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FRANCISCO CHÁVEZ, THOMAS B. CATRON,
AND ORGANIZED POLITICAL VIOLENCE
IN SANTA FE IN THE 1890S

TOBIAS DURAN

POLITICAL CONFLICTS IN New Mexico during the last quarter of the nineteenth century frequently resulted in violence. As a recent study on violence has noted, New Mexico may have been "the only place in America where assassination became an integral part of the political system. . . ."¹ Several examples, in fact, illustrate this prevalent political violence: in 1884 Juan Patrón, Lincoln County leader, was murdered; in 1896 Albert J. Fountain, Doña Ana County politician, mysteriously disappeared; and in 1904, an unknown assassin shot and killed José Francisco Cháves, Valencia and Torrance County political boss.² Moreover, Lincoln and Colfax County battles and vigilantism in Socorro, Albuquerque, and Las Vegas added to this widespread discord.³

Although violence was a fact of life, the ambush in 1892 of popular Santa Fe County political leader Francisco Chávez, age 41, aroused unusual indignation and intensified existing strife. As one journalist wrote: "In the history of horrid crimes of the Southwest, . . . none was more dastardly, cold-blooded and fully predetermined. . . ."⁴ The celebrated murder trial produced "sensation after sensation," implicating old-guard political veterans, and eventually led to the execution of four Mexicanos, suspected of being only part of larger conspiracies.⁵ Another writer, Thomas Smith, chief justice of the New Mexico Supreme Court, added that the accused had pursued a "diabolical conspiracy of long standing," and pronounced the case a "*cause célèbre*" because of the "prominence of the deceased, . . . the notoriety of the criminals, . . . the complication and mystery

of the circumstances, and ' . . . the intense interest of the populace.'"⁶

Chávez, whom historian Ralph Twitchell described as a "powerful personality in the administration of political affairs," became a formidable foe of the Santa Fe Ring and "seemed to be on the verge of welding" widespread opposition to the powerful clique. Led by Republican boss Thomas Benton Catron, the ring illustrated the monopolistic tendencies of many American business concerns in the Gilded Age.⁷ On the other hand, Chávez, former sheriff and party chairman of Santa Fe County, was a prominent Democrat, "the acknowledged leader of his party, and much the strongest man politically in the county."⁸ Because of the "popularity and power" of Chávez, Supreme Court Justice Napoleon B. Laughlin concluded that the motive for his assassination was "political jealousy."⁹

Apparently, a series of episodes set the stage for the murder of Chávez. In March 1890, Faustino Ortiz, a Republican ward politician, mysteriously disappeared; several months later his body was found near the Máscaras arroyo in northwest Santa Fe. Although Francisco Chávez and Romulo Martínez, U.S. marshal from 1885 to 1888 and Democratic party leader, were charged with murder, the indictments were quashed.¹⁰

Five months later, Thomas Catron received a letter from one S. Davis stating that an acquaintance had attended a meeting the year before in which Democratic party leaders had planned to murder Catron and Faustino Ortiz. The informant said he would disclose names of persons involved and more details in exchange for a reward and protection, but Catron apparently rejected the offer.¹¹

The following February, several shots were fired through the window of Catron's law office in Santa Fe. The *Santa Fe Daily New Mexican* reported that several unidentified men on horses had fired the shots, one of which struck J. Arturo Ancheta of Grant County, who was attending a meeting with Catron. Ancheta's wound was not fatal, and the gunfire struck no one else.¹²

The next day, a group demanded a full-scale investigation, and Catron introduced Council Bill 122, requesting funds to pay for the investigation. Arguing that Ancheta had been "shot while conducting business for the [territorial] Council," Catron persuaded legislators that public money ought to be used to bring the "culprits

to justice." At the same time, Governor LeBaron Bradford Prince was authorized to hire a private detective to infiltrate "secret groups," who, according to Prince, were undermining public order.¹³

Catron was convinced he had been the prime target. The *Santa Fe New Mexican*, which Catron and the ring controlled, argued that past antagonisms had led to the shooting. Surely, the *New Mexican* reasoned, Ancheta was too young—he was serving his first term in the Assembly—to have gained such bitter enemies this early in his political career; so Catron must have been the intended victim.¹⁴ Governor Prince agreed, dismissing the possibility of an attack on Ancheta.¹⁵ Democrats and members of the Knights of Labor believed, however, that Ancheta had been the intended victim because of his opposition to legislation favoring the Santa Fe Ring.

Five months earlier the Knights of Labor had written to T. V. Powderly, national leader of the Knights, analyzing social conditions in New Mexico. The Knights accused Catron and his "cormorants" of "entrenching themselves behind technical forms of law in the possession of vast tracts of community grant land. . . ." These "community land thieves and public corruptionists," including leading lawyers, prominent politicians, and businessmen of different stripes, had used "corrupt and tyrannical practices to carry out their evil deeds." Cultivating "close relations with the all-powerful Spanish-Mexican rico class," the ring had "gained economic and political control throughout the Territory." Meanwhile, the "mass of the poor people" had been "systematically robbed by means of the courts and legal processes." The "clandestine and violent resistance" of the people was therefore an understandable response to the wholesale corruption in New Mexico. This letter from the Knights, who for a period of time united with *Las Gorras Blancas*, a San Miguel county-based organization fighting to retain their land, clarified their interpretation of the social context in which they believed political violence was taking place.¹⁶

