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## “Selling Sunshine”

LAND DEVELOPMENT AND POLITICS IN POSTWAR SOUTHERN NEW MEXICO

Jamie L. Bronstein

“**W**e’re in the mail-order business, and we’re selling sunshine,” is how Carter W. Kirk described his business to the *Albuquerque Journal* in 1971.<sup>1</sup> Following a long western tradition of boosterism dating back to the late nineteenth century, Kirk was promoting the Deming Ranchettes and Sunshine Valley Ranchettes, tracts of largely undeveloped land in Luna County, New Mexico. Since the Second World War, Sunbelt cities like Albuquerque, New Mexico; Phoenix, Arizona; and El Paso, Texas, had drawn thousands of emigrants from the Frostbelt with promises of outdoor living, tax advantages, and military and federally driven prosperity.<sup>2</sup> Now, people with moderate incomes could invest directly in the Sunbelt’s potential for development by buying into an area of the Southwest that had not yet boomed, but was sure to grow in the near future. For just a little money down and a few dollars each month, dreamers from the Northeast and Midwest could buy a “ranchette,” a half acre of undeveloped desert scrubland outside Deming, New Mexico. Prospective buyers could build homes and look forward to retirement there, or simply hold onto the land with the expectation that the

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Dr. Jamie L. Bronstein is a professor of history at New Mexico State University in Las Cruces. She is the author of *Land Reform and Working-Class Experience in Britain and the United States, 1800–1862* (Stanford, 1999); *Caught in the Machinery: Workplace Accidents and Injured Workers in Nineteenth-Century Britain* (Stanford, 2008); and *John Francis Bray: Transatlantic Radical* (Merlin Press, 2009). She is currently researching representation and popular politics in nineteenth-century Britain.

value of their land would rise or the property would even be annexed as the town of Deming grew.<sup>3</sup>

In many ways, the story of the Deming Ranchettes is emblematic of the larger story of economic development in the postwar Southwest. In Deming, as in many other places, progrowth real estate developers, working with local bankers and the Chamber of Commerce, initially drove development. By the 1970s, however, state government and area reformers challenged these entrenched interests by attempting to regulate development through state and municipal regulations.<sup>4</sup> In another way, the Deming story resembled that of Florida's platted-land schemes of the 1950s and 1960s. Developers platted the ranchettes with the idea that they would never become fully occupied but would continue to form a predictable source of income, through tourism and taxes, for the county and the city. The town of Deming would ensure its prosperity by selling off portions of its outskirts to people who would never set foot in New Mexico.<sup>5</sup>

The story of the Deming Ranchettes began in the Midwest. Three men from Chicago, Laurence Serlin, Harold Schwartz, and Hank Schlosberg, founded the Triple S Land Corporation (Triple S) in 1961. They bought over four thousand acres of the Spanish Stirrup Ranch from longtime Deming rancher Edgar May. As local newspaper the *Deming Headlight* would later mythologize, the three developers were "equipped with enthusiasm, ingenuity, imagination, and a fistful of dollars." According to the paper, the three investors discovered in Deming a place where the "water was good and plentiful, the community small and friendly, the air clean, the view unlimited, and the land available at reasonable prices."<sup>6</sup> They coined the term *ranchettes* to refer to the half-acre parcels into which they subdivided the land, and, like boosters before them, Triple S began a vigorous national advertising campaign.

Previous efforts to advertise the burgeoning West as a great place to live emphasized the abundant sunshine and the healthfulness of the dry climate, which could cure all manner of lung diseases.<sup>7</sup> The Atchison, Topeka and Santa Fe Railway promoted northern New Mexico as a paradise of fertile soil ready to sprout a cornucopia of produce.<sup>8</sup> In contrast the Deming Ranchettes' promoters capitalized on the recent popularity of the western genre in both television and film to position the desert parcels as places where middle-class suburbanites could act out their western fantasies. The movie *The Tall Texan* (1953) was filmed on the very land up for sale. Beginning in January 1962, Triple S advertised the ranchettes in newspapers primarily in the Northeast

and Midwest.<sup>9</sup> Advertisements showed a cowboy, prince of all he surveyed, sitting on a fence in the foreground, with a one-story L-shaped farmhouse and a corral standing in the background. The ads asked readers to imagine owning “a Ranchette of your own in the healthiest, sunniest climate in all of America.”<sup>10</sup>

The time seemed ripe for fastening on the cowboy mystique that was captivating the American people. The television shows *Bonanza* (1959–1973) and *Gunsmoke* (1955–1975) were bringing the mythic Wild West into the nation’s living rooms. The *Southwesterner*, a newspaper published just south of Deming, in Columbus, New Mexico, circulated nationally among fans of the Old West. Wedged between stories of the shootout at the OK Corral and tales of Billy the Kid were full-page ads and double-page spreads touting Columbus land in terms similar to those used by Triple S. “It’s time America discovered Columbus,” the ads punned. “We are not just an IDEA, we are a growing ESTABLISHED TOWN.” Although an aerial view of Columbus revealed that there was not much to the town’s establishment, several new ranch houses, along with a museum and a motel, were under construction.<sup>11</sup> The picture chosen for the full-page advertisement for land in Columbus echoed the illustration used by Triple S to promote the Deming Ranchettes: a cowboy in the foreground, looking at a snug little house and corral in a mountain valley. The message differed from the Deming land advertisements. “This is not raw land in a wilderness with no possibility of development,” the Columbus Development Board noted.<sup>12</sup> Reflecting that fact, the price to own a piece of Columbus was higher than it was in Deming—thirty-five dollars down and ten dollars per month for a half-acre ranchette, and even more for a town site. Developers in both communities reduced the Wild West to a manageable size and made owning a square of it beguilingly inexpensive.<sup>13</sup>

