legislation, and a corrupt practices act.[37]

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[34] Albuquerque Morning Journal, October 4, 1911.

[35] Ibid., October 6, 1911.

[36] Patricia C. Armstrong, A Portrait of Bronson Cutting Through His Papers: 1910-1927. Division of Research, Department of Government (Albuquerque: University of New Mexico, 1950), p. 36.

[37] Albuquerque Morning Journal, October 6, 1911.

Though the Progressive Party was financially insolvent, its burden was lessened by Democratic contributions which were to be used to elect McDonald. Funds for local contests came from office seekers at the local level and from a recently arrived millionaire, Bronson Cutting.[38]

The fusion ticket was a strong one and made the Republican hopefuls realize for the first time that they would have a difficult task winning.[39] Consequently, all factions in the party worked diligently. The contest was given the greatest publicity in the Santa Fe New Mexican, which was pro-Bursum, and the Albuquerque Morning Journal, which campaigned actively against his election. At various times, the Santa Fe New Mexican pointed to the inconsistent logic of the Albuquerque Morning Journal editorials.

> The unconscious humor of the Albuquerque Morning Journal is delicious. Its nerve is refreshing. Its logic is irresistible. "H. O. Bursum," it shrieks editorially, "is a representative of the special interests, corporations, land grabbers, and bosses." Of course, W. C. McDonald is not.
> . . . . . .
> Let us see! McDonald is and has been for twenty years the president of the Carrizozo Cattle Ranch Company of Lincoln County. Is that a corporation? Is that a special interest? Are they land grabbers?
> . . . . . .
> On the answer of these questions depends whether H. O. Bursum or W. C. McDonald is a representative of the

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[38]Jonathan R. Cunningham, "Bronson Cutting: A Political Biography" (unpublished Master's thesis, Department of History, University of New Mexico, 1940), p. 37.

[39]Curry, p. 260.

> "special interests, corporations, land grabbers and bosses."[40]

The paper charged that the Carrizozo Company was owned by a British firm and had absorbed land and water rights until the small cattlemen had been practically eliminated from Lincoln County.[41] The Journal countered these allegations. The newspaper dismissed McDonald's past record with the statement that he no longer represented the English firm. The New Mexican would not allow the answer to justify McDonald's leanings.

> Of course, that is a virtue that entitles a man to be elected governor, even if he has no other qualifications. It is to be feared that W. C. McDonald "grew up" with the English corporations . . . rather than with New Mexico, and whenever the interest of the British stockholders conflicted with those of the public the stockholders were served or McDonald would not have held his job for twenty years.[42]

Bursum, who realized that his fight had to be a defense of his past record, used every opportunity to clarify his role in New Mexico politics. The Republican nominee tried to make the campaign one of issues and principles, for he realized that men come and go but measures and principles endured a life apart from their creators.[43] Mudslinging, personal abuse, and vilification were not legitimate arguments but "prima facie" evidence of weakness of the opposition's cause.

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[40] Santa Fe New Mexican, October 7, 1911.

[41] Ibid.

[42] Ibid.

[43] Ibid., October 10, 1911.

> The party, or set of men, who seek to set up as their paramount claim for recognition a "holier than thou" cry, their white winged, angelic qualities testified to and admitted by themselves, can only be accepted as conclusive evidence that the unholy alliance of the little coterie of disappointed office seekers calling themselves Republicans and Democrats, have sacrificed principle for place.[44]

Most candidates for public office receive letters threatening their lives, and the Republican candidate for governor was no exception. Normally the threats were shrugged off with little concern. However, one did cause Bursum considerable anxiety. This letter, addressed to "Buster H. O. Bursum," was unusually vile and promised death to Bursum if he were elected governor. Long years of political experience had taught the candidate to know who his enemies were; nevertheless, he sent handwriting samples to an expert for identification. The expert soon confirmed Bursum's suspicions that the writer was a former debtor who resented his financial obligations to the Republican chairman.[45] Since the writer was not connected directly with the opposition, the case was dropped without incident.

The Republicans tried to associate themselves with the Taft administration. They reasoned that the party responsible for the framing of the constitution should be trusted with the reins of the new State. In a speech at Las Vegas, Bursum stated that the Republican Party of the State and Nation stood for ideals that were conducive to happiness, prosperity, and progress. The party

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[44] Santa Fe New Mexican, October 10, 1911.

[45] Undated letter, Bursum Papers.

of Lincoln, Roosevelt, and Taft "is the party that keeps peace with the spirit of the times; that believes in expansion of territories, ideas, industry and homes. It is the party which believes in a stable, conservative government."[46]

Bursum justified his fight against the "Blue Ballot" on the grounds that Taft wished a conservative document. The "Blue Ballot" was construed not as an attempt to amend the State constitution but to destroy it.[47] If the constitution needed to be amended, the citizens of the former Territory should prepare a new constitution without the aid of Congress. The justification for the conservative constitution rested on the argument that the new State needed capital for the development of its natural resources. "Capital is naturally timid. Men will not invest money unless a stable government is guaranteed. They must know at the time of the investment that the conditions then prevailing are likely to continue."[48]

Bursum and McDonald generally carried their campaign on party issues, while the partisan newspapers served as organs for personal attack and vilification. If one were to assign a measure of guilt for the origin of this policy in the 1911 campaign, the blame would have to be placed upon the Journal, which had for years openly libeled members of the Old Guard. The Hagerman controversy served only to solidify its position. The personal hatred of Dana Johnson for Bursum, allowed in print without control, played an important

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[46] Santa Fe New Mexican, October 10, 1911.

[47] Ibid.

[48] Ibid.

role in the political fortunes of Bursum. When Bronson Cutting purchased the Santa Fe New Mexican to advance his political fortunes, Johnson was hired and he essentially rewrote his old stories of the Old Guard.

One of the charges repeated against Bursum, Hubbell, and Luna was that they conspired to use their party to secure huge blocks of state lease land. The truth of the matter was that Bursum had leased 7,679 acres of land,[49] most of which was without water. The so-called "syndicate" of Bursum-Hubbell-Luna "controlled" 15,220.59 acres.[50] The Journal's attack on these leases was a serious mistake, for this was one vulnerable spot of the Democratic candidate. The Santa Fe New Mexican drew attention to the lease holdings of the Honorable W. C. McDonald, Democratic candidate for governor, and the Honorable Herbert J. Hagerman with his South Springs cattle concern. The newspaper claimed that the two politicians leased from the Territory of New Mexico 50,869.73 acres of land.[51]

McDonald denied that he held large leases in the State,[52] but the rival newspaper listed three leases, numbers 4625, 4626, and 3025 which were made to McDonald; the total holdings came to over 24,000 acres.[53]

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[49] Ibid., October 14, 1911.

[50] Ibid.

[51] Ibid.

[52] Ibid., October 18, 1911.

[53] Ibid.

The last month of the campaign proved fatal for the Republicans because fusion tickets were formed in most of the strongly Republican counties. The most significant one was created in Bernalillo County. The fusion ticket was encouraged by the Democrats, for they realized that a split ticket had little chance of winning. In the closing weeks of the campaign, the Republicans spent considerable time in the southeastern counties. Bursum hoped to pull sufficient votes in this area to balance obvious losses from the fusion ticket in the northern counties.

The Roswell Daily Record criticized the poor grammatical usage of the former frontiersman. The partisan editorial wondered "how it would look in the Congressional Record" to have New Mexico represented by an individual who failed to grasp some of the fundamental concepts of the English language.[54] The New Mexican answered with a brief sketch of the tragic youth of Bursum. The future senator was fatherless before the end of his first year, and the family moved to Colorado in the 1880's. The fact that he was forced to support himself before he reached his teens terminated his formal education at the sixth grade level. It was little wonder that he "split infinitives" and sometimes failed to find agreement between nouns and verbs. The New Mexican suggested that a close view of the Congressional Records and a survey of some of the early speeches of other frontiersmen, like Lincoln and Jackson, would reveal that others had gone through the same embarrassment.

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[54] Ibid., October 27, 1911.

Any shortcomings that Bursum may have displayed were adequately compensated for by the able leaders thrust in his defense. George Curry, A. B. Fall, Secundino Romero, W. H. H. Llewellyn, Frank W. Clancy, and a host of other notables actively campaigned to secure Republican control of the State. In their zeal to leave no stone unturned, they printed an open letter from the Archbishop of Sarta Fe who was in charge of the pastoral needs of New Mexico Catholics. The letter denounced the "Blue Ballot" as unnecessary in the democratic community of New Mexico.[55]

The New Mexican turned the Archbishop's letter into an open endorsement of the Republican Party:

> The declaration of Archbishop Pitaval against the "Blue Ballot" . . . is in line with the utterances of Cardinal Gibbons and Archbishop Ireland recently, that the great need of the republic is stability. Every interest has suffered lately and the very life of the republic has been imperiled by vagaries born in foreign countries where atheism and immorality are sweeping like a pest over the people.[56]

The Journal chastised the Archbishop for extending the spiritual arm of the Church into the realm of politics, and requested a clarification of his position.[57] The Archbishop, who was in Washington published an open letter reiterating his stand, but made it plain that his view was not that of the Catholic Church. He also slapped the hand of the Republican Party when he criticized its

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[55] Ibid., October 21, 1911.

[56] Ibid.

[57] Albuquerque Morning Journal, October 22, 1911.

attempt to use the Church as a tool to serve party interest.[58]

The Republican Party slowly realized the popularity of the "Blue Ballot" and tried to find a way to disassociate itself from the issue in order to avoid a straight party opposition ticket composed of the "Blue Ballot" and the Democratic Party.

The Journal kept up a steady attack against Bursum's public record. It labeled his road building as a fraud on the general public. The charge referred to a twenty-mile section of road through the rugged Mogollón Mountains, built around 1896 at a cost of $5,000. According to Engineer Charles D. Miller, the road was in excellent condition in view of the heavy traffic and the lack of repair given by county officials.[59] This statement, of course, was not given notice in the Journal.

The Democrats gave wide circulation to the so-called prison scandal. Republicans were not slow in realizing the consequence of the incessant attack. Ten days before the close of the campaign they retaliated with several significant reports. The first was a letter from T. H. Pierce, chairman of the Board of Penitentiary Commissioners. Before giving a full account of the legal history of the prison problem, he related the reasons for the split between Governor Hagerman and Bursum.

> After Mr. Hagerman became governor, he wished to have some changes made in the methods of managing prisoners, of which

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[58] Santa Fe New Mexican, October 31, 1911.

[59] Ibid., October 25, 1911.

> Mr. Bursum did not approve; and differences arose between them growing out of this.[60]

Pierce went on to explain how the Governor made a secret investigation of the prison through the Colorado Title and Trust Company without consulting the Prison Board and made unfair demands upon Bursum. He recited the necessity of Bursum's paying certain sums to Hagerman. Bursum was, at the time, chairman of the Republican Central Committee and in the midst of a campaign. The retired Superintendent realized the case could not be fought without immediate injury to the party, and so he paid $2,000 under protest. The remainder of the report substantiated the findings of the auditor's report of 1907. Hagerman not only denied the story, but questioned whether Pierce was the originator of it.[61]

Charles Safford, the traveling auditor who made the report which vindicated Bursum in 1907, once more came forward to defend him from the slanderous articles of the Journal. Safford, a former friend of Hagerman, stated that the problem began with Hagerman's treatment of Bursum's suggestions for Territorial offices.[62] Hagerman indignantly "asserted that neither Mr. Bursum nor any other man could presume to make recommendations to him as to any appointment." The Governor told Safford that "New Mexico is not large enough to hold both me and Bursum."[63] The auditor further claimed

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[60] Ibid.

[61] Albuquerque Morning Journal, October 31, 1911.

[62] Santa Fe New Mexican, October 31, 1911.

[63] Ibid.

that Hagerman called him to Santa Fe to discuss corruption at the Territorial penitentiary.

> He told me the kind of a report he wanted and stated the showing made by Mr. Bursum. I was thoroughly familiar with territorial financing [sic] affairs and I told Hagerman that he could not make such a report if he was an honest man and that I would not make it. I told him that Bursum was not "a thief" and I warned him that to attempt the procedure he had in mind as it would react upon him. At the conclusion of this interview, Hagerman dismissed me from his office with the words "By God I can't make you believe he is a thief, you need not make the report, but I will get someone that will make it."[64]

Safford's statement was vigorously denied by Hagerman. He asked why Safford had failed to hold the case open to allow the Territory to introduce evidence. Apparently five years had dulled the former Governor's memory, for the hearings were open to any plaintiff. However, Hagerman failed to introduce the Colorado Title and Trust Company report or have the private auditor defend his action. Furthermore, when the Attorney General filed a bill of exceptions, Hagerman did not challenge Safford's findings. In fact, he was willing to disallow the Title Company report as evidence. Hagerman also put himself in a bad light when the Colorado Title Company report was found missing from the Governor's file. The Republicans made capital out of this by suggesting that if the "report of the Colorado expert was where it properly belongs today, in the file of the governor's office as it should be because the people of New Mexico paid for it, [it] would of itself clear Holm O. Bursum from the charges made by Hagerman."[65]

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[64] Ibid.

[65] Ibid., November 2, 1911.

The lowest level of personal vilification was reached in the so-called Dreyfus case. Henry Dreyfus, the Republican candidate for sheriff of Socorro, was alleged to have "hauled down" the American flag and desecrated it.[66] Although there was little evidence to substantiate the story, the Journal was quick to turn the "incident" into a political issue:

> H. O. Bursum, whose statewide gang of state despoilers is making a pretense of "venerating the flag" under the cloak of republicanism, on Saturday forced into the field the rottenest county ticket ever thrown insolently in the face of the people . . . .[67]

The newspaper reasoned that a man who defended desecration of the flag was himself its desecrater.[68] Bursum brought the ridiculous charge before a group of Civil War veterans who passed a resolution condemning the "cowardly editorial" of the Journal. The Grand Army personnel at the meeting had "fully investigated that story through the veterans of Socorro and found that the story of the alleged desecration of the flag by Mr. Dreyfus [was] unfounded and a deliberate falsehood."[69]

It became evident that every weakness of the Republican Party would be twisted in a manner to substantiate the charge that the gubernatorial candidate was not worthy of the highest state office. The observation was made in the El Paso Herald in an article summarizing the New Mexico political scene that "in New Mexico the

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[66] Albuquerque Morning Journal, October 23, 1911.

[67] Ibid.

[68] Ibid.

[69] Santa Fe New Mexican, November 6, 1911.

Democrats and 'Progressive Republicans' are not giving H. O. Bursum a square deal. They are giving wide circulation to a lie against him, and carrying their assaults in such a way [that] it is exceedingly difficult if not impossible for the Republicans to reach and throttle each slander in turn."[70]

As election day neared, it became impossible for Bursum's supporters to cover the 122,000 square miles to chase down "every false and vicious attack by personal and political enemies."[71] Appeals were made for fair play and common decency, and the people of New Mexico were asked not to be misled by the unfair and untrue assaults of "men determined, not to raise the standard of the public service, but to destroy Bursum's political influence and satisfy personal grudges."[72] A few of the Republicans realized that they were in serious difficulty. Curry predicted the defeat of the entire slate if something dramatic was not accomplished.[73]

On election Tuesday the long hours of personal anguish began. Early returns gave the Republican hopeful a lead, while the "Blue Ballot" was negated by a vote of 2-1. However, the following day the tide of Democratic votes spelled the first political defeat for Bursum. The Republican candidate received 28,019 votes while McDonald received 31,036.

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[70] Ibid., November 11, 1911

[71] Ibid.

[72] Ibid.

[73] Curry, p. 261.

Bursum returned to Socorro and tried to find the cause of the collapse of his political fortunes. With one exception, the "Blue Ballot," the election was not lost because of anything he did or failed to do in the course of the campaign. George Curry believed the major cause for the defeat of the Republican Party was its stand against the "Blue Ballot." Only seven out of twenty-six counties gave majorities against the "Blue Ballot."[74] Furthermore, the Ex-governor believed that the "rigid provisions in the constitution, making amendment almost impossible, had been written into it by powerful corporate interests for entirely selfish ends. The people knew this and resented it."[75]

A large number of new voters had come into the eastern part of the Territory since 1906. Most of these people had little knowledge of the Bursum-Hagerman quarrel but were exposed to a partisan press. Bursum lost most of the predominately Democratic counties because of the steadfast party loyalties of the recent immigrants. These individuals, who were mainly from Texas and Missouri, "voted the way their grandfathers fought." Not only were the ranks of the Democratic Party swelled by recent migration, but the party "for the first time in a decade . . . conducted an effective campaign along educational lines."[76] Future Senator Andreus A. Jones led the party to its first victory.

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[74] Ibid.

[75] Ibid., p. 258.

[76] Twitchell, II, 600.

Twitchell stated that the election result was not a triumph for the principles of democracy but rather a rebuke of boss rule in Bernalillo and Sandoval Counties.[77] This "rebuke" was not due as much to boss rule as it was to who would rule. The forces of Gillenwater resented being cast aside in the convention and were determined to defeat the Republican slate as represented by Hubbell and Bursum. "The boys were sore that they didn't make it and joined the fusion ticket."[78]

The Santa Fe New Mexican lamented the defeat of so "worthy and unselfish" a man as Bursum. "He [was] a victim of personal venom and spleen, not on the part of Democrats but on the part of some 3,000 Republicans in Colfax, Bernalillo and Sandoval counties, who in pursuing their own little selfish aims made a sacrifice of the best friend that they had."[79] This observation was partially confirmed by A. T. Hannett, onetime governor of New Mexico, who stated that it was a common practice to encourage an open split in the Republican ranks, and when this was accomplished to have the disgruntled members join or create a fusion ticket with the Democrats.[80] With Hagerman, Otero, Gillenwater, and minor candidates willing to split the party to ruin the Old Guard, the Democratic task was made easy.

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[77] Ibid., p. 601.

[78] Interview with Phillip Hubbell, October 11, 1961. Phillip Hubbell was a student during the election and "hung around" the Republican headquarters.

[79] Santa Fe New Mexican, November 9, 1911.

[80] Interview with A. T. Hannett, July 22, 1961.

Bursum underestimated the strength of the Albuquerque Journal. He failed to realize the telltale effect of day-after-day bombardments in the partisan press. His failure to make a wide-open fight against this institution, plus his failure to deny its charges, led many people to believe the charges were true. Thus the forty-four-year-old campaigner fought in formal attire while the opposition entered the political ring stripped to the waist.

CHAPTER VI

REPUBLICAN POLITICS: 1912-1916

The Republicans were defeated in their attempt to control the executive branch of the State government, yet they elected a working majority in both branches of the legialature. The canvassing board followed the procedure set down by Congress. The board, consisting of Governor Mills, Secretary Nathan Jaffa, and Chief Justice William H. Pope, met in the council chamber to canvass the returns of the November election. The usual complaints of corruption and general political chicanery were presented. The board took five weeks to complete its work. "During the progress of the canvass the two political parties were represented by counsel who rendered some assistance to the board in arriving at a determination of some of the important questions raised during the progress of the court."[1]

Former Governor George Curry and Democrat Harvey Fergusson were certified and arrived in Washington in time to be present to hear New Mexico declared a state.[2] After witnessing the historical event, the two representatives went to the Capitol to present their credentials formally with the clerk of the House. Soon after they

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[1] Twitchell, II, 601.

[2] Curry, p. 262.

paid their respects to House Speaker Champ Clark. Curry was greeted in a most unusual fashion. The Speaker looked at Curry and said: "Governor, what are you doing here?"[3] It seems that in the session of Congress that passed the New Mexico Enabling Act, a general reapportionment bill was passed reducing the number of New Mexico representatives to one. Since Curry received 163 more votes than Fergusson, it became obvious that it would be the Democrats who would lose one delegate. "That put the shoe on the other foot," but when the house met on the following day both New Mexico representatives were seated.[4] Delegate Andrews, who desired to become United States Senator, vacated his House seat to Curry and returned to New Mexico "to continue his campaign for one of the senatorships."

Since the election of 1911 gave the Republican Party complete control of the New Mexico legislature, the only problem to be resolved was the selection of senators. The only course left to the Democrats and Progressives was to hope for a deadlock of the Republicans and then propose a compromise candidate from their own ranks.

The Republican hopefuls were Thomas B. Catron, Albert B. Fall, William H. Andrews, William Mills, and Octaviano A. Larrazolo. The last mentioned was considered a compromise candidate.[5] The

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[3] Ibid., p. 263.

[4] Ibid.

[5] Ibid., p. 264.

hope of the Democrats was placed on Felix Martinez and Andreus A. Jones, the Democratic Party leader.

When the first State legislature convened, it was conceded that Albert Fall would be one of the senators. Bursum had great hope for him and it was largely through his maneuvering that opposition to Fall's candidacy melted. However, there was a great division of opinion on the selection of the second senator.

> Holm O. Bursum was supporting Fall and Andrews. Solomon Luna was quietly but effectively supporting Fall and Catron. Charles A. Spiess and State Senator John S. Clark, both of Las Vegas, . . . were working actively for Fall and Judge Mills.[6]

In his biography of Bronson Cutting, Cunningham gives us the undocumented statement that "the most sensational development of the election was a split between Albert B. Fall and W. H. Andrews."[7] If there was a split it would have existed between longtime enemies, Catron and Andrews. Andrews was being managed by Bursum,[8] and as this writer has indicated, Bursum was instrumental in the selection of Fall. Andrews' only hope lay in securing Fall's support--not in securing his open opposition.

The Democratic press gathered stories of unlawful expenditures and the offering of bribes to secure appointment to the Senate. In New Mexico these were typical charges which normally could not be validated. Proof was not necessary, for the intent

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[6]Keleher, p. 196.

[7]Cunningham, p. 28.

[8]Socorro Chieftain, March 30, 1911.

of the stories was to cast aspersions on the character of the Republican candidates.

For a moment it appeared that the Republicans had deadlocked in the selection of the second senator. "A strong underground movement developed for the election of Fall and Martinez. Fall refused to join in any deal with the Democrats and the movement faded out."[9]

As the warm days of spring wore on Catron's growing support became evident. Bursum was forced to the bitter realization that Andrews had fought his last campaign. Bursum and National Committeeman Solomon Luna urged Andrews to withdraw for the sake of party harmony.[10] Andrews withdrew with the general understanding that if the party leaders' choice of Fall and Catron was not immediately approved "the field would be open to all candidates."[11]

Governor Mills soon recognized that his cause was lost, and after a brief consultation with the San Miguel delegation, he announced his withdrawal.[12]

The obstacle to the selection of Fall and Catron was the desire on the part of the Spanish-American members of the House and Senate to select one of "their own." Luna and Bursum met with "speaker Baca and Spanish-American members of the house and Senate" and pursuaded them to lend their support to Fall and

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[9] Curry, p. 266.

[10] Socorro Chieftain, March 30, 1912.

[11] Ibid.

[12] Ibid.

Catron,[13] who became the first senators from New Mexico on March 28. In a speech to the New Mexico House Fall publicly recognized the role played by Bursum.

Fall's good fortune did not change even when he was elected to the short term of Congress which was to expire on March 4, 1913. Because the State legislature did not meet in 1913, he was elected for an additional six years. While objection was raised to this, both in the State legislature and in the United States Senate, Fall carried his certificate of election to Washington and the Senate Committee on Privileges and Elections voted unanimously to recognize it. However, Governor McDonald received a ruling from the Attorney General which called the council's action illegal and Fall was forced to stand re-election in 1913.

While the problem of selecting United States senators was being considered, Socorro County chairman Jaramillo called for the selection of delegates to the Republican State convention. The State convention met to select delegates to the National convention. Bursum was elected to voice the wishes of Socorro County.[14]

If the Democratic campaign had weakened the former chairman, it was not apparent in the March convention which met at the Elks Theater in Santa Fe. Bursum was requested to deliver a short speech to the convention and amidst an "outburst of cheers" was led to the speaker's platform. Mr. Holt introduced him "as the man who never

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[13] Ibid.

[14] Ibid., March 9, 1911.

goes back on his friends, even in the face of defeat."[15] Not to be outdone, Chairman Hernandez characterized him as "the general who carried his army to partial victory by sacrificing himself."[16]

However, Bursum did not feel justified in congratulating the Republican Party but did feel that there was much for which to be grateful. He praised the democratic procedure of the American Republic and reminded the audience of its obligation to obey the mandate of the majority. "The closer the Republican party gets to the people, the more energetic it is in carrying out the wishes of the people, the more successful it is bound to be at the polls."[17]

The speech, as it continued, became an attempt to win votes for the nomination of Theodore Roosevelt. It incorporated an advocacy for the direct primary which would allow each party to select its candidates by ballot. Bursum requested the regulation of trusts, "not because the people must have a square deal, but also to the end that industry and enterprise may be preserved to this nation and flourish and that improvements and devices of great minds be made available for the benefit of the masses."[18] Bursum's request for trust regulation was an obvious attempt to draw support for Roosevelt. He concluded his speech by pointing to the troubled waters of Europe. These conditions demanded that the nation have a strong leader. Bursum did not close the door on Taft but indicated

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[15] Ibid.

[16] Ibid.

[17] Ibid

[18] Ibid.

his preference for Roosevelt.

But the convention was practically unanimous for the nomination of Taft. George Curry, David J. Leahy, and Bursum were alone in their preference for Roosevelt. Curry resented his shoddy treatment by Taft in his quarrel with Ballinger, and he thought if Roosevelt was elected he would go to the Philippines as Governor-General.[19] The Roosevelt forces hoped to gain a 50-50 delegation. However, the Taft faction had complete control of the convention. Eventually all but Bursum deserted to the Taft landslide.[20] Bursum warned that if Roosevelt was not selected by the National convention Roosevelt would create a third party.[21] Bursum also speculated on the possibility of a Bryan-Roosevelt ticket.[22] The Socorro citizen admitted that the combination was "a strange one but with Bryan president and Theodore Roosevelt president of the senate the country surely would be run on a progressive basis."[23] Although Bryan had been approached on this subject, Bursum felt Roosevelt would run on a third party ticket if Bryan "lined up with the Democrats."[24]

Roosevelt's popularity grew as the summer turned into autumn. "The former President had the backing of four state conventions and

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[19] Safford to Bursum, May 27, 1912, Bursum Papers.

[20] Curry, p. 268.

[21] Santa Fe New Mexican, June 27, 1912.

[22] Socorro Chieftain, June 29, 1912.

[23] Ibid.

[24] Ibid.

the support of preferential primaries in six additional states."[25] True to Bursum's predictions, the recalcitrant Republican and former Rough Rider formed a third party. The convention took on an atmosphere of a holy crusade, and amidst the singing of "Onward Christian Soldiers," "The Battle Hymn of the Republic," and "We Stand at Armageddon and We Battle for the Lord," the Bull Moose party was formed. The platform advocated the "direct election of United States Senators; nationwide preferential primaries for Presidential candidates; the initiative, referendum, and recall; woman suffrage; recall of judicial decisions; prohibition of child labor; minimum wages for women workers; tariff reforms; and strict regulations of industrial combinations."[26]

The formation of the Progressive Party tested the political philosophy of Bursum as it would never be tested again. Where should one's loyalty be centered--around an individual or the party? Is it possible that an individual can rise above the party? Bursum was not sure that he could find an immediate answer. Roosevelt was a friend of New Mexico and highly regarded by Bursum and the Old Guard. Rumors were widespread to the effect that Bursum would declare himself openly for Roosevelt. The Old Guard was quite concerned about the role to be played by the former sheriff. The Taft supporters promised the politician that if he were to take the lead in New Mexico and declare himself for Taft he would "be the biggest

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[25]George Harmon Knoles, The New United States: A History since 1896 (New York: Henry Holt & Company, 1959), p. 147.

[26]Ibid., p. 148.

man in the state."[27]

Despite the promises from both sides of the political arena, Bursum remained within the Republican Party and gave his official support to Taft. The fight in New Mexico centered around keeping the Progressives from attracting too many votes, thereby giving Woodrow Wilson New Mexico by default.

The Progressive candidates were championed by Bronson Cutting, Miguel Otero, and George Curry. The first of these purchased the Santa Fe New Mexican and commenced its editorial attacks on July 10, 1912. The Progressive element tried to convince Roosevelt that New Mexico could be "landed" for $50,000, but the sagacious Curry reasoned that there was not sufficient time to develop proper party organization and urged the $50,000 to be spent in "doubtful states."[28]

The Santa Fe New Mexican leveled a steady attack against the Old Guard. The paper, under the editorship of Dana Johnson, spent the month of August charging collusion and corruption on the part of the Old Guard. Bursum came under attack when Secundino Romero was appointed United States Marshal. The New Mexican expressed the fear that Secundino Romero would use the marshalship to his advantage or to the disadvantage of the Progressives. When the New Mexican tired of publishing stories of the personal dishonesty of Secundino Romero, it turned its editorial sights into a harangue

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[27]G. J. Wolfinger to H. O. Bursum, July 14, 1912, Bursum Papers.

[28]Curry, p. 270.

of charges against Bursum and Charles Springer. The stories, which lacked originality, "neither informed or entertained its readers." The old stories of the Old Guard were rewritten while the "saga of Bursum's prison administration was once more related to a tired audience."[29]

The Progressives ran Mario C. de Baca for the single seat in the National House. If Cutting's progressive beliefs were sincere, he should have also attacked the Democratic candidates to Congress, for both the Republican and Democratic candidates were conservative and represented the same political philosophy. The treasurers of Republican counties were accused of shortages and the paper left little to the imagination as to the responsibility for these misdeeds. Cutting tried to convey the belief that a moral Mason-Dixon line existed with the forces of righteousness residing in Santa Fe.

The Progressives paused briefly from their attacks to pay homage to the passing of a colorful member of the Old Guard, Solomon Luna, who was born in 1858 in Los Lunas. The national committeeman for the Republican Party was one of the most beloved politicians in the State. Luna refused elective positions and preferred to work quietly behind the scene to aid the party cause. His death on August 30, 1912,[30] appreciably weakened the Republican Party and raised the question of a successor as national committeeman for New Mexico.

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[29] Interview with A. T. Hannett.

[30] Albuquerque Evening Herald, August 30, 1912.

The Old Guard lost in its attempt to return a Republican to Congress, but New Mexico was not unique, for the election of 1912 was a victory for the Democratic Party. With the Republican Party split by the Progressives, Wilson managed to keep both the conservative and liberal elements within the Democratic Party.

The political disaster in New Mexico caused grave concern to Senator Fall lest the Progressives and Democrats in the State legislature should work out a compromise with some of the wavering Republicans.[31] Fall asked Bursum to keep an eye on Santa Fe because he was afraid "that . . . conditions at Santa Fe [would] be serious unless some one [sic] [took] a firm hold of the situation and [was] on the ground a day or two before the Legislature [convened]."[32] The Senator feared that Miguel Otero, "Bull" Andrews, A. A. Jones, and Felix Martinez would do all in their power to defeat him for re-election. Bursum was needed to hold the party together because he could "handle men whom none of the others can even talk with."[33]

There was also considerable pessimism concerning the maneuvering by Charles Catron to replace R. L. de Baca for the speakership. Bursum was instructed to prevent the formation of an alliance between the Democrats, Progressives, and Republicans by Catron. If this alliance came about, control of the House would then pass from

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[31] A. B. Fall to H. O. Bursum, December 20, 1912, Fall Papers (copy).

[32] Ibid.

[33] Ibid.

the Old Guard[34] and would spell defeat for Fall.

Bursum's prestige had been weakened by his early stand for Roosevelt; consequently the management of the election of 1912 was placed in the hands of Charles Spiess. There was considerable antagonism between Bursum and Spiess. Part of the conflict stemmed from their mutual desire to control the political machinery in the State. The split widened when Bursum supported Andrews[35] for the Senate in 1912 while Spiess supported Catron. Fall, who could not afford a split between his supporters, managed to bring them together to support his re-election.[36]

Senator Fall was re-elected on January 28, 1913, to succeed himself, receiving a majority in each branch of the legislature.[37] But Bursum was not content with the re-election of Fall. Since the Democrats and the Progressives represented a constant threat in the legislature, he felt his presence was obligatory for party interest. Charles Spiess and Charles Springer also accompanied him; together they supervised legislation and saw to it that progressive legislation was not introduced.[38] The New Mexican printed stories which indicated that Republicans advocated legislation that was not in the interest of the people.[39] Despite these charges there was

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[34] Ibid.

[35] Ibid., December 21, 1912.

[36] Ibid.

[37] H. O. Bursum to C. V. Safford, January 29, 1913, ibid. (copy).

[38] Santa Fe New Mexican, February 8, 1913.

[39] Ibid.

nothing to indicate that the meeting of the legislature was anything more than the mediocre session common to the State at that time.

The charges that Bursum attended each meeting of the Territorial and later State legislatures were in all probability true. Kyle Crichton, in his work on Elfego Baca, succinctly confirmed this suspicion.

> To Bursum had been left the work of organization. It was Bursum who had a seat reserved for himself at the rear of both the House and the Senate during sessions of the Legislature. He never sought election for himself but his chair was waiting for him. No bill could be brought up, no bill could be passed without the Bursum O. K.[40]

The entry of Bronson Cutting spelled "unhappy days for the Republican Party in New Mexico." Cutting, "an astute and far-seeing politician, highly educated and thoroughly informed on national and world affairs,"[41] was probably the most serious challenge to the Old Guard since the Territory became part of the American union. Bronson Cutting was able to draw on the vast W. Bayard Cutting fortune and that of his uncle. After buying the New Mexican,[42] Bronson Cutting started a systematic campaign to establish the Progressive Party on a sound basis. He hoped to build a political machine, gain control of the State government, and then with the

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[40]Kyle Crichton, Law and Order, Ltd., The Life of Elfego Baca (Santa Fe: New Mexico Publishing Company, 1929), p. 173.

[41]Curry, p. 273.

[42]H. J. Hagerman to W. Bayard Cutting, April 4, 1911, Cutting Papers, Manuscript Room, Library of Congress, Washington, D. C. When Cutting first arrived in New Mexico, he contemplated creating a new Progressive newspaper. The paper was to be paid for by his father while former Governor H. J. Hagerman was to direct its policy.

use of patronage, induce the disgruntled elements within the Democratic and Republican Parties to change allegiance. In order to achieve these objectives Cutting hoped to:

> 1) separate unsubstantiated rumors from facts which he could prove and therefore publish, 2) get specific information on bribery used to influence the election of Republicans to state and local office, 3) get information on bribery, intimidation, or both, in the state legislature in the election of Albert Fall to the United States Senate, 4) learn how extensive were Republican "gang activities," 5) secure an appraisal of how Bronson Cutting was regarded privately by prominent Republicans in political life, and 6) learn which, if any, Progressives were in reality "spies for the Republicans.[43]

Although these were shrewd aspirations, close investigation of subseqient happenings indicated that his methods were not always legal or ethical. Eventually they led to a series of costly lawsuits.

Cutting, who hoped to "separate unsubstantiated rumors from facts," gave Dana Johnson complete editorial freedom.[44] Johnson did not hesitate to publish whatever he thought was convenient even if unsubstantiated by evidence on hand.[45] The Dreyfus case and the Bursum prison record were two notable examples. Another was the constant charge that Bursum was a tool of the Phelps-Dodge Corporation. Bursum had no connection legal or otherwise with the corporation and the New Mexican was never able to show evidence to the contrary.

