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**IN THE NAME OF THE FATHER, THE GOVERNOR, AND
“A-1 GOOD MEN”: PERFORMING GENDER AND STATEHOOD IN
TERRITORIAL NEW MEXICO, 1880 – 1912**

A dissertation submitted in partial satisfaction
of the requirements for the degree of

DOCTOR OF PHILOSOPHY

in

HISTORY

by

Sabrina M. Sanchez

June 2013

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**IN THE NAME OF THE FATHER, THE GOVERNOR, AND
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TERRITORIAL NEW MEXICO, 1880 – 1912**

Sabrina M. Sanchez

ABSTRACT

Marginalized husbands, fathers, and sons on dramatically different positions within territorial New Mexico’s social, racial, and class hierarchies constructed and performed the identity of young, able-bodied, industrious “A-1 good men” when demanding entitlements from governors, penitentiary wardens, chiefs of the Mounted Police Force, and Bureau of Immigration officials in a fledgling territory that desperately coveted statehood. Not a *Hispano* identity, an Anglo identity, or an affluent one, this gendered identity embodied a representation of the man territorial authorities defined as the ideal New Mexican, an image deemed necessary to merit and achieve equal inclusion in the United States.

I argue that New Mexico’s underfunded institutions of the Territorial Penitentiary, Mounted Police Force, Bureau of Immigration, and territorial courts—institutions designed to facilitate New Mexico’s transition from a demeaned site of Spanish, Mexican, and indigenous Pueblo authority to a celebrated site of U.S., Anglo, and federal authority—enabled this gendered representation to flourish.

This dissertation interrogates how and why territorial institutions differentially recognized those with whom they interacted, directly or tangentially, including immigrant miners, an incarcerated pregnant African American teenager and her

veteran father, an elderly Anglo female murder victim, imprisoned *Hispano* husbands, *Hispana* business owners in need of police protection, and young Anglo “cowmen” seeking employment.

New Mexico’s status as a peripheral participant in the nation propelled a milieu of unbelonging and rigorous racialization. Scrutinizing demands for entitlements found in the correspondence, advertisements, and judicial proceedings of territorial institutions illuminates a gendered rhetorical pattern that determined whose labor would be considered most valuable, whose testimony would be granted the most consideration in court, whose family would merit wages from territorial employment, and whose presence would be most welcome outside of the penitentiary.

New Mexico’s territorial institutions are spaces where the enmeshment of race, gender, working-class masculinity, and political disenfranchisement is highly visible. These institutions did not evaluate gendered claims of entitlement equally. How women—whether *Hispana*, Anglo, African American, immigrant, native-born, young, elderly, domestic worker, or business owner—negotiated this space in political transition challenges the ubiquitous performances of masculinity harnessed to obtain privileges from territorial institutions.

ACKNOWLEDGEMENTS

If the sculptures, sonnets, and sonatas of every artist are autobiographies in disguise, this dissertation is no exception. The journeys of the people whose lives appear on the following pages mirror my own pilgrimage. Seeking the meaning of movement, labor, value, “womanhood,” “manhood,” and, most importantly, both a tangible location and a transcendent understanding of “home,” became the unintended purpose of my over 1,825 days since this project’s inception. Some of the people whose lives appear on the following pages found the meaning of each of these abstractions while sitting inside a penitentiary cell, toiling in an orchard store, roaming horseback through the desert sagebrush, or riding a train car above tracks of steel en route to a mine. Some found a surprising conviction, a conviction surpassing faith, that they would soon encounter those elusive meanings. Some simply found an openness to receive even the most fleeting and partial definitions.

Fellowships funded my research and the potential embarrassment of disappointing Ana and Steve Sanchez, Liana Moshell, and Carolyn Peterson funded my resolve. Committee members who tolerated my frequent disappearances, a handful of colleagues who willingly joined a circle of allies, Pacific Northwestern students who reminded me of the beauty of ambition, South Texas students who welcomed a young teacher proud to have independently uprooted her life, and Santa Fe archivists and Santa Cruz historians who shared their observations and insights—

all of these people formed the levee between my computer and a mossy swamp of failure.

Most importantly, the places I've walked through and the people I've walked beside, for times far briefer than I desired, gave me the privilege of bearing witness to their own pilgrimages and the meanings they had already found: Kim Khury and Jerry Young of Santa Cruz, California, Crow Rising of Santa Fe, New Mexico, and the Nelson Animal Kingdom of Mission, Texas.

Driving alone on U.S. roads in search of a clear reading of microfilm, and a clear reading of my own emotions, bestowed a vision of this project more fruitful than any book or coursework. I found barking sea lions and boardwalks in Santa Cruz; brick rowhouses and concrete sidewalks in Washington, D.C.; cicadas, a flat horizon, and electric brightness in South Texas; grey skies, golden and red autumn leaves in Seattle; and lavender, chamisa, and adobe in northern New Mexico. Those same near-empty roads, truck stops, and gas stations delivered me from highways of solitude to the doorsteps of the stories that appear on the following pages, and to the doorsteps of the people who helped me find value and meaning in those stories and, more importantly, value and meaning in the author re-telling them.

INTRODUCTION

Just over two hundred miles south of territorial New Mexico's capital of Santa Fe, two thousand miles southwest of the U.S. capital of Washington, D.C., and two hundred and five miles southeast of Acoma Pueblo, a disparate mix of miners from the Victoria Chief Copper Company welcomed the 27th U.S. President to the Territory of New Mexico with their version of a "Presidential Salute." As William Taft's Atchison, Topeka and Santa Fe Railway car passed through the arid town of Cutter on this twelfth day of September in 1909, miners exploded dynamite using an electric battery half a mile away from the steel tracks. Only the explosion was visible from Taft's window. The Slovakian, Mexican, Italian, African American, and Anglo copper miners stood at a distance, hidden from view, as they engaged in this performance of multiple belongings. Acting as self-appointed representatives of the Territory served as a way for these working-class men with racialized and gendered social identities to perform their collective belonging as New Mexicans. Similarly, expressing loyalty with a "Presidential Salute" as Taft passed through Cutter en route to his western destination served as a way for these New Mexican miners to claim their federally controlled territory's belonging as part of the broader United States—an audience vehemently opposed to incorporating its population as part of their own.¹

¹ W.H.H. Llewellyn to Mr. Carpenter, 12 September 1909, Alamogordo, New Mexico, Territorial Archives of New Mexico Microfilm reel 171: frame 209, State Records Center and Archives, Santa Fe, New Mexico (hereafter cited as TANM and SRCA, respectively).

The railroad that opened New Mexico's economy to national markets, the concealed labor of miners, the concerted effort to gain notice of the federal government, and the missing presence of New Mexico's *Hispanas*—these elements of the scene on that September morning in the northern Chihuahua Desert speak to the specific dynamic of political and interpersonal engagement between the Territory and the federal government, and among people organized by that system and its institutions in this territorial space. These working-class men utilized the tools of their labor—mining labor so vital to the modernization of New Mexico—to force their territory's belonging on a nation that had sat uneasily with New Mexico's presence since its unequal legal inclusion in the United States in 1850. Only months after witnessing the explosion while riding the same railroad line that brought an end to New Mexico's economic and demographic isolation in 1878, Taft signed New Mexico's Enabling Act, allowing the then sixty-year-old territory to develop its state constitution and become an equal member of the national polity.

This “Presidential Salute” brings attention to the strategies socially marginalized immigrant laborers, African Americans, and *Hispanas* in New Mexico used to claim entitlements in a setting defined by inequality. Not stopping in Cutter to see, acknowledge, or speak to the copper miners who engineered this salute, what could Taft have thought of this mixture of men performing as New Mexicans? The assortment of copper miners chose to perform their right to political belonging and their entitlement to national attention through a destructive expression of physical labor, but what strategies did those missing from this event—namely *Hispana*, Anglo,

and African American women—utilize to perform their own belonging and express their own entitlements in this space? How did the unequal status among New Mexicans mirror territorial New Mexico's unequal position within the United States?

Cutter's copper miners granted Taft reverence during a critical moment in New Mexico's history, a moment historian Pablo Mitchell characterizes as a time and place "where the forces of modernity and imperialism met with a special intensity."² Beginning with the Compromise of 1850 and continuing through New Mexico's induction as the 47th state of the Union in 1912, people living within the Territory of New Mexico experienced rapid economic development, population growth, and the imposition of U.S. federal influence via the establishment of institutions, laws, and leadership.³ Historians tie this economic and demographic transformation to the introduction of several transcontinental railroad routes that linked New Mexico to California, Kansas, Texas, and Chicago. This was the moment when new money and new bodies moved into this southwestern desert at unprecedented rates. Within a very short period of time, namely between 1879 and 1881, almost one third of all of New Mexico's railroad miles were laid.⁴ Because of the railroads, New Mexico's cattle, coal, and timber industries entered national markets.

Railroads not only broadened New Mexico's once provincial economic markets, they also incited the growth of a transnational community. This community

² Pablo Mitchell, *Coyote Nation: Sexuality, Race, and Conquest in Modernizing New Mexico, 1880-1920* (Chicago: University of Chicago Press, 2005), 1.

³ Richard White, *"It's Your Misfortune And None of My Own": A New History of the American West* (Norman: University of Oklahoma Press, 1991).

⁴ Warren Beck and Ynez Haase, *Historical Atlas of New Mexico* (Norman: University of Oklahoma Press, 1979), image 58.

reflected what Mitchell describes as New Mexico's "uncommon diversity."⁵ Navajo, Mescalero Apache, Jicarilla Apache, and over twenty distinct Pueblo tribes all spoke unique dialects within the borders of the Territory. Investment in the mining industry brought an influx of immigrants from "Old Mexico," Austria, Italy, Slovakia, Croatia, Greece, Japan, China, and India. From within the United States, people migrated from Texas, California, Missouri, Oklahoma, Illinois, Colorado, and Ohio to join the region's growing population. Additionally, Baptist, Methodist, Presbyterian, and Congregationalist missionaries all embarked for the Territory on westbound trains.⁶

The transcontinental railroad's presence in the Territory symbolized more than New Mexico's economic potential. In the minds of New Mexicans, the railroad symbolized the promise of modernity and progress necessary for full integration into the United States. Proponents for statehood, representatives of the territorial government, and politically elite Anglos and *Hispanos* labeled the railroad "the courier of 'American' civilization in this former 'Spanish' colony."⁷ New Mexicans held a conviction that this "web of iron rails" guaranteed membership to the nation's political and economic community. To those who wanted statehood, these transcontinental tracks represented New Mexico's ability to move beyond its symbolic location on the periphery of the nation.

⁵ Pablo Mitchell, "Bodies on Borders: African Americans, Penitentes, and Social Order in the Southwest," in *Race, Religion, and Region: Landscapes of Encounter in the American West*, eds. Fay Botham and Sara Patterson (Tucson: University of Arizona Press, 2006), 89-100.

⁶ Ibid.

⁷ John Nieto-Phillips, *The Language of Blood: The Making of the Spanish-American Identity in New Mexico, 1880s-1930s* (Albuquerque: University of New Mexico Press, 2004), 106.

All of these developments—and all of these ambitions—occurred during New Mexico’s territorial period. To be a territory of the United States was to have a marginalized legal status most notable for its limited political rights. The Northwest Ordinance of 1787 established the U.S. federal government’s procedure for managing all newly acquired land as territories. The president appointed one governor, one secretary, and three judges to administer the entire Territory. All residents abided by the U.S. Constitution, federal law, and territorial law. Despite the authority granted to New Mexico’s legislature in Santa Fe to pass territorial laws, all decisions made by territorial legislatures could be vetoed by Congress. Its single congressional representative in Washington, D.C. was not allowed to vote—not even on issues directly concerning New Mexico. This restricted political presence led one territorial judge to describe New Mexico’s congressman as “only a paid beggar licensed to enter its halls. To him little more respect is paid than to the ordinary mendicant who walks your streets.”⁸

New Mexico was by no means a state. New Mexicans—regardless of their ethnic, racial, gender, or class identity—did not enjoy equal political rights as U.S. citizens in official states. No one living in territorial New Mexico could vote for the president, and no one in the Territory could run for the position of governor. This territorial status prevented New Mexicans from acting as full U.S. citizens. Although transcontinental railroads brought national markets and laborers into New Mexico,

⁸ *Harper’s Weekly*, 1876, <http://www.newmexicohistory.org/filedetails.php?fileID=271>, date accessed 25 July 2009.

being a territory left politically ambitious New Mexicans completely isolated. Becoming a state, on the other hand, offered the coveted prize of political legitimacy.

The sixty-two-year fight for statehood presented, as historian Richard Melzer describes, an “exercise in supreme endurance and extreme frustration.”⁹ The desire to qualify as more than just a territory developed from the outset of this limited legal status. After the Treaty of Guadalupe Hidalgo ended the Mexican-American War in 1848, the U.S. military occupied New Mexico for two years. During this time, New Mexicans wanted to become a state—a free state without slavery—as early as 1850. Like all U.S. territories, however, they would have to follow a specific process in order to achieve statehood. Only Congress could exercise the right to confer statehood upon New Mexico, and sectional divisions prevented that decision in the years preceding the Civil War. To appease pro-slavery factions, Congress created the Territory of New Mexico as part of the Compromise of 1850. Once its population reached 60,000—a number New Mexico had surpassed even before becoming a territory in 1850—a willing Congress could then pass an Enabling Act, allowing residents to write a state constitution. If Congress voted in favor of the finalized state constitution, the President would sign an act admitting the state into the Union. Although the population requirement had long since been fulfilled, New Mexicans labored in vain for statehood for sixty-two years. Attempts in 1850, 1867, the 1870s,

⁹ Richard Melzer, “New Mexico in Caricature: Images of the Territory on the Eve of Statehood,” *New Mexico Historical Review* (October 1987): 335-60, 335.

and 1889 all failed completely.¹⁰

New Mexico's population growth can be tracked through the mapping of county divisions created during the territorial period. At the beginning of its territorial status in 1850, New Mexico's Anglo and Mexican population totaled 61,547 people organized into seven counties. These 61,547 people lived within the original boundaries of a territory that included the present-day states of New Mexico, Arizona, and portions of Nevada and Colorado. In the 1860s, Nevada, Arizona, and Colorado separately formed their own territories, while the Territory of New Mexico adopted the physical borders of the current state. In 1860, the start of New Mexico's second decade as a territory, its population stood at 93,516. By 1880, that number had reached almost 120,000 people in twelve counties, and by 1900 it had risen to 195,310 in twenty counties. Ninety percent of the 8,488 Pueblo, 2,911 Navajo, 819 Jicarilla Apache, and 480 Mescalero Apache lived on tribal lands in 1900. Joining New Mexico's indigenous population in 1900 were 1,600 African Americans, 93,356 *Hispanos*, and almost 100,000 Anglos. These numbers grew rapidly as the most dramatic increase in New Mexico's population occurred between 1900 and 1910. During the first decade of the twentieth century, on the eve of statehood, the Territory's population appeared in census records at 327,301 people, divided into twenty-six counties.¹¹

¹⁰ For an excellent overview of New Mexico's several failed attempts at statehood, see Robert W. Larson, *New Mexico's Quest for Statehood, 1846-1912* (Albuquerque: University of New Mexico, 1968).

¹¹ Beck and Haase, *Historical Atlas of New Mexico*, images 41-50; and Mitchell, *Coyote Nation*, 11, 17.

Maps that track the development and division of New Mexico's counties also reveal how the federal government's authority permeated the process of settlement. The political parties of the governors and other bureaucratic officials chosen by the President always aligned with the dominant national political party of the time. Past political affiliations in New Mexico are reflected in the names of several of its counties: Roosevelt, McKinley, Lincoln, and Grant counties share borders with those named after federally appointed governors George Curry and Miguel Otero.

Lines drawn on maps and numbers recorded on census forms, however, do not offer an accurate representation of the varied peoples of New Mexico or the place they called home. The passengers aboard Taft's Atchison, Topeka and Santa Fe train ignored, did not seek out, or perhaps never even conceived of the daily lived experiences of New Mexico's indigenous communities in a territory so anxious to become fully "American." This omission from sight reflected a consistent pattern of exclusion across the Spanish, Mexican, and American regimes. New Mexico had been home to the Anasazi, the ancestors of the Pueblo, long before they greeted waves of Spaniards from Francisco Vázquez de Coronado's first expedition in 1540, Juan de Oñate's expedition in 1598, and Pedro de Peralta's founding of the capital city of Santa Fe in 1610. Living in villages with architectural structures of, at times, over 200 rooms with flat roofs and thick adobe walls that surrounded a central plaza, the Anasazi migrated and settled throughout present day New Mexico between 1175 and 1325. The Spanish ignored the distinctiveness of New Mexico's indigenous population by naming over twenty distinct tribes—tribes who frequently fought

against one another—the “Pueblo.” They chose Pueblo, the Spanish word for “town,” because of the resemblance between the village housing complexes they saw and the Spanish architecture they remembered.¹²

Passengers aboard Taft’s train would also have ignored, had they ever known of, the Pueblo Revolt of 1680. On the frontier of Spain’s colonial empire, as Governor Peralta, Franciscan missionaries, and Spanish settlers solidified their power, Pueblo life came to include forced baptism, forced labor, and what historian Richard White calls “the begetting and raising of children.”¹³ Strenuous labor proved most destructive. The Spanish *encomienda* draft labor system forced New Mexico’s indigenous to work in husbandry, mining, and construction in order to produce wealth for the Spanish and their growing colonial empire. This abuse united the disparate Pueblo tribes under a common interest. In 1680, the Pueblo drove Franciscan friars and Spanish settlers out of the capital of Santa Fe, killing twenty-one out of thirty-three priests along with 375 Spanish colonists and pushing the rest of the 2,350 colonists southward to present-day northern Mexico. The Pueblo retained control of their homeland for twelve years before Diego de Vargas led Spain’s reconquest of New Mexico in 1692. Over time, as the Spanish, Mexican, and American

¹² For a general chronology of events in New Mexico’s history, see Myra Ellen Jenkins and Albert Schroeder, *A Brief History of New Mexico* (Albuquerque: University of New Mexico Press, 1974); Marc Simmons, *New Mexico: An Interpretive History* (Albuquerque: University of New Mexico Press, 1977); Edward Spicer, *Cycles of Conquest: The Impact of Spain, Mexico, and the United States on the Indians of the Southwest, 1533-1960* (Tucson: University of Arizona Press, 1962); Ramón Gutiérrez, *When Jesus Came, the Corn Mothers Went Away: Marriage, Sexuality, and Power in New Mexico, 1500-1846* (Stanford: Stanford University Press, 1991); White, “It’s Your Misfortune And None of My Own”; Kita Burgos, *Valiente! Heritage of Texas, New Mexico, and Arizona to Statehood* (Nogales: Saxon Publications, 1985); and Howard Roberts Lamar, *The Far Southwest, 1846-1912: A Territorial History* (New Haven: Yale University Press, 1996).

¹³ White, “It’s Your Misfortune And None of My Own,” 11, 17.

governments gained and entrenched the power of their laws, New Mexico's indigenous population and its autonomy declined dramatically.

Rather than associating this history of sovereignty with the Pueblo, Taft's train passengers, undoubtedly, would have more been familiar with their subordinate position within the racial hierarchies of Spain, Mexico, and the United States. Those passengers may have even participated in the degradation of the *genízaros*, landless and detribalized Navajo, Apache, Comanche, and Ute women and children taken captive and sold to the Spanish as household servants. The abuse of *genízaros*—and the debasing treatment of all Pueblo—continued after New Mexico became part of the Republic of Mexico in 1821. The American period, however, offered new promises for New Mexico's indigenous. The passengers who traveled alongside Taft would not have read the terms of the Treaty of Guadalupe Hidalgo that protected all property rights approved by the Mexican government. Those property rights included the right of the Pueblo to maintain their irrigated land that Anglo farmers, ranchers, and settlers would later encroach upon.¹⁴

What the train passengers may have seen—and perhaps even purchased as souvenirs of their journey—however, were the products of Pueblo labor. Available at trading posts along the train's route were woolen blankets and rugs woven from the

¹⁴ For recent work on western and southwestern history from the perspective of Native Americans, see Ned Blackhawk, *Violence Over the Land: Indians and Empire in the Early American West* (Cambridge: Harvard University Press, 2006); James Brooks, *Captives and Cousins: Slavery, Kinship, and Community in the Southwest Borderlands* (Chapel Hill: University of North Carolina Press, 2002); Daniel Richter, *Facing East From Indian Country: A Native History of Early America* (Cambridge: Harvard University Press, 2003); Colin Calloway, *One Vast Winter Coat: The Native American West Before Lewis and Clark* (Lincoln: University of Nebraska Press, 2003); and Kathleen Du Val, *Native Ground: Indians and Colonists in the Heart of the Continent* (Philadelphia: University of Pennsylvania Press, 2006).

fur of sheep raised on Pueblo land, and silver jewelry and pottery crafted with Pueblo designs. The visibility of this labor—and, yet, the invisibility of people performing it—connects the Pueblo with the Slavic, Italian, Mexican, and African American miners who exploded dynamite in President Taft’s “Welcome Salute.” Both New Mexico’s indigenous and its immigrants struggled to get the federal government to recognize the conditions and presence of their daily lives. Whereas the former became increasingly marginalized as the Territory evolved, and the latter became a population cultivated and managed by those pursuing statehood, both groups were affected by the federal government’s characterization and frequent dismissal of the region as a frontier outpost too backwards or foreign to receive national attention and recognition.

The political dynamics between New Mexico and the U.S. and among New Mexicans within the Territory during these sixty-two years can be characterized by three interrelated themes. The connection between the struggle for statehood, the inefficiency of territorial institutions, and the racialization of *Hispanos* throughout the territorial period constitutes a central focus of this dissertation. First, on a broad political level, the relationship between the U.S. federal government and the Territory was at times ambivalent, and at times directly hostile. This hostility is best represented in the resistance territorial residents faced when struggling to become a state. Between New Mexico’s establishment as a territory in 1850 and its admission to the Union in 1912, Congress created thirteen new territories, all of which became states before New Mexico. Kansas affirmed its statehood in 1861; West Virginia in

1863; Nevada in 1864; Nebraska in 1867; Colorado in 1876; North Dakota, South Dakota, Montana, and Washington in 1889; Idaho and Wyoming in 1890; Utah in 1896; and Oklahoma in 1907. After New Mexico and Arizona achieved statehood in 1912, only Hawaii and Alaska—territories since 1898 and 1912, respectively—would wait until 1959 for statehood.

The delay in achieving statehood did not originate from within New Mexico. Furthermore, only part of this lag can be attributed to the stalemate caused by sectional congressional divisions and the need to balance slave and free states entering the Union. The most persistent theme in Congress' repeated denials for statehood was the perception of New Mexico's people as too Mexican, too Indian, and too Catholic to be welcomed as part of the fabric of the nation as a whole. Commentary from national newspapers expressed the pervading hostility succinctly and frequently. One reporter in an 1876 issue of the nationally circulated *Harper's Weekly* crafted the image of New Mexicans as unfit for self-government by characterizing the nine-tenths majority of the 1870 population of 111,000 as "Mexicans, Indians, 'greasers,' and other non-English-speaking people." Writing in response to propositions to admit New Mexico as a state, the anonymous writer explained to his readers that this "community almost without the characteristic and indispensable qualities of an American State...[is] virtually an ignorant foreign community under the influence of the Roman Church, and neither for the advantage of the Union nor for its own benefit can such an addition to the family of American

States be urged.”¹⁵ A positive national perception of the Territory—and willingness to accept New Mexico as a state—came only in 1912 when the Anglo population and American political authority eclipsed New Mexico’s *Hispano* and indigenous Pueblo populations during the first decade of the twentieth century.

New Mexico’s fledgling fight for statehood and the racialization of *Hispanos* reinforced one another. Newspapers across the United States disseminated negative caricatures of New Mexico in incendiary political cartoons depicting the Territory’s struggle for statehood. The most common theme in these nationally circulated images included racialized portrayals of the Territory as inferior in comparison to other territories and existing states. For example, several political cartoons highlighted the disgust of Arizona residents to the prospect of a joint statehood with New Mexico. One cartoon from a 1903 issue of the *Brooklyn Eagle* portrays New Mexico as a cow-drawn carriage with one Pueblo and two sombrero-wearing Mexicans shooting guns into the air as their carriage failed to leap over a hurdle labeled, “Admission to Statehood.” A second cartoon, from a 1906 issue of the *Colorado Post*, depicts New Mexico as a mustached, sombrero-wearing cowboy shouting “Carramba!” while seated next to the image of Arizona as a fair-skinned young woman with delicate features. Arizona, sitting at the opposite end of a park bench, declares, “Well I never!” as Uncle Sam paternalistically places one hand atop each of their heads.¹⁶

¹⁵ *Harper’s Weekly*, 1876, <http://www.newmexicohistory.org/filedetails.php?fileID=271>, date accessed 25 July 2009.

¹⁶ All political cartoons are featured and analyzed by historian Richard Melzer in “New Mexico in Caricature.”

The second notable feature of the territorial period is the establishment of territorial institutions without sufficient resources to assist the increasing number of people migrating to New Mexico. As with all other territories, the U.S. federal government invested its authority in newly acquired land by establishing territorial institutions for the purpose of governing the population. These institutions included the Department of Education, Attorney General's Office, Mounted Police Force, Mining Safety Inspector, Insane Asylum, School for the Deaf, School for the Blind, the New Mexico Military Institute for teenage boys, and the New Mexico Bureau of Immigration. Although the federal government designed the institutions to serve different needs within the Territory, several similarities existed among them. Most notably, authorities from each institution submitted annual reports of the institution's spending to New Mexico's representative of the U.S. federal government: the federally appointed governor. Amid detailed lists of expenditures and boasts of the physical improvements made to surrounding buildings, these reports consistently emphasized the need for increased funding from the federal government in order for the institutions to function.

This chronic lack of funding undermined the ability of these institutions to provide the services expected of them. The New Mexico Asylum for the Deaf and Dumb, for example, the Territory's sole institution of its kind, closed its doors for three years during the 1900s because it had simply run out of money.¹⁷ Despite a

¹⁷ "Report of the New Mexico Asylum for the Deaf and Dumb, for the year ending June 30, 1905, by Lars Larson, Superintendent," *Annual Report of the Superintendent of the Public Instruction, TANM* reel 72: frame 459.

high volume of applicants seeking positions, the Mounted Police Force could not afford more than eleven police officers to patrol the entire Territory. Because the Territory lacked its own prison until the 1880s, authorities paid the state of Nebraska sixty cents per day to house inmates convicted of federal crimes, before finding the more cost-effective venue of Kansas at a rate of twenty cents per day. Within the Territory, county jails often released convicted inmates simply because they could not afford to feed them.¹⁸

A third notable feature, perhaps most representative of this period, the territorial space and its institutions facilitated the racialization of New Mexico's Pueblo, Mexican, Anglo, and European immigrant populations. Recent historical work makes clear how the federal government's educational apparatus in the nineteenth century southwest borderlands—particularly Indian boarding schools—carried out the explicit mission of Americanizing indigenous communities in order to encourage acculturation.¹⁹ New Mexico offered no exception to this process of racialization undertaken throughout the United States. Particularly in Indian boarding

¹⁸ Robert Tòrrez, *The Myth of the Hanging Tree: Stories of Crime and Punishment in Territorial New Mexico* (Albuquerque: University of New Mexico, 2008); and Karen Holliday Tanner and John D. Tanner, *New Mexico Penitentiary, 1884-1912: Directory of Inmates* (Santa Fe: New Mexico State Records Center, 2002).

¹⁹ For work on the acculturation of Indians in boarding schools, see Diane Reyna (director), *Surviving Columbus: The Story of the Pueblo People* (Institute of American Indian Arts, 1992); Jeff Spitz (director), *The Return of Navajo Boy* (Berkeley Media, 2001); Margaret Archuleta, Brenda Child, and K. Tsianina Lomawaima, *Away From Home: American Indian Boarding School Experiences, 1879-2000* (Santa Fe: Museum of New Mexico Press, 2000); Angelle Kachadoorian, "Boarding School, Family, and Opportunity: Student Discourses as Adaptive Strategy at the Indian Southwestern Polytechnic Institute" (Ph.D. dissertation, University of New Mexico, 2006); Clifford Trafzer et al., *Boarding School Blues: Revisiting American Indian Educational Experiences* (Lincoln: University of Nebraska Press, 2006); Sean Patrick Sullivan, "Education Through Sport: Athletics in American Indian Boarding Schools of New Mexico, 1885-1940" (Ph.D. dissertation, University of New Mexico, 2004); John Bloom, *To Show What an Indian Can Do* (Minneapolis: University of Minnesota Press, 2000); and Mitchell, *Coyote Nation*.

schools, teaching staffs comprising primarily of single, Protestant, Anglo female immigrants from the Midwest articulated the racially-different status of New Mexico's Pueblo by enforcing the required rituals and regulations of bodily comportment, diet, and hygiene that they deemed appropriate for ideal citizens. These institutions removed Pueblo children from their families and their language, separated siblings into gender segregated classrooms, enforced daily flag raisings, adorned Anglo-style hair and clothing, and taught skills such as shoe-making, laundry, sweeping, and sewing.²⁰

In addition to Indian boarding schools, racialization within territorial institutions can also be seen in another major development of New Mexico's sixty-two-year territorial period: the Anglocization of the territorial government. During these years, New Mexico saw only one *Hispano* governor, Miguel Otero, who served during New Mexico's rapid demographic and structural growth from 1897 through 1906. Although Otero's family had held influence in the Territory since the 1860s, this politically conservative *Hispano* was raised and educated in Missouri. Not having spent his formative years in the Territory, the half-Anglo Otero received the position of governor due to his close friendship with President William McKinley, a mentor to whom Otero expressed loyalty by dedicating his 1940 memoir to the long-deceased President. As much an admirer of U.S. expansion as McKinley, Otero enthusiastically supported the Spanish-American War of 1898 during his tenure as

²⁰ The Americanization of the Pueblo can also be charted in images used in Expositions across the United States. See Robert Trennert, "Fairs, Expositions, and the Changing Image of Southwestern Indians, 1876-1904," *New Mexico Historical Review* 62, no. 2 (April 1987): 127-50.

governor. While historians make note of Otero as New Mexico's first and only *Hispano* governor during the territorial period, it is important to recognize how his mixed racial identity, marriage to an Anglo woman, and imperialist political affiliations rendered him an acceptably "American" leader in the eyes of the federal government.²¹

In this dissertation I argue that the inadequacies of these territorial institutions and the long struggle to gain statehood reflected the hostile attitude of the federal government and race-based judgment of inferiority cast upon New Mexicans by people across the United States. At the same time, the territorial institutions established to govern this space racialized New Mexico's Anglo, *Hispano*, Pueblo, and Eastern European immigrant populations. Moreover, the particular legal configuration of the U.S. territorial system denied New Mexico inclusion as a full member of the national polity. This general inequality shaped not only the new legal and government structures, but also the way New Mexicans—many with ancestral ties preceding Spanish colonialism—engaged with one another and articulated their demands for entitlements and rights to the new government institutions.

New and underfunded territorial institutions founded by the U.S. federal government—including, but not limited to, the Mounted Police Force, Territorial Penitentiary, territorial judiciary, and the Bureau of Immigration—sought to establish their authority and credibility in a densely historical, multilingual space inhabited by

²¹ Miguel Antonio Otero, *My Life on the Frontier, 1864-1882* (New York: Press of the Pioneers, 1935); Otero, *My Life on the Frontier, 1882-1897* (Albuquerque: University of New Mexico, 1939); and Otero, *My Nine Years as Governor of New Mexico, 1897-1906* (Albuquerque: University of New Mexico, 1940).

residents of pre-existing legal modalities and social identities. Courting able-bodied Anglo immigrants to develop its agricultural, mining, and cattle industries, cataloging the bodies of unwanted immigrants, directing the movement of its penitentiary inmates, and racializing individuals who sought its services and resources—all of these actions became essential to this process. Incorporating longstanding populations of Pueblo, Navajo, and Apache into this system became less of an immediate priority than establishing the superiority of new American institutions and Americanizing existing populations in the quest to gain political legitimacy in the eyes of Congress and people across the United States.

With federal government resources directed towards courting Anglo, able-bodied men and Americanizing indigenous and Mexican communities racialized as problematic by a government intent on achieving statehood, how did recent immigrants and other individuals marginalized as inferior New Mexicans negotiate their belonging within and through these territorial institutions? This dissertation will demonstrate that demanding, not negotiating, entitlement to resources, labor, personal safety, and equal treatment within the judicial system emerged as a key concern for recent immigrants, *Hispanos*, Anglos, and African Americans when maneuvering the territorial legal system in modernizing New Mexico.

The manner by which New Mexicans articulated those demands for entitlement is a key concern in this dissertation. Efforts within a territorial body that coveted, longed for, and continually attempted to prove its attractiveness as a future state bred a unique milieu within federally funded territorial institutions. Trying to

strike a chord of identification that would legitimize their claims, marginalized people who sought the services of New Mexico's territorial institutions demanded entitlements by harnessing a highly gendered rhetoric, and by performing gendered familial roles. This dissertation explores the gendered discourse of entitlement within four territorial institutions: the Bureau of Immigration, the Territorial Penitentiary, the Mounted Police Force, and the territorial courts. I question the strategies and rhetoric that disparate individuals with racialized social identities used in order to claim entitlement to work, pardons, social justice, equity within the courts, and the physical protection of their bodies within the prison system in territorial New Mexico from 1880 to 1912. In this dissertation I argue that as federally appointed, Anglo territorial leaders strengthened their authority by cataloging undesirable bodies, recent immigrants, *Hispanos*, and African Americans claimed entitlement to the Territory's limited resources and jobs, personal safety, and personal justice by writing directly to male leaders. They did more than simply write their demands. These racialized individuals asserted their entitlements by performing gendered identities rooted in rights they saw as specific and necessary to sustain the labor of the able-bodied family breadwinner.

The territorial period of New Mexico shows us a space in transition, a region grappling with questions of race and citizenship, an area with a Spanish and Mexican past, a territorial present, and pursuit of U.S. statehood as a desired future. This dissertation will shed light on the limitations of territorial institutions during a critical moment of New Mexico's modernization, as well as how a language of gender rooted

in industriousness held clout in a territory with limited resources, and how New Mexico's exclusion from the national polity shaped the way the territorial government managed and marginalized individuals within it. Like the Victoria Chief Copper Company's Slavic and Mexican miners who exploded dynamite in 1909 to demonstrate to President Taft the magnitude and significance of their physical labor—and, by consequence, the magnitude and economic significance of New Mexico's mining potential for the United States—marginalized New Mexicans with racialized social identities persistently demanded inclusion.

This dissertation engages, intertwines, and challenges three bodies of historical literature: scholarship on the racialization of Mexicans during the final decades of the nineteenth and early decades of the twentieth centuries, gendered studies of the construction of masculinity, and political histories of statehood. Analyzing archival records through this trifocal lens, I build upon existing work on race as a socially constructed identity by applying interdisciplinary theories of race-making to territorial New Mexico. In their influential work, *Racial Formation in the United States: From the 1960s to the 1980s*, scholars Michael Omi and Howard Winant assert that the work of studying race “is not to analyze the biological aspect of people's heritage, but rather to understand the politics and processes of racial categorization.”²² New Mexico's position as a political, legal, economic, and psychic space on the borderlands of the U.S. and Mexico—at one time a part of the Spanish

²² Martha Menchaca, *Recovering History, Constructing Race: The Indian, Black, and White Roots of Mexican Americans* (Austin: University of Texas Press, 2001), 2. See also, Michael Omi and Howard Winant, *Racial Formation in the United States: From the 1960s to the 1980s* (New York: Routledge, 1986).

empire, Mexican Republic, and United States—caused the racial identity of *Hispanos* to be particularly fluid during the territorial period.

Whether New Mexico's *Hispanos* classified themselves or were classified by others, historians have analyzed the process through which Mexican Americans obtained a problematic, tenuous, and weak racialized legal identity. The racial identity of Mexican Americans has been malleable and unstable since the signing of the Treaty of Guadalupe Hidalgo in 1848. The U.S. victory in the Mexican-American War from 1846 through 1848 resulted in more than just the cession of over 500,000 square miles of land from Mexico to the United States. Over 115,000 Mexicans living in the southwest borderlands became U.S. citizens with the signing of a legal document. Just thirteen years before the commencement of the Civil War, people across the United States vehemently debated the meanings of citizenship and race. Considering this broader national conversation about race in antebellum America, would this new population of formerly Mexican citizens, now Spanish-speaking U.S. citizens, be racially categorized as white Americans?

The process of “Americanizing” the new Territory of New Mexico after the Treaty of Guadalupe Hidalgo included more than the federal government's imposition of territorial institutions. This was a space, after all, that historians Richard White, Pablo Mitchell, John Nieto-Phillips, and others remind us had been habitually perceived and openly labeled as “mongrelized.”²³ Fittingly, the rapid political and social change instigated by the federal government in the Territory engendered strict

²³ See White, “*It's Your Misfortune And None of My Own*”; Mitchell, *Coyote Nation*; and Nieto-Phillips, *The Language of Blood*.

racial categories in response to the pressing question of the racial identity of *Hispanos*, now U.S. citizens after a U.S. military victory.

In 1848, before the Amendment to the Constitution that opened citizenship to “persons of African nativity or African descent” during the Reconstruction period of the twelve years after the Civil War, the Constitution crafted racial categories in a language that defined the people allowed citizenship. According to the Constitution, only “free white persons” possessed that right. These three words, in combination with Article IX of the settlement that ended the two-year-long war between the U.S. and Mexico, complicated the legal and racial identity of Mexican Americans. In 1848, Article IX of the Treaty of Guadalupe Hidalgo granted all Mexicans United States citizenship if they remained on the land that Mexico ceded to the U.S. for one year. By consequence, this citizenship right meant that former Mexican citizens living in the southwest borderlands automatically met the legal definition of “white.”²⁴

Legal scholar Laura Gòmez describes racialization, also referred to as “race-making,” as the process by which “groups come to be identified and to identify themselves in racial terms and learn their place as deserving or undeserving in the racial hierarchy.”²⁵ For New Mexicans, as for other racial groups, these identifiers were both ascribed and self-assumed. Gòmez defines the racial categorization of Mexican Americans during the late nineteenth and early twentieth century not as

²⁴ Laura Gòmez, *Manifest Destinies: The Making of the Mexican American Race* (New York: New York University, 2007), 138-39.

²⁵ *Ibid.*, 2.

white, but as “off-white.” As Gòmez explains in *Manifest Destinies*, the Treaty of Guadalupe Hidalgo constructed a legal identity of Mexicans and Mexican Americans as white. However, the social world in which Mexican Americans of the southwest borderlands lived ascribed a racial identity inferior to that of Anglos. In other words, during the years that followed the Mexican American War, the legal racial categorization of Mexican Americans did not align with the social categorization experienced in their lived realities. This fragile, “off white” status, according to Gòmez, hovered between their legal categorization as white and their social categorization as inferior. Racial subordination within the Territory, de facto segregation from Anglo newcomers, loss of familial land, and insufficient wages all contributed to this inferior racial status. However, placement on the New Mexican racial hierarchy as superior to New Mexico’s Pueblo and African American populations further complicated this “off white” racial category. Gòmez asserts that the “off white” identity reflected the contradictory observations of Mexicans as “*more white than non-white [emphasis in original]*.”²⁶

The racialization of *Hispanos* in New Mexico as “off white” is directly tied to understandings of masculinity and labor during the territorial period. The second body of literature this dissertation engages is the historiography of the construction and performance of gender. In using gender as my primary theoretical lens of analysis to examine territorial New Mexico, I am able to make transparent the connection between labor and the definition of masculinity that people in the

²⁶ Ibid., 84.

borderlands—men, women, sons, wives, miners, penitentiary inmates, parents, job applicants, and Mounted Police Force officers—articulated in their daily lives. In this dissertation I engage in a conversation with historians who chart masculinity, like race, as a category of identity whose definition varies according to geography, class, age, disability, race, and sexuality. Just as Omi and Winant characterize the historical study of race-making as an endeavor that tracks racial identity as a social construct, so a gendered analysis of history—as proposed by historian Joan Scott in the 1980s—asserts a similar view of gender as a socially constructed category with meanings that change across time and location.²⁷

Gender provides the most useful analytical framework for this exploration of labor, statehood, and the trope of manhood used to demand inclusion and entitlements in territorial New Mexico. Historian Evelyn Nakano Glenn—building upon the work of Joan Scott—explains that the framework of gender analyzes the “socially created meanings, relationships, and identities organized around reproductive differences.” Gender, “as a product of everyday social practice” in the Territory, determined the organization of social institutions, bonds within the family, interactions between *Hispanos* and Anglos, and relationships between the territorial government and New Mexicans according to the “continually constituted and reconstituted” definitions of manhood and womanhood.²⁸

²⁷ Menchaca, *Recovering History, Constructing Race*, 2. See also, Omi and Winant, *Racial Formation in the United States*; and Joan Scott, *Gender and the Politics of History* (New York: Routledge, 1988).

²⁸ Evelyn Nakano Glenn, *Unequal Freedom: How Race and Citizenship Shaped American Labor* (Cambridge: Harvard University Press, 2004), 8.

My analysis of the construction of a gendered definition of “manhood” in territorial New Mexico relies upon the concepts of performance and representation. In *Gender Trouble: Feminism and the Subversion of Identity*, Judith Butler posits the theory that gender is a “doing” and not a “being.” “Doing” manhood, Butler argues, requires publicly repeating, performing, and reenacting “a set of meanings already socially established” to define masculinity within a community.²⁹ Representation, on the other hand, refers to the “deployment of symbols, language, and images to express and convey race/gender meanings,” to borrow historian Evelyn Nakano Glenn’s explanation from her book, *Unequal Freedom*.³⁰ In the case of territorial New Mexico, *Hispanos*, *Anglos*, recent immigrants, job applicants, territorial representatives, and laborers all deployed the symbol of the father, the son, the breadwinner, and the “A-1 Good Man” in order to perform their definition of manhood to an audience that included government officials in a position to award pardons, employment, and, most importantly, statehood.

Each of the territorial institutions I investigate in this analysis of a gendered rhetoric of race and labor constitutes an arena where performances of racialized masculinity can be readily observed. The definition of manhood that developed in the decades preceding statehood was one rooted in the economic growth of a new federal territory and the institutions designed to enforce the federal government’s influence. To borrow borderlands historian Katherine Benton-Cohen’s description, New

²⁹ Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1990), 140.

³⁰ Glenn, *Unequal Freedom*, 12.

Mexico's two primary industries promoted by the federal government—the fields of mining and agriculture—were “hypermasculine” industries. Adding to the presence of New Mexican workers in these hypermasculine industries, the Mounted Police Force maintained law and order in an environment that has been habitually represented in historical writings as a frontier space associated with an unrestrained “manliness.” Similarly, as Anne Butler accurately states in *Gendered Justice in the American West*, the Territorial Penitentiary “embodied the maleness of the nineteenth-century American West,” and continued to do so in the early years of the twentieth century.³¹

Within the hypermasculine institutions of the Territory, the definition of masculinity revolved around the concept of a white, financially stable, adult male as head of the household. Historians locate a specific point in time when profitable labor became a critical component in the perception of manhood in the United States. The growing strength of capitalist industrialization and manufacturing at the end of the nineteenth century had gendered ramifications. Most notably, capitalist industrialization produced a more specific definition of the white male breadwinner. According to Evelyn Nakano Glenn, “being ‘good breadwinners’ required men to be ‘good workers’” and, consequently, able to support his dependents. Claiming the identity of the family breadwinner became “a source of masculine pride and identity, the basis for claiming political equality, a decent standard of living, and the right to a family life in which wives were available to ‘keep house’ and take care of children.”