During a decade in which Lyndon Johnson’s presence in the White House drew sustained attention to the Southwest, the advertisement for the Deming Ranchettes ran almost unchanged in a multiplicity of newspapers throughout the country.<sup>14</sup> Promoters promised the cure to the anomie engendered by urban living. The main advertisement challenged readers: “Do you know people who wake up to sunshine 355 days out of each year?” Triple S pronounced Deming free of oppressive humidity, winter damp, cancer, and heart disease. Luna County was warmer than northern New Mexico, cooler than Arizona, more fertile than the rest of the desert, and “as actively vigorous and prosperous as the city you now live in, but without the fever, the tension.”<sup>15</sup> Other amenities mentioned were the “generous” fifty- and

eighty-foot-wide roads that had already been “dedicated” to Luna County, and “access” to highways 80, 70, and 11. The advertisement boasted that the drinking water in Deming was almost 100 percent pure, but neglected to mention that individual wells provided the water and that wells sometimes descended hundreds of feet before they struck water. The ad also mentioned that all the existing houses had electricity, but omitted that the cost of bringing electricity to the property line would be the responsibility of the owner.<sup>16</sup>

Previous attempts to market southern New Mexico, particularly those by the New Mexico Bureau of Immigration, centered on the agricultural possibilities of the land. In the 1960s and 1970s, however, Triple S developers described Deming as a real estate investor’s paradise that could offer benefits even to those who never moved there. The locale was due for the same type of boom that had struck the larger city of Las Cruces, New Mexico, sixty miles away.<sup>17</sup> A guarantee helped entice potential buyers—they would have forty-five days after receipt of their complete information packet to change their minds about the purchase, and they could receive a full refund of the purchase price.

The national advertising campaign for the Deming Ranchettes resulted in an outpouring of pent-up desire to own a bit of inexpensive western land. One hundred inquiries a week inundated Triple S; it had to institute a waiting list for development information. The company was also encouraged to develop a similar land-sale program east of Albuquerque.<sup>18</sup> To keep up with demand, the three Chicago magnates bought additional land, eventually expanding their property holdings from over four thousand acres to fifty thousand acres.<sup>19</sup> After just a year in business, the development partnership professed to have accounts with clients in virtually every state in the nation while attracting two thousand potential ranchette owners to Deming.<sup>20</sup>

Triple S worked hard to make the ranchettes seem more than just basic platted lands. The first two units, in the shadow of the Florida Mountains, were developed almost as soon as they were opened to settlement. Deming resident A. C. Hall’s home became the subject of the advertising postcard for the ranchettes. Several other site-built homes were constructed by June 1962.<sup>21</sup> Signs on U.S. Highway 180 and U.S. Highway 70 invited passersby to stop and tour the development. Taking a page from nineteenth-century boosters’ creation of “demonstration farms” in West Texas, the promoters also had experimental water wells dug near the first homes.<sup>22</sup> These test wells revealed that, close to town, water could be struck only at depths of 70 to 140 feet. In addition to digging test wells, Triple S bladed roads for the entire

anticipated subdivision and assured prospective buyers that power lines would be available when they were ready to build.<sup>23</sup>

Unlike some postwar platted-land developments, which centered on property far from existing population centers (as in Florida and California), the Deming Ranchettes were calculated to benefit the existing business community in town. From the project's inception, the *Deming Headlight* promoted the ranchettes through glowing articles and advertisements displaying new homes under construction and congratulating lucky settlers.<sup>24</sup> The newspaper was, in turn, one of the major beneficiaries of the development. When the editor of the Triple S Land Corporation newsletter informed out-of-state clients about how they could subscribe to the *Deming Headlight*, subscriptions to the paper soared by three hundred within a month.<sup>25</sup>

Close cooperation between the Deming business community and the land development company was made possible by the presence of a local manager, Kirk, who would become the entrepreneur behind the project. Born in 1916 in Nebraska, Kirk was the son of a railroad superintendent and moved to New Mexico to begin a career as a realtor after the Second World War.<sup>26</sup> In 1957 and 1958, he served as the assessor for Bernalillo County. Three years later, the owners of Triple S hired Kirk, who, with his wife Marjory, moved to Deming, where he would handle land development and sales in person. By 1965 he had taken over the ranchette project, renaming the company Select Western Lands. Schwartz and Serlin remained silent partners.<sup>27</sup> Deming's elite quickly embraced Kirk and his wife. Their daughter Kristin married John Hakanson, an English teacher at the high school who eventually became the company's vice president.<sup>28</sup> Kirk, a Republican, was elected as the representative to the state legislature from Luna and Hidalgo counties. Both Kirk and Hakanson assumed active roles in the local Republican Party, and Kirk was appointed to the Board of Trustees of the Chamber of Commerce. These political connections would be crucial to the future plans and maneuvers of Select Western Lands.