Ring members countered, accusing the "Mexican Knights of Labor" of depredations and outrages.¹⁷ According to Prince, a Pinkerton agent had "found that everywhere among the Mexican Knights there [was] the most bitter feeling against land-owners" and others thought to be opponents. The Knights and the White Caps, whom

the ring saw as the same, "constantly talk[ed] of killing," and one member even recommended "the knife instead of the pistol" because it was noiseless.¹⁸

In addition, the accusation continued, the "Mexicans" who had joined these groups were "very ignorant and excitable" and would be stirred up "to almost any deed of violence." Indeed, a "few dangerous demagogues" controlled these men, and together terrorized the region. The situation in New Mexico could "not be judged by American standards, as if the people were intelligent Anglo-Saxons, [for] here it [was] entirely different!"¹⁹

Two days after Ancheta was shot, Governor Prince wired James McParland of the Denver Pinkerton Agency, requesting an investigator. McParland sent agent Charles A. Siringo, alias Charles L. Allison and Charles T. Leon, to infiltrate the Knights of Labor and Las Gorras Blancas. Siringo later wrote he had been assigned the case because he knew a "little Mexican."²⁰ Governor Prince, Solicitor General F. O. Bartlett, and Catron were the only ones privy to Siringo's sleuthing, which was paid for by public funds.

Based on Siringo's information, McParland's initial report pointed a finger at Chávez. "From the little information" available, McParland wrote, "Catron was the target and sheriff Chávez is at the bottom of it."²¹ Nearly three weeks later, McParland told Prince that the "Operative" (Siringo) should "cultivate Chávez's acquaintance" to secure pertinent information. In McParland's view the White Caps, the Knights of Labor, and the Democrats were all the same and to be treated as opponents.²²

In April, Siringo wrote to Prince describing Nicanor Herrera as the "worst of the White Cap leaders" and as one who swore that Catron had "to die before the next election."²³ While Nicanor was "a fine looking specimen of the Mexican race," with "jet black wavy hair, reaching to his shoulders," he had a "fierce facial expression that portended evil to his enemies."²⁴

Siringo also reported meeting a Mr. Donihue, married to a cousin of Herrera, and "a democrat and a warm friend of Chávez." Donihue attacked the ring and asserted that the territorial legislature should appropriate \$20,000 "to hunt up the shooters" of Ancheta and place those funds in the hands of Sheriff Chávez.²⁵ On the other side, McParland wrote Prince a few days later that Herrera and his two

brothers intensely disliked Catron and that they knew "all about the assassination attempt."²⁶

Siringo agreed with McParland's attempt to tie Chávez to the Knights of Labor. Noting that Chávez was the "master workman of the lodge here," Siringo revealed that Chávez wanted him to accompany Chávez "to the big K. of L. convention in Las Vegas on the 9th. . . ." Siringo concluded that "the sheriff and the gang" had planned the shooting.²⁷ The next day, Siringo added that he was "satisfied" Chávez and Pedro Delgado, a Santa Fe Democrat, were "at the bottom" of the plot; and he was convinced that they were planning another attack on Catron. Delgado had admitted that they were after Catron but would not reveal whether they would "have him killed or not. When I first questioned him about the shooting," Siringo wrote, "his actions convicted him in my mind."²⁸

According to Siringo, Stanley Pardello, a member of the Knights, had admitted "that the shots were fired at Catron and that Ancheta was hit by accident." But, he added, there would be another try before the next election.²⁹ A week later McParland wrote to Prince that he was convinced that Sheriff Chávez had instigated the attempted assassination. In addition, Chávez's allies, the Garcias from Ojo de la Vaca, McParland continued, had "pretended to be Republicans and friendly to Catron for past favors he bestowed on them, but [their] friendliness [was] merely a pretext."³⁰

The investigation by the Pinkertons ended in late July, Siringo admitting that he had failed to identify positively the men who had fired the shots. In his concluding report, McParland wrote Governor Prince:

The country is certainly in a bad state, although it may not appear on the surface, but we have the inside facts. It is true that in all such cases there are a lot of blow hards, who never do anything but talk, but at the same time, they excite other people to commit crimes. I consider that the secret society of White Caps is traveling in [this] . . . direction in New Mexico.³¹

After the shooting of Ancheta in Santa Fe, several persons tried to gain Catron's favor. Elfego Baca, deputy U.S. marshall, offered

his help, telling Catron of a conversation he had overheard leading him to believe there had been a plot to murder Catron. The motive apparently stemmed from Catron's opposition to certain legislation, but Baca did not elaborate.³²

Another correspondent, Wilmot E. Broad, manager of the Tierra Amarilla Land Grant (which Catron owned and controlled), told Catron that two of his enemies, Refugio Martínez and Ramón Archuleta, had been in Santa Fe at the time of the shooting. Broad considered Martínez "loco and dangerous," and Archuleta, he said, was a member of the White Caps. Although the men became immediate suspects, no formal action was taken against them. Still another writer urged that a sizable reward be offered, which, as he put it, would scare "the murdering sons of bitches."³³

But it was Thomas Branigan, a loyal Republican, who may have produced the most significant clue in the shooting. Branigan told Catron of a conversation he had overheard in an Albuquerque restaurant between Romulo Martínez, a Santa Fe County Democratic party leader, and several other men. Branigan said Martínez had bitterly cursed Catron, saying "he was damn sorry" for having dissuaded a man from killing Catron. Martínez had not mentioned names, but Branigan assumed the man was the same one who had opposed Catron's take-over of the Chama Land Grant.³⁴