Since Cutting was not completely familiar with the processes of gathering damaging information on his political opponents, he

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[43] Armstrong, p. 13.

[44] Cunningham, p. 46.

[45] Interview with H. B. Hening.

hired the William J. Burns Detective Agency.[46] The Agency collected information which gave Cutting a unique picture of the operations within the Republican Party.[47] A dictaphone was installed in "Bursum's room" to acquire firsthand information. The Old Guard, not completely unaware of Cutting's tactics, became cautious in any transaction which could be construed as an attempt to influence the legislature.[48]

In the 1914 election, the Cutting machine was not of sufficient strength to weaken the Republican organization. Moreover, many disgruntled Republicans returned to the Republican ranks after they came to the realization that President Wilson had few jobs to offer. Under Territorial conditions a change in administration usually meant a reshuffling of personnel, but under statehood many of the jobs became elective.[49]

In the Congressional election of 1914 the Republicans nominated Benigno Hernandez, a descendant of Don Juan José Hernandez, who came to New Mexico with the Vargas expedition in 1691.[50] The recently victorious Democrats selected Harvey B. Fergusson to carry the party banner while the Progressives selected Francis C. Wilson, a Santa Fe lawyer. Within a few short weeks, Cutting realized that a native

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[46] Armstrong, p. 13.

[47] Ibid.

[48] A. B. Fall to John M. Wyatt, March 7, 1913, Fall Papers (copy).

[49] Twitchell, V, 203.

[50] Ibid.

was necessary on the Progressive ticket because Francis Wilson could not hold the heavy native vote. To prevent a Republican victory, he urged a fusion ticket, but his efforts failed.

Bursum made an effort during the 1914 campaign to weaken the Progressive movement by taking over some of their issues and by associating closely with many of the Progressive leaders. The Albuquerque Morning Journal lessened its attack on the Old Guard. This was due in part to Bursum's attempt to pacify the Progressives. Cutting, who was not completely cognizant of Bursum's plan, chastised the Journal for its co-operation:

> Does the Morning Journal figure that the bosses can lead the Progressives to victory after defeating their own party? Can it be, perhaps that this is a sinister attempt to wish the bosses off on to the Progressive Party in order that the G. O. P. unhampered, may walk off with the state?[51]

Bursum played a minor role in the election because the Hernandez campaign was placed in the capable hands of Ralph C. Ely. This was very apparent at the Republican convention. The ex-party chairman relegated himself to a minor position as a member of the Resolutions Committee. The Republicans belittled the importance of the Progressive Party. The Republican platform opposed the withdrawing of land from forest reserves, condemned the policy which permitted reservation Indians to select lands for themselves from the public domain, and favored a corrupt practices act.[52]

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[51] Santa Fe New Mexican, October 2, 1914.

[52] Twitchell, V, 204.

Since the first state election did not go according to Republican plans, the first session of the New Mexico legislature proposed an amendment which "reduced the term of elective office from four to two years, and forbade more than two consecutive terms to the incumbent."[53] It is sardonic that the opponents of the "Blue Ballot" now proposed its use to limit Democratic influence. Many Democrats suddenly realized the merit in the Republican argument that the "Blue Ballot" allowed the constitution to be too readily amended.

Benigno C. Hernandez's defeat of Harvey B. Fergusson was construed by most Republicans as a return to favor of the party. "The Democratic defeat in 1914, and the Republican estimate of future victories as being almost certain, served to intensify political partizanship [sic] on the part of the republican leaders, both in and out of the legislative assembly."[54] It led to an open war between McDonald and the Republican controlled legislature.

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[53]Frank D. Reeve, History of New Mexico (New York: Lewis Historical Publishing Company, Inc., 1961), II, 334.

[54]Twitchell, V, 404.

CHAPTER VII

GUBERNATORIAL RACE OF 1916

A year before the 1916 Republican State convention met it was apparent that Bursum would be nominated for the governorship although chairman Ralph C. Ely and Secundino Romero could not be counted out of the race. The normally violent Santa Fe New Mexican was strangely cautious in its criticism of the defeated gubernatorial candidate. The articles were mainly confined to warning Bursum "that he must bear the brunt of a complete betrayal by his organization . . . ."[1] Moreover, the paper continued, his organization "has accumulated a load of obloquy and public dishonor which its candidate for governor will have to carry like a millstone around his neck." Chairman Ely started an active campaign to attract independent voters into the party. To entice these voters, he advocated an aggressive campaign, a reframing of the party platform, and the selection of new candidates for office.[3] This program, no doubt, was an attempt to place himself in a prominent position in the spring convention, but its effect was not the one desired, and it eventually led him out of the Republican Party.

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[1] Santa Fe New Mexican, July 20, 1915.

[2] Ibid.

[3] Bronson Cutting to Miguel Otero, December 18, 1915, Otero Papers.

Bronson Cutting's major concern in the campaign of 1916 was the re-establishment of Theodore Roosevelt in the presidential mansion. In December of 1915 he started an open campaign to place Roosevelt in the race for the Republican nomination to the presidency. Cutting concluded his views: "It would be great to get Theodore Roosevelt in again!"[4] His articles in the New Mexican reflected a similar attitude:

> It is not difficult for many Republicans who see in Colonel Roosevelt a successful leader next year to adjust all seeming political partisan or personal difficulties to their satisfaction . . . . Probably it would not be true to say that at this juncture a majority of the Republican party will be found on Colonel Roosevelt's side, but it is well within the facts to say that there are unmistakable signs of a very strong movement in his direction.[5]

The paper prodded the Old Guard for not declaring its position. It accused the party of running alongside the bandwagon so it could quickly jump on if a Roosevelt trend set in. If a Roosevelt victory should not come to pass, the newspaper continued, then "they simply got up there to look at the scenery."[6]

However, the Republicans were not running alongside the Roosevelt bandwagon; but they did consult him about the convention. Roosevelt told Senator Fall that if he himself did not receive the nomination, he would support Charles Evans Hughes, and that he had serious doubts that he could deliver his Progressive following to Elihu Root.[7]

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[4] Santa Fe New Mexican, December 27, 1915.

[5] Ibid.

[6] Ibid.

[7] A. B. Fall to H. O. Bursum, January 4, 1916, Bursum Papers.

Bursum did not deny Hughes's strength, but he had serious reservations about nominating a member of the Supreme Court for the presidency. He believed that if the court were dragged into politics, then "the confidence in the integrity and freedom from partisan strife [would] be shaken."[8] Bursum's personal choice for the presidency was Roosevelt because the Rough Rider represented aggressive, constructive individualism, which he though indispensable to the building of a powerful America. "We have come to the parting of the roads; we must either measure up to the standard of a world power or crawl in our hole and drag the hole in after us . . . ."[9] Bursum believed that the flag should follow the citizen and his property wherever he may abide in lawful undertaking. To facilitate this view he advocated the maintenance of a strong navy.

Thomas Catron's term as United States Senator expired in 1916. His fight to retain the seat was to prove a great stumbling block for the Republican Party. While it was generally conceded that the senator would have to come from a northern county, since this section provided a Republican majority, the incumbent lost favor with many members of the Old Guard. Fall reflected this feeling: "Catron cannot win, and if he runs against Felix Martínez, he will be slaughtered."[10]

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[8]H. O. Bursum to A. B. Fall, January 11, 1916, ibid. (copy).

[9]Ibid.

[10]A. B. Fall to H. O. Bursum, January 4, 1916, ibid.

Frank A. Hubbell of Albuquerque showed a brisk interest in the Senate seat by sending letters to influential Republicans asking for assurances "that his nomination if he secured it . . . would be satisfactory to them [the railroad companies and large corporations], or rather would not be unsatisfactory to them."[11]

The Albuquerque Journal seemed to adopt a bi-partisan view of the forthcoming election. It supported Democratic candidate A. A. Jones and the Republican hopeful Frank Hubbell. "It seemed to 'a casual observer' that the newspaper's principle object was to secure the nomination of a Republican candidate who would be certain of defeat."[12] An example of the paper's attitude appeared on March 11, 1916: "Frank A. Hubbell could not fail to be an improvement on Thomas Benton Catron as United States Senator. Hubbell could not do less than Catron has done, and he might do more. Catron has done far more harm to the state than Hubbell . . . ."[13] The Journal was confident of a Democratic victory when it was formally announced that Frank Hubbell would be a candidate.

The announcement by Hubbell forecast a bitter fight between the Catron forces led by Charles A. Spiess and the Hubbell faction led by Fall and Bursum. Hubbell's position seemed assured because the nomination of Bursum for governor would automatically lead to the selection of Hubbell. Bursum's only opponent of merit was Secundino Romero, whose strength rested with the Spanish-Americans.

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[11] Ibid.

[12] Twitchell, V, 410-411.

[13] Albuquerque Morning Journal, March 11, 1916.

Hence, while Hubbell challenged Catron for the Senate, the latter realized he would have to defeat Bursum's attempt to secure the Republican gubernatorial nomination.

Bronson Cutting continued his mild criticism of the Republican Party in an attempt to leave the door open for their support if Roosevelt received the Republican nomination for President. When the New Mexican was asked by the Journal if it would oppose the Republican ticket in New Mexico composed of "Bursum for Governor, Hubbell for Senator and Hernandez for representative or Secundino Romero for Governor, Catron for Senator and Hernandez for representative provided Colonel Roosevelt should be the republican nominee for president," the New Mexican confined its reply to the statement that it was opposed to the nomination of the New Mexico men mentioned. It declined to say under what circumstances it would actively oppose their election.[14] When the New Mexican finally carried an editorial naming men it would actively oppose, Bursum was not mentioned. Obviously Cutting did not want to incur the wrath of the one resident of the State who could possibly deliver the New Mexico delegation to Roosevelt. To be sure, the New Mexican did not miss an opportunity to harass the Old Guard, but its editorials, news items and poems were of a lighter nature.

> The dear G. O. P.
> In this state of the free
> We are told has men equal to all;
> And yet, it seems queer
> We quite seldom hear
> But of Catron and Bursum and Fall.

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[14] Albuquerque Morning Journal, March 11, 1916.

Sure they went out to Jolo
And got Larrazolo
And from Pennsy Bull Andrews by heck;
But the most that we hear
From year unto year
Is of Bursum and Hubbell and Sec
. . . . . .
Republican Leaders
(All Pre-Counter feeders)
Say the party might do a lot worse;
And yet all we see is
The Hon. Malaquias and Albert, Elfego, and Buse![15]

Cutting watched with great expectation the opening of the Republican State convention to name delegates to the national convention. His optimism was increased when former Governor and Rough Rider George Curry was made permanent chairman.[16]

The convention brought into sharp focus the differences between the Spiess-Romero-Catron and the Fall-Bursum-Hubbell factions. The former favored the nomination of Charles Evans Hughes while the latter supported Theodore Roosevelt for the presidency. As the convention proceeded there was no doubt that "Bursum was the final arbitrator of all questions of importance."[17] The northern combination of delegates led by Charles Springer and Charles Spiess attempted to eliminate Fall from the national delegation by disqualifying office holders and candidates for office.[18] Bursum considered this as a direct slap at Fall, Roosevelt, and himself. He had a long conference with Springer and Spiess and informed them

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[15] Santa Fe New Mexican, March 18, 1916.

[16] Ibid., April 26, 1916.

[17] Albuquerque Morning Journal, April 27, 1916.

[18] Ibid. Also H. O. Bursum to A. B. Fall, May 13, 1916, Fall Papers.

that such a stand would only invite "a good size row."[19] Springer and Spiess quickly dropped their proposition, thus assuring Fall and Catron a place on the delegation.

Bursum tried to win Catron over to Roosevelt, but since Catron was assured of the position by virtue of Bursum's victory, he voted independently. Bursum was instrumental in defending Fall's interest in the convention. The responsibility for Fall's selection rested with Bursum,[20] as he introduced the resolution naming the delegates and alternates for the national convention.

Although Spiess was elected national committeeman and delegate to the national convention, he remained a constant problem to Bursum, Fall, and the Roosevelt supporters in general. Fall was disturbed by the conduct of Spiess in disrupting the New Mexico Republican Party in the state convention; moreover, his derogatory remarks about Roosevelt put New Mexico in a bad light.[21] Such talk, Fall reasoned, could do the party no good and would eventually lead to the defeat of Roosevelt.

Despite Fall's eloquent speech nominating Roosevelt for president, Charles E. Hughes won on the third ballot.[22] Some ardent Republicans recommended a revival of the Bull Moose Party, but Roosevelt, tired and disappointed, preferred not to split the party and recommended support of the Republican candidate.

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[19] Ibid.

[20] A. B. Fall to H. O. Bursum, May 1, 1916, Fall Papers.

[21] Ibid., May 31, 1916.

[22] Albuquerque Morning Journal, May 1, 1916.

The Journal and the New Mexican spent most of the summer attempting to weaken the Republican organization. Considerable effort was directed toward State chairman Ely. They pictured him as a forgotten son, ignored by friend and foe alike and relegated to a position of presiding officer at the recent convention. They portrayed him as an opponent of boss rule and a defender of all that was good in politics. But alas, like "'Don Quixote' Ely charged full tilt against the windmills of unit rule at the meeting of the Central Committee . . . ."[23] Every speech he made was hailed as a crusading influence which would cleanse the State of the corrupt Old Guard.

Elements within the Republican Party also did much to weaken its position in the election of 1916. Secundino Romero attacked Bursum's political record through El Independente of Las Vegas.[24] The catch phrase, "Burn the Books," which now belonged more to the Democrats than to the man it was used against, was repeated and questioned.[25] The assault by Romero's paper was due in part to the hostile anti-Romero charges of El Hispano-Americano of Belen and El Herald of Socorro, both outspoken supporters of Bursum.[26]

Although his opponents were sure that he would make a sustained effort to secure the nomination, Bursum had not committed

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[23] Ibid.

[24] Santa Fe New Mexican, May 1, 1916.

[25] Ibid.

[26] Ibid.

himself even to his closest political supporter Albert Fall, who was concerned lest Bursum's silence damage the party by unnecessary delay in starting the campaign. If Bursum was to make a fight for the nomination, Fall was "ready to do anything possible to assist in nominating and electing him." Fall confessed to a friend of Secundino Romero that he did not think Romero merited the nomination for governor although he felt Romero was a sound candidate for United States Marshal.[27]

Bursum formally entered the race for governor with the encouragement of Fall. Spiess worked actively to secure sufficient strength in order to dominate the convention. He was outwardly campaigning for the nomination of Romero although Bursum thought he was trying to create a deadlock and give the nomination to Edward Sargent.[28]

In March, 1916, the citizens of the State temporarily turned their eyes from the political arena to Columbus, New Mexico. In retaliation for the United States having cut off supplies of arms to Mexico, Pancho Villa invaded that quiet little town and killed nineteen people. "All this barbarity may have been pure vendetta or it may have obeyed a primitive statesmanship because it was bound to end in intervention and intervention always creates heroes in Mexico."[29] "Black Jack" Pershing was soon sent to Mexico to find

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[27]A. B. Fall to H. O. Bursum, May 1, 1916, Fall Papers (copy).

[28]H. O. Bursum to A. B. Fall, June 3, 1916, ibid.

[29]Lesley Byrd Simpson, Many Mexicos (Berkeley: University of California Press, 1959), p. 274.

the phantom bandit. Bursum thought the National Guard should be increased by three hundred men to prevent a recurrence of the disaster. He appealed to the people of New Mexico to show their patriotism, for "future history will record the facts as they exist."[30]

The effect of Villa's raid served to increase the general belief that the Republicans would be impossible to defeat. "This view was almost universal among Republicans and as a consequence the political activity prior and subsequent to the state conventions during the year took on a most noticeable pace."[31]

While Bursum was occupied with recruitment for the National Guard, Governor McDonald formally announced that he would not seek a second term as governor. On the surface this announcement could have been interpreted as a welcome omen for the Republican Party, but future events were not to bear out this first reflection. McDonald had accumulated many political enemies within the Democratic Party and it was doubtful whether he could have received the nomination even if he so desired. One action which incurred the wrath of many was McDonald's veto of the salary measure. Members of both parties gave their political and moral support to the salary increases but were frustrated by McDonald's unbending opposition.[32]

One undercurrent of contention in New Mexico politics was the "race issue." By definition, the race issue was a desire on

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[30] Albuquerque Morning Journal, May 29, 1916.

[31] Twitchell, V, 409.

[32] Ibid., p. 405.

the part of the Spanish-American people to have representation in accordence with their number in the State. Without discussion of the merits of this political belief, it was an effective weapon used from time to time by both political parties. In 1916 the race issue was very alarming.[33] Octaviano Larrazolo disseminated native-son propaganda in northern New Mexico in an attempt to secure the Republican candidacy for the position of Chief Justice of the State Supreme Court.[34] The fire which Larrazolo created could not be controlled, and this double-edged sword was to spell disaster for the Republican Party. Bursum tried to stop the movement by opposing the selection of candidates because of their ancestry. He warned that if it were not contained it would "destroy the Republican Party."[35]

The attempt made to smother this action failed, for the native movement was taken up by several of the leading Spanish-American newspapers. They demanded proper recognition for the Spanish-speaking residents and represented a threat not entirely understood by the Republican Party. The failure to heed the newspaper pressures was probably due to the unshakable belief that the local patrons would have sufficient influence at the county and precinct levels to "bring in the Spanish vote."

The June editorials of the Santa Fe New Mexican gave a brief glimmer of hope that the paper would not oppose the Republicans in

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[33] H. O. Bursum to A. B. Fall, May 13, 1916, Fall Papers.

[34] Twitchell, V, 405.

[35] H. O. Bursum to A. B. Fall, May 13, 1916, Fall Papers.

the State elections. This hope turned to general belief when the New Mexican came out officially in support of Hughes. Roosevelt was very instrumental in securing the paper's support for the national ticket. Cutting had made several overtures to Albert Fall to rejoin the Republican Party, but frankly confessed embarrassment at the thought of supporting Bursum and the Old Guard after having attacked them for five years.[36]

One can speculate on the reasons for Cutting's failure to join the Republican Party. Perhaps the defeat of Roosevelt made him realize that he no longer could depend on the former President to advance his own political future.[37] By 1916 Cutting foresaw that the only policy left to him was to build up a strong personal following which could be depended upon for votes no matter what banner its leader chose. One thing is clear in an examination of his political role--he used most of the tactics of his enemies. The basic difference between him and his opponents was that Cutting was much more subtle than they and preferred indirect pressure on the electorate to direct influence, which could be readily attacked by his enemies.

As the pseudo-official campaign continued, attempts were made to have Bursum commit himself to the nomination of Frank A. Hubbell of Albuquerque. If this could be accomplished, the Democratic chances for winning would be increased. Hubbell, it was

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[36] A. B. Fall to Theodore Roosevelt, August 3, 1916, Fall Papers.

[37] R. H. Port to Bronson M. Cutting, October 17, 1916, Cutting Papers.

believed, had little strength outside of Bernalillo County, and even there he had considerable opposition.[38] Bursum denied that his candidacy for the governorship was linked with any other candidate for office. He openly opposed any traffic of delegates; moreover, he held every delegate to be sovereign[39] in the state convention. The Evening Herald exalted the merits of this argument and stated that perhaps Bursum was strong enough to hold it. However, it warned "that if past Republican nominating history is worth anything, Mr. Bursum, unless he resorts to at least a little trading of delegates . . . will find himself situated in the coming Republican convention in the mathematical center of a dickens of a fix."[40] Bursum did not have to trade votes, for he was the popular choice of the Republicans at large. However, he failed to give Hubbell early support in order that he might enlist the anti-Hubbell wing in the gubernatorial campaign.

Notwithstanding the general belief that the Progressives could be reconciled, the Republicans called a meeting of the Republican and Progressive Central Committees to resolve their basic differences. When the Progressives failed to keep their appointment, the Republicans realized that the Progressives would once more split the Republican ticket.[41]

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[38] Twitchell, V, 414.

[39] Albuquerque Evening Herald, July 3, 1916.

[40] Ibid.

[41] Ibid., July 11, 1916.

Chairman Ely's attacks against Bursum, Romero, and Hubbell became so widespread as to force a reply from the Old Guard. In a letter Springer wondered why Ely was now critical of the tactics which he so recently supported. He noted Ely's denunciation of Progressive political principles by stating that Republicans were not adverse to rectification of their political mistakes and blunders.[42] "We expect to fight for amendments of these errors and mistakes within the Party itself, and not go outside of it to break it up, or break away from it, or tear it down; thereby handing over our Party with all its prestiage [sic] to our opponents."[43]

After Springer censured Ely's stand on prohibition as an attempt to make a law "to play Guardian of the people and say what they shall eat and drink," he struck at the selfish motives of Ely's denouncements.

> It seems as if our man at the Flag pole is looking for a chance to tear down the Flag and destroy the emblem itself. Your scandalization of the party leaders and party measures themselves must be more or less a conspiracy against our political organization itself. Your proposition seems to propose to throw many of our old faithful leaders and set up yourself in their places to succeed them and their achievements. It looks not only unfair and selfish on your part on its face, but smacks of a lot of egotism as well.[44]

Cutting, through his newspaper, widened the split between Ely and the Old Guard. The latter were concerned with his tactics and Albert Fall took it upon himself to review Cutting's role with

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[42] Charles Springer to Ralph Ely, July 9, 1916, Bursum Papers.

[43] Ibid.

[44] Ibid.

Theodore Roosevelt. Fall suggested that Roosevelt write Cutting to ease his attacks against Bursum.[45] After reviewing Bursum's past political record and his support of the former President, Fall concluded by warning Roosevelt that conditions in New Mexico were such "that if Bursum is defeated for nomination and election, such defeat will result in the loss of one Senator, and possibly the placing of New Mexico in the Democratic column for years to come."[46]

Roosevelt's letter to Cutting, which arrived five days after Fall's message, was not as firm as Fall had requested. After summarizing his faith in Fall's opinion and briefly surveying Bursum's support, Roosevelt mildly concluded:

> I am not sufficiently acquainted with conditions to make any request of you in this matter. If you can conscientiously and with propriety do as Senator Fall requests, I know you will do so anyhow.[47]

Cutting took this to mean that he could continue his attacks since he did not feel justified in supporting Bursum and Hubbell.

Simultaneously with the receipt of Roosevelt's letter, Cutting published a short searing article which repudiated the theory that Bursum was "a poor, abused, maligned and misrepresented patriot." After a few repetitious clichés, it lamented: "For Heaven's sake, haven't we had enough of Bursum? Don't people of New Mexico know by this time whose candidate is Bursum. Out of all

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[45]Albert Fall to Theodore Roosevelt, August 3, 1916, Fall Papers (copy).

[46]Ibid.

[47]Theodore Roosevelt to Bronson M. Cutting, August 8, 1916, Letters from Theodore Roosevelt, VIII, 1097.

the fine, able, upstanding office timber in the Republican Party of New Mexico, is there nothing to chose but Bursum?"[48]

Cutting's editorials did little to stop the movement for Bursum because the Republican leader received information that he was gaining in counties strongly committed to Secundino Romero. A few Bursum supporters were overzealous in their attempt to win delegates. J. N. Seeph of Taos confessed that "if [Bursum] could be a Catholic for the next four months it would help about 50% in the outcome."[49] In order to gain ten out of fifteen delegates from Taos Seeph confessed that he told his constituents that Bursum was Catholic since "no protestant will have any show in Taos County . . . or [in the] November election for state or county offices."[50]

With the advent of the Republican convention, there remained little doubt that the Fall-Bursum-Hubbell faction was in complete control of the party. Senator Fall, who had recently arrived from Washington, delivered the keynote address, which warned the Democrats that if they insisted on using scandal the Republicans were not above the same practice.[51]

The assembled body divided into two factions; one supported Romero and Catron while the other was represented by Bursum and Hubbell. The latter pair, who had secured control of the meeting, committed several costly errors. The first was their chastisement

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[48] Santa Fe New Mexican, August 10, 1916.

[49] J. N. Seeph to H. O. Bursum, July 17, 1916, Bursum Papers.

[50] Ibid.

[51] Santa Fe New Mexican, August 23, 1916.

of chairman Ely. Both factions resented Ely's methods of trying to assume control of the party, but instead of working out an equitable solution which would have kept him in the party, they forced him to leave. Ely had many supporters in the State; therefore his defection helped turn the tide against the Republicans.

But this was not the only mistake. The convention failed to see the necessity of placing a native on the important State ticket. Only three of the twelve important positions were occupied by Spanish-Americans. At the time of the convention, there was great dissatisfaction among the native people because of this oversight.[52] Larrazolo, who was partially responsible for reviving the nativist movement, was defeated by Clarence J. Roberts in his bid to be Republican nominee for State Supreme Court Judge.[53] Larrazolo had tried for years to secure this nomination by using native-son propaganda. Although the nativist movement failed to secure a position for him on the Republican ticket, it was responsible for the gubernatorial nomination of Eziquiel Cabeza de Baca by the Democrats.[54]

The most costly of all the errors committed by the Republicans was their failure to renominate Thomas Catron. Catron had built a strong political machine which could deliver support when needed. His opponent Hubbell had not created a well-organized machine except in Bernalillo County. Hubbell's political record,

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[52] Santa Fe New Mexican, August 25, 1916.

[53] Ibid.

[54] Twitchell, V, 409.

like Bursum's, was vulnerable to attack. Charles Springer warned Bursum of this serious weakness:

> What bothers me most is that if Hubbell should be nominated for the Senate and you should be nominated for governor the Democrats are likely to force us into a defensive campaign and the circulation of such charges as they published against you before and as we are told they will publish against Hubbell, will probably lose us a good many Republican votes, especially among the farmer and railway employees.[55]

Fall belatedly admitted that he had held the same views on the selection of Hubbell.[56] On the other hand, the selection of Catron was repugnant to him.

As the balloting at the convention came to a conclusion, there were no apparent weaknesses in the Republican strategy. Bursum secured the nomination on the first ballot, and it was moved to make his selection unanimous. Hubbell's fight was somewhat closer.[57] Despite warm expressions of loyalty given by the defeated candidates, there was deep dissatisfaction within the ranks of the Republican organization. The Evening Herald surmised that the defeated candidates would look for an opportunity to retaliate for real or fancied wrongs. They would strike, the paper continued, "either with deadly indifference during the period of campaigning, or with the even more deadly knife upon election day."[58] When the

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[55]Charles Springer to H. O. Bursum, n. d., Bursum Papers.

[56]A. B. Fall to H. C. Bursum, January 17, 1917, ibid.

[57]Santa Fe New Mexican, August 24, 1916. Bursum won over Romero by a vote of 142-96; Catron lost to Hubbell by 135-133.

[58]Albuquerque Evening Herald, August 25, 1916.

gubernatorial nominee rose to speak to the assembled faithful, many of the delegates from San Miguel, Rio Arriba, Mora, and Taos Counties were conspicuous by their absence.[59]

Bursum's keynote address had two major objects: the first was to outline the party platform regarding state and national legislation; the second was to challenge the Democrats to nominate McDonald, thus forcing him to defend his administration. The latter move was brought about by a belief that there was general dissatisfaction among the Democrats. If he could force the nomination of McDonald, Bursum was sure he could win. Bursum was led to this by letters from county chairmen:

> With the idea that McDonald will be the easiest and knowing full well that he can not be scratched unless he is on the ticket, I have started a campaign which I believe will assist him and acquire a desire for the nomination.[60]

In his keynote address Bursum followed Fall's advice not to cry calamity, for "today the country is most prosperous, and . . . we have no issue upon which to fight Wilson except . . . genuine Americanism . . . ."[61] By Americanism Bursum meant statesmanship and leadership. The keynote statement pictured the American people "wanting in statesmanship." The American citizens "throughout the land feel humiliated at the results caused by the vacillating, unstable, changeable peace-at-any-price policy of Wilson."[62]

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[59] Santa Fe New Mexican, August 25, 1916.

[60] H. O. Bursum to John H. McCuthen, July 8, 1916, Bursum Papers (copy).

[61] A. B. Fall to H. O. Bursum, May 13, 1916, Fall Papers (copy).

[62] Albuquerque Morning Journal, August 27, 1916.

When the Democratic convention met it appeared to be merely going through the motions of selecting candidates. McDonald refused to be renominated for a second term, but under pressure consented to become a candidate for lieutenant governor.[63] There was a popular feeling that the Governor should be on the ticket to show a general confidence in his administration. McDonald, who was given the task of keynoting the convention, took occasion to answer the Bursum charges. He declared that Americanism was not the trademark or property of any political party. Next he belittled Fall, the "arch fiend of Mexico and the United States," as being incapable of understanding American international responsibilities.[64] He defended his administration and frankly stated it was open to public scrutiny because "none of the records have been lost or destroyed."[65] McDonald excused the bank failure in Las Cruces by reminding his audience that the Republican Party defeated all attempts to enforce better bank regulations.

The Democratic convention was keenly aware of the desire on the part of the Spanish-Americans to have a native son in the governor's chair. To satisfy this urge they nominated Ezequiel C. de Baca. Although de Baca had enjoyed a full political career, he was elevated to the governor's chair mainly on the merit of his Spanish ancestry. The Democrats vigorously denied rumors that de Baca was suf-

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[63] Curry, p. 282.

[64] Santa Fe New Mexican, August 31, 1916. Fall had been critical of Wilson's policy toward Mexico.

[65] Ibid.

fering from an ailment which was, unfortunately, to take his life a few days after his inauguration.

The Democratic nominee to oppose Hubbell for the United States Senate was A. A. Jones, First Assistant Secretary of the Interior. Jones's resignation was to take effect on September 1. It was believed by many Republicans that his reason for accepting the Federal position had been to promote himself for the Senate.[66] The selection of Jones was perhaps the wisest choice made by the Democrats, for he was at the peak of his popularity; moreover, his political career had little that could be attacked. Jones's counterpart for the House was W. B. Walton of Silver City, a successful lawyer.

The Democratic platform was similar to the Republican in that they both adopted planks favoring a popular vote on the questions of statewide prohibition and woman suffrage. This was the first time "in the history of New Mexico that either of the two leading parties dared to touch upon either of these questions in its formal declaration of principles . . . ."[67] With the First World War hanging over the American horizon, a strange change took place in the American people. Their desire for prohibition and woman suffrage seemed to many as a sort of soul cleansing. The remainder of the Democratic platform had little that frightened conservative citizens. There was the usual pointing with pride

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[66] Patrick Loughran to F. A. Hubbell, August 29, 1916, Bursum Papers.

[67] Albuquerque Morning Journal, September 4, 1916.

and viewing with alarm that came to be recognized as part of all political platforms.

Before the Democratic Party convention adjourned there were rumors that the Progressives would nominate their own State ticket. Harold L. Ickes, then a leading Republican, wrote to Miguel A. Otero to enlist support for Charles E. Hughes: "Is there anything in your judgment that we can do to help Governor Hughes in your state among the progressive voters?"[68] Miguel Otero's answer was disappointing: "While I am still very fond of Colonel Roosevelt, I cannot attach myself to the Republican Party of New Mexico. The Progressives will unite with the Democrats in local candidates with no instructions for the national ticket."[69]

The campaign started with a law suit filed by Frank A. Hubbell against the New Mexico Printing Company for $50,000.[70] This company owned the Santa Fe New Mexican and was owned by Cutting. Hubbell had been harshly treated in the editorials which made open charges of corruption and gross incompetence in public office. Bursum had contemplated similar action against both the Journal and the New Mexican but showed a great deal of patience with the daily assaults on his character. However, on October 11, 1916, he filed one of the few lawsuits of his career based on a brief article in the Journal which repeated the Dreyfus story. The newspaper accused

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[68]Harold L. Ickes to Miguel Otero, August 30, 1916, Otero Papers.

[69]Miguel Otero to Harold L. Ickes, September 5, 1916, ibid. (copy).

[70]Santa Fe New Mexican, September 4, 1916.

Bursum of being un-American and a desecrator of the American flag. Henry Dreyfus, the supposed desecretor, filed a similar suit against the New Mexican for publishing the story.

Sheriff Emil Jones of Socorro delivered the warrant to Cutting who promptly showed his scorn. He called the judge who signed the warrant "Honorable Judge Amos Bursum Green" while the complaint was lodged by "Henry Bursum Dreyfus."[71] These law suits gave Cutting the opportunity to charge Bursum and the Old Guard with attempting to "gag the free press." Although Dreyfus secured a judgment against the New Mexican,[72] the law cases failed to serve their original purpose--to force the two newspapers to adopt a moderate tone.

The Progressive convention met in September and promptly called for a fusion of the Progressive and Democratic tickets, the purpose being to divert votes away from the Republican State ticket. Large amounts of money were used by the opposition to secure influence in the normally Republican counties and to support the Independent Republicans against the regular Republican slate. In this way disgruntled candidates with adequate funds were able to pull a sufficient number of votes from regular candidates to cause their defeat.[73]

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[71] Ibid., October 11, 1916.

[72] Ibid. This judgment was later reversed by the New Mexico State Supreme Court. Bursum dropped his charges against Cutting when the District Court ruled in favor of Dreyfus.

[73] H. O. Bursum to A. B. Fall, September 5, 1916, Fall Papers. Former Democratic Governor A. T. Hannett also verified this statement. Interview with A. T. Hannett, February 2, 1962.

To combat this movement the Republicans needed a huge sinking fund. Despite the articles in the New Mexican which purported that they received $110,000 from wealthy corporations, the Republicans were in dire financial need. Bursum received several $1,000 donations from office holders and a few party faithful, but when he requested funds from the Senatorial Committee, he was informed by Fall's secretary, C. V. Safford, that "New Mexico cannot hope to get more than two or three thousand dollars."[74] A similar request to the National Committee brought $10,000 to the party coffers, which caused Fall to lament that "the old time organization such as we have known in the past, does not exist today."[75] Bursum concurred in this observation: "You know that most of us are very poor down here. The only man who has a little money is Frank Hubbell."[76]

The failure of the rejuvenated Progressive ticket to support the Republican nominee for president, Charles Evans Hughes, caused consternation within the National Republican Committee. To offset this trend, Theodore Roosevelt was sent to New Mexico to move the doubtful State into the Republican column: "The Republicans naturally expected the aid of his endorsement in return for their support of his candidate for President."[77] The endorsement of Roosevelt would have meant certain victory for the Old Guard. Before Roosevelt

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[74] C. V. Safford to H. O. Bursum, September 11, 1916, ibid.

[75] A. B. Fall to H. O. Bursum, September 20, 1916, Bursum Papers.

[76] H. O. Bursum to A. B. Fall, September 5, 1916, ibid.