³¹ Katherine Benton-Cohen, *Borderline Americans: Racial Division and Labor Wars in the Arizona Borderlands* (Cambridge: Harvard University Press, 2009), 12, 13.

In the case of territorial New Mexico, claiming political equality meant claiming and receiving specific privileges that these breadwinners believed territorial institutions had promised them.³²

The entanglement of masculinity and race appears most prominently in claims for employment and sufficient pay. When workers demanded jobs from New Mexico's Bureau of Immigration, when residents demanded protection from the Mounted Police Force, and when inmates demanded pardons from the Territorial Penitentiary, they referenced dependent mothers, sisters, wives, and children who needed them to earn a "family wage." This wage referred to a living standard whereby a worker—assumed to be male—could financially support a family of dependents. This "family wage" functioned to valorize male employment and the wages of a breadwinner, and to denigrate the financial contributions of working-class women to their families. The concept of the "family wage" includes more than just gendered connotations. Katherine Benton-Cohen argues in *Borderline Americans* that in the southwest borderlands at the turn of the twentieth century, people believed that "a man should support a family; only a white man earns a family wage; thus,

³² Glenn, *Unequal Freedom*, 75. See also Gail Bederman, *Manliness and Civilization: A Cultural History of Gender and Race in the United States, 1880-1917* (Chicago: University of Chicago Press, 1995); Ava Baron, "An 'Other' Side of Gender Antagonism at Work: Men, Boys, and the Remasculinization of Printers' Work, 1830-1920," in *Work Engendered: Toward a New History of American Labor*, ed. Ava Baron (Ithaca: Cornell University Press, 1991); Joan Acker, "Hierarchies, Jobs, and Bodies: A Theory of Gendered Organizations," *Gender and Society* 4 (1990): 139-158; Sonya Rose, "Class Formation and the Quintessential Worker," in *Reworking Class*, ed. John R. Hall (Ithaca: Cornell University Press, 1997); and Martha May, "Bread Before Roses: American Working Men, Labor Unions and the Family Wage," in *Women, Work, and Protests: A Century of U.S. Women's Labor History*, ed. Ruth Milkman (Boston: Routledge, 1985).

only white men are proper family men.”³³

The use of a gendered rhetoric of manhood in territorial New Mexico was neither new nor unusual when compared to national conceptualizations of masculinity. Men had already utilized “the dignity of skilled labor and family headship” throughout the nineteenth century in their construction of class identity.³⁴ Much of the existing historical attention to the claiming of the “breadwinner status” has been devoted to the way this identity has been deployed by white men in the industrial Northeast. Since the publication of Ava Baron’s *Work Engendered: Toward a New History of American Labor* in 1991, and Gail Bederman’s *Manliness and Civilization: A Cultural History of Gender and Race in the United States* in 1995, historical attention to the formation of masculinity has expanded beyond the case of white American men. Recent work on the construction of masculinity examines the experiences of working-class immigrant men and African American men from the colonial era to the present.³⁵

To this existing body of literature and analyses of the conception of “breadwinner” I add the geopolitical space of the borderlands. New Mexico and its institutions at the twilight of its territorial period allowed for the inclusion of

³³ Benton-Cohen, *Borderline Americans*, 90. See also, Joy Parr, *The Gender of Breadwinners: Women, Men, and Change in Two Industrial Towns, 1880-1950* (Toronto: University of Toronto Press, 1990).

³⁴ Glenn, *Unequal Freedom*, 15.

³⁵ Ava Baron, *Work Engendered: Toward a New History of American Labor* (Ithaca: Cornell University Press, 1991); Bederman, *Manliness and Civilization*; Steve Estes, *I Am A Man!: Race, Manhood, and the Civil Rights Movement* (Durham: University of North Carolina Press, 2005); and Darlene Clark Hine and Earnestine Jenkins, eds., *A Question of Manhood: A Reader in U.S. History*, Vol. 2, *The Nineteenth Century: From Emancipation to Jim Crow* (Bloomington: Indiana University Press, 2001).

working-class *Hispanos* and *Hispanas* to either collaborate or contest articulations of manhood. This dissertation presents a nuanced analysis of masculinity in New Mexico by testing how the notion and language of the “breadwinner” crossed racial and class lines. In the Territory, elite Anglo men, as well as incarcerated, working-class Anglos, *Hispano* Mounted Police Force officers, and African American fathers all parlayed their breadwinner status into demands to the territorial government.

In addition to explorations of race and class, historians of masculinity have explored the connection between gender and territorial expansion during the nineteenth century. Kristin Hoganson, Laura Wexler, and other scholars of nineteenth century imperialism identify military expansion as a theatre through which white American men enforced notions of racial superiority. Framing colonized men as inferior in their masculinity became a key tactic in the process of controlling the political and social world of a new territory or colony. As Gail Bederman explains, white men in the nineteenth century engaged in a “millennial drama of manly racial advancement, in which American men enacted their superior manhood by asserting imperialistic control over races of inferior manhood.”³⁶ The masculinity of *Hispano* men in New Mexico—living in a territory of the expanding American empire—became a target for Anglo immigrants and territorial officials to characterize as substandard in virility, bravery, fortitude, and in need of being civilized by white American men. Labeling *Hispano* masculinity as weak and inferior served a purpose

³⁶ Bederman, *Manliness and Civilization*, 171. See also, Laura Wexler, *Tender Violence: Domestic Visions in an Age of U.S. Imperialism* (Chapel Hill: University of North Carolina Press, 2000); and Kristin Hoganson, *Fighting for American Manhood: How Gender Politics Provoked the Spanish-American and Philippine-American Wars* (New Haven: Yale University Press, 1998).

for those behind the project of statehood, who dramatized the transformation of New Mexico into a space where American masculinity surpassed what was depicted as the inferior manhood of *Hispanos*. As New Mexico's white, masculine workforce surpassed the *Hispano* workforce in numbers, territorial officials argued that they had transformed—even civilized—New Mexico into a place where the American definition of manhood had triumphed over the inferior version that had preceded it.³⁷

Race-making and the construction of masculinity in New Mexico are entangled with the Territory's campaign for statehood, yet historical literature on the Territory's sixty-two-year struggle for political legitimacy has ignored gender as a factor in the delay. The ambiguous racial status of *Hispanos*, however, has garnered substantial attention from historians as an element that escalated the nation's hostility at the prospect of New Mexico entering the Union. For example, historians Robert Larson, Richard Melzer, David Holtby, and others have thoroughly analyzed the way that the numerical predominance of an Anglo population swayed Congress' opinion of New Mexico as having been sufficiently "Americanized."

The most critical scholarship about the Territory's longing for statehood has been *New Mexico's Quest for Statehood*, written by Robert Larson in 1968. In charting the legal and electoral procedures in the offices of lawmakers in the territorial capital of Santa Fe and the national capital of Washington, D.C., Larson does not explore how strategies to achieve statehood featured in the lives of ordinary

³⁷ Hoganson, *Fighting for American Manhood*.

New Mexicans.³⁸ This dissertation adds the variable of gender—specifically, masculinity and performances of masculinity—as a critical element to New Mexico’s extended inability, and ultimate ability, to persuade Congress of its qualification to become a peer to states that had been members of the Union since 1776. Rather than merely viewing the presence of Anglo residents as a factor that propelled the vote towards statehood, this dissertation examines what those Anglo residents—and *Hispano* and African American men and women—understood to be the role, responsibilities, and rights of men living in New Mexico during its transition from territory to statehood.³⁹

This dissertation does not limit gender to the study of masculinity. My analysis of women in territorial New Mexico builds upon the approaches of feminist social historians of the 1980s and 1990s. Historians of *Hispanas* forthrightly interpret the patriarchy of the Catholic Church, the family, and New Mexican society as decidedly flexible. This social historical literature rewrites the history of *Hispanas*—New Mexico’s Spanish-speaking women whom historian Deena González labels “independent spirits”—to demonstrate the agency by which they “forged their own destinies, despite cultural and economic confinement and limitations.” As González asserts in *Refusing the Favor*, common misperceptions of *Hispanas* included what historian Sarah Deutsch describes as “overgeneralized and stereotyped images of

³⁸ Larson, *New Mexico’s Quest for Statehood*; and Lamar, *The Far Southwest*.

³⁹ Larson, *New Mexico’s Quest for Statehood*; David Holtby, *Forty-Seventh Star: New Mexico’s Struggle for Statehood* (Norman: University of Oklahoma Press, 2012); and Stephanie Moussalli, *The Fiscal Case Against Statehood: Accounting for Statehood in New Mexico and Arizona* (Lanham: Lexington Books, 2012).

submissive, cloistered, and powerless women” living in an environment “dominated by a rigidly patriarchal ideology.”⁴⁰

In *No Separate Refuge*, a foundational text on the history of *Hispanas* in the Southwest, Deutsch frames her analysis around recounting the daily lived experiences that challenge these misrepresentations of *Hispanas* as devoid of agency and authority. The sexual division of labor in New Mexico is the construction that historians interrogate most frequently in order to raise awareness of the integral role that *Hispanas* played in their New Mexican communities. Deutsch, for example, asserts that the village experiences of working-class *Hispanas* did not mirror the experiences of New Mexican *Hispanos*, but instead developed alongside them. The seasonal absence of men as they completed railroad and mining labor—though challenging for *Hispanas* on an economic level—enabled the authority of women to thrive. Their familial authority and village influence grew during the seasons when

⁴⁰ Deena González, *Refusing the Favor: The Spanish-Mexican Women of Santa Fe, 1820-1880* (Oxford: Oxford University Press, 1999), 8; and Sarah Deutsch, *No Separate Refuge: Culture, Class, and Gender on an Anglo-Hispanic Frontier in the American Southwest, 1880-1940* (New York: Oxford University Press, 1987), 42. The majority of the historical literature on women in New Mexico focuses on the experiences of *Hispanas* during the Spanish and Mexican periods. For general histories of women in the West, see Susan Armitage and Elizabeth Jameson, eds., *The Women's West* (Norman: University of Oklahoma Press, 1985); Peggy Pascoe, *Relations of Rescue: The Search for Female Moral Authority in the American West, 1874-1939* (New York: Oxford University Press, 1990); Anne Butler, *Daughters of Joy, Sisters of Mercy: Prostitutes in the American West, 1865-1890* (Champaign: University of Illinois Press, 1997); Antonia Castañeda, “Women of Color and the Rewriting of Western History: The Discourse, Politics, and Decolonization of History,” *Pacific Historical Review* 61, no. 4 (November 1992): 501-33; Susan Johnson, “‘A Memory Sweet to Soldiers’: The Significance of Gender in the History of the American West,” *Western Historical Quarterly* 3 (1994): 322-45; Annette Kolodny, *The Land Before Her: Fantasy as Experience and History in American Life and Letters* (Chapel Hill: University of North Carolina Press, 1975); Darlis A. Miller and Joan M. Jensen, “The Gentle Tamers Revisited: New Approaches to the History of Women in the American West,” *Pacific Historical Review* 49, no. 2 (May 1980): 173-214

Hispanas served as heads of households.⁴¹ Additionally, *Hispanas* succeeded within their “realms of expertise” that included sex-specific labors such as midwifery, sheep shearing, harvesting of family garden plots, and the unpaid labor of childrearing, all performed throughout the year.⁴²

While this community authority was firmly rooted in *Hispanas*’ contributions of labor, derogatory misperceptions of them continued to abound. One of the most popular stereotypes included judgments of *Hispanas* as “voluptuous, poor, dirty, and morally lax.” These stereotypes, rooted in the hypersexualization of *Hispanas*, mirrored stereotypes of *Hispanos* as “lazy, filthy, stupid, cowardly, and conniving.”⁴³ Like Deutsch and Gonzàlez, I challenge those contemporary misperceptions of both *Hispanas* and *Hispanos* in this dissertation by examining the myriad of ways that New Mexico’s socially marginalized retained their authority as individuals at a time when the imposition of federal control reduced their collective authority as Spanish-speaking Mexican Americans.

Just as this dissertation belongs to the broader field of social history, a social history of territorial New Mexico belongs to the revisionist field of Western history.

⁴¹ For histories of women in New Mexico, see Joan M. Jensen and Darlis A. Miller, eds., *New Mexico Women: Intercultural Perspectives* (Albuquerque: University of New Mexico Press, 1986); Deena Gònzalez, “The Widowed Women of Santa Fe: Assessments on the Lives of an Unmarried Population, 1850-1880,” in *On Their Own: Widows and Widowhood in the American Southwest, 1848-1939*, ed. Arlene Scadron (Champaign: University of Illinois Press, 1989); Salomè Hernández, “*Nueva Mexicanas* as Refugees and Reconquest Settlers,” in *New Mexico Women: Intercultural Perspectives*, eds. Joan M. Jensen and Darlis A. Miller (Albuquerque: University of New Mexico Press, 1986).

⁴² *Ibid.*, 41.

⁴³ *Ibid.*, 73. For investigations of the perceptions of *Hispanas* and *Hispanos* as sexually immoral and ethically lax, see Pablo Mitchell, *West of Sex: Making Mexican America, 1890-1930* (Chicago: University of Chicago Press, 2012); Pablo Mitchell, “You Just Don’t Know Mrs. Baca: Intermarriage, Mixed Heritage, and Identity in New Mexico,” *New Mexico Historical Review* 79, no. 4 (2004): 437-58.

The “New Western history,” as it has been labeled by historians since the 1980s, has added a more complex lens of analysis to a regional history traditionally dominated by conventional mythologies of cowboys, Indians, and frontier renegades. In the twenty-five years since the publication of Patricia Nelson Limerick’s groundbreaking *Legacy of Conquest: The Unbroken Past of the American West*, New Western history has utilized a social historical methodology to draw attention to the experiences of *Hispanos*, women, and other people of color, including Chinese railroad workers, indigenous boarding school students, Filipino orchardists, and African American Buffalo soldiers.⁴⁴ This dissertation, like other scholarship within New Western history, directs attention to the many strategies used by disenfranchised Mexican American women and unmarried, Anglo immigrant women to negotiate the social, political, and familial conflicts in their daily lives.

More typically, though, historians situate territorial New Mexico in the field of southwest borderlands history. Aptly described by historian Samuel Truett, the borderlands of the U.S. and Mexico present a space where “the contingency and

⁴⁴ For an overview of New Western history, see Patricia Nelson Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (New York: Norton, 1987); White, “*It’s Your Misfortune and None of My Own*”; Limerick, “What on Earth is the New Western History?” *Montana: The Magazine of Western History* 40, no. 3 (Summer 1990): 61-64; Walter Nugent, “Western History, New and Not So New,” *OAH Magazine of History* 9, no. 1 (Fall 1994): 5-9; Susan Armitage, “Women and the New Western History,” *OAH Magazine of History* 9, no. 1 (Fall 1994): 22-26; and Jay Price, “Still Facing John Wayne After All These Years: Bringing New Western History to Larger Audiences,” *The Public Historian* 31, no. 4 (Fall 2009): 80-84. Additional histories of the diverse population of the West and Southwest include Sucheng Chan et. al., eds., *Peoples of Color in the American West* (Lexington: Heath and Company, 1994); Quintard Taylor, *In Search of the Racial Frontier: African Americans in the American West, 1528-1990* (New York: Norton, 1998); and Spicer, *Cycles of Conquest*.

messiness of transnational relations” is explicitly clear.⁴⁵ The historiography of the southwest borderlands of the United States carefully analyzes the complex, rapidly-changing demography, ecology, political conquest, and cultural and racial oppression in a region divided by a U.S. border imposed upon Mexican citizens in 1848. As historians David Weber, David Montejano, Edward Spicer, Andr  s Res  ndez, and other historians have noted, the southwest borderlands reveal the history of a population who either “crossed a border or had a border cross them.”⁴⁶ Indigenous Americans, displaced Mexican landowners, Anglo homesteaders, northward emigrants from Mexico, and the land itself, all feature prominently in analyses of the exploitative process of land loss, unequal wage labor, interracial marriage, and the Anglocization of indigenous Americans and Spanish-speaking women and children.

Like Weber, Spicer, and other borderlands historians, I begin my discussion of the geopolitical space of territorial New Mexico by examining the legacy of Spain and Mexico in the aftermath of the United States’ conquest of a large portion of Mexican territory. According to Patricia Nelson Limerick, the American conquest of New Mexico “involved the drawing of lines on a map, the definition and allocation of

⁴⁵ Samuel Truett, *Fugitive Landscapes: The Forgotten History of the U.S.-Mexico Borderlands* (New Haven: Yale University Press, 2006), 6.

⁴⁶ Truett, *Fugitive Landscapes*. See also, David Guti  rrez, *Walls and Mirrors: Mexican Americans, Mexican Immigrants, and the Politics of Ethnicity* (Berkeley: University of California Press, 1995); David Weber, *The Mexican Frontier, 1821-1846: The American Southwest Under Mexico* (Albuquerque: University of Mexico Press, 1983); Weber, *The Spanish Frontier in North America* (New Haven: Yale University Press, 1992); Andr  s Res  ndez, *Changing National Identities at the Frontier: Texas and New Mexico, 1800-1850* (Cambridge: Cambridge University Press, 2005); Spicer, *Cycles of Conquest*; Oscar Martinez, *Border Town Boom: Ciudad Ju  rez since 1848* (Austin: University of Texas Press, 1978); and David Montejano, *Anglos and Mexicans in the Making of Texas: 1836-1986* (Austin: University of Texas Press, 1987).

ownership...and the evolution of land from matter to property.”⁴⁷ With my attention focused on the territorial period, this dissertation builds upon the work of borderlands historians by demonstrating the ways that the U.S. government drew “lines on a map” and fostered a hostile ethnic diversity that included recent Anglo immigrants.

Social norms and stereotypes evolved in part to furnish a common ground or shared language among those who articulated them. In an era of rapid westward expansion, as definitions of what was truly “American” grew increasingly elusive, individuals wishing to forge connections with fellow New Mexicans referenced the era’s normative gender roles as a token of legitimacy. Thus, each written performance of gender examined in this dissertation bridged the writer and his or her audience inside a territorial institution. Against an ever-present backdrop of the drive for statehood, participants in this territorial project crafter their gendered rhetoric within the larger framework of “American” values such as masculine industriousness as a persuasive means of claiming entitlements and privileges. Whether those New Mexicans believed this gendered language reflected their authentic identity as fathers, husbands, sons, brothers, and workers, or whether they merely used this rhetoric in an attempt to increase their chances of achieving their demands, the existence of this rhetoric—and who, where, when, and why it appeared—sits at the center of this investigation.

Each chapter in this dissertation examines gendered demands for privileges from one institution in territorial New Mexico, demonstrating how that institution

⁴⁷ Limerick, *Legacy of Conquest*, 27.

became a site where men, women, youth, elderly, African American, Anglo, *Hispano*, or *Hispana* found multiple opportunities to perform gendered identities in order to obtain their demands from the institution's authorities. Just as importantly, each chapter considers the role that institution, in turn, played in the larger project of achieving statehood.

In all four chapters, the connection between the trope of the family breadwinner and the territorial status of these institutions will be made explicitly clear. This dissertation begins with an analysis of the institution designed to populate New Mexico with a specific group of laborers for a specific purpose: the Bureau of Immigration. In chapter one, "Laboring in 'The Land of Prosperity and Happiness': Territorial New Mexico's Bureau of Immigration," I argue that this institution produced a catalog of recruitment literature designed to court able-bodied, young, industrious, Anglo male laborers into the Territory in order to develop its agricultural and mining industries to match or eclipse the production levels of other states. Officials of the Bureau of Immigration believed this new population and their labor would strengthen New Mexico's claim for statehood. In doing so, this territorial institution—wittingly or not—constructed a hierarchy of labor. In this chapter, I argue that the Bureau of Immigration's definition of the value of an immigrant's labor directly reflected whether or not that labor would increase the Territory's likelihood of achieving statehood.

This dissertation does not ignore the people of New Mexico who did not match the Bureau of Immigration's definition of its ideal immigrant. In chapter one I

also examine how immigrants to New Mexico challenged this representation of the ideal territorial resident by demanding access to the labor they believed they were entitled to based upon the bureau's recruitment literature. Anglo women, *Hispanas*, and the Pueblo likewise believed they had much to offer the Territory, though their roles and histories in the region were ignored in the narratives constructed by the bureau. They, like the immigrants the bureau idealized, had demands they did not hesitate to make known. Given those demands, what rhetorical strategies did people who did not match the Bureau of Immigration's representation of the ideal immigrant perform in order to demand the right to work?

Chapter two moves away from the Bureau of Immigration, but continues the theme of demanding labor which crossed institutional domains. Letters written by self-proclaimed "A-1 Good Men"—primarily prospective immigrants from outside of New Mexico—included demands for jobs on the Mounted Police Force based on the claimed need to care for sisters, wives, and mothers living out-of-state. In "In Search of 'A-1 Good Men': Fatherhood, Race, and the Financial Limitations of the Mounted Police Force," I examine demands for employment on the Mounted Police Force alongside the demands that *Hispanas* and Anglo immigrant women across the Territory made for safety and protection. These requests by *Hispanas* and Anglo women serve as illustrative foils to the demands of men in search of a position from which they could obtain a salary by performing their own definition of manhood and bravery. By contrast, women in the Territory took the initiative to carry out their own forms of social justice when the Mounted Police proved unable to protect their land,

property, and safety. In this chapter I argue that women who lived in New Mexico during the final years of the territorial period relied upon their own authority and social influence in their communities to secure their needs for safety, law, and order. Without dismissing the eleven men on the Mounted Police Force as unable to meet their needs because of indifference or disinterest, in this chapter I analyze the structural limitations imposed by the financial constraints of being a territorial institution rather than an adequately funded state institution.

Chapter three, “Pardoning Breadwinners, Constructing Masculinity: Gender and Finances in New Mexico’s Territorial Penitentiary Pardons,” continues to examine themes of labor and gender with a textual analysis of the written demands for pardons made by inmates in the Territorial Penitentiary. Male inmates across ethnic and class lines demanded pardons based on their desire to fulfill the role of working-class breadwinners responsible for dependent parents, pregnant wives, and young children. In this chapter I argue that the territorial institution of the penitentiary—and the governor who authorized the granting of pardons—validated this specific performance of masculinity. Additionally, this chapter questions whether the financial instability of running a penitentiary as a territorial institution influenced the governor’s pardoning of inmates in such high numbers between 1907 and 1910.

In the final chapter of this dissertation, I examine the space of the territorial courts and the territorial press’ portrayal of women, race, and fatherhood in two cases involving a female perpetrator and a female crime victim, respectively. Age, race,

and class all determined the experiences of a pregnant African American teenager incarcerated in the Territorial Penitentiary, and an “aged” Anglo business owner murdered by a *Hispano* who robbed her store. Specifically, in “A Daughter Named Wyoming, An Inmate Named Alma: Representations of Women and Crime in the Territorial Press and Court,” I focus on the gendered defenses used by family members as they appealed for shorter prison sentences and protection for inmates in jail.

Two case studies are examined in detail. The first involves Alma Lyons, a young African American woman—and convicted murderer who escaped execution while still a teenager—who later became pregnant while incarcerated in the Territorial Penitentiary. How did Alma’s father appeal to the court to guarantee a safe pregnancy for his imprisoned daughter? How did he use the defense of faulty fathering to rationalize his daughter’s crime? In my second case study, I examine the reaction of the sensationalist press to the murder of Jennie Templeton, an elderly business owner and immigrant to New Mexico. The press, the court, Templeton’s two female allies, and the family of her murderer, David Martínez y Sánchez, all relied upon the normative gender roles that circulated throughout New Mexico. For Templeton, those assumptions would be used to demand retribution for the murder of an elderly, disabled, unmarried Anglo business owner. For the wife, daughters, and father of her murderer, those gendered assumptions would be used to bolster an alcoholic’s plea for a lenient punishment.

The terminology used in any analysis of New Mexico is laden with conflict, politicization, and limitations. Despite the weaknesses of labels used to describe the multiple ethnic and national communities in the Territory, in this dissertation I utilize the dominant terminology of historians Sarah Deutsch, Deena González, Richard White, Ramón Gutiérrez, John Nieto-Phillips, Andrés Reséndez, and Pablo Mitchell.⁴⁸ Acceptance of this terminology, and the purpose of its creation, has changed over time. Each term served a purpose within the federally controlled Territory of New Mexico. The term “Anglo” labels U.S.-born Caucasians of Northern European descent who held power in the territorial government and industries. These men and women—predominantly immigrants from outside the Territory—frequently referred to themselves as “American” in historical records. As a way to distinguish themselves from Mexican immigrants, Mexican Americans in the Territory developed several monikers, including *Nuevomexicano* and *Hispano*. Historians Nieto-Phillips notes that *Hispano* became the most common nomenclature in the 1890s as Spanish-speakers sought to create the image of pure-blooded Spanish heritage. Deeply aware of the way the nation judged this borderlands territory as inhabited by Mexicans with a combination of Mexican and Indian heritage, *Hispanos* strategically designed this moniker because they believed it reduced their own political marginalization. The title of *Hispanos* reflected a growing loyalty to the United States as shown by the choice to build an identity separate from Mexico. The

⁴⁸ Deutsch, *No Separate Refuge*; González, *Refusing the Favor*; Nieto-Phillips, *The Language of Blood*; Reséndez, *Changing National Identities at the Frontier*; Erlinda González-Berry and David Maciel, eds., *The Contested Homeland: A Chicano History of New Mexico* (Albuquerque: University of New Mexico Press, 2000); and Mitchell, *Coyote Nation*.

Anglo-dominated, federally appointed territorial government, meanwhile, referred to Spanish-speakers of Mexican heritage who had been born and raised in New Mexico as “natives.” The term “Mexican,” meanwhile, was used to refer to recent immigrants from Mexico.⁴⁹ In order to avoid confusion with the contemporary term “native” used to refer to Mexican Americans, I utilize the term “indigenous” for Native American Pueblo, Ute, Navajo, and Apache. Finally, in this dissertation I utilize the term “African American” to refer to individuals whom the territorial government labeled as “colored,” “negro,” “negress,” or “Black” in their court records, legal statutes, and newspapers.⁵⁰

⁴⁹ Glenn, *Unequal Freedom*, 167. For a broad study of the development of this terminology, see Felipe Gonzales, “The Political Construction of Latino Nomenclature in Twentieth Century New Mexico,” *American Journal of the Southwest* 35, no. 2 (Summer 1993): 158-85.

⁵⁰ See Mitchell, *West of Sex*; Mitchell, “Bodies on Borders”; and Taylor, *In Search of the Racial Frontier*.

CHAPTER 1

LABORING IN “THE LAND OF PROSPERITY AND HAPPINESS”: TERRITORIAL NEW MEXICO’S BUREAU OF IMMIGRATION

“Dear Sir—I intend to go West this winter for my children’s health and would consider it a great favor if you would answer me the following questions by return mail: Is that a good place for weak lungs? Is there a good school there? Is there a bakery there? Is there laundry there?”

David Tripp, Farmingdale, Illinois
to the New Mexico Bureau of Immigration
October 13, 1886⁵¹

Introduction

When Nearia Liegler of North Springfield, Missouri, and her mother prepared to “locate” to the Territory of New Mexico in 1887, this governess and German language teacher sought assistance from the one government representative responsible for all matters related to settlement: the commissioner of the Bureau of Immigration.⁵² Not inquiring about the Territory’s fourth and most recent failed attempt at statehood, or about transportation routes from North Springfield to Santa Fe, this unmarried German expatriate wanted and expected employment. Her

⁵¹ David Tripp to the Bureau of Immigration, 13 October 1886, Farmingdale, Illinois, Territorial Archives of New Mexico, Microfilm reel 96: frame 20, State Records Center and Archives, Santa Fe, New Mexico (hereafter cited as TANM and SRCA, respectively).

⁵² The Bureau of Immigration reported New Mexico’s population at 130,000 in its 1882 publication by Commissioner W.G. Ritch, *New Mexico: Its Resources and Advantages* (Santa Fe: N.p., 1882), 4.

miniscule cursive handwriting on the Jedofsky and Ziegler Milling Company stationary created a highly classed and gendered image of herself and her elderly mother as immigrant laborers defined by their ability to work. A talented graduate of “one of the finest conservatories in Germany,” former teacher at a large college in London, frequent and successful concert performer, and an heiress to “great capital” who spoke English “pretty well,” Lielger represented herself as an ideal immigrant according to her own understanding of the merits of refinement, sophistication, and reliability. As strangers to the Territory, Lielger and her mother—a woman she described as a “fine German lady”—expected the territorial official to supply them with the names of Santa Fe’s “rich families” in need of “governesses, lady-companions, or housekeepers.”⁵³

The letter of interest from this “lady-companion” included more than just the benefits she believed she and her mother would contribute to New Mexico’s “rich families.” Lielger produced in her letter a gendered image that reified the authority of the lone, male government official entrusted to recruit workers, investors, and residents. Refusing to mask the impetus behind her desire to relocate, she portrayed herself and her mother as two unmarried, financially-stricken white women without

⁵³ Nearia Lielger to the Bureau of Immigration, 18 February 1887, North Springfield, Missouri, TANM reel 96: frame 154. A number of immigrants wrote directly to prospective employers. Grace Coombs, a teacher at the Chicago School for the Deaf for twenty-four years, wrote to New Mexico School for the Deaf Superintendent Lars Larson in 1907 emphasizing her experience before stating “I am very anxious to make my home in the West.” See Grace Coombs to Lars Larson, 25 April 1907, Chicago, New Mexico School for the Deaf Archival Collection, Box 9678: folder 3, SRCA. In 1889, the owner of Lock Box 57 in Santa Fe wrote Governor L.B. Prince to offer her services as a stenographer. While promoting her abilities, she apologized for her gender by explaining that she was “an experienced and rapid stenographer, owning typewriter, and, though a woman, am well acquainted with the inviolability of personal correspondence.” Lock Box 57 to Governor L.B. Prince, 23 April 1889, Santa Fe, TANM reel 103: frame 382.

secure employment, seeking out the assistance of a territorial institution only because they had recently been victimized by a male relative. According to Liegler, neither she nor her mother would be seeking employment in New Mexico had it not been for what they both perceived as the financial “carelessness” of their former husband and son-in-law. Thus, in one letter of interest to New Mexico’s Bureau of Immigration we see immigrant workers define themselves by both their potential productivity and their identity as unmarried women in financial ruin who, in exchange for assistance, offered a reciprocal relationship of being “obliged to” this territorial institution in gratitude.⁵⁴

Liegler’s request for assistance carries a tone of respect, but her letter of inquiry as a whole suggests the expectations of white, unmarried female immigrants lacking familial bonds or economic ties in territorial New Mexico. Before the onset of her travels, Liegler looked to the commissioner of the Bureau of Immigration with expectations that buttressed this government representative’s ability and authority to position New Mexicans in jobs that would guarantee their economic well-being. Liegler was certainly not alone in turning to leaders of New Mexico’s territorial institutions for assistance, or by directly articulating what she understood to be the Bureau of Immigration’s responsibilities toward immigrant workers. In addition to this German governess, a newspaper journalist seeking to escape the winters of Kansas, a Congregationalist minister from Chicago who had just completed his seminary education, a “young lawyer” from Massachusetts prospecting employment

⁵⁴ Nearia Liegler to Bureau of Immigration, TANM reel 96: frame 154.

in Albuquerque or Deming, an Irish employee of the New York Society for the Prevention of Contagious Diseases, an eye and ear specialist from Pueblo, Colorado, interested in relocating only if New Mexico lacked laws requiring doctors to register their profession, and a surveyor from Fredonia, Kansas, with thirty-one years “constant practice”—all of these individuals made similar demands to this territorial institution.⁵⁵ If immigrants of such varied class, social, and racial identities all claimed entitlement to employment and financial stability in New Mexico, did the Bureau of Immigration welcome them equally? This “fine German lady” represented herself as an ideal immigrant to settle in New Mexico based upon her understanding of refinement, sophistication, and reliability, but did these qualities fit the Bureau of Immigration’s profile of a valued and welcomed laborer in New Mexico?

Like many of the Territory’s newest residents, Liegler gained awareness of opportunities in the “Land of Perpetual Sunshine” through advertisements circulated by New Mexico’s Bureau of Immigration. Just one of many territorial institutions established by the federal government, the Bureau of Immigration functioned with one specific purpose: to recruit a population that would bring the Territory investment, labor, and settlement.

Relying upon a federally funded agency to court population growth was not an approach unique to New Mexico. In fact, New Mexico’s development during its

⁵⁵ H. Buckingham to Bureau of Immigration, 13 and 26 July 1886, TANM reel 96: frames 1-10; Reverend Dana Bartlett, 1 December 1886, Chicago, TANM reel 96: frame 58; J.F. McKay, 29 October 1886, Rockland, Massachusetts, TANM reel 96: frame 38; O’Reilly to Bureau of Immigration, 9 November 1886, TANM reel 96: frame 45; Dr. S.E. Smith, 14 April 1887, Pueblo, Colorado, TANM reel 96: frame 236; and N. McKinney, 1887, Fredonia, Kansas, TANM reel 96: frame 139.

territorial period was influenced by recruitment strategies found in other western territories transitioning to statehood. As Susan Lee Johnson notes of California in the mid-nineteenth century, movement to western regions was a result of “the imminent, and selective, triumph of capitalist market economies, whose representatives sent tentacles out around the globe, linking many peoples, products, and places to each other in their pursuit of wealth.”⁵⁶ For Leigler and her mother, the pursuit of employment, not necessarily wealth, made New Mexico an ideal choice for their relocation in the 1880s.

Published advertisements, reports, and pamphlets made up the most visible “tentacles” of the Bureau of Immigration’s efforts to advertise employment and investment opportunities in the Territory. Between 1882 and 1884, the bureau published and distributed two million pages of printed matter to a national audience, a total that included four separate editions of *The Illustrated New Mexico*.⁵⁷ Not all publicity work was transmitted in print. Commissioners of the Bureau of Immigration balanced their dissemination of published material with direct, written correspondence with interested parties in states as far as Pennsylvania, Massachusetts, and Illinois. In fact, bureau commissioners boasted to the governor in their Biennial Annual Reports of the high numbers of letters received and answered. Between 1899 and 1900, they received over 2,200 letters; between 1900 and 1902, 6,000 letters; in 1906, another 5,000 letters; and in 1911 on the eve of statehood, a reported fifty

⁵⁶ Susan Lee Johnson, *Roaring Camp: The Social World of the California Gold Rush* (New York: Norton, 2000), 58.

⁵⁷ W.G. Ritch, *Report of the Bureau of Immigration* (Santa Fe: New Mexican Printing Company, 1884).

letters each day.⁵⁸ The bureau also boasted of its ability to reply to inquirers, claiming officials wrote 11,255 personal letters in 1911, a 266% increase over the 4,288 letters sent in 1910, and a 511% increase over the 2,200 letters sent in 1909.⁵⁹

Pamphlets, flyers, and reports from the bureau inspired people to forward commissioners of the Bureau of Immigration the names and addresses of what one Pennsylvanian described as “persons whose eyes are Westward directed.”⁶⁰ Those with westward eyes most often sought out the bureau’s information on environmental resources, climate, attractions, cost of room and board, the availability of jobs and their associated pay, and the laws of New Mexico. Immigrants easily perceived this territorial institution to be the most legitimate source of advice on settlement. Liegler, for example, turned to the New Mexico Bureau of Immigration only after being abandoned by several “agents in the East,” having sent them money to arrange relocation to New Mexico and never hearing from them again.⁶¹

The Bureau of Immigration considered itself an institution wholly different from the agents that immigrants such as Liegler paid to organize relocations. Its forty-nine-page publication, “New Mexico Lands: Their Character and Distribution by Valleys and Counties,” under the heading, “A Note to Readers,” states that it was

⁵⁸ Bureau of Immigration, *Biennial Report of the Bureau of Immigration, 1899-1900* (Santa Fe: New Mexico Printing Company, 1901), 4; Bureau of Immigration, *Biennial Report of the Bureau of Immigration, 1904-1906* (Santa Fe: New Mexico Printing Company, 1906), 7; Bureau of Immigration, *Biennial Report of the Bureau of Immigration, 1900-1902* (Santa Fe: New Mexico Printing Company, 1904), 14; Bureau of Immigration, *Biennial Report of the Bureau of Immigration, 1904-1906*, 17; and Bureau of Immigration, *Biennial Report of the Bureau of Immigration, 1910-1911* (Santa Fe: New Mexico Printing Company, 1911), 2.

⁵⁹ Bureau of Immigration, *Biennial Report of the Bureau of Immigration, 1910-1911*, 2.

⁶⁰ W. Clark to W.G. Ritch, New Mexico Commissioner of Immigration, 18 January 1886, Washington County, Pennsylvania, TANM reel 96: frame 25.

⁶¹ Nearia Liegler to Bureau of Immigration, 18 February 1887, North Springfield, Missouri, TANM reel 96: frame 154.

not the bureau's "business to furnish people with situations" such as jobs or housing. Rather, the bureau functioned—purportedly, at least—to equip potential residents with enough knowledge so that the "newcomer can act intelligently as to locating and engaging in some occupation to which he is adapted and which he can make profitable."⁶² In other words, despite the constant demand for work from potential immigrants, the bureau considered securing employment to be the sole responsibility of the new residents themselves. However, the copious letters sent to the bureau demanding jobs reveals the true expectations of potential immigrants.

While Liegler believed the labor skills she and her mother possessed made them ideal candidates to settle in New Mexico, this territorial institution did not welcome all immigrants equally. A close analysis of the publications of the Bureau of Immigration reveals that this institution addressed a specific audience. In this chapter I argue that the gendered language used by the Bureau of Immigration indicates that this institution directed their recruitment efforts to their ideal immigrant population: able-bodied, Anglo, male workers with either the financial or physical fortitude to develop New Mexico's mineral and agricultural resources into thriving industries. As I will make clear in this chapter, the Bureau of Immigration's recruitment of a specific pool of laborers buttressed the efforts of those in the

⁶² H. Hartmann, "New Mexico Lands: Their Character and Distribution by Valleys and Counties," in *New Mexico: Winter Edition, 1889* (Santa Fe: N.p., 1889), 49.

Territory who believed that strengthening these industries would lead to statehood.⁶³

Three central questions arise from the courting of immigrant laborers to territorial New Mexico. First, how did the Bureau of Immigration use its recruitment literature to create a policy that defined the labor of one group of immigrants as more valuable than others? Secondly, what did New Mexico's immigrants expect and demand from a territorial government that actively solicited them to work in the Territory for the benefit of its campaign for statehood? Lastly, how did the tactics, language, and mechanisms used by the Bureau of Immigration to court new residents devalue New Mexico's pre-existing populations of Pueblos and *Hispanos* with roots dating back multiple centuries?

Courting “Men of Energy and Enterprise”: The Bureau of Immigration’s Recruitment of Workers

The federal government established New Mexico's Bureau of Immigration in February, 1880, with the official mission of attracting capital and settlers to the Territory. Twenty commissioners, working from 1880 until the bureau's closure in 1912, wrote advertisements, responded to personal correspondence from potential immigrants, and printed numerous pamphlets and books detailing New Mexico's natural resources and business opportunities in order to encourage settlement. The bureau completed this work with minimal funding from the federal government. In

⁶³ Governors of New Mexico encouraged the Bureau of Immigration's recruitment tactics throughout the territorial period. See Maria Montoya, “The Dual World of Miguel A. Otero: Myth and Reality in Turn-of-the Century New Mexico,” *New Mexico Historical Review* 62, no. 1 (January 1992): 13-31; and Cynthia Secor Welsh, “A ‘Star Will Be Added’: Miguel Antonio Otero and the Struggle for Statehood,” *New Mexico Historical Review* (January 1992): 36.

1882, its second year, the bureau's treasury held \$600, and two years later in 1884, only \$902. In 1891, the federal government appropriated an annual sum of \$1,500 for the institution, an amount increased to \$4,000 in 1899, then lowered to \$3,000 in 1901, and lowered further to \$2,000 in 1904 and 1905, before reaching a peak of \$5,000 in 1909. Despite these increases, the appropriated funding often proved inadequate throughout the entire thirty-two years of the bureau's existence. In 1905, for example, the secretary of the bureau went without pay for several months in order to fund two stenographers to answer the 2,100 letters received that year. This precarious financial situation meant that the bureau frequently relied upon donations from general managers of the Atchison, Topeka and Santa Fe Railway as well as the Chicago, Rock Island, and Pacific Railway to supplement limited resources from the federal government.⁶⁴

Depending upon donations from the advertising departments of railroad corporations was just one example of the Bureau of Immigration's participation in an informal publicity network that included recruiters, printers, distributors, and the Department of the Interior in Washington, D.C., to circulate material to prospective immigrants. Like those of other western territories, New Mexico's Bureau of Immigration placed pamphlets in the hotels, banks, and public offices of eastern and

⁶⁴ Bureau of Immigration, *Biennial Report of the Bureau of Immigration, 1882-1884* (Santa Fe: New Mexico Printing Company, 1884), 15; Bureau of Immigration, *Biennial Report of the Bureau of Immigration, 1889-1890* (Santa Fe: New Mexico Printing Company, 1891), 8; Bureau of Immigration, *Biennial Report of the Bureau of Immigration, 1897-1899* (Santa Fe: New Mexico Printing Company, 1899), 3; Bureau of Immigration, *Biennial Report of the Bureau of Immigration, 1899 and 1900*, 7; Bureau of Immigration, *Biennial Report of the Bureau of Immigration, 1902-1904* (Santa Fe: New Mexico Printing Company, 1904), 14; Bureau of Immigration, *Biennial Report of the Bureau of Immigration, 1904-1906*, 17; Bureau of Immigration, *Biennial Report of the Bureau of Immigration, 1909-1910*, 11.

midwestern U.S. towns, as well as in the passenger cars of the Atchison, Topeka and Santa Fe Railway, the El Paso and Northeastern Railway, the Denver and Rio Grande Railway, the Southern Pacific Railway, and the Colorado Southern Railway.⁶⁵ Information booths at state and world's fairs across the country received just as much attention. The bureau printed 3,000 copies of *The Illustrated New Mexico* to pass out at the Denver Exposition in 1882 alone.⁶⁶ If a potential immigrant or investor missed the Bureau of Immigration's displays of New Mexico's mining and agricultural bounties at the New Orleans World's Fair in 1885, the Chicago World's Fair in 1893, the Trans-Mississippi Commercial Congress in 1900, and Milwaukee's International Mining Congress in 1901, together with many other national expositions, they could be sure to view the traveling exhibits designed by the bureau.

In September and October of 1889, for example, the bureau publicized the Territory's agricultural productivity by devoting an entire car of the Atchison, Topeka and Santa Fe Railway traveling throughout Colorado, Kansas, Nebraska, Iowa, and Illinois to an exhibit displaying various fruits, grapes, and cereal grown in New Mexico's Mesilla Valley. Ten years later, in 1899, the bureau began collecting minerals for a permanent exhibit at their office in order to reduce the number of letters prospective investors sent requesting mineral samples.⁶⁷

Participating in this unofficial network benefited the Bureau of Immigration while hindering the success of the printing businesses contracted to assist them. In

⁶⁵ Bureau of Immigration, *Biennial Report of the Bureau of Immigration, 1900-1902*, 7.

⁶⁶ Bureau of Immigration, *Biennial Report of the Bureau of Immigration, 1882-1884*, 7.