Meanwhile, two Democratic ward politicians in Santa Fe, Sylvestre Gallegos and Francisco Borrego, became embroiled in a dispute in the summer of 1891 that would help bring about the Chávez murder. When Borrego left the Democratic party and began collaborating with Catron, Gallegos denounced Borrego and challenged him to a fight. In the ensuing gun battle, Borrego shot Gallegos through the head, killing him instantly. Charged with murder Borrego stood trial, Catron serving as legal counsel and bondsman. Pleading self-defense, Borrego won acquittal. Following the trial, Borrego claimed Francisco Chávez had viciously assaulted him after the shoot-out, and he promised revenge on Chávez. Even before the trial Borrego had charged that on 28 December 1889 Chávez had brutally beaten him with a pistol.

The political violence reached an apex on 29 May 1892, when Chávez was gunned down. *La Voz* reported that Chávez and Atilano Gold left a bar in Santa Fe and started walking toward Chávez's

home. After they crossed the Guadalupe bridge, shots rang out from behind a telegraph pole located inside the cemetery. Struck once, Chávez spoke his last words: "*Estos brutos me han asesinado*" (these brutes have assassinated me).³⁵ Three more shots also struck Chávez. Gold reported that other shots aimed at him had missed, but it soon became clear that Gold had taken part in the plot, persuading Chávez to leave the bar shortly before 10:00 p.m., and convincing him to walk his fateful route.³⁶

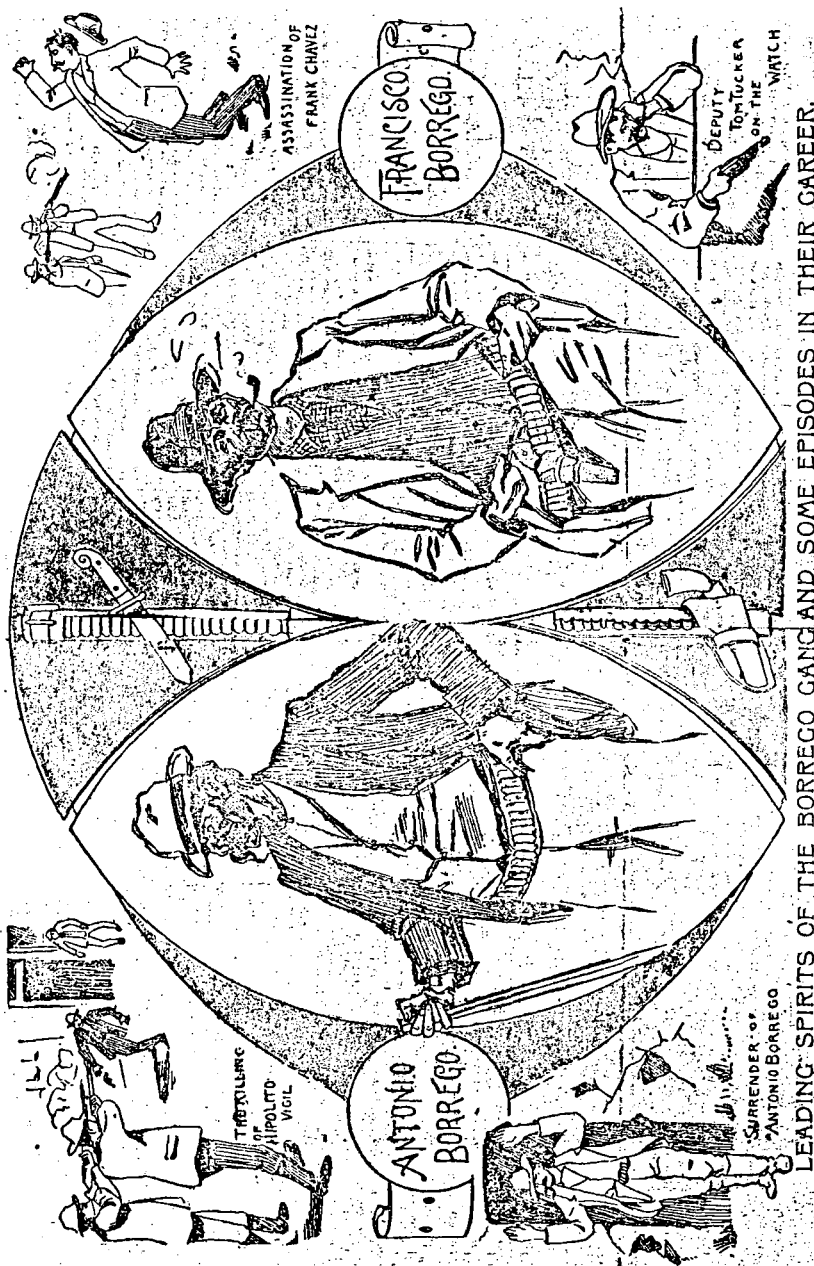
A large group of people gathered immediately, demanding an investigation. Working with two bloodhounds from the penitentiary, investigators located two cartridges from a Colt .45 revolver and the footprints of two men, but they were unable to locate the persons who fired the shots. Later, an autopsy showed that a bullet from a Winchester rifle had pierced Chávez's heart. The investigation also revealed that on the day of his death Chávez had been fearful because, as he said, "*La gavilla anda tras de mí*" (the gang is after me).³⁷