[77] Armstrong, p. 23.

arrived in New Mexico, he invited Cutting to join him on the State tour, and Cutting secured from the former President a promise not to make a positive stand "in spite of urges by local office-seekers."[78]

When Roosevelt visited Albuquerque his address centered on national topics with no reference to the State Republican ticket. The Journal was quick to capitalize on Roosevelt's failure to refer to Hubbell or Bursum:

> There could have been no personal feeling on the part of the colonel toward any one of the candidates. Mr. Bursum has been his friend through thick and thin. He was the last to leave the sinking Roosevelt ship at the Chicago convention, in 1912. He saw to it that a majority of the New Mexico delegates to the convention this year were for Roosevelt if they saw a chance for his nomination.
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> Why, then, did the colonel plead for votes for the republican nominee for senator in Phoenix and remain silent on that point while speaking at Albuquerque?[79]

While the Democrats rejoiced at Roosevelt's silence, Cutting "interpreted it as assurance that he had convinced Roosevelt that the Progressive opposition to Hubbell and Bursum was logical and right."[80] The Republicans wired Roosevelt posthaste for a statement of endorsement and received a return wire which stated it was the duty of all Republicans "who valued the honor and safety of the United States to vote a straight Republican ticket."[81] Cutting, infuriated by Roosevelt's breach of faith, wired Roosevelt expressing his surprise that the former President could lend his support

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[78] Bronson Cutting to Theodore Roosevelt, Cutting Papers.

[79] Albuquerque Morning Journal, October 22, 1916.

[80] Armstrong, p. 23.

[81] Ibid.

"to men with corrupt and criminal records."[82]

Roosevelt, who did not take Cutting's telegram kindly, wrote a frank reply:

> I had you with me on my train because I wished to emphasize my personal friendship and affection for you. Judging from inquiries I made of Bob Ferguson and others while in New Mexico there is a partial but by no means complete justification for your position from the local standpoint. But I feel most strongly that you have done harm by putting emphasis on what was relatively unimportant with the inevitable result that you lose emphasis on what is really important.[83]

Roosevelt continued by explaining that his refusal to commit himself to the local ticket was against his better judgment, but since he did so refuse, it was Cutting's duty to see that the Democrats, with whom Cutting was in alliance, did not make capital out of his silence. He reasoned that Cutting's failure to do so relieved him from his promise. Roosevelt found it necessary to undo the mischief of the Democrats. The former President chastised Cutting for supporting men who endorsed Wilson and "the dishonor and shame of this country." If his feeling were not made evident, he concluded his letter with a blunt warning:

> When at your request I consented to keep quiet as to the contest in which you are endeavoring to help these men and not to take sides it became my duty to see that they did not attempt to make improper use of what I had done and I am astonished that you should have failed to understand that when they endeavored to test my action in the past it was out of the question for me to longer remain silent.[84]

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[82]Telegram, Bronson Cutting to Theodore Roosevelt, October 31, 1916, Cutting Papers (copy).

[83]Theodore Roosevelt to Bronson Cutting, November 4, 1916, Roosevelt Papers.

[84]Ibid.

Cutting realized that his case was lost as far as Roosevelt was concerned. He requested that no personal consideration should interfere with Roosevelt's duty toward Bursum, Hubbell, or any other of the Republican State candidates.[85] The exchange of letters and telegrams seems to have produced a break in Cutting's relations with Roosevelt. A month after the election Cutting wrote Miguel Otero a brief note lamenting Roosevelt's silence:

> Have had no reply from the Colonel to my last letter. I suppose he has decided to drop my acquaintance. I hear he keeps denouncing me to anyone who will listen, in very forceful language.[86]

The Albuquerque Evening Herald, the Santa Fe New Mexican, and the Albuquerque Morning Journal developed a well-thought-out campaign against Bursum. Their editorials tried to convince the electorate that Bursum had bullied the legislators into rejecting all legislation which would have improved the State. Once this concept was firmly planted in the minds of their readers, the three newspapers then advanced their logic one step further by blaming Bursum for every piece of poor legislation passed in the twenty years previous to the election.

In the midst of the political smokescreen, former Governor Hagerman claimed that he had "a copy of the book of original entry" supposedly burned by Superintendent Bursum in 1905.[87] In view of

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[85] Telegram, Bronson Cutting to Theodore Roosevelt, undated, Cutting Papers (copy).

[86] Bronson Cutting to Miguel Otero, December 9, 1916, Otero Papers.

[87] Santa Fe New Mexican, October 14, 1916.

Hagerman's previous charges that if the original book could be produced he could prove Bursum's malfeasance in office, it would be interesting to know how he came to possess a copy of the original in 1916. If he had the copy in 1907 when the case was litigated, why did he fail to contest auditor Safford's findings in the six months interval allowed by the court? These questions lend serious doubt whether Hagerman actually had a copy of the original record which he once claimed was missing.

The former Governor also made it explicit that his support of Hughes in no way should be construed as support for Bursum.[88] Throughout the campaign Hagerman took every opportunity to make caustic remarks about the unfitness of Bursum for the high State office.

In the last days before the election the New Mexican reached a new height of personal criticism. Under the title "No Failures Wanted" it depicted Bursum as having had a half-dozen jobs and failing in every one. The Journal charged him with incompetency, begging for a job, and being a complete failure as mayor of a small New Mexico town--"a depressing, melancholy failure, and his town is a monument to his incompetency and sloth and indifference."[89] On the following day it reviewed his lawmaking ability. The Journal wondered how "such a man, with such a political past, with such a trail of political rottenness behind him, after these years of

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[88] Santa Fe New Mexican, November 2, 1916.

[89] Albuquerque Morning Journal, November 2, 1916. Cutting also sent a professional photographer to Socorro to take pictures which would put Bursum in a poor light. Cutting Papers.

disregard for the rights of the people, after all these years of aid to comfort for the greedy corporations"[90] could hope to be elected by the people.

Election Tuesday dawned with both political parties issuing claims of victory. When the returns came in on the first day, Bursum appeared to be the winner. His campaign was lost however when the results were received from the heavily populated Democratic sections of the State. E. C. de Baca polled 32,732 votes to Bursum's 31,524, a plurality of 1,208 votes. N. A. Wills, the Socialist candidate, received 2,124.[91]

The defeat of the Republican Party in New Mexico was part of a national trend. Woodrow Wilson's ability "in phrasing the aims and objectives of his administration counted heavily in his favor. He . . . had an excellent record in his first administration and this stood as powerful testimony of honest and safe reform."[92] Moreover, the Democrats' slogan, "He kept us out of war," added strength to an already strong platform.[93]

Charles A. Spiess, the Black Eagle of San Miguel, explained that the defeat was caused by a "scramble in Republican counties for offices."[94] For ten years San Miguel County had given the Republican ticket a sizable majority; this time the majority was

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[90] Albuquerque Morning Journal, November 3, 1916.

[91] New Mexico Blue Book, 1917, p. 101.

[92] Knoles, p. 179.

[93] Santa Fe New Mexican, December 12, 1916.

[94] Ibid., February 27, 1917.

only 85 votes. Similar results were obtained in Santa Fe, Taos, Rio Arriba, Guadalupe, Mora, and Bernalillo counties.[95] Spiess emphasized that the defeat of the State ticket was brought about in Republican counties: "If the Republican's had kept together they would have elected every man on the ticket."[96] Unfortunately, conditions were such in New Mexico that many Republicans cared more about the election of a Probate Judge than they did about the selection of a President of the United States.

Chairman Gillenwater arrived at the identical conclusion but added that the party was seriously handicapped by a lack of newspaper publicity.[97] The Republicans, compelled to purchase space in the Albuquerque papers, were forced to rely heavily on El Paso journals, which had a limited influence in the southern counties and little or none in the Spanish-speaking settlements of northern New Mexico.

The preference of many Spanish-Americans for a Spanish-speaking governor helped to defeat Bursum. In three of the strongly Republican counties, Taos, Mora, and San Miguel, E. C. de Baca received a very large vote. Sandoval County, normally Republican, gave a majority of the votes cast to Democratic candidates. Cutting, no doubt, had used his influence to attract the Spanish vote to the fusion ticket in these counties.

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[95] Santa Fe New Mexican, February 27, 1917.

[96] Ibid.

[97] Ibid.

Bursum's defeat was also due to the great influx of Democratic voters into New Mexico. This movement was near its height in 1916. Returns from the 1916 county primaries in eastern New Mexico showed more than sufficient gains to overcome the normal Republican majority.[98] Despite this, Bursum received hundreds of votes not given to the rest of the Republican candidates. The total vote proved that New Mexico was gradually becoming a Democratic state.[99]

Whatever the reason, Bursum's defeat determined several important questions:

> It was demonstrated that, even in defeat, Mr. Bursum was stronger than his party. With the entire fire of the campaign directed against him, in nearly every democratic county, he ran far ahead of the republican candidates for presidential electors: in every county where the Morning Journal and the Santa Fe New Mexican were supposed to have influence and were read extensively Mr. Bursum received many votes more in 1916 than he had received in 1911.[100]

With the close of the 1916 campaign Bursum's political future was clouded with uncertainty. If Bursum was to regain the initiative he had to solve the problem of the growing political importance of Bronson Cutting, the weak financial condition of the Republican State organization, and the growing dissatisfaction of county candidates with the Old Guard. With these conditions in mind, Bursum plunged once more into the political arena.

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[98] Albuquerque Evening Herald, July 1, 1916.

[99] Twitchell, V, 420.

[100] Ibid., p. 419.

CHAPTER VIII

REPUBLICAN POLITICS: 1917-1920

Although the Progressives rejoiced at the defeat of the Republican state ticket, they also realized that the Progressive movement in New Mexico had received its death knell. The party was materially weakened by the resignation of Miguel Otero as national committeeman from New Mexico.[1] Although Cutting expressed regret at Otero's resignation, he realized that it was impossible to prevent Otero from leaving the Progressive organization.[2] Cutting might have followed Otero into the Democratic Party but he found its national policies difficult to reconcile with his concept of what constituted strong nationalism.

Harold L. Ickes tried to influence Otero in order to ward off any general movement of the Progressives to the Democratic Party: "It isn't proposed that the progressives should return to the Republican Party as prodigals."[3] Ickes was willing to sacrifice the Old Guard for a few Progressive promises: "Our idea is that the majority of the Republican votes are progressive and that

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[1]Bronson Cutting to Miguel Otero, December 7, 1916, Otero Papers.

[2]Ibid., December 9, 1916.

[3]Harold L. Ickes to Miguel Otero, February 12, 1917, ibid. Ickes later deserted the Republican Party. Eventually he became Secretary of the Interior under Franklin D. Roosevelt.

if they are properly organized and led the Old Guard can be driven from power and the party made over again into a Progressive party."[4] Ickes made it emphatic that he was not proposing any compromise with the Old Guard either on principles or men.

Otero's reply made no concessions. The only solution, according to "Gillie," was to kill them off by "pounding them until they are good and finished."

> This reform from within don't [sic] go with those well trained "Bossies" they take everything for granted. If you show the least consideration, they promptly want, not only the whole works, but want you to set up and smile, give in to them and then say you like it.[5]

The Republican Party of New Mexico gained control of the governorship of the State upon the death of E. C. de Baca on February 18, 1917. Lieutenant Governor Washington E. Lindsey assumed control of the State on the following day.

Notwithstanding his Republican Party label, Governor Lindsey had opposed Bursum in his bid for the Republican nomination for governor in 1911.[6] He was selected as the nominee for lieutenant governor in 1916 to attract the Progressive vote. His opposition to Bursum rested on Lindsey's stand within the party. While the Socorro member of the party represented the Old Guard, Lindsey became the spokesman for the progressive wing. Regardless of Lindsey's progressive leanings, the Old Guard controlled the State legislature,

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[4] Ibid.

[5] Miguel Otero to Harold L. Ickes, February 14, 1917, ibid.

[6] Ihde, p. 101.

or in the succinct words of R. L. D. McAllister, correspondent for the Albuquerque Journal: "This is another 'Bursum legislature' . . . . Although twice defeated for governor the Socorro County man is today the dominant force in the councils of his party."[7]

Even in defeat the opposition conceded Bursum's strength. The great majority of the Republicans realized the absolute personal integrity of the man who would not violate party principles or forsake candidates who were political liabilities. In defeat Bursum held no malice; instead he labored unsparingly to reunite the party. His defeat was considered tragic by many, but he received the verdict as the wish of the people and set himself to the task of strengthening the party.

Cutting reasoned that he had won only a battle; the war was never to be won by the Progressives. Bursum had to be eliminated from party control. His editorial, "Bursum is out of date--He is finished," only conceded the opposite--that is, Bursum was still the recognized leader of his party. Cutting's struggle with Bursum was temporarily delayed, for on April 6, 1917, the United States entered the war against the Central Powers. Cutting's political career was momentarily halted when he accepted the post of Military Attaché in London.

The attention of Bursum during 1917 was directed toward the election of the following year. Fall, reluctant to run for the Senate, frankly admitted his desire to retire from office.[8] While

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[7] Albuquerque Morning Journal, January 9, 1917.

[8] Albert Fall to H. O. Bursum, January 17, 1917, Fall Papers (copy).

not a candidate, Fall wished to arrive at a definite understanding on his replacement and the future gubernatorial candidate of the Republican Party. The Senator was resolute in his determination to fight any attempt by the Spiess-Catron combine to control the Republican Party within the State.[9] "I am perfectly willing to eliminate myself, but in any event their control or assumed control of the Party must be eliminated." In the same breath he offered the hand of friendship to the combine on the condition that they "agree upon clean, acceptable men for office and show their faith by their works."[10]

Fall's reluctance to seek re-election was not favorably received by Bursum. The former chairman surmised that conditions were such in the State that Fall was the "only man who [could] secure sufficient support in the race for the Senate." The Senator was warned that Holt, the Bursum-Fall selection, could not defeat Catron for the renomination. It was suggested to Fall "that it might be well to not go so far that his friends be handicapped in making such arrangements as the situation may demand."[11] In other words, Fall was almost obligated to accept the renomination to the Senate or see it pass into the hands of his old political rival, Thomas Catron of Santa Fe.

One of the remaining problems of Bursum in 1917 was the position of the newly elected governor. Despite his pleas for

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[9] Ibid.

[10] Ibid.

[11] H. O. Bursum to Albert Fall, October 5, 1917, ibid.

non-partisanship, Lindsey tended to side with the Democratic-Progressive Republican bloc. Unfortunately, he failed to grasp the rudiments of practical politics. The Governor was handicapped by the appointments of E. C. de Baca, most of which were temporarily held over by Lindsey. Although this prudent action received the acclaim of the Democrats, it created friction within the Republican ranks. On March 7, 1917, Lindsey sent a message to the State Senate in which he recalled all nominations submitted by his predecessor.[12] His own appointments generally followed the middle ground with all factions represented. They reflected his genuine desire to "promote harmony and to minimize political and factional strife."[13]

With the opening of the State legislature, little cleavage was noted. Lindsey called for several special gatherings of party members in order to pass progressive legislation. One such meeting, attended by Spiess, Springer, and Bursum, resulted in their promise to pass a woman suffrage bill.[14] The measure failed because of bi-partisan opposition in both houses of the legislature.

Ihde, in his biography of Lindsey, quotes the Santa Fe New Mexican and the Democratic papers of eastern New Mexico to sustain his argument that there was a wide breach between Lindsey and the Old Guard legislature. However, in subsequent pages he summarizes the third legislature.

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[12] Ihde, p. 159.

[13] Ibid., p. 162.

[14] Ibid., p. 167.

> Under the guidance of its Governor, [the third legislature] passed one hundred and fifteen laws, fourteen joint resolutions, four joint memorials, and voted to submit three proposed constitutional amendments to the people.[15]

If the opposition was as strong as Ihde suggested, how was it possible to secure the passage of so many laws? The truth of the matter was that, with minor exceptions, the Governor was not stymied by the Old Guard, but enjoyed reasonable success with the legislature.

Opposition to the Governor centered around two items--woman suffrage and prohibition. The Republicans and many northern Democrats opposed the measures from political motives. Prohibition was strongest in the eastern counties, which voted Democratic, and weakest in northern New Mexico, which voted Republican. The Republicans opposed woman suffrage because the strongly Republican Spanish-Americans disapproved of the amendment.

Bursum did little to oppose Lindsey's administration. His mind was occupied with an open conflict in the party between Chairman Gillenwater and Charles Springer. Gillenwater accused Springer of being cold, calculating, extremely selfish, and persistent in discouraging his efforts to carry out the organization's plans.[16] Springer received word from party members that this was part of a general plan to "run Springer out of the party." Springer surmised that since the party was split between "Progressives, Independents, Insurgents, Stalwarts, Stand-patters, Old Guard, Hubbell and Anti-

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[15] Ibid., p. 223.

[16] W. H. Gillenwater to T. R. Streicher, n. d., Bursum Papers.

Hubbell factions, Gillenwater and Anti-Gillenwater factions" there would "be a better chance for harmony and victory if the organization could be effected under a new chairman who had not been identified with any of the factional fights--or with any faction."[17]

Although Bursum failed to take issue with either opponent, this open break was instrumental in the resignation of Gillenwater, who pleaded to be excused on the grounds that he no longer could afford the time his duties in that capacity demanded.[18]

In the election of 1916, the Republican Party was hampered by poor press coverage, notably in Albuquerque and Santa Fe. In the spring of 1918, Bursum and others purchased the Albuquerque Evening Herald for $90,000.[19] The editorship was given to H. B. Hening, a former opponent of the Old Guard. The Republican syndicate also made preliminary studies on the feasibility of purchasing the Albuquerque Journal. It would have required $140,000 to own and operate the paper. Fall, Curtis, and Hitchcock were to aid in the floating of the paper bonds. In jest, Bursum commented: "By getting the two papers we will be able to hold down the Bolshevikic's [sic]."[20]

It was rumored that if the syndicate succeeded in securing the Journal, they would promote the consolidation of the two

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[17] Charles Springer to H. O. Bursum, March 15, 1918, ibid.

[18] Albuquerque Morning Journal, August 25, 1918.

[19] H. O. Bursum to Albert B. Fall, March 27, 1918, Fall Papers.

[20] Ibid.

Democratic dailies at Roswell into an independent daily.[21] Perhaps the Republicans were content with an independent paper because they realized that a pro-Republican newspaper in eastern New Mexico would never be economically successful nor would it enjoy a widespread circulation. Neither of these ambitious plans, to secure the Journal and consolidate the Roswell papers, materialized.

Fall's persistent refusal to accept the Republican candidacy for the Senate led Bursum on a strange course. He advocated a special session of the legislature for the purpose of writing a constitutional amendment which would do away with the election of 1918. This amendment would have allowed Fall and Lindsey to be held over for another term.[22] This, of course, was without precedent and the opposition press did not hesitate to take advantage of the proposal.

This strategy had little effect on Fall. He suggested that whenever Chairman Gillenwater and Bursum decided on a successor the candidate should be sent to Washington to confer with Fall. He suggested that the State central committee be called as soon as possible so that he would be able to submit his resignation at that conclave.[23]

Gillenwater called for the meeting of the Republican State committee on August 24 to make arrangements for the state convention

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[21] Ibid.

[22] Albuquerque Morning Journal, July 11, 1918.

[23] A. B. Fall to W. H. Gillenwater, August 3, 1918, Fall Papers (copy).

which would nominate a candidate for the United States Senate, representative to Congress, and candidates for State office. The Chairman urged the laying aside of "likes and dislikes, personal preferences and personal ambitions" for the sake of the party's interest.[24] He emphasized the necessity of geographical distribution of places on the ticket in order to gain strength and harmony.

> Activity on the part of candidates for a place on the ticket or on the part of their friends seeking pledges of support at the convention should be frowned on and discouraged. The party's interest will be best served if the delegates go to the state convention unhampered by pledges and without any axe of their own to grind or otherwise burdened.[25]

Republican fortunes were on the ascendancy when the New Mexican supported the Republican Party in the autumn campaign. Will Hays, Republican National Chairman from 1918 to 1922, brought Mr. Mason of the Santa Fe paper to see Fall about the possibility of supporting Fall in the event he was renominated for the Senate.[26] The conference lasted until the small hours of the morning. During the long session Mason expressed his desire to see a Republican Congress elected. He further attempted "to defend every act and utterance of the 'New Mexican' with reference to yourself [Fall], Bursum, and other Republicans . . . ."[27]

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[24] W. H. Gillenwater to A. L. Davis, August 15, 1918, Bursum Papers (copy).

[25] Ibid.

[26] A. B. Fall to H. O. Bursum, August 22, 1918, Fall Papers.

[27] Ibid.

The discussion also considered the renomination of Lindsey. Fall entertained the same feeling that many other Republicans held.

> Lindsey, personally, should not be entirely repudiated; that he had done nothing to merit repudiation and yet, that he had no strong following of any kind and that his nomination . . . would not be in all respects the strongest that could be made.[28]

Fall suggested Eduardo Otero as the strongest candidate for the highest State position and asked if the New Mexican would support him. Mason did not think the paper could because "the Catholic Church was against him."[29] The Senator questioned this statement by suggesting that this was not the real purpose for the New Mexican's opposition to Otero. The "real ground was that a judgement had been rendered in Valencia County against the 'New Mexican' and that the 'New Mexican' regarded Otero as your [Bursum's] friend."[30]

Mason objected to Bursum's party influence. Mason accused Bursum of assuming the management of Fall's campaign to further his own political career. Fall denied that Bursum had such ambition. In Hays's presence he accused the envoy of holding out the political influence of the paper in exchange for the elimination of Bursum and Springer.[31] Fall doubted the influence claimed by the journal:

> The "New Mexican" was, by comparison, an entirely negligible quantity; that it possessed the power to injure, but, as it[s] present run, [had] no power to assist; that it

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[28] Ibid.

[29] Ibid.

[30] Ibid.

[31] Ibid.

> had a sworn subscription list of about 600 and a total claimed circulation of a maximum of 2000 . . . . [32]

Fall dressed down the editorial policy of Cutting. The Senator reasoned that since the daily lacked an understanding of conditions in New Mexico it could be of no practical value to the party "even if [it], acting under orders, attempted to support the entire ticket."[33] The conference, which appeared to have gained little, bore fruit a week later when Bursum secured assurance from Mason that the paper would support the entire Republican ticket.[34]

Santa Fe was chosen as the convention city by the Republican State Central Committee. District Attorney George R. Craig of Albuquerque was elected temporary chairman when W. H. Gillenwater resigned the chairmanship of the party. A deep Roosevelt feeling, which dominated the meeting, resulted in a unanimous desire to request the appearance of Roosevelt at the State convention.

When Bursum assumed the chair as temporary presiding officer, he was given an ovation which lasted several minutes. His address to the party gathering outlined the campaign issues of the forthcoming election. With the plan laid bare, he proceeded to advocate loyalty to President Wilson. He "declared that every Republican stood as loyally back of the president as any Democrat."[35] The presiding officer reviewed the general support given to Wilson by the

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[32] Ibid.

[33] Ibid.

[34] H. O. Bursum to A. B. Fall, August 28, 1918, ibid.

[35] Santa Fe New Mexican, August 16, 1918.

Republican Party. He claimed that the "election of a Republican congress . . . would win the war more speedily and efficiently than the Democrats would and thus uphold the hands of the president more effectively."[36] Bursum singularly failed to mention the heavy opposition to Wilson's war plans by Senator Fall. W. A. Hawkins attacked the close government interference in private enterprise and offered solutions for decreasing government ownership of transportation and industry.[37]

Governor Lindsey briefly surveyed the war footing of the State, the general plans which were implemented to help the war effort, and the support enjoyed by Wilson within the Republican Party. The Governor was received according to his position with little opposition except by innuendo as revealed in a short statement of Charles A. Spiess, national committeeman:

> I'm sick and tired of the man who says he will vote for a Republican if he happens to suit him but if a nomination is made that doesn't happen to suit his personal wish, he will vote for a Democrat. A Republican who turns Independent when he gets into office is no good to the party. Lets [sic] nominate real Republicans and then when they are elected see to it that they stay good Republicans.[38]

When the conference ended, Lindsey was neither stronger nor weaker for his upcoming fight to retain the governor's chair. A party favorite, Eduardo Otero, refused to be considered as a candidate, and so the field was open to whoever wished the position.

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[36] Ibid.

[37] Ibid.

[38] Ibid.

The Republicans decided to hold their convention after the Democrats. Fall, disturbed by the lack of publicity given the Republicans, and yet suspicious that he might be drafted, wanted to know why Chairman Craig thought it important for a man who had declined renomination to attend the Santa Fe conference.[39] Bursum answered with the plea that the rank and file were for Fall. If Fall declined the invitation, it would be "like an army in action without its general."[40] Although Bursum described conditions as being most favorable, reports from county chairmen were not so optimistic. Dispatches from the central and eastern counties told of large numbers of recent Democratic newcomers. Communications from Lincoln County stated that since eighty percent of the new citizens were Democratic, the county was lost from the Republican column.[41] Another reported: "Unless you are nominated at the State convention this year for Governor of New Mexico, it is my belief that I will support the Democratic ticket, both County and State."[42]

The greatest problem faced by the Republicans was the general apathy of the voters, a serious difficulty for the party. Bursum recalled the 1912 campaign for representatives to Congress in which Republicans won the contest because the Democrats failed to get out the vote. The situation was not materially aided by

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[39]Telegram, A. B. Fall to H. O. Bursum, September 19, 1918, Fall Papers.

[40]H. O. Bursum to A. B. Fall, September 21, 1918, ibid.

[41]W. H. Osborn to H. O. Bursum, June 10, 1918, Bursum Papers.

[42]L. L. Cakill to H. O. Bursum, September 21, 1918, ibid.

Roosevelt's refusal to campaign actively on behalf of the Old Guard.[43] He spent most of his time in the heavily populated east where he was of greater value to the party.

The Democratic convention met on September 27. The nominees for the Senate were Judge Richardson of Roswell, W. B. Walton, congressman from Silver City, and R. L. Putney of Albuquerque. George Reed of Roosevelt County nominated Neil B. Field of Albuquerque. However, Field declared his support of Putney, thus eliminating himself from the ticket. After several sessions W. B. Walton was accorded the honor of representing his party for the senatorial seat. The convention picked Felix Garcia for the gubernatorial contest. He was selected over Putney on the theory, indicated by the 1916 campaign, that only a native could win.

The Democrats were materially weakened by the announcement of the New Mexican that they would support Albert Fall for the Senate. Since the United States Senate would be closely balanced between Republicans and Democrats, the New Mexico senatorial contest became nationally important.

After the conclusion of the Democratic convention "gossip among politicians had it that the name of Governor W. E. Lindsey would not be presented to the Republican State Convention for [re] nomination, but that at the proper time the governor would announce that he was a candidate for Congress."[44] This rumor seemed logical,

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[43]Telegram, Theodore Roosevelt to H. O. Bursum, September 25, 1918, ibid.

[44]Cordova, p. 45.

for it was generally believed that the Republicans would select a native for governor to oppose Felix Garcia. The bitter lesson of 1916 would not be repeated. However, Lindsey was determined to "fight to the finish to receive the nomination and had his name submitted to the convention."[45]

Bursum's keynote address attacked the weakness of the Democratic slogan, "Win the War with Wilson";

> Gentlemen, the problem of winning this war is absolutely assured.
> . . . . . .
> It is only a question of a few months. We must be prepared for the greater problems which will come as a result of the war.
> . . . . . .
> To so prepare we must place in power the party which has had experience in constructive economic legislation, the party which has shown its ability to build up the industries until this country, through its policies, has become the wealthiest and most powerful nation in the world.[46]

His address praised the accomplishments of Albert Fall and Governor Lindsey. He described Lindsey's administration in the following terms:

> We are proud of the record made by our state administration . . . . Governor Lindsey has given to the people of New Mexico a clean, honest, and fearless administration. He is entitled to appreciation for the faithful and efficient administration of public affairs relative to the governor's office.[47]

With the conclusion of the keynote address Albert Fall was renominated for the Senate. The reason why Fall consented to the

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[45] Santa Fe New Mexican, October 3, 1918.

[46] Ibid., October 2, 1918.

[47] Las Vegas Daily Optic, October 2, 1918.

renomination is somewhat obscure; perhaps the weight of the national committee was too much for him. They believed that Fall was "2,000 votes stronger than any other Republican."[48] Early trends clearly demonstrated that the country was drifting toward the Republican Party. It seems probable that Fall was promised a cabinet position if he could place New Mexico in the Republican ranks. One may also speculate on the role played by Bursum in the 1918 campaign. Bursum would not allow Fall to resign, and it is plausible that Fall accepted the nomination if Bursum would manage his campaign.

After Fall's nomination the attention of the convention shifted to the selection of a candidate for governor. James M. Harvey of Roswell nominated Lindsey. He reviewed the fine war record of Lindsey, extolled his fearless merit as governor, and requested the Governor's renomination.[49] Charles Spiess believed as many Republicans did that while Lindsey was a good governor he was not the strongest candidate.[50] The rank and file of the convention seemed to have held the same opinion, for Larrazolo was elected on the first ballot.

Governor Lindsey accepted his defeat with the calm dignity which typified his career. Inwardly, however, he sustained a serious blow, but he failed to show his emotions. He mounted the rostrum, congratulated Larrazolo, then moved that the nomination be made

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[48] Santa Fe New Mexican, July 15, 1918.

[49] Ihde, p. 275.

[50] Ibid.

unanimous.[51] Lindsey pledged his support to Larrazolo; a lesser man would have shown his resentment by splitting the ticket--a move which would have meant certain victory for the Democrats.

The convention concluded after nominating Hernandez for representative to Congress, Herbert P. Raynolds for the Supreme Court, and B. F. Penkey for lieutenant governor.[52] The Santa Fe New Mexican and the Albuquerque Morning Journal viewed the selection of the Republicans as one of the "best slates in years." The Republican Party was united for the first time since statehood. No fusion party made its appearance; moreover, the party had the support of the leading newspapers of the State.

The opening of the campaign was delayed until October 19 so that the Fourth Liberty Loan could be completed. With scarcely two weeks remaining the Republicans used all of the party notables to reach every hamlet in New Mexico. The Democrats centered their attack on O. A. Larrazolo, but the only sin that they could convict him of was his desertion of the Democratic Party.

Bursum's campaign on behalf of Fall ran into several problems. The first was a wide-spread influenza epidemic which not only prevented wide attendance at political rallies but also forced Fall to retire temporarily from the campaign when he contracted the virus. Fall also was struck by a personal tragedy when his daughter passed away.[53] Bursum relied heavily on the coverage of the press

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[51] Albuquerque Morning Journal, October 3, 1918.

[52] Ibid.

[53] Ibid., October 13, 1918.

and kept the columns of the papers filled with letters from Larrazolo and Fall which reviewed their political beliefs.

An effort was made by the leading New Mexico Democrats to induce President Wilson to state that the election of Walton and Richardson to the upper and lower houses of Congress respectively would materially aid him in bringing about a desirable peace.[54] Walton was given editorial treatment normally reserved for the Old Guard. Cartoons were printed which depicted him as a political boss, while his record as congressman was twisted to suit the particular story which it hoped to illustrate.

On November 5, Octaviano A. Larrazolo was elected by a majority of 1,319 votes.[55] "He furnished the surprise of the race, as the expected scratching did not develop and he had a larger majority than that of Fall."[56] Fall's majority of over 1,000 was a good showing when one considers that the results of the 1918 election were overwhelmingly Democratic.

Fall's victory was directly attributed to the campaign planning of Bursum, who toured the State well in advance of the election to heal party quarrels. Furthermore, he did not allow the State convention to meet until all of the major disagreements were resolved. Many writers of New Mexico history have ignored Bursum's role in the 1918 campaign but he campaigned relentlessly for weeks in the State on behalf of the Republican Party. At the conclusion of the

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[54] Ibid., October 23, 1918.

[55] Cordova and Judah, p. 60.

[56] Ibid.

successful campaign, Senator Fall expressed his appreciation of Bursum's role in his re-election:

> Just a word to thank you for your efforts in my behalf during the last campaign. I shall not attempt to express myself, as words would not convey my true feeling in the matter.
> . . . . . .
> In closing let me say to you I know more clearly than almost anyone else would, just how much our success in this state is due to your untiring and effective efforts.[57]

With a Republican legislature Larrazolo anticipated little difficulty in passing needed appropriations. From his first speech to the legislature Larrazolo's progressive ideas were apparent. He advocated three pet measures: the direct primary, woman suffrage, and an income tax. The Old Guard offered token opposition to the first two measures, but opposed in force the income tax. Nevertheless, the Governor was victorious on the tax issue.

The relations between Larrazolo and Bursum were cordial. Bursum was invited to attend the reception for the King and Queen of Belgium[58] and also was accorded a position on the State Welfare Board.[59] However, this congeniality did not stop him from criticizing Larrazolo's appointments.

The Governor went back on several promised appointments to incumbents of Socorro County. Bursum waved his finger at him: "let me say to you that when you eliminate efficiency and capacity in the road business you are touching a delicate matter which has

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[57] A. B. Fall to H. O. Bursum, November 18, 1918, Bursum Papers.

[58] O. A. Larrazolo to H. O. Bursum, October 6, 1919, ibid.

[59] B. F. Pankey to H. O. Bursum, April 7, 1919, ibid.

a recoil that will raise hell and put the Republican party out of business."[60] Bursum complained that his efforts at creating good will and harmony within the administration were being jeopardized by Larrazolo's unacceptable appointments. Although he had "not made one single personal suggestion or request" to the Governor for consideration, he did feel it was incumbent on the Governor to consult local feeling.[61] Larrazolo replied that there was nothing personal in his appointments but he felt that "if there is an able and competent native . . . it would be nothing but fair and just" to appoint him.[62] The Governor hoped to keep a balance between Spanish and Anglo appointees.

After Bursum was chosen national committeeman in 1919 to replace Charles Spiess, who died suddenly, his correspondence often reflected opinions on the burning issues of the day. The issue which overshadowed all others was American participation in the League of Nations. Bursum noted Elihu Root's proposed amendments to the League's charter which insured the protection of the Monroe Doctrine. The national committeeman professed to be opposed to any sort of League of Nations because it would "destroy the vitality of this great government of ours."

> As I see it Europe with all her multiplied troubles is seeking to make available the resources of the United States to guarantee the territorial integrity of the several nations and nationalities that may be created

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[60] H. O. Bursum to O. A. Larrazolo, March 23, 1919, ibid.

[61] Ibid.

[62] O. A. Larrazolo to H. O. Bursum, March 24, 1919, ibid.

> or recognized under the peace treaty, and so called League of Nations.
>
> Europe has been quarreling for the past two thousand years, about national boundaries, and economic jealousies. This strife probably will continue for the next two thousand years. This strife in Old Europe was the chief factor in influencing those people to immigrate to this country.
>
> . . . . . .
>
> The United States has nothing to gain, can receive no benefits by mixing up in the quarrels of Europe. I hope the covenant as proposed or anything similar, seeking to create a world autocracy will never become a reality.[63]

Bursum, pessimistic about the outcome of the Paris Peace Conference, feared that the policies of the negotiating powers would permit a gigantic conspiracy which would allow the Bolshevik leaders to consolidate their forces and renew hostilities.[64] "Our failure," he continued, "to demand an unconditional surrender eliminated all chances for a complete peace and democratic government for central Europe. Besides, we might have saved Russia, and the world from the terror of Bolshevikism and anarchy . . . ."[65] He believed the real danger of the Red doctrine was that the contagious epidemic of the Communist Revolution would spread to the Western Hemisphere.[66]

When not occupied with matters of international importance, the national committeeman gave his attention to conditions in New Mexico. Not content with the 1918 victory, Bursum started a systematic campaign to publicize the virtues of the Republican Party. The Republican Party of the State used national advisors to solve some

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[63] H. O. Bursum to Will Hays, April 4, 1919, ibid.