⁶⁷ Bureau of Immigration, *Biennial Report of the Bureau of Immigration, 1889-1890*, 4.

the 1884 Biennial Report sent to the governor of New Mexico by the Bureau of Immigration, Commissioner W.G. Ritch applauded the bureau's feat of printing 10,000 total copies of two editions of *The Illustrated New Mexico* at the "exceptionally cheap" cost of only \$1,365—a cost that forced the contracted printers to "suffer a considerable loss."⁶⁸

Former and current residents of New Mexico also collaborated informally with the Bureau of Immigration's recruitment efforts. In 1887, N.L. Hayden from Flora Vista, New Mexico—200 miles from the bureau's base in Santa Fe—requested the bureau send information to the fifty-one people who had previously written to Hayden asking about his experiences living in the Territory. Hayden's list of names included addresses in Kansas, Kentucky, Missouri, Ohio, Oregon, Pennsylvania, Colorado, Minnesota, Arkansas, and Iowa.⁶⁹ Similarly, Albuquerque attorney J.D. Wilds requested a dozen pamphlets to send to friends and acquaintances in Kentucky after being questioned about New Mexico by correspondents in his former home state. Though unpaid and volunteering his time, Wilds considered himself influential and confident enough to reassure the bureau in 1886 that his group of Kentuckians "if we can get, will make useful citizens."⁷⁰

Wilds was not alone in thinking that his recommendations swayed people to relocate, or that sharing knowledge about the Territory made him a vital assistant to this territorial institution. Writing from Pajarito, New Mexico, in January, 1887, a

⁶⁸ Bureau of Immigration, *Biennial Report of the Bureau of Immigration, 1882-1884*, 14.

⁶⁹ N. L. Hayden to Bureau of Immigration, 18 February 1887, Flora Vista, New Mexico, TANM reel 96; frame 180.

⁷⁰ J.D. Wilds to Bureau of Immigration, 13 December 1886, Albuquerque, TANM reel 96; frames 75-76.

twenty-seven-year resident, H. Metzgar, took pride in his ability to distribute copies of the bureau's pamphlets after bearing witness to the Territory's development since he moved there in 1860. Metzgar felt compelled and proud to promote his long-standing home as he believed, "we are on the eve of a great boom."⁷¹

Other former residents took an even more active role. Frank Roberts, a territorial resident for three years, later editor and publisher of Illinois' *Litchfield Daily News*, felt it his "duty [emphasis in original]" to promote the "health, happiness, and possibly affluence" to be secured in his former home. In 1888, having already recommended New Mexico to neighbors, Roberts found himself in a position to take his self-appointed responsibility of promoting New Mexico beyond simply circulating pamphlets. His most extensive recruitment efforts involved organizing a "tour of inspection" specifically to "enlighten dying men and women" of New Mexico's health benefits.⁷² Similarly, enlightening people about the Territory became a priority for former resident and current Chicago Congregationalist Reverend Dana Bartlett. In an 1888 letter to the bureau, Bartlett acknowledged that his neighbors in the Mississippi Valley possessed "ignorance as regards [to] New Mexico" and that he had volunteered the responsibility of lecturing on employment in New Mexico and providing copies of *The Illustrated New Mexican* to his congregation.⁷³ While they may not have realized how this underfunded institution

⁷¹ H. Metzgar, 4 January 1887, TANM reel 96: frame 130.

⁷² Frank Roberts, 8 April 1888, Litchfield, Illinois, TANM reel 96: frames 472-73.

⁷³ Dana Bartlett, February 1888, Chicago, TANM reel 96: frame 426.

depended upon their unpaid assistance, former residents wrote to the bureau throughout the 1880s to report their cooperation and solidarity with its efforts.

During the Bureau of Immigration's first ten years, informal recommendations played a strong role in making prospective immigrants aware of opportunities in the Territory. During the 1890s, the bureau produced a greater amount of printed matter than it did during the 1880s, but what remained consistent during these decades was the characteristic that dominated descriptions of the Territory: the *impending* development, *impending* blossoming of New Mexico into an agricultural, mining, and trading powerhouse that either matched the recent growth of western states or eclipsed output in eastern industrial cities. Bureau of Immigration president and future governor L. Bradford Prince referred to this characteristic as New Mexico's "future greatness" and its "prosperous present and brilliant future" at the 1891 Territorial Exposition in Albuquerque.⁷⁴

Just four years later, a bureau publication from 1895 entitled, *New Mexico: The Resources, Development, and Prospects of a Great Territory*, promised readers that "New Mexico is waking up. The long sleep in the sun is over, and the 'Land of *Poco Tiempo*' is rousing to a day of nineteenth-century rush and bustle, and strenuous endeavor and commercial success." In this forty-eight-page booklet for investors and settlers, the secretary of the Bureau of Immigration compared New Mexico's mining potential in 1895 to California's immediately before the gold rush of 1848, describing

⁷⁴ L. Bradford Prince, "The Present and Future of New Mexico," Address delivered at the Territorial Exposition, 15 September 1891, Albuquerque. Reprinted in *New Mexico: A Land of Prosperity and Happiness* (Chicago: Rand, McNally, and Company, 1891), 1, 17.

New Mexico's precious metals as "little-known" and offering mining prospectors the "most inviting field in the United States." L. Bradford Prince had made similar comparisons fourteen years prior to an audience 2,000 miles away. In an 1881 interview with the *New York Tribune*, Prince claimed that the Territory held more gold than California and more silver than Colorado.⁷⁵

Prince and the Bureau of Immigration's pattern of emphasizing New Mexico's future of productivity in the 1880s and 1890s explicitly acknowledged the derogatory perceptions and portrayals of New Mexico familiar to readers—particularly readers of newspapers in northeastern U.S. cities. For example, the bureau's secretary acknowledged in 1895 that just a few years earlier, the nickname "The National Rip Van Winkle," or the "Land of *Poco Tiempo*," or "sun, silence, and adobe" would have been applicable. This bureau employee also acknowledged that New Mexico "has always been accounted one of the poorest and the least promising of all the Union sisterhood," but asserted that its great variety of resources, once developed, would make New Mexico "as rich as any of her sister States."⁷⁶

In addition to promises of the impending boom of the Territory's economy, the second major characteristic of the bureau's pamphlets and circulars of the 1890s was the perception that New Mexico offered opportunities for workers with minimal resources, particularly in the agricultural sector. Lengthy and detailed booklets spoke

⁷⁵ "New Mexico: Its Present Condition and Prospects—An Interview with Chief Justice L. Bradford Prince," *New York Tribune*, 12 July 1881. Reprinted in Bureau of Immigration, *The Resources of New Mexico* (Santa Fe: New Mexico Book and Job Printing Department, 1881), 50.

⁷⁶ Max Frost, *New Mexico: The Resources, Development, and Prospects of a Great Territory, Awakening the Land of 'Poco Tiempo,' Information for Immigrants, Settlers, and Investors* (Santa Fe: Bureau of Immigration, 1895), 1.

of the favorable climate, available irrigation systems, and procedures for acquiring land titles, as well as the Territory's mineral and manufacturing opportunities. Titles of publications from the 1890s included "What a Farmer of Moderate Means Can Do," "The Land of Sunshine," "Sunshine for Sugar," "New Mexico: A Land of Prosperity and Happiness," "Plenty of Water for Farming," "New Mexico Apples: The Orchardists of the East Must Look to Their Laurels," "New Mexico: Health, Wealth, Home, the Tourist's Shrine," and "Ten Acres Enough: What a Man Can Do With a Small Tract of Land."

The bureau also used religious language to associate the abundance of New Mexico's natural resources with a land of plenty ordained by God. Print campaigns from 1891 included phrases such as "This truly is the Promised Land," "Providence has bestowed enough material blessings...to form an empire," a land with "fruit fit for the gods," and "the most favored spot on earth."⁷⁷ Prince boasted in 1891 that New Mexicans enjoyed the same "freedom from discomforts which characterized the primitive Eden."⁷⁸ The bureau's language sought to convince readers that their own ingenuity—combined with the land's ordained potential—was enough to assure advantageous results for workers and investors. Such language encouraged readers to believe that a lack of prior experience in farming would not get in the way of their success if they moved to New Mexico to start an agricultural business.

⁷⁷ Bureau of Immigration, *New Mexico: A Land of Prosperity and Happiness* (Chicago: Rand, McNally, and Company, 1891).

⁷⁸ Bureau of Immigration, *New Mexico: A Land of Prosperity and Happiness*, 12.

Although the bureau's publications of the 1890s portrayed the farming success of new residents as inevitable, the highest bureau official did not believe that such success could be attained by all. In 1881, early in the Bureau of Immigration's existence, when *New York Tribune* reporters asked bureau President L. Bradford Prince if the Territory of New Mexico presented opportunities for immigrants, he affirmed that it did, but only for male immigrants with a strong work ethic. According to Prince, "For men of enterprise and push there is none better, especially if they have a little capital."⁷⁹ Prince based his definition of the ideal immigrant on his own understanding of ambitiousness and financial assertiveness, a definition that relied upon a gendered understanding of independence as the lack of relying upon one's family for care and support. According to Prince, dependence on others would result in an immigrant's certain failure in New Mexico:

Of course, everyone does not succeed. There are plenty of men who will never succeed anywhere. You cannot pick up gold dollars in the streets any more in New Mexico than in New York. Young men who don't know how to do any kind of business and have no energy or application would better stay at home near their relatives where they can be taken care of. We don't want them, and they will only come to grief. But men of energy and enterprise, with ambition to succeed and good habits, are practically sure of success. For all such there are far more openings and opportunities than in the overcrowded East.⁸⁰

L. Bradford Prince made clear in 1881 that "men of energy and enterprise" comprised what he envisioned as New Mexico's ideal immigrant pool. What "energy and enterprise" meant became more transparent in recruitment literature of the 1890s.

⁷⁹ Bureau of Immigration, *The Resources of New Mexico*, 50.

⁸⁰ *Ibid.*, 53.

“Energy and enterprise” was defined by the ability to supply methods of working the land that Bureau of Immigration writers deemed superior to those of *Hispanos* and *Pueblos*. An 1895 pamphlet titled *New Mexico: The Resources, Development, and Prospects of a Great Territory*, for example, provided detailed descriptions of two plants, the *caña agria* and *amole*, as natural resources whose hidden potential to generate wealth had been ignored by *Hispano* and *Pueblo* farmers. Bureau writers promoted *caña agria*, a wild root rich in tannic acid, as a crop that could meet the demand of European and Australian leather tanners. In describing *caña agria*, bureau writers differentiated the new, primarily Anglo immigrants from New Mexico’s existing population based upon the way each group did or did not recognize the economic potential of harvesting *caña agria*. According to bureau writers, New Mexico’s *Hispano* and *Pueblo* farmers let hundreds of thousands of acres of the plant decay and “die in the soil” before the Territory’s newest residents appreciated the value of the plant. In pushing readers to be the ones to “have the eye to see and the ability to grasp the situation,” bureau writers inherently portrayed *Hispanos* and *Pueblos* as incompetent and unable to appreciate the usefulness—usefulness as defined by the ability to reap a “fortune” and “control the supply”—of *caña agria*.⁸¹

The bureau also promoted *amole*, a plant used for shampooing wool and delicate fabric, as “only waiting for somebody to come along,” as it would “bring gold to the pockets of the man who will patent some simple process of preparing it for

⁸¹ Frost, *New Mexico: The Resources, Development, and Prospects of a Great Territory*, 15, 16. See also, Susan Reyner Kenneson, *Through the Looking Glass: Anglo-American Attitudes Towards the Spanish-Americans and Indians of New Mexico* (Ann Arbor: University Microfilms, 1978); and John Bloom, “New Mexico Viewed by the Anglo Americans, 1846-49,” *New Mexico Historical Review* 34, no. 3 (July 1959): 170-71.

the market.”⁸² In the case of *amole*, the bureau gave credence to mastering the U.S. legal patent process, reaping substantial profits, and controlling the supply of resources as the only intelligent manner of working New Mexico’s land.

The Bureau of Immigration did not hesitate to assure potential investors that a cheap labor base awaited them. Under the heading of “Labor”—not referring to labor available for job seekers but to that available for farm owners—the bureau informed potential farmers that the “native Mexicans make excellent farm hands.” The daily wage of seventy-five cents and the fact that they would not need to provide *Hispano* workers housing were both factors to which the bureau attributed the advantage that “laborers are always plentiful.”⁸³

In addition to deriding *Hispano* and Pueblo agricultural practices in its recruitment literature, the bureau both subtly and explicitly described the current state of the Territory’s land as worthless by bureau standards and the assumed standards of its audience. By defining New Mexico’s land as valuable for its potential, the bureau subtly demeaned existing *Hispano* and Pueblo methods of cultivation and irrigation. For example, the bureau paid special attention to only the most recent agricultural developments, such as “two-year-old grape vines” and “seven-year-old peach farms,” presumably planted by recent immigrants. Bureau literature described New Mexico’s agricultural development as a “fairy tale,” involving the transformation of the “ordinary, worthless land of New Mexico” into orchards, vineyards, and “fertile fields” that yielded higher prices than those in California. In a pamphlet from 1895,

⁸² Frost, *New Mexico: The Resources, Development, and Prospects of a Great Territory*, 15, 16.

⁸³ *Ibid.*, 30.

the bureau described the Pecos, Mesilla, Bernalillo, Socorro, and Española valleys as having been just two decades earlier “not fit even for post holes.” The transformative impetus, from the perspective of the bureau, came from the capital investment of recent immigrants.⁸⁴ A pamphlet’s passage titled, “The Irrigator’s Catechism,” from 1898, described *Hispano* irrigation practices used by “generations past” as “crude...ineffectual” and sorely in need of more advanced techniques not found in New Mexico—techniques that only immigrants to the Territory could bring.⁸⁵

The Bureau of Immigration’s efforts to secure a steady flow of immigrant labor meant their publications grew more elaborate and sophisticated during the 1900s, a decade when railroad travel to New Mexico became more consistent. The bureau once limited its literature to pamphlets published by contracted printers in Santa Fe, but by 1911 it had enacted a systematic campaign of classified advertisements in newspapers and magazines outside of New Mexico. *Pacific Monthly*, *Sunset Magazine*, *Collier’s Weekly*, *National Irrigation Journal*, *The Los Angeles Times*, *Cincinnati Enquirer*, *Chicago Tribune*, and the *National Guard Magazine* all printed articles by bureau writers with accompanying photographs.⁸⁶

Use of images within the bureau’s publications also became more frequent. At the start of immigration recruitment to New Mexico, pamphlets occasionally contained sketches of a stagecoach on the Old Santa Fe Trail, pairs of resting sheep, or thriving businesses like the Montezuma Hotel and the Las Vegas Hot Springs. No

⁸⁴ Ibid., 5, 6.

⁸⁵ Bureau of Immigration, *Agriculture and Horticulture: Bulletin No. 2* (Santa Fe: Territorial New Mexico Bureau of Immigration, 1898), 8.

⁸⁶ Bureau of Immigration, *Biennial Report of the Bureau of Immigration, 1910 and 1911*, 9.

image took up more than one quarter of a page of space. By 1910 the bureau was spending \$215.92 annually on photography, an amount just under half of what it spent on reply postage.⁸⁷ Clear, striking photography, indeed, dominated the publications in the final years of the territorial period. A 1906 publication, *The Land of Sunshine: A Handbook of the Resources, Products, Industries, and Climate of New Mexico*, included photography on 228 of its 445 total pages. The photographs included wide landscape images of artesian wells, valleys ready for irrigation, mountain farms, reservoirs, mature orchards with rows of branches carrying heavy and ripe fruit, coal mining shafts, a cement plant in Lincoln County, fields of corn in the Pecos Valley, and a lumber mill. This shift towards relying on visual imagery as advertisement was not without cost. Because of the increase in photographs, the bureau's budget for "Office Supplies" jumped from \$123.91 in 1909 to \$215.92 in 1910. Black and white sketches for pamphlets, by contrast, had cost the bureau only \$26.30 in 1910.⁸⁸

Very little imagery within the bureau's recruitment publications included photographs of people. In this 445-page publication, for example, out of 228 photographs, only ten featured New Mexicans. When they did appear, however, all people could be seen in staged shots acting out their labor or standing beside the products of their labor. Even inmates in the new Territorial Penitentiary in Santa Fe could be seen as productive laborers dressed in striped uniforms and caps, hauling bricks in the penitentiary's brick-making factory. These photographs included one

⁸⁷ Ibid., 12.

⁸⁸ Bureau of Immigration, *Biennial Report of the Bureau of Immigration, 1909-1910*, Exhibit A, 1-3.

beekeeper in overalls sitting next to nine rows of boxes of beehives in an apiary on the Gila River, two women in dresses and hats leaning with pride against fence posts in front of an orchard in Santa Fe, sixteen laborers carrying baskets of apples at the Hagerman orchard, nine women in long aprons standing and sitting next to boxes packed full of fruit, two men bent at the waist and working with rakes to collect salt at Big Salt Lake, two bearded hunters standing with their rifles in front of a recently killed male deer, a man and a woman at a cattle range on the Pecos Forest Reserve, two men and two women standing at a safe distance from the opening of a turquoise mine in the Burro Mountains, two women in broad hats picking flowers in a field of wild cosmos, and three campers washing pans in the Upper Pecos River.⁸⁹

In the preface to this handbook of New Mexico—the 2nd revised and enlarged edition—designed specifically for an audience of prospective immigrants who wrote the Bureau of Immigration daily—the author of *The Land of Sunshine* explained the bureau’s purpose for the 200 full-page reproductions of recent photographs and twenty-eight partial-page photographs. For Max Frost, secretary of the Bureau of Immigration, these pictures would not only tell a “graphic story of growth” and the current conditions of New Mexico, but would “testify” that the descriptions of New Mexico’s potential wealth, splendor of the landscape, and architectural sites for tourists interested in Indian ruins were “free from exaggeration and misstatements.” The bureau wanted to prove that the reality of life and labor in New Mexico matched

⁸⁹ Max Frost and Paul Walter, eds., *The Land of Sunshine: A Handbook of the Resources, Products, Industries, and Climate of New Mexico* (Santa Fe: New Mexican Printing Company, 1906), 78, 86, 90, 95, 104, 106, 113, 186, 417, and 433.

the enthusiasm bureau members had been sharing with prospective immigrants in personal letters of communication since 1880.⁹⁰ The importance of including these images as a recruitment strategy cannot be overlooked. As historian William Tydeman states, improving the “economy of the region, [meant that] advertising and image production [were] closely linked.” Images in combination with written text persuaded prospective immigrants more effectively than text alone.⁹¹

Bureau literature created an image of New Mexico as a land of plenty for needs other than just employment. As early as the 1880s, the medical benefits of relocating to the Territory featured prominently in both letters and publications written by the bureau. Titles such as “What Can New Mexico Do for Invalids?” frequently inspired potential immigrants to inquire, as did David Tripp from Farmingdale, Illinois, in 1887: “Is New Mexico a good place for weak lungs?”⁹² Circulars and multi-page leaflets touted the health benefits of New Mexico’s climate, air quality, and natural hot springs. An 1880s flyer titled, “New Mexico: The Tourist’s Shrine, Health, Wealth, Home,” compared New Mexico’s 3% death rate from tuberculosis to New England’s 25% and Minnesota’s 14%. In *New Mexico Lands: Their Character and Distribution by Valleys and Counties* from 1889, the Bureau of Immigration even published the U.S. Census Bureau’s most recent “Table of Mortality of 1880” to entice health seekers. Prospective immigrants would have been positively alarmed to read that, out of the total U.S. consumption deaths of

⁹⁰ Ibid., 5.

⁹¹ William Tydeman, “New Mexico Tourist Images,” in *Essays in Twentieth Century New Mexico History*, ed. Judith Boyce DeMark (Albuquerque: University of New Mexico Press, 1994), 199-212.

⁹² Hartmann, “New Mexico Lands,” 23; and David Tripp to Bureau of Immigration, 13 October 1886, Farmingdale, Illinois, TANM reel 96: frame 20.

91,270 in 1880, New Mexico hosted only 49.⁹³ The bureau's advertisements also made clear that New Mexico would not discriminate against tubercular patients as had its neighbor, Texas, in 1909 by declaring consumptives unwelcome.

Even before the founding of sanitariums for tuberculosis and polio that would come to prominence in the first two decades of the twentieth century, health seekers from across the U.S. and the world had gravitated towards New Mexico to receive treatments advertised by the bureau. In 1895, the *Societe Medicale* of Paris published its own reports of the benefits of New Mexico's climate, independent of the bureau's campaigns.⁹⁴ In 1901, Dr. Nathan Boyd, editor of London's *Medical Review*, applauded the Bureau of Immigration's publication of comparative tables and analyses of New Mexico's mineral springs, predicting New Mexico "is inevitably to become the great health resort of the continent."⁹⁵ By the time it achieved statehood in 1912, New Mexico featured almost forty health sanitariums, and by 1920 approximately ten percent of New Mexico's population was comprised of health seekers.⁹⁶ While the bureau also created an image of New Mexico as a haven for health seekers rehabilitating from tuberculosis, pneumonia, kidney disease, and

⁹³ The states with the highest death rates from consumption in 1880 include New York with 12,855 deaths, Ohio with 5,897 deaths, and Kentucky with 3,723. The lowest death rates in 1880 belonged to Idaho with 22, Montana with 18, and Wyoming with 5. See Hartmann, "New Mexico Lands," 23.

⁹⁴ Frost, *New Mexico: The Resources, Development, and Prospects of a Great Territory*, 7.

⁹⁵ Dr. Nathan Boyd to Bureau of Immigration, 1901, London, England, TANM reel 96: frame 749.

⁹⁶ Bureau of Immigration, "New Mexico: A Tourist's Shrine, Health, Wealth, Home," (Santa Fe: N.p., 1882). This item can be located in TANM reel 96: frame 929. See also, Jake Spidle, *Doctors of Medicine in New Mexico: A History of Health and Medical Practice, 1886-1986* (Albuquerque: University of New Mexico Press, 1986); Billy Jones, *Health-Seekers in the Southwest, 1817-1900* (Norman: University of Oklahoma Press, 1967); Nancy Owen Lewis, "Seeking a Cure, Transforming New Mexico: The Lungers and Their Legacy," <http://www.newmexicohistory.org/filedetails.php?fileID=21180%22>, date accessed 4 May 2010.

arthritis, the health benefits of the Territory featured far less prominently in recruitment literature than New Mexico's economic benefits.

Over the course of the bureau's thirty-two years, its recruitment literature presented an image of New Mexico as land ready to flourish only if financially independent "men of energy and enterprise" would move to the Territory to practice a specific set of labor methods, agricultural techniques, and ingenuity that the Bureau of Immigration deemed superior to the preexisting practices of New Mexico's *Hispanos* and *Pueblos*. That remained consistent. What changed over the thirty-two years was growth from the word-of-mouth communications of former residents who sought to enlighten people about New Mexico in the 1880s, to the frequent distribution of cost-effective pamphlets and national newspaper and journal advertisements as railroad travel to New Mexico increased in the 1890s, to the increasingly sophisticated use of illustrative photographs in the 1900s.

Those whom the bureau wanted to attract, however, remained the same. With the exception of consumptives seeking refuge from tuberculosis, "men of energy and enterprise" comprised the target population the bureau saw as qualified to take up New Mexico's often lauded "potential" for agriculture, mining, and industry in order to surpass the success of California, Colorado, and midwestern and eastern states.

"No Banker's Daughter" Seeks Employment: Workers Respond to the Bureau of Immigration

Immigrants to New Mexico arrived in several different forms: as pairs of female relatives like Nearia Liegler and her mother, single men, families immediate and extended, and groups of non-familial adults. Group participation in “locating” to New Mexico often began with inquiries to the Bureau of Immigration. In the years 1886 through 1889, questions about the cost of board and the availability of work often arrived in the same envelope with lists of three or four dozen names and addresses. One self-described “colony” from Boston formed in 1884 after the Bureau of Immigration mailed copies of *The New Mexican* to Massachusetts.⁹⁷ Potential immigrants articulated their demands in a manner that reveals how strongly they entrusted their future to the accuracy of the bureau’s recruitment literature.

Not all correspondents accepted the bureau’s claims of employment in New Mexico at face value. For example, in 1888 a “young married man” admitted to the bar in four states confessed to having caught “the New Mexico fever” but took the precaution of confirming his impressions of New Mexico with the bureau. Given his education, Henry Burnett of Joplin, Missouri, referred to himself as “a young man that rely’s [sic] on my work for a living,” and called upon the bureau to certify the availability of suitable work before moving to the Territory.⁹⁸ Although recruitment literature sold an image of New Mexico as abundant in its opportunities for laboring men, Burnett’s questions reveal that immigrants may not have been so easily convinced of the idyllic picture the bureau painted.

⁹⁷ H.C. Burnett, 9 February 1884, TANM reel 96: frame 172.

⁹⁸ Henry Burnett, 22 January 1888, Joplin, Missouri, TANM reel 96: frames 363-64.

Many potential immigrants responded to recruitment literature by writing directly to the bureau to prospect employment. Looking with hope towards New Mexico while facing bleak economic opportunities at home, one young man from New Orleans admitted to turning to the Bureau of Immigration for assistance because he knew of no one else in New Mexico to ask. As J. Snider explained quite directly in 1887, “business out here looks so dark. There are no prospects whatever for a young man.” Armed with only enough money to pay for one-way passage from New Orleans to Santa Fe, Snider explained that, though he lacked the money to buy land, he nevertheless planned to move to New Mexico with several other “good, steady, industrious young men” to find work as farm hands “until we could do better.”⁹⁹ Given Bureau of Immigration President L. Bradford Prince’s vision of the ideal immigrant, this territorial institution would have enthusiastically welcomed Snider to New Mexico.

Many prospective immigrants to New Mexico identified themselves to bureau commissioners as young in either age or professional experience. In 1888, C. Hazzard of Beverly, New Jersey, called himself an “energetic young man,” and in 1889 Russell Marcy, a recent immigrant to Ratòn, New Mexico, described himself as a young man of “sterling integrity.”¹⁰⁰ These young workers seemed most focused on gauging the certainty of employment throughout the seasons and finding out whether New Mexico offered opportunities for secure employment to people with few

⁹⁹ J. Snider to the Secretary of the Bureau of Immigration, 4 January 1887, New Orleans, TANM reel 96: frames 128-29.

¹⁰⁰ C. Hazzard, 6 February 1888, Beverly, New Jersey, TANM reel 96: frame 286; Russell Marcy, 9 February 1889, Ratòn, New Mexico, TANM reel 96: frames 396-97.

resources and minimal experience. Young lawyers, young doctors, young teachers, and young field workers like R.L. Davis from Toronto, Canada, wanted to know, could a “young man of good habits and energetic but with limited means make headway?”¹⁰¹ Similarly, Byron McIntyre, a thirty-year-old from Maine with “a good education and \$500” relied upon the Bureau of Immigration to judge whether the Territory would offer a good place for a man his age to “make his mark in the world.”¹⁰² These men wrote with a language that portrayed relocating to New Mexico as the way to begin a successful life not possible in their home states.

While prospective immigrants did not portray themselves as transients, many expressed dissatisfaction with previous attempts to move west. This hopefulness that opportunities in New Mexico would prove more fruitful resonates in the frankness of many letters. A. Knowlter, a civil engineer with twenty-five years of experience in mining, “fifteen [of them] in the Pacific States,” expressed his past disappointment when moving for health purposes. Knowlter and his ill wife had moved from St. Augustine, Florida, to California, but “found little more than climate here [emphasis in original].” In 1886 this miner wanted to “try New Mexico next” and wrote in a manner that depicted migration not in terms of a single move, but as an extended process of multiple moves until a person found the right fit of economic gain and health recovery.¹⁰³ The degree of disillusionment these “men of energy and enterprise” had experienced in their process of relocation inspired their willingness to

¹⁰¹ R.L. Davis, 20 April 1887, Toronto, Canada, TANM reel 96: frames 240-41.

¹⁰² Byron McIntyre, 26 March 1887, Portland, Maine, TANM reel 96: frames 212-13.

¹⁰³ A. Knowlter to Bureau of Immigration, 1886, TANM reel 96: frame 133.

believe the claims of prosperity that the Bureau of Immigration put forth for New Mexico.

Whether asking directly for employment or requesting the names of businessmen in the Territory, potential immigrants to New Mexico wrote in a manner that cast them as cautious, rational planners who would only “locate” to the Territory if its job market was robust enough to allow a worker to support a family or provide longevity for a budding career. In 1886, a laborer from Bordentown, New Jersey, inquired about the “prospective growth” of investments in land and business and “the probable chances for a young man to find employment to guarantee him a living.”¹⁰⁴ One year later, S. Wallers, a laborer who claimed he could provide the best references in the state of Virginia, explained that he would take any “honorable” employment, but only if the salary justified the costs of moving his wife, infant, and himself, as well as renting a home.¹⁰⁵

In addition to recruiting laborers and investors to New Mexico, the Bureau of Immigration functioned informally as a classified advertisement service that directed immigrants to housing, medical, and business connections in the Territory. Advertisements in recruitment pamphlets courted a specific audience of consumers. One of the bureau’s first publications, the seventy-page *The Resources of New Mexico* from 1881, included forty-four advertisements for items and services with which recent immigrants from the urban East and Midwest would have been familiar: the G.F. Ratòn City Meat Market in Santa Fe; the Sisters of Loretto school for girls

¹⁰⁴ Bordentown, New Jersey to H.G. Wright, 27 November 1886, TANM reel 96: frame 52.

¹⁰⁵ S. Wallers, 1887, Yanceyville, Virginia, TANM reel 96: frame 246.

providing instruction in both English and Spanish; Anheuser-Busch Lager Beer; N.W. Stecker and Sons Cabinet Makers and Undertakers; W.W. Tate City Bakery of Santa Fe advertising fresh oysters, figs, and candies; Dr. T.S. Floyd from Harvard University, advertised as a Physician, Surgeon, and Gynecologist specializing in “diseases peculiar to women”; O.E. Snyder’s Dental Office providing tooth extraction with nitrous oxide gas; and the Walter and Hays shop of books, stationary, and toys.¹⁰⁶ Available only in the English language, these circulars found their way into the hands of people with sufficient income to board a train to New Mexico and pay the cost to stay in a hotel.

In addition to advertising an immigrant’s ability to purchase oysters and receive nitrous gas while dentists pulled their teeth, the Bureau of Immigration encouraged relocation to the Territory by promoting the comforts of the railway car as a means of transportation from the East to the Southwest. These comforts included more than just sanitary seats and satisfying meals. Entrepreneur Fred Harvey secured a formal contract with the Atchison, Topeka and Santa Fe Railway in 1878 to serve passengers at train stops. The Harvey Girls—young, Anglo waitresses who worked in Harvey Company lunch booths, restaurants, and hotels on railway stops throughout the Southwest—projected an image that suggested New Mexico was, in certain ways, not dramatically different from the East and Midwest. Most notably, the presence of Harvey Girls countered assumptions that westward migration removed travelers from the social, cultural, and “civilized” norms of the East. A critical part of that

¹⁰⁶ Bureau of Immigration, *The Resources of New Mexico*.

engineered image involved crafting a visual representation of pristine service, which, according to Fred Harvey, required discriminatory hiring practices that showcased young, Anglo, attractive women as waitresses and restricted all *Hispana* and African American employees to serving as maids and dishwashers.¹⁰⁷

The Harvey Company's engineered image of pristine service also included the literal cleanliness of its Harvey Girls and the Harvey House facilities. Harvey Girls exuded cleanliness through the uniformity of the starched white bibs and aprons on their meticulously laundered uniforms, clean faces without a trace of makeup, and spotless flatware in every Harvey House dining room. Fred Harvey imposed these high standards of hygiene with the intention to counter any negative assumptions that patrons from the East might hold about the territories.

Whether they intended to stop at a Harvey Company restaurant en route to New Mexico or not, male immigrants relied upon gendered forms of self-identification to describe their caliber as a prospective resident and their abilities to work. Thirty-nine-year-old machinist John Barnes from Hamilton County, Ohio, reported in his letter of 1886 that he first became interested in New Mexico after reading letters from his sister, who had moved four months earlier. In addition to his ability to work as an industrial laborer, Barnes boasted he could also ride a bronco

¹⁰⁷ One exception to the Harvey Company's discriminatory hiring practices occurred during World War II when African American, *Hispana*, and indigenous women served as waitresses in train cars for military troops. Regardless of their race, all Harvey Girls experienced strict supervision. While employed with the Harvey Company, young women signed six or nine month contracts, resided in a Harvey House dormitory, and promised not to marry during the length of their contract. See Lesley Poling-Kempes, *The Harvey Girls: Women Who Opened the West* (New York: Paragon, 1989), 40.

and was “no Banker’s Daughter.”¹⁰⁸ Some prospective immigrants asked for employment on behalf of their wives. A Lebanon, Tennessee, bookkeeper who had spent most of his earnings from the last two years rehabilitating from illness, asked the Bureau of Immigration in 1887 of the “probability” of his wife finding enough sewing and dressmaking work to support them both.¹⁰⁹ This machinist would not be the only potential immigrant whose wife’s ability to adjust to New Mexico determined the choice to move to the Territory. J. Halsell, an attorney from Wellington, Kansas, with twenty-five years of experience, asked the bureau in 1888 about the possibility of finding work as an attorney, but made sure to note that he refused to settle “anywhere my wife is dissatisfied.”¹¹⁰ Thus, although women who worked outside of New Mexico’s mining and agricultural sectors were not the bureau’s ideal transplant to the Territory, their ability to thrive in New Mexico mattered to the workers whom the bureau did try to recruit.

At the other end of the spectrum of marital bliss, T. J. Barnes from Claremont, Virginia, informed the Bureau of Immigration in 1888 that he would move to New Mexico only if territorial laws—to which he referred to as “state laws”—allowed for a quick divorce without any residency requirements.¹¹¹ Unlike most potential immigrants, Barnes asked nothing about employment, cost of living, or climate in New Mexico.

¹⁰⁸ John Barnes, 19 December 1886, Hamilton County, Ohio, TANM reel 96: frames 83-5.

¹⁰⁹ S.T. Williams, 23 May 1887, Lebanon, Tennessee, TANM reel 96: frame 263.

¹¹⁰ J. Halsell, 11 February 1888, Wellington, Kansas, TANM reel 96: frame 401.

¹¹¹ T. J. Barnes, 28 June 1888, Claremont, Virginia, TANM reel 96: frame 541.

Far fewer women than men wrote directly to the Bureau of Immigration, but the majority of those who did so defined themselves by their professions and inquired about employment for themselves as individuals. Like Nearia Liegler and her mother, female prospective immigrants promoted what they brought to the Territory in terms of their contribution to existing industries and businesses. Mrs. Lizzie Barnes from Washburn, Kansas, responsible for the support of her elderly husband, did not promote her labor capabilities but, rather, her financial goals for her stay in New Mexico. As the wife of an “old soldier” suffering from rheumatoid arthritis, she relied upon the bureau to disclose whether Santa Fe’s weather was not “too changeable,” as she required a hospitable environment for her weak and ill husband to regain his health while she worked to support them both.¹¹² Mrs. Barnes admitted that she didn’t need to earn riches, but that she simply wanted to grow enough potatoes and raise enough cows and chickens to survive without working too strenuously.

Though Mrs. Barnes would be the sole breadwinner in her family, her traveling companion was not completely absent from her communications. Admittedly a “perfect stranger” to the bureau, she adopted a closer relationship to the bureau employee in her correspondence because she presumed him to be a “friend to all old soldiers and their families” after finding the employee’s name listed on a registry of the Grand Army of the Republic. Mrs. Barnes apologized for her questions, noted “my pen is poor,” and reiterated her need for answers as she and her

¹¹² Mrs. Lizzie Brown, 31 March 1881, Washburn, Kansas, TANM reel 96: frames 461-63.

ailing husband knew no one in the Territory.¹¹³ The case of Mrs. Barnes and her ill husband provides an instance where a potential immigrant did not boast of her specific qualifications as a laborer in New Mexico, but relied upon the veteran status of her husband to claim belonging. While she may not have defined herself by her profession in her letter, Mrs. Barnes' responsibilities as the sole financial supporter of her family determined her decision to move to New Mexico.

Prospective immigrants who read the bureau's advertisements, pamphlets, and brochures did not blindly believe what the literature promoted about the quality of life in New Mexico. The immigrants—often self-identified as “young” or “industrious” and ready to meet the demands of work—wrote to the bureau seeking a guarantee of employment before they committed to travel by train to New Mexico. On the one hand, this interaction shows that the Bureau of Immigration's recruitment literature succeeded in portraying the Territory as a place where subsistence labor, if not wealth, could be achieved. However, these immigrants would not travel to New Mexico based on that image alone. Rather, they demanded the bureau, as the only substantial source of information about this space for those who risked moving there, directly guarantee their future employment.

¹¹³ Ibid.

Table 1. Population Statistics of the Territory of New Mexico, 1880 – 1910

	1880 Total	1890 Urban	1890 Rural	1900 Urban	1900 Rural	1910 Urban	1910 Rural
Total	119,565	9,970	150,312	27,381	167,929	46,571	280,730
White	108,721	9,645	133,273	25,937	154,270	45,588	259,006
Native Born White	100,773	8,580	123,478	22,391	144,555	41,498	240,442
Foreign Born White	7,948	1,065	9,795	3,546	9,715	4,090	18,564
Negro *	n/a	274	1,682	581	1,029	795	833
Indian, Chinese, Japanese & All Others	10,844	51	15,357	863	12,630	188	10,891

* For the year 1880, the U.S. Bureau of the Census combined the categories of “Negro” and “Indian, Chinese, Japanese, & All Others.” Data from Table 14 of U.S. Bureau of the Census, *The Thirteenth Census of the United States, 1910* (Washington: Government Printing Office, 1913); and Table 21 of U.S. Bureau of the Census, *The Tenth Census of the United States, 1880* (Washington: Government Printing Office, 1883).

Failing to Notice New Mexico’s People and Past

Questions in letters to the Bureau of Immigration reveal that prospective immigrants from the Midwest, eastern U.S. cities, and other western territories lacked

even the most rudimentary knowledge about New Mexico's people and services. A twenty-one-year-old clerk from Weatherly, Pennsylvania, who advertised himself as possessing a common school education and being "quick and correct at figures" asked in 1886, "Are the people very sociable and are there many eastern people there...What is the population of Santa Fe and are there many churches, schools, etc. there?" David Tripp from Farmingdale, Illinois, also asked in 1886 about the availability of services, including laundries and bakeries, in Santa Fe.¹¹⁴ Miss Ella Ives from Detroit, Michigan, checked on the presence of libraries possessing collections of English literature and asked of New Mexico, "has it a large transient population? Is it a large manufacturing center?"¹¹⁵ A. J. Bower of Las Avinas, Colorado, seemed particularly concerned about the welfare of New Mexico's children. In addition to inquiring in 1888 about the presence of orphanages or other institutions to care for the children of Methodists, in particular, Bower asked "Are [New Mexico's] police and hygiene arrangements satisfactory? What is its character?"¹¹⁶

Few potential immigrants asked about New Mexico's existing population of Pueblos, Apaches, Utes, Navajos, *Hispanos*, or about the area's recent past as part of the Republic of Mexico or as a colony of Spain. Potential mining investors didn't ask about the Chinese, Japanese, and Lithuanians who would work their mines. This

¹¹⁴ B.F. Vogt, 11 October 1886, Weatherly, Pennsylvania, TANM reel 96: frame 18; David Tripp to Bureau of Immigration, 13 October 1886, Farmingdale, Illinois, TANM reel 96: frame 20; and Reverend Dana Bartlett to Bureau of Immigration, 18 October 1886, Chicago, TANM reel 96: frame 28.

¹¹⁵ Miss Ella Ives, 21 August 1888, Detroit, Michigan, TANM reel 96: frames 570-71.

¹¹⁶ A.J. Bower, 9 June 1888, Las Avinas, Colorado, TANM reel 96: frames 523.

absence of questions and curiosity about who resided in New Mexico before their arrival did not mean that potential immigrants did not hold preferences about whom they wanted to be surrounded by as neighbors and co-workers. One “young lawyer,” B.L. Royall, and his traveling partner, a “young doctor” from Baydsville, Arkansas, asked in 1884, “What class of people inhabit your country, Indians and what nationality?” and “Are people generally civil and easy to become acquainted with?”¹¹⁷ Another potential immigrant interested in the religious practices of his future neighbors was George Allison from Dalton, Ohio. Although his primary concern in relocating in 1888 was to use the “pure and hot weather” of New Mexico to rehabilitate from an undisclosed illness, he asked “What class of people as a rule live here, is it a Christian community?” Beginning his communication with the bureau six months ahead of his prospective move, Allison gave himself ample time to reconsider if the answer proved unsatisfactory.¹¹⁸

Some potential immigrants claimed employment to be the leading criteria in their decision to move, followed closely by whether they could be surrounded by people of familiar racial, class, and regional identities. Louis Martin from Dallas, Texas, a potential immigrant who described himself as a “young man of good habits,” inquired on the demand for railroad men. More importantly, Martin’s preference for being around Texans, Alabamans, Georgians, and “many Americans” featured as his letter’s most prominent and frequently expressed concern. As he so clearly stated in

¹¹⁷ B.L. Royall, 14 April 1884, Baydsville, Arkansas, TANM reel 96: frames 233-35.

¹¹⁸ George Allison, 9 July 1888, Dalton, Ohio, TANM reel 96: frames 548-49.

his 1888 letter, “I would like to come there if I could find some people from the old states.”¹¹⁹

Recruitment advertisements and pamphlets mentioned little of New Mexico’s status as a territory. Fittingly, potential immigrants writing to the Bureau of Immigration expressed little awareness or understanding of New Mexico’s lengthy struggle for statehood. Despite its status as a federal territory since 1850, most people writing to the bureau after its founding in 1880 referred to New Mexico as a state, some as a territory, and strikingly few as a territory seeking statehood. Charles Boegershausen, a teacher from Iowa, was one of the few immigrants concerned about New Mexico’s ambition to become a state in the near future, and asked bureau employees in 1888 whether Congress had yet to initiate the process of including New Mexico in the Union. Although Boegershausen did not specify his education or political experience, his letter revealed an awareness of the political process by which territories became states when he asked the bureau “How many inhabitants or voters does a territory want in order to be admitted into the Union as a state and in what manner would it be admitted as a state? Of what class or nationality is Santa Fe mostly inhabited? Is there any military there in the city?”¹²⁰ Boegershausen’s intentions may have been to confirm the political stability of the Territory, or to gauge when the Territory would begin to reap the benefits of statehood to which he had already been accustomed in Iowa, as though he assumed New Mexico’s lack of statehood would infringe upon his quality of life.

¹¹⁹ Louis Martin, 18 February 1888, Dallas, Texas, TANM reel 96: frame 405.

¹²⁰ Charles Boegershausen, 4 August 1888, Charles City, Iowa, TANM reel 96: frames 554-56.