Just as early pioneers believed that rain followed the plow, the Deming city fathers in the 1960s and early 1970s believed that benefits to existing residents naturally followed large-scale development near the city. Select Western Lands took over Deming's former bus station building and directly employed fourteen people. The company attracted a steady stream of potential land buyers, who used local restaurants and hotels in Deming. Kirk arranged for the blading of numerous dirt roads in the desert and then dedicated them to the county. The expansion of the road system earned the county money

that went into its road fund and that could be used to improve other roads.<sup>29</sup> Later, Hakanson, as company vice president, succeeded in persuading the Luna County Commission to add even more of the subdivision's internal roads to those entitled to county maintenance. He argued that the county would lose no money on the deal, since it stood to receive seventy-five dollars per mile from the state.<sup>30</sup> Select Western Lands also argued that out-of-state owners of the ranchettes would pay property taxes without making any real demands on the school district or other county services.<sup>31</sup> These nonresident proprietors lacked the right to vote in local elections—a calculation that had likewise entered into Florida entrepreneurs' thinking about platted lands in the 1960s.<sup>32</sup>

The *Deming Headlight* described the reciprocity between Select Western Lands and the city of Deming. Strangers wrote the local Chamber of Commerce to ask whether Select Western Lands was a reputable company, whether the properties were really as nice as the company promised, and whether it was possible to acquire so much land as cheaply as advertised. To each inquiry, the chamber sent back the same reply: Select Western Lands was fully licensed by the state of New Mexico, thoroughly audited by state and local authorities, and had demonstrated the ability to provide land seekers with legal titles. Inquirers also received the chamber's full-color brochure of the local area. Select Western Lands subsidized the mailings.<sup>33</sup> Such reciprocity between Chambers of Commerce and particular revenue-generating industries was common throughout the postwar Southwest.<sup>34</sup>

The development of the subdivision transformed Deming from a small railroad town of fewer than ten thousand people into a symbol signifying a bright western future.<sup>35</sup> Although many owners of ranchette land would never move to or visit Deming, they were made to feel a part of an imagined community of transplants. Select Western Lands employed Irving Israel to edit the *Ranchette News Letter*, a quarterly publication intended to encourage out-of-state landowners to vicariously live a western life. In 1963, for example, Israel instructed his readers how to make luminarias and assured them that these candle-lit ornaments were just as authentic a part of the Christmas season as the Yuletide wreath.<sup>36</sup> Prospective residents maintained contact with the town through the letters column of the *Deming Headlight*, writing inspirational poetry about the desert and sending in money for the town's Christmas lights fund.<sup>37</sup> The Chamber of Commerce opened its doors to out-of-state business people in 1971 by advertising in the *Ranchette News Letter*, quickly enrolling fifty-eight members in twenty-two states.<sup>38</sup> Absentee

owners and permanent residents alike became members of the Luna County Ranchette Owners Association, which represented their interests at County Commission meetings. A local photographer specialized in shooting properties and mailing the pictures to nonresident owners.<sup>39</sup>

Because the original ranchette lots sold out quickly, Kirk looked for opportunities to acquire more land. He bought up land wherever it became available, and the ranchette development became a patchwork of over one hundred units lying on both sides of the Florida Mountains and north and south of Interstate 10. In the 1970s, Kirk purchased more than twenty-five thousand acres on the east side of the Florida Mountains from Edward Watz of Tucson. Select Western Lands turned the additional holdings into a new development called the Sunshine Valley Ranchettes.<sup>40</sup> The plat maps were identical to those of the Deming Ranchettes: relentlessly straight roads intersecting at right angles; twenty half-acre parcels on each block; and no room allocated for schools, parks, fire stations, or even commercial districts.<sup>41</sup> Like the Deming Ranchettes, the Sunshine Valley Ranchettes were affordable at \$349 for five acres, sold in installments at \$6 down and \$6 a month.<sup>42</sup>

By 1975 all but eighteen hundred of eighty-four thousand subdivided land parcels had been sold, but the frenzy of land sales translated into little building on the ranchette properties.<sup>43</sup> Always certain that the majority of ranchette purchasers would never move to Deming, Kirk noted, "I refuse to believe the population will ever reach the level of purchases."<sup>44</sup> Kirk claimed to be performing a public service by enabling easterners and northerners to own a piece of the West. "Every American wants to own land; it is something sacred. . . . [A]ll I ask is his cigarette money, \$5 or \$6 dollars down, the same each month."<sup>45</sup> Kirk sold land with the knowledge that if all eighty-four thousand buyers developed their land, it would create an untenable situation. The available water supply and city services would be unable to meet the demand, and overcrowding would compromise the aesthetic value of the desert.<sup>46</sup> Like many other platted-land developments, the Deming Ranchettes churned. Landholders often failed to pay property taxes and their land was confiscated by the county government and resold at auction. As long as buyers continued to purchase the land, the cycle benefiting the county would repeat.