[64] H. O. Bursum to Frank Hitchcock, March 29, 1919, ibid. (copy).

[65] Ibid.

[66] Ibid.

of its organizational problems. One plan was to give the electorate of the State the impression that the Republican Party was in favor of woman suffrage. Will Hays, National Chairman, sent Mrs. Medill McCormick to New Mexico to help[67] the Republican Party erase the stigma of not living up to its campaign pledges on woman suffrage. The Democrats had made capital out of the Republicans' shortcomings by appointing women to prominent positions within the party. The Republicans quickly took the initiative by imitating the opposition.

Bursum continued his plans for gaining control of New Mexico newspapers for the Republican organization. When the Las Vegas Daily Optic was placed on the market for $20,000, the Republican Party, in its usual state of impoverishment, could raise less than 50 percent of the sale price. Bursum requested $20,000 from Hays in order to acquire this press. He did not suggest that the paper would pay dollar dividends, but did promise that it would pay its own way. The dividends that would be gained would appear in a Republican re-emergence in the election of 1920. The party found it unnecessary to complete the transaction as the journal was purchased by a nominal Republican.

The campaign for the presidency commenced with the selection of six delegates to the national Republican convention in Chicago. The New Mexico delegates were elected by acclamation and instructed to vote for Leonard Wood. Fall, who did not personally attend the State convention, requested support for Senator Harding of Ohio.[68]

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[67] Maude Hancock Prichard to H. O. Bursum, May 12, 1919, ibid.

[68] Santa Fe New Mexican, March 17, 1920.

Bursum's efforts on the behalf of General Wood brought bitter resentment from Fall. Fall refused to be a delegate if he was to be instructed to vote for Wood.[69] He was furious at the total disregard for his wishes by Bursum. The Senator had promised Harding that the New Mexico delegation would be delivered in his support.[70] Bursum's failure to deliver the New Mexico delegation to Harding caused a split between the two former friends which lasted until the end of Fall's political career.

When the national convention met, the New Mexico delegation remained faithful to General Wood. "Gregory Page of Gallup, chairman of the delegation, shouted on every ballot 'six votes for General Wood.'"[71] This only served to intensify Fall's irritation. Despite the last ditch stand of Bursum, Harding was nominated for President on the Republican ticket.

The meeting of the State convention was more successful for the Republican leader. It was generally expected that Larrazolo would be renominated. The convention had a large representation, for Bursum believed that the Republican successes in 1918 were due to the general impression that the Republican convention, with its large delegation, represented the wishes of the people. He also advocated allowing three or four thousand spectators at the convention to stop the popular charge of boss rule.[72] Bursum delivered

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[69] Ibid., March 27, 1920.

[70] Thomas F. Cooney to H. O. Bursum, July 29, 1920, Bursum Papers.

[71] Curry, p. 287.

[72] Santa Fe New Mexican, February 29, 1920.

the keynote address. Several hours were given to the discussion of national affairs, after which State matters received modest mention. In discussing State affairs, he referred to "three . . . things championed by Governor Larrazolo--the direct primary, revision of taxation laws and cutting down expenses in state government."[73] The keynoter urged equitable taxation on the theory that no person or corporation should be overtaxed nor should anyone escape taxation. Bursum also endorsed Larrazolo's campaign for the direct primary for county and district officials.

Bursum assailed the League of Nations by concentrating his attack on the fact that Great Britain controlled six votes in the assembly and the United States one. The League, in the form approved by Wilson, was pictured as a "surrender to Great Britain."[74] The speech finished with the statement that never in diplomatic history was "there such a record of a ruler sacrificing his own country to this extent."[75]

Larrazolo addressed the convention with a "violent attack on Senator Fall, Holm Bursum, W. A. Hawkins, and Eduardo Otero . . . . As a result, Larrazolo lost the support of a majority of the Socorro County delegation."[76] When the vote was taken, Larrazolo was defeated by Merritt Mechem of Socorro on the second ballot. Some writers believed that Larrazolo was defeated for three reasons:

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[73] Santa Fe New Mexican, September 7, 1920.

[74] Ibid.

[75] Ibid.

[76] Curry, pp. 287-288.

1) His tax bills incurred the wrath of the mining companies.

2) Once in office he ignored party policies and was too independent.

3) He failed to follow the party leaders who advocated a return to normalcy.[77]

To this list of reasons two more might be added. Many Republicans believed that Larrazolo's liberalism was a serious liability to his being re-elected, especially when the Republicans of the State were becoming increasingly conservative. Also the question of senatorial appointments was closely tied to the election of governor. It was almost certain that Fall would be appointed to a Cabinet position in the Harding administration. If Larrazolo were re-elected to the governor's chair it seemed highly probable that he would not appoint a member of the Old Guard to succeed Fall. Hawkins and Bursum, in all likelihood, realized that they were in good standing with the regular party and that one or the other would be selected if an ultra-conservative member of their party became governor.

A. B. Renehan declared Merritt Mechem's nomination unconstitutional since no judge of the District or Supreme Court could be nominated to another governmental post.[78] Bursum challenged Renehan by accusing him of giving the constitution a new meaning. The problem was solved by Merritt Mechem's resignation from the bench. Since the Santa Fe New Mexican was a staunch supporter of Larrazolo,

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[77] Cordova, pp. 44-48.

[78] Santa Fe New Mexican, September 9, 1920.

Mechem's victory meant a wider split between the Progressive wing of the Republican Party and the Old Guard. Cutting's friends, who led a walkout of the Republican convention, eventually joined the Democrats. They were promised three places on the Democratic slate,[79] which they graciously accepted.

Larrazolo, who did not take his defeat lightly, summed up his feelings.

> I have nothing to say except this--that the bosses, Bursum, Fall, etc., who forced and compelled their dictation on the convention, are putting up their last political fight in this state and I may say that they are making what they know to be a hopeless death struggle to retain their power on the republican party, which at the time of our admission to statehood, was a majority party by at least 10,000 majority, was brought down to a minority party up to the last general election.[80]

Regardless of the split, the selection of a Socorro County nominee was a decisive victory for Bursum.

Richard Hanna was selected by the Democratic Party as candidate for governor. Once more the Santa Fe New Mexican campaigned actively against the Old Guard. Under the recently returned Cutting, the journal did not hesitate to use its wrath against the Republican candidates: "All of his likes and dislikes were funnelled through his organ . . . ."[81] Bursum was accused of forcing

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[79] Santa Fe New Mexican, October 1, 1920.

[80] Ibid., September 20, 1920.

[81] John Paul Seman, The Administration of Governor Merritt Cramer Mechem (unpublished Master's thesis, Department of Government, University of New Mexico, 1950), p. 23.

Mechem on the rank and file.[82] The policy of the paper was not dissimilar to that in past campaigns. The only notice given the Republicans was open criticism while the speeches of the Democrats were given full coverage. The Albuquerque Journal, now under the ownership of Carl Magee, used the same basic tactics as the New Mexican.[83] The Republicans depended on the Las Vegas Daily Optic, the Socorro Chieftain, and the Albuquerque Evening Herald to combat the Albuquerque Morning Journal and the Santa Fe New Mexican.

Boss rule and support of the League of Nations became the campaign issues for the Democrats. Generally "there were few party issues in the campaign since both platforms were very similar."[84] Mechem and Hanna conducted a clean campaign based on party issues. Mechem campaigned on the normalcy issue while Hanna stressed boss rule and the opposition of the mining interest to a fair tax structure. Bursum defended the Republican tax law by accusing the Journal of "reckless attacks on legitimate industry."[85] He claimed the editor of the newspaper was trying to incite class hatred in an attempt to turn prejudice into a political asset.[86] Magee alleged

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[82] Santa Fe New Mexican, September 15, 1920.

[83] Carl Magee moved to New Mexico from Oklahoma in 1920 when he purchased the Albuquerque Journal. On January 1, 1922, he sold the newspaper to Sidney Weiland and started the weekly Magee Independent. Later the Independent became a bi-weekly. In April of 1923 the Magee Independent was sold to the Scripps-Howard Syndicate. However Magee was retained as editor.

[84] Seman, p. 24.

[85] H. O. Bursum to Carl Magee, October 11, 1920, Bursum Papers.

[86] Ibid.

that the Chino Copper Company averaged a $10 million profit in 1917, 1918, and 1919. However, in 1919 the company ran one-half million dollars in the red while the profits for 1918 and 1919 averaged approximately $3 million.[87]

As the campaign progressed, it became obvious that the fusion ticket of Democrats and Progressive Republicans was a complete failure. Several members of the party who had led the revolt against the Old Guard came "back on the reservation."[88]

> Mr. Bursum had the situation well in hand. He is working like a Trojan, and my candid opinion of this at this time is that he will be able to get the warring factions together and not alone elect the Governor, but carry the State for Harding and Coolidge.[89]

The Democratic campaign strategy had few weak points to attack, but when a Democratic candidate made a mistake in judgment the Republicans were quick to capitalize. One such error was made by H. B. Ryther, manager of the Portales Journal and the Democratic nominee for county probate judge. Ryther printed an editorial in the Portales Journal which not only warned Protestants against Catholics but also attempted to pit the English-speaking people against the Spanish-speaking population. The Democrats realized

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[87]H. O. Bursum to Carl Magee, October 11, 1920, Bursum Papers (copy). The total worth of all copper mined in New Mexico in 1917 was $15,835,200; in 1918, $14,739,684; in 1919, $7,672,581. The average worth was slightly over $13 million. The net profit from this figure would be difficult to ascertain but $5 million a year would seem high. J. R. Finlay, Report of Appraisal of Mining Properties of New Mexico: 1921-1922 (no other information), p. 151.

[88]Merritt Mechem to H. O. Bursum, September 20, 1920, Bursum Papers.

[89]Pat Sullivan to Will Hays, September 21, 1920, ibid.

that this policy would be fatal to the party in northern New Mexico; consequently, Ryther was asked to withdraw from the election. The Republicans utilized this slight advantage with claims that Ryther's editorials demonstrated the true interpretation of the Democratic progressive movement.

When Bursum assumed control of the Republican campaign, he once more exposed himself to a wide range of personal abuse. The Albuquerque Morning Journal believed the easiest way to prejudice the masses was to "dig up old sores."[90] The Journal met with heavy opposition, for the Republicans organized into secret clubs and distributed free Republican newspapers wherever the Journal was found.[91]

Hanna's vituperative action against Bursum was not unexpected. His kind treatment of Mechem was not due to their close friendship but to the spotless record of the judge. Bursum, who weathered the storm of verbal innuendo with great patience, seldom replied to the old charges of bossism and corruption. When the election was concluded, Bursum was in complete control of the State party. He had once more delivered the State into Republican hands. There was no position that he could not claim if he so desired.

Among the many who publicly recognized Bursum's role in the election was Vice-President Coolidge, who thanked him for his part in the unsurpassed victory. Since the country had shown a determination "to secure American government," Coolidge asked for a

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[90] George Byas to H. O. Bursum, November 10, 1920, Bursum Papers.

[91] Ibid.

"continuation of that patriotic effort to insure (the) success which you put forth to provide for our election."[92]

Bursum tried to use his influence with Coolidge to secure a cabinet position in the Harding administration for General Wood. Other leaders in this endeavor were John Weaver and Will Hays. Although the New Mexico national committeeman wrote Harding,[93] his request was not answered. Consequently, Bursum was instructed to work through Fall to ascertain the intentions of the newly elected President. The President was not disposed to place Wood in his cabinet, but instead appointed him Governor-General of the Philippines.

Will Hays was offered the position of United States Postmaster General although he had not publicly sought the office.[94] However, there was some question in his mind whether he could serve the party and nation more efficiently as a member of the cabinet or as the party chairman. The chairman's duty was to harmonize all interests with the purpose of keeping the party in office. Since Hays placed great reliance on Bursum's opinion, he asked him whether he should accept the post: "Our friendship is such that I feel free to take this up with you in this manner, and I know you will give me your best judgment."[95] Hays was advised by Bursum to accept the

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[92]Calvin Coolidge to H. O. Bursum, December 14, 1920, ibid.

[93]John Weaver to H. O. Bursum, December 8, 1920, ibid.

[94]Will Hays to H. O. Bursum, December 11, 1920, ibid.

[95]Ibid.

cabinet position. He retained the cabinet office for two years, then resigned to accept a lucrative position in the movie industry.

The Mechem administration was conservative. The Governor's inaugural address stressed the importance of economy in all departments. The essential step in achieving this objective was a drastic limitation of taxes which the law permitted to be levied.[96]

The matter of appointments was left to the Republican organization. Those who received seats in the administration were competent, loyal, fighting Republicans who had the endorsement of their county central committee.[97] These conditions were laid down by Bursum at the meeting of Republicans held in the Supreme Court room of the Statehouse. This policy was necessitated by the numerous candidates who sought appointments. The vacancies were not adequate when compared with the number of office seekers; thus the county central committeemen were burdened with a heavy responsibility.

The Republican Party spent $3,400,000 in the campaign of 1920,[98] and the regular fund-raising plan did not bring enough capital to put the party in the black. Three plans were considered to erase the deficiency: raise the levy on individual members; borrow money and expect the deficit to be paid back out of the next campaign fund; or divide the deficit among the States on the basis of ten cents for each vote cast for Harding and Coolidge. New

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[96] Santa Fe New Mexican, January 1, 1921.

[97] Ibid., January 5, 1921.

[98] Will Hays to H. O. Bursum, January 11, 1921, Bursum Papers.

Mexico's share of the debt was $5,768 since Harding received approximately 57,680 votes. Bursum was told to use any plan he desired or relegate the task to the county committees if he thought them capable of raising the revenue.[99]

When Warren G. Harding moved into the executive mansion, the Old Guard once more found itself in control of the nation's destiny. Rumors filtered into New Mexico which indicated that Senator Albert Fall was to be appointed to Harding's cabinet and that Bursum would soon be named by Governor Mechem to replace Fall in the Senate.

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[99] Ibid.

CHAPTER IX

UNITED STATES SENATOR

With the selection of President Harding's cabinet, Holm Bursum's political life took an encouraging turn. During the campaign of 1920 it became increasingly apparent that Harding would appoint Senator A. B. Fall to the position of Secretary of the Interior. This meant that the newly elected Governor would appoint a Republican to fill the vacancy, and it was generally assumed that Bursum would be the man to succeed Fall. He had labored for the party for twenty-five years and bore the responsibility for party leadership. However, several other candidates were mentioned. Senator Fall wished to have William A. Hawkins named,[1] while Bronson Cutting suggested H. J. Hagerman for the position.[2]

Fall was greatly disturbed by the persistent reports in the Journal and New Mexican that Bursum was to be appointed by Governor Mechem. The Senator reminded Mechem that the appointment of Bursum would lend truth to the story that Mechem had been selected over Larrazolo as nominee for governor in order that Bursum might receive the senatorial appointment. Although such an agreement had not been tendered, Fall insisted the appointment "would be a grave mistake"

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[1] Keleher, p. 197.

[2] Santa Fe New Mexican, February 11, 1921.

and that "he would not be party to such a move."[3] The Senator added that he had been told by Mechem that Bursum was not available because of pressing financial and business needs. Fall further claimed he was "entitled to consideration" since the senatorship would not be vacant unless Mechem promised not to appoint Bursum.[4]

Mechem, Craig , Curry, Fall, and other prominent Republicans met in El Paso after the Governor's inauguration to discuss the general policy on appointments, the re-organization of the central committee, the necessity of party organization, and the problem of party responsibility to the organization rather than to one man in New Mexico.[5]

> I stated to you in El Paso, and also, to Craig, Curry and others there, in your presence . . . that if another political campaign was to be run as the last one, that I should have nothing to do with it.
>
> I stated to you that the National Committeeman had taken into his own hands the collection and disbursement of practically all campaign funds and that Craig of the State Committee had been practically shorn of authority . . . hence, those receiving favors or relied upon throughout the state to work for the party, were taught to look to one man, and he alone for assistance, and not to look to the party . . . .[6]

Fall claimed that Mechem had agreed to appoint a nonentity who would not run in a special election to fill the vacant seat. Mechem answered that he would seek a consensus of opinion among the Republican leaders before making the appointment. This statement was

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[3] A. B. Fall to Merritt Mechem, February 12, 1921, Fall Papers (copy).

[4] Ibid.

[5] Ibid.

[6] Ibid.

interpreted by Fall as being the opinion of one, two, or three of Bursum's friends.[7]

The Republican Central Committee met in Santa Fe in March to try to resolve the senatorial appointment. Although Fall did not attend, his voice was heard through various delegates sent by him from Washington. The committee did not endorse any of the recommendations,[8] and its failure to do so was considered by many to be a victory for Fall.

Rumors were current that the disagreement between Bursum and Fall would bring Mechem into the Senate. The substance of the story was that Mechem would resign as governor, Lieutenant Governor Duckworth would automatically succeed him, and as governor, Duckworth would appoint Mechem to fill the Senate vacancy.[9] Mechem told Fall he was not interested in the position nor in re-election as governor, for, by then, he would be "two years older and two years poorer."[10]

Pressures were brought to bear on the Governor by Burton C. Mossman of Roswell who claimed that important Republicans within the State wished to see someone appointed as Senator who would be favorable to Fall.[11] After numerous telephone calls failed to achieve their desired effect, Mossman arrived in Santa Fe to protect Fall's

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[7] Ibid.

[8] Telegram, George Craig to A. B. Fall, March 7, 1921, ibid.

[9] Clovis Herald, March 5, 1921. Also Keleher, p. 197.

[10] Telephone conversation with Mrs. Merritt Mechem, February 15, 1961.

[11] Keleher, p. 197.

interest.[12]

Besides the popular support of the party rank and file, Bursum received the aid of the Albuquerque Journal which had come under the ownership of Carl Magee. Magee had openly worked against the Republicans in 1920. It is difficult to ascertain why he supported Bursum in 1921. Some say that Magee was attempting to build a reputation within Republican ranks. This could hardly be possible, for in the special election of the following fall Magee supported Bursum while ridiculing the Old Guard. Whatever the reason, Magee sensed the general feeling toward Bursum.

> We can see no one in sight who is entitled, politically to the position except H. O. Bursum.
> . . . . . .
> This appointment impresses us as the only logical thing. In point of ability, party service and knowledge of the state's needs, no one else appears in the party as a contender against Mr. Bursum.[13]

Fall did not take the Bursum trend with grace but rather insisted that he might not go into the Harding cabinet if Bursum were appointed. Speaking through Mark Thompson of Doña Ana County, he stated that it was "impolitic for the governor to make the appointment without first determining that all classes of Republicans in New Mexico favored [Bursum's] appointment."[14]

Governor Mechem was unjustly criticized by the Fall supporters despite his obvious attempt to secure a true consenus from "all

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[12] Santa Fe New Mexican, March 8, 1921.

[13] Albuquerque Morning Journal, February 27, 1921.

[14] Albuquerque Evening Herald, March 1, 1921.

classes of Republicans." Several hundred letters were sent to officials at all levels asking them to nominate a candidate to replace Fall. Eighty percent of the replies favored Bursum.[15] Fall thought that the letters of endorsements from county and district committees were to be forwarded to Washington where he patiently awaited their arrival.[16] They were never sent, for the Governor, not Fall, was responsible for the senatorial appointment. The pressure was somewhat eased when Fall became Secretary of the Interior on March 5, 1921.

Four days after Fall resigned his Senate seat, the State House passed bill No. 328 which would have allowed the senatorial appointee to serve out the remainder of Fall's term.[17] It was reported that twenty-nine out of the thirty-three members of that august body favored Bursum's appointment.[18] The Santa Fe New Mexican received the news as an attempt to shield Bursum from the critical electorate. However, the Senate, which deemed the measure unwise and of questionable constitutionality, allowed the bill to die in committee.

Fall's attempt to impede Bursum's appointment came to nought, for Bursum was appointed by Governor Mechem on March 11, 1921. The Governor let it be known that Bursum had the backing of twenty-seven of the State's twenty-nine Republican county organizations. Similar

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[15] These letters are available for public scrutiny in the Bursum Papers at the University of New Mexico.

[16] A. B. Fall to George Craig, March 11, 1921, Fall Papers (copy).

[17] House Journal (Santa Fe, no publisher, 1921), p. 512.

[18] Albuquerque Evening Herald, March 9, 1921.

expressions were received from more than 150 members of the Republican State Central Committee.

Bursum's appointment won quick approval by the State legislature. The newly appointed Senator thanked the assembled body and outlined the major difficulties facing the nation. His solutions to the nation's ills were not unlike those of the national administration. Normalcy was the panacea which would revitalize the nation.[19] Elimination of waste and the abolition of Government regulation of private business was the only path to the promised goal. In concluding his remarks he emphasized the need for harmony between all factions within the party and the restoration of friendship which had been strained by Fall's opposition. "I would rather possess the feeling of having the friendship of my fellow citizens and their respect than all the offices under the heavens."[20]

Elaborate preparations were made by the Albuquerque Chamber of Commerce for the reception of the Senator. The Indian School band played several martial arrangements but it "could not drown out the cheers with which Mr. Bursum was greeted."[21] After a brief introduction by J. W. Wilson, president of the Lincoln Republican Club, Bursum delivered his speech from the north steps of the Alvarado Hotel. It was a repetition of the one given to the State legislature. He reminded the audience that his appointment was temporary, but the

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[19] Ibid., March 12, 1921.

[20] Santa Fe New Mexican, March 12, 1921.

[21] Albuquerque Morning Journal, March 14, 1921.

throng shouted "We'll made it permanent."[22] Bursum belittled the rumors that Fall had divided the party against itself. Instead, he praised the meritorious senatorial service of Fall. He placed aside his personal feelings by reminding his audience that Fall's appointment to Harding's cabinet would add new laurels to the State.

The Senator's failure to criticize Fall illustrated his willingness to sacrifice his personal feelings in order not to split the party. Those who were familiar with the situation realized that Fall's opposition was "a singularly clear case of gross ingratitude."[23] Fall's opposition stemmed from Bursum's fight to have General Wood nominated as the Republican candidate for president in 1920. Fall also feared that Bursum would be too independent in the Senate and consequently would disregard the Secretary's New Mexico appointments. Fall was the most important political figure in New Mexico with Bursum a close second, and he could not bear to see the star of a former friend challenge his own supremacy. In a sentence Hawkins summarized Fall's feelings: "Fall is a political desperado. With him it's either rule or ruin."[24]

The Secretary's antagonism became so apparent that the Albuquerque Journal, an ardent enemy of Fall, warned:

> If Senator Bursum continues in his present apparent state of mind and attempts to conciliate Mr. Fall, he will fail . . . and will probably lose a nomination for senate. Mr. Fall has started in to eliminate Senator Bursum. He

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[22] Ibid.

[23] Curry, p. 292.

[24] Keleher, p. 197.

> is adopting the policy of showing his control of federal appointments in order to impress the "band wagon boys" with his strength and with Senator Bursum's weakness.
>
> The time is so short that this race is no endurance contest. It is a snappy one hundred yard dash . . . .
>
> Senator Bursum must go to Washington with his "fighting clothes on" if he is not to suffer a humiliating defeat at the hands of Mr. Fall . . . .[25]

Bursum took the initiative in his appointment to committees by requesting George Curry, his secretary and a former governor, to secure him places on the committees of public lands, reclamation, post office and post roads, Indian affairs, mines and mining, and military affairs. Since these committees were usually given to a westerner, Bursum felt he could claim preference.[26] Curry directed this request to Senator Brandegee who was chairman of the Committee on Committees. Brandegee in turn conferred with Fall on appointments for Bursum.[27] Whether Brandegee was influenced by Fall cannot be ascertained. In any case, Bursum was assigned to the following committees: Civil Service, Education and Labor, Military Affairs, and Public Lands and Pensions. It was customary to give each new Senator a major committee and three minor committees.

When Curry called on Fall, he noted the Secretary's bitterness against the Senator, and warned that Fall was "in consultation with Otero, Holt and others . . . with a view to determining on

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[25] Albuquerque Morning Journal, March 29, 1921.

[26] H. O. Bursum to George Curry, March 19, 1921, Bursum Papers (copy).

[27] Frank B. Brandegee to A. B. Fall, March 22, 1921, Fall Papers.

some one to oppose . . . [Bursum] in the Republican Convention . . . ."[28] The Ex-governor commented that Holt was being groomed to oppose Bursum and Holt hoped that all opposition to Bursum would center on him.[29] Curry advised Bursum to have Mechem call a special election in September in order not to allow Fall sufficient time to oppose Bursum. Curry reasoned that Bursum could "retain absolute control of the state organization, [and] President Harding would work for Bursum in 1924."[30]

The newly appointed Senator arrived in Washington in the first week of April. He was welcomed by Postmaster General Will Hays, and was taken under wing by other Scandinavian descendants in the Senate. Although Bursum soon became popular with his colleagues and with President Harding, he had little contact with Fall, who continued his efforts to undermine Bursum.

The Secretary was not content with the control of events in Washington. Rumors were rampant that he and certain associates were laying plans to buy the Albuquerque Journal. The purpose, according to the Journal, was to eliminate Bursum from the Senate and "to reduce the state to the subjection of Fall domination . . . through repression of news."[31]

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[28]George Curry to H. O. Bursum, March 31, 1921, Bursum Papers.

[29]Ibid.

[30]Ibid.

[31]Albuquerque Morning Journal, April 3, 1921.

Carl Magee, owner of the Albuquerque Journal, wrote Bursum to confirm the sorry financial state of his paper. If $250,000 were not raised within twenty days, Magee would lose control. He requested Bursum to lend his support so that a general bond subscription might be successful in saving the paper. He also asked the Senator to use his influence in making the Albuquerque Herald ease its attack on the Journal and himself.[32] Bursum sent several telegrams and letters advising the Herald editor Hening to "soft pedal on Magee."[33] The Senator reasoned that Magee was not as bad as past editors of the Journal; moreover, since his finances were in poor condition, it would be easy for the Republican organization to buy the Journal. Referring to Fall's attempt to buy the Journal, he concluded: "Of course, I do not want the paper to fall into the hands of the Philistines. Just how much truth there was in this report I do not know, but I have some information which indicated that there might be something to it."[34] Bursum co-operated with Magee in marketing his bonds; consequently the Journal was temporarily relieved of political and financial pressure. Magee was grateful for Bursum's help, which was more verbal than financial, and supported the Senator in the September election.

On April 11, 1921, Bursum was presented to the Senate by

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[32]Telegram, Carl Magee to H. O. Bursum, April 6, 1921, Bursum Papers.

[33]Telegram, H. O. Bursum to H. B. Hening, April 6, 1921, ibid.

[34]H. O. Bursum to H. B. Hening, April 9, 1921, ibid. (copy).

Democratic Senator A. A. Jones.[35] After paying due respect to President Harding and the Cabinet officers, the New Mexican personally interviewed all heads of departments and bureaus.[36] This was not the usual practice for Senators; however, Bursum felt that since a large volume of proposals were usually referred to heads of departments instead of Cabinet members, a personal acquaintance would prove valuable in securing quick and favorable attention.[37]

Secretary Fall, who was determined to oppose Senator Bursum's attempt to secure party loyalty through New Mexico patronage, brought the fight before President Harding. Bursum introduced and secured passage of a bill recommending David J. Leahy of Raton as second United States Judge in New Mexico. After passage of the bill Fall induced President Harding to allow him to send to the Senate the nomination of Ollie L. Phillips. Phillips had been Bursum's campaign manager in the special senatorial election; therefore the Senator was forced to accept the nomination.[38] Leahy had been a personal friend of Fall's; thus his only purpose in securing Phillips' appointment was to embarrass Bursum.

In most of the appointments Bursum fared better. He was able to secure the position of United States Attorney General for George Craig, while the United States Marshalship was delivered to

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[35] Socorro Chieftain, April 16, 1921.

[36] H. O. Bursum to H. B. Hening, April 18, 1921, Bursum Papers (copy).

[37] Ibid.

[38] Curry, p. 293.

Secundino Romero. Manuel Otero was Fall's candidate for the marshalship. Despite Otero's presence in Washington, Fall claimed that his candidate lost interest in the vacancy; hence Fall dropped his opposition to the Bursum candidate.[39]

Fall's opposition to Bursum caused Harding considerable embarrassment. Several members of the Republican Congressional Committee and the Senate Committee took sides with the Senator and presented their case to the President.[40] Their logic centered around the necessity for the Senator to control patronage if the President was to continue to receive Republican support in New Mexico. Fall denied that pressure was brought upon him by the President:

> I went to the President this morning and told him very frankly that I did not propose to embarrass him in this matter at all, unless I cared to take the responsibility of getting into the political fight in New Mexico . . . .[41]

The Secretary would not yield to Bursum in the matter of any New Mexico appointment coming through the Department of the Interior.[42] As a result Bursum was forced to enlist help to secure these appointments.

The fact that considerable pressure was brought to bear on Fall by the President and the Senate committees cannot be denied. Holm Bursum, Jr. bore out this observation. The late Senator told his son that the situation became so critical that he was forced to

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[39] A. B. Fall to Eduardo Otero, July 8, 1921, Bursum Papers (copy).

[40] Ibid.

[41] Ibid.

[42] Ibid.

see President Harding and to explain the rather embarrassing political circumstances. Bursum reviewed the serious effects Fall's opposition could have on the New Mexico political scene if patronage was not given to the Senator. Harding listened with his usual cold indifference, giving the impression that perhaps nothing would be done. Upon hearing the completion of Bursum's argument, Harding picked up the telephone, called a number, and spoke to Secretary Fall: "Albert, you know you can't do that."[43] This assured Bursum of complete control of the patronage in New Mexico.

Senator Bursum made his maiden speech to the Senate on May 11.[44] He attempted to secure an amendment to the Emergency Tariff which would place a five-cent duty on hides of cattle plus a 15 percent ad valorem duty on the skins of sheep. Bursum reasoned that if the intentions of the bill were to protect the livestock growers, then the hides of the animals should also be protected. "There is just as much reason, . . . for placing a tariff on the beef and leaving out the hides, as there would be to permit the front quarters to come in free and place a duty on the hind quarters."[45] In normal times the hide represented from 15 to 30 percent of the full value of the carcass.

The West stood for protection since it was a producer of raw materials and foodstuffs. Bursum opposed the New England

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[43]Interview with H. O. Bursum, Jr., March 18, 1961.

[44]U. S., Congressional Record, 67th Congress, 1st Session, 1921, LXI, Part 1, 295.

[45]Ibid.

senators who wished to import low-priced leather from Argentina. Reflecting on the state of the livestock industry the Senator continued:

> There never has been a time when the live-stock interests were in such a deplorable condition as at the present time. Livestock growers were benefited very lightly by the war . . . . Producers of wool were not permitted to sell their products on the open market. While we were restricted in price, while the regulations of the Government were in effect our expenses were forced up on us, and they left practically no profit.[46]

Letters from Bursum's constituents indicated the market prices of steers were reduced approximately 60 percent of the war value and nearly 40 percent of their value preceding the war.

> I submit, Mr. President, that such conditions as exist now have never confronted the Nation; and with the delicate situation which exists in the minds of producers, the farmers, and the live stock growers throughout the entire West, unless some relief is afforded . . . we may not only see, as we saw during the war, meatless and wheatless days, but we may see the time when you will have a meatless and wheatless Nation . . . .[47]

Bursum's plea for protection of hides of livestock through a tariff was defeated by seven votes. However, the Senator did not suffer a complete defeat, for an emergency tariff was passed on May 27, 1921, which put high duties on wheat, meat, wool, corn, and sugar.

The Sixty-seventh Congress finally committed itself to high tariffs. The agriculturists procured "a carte blanche right to fix duties pretty much as they pleased on their products. When it came to the duties on manufactured articles, they could not oppose

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[46] Ibid.

[47] Ibid.

them as they did in 1909."[48]

Bursum also worked to relieve the depressed mining industry. On April 19, he introduced Joint Resolution 32 which suspended the requirements of annual assessment work on mining claims during the years 1921 and 1922. Under law each mining claim without a patent had to be worked or improved to the amount of $100 per year. This could be eliminated by simple application.[49] The law allowed small unpatented mines to be held by independent miners who, because of depressed conditions, would be forced to relinquish their claims.

Bursum remained in Washington until the bill passed both houses of Congress despite the meeting of the politically important national Republican committee in Chicago. His drive and initiative on bills he sought to have passed was evident from the time of his appointment. Senator Ashurst of Arizona, a colleague in the chamber, summarized Bursum's senatorial career. "What advantages Mr. Bursum may have lacked in the way of classical and scholastic attainments he amply 'made up' for it with diligence and energy . . . he had taught me a good lesson, viz: that industry and zeal will triumph over sloth."[50]

One of the fundamental problems of the West was the inequitable distribution of the waters of the Colorado River. The states

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[48]Theodore Saloutos and John D. Hicks, Agricultural Discontent in the Middle West 1900-1939 (Madison: University of Wisconsin Press, 1951), p. 374.

[49]U. S., Congressional Record, 67th Congress, 1st Session, 1921, LXI, Part 1, 424.

[50]Letter from Henry Fountain Ashurst to the author, May 11, 1961.

of Arizona, California, Colorado, Nevada, New Mexico, and Wyoming carried on costly litigation to determine which states had the earliest right to the waters. To alleviate this constant quarrel the New Mexico Senator introduced Senate Bill 1853,[51] which provided for a compact commission between the several states to discuss the disposition and utilization of these waters for irrigation and municipal purposes. The report of the joint committee was to be submitted to the Committee on Irrigation and Reclamation. This bill provided a basis for the equitable distribution of the waters of the Colorado.

In June the Senator paused from his duties to meet the internationally known physicist Madame Curie. Bursum was appointed by Third Assistant Secretary of State Robert Woods Bliss to present Madame Curie with a sample of radium-bearing ore. The ore was sent by the citizens of Silver City along with an invitation to visit the mine from which the specimen was taken. "After conversation with Senator Bursum regarding New Mexico and the locality from which the ore was sent, Madame Curie asked that a geological report and general description of the property . . . be forwarded."[52]

The formalities of Madame Curie's visit were soon forgotten because of the persistent harassment of the Farm Bloc in both houses of Congress. "In the Senate it came to consist of fourteen Republicans and twelve Democrats, all from the West or the South . . . . In

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[51] U. S., Congressional Record, 67th Congress, 1st Session, 1921, LXI, Part 2, 1561.

[52] Socorro Chieftain, June 4, 1921.

the House the membership of the Bloc was less clearly defined . . . ."[53] The aim of the Farm Bloc was to secure rural credits and the promotion of co-operative marketing.