In addition to concerns about statehood and questions about the ethnicity of New Mexico's principal residents, Charles Boegershausen asked the Bureau of Immigration, "Are the Indians yet troublesome in N.M. or are they well subdued?" Boegershausen's expectation that New Mexico's indigenous be "well subdued" was encouraged by the near absence of New Mexico's Pueblo, Apache, Navajo, and Ute communities in recruitment literature as an existing population directly touched by the flow of migration. Similarly, brochures and pamphlets included only simplistic descriptions of *Hispanos* written with a tone to reassure hesitant potential immigrants of the safety to settle, invest, and work in New Mexico. Many of these descriptions also acted to reassure readers of the stability of the U.S. political authority in New Mexico. In the 1882 publication, *New Mexico: Its Resources and Advantages*, the bureau described *Hispanos* in New Mexico as having "given evidence of their love of liberty and fealty to the government placed over them by conquest. They...are not only law abiding themselves, but are a reliable element to be employed in repelling Indian raids and suppressing domestic disorders; they are seldom guilty of heinous crimes."¹²¹

The bureau tried to convince people of the safety of the Territory, but most advertisements urged readers to treat New Mexico's existing *Hispano* population diplomatically, at least in the institution's early years. In the *Report of Doña Ana County* from 1882, the bureau described Doña Ana's Spanish-speaking population—a population that comprised 5/6^{ths} of the county's total—as having a "kindly feeling"

¹²¹ Ritch, *New Mexico: Its Resources and Advantages*, 5.

toward new immigrants “so long as they behave themselves.” Moreover, the “stranger who appears to be an honest man and to come for an honest purpose” would be received by Doña Ana’s *Hispanos* “with warm-hearted, open-handed hospitality.” While the Bureau of Immigration assured potential immigrants of this welcoming response to earnest and sincere settlers, the bureau’s writings went so far as to denote sympathy towards wary *Hispanos*. In Doña Ana, the report maintains, *Hispanos* had “so often had their confidence abused by that most disagreeable of all animals, the ‘American Rough,’ that they cannot be blamed for keeping shy of strangers who do not come well recommended by persons in whom they have confidence. The laws are stringently enforced and ruffianism is at a discount.”¹²²

Thirty-year-old Portland, Maine, resident Byron McIntyre admitted in his letter to having no knowledge of New Mexico except what he obtained in “common school geographies.”¹²³ Based upon the inquiries as a whole, most potential immigrants knew little about New Mexico’s history. By including information about New Mexico’s past—information that commissioners wrote and edited at their own choosing—the Bureau of Immigration influenced how immigrants perceived and interpreted the significance of Mexican, Spanish, and indigenous history on the now-U.S. territory that the bureau marketed as hospitable to their presence.

Federally appointed commissioners of the Bureau of Immigration described the history of New Mexico in literature from 1882 with words that included

¹²² Albert Fountain, *Report of Dona Ana County for the Bureau of Immigration* (Santa Fe: New Mexico Printing Company, 1882), 13.

¹²³ Byron MacIntyre, 4 August 1888, Portland, Maine, TANM reel 96: frames 212-13.

“occupation,” “conquest,” and “the U.S. took possession” to describe the American period; phrases such as “ancient boundaries” to classify the land before the Gadsden Purchase of 1850; and “modern boundaries” to classify the boundaries of the present.¹²⁴ The terms “modernity” and “progress” appeared repeatedly in bureau literature during the 1880s. Under a section titled “Modernizing” in the 1882 book, *New Mexico: Its Resources and Advantages*, the bureau included the presence of civic societies like the Masons and the Odd Fellows, an annual Territorial Exposition, over 100 post offices as of 1882, a Historical Society based in Santa Fe, gas lights, telephones, “water works,” and newspapers as the Territory’s symbols of modernity.¹²⁵

For L. Bradford Prince, the bureau’s president, the desire to emphatically portray New Mexico as a modern space may have stemmed from an awareness of preconceptions potential immigrants had of the Territory. In an interview with the *New York Tribune* in 1881, Prince specifically addressed the concerns of New Yorkers considering relocation in New Mexico who may have hesitated to venture there out of their own feelings of racial superiority. When the *New York Tribune* asked his opinion about whether “some people are prejudiced against New Mexico on account of its native population,” Prince explained the mistake of maintaining such a perception as “the Spanish people” of New Mexico made “good neighbors and fast friends.” Prince spoke to readers’ fear of New Mexico as lacking modernity by explaining that New Mexicans “are fully alive to the progress of the times.”

¹²⁴ Bureau of Immigration, *The Resources of New Mexico*, 5, 6.

¹²⁵ Ritch, *New Mexico: Its Resources and Advantages*, 12.

Speaking to the opinion of potential immigrants that New Mexico lacked historical significance, Prince promised readers that if they came to New Mexico, they would find a “society of cultivated, generous-hearted descendants of the first conquerors of the soil...[there] is more real historic interest to the American within the borders of this one territory than all the Atlantic states combined.”¹²⁶

New Mexico’s “historic interest” that Bureau President Prince applauded stemmed directly from the Spanish history that bureau literature detailed at the expense of New Mexico’s indigenous and Mexican histories. Recruitment literature since 1881 generally included at least one paragraph or one timeline on the history of New Mexico. The 1881 pamphlet, *The Resources of New Mexico*, included the “Chronological Annals,” a thirty-three-page timeline compiled by President of the Bureau of Immigration, W.G. Ritch. What the bureau defined as important events in New Mexico’s history began with the Aztec founding of Mexico City in 1325 and included one full page devoted to dates of Spanish expeditions, the abolishment of slavery in 1829, month-by-month accounts of the Mexican-American War, the establishment of the first English-language newspaper in 1847, the founding of the first English-language school for girls led by the wife of a U.S. army officer in 1852, the formation of the first Protestant church in Santa Fe in 1854, the first weekly mail run from the east coast in 1858, various acts of Congress, and the incorporation of railroads. In text positioned between a full-page advertisement for Anheuser-Busch Lager Beer and partial-page advertisements for the Santa Fe City bakery promoting

¹²⁶ Bureau of Immigration, *The Resources of New Mexico*, 52.

fresh oysters and figs and the N.E. Stecker and Son Cabinet Makers and Undertakers of Santa Fe, the bureau made reference to the Pueblo only twice: as the “40,000 native warriors Antònio de Espejo met in 1581,” and participants in the Pueblo Revolt of 1680.¹²⁷

The Bureau of Immigration promoted the preservation of New Mexico’s history as an activity in which the Territory’s newest residents could involve themselves. The 1881 publication, *The Resources of New Mexico*, included a full-page announcement from the Historical Society of New Mexico encouraging potential residents to either become members or contribute “old” manuscripts, letters, journals, and newspapers that reflected the “early history” of settlement in New Mexico. Meeting on the third Monday of each month, this organization also desired photographs and biographies of “pioneers and noted Indians,” as well as drawings of the cliff dwellings of the Anasazi to whom the Historical Society referred as the “prehistoric races.”¹²⁸

The history on which the bureau chose to focus in their official publications included New Mexico’s Spanish past, a past that led the Bureau of Immigration to label New Mexico in an 1882 recruitment book as “the seat of the antipodes of civilization.” The bureau represented both the “old Latin civilization” and the “old Mexican civilization” as a distant legacy. A recruitment pamphlet from 1882 drew heavily upon the observations of Spanish explorer Antònio de Espejo from 1582 as a primary resource. Labeling Espejo’s descriptions of the clothing, architecture,

¹²⁷ Ibid., 13-46.

¹²⁸ Ibid., 12.

hospitality, soil cultivation, and Pueblo women throughout New Mexico as “exceedingly interesting,” the bureau used these descriptions to depict the Territory’s indigenous, in both 1582 and 1882, as existing “on the borders of civilization,” and, presumably, on the borders of potential immigrants’ daily lives.¹²⁹

While ignoring New Mexico’s historic population of *Hispanos* may have been a consistent pattern in recruitment literature, one item described in the pamphlets—the Territory’s coat of arms—reflected pride in attaching the territorial period to a Mexican past. The Bureau of Immigration claimed that New Mexico boasted “the relics of antiquity” that would “arouse visions of a prehistoric race, who have left only the ruins of their cities as mementos of their lives and works.”¹³⁰ Indeed, the bureau relegated New Mexico’s entire indigenous population to the role of relics, history lessons, and tourist sites. A passage in the 1881 publication, *The Resources of New Mexico*, under the heading, “Tradition,” described the town of Pecos as the birthplace of Montezuma before he revealed his possession of what the writer called “supernatural powers” and “rode” the back of an eagle to the Aztec capital of Tenochtitlàn in 1325. The publication claimed that the Territory perpetuated the “memory of the legend” by placing an image of Montezuma’s eagle “resting under the wing” and “shadowing care” of the American bald eagle on the Territory’s coat of arms.¹³¹

¹²⁹ Ritch, *New Mexico: Its Resources and Advantages*, 1.

¹³⁰ Bureau of Immigration, *The Resources of New Mexico*, 4.

¹³¹ *Ibid.*, 9.

Like other territorial institutions, the Bureau of Immigration actively participated in the racialization of *Hispanos* and Mexican immigrants for the purpose of attaining statehood. Viewed as an arena of historical analysis, the Bureau of Immigration enforced Mexican racialization in order to depict New Mexico in a manner that would court Anglo immigrants, investors, and tourists. Anglo tourism and immigration increased dramatically during the 1890s and 1900s because of the Bureau of Immigration's campaigns to re-cast the image of New Mexico's *Hispano* population. Doing so involved embarking on a campaign to downplay their Mexican heritage and instead define *Hispanos* according to the legacy of the Spanish empire. *Limpieza de sangre*—the measurable Catholic, white, purity of blood that Spaniards exalted during the fifteenth-century *Reconquista* of the Iberian Peninsula from the control of Jewish and Muslim rulers—proved critical in this portrayal. Just as Spanish settlers carried their obsession with *limpieza de sangre* to Latin American colonies from the fifteenth through the eighteenth centuries, representatives of the American territorial government, including the New Mexico Bureau of Immigration, carried this obsession through the recruitment of immigrants in the nineteenth century and campaigns for statehood in the twentieth century.

While recruitment literature markedly favored New Mexico's Spanish past over its Mexican past, it virtually ignored indigenous history altogether, relegating information on the Pueblo to paragraphs discussing "Prehistoric Ruins" or, as in *New Mexico: Its Resources, Climate, Geography, and Geological Condition* from 1898, a single page titled, "Facts About Indians," out of a book of 215 pages. Secretary of

the Bureau of Immigration Max Frost included 1890 census data that emphasized the physical separation of the 8,408 Pueblos into nineteen of their own “little towns and villages.” In keeping with the bureau’s descriptions of *Hispanos* as good laborers, the bureau judged New Mexico’s Pueblos to be an “industrious set in general” for their farming, and reassured readers that the approximately 10,000 Navajo were “perfectly peaceable,” while including no commentary whatsoever on the work or disposition of the 721 Jicarilla and 462 Mescalero Apache.¹³²

The Taos County Report to the Bureau of Immigration from 1881 promoted Taos for its attractions for the “tourist and pleasure seeker.” The homes of New Mexico’s Taos Pueblo garnered “absorbing interest” in recruitment literature for the architectural style of their homes built on top of one another out of “sun-dried mud” and entered by a ladder through the roof. Described as approximately 400 “reputed” Catholic converts, the bureau applauded the Taos Pueblo for holding “tenaciously to their old traditions about Montezuma.”¹³³

One such “tourist and pleasure seeker” searched for the Spanish past and “absorbing interest” of the Pueblo, as advertised by the Bureau of Immigration. Twenty-eight-year-old Juan Bustamante y Campuzano, a young diplomat from a prominent family in northern Spain, began a fifty-four-day journey throughout the United States in July of 1883. A representative of Spain and a resident of Washington, D.C. for seventeen months, Bustamante y Campuzano turned his

¹³² “Facts About Indians,” in Ritch, *New Mexico: Its Resources and Advantages*, 211.

¹³³ Theodore Camp, *Taos County Report to the Bureau of Immigration* (Santa Fe: New Mexico Printing Department, 1881), 9-10.

observations into a 439-page travel memoir, *Del Atlàntico al Pacífic: Apuente è impresiones de un viaje a través de los Estados Unidos*, published two years after his return to Spain. Of his visit to New Mexico, Bustamante y Campuzano offered his Spanish audience comparisons of New Mexico to Spain and to other states he had traveled through, noting thermal baths, “miserable adobe houses,” narrow streets, and rabbits. Most of all, however, Bustamante y Campuzano observed treatment of the Pueblo indicating that visitors to New Mexico regarded them exactly as the Bureau of Immigration had described: not as people, but as exhibits to be examined. According to Bustamante y Campuzano, tourists eyed them “in front, from behind, and in profile, the same as they might do with a mannequin in some museum of wax figures.”¹³⁴ This Spanish diplomat did not admonish that treatment. In fact, he promoted the opportunity for travelers to prod Indians by marveling to his readers that they “were not bogus Indians. They were real Indians, legitimate redskins.”¹³⁵

Separating the lives of future immigrants from the lives of indigenous New Mexicans continued in lengthy publications from the final years of the territorial period. In the 430-page *The Land of Sunshine* from 1906, the bureau fashioned the Pueblo as a curiosity “of this old and yet new land” by creating a mythical sense of romance around an inaccurate reporting of history.¹³⁶ Bureau writers discounted the daily experiences of New Mexico’s indigenous groups by likening reservations of the Zuni, Navajo, Jicarilla, and Mescalero Apache to the scenic attractions of such

¹³⁴ Donald Cutter, “In Praise of Santa Fe, Its Past, Present, and Future: A Spanish Diplomat Visits New Mexico Territory,” *New Mexico Historical Review* 83, no. 2 (Spring 2008): 201-13, 204.

¹³⁵ Ibid.

¹³⁶ Frost and Walter, eds., *The Land of Sunshine*, 15.

“prehistoric ruins” as Chaco Canyon, the Pajarito Cliff Dwellers’ park, and burial mounds.¹³⁷ With the bureau publications’ emphasis on Indian life as existing solely for the enjoyment of tourists, prospective immigrants easily ignored New Mexico’s indigenous as original and fellow residents when considering their future home.

Though merely a temporary visitor to New Mexico—a tourist arriving with expectations instilled by Bureau of Immigration recruitment literature—Bustamante y Campuzano appraised the people and the environment of New Mexico according to standards acquired in his Iberian homeland. This Spaniard came to the Territory with a purpose. Invited to the Santa Fe Tertio-Millennial Celebration and Grand Mining and Industrial Exposition, this diplomat represented Spain at the 333rd anniversary of the founding of Santa Fe as part of the Spanish colonial empire. His report on his visit to New Mexico appeared as more than a positive review. Underlying all of his observations was Bustamante y Campuzano’s sense that, of all of the states he had previously visited, only New Mexico forged a connection that made him feel as though he were “in Spain in some town of *Castilla*.” Despite linking New Mexico to his home, Bustamante y Campuzano noted differences between Spaniards and the New Mexicans he defined as descendants of his countrymen. The spoken Spanish he heard did not resemble the spoken language of Castille, for he couldn’t deny the “definite Mexican accent.” However, the true legacy of “the vestiges of our Latin race,” he noted in his travel memoir, could be found in the “extreme volubility...the animated and expressive gestures” of New Mexico’s *Hispanos*. Bustamante y

¹³⁷ Ibid, 179-84.

Campuzano not only compared *Hispanos* to Spaniards of his home country, but also contrasted them with all Americans he had encountered on his fifty-four-day voyage across the United States. Vibrant *Hispanos*, he argued, stood in contrast to what he called the “cold and calculating character that predominates in the various states of the union.”¹³⁸

Conclusion

On the eve of statehood, the Bureau of Immigration found it a challenge to appraise their success in recruiting labor, investment, and settlement. According to their annual report published in 1911, “In work of this kind it is difficult to make any satisfactory showing of direct results. We are not selling anything, nor are we giving anything away except information and as a result, after he gets the information the average inquirer forgets all about us.”¹³⁹ The bureau’s modest assessment of its work over the course of thirty-two years ignores the impact this territorial institution made on potential immigrants to New Mexico. Many immigrants not only remembered the Bureau of Immigration, but sought to secure employment from them before relocating to New Mexico, and promised, as did Nearia Liegler, to “be obliged” to the institution once they arrived.

While the Bureau of Immigration requested inquirers write again after they had arrived, few did. For only three months, between January and April of 1911, did the bureau count those who wrote after their arrival. Sixty-six people, most having

¹³⁸ Cutter, 203.

¹³⁹ Bureau of Immigration, *Biennial Report of the Bureau of Immigration, 1904-1906*, 11.

moved to the less densely populated Albuquerque because of the lack of land closer to Santa Fe, reflected, the bureau estimated, a number three times less than the total number of people who had actually moved to New Mexico during those three months.¹⁴⁰ Those sixty-six respondents hailed from Harvey, Urbana, Jacksonville, and Paris, Illinois; Salmon, Idaho; Oakfield, Wisconsin; St. Louis, Missouri; Spencerport, New York; Saint James, Minnesota; Portland, Maine; Central City, West Virginia; Tacoma, Washington; San Diego and Boulder Creek, California; and Geneva, Switzerland. Most stated that they came to New Mexico specifically to buy farmland, to open a store, or to improve their health—all aspects of life the bureau promoted as abundant in New Mexico. Lewis Shapiro of Colorado City, Colorado, for example, opened a store in a small town in the Pecos Valley and claimed to know forty families who would follow him once he found them suitable housing. Only three women wrote to the bureau during the first three months of 1911, and all had found or planned business opportunities as a result of writing to the bureau. Mrs. Daisy Sisson of Zion City, Illinois, bought land in Colfax County, Miss Edith Tickner of Missouri bought a homestead in Ancho, and Mrs. White of Chicago moved alone for her health but planned to buy a farm once her husband moved from Illinois.¹⁴¹

Twenty-four years earlier, Missouri's Nearia Liegler had written to the Bureau of Immigration as just one of many laborers who reacted with optimism to the promises built into advertisements, flyers, and pamphlets that this territorial institution circulated throughout the U.S. In 1891 the bureau reported mailing ten to

¹⁴⁰ Ibid.

¹⁴¹ Bureau of Immigration, *Biennial Report of the Bureau of Immigration, 1909-1910*, Exhibit F.

fifteen pamphlets to satisfy prospective immigrants. Although bureau employees kept no exact record of their correspondence, commissioners estimated receiving about 20,000 letters in 1911, the final year of the bureau's existence. Reflecting upon thirty-one years of growth, a bureau statement equated the exponential rise in inquiries about New Mexico to "judicious advertising when funds are available" and the "near advent of statehood."¹⁴²

Indeed, the effort to achieve statehood occurred alongside—and with a vested interest in—efforts to recruit workers. For the broader purpose of gaining statehood, territorial New Mexico's Bureau of Immigration created a recruitment policy that elevated the labor of young, Anglo, able-bodied men—men who wrote to the bureau describing their "industriousness"—above the labor of *Hispano*, Pueblo, Eastern European, Asian, and female immigrants who worked alongside them. The Bureau of Immigration's efforts to court a population of New Mexicans dominated by this Anglo, able-bodied, male workforce became a key strategy in its efforts to change national perceptions about New Mexico—negative perceptions that the bureau acknowledged, and in some cases supported, in their recruitment literature—in order to promote New Mexico as a fitting candidate for statehood. By 1904 the bureau made sure to furnish every member of Congress—the political body with the authority to recommend statehood—with a complete set of the Bureau of Immigration's publications.¹⁴³

¹⁴² Ibid, 2.

¹⁴³ Bureau of Immigration, *Biennial Report of the Bureau of Immigration, 1910-1911*.

In the process of migration, new and prospective immigrants to New Mexico—arriving with their perceptions of the Territory’s opportunities and an implicit trust in the bureau’s obligation to provide accurate information—carried assumptions of New Mexico that overemphasized the potential for financial success and diminished the Territory’s Mexican past and indigenous present in order to reassure its Anglo audience of the stability of the U.S. territorial government. Letters from these immigrants reveal little concern about how their future neighbors would accept them. Rather, this communication served as a way for immigrants to promote their ability to work and their desire to embrace the opportunities that the bureau had described.

The Bureau of Immigration’s promotional work to recruit Anglo, able-bodied, “men of energy and enterprise” draws attention to the expectations and demands of immigrants who did not fit the Bureau’s ideal. Nearia Liegler, the German governess who requested the bureau forward her the contact information of Santa Fe’s “rich families” in her 1887 letter, did not reinforce the bureau’s approach to acquiring statehood. Although she and her elderly mother were two white women moving into the Territory, neither—particularly Nearia’s elderly mother—would increase the agricultural and mining output that bureau officials believed would guarantee New Mexico’s ability to compete with New England’s industrial productivity. Nevertheless, Nearia Liegler and many immigrants to the Territory of New Mexico demanded access to the labor they believed they were entitled to, based upon the Bureau of Immigration’s promises of economic prosperity.

Nearia Liegler's 1887 demand also brings attention to the way immigrant workers interacted with those already in New Mexico—workers the Bureau of Immigration's literature repeatedly ignored. Liegler may not have found work as a "lady companion" to Santa Fe's "rich families" as those families, in 1887, would have been Spanish-speaking *Hispanos* with longstanding ties to New Mexico. While the exact fate of Liegler and her mother is unknown, it is possible the Bureau of Immigration may have, indeed, found less desirable employment for this self-described "heiress to great capital." Mrs. James Wagoner from Springer, New Mexico, herself an immigrant in the Territory, wrote the bureau in 1888 requesting the contact information of "a good smart girl to wait on table" and make beds at the Jackson House Hotel. Mrs. Wagoner's preference for a "smart" recent immigrant to fill the position of a domestic worker, to be paid a wage of twenty-five dollars per month, says much about her lack of interest in hiring the *Hispanas* and Pueblo women already available for work in the town of Springer. If Liegler, her mother, and Mrs. Wagoner were to have worked together at the Jackson House Hotel, they would have had the opportunity to compare the bureau's promises of "prosperity and happiness" with the reality of living and working conditions in the Territory—a territory whose Bureau of Immigration would continue to court an Anglo, able-bodied, male workforce as New Mexico struggled to attain statehood for an additional twenty-four years.¹⁴⁴

¹⁴⁴ Mrs. Jane Wagoner to Bureau of Immigration, 21 August 1888, Springer, New Mexico, TANM reel 96: frame 572.

Nearia Liegler harnessed a deferential tone and portrayed her gendered and classed form of care-giving labor as valuable to the Territory in order to be welcomed as an immigrant. By contrast, a group of male immigrants bluntly and forcefully demanded employment, not from the Bureau of Immigration, but directly from the Mounted Police Force. As chapter two will demonstrate, working-class immigrants from across the United States used a gendered language to market themselves as exceptional candidates for employment in the new territorial institution of the Mounted Police Force, portraying their labor as capable enough to enforce territorial and federal law in a manner that could convince Congress and the rest of the nation of New Mexico's future value as an equal member of the United States.

CHAPTER 2

IN SEARCH OF AN “A-1 GOOD MAN”: FATHERHOOD, RACE, AND THE FINANCIAL LIMITATIONS OF THE MOUNTED POLICE FORCE

“I want a young man, American, single preferred, who is absolutely reliable and will carry out orders as given him, who does not drink to excess, understands Spanish, and who understands how to handle men with some diplomacy.”¹⁴⁵

Superintendent Weber of the Carthage Mine Company
to Mounted Police Force Captain Fred Fornoff
requesting an officer for his mine, 1909

Introduction

One captain, one lieutenant, one sergeant, and no more than eight private detectives—so stipulated the 36th Legislature of the Territory of New Mexico when it established the New Mexico Mounted Police Force on February 2, 1905, a territorial institution assigned the task of “preserving the peace and capturing persons charged with crime.”¹⁴⁶ These eleven men—a band of Anglos and *Hispanos* primarily from outside of New Mexico—enforced public safety within the Territory fifteen years

¹⁴⁵ Superintendent W.L. Weber of the Carthage Fuel Company to Mounted Police Captain Fred Fornoff, 15 July 1909, Territorial Archives of New Mexico Microfilm reel 91: frame 443, State Records Center and Archives, Santa Fe, New Mexico (hereafter cited TANM and SRCA, respectively).

¹⁴⁶ “An Act to Organize and Equip a Company of Mounted Police for the Territory of New Mexico,” 36th Legislative Assembly, TANM reel 91: frame 1.

after the Bureau of Immigration began its campaign in 1880 to recruit “men of energy and enterprise” to New Mexico. Paying a salary of seventy-five dollars each month, the Mounted Police Force became a popular venue for recent immigrants seeking employment.¹⁴⁷ Basing their expectations for employment upon the Bureau of Immigration’s promise of prosperity for industrious immigrants, prospective Mounted Police officers attempted to persuade the captain of an underfunded territorial institution that they would excel in the field of law enforcement. Facing competition from *Hispano* and Anglo men more familiar with New Mexico’s landscape, what experiences, skills, or qualifications did these applicants emphasize in order to sell themselves as the best candidates? When writing directly to the captain of the Mounted Police Force, did prospective officers rely upon the same gendered rhetoric used by immigrants who demanded employment from the Bureau of Immigration in order to fulfill their responsibilities as family breadwinners?

Aspiring police officers weren’t alone in relying upon their written words to gain the attention of the Mounted Police Force. Another category of people in New Mexico demanded similar attention, expecting protection, not employment. Although the Mounted Police Force headquartered itself in the capital of Santa Fe, New Mexicans from across the Territory wrote letters to the captain demanding—some with a respectful tone of address and others without—immediate assistance from the Mounted Police in their location, regardless of its distance from Santa Fe.

¹⁴⁷ Private detectives received \$75 per month in 1905. Captain John Fullerton to Private Herbert McGrath, 3 August 1905, TANM reel 92: frame 109.

However, funding limitations severely restricted the Force's ability to hire an adequate staff and left many New Mexicans to establish their own methods of enforcing public safety. Business owners in New Mexico's cattle industry, for example, undertook additional financial burdens to prevent property crime and cattle theft when the territorial government proved unable to hire an officer to patrol their cattle ranches. John Howry from the town of Logan explained to Captain Fred Fornoff that for much time they had needed an officer, someone Howry described as an "A-1 good man," to "thoroughly ride this section of this country."¹⁴⁸ With the Mounted Police Force unable to afford an additional officer, the Cattle Sanitary Board contributed \$50 each month towards the salary of a Deputy Inspector, while the industry's cattlemen paid the balance of his salary. After April 1909, the Cattle Sanitary Board could no longer carry this added expense and turned to the Mounted Police Force to provide an officer to oversee their area of northeastern New Mexico—a position that would remain unfilled throughout the territorial period. As a federally funded institution founded fifty-five years into the territorial period, the limitations and ineptitude of the Mounted Police Force reflected New Mexico's challenges as a financially struggling territory with seven years to wait until it would achieve the status of statehood that territorial officials believed would remedy its fiscal crisis.

Unlike job seekers, New Mexicans requiring law enforcement were not bound to portray themselves as competent or to use a deferential tone that might win favor

¹⁴⁸ John Howry to Captain Fornoff, 25 April 1909, Logan, New Mexico, TANM reel 91: frame 353.

from the Mounted Police Force. Rather, these people demanded attention based on their conviction that the Mounted Police were required to carry out the oaths of their profession. Analyzing their letters, however, makes it clear that they held little hope that their demands for protection and safety would be satisfied. With so few officers available to enforce the law across the entire Territory, what rhetorical strategies did New Mexicans use in order to persuade the Mounted Police to assist them? How did New Mexicans, particularly *Hispana* business owners, Anglo women landowners, and mothers in search of their missing sons, fulfill their need for public safety when the Mounted Police failed to do so?

Analyzing the actions of the Mounted Police Force allows historians not only to investigate the prevailing understanding of a particular definition of masculinity—here, what it meant to be an “A-1 good man” who enforced the law in the Southwest during the first decade of the twentieth century—but also to develop a contemporary understanding of whiteness and labor in New Mexico. To be an “A-1 good man” from the perspective of applicants to the Mounted Police Force meant to be fearless, skilled with weapons, and “not a tenderfoot” in the words of applicant William C. Lemmon. However, it did not necessarily require a working knowledge of the Spanish language, even while serving a predominantly *Hispano* population in lands formerly belonging to Mexico and Spain. Rather, the highest esteem granted to a Mounted Police officer during the final seven years of the territorial period was of being separate and distinct—whether in morality, competence, or sobriety—from the existing system of policing that New Mexicans and federal authorities identified so

closely with *Hispano* sheriffs. In fact, for owners of southern New Mexican mines and their Eastern European laborers, an “A-1 good man” was defined exclusively as an officer who was not a *Hispano*.

The purpose of this chapter is to examine how applicants for jobs on the Mounted Police Force and New Mexican women who demanded assistance all relied upon gendered representations to describe their capabilities, needs, and duties. This chapter begins with an analysis of application letters written by men who portrayed themselves as family breadwinners when demanding jobs on the Mounted Police Force. Next, it juxtaposes those writings with the letters of New Mexican women who demanded and expected help from this territorial institution.¹⁴⁹ Those who demanded assistance did not accept that protection from every officer. Fittingly, this chapter then examines how race complicated public perceptions of the Mounted Police Force’s effectiveness at law enforcement while undermining the legitimacy of *Hispano* sheriffs. One hired, Mounted Police officers who had sought jobs through the use of a gendered rhetoric tried to enforce their own definition of the responsibilities of fatherhood. This chapter concludes with an analysis of the way the captain and officers of the Mounted Police Force encouraged *Hispano* fathers to financially support their children and wives.

“I’m Not a Tenderfoot ”: Demanding Employment on the Mounted Police Force

¹⁴⁹ Ibid. Applicant William C. Lemmon described himself as “not a tenderfoot” in William C. Lemmon to Captain Fornoff, 20 November 1907, Magdalena, TANM reel 91: frame 109.

When, on April 1, 1905, John Fullerton signed a certificate swearing an oath to uphold the U.S. Constitution and laws of the Territory as the newly appointed captain of the Mounted Police Force, New Mexico's territorial government lacked the appropriate paperwork to complete this ceremonial procedure. Secretary of the Territory J.W. Raynolds simply crossed out every heading on the New Mexico National Guard's muster roll with a black pen in order to officially commission the Mounted Police Force as the only law enforcement agency with responsibilities that extended to all boundaries of the Territory.¹⁵⁰

Although this territorial institution's first captain would resign after just one year, his fellow officers at the time included the following men: Lieutenant Cipriano Baca, a forty-five-year-old Deputy Marshall from Martinez, California; Sergeant Robert Lewis, a thirty-nine-year-old Deputy Sheriff from Alabama; George Elkins, a twenty-seven-year-old Texas "cowman"; Julius Meyers, a thirty-nine-year-old Deputy Sheriff from Missouri; John Brophy, a forty-two-year-old "cowman" from Wisconsin; William Dudley, a thirty-six-year-old teacher from Texas; Herbert McGrath, a thirty-year-old from San Francisco, California; Charles Huber, a forty-nine-year-old Deputy Sheriff from St. Paul, Minnesota; and L.J. Avent, a forty-eight-year-old Texas businessman. The only New Mexicans present were Octaviano Perea, a thirty-six-year-old Deputy Sheriff from Valencia County, and Rafael Gómez, a thirty-nine-year-old laborer from Socorro County.¹⁵¹ Most of these new hires knew

¹⁵⁰ "Muster Roll," Captain Fullerton, Manuscript Collection of the New Mexico Secretary of State, Oaths and Bonds, Box 7059, folder 75, SRCA.

¹⁵¹ Ibid.

virtually nothing of New Mexico's politics, geography, and population. Their lack of local experience and knowledge was not an anomaly, for recent immigrants from across the U.S. dominated the applicant pool of the Mounted Police Force. Although the majority possessed prior law enforcement experience outside of New Mexico, the fact that only one was a former sheriff from New Mexico provides a glimpse into the distrust between officials of the new, federally appointed Mounted Police Force and New Mexico's existing law enforcement system of county sheriffs.

In contrast to the Mounted Police Force officers, the sheriffs of New Mexico's counties during the first thirty years of the territorial period had been predominantly *Hispanos*. In total, 349 sheriffs represented New Mexico during its sixty-two years as a territory. Of these, 206 had Spanish and 143 had English last names.¹⁵² Employment as a sheriff involved restrictions that prevented all but the most elite *Hispanos* from holding the position. For example, sheriffs had to own property worth at least \$500.

New Mexico's system of law enforcement began with a network of sheriffs similar to the police systems of other U.S. territories. Following U.S. victory in the Mexican-American War, Charles Bent, the first governor of territorial New Mexico, appointed New Mexico's first sheriffs. Bent divided the Territory into three judicial districts, each with a Superior Court. He created seven counties around the upper Rio

¹⁵² Larry Ball, *Desert Lawmen: The High Sheriffs of New Mexico and Arizona, 1846-1912* (Albuquerque: University of New Mexico Press, 1992), 303. For the history of law enforcement in New Mexico and the American West, see Larry Ball, "Frontier Sheriffs at Work," *Journal of Arizona History* 27 (Autumn 1986): 283-96; Larry Ball, "The Frontier Sheriff's Role in Law and Order," *Western Legal History* 4 (Winter/Spring 1991): 13-25; and Larry Ball, *The United States Marshals of New Mexico and Arizona Territories, 1846-1912* (Albuquerque: University of New Mexico Press, 1978).

Grande with boundaries identical to those of the seven *paridos* set up previously by the government of the Republic of Mexico. One sheriff oversaw each county.

The official responsibilities of sheriffs included serving warrants, managing the county jail, and collecting county taxes. While technically part of the provisional military government until 1850, the first appointed sheriffs shared several characteristics. Most of these men were Anglo, immigrants to New Mexico, married to *Hispanas* of prominent families, and had adopted Spanish nicknames as they worked in the newly-established counties.¹⁵³ For example, James Hubbell served as sheriff of Valencia County, married into the Gutiérrez family, and went by the nickname Don Santiago; Stephen Louis Lee of St. Louis served Taos County, married a *Hispana*, and went by the nickname of Don Estèvan; and Frank Redman served Santa Fe but his origins, wife, and nickname are unknown. According to historian Larry Ball in *Desert Lawmen: The High Sheriffs of New Mexico And Arizona*, county sheriffs during this period relied upon established social connections and loyalty to New Mexico's *Hispano* population in order to attain and sustain their positions.¹⁵⁴

Historians explain that, although the nature of the private bonds between two spouses is difficult to assess, the sheer number of intermarriages between Anglo newcomers and *Hispanas* cannot be ignored. According to the 1870 census, 62% of married Anglo men in the Territory had *Hispana* wives.¹⁵⁵ Historian Chris Wilson argues that new Anglo residents viewed *Hispanas* as attractive marriage partners

¹⁵³ Ball, *Desert Lawmen*, 3-4.

¹⁵⁴ Ibid., 303.

¹⁵⁵ 1870 Census cited in Chris Wilson, *The Myth of Santa Fe: Creating a Modern Regional Tradition* (Albuquerque: University of New Mexico Press, 1991).

because they offered more than romantic or familial love. As the career paths of James Hubbell, Stephen Louis Lee, and Frank Redman demonstrate, marrying a well positioned *Hispana* guaranteed Anglo immigrants professional and social advancement. In short, marrying a *Hispana* provided a “chance to have a home and children and to draw upon extended family and economic networks...[to gain] an opportunity to become a permanent member of the community.”¹⁵⁶

The Territory’s first governor, Charles Bent, appointed *Hispanos* to fill the remaining four inaugural sheriff positions. Ball argues in *Desert Lawmen* that Governor Bent’s suspicion of *Hispano* conspiracies against the new American government in the Territory propelled his appointment of politically established *Hispanos* to enforce the new American legal statutes in a recently conquered territory with approximately 60,000 Spanish speakers.¹⁵⁷ In 1880, twelve sheriffs worked across New Mexico. Whenever the Territory established a new county, the governor appointed its first sheriff. All subsequent sheriffs would be elected by a majority of male voters. As Ball makes clear in *Desert Lawmen*, however, “factionalism, ethnicity, and economic rivalry sometimes intervened to render the electoral system ineffectual.”¹⁵⁸

Members of the Mounted Police Force believed its service was necessary to ensure public safety in New Mexico because of what they judged to be weakness and

¹⁵⁶ Wilson, *Myth of Santa Fe*, 51. See also, Deena González, *Refusing the Favor: The Spanish-Mexican Women of Santa Fe, 1820-1880* (Oxford: Oxford University Press, 1999); Rebecca McDowell Craver, *The Impact of Intimacy: Mexican-Anglo Inter-marriage in New Mexico, 1821-1846* (El Paso: Western Press, 1982); and Darlis Miller, “Cross Cultural Marriages in the Southwest: The New Mexican Experience, 1846-1900,” *New Mexico Historical Review* 57, no. 4 (October 1982): 335-60.

¹⁵⁷ Ball, *Desert Lawmen*, 303.

¹⁵⁸ *Ibid.*

corruption among sheriffs with the limited task of patrolling individual counties. Mounted Police officers, by contrast, had the authority to patrol and enforce the law throughout the entire Territory. S.P. Fletcher, a resident of Torrance County since before its incorporation in 1903, complained to Mounted Police Captain John Fullerton in December of 1906—just one year after the founding of the Force—of the “very bad state of affairs particularly as to the enforcement or non-enforcement of the criminal laws” in rural western New Mexico. According to Fletcher, sheriffs arrested and charged people in the town of Tajique “more for the purpose of extorting money by way of settlement” than bringing offenders to trial. Fletcher gave Captain Fullerton specific examples of the way his county sheriff acted as “boss” of Tajique. In an incident that Fletcher claimed became “common talk” in his town, his county sheriff only pretended to arrest two men who killed a neighbor’s yearling late at night, but stopped all proceedings after the two suspects paid him \$55.00. Fletcher appealed to the Mounted Police Force under the assumption that this new federally appointed institution held a superior and more legitimate authority capable of controlling fraudulent local sheriffs.¹⁵⁹

Like Fletcher, members of the Mounted Police Force deemed their own territorial institution capable of maintaining order where, in their opinion, the existing sheriffs hadn’t even begun to do so. In fact, several officers considered New Mexico’s boundaries, neighbors, and sparse settlement to be characteristics that necessitated additional legal attention. Fred Fornoff, captain of the Mounted Police

¹⁵⁹ S.P. Fletcher to Captain Fullerton, December 1906, TANM reel 93: frame 288.

Force after Fullerton resigned in 1906, explained in a 1907 report to the governor that bordering Arizona—“long a heaven for bad men”—Texas, and Mexico meant that the Territory received a high number of fleeing fugitives.¹⁶⁰ Believing that New Mexicans already received too little protection from local officers, Captain Fornoff assured the public that the Mounted Police’s average costs of \$1,000 per month would not burden tax payers as a new expense. Rather, he promised that the costs formerly paid to local, inattentive sheriffs would now be directed to a more diligent law enforcement agency.¹⁶¹

Even Captain Fornoff questioned whether effective law enforcement could be carried out by people other than the Mounted Police. In a 1909 letter to the Vaughn Improvement Society regarding their complaints of a “baudy [sic] house and desolute [sic] men and women” residing in their southwestern New Mexican town, Fornoff did not doubt the observations of this volunteer society dedicated to enforcing standards of morality. Furthermore, Fornoff requested members of the Vaughn Improvement Society lend him their judgment on the dependability of the sheriff of Vaughn. Before Captain Fornoff would allow the Mounted Police Force to take action against the “baudy house,” he sought assurance that Vaughn’s local police representative could be counted on to “enforce the law” if Mounted Police officers arrested “baudy”

¹⁶⁰ Captain Fornoff, “Report of the Mounted Police,” 2 January 1907, TANM reel 92: frames 753-56.

¹⁶¹ Ibid., 756. For a history of the conditions that Captain Fornoff believed made New Mexico prone to criminal behavior, see Roger McGrath, *Gunfighters, Highwaymen and Vigilantes: Violence on the Frontier* (Berkeley: University of California Press, 1984); Eugene Hollon, *Frontier Violence: Another Look* (New York: Oxford University Press, 1974); and Philip Jordan, *Frontier Law and Order* (Lincoln: University of Nebraska Press, 1970).

clients.¹⁶²

While Captain Fornoff found the Mounted Police to be more competent than local sheriffs, his institution nevertheless faced its own challenges in maintaining public safety. The staffing limitation imposed by territorial law constituted the primary impediment in the Mounted Police's efforts to control crime. All captains throughout the territorial period wrote frequent letters of apology to New Mexicans who requested that an officer be stationed in their vicinity. As Captain Fred Fornoff explained to Joseph Lang of Portales in 1906, being restricted to only eleven men for the entire Territory meant disappointing many who demanded the Force's protection, even though this limitation conflicted with his sincere desire to serve all New Mexicans. Explaining that he would "endeavor to help out all I can," Captain Fornoff reassured this resident of a small town on the border of New Mexico and Texas that he expected a bill to be presented by Representative C. J. Roberts of Colfax County during the 1909 legislative assembly. This bill would increase the size of the Mounted Police Force so that at least one officer could patrol every two counties.¹⁶³ More privately, however, Captain Fornoff predicted in several letters to both close associates and strangers that underfunding would lead to the demise of the entire institution. For example, in 1908 after hearing that the Territorial Legislature considered reducing his staff from eleven to six, Fornoff wrote to friends in the New

¹⁶² Captain Fornoff to Vaughn Improvement Society, 2 August 1909, TANM reel 92: frame 588.

¹⁶³ Captain Fornoff to Sheriff Joseph Lang of Portales, 10 October 2006, TANM reel 91: frame 81; Captain Fornoff to Tommy Davenport, 21 August 1908, TANM reel 91: frame 212; President George Webster of the New Mexico Cattle and Horse Growers Association to Captain Fornoff, 30 December 1908, TANM reel 91: frame 237; and Captain Fornoff to George Webster, 16 January 1909, TANM reel 91: frame 239.

Mexico Cattle and Horse Growers Association that funding for the Force had become “pretty messed up.”¹⁶⁴

Captain Fornoff’s lack of faith in the Territorial Legislature proved unfounded. Aware of the public’s disappointment in the Force, the legislature created the legal means for an increase in manpower, albeit with one caveat. Approved on March 18, 1909, House Bills 262 and 156, “An Act for Providing Funds for the 61st and 62nd fiscal years and For Other Purposes,” authorized Governor George Curry to appoint additional, temporary men to the Mounted Police Force. These “special temporary men” would work unpaid while official Mounted Police officers saw their own salary rise from \$75 to \$100 per month.¹⁶⁵ Historian Frank Richard Prassel notes in *The Western Peace Officer: A Legacy of Law and Order*, that this practice of appointing special, voluntary, honorary, and reserve officers could be found in Nebraska, Kansas, Texas, Oregon, and North Dakota at the same time as a common measure to keep operating costs to a minimum.¹⁶⁶

The mere presence of new staff members—not the quality of police protection—was the only thing worth praising about this change. The “special temporary men” did not receive as much training as the paid Mounted Police officers, which inevitably led to negative consequences: in June 1909, less than one month

¹⁶⁴ Captain Fornoff to Tommy Davenport, 21 August 1908, TANM reel 91: frame 212; and President George Webster of the New Mexico Cattle and Horse Growers Association to Captain Fornoff, 30 December 1908, TANM reel 91: frame 237.

¹⁶⁵ Governor George Curry, “Executive Order,” 22 May 1909, TANM reel 91: frame 412.

¹⁶⁶ Frank Richard Prassel, *The Western Peace Officer: A Legacy of Law and Order* (Norman: University of Oklahoma Press, 1972), 74.

after his appointment, Governor Curry found himself having to inform Captain Fornoff that he urgently needed the captain's help, as one of his temporary officers had accidentally shot a man.¹⁶⁷

Practical problems of transportation also limited the ability of the Mounted Police to enforce the law. In the initial months of the institution's establishment in 1905, Captain Fullerton's frequent letters of complaint to Governor Miguel Otero often included Fullerton's criticisms of inefficiency and miscommunication in the twenty-five-year-old railroad system that "very much retarded" the already "slow work" organizing the Mounted Police Force for the expanding Territory.¹⁶⁸ Fullerton expected New Mexico's railroad companies to supply the Mounted Police with transportation passes in order to take advantage of the fastest method of monitoring the entire Territory. In a line that expressed his disgruntled frustration with the Southern Pacific, Texas and Pacific, Fort Worth-Denver City, Arizona-New Mexico, and Denver-Rio Grande railways, he explained that, "If they ever expect us to respond to their calls they should grant what little we ask [emphasis in original]." Fullerton's lieutenant, sergeant, and eight subordinate privates echoed his disapproval by adding their signatures to the captain's letter.¹⁶⁹ Complaining about the railroad companies' lack of cooperation in refusing to supply them with the much needed railroad passes, the Mounted Police Force may simply have been drawing attention to

¹⁶⁷ Governor Curry to Captain Fornoff, Telegram, 14 June 1909, TANM reel 91: frame 413.