The limited number of people who the national advertising campaign did influence to move to Luna County changed the area significantly. Luna County grew from 9,839 residents in 1960, to 11,706 in 1970, 18,110 in 1990, and 26,498 in 2005. Of the 129 families that shared with the Deming Historical Society their reasons for moving to Deming between 1948 and 1978, 22 of them (17

percent) specifically noted the effectiveness of Select Western Lands' national advertising in encouraging them to relocate to Luna County. These families came from places such as Minnesota and Wisconsin; Long Island, New York; and Chicago, Illinois. In addition these newcomers, who were not Mexican American, contrasted with much of Luna County's population. Fifty-eight percent of Luna County inhabitants shared a Mexican American heritage, according to the census in 2000.<sup>47</sup>

The owners of ranchettes tended to be community oriented. They were involved in the local schools, churches, and charitable activities. Those who had bought land in Units 1–13 formed the “Floridian Rancheros” and held regular social meetings in the Deming City Hall.<sup>48</sup> In 1972 ranchette owners formed an even larger organization, the Luna County Ranchette Owners Association. This group had its own *Deming Headlight* column, “Ranchette Ramblings,” intended at least in part to keep out-of-state landowners apprised of county conditions and concerns. The owners association even built its own community center.<sup>49</sup> Local ranchette owners staffed the Chamber of Commerce once a week, put together a float for the city's annual 4th of July parade, and even came up with the ingenious scheme to sell square-inch parcels in the development to fund an expansion of Mimbres Memorial Hospital.<sup>50</sup>

The Southwest desert reshaped the emigrants from the Northeast and Midwest, just as they changed Deming. While some ranchette owners extolled the virtues of their new lives in the Southwest, others told a more ambivalent story. Charlotte Haison, a single mother of four from Chicago, explained: “We didn't know anybody in Deming . . . I had purchased an acre and a half of Deming Ranchettes. We had a dream and we were on our way to make our dream come true. In 1964 while driving through New Mexico, I had fallen in love with the desert and mountain beauty and then after my divorce I saw an ad for Deming Ranchettes and a place to start over.” When Haison reached Deming, however, she found that her property lay twenty miles away from the city limits: “We were used to having stores and everything within a block of our house. To walk three or four blocks was a long walk. To drive into town every day was utterly unheard of for us. At that time it seemed our land was in a distant city . . . we discovered that apartments and jobs were scarce and we were greatly disappointed.” Like many ranchette owners, Haison decided to buy property in town and hold onto the subdivision land as an investment.<sup>51</sup>

Many ranchette buyers who moved to Luna County found conditions far different from what they had expected. Although underground phone lines were nearby, doggedly placed by Mountain Bell, the general lack of

municipal services surprised transplants from more densely settled areas of the northern and eastern United States.<sup>52</sup> During the rainy seasons, some of the properties, which lay in a hundred-year-flood plain, became inundated and impassable. Residents of the ranchettes expressed surprise when both Select Western Lands and the Luna County commissioners denied that maintaining the roads was their responsibility.<sup>53</sup> In 1972 one commissioner went so far as to note that had the County Commission foreseen that quagmires would form when it rained, it might have adopted stricter subdivision legislation ten years earlier.<sup>54</sup> When an open tender for road maintenance in the area of the Deming Ranchettes lapsed without any bidders in 1969, the responsibility for six hundred miles of roads fell into the hands of the county. Kirk suggested a tax assessment on subdivision property owners to cover the cost of road maintenance, much to their dismay.<sup>55</sup> The surcharge imposed by Luna County would amount to as little as one dollar per year per half-acre lot, but to retirees who had moved to Luna County expecting western freedom, it was an unwelcome shock.<sup>56</sup> The project also ran into opposition from A. D. "Sonny" Brownfield, a local rancher who attended Luna County Commission meetings to block development of the ranchettes. Brownfield even secured an endorsement from the State Planning Officer for his allegations that the national advertising for the Deming Ranchettes was fraudulent.<sup>57</sup>

In 1970 the rosy picture that the Columbus Development Board in nearby Columbus had painted was also starting to fray at the edges. The water system was so fragile that homes in the area repeatedly ran out of water. Neither the development board nor the village of Columbus were willing to accept responsibility for providing water to the lot owners and address the issue of the town's substandard and incomplete well. Despite those problems, the development board continued to advertise lots for sale in Columbus. Local resident George T. Evans begged the village, the county commissioners, and the New Mexico Department of Justice to intervene against additional sales until the water problem could be resolved.<sup>58</sup> Director Charmaine Crown, who fielded consumer-protection complaints at the state level, was unmoved by such pleas: "I'm not really clear in my mind if that is the land people's fault or people who live in more lush areas than ours and come out and find a desert." Eddie Barboa, a New Mexico state senator from Albuquerque, was even more dismissive than Crown: "Why should we worry about these people who come in from New York or California and spend \$1000 for some worthless land? Developers bring in these people by the planeload, wine them and dine them and then whip them back. Besides, some of the hostesses tell

me these people don't even drink water. So we don't have anything to worry about."<sup>59</sup>