Catron was enroute to the Republican National Convention in Council Bluffs, Iowa, when he learned about the assassination. Miguel A. Otero, who was with Catron at the time, later recalled: "Mr. Catron appeared deeply interested and worried, remarking to me, 'these damn fools would never have done this had I been there,'" but Otero did not elaborate on Catron's cryptic comment.³⁸

Four days after Chávez died, his ally Juan Pablo Domínguez confronted Borrego, whom he suspected of having been involved in Chávez's cold-blooded murder. In the ensuing shoot-out, Borrego killed Domínguez. Charged with murder, Borrego went on trial in the summer of 1893. Catron again represented him; again pleading self-defense, Borrego won acquittal.³⁹

Finally, in January 1894, twenty months after Chávez's murder, Francisco Borrego and his brother Antonio, Lauriano Alarid, and Patricio Valencia were arrested on suspicion of first degree murder. A fifth suspect, Hipólito Vigil, was killed resisting arrest. The *Santa Fe New Mexican*, now under Democratic control, charged that former Governor Prince, a Republican, had protected the suspects by not pressing for an investigation during his tenure in office.⁴⁰

On 14 January 1894, an exhaustive preliminary hearing began with Judge Edward P. Seeds presiding. Catron and Charles Spiess



San Francisco Weekly Examiner, 11 March 1897, pp. 14-15.

represented Borrego, et al., and District Attorney Jacob H. Crist assisted by Napoleon B. Laughlin were the prosecutors. A witness for the prosecution, Juan Gallegos, soon revealed that in late 1891 Hipólito Vigil and the Borrego brothers, on orders from the Alliance League (which had organized to fight the Knights and Las Gorras Blancas) had urged him to help murder Chávez. For his participation he had been promised \$700 from Catron and the lawyer's legal counsel in case trouble arose after the murder.⁴¹

After Chávez's death, Felix Martínez, editor of *La Voz del Pueblo* and a perennial foe of the ring, heightened his attacks on the ring and the Alliance League. Martínez encouraged young Mexicanos to struggle against oppression by urging them to fight against a man (Catron) who held "a whip in one hand and a bone in the other." "Where is the dignity in this?" *La Voz* asked. The main question of the day, the editor added, "is not one of political parties, but one of a struggle of honest people against monopolies and their gang of paid assassins. It is a fight against land thieves and those that steal the people's money." In the same issue, *La Voz*, drawing upon the testimony of Francisco Anaya, reported that Chávez had known of a plot by the Alliance League to kill him. A member of the League with Twitchell, Catron, Antonio Ortiz y Salazar, Hipólito Vigil, Francisco Borrego, and others, Anaya revealed that *Los Caballeros de Ley y Orden* (the Knights of Law and Order), another secret group aligned with the Alliance League, had been organized two years before to help carry out the underhanded designs of the league.⁴²

Meanwhile Catron charged that the Democrats were trying to pin Chávez's murder on him and his confederates. Defending himself, Catron said he was a Mason and belonged to other benevolent societies; but these "secret societies," he continued, were to help "fallen brothers," the needy, and "widows and orphans." Then Catron added: "Democrats want the public to believe I am at the bottom of the Chávez murder. I will tell you a little secret. I miss Mr. Francisco Chávez more than the democrats do. He had pledged to support me for U.S. delegate. It was in my interest to protect him."⁴³

In answer to Catron and his associates, the *Santa Fe Sun* asserted that the Alliance League had the gall to accuse the Knights of Labor

"of destroying fences when they are the ones that secretly practice inquisition, condemning to death brutally and cowardly those that protest their abuse and thievery."⁴⁴ Alliance members, however, justified the league's existence as a self-defense measure against what they considered verbal and physical attacks of the Knights of Labor and Las Gorras Blancas.⁴⁵

During these charges and countercharges, the suspects in the Chávez murder were bound without bond to district court in early 1894. Judge Edward P. Seeds, relying heavily on the testimony of Juan Gallegos, decided on a trial. Seeds also considered the testimony of Francisco Rivera, who had turned state's evidence and who said he had seen the defendants at the scene just before the murder. The defendants, meanwhile, insisted they were playing cards at the time, but they could not substantiate their alibi.⁴⁶

A short while later, Catron received a letter from Juliana Chávez, the deceased's mother. The missive, which was later published in the *Santa Fe New Mexican* (8 March), was an attack on Catron and his alleged role in the murder of Francisco Chávez. Mrs. Chávez wrote:

Mr. Catron, you are not above suspicion of knowing more about the assassination of my son than you have ever found it convenient to reveal, this suspicion is a natural one, the murderers as far as discovered are political partisans of yours, they frequented your office, were of the same society, sworn with you to mutually protect each other, you have always defended them in their commissions of crimes, you have gone on their jail bonds and thus turned them loose on the community to commit other murders. . . .⁴⁷

The biographer of Catron claims that his enemies wrote the letter to embarrass Catron. Whether Chávez's mother wrote the letter is not clear, but evidently some people believed the accusations.⁴⁸

After a delay of more than a year, the trial of Borrego et al., began in April 1895 during a special term of the Santa Fe District Court. By then Napoleon B. Laughlin, one of the prosecutors in the preliminary hearing, was a judge in the First Judicial District, so he disqualified himself, and Humphrey B. Hamilton, district judge for the Fifth District, was assigned to the widely publicized case. The trial continued for nearly six weeks at a cost of \$5,000.