¹⁶⁸ Captain Fullerton to Governor Miguel Otero, 28 April 1905, TANM reel 92: frame 4; and Captain Fullerton to Governor Otero, 3 May 1905, TANM reel 92: frame 5.

¹⁶⁹ Captain Fullerton to Governor Otero, 3 May 1905, TANM reel 92: frame 5.

¹⁶⁹ Captain Fullerton to Governor Otero, May 1905, TANM reel 92: frame 6.

an issue outside their control in an effort to deflect the many complaints of New Mexicans dissatisfied with their service.

The few Mounted Police officers on staff often expressed frustration at being unable to meet the needs of most New Mexicans, but many of these officers also resented the demands for assistance made to them. One Mounted Police officer, in particular, expressed his feelings towards the townspeople of Santa Fe quite candidly to Captain Fornoff in 1910. Writing from their headquarters in Santa Fe to the captain as the latter traveled on business to Ratòn, New Mexico, this nameless officer noted that “On Saturday they annoyed me so much by continually asking for you that I finally told them that I would wire you.” He reported that merely creating the impression that he was trying to contact Captain Fornoff placated the residents, despite this officer’s knowledge that the captain “would be unable to be here.”¹⁷⁰ This frankness between an employee and his supervisor suggests that all members of the Mounted Police Force found it acceptable to promise New Mexicans assistance and availability they knew was not forthcoming.

The New Mexico Mounted Police Force did not suffer from a shortage of interested and—according to their own self-assessment—capable applicants. Prospective employees of the New Mexico Mounted Police Force framed their ability to serve the Territory by relying upon a highly gendered language: race, masculinity, and experience in the military were showcased in their most prominent claims of aptitude. Few applicants brought up their ability to work with New Mexico’s

¹⁷⁰ Mounted Police Private to Captain Fornoff, 4 April 1910, TANM reel 91: frame 685.

Spanish-speaking population, but when they did, as did J.G. Germain of Kettner, New Mexico, who boasted of being “familiar with the Spanish language,” they simply described that skill set in relation to their knowledge of firearms.¹⁷¹ More frequently, applications read like that of Theo Cannard, a forty-two-year-old former Deputy Sheriff with mining properties and a homestead in Taos, who claimed he “can stand more hard work then [sic] any other in the mountain and am not afraid of anything.”¹⁷² Projecting a fearlessness and industriousness unmatched by other men may have been Theo Cannard’s way of attesting that he held a realistic view of the responsibilities and tasks required of a Mounted Police officer.

Age—as a reflection of experience—also played a role in the way applicants positioned themselves as favorable candidates for the Mounted Police Force. Joe Boyd described himself in his 1908 application as “an old timer in the west.” This office manager for the Platt, Boyd, and Matthews Real Estate company specializing in gasoline holdings in Dayton, New Mexico, most likely viewed his “old timer” status as affording him an exclusive right to a position of authority in the Territory because of his familiarity with the regional geography and social dynamics of Dayton.¹⁷³

Veteran status often accompanied claims of fearlessness from applicants. William C. Lemmon of Magdalena, an immigrant from New Jersey who had been in New Mexico only one month, claimed that he was “not a tenderfoot, most of my life

¹⁷¹ J.G. Germain to Captain Fornoff, 7 September 1907, Kettner, TANM reel 91: frame 105.

¹⁷² Theo Cannard to Captain Fornoff, 17 November 1907, Red River City, TANM reel 91: frame 108.

¹⁷³ Joe Boyd to Captain Fornoff, 22 December 1908, TANM reel 91: frame 233.

having been spent in the open.” Citing his status as an army veteran of the Spanish-American War, Lemmon further claimed, “as far as personal courage is concerned, it is an open question, as I have never been in a position to test it...am fairly quick and accurate with a 6-shooter.” Lemmon closed his application by attesting to his youth, race, and nationality: “I am a white, in my 30th year and was born in New Jersey.”¹⁷⁴

While Lemmon relied upon his application alone to gain favor with the Mounted Police, other veterans obtained references from influential contacts. U.S. Attorney for New Mexico, W. M. H. Llewellyn, vouched for his “comrade” L. Stewart as a “fine soldier and amongst the wounded at the first engagement we had in Cuba.”¹⁷⁵ Llewellyn supplied no other information regarding Stewart’s ability to enforce the law other than his status as a “fine soldier.” Military service during the Spanish-American War garnered applicants no special privilege when it came to finding employment. All captains of the Mounted Police from 1905 through 1911 responded to applicants with a rote explanation: limited funding prevented them from hiring any new officers. These hiring limitations imposed by the Territory’s lack of funding overrode any qualifications of military service.

Not being a “tenderfoot” was just one gendered description applicants used to characterize their suitability for the Mounted Police Force. Unemployed O. Trieschel from Albuquerque tried to persuade Captain Fornoff to hire him on Valentine’s Day in 1911 because he believed a job on the Mounted Police Force would financially

¹⁷⁴ William C. Lemmon to Captain Fornoff, 20 November 1907, Magdalena, TANM reel 91: frame 109.

¹⁷⁵ W.M.H. Llewellyn to Captain Fornoff, 22 July 1907, Las Cruces, TANM reel 91: frame 101.

support his sisters and himself. Although he confided having “a little account” in the bank, he explained to his prospective employer his pressing need for a “job that will keep us.”¹⁷⁶ Trieschel mentioned nothing of his prior work experience, skill with firearms or horses, or even his age. Rather, he stressed his role as family caretaker in order to position himself as a valuable member of the Mounted Police Force. This approach did not gain Trieschel any more favor than applicants who promoted their qualifications based upon military service. Captain Fornoff, as usual, replied that the institution simply could not afford to hire anyone.

What Trieschel’s application attests to is the tactic, or perhaps sincere feeling, of claiming the role of family breadwinner as a legitimate rationale for obtaining employment—even when seeking a job for which he may not have been qualified. The way men like Trieschel framed their suitability to be a Mounted Police officer was nearly identical to the way that male applicants to the Bureau of Immigration presented their qualifications. In doing so, these applicants crafted an understanding of what they believed defined an “A-1 good man” for the Mounted Police Force. According to Trieschel, an “A-1 good man” worked for a wage that sustained his dependants. For other applicants, an “A-1 good man” mastered the skill of shooting weapons, possessed fearlessness, or celebrated his veteran status. Meanwhile, residents of New Mexico who longed for police protection in their vicinity defined an “A-1 good man” of the Mounted Police Force based not upon prowess or the

¹⁷⁶ O. Trieschel to Captain Fornoff, 14 February 1911, Albuquerque, TANM reel 91: frame 851.

fulfillment of the officer's familial responsibilities, but only the fulfillment of their policing responsibilities.

Demanding Assistance from the Mounted Police Force

In 1906 the territorial institution of the Mounted Police Force moved 130 miles north from Socorro to the Territory's capital of Santa Fe. John Fullerton, the institution's first captain, resigned, leaving Fred Fornoff responsible for reassuring anxious New Mexicans eager for a Mounted Police officer to patrol their vicinity. Captain Fornoff would not be without guidance in learning how to navigate the Mounted Police Force's inability to fulfill the needs of New Mexicans who sought police protection. During Fornoff's first month as captain, Governor John Hagerman taught him how to placate New Mexicans without actually satisfying their demands. He suggested the new captain practice this technique in his response to a September 1906 petition from forty self-described "citizens" of the predominantly Anglo eastern New Mexican counties of Guadalupe, Quay, Roosevelt, and Chaves who demanded they receive more frequent patrols from the Mounted Police Force. Hagerman suggested Fornoff do less than they asked, and merely tell them "we will do our utmost to meet with their request."¹⁷⁷ This statement became a frequently repeated response supplied by the Mounted Police, as it allowed them to appear concerned about maintaining law and order without disclosing their financial inability to do so.

¹⁷⁷ Governor Herbert Hagerman to Captain Fornoff, 29 September 1906, Santa Fe, TANM reel 91: frame 79; and Captain Fornoff to Governor Hagerman, 10 October 1906, TANM reel 91: frame 80.

When the Mounted Police Force did provide assistance, where did they direct their attention? Arrest reports did not change dramatically during their seven years of service. Arrest statistics from 1909 reflect a general pattern in the crimes to which the Mounted Police Force paid the most attention. Cattle, horse, mule, and sheep theft produced the most arrests, at seventy-five out of 334 total arrests. That year the Mounted Police arrested fifty-four people for assault, thirty-six for breaches of the peace that included disorderly conduct and indecent exposure, twenty-seven for violations of liquor laws, twenty-four for burglary, nineteen for murder, nine for the unlawful killing of beef, three for rape, two for seduction, two for obtaining money under false pretenses, one for wife beating, and one for violation of U.S. immigration laws.¹⁷⁸

This record of arrests speaks not only to the crimes to which the Mounted Police Force paid the most attention, but also speaks to those New Mexicans found worthy of reporting. Most notably, the fines associated with these crimes illuminate differences in the way people perceived and handled nonviolent crimes versus crimes against women during the final years of the territorial period. Between 1907 and 1912, the territorial Mounted Police Force recorded their arrests—and occasionally the fine the arrested party paid—throughout New Mexico. In July of 1907, for example, a man paid a fine of \$14 for disturbing the peace, while in 1908 two doctors paid fines of \$50 for practicing medicine without a license, and J.W. Horn paid a fine

¹⁷⁸ Captain Fornoff, “Report of the Mounted Police: Arrests December 1, 1909 to December 1, 1910,” TANM reel 92: frames 761-67.

of \$31 that year for peddling beef without a license.¹⁷⁹

Women appear in the records of the Mounted Police most frequently in descriptions of the tattoos of women's names on the bodies of wanted men. But for crimes against women, wife desertion garnered far more attention from the Mounted Police than assault, battery, seduction, or rape.¹⁸⁰ The Mounted Police developed a pattern regarding crimes against women that persisted throughout the seven years of its existence: they publicly acknowledged a suspect's previous arrests for similar offenses, and they supported protective laws for underage girls. Making a note on Frank Armstrong's 1909 arrest record for statutory rape in Roswell, Private Fred Higgins wrote that Armstrong was already "wanted at Chicarand, Oklahoma...Girl was willing, but under age."¹⁸¹ On Bernardino Domínguez's 1910 arrest record in Chamiso for assault with attempt to rape, the Mounted Police noted the suspect had previously been accused of attempted rape.¹⁸² Later that year, on October 1, 1910, Private J.A. Beal arrested Sevro Beltrán for "whipping his wife" in Luna County. Beltrán received a fine of just \$25—\$6 dollars less than the fine for selling meat

¹⁷⁹ New Mexico Mounted Police, "Arrest Book," G. Murray of Kettner, Valencia County, July 1907, TANM reel 93: frame 4; New Mexico Mounted Police, "Arrest Book," Dr. José Sonellare, Rolediviva, 5 March 1908, TANM reel 93: frame 20; New Mexico Mounted Police, "Arrest Book," Drs. Borton, Morris, and Masson, 5 August 1908, Estancia, Torrance County, TANM reel 93: frame 20; and New Mexico Mounted Police, "Arrest Book," J.W. Horn, 27 July 1908, Clayton, Union County, TANM reel 93: frame 33.

¹⁸⁰ For cases of wife desertion, see Tom Nangum in Sheriff B.C. Vaughn's telegram to Captain Fornoff, 19 May 1906, Aztec, New Mexico, TANM reel 93: frame 605; and J.B. Martin, San Francisco Chief of Police to Captain Fornoff, 7 May 1910, San Francisco, TANM reel 93: frame 695.

¹⁸¹ New Mexico Mounted Police, "Arrest Book," Frank Armstrong, 16 September 1909, TANM reel 93: frame 68.

¹⁸² New Mexico Mounted Police, "Arrest Book," Bernardino Domínguez, 1910, Chamiso, TANM reel 93: frame 91.

without a license—but despite the slight penalty, officers made sure the territorial court knew that Beltràn had “been arrested for same offense before.”¹⁸³

The tasks of the Mounted Police Force included more than enforcing the law and returning stolen property. Officers also found themselves in the position of helping destitute New Mexicans navigate the logistics of federal and state resources. In 1910 Captain Fornoff called upon the Adjutant General of Georgia for advice in obtaining a pension for a Civil War Confederate veteran of Georgia who had been living in Santa Fe for the last thirty years. Fornoff, himself a Spanish-American War veteran, judged Cooley Beaver to be “destitute and...very much in need...and entitled to a pension.” Fornoff asked for the contact information of every Atlanta attorney specializing in state pensions in order to assist a veteran who was “well known all over the Territory.” The sole criteria determining Fornoff’s decision to help Cooley Beaver was his understanding of entitlement to care based upon military service—albeit service to the Confederacy forty-five years prior. Fornoff felt so strongly about assisting Cooley Beaver that he even enclosed his own self-addressed stamped envelope to guarantee a rapid reply.¹⁸⁴

People outside the Territory wrote letters to the Mounted Police Force seeking protection or justice for themselves, their property, or on behalf of a missing relative or a slain family member in New Mexico. When examined together, the rhetorical styles used by job applicants and individuals requesting assistance display a clear

¹⁸³ New Mexico Mounted Police, “Arrest Book,” Sevro Beltràn, 1 October 1910, Luna County, TANM reel 93: frame 105.

¹⁸⁴ Captain Fornoff to State of Georgia Adjutant General, 27 August 1910, TANM reel 92: frame 733.

similarity. Both styles relied upon gender roles, yet, regardless of their strategy, most who wrote for assistance did not find their needs immediately met. Job applicants who highlighted traits they interpreted as masculine ideals were not hired due to the Force's limitations in funding. Similarly, those using a gendered language to solicit help did not receive it in a timely manner, if at all, because of those same limitations and were left to find alternative ways to obtain protection.

Many of the requests for help from people outside New Mexico evoked gendered imagery associated with grieving mothers. This was particularly true when the Mounted Police fielded requests from outside the Territory for help in locating missing relatives. In 1910, Reverend T.K. Gasson, President of Boston College, sent the Mounted Police Force a flyer he himself created. Reverend Gasson designed this flyer to capture the attention of readers by highlighting the pain of a mother grieving the loss of her missing son. The striking headline, "A Mother's Appeal: Will you help find this boy?" compelled readers to pay attention to the details that followed. According to his mother and Reverend Gasson, Joseph Hubbard of Dorchester, Massachusetts, had "always had an overwhelming desire to evangelize the Western Indian tribes" but his "full refined face" had not been seen since he left Boston wearing a dark corduroy knickerbockers suit. This mass circular told readers as far as New Mexico that they, too, could be of assistance to ease the pain and longing for the return of Joseph to his "sorrowing parents" and his "little sisters."

Another submitted flyer included "A Mother's Plea" from Louisville, Kentucky, advertising a \$100 reward for Harry Schonwald after his disappearance on

April 3, 1911. According to Mrs. Schonwald, her son Harry was a twenty-year-old “clean manly chap” with “exceedingly good habits,” and she found herself “prostrated over his absence and exceedingly anxious to ascertain his whereabouts.” Similarly, the Mounted Police reacted quickly after receiving a letter from Henry Borgman of Chicago in search of his twenty-one-year-old brother, Frank Borgman, which claimed “my mother is worried to death about him.”¹⁸⁵ Captain Fornoff’s strategy included placing an announcement in the local newspaper, the *Santa Fe New Mexican*.¹⁸⁶ Authors of these flyers and letters may have written them in such a way as to induce compassion from Mounted Police officers, who would then be compelled to ease the grief of an anxious mother. Classed portrayals of the missing sons may also have been used as a motivating strategy. The “refined” face and evangelical zeal of Joseph Hubbard, as well as the “good habits” of Harry Schonwald, may have been included to persuade the Mounted Police Force that these cultured men were legitimately missing and had not run away.¹⁸⁷

The Mounted Police also attempted to maintain the family unit in New Mexico by reuniting abandoned husbands with their missing wives and children. When, in 1911, Captain Fornoff visited a Las Vegas resident named Mr. Hanson who reported that “his wife had quit him and he did not know where she was,” Fornoff agreed to watch the wife’s sister’s mail under the suspicion that they might be

¹⁸⁵ Henry Borgman to “The Governor,” 12 May 1910, Chicago, Illinois, TANM reel 91: frame 710.

¹⁸⁶ Captain Fornoff to Borgman, 1 June 1910, TANM reel 91: frame 716.

¹⁸⁷ Rev. T.L. Gasson, “A Mother’s Appeal,” c. 1910, TANM reel 93: frame 805; Chief of Police H. Watson Lindsey, “A Mother’s Plea,” Louisville, Kentucky, 19 June 1911, TANM reel 93: frame 836.

together.¹⁸⁸ However, that assistance extended only as far as the boundaries of the Territory. Replying to a letter from J. Turner of Estància, a husband in search of his missing wife and child who he believed had run away to either Denver or Pueblo, Colorado, Fornoff—thirteen days after receiving the note—suggested Turner contact the Chief of Police in each town or hire a detective agency such as the Pinkerton National Detective Agency, an organization with an established reputation for protecting large businesses in New Mexico from theft and banditry.¹⁸⁹

The Mounted Police Force's responses to these letters constructs an image of a squad of men interested in helping residents maintain normative gender roles. In the first decade of the twentieth century, territorial New Mexico faced a wave of moral reformers who fought against the presence of saloons, gambling, violations of Sunday laws, and couples cohabiting outside of marriage. G. W. Wood of Estància was one such resident who inquired of Captain Fornoff to what agency he could report neighbors living together "as man and wife and not married." Wood shared his personal pledge that he would "have to get them all married or scatter them out."¹⁹⁰ His letter did not acknowledge that his neighbors hadn't violated territorial law by living together outside of marriage, but he clearly expected the captain to support his desire to uphold marriage as the only appropriate family arrangement in New Mexico.

The call for assistance from one rural New Mexican mother in 1909 mirrored the priorities of Progressive Era women's groups in urban areas across the United

¹⁸⁸ Captain Fornoff to J.C. Snowden, Special Agent in East Las Vegas, New Mexico, 9 September 1910, TANM reel 91: frame 824.

¹⁸⁹ Captain Fornoff to J. Turner, 19 August 1909, TANM reel 91: frame 468; and Larry Ball, *The Desert Lawmen*, 50.

¹⁹⁰ G.W. Wood to Captain Fornoff, 19 May 1909, Estància, New Mexico, TANM reel 91: frame 388.

States. Mrs. J. Parker expressed disappointment with the prevalence of alcohol and gambling in New Mexico, and with the “bad company” of men who encouraged her son to disobey Sunday laws. She demanded the Mounted Police “put a stop to those saloon men” whom she blamed for allowing her son to “go in the saloon then let him gamble in there and sell him intoxicated drinks and they keep open on Sunday.”¹⁹¹ Unlike New Mexican cattle workers who used the influence of the Cattle Sanitary Board to pressure the Mounted Police Force into action, Mrs. Parker relied upon the evocative portrayal of her concern as a mother to persuade officers to prioritize her moral interests and help her child. Mrs. Parker was not alone in her dedication to reducing the presence of alcohol in the Territory. The New Mexico chapter of the Anti-Saloon League frequently sent the Mounted Police accounts of violations of the Sunday law.¹⁹² Between December of 1909 and December of 1910, the Mounted Police arrested twenty-seven people for violating liquor laws that included disregarding Sunday closing laws, selling liquor to minors, selling liquor without a license, allowing women in saloons, loitering in saloons, and selling liquor over a bar in a bawdy house.¹⁹³

Not all women appealing to the New Mexico Mounted Police framed themselves as despondent mothers. In her search to locate her husband, who had recently disappeared from their home in St. Louis, Missouri, Mrs. William Hein

¹⁹¹ Mrs. J.W. Parker to Captain Fornoff, 16 September 1909, Cornona, New Mexico, TANM reel 91: frames 509-10.

¹⁹² President Morris Westheimer of the National Wholesale Liquor Dealers Association of America to Captain Fornoff, 22 June 1910, Cincinnati, TANM reel 91: frame 758; and the reply from Captain Fornoff to Westheimer, 25 June 1910, TANM reel 91: frame 759.

¹⁹³ For arrest rates, see Captain Fornoff, “Report of the Mounted Police,” c. January 1911, TANM reel 92: frames 762-67.

organized a methodical plan, mailing out six thousand flyers throughout the Southwest and a form letter to the captain of the Mounted Police asking that, since she “received 1 clew [sic] that he was in Montezuma...[she] would kindly suggest that [he] make a special request to different Officers, during roll call (for three days), to do their best to try to locate him.”¹⁹⁴ Hein wrote on her own behalf and sought to convince Captain Fornoff to assist her based upon the merit of the strategy she offered, a strategy that did not place all of her hopes solely on the Mounted Police Force. She was just one of many women, as this chapter demonstrates, who took the enforcement of public safety into her own hands because of the apparent disinterest of the Mounted Police.

Grace Allen demanded assistance from the Mounted Police Force for a task that would not have taxed the energies of the officers too severely. This self-described “perfect lady” wrote from Yeso, New Mexico, in 1910 to demand that an arrest be made after “some person” shot a pistol at the back of her house, causing her to smell gun powder inside her home. According to Allen, this individual placed a six-inch stick of dynamite in her yard, broke into her home while she was at Sunday school, broke several dishes, and scattered her furniture throughout the yard. Allen had the “most awful good reasons” to suspect who had committed this crime on her property, and while overcome by the conviction that her neighbors knew the identity as well, she demanded that the Mounted Police travel to Yeso in order to “swear” her neighbors to disclose information.

¹⁹⁴ Mrs. William Hein, Form letter to Chief of Police, 18 September 1911, St. Louis, Missouri, TANM reel 93: frame 867.

Allen expected the Mounted Police to pursue her case in part because of the sheer impropriety of the crime. According to Allen, her status as a “perfect lady” signified “no reason” why she or her home deserved to be treated so disrespectfully. Although Allen did not offer any suggestions in her letter as to the identity of the suspect or a motive for vandalizing her home, the perpetrator’s actions reflect hostility towards Anglo Grace Allen’s presence on this rural property. Thus, this vandalism most likely came as retaliation for her filing a claim on the land.¹⁹⁵

Allen utilized a demanding tone in her letter, and her words convey a strong expectation that the Mounted Police assist her. Her letter also reflects the perspective of a woman who understood her own role in compelling the Mounted Police to take action: she included detailed descriptions of all damage done to her home and even collected the dynamite as evidence. Her extensive preparation before approaching the Mounted Police implies a frustration with the manner in which her local Yeso authorities had handled her case. In fact, in reporting the crime to the Mounted Police Force, her letter demanded they “shake Yeso up vigorously.”¹⁹⁶

Like Grace Allen, many *Hispanas* initiated their own justice when territorial New Mexico’s Mounted Police Force lacked either the resources or the desire to help them. Mrs. R.S. García’s personalized stationary broadcasted her social position in New Mexican society as a dealer in general merchandise in the city of Pinos Wells. In 1910, García wrote Captain Fornoff to ask for assistance in what she called the “bad acededent [sic]” she had experienced the night before. A *Hispano* teenager from

¹⁹⁵ Grace Allen to Captain Fornoff, 12 July 1910, Yeso, New Mexico, TANM reel 91: frames 710-12.

¹⁹⁶ Ibid.

her neighborhood, Josè Chàves, had used a can of coal oil to purposefully set fire to her home during the night. This businesswoman first demanded assistance in a somewhat respectful, demure manner. She made only one demand to the captain, namely that “by some way or other this criminal must be prosecuted. Hope you help me on this matter, Respectfully, R.S. García.”¹⁹⁷ This request for help never brought actual assistance. Since Fornoff was out of town when her letter arrived, his clerk wrote back to García two days later suggesting she contact Julius Meyers, the sheriff of her county. Neither the Mounted Police nor her county sheriff paid any attention to her demand for public safety.¹⁹⁸

Whether the captain of the Mounted Police ignored Mrs. R.S. García’s request because he lacked available officers to send to her town of Pinos Wells, or because he underestimated the seriousness of her situation is unclear. What is clear, however, is that García punished the young man who had burned down her house and protected other business owners in Pinos Wells from future arson by Josè Chàves completely on her own. García parlayed her considerable social influence as a successful business owner to exile him from the town. According to a letter she wrote to Captain Fornoff six weeks after the burning of her home, neighbors in Pinos Wells supported her strategy to obtain retribution for the crime against her property. García’s tone in her final letter to the Mounted Police did not reflect anger that its officers had failed to investigate her case. In fact, she ended her letter to Captain

¹⁹⁷ Mrs. R.S. García to Captain Fornoff, 14 June 1910, Pinos Wells, New Mexico, TANM reel 91: frame 749.

¹⁹⁸ Clerk to Mrs. R.S. García, 16 June 1910, Santa Fe, New Mexico, TANM reel 91: frame 750.

Fornoff by reassuring him that “I am never afraid of the *policías*.”¹⁹⁹ García even welcomed him to her home, located in what she referred to as the *fronteras*, should he ever visit Pinos Wells. While García fulfilled customary pleasantries by extending her invitation, she also made clear to Captain Fornoff that she would not wait at home in order to be available any time he found it convenient to visit. This *Hispana* businesswoman requested he “always” inform her ahead of time.

Mrs. R.S. García understood the impact that the presence of the Mounted Police captain would make to ensure public safety in Pinos Wells: “I am sure that if once you would come, this bad fews of our neighbors would be afraid and behave themselves just by knowing that you come out here sometimes.”²⁰⁰ Her letter demonstrates that, although she did not rely upon them in a time of crisis, she understood what the Mounted Police could accomplish if the captain displayed his authority in a brief visit. García was not the only woman in New Mexico who believed in the power of the Mounted Police Force to make an impression despite the ineffectual nature of the institution. Lucy Balfe of Santa Fe understood the value of appearing to be under the protection of the Mounted Police when she requested Captain Fornoff send “men to ride about to extend an oversight” of her mother’s home in 1909. Balfe explained that she had left her mother in her home without a servant and wanted the presence of an occasional officer at her home to deter intruders.²⁰¹

¹⁹⁹ Mrs. R.S. García to Captain Fornoff, 25 July 1910, TANM reel 91: frames 787-88.

²⁰⁰ Ibid.

²⁰¹ Lucy Balfe to Captain Fornoff, 18 January 1909, TANM reel 91: frame 252.

Racial Hierarchy Within the Mounted Police Force

The range of people who directly sought assistance from the captain of the Mounted Police Force included cattle ranchers and small business owners seeking retribution from vandalism or theft, residents looking to track down runaway family members, and mine owners interested in acquiring the presence of an officer to maintain security in their mining camp. W.L. Weber, superintendent of the Carthage Fuel Company in southwestern New Mexico, wrote Captain Fornoff in 1909 requesting such assistance. Weber knew exactly what characteristics fulfilled his vision of the ideal candidate for the position of “camp officer and general handy man” at the Carthage mine. As Weber explained to Fornoff, “I want a young man, American, single preferred, who is absolutely reliable and will carry out orders as given him, who does not drink to excess, understands Spanish, and who understands how to handle men with some diplomacy.”²⁰² This man would serve as a Deputy Sheriff, be paid \$75 per month, and be outfitted with a horse and saddle paid for by the mining company. Captain Fornoff recommended thirty-year-old J.T. Sandoval, a Santa Fe resident, primarily because he “reads and writes English and Spanish, does not drink...and has considerable tact.”²⁰³ To Captain Fornoff, it appeared that Superintendent Weber and the Carthage Fuel Company would be satisfied with the protection that the bilingual *Hispano* J.T. Sandoval could offer the mining company.

²⁰² Superintendent W.L. Weber of Carthage Fuel Company to Captain Fornoff, 15 July 1909, TANM reel 91: frame 443.

²⁰³ Captain Fornoff to W.L. Weber of Carthage Fuel Company, 19 July 1909, TANM reel 91: frame 444.

Weber did not doubt Sandoval's competence, yet his candid reply to Captain Fornoff reveals his opinion of the prospect of a *Hispano* officer and the surprising reasons he would accept only an Anglo to maintain law and order at the Carthage Fuel Company. According to Superintendent Weber, only the presence of an Anglo officer could prevent ethnic discord in the mines. By contrast, the presence of *Hispano* J.T. Sandoval would undoubtedly incite antagonism and social disruption among working-class European immigrant miners, workers to whom Weber referred as "foreigners." According to historians Evelyn Nakano Glenn and Roberto Calderón, Anglos, Mexican immigrants, *Hispanos*, Cornish, Italians, and Slavs could be found working together in mines throughout western and southwestern states.²⁰⁴ This diversity, according to these historians of the West, developed as a premeditated strategy of mine supervisors to encourage competition and hostility that would prevent unity in the underground workforce.²⁰⁵ In the mines of the Carthage Fuel Company, Superintendent Weber recorded his work force as including Slavs, Russians, Italians, Irish, Welsh, and "Native Mexicans, Old Mexico Mexicans, and Americans." Weber's first letter to Captain Fornoff included a careful distinction between miners born in Old Mexico and *Hispano* miners from inside the Territory, of whom Weber mentioned nothing except to refer to them by the frequently used term, "native."²⁰⁶

²⁰⁴ Evelyn Nakano Glenn, *Unequal Freedom: How Race and Citizenship Shaped American Labor* (Cambridge: Harvard University Press), 152.

²⁰⁵ Glenn, *Unequal Freedom*, 152; see also Victor Clark et al., *Mexican Labor in the United States* (New York: Arno Press, 1974); and Roberto Calderón, *Mexican Coal Mining Labor in Texas and Coahuila, 1880-1930* (College Station: Texas A&M University Press, 2000).

²⁰⁶ W.L. Weber to Captain Fornoff, 20 July 1909, Carthage, New Mexico, TANM reel 91: frame 445.

Weber claimed to base his preference for an “American”—and his strong refusal to accept *Hispano* Sandoval as the mine’s officer—upon previous experience. According to Weber, the mine “had native officers in the precinct before and they have not been satisfactory.” What Weber considered to be “satisfactory” work on the part of an officer included prioritizing the needs of Carthage’s Eastern and Southern European miners. Maintaining “good order” in the camp was enabled only by placating the racial and ethnic hierarchy that his workforce of “foreigners” created and sustained. As Weber made clear to Captain Fornoff, the “native officers” from his previous experience did not meet his approval because they did not “understand handling foreigners and then a great many of the foreigners are prejudiced against the natives.”²⁰⁷

This prejudice of the “foreigners” against “native” *Hispanos* extended beyond the prospect of a law enforcement agent. According to Weber—perhaps included in his letter to support his rejection of Sandoval—the one *Hispano* Justice of the Peace on staff at the Carthage Fuel Company was only well-liked by the “better class” of the “foreigner” population.²⁰⁸ Captain Fornoff obliged Weber’s request and sent him the names of Anglo officers that same day, though no details about these more suitable candidates is known.²⁰⁹ Weber was apologetic about denying work to Sandoval, yet his tone emphasized his refusal to hire the *Hispano* based not on his own preference for an “American” officer, but that of his “foreigner” workers, whose

²⁰⁷ Ibid.

²⁰⁸ W.L. Weber to Captain Fornoff, 20 July 1909, Carthage, New Mexico, TANM reel 91: frames 443-45, citation from 445.

²⁰⁹ Weber to Captain Fornoff, 22 July 1909, TANM reel 91: frame 452.

preferences he nevertheless condoned by refusing to accept Sandoval as Carthage's enforcer of security.

The way that Superintendent Weber privileged the prejudice and comfort level of Carthage's Eastern and Southern European miners—those Weber referred to as his “foreigners”—over the law enforcement abilities for which Captain Fornoff recommended *Hispano* officer J.T. Sandoval, helps place the ethnic and racial dynamic of New Mexico's Carthage Fuel Company in context with similar conversations about race, ethnicity, labor, and racial privilege occurring in other regions of the United States at the same time. The workplace—whether in New Mexico or in mining, agricultural, or industrial sectors elsewhere in the United States—and daily interactions that took place there, became the means by which “immigrant workers came to locate themselves and those about them in the nation's racial hierarchy” during the final decades of the nineteenth century and the first two decades of the twentieth century.²¹⁰

According to historians David Roediger, Benedict Anderson, Matthew Frye Jacobson, and Noel Ignatiev, the influx of working-class immigrants from Ireland, eastern Europe, and southern Europe propelled the invented categories of working-class race and ethnicity. The demand for cheap labor, the desire to incorporate immigrants judged as fit for self-government, and an obsession with Americanizing immigrants who did not meet that requirement—all of these social forces defined

²¹⁰ James Barrett and David Roediger, “How White People Became White,” in *White Privilege: Essential Readings on the Other Side of Racism*, ed. Paula Rothenberg (New York: Worth Publishers, 2002), 29-34, 31.

Irish, Italian, and Slavic working-class laborers as free “whites” in contrast to African Americans and Latin American immigrant laborers.²¹¹ In contrast to the social position of *Hispano* officer J.T. Sandoval, the placement of European immigrant laborers as “white” within New Mexico’s racial hierarchy earned these miners what David Roediger—building upon arguments made by W.E.B. DuBois—defines in *Wages of Whiteness* as the “public and psychological wage” of racial privilege and the “public deference” of their wants and needs. In the case of the Carthage Fuel Company, that “public and psychological wage” earned European immigrant miners an Anglo officer who would not interfere with their dominant social position when laboring underground.²¹²

According to the diary of Mabel Alice Lovejoy Kenney, wife of the assistant superintendent of the Carthage Fuel Company, the small mining town of Carthage was, indeed, as diverse as Superintendent Weber described in his original letter to Captain Fornoff. During her life in Carthage in the 1900s, Kenney recorded in her diary observations of two “matriarch sisters” from Scotland who operated a boarding house for Carthage’s miners, as well as Russians, Italians, Poles, Spaniards, and “a few native Mexicans” who called the southwestern New Mexican town their home. Like Superintendent Weber, Kenney observed ethnic conflict, but of a different

²¹¹ For the construction of “whiteness” among working-class immigrants in the United States during the late-nineteenth and early-twentieth century, see David Roediger, *The Wages of Whiteness* (London: Verso, 1991); Benedict Anderson, *Imagined Communities* (London: Verso, 1993); Matthew Frye Jacobson, *Whiteness of a Different Color: European Immigrants and the Alchemy of Race* (Cambridge: Harvard University Press, 1998); Noel Ignatiev, *How the Irish Became White* (New York: Routledge, 1995); E.P. Thompson, *The Making of the English Working Class* (New York: Pantheon, 1963); and Jennifer Guglielmo and Salvatore Salerno, eds., *Are Italians White? How Race is Made in America* (New York: Routledge, 2003).

²¹² Roediger, *Wages of Whiteness*, 12, 13.

variety than that between *Hispanos* and European immigrants anticipated by Superintendent Weber. Rather, she noted that it was not uncommon for Russian miners to “chase home the Italians” on her street, shooting weapons in the air, shouting, and cursing. Kenney found the noise “disturbing” and “fully expected to be torn limb from limb,” but adjusted to the rowdy nature of life in Carthage by accepting that not every gunshot she heard “meant a killing.”²¹³

According to Kenney’s diary, a change in Carthage’s race relations and racial hierarchy occurred in 1912 when her husband Bart became the new superintendent of the financially-struggling Carthage Fuel Company. Within a matter of weeks, Bart fired the Russian, Italian, and Polish miners and hired a staff of only Mexicans and Spaniards. According to Kenney’s diary, only this change in the ethnic composition of Carthage’s personnel—and not the presence of an “American” Mounted Police officer as former Superintendent Weber proposed in 1909—brought peace to the mines of Carthage. Gone was the “noisy rabble of the night.” As a further benefit, according to Kenney, the mine’s profits rose within one year. Kenney’s assessment of race relations in Carthage mentioned nothing of the presence of any of law enforcement agent.

Understandably, the medium of a diary to record her experiences as an Anglo woman in a southwestern New Mexican mining town, as well as her marital tie to Carthage Fuel Company’s administrative official, informed her perspective of the relationships among the miners and their prospective response to a *Hispano* officer

²¹³ Diary of Alice Lovejoy Kenney, *Reminiscences of Carthage and Tokay*, New Mexico, c. 1910, Miscellaneous Letters and Diaries, Box 15819: folder 56, pp. 17, 18, SRCA.

like J.T. Sandoval. Despite her lack of awareness of the power dynamic between miners deep inside of Carthage's underground coal mines, Kenney's observations reveal that an Anglo law enforcement officer—as recommended by Superintendent Weber—could not have quelled the antagonism between different ethnic groups. Rather, only a mono-ethnic work force of Spanish-speaking miners could subdue such tension.²¹⁴

Although Carthage Fuel Company's Superintendant Weber would accept only the authoritative law enforcement of an Anglo officer of the Mounted Police, others in New Mexico had needs that demanded the assistance of Spanish-speaking *Hispano* officers. The suspicious death of Albert Scheurick incited the demand for a Mounted Police officer who “talks Mexican” to patrol the mines of Magdalena. Captain Fornoff wrote to the late Scheurick's brother, Charley, in the summer of 1909 to reassure him that experienced Mounted Police officer Bob Lewis would travel to Magdalena to investigate Scheurick's death. According to Officer Lewis' investigation, there was “no doubt that Albert came to his death by foul means,” but Captain Fornoff preferred to travel from Santa Fe to Magdalena to supervise further investigation himself, based on Lewis' opinion that an officer who “talks Mexican” should work undercover as a miner in order to obtain evidence to solve the crime.²¹⁵

On the one hand, Officer Lewis' positive appraisal of the value of an undercover Mounted Police officer who “talks Mexican” demonstrates the ability of

²¹⁴ Diary of Alice Lovejoy Kenney: Reminiscences of Carthage and Tokay, New Mexico, c. 1910, Miscellaneous Letters and Diaries, Box 15819: folder 56, pp. 38, SRCA.

²¹⁵ Bob Lewis to Captain Fornoff, 14 June 1906, Magdalena, New Mexico, TANM reel 91: frames 740-41.

Magdalena's Mexican miners to accept the presence of a new *Hispano* officer, as he could have garnered the trust of *Hispano* miners to entice them to provide details about the suspicious death of Anglo miner Scheurick. An Anglo officer, by contrast, particularly one unable to speak Spanish, would have appeared as an outsider to the Mexican and *Hispano* miners. This disparity would have forced the Mounted Police to ineffectively investigate the crime.²¹⁶ Consequently, while Superintendent Weber may not have wanted a *Hispano* officer for the day-to-day policing of the Carthage mine, Captain Fornoff and other members of the Mounted Police Force understood the value of staffing officers fluent in Spanish when they encountered investigative resistance from *Hispanos*. Captain Fornoff may or may not have “talk[ed] Mexican,” himself. Between 1905 and 1911, the Force received few letters written in Spanish. Captain Fornoff occasionally signed response letters written in Spanish, but nothing is known of whether Captain Fornoff or another staff member wrote those letters.²¹⁷

Like the captain and other members of the Mounted Police, the highest territorial official wanted a Force that included “qualified” *Hispanos*. Governor George Curry wrote to Captain Fornoff in 1907, early in the institution's existence, to guarantee that he would appoint the most qualified *Hispano* candidate that Fornoff could find. In this case, Governor Curry recognized the usefulness of having a *Hispano* Mounted Police officer in order to prevent raids by “disaffected persons of Mexican origin” along New Mexico's southern border with Mexico.²¹⁸

²¹⁶ Captain Fornoff to Charley Scheurick, 3 June 1910, TANM reel 91: frame 743.

²¹⁷ See Captain Fornoff to Flavio Chaves, 18 March 1910, TANM reel 91: frame 861; and TANM reel 91: frames 346-440.

²¹⁸ Governor Curry to Captain Fornoff, 20 September 1907, TANM reel 164: frame 861.

Shaping Expectations of Breadwinners and Fathers

Applicants to the Mounted Police Force not only enlisted gendered descriptions of themselves in order to claim entitlement to employment, but once appointed, they used their authority to further shape gender roles in the Territory. The Mounted Police enforced more than the law, as they also enforced what they believed to be appropriate responsibilities and obligations for fathers and husbands. As an institution, the Mounted Police Force shaped gender roles when the captain allowed officers to place their own responsibilities as family breadwinners above the responsibilities of their job. Although the Mounted Police Force faced a shortage of staff members throughout its existence, familial responsibilities dictated the movements of territorial officers. On three occasions during the Force's first year in 1905, Captain Fullerton—despite his defensiveness towards southern, western, and eastern New Mexicans writing to complain of cattle theft and other crimes ignored by his officers—allowed the needs of a wife and ill baby to take precedence over impending arrests.²¹⁹ Octaviano Perea, a thirty-five-year-old former Deputy Sheriff and one of only two *Hispanos* on the Mounted Police Force, first approached Captain Fullerton in August of 1905—just six months after starting his job—about relocating from his station in Alamogordo to a station closer to his home because he claimed “my baby is real sick” and that his recuperating wife could not care for the infant.²²⁰

²¹⁹ Private detectives received \$75 per month in 1905. Captain Fullerton to Private Herbert McGrath, 3 August 1905, TANM reel 92: frame 109; and Captain Fullerton to Private J.J. Brophy, 3 August 1905, TANM reel 92: frame 110.

²²⁰ Octaviano Perea to Captain Fullerton, 5 August 1905, Alamogordo, TANM reel 91: frame 53.

On December 23, 1905, Captain Fullerton granted the Perea family an early Christmas gift by accepting his resignation on account of his wife's illness.²²¹

Making concessions to the schedule of law enforcement in order to allow officers to serve as family caregivers was not a new pattern for this territorial institution. Captain Fullerton took over the travel responsibilities of Lieutenant Cipriano Baca after the illness of Baca's wife and children required that he stay in Socorro to care for them.²²² These two allowances occurred despite Captain Fullerton's clear instructions to job applicants that he expected "each and every man to devote his entire time to this work."²²³

In addition to familial needs, the financial constraints of government employment influenced the relatively high turnover rate on the Mounted Police Force in 1905 and 1906. Resigning on April 1, 1906, John Brophy explained that he needed to "better [his] own interest" by taking a position as a Night Marshall in Clayton. The "interest" Brophy referred to was not just in the advancement of his career, although the change increased his pay from \$75 to \$125 per month. The most advantageous aspect, however, was that by working as a Night Marshall, he claimed "I will be at home with my family." Although resigning from the Mounted Police Force meant that Brophy lost the prestige of a more elite professional position, fulfilling the role of an attentive caretaker to his family held more significance for him.²²⁴

²²¹ Captain Fullerton to Octaviano Perea, 23 December 1905, TANM reel 91: frame 61.

²²² Captain Fullerton to George Elkin, 8 June 1905, TANM reel 92: frame 42.

²²³ Captain Fullerton to Robert Putman, 24 June 1905, TANM reel 92: frame 67.

²²⁴ Private Brophy to Captain Fullerton, 20 March 1906, TANM reel 91: frame 6.

Mounted Police officers did not refrain from proactively defining the role of the father within the New Mexican family. Enforcing the financial support of children born out of wedlock was just one way they demanded conformity to the roles of fathers and husbands—according to their definition of paternal responsibility, of course. In some cases, the people the Mounted Police targeted for reform were *Hispano* members of the legal profession. Thirty-year-old Anglo officer George Fred Murray wrote to Captain Fornoff in September of 1907 to obtain specific instructions regarding charges to bring against Zacarías Padilla, the Justice of the Peace of San Rafael, a town Private Murray described as “awful rank” due to the example that Padilla set with his drinking habits, corruption, and sexual promiscuity. According to Murray, Padilla had, in addition to two children with his wife, two children with a “very disagreeable” local woman named Vibiana Varreras who “causes lots of trouble.” Beyond these four children, Murray claimed, Padilla had one other child with Nestora Sandoval before she “killed it and throen [sic] it into the street.” Murray claimed the “pittefull [sic]” sight of seventeen-year-old Vibiana Varreras with two children, what Murray perceived to be “no father for them,” and no means of support aroused his concern.²²⁵ Murray may have expected moral accountability from a Justice of the Peace, or from a husband and father, or he may simply have believed that all mothers should be accorded at least a subsistence level of support.