Columbus residents and Deming Ranchette owners had fallen afoul of the relative absence of subdivision laws in New Mexico in the early 1960s, when both projects began. By 1970 New Mexico was bursting at the seams with paper subdivisions, which particularly plagued areas around Albuquerque and Santa Fe. Coronado City, located twenty miles south of Santa Fe, featured quarter-acre lots on eleven thousand acres and not nearly enough water. AMREP Southwest Inc., a subsidiary of a company called the American Realty and Petroleum Corporation (AMREP), developed the El Dorado subdivision on twenty-seven thousand acres southeast of Santa Fe. AMREP Southwest also developed and promoted the Rio Rancho suburb of Albuquerque on fifty-five thousand acres. Going one better than Select Western Lands, AMREP chartered flights to bring prospective landowners to New Mexico for a quick sale. In 1970 Hilario Rubio, with the Economic Development Internship Program of the Western Interstate Commission for Higher Education, studied the platted-lands issue. He stated with a note of despair: "There is enough proposed platting in Northern and Central New Mexico to accommodate a duplication of all the people in the state. There is certainly not enough water for all these people, even over several years. Thousands of septic tanks are proposed. No basic improvements are guaranteed but nice-sounding ideas have been put on paper."<sup>60</sup> Rubio also remarked on the dearth of recreational facilities, lack of attention to the environmental impact of such settlements, and the absence of social amenities like schools. Most chillingly the Land Subdivision Act of 1963, the only law that regulated such development activities, prevented counties from rejecting plats for environmental reasons. Counties had little control over subdivision growth despite the fact that New Mexico law allowed a septic tank and a well to coexist on a half acre of land.<sup>61</sup>

In 1970, the year that Rubio published his study, the U.S. Congress created the Environmental Protection Agency and the United States celebrated Earth Day for the first time.<sup>62</sup> In the context of increased environmental awareness, New Mexico was clearly in danger of losing one of its most impressive natural resources: open and unspoiled lands. David F. Cargo, New Mexico's Republican governor, created a Land Development Study Committee (LDSC) to recommend revisions to the inadequate state subdivision laws. The LDSC was composed of the state engineer, a representative from the New Mexico State Land Office, a representative from the New Mexico State Health and

Human Services Office, a Bernalillo County commissioner and a state senator. Deming Ranchettes salesman and Select Western Lands president Kirk was ostensibly appointed to the committee as a state representative, although his identity as a major real estate developer was no secret.<sup>63</sup>

During October and November 1970, the LDSC held five extensive meetings on large-scale subdivision development and convened other meetings of ad hoc subcommittees. Kirk attended all five, and the minutes show his eagerness to limit the regulation of land use to the counties. He also wanted to avoid introducing new legislation, arguing that the regulations articulated in the Land Subdivision Act of 1963 already restricted land use in the state. Other members of the LDSC seemed similarly half-hearted. For example the water subcommittee concluded that a proliferation of individual water wells in a large subdivision would jeopardize underground water supplies, but that when the population of a subdivision became dense enough, someone would propose switching the community to some sort of communal water supply. Arguing that both notions were false, Kirk refused to discuss the supply of water to subdivisions.<sup>64</sup> After all its deliberations, the committee made three recommendations: the state needed to grant more power for county commissioners to draft subdivision regulations, including a requirement for water studies; deploy more professional staff from its planning office to assist the counties; and establish a State Inter-Agency Land Use Review Committee.<sup>65</sup>

In 1971 Democrat Bruce King replaced Cargo in the governor's office. With King came a call for new land-use policies, which had been a major part of his campaign platform. During his first year in office, no new policies were enacted due to the lack of legislative consensus on the issue. Local environmental groups pushed hard for change but several bills proposing new regulations on subdivisions failed in the House.<sup>66</sup> In 1972 Rep. James Koch submitted House Bill 63 to the state legislature. The bill proposed to hold developers responsible for providing adequate water supplies in large subdivisions, and required the state engineer's office to certify the presence of sufficient water to sustain them. The bill also prohibited subdivisions around individual wells.<sup>67</sup>

The Koch bill met strong resistance in the legislature. Among its opponents was Select Western Lands president Kirk, who argued that such measures were backed by "conservationists" and would put developers out of business.<sup>68</sup> Other developers positioned themselves to block the legislation. Two out of five members of the state's Environmental Improvement Board were large land subdividers.<sup>69</sup> Initially, developers and environmentalists apparently

reached a compromise, and telegrams encouraging King to support the bill streamed into the Roundhouse. King had his own conflicts of interest. The year before entering office, he had sold seven million dollars worth of land to AMREP and appeared in their promotional film touting Rio Rancho.<sup>70</sup> The Senate Conservation Committee killed the Koch legislation when it replaced the bill with a watered-down substitute bill, which compelled a coalition of environmentalists and land developers to vote against the measure.<sup>71</sup>

But it was too late to stop the public momentum that had developed in favor of some kind of subdivision regulatory legislation. Between 1970 and 1973, the Citizens' Coalition for Land-Use Planning, formed in 1970, held several state-wide meetings of environmentalists, engineers, land-use experts, and developers to study the issue and press for reform.<sup>72</sup> The legislature finally passed a subdivision bill in 1973.<sup>73</sup>

The subdivision law approved in 1973 was based on the idea that the biggest threat to New Mexico was land development density. The law created five categories of subdivisions predicated on density as measured by lot size and number of platted lots. Had the Deming Ranchettes not been grandfathered into the legislation, they would have been designated a highly regulatable "type 1" subdivision, meaning that there were more than five hundred parcels in the development and that each one of them was less than ten acres in size. After 1973 developers subdividing land into more than four parcels had to attest to county commissions that they had already planned adequate water, liquid, and solid waste disposal into their subdivisions. County governments could also call on the assistance of state agencies like the Environmental Improvement Board and the state engineer's office if they needed a professional consultation on a subdivision. "Dry" subdivisions, those lacking a guaranteed water supply, were still possible under the new law, but counties could use their discretion to limit these developments to areas far from aggregations of people, where they would not threaten existing water tables.<sup>74</sup> Subdividers were also required to disclose to prospective buyers a long list of conditions, including the depth of any groundwater and the distance by road to all amenities that were advertised in promoters' brochures.<sup>75</sup>