A long parade of witnesses appeared, and newspapers published blow-by-blow accounts. After bitterly contested proceedings, the jury on 29 May found the defendants guilty of first-degree murder, three years to the day after the assassination. The prosecution used the same damaging evidence presented in the preliminary hearings to prove its case against the defendants. Many years later attorney William Keleher called the trial "the most celebrated criminal case" after the treason trials of the Taos Revolt in 1847.⁴⁹

The testimony of Juan Gallegos helped clarify events leading to the assassination of Chávez. He recounted a conversation with Hipólito Vigil on the first day of the 1890–91 Territorial legislature in which Vigil had said: "what we want is to kill Francisco Chávez." One day later when Gallegos met with Francisco Borrego and Vigil in a saloon near Catron's office Vigil told him, "compadre . . . we want to kill Chávez for his political views and we want you to do it because Chávez has a good deal of confidence in you. He will not mistrust you as he mistrusts us." Borrego then added:

by killing Chávez there will not be a Democratic party and then we shall reign. Do you remember when I killed Sylvestre Gallegos? What have they done to me? Nothing. And they will not do anything to me. And why will they not do anything to me? Because I am clinging to the strong arm, which is Mr. Catron's. Besides being very rich, he is a very good lawyer; and for that you shall have a very good reward.⁵⁰

In yet another meeting, Borrego told Gallegos:

The reward is already ready to kill Chávez; as soon as you kill him Mr. Catron will deliver to you seven hundred dollars and in case they find out you are the one, Catron will help you out. Mr. Catron will defend you; and for this we shall have a regular meeting and in the regular meeting we shall appoint those who are to kill Chávez, and he who would not do it will have to suffer the consequences.⁵¹

Later, according to Gallegos, Vigil told him "this is the best place to kill Chávez [just past Catron's office], this is the best street to kill him." Then Vigil outlined the manner in which they would close in on Chávez and provide proper signals when Gallegos was

to shoot. He promised Gallegos a good pistol and urged him to aim at Chávez's "thick" body. "We will take care of anyone who tries to go after you," Vigil promised.⁵²

Gallegos testified that he led them to believe he had acceded to their request, but, upon reflection, he decided against participating in the plot and sent Chávez a note alerting him of the conspiracy. The note, which Gallegos identified during the trial, was found among Chávez's papers. Gallegos left New Mexico for a short period of time, fearing reprisal from the "Button Gang" for not cooperating, but returned to New Mexico to testify in the trial. According to the *San Francisco Weekly Examiner*, when Catron heard Gallegos testify, "a ghastly pallor spread over Catron's face, his jaw dropped and a look of fear came into his eyes." The reporter said Catron had collapsed soon after and was confined to bed with shingles.⁵³

Francisco Rivera, who turned state's evidence, added other details to the assassination plot. He testified that he had gone to Hipólito's office on 23 May 1892 and that the four defendants were there: "I don't remember which one of them said 'they had called me to enter into an agreement to kill Chávez.' I hung my head down and did not answer a word."⁵⁴ Later that evening, Rivera continued, the four defendants and Vigil had met him at a local bar. Vigil gave him a pistol and said, "let's go."⁵⁵ When District Attorney Jacob Crist asked where they were going, Rivera replied: "We were going to lie in wait for Francisco Chávez and kill him."⁵⁶ Soon after, however, Rivera backed out of the conspiracy. Rivera also recounted that on the night of 29 May he had seen the four defendants and Vigil near the Guadalupe bridge just before 10:00 p.m. He described in detail where they were standing when he heard the gunfire that struck Chávez: "I remember that Francisco Borrego was behind the pole, with his back toward the chapel. The other four were in front of him. Three of the defendants had pistols and my namesake Francisco had a rifle—a Winchester. . . ."⁵⁷

During the trial, several newspaper editors in the territory added to the controversy by asserting that Catron had been involved in some way in the murderous act. The *Eddy Current* said Catron had employed the assassins, while Kistler of the *Las Vegas Optic* wrote that if Catron had anything to do with the "gang of assassins" he was defending, he too should be on trial. The *Lordsburg Liberal*

did not doubt the accused's guilt, but feared tremendous pressure would make conviction virtually impossible. The *Silver City Eagle* blamed prominent Republicans for the "premeditated murder," and the *Eddy Independent* noted a rumor persisted that a very important gentleman in the territory was implicated in the case.⁵⁸

After the guilty verdict, the defense moved for a new trial and for arrest of judgment, but both were denied, and the defendants were sentenced to be executed on 10 July 1895. The case, however, was appealed on writ of error and reviewed by the New Mexico Supreme Court.

Before the highest court rendered judgment; however, Catron had to defend himself in formal disbarment proceedings against five separate and distinct charges of unprofessional conduct stemming from the trial. These charges against Catron and his defense contradicting the charges provide illuminating glimpses into the legal system of New Mexico in the 1890s.