Regardless of his expectations, Murray had every legal reason to pursue Zacarías Padilla, whom he could have arrested for violating the 1887 Edmunds

²²⁵ G.F. Murray to Captain Fornoff, 30 September 1907, Kettner, New Mexico, TANM reel 93: frames 360-61.

Tucker Act, a law that criminalized adultery in U.S. territories. According to historian David Reichard in *“Justice is God’s Law”: The Struggle to Control Social Conflict and U.S. Colonization of New Mexico*, members of New Mexico’s criminal justice community “likely saw benefit in reinforcing the legitimacy of District Courts as the ultimate arbiter of community discord, including adultery, in New Mexico.”²²⁶ By pursuing Padilla for adultery, Officer Murray helped support the transition from a local authority rooted in the legacy of the Mexican Republic to a territorial authority rooted in the current American government. This was a transition that legal officials who supported enforcement of the Edmunds Tucker Act in New Mexico were well aware of. According to Reichard, “federal efforts at prosecuting adultery became opportunities to shift the power to mediate such local conflict away from local communities to the territorial District courts.”²²⁷ Nearly 140 men and women would be convicted and imprisoned for adultery between 1889 and 1905. Additionally, Reichard argues that Murray’s efforts to arrest Padilla reinforced “commonly held American stereotypes of *Hispano* sexuality and moral laxity.”²²⁸

Despite his idealization of responsible fatherhood, George Fred Murray was not without his own faults. Less than one month after Murray’s letter to Captain Fornoff in September of 1907, his vitriol towards Padilla caused Governor George Curry to send a representative of the District Attorney for the counties of Bernalillo,

²²⁶ David Reichard, *“Justice is God’s Law”: The Struggle to Control Social Conflict and U.S. Colonization of New Mexico, 1846-1912* (Ph.D. dissertation, Temple University, 1996), 228-29. Reichard explains that Congress originally passed the Edmunds Tucker Act in 1887 in order to end polygamy among Mormons in Utah and to reduce the power of the Mormon Church. This law made adultery a federal crime in all states and territories.

²²⁷ Reichard, 231.

²²⁸ Ibid.

McKinley, Valencia, and Torrance to investigate Murray's alleged misconduct. José Sena's investigation yielded interviews with San Rafael's townspeople that highlight public perceptions of the authority of the territorial Mounted Police Force, as well as doubts about the abilities of a corrupt *Hispano* law enforcement official. On October 16, 1907, Officer Murray arrested Zacarías Padilla without following proper protocol, motivated by his zeal to force Padilla to behave in a manner that Officer Murray defined as morally appropriate. According to Murray's testimony, he arrested Padilla after Padilla's father-in-law reported that Zacarías had "stole" a woman named Lola Chaves and transported her to Albuquerque to work in a house of prostitution. Murray arrested Padilla on the charge of abduction, demanded a bond of \$1,000, and did so without having first filed a formal complaint. Padilla was later released when he, his father, and their attorney learned he had been arrested without a warrant.

In the subsequent investigation that October of 1907, Murray's reprimand for police misconduct revealed the strong opinions among both *Hispanos* and Anglos of San Rafael regarding Padilla's incompetence and the powerful social influence Padilla's father carried that allowed his son to maintain his position as Justice of the Peace despite his abuse of alcohol and immoral behavior. The criminal investigation also revealed the way San Rafael's residents welcomed an Anglo Mounted Police officer and recognized that his enforcement of the law guaranteed him enemies in San Rafael.²²⁹ Most notably, the contrasting public opinions of Zacarías Padilla and

²²⁹ "In the Matter of the Alleged Misconduct of G.F. Murray, Member of the Mounted Police," José Sena to Honorable D.W. Clancy, District Attorney for the Counties of Bernalillo, McKinley, Valencia, and Torrance, October 1907, TANM reel 93: frames 378-92.

George Murray in the 1907 investigation calls attention to contemporary perceptions of the change that New Mexicans believed the Mounted Police provided for safety in their town. Officer Murray patrolled San Rafael for nine months before the investigation, and that period sufficed to cause eleven out of sixteen townspeople interviewed in the investigation to judge Murray a proficient officer. Only five interviewees—Padilla and Padilla’s father among them—judged Murray to be at fault and Padilla blameless. Those who complimented Murray labeled him a “good officer,” “conservative,” a man who behaved as a “gentleman,” and “the only efficient officer of the law we have ever had here [in San Rafael].” They also considered him responsible for the reduction of cattle theft and the unlawful discharge of arms, the closure of unlicensed gambling halls, and the enforcement of the Sunday law to limit the consumption of alcohol. Multiple witnesses testified that Officer Murray enforced the law without using offensive or insulting language, and without cruel treatment towards prisoners.²³⁰

San Rafael’s residents judged Zacarias Padilla, meanwhile, most notably for his turpitude. Frequently repeated comments included characterizations of Padilla as the “worst drunkard in this community” and the “most lawless man we have” in San Rafael. Having “seduced many girls,” he was not a “proper person for a peace officer,” since he “is nearly always drunk, and goes around cursing and shooting on the streets...and...insulting people.” Padilla’s own father-in-law proclaimed that he “behaves rottenly and like the very Devil. As an officer and as a man he has no moral

²³⁰ Ibid.

credit. The lowest sheep-herder has more credit morally than Zacarias.” Several residents expressed a desire for the “incompetent, prejudiced, always drunk” Padilla to be removed as Justice of the Peace because they claimed he never enforced the law, abused his power, was one of the “worst characters in this community” who stabbed a man in a drunken saloon fight, and was particularly insulting to the public when drunk. Only one person described him as a good citizen “when he is in his senses.” The investigator representing the District Attorney, Josè Sena, explained to Governor Curry and the District Attorney that the high rate of complaints against Padilla had not led to his removal from the position of Justice of the Peace because the people of San Rafael feared his father’s wealth and social influence.²³¹

The reason New Mexicans viewed law enforcement officials like Padilla as corrupt also had to do with patterns of nepotism when sheriffs deputized their sons and brothers to assist them in county law enforcement, thereby reinforcing the community’s reliance on a single *Hispano* family—like the Padilla family in San Rafael—as a whole. Having the dual job of both tax collector and lawman further complicated the sheriff’s ability to win the approval of New Mexicans. Tax collecting brought sheriffs more lucrative earnings and greater political prestige.²³² Historians identify the Spanish and Mexican legacy of the position of *alcalde*, or local mayor, as an approximate model for the territorial Justice of the Peace. According to David Reichard in “Justice is God’s Law,” *alcaldes*, working as a key part of Spanish colonial and the Mexican national government, frequently transitioned to become

²³¹ Ibid.

²³² Ball, *The Desert Lawmen*, 35.

Justices of the Peace during the territorial period, but “continued to exercise significant authority within their communities despite attempts to trim their jurisdictional power.” Justices of the Peace, according to Reichard, “seem to have relied upon local custom or upon a settlement worked out by the contending parties themselves, a practice which had been common during the Spanish colonial and Mexican periods.”²³³

Mounted Police Officer Murray’s arrival disrupted Padilla’s authority in San Rafael. Three people in the town claimed to know why those closest to Padilla supported him in attacking Murray’s credibility: Murray had a reputation as an “earnest” enforcer of the Sunday law. As one resident of San Rafael, H.F. Brock, explained quite bluntly to the investigator from the District Attorney’s office, all charges against Officer Murray stemmed from the fact that he “checked wrong and makes a good officer.” Another resident, Ismael García, concurred that Officer Murray faced prejudice because he “prevents [people] from doing wrong.”²³⁴

Murray’s strong desire to press charges against Padilla—a *Hispano* member of law enforcement whose infidelity, drunkenness, and lack of financial support to his children from multiple mothers didn’t match Officer Murray’s definition of appropriate or morally responsible behavior—provides a glimpse into the mindset of a man who later found himself in legal trouble for his criminal reaction to immoral

²³³ Reichard, xxiii and xxv. See also, Malcolm Ebright, *Land Grants and Lawsuits in Northern New Mexico* (Albuquerque: University of New Mexico Press, 1994); and David Langum, *Law and Community on the Mexican California Frontier: Anglo American Expatriots and the Clash of Legal Traditions* (Norman: University of Oklahoma Press, 1987).

²³⁴ “In the Matter of the Alleged Misconduct of G.F. Murray, Member of the Mounted Police,” José Sena to Honorable D.W. Clancy, District Attorney for the Counties of Bernalillo, McKinley, Valencia, and Tarrant, October 1907, TANM reel 93: frames 378-92.

behavior within his own marriage. Although in 1907 the Valencia County District Attorney did not press charges against Murray for misconduct, the officer's career ended in disgrace. In July of 1909, George Fred Murray, no longer known as a Mounted Police officer but as Territorial Penitentiary Inmate # 2447, received a sentence of three years for killing his wife's lover. The crime occurred in Kettner, a town Murray frequently visited to enforce territorial law. Once processed into the penitentiary, Murray provided few details to explain behavior so dramatically inconsistent with the ethics of law enforcement. Insight can be gleaned from information Murray supplied on his parole form, however. A self-described former "cowman" before joining the Mounted Police Force, Murray had a common school education, no living parents, and a wife and children living in Arizona during his prison term. Sentenced to three years, he had pleaded "No Justification" at the trial and never petitioned the governor for a pardon, but did reach out to his former captain, Fred Fornoff, as a possible future employer on his parole application, where he admitted to having served a prior jail sentence in Gallup and being "slightly" addicted to alcohol.²³⁵

When Murray applied to work on the Mounted Police Force, his written application most likely differed little from that of other applicants. As we have seen, applicants framed their capabilities as prospective Mounted Police officers based in part on the gendered rhetoric of fulfilling their responsibilities as family breadwinners, but also on gendered representations of their physical abilities, lack of

²³⁵ New Mexico Penitentiary Application for Parole, George Fred Murray, Inmate # 2447, TANM reel 93; frames 394-95.

timidity in dangerous situations, and past military service—all appropriate qualifications for applicants pursuing employment in this physically demanding profession. However, many applicants also evidenced their ability to work as Mounted Police officers based upon the sheer difference of who and what they were not. These men attempted to describe themselves as qualified and capable due to their fearlessness, veteran status, and physical fortitude in contrast to the way members of the Mounted Police Force viewed existing figures of law enforcement within New Mexico. To these applicants—and to Mounted Police officers including Private Murray, Captain Fornoff, and Captain Fullerton—*Hispano* law enforcement officials like Zacarías Padilla represented the inefficiency, corruption, and immorality they defined as characteristic of New Mexico before the territorial system established American control.

Conclusion

Like prospective immigrants who demanded jobs from the Bureau of Immigration, applicants to the Mounted Police Force defended their suitability for this employment through a gendered language that emphasized their need to financially support wives, children, mothers, and sisters. This manner of defending one's entitlement for employment is just one similarity found in the demands made to the Mounted Police Force and the Bureau of Immigration. Like the prospective immigrants who believed the Bureau of Immigration's appraisal of the value of bringing into New Mexico systems of agricultural cultivation, mining, investment,

and labor from other states, the predominantly Anglo applicants to the Mounted Police Force perceived themselves as imparting greater efficiency simply by virtue of their status as outsiders. This attitude was one supported by the territorial institution which the applicants sought to be a part of. In fact, the culture of the Mounted Police Force was one that viewed itself as distinct from and superior to the existing mode of law enforcement with its prevalent involvement of *Hispano* sheriffs. Despite financial limitations that prevented officers from enforcing the law and protecting the public, the change in authority that the Mounted Police Force represented as a new territorial institution symbolized legitimacy simply because of what it was not, and not necessarily the legal protection it could deliver.

Governor George Curry reflected upon the improved law enforcement he believed the Mounted Police signified for New Mexico. To Governor Curry, the mere presence of the Mounted Police Force facilitated the Territory's path to statehood. In his annual *Report of the Governor of New Mexico to the Secretary of the Interior* from 1909, Curry declared that immigrants to New Mexico would find safety in their lives and property, equating this safety to the "efficient body of men" on the Mounted Police Force, and that this safety "more than any other thing demonstrates our fitness for statehood."²³⁶ It is probable that Mrs. R.S. García, Grace Allen, and others inside and outside of the Territory, meanwhile, would have disagreed with Governor Curry's assessment as they struggled to wrest any attention

²³⁶ Governor Curry, *Report of the Governor of New Mexico to the Secretary of the Interior* (Washington, D.C.: Government Printing Office, 1909), 26.

from this limited institution, with its eleven men designated to patrol the entire Territory.

Despite the negative appraisals of people—particularly confident *Hispana* and Anglo women like Mrs. R.S. García and Grace Allen—within the Territory who lacked any measure of assistance from the Mounted Police, immigrants to New Mexico strove to join the Force throughout the entire seven years of its existence. As New Mexico’s territorial period came to a close, Captain Fornoff responded more candidly to job applicants about what he perceived to be the solution to the institution’s financial straits. In a letter responding to applicant Tom White of Cordell, Oklahoma, in March of 1911, Captain Fornoff explained quite bluntly that the “unsettled” condition of the Mounted Police Force’s financial affairs left him unable to hire, but that he predicted fiscal improvements once New Mexico became a state—an event he predicted would occur just seven months after White’s original letter of application. He promised the applicant that afterwards he would “be able to write...a more encouraging letter.”²³⁷ Two months later White, again, wrote Fornoff from Oklahoma claiming that he had heard New Mexico had achieved statehood and that he expected a job.²³⁸ Fornoff’s reply delivered disappointing news for the unemployed Oklahoman: “I regret to report that New Mexico has not yet attained the much-desired statehood. We are all expecting and hoping, but nothing that would indicate the certain passage of the statehood resolution has transpired up to this

²³⁷ Captain Fornoff to Tom White of Cordell, Oklahoma, 23 March 1911, TANM reel 91: frame 813.

²³⁸ Tom White to Captain Fornoff, 30 May 11, Cordell, Oklahoma, TANM reel 91: frame 860.

writing.”²³⁹ This lack of statehood guaranteed that White, like so many applicants before him, would be denied a job on the Mounted Police Force.

Even achieving statehood in 1912 did not resolve staffing and funding inadequacies as Captain Fornoff had hoped. In the Force’s first year as a state institution following seven as a territorial one, officers made 150 arrests “for nearly every crime on the calendar.” In Captain Fornoff’s *Annual Report to the Governor of New Mexico* for the year of 1912, he highlighted the success of the Mounted Police in returning 1,000 head of stolen livestock. He also underscored the Force’s pressing need for increased support by reminding the new state’s governor, William McDonald, of the seventy murders that year with only “a very fair percentage” having led to convictions. Still, despite the statehood that he had so longed for, Captain Fornoff complained of the exact same issues plaguing the state’s Mounted Police Force as had plagued that of the territorial period: railroad transportation still proved to be the most expensive budget item, and the Force desperately needed additional officers. Fornoff once again pressured the governor for at least fifteen total Mounted Police officers in order to increase the “efficiency of the force as a whole” and to decrease transportation costs by shrinking the station area of each officer.²⁴⁰ According to Fornoff, increasing the Mounted Police Force by an additional four officers would have cost only \$4,800 more each year, with a salary of \$1,200 each. To put that expense into perspective, Governor McDonald’s salary in 1912 was just

²³⁹ Captain Fornoff to Tom White, Santa Fe, 5 June 1911, TANM reel 91: frame 861.

²⁴⁰ Captain Fornoff to Governor William McDonald, 14 December 1912, Papers of Governor William McDonald, Box 28: file 312, SRCA; and “Salaries and Expenses of State Officers and State Departments,” 1912, Papers of Governor William McDonald, “Reports to Secretary of State,” Box 28: file 324, SRCA.

\$200 over that total amount at \$5,000 per year; each of the three Supreme Court Justices in the state judiciary earned \$6,000 per year; the sixteen guards in the penitentiary earned a total of \$7,680 per year; and Captain Fornoff himself earned a salary of \$2,000.²⁴¹

Applicants to the Mounted Police Force wrote to the captain by describing their abilities in a highly gendered language to support their claim of being an “A–1 good man.” These candidates strove to portray themselves as useful and effective men who would improve the overall safety of the Territory of New Mexico. The next chapter will continue to examine the role of gender within one of territorial New Mexico’s institutions of public safety by examining the written demands of men with whom Mounted Police officers frequently interacted: Territorial Penitentiary inmates. Unlike applicants to the Mounted Police Force, inmates in New Mexico’s Territorial Penitentiary wrote to government officials from their position as unwanted men who contributed to the decline of safety in the Territory of New Mexico. If their incarceration prevented these New Mexicans from full social inclusion because they did not contribute to the Territory’s agenda to achieve statehood, what language and strategies would these working-class men use in order to convince the territorial governor to heed their demands for the entitlement to a pardon?

²⁴¹ “Salaries and Expenses of State Officers and State Departments,” 1912, Papers of Governor William McDonald, “Reports to Secretary of State,” Box 28: file 324, SRCA.

CHAPTER 3

PARDONING BREADWINNERS, CONSTRUCTING MASCULINITY: GENDER AND FINANCES IN NEW MEXICO'S TERRITORIAL PENITENTIARY PARDONS

“His Excellence, H.J. Hagerman, the Governor of New Mexico, Sir: May I ask a favor of you, with the hope that you will be able to grant it? My father is in the penitentiary for last nine years, And I have a most pressing need for him. I am a little girl of twelve years old, I have my mother and we are poor. I think you could oblige me. If you give me my father at Christmas day.”²⁴²

Dulcinea Patròn, 1905

Introduction

In the Christmas Day pardon of Macario Leyba in 1907, the Territory of New Mexico's penultimate governor explained that the custom of granting what he called “holiday pardons” to deserving inmates of Santa Fe's Territorial Penitentiary had been found to have “excellent moral effect in that institution.”²⁴³ Throughout George Curry's three years as governor from 1907 to 1910, penitentiary inmates and their supporters claimed entitlement to these holiday pardons by writing letters and circulating petitions. Analyzing the letters and petitions of inmates and their supporters, we see a striking pattern emerge. Convicted of crimes ranging from murder to watch theft, these men—with professions as varied as ranchers, carpenters,

²⁴² Miss Dulcinea Patròn to Governor Herbert Hagerman, 21 December 1905, Territorial Archives of New Mexico, Microfilm reel 179: frame 1148, State Records Center and Archives, Santa Fe, New Mexico (hereafter TANM and SRCA, respectively).

²⁴³ Governor George Curry, Executive Office, 25 December 1907, TANM reel 197: frame 243.

tailors, and United States Express workers—harnessed a gendered rhetoric that evoked the familial responsibilities of white, working-class breadwinners desperate to leave the penitentiary in order to care for dependent parents, pregnant wives, and young children.

The five most prevalent usages of this gendered language tied the right to a pardon to the inmate's need to perform five gendered stages of life: to be husbands, to be fathers, to be sons, to be workers, and to mature from boys into men. However, this performance of working-class masculinity was a collaborative construction. By granting pardons admittedly not based upon the reformation or rehabilitation of the criminal, but rather, on the persuasiveness of this gendered language, Governor Curry and other territorial officials affirmed the validity of this specific performance of masculinity in territorial New Mexico.

One inmate who benefited from this validation was the father of young Dulcinea Patròn. The children of inmates—or adults writing letters cast in their personas—occasionally communicated directly with Governor Curry and his predecessors to request holiday pardons for their fathers. The letter of Dulcinea Patròn of Española arrived on the desk of Governor Hagerman just days before Christmas, 1905. Dulcinea's father, Ramòn Patròn, had been sentenced to life in prison, but his daughter mentioned nothing about the nature of his conviction or his record as an inmate. Dulcinea's Christmas wish would come true two years later in January, 1908, when Secretary of the Territory Nathan Jaffa, acting governor of New Mexico during one of Governor Curry's absences, pardoned Ramòn Patròn. In

Jaffa's words, "it appears that the said prisoner has a family in needy circumstances, dependent upon him for support, and that he has rendered valuable service to the Territory in laboring upon its public highways."²⁴⁴

The case of Ramòn Patròn is unique for citing an inmate's physical, manual labor—in addition to his dependent family—as a rationale for clemency. By pardoning inmate Ramòn Patròn, Jaffa did more than just reinforce the value of a father's labor to support his twelve-year-old daughter. Jaffa's act of pardoning simultaneously reinforced the value of manual labor to the Territory and its future as a whole. While many inmates claimed current industriousness or the potential to be industrious once released, here a representative of the territorial government endorsed manual labor as an important factor in the development of the Territory of New Mexico. Without blatantly stating so, by associating Ramòn Patròn's pardon with his physical labor to build public highways, the acting governor boastfully publicized New Mexico's growing infrastructure and modernization to any federal government representative he would have imagined had been listening. Fittingly, every improvement Ramòn Patròn contributed to the Territory's public highways added to New Mexico's claim of its readiness to become a state.

The specific construction of masculinity performed by Ramòn Patròn and other inmates in New Mexico's first penitentiary from 1907 to 1910 exemplifies the history of masculinity linked to the process of empire building and territoriality. In the space of territorial New Mexico, the institution of a penitentiary—a formidable

²⁴⁴ Nathan Jaffa, Executive Office, 23 January 1908, TANM reel 179: frame 1150.

building that surpassed the capabilities of pre-existing county jails—symbolized law and order defined by the presence of the U.S. federal government. The physical construction of this penitentiary represented a shift towards a system of punishment that reinforced the new American presence in this southwestern territory. The social reality of territoriality, however, exerted significant influence on the conceptual construction of gender both within and outside of the prison. Although the prevalence of inmates utilizing a gendered language to obtain pardons may appear at first glance to be merely a rhetorical strategy employed by inmates to elicit undeserved pardons, I argue that this approach to demanding entitlements in the Territory was deeply entwined with New Mexico’s fiscal challenges during the final years of the territorial period.

In the historiography of nineteenth and twentieth-century crime and punishment in the United States, the study of pardons has received little attention. Despite being overlooked, letters seeking pardons are useful artifacts that showcase the social dynamics of race, class, gender, and ethnicity in territorial New Mexico. According to Vivian Miller’s analysis of pardon letters in Progressive Era Florida, historians gain insight from these social narratives because of the “language of power and knowledge, domination and subordination” that inmates, their allies, and government authorities make use of to negotiate or enforce privileges within the prison system. Territorial governors stood to gain from issuing pardons based upon their sole judgment. In addition to reducing the burden of an underfunded and overcrowded penitentiary, exercising the “pardon power” as Vivien Miller explains,

worked as “a means of asserting the power of the state over its subjects.”²⁴⁵

No examination of the exercise of power and control within the walls of a penitentiary can be complete without placing that analysis in context with Michel Foucault’s *Discipline and Punish: The Birth of the Prison*. New Mexico’s Territorial Penitentiary exemplifies what Foucault observed as the transformation of punishment alongside capital industrialization. According to Foucault, the state once exercised its power by exerting physical control over an individual’s body. The public spectacle of torture served as the state’s primary method to penalize and correct individual behavior. The transition that Foucault notes, however, occurred when the penitentiary began to exercise mental coercion, control of knowledge, and the act of rendering an individual’s mind docile as its primary means of behavioral rehabilitation.

The experiences of male and female inmates in New Mexico’s Territorial Penitentiary buttress Foucault’s theory of the penitentiary’s role in solidifying the power of authorities in both the penitentiary and the territorial government. Specifically, territorial governors and penitentiary wardens used the enticing rewards of pardons and the trusty system—a cost-effective program in which inmates earned

²⁴⁵ Vivien Miller, *Crime, Sexual Violence, and Clemency: Florida’s Pardon Board and Penal System in the Progressive Era* (Gainesville: University of Florida, 2000), 10, 129; and Judith Johnson, “A Mighty Fortress is the Pen: Development of the New Mexico Penitentiary,” in *Twentieth-Century New Mexico History*, ed. Judith Boyce DeMark (Albuquerque: University of New Mexico Press, 1994), 119-32. For a survey of the philosophy and history of pardons in United States courts, see Kathleen Moore, *Pardons: Justice, Mercy, and the Public Interest* (New York: Oxford University Press, 1989); Jonathan Simon, *Poor Discipline: Parole and the Social Control of the Underclass, 1890-1990* (Chicago: University of Chicago Press, 1993); James Barnett, “The Grounds of Pardon in the Courts,” *Yale Law Journal* 20 (1910): 131-37; J.P. Goodrich, “The Use and Abuse of the Power to Pardon,” *Journal of Criminal Law, Criminology, and Police Science* 11 (November 1920): 334-42; and Julian Alexander, “The Philosophy of Punishment,” *Journal of Criminal Law, Criminology, and Police Science* 13 (1922): 235-50.

the privilege of working outside of the penitentiary—to coerce an inmate’s loyalty to the state.²⁴⁶

This chapter will address three central questions about masculinity in New Mexico’s penitentiary during the latter years of the territorial period. First, how did inmates claim the need to perform the five stages of masculinity in order to demand a pardon from Governor George Curry? Secondly, to what degree did New Mexico’s financial limitations as a territory influence Governor Curry’s decisions to pardon convicted criminals? Lastly, what did it mean for the Territory to demonstrate to Congress and a national audience that they could maintain public safety by building the institution of a penitentiary? While inmates performed roles of manhood in order to obtain pardons, did the Territory rely upon the presence of a functioning penitentiary in order to perform the role of a law-abiding, safe space that would do no harm to the United States if ratified as a state?

To Protect “A Girl Growing into Womanhood”: Fathers Requesting Pardons

When inmates evoked what they referred to as “husbandly duties” in letters to Governor Curry, they declared an understanding and definition of the responsibilities of husbands and fathers in territorial New Mexico. Even if these men merely evoked these responsibilities as a strategy to obtain a pardon, they assumed them to be shared standards of husbandly honor that Curry and other territorial officials would recognize and respect. Writing from the county jail in Old Albuquerque in May,

²⁴⁶ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, translated by Alan Sheriden (New York: Pantheon Books, 1978).

1909, George Miller, a self-described “hard-working rancher” sentenced to five months for passing a worthless check just two months earlier, defended his right to a pardon because his pregnant seventeen-year-old wife was about to give birth alone on his ranch. Miller’s plea rested upon his direct assessment of the role of husbands within the New Mexican family. According to Miller, “It is but the duty of the husband to be at his wife’s side in this hour of need...Give me a chance to go to my wife in this hour of need and the crisis that she is to pass.” Miller referred to childbirth as a “coming hour of trouble and sickness” and wished to be pardoned because he understood the risks associated with first-time mothers giving birth alone. Eight members of Miller’s family signed a note to Curry attesting to his wife’s pregnancy and her financial constraints.²⁴⁷

Miller persistently pleaded with the governor, primarily emphasizing his impending fatherhood and appealing to what Miller assumed was Curry’s own sense of duty as a husband and parent. In Miller’s series of letters to Curry, he stressed only his desire to fulfill what he believed to be his responsibility as a husband, his wife’s pregnancy, and his reliability as a worker. In only one out of five letters did Miller mention that his conviction for check fraud was his first offense, relying instead on an implicit assumption that the two men—one a “hard-working rancher” and one a territorial governor—shared a common understanding about the importance

²⁴⁷ Petitioners to Governor Curry, c. 1909, TANM reel 179: frame 960; and Sheriff Klerk to Governor Curry, 4 June 1909, Los Lunas, TANM reel 179: frame 962. For the issuing of pardons during New Mexico’s Spanish and Mexican periods, see Colin MacLachlan, *Criminal Justice in Eighteenth-Century Mexico: A Study of the Tribunal of the Acordada* (Berkeley: University of California Press, 1974); and Rosalind Rock, “*Pido y Súplico*: Women and the Law in Spanish New Mexico, 1697-1763,” *New Mexico Historical Review* 67 (July 1990): 205-25.

of husbands assisting their wives in childbirth. After stating that it would break his heart if his young wife died while he was incarcerated, he reminded Governor Curry, “I am making the appeal of a father to [a] father greater than I am, the dispenser of good.”²⁴⁸ Miller would not see the birth of his first child, as Curry denied his pardon in July of 1909, one month after Miller’s seventeen-year-old wife presumably gave birth. Despite Governor Curry’s denial, Miller’s arguments for a pardon demonstrate the way this inmate explicitly defined his “duty” as a husband to include being physically present to assist his laboring wife and witness the birth of their child.

Just two years earlier, evoking the responsibilities of fatherhood had held clout for Governor Curry. Thirty-six-year-old Tomàs Barela, sentenced to one year in prison on Valentine’s Day in 1907 for forcibly entering a saloon on a Sunday in Torrance County, defended his need for a holiday pardon based upon the welfare of his fifteen-year-old daughter and on the inability of his wife, who lived with their daughter at the San Pedro mining camp in Santa Fe, to safeguard the “girl growing into womanhood.” Twenty-nine people signed his petition for clemency, with eleven of the petitioners sharing Barela’s last name. These supporters claimed this “very timid and ignorant man” should be released, as they had recently learned that his unnamed wife “is not living a very exemplary life for her child.”²⁴⁹ District Attorney Frank Clancy recommended clemency in a separate letter of support to Governor Curry, explaining that Barela’s fifteen-year-old daughter needed his “care and

²⁴⁸ George Miller to Governor Curry, 12 July 1909, Old Albuquerque, TANM reel 179: frames 968-69.

²⁴⁹ Petitioners to Governor Curry, 15 August 1907, Santa Fe, TANM reel 179: frame 55.

protection.”²⁵⁰ Curry pardoned Clancy in 1907, citing “a family dependent upon him for support” and the great number of people requesting clemency “on behalf of the family.”²⁵¹

The “protection” District Attorney Clancy and Barela’s supporters referred to may have involved an expectation that, once released, Barela would remove the “girl growing into womanhood” from the mining camp where her mother had been raising her. In this instance Governor Curry’s pardon was based less on the inmate himself than on the “protection” of the reputation and safety of his nameless daughter, and what Curry judged as the inability of the inmate’s wife to act as a suitable guardian during the father’s incarceration.

Inmate letters frequently evoked what they referred to as “industriousness” and claims to be “more than a common laborer.” With the exception of Ramòn Patròn, the inmate whose daughter, Dulcinea, asked for a Christmas Day pardon in 1905, when a working-class inmate achieved a pardon by claiming “industriousness,” Curry did not explicitly recognize the contribution of the inmate’s labor to the Territory as a whole. Rather, Curry implicitly validated the place of husbands to provide for their families by noting on the clemency order the financially destitute status of an inmate’s wife and children.

Inmates most frequently portrayed their wives as ill, pregnant, or dependent on them for financial or child-rearing support. However, territorial officials and

²⁵⁰ District Attorney Frank Clancy to Governor Curry, 17 August 1907, Albuquerque, TANM reel 179: frame 56.

²⁵¹ Governor Curry, Executive Office, 28 August 1907, TANM reel 179: frame 58.

supporters of inmates paid attention to other characteristics besides this destitute status. References to wives of inmates often included descriptions such as she “evidences culture and refinement,” she is “a very respectful lady,” or he married “a very worthy young woman.”²⁵² Whether these descriptors referred to class status, education, or individual attributes is unclear.

What is clear, however, is the strong role that women played in persuading the governor to pardon inmates by assuring him that their influence would keep the released inmates out of the ire of the law. This influence extended to women besides the wives and mothers of inmates. The National Women’s Christian Temperance Union, for example, helped secure a Thanksgiving Day pardon in 1909 for Miles Adams, a tubercular tin shop worker who served only nine months of a ten-year murder sentence. Superintendent of the Department of Proportionate and Systematic Giving, Mrs. Katherine Patterson, sent Curry an official endorsement promising that the women of the organization would “look after him and do all in our power to get him started in the right road to become a useful and honored citizen.”²⁵³ On the official clemency form, Curry attributed this Thanksgiving pardon to Adams’ hard and faithful labor in prison, his tuberculosis, and the promise of the Women’s Christian Temperance Union to secure him “honorable employment.”²⁵⁴ In publishing this rationale for Adams, Governor Curry made it clear that this holiday

²⁵² Merle Pettis to Governor Curry, 19 February 1910, Santa Fe, TANM reel 179: frame 893; Petitioners to Governor Curry, c. 1908, TANM reel 179: frame 894; and Governor Curry, Executive Office, 23 January 1909, TANM reel 179: frame 550.

²⁵³ Mrs. Katherine Patterson to Governor Curry, 23 November 1909, Santa Fe, TANM reel 179: frames 13-14. The judge who sentenced Adams had already considered his ill health when granting the convicted murderer a lighter than average sentence of only ten years.

²⁵⁴ Governor Curry, Executive Office, 25 November 1909, TANM reel 179: frame 15.

pardon of a convicted murderer was admittedly granted based, not on innocence, but on medical necessity, danger to the health of the inmates as a whole, and the intervention of the Women's Christian Temperance Union.

Women occasionally appear in the records of Curry's holiday pardons not as supporters or dependents of inmates, but as inmates themselves. Even here, the language associated with female inmates portrayed them in a manner similar to that of the inmates' wives: young, ill, and in need of government interference. This language suggests that the incarceration of ill women, young women, or mothers ran fundamentally contrary to definitions of "justice" and "humanity" in territorial New Mexico. In one instance, attorneys for Martina Segura described this fourteen-year-old from San Miguel County as a "female little child" clothed in "knee dresses" whose only family was a poor, blind, alcoholic mother from Las Vegas who spent her time with women of "questionable reputation." Curry pardoned teenage Segura in 1908, citing that, although she had been sentenced for assault, the people of San Miguel County convinced him to pardon her "for the purpose of preventing a gross miscarriage of justice."²⁵⁵ Depicting the imprisonment of female inmates as "injustice" or "inhumanity" would, again, surface in letters seeking a pardon for Dolores Nolen in 1907, convicted of murder but in need of a hysterectomy, and Delfina Garcia in 1909, sentenced to ten days in a jail that had "no fit place to keep a woman."²⁵⁶

²⁵⁵ William Bunker to Governor Curry, 4 June 1908, TANM reel 179: frame 645.

²⁵⁶ Letter to Governor Curry, 1909, TANM reel 179: frame 162. For more on the experiences of women in New Mexico's prisons and other penitentiaries in the American West, see Donna Crail-Rugotzke, *Dangerous Women, Dangerous Times: Women at the Nevada State Prison, 1890-1930*

“May God Help My Poor Wayward Boy”: Mothers Requesting Pardons

Mothers of inmates appeared in letters to Governor Curry alongside descriptions of heartbreak, age, illness, and a desperate dependence on the income of their imprisoned sons. One ill and elderly mother writing from a distance, Maria McFarland of Chicago, tried to persuade Curry to release her son Charles, an inmate sentenced to two years in 1907, and to pay his court costs of \$24.95. Aware of the value of political or community connections, she assured Curry in what she referred to as her “most earnest request” that “I, his mother, will try and do what she can.” He had only to take action “for the poor widow’s son and your name shall ever be honored.”²⁵⁷

McFarland was courteously persistent. Three months after her original letter, she wrote again to Governor Curry in October, 1908, this time forwarding the recommendations of her son’s trial judge and prosecuting attorney from Guadalupe County in order to offer proof of his good character. She referenced no information about his criminal record or even his ability to provide for her. Instead, McFarland spoke only about her age with a rhetorical style that placed her at the mercy of Governor Curry’s whims by closing with the following plea: “Now won’t you please try and do something for him at once...If you do not take any interest in his case may God help my poor wayward boy. Have pity on my old grey head and do what you

(M.A. thesis, University of Nevada-Las Vegas, 1995); Anne Butler, *Gendered Justice in the American West: Women Prisoners in Men’s Penitentiaries* (Urbana: University of Illinois Press, 1997); Robert Waite, “Necessary to Isolate the Female Prisoners: Women Convicts and the Women’s Ward at the Old Idaho Penitentiary,” *Idaho Yesterdays* 29 (1985): 2-15; and Barbara Ann Filo, *Reclaiming Those Poor Unfortunates: The Movement to Establish the First Federal Prison for Women* (Ph.D. dissertation, Boston University, 1982).

²⁵⁷ Maria McFarland to Governor Curry, 17 July 1908, Chicago, TANM reel 179: frame 251.

can is the cry that comes from his mother's heart." The governor did have pity on Maria McFarland's "old grey head" and granted Charles McFarland clemency in December, 1908.²⁵⁸

Parents writing to Governor Curry frequently framed their sons as "boys" at the time of their crime—vulnerable and under the influence of hardened criminals. Governor Curry included errors of boyhood as legitimate reason for pardons in the official clemency documents of a number of inmates. Referring to a given inmate as a "young man," "led on by older criminals," or noting that "he was merely a boy then," Curry framed the convicted as youths incapable of committing crimes on their own and opined, "there is a good prospect that they may become useful men and good citizens" in the future.²⁵⁹ Supporters often dismissed crimes as boyhood mistakes and emphasized the potential to develop into men that only a pardon would offer.

Among the mothers defending the vulnerability of "boys" who fell under the influence of older men was widow Zelina Held, whose son, Clifford Hastings, had been sentenced to two years in Bernalillo County in 1907. She wrote to both Governor Curry and her son's prosecutor, Frank Clancy, from the Hotel de Paris-Montreux in Switzerland to explain that she was on her deathbed, dependent upon her children for support, and wished to "only have my son before the end comes."²⁶⁰ Held blamed her son's chosen companions for leading him astray, and explained that she had raised him well. Her illness and sadness, she believed, had the power to

²⁵⁸ Maria McFarland to Governor Curry, 10 October 1908, Chicago, TANM reel 179: frame 252; and Nathan Jaffa, Executive Office, 2 December 1908, TANM reel 179: frame 253.

²⁵⁹ Governor Curry, Executive Office, 12 February 1908, TANM reel 179: frame 65.

²⁶⁰ W.H. Andrews to Governor, 31 October 1908, Washington D.C., 31 October 1908, TANM reel 179: frame 201.

reform her son. This belief reflected her steadfast understanding that mothers molded the behavior of their children. According to Held, when Clifford Hastings “sees his mother that he loves such a wreck I am quite sure he will live a good honest life.”²⁶¹

Zelina Held persuaded her son’s prosecutor, Frank Clancy, to endorse Clifford Hastings’s pardon with a rationale that confirms the effectiveness of portraying oneself as an ill mother, and the persuasiveness of the appearance of class. Clancy called the mother’s letter a “touching appeal” and, although he had previously refused all pardon requests from Hastings himself because nothing in the case or “personality” of Hastings warranted it, Clancy told Curry in a 1908 letter that he “cannot resist the appeal made by his mother, whose letter indicates that she is a woman of education and refinement.” He “most earnestly” recommended release, but only if Hastings guaranteed to “immediately go to his mother in Switzerland.”²⁶²

Zelina Held’s return address in Switzerland may have had more to do with the appearance of refinement than any information she disclosed in her actual writing. Held never mentioned her finances, the business of her late husband, or her social standing—only that she was a widow and dependent upon her children. She did, however, refer to Curry and Clancy as “my dear” in the greeting of her letter, use correct grammar, and close her letter with a deferential “Thank you for your trouble

²⁶¹ Ms. Zelina Held to W.H. Andrews, 20 October 1908, Montreux, Switzerland, TANM reel 179: frame 199.

²⁶² Frank Clancy to Governor Curry, 8 November 1908, Albuquerque, TANM reel 179: frame 202; Governor Nathan Jaffa, Executive Office, 2 December 1908, TANM reel 179: frame 206. Several historians have noticed a difference in the treatment of *Hispano* and Indian inmates from that of Anglo inmates. For more information, see Donna Crail-Rugotzke, “A Matter of Guilt: The Treatment of Hispanic Inmates by New Mexico Courts and the New Mexico Territorial Prison, 1890-1912,” *New Mexico Historical Review* 74, no. 3 (July 1999): 295-314; and Clara McKanna, “Murderers All: The Treatment of Indian Defendants in Arizona Territory, 1880-1912,” *The American Indian Quarterly* 17 (Summer 1993): 359-69.

for which kindly pardon my giving you.”²⁶³ Acting Governor Nathan Jaffa pardoned Clifford Hastings in December, 1908, though Hasting’s mother, Zelina Held, disappeared entirely from the executive clemency form. Despite Held’s obvious influence in the matter, Jaffa mentioned only Clancy’s endorsement as the rationale for Hasting’s pardon.

The Influence of the Territory’s Economy on Pardons

The case of Samuel Morrow, an inmate from Roswell, encapsulates the themes of husbandly duties, youth, and industriousness so prevalent in pardon demands to Governor Curry. Samuel Morrow’s case also raises questions about whether or not the financial concerns of territorial officials exerted greater influence over the granting of pardons than the gendered rhetoric of inmates. According to his supporters, when “only about” seventeen or eighteen years old, Morrow, “only a mere boy,” became involved with an older crowd of men who, in 1899, pressured him to steal a horse. Morrow’s supporters dismissed this as a crime committed in his boyhood. After his indictment, Morrow escaped from jail, only to be apprehended eight years later in 1907, convicted, and sentenced to one year in jail. His petitioners described Morrow at the time of the incident and in 1907 as a “young man” or “young Morrow” five times throughout the 360-word petition to Governor Curry.²⁶⁴ Despite the fact that Morrow was by now in his mid-twenties, the list of petitioners on his

²⁶³ Frank Clancy to Governor Curry, 8 November 1908, Albuquerque, TANM reel 179: frame 202; and Governor Jaffa, Executive Office, 2 December 1908, TANM reel 179: frame 206.

²⁶⁴ Petitioners for the pardon of Samuel Morrow to Governor Curry, December 1907, TANM reel 179: frame 501.

behalf included members of the jury that convicted him and other Chaves County residents who claimed to have known “young Morrow” since he was about ten or twelve years old, the age when he began working at “daily labor” in Roswell to support his widowed mother and family.²⁶⁵ Thus, Morrow’s requests once again invoked the ubiquitous image of a young and able-bodied son performing labor for the benefit of a financially dependent mother.

Members of Morrow’s jury also encouraged Governor Curry to consider Morrow’s industrious life and impending fatherhood when deciding upon the pardon. They claimed that since his original arrest in 1899, Morrow had “learned the carpenter’s trade, has a nice little home paid for, has married, and his wife is about to be confined...Therefore, we join the jurymen and recommend that you pardon him at once and let him go to his wife.”²⁶⁶ “Young Morrow’s” supporters described his pregnant wife as “a refined lady and a woman of nervous temperament and delicate health,” and asserted “that the presence of young Morrow at the bedside of his wife is required by all the dictates of humanity.”²⁶⁷ Like so many other pardon requests sent

²⁶⁵ Petitioners to Governor Curry, 7 December 1907, Roswell, TANM reel 179: frame 503. Penitentiaries across the United States shared problematic funding challenges. For a broad history of the development and financial difficulties of the penitentiary system across the United States, see Adam Hirsch, *The Rise of the Penitentiary: Prisons and Punishment in Early America* (New Haven: Yale University Press, 1992); Henry Allen and Clifford Simonsen, *Corrections in America: An Introduction*, 4th ed. (New York: Macmillan, 1986); Blake McKelvey, *American Prisons: A History of Good Intentions* (Montclair: Patterson Smith, 1977); Alexander Pisciotta, *Benevolent Repression: Social Control and the American Reformatory-Prison Movement* (New York: New York University Press, 1994); Harry Barnes, “The Historical Origins of the Prison System in America,” *Journal of the American Institute of Criminal Law and Criminology* 12 (1921-1922): 35-60; and Blake McKelvey, “A Half Century of Southern Penal Exploitation,” *Social Forces* 13 (October 1934): 112-23.

²⁶⁶ J.S. Lea to Governor Curry, 12 December 1907, Roswell, TANM reel 179: frame 507.

²⁶⁷ Petitioners for the pardon of Samuel Morrow to Governor Curry, TANM reel 179: frame 503.

to Governor Curry, Morrow's made an explicit connection between the responsibilities of husbands and the image of a pregnant, ill wife.