The passage of the Subdivision Act of 1973, although not the last word on subdivision regulation by any means, indicated that New Mexico was beginning to shift away from the belief that land development was, in itself, a guaranteed force for the common good. At the same time the political and economic power of Kirk's land empire was waning. In 1974 the Internal Revenue Service dunned Select Western Lands for over five hundred thou-

sand dollars in back taxes for the early 1970s, citing discrepancies in business deductions reported by the company.<sup>76</sup> This setback was not the most serious to befall the company. In 1977 New Mexico attorney general Toney Anaya fined Select Western Lands for breaking the state's subdivision laws. He cited lands the company sold near Cerrillos, south of Santa Fe, not the Deming Ranchettes. The company had purchased thirty-four hundred acres of the Gene West Ranch in 1969. From 1975 to 1976, Kirk had instructed a realtor to sell it, either as a single parcel or in units of no fewer than forty acres. Over the next two years, forty parcels were sold to forty separate purchasers, although Select Western Lands never filed a plat map or advertised the sales process. A government investigation soon followed. The New Mexico Attorney General's Office accused the company of illegally subdividing the land. The New Mexico District Court ruled against the company, fining it one thousand dollars for each of the eighteen counts of violating the Subdivision Act.<sup>77</sup>

Select Western Lands was not the only major New Mexico subdivider that failed to abide by the law in the mid-1970s. The Horizon Corporation subdivided four hundred square miles east of Belen into "Rio Communities." The company advertised the 172,000 lots as the guaranteed beneficiaries of the growth of Albuquerque, which was more than twenty miles away. Like the Deming Ranchettes, Rio Communities lacked central water and sewerage, basic utilities to many lots, and paved roads. Development was left in the hands of "associations" staffed largely by Horizon employees. These associations collected annual dues but did not expend them to improve the subdivision. In 1975 purchasers filed a one hundred million dollar class action suit against the company, which was settled out of court. The Federal Trade Commission also pursued the company for fraudulent sales practices.<sup>78</sup>

Against the backdrop of this changing legal and regulatory context, the *Deming Headlight* attempted to influence the way in which the Deming Ranchettes would be remembered. The newspaper ran a three-part series in the spring of 1977 that explored the impact of the subdivision on the community. Eileen Cousland, the director of the Deming Chamber of Commerce and wife of the *Deming Headlight's* publisher, noted that land development had most directly benefited tourism. The county was still receiving an average of seven inquiries a day from people who had seen the Select Western Lands' newspaper ad for the ranchettes. Those persons interested in property also tended to subscribe to the local newspaper, and if they moved to Deming, they bought new furniture from local merchants. The reporter pointed out that well-drilling and pump installation were also a great economic benefit to

the area; the price of installing a well and pump in 1977 was between \$1,840 and \$2,450, which was much more than the cost of the land parcels.

No one whom the newspaper interviewed said a bad word about the Deming Ranchettes' developers. Ernest Burseson, president of the Board of Realtors of Luna County, complimented Select Western Lands for allowing those owners who had purchased poor-quality land to exchange it for better parcels within the subdivision. Earl Spruell, vice president of the Deming National Bank, called the ranchette phenomenon "the greatest factor in the growth and economic development of Deming in its history," ranking it with the coming of the railroad and the discovery of potable water underground.<sup>79</sup> Certainly, the speculation in Deming land had been profitable for Select Western Lands, which had assets of over four million dollars in 1976.<sup>80</sup>

The *Deming Headlight* portrayed those who moved to town as western success stories and presented the subdivision as a modern-day equivalent of the Homestead Act (1862). The reporter for the newspaper interviewed Harold and Vi Koepsel, emigrants from Wisconsin who were living on an immaculately groomed property in a mobile home fourteen miles southwest of Deming. The Koepsels were involved with a Deming church, the Luna County Ranchette Owners Association, and its newspaper, the *Roadrunner*. Although other migrants recounted drawbacks such as wind, snakes, and getting snowed in due to bad roads, the entire experience was sunnily recounted as a character-building enterprise, just as it had been for frontier pioneers in the nineteenth century. The reporter claimed: "When one considers the thousands of persons who have come to know Deming through publicity generated by the Deming Ranchettes, the millions of dollars that have been pumped into the local economy by this association, and the wealth of new residents the area has gained, it all adds up to an exceptionally positive development."<sup>81</sup>

At the center of state government in Santa Fe, policymakers and enforcers began to see subdivisions like the Deming Ranchettes as a less-than-desirable phenomenon. In 1978 Attorney General Anaya told a congressional committee that regulatory controls on land subdivision would have to come from the federal government. New Mexico's existing weak subdivision laws, he explained, had been enacted only after years of political struggle, and victims of land fraud had no meaningful judicial remedy. "The same forces that defeated stronger provisions," he said, "are still very much alive and well in our state." He noted that more than 1.5 million acres had been subdivided in New Mexico and more than one billion dollars earned over a fifteen-year

period, but the lack of water and infrastructure meant that very few buyers would ever be able to settle on their lots. Anaya singled out Rio Communities, which covered over four hundred square miles of land and was subdivided into 172,000 lots with little resale value, as an example of fraudulent land sales practices.<sup>82</sup>