First of all, Catron was accused of attempting to persuade Ike Nowell, a material witness for the prosecution, to change his testimony or not to testify. In the preliminary hearing Nowell testified that he had seen the Borrego brothers near the Guadalupe bridge just before the assassination. At the disbarment proceedings Nowell added that Catron had promised to defend Nowell in case he incriminated or perjured himself. The charge against Catron was dismissed by the court because the only two witnesses (Catron and Nowell) did "not appear before the court possessing equal credibility." In trying to encourage the court to reach such a conclusion, Catron produced witnesses who discredited Nowell, saying that he was a simple "hack driver," "a frontiersman," and accused him of drinking "too much whiskey." In addition, Nowell was warned in the streets and saloons of Santa Fe not to testify against Catron.⁵⁹

Secondly, Catron was accused of inducing Porfiria Martinez de Strong to give false testimony in favor of the defendants. She testified that Fred Thayer, who worked for Catron, and two other men had gone to her home in Lamy at midnight and, leading her to believe they were deputies, took her to Catron's law office in Santa Fe where she slept and ate meals during the time she testified at the trial. When cross-examined by the district attorney, she said her previous testimony in the defendant's favor was untrue. She

claimed her life had been threatened, that Catron's confidants had intimidated her under false pretenses. Charles Spiess, Charles Conklin, Thayer, and Catron all categorically contradicted her statements. The court dismissed this charge, concluding that "Porfiria was a very ignorant woman, who understood little English, . . . could not read nor write her own language," and possessed a "bad moral reputation."⁶⁰

Next, Catron was charged with trying to "influence or improperly control" the testimony of prosecution witness, Max Knodt, a disinterested and impartial party. Catron allegedly gave Knodt a train pass to Fort Wingate to visit "a lady friend," who had been Catron's "servant," in exchange for improper testimony. This charge was also dismissed after Knodt was described as a poor man, "a foreigner with little education, who spoke broken English, very poor Spanish, bad German," and a "butcher by trade."⁶¹

The fourth charge accused Catron of attempting to persuade the mother (Mrs. Rosa Gonzáles) of two sons, who were material witnesses, to "get them away from court," to get them to change their testimony, or better still, not to testify. Gonzáles testified that Catron had asked her into his office and had offered to write a letter supporting her application for a pension as the widow of a war veteran. When she offered to pay Catron's legal fees for writing the letter, he refused payment, saying all he wanted was her cooperation in assisting his clients. She refused, stating, "I would not meddle in my sons' affairs—I do not dictate to my family." Catron then offered money to "induce her sons to testify in behalf of the Borregos, or not to testify against them."⁶² Only Catron and Gonzáles were present during this verbal exchange, and Catron used this fact to his advantage. When he took the stand he "positively without hesitation, and without qualification wholly and absolutely denied her statement." The court said it was forced to believe Catron since Gonzáles' character was "such as to render her unworthy of credit." She was described as "a very old ignorant woman, in extreme straits of poverty and distress, and denominated by some of the impeaching witnesses as a 'procuress.'"⁶³

Finally, Catron was accused of attempting to influence the testimony of Mauricio Gonzáles. Mauricio and his brother, Luis, also an important prosecution witness, were attacked as "unworthy of

belief," as "ignorant, possessed of a certain degree of cunning, but of idle and dissolute characters, without any designated occupation." After their characters were undermined, this charge against Catron was also dismissed.

Justice Gideon D. Bantz, concurring with the majority opinion, asserted that accusations against Catron came from persons who did not "commend themselves to confidence, and [that] such testimony [could] not outweigh that of men of respectable reputation."⁶⁵ Justice Laughlin, in a dissenting opinion, argued that while leading persons and officials of the area would not accept the opinion of Catron's critics, largely because of their "lower-class status," he was convinced that this class had become "cognizant of the commission of crime, and expose[d] and furnish[ed] testimony for its detection and punishment."⁶⁶ Laughlin added that "the law protects with its mantle of mercy, alike, the rich and poor, the high and the low; and those four men now awaiting in solemn solitude . . . are just as much entitled to their lives as the respondent is to practice law at this bar."⁶⁷ Despite these legal controversies that plagued Catron, he survived, continuing to practice law, while the four defendants were hanged and Chávez was eliminated.

After the trial, Patricio Valencia and "Chino" Alarid confessed to their part in the murder, but they pointed to Francisco Borrego and Hipólito Vigil as most responsible for the assassination. While one scholar concludes that these men confessed voluntarily, some newspapers and the defense attorneys believed that the confessions were made to bring about pardons or less harsh sentences.⁶⁸

After reviewing the case, the Supreme Court found no substantive errors in Judge Hamilton's lower court and affirmed judgment against the accused. The *New Mexican* agreed with the court's decision, proclaiming that "murder must be stamped out in fair New Mexico," and publishing the full text of the court's opinion written by Thomas Smith, chief justice, calling it a "learned, luminous and able" opinion. "The evidence of the court," Smith had argued, was "abundant to establish that the accused unlawfully, feloniously, willfully, and purposefully shot Francisco Chávez with a deliberate intention to take his life. . . ."⁶⁹ Execution was scheduled for 24 September 1896.

Catron went to great lengths to delay execution, appealing to

President William McKinley for reprieve, then to the U.S. Supreme Court for writ of *habeas corpus*, but to no avail. According to one commentator: "The persistent and able efforts of Catron and Spiess to save the criminals from the gallows became increasingly unpopular."⁷⁰

Meanwhile, the Borrego brothers made a desperate attempt to escape from jail. Unsuccessful, they were subsequently transferred to the penitentiary and kept under close guard. Francisco Borrego confided to a fellow prisoner about a plot to kill Sheriff William P. Cunningham and Governor William T. Thornton if efforts to save him failed.⁷¹ Efforts did fail, and Francisco and Antonio Borrego, Patricio Valencia, and "Chino" Alarid were executed on 2 April 1897. *La Voz* decried their deaths: "If it is true that the guilty were used, it is indeed a tragedy. It is sad for New Mexico that her sons should be used. Neo-Mexicanos must be more independent. Do not be misled by bárbaros who will ever force you to sacrifice your life."⁷²

Strongly opposing the activities of Catron and the Santa Fe Ring, *La Voz* believed the four Mexicanos found guilty had become pawns of ring leaders to eliminate Chávez from the political scene. In short, *La Voz* interpreted Chávez's murder as part of broader political relationships in which violence as an extreme form of conflict played a central part.