Senator Norris of Nebraska led the Bloc against the War Finance Corporation. Norris considered that organization to be dominated by Wall Street, and consequently incapable of understanding the depressed farm problem. Bursum did not belong to the Farm Bloc. He defended the administration's proposed extension of the Corporation's power to cope with agrarian discontent. Norris believed that the administration had surrounded the Corporation "with a lot of discretions that [would] enable them arbitrarily to deny to anyone . . . any support whatsoever and without any reason . . . by simply saying 'We believe you have sufficient banking facilities now and we will not help you.'"[54] As a substitute he recommended a "gigantic government-owned corporation" which could completely control the buying, selling, and exporting of the farmers products.[55] Bursum replied to the Nebraska Senator by reminding the Senate that an examination of the records would show that thousands of dollars were loaned to livestock producers without the arbitrary treatment claimed by Norris. He stated that co-operatives could receive direct loans from the government even though they were not technically

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[53]John D. Hicks, The American Nation: A History of the United States from 1865 to the Present (Cambridge, Massachusetts: Houghton Mifflin Company, The Riverside Press, 1949), p. 546.

[54]U. S., Congressional Record, 67th Congress, 1st Session, 1921, LXI, Part 6, 4381.

[55]Hicks, p. 547.

financing institutions in the same sense as banks.[56]

The administration was successful in curbing the demands of the Farm Bloc and eventually persuaded the Bloc to accept the administration's proposed extension of the War Finance Corporation. A $100 million were loaned to producers, sellers, and exporters of farm commodities. It was largely through Bursum's efforts that the War Finance Corporation loaned $10 million to livestock growers of New Mexico in the critical years of 1921-22, "and without such measures of relief there is every reason to believe that a large number of banks over the state would have become insolvent."[57] The banks in New Mexico were holding paper on large herds of cattle. The money released by the War Finance Corporation enabled many New Mexico ranchers to meet their obligations to the banks.

As a member of the Pensions Committee, Bursum spent most of his energy securing relief for veterans. His efforts were so successful that when the Senate was reorganized he was appointed chairman of the Pensions Committee. His bills ranged from giving equality to reserve officers in retirement to protecting the seal of veterans' organizations. Most of the bills introduced during the first session were not acted upon until the second session of the Sixty-seventh Congress. The first session was given over to an extensive study of the entire pension situation with an eye toward offering a construc-

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[56] U. S., Congressional Record, 67th Congress, 1st Session, 1921, XLI, Part 6, 4382-4383.

[57] Charles F. Coan, A History of New Mexico (Chicago and New York: The American Historical Society Inc., 1925), II, 18.

tive legislative program.

Senator Bursum allowed O. L. Phillips to look after his political fortune in New Mexico. Almost from the beginning of the special election campaign it was generally conceded that Bursum would be the logical choice to represent the party in the September election. However, Secretary Fall did his utmost to inject H. B. Holt into the race, while B. C. Mossman was a possible dark horse candidate.

Holt, who did most of his pre-campaign electioneering in the Pecos Valley, also drew strength from Luna, Doña Ana, and Grant Counties. He used the mails to widen his appeal, but the response was meager. Many of those who replied showed their loyalty to Bursum by suggesting that Holt run in 1922 against Democrat A. A. Jones. Frank Staplen, an early supporter of Holt, predicted that Bursum would receive the votes of two-thirds of all delegates at the convention.[58]

Democratic leader Arthur Seligman started an early campaign to form a fusion ticket.[59] Rumors persisted that H. J. Hagerman would be offered the senatorship on the fusion ticket. There was considerable disappointment among the Spanish-speaking people because of Larrazolo's defeat for renomination for governor. The Democrats, who did everything possible to split the Republican organization, suggested that they would nominate a native to oppose Bursum. Many Spanish-American newspapers came out for a native son for the Senate.

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[58]Frank Staplen to H. B. Holt, May 22, 1921, Bursum Papers (copy).

[59]H. B. Hening to H. O. Bursum, May 10, 1921, ibid.

This trend caused the Republicans to buy space in these journals to plead their own cause; they even contemplated buying El Heraldo.

To offset any loss of the native vote, it was suggested that the strength of the livestock men and the miners be brought into play. The large mining camps had been wiped out by the slack market but it was thought that the independent miners would carry considerable weight. There was little worry about securing the votes of the rural cattle workers because of the concern shown by Senator Bursum for their needs.

Holt's supporters were not sure that he could defeat Bursum. An unknown writer characterized Holt as being

> not a good campaigner for himself. His natural reserve makes it very difficult for him to get down to cases and it is hard for him to loosen up and make a proper talk which would be appealing to those who were naturally not for him. Bursum has constantly dwelt upon his services to the party and to individuals and while Holt has done the same . . . yet he will not come out strong on the subjects.[60]

The writer detected an anti-Holt sentiment led by Will Lapoint of Doña Ana, but felt the county could be instructed "as most of the opposition can be stilled . . . . Holt can hardly hope for any result to amount to anything unless an active organization can be built up in each county."[61] The observer concluded that there was fear among Bursum's supporters that the Senator would be forced to wage a defensive campaign, which might lead to his defeat.

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[60] Unknown writer to A. B. Fall, July 5, 1921, Fall Papers.

[61] Ibid.

Bursum enjoyed the same newspaper support in the fall campaign as he had in his appointment. Two of the most important ones, the Journal and the Evening Herald, supported him, while the Cutting paper opposed his re-election. The only variation to this was the opposition of the Journal to a Bursum appointee, Secundino Romero.

Carl Magee, owner of the Journal, claimed that Romero had used his political power in a vindictive manner. He accused him of being responsible for Larrazolo's defeat for renomination in 1920; moreover Magee pictured Romero as San Miguel County's ironhanded ruler whose only ambition was to gain complete political control of all New Mexico. Magee believed that political suicide would be the fate of anyone who appointed Romero to the marshalship. "We must warn Senator Bursum's friends that Secundino Romero simply will not do."[62]

Bursum replied by saying he did not consider the appointment of paramount importance since the duties of the marshal were purely administrative.[63] The Senator evaded the issue by stressing the vital need for national legislation which would help New Mexico climb out of an economic doldrum. Magee, not satisfied with this reply, insisted that Bursum lead the way to "a new day in New Mexico which will make him an available man for the people to keep in office."[64]

Holt tried to obtain official endorsement from Senator Fall but was not successful. While not supporting any candidate in

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[62] Albuquerque Morning Journal, May 27, 1921.

[63] Ibid., June 8, 1921.

[64] Ibid.

particular, Fall made known his opposition to Bursum. "I think a very great mistake will be made in the selection of Mr. Bursum as the Republican Candidate. I think that due to a direct opposition and possibly more fatal apathy Mr. Bursum will be defeated, if the Democrats nominate an able and respectable man . . . ."[65] Since Holt was the most logical choice after Bursum, many Republicans drew the conclusion that Fall was committed to Holt.

The Bursum forces were in complete control of the northern counties at the time of the nominating convention. The county chairmen could promise complete co-operation, for anyone who did not "vote according to the wishes of the great majority of the Republicans of the county . . . will not [be] one of our delegates."[66] In other words, only those who were supporters of the Senator would be considered as convention delegates.

If the Republican race seemed to be confined to two candidates, the Democrats were not so limited. Former Governor Hagerman furthered his candidacy by launching an attack against the Old Guard. It was generally considered that his series of open letters which appeared in the Journal and criticized the legislature was an attempt to advance himself as a fusion candidate. Hanna, Hudspeth, Judge Bratton, and Putney also were in contention.

The Democrats, plagued with apathy, only produced a half-dozen members in answer to a call for a meeting of the Central Com-

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[65] A. B. Fall to Don Eduardo Otero, July 8, 1921, Fall Papers(copy).

[66] P. H. Hill to H. O. Bursum, July 9, 1921, Bursum Papers.

mittee. As a result, party chairman Seligman took the responsibility of setting the date for the convention and decided what would be the issues of the campaign.

Carl Magee, a Democrat, supported Bursum but attacked Fall, Hawkins, and Sully with restless energy. He called on Mechem and Bursum to clean up the Republican Party which had been under the control of the corporations for twenty-five years. "With the coming of statehood Mr. Fall fell under the spell of W. A. Hawkins and others and came into the Republican party."[67]

The Journal claimed that Bursum opposed the mining interests led by Fall and Hawkins. When Bursum secured a compromise mine tax bill which gave the state an equitable tax on mining properties, he became persona non grata with the Fall-Hawkins-Sully combination. Hagerman, who was at the compromise meeting, co-operated with Bursum in forming the law. He also agreed with Bursum on the selection of J. R. Finley as mine appraiser.[68] One may wonder on what grounds Hagerman criticized Bursum as being the instigator of the first mine tax bill as proposed by Hawkins. Perhaps the former Governor allowed his past dislike for Bursum and his aspirations for the Senate seat to interfere with his better judgment.

Magee tried to break Bursum from the Old Guard: "Bursum cannot go back. The crowd has outlawed him. He cannot stand still without being in the crossfire between the people and the gang. He

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[67] Albuquerque Morning Journal, August 2, 1921.

[68] Ibid.

must be frank and untie strings with the old gang."[69] The Journal did not believe that this severance would weaken the Senator's control, but frankly admitted that his election would mean that he would be virtual dictator of the party in New Mexico. Although admitting that he would be an "easy boss," he would control the policy of the party in the State.

Magee's attack against the Old Guard was slowed by the bankruptcy of the Journal. While the sale of the paper was being negotiated Magee claimed that he was offered $5,000 to oppose Bursum. On another occasion he claimed that "Fall's democratic friends" offered to buy $10,000 worth of bonds and to lend $15,000 for one year if Magee would support Fall's candidate--presumably Holt.[70]

The Journal's attacks on Fall made several Republican leaders believe that Bursum was responsible for the charges leveled by Magee. Bursum telegraphed answers disclaiming any part in Magee's attack. "No--have not orally [sic] or written Magee about anything--too busy in Washington."[71] Although Fall divorced himself from Bursum, the reverse was not true. It was the Senator's lifelong belief that party members should be reconciled, for splits within the ranks served no useful purpose except to give the opposition control. His loyalty to Fall would be tested in the Teapot Dome scandal. In that unfortunate episode, Bursum did all he could to

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[69] Ibid.

[70] Ibid., August 12, 1921.

[71] Three telegrams to Frank T. French, Vincent B. May, and W. W. Cox from H. O. Bursum, August 4, 1921, Bursum Papers (copy).

help Fall prove his innocence but, unfortunately, Fall failed to follow his advice.

The Republican convention met in Santa Fe on August 18. The delegates and spectators packed the Hall of Representatives to capacity. The keynote address was delivered by Santa Fe attorney A. B. Renehan, who also acted as temporary chairman. Renehan, a gifted orator, spoke with his customary eloquence. He likened the Republican Party to Cincinnatus, who was called from the plow to rescue the people.[72] "The voters as a jury," he continued, "at the last election had condemned the democrats, and that failure to return a republican senator would be a slap in the face of President Harding."[73]

Renehan alleged that 4,000 New Mexicans had been threatened with dispossession by suits filed during President Wilson's administration over title to Indian Land. He drew applause with the caricature of Wilson's policy, "all for the Indians, nothing for the citizens."[74] Bursum had introduced a bill which was to give equitable treatment for the residents, but no action had yet been taken on this motion by Congress. During the whole of his keynote address, Renehan pleaded vehemently, fervently, eloquently for party unity. "He warned the Republican Party of the danger of losing the coming election of a United States senator if they had over-confidence

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[72] Albuquerque Evening Herald, August 18, 1921.

[73] Ibid.

[74] Ibid.

or lack of co-operation."[75] This warning was particularly directed at Eduardo Otero of Valencia County who refused to participate in the convention. The move was unwise, for the Holt delegation was deprived of Otero's support.

Following the keynote address, the convention selected the necessary committees to form the party platform. After several hours of deliberation, nominations for the senatorial seat were accepted. Matt Fowler, a well-known lawyer, placed Senator Bursum in nomination, while W. G. Sutherland of Las Cruces placed the name of his law partner, H. B. Holt, before the convention.[76] Bursum was the unanimous choice over Holt as only Doña Ana and Otero Counties held out their first vote from Bursum.

The Senator's acceptance speech outlined his desire to return prosperity to agriculture. To implement this trend, he stated that within ten days a sum of over $2 billion was to be injected into the agricultural economy through the War Finance Board. He predicted that the emergency tariff would be extended for six months and that this extension would offer protection for New Mexico cattle and sheep growers. He promised to aid in passing legislation which would promote reclamation in the San Juan, Rio Grande, and Pecos Valleys.[77]

Favorable coverage was given to the soldiers' bonus bill. Bursum predicted its passage with an adjusted compensation provision.

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[75] Santa Fe New Mexican, August 18, 1921.

[76] Albuquerque Evening Herald, August 18, 1921.

[77] Albuquerque Morning Journal, August 19, 1921.

The disabled veterans were promised fairer treatment and assured that medical facilities would be shortly available on a national scale. The veterans' vote was becoming increasingly important in New Mexico. Bronson Cutting was building a political machine by the formation of numerous Disabled American Veterans and American Legion posts throughout the State. They would serve as one of the pillars for Cutting's political career.

After brief attention to his Pueblo Land bill, Bursum turned to the recognition of the Obregon government. He reasoned that since Obregon was administering the Mexican government with care for the masses, and not as a personal fief, he deserved recognition, which would restore stability and prosperity to a war-torn nation.

Bursum's attitude toward the League of Nations underwent slight modification. In 1918 he was considered an Irreconcilable. However, his acceptance speech showed a moderate acquiescence to the League. He now believed in an association of nations and an international court that would not surrender American sovereignty or violate the Monroe Doctrine.

Richard Hanna was nominated to carry the standard for the Democrats. Hanna had been the gubernatorial candidate eleven months earlier and had lost much of his former vigor.[78]

As the two candidates entered the arena, the contest was watched by the political soothsayers. This senatorial election in New Mexico was the first test of public sentiment of any consequence since Harding's victory in November. Had the tide turned against

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[78]Seman, p. 38.

the Republicans? Was the party still in the public favor? Since great importance was attached to the New Mexico race, the Washington Evening Star speculated on the amount of outside influence which might come into play.[79] "If the tide has turned, how much benefit will Tammany, and democratic organizations in other states where campaigns are scheduled for this year, derive from a disclosure of the fact in this far-away state in the Southwest."[80]

If the Democrats were reviewing the New Mexico election with an eye toward 1922, the Republican President was equally concerned. President Harding, Senator McCormick, chairman of the Senate Campaign Committee, and John T. Adams, chairman of the Republican National Committee believed that control of the House and Senate in 1922 could be facilitated by a Bursum victory in 1921.[81] The President frankly admitted that the prestige of the entire administration was at stake and the party would co-operate fully with Bursum.[82] But in spite of his promises of aid, Harding did little to help the Republican forces in New Mexico. Leaders in the party enccuraged Harding to compose letters of endorsement which were to be used in the press, but his political advisors discouraged the action.[83] No doubt they recalled Wilson's failure to pack the Senate with his supporters

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[79] Washington Evening Star, August 20, 1921.

[80] Ibid.

[81] Santa Fe New Mexican, August 20, 1921.

[82] George Curry to O. L. Phillips, September 2, 1921, Bursum Papers (copy).

[83] George Curry to O. L. Phillips, September 7, 1921, ibid. (copy).

in 1916 and 1918.

The Republican strategy during the 1921 campaign was to fill the press with political endorsements. Vice-President Coolidge, Senators Watson, Capper, Curtis, Wadsworth, Sterling, and Smoot defended Bursum's senatorial record.[84]

The Democrats used some of the most popular members of Congress to campaign in New Mexico. Senators Jones of New Mexico, Harrison of Mississippi, and Congressman Hayden of Arizona were but a few who tried to stem the tide.[85] Their campaign was directed against the Republican inability to bring relief to small business and agriculture.

Hanna placed considerable emphasis on Bursum's senatorial performance. He claimed that Bursum voted against the farm and cattle interests in the State and that he failed to vote for the veterans. Neither of these charges was true, as witnessed by Bursum's record. Hanna further charged in the New Mexican that Bursum brought with him $40,000 from Washington to "insure success."[86] Bursum answered the charge by stating, "I did not bring back $40,000 from the National Committee or from any other source. I did not bring back 40 cents, or any other sum for use in the campaign."[87] This did not satisfy Bronson Cutting, for a week later he charged Bursum

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[84] Albuquerque Morning Journal, September 8, 1921.

[85] George Curry to O. L. Phillips, September 2, 1921, Bursum Papers (copy).

[86] Santa Fe New Mexican, August 20, 1921.

[87] Albuquerque Evening Herald, August 20, 1921.

had received $100,000 to operate his campaign. This was typical of Cutting's strategy. He invariably placed the sum spent by the Republicans at three to ten times the actual amount. The total sum spent on Bursum's campaign was probably around $20,000 with half of it raised by the national and senatorial committees of the Republican Party. This about matched the sum requested by Democrat Hanna to operate his campaign.

The New Mexican did all within its power to convince the voters that under Republican rule New Mexico had been classified as a reactionary rotten borough. The Evening Herald, which was a Bursum paper, answered with a scathing resumé of Cutting's intentions:

> The publisher who opposes Bursum's election, and who is alone among daily newspaper publishers in that opposition is Colonel Bronson M. Cutting, a wealthy idler who maintains the Santa Fe New Mexican. Cutting, since he took up his residence in New Mexico, has never undertaken a single constructive effort. He has, in fact, done nothing with this newspaper except use it to exploit a one-sided, bitter personal enmity against Bursum, and to seek to discredit New Mexico and its people.[88]

The article continued by stating that all political gains of the Republican Party were at the expense of the electorate.

The Albuquerque Journal complained that every minor grievance which ingenuity could concoct had been placed before the electorate to win their vote without any great concern for the truth.

> In one breath, for instance, Bursum is blamed for mixing into educational matters at the Normal University and procuring the dismissal of Dr. Roberts as president. In the next breath, he is blamed for not mixing into educational matters and preventing the adoption of new books in the state. The democratic doctrine, as far as Senator Bursum

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88 Ibid., August 27, 1921.

> is concerned is, "Damned if you do and damned if you don't." The plain fact is Bursum had nothing to do with either of these blunders . . . . [Might] as well blame him for a hail storm or early frost.[89]

The battle of personalities was carried on by the press while the Senator urged constituents to vote for the party which represented prosperity and a return to normalcy. He sensed Cutting's undermining effect on the veterans. Thousands of letters were mailed and numerous articles published to counter this trend, and Bursum managed to nullify Cutting's influence on the veterans during the special election. But Cutting's scheme to organize the veterans was only in its infancy, and by the time his plan was complete, he had solid control of that group.

There was little doubt that Bursum would win over Richard Hanna without much difficulty. The New York Times placed the Bursum majority at 5,000 to 7,000 votes.[90] It predicted Hanna would be defeated because of the failure of the heavily Democratic eastern counties to get out their full party vote. Bursum was exceptionally strong in the central and western counties where he received complete party support. In his home town of Socorro he received 711 out of 768 votes.

Appolonio A. Sena, the so-called independent candidate for the Senate, who was brought out to split the Republican Party[91] in eastern New Mexico, was not taken seriously and did little to help

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[89] Albuquerque Morning Journal, September 19, 1921.

[90] New York Times, September 9, 1921.

[91] Ibid.

Hanna by taking votes away from Bursum.

When the first votes were cast, the election appeared to be very close. Richard C. Hanna had unusual strength in the scuthern counties, but this was balanced by Bursum's supporters in the north. Almost complete returns from Albuquerque gave Hanna 1,986, while Bursum lagged with 1,652. When the returns came in from the rural areas the New Mexican was forced to concede: "Bursum in by Landslide!" His majority was 5,515 votes.[92] This is significant when one considers that only 68,224 voters went to the polls. Proportionally Bursum pulled more votes than Harding in the 1920 election.

President Harding received Bursum's victory with jubilation.

> I know you will be interested enough to permit the Administration to share with you the feelings that it represents not only appreciation of your excellent service, but an understanding of the earnest effort that has been made by the party in power to deal with the manifold problems that have confronted it.[93]

The election of Senator Bursum was hailed nationally as a vote of confidence by the people in the Harding administration. The New York Tribune, in haste to confirm this observation, concluded that the Republicans won on national issues "even though the Democratic candidate was more popular."[94]

There were several significant reasons for the Bursum landslide in 1921. It would seem that if the administration's popularity was responsible for Bursum's election, the Republicans, with an im-

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[92] New Mexico Blue Book: 1921-1922, (no page).

[93] New York Times, September 9, 1921.

[94] New York Tribune, September 28, 1921.

proving agricultural situation, would have been victorious in New Mexico in 1922. The opposite was true and the Democrats won almost all of the major offices. Credit must be given to the effective campaign organization of party chairman O. L. Phillips. Before the opening of the 1922 campaign he had brought back into the party many of the Progressive Republicans. But in 1921 when Bursum realized that he was to stand again for office, he urged Governor Mechem to call an election early in the fall. Consequently, the Democrats and Bronson Cutting did not have adequate time to break down resistance to the Senator.

Not all Republicans in the administration were pleased with the Bursum victory. Secretary Fall released irresponsible articles to the Santa Fe New Mexican and the Albuquerque Journal attacking the importance of Bursum's senatorial record. Fall claimed that President Harding, not Bursum, was responsible for the $50 million loan pool for the nation's stockgrowers. The Secretary continued that no one in New Mexico, and only a few men in Washington, knew what the substitute bill would provide. Apparently, Fall had neglected to read the Congressional proceedings for the first session of the Sixty-seventh Congress, which clearly demonstrated Bursum's support of the original and substitute measures.

Bursum busied himself with several personal matters before returning to Washington. He tried to save his stock in the Albuquerque Citizen but to no avail. This newspaper's original stock was sponsored by Bursum and Fall, but the paper proved to be a burden and was allowed to declare bankruptcy. Its editor, H. B. Hening, formerly

of the Evening Herald, moved to Los Angeles and secured employment on the Los Angeles Star.

The Senator gave brief attention to the insurance companies of the State. He urged the passage of adequate laws which would give the State the power to audit the accounts of the companies bi-annually. Pressure had been placed on the Governor to audit the records of several firms. One of these companies, which used the portrait of Bursum to sell their insurance, was ordered by the Senator to desist from such usage. He felt it highly improper that his office should be used to "commercialize . . . business."[95] The use of politically important figures to promote business interest had been practiced in the past by The National Life of the Southwest with disastrous consequences.

Before the Senator had his affairs in order he was called by his secretary, George Curry, to come to Washington. The administration, led by Senator Lodge, pressed for a vote on a German peace treaty. President Harding desired Bursum's immediate presence since, it was thought, his vote was necessary for passage.[96] Although Bursum arrived in time to support the Republican majority, his presence was not as important as it was at first supposed, for the treaty passed by a vote of sixty-six to twenty. He voted against the McKellar reservation to the treaty, which made Germany accept full responsibility for having begun, in conjunction with her Allies, the

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[95]H. O. Bursum to E. T. Chase, December 6, 1921, Bursum Papers (copy).

[96]George Curry to H. O. Bursum, October 10, 1921, ibid (copy).

World War.[97] Eighteen of the twenty senators who voted against the treaty were Democrats. They held out in hope that the United States would work in closer conjunction with the signers of the Versailles Treaty. By making a separate treaty with Germany, the United States assumed none of the obligations imposed by the Paris Peace Settlement and obtained all of its advantages.

As chairman of the Pensions Committee, Bursum was greatly concerned with equitable treatment of disabled military personnel. His first attempt to secure aid for reserve officers was frustrated by a coalition of conservative Republicans and Democrats and sent back to committee. The major complaint was voiced by Senator Lenroot, who resented high-ranking officers receiving more compensation than enlisted men.[98] Lenroot argued that since the average age of reserve officers was thirty-six they still had ten years to establish themselves in private life. The regular officers did not have the same opportunity; thus they deserved special consideration.[99] He challenged the cost of the whole program, believing that as least twice as much money would be required for the pension as the $1.5 million Bursum estimated.

Senator Smoot attacked the bill because it lacked precedent: "Let the officer whom the Senator proposes to benefit by this bill wait as long as the volunteer officers of the Civil War have waited

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[97] U. S., Congressional Record, 67th Congress, 1st Session, 1921, LXI, Part 6, 6434.

[98] Ibid., 67th Congress, 2nd Session, 1922, LXII, Part 3, 2705.

[99] Ibid., 2708-09.

and then consider the question."[100] To counter this objection, the New Mexico Senator cited the American Revolution as precedent. After their discharge from the Continental Army, veterans were given western land for their services. Bursum cited section 4730 of the Revised Statutes, relating to the Mexican War which read:

> Any officer, noncommissioned officer, musician, or private, whether the Regular Army or Volunteers, disabled by reason of injury received or disease contracted while in the line of duty in actual service in the War with Mexico, or in going to or returning from the same, who received an honorable discharge, shall be entitled to a pension proportionate to his disability.[101]

During the entire debate, Lenroot compared the reserve colonel who received 30 percent compensation at $3,000 a year to the reserve enlisted man who suffered from the same injury and received only $360 per annum. Senator Myers of Montana questioned Lenroot's use of figures and forced him to admit that if both were 100 percent disabled, the colonel would receive $3,000 a year while the private would receive $1,200.[102]

Lenroot did not object to a distinction in the amount of pension between officers and men in the regular army but would not grant the same rights to emergency personnel. He believed that the enlisted men were not in favor of the Bursum pension and stated that the petitions from veterans' organizations were propaganda issued by reserve officers. Bursum countered by producing telegrams and letters from enlisted men which illustrated their support.

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[100] Ibid., 2696.

[101] Ibid., 2789.

[102] Ibid., 2705.

The main argument presented by Bursum to support his bill was that army veterans who were wounded in the service of their country should be treated with equality. He tried to erase the distinction between wounded regulars and wounded emergency army officers.[103] The opposition, which contended that there was a distinction between the two, claimed that this measure could be used as a vehicle for the relief of persons outside the armed forces. When the bill came up for a vote, the New Mexico Senator summarized this argument before the solons.

> The boys who will be affected by this bill are those who are seriously injured and crippled, who have been rendered incapable of pursuing their usual vocations. There may be an exception now and then, but, Mr. President, during the hearings which were held upon this bill about 30 or more disabled emergency officers appeared before the committee . . . . The class of men who will be taken care of under this bill typify such men as Major Whittlesay, of what is generally known as the "Lost Battalion" . . . . Out of 679 men in his command 70 per cent became casualies (sic) and approximately 110 were killed . . . . In the midst of this the emergency officer held out to the end.[104]

The opposition attempted to block the passage by referring it to the Committee on Military Affairs, but this move was voted down. The measure came to a vote in the Senate and passed with slight opposition.[105]

The famous Bonus bill became a national issue in 1922. The chairman of the Pension Committee favored the passage of the bill

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[103] Under a previous bill passed by Congress in 1920, which was in effect for eighteen months, emergency marine and naval officers received the same disability retirement as did regular officers.

[104] U. S., Congressional Record, 67th Congress, 2nd Session, 1921, LXII, Part 3, 2830.

[105] Ibid., 2831.

despite the open opposition of the administration. In Bursum's judgment the chief object of the measure was to refund to service men that "which Congress wrongfully withheld from them," and "to provide for a just restitution of that which honestly and equitably is due them . . . ."[106] Its purpose was not, as the opponents claimed, to present a gift nor to attempt to cheapen patriotism by commercializing the loyalty of Americans.

The junior Senator from New Mexico believed the method of financing the Bonus bill was inadequate. In order to correct this shortcoming, he introduced an amendment to House Bill 10874. Under the original House bill only a small fraction of the proposed bonus would be given to the veterans in cash. The remainder of the money would be in commercial paper. Veterans could then secure loans on these notes. Bursum believed that the recipients would suffer from the discounting of the notes, while the commercial banks would harvest most of the benefits.[107] This method, "unheard-of" in business, would triple the final cost of the measure. Bursum believed that the servicemen should be paid "one hundred cents on the dollar."

If the government did not have the money on hand, it had the best credit in the world and could easily borrow the sum at 3.5 percent, about half the rate that commercial banks would charge the veterans. Under the original bill, the Federal government would eventually pay $125 to cancel $100 given to a veteran.[108] Senator

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[106] Ibid., Part 11, 11777.

[107] Ibid., 11779.

[108] Ibid., 11780.

Bursum argued that his proposal would save the government $10 on every $100 borrowed over a twenty-year period.

Heavy opposition caused Bursum to modify his amendment slightly. He consented to allow only 50 percent of the veteran bonus to be paid in cash; the remainder was to be paid within five years and would bear 3.75 percent interest. It was estimated that the original House bill would cost the taxpayers two billion dollars while the Bursum measure would cut the cost in half.

In expanding his thesis that the American soldier and his family suffered grave hardship as a result of military service, Bursum pointed out that a soldier with dependents did not have more than two or three dollars a month for personal necessities. While Congress enacted "what is known as the bonus law," which gave $20 a month in addition to regular salary to every civil employee of the government, it did not see fit to increase the soldier's family allotment by the same percentage.[109] He believed that the veterans were entitled to this bonus, plus a refund of the premiums paid for government insurance.[110] It made little sense to call upon a soldier to defend his country, then force him to pay a premium because he was exposed to the ravages of war.

Bursum tried to attach a rider to the Bonus bill to guarantee the value of Liberty Bonds owned by veterans. Soldiers possessed thousands of Liberty Bonds which they had purchased with their meager

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[109] Ibid., 11777.

[110] Ibid., 11865.

pay. The subscriptions were arranged through officers of the regiment. The value of these bonds dropped, and in 1922 they were worth only 80 or 85 cents on the dollar and in some cases less. Bursum suggested that the government honor its bond commitments to the soldiers and compensate at par those who had lost on their investments.

The Bursum amendment to the Bonus bill was defeated in a voice vote by a count of 44 to 27.[111] However, he did manage to have included in the bill itself the refunding of insurance premiums and reimbursement for losses sustained upon the disposing of Liberty Bonds. One of the chief arguments against the passage of the bill was general disagreement on the method of financing the measure. When the Senate called for a vote the bill carried by 47 to 22 with Bursum voting for the measure.

President Harding vetoed the bill, but veteran groups exerted so much pressure on Congress that Bursum reintroduced the measure and it passed over the President's veto. The Bonus bill as passed took the form of a paid-up insurance policy which was to fall due in twenty years. The average amount of each policy was $1,000 and a veteran could borrow up to 22.5 percent of its face value. The bill added $3.5 billion to the total cost of the war.[112]

One of the weaknesses in the Bursum amendment to the Bonus bill was its failure to consider American veterans of past wars. To remedy the national neglect of these veterans, Senator Bursum

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[111] Ibid., 11964.

[112] Hicks, p. 527.

introduced an omnibus pension bill Number 5275, which proposed the granting of pensions and the increase of pensions to "certain soldiers of the Civil and Mexican Wars, and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812, and to certain Indian War Veterans and widows."[113] The bill encompassed the names of 1,600 qualified veterans and dependents.[114] In order to speed up the work of Congress, all of the separate pensions were considered together.

Before any of the pensioners were listed, their claims were carefully examined by the Pension Committee. The original bill from the House of Representatives covered a greater number of pensions, but the committee carefully screened the applications and allowed only 1,600 claims. The bill provided an increase for Civil War pensioners from $50 to $72 a month. The cost would amount to $60 million a year, but since the average age of these veterans was seventy-eight it was concluded that the cost would diminish 50 percent a year.[115] The only serious objection raised to the bill was the ability of the United States to add $60 million to the $300 million already given in pensions. The assurance that this was possible and that the amount would be negligible after five years satisfied the opposition. Despite the popularity of the measure, the President vetoed it on the ground of economy.

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[113] A Brief Summary of the Record of Senator Bursum's Support and Aid (Albuquerque, Thomas Hughes, Printer, 1924), p. 6.

[114] U. S., Congressional Record, 67th Congress, 2nd Session, 1922, LXII, Part 12, 12263.

[115] Ibid., 12288.

> The Commissioner of Pensions estimates its additional cost to the Treasury to be about $108,000,000 annually, and I venture the prediction that with such a precedent established the ultimate pension outlay in the half century before us will exceed $50,000,000,000. The act makes no pretense of new consideration for the needy or dependent, no new generosity for the veteran wards of the Nation: it is an outright bestowal upon the Government's pension rolls, with a heedlessness for the Government's financial problems which is a discouragement to every effort to reduce expenditure and thereby relieve the Federal burdens of taxation.[116]

Bursum suggested that the President's message be printed to that he might give the contents further study. Six days after the message was read, the Senator spoke before the upper house and bitterly attacked the Republican President for his lack of consideration and logic in vetoing the proposal.

> I can not help but feel that this is a harsh message, a cruel message, when we consider the physical conditions, the suffering endured, sacrifice made, the service to the Nation, the age of the veterans, the aged widows who are eking out a miserable existence, who are suffering from infirmity and a shortage of sufficient nourishment and care on account of inability to provide financial means for obtaining the same--of those who are affected thereby.[117]

The junior Senator assailed the seemingly naive reasoning of the Commissioner of Pensions. The annual loss of veterans and veterans' widows through death was approximately 40,000. According to Bursum, at the end of the first year the increased expenditure would amount to $72,608,668. During 1924, it was further estimated, the figure would drop to $35,439,104. Even if one used the presidential figures, each Civil War veteran and his dependents would have to live fifty years to run the deficit to $50 million. The Commis-

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[116] Ibid., 4th Session, 1923, LXIV, Part 2, 1175.

[117] Ibid., 1464.

sioner of Pensions reported at the end of 1921 that $5,749,030,455.07 had been spent on Civil War pensions;[118] thus it would seem unlikely that in a period of ten years a similar amount would be spent.

Bursum criticized the language of the veto message. Many readers gained the impression that Harding vetoed the bill because it had questionable moral implications. The President had stated that he did not believe any marriage or "cohabitation" for two years prior to a veteran's death should be sufficient justification for a pension for the widow.[119] The New Mexican wished to clear the record and let it be known that the Senate did not seek to legalize concubines. The President apparently misread the last provision of the bill: ". . . or if legally married after such date shall have subsequently to such marriage lived and cohabited with such soldier, sailor, or marine for a period of at least two years and continuing until his death."[120]

Harding had passed a $20 million appropriation for the starving people of Russia, and Bursum wondered why he was so willing to help those in far off lands yet ignore the sufferings at home. "The successful functioning of a government depends upon patriotism; patriotism itself depends upon willingness to sacrifice. If you would have the people at all times stand four square for the Govern-

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[118] Report of the Commissioner of Pensions to the Secretary of the Interior for the Fiscal Year Ending June 30, 1921 (Washington: Government Printing Office, 1921), p. 16.

[119] U. S., Congressional Record, 67th Congress, 4th Session, 1923, LXIV, Part 2, 1175.

[120] Ibid., 1466.

ment, the Government in turn must show its appreciation of service and sacrifice by standing four square in return."[121]

The Senator persisted in the passage of the bill. It was reintroduced as S 4305, and modified to include only the very aged widows and veterans. Only those veterans seventy-eight years of age and widows over sixty-eight could have benefited from the bill. Unfortunately, the Sixty-seventh Congress concluded its business before action could be taken. However, one of the first measures introduced in the Sixty-eighth Congress was Senate Bill 5, or the Bursum Pension bill.

The new measure increased a widow's monthly pension by $15 if she were past seventy-four years of age. Widows between the ages of sixty and seventy-four would receive $5 increase. The remaining group would receive no increase.[122] Veterans would receive the same amount as provided in the vetoed bill. The new measure eliminated the objections expressed in Harding's veto. Widows who had married Civil War veterans after 1915 were not included and there was no provision for placing additional widows on the rolls. Furthermore, the cost of the bill was cut in half and the total gross cost was estimated at $55 million.