The outcome of the attorney general's suit against Select Western Lands property sales near Cerillos confirmed Anaya's pessimism. By 1980 the company had appealed its case to the New Mexico Court of Appeals, which reversed the lower court decision. Two of the three judges concluded that the Subdivision Act of 1973 had the potential to infringe upon constitutional property rights and thus had to be interpreted strictly. They reasoned that the legislature could not have intended to refer to one plot of land divided from a larger whole as a "subdivision." The two judges argued that in the absence of a plat map, an advertising campaign, or some coordinated attempt by Select Western Lands to sell a property, there was no evidence that a subdivision was "intended." Intent was the legal burden in Anaya's case. Judge Benigno Hernandez dissented, noting that the other two judges' reasoning was circular and that their construction of the Subdivision Act would deprive the measure of much of its regulatory force.<sup>83</sup>

The court's decision was a bitter pill to the attorney general's office. The office responded by printing several handbooks intended to warn wary consumers about possible sharp practices and legal evasions that some subdividers might use to sell worthless lands.<sup>84</sup> A state subdivision law passed in 1981 also fixed the loophole that had exculpated Select Western Lands by removing intent to partition property for settlement from the equation of whether a subdivision did or did not exist. Furthermore, land developers were required to build roads in a manner and on a schedule approved by affected counties to eliminate the problem of the "premature grading of roads and the premature scarring of the landscape in large subdivisions where anticipated sales, actual use, and development may not take place until many years in the future, if ever."<sup>85</sup>

By the 1980s, praise of Select Western Lands and its role in the economic development of New Mexico had disappeared from the press, while complaints against the company mounted. Residents of the Deming Ranchettes objected to the failure of Select Western Lands to enforce the original restrictive covenants that it had signed with them. Mobile homes, once theoretically restricted to a few areas of the subdivision, were now becoming pervasive, and the New Mexico courts bowed to their ubiquity, refusing to intervene on the side of the plaintiffs.<sup>86</sup> Residents of Select Western Lands' Valley of

the Estancia Ranchettes near Santa Fe complained of impassable roads and septic tanks that leaked and fouled their wells during periods of flooding. The county denied that it had assumed the responsibility to maintain the roads, leaving the residents with no legal recourse. Like the Deming Ranchettes, the Valley of the Estancia Ranchettes had become a monument to a period of private-sector supremacy over county government.<sup>87</sup>

Today, the Deming Ranchettes look much as they did in the 1960s. Some of the roads that were originally bulldozed exist only on paper; others are roughly graded dirt trails that challenge a four-wheel-drive vehicle. A handful of old site-built houses exist alongside a much greater number of mobile homes of every description, especially near the first two units Triple S constructed in the shadow of the Florida Mountains. Some properties are ringed by barbed wire to keep out cattle that still graze in the area. On the eastern side of the Florida Mountains, where the higher-numbered Deming Ranchettes lots and all the Sunshine Valley Ranchettes are located, addresses are often impossible to find, and the mobile homes are scarcer than on the western side of the mountains. Few amenities that positively impact land prices are present. Many of the west-side lots are almost inaccessible by road. The water table is very deep; much of the land is in a flood zone. The landscape is brown, not green. Utilities are expensive to bring in, and the nearest city, Deming, is at least twenty miles away. Deming lacks the sports facilities, performing arts centers, public transportation, and other amenities often available in small cities elsewhere. The ranchettes resemble other similar settlements designated “colonias” in New Mexico and Texas, except for the fact that colonias are usually associated with poor Mexican-American homesteaders rather than retirees from outside the Southwest.<sup>88</sup>

Not every New Mexico land scheme has had the same outcome as the Deming Ranchettes. The Rio Rancho suburb, developed by AMREP, provides a contrasting case. In the 1970s, the city of Rio Rancho, which incorporated just thirty-five hundred of the eighty-five thousand acres that AMREP tried to sell by mail, was substantially built out, but the outlying areas remained undeveloped and worth little. Like Select Western Lands, disgruntled buyers pursued AMREP in court. Investors argued that the company committed land fraud by overstating the value of the outlying desert properties. In 1977 four of AMREP’s directors were convicted and sentenced to six months in jail and the company paid a large fine.<sup>89</sup> The Rio Rancho story took a surprising turn when AMREP, which had its own economic development department, began to recruit businesses to the area and sold

thirty thousand acres of its Rio Rancho land to Intel. The electronics company built a computer chip fabrication plant on the newly purchased land. Other large industries followed, facilitating more growth, a Home Rule charter for the city, and the formation of its own school district.<sup>90</sup>

AMREP's other development, Eldorado at Santa Fe, became a success of a different type. Pressure from local government officials who feared for the water supply forced AMREP to scale down its plans for the development. Rather than building the proposed 25,000 homes spread over twenty-seven thousand acres, the developers were approved for 2,750 homes spread over thirty-eight hundred acres, with an additional twenty-two hundred acres allotted for roads, schools, stores, and communal areas, and a four thousand-acre wilderness reserve. A community improvement organization enforced strict building covenants, ensuring that Eldorado would not become a free-for-all. By the 1980s, Eldorado had become a mecca for those seeking reasonably priced homes within commuting distance of Santa Fe. Despite concerns about the availability of water for the development, 2,700 homes, many of them with passive solar features, had been built by 2007.<sup>91</sup>