Indeed, assassination in the last quarter of the nineteenth century in New Mexico did become a technique of political action; organized violence became an acceptable means of achieving specific goals. Conspirators planned and controlled a system of violence, and a perverse "logic" of political murder pervaded the territory. Assuming a "contagious" character, each violent episode stimulated other events in a chain partly motivated by retribution.⁷³ Violence was rationally conceived and implemented, and most victims knew in advance of the direct and severe means that could be used in the exercise of power. Generally, this violence was symptomatic of social problems stemming primarily from conflict over control of land and its resources.

Not surprisingly, Victor Westphall, the sympathetic biographer of Catron, blames the violence of the "Button Gang" on "the lower class members," on "the man on the street," on "those of limited

privilege in social attainments," or on "the rank and file" like the Borrego brothers and other "bad" Mexicans.⁷⁴ Such untenable assumptions or conclusions, however, fail to grapple with more complex and appropriate questions.

The function of the rule of law in power relationships, for example, is such a question. These relationships are partially mediated by the logic, rules, and procedures of the law. Although the law, like other institutions, justifies existent class and race relations, it has an independent life, and sometimes appears to the powerful and to the powerless, to uphold standards of equity based on universal, logical criteria. In this case in the 1890s Catron and the class he represented played power games according to established rules, arrived at seemingly through consensus, but they made certain their interests were protected. When they blatantly abused the rules in order to maintain control, they risked losing the entire game. Paradoxically, when Catron was charged with unprofessional conduct, the rules of the game were further legitimated by the accusations against him, and the controlling forces consolidated their power to a greater extent because now "everyone knew that all were equal under the law." As an example of this sophisticated use of the law, Catron went on to become president of the New Mexico Bar Association, was elected U.S. delegate, and, in 1913, became one of New Mexico's first U.S. senators.

The rhetoric and rules of nineteenth-century New Mexico were not always a sham. At times, although infrequently, but often enough to maintain relative stability and continuity, the behavior of powerful cliques such as the Santa Fe Ring was modified and checked by law. This dimension of the rule of law convinced the powerless at least of its potential utility. They sensed that the law could be one alternative in their struggle for survival.⁷⁵

NOTES

1. Richard Maxwell Brown, *Strain of Violence* (New York: Oxford University Press, 1975), p. 14.

2. For an account of Fountain's murder, see A. M. Gibson, *The Life and Death of Colonel Albert Jennings Fountain* (Norman: University of Oklahoma Press, 1965). The deaths of Patrón and Cháves have yet to be explained.

3. For a history of the Lincoln County War, see Maurice G. Fulton, *History of the Lincoln County War*, Robert N. Mullin, ed. (Tucson: University of Arizona Press, 1968). For a narrative of conflict in Colfax County, see Morris F. Taylor, *O. P. McMains and the Maxwell Land Grant Conflict* (Tucson: University of Arizona Press, 1979).

4. *Albuquerque Democrat*, quoted in *Santa Fe Weekly New Mexican*, 18 January 1894.

5. William Keleher, *The Fabulous Frontier: Twelve New Mexico Items* (Albuquerque: University of New Mexico [UNM] Press, 1962), p. 106.

6. *Borrego v. Territory*, 8 N.M. 446, 46 Pac. 349, affirmed 164 U.S. 612, 41 Law Ed. 572, 17 Sup. Ct. 182.

7. Ralph E. Twitchell, *The Leading Facts of New Mexico History*, 5 vols. (Cedar Rapids, Iowa: Torch Press, 1911), 2: 512; Robert Johnson Rosenbaum, "Mexicano versus Americano: A Study of Hispanic-American Resistance to Anglo-American Control in New Mexico Territory, 1870-1900 (Ph.D. diss., University of Texas at Austin, 1972), p. 279.

8. *Catron*, In re, 8 N.M. 275, 43 Pac. 724.

9. *Catron*, In re, 8 N.M. 275, 43 Pac. 724.

10. *Territory v. Romulo Martinez, et al.*, Santa Fe County, 2507.

11. S. Davis to Catron, 14 August 1890, Catron Papers (CP), 102, box 8, University of New Mexico (UNM).

12. *Santa Fe Daily New Mexican*, 6 February 1891.

13. *Santa Fe Daily New Mexican*, 6 February 1891.

14. *Santa Fe Daily New Mexican*, 6 February 1891. Until January 1894, pro-ring forces owned or controlled the *New Mexican*. At that time the newspaper changed ownership and became anti-ring and anti-Republican for several years until it again came under Republican control.

15. Prince to McParland, Prince Papers (PP), State Records Center and Archives (SRCA), Santa Fe, TANM, roll 116, frame 299.

16. *Las Vegas Daily Optic*, 22 August 1890.

17. "Statement with regard to New Mexico," "n.d.," PP, SRCA, TANM, roll 116, frames 826-29.

18. "Statement with regard to New Mexico," "n.d.," PP, SRCA, TANM, roll 116, frames 826-29.