Senate Bill 5 granted minor increases in pensions for disabled veterans of the Spanish-American War. The maximum amount for total disability was fixed at $50 per month; however, at the age of sixty-two all Spanish-American War veterans regardless of physical

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[121] Ibid.

[122] Ibid., 68th Congress, 1st Session, 1924, LXV, Part 5, 4546.

condition would receive $20 per month. This was not expected to add any great burden to the measure since the average age of these veterans was forty-six years.[123]

Serious objection to the coverage of the bill was raised by Senator Dial of South Carolina. He protested the proposed pension to volunteers of the Indian Wars. Since most settlers were faced with similar problems and fought with equal vigor, it did not seem necessary to select special volunteers as recipients of pensions.[124] He also objected to pensions for veterans of the Boxer Rebellion and the Philippine Insurrection on the grounds that these soldiers were part of the regular army and covered under the general retirement acts.

Senator Bursum informed his colleague from South Carolina that many of the veterans of the Philippine Insurrection were volunteers who were sent to those islands after the conclusion of the Spanish-American War. This did not stop Senator Dial from attempting to weaken the bill. Amendment after amendment was introduced but each was defeated. At one point the bill was considered to be a "robbery" because of the heavy burden that was placed upon the taxpayers.

Generally, the opponents of the measure fought the bill on the grounds of economy. Senator Reed proposed the effective date of the measure be July 1925, since the budget had already been made for the fiscal year 1924. His amendment was defeated because of pressure from various veterans' groups. These organizations pointed

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[123] Ibid., 5014.

[124] Ibid., 5135.

out that "seventy-five thousand veterans and widows will be dead before July 1, 1925. Their needs are pressing and delay is, in fact, killing them."[125] The measure was voted on April 1, 1924, and passed by 51 to 10 with 35 not voting.

President Calvin Coolidge's philosophy on pension legislation did not differ radically from that of Harding. On May 3, he returned Senate Bill 5 without his approval. The Harding and Coolidge veto messages were similar in many respects. The President reasoned that while the first year's cost would be $58 million, the bill would impose a $415 million burden on the taxpayers over a ten-year period.[126] Coolidge emphasized the date of the last pension increase, which was 1920, and believed that the country's fiscal condition could not stand another one.

> The need for economy in public expenditures at the present time cannot be overestimated. I am for economy. I am against every unnecessary payment of the money of the taxpayers. No public requirement at the present time ranks with the necessity for the reduction of taxation.[127]

Ten days after the President signed his veto message, Bursum reintroduced the measure. His initial arguments rested on the patriotic duty of Congress not to forsake disabled veterans and their dependents. He produced letters, resolutions, and editorials which reported the public disappointment with the President's veto. An article in the Omaha World Herald was typical of the reaction:

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[125] Ibid., Part 6, 5329.

[126] U. S., Congress, Senate Documents, Miscellaneous, II, 68th Congress, 1st Session, Document No. 103 (no numbering system), Part 1 of document (Washington: U. S. Government Printing Office, 1924).

[127] Ibid.

> We have never given the Spanish-American War veteran quite the honor that is his due. He did great things for us. He was a volunteer soldier. He acted in a hurry. He suffered. He bled. He endured hardships. He had his sickness, and he won . . . . Many of them never came back.[128]

When the appeals to patriotism were exhausted, the Senator proceeded to show the errors in the figures compiled by the President with the aid of the Pension Commissioner. The Chief Executive's estimate of the first year's cost was too high in comparison with the Bursum figures. The Senator pointed to the $14 million reduction that would be brought by the death of veterans. The President's message claimed an annual increase in the cost of the plan by $48 million, while the New Mexico Senator reasoned that the cost of the plan would be reduced materially every year because of deaths. He estimated that the total cost would not exceed $75 million for the ten-year life of the law.[129]

The Chief Executive sensed that the Bursum bill might have ample support to override his veto. To circumvent this possibility, he called in several important Republican leaders to defeat the motion. Senator Neely charged that the President had become a lobbyist and accused him of "attempting to usurp the legislative function of the Congress [by] seeking to exact assurances from the leaders of the Senate and House that the veto of this meritorious measure shall not be overridden."[130] The charges brought against Coolidge were without foundation. It has always been the prerogative

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[128] U. S., Congressional Record, 68th Congress, 1st Session, 1924, LXV, Part 8, 8415.

[129] Ibid., 8416.

[130] Ibid., 8422.

of the President to "whip" his party into support of his measures. Normally, he accomplished this objective by not favoring desired appointments of recalcitrant party Senators. Many of the Republicans who had backed the measure when it first won senatorial approval now voted against it. Loyalty to the President took precedent over the Bursum Pension bill; consequently it was defeated by a single vote.[131]

The junior Senator from New Mexico confined the remainder of his Congressional term to introducing separate pension bills. In this manner he succeeded in aiding thousands of deserving veterans without making them a political target, or without being accused of using them as a tool to further his career.

Bursum was a member of that vociferous body of Congressmen who believed in economic and political nationalism. To achieve this goal, it was their belief that a high tariff was necessary. American industry had profited by the demands of the European war. With the conclusion of the conflict, industry feared that European goods would be dropped on the American market with the consequence of lower prices for American products. The agrarian elements, pinched by deflation, clamored for a tariff that would eliminate foreign foodstuffs.

The Sixty-seventh and Sixty-eighth Congresses ignored the warnings of President Wilson, who had emphasized the changing complexion of the American economy caused by the war. Wilson had foreseen that the United States could no longer consider itself a

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[131] Ibid.

debtor nation; it was a creditor nation whose very lifeline depended on liberal trade regulations. During the first session of the Sixty-eighth Congress, the Fordney-McCumber Tariff was debated and passed, replacing the Emergency Tariff of 1921.

Bursum represented the extreme protectionist viewpoint in the tariff debate. When the question of a general embargo was considered, he voted in its favor. During the early debates Bursum urged complete protection of the chemical industry, even if it meant a tariff of 100 percent or 200 percent.[132] He believed that under the rates of the Fordney-McCumber Tariff the dye and chemical industry could not survive. The tariff was not only a matter of industrial protection but encompassed the problem of national defense and progress.

Since it would be difficult for the Tariff Commission to set individual rates for the thousands of dyes and chemicals coming into the nation, Bursum proposed a 90 percent ad valorem duty plus 10.5 cents per pound on the chemicals. The ad valorem duty would be based on the price of the American product. Bursum's provision would increase the tariff to such a height that one Senator exclaimed that the embargo would be mild when compared to this proposal. The weakness in Bursum's amendment was that it failed to exclude from the tariff chemicals that were not produced in this country and thereby put an unjustified expense upon the user. The junior Senator countered that if the United States was not producing these dyes it should promptly do so.

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[132] Ibid., 67th Congress, 2nd Session, 1922, LXII, Part 11, 11498.

The Bursum amendment went to a joint committee. Senator Smoot of Utah used his influence to defeat it but it was adopted by the Senate.[133] In the judgment of the New Mexico Senator, it was the duty of the conferee to carry out the "expressed desire of the body which he represents, and that if he fails to stand for it and at least to make a reasonable effort to carry it out, he is violating the faith and the trust in him reposed."[134] He concluded that the only effect that could be gained from such a procedure was a complete demoralization of the Senate and a usurpation of power by neglecting the desires of the majority.

Bursum believed that every section of the nation and every industry required protection in order to maintain the American standard of living. If it was proper to impose protective tariff duties on the manufacturer's goods, then it was proper to impose duties on the basic products upon which the manufacturing industries depended. He flatly denied that the tariff was a direct subsidy to manufacturers but rather believed it to be a source of government revenue which would alleviate the tax burden of the American consumer. Bursum attacked the reasoning of Senator Lenroot of Wisconsin, who believed that a tariff on hides would be of little benefit to the cattle industry and of great value to manufacturers. Lenroot furthered his argument by stating that the tariff would increase the cost of leather goods to farmers so that, in the final analysis, their economic condition would not be aided.[135]

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[133] Ibid., 12902.

[134] Ibid.

[135] Ibid., 11120-11123.

New England manufacturers were sharply criticized by western senators for attacking the import duty on hides while at the same time demanding protection for shoes. The manufacturers had issued widespread rumors that the duty on hides would add $2.50 to the price of shoes, but in reality the maximum increase would not add more than 6 cents to the finished product.[136] Bursum, who spoke for the western bloc, demonstrated the need for uniform protection.

> If we are not going to protect the producers, then we ought to be consistent in principle. If we are going to have free hides, let us have free valises; let us have free harness and let us have free leather goods of every kind and character.[137]

Although Bursum was singularly unsuccessful in gaining a tariff on hides, he salvaged a moderate duty for meat. He blamed the depressed livestock market on the lack of protection from Argentine beef, and pointed to the great prosperity of the cattle industry under the Dingley Tariff of 1897. The Senator failed to realize that depressed agrarian prices were due to the increased profit-taking by the meat packing industry, the general overextension of the range industry brought on by the demands of the World War, and the loss of European markets.

During the debate on the tariff, many New York and Washington newspapers openly assailed members of the Senate. The New York Herald, for example, characterized the tariff as an indictment of of several senators "who are financially interested, directly and heavily, in the growing of sheep and the production of wool. The

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[136] Ibid., 11125.

[137] Ibid.

circumstances are flagrant."[138] Senator Caraway of Arkansas accepted the statements at face value and demanded an investigation of the stories to see if there was a conflict of interest in the Senate.[139]

Senator Bursum was mentioned as one of those "millionaire" Senators who were trying to further their interests by the passage of a high wool schedule. In answering these charges, Bursum stated: "I should be perfectly willing to give my note for half the amount stated in that article and turn it over to anyone who would agree to have it discounted at the bank, and I will divide with the fellow who obtains that discount."[140] At the time the New York Herald charged Bursum with being a millionaire, he owed debts of over $300,000 which he found difficult to repay. The tariff had little effect on his income, while his salary as senator only compounded his indebtedness.[141] He had little objection to a Senate investigation but questioned the propriety of a representative body such as the United States Senate taking notice of every "slur that may be published by some half-brained fellow who may be in the employ of some political party or of some particular interest for the purpose of disseminating propaganda."[142]

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[138] New York Herald, July 26, 1922.

[139] U. S., Congressional Record, 67th Congress, 2nd Session, 1922, LXII, Part 11, 10780.

[140] Ibid., Part 10, 10780.

[141] Bursum had made many unfortunate investments in the Mogollón Mining district and in land speculation. The severe drought of 1921 added to his financial difficulties.

[142] U. S., Congressional Record, 67th Congress, 2nd Session, 1922, LXII, Part 10, 10785.

A debate followed in which the Democratic senators tried to prove a conflict of interest within the Republican ranks. Caraway believed that many of the Republicans endeavored to improve their own fortunes, while the opposition charged him with covering his free trade interest with accusations. Senator Stanfield reasoned that since the Republican Party ran on a protective tariff platform, they were obligated to carry their promises into law. The Democrats continued to claim that their Republican colleagues were wool kings. Pandemonium broke loose as the Democrats called for an investigation of the Republican senators who voted for the high wool schedule. At the peak of the confusion, Bursum delivered his retort to the Democratic charges:

> In speech he is a wonder
> How small are his games;
> How loud is his thunder,
> How little it rains![143]

He never denied that he represented the wool industry but questioned the demagogic attitude of the opposition who wished to serve as moral judges of the United States Senate.

Before the emergency tariff was passed, the price of wool had dropped to an average of 20 cents; at one point 10 cents a pound was difficult to obtain. During the tariff debates, Bursum pointed out that it was not a question of high or low tariff but the survival of the sheep industry. He strove to perform a duty which would give it a purchasing power comparable to that of sister industries. It was expected that the Fordney-McCumber Tariff would not allow

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[143] Ibid.

wool growers of the west a profit of 10 percent on their investment over a period of five years. Bursum's proposed increase of the wool schedule allowed the industry to exist without incurring additional indebtedness.

The arguments by both parties centered around the long-range effects of the wool schedule. The eastern interests who manufactured woolen products fought for a low duty, while the western senators were for a high tariff. Bursum pointed to the various methods used by eastern importers to circumvent tariff duties. One such method was to import only the choice part of the pelt of an animal. The import duty of eleven cents a pound was based on the assumption that the whole pelt would be taxed; the poorer parts would have a duty of five cents a pound while the choice parts of the hide would have a twenty-five-cent duty. Thus the average duty of the whole pelt was eleven cents. However, eastern businessmen imported only the choicest parts of the animal at the average duty of eleven cents.[144] Since it cost thirty-seven cents to raise domestic wool, foreign competition tended to depress the American wool industry. The Emergency Tariff did bring a measure of relief by raising the duty on imported wool to an average of thirty-five cents a pound.[145]

Bursum tried to eliminate the ad valorem rate because it was difficult to keep a constant check on the fluctuating market and the various qualities of wool that were imported. Carpet wool, for

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[144] Ibid., 10562.

[145] Ibid., 10562-10564.

instance, could come into the country duty free, while fine wool would have a tariff of thirty-three cents. He feared that the administrative cost of the tariff would be extremely high. To remedy this problem, the Senator recommended a flat, across-the-board duty on all types of imported wool.

Bursum's opponent, Senator Lenroot, introduced a counter amendment which would have lowered the tariff on wool to the pre-war level. His arguments rested on the thesis that the country was in the midst of a depression and that the consumer could not afford to buy woolen products if the Fordney-McCumber Tariff was passed as drafted. Neither Bursum or Lenroot succeeded in having their resolutions incorporated into the bill.

The wool schedule, which Bursum wrote in part, was one of the few provisions of the tariff which brought relief to agriculture. The schedule provided for a flat rate of thirty-three cents on domestic wool, which was mostly in the medium and fine class and was used for the manufacture of clothing. Coarser wools, which were not produced in the United States, were allowed to enter the country duty free and were to be used exclusively for carpets. A penalty was imposed if this coarse wool was used for clothing.

The schedule, upon the recommendation of the tariff commissioner to the President, could be altered to "equalize the difference in cost of production in the U. S. over similar articles produced elsewhere." Equalization never became a reality, for neither Harding nor Coolidge felt bound to follow the recommendations of the commission, and only minor reductions were made in a six-year period, while thirty-two upward changes were put in force.

When the provisions of the Fordney-McCumber measure were placed before the Senate, Bursum voted for almost all of the sections that increased duties on foreign goods. He voted for the measures that would favor the West, thus illustrating his profound belief that protection was the key to the return of prosperity.

The Sixty-seventh and Sixty-eighth Congresses were dominated by conservative Republicans. One of the early measures which they hoped to push through was a widespread income tax reduction. Unfortunately, the largest reductions were reserved for the high income groups. Senator Bursum invariably voted to reduce taxes on the large corporate and personal incomes, and with equal vigor opposed the Democrats' attempts to increase Federal levies on that group.[146] When the Gerry Amendment was introduced proposing to lower the Federal tax on incomes under $15,000 by 25 to 50 percent, he voted against the measure. The Reed Amendment, which was meant to tax excess profits, met defeat.[147] The Jones Amendment providing for a graduated tax upon undistributed earnings received similar treatment.

In the forty or fifty income tax amendments, Bursum never wavered in his belief that the corporations were taxed to a point where they had little to reinvest in the nation's economy. Taxes of 50 and 60 percent were considered robbing the rich to aid the poor--a procedure out of tune with the era of Harding and Coolidge.

If one suspected that the Senator had much to gain from his voting record, it might be noted that Bursum was heavily in debt and

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[146] *Ibid.*, 1st Session, 1921, LXI, Part 7, 6646-6648.

[147] *Ibid.*, 6801.

could not have been aided by the excess profits amendments to the tax structure. Like his mentor, Andrew W. Mellon, he believed that "if government left business alone and if taxes were kept at a minimum, business would prosper, and that if business prospered all would be well in the world."[148] Senators LaFollette and Reed fought the Mellon-Harding stalwarts, of whom Bursum was one, in vain. The excess profits tax was so altered as to save the great corporations over a billion and a half dollars per year. Mellon profited from this tax by one million dollars.[149]

While the tax measures were being debated, Bursum became aware of the need to bring relief to the banking system of New Mexico. During the period between 1921 and 1923, the number of bank failures increased at an alarming rate. The Senator complained that these failures were due in part to the action of the Federal Reserve Bank, which purchased $49,438,000 worth of New Mexico securities, lending only $8 million within the same district.[150] Bursum hinted that tight credit regulations by the Federal institution were responsible for the failures. Although he did not recommend any specific changes in the Federal law, he desired Congress to pass relief measures which would "recapture the confidence of the Country." Congress paid little attention to his pleas; instead it referred the bill to

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[148] Karl Schriftgresser, This is Normalcy: An Account of Party Politics during Twelve Republican Years 1920-1932. (Boston: Little, Brown & Co., 1948), p. 106.

[149] Ibid., p. 108.

[150] U. S., Congressional Record, 68th Congress, 1st Session, 1924, LXV, Part 2, 1966.

the Committee on Banking and Currency where it died.

The Congress of the United States was faced with the critical problem of Japanese expansion in the Far East and of Naval Disarmament. During the First World War, Japan had received the northern Pacific islands which were owned by Germany as a result of a secret treaty with Great Britain. One of these islands, Yap, was a vital cable station which the United States wanted Japan to internationalize. When Japan refused to consider this proposal, the United States, Great Britain, and Japan found themselves accelerating the already dangerous armament race. To alleviate the tense world situation, Senator Borah introduced and saw passed a resolution calling for a tri-power meeting. After months of delay, a reluctant Japan came to Washington to discuss American cable rights on Yap, Naval Disarmament, and the future of China.

The first treaty sent to the Senate for ratification recognized Yap as a Japanese mandate. After much deliberation, the Senate accepted the treaty, but Japan was compelled to safeguard the American right to lay and operate the cable to Guam, or any other cable the United States might wish to add to the communication system with that island. Although there were several attempts to amend the treaty, the Republicans blocked them. Since this was an administration measure, Bursum voted for its ratification; however, he failed to defend or amplify his reasons for so doing.[151] One may judge from his voting record that he desired to avoid any agreement which would commit the United States to intervene in disputes in the

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[151] Ibid., 67th Congress, 2nd Session, 1922, LXII, Part 7, 3193.

Far East.

While opposition to the Five Power Naval Agreement or the Five Power Pact was expected, only one Senator opposed the measure.[152] But the Four Power Treaty negotiated at this time met with mild opposition. This treaty abrogated the Anglo-Japanese Alliance and stated in essence that the United States, Great Britain, France, and Japan would recognize one another's rights in the Pacific. The United States agreed not to arm her Far East outpost, which resulted in exposing the Philippines to Japan. Every attempt to amend the treaty was beaten down by the heavy Republican majority; Senator Bursum voted without exception with the administration-backed majority.

The last treaty to be considered by the weary delegates was the Nine Power Pact. This agreement hoped to salvage the remnants of the "sick man of the Far East"--China. The Nine Power Treaty passed the Senate on March 30, 1922, without a single dissenting vote.[153] The signatories bound themselves to respect the independence and sovereignty of China. The treaty called for the elimination of spheres of influence and reaffirmed the Open Door Policy. "But the pact was purely self-denying; none of the signatories bound themself to defend the Open Door by force. Its validity rested primarily on the good faith of the contracting Powers."[154]

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[152] Ibid., 4718-19.

[153] Ibid., 4784.

[154] Thomas A. Bailey, A Diplomatic History of the American People (New York: Appleton-Century-Crofts, Inc., 1955), p. 697.

Bursum, in supporting these measures, was as inconsistent as the party he represented. The Senator and the Republican Party traditionally disliked entangling alliances or any binding agreements with foreign powers. It was because of this conviction that Bursum opposed the League of Nations, the Permanent Court of International Justice, and the Versailles Treaty. The Republican Party, in general, and Harding in particular, denied that these treaties committed the country to entanglements. If this statement were true, then the treaties were meaningless and accordingly valueless.[155]

The Far East and armament questions temporarily overshadowed the Mexican Revolution. Following the death of Carranza on May 21, 1920, Álvaro Obregón was elected President of Mexico. The United States withheld recognition of his government pending negotiation of American business losses suffered by expropriation. Senator Bursum, just prior to leaving Washington for New Mexico to attend the Republican State convention, urged recognition of Obregón at the very earliest moment. There were many reasons for his doing so. First, it was essential to the stabilization of Mexico, for without immediate recognition from the United States the task of maintaining a stable government in Mexico would be difficult. If recognition was withheld "the general impression would be conveyed to the Mexican people that the United States was not sympathetic toward the existing government."[156]

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[155]Schriftgresser, p. 137.

[156]Letter to New Mexico newspapers from H. O. Bursum, August 27, 1922, Bursum Papers (copy).

Secondly, the United States could secure a favorable balance in trade negotiations with Mexico. The Senator believed that he "knew of no factor which would help the rehabilitation of American commerce more than the resumption of friendly relations with Mexico."[157] Furthermore, Mexico was a "natural ally." "We should assist in re-financing her and in re-building her commerce and industry, for by so doing we would be materially helping ourselves as well as promoting an era of good feeling throughout Latin America."[158]

The Senator waved his finger at the Obregón critics and cited the progress made in Mexican recovery during Obregón's short period as Chief Executive. "He has demonstrated that he is a man of capacity, of constructive-mind and recognizing (sic) the necessity of sound economic policies and their relation to a stable government."[159] Bursum urged immediate recognition after which a formal treaty could be signed, resolving the differences between the two powers. He had taken the liberty to discuss with members of the Mexican Congress the major factors responsible for the American failure to recognize Mexico. They assured him that they were not disposed to consider any law as retroactive which would be in violation of "lawfully acquired rights."

The sale of arms to the Mexican government was considered by Bursum to be a serious mistake: "It has the effect of making us officially a party to their controversy, which is entirely

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[157] Ibid.

[158] Ibid.

[159] Ibid.

internal in its character and a matter of which we have no concern."[160] As long as the lives and property of Americans were not violated, he felt we had little ground for intervention: "It is bad enough for foreign governments to buy in the open market, but it is decidedly worse for the government officially to be engaged in the matter of selling arms to a foreign country . . . ."[161]

The history of Mexican recognition involves necessarily the names of many individuals who worked quietly behind the scenes. In the negotiations leading to a restoration of diplomatic relations between Mexico and the United States, the name of Senator Bursum of New Mexico is conspicuous. Before formal recognition could be achieved, it was necessary to bring about a series of conferences to establish a basis for an official meeting. Señor Villalobos, a member of the Mexican Congress and personal representative of President Obregón, met with Senator Bursum and asked "advice about what means might properly be taken to advance the cause of recognition."[162] The Mexican leader was extremely cautious lest the nagotiation with the United States be construed as a sign of Mexican weakness.

The New Mexico Senator suggested that Villalobos meet with former Postmaster General Frank H. Hitchcock.[163] Hitchcock, who was

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[160] H. O. Bursum to A. R. Burkdoll, January 7, 1923, Bursum Papers (copy).

[161] Ibid.

[162] El Paso Herald, October 14, 1923, Bursum Papers.

[163] Ibid.

financially and culturally interested in Southwestern enterprises, favored Mexican recognition. Moreover, he held great sway over the Republican Party. The three men held various meetings in New York and Washington with a view of presenting the United States Government with an unofficial plan which might form a basis for future agreement.[164] The tripartite sessions produced the suggestion that a mixed commission be formed to discuss the major grievances between the two nations. After common agreement was reached, the members of the commission would report their findings to their Chief Executives. This plan, or one quite similar, was ultimately adopted by the American President.

Senator Bursum placed before Harding the tentative proposal, which was approved by the President in principle. The President gave the Senator the unofficial understanding that the United States Government would be agreeable "if some such method could be instituted by common consent."[165] In translation the statement meant that Mexico should institute the negotiations.

Next an attempt was made by Bursum to secure the services of General James A. Ryan, United States Army, retired, who had been in Mexico City for several years and was a close friend of President Obregón. Ryan tried to persuade Obregón to call for a joint commission but to little avail. After his visit with Obregón, Ryan went to Washington where the Senator used his influence to arrange a conference with Harding. The President once more gave his tacit

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[164] Ibid.

[165] Ibid.

approval of a commission, but still declined to take the initiative to call a convention.[166]

There matters stood until the Mexican Secretary of the Treasury, Alfonso de la Huerta, arrived in Washington to make arrangements to refund his country's outstanding bonds of indebtedness. Bursum and Ryan approached De la Huerta and asked if he would be willing to take the initiative in suggesting officially the use of the joint commission. De la Huerta consented to the arrangement, but the plan collapsed when Harding refused to receive the Mexican Secretary because Mexico had no official status with this country. Upon Bursum's proposal, the President wrote a letter "suggesting that the Senator invite Señor de la Huerta to come by Washington and stop off and call at the White House. The letter was given to General Ryan to deliver to Señor de la Huerta in person, together with an invitation from Senator Bursum to come as his guest."[167]

De la Huerta received permission from Obregón to pursue this course, and so, with Ryan and Bursum, he went into conference with President Harding. This meeting, as well as a later one with Secretary Hughes, did not produce the desired results. The Mexican delegate was completely dejected but agreed to attend one final meeting in the Senator's office. Present were De la Huerta, his secretary, General Ryan, Judge Todd of Ohio, Congressman Cole of Ohio, Ed Heid of El Paso, A. B. Renehan of Sarta Fe, James G. McNary,

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[166] Ibid.

[167] Ibid.

and Holm O. Bursum.[168] De la Huerta enumerated the concessions that would be made by Mexico but would not make his statement public unless he knew that there was "no chance of humiliation to his people" in making the proposal. In other words, he wanted tacit approval of his plans from the State Department.

Bursum took the Mexican proposal to the State Department and placed the document before Secretary Hughes who, without hesitation, stated that it was acceptable. The Secretary remarked, "Senator, if you can bring these different elements into practical agreement you have done something that no one else has been able to do."[169] Shortly after Hughes's reassurances were conveyed to De la Huerta, a joint commission was announced by both countries. This resulted in United States recognition of Mexico on August 31, 1923.

During the autumn of 1923, Senator Bursum was requested by the Livestock and Agricultural Loan Company of New Mexico to negotiate the sale of 40,000 head of livestock to the Caja de Préstamos in Mexico City. The stock of the Caja de Préstamos was owned in part by the Mexican government. During the drought of 1922 the New Mexico livestock industry had been forced to ship the 40,000 head to Mexico in order to avoid complete disaster. When the range improved in 1923, some of the ranchers desired to bring back their livestock; others believed a quick profit could be realized if their stock were sold to the Mexican livestock company, Caja de Préstamos.

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[168] Ibid.

[169] Ibid.

Bursum went to Mexico to inquire whether the company would buy the stock. The War Finance Corporation, which held securities on this stock, showed little objection to the sale. The Senator negotiated the sale of the livestock on behalf of the private New Mexico corporation on the following basis: cows $40, yearling heifers $30, calves $15, bulls $100, saddle horses $35.[170] A 10 percent commission, which was to cover legal fees and expenses of various agencies, was to be subtracted from the gross value since "a deal with a foreign country of this magnitude could not be carried on without considerable responsible and capable help." Since Bursum would not be able to carry the negotiations to a conclusion because of the resumption of Congress, someone would have to be paid to finish the transaction.[171] The fee was also to cover the actual expense of the Senator in his negotiations with the Mexican firm.

It was hoped that the value of the New Mexico livestock would increase at least $10 a head, thus adding $4 million to the industry. This would have enabled the stockmen to cancel their outstanding debts and have a slight margin of profit to carry them through the forthcoming season.

The Mexican government was a willing customer but was saddled with financial chaos. Bursum proposed three plans to finance the livestock sale to the Caja de Préstamos.[172] The first was to

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[170] H. O. Bursum to W. O. Murray, October 12, 1923, Bursum Papers (copy).

[171] H. O. Bursum to R. E. Twitchell, October 24, 1923, ibid.

[172] H. O. Bursum to W. O. Murray, October 12, 1923, ibid. (copy).

use five million pesos, which were to be received from American oil firms, and lend it to the quasi-government institution. The difficulty with this plan was that the oil negotiations would be drawn out and could not furnish immediate capital. One of the alternate plans was to have the Caja de Préstamos issue three-year bonds at 6 percent interest, which would be guaranteed by the Mexican government. Since the bonds would be sold at par, it was hoped that the War Finance Board would accept them. The last plan suggested that the Caja de Préstamos issue bonds, which would be used as collateral for borrowing on the New York Stock Exchange, for a period of three years.[173]

Bursum, who was concerned about the legality of a bond transaction, asked former Governor Merrit C. Mechem and his law partner, Frank W. Vellacott, to inquire into the Federal statutes.[174] He was advised by the attorneys that Mr. Watson of the War Finance Board thought the deal was a "fine one from the cattle owners' standpoint, yet they were in doubt as to the authority of the Board to accept the Mexican bonds . . . ."[175] On November 19, 1923, H. V. Watson officially notified the Livestock and Agricultural Loan Company that the Board could not accept Mexican bonds in lieu of that corporation's obligations.[176] Inasmuch as the Mexican government had no possible way of buying the New Mexico livestock,

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[173] Ibid.

[174] Merritt Mechem to H. O. Bursum, November 1, 1923, ibid.

[175] Ibid.

[176] H. V. Watson to C. E. Bigelow, November 19, 1923, ibid. (copy).

the transaction was dropped and most of the livestock was permitted to re-enter the United States duty free.

The newspapers were briefed on the livestock transaction; most of them thought the Senator had the right to act for a State corporation. Others, such as the New Mexico State Tribune, could not resist the opportunity to make the Caja de Préstamos transaction a political football. Magee, editor of the New Mexico State Tribune, believed Bursum violated a section of the United States Criminal Code which stated that a Senator could not receive "any compensation whatever for any service rendered or to be rendered . . . in which the United States is a party . . . ."[177] The editor erroneously reported that Bursum was to receive between $1 and $5 for each head of livestock sold.[178] The original negotiations between Bursum and the New Mexico corporation did not specifically state that he was to receive a commission for his negotiations; instead they stated that a commission was to be paid to cover the expenses of negotiation and legal fees. Bursum denied he demanded a commission.

> On the contrary, I said to cover costs of sale it would require a commission, and in the whole proceedings, had I acted, which I did not do, I would have acted in behalf of the New Mexico Agricultural Loan Company, and had this occurred . . . it would have been incumbent upon me to have disbursed the expenses out of the commission for and on behalf of the Company . . . .[179]

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[177] New Mexico State Tribune, March 9, 1924.

[178] Ibid.

[179] H. O. Bursum to R. C. Bangs, April 21, 1924, Bursum Papers (copy).

The publication of the Magee charges in the New York Times gave the Caja de Préstamos transaction national interest. Before the issue gained undue importance, Bursum addressed a letter to President Coolidge giving a brief history of the business.[180] In the concluding paragraph he emphasized that at "no time did I make any request of any governmental department, bureau, or agency, in writing or verbally, either directly or indirectly, either on my own behalf or through any other person to do anything whatsoever in relation to the sale of the cattle, or the purchase, in any connection therewith."[181]

The Senator justified his negotiation for the New Mexico corporation as within his rights as a private citizen. Bursum's defense rested on the great benefit which would have accrued to the livestock owners if the transaction would have been completed. He spoke of the proposed commission as being exaggerated: "Most of the commission and possibly all would have been consumed in expenses, to legal proceedings, grazing rentals [and] other charges which were liens on the cattle as well as the expense of labor and supervision of the delivery and classification of the cattle in case of sale."[182] This reply satisfied Coolidge, Congress, and the newspapers; consequently, charges stopped almost as quickly as they started.

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[180] H. O. Bursum to Mr. President (Coolidge), undated letter, ibid. (copy).

[181] Ibid.

[182] Ibid.

CHAPTER X

PUEBLO LANDS BILL

One of the most pressing problems to hundreds of New Mexico land holders was the ownership of Indian land by non-Indians. With the conclusion of the Mexican War in 1848, the non-Indian settlers argued that the Pueblo Indians had been recognized under Mexican law as citizens and were entitled to dispose of their land as they saw fit.[1] From 1848 to 1876 the Territorial courts upheld this point of view.

The Federal attorneys maintained that the Pueblos were subject to the Indian non-intercourse acts of 1834: "By these acts settlers were strictly forbidden from entering upon or making settlements within Indian reservations." In the Joseph case of 1876[2] it was ruled that the Pueblo Indians had complete title to their land; consequently they could dispose of their property as they saw fit. As a result of this decision it was generally believed that the Indians were bound by the same laws and regulations normally accorded to citizens. Attempts by the Federal government to change this opinion were fruitless until 1913. In that year the United States Supreme Court handed down the Sandoval decision which

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[1] Herbert O. Brayer, Pueblo Indian Land Grants of the "Rio Abajo," New Mexico (Albuquerque: The University of New Mexico Press, 1939), p. 22.

[2] Ibid., p. 23. United States v. Joseph, 94 U. S. 614 (1903).

reversed the Joseph opinion: "By this decision, the Indians were declared to have no right to alienate their land, and since no statute of limitations operates against a minor, all titles to land purchased from the Indians were invalid."[3]

The New Mexico citizenry used every pressure available to prevent the courts from enforcing the Sandoval decision. The climax of resistance was reached in 1919, when United States Attorney General Richard H. Hanna started court procedures to eject some of the settlers from the land.[4] The severe drought of 1921-22, which had been unfriendly to whites and Indians alike, brought demands by the Indians for additional holdings to ease their discomfort. Many settlers wished to sell or receive loans on land adjacent to the Pueblos but found the mortgage value of the lands almost worthless. When sales, leases, and transfers of land discontinued, it was feared that there was danger of serious conflict between Indians and whites.[5]

It was generally admitted that the removal of settlers would not solve the fundamental problem. It was estimated that 12,000 non-Indians[6] were affected by this ruling. Justice would be almost impossible to achieve because of the great amount of time necessary

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[3] Ibid., p. 25. United States v. Sandoval, 23 U. S. 28 (1914).

[4] Nathan R. Margold, "The Plight of the Pueblos," Nation, CXXXII (Feb. 4, 1931), pp. 121-22. There was also some concern by Indian agents lest the Indians be removed from railroad land which they illegally occupied. S. F. Stocker to Commissioner of Indian Affairs, June 27, 1921, Classified Files Record Group 75, Indian Bureau, National Archives, Washington, D. C.

[5] U. S., Congressional Record, 67th Congress, 4th Session, 1923, LXIV, Part 1, 571.