Rio Rancho and Eldorado are in many ways exceptions to the rule. The western portion of the United States is full of platted lands, many of which would threaten water supplies, sanitation, and erosion if they were ever developed.<sup>92</sup> Counties throughout the West have tried different options to avoid such problems. These plans include vacating plats, selling limited development rights, enforcing phased development, merging lots, and encouraging buyers to incorporate as towns. In 2006 Luna County finally acknowledged the potential environmental impact of eighty-four thousand half-acre home-sites by passing Ordinance No. 37, which mandated that new septic systems could only be built on plots of land two acres or larger.<sup>93</sup> The preamble to the ordinance noted the lax regulatory structure that had prevailed when the Deming Ranchettes were platted. At that time, the county's main concerns had been road building and truth in advertising, not health and safety or environmental degradation. Ordinance No. 37 also created a de facto lot-merger policy. It forced owners of half-acre ranchettes who sought to build on their land, or even retain some value for their land, to seek out neighbors and buy adjoining lots. The result was predictable—landowners who had bought land under the impression that they were buying a piece of the unregulated West were angry and proceeded to file suit.<sup>94</sup>

When Kirk died in 2004, his wife Marjory stated, contrary to the historical record, that one of her husband's most poignant regrets was not having been

able to convince more Deming Ranchettes landowners to actually settle there.<sup>95</sup> Select Western Lands was dissolved by the state of New Mexico in 2001 for failure to file a corporate report with the Public Regulation Commission. But the Deming Ranchettes live on, not just as homes to some or the subject of a lawsuit, but as the center of western wish-fulfillment. Some lots are still confiscated for failure to pay taxes and others are bought up in parcels at tax auctions by internet land-sales companies, which then sell them on eBay and other proprietary websites. These unscrupulous sellers assure unwary bidders that Luna County is sure to be noticed at a national level soon and that prices are guaranteed to rise over time. And just as they were in the 1960s, real estate customers are attracted by tales of clean air, pictures of sturdy yuccas, and the promise of 340 annual days of sunshine.<sup>96</sup>

## Notes

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5. For more on platted-land schemes in Florida, see Hubert B. Stroud and William M. Spikowski, "Planning in the Wake of Florida Land Scams," *Journal of Planning Education and Research* 19, no. 1 (1999): 27–39.
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7. Jan Blodgett, "Land Promotion and Advertisement in West Texas," *West Texas Historical Association Yearbook* 60 (1984): 35–46; and Marienka Sokol, "From Wasteland to Oasis: Promotional Images of Arizona, 1870–1912," *Journal of Arizona History* 34 (winter 1993): 357–90.
8. Victoria E. Dye, *All Aboard for Santa Fe: Railway Promotion of the Southwest, 1890s to 1930s* (Albuquerque: University of New Mexico Press, 2005).
9. See, for example, Ranchette Advertisement, *Danville (Va.) Register*, 8 April 1973, p. 80; and Ranchette Advertisement, *Jefferson City (Mo.) News and Tribune*, 3 January 1971, p. 43.
10. Ranchette Advertisement, *Cedar Rapids (Iowa) Gazette*, 7 January 1962, p. 77; and Ranchette Advertisement, *Denton (Tex.) Record-Chronicle*, 14 January 1962, p. 32.

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13. Ranchette Advertisement, *Columbus (N.Mex.) Southwesterner*, April 1964, p. 14.
14. Burd, "The Selling of the Sunbelt," 131.
15. Ranchette Advertisement, *Port Arthur (Tex.) News*, 25 February 1968, p. 66.
16. For an example of Deming Ranchette promotions in newspapers throughout the United States, see Ranchette Advertisement, *Anniston (Ala.) Star*, 16 March 1969, p. 43.
17. Las Cruces grew from twelve thousand people in 1950 to thirty-seven thousand residents in 1960. New Mexico promotional literature, however, carefully omitted the fact that the expansion of the White Sands Missile Range, twenty miles east of Las Cruces, and Fort Bliss in El Paso, Texas, fueled the population boom in Las Cruces. For early promotional efforts in New Mexico, see *Luna County, New Mexico: A Land of Promise for the Homebuilder Offering Every Condition of Climate, Soil, Water and Market for Successful Agriculture; Known for Many Years as the Cattleman's Paradise and with Tremendous Resources* (Santa Fe: Bureau of Immigration of New Mexico, 1908).
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19. Laurajean Ritchie, "Deming Ranchettes: The Story Behind Them; How They Got Where They Are," *Deming (N.Mex.) Headlight*, 12 May 1977, p. 1.
20. "Deming Ranchette Building Continues," *Deming (N.Mex.) Headlight*, 27 June 1963, p. 10.
21. "Deming Ranchette Development Starts," *Deming (N.Mex.) Headlight*, 14 June 1962, p. 1.
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31. "Deming Ranchettes Plans Open House for Thursday," *Deming (N.Mex.) Headlight*, 12 September 1968, p. 9.
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33. Mabel Anthony, "Chamber Gets All Kinds of Questions about Area," *Deming (N.Mex.) Headlight*, 13 February 1969, pp. 1, 9.
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