Roswell's district attorney and judge, however, seemed more concerned that Governor Curry consider the costs of Morrow's trial when deciding upon his pardon request. They reminded Curry that Morrow's trial had cost the county between \$600 to \$800 and that "the defendant should receive some punishment."²⁶⁸ Curry waited only three months before granting Morrow a New Years Day Pardon in 1908, citing only that the sheriff of Chaves County and other prominent citizens recommended clemency.²⁶⁹

The cost of "Young Morrow's" trial to Chaves County raises questions about how the pervasiveness of the gendered rhetoric used by the inmates commingled with the broader financial constraints of the Territorial Penitentiary and county prisons, and whether unstable finances weighed heavily in Governor Curry's pardoning decisions. Residents of Roswell, in particular, frequently pushed Curry for pardons because of the costs incurred by housing inmates. Section 832 of the Compiled Laws of the Territory allowed inmates who could not pay their court costs to pay their fines by serving extra time in jail at a rate of one dollar per day. Arch Parker, for example, was ordered to pay court costs of \$340.40 in 1907, but chose instead to serve 340 additional days in jail. The Chairman of the Chaves County Board of Commissioners indignantly requested that Curry pardon Parker for the sole reason that he cost Chaves

²⁶⁸ Fulbon and W.H. Pope to Curry, 19 December 1907, Roswell, TANM reel 179: frames 513-15, quote from 515.

²⁶⁹ Governor Curry, Executive Office, 1 January 1908, Santa Fe, TANM reel 179: frame 517.

County fifty cents for every day he lingered in jail. The Chairman complained that instead of getting any part of their costs back, the County would have to pay what he described as “\$170.00 to \$200 good money,” whereas pardoning Parker would constitute “charitable justice shown to our tax-paying people.”²⁷⁰ Governor Curry pardoned Parker on Thanksgiving, 1907, noting on the clemency form that “his detention in jail to serve out the time required to effect the fine and costs would be a burden to the county.”²⁷¹

Building the Territory’s First Penitentiary

Just how fiscally constrained was the institution of the penitentiary in the latter years of the territorial period, so that financial burdens would influence Governor Curry’s pardoning decisions? Examining the history of the Territorial Penitentiary’s construction and ongoing issues of mismanagement throughout the territorial period reveals many of the reasons why Governor Curry felt compelled to reduce the inmate population. The inmates who requested pardons to fulfill what they defined as the responsibilities of husbands, fathers, and sons were housed in a newly constructed institution within the Territory. New Mexico’s first penitentiary served as more than just a facility to house convicted criminals. As historian Lee Hilley explains in *The New Mexico Territorial Penitentiary: A Political and Penal History*, the construction of New Mexico’s first penitentiary symbolized a neglected territory’s

²⁷⁰ Atkinson to Governor Curry, 12 September 1907, TANM reel 179: frame 553.

²⁷¹ Governor Curry, Executive Office, 29 November 1907, TANM reel 179: frame 558.

ability to punish convicts in the same manner as established states, thus allowing New Mexico to “participate as equal partners on the national scene.”²⁷² To New Mexicans longing for statehood, the mere presence of a territory-wide penitentiary mattered far more than such details as whether it functioned efficiently. This penitentiary—despite its flaws in security, delays in construction, and shortage of funds to feed, house, and clothe its inmates—represented a dramatic advance in New Mexico’s fight to achieve statehood.²⁷³

Construction of the first penitentiary—an institution far more impressive than New Mexico’s existing network of county jails—began in 1853 as the responsibility of Governor David Meriwether. The third territorial governor and former Kentucky politician, Meriwether appreciated firsthand the need to reform New Mexico’s system of imprisonment because of his own experience of incarceration. Meriwether had spent time in Santa Fe’s then-Spanish jail in 1820 before being released under the promise that he would never return to New Mexico. Throughout Spanish and Mexican rule, Santa Fe’s county jailhouse was part of the same “Adobe Palace” that

²⁷² Lee Donohue Hilley, *The New Mexico Territorial Penitentiary: A Political and Penal History to 1899* (M.A. thesis, University of New Mexico, 1985), 29.

²⁷³ See also David Meriwether, *My Life in the Mountains and on the Plains*, ed. Robert Griffen (Norman: University of Oklahoma Press, 1965), 88-95. For excellent reviews of the establishment of territorial penitentiaries in New Mexico and the West, see Axel Boden, “A History of the New Mexico Territorial Penitentiary, 1885-1900” (M.A. thesis: New Mexico Highlands University, 1965); George Thomson, “The History of the Penal Institution in the Rocky Mountain West: 1846-1900” (M.A. thesis, University of Colorado, 1965); John Mason Jeffrey, *Adobe and Iron: The Story of the Arizona Territorial Prison* (La Jolla, Calif.: Prospect Avenue Press, 1969); Robert Tòrrez, *Myth of the Hanging Tree: Stories of Crime and Punishment in Territorial New Mexico* (Albuquerque: University of New Mexico, 2008); Judith Johnson, “*For Any Good at All*: A Comparative History of State Penitentiaries in Arizona, Nevada, and Utah from 1990-1980” (Ph.D. dissertation, University of New Mexico, 1987); and McKelvey, *American Prisons*.

housed the governor and his office, sitting directly across from the Plaza of Santa Fe. Thus, in 1853, Meriwether conducted political business in the same building where he had sat imprisoned thirty-three years earlier.²⁷⁴

New Mexico's incorporation as an American territory necessitated different methods of punishment from those practiced during the Spanish and Mexican periods. This new American style of punishment required having a large prison facility located a far distance from the businesses and government offices of Santa Fe. Also new was the capability of this type of penitentiary to house inmates with long prison sentences.²⁷⁵ The appearance and construction the New Mexico Territorial Penitentiary mirrored those of other recently acquired American territories, with a design that required abandoning Santa Fe's traditional adobe construction for building materials not native to New Mexico. In 1855, construction on the new penitentiary commenced, following a design virtually identical to that of the Utah Territorial Penitentiary, with the use of limestone, a building material relatively unknown in New Mexico which, at that time, cost twice as much as adobe. A \$20,000 appropriation from Congress—exactly \$30,000 less than the estimated costs to complete the project—would have to be spent in two years.²⁷⁶

²⁷⁴ Hilley, *The New Mexico Territorial Penitentiary*, 2.

²⁷⁵ According to Hilley, Spanish and Mexican authorities in New Mexico did not require large, centralized prisons because they followed the Germanic principle of punishment that relied more heavily on forced labor, financial compensation to victims of crimes, corporal punishment, confiscation of property, and exile than extended prison sentences. See Hilley, *The New Mexico Territorial Penitentiary*, 2.

²⁷⁶ 28 November 1857, House Miscellaneous Document 132, 35th Congress, 1st Session (963), 1-2. Cited from Hilley, *The New Mexico Territorial Penitentiary*, 19, footnotes 30 and 31.

Initial attempts at construction ended in 1857. Numerous reasons for abandoning the undertaking included legal issues, depleted funds, and incompetent financial planning. Construction came to a halt after homeowners and businessmen claimed that people stole limestone from their porches and the local breweries in order to build the penitentiary. Additionally, Governor Meriwether faced claims of financial mismanagement. Even the location of the prison proved to be a contentious issue within the business community of Santa Fe. Land speculators and downtown business owners filed petitions to relocate the building to a less desirable location. These complaints left the construction site with only sixteen cells, an inmate common room, an underground arched prison, and a six-foot-thick wall “less than half its projected height”—all abandoned by 1857.²⁷⁷ Governor Meriwether reported all funds exhausted and the building, less than half completed, fell to ruins. Lacking a prison of its own, the Territory contracted with the Missouri State Penitentiary to house federal felons, while those territorial criminals who had been gathered in anticipation of relocation to the Territorial Penitentiary returned to county jails. Between 1879 and 1882, the Territory farmed out inmates to the Nebraska State Penitentiary at a cost of sixty cents per day, and the Kansas State Penitentiary at twenty cents per day, along with a \$20 clothing expense and \$5 to be paid to each inmate upon release.²⁷⁸

²⁷⁷ Hilley, *The New Mexico Territorial Penitentiary*, 9-12.

²⁷⁸ John Tanner and Karen Tanner, *New Mexico Territorial Penitentiary Directory of Inmates, 1884-1912* (Santa Fe: New Mexico State Records Center, 2002).

Appeals from New Mexico to Congress for additional funds to continue construction remained unfulfilled throughout the Civil War and Reconstruction period. New Mexico's fourth territorial governor, Abraham Rencher, claimed in 1857 that the American preference for capital punishment had not yet found favor among New Mexico's juries. Just seven years after the formal reorganization of New Mexico as an American Territory, juries frequently refused to impose the death penalty. According to Governor Rencher, this refusal, combined with the condition of having neither a penitentiary nor adequate county jails to house inmates for long sentences, resulted in "criminals convicted of the highest crimes and misdemeanors [roaming] the Territory with impunity," including "murderers [who] often escape punishment and thieves [who] go at large to renew their depredations."²⁷⁹

By 1883, the abandoned penitentiary had disappeared, while its stonework could be found in what became the new federal courthouse in Santa Fe. Investors and promoters of immigration to New Mexico knew they still needed a penitentiary in order to assure Congress and future residents of the Territory's orderliness and safety. Government officials also knew they needed to lower the cost of maintaining their inmate population. As of 1884, it cost approximately \$10,000 to transport and maintain sixty-five inmates in other territorial and state penitentiaries. It would be more efficient, Governor Lionel Sheldon argued, to have one territorial penitentiary that included a self-sustaining industry based upon inmate labor. This industry would

²⁷⁹ 28 November 1857, House Miscellaneous Document 132, 35th Congress, 1st Session (963), 1-2; and "Memorial," 1866 House Miscellaneous Document 61, 39th Congress, 1st Session (1271), 1-2. Cited from Hilley, *The New Mexico Penitentiary*, 19, footnotes 30 and 31.

eventually be found in 1886 with an on-site brick-making factory. To supply a portion of food for the inmates at a lower expense, the penitentiary superintendent would also establish a four-acre vegetable garden in 1890.²⁸⁰

On March 14, 1884, the Territorial Legislature designated \$150,000 to once again undertake construction of the New Mexico Territorial Penitentiary, this time a ten-acre facility just two miles from the plaza of Santa Fe. By August of 1885, 104 out of 108 projected cells had been completed, each 7 x 7.5 feet and considered suitable for two inmates, though the building was far from perfect. Historians John and Karen Tanner described the iron gates, bars, and cell doors as “old and rusty and ‘entirely useless’” as the iron had already been used in previous construction projects over the last forty years. The total number of inmates during the territorial period stood at 2,332, including eighty-three women housed in the same facility.²⁸¹

Why, until 1885, had New Mexico proved unable to complete construction of its first and only penitentiary? According to Hilley, New Mexico’s political elite hesitated to accept funding from Congress during the 1860s and 1870s despite the obvious need for a more secure method of imprisonment.²⁸² Inadequate county jails remained the only option to house inmates until the growth of “political and economic self-interests of a group of highly placed public figures in Santa Fe”

²⁸⁰ Hilley, “The Territorial Penitentiary,” 28 and 80.

²⁸¹ Tanner, *New Mexico Territorial Penitentiary Directory of Inmates*, vii-xii. For more on the shared imprisonment of male and female inmates, see Robert Waite, “Necessary to Isolate the Female Prisoners.”

²⁸² For the inefficiency of territorial governments and their relationships with Congress, see Robert Larson, “Territorial Politics and Cultural Impact,” *New Mexico Historical Review* 60 (July 1985): 249-69; Kenneth Owens, “Pattern and Structure in Western Territorial Politics,” *Western Historical Quarterly* (October 1970): 373-392; Earl Pomeroy, “Carpetbaggers in the Territories: 1861-1890,” *The Historian* 2 (Winter 1939): 53-63; and Pomeroy, *The Territories and the United States, 1861-1890: Studies in Colonial Administration* (Seattle: University of Washington Press, 1947).

propelled the construction of a large penitentiary.²⁸³ The project as a whole made no progress until this “Santa Fe Ring”—a group of primarily Republican lawyers, bankers, and large landholders—encouraged the construction of both a new capitol building and a penitentiary in order to retain Santa Fe as the capital of the Territory. Hilley maintains that the prison’s operation would continue to reflect the political self-interests of the elite of Santa Fe, imposed “on a normally apolitical institution.”²⁸⁴ This element of self-interest decreased the public’s respect for the Territorial Penitentiary.

A great deal of the difficulty that territorial officials faced when establishing the first penitentiary stemmed from differences in the philosophy of imprisonment as punishment for crime. The meaning of imprisonment during the early years of the territorial period did not match the method of imprisonment practiced during New Mexico’s Spanish and Mexican periods. According to historian Robert Tòrrez in *Myth of the Hanging Tree: Stories of Crime and Punishment in Territorial New Mexico*, few jails existed during the Spanish and Mexican periods because those governments “considered long prison terms an absurd expense” and preferred to punish criminals with “fines, exile, and sentences of labor at public works.”²⁸⁵ The policy enforced by the Republic of Mexico and adopted by the Territory up through the Civil War required inmates or their families to pay the cost of feeding and clothing them. Inmates and families who could not afford to do so could work off the

²⁸³ Hilley, iv.

²⁸⁴ Hilley, ix.

²⁸⁵ Tòrrez, *Myth of the Hanging Tree*, 141.

costs through street cleaning, cemetery maintenance, or other public work projects. Territorial officials and county sheriffs both faced a challenge in transitioning from the traditional Spanish and Mexican to new American terms of imprisonment. According to historian Larry Ball, the Anglo-American government required the presence of secure jails despite the fact that the Territory could not afford to build or staff them.

Overcrowded county jails, frequent escapes, a lack of funding to support the jail staff—these were just a few of the challenges faced by territorial officials who tried to create an efficient network of county jails and one central penitentiary following the establishment of the Kearny Code in September, 1846. The military rule of New Mexico between 1846 and 1850 elapsed with a complete absence of county jails. At that time, sheriffs begrudgingly relied upon army guardhouses to sequester prisoners. Once the military rule of New Mexico gave way to the territorial period, New Mexico's sheriffs acquired the responsibility of overseeing their county jails which, given their financial constraints, evinced a dubious degree of security throughout the entire territorial period. Facilities common in the 1850s, 1860s, and 1870s included trees or large rocks used to tie up prisoners and "cellar" jails consisting of underground caves lined with wood and secured with a trap door. Such conditions were not unusual for the period. In *The Western Peace Officer*, Frank Prassel describes county facilities throughout the West as "deplorable," with high

rates of disease, escape, and suicide.²⁸⁶

According to Ball in *Desert Lawmen*, people within the Territory were convinced that a reliable jail system was essential to the maintenance of law and order, lying “at the heart of a successful judiciary.” New Mexicans welcomed the construction of county jails for the jobs and the safety—albeit a limited degree of safety—they afforded by quarantining accused criminals. Unfortunately, without those facilities already in place, county sheriffs struggled to gather enough resources to build or maintain any type of jail system.²⁸⁷ Once the Civil War ended in 1865, each of New Mexico’s newest counties began building its own courthouse and jail, often within the first year of the county’s founding. Nevertheless, New Mexico lagged behind other areas of the West in creating a reliable prison system, whether of county jails or a central penitentiary. According to Prassel, in 1880, the more populated western regions of California and Texas already housed 3,162 and 2,647 inmates, respectively. The newer territories of New Mexico, Arizona, the Dakotas, and Idaho, by contrast, housed a total of less than two hundred.²⁸⁸

Beginning in 1897, the Territorial Legislature set the salary for county jail guards throughout the entire Territory at \$600 per year and allotted each jail one additional guard at \$480 per year. The territorial government also paid each county sheriff a daily rate to maintain expenses for each inmate, including clothing, food, medical assistance, firewood, and handcuffs. These maintenance costs, which had

²⁸⁶ Frank Prassel, *The Western Peace Officer: A Legacy of Law and Order* (Norman: University of Oklahoma Press, 1972), 123.

²⁸⁷ Larry Ball, *Desert Lawmen: The High Sheriffs of New Mexico and Arizona, 1846-1912* (Albuquerque: University of New Mexico Press, 1992), 127.

²⁸⁸ Prassel, *The Western Peace Officer*, 21.

begun at fifty cents per inmate per day in 1866, increased by the 1880s to seventy-five cents, dropped to forty cents in 1898, and returned in 1899 to seventy-five cents per day for the first ten inmates, with fifty cents per day for each additional inmate.²⁸⁹ Housing federal inmates provided county sheriffs with an additional income of \$1 per day for each inmate. Following the construction of the New Mexico Territorial Penitentiary in 1884, prisoners with sentences of less than one year could still serve their time in a county jail.

What was daily life like for inmates in these inadequate county jails and the equally inadequate Territorial Penitentiary? When a sheriff lived on the premises of the county jail, his wife often cooked for the inmates. Ball reports in *Desert Lawmen* that *Hispano* inmates in county jails complained frequently about the food provided. County jail inmates in Albuquerque complained in 1891 and 1892 of “receiving very bad food. The coffee is made from grounds that have been used before. The bread is badly made. The meat is bad and the soup is thin and prisoners get bad language from [jailer] Josè Barera if they complain....”²⁹⁰ Conditions within the Territorial Penitentiary did not improve much. There, inmates slept on straw mattresses upon iron bunks. Unlike county facilities, the new Territorial Penitentiary was designed to maintain a self-sufficient food supply through its own hog pen and garden.

Inmates of county jails included a mixture of *Hispanos*, Anglos, and New Mexico’s indigenous who violated territorial or federal laws, as well as non-criminals who awaited transfer to the territorial insane asylum. New Mexico’s county jails

²⁸⁹ Ball, *Desert Lawmen*, 111-112.

²⁹⁰ Ball, *Desert Lawmen*, 114.

followed a lax pattern of inmate segregation, as Prassel describes the mix of inmates across the West as “murderers, rapists, runaway children, lunatics, and military deserters” housed with inmates accused of “public drunkenness, prostitution, vagrancy, and petty theft.”²⁹¹

County jails also housed a small number of female inmates. For example, Ball reports that, in March, 1908, Bernalillo County’s inmate population of twenty included three women.²⁹² Prassel’s statistical research on jail populations at the end of the twentieth century confirms this rate as representative of trends across the West. According to his research, in 1890 the United States and its territories maintained a prison population of 19,861 inmates, 9.1 percent of whom were female. Of that total number of inmates across the country, 3,523 were held in jails in the West, where 5.3% of them were women.

Before inmates reached the penitentiary, the treatment they received in court varied depending upon their race. A relatively new focus for studies of the history of the criminal justice system includes increased attention to the experiences of inmates and criminals in the Southwest. Minimal historical research has been devoted to the experiences of the Pueblo in New Mexico’s courts and penitentiary. By contrast, historians have devoted slightly more attention to the experiences of the Apache in Arizona’s courts and jails. In *Homicide, Race, and Justice in the American West*, Clare McKanna identifies one standard of justice in the Territory of Arizona for Apaches in murder trials, and an entirely different standard of justice for Anglos. The

²⁹¹ Prassel, *The Western Peace Officer*, 122.

²⁹² Ball, *Desert Lawmen*, 117.

Apache pattern of law enforcement presented higher rates of plea-bargaining and conviction than did the Anglo pattern. For interracial homicides, those differences proved even more dramatic. The recruitment of *Hispano* and Apache laborers in the mining industry created a diverse but racially acrimonious milieu that increased homicide rates between 1880 and 1920, a period overlapping New Mexico's territorial period. Ultimately, McKanna judges Arizona's territorial courts for using verdicts to enforce a criminal justice system that was "disparate, discriminatory" and racially intolerant of Apaches and *Hispanos*.

In New Mexico, historians identify a similar pattern of differential treatment of *Hispano* "natives," as New Mexicans labeled them, "Mexicans," African Americans, and Anglos during the territorial period. Donna Crail-Rugotzke characterizes discrimination in the courts as "subtle," and builds a statistical correlation between ethnicity and sentences imposed. For example, *Hispanos* and Mexican immigrants faced disproportionately higher rates of incarceration for adultery than Anglos convicted for the same crime. Crail-Rugotzke credits the disproportion and inconsistent enforcement of the Edmunds Tucker Law to preexisting assumptions of sexual promiscuity among *Hispanas* and *Hispanos*. While the 1882 iteration of the Edmunds Tucker Act was drafted to target polygamy among Mormons, the 1887 version of this federal law targeted individuals guilty of adultery, fornication, incest, and bigamy. Out of 1,100 male penitentiary inmates between 1890 and 1909, one hundred and thirteen were *Hispanos* and Mexicans serving time for the crimes of incest, bigamy, adultery, and fornication, as opposed to thirteen

Anglos and two African Americans serving time for the same. When *Hispanas*, Anglo, and African American women are included, those rates of incarceration increase to one hundred and forty-two, seventeen, and thirteen, respectively.²⁹³

While inmates were serving time in the penitentiary, government officials expected them to labor for the betterment of the Territory. This labor was designed neither to rehabilitate the inmates nor to give them experience in a new trade, nor to allow them to perform as the breadwinners they claimed to be in pardon request letters. Rather, the work of inmates served to make the Territorial Penitentiary a worthwhile investment for New Mexico as a whole. As historian Hilley explains, if inmate labor ended, “authorities feared that the institution would become a dead expense to the Territory.” Authorities believed that a halt in work would not only guarantee perceptions of the Territorial Penitentiary as an undue expense, but that it would also create bedlam within the institution as “insanity among the prisoners would rapidly increase.”²⁹⁴

To guarantee this financial and mental stability, penitentiary officials set a goal of eight hours of work per day for each inmate, most of it involving labor in the Territorial Penitentiary’s brick-making factory. Between 1886 and 1887, this brick business produced a profit of \$4,843 for 968,632 bricks sold at less than \$5 per thousand. Unfortunately, consumers found the quality of these bricks to be low, as

²⁹³ Crail-Rugotzke, “A Matter of Guilt,” 296, 305.

²⁹⁴ Hilley, *The New Mexico Territorial Penitentiary*, 115. For additional analyses of the use of labor in the penitentiary, see Blake McKelvey, “The Prison Labor Problem, 1875-1900,” *Journal of American Institute of Criminal Law and Criminology* 25 (July 1934): 254-270; Michael Hindus, *Prison and Plantation: Crime, Justice, and Authority in Massachusetts and South Carolina, 1767-1878* (Chapel Hill: University of North Carolina Press, 1980); and Crail-Rugotzke, “A Matter of Guilt.”

they were “made of poor clay...badly burned...[and] so soft they actually crumble up and become dust when exposed to the weather.”²⁹⁵

Female inmates also worked, engaged in sewing and housework under the supervision of the matron. While officials claimed that the labor of male inmates merely staved off “insanity,” the labor of female inmates was purported to inspire joy and comfort. In 1897, the penitentiary supervisor claimed that female inmates “were so contented that some even regretted that their sentences were not longer.”²⁹⁶ Journalists in New Mexican newspapers applauded the usefulness of this female labor by displaying their arts and crafts in the offices of prison officials.

One of the biggest expenses to the Territorial Penitentiary—the cost of feeding inmates—rose year after year, increasing by at least 21% and at most 88% between the years of 1903 and 1911. The most expensive food items were potatoes and flour, while other fare for inmates and staff included boiled hominy, pinto beans, rice with raisins, stew meat and potatoes, Irish stew, oatmeal and butter, roast beef, macaroni and cheese, salmon salad, and German fried potatoes.²⁹⁷ In addition to food, other expenses included funds for daily newspaper subscriptions; jean cloth; coal, a dryer, and kiln for the brick factory; drugs; supplies for the tin, tailor, and shoe shops; utensils; typewriters; second hand furniture; glass for windows; hogs; paint,

²⁹⁵ Legislative Assembly, 29 December 1890-February 1891, TANM reel 9: frame 439.

²⁹⁶ Territorial Penitentiary, *Biennial Report of the Board of Penitentiary Commissioners and Superintendent* (Santa Fe: New Mexico Printing Company, 1897), 21.

²⁹⁷ “Report of the Board of the Penitentiary Commissioners to the Governor of New Mexico, 1908,” Papers of Governor Curry, TANM reel 177: frames 1003-70.

and the cost of roof repairs.²⁹⁸ The most expensive dry goods items were blankets, leather soles, and gloves. To put maintenance costs in perspective, the Illinois Penitentiary at Joliet in 1909 housed a population of 1,524 inmates, over five times the 279 inmates housed in New Mexico's Territorial Penitentiary. The cost to feed and clothe an inmate Illinois reached forty-five cents per man per day in comparison to New Mexico's cost of twenty-seven cents per man per day.²⁹⁹

Table 2. Report of the Superintendent of the Penitentiary, 1910-1911³⁰⁰

1903	Cost Per 100 pounds	1911	Cost per 100 pounds	Increase
Beef	5.50	Beef	8	45%
Sugar	5.35	Sugar	6.51	21%
Beans	3.65	Beans	4.45	22%
Prunes	6	Prunes	9	50%
Peaches	7	Peaches	10	43%
Coffee	11	Coffee	20.72½	88%
Apples	5.47	Apples	8.875	60%
Flour	2.10	Flour	2.87	33%

²⁹⁸ Papers of Governor George Hagerman, "Appointments, Special Issues, Reports," TANM reel 162: frames 939-45.

²⁹⁹ Report of the Governor of New Mexico to the Secretary of the Interior (Washington D.C.: Government Printing Office, 1906), 91.

³⁰⁰ Report of the Superintendent of the Penitentiary, 1910-1911, Papers of Governor William Mills, TANM reel 188: frame 719.

In addition to problems feeding and clothing inmates, the Territorial Penitentiary suffered from an almost comical record of incompetent prison guards. In 1891 alone, for example, Tomàs Quintana was discharged for repeated disobedience, while Santana Guerrera was discharged for “conduct unbecoming of an officer.” Maximo Martinez was reprimanded after only two months for “making signs to female prisoners in their building,” but was finally discharged in 1891 after his inattention on the job resulted in the escape of four convicts. Roy Thomson also “made signs” to female inmates, left his post to eat at the kitchen while on duty, and threw a female inmate half a dollar. Meanwhile, Barry Spears and William Evans were discharged for being drunk, and Torrito Tòrres was discharged “on account of illiteracy.” The year also saw several other guards lose their employment for sleeping on the job.³⁰¹

Conclusion

The most striking similarity among the pardons granted from 1907 to 1910 is that Governor George Curry did not grant them based upon the rehabilitation of the criminal, new evidence of innocence, or disputes in the interpretation of territorial law. Rather, successful letters for holiday pardons played upon gendered imagery of the responsibilities of men. Such letters voiced men’s pleas to be allowed to care for destitute or pregnant wives, expressed relatives’ concerns for teenage daughters should an inmate’s wife be deemed unfit to raise the child, portrayed sons as simply

³⁰¹ *Report Concerning Penitentiary Employees, 1891*, TANM reel 121: frames 861-65.

“boys” at the time of their conviction, or promised a motherly or womanly ability to keep the inmate virtuous once released. Working-class men made claims of industriousness, while elderly mothers expressed their need for the financial support, and in some cases, the emotional strength, acquired only through the presence of an incarcerated son. By taking this gendered rhetoric seriously and noting the necessity to fulfill these responsibilities in the official clemency orders, Governor Curry endorsed these performances of masculinity and the self-defined rights of incarcerated breadwinners in territorial New Mexico.

However, financial and managerial realities also determined the granting of these pardons. The incompetence of prison guards, high cost of inmates’ food and clothing, frequency of escapes, and a dearth of funds to maintain and improve facilities—all of these issues supported the economic rationale for pardons. More than deservedness based upon a record of obedience or even a pressing need to act as the breadwinner of the family, these institution-wide factors motivated Governor Curry to grant pleading inmates and their champions the holiday pardons they demanded. In fact, Curry’s participation in this gendered discourse may have served as a subterfuge to disguise the governor’s true motive: financial desperation.

Regardless of Governor Curry’s rationale in granting pardons, the lack of security in the Territorial Penitentiary, inadequacies of the county jail system, and political corruption and ineptitude in prison management, supporters of New Mexican statehood were convinced that the presence of the penitentiary—albeit a structure with used iron bars, dilapidated facilities, and insufficient space for female inmates—

would increase New Mexico's chances of achieving statehood. The new institution, they hoped, demonstrated the Territory's willingness and ability to adopt and master American methods of incarceration.

Unfortunately, even after the goal of statehood was achieved, conditions in the New Mexico Penitentiary did not improve. A report by the Board of the Penitentiary Commission at the end of 1912, the year New Mexico became a state, made glaringly clear the need for continual improvements. In that year, eleven inmates had escaped and been recaptured, and though one hundred and nine inmates could neither read nor write—ten could read but not write—no school “for the lower branches” existed. Female inmates were still not granted separate quarters and continued to reside in cells within an administrative building that lacked a proper fire exit. They practiced no regular exercise besides a walk outdoors with the prison matron. Guards and cell-house keepers were the “poorest paid lot in the service of the state,” and the penitentiary hospital did not feature an operating room or surgical equipment.

The report did note some positive aspects of the New Mexico Penitentiary in 1912, however, most of them related to more humane treatment of the inmates. According to the report of the Board of the Penitentiary Commission, inmates “cheerfully adapted” to the discontinuation of striped clothing and now wore plain blue clothing, with stripes reserved only for punishment. This replacement of attire mattered, according to the report, because stripes signified “humiliation.” Furthermore, the board encouraged improving the professional futures of the inmates by suggesting the establishment of a 500-acre, irrigable farm within hauling distance

of the prison so that over 50% of the inmates, men who “have never had a chance,” could gain experience as farmhands while simultaneously reducing the prison’s food expenses.³⁰²

Examining the economic challenges of this new institution, the Territory’s first and only penitentiary, raises doubts about whether claiming the indispensable role of family breadwinner for dependent children, ill or elderly parents, or pregnant wives truly influenced Governor Curry to grant pardons in the years between 1907 and 1910. Regardless of the ultimate criteria behind Governor Curry’s decisions, the inmates’ use of this gendered rhetoric—a rhetoric that proclaimed the need to act as fathers, sons, husbands, workers, and the need to mature from boys into men—achieved its goal for inmates of varied class and ethnic identities. This gendered rhetoric stands out as an effective strategy to either attain or justify the granting of a pardon. This recognition by both pardoned and pardoner of the power and clout of a gendered rhetoric, in turn, reinforced the cultural definition of the responsibilities of manhood within the Territory. Just as prospective employees on the Mounted Police Force demanded employment based upon their need to act as the breadwinners of their dependent families, these inmates also harnessed the rhetoric of desire and necessity to fulfill the roles of fathers, husbands, sons, and workers.

The next chapter moves away from examining the similarities of the gendered rhetoric used by the Bureau of Immigration to court laborers, applicants to gain employment with the Mounted Police Force, and inmates to receive a pardon in order

³⁰² “Board of the Penitentiary Commission of 1912,” Papers of Governor William McDonald, Box 28: folder 319, SRCA.

to leave the new Territorial Penitentiary. The final chapter of this dissertation examines the representations of two territorial women—one an African American teenager who escaped execution only to become pregnant while incarcerated, the other an elderly Anglo businesswoman murdered by her *Hispano* friend and neighbor. This final chapter will interrogate the way the territorial court and English-language territorial press constructed multiple representations of both women rooted in cultural assumptions about gender, race, age, immigrant status, intelligence, morality, and the roles of daughters, sisters, wives, and mothers.

CHAPTER 4

A DAUGHTER NAMED WYOMING, AN INMATE NAMED ALMA: REPRESENTATIONS OF WOMEN AND CRIME IN THE TERRITORIAL PRESS AND COURT

“Alma Lyons is my daughter...I took care of the child...to the best of my ability...I being a person who had to work, at all times to obtain a subsistence of myself and children, would at these times leave my children....[D]uring the time of my occupation in my work, I did not know, what was going on with the children, and always thought, that all was well with them.”³⁰³

Henry Lyons to Acting Governor J.W. Raynolds
May 30, 1907

Introduction

This chapter analyzes the usage, meaning, and significance of a gendered rhetoric as it pertains specifically to crimes against women, or crimes committed by women dependent upon the territorial institutions of the court, the Bureau of Immigration, the Penitentiary, or the Mounted Police Force. Two case studies from 1907 and 1914 provide the subject matter for this analysis. In coverage by the English-language press of the crime and trial of African American teenager Alma Lyons, and in her father’s objections to the treatment she subsequently received in prison, we can see both parallels and contrasts with the murder of Jennie Templeton,

³⁰³ Henry Lyons to Acting Governor J.W. Raynolds, 30 May 1907, Territorial Archives of New Mexico, Microfilm reel 179: frame 1345, State Records Center and Archives, Santa Fe, New Mexico (hereafter cited as TANM and SRCA, respectively).

an “aged” Anglo immigrant from Missouri whom the Bureau of Immigration would have defined as a less than ideal candidate to strengthen territorial industries. In both cases studies, the trope of masculinity resurfaces, echoing and complicating the demands for entitlements made to representatives of New Mexico’s institutions throughout the Territory’s quest for statehood.

“I took care of the child...to the best of my ability....”—so declared the remorseful father of sixteen-year-old Alma Lyons, awaiting execution in the New Mexico Territorial Penitentiary, as he explained the reason behind his daughter’s cooperation in the 1907 murder of thirty-year-old Manuel Madrid, the husband of Alma’s best friend. Still incarcerated in 1914, Alma found herself pregnant. Her father, a Civil War veteran who had relocated with Alma and her older brothers from Kansas, performed the role of a contrite father who blamed his daughter’s behavior on his own faulty, neglectful parenting. He brought his daughter’s case to the governor in order to demand that his child—whom he referred to by her birth name of Wyoming, but whom the public referred to as twenty-three-year-old Inmate # 2158—receive the protection, justice, and care he believed she needed and deserved while imprisoned.

In the case of teenage murderess Alma Lyons, the investigation surrounding her pregnancy in 1914 exposes strong connections between issues of incarceration in the Territorial Penitentiary, representations of unrestrained female sexuality in the territorial press, and a father’s expressed need and desire to perform a definition of appropriate male behavior within the New Mexican family. The demands of Alma’s

father, when examined alongside the letters of male inmates who demanded pardons from the territorial governor, raise new questions about the ubiquity of a gendered rhetoric rooted in the responsibilities of fatherhood. Lyons demanded justice for his daughter—a convict with no possibility of reaching the status of family breadwinner—in light of his own inadequate parenting, much as male inmates in the Territorial Penitentiary claimed the right to *prevent* the results of inadequate parenting they believed would ensue if they remained separated from their children while serving extended prison sentences. When an African American man in territorial New Mexico—a veteran, a father, a breadwinner, an elder—demanded justice from a territorial official on behalf of his pregnant and imprisoned twenty-three-year-old daughter, was his demand as successful as those of incarcerated breadwinners who claimed justice for themselves? How did the pleas of Alma’s father compare to those of mothers pleading for leniency on behalf of their breadwinner sons? What about wives pleading on behalf of their breadwinner husbands?

In the case of Jennie Templeton’s murder, once again, we see an inmate’s wife harness dependence upon a husband and father’s financial support as a plea to persuade the territorial court to grant a lenient sentence. By contrast, the persistence of Jennie Templeton’s female family members—her only advocates in the trial of her murderer—mirror the experiences of Mrs. R.S. García and Grace Allen analyzed in this dissertation’s second chapter. Just as those two women were dissatisfied with the lack of attention they received from the Mounted Police Force, so, too, were Jennie

Templeton's niece and sister forced to find alternative methods to secure justice for her when the Territory's institutions of law enforcement proved reluctant.

In arguing for the value of homicide cases as abundant with meaning for social historical analysis, Jill Mocho, a historian of New Mexico's twenty-five years as part of the Republic of Mexico, strongly asserts that homicide cases illuminate the "conflicts, tensions, and values of the society in which they are perpetrated."³⁰⁴ Fittingly, the two territorial homicide cases that follow reveal much about the social interaction between Anglo newcomers and their *Hispano* employees, *Hispano* laborers and their wives, and impoverished African American teenage girls and their elderly fathers.

These two case studies present the multiple, at times conflicting, representations of two women, as constructed by the territorial court, the territorial press, and the families of both women. Portrayals of Alma Lyons, for example, ranged from a murderous purchaser of "Rough on Rats" poison to a vulnerable and pregnant inmate in need of her father's support. Meanwhile, Jennie Templeton's crafted representations ranged from an Anglo Baptist missionary who became a

³⁰⁴ Jill Mocho, *Murder and Justice in Frontier New Mexico, 1821-1846* (Albuquerque: University of New Mexico Press, 1999), ix. For histories of crime that utilize a social historical methodology to engage the importance of crime as a window into gender, racial, and class identities, see Catherine Ceniza Choy, "Trial and Error: Crime and Punishment in American Wound Culture," in *Empire of Care: Nursing and Migration in Filipino American History* (Durham: Duke University Press, 2003), 121-165; Judith Walkowitz, *City of Dreadful Delight: Narratives of Sexual Danger in Late-Victorian London* (Chicago: University of Chicago Press, 1992); Donna Guy, *Sex and Danger in Buenos Aires* (Lincoln: University of Nebraska Press, 1991); Erik Larson, *Devil in the White City: Murder, Magic, and Madness in the Fair that Changed America* (New York: Crown Press, 2003); and Robert Dykstra, "Violence, Gender, and Methodology in the 'New' American West," *Reviews in American History* 27, no. 1 (1999): 79-86.

victim of a religious and racial hate crime to an “aged” immigrant businesswoman loved and adored by her adopted *Hispano* community.

While the Bureau of Immigration would not have viewed Templeton—despite her successful business—as an asset to the Territory, her murderer, *Hispano* David Martínez y Sánchez, provided the type of valued labor that helped Bureau of Immigration officials convince Congress to invite New Mexico to join the Union. In both his labor and his appearance on the roster of penitentiary inmates in 1907, Martínez y Sánchez offered a dual contribution to the ongoing campaign to win statehood for the Territory of New Mexico. As a criminal captured and put to constructive use, he provided a living example for officials composing an image of the Territory’s Americanized progress toward the maintenance of law and order that, in part, defined New Mexico’s worthiness to join the Union.

Directing a historical lens on the fates of two women who existed at the center, not on the periphery, of territorial institutions offers four primary insights. First, these two case studies bring to life territorial New Mexican women as participants, recipients, and central subjects in contrast to the abstract, theoretical women that New Mexican men described as their beneficiaries when articulating their own demands. Second, in response to campaigns seeking protection for inmate Alma Lyons and justice for murder victim Jennie Templeton, decisions made by penitentiary and court authorities offer insight into social constructions of gender and imprisonment, as well as the prospect of attaining justice for women in this territorial setting. Additionally, these two representations of victimized and criminalized

women contrast sharply with the representations of women cast by territorial men intent on substantiating their status as breadwinners. Finally, the eventual justice granted to pregnant Alma Lyons and deceased Jennie Templeton—like the ability of the new Bureau of Immigration to recruit laborers, the new Mounted Police Force to reduce crime, and the new penitentiary to isolate convicted criminals—advanced the claims of territorial officials that New Mexico practiced an equitable, efficient, righteous system of justice on par with the rest of the nation it desperately sought to join.

“Father Pleads for Daughter: Aged Parent of Alma Lyons Sees Governor”: A Pregnant Inmate and Her Remorseful Father

To understand Alma’s experiences as a young pregnant woman seeking protection in the New Mexico’s Penitentiary, it is necessary to first understand how the territorial court and the territorial press crafted a representation of Alma as a teenage murderess from Hillsboro, New Mexico. Founded in northern New Mexico in the 1870s, Hillsboro was still a relatively young town at the time of Alma Lyon’s murder conviction. Wealth from nearby cattle ranches and silver mines granted its most prosperous residents the power to influence the territorial government’s formation of Sierra County in 1884, with Hillsboro as the county seat. In 1907, two of Hillsboro’s least prosperous and least influential residents, fifteen-year-old Alma Lyons and her sixteen-year-old childhood friend, Valentina Madrid, brought attention to themselves, their town of Hillsboro, and the entire territorial legal system.

Historian Robert Tòrrez argues that if not for the gender and age of the defendants, the death of thirty-year-old Manuel Madrid on March 30, 1907 would not have garnered attention or been regarded as noteworthy amid the Hillsboro community.³⁰⁵

What took place afterwards—an investigation, a trial, a conviction—produced a negative representation of the two young women. Based upon depictions constructed by New Mexico’s daily press, observers throughout the entire Territory, in the heart of the territorial capital of Santa Fe, within and outside of the legal community, and as far away as Chicago, judged Alma Lyons and Valentina Madrid for their criminal actions. To reap profits from newspaper sales, the press sensationalized the more salacious aspects of the case: two young murderesses, an extramarital affair, deadly rat poison fed to the older husband of a teenage *Hispana*—every element in this case made for a scandalous story. Specifically, the press played upon the contradiction of two young girls and their heinous adult crime. The result was a flood of attention centered on the constructed image of a fifteen-year-old African American and her sixteen-year-old *Hispana* friend under the influence of an older, manipulative lover.

Inspecting Manuel Madrid’s corpse on the morning of his death on March 30, 1907, Hillsboro physician Dr. Frank Given noticed glaring signs of arsenic poisoning.

³⁰⁵ Robert Tòrrez, *Myth of the Hanging Tree: Stories of Crime and Punishment in Territorial New Mexico* (Albuquerque: University of New Mexico Press, 2008), 120. For a history of female criminals convicted of a diverse range of crimes, see Cesare Lombroso and William Ferrero, *The Female Offender* (London: Peter Own, 1959); Anne Butler, *Daughters of Joy, Sisters of Misery: Prostitutes in the American West, 1865-1890* (Urbana: University of Illinois Press, 1985); Elaine Abelson, *When Ladies Go A-Thieving: Middle-Class Shoplifters in Victorian Department Stores* (New York: Oxford University Press, 1989); Freda Alder, *Sisters in Crime: The Rise of the New Female Criminal* (New York: McGraw-Hill, 1975); Frances Heidensohn, *Women and Crime* (London: Macmillan, 1985); and Vivien Miller, “Wife-Killers and Evil Tempresses: Gender, Pardons, and Respectability in Florida, 1889-1914,” *Florida Historical Quarterly* 75 (Summer 1996): 44-68.

The press referred to the victim in multiple articles as Manuel Madril, Pedro Madrid, and Manuel Madrid, but uniformly portrayed him as “a prosperous ranchman,” a homeowner, and a man of relative wealth and integrity.³⁰⁶ Valentina’s deceased husband, according to reports in English-language newspapers, hailed from a family of good reputation. The English-language press judged this *Hispano* with such esteem because, though several of his siblings had been born in Mexico, “many” of them spoke English, and neighbors found Madrid “honest, hardworking, of good habits, and well thought of.”³⁰⁷

His widow, Valentina Madrid, and her childhood friend, Alma Lyons, quickly confessed to murdering Valentina’s husband but claimed that Valentina’s lover, Francisco Baca, had threatened to kill them if they refused to poison Madrid. According to their confession, twenty-five-year-old Baca demanded the teens murder Valentina’s husband of two years so that Baca and Valentina could continue their affair. Baca, the girls insisted, provided Alma fifty cents to purchase the arsenic poison “Rough on Rats,” which Valentina served to her husband in poisoned coffee every day for the week preceding his death. Alma and Valentina named Francisco Baca as the mastermind behind the murder, yet the jury in Baca’s 1910 murder trial found the evidence insufficient to convict him. Despite having already confessed to the coroner immediately after Manuel Madrid’s death, Alma and Valentina pleaded not guilty at their trial in May 1907. The jury at the New Mexico District Court deliberated for just one hour before convicting both of first-degree murder. Judge

³⁰⁶ *Deming Graphic*, 17 May 1907, TANM reel 179: frame 1359.