[6] Manuel A. Sanchez, U. S. Surveyor General for New Mexico, to H. O. Bursum, August 4, 1922, Bursum Papers.

for hearings and appeals. When they realized their dilemma, the United States Department of Justice failed to rule against the squatters; instead they waited for Congress to resolve the problem through legislation.[7]

The first measures, Senate bills 1938[8] and 2274,[9] halted eviction of settlers but died in committee "at the request of Secretary of the Interior Albert B. Fall . . . ."[10] Fall requested this situation in order that special assistant to the Attorney General, Ralph E. Twitchell, might address his views on the pending bills to a special Senate Committee. Twitchell wrote to the Secretary and voiced his objections to the first Bursum bill. Senate bill 1938 was dismissed because the statute of limitations was too brief. He believed that any claim of title to lands within the Pueblo areas should have evidence of continuous occupation since before 1848.[11] Senate bill 2274 was considered unworkable because of several weaknesses. The bill provided that two members of the proposed commis-

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[7]On November 17, 1921, the Honorable Colin Neblitt, Judge of the District Court of the United States for New Mexico, decided in favor of the Government in Equity Case No. 709. U. S. vs. George C. Campbell. Campbell had purchased Isleta Pueblo land and the Pueblo wished him removed. The final removal was not accomplished until after the Pueblo Land Law came into effect. Indian Bureau, Tray 26, National Archives, Washington, D. C.

[8]U. S., Congressional Record, 67th Congress, 1st Session, 1921, LXI, Part 2, 1939.

[9]Ibid., 4031.

[10]Anton Long, "Senator Bursum and the Indian Lands," (unpublished Master's thesis, Department of History, University of New Mexico, 1949), p. 9.

[11]R. E. Twitchell to A. B. Fall, October 31, 1921, Fall Papers.

sion be from New Mexico and Arizona. Twitchell believed that commissioners from these states were "quite liable to act to the prejudice of the Indians."[12] The suggestion was put forth that the commissioners selected should be from outside the area of the Pueblos.

Twitchell's knowledge of Spanish and Indian history enabled him to command the respect of Senator Bursum. Sometime during the winter of 1922, A. B. Renehan, Twitchell, and Bursum drew up Senate bill 3855. A. B. Renehan represented the non-Indian settlers of the Pueblo lands. As the measure was the work of these three men, it was at best a compromise solution. Senator Bursum introduced the compromise measure on July 20, 1922.[13] The bill, which was known nationally as the Bursum bill, was entitled: "A Bill to ascertain and settle land claims of persons not Indians within Pueblo lands, land grants, and reservations in the State of New Mexico."

Close examination of the measure indicated that the bill would extend the authority of the Federal District Court over the Pueblos to all cases of crimes or offenses. The same courts were given original jurisdiction in all suits or controversies of civil suits under the following circumstances:

> a) Those involving any claims to the lands within the boundaries of the twenty pueblos . . . .
> b) Those involving claims to any other lands of the same pueblos.
> c) Those involving claims or easements upon the lands

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[12] U. S. Congress, Hearings before the Subcommittee of the Senate Committee of Public Lands and Surveys on S. 3865 (incorrectly cited: should be 3855) and S. 4223, 67th Congress, 4th Session, January 15 to February 1, 1923 (Washington: Government Printing Office, 1923), p. 52.

[13] U. S., Congressional Record, 67th Congress, 2nd Session, 1922, LXIV, Part 1, 811-14.

of the pueblo or of the individual Indian, however the lands had been acquired.
d) Those involving any question of personal property belonging to the pueblos or claimed by them, or belonging to individuals Pueblo Indians or claimed in them.
e) All suits of a civil nature involving the internal affairs or government of the Pueblos.[14]

After a lengthy description of the procedure to be used in future litigation, the bill centered on the problem of land ownership. Section seven gave the Secretary of the Interior the right to grant color of title to all land separated from the Indians. The following section entitled ownership to settlers of Pueblo land if they could claim residence on that land before June of 1910. The settler did not have to prove color of title. Since the government was partially responsible for this loss, the Indians were to be given other lands from the public domain, and if this proved impractical they would be given a cash settlement.

All costs of court litigation were to be borne by the Federal government and the Indians, since they were wards, were to be given counsel without cost. The non-Indians were to provide their own counsel at their own expense. The measure was to use the Joy survey.[15] All claims were to be filed within five years, after which the boundaries of the Pueblos would be permanently fixed.[16]

The administration gave its force to the measure, asserting that the bill had the approval of "the attorney for the claimants,

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[14]Long, p. 13.

[15]The Joy survey of 1914 tried to ascertain the boundaries between Indian and non-Indian lands. It produced 1,552 adverse claims, most of which were against the non-Indians.

[16]Senate bill 3855, Bursum Papers.

the government attorney representing the Indians, the Commissioner of Indian Affairs, and . . . the Secretary of the Interior."[17] The task of defending the measure rested on Fall, Bursum, and Indian Commissioner Burke.

Opposition to the Bursum bill was slow in coming. The opponents of the measure systematically organized and prepared literature designed to appeal emotionally to its readers. The leaders in the fight against the Pueblo Lands Bill were John Collier and Mrs. A. T. Atwood of California. Mrs. Atwood had shown great interest in Indian life and was academically acquainted with the various problems of the Indians. Her active participation in the General Federation of Women's Clubs brought her into contact with Collier, who had advised the Federation on Indian matters. Mutual understanding of the Pueblo culture eventually led to Collier's representation of Mrs. Atwood in her fight against the measure. Collier and Mrs. Atwood were subsidized by Mrs. Kate Vosburgh, a wealthy philanthropist of Azusa, California.[18]

Mrs. Atwood also solicited money from various national club members through written and verbal appeals. The fund was requested: "To reimburse the Pueblos for the cost of sending their delegation to the East; such funds to put food into the mouths of half-starved men, women, and children."[19] It was also used to help defray the

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[17] A. B. Fall to Reed Smoot, July 31, 1922, Fall Papers (copy).

[18] U. S. Congress, House, Hearings of H. R. 13674 and H. R. 13452 before the House of Representatives Committee on Indian Affairs, 67th Congress, 4th Session (Washington: Government Printing Office, 1923), p. 96.

[19] Ibid., p. 74.

legal costs of the defense of the Indians. Mrs. Atwood believed that the Federal attorney did not adequately protect the rights of the Indians; consequently she hired legal aid to meet the Federal shortcomings. The last purpose was to provide supplementary medical care for the Pueblos.[20]

The first and last arguments were subterfuges to appeal to the human instincts of its contributors, for only $400 were used to improve the medical and physical climate of the Pueblos.[21] Mrs. Atwood's evidence of "half starved" Pueblos was received from John Collier and from a short trip of several hours duration to the Santa Clara Pueblo. On this enlightening trip she failed to converse with the Indians or the Superintendent in charge of the reservation.[22] From this extended stay Mrs. Atwood was able to draw the following picture:

1) The desperate economic conditions of the Indians were caused by the encroachment of non-Indians on Pueblo grants.

2) The Medical Bureau was too steeped in politics to attract competent personnel.

3) The Bursum bill would not do justice to Indian claimants.

4) The whole Indian Bureau must be revamped.

5) The government's legal counsel for the Pueblos was not sufficient to protect their interest; therefore a special attorney had to be appointed.

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[20] Ibid., p. 74.

[21] Ibid., p. 75. Up to February 5, 1923, when Mrs. Atwood testified before the House Committee on her activities in relation to the Bursum bill.

[22] Ibid., p. 79.

John Collier, who made extensive visits to the Pueblos between September of 1921 and January of 1922, met with the tribal councils, superintendents, doctors, teachers, and farmers of the Pueblos. It was during this time that he conceived the idea of a mass meeting of the Pueblos at Santo Domingo.[23] The meeting, held on November 5, 1922, was attended by 121 Indians from all the Pueblos.

The meeting, which lasted two days and two nights, produced a resolution which appealed not only to their rights at law but to the patriotism of Americans. The resolution listed the various grievances, which they alleged resulted from government neglect.[24] The Pueblos asserted that while they lived in peace with their fellow Americans they saw their land taken from them until many of the Pueblos were without the use of a single acre of irrigated land per person, "whereas in New Mexico 10 acres of irrigated land are considered necessary for a white man to live on. We have reached a point where we must either live or die."[25] Their petition took the most adverse stand on the Bursum measure. The signers believed that the Pueblos Lands Bill would complete their destruction.

> We have studied the bill over and found that this bill will deprive us of our happy life by taking away our lands and water and will destroy our pueblo government and our customs which we have enjoyed for hundreds of years, and through which we have been able to be self-supporting and happy down to this day. The bill will take away our self-respect and make us dependent on the

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[23] Ibid., p. 185.

[24] U. S. Records of the Board of Indian Commissioners, Tray 26, Indian Bureau, National Archives. In this file the famous Blue Book was found outlining Mrs. Atwood's arguments.

[25] Hearings on S. 3855 and S. 4223, p. 77.

> Government and force us into court to fight over and settle things which we have always settled among ourselves without any cost to the Government.[26]

They denied any part in writing the original land bill despite the administration's contrary claims.

The Santo Domingo protest commenced the national campaign on the part of Mrs. Atwood to defeat the Pueblo Land Bill. The Californian published the famous "Blue Book" and various articles for the national presses; she also started a personal campaign to win over influential individuals to her cause. Her letters were biased, pointed, and designed to achieve maximum emotional impact:

> I am sure it is not necessary for me to go into the matter of the conditions of the Pueblo Indians with you. You realize, for you have been on the Board of Indian Commissioners so long, how the Mexican squatters have been going there all these years, against the earnest and constant protests of the Indians, and how little by little they have acquired almost all the Pueblo's land. It simply means this . . . we are either going to keep these Indians the self-supporting and industrious people they are, or we are going to have them on our hands a race of paupers and derelects [sic].[27]

The Santa Fe New Mexican had succeeded in arousing numerous artists and intellectuals in that city and Taos with editorials which prayed for the preservation of "the ethnological treasure of the continent . . . . Not since the days of Custer has it been necessary to 'protect' non-Indians in this country against the Indian."[28] The New Mexican charged that the law would stop the great movement to re-energize the creative arts of the Pueblos. The journal

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[26] Ibid.

[27] Mrs. H. A. Atwood to Mr. Warren K. Moorhead, October 19, 1922, Indian Bureau, National Archives, Tray 26, Washington, D. C.

[28] Santa Fe New Mexican, September 20, 1922.

maintained that the Bursum bill would destroy the ancient arts and crafts that delighted the world.[29]

Women's clubs, lawyers, clergymen, and teachers joined to make vocal and written protest against Senate bill 3855. In most of the articles a single feature was omitted; they failed to understand that the quarrel was not between the Indians and the United States government but between two impoverished groups of New Mexicans. The residents of these lands were hard put; at best their level of economic subsistence was the same as that of their Indian brethren.

In the light of this, it is amusing to note the statement of the National Popular Government League in Bulletin No. 81: "Land-grabbing has long been the outdoor sport of the master leaders of the white race . . . . the lands of poor and weaker peoples as the Mexicans, Haitians, and above all, the American Indians, are exceptionally attractive hunting grounds."[30] The lands in dispute were claimed by Spanish-Americans--the Mexicans referred to in that bulletin.

Adverse publicity reached such a pitch that Senator Borah recalled the measure from the House of Representatives[31] and referred it to the Committee on Public Lands and Survey. The Secretary of the Interior, Albert B. Fall, indignant at the recalling of the

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[29] Ibid.

[30] Hearings on H. R. 13452 and H. R. 13674.

[31] Telegram, J. A. Happer to H. O. Bursum, November 22, 1922, Bursum Papers.

administration's measure, did not fail to make his feelings known to Borah. He reviewed for the Senator the general tenor of the newspaper articles, letters, and tirades which gave the general impression that the Pueblo lands were to be raided and that the rights of the Indians were not properly protected by the sworn officers of the administration. Fall reminded Borah that the opinions of the Commissioner of Indian Affairs were disregarded while the guardianship of the Indians had been placed "in the hands of volunteer associations or individuals . . . ."[32]

Fall lamented that in many instances members of the United States Congress were "influenced by propaganda or statements made by parties who have no official responsibility in the premises to take action without consultation with the departments and the heads of the departments and bureaus charged under the laws with exactly such official responsibility."[33] Thus he chastised Borah for the recall of the measure without consultation of the administration.

With the failure of Senate bill 3855, the way was open for the prosecution of non-Indian claims to Pueblo lands. Despite administration assurances that this would not occur, the Atwood forces stated that they had received information that the government intended to institute omnibus eviction proceedings against white squatters on Pueblo lands. The alleged purpose of this move was to cause

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[32] A. B. Fall to Senator Borah, December 13, 1922, Fall Papers (copy).

[33] Ibid.

an antagonistic sentiment against the non-Indian settlers.[34] Mrs. Atwood realized her strength and the popularity of the issue. With the usual alacrity of a reformer, she warned President Coolidge that if the government prosecuted it would mean a weakening of his administration. She closed her correspondence by suggesting that she had an alternate plan which the administration could adopt.[35] The new proposal was drafted by Attorney Francis P. Wilson.

The opponents of the Bursum bill made no attempt to work on a compromise solution. Instead they insisted that equity could be given to the Pueblos only by a new bill. John Collier urged Bursum to introduce the Wilson measure, but the Senator rejected the proposal.[36] His refusal rested on the assumption that the Wilson measure favored the Indians but would not safeguard the non-Indians. Bursum did not exclude the possibility that his reasoning might not be in tune with the thinking of the Senate; consequently he offered to bring the measure before the Committee on Public Lands and Survey for a hearing.[37] This, however, was not necessary for Democratic Senator A. A. Jones introduced Wilson's bill by request.

Francis P. Wilson's efforts were not solely directed toward the introduction of a new Pueblo law. The brilliant Santa Fe lawyer

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[34] Hearings on S. 3855 and S. 4223.

[35] Ibid. Also letter to President Coolidge from Stella M. Atwood, December 22, 1922, Indian Bureau, National Archives, Tray 26, Washington, D. C.

[36] H. O. Bursum to John Collier, December 26, 1922, Bursum Papers (copy).

[37] H. O. Bursum to C. J. Roberts, December 20, 1922, ibid. (copy).

co-operated with Dana Johnson to direct the Indian fight through letters to the editor in the Santa Fe New Mexican. In one letter Wilson "conveniently quoted" only a portion of Bursum's statements in the Congressional Record. The Senator accused Wilson of purposely conveying the impression that Bursum misled the Senate.[38] Bursum denied that he had deceived the Senate with a quick passage of his Pueblo Land Bill, and reminded Wilson that each senator was given a copy of a proposed bill for study.

He did not contend that his bill was perfect or that it could not be improved. However, he was firm in his belief that any new bill had to have the rights of both parties "adjudicated upon the basis of equity and along the lines of established policies with reference to the rights which had rightfully accrued to them."[39] His opposition to Wilson and Atwood centered on the thesis that their issuance of "hysterical, prejudiced criticism" was designed to reap benefits for the Indians with little regard to the native citizens of New Mexico.

> It is as criminal for intelligent people to undertake to aid the Indian to steal from the non-Indian [as it is] to steal from the Indians. The fact that the Indians may need or require more land, if that be the case, and this question may be debatable, is no justification. Right and justice must be decided upon actual conditions and facts, and not on romance or the pat ideas of certain romantically inclined people who live and dwell in the fascinations of the tribal life of the Indians.[40]

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[38] Albuquerque Morning Journal, December 11, 1922.

[39] Ibid.

[40] Ibid.

In many respects the views of the artists and intellectuals were inconsistent. On one hand, they wished to preserve the Indian in his primitive environment; on the other, they desired to improve the formal education of these primitives by providing secondary and higher education. It seemed somewhat naive to expect the majority of college graduates among the Indian youths to preserve the primitive Indian ways of centuries ago.

Senate bill 3855 was an attempt to secure status quo in titles to Indian lands. Nevertheless, it had several outstanding weaknesses. Section One gave the Federal courts jurisdiction over the internal affairs of the Pueblos, thus violating the common concept that the Indians possessed independent autonomy with the right to determine their own laws. Section Seven allowed the Federal courts to establish the boundaries of Indian reservations and segregate Pueblo lands by decree. The Indians were reluctant to accept this section because the Federal courts had not adequately protected their rights in the past. A commission or board was necessary to give adequate protection to the Pueblos.

Section Eight contained the most serious weakness. This provision allowed individual or corporate ownership of Pueblo land if in possession of such land in 1910. It made little difference whether the party had continuous settlement or whether he had color of title to the lands. The measure "offered no barrier to granting a decree in favor of a claimant who had no claim to title whatsoever, and would even authorize the court to grant a decree of

ownership to persons who had actually abandoned their claims."[41] Another weakness in the measure was that it assumed that the Indian was able to manage his own affairs and secure justice in the courts of law. It failed to spell out the need for government protection against future intrusions.

The last major weakness of the law was that the burden of proof on land titles rested with the Indians or their representatives, the Federal government. This would have reversed the usual procedure with regard to land claims.

The original Bursum bill, S. 3855,[42] was sent to committee as was the Jones bill. Both of these measures were heard before House and Senate subcommittees. Proponents and opponents of both plans were given adequate time to defend their measure or to illustrate the shortcomings of the opposition's proposal.

A delegation of New Mexico Pueblo Indians joined in supporting the Jones measure. The chief spokesman for the delegation was the famous Isleta Pueblo orator, Pablo Abeita. Abeita, who was a judge of the Court of Indian Offenses in his Pueblo, had received his formal training at St. Michael's College in Santa Fe. He had learned his lessons well and unraveled a lengthy discourse setting forth the injustices of the white man from Columbus up to the Bursum bill.[43] Abeita, determined to take full advantage of the supposed

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[41] Long, p. 35.

[42] "A Bill to ascertain and settle land claims of persons not Indian within Pueblo Indian land, land grants, and reservations in the State of New Mexico." Bursum Papers.

[43] Hearings on S. 3855 and S. 4223, p. 189.

spell over his audience, requested the ejection of all non-Indians from Indian land, fencing of all Indian land, improved methods of irrigation and, for good measure, he requested the government to furnish a telephone communication system.[44]

A. B. Renehan was selected to go before the Senate Committee hearings to voice the opinions of the non-Indians on Pueblo lands. His expenses were paid from a fund raised by Sidney M. Weil of Albuquerque.[45] Most of the money came from individuals who owned no property in question.

Before Renehan gave his legal view of the two bills in question, he introduced Miss Clara True to the subcommittee. Miss True was the only Anglo-Saxon descendant owning property on the San Ildefonso land grant. Because of her formal education, she was selected to speak for the residents of Española and other non-Indian residents of the Indian grant. Miss True reported no general impoverishment of the Indians bordering Española; in fact, the Indians had purchased $8,000 in merchandise from one of the smaller merchandise stores. The other six stores in the city enjoyed similar amounts of trade. Mr. Collier's article in Sunshine magazine stated that a Mexican was building a home on the Tesuque Reservation, yet, Miss True reported, after consulting with the governor of the reservation no such home was found. In her twenty years in the Santa Clara and San Ildefonso region not one single encroachment had been made and

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[44] Ibid., pp. 192-93.

[45] Sidney M. Weil to H. O. Bursum, January 11, 1923, Bursum Papers.

no complaint of one had come to her attention.

Renehan reviewed the long history of New Mexico land laws. He cited Mexican and United States statutes which described the Pueblos as citizens with the right to dispose of their property as they saw fit. Renehan insisted that land sales by the Indians had the force of law and should be recognized by any new measure which might be passed by Congress. He supported the Bursum measure because it sought to accomplish these ends.

Although Renehan, Abeita, and Miss True were interesting witnesses, the primary responsibility for defending S. 3855 was assumed by Senator Bursum, Ralph Twitchell, Comissioner Burke, and Albert Fall. Francis Wilson, John Collier, Senator Jones, and New York Attorney Roberts Walker represented those in favor of S. 3223.[46]

One of the major differences which separated the two factions was the reliability of the Joy survey of 1914. Wilson questioned the methods used by the survey in arriving at proper land ownership. Attorney Wilson believed that many of the property lines were drawn without sufficient record of land ownership. This was denied by Commissioner Burke. The Joy survey produced 1,552 adverse claims, indicating that verbal statements were not accepted as evidence of ownership. Attorney Wilson desired to use the Joy survey for information only, and not as prima facie evidence of actual boundaries. The supporters of the Jones bill were concerned with the psychological effect this survey would have in court since it was officially

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[46] Hearings on S. 3855 and S. 4223, pp. 109-20.

sanctioned by the Federal government. Wilson believed that the survey would weigh heavily against any Indian testimony.[47]

The Jones-Leatherwood bill proposed to substitute a mixed commission for the District Court as arbitrator of all land suits. The court, which was to last six years, would cost between $25,000 and $30,000 a year. Attorney Wilson reasoned that this would eliminate "without controversy, without court proceedings, eighty percent in number of the claimants . . . ."[48] The three members of the commission were to be appointed by the President with the consent of Congress. Two of the three members were to be lawyers; the third was to be a special counsel appointed by the government to represent the Indians. The Indian counsel was to be appointed with the approval of fifteen Pueblos.

Bursum questioned the meaning of the terms "justice" and "equity" as being too loose and subject to the discretion of the commission.[49] Since one of the three members of the commission was selected by the government to represent the Indians, the fate of the non-Indian titles rested in the two lawyers. If either of the two favored the Indian claim, then the white settlers would lose their land. Chairman Lenroot held the same view on the loose construction of the Jones-Leatherwood measure. Lenroot made Wilson admit that under his bill the commission could take the land away

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[47] Ibid., pp. 154-55.

[48] Ibid., p. 157.

[49] H. O. Bursum to C. J. Roberts, January 2, 1923, Bursum Papers (copy).

from the Indians and give it to a non-Indian claimant even though the latter never claimed title at all.[50]

Non-Indian claimants were not permitted to file suits against any Pueblo or any individual Indian of a Pueblo prior to the institution of the commission.[51] Wilson made an obvious attempt to treat all claims in one general omnibus bill.

The commission was to make an informal investigation of all claims made by non-Indians to Indian lands and arrive at a conclusion as to the extent of the boundaries of both parties. The commission would then draw a formal document listing the claims of all participants. In one breath the measure asserted that it was saving the non-Indian claimants the expense of attorney's fees. This they alleged was one of the serious shortcomings of S. 3855. However, close examination by Chairman Lenroot forced proponents of the bill to admit that this saving was only temporary; the non-Indian landowners would have to bear the expense of appeals to the District Court if they disagreed with the judgment of the commission.

The proposed statute stated that the commission had the authority to fix the compensation for lost land at any level; the judgment of the commission, unless appealed, would be final.[52] Lenroot objected to this provision because it divested Congress of its appropriation authority. Bursum claimed that it would, in some cases, pay the Indians for the same land twice; once by the original

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[50] Hearings on S. 3855 and S. 4223, p. 165.

[51] Ibid., p. 158.

[52] Ibid., p. 167.

settlers and again by the government.

Section Eight of the Jones-Leatherwood proposal suggested that the commission had exclusive and original jurisdiction over all controversies "between non-Indians claimants, whether living on or off Indian lands, and Indians over the distribution and apportionment of all water running in natural channels or in ditches through, over, or on lands owned or claimed to be owned by the Pueblo Indians . . . ."[53] The implication of the clause was clear. Since the commission had jurisdiction under this proposed bill, it could assume jurisdiction over all controversies involving water. This section would give the Federal government control over all waters touching Indian reservations; thereby it would violate the sovereignty of New Mexico.

The Senate made a genuine effort to arrive at an equitable solution to the Pueblo land problem. Only on one or two occasions did they give notice to popular criticism raised against the measure. One of these occasions was brought about by an article in the New York Times for January 21 which reported that Secretary Fall, Senator Bursum, and other Republican senators were financially interested in Pueblo lands.[54] Senator Bursum, obviously annoyed by the article, replied to the charges: "As far as I am concerned I have never owned a foot of ground within an Indian grant in my life, nor within 50 miles of a grant. That statement is a malicious

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[53] Ibid., p. 168.

[54] New York Times, January 21, 1923. The New York Times retracted the statement on February 4, 1923.

falsehood, known to be malicious by whoever gave it out."[55] Attorney Wilson, Mrs. Atwood, and John Collier denied that their organization had released the statement concerning the land ownership of Bursum and Fall.

The opening statement of the House hearing was given by the Honorable Homer P. Snyder, who acted as chairman: "This hearing has been called in order to clear up any misunderstanding that there may be in the minds of some people that there is opposition to the proper correcting of the extreme difficulties that exist in the Pueblo country . . . ."[56]

Indian Commissioner Burke requested that the House committee make a broad inquiry into the public charges against the government. He desired to investigate the campaign of propaganda which was being waged throughout the country against the pending Pueblo legislation. Burke suggested that if the "charges made and circulated . . . are true . . . then the present commissioner of Indian Affairs . . . ought to be removed from his position and in the future denied the right to hold any office of trust."[57] If the opposite was true, that the charges assailing the integrity of the officials were unwarranted, then he believed the country should be so informed.

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[55] Hearings on S. 3855 and S. 4223, p. 184.

[56] Hearings on H. R. 13452 and H. R. 13674, p. 1.

[57] Ibid. Burke has also been accused of removing Horace J. Johnson from the Northern Pueblo Agency at Española because Johnson was a friend of the Indians. Burke replied that Johnson's transfer was routine and had nothing to do with his opposition to S. 3855. H. L. Scott to Commissioner Burke, Bureau of Indian Affairs, National Archives, Tray 26.

The House committee questioned its legal authority to subpoena witnesses; furthermore, they were not sure what the hearings should encompass. After an executive caucus the committee decided to proceed with an investigation of the entire Pueblo land controversy. All factions were to be given an opportunity to present and defend their proposed legislation. The committee opened the session to persons who had definite knowledge or information to support statements or charges that had been made for or against the government.

The House hearings on the two measures tried to fix responsibility for the caustic charges voiced against the administration and Congress. The case for the Jones-Leatherwood Bill was materially weakened when Congressman Leatherwood withdrew his support from the measure which he had introduced on request. Leatherwood was forced into an unenviable position when he confessed that he had not read either the Bursum bill or his own.[58]

Mrs. Atwood's appearance before the committee was a serious mistake. In the course of her testimony she was forced to admit that many of her statements were misrepresentations based on second-hand knowledge. Her accounting of the revenue raised for Indian "aid" was sketchy, besides which she asserted that no bookkeeping was necessary where good faith was involved. Mrs. Atwood was forced to deny responsibility for many articles which attacked the Bursum measure. As the questioning continued, she admitted that in her

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[58] Hearings on H. R. 13452 and H. R. 13674, p. 6.

speeches, either by admission or by inadvertence, she had led her audiences to believe that she officially represented the General Federation of Women's Clubs, while in actuality she did not.[59]

John Collier admitted that many of the charges he had voiced in the Sunshine magazine, on encroachments upon Indian lands, were based on hearsay. In the same article, he had claimed that Indian attorneys Wilson and Hanna resigned because of pressure from the white settlers. Congressman Gensman established that Attorney Wilson resigned to run for Congress while Hanna retired to run for governor.[60] Collier acknowledged that he failed to protest the use of an altered Associated Press caption even though he was aware that it was not released by the national news agency.[61] Collier's testimony did irreparable damage to the pending Jones bill.

Representative Snyder presented the findings of the hearings to the House on February 27, 1923.[62] The report summarized the general charges leveled against the administration. It pictured the charges voiced against the Bursum bill as not only malign but a deliberate attempt to destroy the character of government officials. The hearings before the committee demonstrated that these criticisms

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[59] Ibid., p. 108.

[60] Ibid., p. 253.

[61] Ibid., p. 254. For an interesting discussion of Collier's later work with the Pueblo Land Board see Lawrence C. Kelly, "The Navajos and Federal Policy, 1913-1935" (unpublished Ph.D. dissertation, Department of History, University of New Mexico, 1961).

[62] U. S. Congress, House, Committee of Public Lands, House Report 1730, 67th Congress, 4th Session, 1923, p. 1.

were without foundation.[63] The report belittled the Atwood and Collier claims of Indian impoverishment: "It appeared from the hearings that the Pueblo Indians have been treated equally as well, if not better, than the average Indians of the United States . . . ."[64] The records disclosed that in only two of the eighteen Pueblos was there any need for assistance and to these two the government provided ample funds to meet their needs. It was shown in the hearings that the Indian Bureau had granted to the Pueblos of New Mexico, by Executive Order, in recent years 397,193.27 acres of land.[65] This made an interesting contrast to the exaggerated charges of the Wilson clients, who claimed thousands of acres had been taken from the Pueblos with the knowledge of the Indian Bureau.

The committee's report censured those who contended that the government had done little to relieve the impoverishment of the Pueblos. The testimony provided evidence that the government had spent $8 million in ten years on the Pueblos to provide two boarding schools, day schools, medical aid and hospitals.

Critics of the administration claimed that the government had not provided the Pueblo Indians with sufficient water for irrigation.

> The records show that there is under ditch in the pueblo country 32,682 acres, whereas the Indians cultivated only

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[63] Ibid., p. 8.

[64] Ibid., p. 10.

[65] Ibid.

17,534 acres of that irrigated land, leaving 15,000 acres not under cultivation.[66]

Considerable emphasis had been placed during the House hearings on the proposed Pueblo Land Bill because it had an important bearing on the compromise bill introduced by Senator Bursum in December of 1923. The House report reduced the opposition claims of Indian calamity to a shambles. This forced them to seek a compromise solution within the lines of the original Bursum bill. When Wilson first introduced his measure, he was forced to admit that he did not consult the Senate or the administration. His avowed reason for this indifference was that the Bursum measure could not be amended. With the defeat of the Jones measure, Wilson was forced to co-operate with Bursum in amending the Pueblo Lands Bill.

The hearing report forced the newspapers to use an air of caution when criticizing future measures, and articles were even mildly cordial and gave recognition to the difficulty of Bursum's task. In the absence of heavy pressure from the nation's press, Congress was able to view the problem without the color of Indian sentimentality.

Before formal opinions were voiced to amend the Bursum bill, the junior Senator submitted a two-page list of amendments to his measure. The following were submitted on January 26, 1923:

1) Section Three: All suits brought under this act shall recognize the United States government as guardian of the Indians.

2) Section Eight: The legal groundwork for bringing forth

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[66] Ibid., p. 9.

suits if claimant does not appear was prescribed.

3) Section Nine: All non-Indians would be given title to their land if they had "open, notorious, actual, exclusive, continuous, adverse possession" of the premises claimed for more than twenty years. If they were without color of title, they had to reside on the land for thirty years previous to the passage of S. 3855.

4) Sections Ten and Eighteen: If either party disagreed with the court judgment they could appeal to a higher court.

5) Section Twelve: All lands could, upon request of the Secretary of the Interior, be surveyed at the expense of the United States government.

6) The Joy survey was to be used in court as "prima facie" evidence.[67]

The numerous amendments complicated the original bill to such an extent that it was necessary to submit a substitute bill under the same title--S.3855. The first section recognized the responsibility of the Federal government as guardian of the Pueblo Indians. This was an obvious concession to the proponents of the Jones measure. The original Bursum bill gave passive recognition to Federal wardship. The Jones proposal, which made Federal wardship more emphatic, provided an additional Federal attorney to protect Pueblo rights. Despite the obvious concession, Senator Jones hoped to amend the measure to secure an Indian attorney.[68] His

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[67] U. S., Congressional Record, 67th Congress, 4th Session, 1923, LXIV, Part 3, 2459-60.

[68] Ibid., Part 5, 4878.

amendment was defeated by Senator Lenroot, who argued that if the selection of an attorney was left solely to the Indians "they would be hounded by . . . professional attorneys" and very likely one would be selected who would be incapable of adequately defending Indian rights.[69]

Senator Bursum believed that the rights of the Pueblos would be safeguarded by the second section of the new bill, which provided for a Pueblo Land Board. This administrative body was to be composed of the Secretary of the Interior, the Attorney General, and a third member appointed by the President of the United States.[70] It was empowered to investigate, determine, report, and set forth, "in metes and bounds, illustrated where necessary, by notes and plats," the land within the exterior boundaries of all land granted or comfirmed by the United States government or otherwise acquired by purchase.[71] All such determinations were to be filed in the District Court of New Mexico for enforcement, but the injured party could appeal the commission's findings.

The fourth section of the new bill once more fixed the length of time non-Indians were required to have had the land in possession in order to have clear title. If the occupants, with color of title, could claim actual and continuous occupation for twenty years previous to 1923, they were considered rightful owners. If they did

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[69] Ibid., 4878.

[70] Ibid.

[71] Ibid.

not have color of title, then they had to prove continuous and actual residence on Indian land for thirty years previous to 1923.

The Joy survey was to be used to determine boundaries and claims, but if sufficient cause was given, the Secretary of the Interior could ask for a new survey. The findings of the new survey were to be final.

Section Seven provided that necessary costs of the original proceedings were to be levied against the Federal government. If the aggrieved party protested the final judgment or decree, the party would pay the cost of his appeal.[72]

To insure proper notification of claimants, who were inadvertently omitted from the commission's proceedings, the Secretary of the Interior was ordered to print, for five consecutive weeks, the complete list of claims and claimants who were to have their land ownership titles passed upon. The notifications were to be simultaneously printed in local and statewide newspapers.[73]

A significant addition to the new bill allowed the Indians prior claim if both the Indian and non-Indian claimants were granted the same land by the Spanish or Mexican government. If, however, the non-Indian occupied the land for twenty years previous to 1923 with color, or continuously for thirty years without color, then the non-Indian had prior claim.

In addition, the bill gave the Secretary of the Interior the power to issue titles and to make compensation to the Pueblos

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[72] Ibid., 4877.

[73] Ibid.

deprived of the use of previously occupied land. Although ousted settlers were not paid for the loss of land, they were compensated for all improvements on the property.

Senator Jones introduced an amendment which afforded relief to the citizens of Nambé who had purchased Indian land within the last twenty years.[74] Congress was given one year to decide these special cases; if it failed to take jurisdiction then they would be reviewed by the Pueblo Land Board. However, if the Pueblos recognized the Nambé sales, the land would be given to the non-Indian with color of title.

The new bill enjoyed the support of the administration and the Senate. Senator Borah, who had recalled the original bill, now gave his official endorsement to the measure. The act won the approval of Indian attorney Francis Wilson and Mrs. Atwood. Senators Jones, Lenroot, and Bursum expressed surprise that not a single word of protest was voiced against the new S. 3855. The bill was read for the third time, engrossed, and passed by the Senate on February 28, 1923.

Although the Senate was quick to pass the Pueblo Land Bill, the House of Representatives failed to approve the measure. Two reasons were advanced for their extreme caution.

1) They were reluctant to pass by unanimous consent a bill which had caused public notoriety. The Senate had been accused of failing to properly consider the original bill and the house was determined not to make the same error.

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[74] Albuquerque Morning Journal, February 28, 1923. Also H. O. Bursum to A. M. Bergere, February 21, 1923, Bursum Papers (copy).

2) The bill failed to acknowledge government dereliction in Pueblo land problems.[75]

As the Indian Bureau had promised,[76] a new bill, S. 726 was introduced in the closing days of 1923, but once more failed to pass the House. The bill was reintroduced on March 25, 1924, as S. 2932. The Senate Committee on Public Lands and Surveys reported the proposal to the Senate floor on May 13.[77] The measure was essentially amended Senate bill 3855. While it enjoyed the support of Mrs. Atwood and the administration, several members of Congress believed that too much consideration had been given to the Indians and far too little to the Treasury of the United States. Senator Adams believed that the recognition of Federal guardianship of the Indians would add a financial burden to the sagging American economy.[78] To many it seemed unfair to compensate the Indians for water and land losses (many Indians had been paid by the non-Indians for the land) while the government did not make payment to non-Indians for similar losses.