19. "Statement with regard to New Mexico," "n.d.," PP, SRCA, TANM, roll 116, frames 826-29.

20. Charles A. Siringo, *A Cowboy Detective* (Chicago: W. B. Conkey, 1912), p. 116.

21. McParland to Prince, 20 February 1891, PP, SRCA, TANM, roll 121, frame 710.

22. McParland to Prince, 11 March 1891, PP, SRCA.

23. C. L. Allison to Prince, 4 April 1891, PP, SRCA.

24. Siringo, *Cowboy Detective*, p. 118.

25. C. L. Allison to Prince, 4 April 1891, PP, SRCA.

26. McParland to Prince, 8 April 1891, PP, SRCA.
27. C. L. Allison to Prince, 7 July 1891, PP, SRCA.
28. C. L. Allison to Prince, 8 July 1891, PP, SRCA.
29. C. L. Allison to Prince, 8 July 1891, PP, SRCA.
30. McParland to Prince, 15 July 1891, PP, SRCA.
31. McParland to Prince, 25 July 1891, PP, SRCA.
32. Elfego Baca to Catron, 7 February 1891, CP, 102, box 10, UNM.
33. M. W. Mills to Catron, 9 February 1891, CP, 201, box 10, UNM.
34. Thomas Branigan to Catron, 17 February 1891, CP, 102, box 10, UNM.
35. *La Voz del Pueblo*, 4 June 1892.
36. *La Voz del Pueblo*, 4 June 1892; *Weekly New Mexican Review*, 25 January 1894.
37. *La Voz del Pueblo*, 1 October 1892.
38. Miguel Antonio Otero, *My Nine Years as Governor of the Territory of New Mexico, 1897–1906* (Albuquerque: UNM Press, 1940), p. 260.
39. *San Francisco Weekly Examiner* 11 March 1897.
40. *Santa Fe Weekly New Mexican*, 18 January 1894.
41. *Santa Fe Weekly New Mexican*, 25 January 1894. The Alliance League, also known as the Knights of Liberty and the “Button Gang” (so-called because of their buttons with emblems symbolizing fraternity), was organized ostensibly for mutual support and protection in reaction to the Knights of Labor and Las Gorras Blancas. The league boasted it had at least one hundred members including Catron, Ralph Twitchell, Max Frost, Charles A. Spiess, and other well-known Republicans and members of the Santa Fe Ring. A few Mexicanos like the Borrego brothers also belonged to the organization, frequently playing roles as henchmen (Victor Westphall, *Thomas Benton Catron and His Era* [Tucson: University of Arizona Press, 1973], p. 209).
42. *La Voz del Pueblo*, 15 October 1892.
43. Unidentified newspaper clipping, Frank Clancy Papers, Scrapbook I, SRCA.
44. *Santa Fe Sun*, 15 October 1892.
45. Westphall, *Catron and His Era*, p. 209.
46. Westphall, *Catron and His Era*, p. 226.
47. Juliana V. Chávez to Catron, 2 March 1894, CP, 102, box 21, UNM.
48. Westphall, *Catron and His Era*, p. 227.
49. William Keleher, *The Fabulous Frontier*, p. 106.
50. Juan Gallegos testimony, 8 May 1895, District Court, Santa Fe County, 2618, SRCA.
51. Gallegos testimony, District Court, Santa Fe County, 2618, SRCA.
52. Gallegos testimony, District Court, Santa Fe County, 2618, SRCA.
53. *San Francisco Weekly Examiner*, 11 March 1897.
54. Francisco Rivera testimony, District Court, Santa Fe County, 2618, SRCA.
55. Rivera testimony, District Court, Santa Fe County, 2618, SRCA.
56. Rivera testimony, District Court, Santa Fe County, 2618, SRCA.
57. Rivera testimony, District Court, Santa Fe County, 2618, SRCA.

58. Quoted in *La Voz del Pueblo*, 8 June 1895.
59. Catron, In re, 8 N.M., pp. 256-61, 292, 43 Pac. 724.
60. Catron, In re, 8 N.M., 309, 43 Pac. 724.
61. Catron, In re, 8 N.M., 264, 43 Pac. 724.
62. Catron, In re, 8 N.M., 300, 43 Pac. 724.
63. Catron, In re, 8 N.M., 312, 43 Pac. 724.
64. Catron, In re, 8 N.M., 312, 43 Pac. 724.
65. Catron, In re, 8 N.M., 273, 43 Pac. 724.
66. Catron, In re, 8 N.M., 316, 43 Pac. 724.
67. Catron, In re, 8 N.M., 321, 43 Pac. 724.
68. Arie W. Poldervaart, *Black-Robed Justice*, Publications in History, vol. 13 (Santa Fe: Historical Society of New Mexico, 1948), p. 156; Westphall, *Catron and His Era*, p. 229.
69. *Borrego v. Territory*, 8 N.M. 446, 46 Pac. 349, affirmed 164 U.S. 612, 41 Law Ed. 572, 17 Sup. Ct. 182.
70. Poldervaart, *Black-Robed Justice*, p. 159.
71. *Santa Fe New Mexican*, 11 September 1896.
72. *La Voz del Pueblo*, 1 June 1895.
73. See William J. Crotty, ed., *Assassinations and the Political Order* (New York: Harper and Row, 1971).
74. Westphall, *Catron and His Era*, p. 209.
75. See E. P. Thompson, *Whigs and Hunters* (London: Allen Lane, 1975), pp. 259-69.