The limited opposition failed to halt the Bursum bill, which passed the Senate on May 13[79] and the House on June 3,[80] and became

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[75] Long, p. 50.

[76] U. S., Bureau of Indian Affairs, Report of the Commissioner of Indian Affairs for the Fiscal Year Ending June 30, 1923 (Washington: U. S. Government Printing Office, 1923), p. 20.

[77] U. S., Congressional Record, 68th Congress, 1st Session, 1924, LXV, Part 8, 8447.

[78] Ibid., 8442.

[79] U. S., Senate Journal, 68th Congress, 1st Session, 1923-1924, 341-42.

[80] Ibid., 441.

Public Law No. 253 on June 7, 1924.[81]

The passage of the Pueblo Land Bill climaxed Bursum's senatorial career. The measure, which at best was a compromise, presented some answer to one of the pressing problems stemming from the acquisition of New Mexico in 1848. Senator Bursum realized from the beginning the momentous opposition which his bill would receive, but staunchly searched for a solution which would restore harmony to an inflammatory situation.

Those who represented the Indians accused the Senator of robbing the Indians; this, of course, was not true. Bursum's sole objective was to insure permanent boundaries between Indian and non-Indian property. If, in the process, it appeared that the measure favored the non-Indians, it must be understood that Bursum was elected by the non-Indians; consequently he was obligated to uphold his constituents.

The early frontier environment led Bursum to the plausible conclusion that the lot of the Indian would be vastly improved if he would adopt the ways of his non-Indian contemporaries. He failed to appreciate the feelings of many who wished to keep the Indians in picturesque primitiveness. Bursum accused the vocal artists of wilfully sacrificing the welfare of the Indians to satisfy selfish aesthetic attitudes.

In the confusion which resulted from the nationwide crusade to save the Pueblo Indians, the real issue of land title became submerged in the economic structure of the Pueblos. The general

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[81] Ibid., 477.

impression conveyed by the Atwood group was that the Pueblos were mistreated and had become victims of the whims of the government. In reality, conditions among the Pueblos were much better than among the remaining Indians of the United States and were comparable to the economic condition of the neighboring non-Indians.

At the height of the Pueblo Lands controversy, the Indian and non-Indian settler of the upper Rio Grande Valley were depicted with drawn swords. Many newspapers sensed a popular issue and printed stories of Indian suffering and white encroachment without conclusive evidence. Unfortunately the Pueblo Lands Bill took on hues of politics. Several newspapers which opposed the national administration seized the Pueblo problem as a party issue. By innuendo the journals questioned the political and moral integrity of every Republican who was directly concerned with the measure; however, this political exploitation had little real effect.

The lasting result of the Bursum measure was the clear recognition of the Federal government's responsibility as guardian of the Pueblo people. The act further compelled the Federal government to make restitution to the Pueblos in all cases of neglect prior to 1924. It reiterated the Sandoval decision which forbade the Pueblos from alienating any of their land without the written permission of the Federal government. More important, the act laid down the rules for all future Pueblo land litigation.

CHAPTER XI

ELECTION OF 1922

Political and economic events in New Mexico during 1922 provided a grim backdrop for the Republican campaign of that year. The Santa Fe Bank failure, with over a quarter of a million dollars of State funds, put the Republican Party on the defensive.[1] The bank failure, coupled with a severe drought and low market prices for livestock, assured the Democratic Party ample campaign issues.

If this was not sufficient to arouse pessimism in the Republican ranks, a general statewide split within the party assured the Democrats of easy victory. On April 28, 1922, the Progressive Republicans met at the Combs Hotel at the request of Bronson Cutting. The meeting was attended by A. A. Sena of San Miguel County, Frank A. Hubbell, Mr. Sanchez from Valencia County, and O. A. Larrazolo.[2]

At that meeting a ways and means committee was formed to assure a continuous life for the progressive organization. The party decided to issue a call for a statewide convention which would meet

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[1]Tom L. Popejoy, "Analysis of the Causes of Bank Failure in New Mexico: 1920-1925" (unpublished Master's thesis, Department of Economics, University of New Mexico, 1929). Mr. Popejoy attributes the general bank failures in New Mexico to their close ties with the agrarian economy of the State, undercapitalization, lack of adequate reserves, too great a number for the size of the State, and the banking policy of "loaning money to cattlemen and farmers to compensate them for losses incurred because of a decline in the price of farm products." See also Tom L. Popejoy, Analysis of the Causes of Bank Failures in New Mexico, 1920 to 1925, University of New Mexico Bulletin (Albuquerque: University of New Mexico Press, 1931), Vol. I, No. 1.

[2]Elfego Baca to H. O. Bursum, May 4, 1922, Bursum Papers.

concurrently with the Republican convention. Frank Hubbell attempted to win support for O. A. Larrazolo for the office of United States senator but was rebuked with the remark that the "independent republicans were not holding their organization for the benefit of Mr. Larazolo [sic] or anyone else."[3]

Hubbell's position in the 1922 campaign is difficult to ascertain. He not only insisted on Larrazolo's candidacy for the senatorial seat, but worked against the nomination of the Republican Congressional incumbent, Nestor Montoya, Jr. Hubbell and Montoya parted ways when Montoya attempted to rival Hubbell as political ruler in Bernalillo County. The immediate cause of this split was the distribution of county patronage. Hubbell's supporters desired to trade their political strength for patronage.[4] Others, such as B. C. Hernandez, were willing to reach an understanding with Hubbell in order to stop the formation of a fusion ticket between Hubbell and the Cutting dominated Democratic Party. Hubbell and Elfego Baca also wrestled for political control. This confused condition caused one observer to comment:

> There are many and varied rumors of combinations, cross-combinations, deals, eliminations, and laydowns passing through the cross currents in Bernalillo County, and especially in the City. For instance Tom Hughes says he is going 'Bolshevik' Elfego Baca is for a 'new deal' and working all the time, McGee has gone wild, the women are up in arms and the ex-service men are planning an independent movement--with a weekly newspaper.[5]

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[3] Ibid.

[4] Nestor Montoya, Jr. to H. O. Bursum, June 25, 1922, Bursum Papers.

[5] J. B. Burg to H. O. Bursum, May 13, 1922, ibid.

The Republicans also suffered in the selection of candidates for the governorship and Senate. Governor Mechem refused to consider renomination and the important leaders of the party such as T. D. Burns, B. E. Pankey, Ed. Sargent, Tom Hughes, and Reed Holloman declined consideration.

Nina Otero-Warren's opposition to Nestor Montoya, Jr. for the Congressional seat spelled Republican disaster, for the native populace balked at the idea of selecting women for high legislative positions. The Warren-Hubbell combine claimed that Montoya's appointments reeked of nepotism. They argued that the immediate effect of this policy was a widespread dissatisfaction within the Republican Party.[6]

The pre-convention fight for the Republican nomination for senator was a contest between H. B. Holt and Stephen B. Davis, Jr. Although Bursum remained neutral, in fact failed to attend the Republican convention, he favored Davis. The Senator believed that the candidate should be selected from the northern counties since he himself was from the southern section of the State. Bursum was of the opinion that a northern candidate could easily pull strength from the Democratic incumbent A. A. Jones. He reasoned that if a southerner was selected in 1922, there might be a clamor in 1924, the year he would be running again, to select someone from the northern section.

Frank A. Hubbell tried to persuade Bursum to attend the Republican convention for several reasons. If Bursum was in attend-

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[6]B. C. Hernandez to H. O. Bursum, July 14, 1922, ibid.

ance, Hubbell's position would be greatly strengthened. Secondly, he foresaw a general split within the party and believed that it was necessary for the Senator to mend his political fences before he once more sought re-election. Unfortunately, Bursum ignored Hubbell's warnings and begged off with the plea that the administration demanded his attendance in the forthcoming weeks.[7]

The various conflicts within the party terminated at the G. O. P. convention. Larrazolo realized his general lack of support for the Senate seat; consequently he tried to secure the nomination for the State Supreme Court but met with little success. Larrazolo was opposed by Secundino Romero and Albert Mitchell, who accused Larrazolo of being a political opportunist. Pressure was applied upon Mechem not to place Larrazolo in the Supreme Court chair vacated by Judge Davis, who decided to run for the Senate. Larrazolo's rejection by the Republican convention ended all hope of securing the support of Bronson Cutting.[8] However, Hubbell remained in the Republican camp when his candidate, Nina Otero-Warren, received the bid for representative and Judge Davis received the nomination for the Senate.

Nestor Montoya failed to receive the renomination to the House mainly because of the opposition of Hubbell. Montoya had made owertures to the Independent Republicans to solve their basic disagreements but without success. Many of the Montoya supporters

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[7]George Curry to Clara Olsen, August 3, 1922, ibid. (copy).

[8]Frank Hubbell to H. O. Bursum, August 14, 1922, ibid.

failed to support Nina Otero-Warren; instead they bolted the party.

The Democratic convention nominated A. A. Jones for the Senate, James F. Hinkle for governor, and John Morrow for representative. A. T. Hannett led the convention for the nomination for governor but was defeated because of the opposition of Cutting, who thought that Hannett's reputation as a radical would be injurious in the campaign. Hinkle's Republican opponent was C. L. Hill, a compromise candidate who had few enemies and a political record which could be easily defended.

The Republican campaign was hopelessly bogged down by a statewide split in the counties. The large Republican counties of Santa Fe, San Miguel, Bernalillo, and Socorro were split by Independent Republicans, who fused with the Democrats. Bronson Cutting, who organized the veterans through the American Legion, turned their vote against the Republican organization: "The ex-service men as a body engaged in the election and campaigned openly for the re-election of A. A. Jones."[9] Brian Dunne, Cutting's political writer, gave complete coverage to all organized veterans' meetings. In one article Dunne prophesied:

> If the ex-service men vote as they shouted last night for their devoted champion, Senator A. A. Jones, Stephen B. Davis, the Republican opponent will be snowed under November 7.[10]

The campaign, which progressed slowly, was relatively mild as New Mexico campaigns go. However, the results shattered the

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[9] Cunningham, p. 95.

[10] Santa Fe New Mexican, October 31, 1922.

Republican organization. The Old Guard suffered its worst defeat since statehood, the whole Republican ticket being defeated by a landslide. Not only was the national ticket soundly beaten, but the Republicans lost most of the State positions. The Democrats won a working majority in the lower house while enlarging their membership in the Senate.

The Republican citadels of McKinley, Bernalillo, and Doña Ana Counties gave Hinkle the largest majority of any governor up to that time.[11] Socorro County went Democratic for the first time in many years. The election indicated that the Republican Party would be the minority party in 1924. Economic unrest, growing immigration from Democratic states into New Mexico, party splits at the county level, and the perfection of a political machine by Bronson Cutting resulted in the loss of Republican strength in New Mexico.

In the closing months of 1922, Hugh B. Woodward was appointed State chairman of the Republican Party. Bursum realized the seriousness of the situation. He instructed Republican leaders to combat Cutting's influence by reviewing to veterans' organizations the constructive legislation passed by Bursum for their benefit.

> Our strongest opposition right now . . . seems to be in the American Legion. We've got to do something for the Legion to win them before the next election, as the ex-service men in the Legion, with their families and relatives, swing a large portion of the votes. I've had 5000 copies of the Bonus Bill printed, and am distributing as many as possible. Am also compiling a complete list of World War veterans of New Mexico from the records in this office, which I can use to advantage a little later.[12]

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[11] Silver City Enterprise, November 10, 1922.

[12] F. W. Armstrong to H. O. Bursum, December 15, 1922, Bursum Papers.

County chairmen were further advised to strengthen their organization by pacifying recalcitrant elements within their organization.

CHAPTER XII

ELECTION OF 1924

The political campaigns in the election of 1924 started early with both parties circulating the usual references to strength and solidarity. There seemed little doubt that the Republican candidate for president would be former Vice-President Calvin Coolidge, and it was generally expected that Hiram Johnson of California would lead a Progressive Farm-Labor ticket. Unsubstantiated rumors in New Mexico claimed that Bursum was in favor of Johnson's candidacy at the expense of Coolidge.[1] Bursum denied these rumors; he believed that it was not a good policy to instruct the national delegation as it usually led to party strife. He, no doubt, recalled his split with Fall in the 1920 convention. Bursum supported the instructed delegates, who were for Wood, while Fall gave his support to Harding. When Fall failed to win the instructed delegates, he blamed Bursum; thus another party quarrel ensued.

The Republican fortunes were placed in the hands of State chairman Prager Miller, who immediately found the party's coffers empty. He asked the Senator to secure funds for the campaign from the national committee but was informed that this source of revenue

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[1] R. E. Twitchell to H. O. Bursum, February 11, 1924, Bursum Papers.

rarely exceeded $5,000.[2] The expenses of the New Mexico campaign were paid for by the initiation of a unique system of installment buying. It was suggested that one or two hundred Republicans contribute $10 a month for six months prior to the convention. This was expected to yield a revenue of $1,000 to $2,000 a month.[3]

The Democratic campaign to defeat Bursum started with insinuations that he was tied with Albert Fall in the Teapot Dome scandal. According to rumor, Bursum's silence was tantamount to admitting the truth of the statement.[4] He denied the charges by pointing to Fall's opposition to his appointment and election to the Senate. He reminded his Democratic audience that as a member of the Committee on Investigation, he voted to report out the resolution, which was subsequently passed, authorizing the President to employ special counsel for the prosecution of all concerned in the case.[5]

Bursum, who was not completely aware of the seriousness of the Teapot Dome scandal, believed that both parties were equally at fault. He felt that the problem commenced with the Sixty-sixth Congress which changed the national policy governing oil reserves. "This policy was upset by the most reckless, careless, loosely drawn law vesting extraordinary authority with the Secretary of the

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[2] H. O. Bursum to Prager Miller, February 18, 1924, ibid. (copy).

[3] Ibid.

[4] B. T. Wetmore to H. O. Bursum, February 27, 1924, ibid.

[5] H. O. Bursum to B. T. Wetmore, February 28, 1924, ibid. (copy).

Navy . . . ."[6] The New Mexico Senator opposed the leasing of these Naval Reserves and considered next to criminal the authorization of the leases on the Reserves: "From the standpoint of economic profit, the security of our national defense cannot be measured in dollars. In my opinion the Reserves should have been conserved in accordance with a spirit which actuated their creation . . . ."[7] Since the leases were let, the only alternative left to Congress was to uncover any "fraud, or violation, or defect in the contract itself which might make it a proper subject for cancellation."[8]

Senator Bursum realized the scope of the Walsh investigations. He warned his constituents not to take any position which would be detrimental to the Republican Party. Despite this warning, sixteen Republicans held a county convention in Santa Fe and passed a resolution which deplored and condemned "the unjust, unamerican and partisan attempt by members of the Committee on Public Lands of the Senate of the United States, to assassinate the reputation and character of the honorable Albert B. Fall . . . ."[9]

There was a hard fight over whether the delegates to the national convention should be instructed. Bursum wished to have an uninstructed delegation, while the Otero faction desired to commit the representatives to Coolidge. A deadlock ensued which lasted

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[6]H. O. Bursum to R. P. Barnes, February 28, 1924, ibid. (copy).

[7]Ibid.

[8]Ibid.

[9]Will P. LaPoint to Hon. Hugh H. Williams, March 8, 1924, ibid. (copy).

for several hours. The central committee finally decided to instruct the delegation to vote for Coolidge and fight the Bursum forces on the convention floor if need be. The Bursum partisans were forced to accept the instructed delegation. They could not afford to oppose the resolution on the floor, as it would appear that they were opposed to the selection of Coolidge.[10]

The March caucus of the Republican Party, which met in Santa Fe, developed into an open fight. A quarrel ensued over the selection of delegates to the national convention. "Both Ed Otero and Mrs. (Nina Otero) Warren were placed in the delegation but this did not appear to satisfy them."[11]

One of the first major crises to face the party was the selection of a national committeeman. Normally this position was not of great importance, since the Republican Party had always managed to keep one Senator in Congress who generally distributed the party patronage. Political conditions in New Mexico, which gave forecast of the possibility of Bursum's defeat, made the national committeeman's role extremely important. If Bursum was defeated and Coolidge elected, then the national committeeman would handle the patronage for the State. The two outstanding candidates for the position were Edward Sargent and Eduardo Otero.[12]

The Otero faction was not successful in its quest to secure the post of national committeeman. Bursum was warned that "Ed Otero

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[10] George Curry to H. O. Bursum, March 25, 1924, ibid.

[11] Ibid.

[12] Albuquerque Evening Herald, March 21, 1924.

amd his friends will either openly fight you or they will only half heartedly support you . . . ."[13] The Senator did not deny that he desired to see Ed Sargent selected but insisted that he did not actively oppose Ed Otero. The task of electing a national committeeman was not in the realm of senatorial duties. Bursum did everything possible to avoid being identified with any single faction.

Nevertheless, the election of Edward Sargent at the convention produced a strong anti-Bursum feeling in the Otero camp. They claimed that the Senator "had Judge Mechem, Curry, Snyder and Tom Hughes carry out [his] wishes to have Ed Sargent elected."[14] It was rumored that the Otero camp was so angered by the selection of Sargent that they would offer a candidate to oppose Bursum for the Senate seat.[15] The solon was advised not to compromise with Eduardo Otero, for the "Otero name will not be of any assistance to any candidate."[16] It was evident that if Otero and his supporters were nominated without opposition, it would tend to solidify opposition to Bursum.

To compound the difficulty of the Republican Party, Socorro emtered the ranks of the Democratic Party in summer city elections. This was coupled with a factional party split in the county over the rejection of Eduardo Otero as national committeeman. The Otero bloc did everything possible to embarrass Bursum in Socorro County.

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[13] P. Hilliard to H. O. Bursum, August 29, 1924, Bursum Papers.

[14] Prager Miller to H. O. Bursum, March 24, 1924, ibid.

[15] Santa Fe New Mexican, March 29, 1924.

[16] P. Hilliard to H. O. Bursum, August 29, 1924, Bursum Papers.

In the race for mayor of Socorro, the Republicans under the leadership of Abran Abeyta, Joe Torres, Joe Baca, and Geronimo Sanchez supported Judge Greene,[17] while a Citizen's convention nominated a fusion ticket. This ticket, supported by C. T. Brown and Phillip Compredon, nominated G. D. Cook for mayor.[18]

The Citizens Party bolted the Republican organization and succeeded in electing a Democrat for mayor. There were 406 Citizen's votes polled against 169 Republican votes. The Citizens Party polled almost 50 percent of the votes cast.[19]

The Santa Fe Republicans split when Judge Reed Holloman captured the leadership of the county.[20] Holloman unseated the popular candidate Marcelino Ortiz, forced the nomination of candidates who were unpopular with the Spanish-speaking citizens, and used political and economic coercion to solidify control over the organization. It was alleged that Holloman worked through employers to force candidates to withdraw from seeking public office.[21] The native populace retaliated by offering an independent candidate.[22] The Republicans consequently were fighting among themselves. This split enabled the Democrats to capture every office except the mayorship. Holloman, a member of the Old Guard, failed to realize that

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[17] George Curry to H. O. Bursum, March 25, 1924, ibid.

[18] Ibid.

[19] C. T. Brown to H. O. Bursum, April 21, 1924, ibid.

[20] Frank Quinn to H. O. Bursum, May 4, 1924, ibid.

[21] Ibid.

[22] Ibid.

the World War had produced a new type of voter. Americans of Spanish ancestry came back from the war with every intention of becoming leaders of their group. They resented the undue influence of the judiciary in statewide politics.[23]

San Miguel County provided a somber background for Republican hopes of victory. Secundino Romero, nominal head of the Republican Party in that county, was challenged by Lorenzo Delgado for control. Delgado was aided and encouraged by Bronson Cutting, who wished to cause a general split within the Republican Party. Once the split was accomplished, the Democrats offered Delgado an opportunity to run on a fusion ticket. Guided more by personal ambition than by political acumen, he accepted the proposition and delivered San Miguel to the Democratic Party.

During the week preceding the Republican State convention, Bursum actively campaigned on behalf of Calvin Coolidge who had been nominated by the national convention without opposition. The defense of Coolidge was not difficult despite the three to five hundred weekly business failures in the nation. Bursum capitalized on the austere background of Coolidge to demonstrate his ability to deal with the depression.

> Calvin Coolidge represents the type who knows adversity as well as prosperity, all the phases of life, having been brought up as a poor farm boy. He worked hard; he was compelled to get along on a meager compensation until he has risen to the highest pinnacle in his country.[24]

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[23] Ibid.

[24] Santa Fe New Mexican, August 12, 1924.

The Republicans of New Mexico worked silently to secure a position on the ballot for the LaFollette Farm-Labor ticket. It was reasoned that the Farm-Labor vote would weaken the Democratic chances of victory since it enjoyed its greatest following in the eastern part of the State.

The Democratic convention tried to write a broad platform which could attract the Farm-Labor vote. To pursue this objective, they nominated A. T. Hannett for governor. He had enjoyed a colorful career in law and politics in Gallup. Because of his brilliant defense of labor, he was branded a radical by the Old Guard. This label seemed ideally suited for the close contest which was to ensue.

The incumbent governor, Hinkle, failed to receive the support of Bronson Cutting for several reasons. Cutting, the Machiavelli of New Mexico politics, had contributed heavily to the election of Hinkle with little in return except tacit recognition in minor appointments. He had built up a political machine which could mean victory for the candidates that he chose to back. Hinkle's refusal to recognize this strength officially resulted in the loss of Cutting's support. Cutting desired to control the Democratic Party by naming his own gubernatorial candidate. Hinkle delayed Cutting's ascendancy by giving the nomination to Hannett.[25] The combination of Hinkle and Hannett was impossible for Cutting to overcome; he had

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[25]Interview with A. T. Hannett, December 2, 1961.

While the Democratic platform was strongly orientated toward labor, the Republican platform adopted resolutions aimed at improving the economy of the nation through aid for business. One resolution recommended the revision of the Federal Reserve System to protect the farmer and business interests from further deflation. Other resolutions encouraged irrigation development, road and railroad construction, and a revamping of the general banking laws.[33] The platform condemned the Ku Klux Klan and all forms of religious or racial intolerance. In the same breath it denounced the Democratic State administration "for extravagance and waste of public funds."[34]

The campaign promised to be the greatest challenge for the Republican Party since statehood. The situation in eastern New Mexico gave promise of a split within the Democratic ranks. It was hoped that the "Bobcat Party" would pull 50 percent of the Democratic votes. According to one faithful Republican, the people saw "Coolidge and Dawes aloft the American flag and the Constitution," while Davis and Bryan led "the starved Democratic jackass, his head and shoulders draped in the garment of the Ku Klux Klan, flying the red flag of radicalism from the tip of his uplifted tail, to catch biggots [sic] and soviets . . . ."[35] LaFollette and Wheeler, "candidates for president and vice-pres. respectively, for the Farm-

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[33] Ibid.

[34] Ibid.

[35] James L. McCarthy to H. O. Bursum, September 27, 1924, Bursum Papers.

Labor Party were shown leading the lean and hungry bobcat and bearing in their hands the red flag of Russian bolshevism, seeking to destroy our Constitution . . . ."[36]

It was predicted that the Spanish-Americans would be forced to join the Republican ranks because of the Klan's support of the Democratic Party.[37] This observation perhaps would be true in an ordinary campaign--but this was no ordinary campaign. Bronson Cutting realized that Klan support would be a serious liability for the Democrats. The owner of the New Mexican started a systematic campaign, which in essence reported that the Ku Klux Klan actually sought the election of Bursum. Although the results were limited, they played an important part in the close election.

The Republicans decided that the lesser candidates should campaign in the areas adjacent to their respective districts. It was reasoned that this plan, which would cost less money, would have a greater influence on the election results. The Republicans believed their candidates would pull the counties with the largest population.

The burden of the Democratic Party was carried by the Cutting organ, the Santa Fe New Mexican. A. T. Hannett was given limited coverage while Bratton was openly supported.[38] Once more Cutting

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[36] Ibid.

[37] James L. McCarthy to Bascom Slemp, September 27, 1924, ibid. (copy).

[38] Interview with A. T. Hannett, December 3, 1961. Hannett claims Cutting was not interested in his election and on one occasion in Taos stated, "Vote against Bursum and as far as the governor's race goes, let your conscience be your guide."

reviewed the old charges against Bursum. In addition, he blamed the Republican Party for the bank failures in the State. The hardships suffered by the farmer and laborer were placed on Bursum's shoulders for his support of the Fordney-McCumber tariff.

The contest between Bursum and Bratton was one of issues.[39] Bratton accused the Republicans of general inability to deal with the banking problems of the State, denounced the Esch-Cummins Transportation Act as unworkable, and indicted the Old Guard as representing the vested interests of Wall Street.

The charges of general corruption and incompetence in office were not leveled by Bratton, but Cutting more than ably made up for this neglect. Bursum, the most important Republican in the State, stood in the way of Cutting's ambitions to capture Republican leadership. As one observer noted: "My judgment is that when H. O. Bursum is laid in the shade the backbone of the organization will be broken and not until then."[40] Furthermore, Cutting could not attack Manuel Otero without injuring his Spanish-Speaking support which he had been building ever since entering the political arena. Cutting's main political support in New Mexico rested with the Spanish-American vote and with the veterans' organizations. Bursum had established a similar following. With the political demise of Bursum, the unqualified support of this segment of the New Mexico population would be delivered to Cutting.

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[39]Interview with Judge Bratton, April 13, 1961.

[40]Joseph Hodge to Bronson Cutting, August 4, 1923, Cutting Papers.

In many respects, Hannett occupied the same position in the Democratic Party that Bursum had in the Republican. He had developed a strong political organization which was independent of Cutting. He enjoyed a wide following in the veteran and labor organizations but had amassed many political enemies. The Republican organ, the Albuquerque Journal, used the tactics of the New Mexican and endeavored to besmirch the personal and political integrity of Hannett. On one occasion the press charged Hannett with being the "legal advisor and personal friend of Luigi Liberatti," keeper of a bawdy house in Gallup. As a lawyer, Hannett protested that the meaning of the constitution bound those who practiced law to defend persons of questionable reputation.[41] He also was charged with supporting anarchism. It was rumored that anarchists threatened to destroy the Raton Tunnel. Certain elements within the Republican Party tried to interweave the anarchists' ambitions with the political career of Hannett.

The Progressive Farm-Labor ticket in New Mexico failed to produce capable leadership. By the middle of October it had become evident that the Republicans would lose eastern New Mexico. On October 25, the national Farm-Labor ticket advised C. M. Armstrong to resign as candidate for Congress and shift his strength to Democrat John Morrow.[42] Armstrong refused to resign,[43] but his name was

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[41] Interview with A. T. Hannett, December 3, 1961.

[42] Telegram, J. Lewis Clark, A. Fleischer, A. L. Usselman to C. M. Armstrong, October 25, 1924, Bursum Papers (copy).

[43] C. M. Armstrong affidavit in contest suit, ibid. (copy).

mysteriously withdrawn from many county ballots without his permission.[44]

The Santa Fe New Mexican assailed the senatorial record of the Republican candidate. To one who was familiar with Bursum's record, the attacks seemed preposterous. One such charge claimed he purposely remained out of the Senate gallery until the deciding vote was registered against a measure, "then rushed in and voted for the bill to show he was [its] friend."[45] Cutting also claimed Bursum used the same procedure when the vote to circumvent Coolidge's veto om the Bonus bill came to the floor.[46]

Cutting's plan for Bursum's defeat was clear. Since the veterans were equally divided in their support of Bursum and Cutting, it was essential to belittle the Senator's accomplishments on their behalf. Two days before the election the Santa Fe New Mexican made its last effort to besmirch Bursum.

> H. O. Bursum is the recognized leader of his party in New Mexico and a deal with the Klan thus inferentically [sic] commits the Republican Party in the state to Klan endorsements and co-operation. The evidence taken together with the publication in the 'Forum' is of sufficient weight to be laid before the voters of this state.
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> Rumors have been prevalent for some time that Bursum had an entente with Klan leaders. Also that Republican campaigners were representing their candidates as on one side of the religious issue in the eastern and on the other side of the fence in the Spanish-American districts.[47]

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[44] C. M. Armstrong affidavit in contest suit, ibid. (copy).

[45] Santa Fe New Mexican, October 27, 1924.

[46] Ibid.

[47] Ibid., November 1, 1924.

Cutting ran a story purporting that Judge Bratton was approached by a Klansman who alleged that Bursum had agreed to accept Klan support for certain political concessions.[48] Klan charges, similar to those drawn by Cutting, found their way to various points within the State on the day preceding the election by way of anonymous pamphlets.[49] Bursum called the charges false from start to finish. No doubt the stories were but an eleventh hour device to deceive the electorate of New Mexico.[50]

Election day in New Mexico was marred by the dispatch of National Guard troops to San Miguel County. Governor Hinkle had ordered the troops to quiet expected violence which was to result from the party quarrel between Secundino Romero and Lorenzo Delgado. To insure tranquility, the Governor placed the county under martial law. The military authorities muzzled the local press and censored all information leaving the county.[51] The Republican Journal charged that:

> It was well timed and well staged. Couriers from every corner of the state had brought the news of defeat to headquarters and something must be done. The hour demands desperate measures. Slander and vilification have failed. The hearts of the people must be filled with terror![52]

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[48] Ibid. Bratton could not recall this incident at interview on April 13, 1961.

[49] Interview with Ruth Bursum Harban, July 3, 1961.

[50] Santa Fe New Mexican, November 3, 1924. The Bursum reply was placed in the paper after the polls closed.

[51] Albuquerque Evening Herald, November 4, 1924.

[52] Albuquerque Morning Journal, November 4, 1924.

Although the leading Democratic candidates claimed that the presence of the troops did not influence the turnout in San Miguel, evidence indicated otherwise. In the election of 1920, 9,525 votes were cast; in 1922, 9,092; while in 1924 only 7,437 votes were balloted. Even in the off-year election of 1926, there were 8,595 votes.[53] Since the Republican Party in San Miguel County was split in 1924, a greater number of votes was anticipated, for it was assumed that both factions would labor unceasingly to gain control of the party organization.

When the tally for the State election was made, Bursum was defeated by 2,797 votes.[54] He lost despite the fact that he had almost as many votes as the victorious President Coolidge and over 1,000 more votes than Hannett received for governor. A. T. Hannett won with a majority of 199.[55] The gubernatorial vote was so close that it was assumed a contest would follow. Bursum hoped that a gubernatorial contest would show sufficient irregularities to enable him to dispute Bratton's victory.

Bursum's defeat was not difficult to explain. By 1922 the voting majority had shifted to the Democratic Party, while the traditional Republican counties were torn by internal strife. The leading Republican counties of Santa Fe, Bernalillo, San Miguel, and McKinley normally combined to give a majority of 3,000 to 4,000 votes.

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[53] State of New Mexico, "Report of State of New Mexico Comptroller," Hannett Papers, p. 2.

[54] New Mexico Blue Book: 1925-1926.

[55] State of New Mexico, "Report of State of New Mexico Comptroller," Hannett Papers, p. 14.

This margin usually offset the Democratic majority on the east side. The returns for Bursum from the heavily Republican counties showed a majority of only 440 votes. The defeated candidate failed to realize that New Mexico was in transition. He continued to rely on the invincibility of the Republican Party to pull substantial majorities, especially in northern New Mexico.

Heavy senatorial demands had not allowed Bursum ample time to mend his political fences; consequently he had been forced to depend on the party chairman to rectify party dissension. Prager Miller's failure to do so undoubtedly had done more to lose the campaign than any other single factor.

A force not to be discounted in the Republican defeat was Bronson Cutting who placed large amounts of money at the disposal of the Democratic Party. This enabled them to secure a vast number of Spanish-American votes.[56] Cutting's fortune also went into veterans' organizations and no doubt undercut Bursum's strength. Cutting's position as ex-commander of the American Legion in New Mexico caused a serious conflict in the minds of many veterans on election day. These factors, combined with the agricultural and banking collapse in the State, were liabilities too great for the Senator to overcome.

Bursum, who contemplated contesting the election of Judge Bratton, depended heavily on the outcome of the gubernatorial contest between Hannett and Manuel Otero. In the dispute both parties

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[56]Owen P. White, "Member of Both Clubs," The American Mercury, XXV, (February, 1932), p. 18.

claimed fraud on the part of the other.[57] When Otero lost his bid for the governorship, it was plain that Bursum could not hope to win in the Senate chambers. The Bursum contest failed to go beyond preliminary investigation, as the Senate ruled that there was not sufficient evidence to indicate Bursum could win the election, even if most of his claims were substantiated. Thus Bursum's senatorial and active political career came to a close.

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[57] Interview with Manuel Otero, November 15, 1961.

CHAPTER XIII

CONCLUSION

The defeat of Senator Bursum ended the era of frontier politics in New Mexico in which the Republican Party had held dominant control. The political personality of the Senator was shaped by the wilderness of the New Mexico Territory and the zenith of the Republican Party of the 1890's. Outwardly silent, physically powerful, and mentally astute, Bursum rose from the loneliness that only an orphan could realize to the highest position offered by the people of the State.

The frontier philosophy of self-reliance was gradually replaced by a belief in government composed of bureaus which would give close regimentation to the existence of society. Bursum and the Old Guard found themselves in the unfortunate position of being opposed to the ever-increasing number of social reforms. He was accused of opposing progress and, indeed, in many cases he did. The Old Guard, which differentiated between progress and necessity, argued that many of the reforms would pose financial and economic burdens unknown to past generations.

Politically, the Senator believed that one's allegiance to the party was supreme over the wishes of the individual. Since New Mexico politics has, and will be, a matter of individuals rather than one of party responsibility, Bursum found himself in the midst

of party feuds, fusions, and the cult of personalities. The system of personal politics divorced itself from party leaders and party responsibility. It was one of the factors which led to the destruction of the Republican Party in the State.

In the first half of the twentieth century, the Old Guard was harassed by politicians who found the native population easy prey for propaganda. H. J. Hagerman, Bronson Cutting, and Carl Magee tried to use the former Mexican province as a stepping stone to national prominence--only Cutting was successful. It was almost inevitable that a man of Cutting's stripe would wrest control from the Old Guard. Blessed with a keen mind and a vast fortune, he encouraged individuals within the Old Guard to exert their independence, knowing full well it would be to his advantage. Bursum recognized Cutting for what he was but found it impossible to stop him.

On the chessboard of New Mexico politics, Cutting held the king and the queen. The king was the unceasing flow of Democrats from Oklahoma and Texas which automatically voted against the Old Guard. The queen was an ample fortune that enabled him to purchase the native vote which heretofore had been associated with the Republican Party. By controlling these elements Cutting exercised a power which could dictate the course of New Mexico politics.

Bursum held the castle and pawns. The castle was his unshakable belief that the Republican Party could maintain indefinitely the control of the State. The pawns were the county leaders

who failed to realize their political and personal limitations. These leaders did not comprehend that their true worth and strength rested within the party. Collectively, they defended the Republican citidel; but the forces of Cutting impressed upon them the importance of their individual existence and compelled them to overextend themselves. Thus the citadel fell and with it fell the hopes, aspirations, and dreams of Holm O. Bursum and the Old Guard.

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