³⁰⁷ Miscellaneous newspaper, 10 May 1907, TANM reel 179: frame 1360.

Frank Parker imposed death by hanging, the only territorial punishment allowed for the crime.

Manuel Madrid's murder was not the first crime to tie "Rough on Rats" to murder by an African American woman. Twenty-two-year-old Mary Mozeak of Lake County, Florida, was convicted of poisoning her husband James in November of 1897 with the same household poison. Unlike Alma and Valentina, Mozeak was sentenced only to life in prison, as Florida had not executed a woman since 1848.³⁰⁸

Had Alma and her childhood friend been tried under New Mexico's legal system while the Territory had been part of the Republic of Mexico, they would have experienced an entirely different courtroom arrangement with entirely different officials acting in judiciary capacities. Rather than a jury, an *alcalde*—an official elected by his community—would have decided their fate. During the Mexican period, the *alcalde* served as a magistrate and, in rural areas, performed the governing duties of tax collection and land grants. In criminal and civil cases, *alcaldes* conducted the investigation, interviewed witnesses, appointed the prosecution, secured the defense attorney, and acted as trial judge. The *alcaldes* had no formal legal training, but their literacy and familiarity with Spanish law books formed the basis of Mexican legal statutes in frontier New Mexico.³⁰⁹ Alma's judge, prosecutor, and defense attorney would have assumed her guilty until proven innocent. Thus, the

³⁰⁸ Vivien Miller, *Crime, Sexual Violence, and Clemency: Florida's Pardon Board and Penal System in the Progressive Era* (Gainesville: University of Florida, 2000), 244.

³⁰⁹ Mocho, *Murder and Justice*, 180.

majority of Alma's murder trial would have been devoted to deciding her punishment, not to proving or disproving her innocence.³¹⁰

For a gendered analysis of the trial of Alma Lyons and her friend Valentina, the verdict is less significant than the press' treatment of the accused teenagers, the attention the young women received outside of New Mexico, the paternalistic response of Judge Parker, and the public outcry from supporters of Alma and Valentina. The manner and the degree to which New Mexicans—Anglo, *Hispano*, and African American—reacted to this criminal incident illuminates more than just people's doubts about whether the territorial court was capable of enforcing two deaths by hanging. Their emotionally-charged reactions also illuminate people's fears about the Territory's chance for statehood if the execution of Alma and Valentina worsened the nation's negative perceptions of New Mexico as unfit for statehood.

The power of the English-language press cannot be overstated as a force that constructed and disseminated multiple representations of Alma Lyons.³¹¹ Moreover, the partnership between New Mexico's producers and readers of print developed into a powerful "communications circuit" in a territory under the federal government's

³¹⁰ Donna Crail-Rugotzke, "A Matter of Guilt: The Treatment of Hispanic Inmates by New Mexico Courts and the New Mexico Territorial Prison, 1890-1912," *New Mexico Historical Review* 74, no. 3 (July 1999): 295-314; and Mocho, *Murder and Justice*.

³¹¹ For histories of New Mexico's newspapers for an Anglo and *Hispano* readership, see Porter Stratton, *The Territorial Press of New Mexico, 1834-1912* (Albuquerque: The University Press, 1969); Pearce Grove et al., eds., *New Mexico Newspapers: A Comprehensive Guide to Bibliographic Entries and Locations* (Albuquerque: University of New Mexico and Eastern New Mexico University Press, 1975); Nicolas Kanellos, "A Socio-Historic Study of Hispanic Newspapers in the United States," in *Recovering the U.S. Hispanic Literary Heritage*, eds. Ramón Gutiérrez and Genaro Padilla, 107-28 (Houston: Arte Público Press, 1993); and Rudolfo Anaya, ed., *Voces: An Anthology of Nuevo Mexicano Writers* (Albuquerque: University of New Mexico Press, 1987).

control. Both historians and literary theorists examine the power of the press—or the “culture of print” as Walter Ong describes it in *Orality and Literacy: The Technologizing of the World*—to shape cultural identity.³¹² In this case, New Mexico’s English-language newspapers, part of the Territory’s “culture of print,” imposed an Anglo and an American identity—one that practiced an American form of law enforcement—onto a region with a predominantly *Hispano* population.

A critical factor in this process of identity formation involves the collaborative nature of writing and reading. Historian Robert Darnton labels this partnership between producers and readers of print as the “communications circuit.” For the purpose of historical analysis, interrogating the “communications circuit” of New Mexico is useful to examine how people living in the Territory identified those they defined as welcome and unwelcome members of their community.³¹³ In the case of accused murderess Alma Lyons of Hillsboro, New Mexico, the representations constructed by the English-language producers of print fully materialized only when received and interpreted by literate New Mexican Anglo and *Hispano* readers.

Before the June 7th date of execution, depictions of the teenage girls in the “communications circuit” of the New Mexican press incited a public outcry that delayed the hanging. Three responses dominated the public’s reaction to the news of

³¹² Walter Ong, *Orality and Literacy: The Technologizing of the World* (New York: Matheun, 1988).

³¹³ Robert Darnton, “What is the History of Books,” in *Reading in America*, ed. Cathy N. Davidson, 27-52 (Baltimore: John Hopkins University, 1989). See also, A. Gabriel Meléndez, *So All Is Not Lost: The Poetics of Print in Nuevomexicano Communities, 1834-1958* (Albuquerque: University of New Mexico Press, 1997); Erlinda González-Berry, ed., *Paso Por Aquí: Critical Essays on the New Mexican Literary Tradition, 1542-1988* (Albuquerque: University of New Mexico Press, 1989); Robert Darnton, *The Forbidden Best-Sellers of Pre-Revolutionary France* (New York: Norton, 1996); and David Hall et al., eds., *Printing and Society in Early America* (Worcester: American Antiquarian Society, 1983).

Alma and Valentina's execution: sympathy for the young girls; condemnation of Valentina's lover, Francisco Baca, and the belief that he, as the girls had argued in their trial, instigated the crime; and a warning that the execution of Alma and Valentina would cast nothing but shame onto the national perception of the Territory of New Mexico, Sierra County, and the town of Hillsboro. Governor James Raynolds, who had assumed the position of Acting Governor just one week before the May 1907 trial of the teenagers, bore sole responsibility for stopping the execution. Historian Robert Tòrréz' research on the case of Alma and Valentina counted over thirty newspapers supporting executive clemency, and over twenty petitions and letters demanding a commuted sentence of life in prison. In addition to petitions, enraged New Mexicans wrote strongly-worded personal letters to Governor Raynolds. Many of Hillsboro's most influential townspeople—including members of law enforcement with a history of direct interaction with both girls—pleaded with the governor in their letters. One such member of the legal community, the undersheriff of Hillsboro, Julian Chàvez, had followed the case closely since the arrest of the girls in March, 1907. On May 17th he explained to the governor that their mental incompetence—and not innocence—should constitute a sufficient excuse for them to escape the death penalty. Similarly, as I have demonstrated in chapter two, for men requesting pardons from territorial governors, a wrongful conviction rarely factored into the rationale for release or a commuted sentence.³¹⁴

Other Hillsboro officials who spoke out on behalf of the two girls included

³¹⁴ Julian Chàvez to Governor Raynolds, 17 May 1907, TANM reel 179: frame 1317.

Sierra County Treasurer John Clemmens. The treasurer's use of statistics, and not an impassioned plea based upon emotion, to support his demand for reduced sentences for Alma and Valentina stood out as an anomaly within the community of support. Speaking on behalf of the entire Sierra County, Clemmens argued that "99% of our citizens" wanted the girls to escape a hanging. Like Sheriff Chàvez, Clemmens also overcame his conflicted emotions about the case when he considered the background of the teenagers, balancing his desire to protect Sierra County from the "menace to society" that Alma Lyons and Valentina Madrid posed through their criminal actions, with his desire to prevent his "little Christian community" from witnessing an execution that he judged as a "horrible example of the strong hand of the law." A life sentence for Alma and Valentina, by contrast, would still "give ample protection to society."³¹⁵ Treasurer Clemmens and the entire territorial government did not view all executions as a "horrible example" of the enforcement of the law. In 1907, the year of Alma and Valentina's scheduled executions, one person—Carlos Saiz, a *Hispano* convicted of first-degree murder—met the fate of a hanging on January 11, 1907.

Treasurer Clemmens may have seen himself as an authority figure responsible for protecting the public from two convicted murderers. However, when analyzed closely—whether he intended to or not—speaking of both teenagers as children in need of parental care reveals a paternalistic protectiveness. Alma received most of his attention. According to the treasurer, Alma, the "little Negro girl," grew up in

³¹⁵ Treasurer John Clemmens to Governor Raynolds, 17 May 1907, TANM reel 179: frame 1318.

Kingston, New Mexico lacking guidance after the death of her mother.³¹⁶ Treasurer Clemmons believed that the death of Alma's mother meant that "she just grewed [sic] up without restraint or education." Valentina, on the other hand, garnered no special attention. Since she had been a married woman, Treasurer Clemmons may have perceived little need to defend her with protective language because he believed the influence of her older husband—while alive—ought to have been substantial enough to serve her. Regarding Alma, however, Clemmens argued that growing up without "restraint" had resulted in a developmental delay that caused her to remain stuck in her "tender years." Thus, executing Alma and Valentina would be "much like hanging children," as the girls had "not sufficient sence [sic]" in their moral and mental capacity to "comprehend the immensity of there [sic] crime."³¹⁷

Alma and Valentina's underdeveloped mental capacity was just one defense cited to halt the execution. Their gender alone, regardless of age, drew the most attention from observers outside of New Mexico. Attorney Eusebio Chàvez of Trinidad, Colorado, wrote to Governor Raynolds just seventeen days before the planned execution in order to voice his prediction of the consequences for the entire Territory. Without meeting them, interacting with them, or knowing more than the basic information of their trial, Chacòn claimed to provide "a gentle voice" on behalf of the two "unfortunate fellow mortals." According to Chacòn, a governor who

³¹⁶ Alma Lyons and her father belonged to New Mexico's relatively small African American population. Marginalized in number when compared to *Hispanos*, Mexicans, Anglos, and Pueblos, African Americans made up less than one percent of the Territory's population in 1880 at an estimated one thousand people. Those numbers rose scarcely to 1,600 in 1900 and 5,700 in 1920. This increase equated to less than two percent of New Mexico's population.

³¹⁷ Treasurer John Clemmens to Governor Raynolds, 17 May 1907, TANM reel 179: frame 1318.

ordered the execution of any woman faced repercussions far more extreme than a governor who ordered the execution of a male convict. Chacòn spoke with self-appointed authority to stop the execution of “these unhappy women” in order to save New Mexico from “the awful reputation of visiting death upon a woman.” Unlike the treasurer and undersheriff of Sierra County, this Colorado attorney mentioned nothing about the age and developmental immaturity of the girls. Rather, their biological sex alone afforded sufficient cause to spare their lives.³¹⁸

Even the Spanish-language press within New Mexico represented Alma Lyons in her trial and subsequent execution plans as “unhappy”—hardly a concern when describing most murderers. Moreover, like English-language newspapers, petitioners, and letter-writers, the Spanish-language press referred to Alma as “colored” and a “negress.” However, unlike several English-language newspapers, *El Felix*, published in Clayton, New Mexico, printed far less sympathetic words to portray the teenage girls, given the “black and infamous” nature of the crime. Most notably, the Spanish-language press had given up on the prospect that, if kept alive, either teenager would offer any substantial benefit to New Mexican society. *El Fenix* editor N.F. Gallegos supported the idea that nothing could be done to rehabilitate the girls.³¹⁹

The Spanish-language press, though less influential in the cases of Alma Lyons and, as we shall see, Jennie Templeton, played its own formidable role in creating and retaining an autonomous *Hispano* intellectual and cultural identity. The

³¹⁸ Eusebio Chacòn to Governor Raynolds, 20 May 1907, TANM reel 179: frame 1321.

³¹⁹ *El Fenix*, 25 May 1907, TANM reel 179: frame 1334.

Spanish-language press provided writers and readers with a medium for *Hispanos* to voice their concerns about the new territorial institutions that controlled their political and economic environment after 1850. More importantly, as A. Gabriël Meléndez argues in *So All Is Not Lost: The Poetics of Print in Nuevomexicano Communities*, the publication of Spanish-language newspapers provided *Hispanos* opportunities to “correct misrepresentations propagated by writers from outside of that community.”³²⁰ This autonomous print culture, focused on “the nature and merit of [New Mexican] society,” stood in sharp contrast to the English-language press.³²¹ Participating in a Spanish-language print culture reserved a space for *Hispano* self-representation at a time when territorial officials and Anglo newcomers sought to recast New Mexico and New Mexicans in a form most palatable for statehood.

Both the Spanish and English-language presses portrayed the teenage friends as identical if not for their racial and marital differences. However, one key difference distinguished the childhood friends, one that the territorial press ignored in their efforts to portray Alma and Valentina as ignorant: their education. Inmate # 2158, born Valentina Barela, had two Catholic, living parents in Hillsboro. At five feet four inches tall and one hundred and ten pounds, this seventeen-year-old with long, straight black hair, a dark complexion, “good” teeth, and a size four shoe could not write, read, or exhibit any degree of education. Valentina Madrid’s attempt to spell her name resulted in a scribbled “Batime Mvdal.”³²² Alma, on the other hand,

³²⁰ Meléndez, *So All Is Not Lost*, 7.

³²¹ *Ibid.*, 132.

³²² Department of Corrections, Inmate Records, “Description of Convict,” Valentina Madrid, Inmate # 2158, SRCA.

could read, write, and spell her name correctly in clear cursive handwriting. Despite numerous descriptions of her as “ignorant” in the press, her trial transcripts, and letters from supporters, the Territorial Penitentiary’s description of Inmate # 2157 on her 1907 penitentiary intake record listed her highest level of education as common school.³²³ Even Alma denied the significance of her education. While Alma described her education as “very little” on her 1917 parole application ten years after her conviction, she did not indicate any awareness that she academically surpassed both her best friend and her father. The two friends also differed in their religion of choice relative to the religion of their parents. Unlike Valentina, who practiced the same religion as her living parents, Alma practiced Catholicism despite her father’s Protestant faith. Two inches taller than Valentina, thirty pounds heavier, and one year younger, she was described in inmate records as having “small pimples all over body.”³²⁴

The underlying theme for many New Mexicans was the recurring representation of the teenagers as weak-minded “girl-women” whom the “stronger mind” of Valentina’s twenty-five-year-old lover, Francisco Baca, was able to manipulate as he convinced “those weak women” to commit murder.³²⁵ The press crafted this representation by proliferating images of the girls as young, immoral, degenerate, and developmentally like children. According to Vivien Miller in her research on female criminals during New Mexico’s period as part of the Mexican

³²³ Common school is the equivalent to elementary school.

³²⁴ Department of Corrections, Inmate Records, “Description of Convict,” Alma Lyons, Inmate # 2157, SRCA.

³²⁵ *Sierra County Advocate*, 7 June 1907, TANM reel 179: frame 1356.

Republic, images of Alma and Valentina as “merely children,” helpless before the court and submissive to Valentina’s older lover, reinforced the “infantilization of women, already apparent in their limited rights to suffrage, divorce, and property ownership.”³²⁶ Miller raises a further explanation for why such a great proportion of New Mexican society demanded a halt to Alma and Valentina’s executions. According to the historian, if Governor Raynolds approved of and enforced the execution of the two teenage girls, that action would signal a “declaration of gender equality that would necessitate the extension of civil and political rights to the weaker sex.”³²⁷

Alma Lyons took advantage of this weak, child-like image when she attempted to gain release from prison eleven years after her conviction. On Alma’s 1917 application for parole, she described herself to be every bit as ignorant as the press and her advocates had claimed. Did Alma simply parrot what she had heard about herself from so many sources? Or, did she purposefully capitalize on this image in order to increase her chances for release? Regardless of the intention, Alma minimized her intelligence, her agency, and her abilities by explaining that “Neither [Valentina nor herself] had much sense and...were very ignorant.”³²⁸

Trial Judge Frank Parker described the murder of Manuel Madrid as “atrocious beyond description.” Yet, despite the severity of the crime the two teenage girls confessed to, for the people of New Mexico and the Territory’s reputation across

³²⁶ Miller, *Crime, Sexual Violence, and Clemency*, 243.

³²⁷ Ibid., 245.

³²⁸ Department of Corrections, Inmate Records, “Application of Prisoner for Parole,” Alma Lyons, Inmate # 2157, SRCA.

the United States, the same judge maintained that it would be “brutalizing in the extreme” to witness the execution of the female teenagers.³²⁹ The *Socorro Chieftain* framed the question best to New Mexicans still doubtful about the benefit of the execution: “Would not the hanging of women make a blot on the fair name of New Mexico?...The reputation of New Mexico would surely suffer from the hanging of these two women.”³³⁰ The press fully understood the connection between the punishment of execution and New Mexico’s potential for statehood. Putting the two young women to death by hanging would be considered an “act of the greatest barbarity and savagery,” so much so that the negative press and attention “would be used to the injury and detriment to the people of the Sunshine Territory.”³³¹

Newspapers across the Territory reflected upon the discredit to New Mexico’s reputation that the execution would create. On June 1st, the *Socorro Chieftain* dismissed the “Sierra County murderesses” as “moral degenerates” and identified the ultimate loss to be brought about by the planned executions not as loss of life for the two teenagers, but as a greater loss for New Mexico’s reputation. Encouraging Governor Raynolds to grant a commutation, journalists for the *Socorro Chieftain* asked the only territorial representative with the authority to stop the execution, “Does New Mexico want the unenviable distinction that would surely be forced upon her because of the hanging of the two girls?” The brief article clearly implies that New Mexico would be marked as uncivilized. Avoiding such a label had already

³²⁹ Judge Frank Parker to Governor Raynolds, 30 May 1907, TANM reel 179: frame 1348.

³³⁰ *Socorro Chieftain*, 25 May 1907, TANM reel 179: frame 1361.

³³¹ *The Citizen*, 28 May 1907, TANM reel 179: frame 1340.

been a driving force behind the Bureau of Immigration's recruitment of workers, the Mounted Police Force's enforcement of law and order, and territorial officials' construction of a penitentiary. Preventing the execution of Alma and Valentina meant avoiding the lasting taint of repercussions from what people in 1907 regarded as the "not quite civilized procedure" of hanging a woman "by the neck until dead."³³²

Avoidance of any stigma that might delay the achievement of statehood proved to be a meaningful approach to halting the execution of Alma and Valentina. Just as significant for the construction of gender roles, however, were the prevalent statements of New Mexicans who blamed Alma and Valentina's willingness to commit murder in 1907 on their negligent fathers. The childhood and parentage of Alma Lyons received far greater attention than that of Valentina Madrid. Of all of the petitioners writing to Governor Raynolds for Alma's commutation, W.S. Hopewell, Vice President of the Santa Fe Central Railway Company, claimed to know "the parentage" of the teenage inmate best. As a twenty-five-year resident of Sierra County, Hopewell attested to Alma's upbringing because he had employed her father, Henry, for fourteen years, as well as two of her older brothers. Hopewell deemed Henry Lyons an "immoral man" who was "very illiterate" and asserted that it seemed "impossible to improve him, either morally or intellectually."³³³ Hopewell offered a strong conviction that Alma's criminal deeds were the direct result of a lack of proper nurturing and guidance. According to Hopewell, "nothing but depravity and

³³² *Socorro Chieftain*, 1 June 1907.

³³³ W.H. Hopewell to Governor Raynolds, 27 May 1907, TANM reel 179: frames 1337-38.

demoralizing results” could be expected from her “adverse” childhood, producing an individual Hopewell described as a “woman of weak mind and very deficient morals.”³³⁴ Hopewell judged Valentina’s father just as harshly, calling her father, Josè Barela, a “very unreliable person [with] standards of morals...very low indeed.” Hopewell publicly decried Mr. Barela for once arranging a marriage between his then-thirteen-year-old daughter and a “colored man.” More importantly, though, Hopewell attributed faulty parenting from a father to be the most significant factor in producing “deficient morals” in an adult.³³⁵

Hopewell, as an Anglo New Mexican with a positive reputation and relative wealth in territorial society, may have been speaking honestly in his assessment of the poor parenting provided by Alma and Valentina’s fathers, but he offered this explanation at a time when the quality of fatherhood strongly influenced the governor’s political decisions. As described in chapter two of this dissertation, Governor George Curry pardoned thirty-six-year-old Tomàs Barela after he claimed that he needed to remove his fifteen-year-old daughter from the San Pedro mining camp where her mother was “not living a very exemplary life for her child.”³³⁶ That defense persuaded Governor Curry to grant him a pardon because Curry believed that Tomàs, as a father, could reverse any damage caused by faulty mothering simply by being physically present in his daughter’s life.

The territorial press used a distinct vocabulary to describe Alma Lyons and

³³⁴ Ibid.

³³⁵ Ibid.

³³⁶ Petitioners to Governor George Curry, 15 August 1907, Santa Fe, TANM reel 179: frame 55.

Valentina Madrid in 1907, referring to them as “murderesses,” “these unfortunates,” and young, ignorant “moral degenerates.” Descriptors unique to Alma included a “negro cook,” and “negress.”³³⁷ Despite the assortment of monikers, only one person referred to Alma as “daughter.” Regardless of all of the labels the New Mexican press assigned to Alma, each newspaper published an accurate account of Alma’s childhood. After her mother died during Alma’s infancy, her father and two older brothers raised Alma “till she was old enough to look after herself to some extent.” Thus, Alma “never had a mother’s care.”³³⁸ The *Deming Graphic* of southern New Mexico offered factual information about Alma’s father, Henry, describing him as “an industrious colored citizen...residing in the adobe house at the end of the swinging bridge” in Silver City.³³⁹ However, several northern New Mexico newspapers tracked down Alma’s father working in Arizona. Newspapers from both regions of New Mexico hypothesized that her father had no awareness of her current plight.

New Mexico’s journalists weren’t entirely incorrect. Though not in Arizona, Henry Lyons had been working as a cook in a mining camp in southern New Mexico, where he heard nothing of his daughter’s plight until after the conviction. Henry Lyons made his first attempt to halt the execution of his daughter almost one month post-trial. Not without judgment and criticism, reporters from the *Santa Fe New Mexican* crafted a pitiable image of a helpless father begging for his daughter’s life.

³³⁷ Judge Frank Parker to Governor Raynolds, 30 May 1907, TANM reel 179: frame 1348.

³³⁸ Miscellaneous newspapers, 10 May 1907, TANM reel 179: frame 1360.

³³⁹ *Deming Graphic*, 17 May 1907, TANM reel 179: frame 1359.

According to an article from May 27th, Alma's father was "almost penniless as it took nearly all his little savings to make the trip" to Santa Fe to plead directly to Governor Reynolds to spare his daughter from execution. The headline described his visit as a "pathetic scene" and Henry as an "old man" or "aged" four times in the almost 250-word article. Whether to evoke sympathy from the reading public or to deride him for his lack of restraint, the *Santa Fe New Mexican* reported that "the old man has taken the matter very much to heart and cries when he tells his story."³⁴⁰

Henry Lyons' narrative was of a father "too poor a man to give [his daughter] much."³⁴¹ What the public learned about Henry Lyons' background and family from the New Mexican press included a confirmation that he was, indeed, "a very old man" of sixty-five or seventy years in 1907. With that age came military experience. Henry Lyons had migrated to New Mexico as a soldier in a "colored regiment" of the army that marched from Leavenworth, Kansas, to New Mexico in 1867.³⁴²

The press described the scene with pity, but Henry Lyons' initial letter to Governor Reynolds provides more authentic insight into the mind of Alma's "aged" father. What Governor Reynolds and any territorial official who glanced at Henry Lyons' letter would immediately have noticed was his inability to write. Sixteen-year-old Alma outstripped her father in writing, though not, as he would explain, in moral righteousness. Eight days before the scheduled execution, Henry Lyons submitted a petition of "facts" for Governor Reynold's "kind consideration." Henry

³⁴⁰ Ibid.

³⁴¹ *Santa Fe New Mexican*, 27 May 1907.

³⁴² Ibid.

explained that after Alma's mother died when she was nine months old, he raised her and her two brothers until Alma turned five. His letter reveals a strong awareness about two of his past actions. Both claims revolved around Henry's belief that he had failed as a father, laying the foundation for Alma's murderous choice. First, Henry understood the connection between childhood education and an awareness of criminal consequences as an adult. Henry claimed that because he could not afford to give any of his children a comprehensive education, Alma "grew up in complete ignorance of everything" to such a degree "that she is unable to appreciate the horrible deed" of murder. Secondly, Henry Lyons understood that economic necessity had forced him to sacrifice oversight of his children. Henry wrote his letter with a tone that reflected his assumption that Governor Raynolds knew about the financial responsibilities of fathers: "Being a person who had to work at all times to obtain a subsistence of myself and children, [I] would at these times leave my children in the care of neighbors." Although not present with his children, he trusted that "all was well with them." Henry's petition reads as that of a father regretting the choices he made, although he does point out that he satisfied the needs of his family by providing them the "subsistence" they required to survive.³⁴³

In the midst of emotional pleas and powerful imagery in the New Mexican press, petitions, and personal letters to Governor Raynolds, Sierra County employees had already begun building the scaffolding to hang Alma and Valentina. Acting Governor Raynolds issued his commutation three days before the planned execution.

³⁴³ Henry Lyons to Governor Raynolds, 30 May 1907, TANM reel 179: frame 1345.

When Raynolds commuted Alma and Valentina's execution orders to life sentences in the Territorial Penitentiary, none of the rationales so prominent in the press, petitions, and letters actually appeared on the executive order. Raynolds claimed that he issued the reduction in sentence not because of the youth, ignorance, depravity, moral degeneracy, developmental immaturity, or the gender of Alma Lyons and Valentina Madrid. Rather, he claimed the needs of the territorial court took priority. Raynolds explained that the practical, legal necessity for two dependable witnesses who could provide relevant information required for the trial of Francisco Baca, the alleged mastermind of Manuel Madrid's murder, took precedence over an execution.³⁴⁴

This commutation to a life sentence permanently intertwined the lives of Alma Lyons and Valentina Madrid with a second territorial institution. Not only had the teenage murderesses already depended upon the institution of the territorial court to decide their fate, they now depended upon the institution of the New Mexico Territorial Penitentiary to house them. This move inspired a new wave of representations of Alma and Valentina. Both girls came to be identified as partially-rehabilitated inmates of the relatively new Territorial Penitentiary—a prison in existence for only twenty-two years. This new representation marked both teenagers—whether accurately or not—as convicted criminals with an improved morality and a deeper understanding of the consequences of their actions, an inference that improved not only the image of the two teenage girls, but also the

³⁴⁴ Executive Order, Governor Raynolds, 4 June 1907, TANM reel 179: frame 1355.

image of the Territorial Penitentiary as an institution capable of rehabilitating convicted criminals.

Historians have devoted much attention to the experiences of female inmates in United States penitentiaries during the late nineteenth and early twentieth centuries. While they observe differences in treatment from prison staff and fellow inmates, historians Anne Butler, Estelle Freedman, and Mary Odem argue that a female inmate's prison experiences depended upon her regional location, age, chances of parole or pardon, and the crime of which she had been convicted. The prison security level and the degree of sexism among workers of the prison facility also shaped a woman's prison experiences.³⁴⁵ In the case of Nevada during the final decade of the nineteenth century and the early years of the twentieth century, Donna Crail-Rugotzke argues that race and gender worked together to create an unpredictable mix of benevolent treatment and unfair punishment. For Alma Lyons in New Mexico, her status as the only African American inmate in the women's quarters of the penitentiary would have exposed her to such varied treatment. Estelle Freedman argues in *Their Sisters' Keepers*, as does Crail-Rugotzke in *Dangerous Women, Dangerous Times*, that benevolent treatment was the result of prison staff's assumptions that women were inherently virtuous and capable of being reformed. If workers in the Territorial Penitentiary had read articles about Alma Lyons and her impending execution in the press, these employees would have been aware of the

³⁴⁵ Historians direct their analysis of incarcerated women to penitentiaries, reform schools, and juvenile detention centers. See Estelle Freedman, *Their Sister's Keepers: Women's Prison Reform in America, 1830-1930* (Ann Arbor: University of Michigan Press, 1981); Butler, *Gendered Justice in the American West*; and Mary Odem, *Delinquent Daughters: Protecting and Policing Adolescent Female Sexuality in the United States, 1885-1920* (Chapel Hill: University of North Carolina Press, 1995).

widespread belief that Alma still had the capability to be rehabilitated if she served her sentence. Harsh treatment, on the other hand, resulted from assumptions that female criminals violated social expectations of behavior appropriate for their class, ethnic, and racial community.³⁴⁶

Representations of Alma Lyons in the New Mexican press can be analyzed alongside a classification of criminalized women put forth by two historians. According to Nicole Rafter and Elizabeth Stanko in *Judge, Lawyer, Victim, Thief: Women, Gender Roles, and Criminal Justice*, six images of criminalized women informed the treatment female inmates received from penitentiary supervisors and court representatives. These images include women as “pawns of biology” whose menstrual cycles caused criminal behavior, women classified as “masculine,” non-white women classified as “primitive” and deserving of harsher treatment, women as “passive and weak,” as “impressionable and needing protection,” as “easy prey” likely to become accomplices to crimes orchestrated by someone else, and the rare

³⁴⁶ For the history of women imprisoned in the United States, see Nicole Rafter, *Partial Justice: Women, Prisons, and Social Control* (New Brunswick: Transaction Publishers, 1990); Nicole Rafter and Elizabeth Stanko, eds., *Judge, Lawyers, Victim, Thief: Women, Gender Roles, and Criminal Justice* (Boston: Northeastern University Press, 1987); Donna Crail-Rugotzke, *Dangerous Women, Dangerous Times: Women at the Nevada State Prison, 1890-1930* (Master's thesis, University of Nevada, 1995); Beverly Fletcher, Lynda Shaver, and Dreama Moon, eds., *Women Prisoners: A Forgotten Population* (Westport, Conn.: Praeger, 1993); Barbara Ann Filo, *Reclaiming Those Poor Unfortunates: The Movement to Establish the First Federal Prison for Women* (Ph.D. dissertation, Boston University, 1982); Linda Parker, “Murderous Women and Mild Justice: A Look at Female Violence in Pre-1910 San Diego, San Luis Obispo, and Tuolumne Counties,” *Journal of San Diego History* 38, no. 1 (1992); Gary Kremer, “Strangers to Domestic Virtues: Nineteenth Century Women in the Missouri Prison,” *Missouri Historical Review* 84, no. 3 (1990): 293-310; Nicholas Hahn, “Female State Prisoners in Tennessee: 1831-1979,” *Tennessee Historical Quarterly* 39, no. 4 (1980): 485-97; and Shelly Bookspan, *A Germ of Goodness: The California State Prison System, 1851-1944* (Lincoln: University of Nebraska Press, 1991).

image of women as “purely evil.”³⁴⁷ Perceptions of sexual promiscuity—or the lack of sexual promiscuity in the image of female inmates as innocent, impressionable, and in need of protection—feature as a theme in all six perceptions shaping women’s experiences while incarcerated, according to Rafter and Stanko. These labels built upon classifications from nineteenth-century criminologist Cesare Lombroso, who categorized women criminals as “morally and mentally degenerate, atavistic, oversexed, overtly masculine, and a serious danger to public morality.”³⁴⁸

Considering Rafter and Stanko’s six images of criminalized women, convicted murderer Alma Lyons fits into three. As Inmate # 2157, she would have been subjected to harsher treatment as a “primitive” non-white woman. In her own defense during her trial, Alma crafted an image of herself as “passive and weak” relative to Francisco Baca’s intimidation. Lastly, her advocates portrayed her as a young woman whose childhood, bereft of proper guidance, left her “impressionable and needing protection.”³⁴⁹

Attention to Alma Lyons’ morality and to the consequences of her decisions did not cease with either her commutation to a life sentence or the Territory of New Mexico’s shift to the state of New Mexico in 1912. A more nuanced and complex representation of Alma’s constructed identity did emerge, however, once Alma

³⁴⁷ Rafter and Stanko, eds., *Judge, Lawyers, Victim, Thief*. See also, Virginia Roberts, “The Woman Was Too Tough,” *Journal of Arizona History* 26, no. 43 (1985): 395-414.

³⁴⁸ Miller, *Crime, Sexual Violence, and Clemency*, 242. See also, Lombroso and Ferrero, *The Female Offender*; Edwin Schur, *Labeling Women Deviant: Gender, Stigma, and Social Control* (Philadelphia: Temple University Press, 1983); and Clarice Feinman, “Sex-Role Stereotypes and Justice for Women,” in *Women and Crime in America*, ed. Lee H. Bowker, 383-84 (New York: Macmillan, 1981).

³⁴⁹ Rafter and Stanko, eds., *Judge, Lawyers, Victim, Thief*; and Roberts, “The Woman Was Too Tough.”

became pregnant in the state penitentiary in 1914. This time, however, representations of Alma circulated not in the New Mexican press, but in conversations, letters, and interrogation records between her father, the state governor, and penitentiary staff including the superintendent, matron, and commission. These three representations of the pregnant twenty-three-year-old dominated the investigation of her illicit pregnancy. In the eyes of her father she appeared as a victim of cruel and unusual punishment; in the eyes of the penitentiary superintendent, matron, and commission, she appeared as a devious liar prone to commit slander; and finally, according to the governor who had pardoned her, she appeared as a rehabilitated criminal.

Alma's first representation—that of a victim in need of protection—appeared in January, 1914, when Henry Lyons confronted Governor Octaviano Larrazolo, demanding safety and care for his imprisoned daughter. Authorities within the penitentiary had learned of Alma's pregnancy only two months earlier. As an African American inmate, Alma Lyons was particularly vulnerable to sexual exploitation. According to historian Anne Butler, the racial and sexual prejudice of prison officials made them less likely to respond quickly to the medical needs of African American female inmates than to the needs of white female inmates.³⁵⁰

In a signed statement from November 18, 1913, Alma detailed her sexual experiences while incarcerated. According to Alma, she and Juan Trujillo, an inmate employed as a “trusty” hall porter, “had intercourse” four or five times beginning in

³⁵⁰ Anne Butler, “Still in Chains: Black Women in Western Prisons, 1865-1910,” *Western Historical Quarterly* 20, no. 1 (February 1989): 19.

June 1913. With candor unexpected in a written confession to the superintendent and commissioners of the New Mexico Penitentiary, Alma explained that while she worked in the superintendent's dining room, the two inmates were alone away from supervision while the Penitentiary Commission was in session. In her confession, Alma noted that she was unsure how Trujillo made it past the hall guard to "sneak" upstairs without the hall bell announcing his presence. "The act," as she labeled it, took place in the "back toilet, chambers room, and once in the back hall."³⁵¹ Alma did not freely volunteer this information about her pregnancy. Her confession was solely a consequence of the penitentiary matron, Superintendent John McManus' wife, discovering her pregnancy.

Alma Lyons was not the only inmate to become pregnant while imprisoned in the women's quarters of a gender-integrated penitentiary. According to historian Robert Waite in his research on women in Idaho's penitentiary during the years of Alma's incarceration, a woman named Josie Kensler became pregnant with a child fathered by a prison staff member. Like Alma's warden in New Mexico, Josie's warden attributed the pregnancy to the lack of a separate prison facility for women and faulted the builders of the penitentiary for not considering a small female population and their need for adequate housing.³⁵² Prison employees and "trusty" inmates were not the only men who impregnated female inmates. According to Crail-

³⁵¹ Alma Lyons to the New Mexico State Penitentiary, 18 November 1913, Papers of Governor William McDonald, Box 30: folder 374, SRCA.

³⁵² Robert Waite, "Necessary to Isolate the Female Prisoners: Women Convicts and the Women's Ward at the Old Idaho Penitentiary," *Idaho Yesterdays* 29, no. 3 (1985): 2.

Rugotzke, in 1873, Nevada's only female inmate, Mollie Forshay, accused her warden, Presley Hyman, of fathering her unborn child.³⁵³

Upon learning of Alma's pregnancy in January of 1914, her father wrote a demanding and aggressive letter to Governor William McDonald "to strongly complain" about the poor management of his daughter and all female prisoners in New Mexico's Penitentiary. Henry's chief complaint included a vilification of the lax supervision of female inmates that allowed for "such relations as resulted in her becoming pregnant." In addition to being permitted to move about the prison without accompaniment, Alma told her father that the penitentiary matron, Mrs. McManus, locked her in a cell for three weeks and fed her only bread and water. Alma also told her father that Valentina Madrid had given birth to a stillborn baby inside the prison. Two things stand out when analyzing Henry's letter to the governor. First, in contrast to his absence during Alma's imprisonment prior to her planned execution, Henry now visited his daughter frequently. Secondly, Henry's demands that the prison remedy the lax supervision that contributed to Alma's pregnancy were met with complacency from penitentiary officials.³⁵⁴

Accompanying Henry's demanding tone, his rhetoric evoked the same themes that petitioners had used to halt Alma's execution seven years earlier. Henry used the adjectives "proper" and "decent" most frequently to describe what the poor prison management lacked that, he argued, were bound to "produce her pregnancy." Henry

³⁵³ Crail-Rugotzke, *Dangerous Women*, 32. See also, Joseph Fishman, *Sex in Prison: Revealing Sex Conditions in American Prisons* (N.p.: National Library Press, 1934); and Camille Naish, *Death Comes to the Maiden: Sex and Execution, 1431-1933* (New York: Routledge, 1991).

³⁵⁴ Henry Lyons to Governor McDonald, 20 January 1914, Papers of Governor William McDonald, Box 30: folder 374, SRCA.

didn't blame his daughter, never mentioning her age of twenty-three or her "ignorance," but vehemently faulted the "unreasonable and unjustifiable" treatment allowed by authority figures whom he judged to be "not exactly proper persons to have charge" of a territorial institution as formative for the rehabilitation of criminals as the penitentiary. Of himself as a father, Henry spoke on behalf of all fathers of incarcerated children. He understood that while his child, and every child, who served time in the penitentiary, prison authorities were the only ones who could safeguard them, as parents were "unable to do anything whatever to guard against" violations of safety. And yet, he wrote to the governor with the belief that only a father could instigate the process of reform that might improve his daughter's circumstances.³⁵⁵

Henry's first priority was that Alma be moved to a place where she could give birth such that she and her child "might be cared for." His second demand was that the penitentiary supervisor and matron be removed from their posts, citing their irresponsibility as "an injury" to the management and discipline of any penitentiary. Henry exhibited no submissiveness to the officials in charge of a New Mexican institution. Despite being illiterate, African American, and without any social influence in the young state, Henry demanded the governor place a pregnant, convicted murderer's need for safety ahead of the authority of the supervisors of the penitentiary.³⁵⁶

³⁵⁵ Ibid.

³⁵⁶ Ibid.

The second representation of Alma—that of an incarcerated liar—appeared during the New Mexico Penitentiary Board’s interrogation of Alma, Henry, Superintendent McManus, Matron McManus, and Valentina on January 21, 1914, in order to challenge the truth of Henry’s accusations on behalf of his daughter. Interrogation records reveal three major insights about the way people within and outside of the penitentiary viewed its structure and responsibilities. First, from the perspective of a high-ranking government official within the penitentiary’s management, even the superintendent understood how the “undesirable” location of the female ward on the third and fourth floors facing the prison yard increased the potential for failure, as “the moral effect is not good.” Secondly, Superintendent McManus understood the ramifications of paying prison guards only forty dollars per month. Elsewhere, in an audacious statement to the governor, Superintendent McManus, who was in charge of enforcing a salary fixed by law, argued that “not much can be expected of a guard” with no motivation to excel at a job that did not pay him a living wage.³⁵⁷

Superintendent McManus was just as opinionated about Inmate # 2157. To defend himself against Henry’s accusations, he reverted to speaking about Alma with the same language the press had used during her murder trial, language that constructed her identity as permanently damaged, ill-functioning, pathological, and young. McManus dismissed Henry’s accusations as untrue and based upon false

³⁵⁷ Ibid.

information from the “diseased mind of his poor, unfortunate daughter.”³⁵⁸ Because Alma claimed that Valentina, too, had been with child in prison, the Penitentiary Commission also considered Valentina’s experiences and treatment during this same investigation. Asked the question, “And you, have been a good girl since you have been here?” Valentina responded in terms more suited to a teenager than a twenty-four-year-old widow serving a life sentence for murder: “All the time. Sometimes I have been doing wrong, writing notes and talking to boys.” Regarding Alma’s claim that she had given birth in the penitentiary, Valentina denied it.³⁵⁹

The interrogation records also reveal much about the way that Alma and her father Henry viewed themselves and one another. Over the course of the interrogation with penitentiary commissioners, Alma referred to her father as “Papa” and to herself as a person victimized by those who surrounded her. As she explained, “I am in prison because I got into bad company, and somehow or other I can’t keep away from it.” The greatest piece of insight from the interrogation records is Alma’s revelation of what she expected from her “Papa.” Alma had little faith in her father’s ability to defend her to Governor McDonald. Based upon his history, social status, and limited personal abilities, Alma claimed that “he never does as he says...he never does anything he says, for poor old man, he can’t do anything for me. If he could read and write, he might do something for me.” It is important to note that Henry

³⁵⁸ Ibid.

³⁵⁹ Ibid.

Lyons, not Alma herself, initiated the demands for Alma's enhanced protection and care while incarcerated.³⁶⁰

Matron McManus, in her defense, directed a counter-claim against Henry Lyons by chastising him for what she perceived to be a father's lack of care for his daughter's well-being. Whereas Alma's father claimed that Matron McManus allowed Alma to roam throughout the women's quarters without guidance and protection, Matron McManus claimed that, although Henry Lyons was aware of the time and date of his daughter's appendectomy in the summer of 1913, he "was not interested enough in his daughter at that time" to check on her at St. Vincent's Sanatorium. The matron did not express any understanding of the economic stability required for a person to take an absence from work and travel to Santa Fe to tend to an ill child.

Referring repeatedly to "this woman," "her," and "she," Matron Manus referred to Alma by name only once in her four-page rebuttal. In her defense against Henry's claim that she had locked Alma in a cell and fed her only bread and water, Matron McManus further claimed that the institution treated Alma better than she would have been treated by her own family. Her prison fare included a pitcher of milk and meals directly from the superintendent's own table. Matron McManus never attributed Alma's pregnancy to problems within the physical structure of the penitentiary that allowed for close contact between unguarded inmates. Rather, according to the matron, it was not the low pay of disinterested hall guards, but "their

³⁶⁰ Ibid.

former paramours in crime” who had a “bad influence” on female inmates. Beyond caring for Alma’s nutritional needs, the matron defended herself against Henry’s charge of violations of “decency” by explaining that “for moral purposes,” she had placed Alma in a separate room so that other prisoners would never learn of her pregnancy.³⁶¹

During the final interrogation of Alma Lyons by the New Mexico Penitentiary Commission, the representation of Alma as an incarcerated liar became firmly entrenched. Following a brief investigation in January 1914, president of the New Mexico Penitentiary Commission—and former territorial governor—Miguel Otero blamed the “connivance, negligence, or gross carelessness” behind this development not upon the penitentiary superintendent and Matron McManus, but upon the employee who failed to guard the hall. This employee no longer worked in the penitentiary, but the report did not state whether he had been fired. Given Superintendent McManus’ association between low pay and lax security, it is highly probable that the guard quit on his own volition. Commission President Otero blamed this lax security for allowing the two inmates to “indulge in illicit intercourse.” Juan Trujillo—who was now paroled and without any contact with Alma or his child—had been selected by the penitentiary superintendent to work as a “trusty,” granting him greater personal contact with other inmates.³⁶²

³⁶¹ Matron Mrs. McManus to the Board of Penitentiary Commissioners, 22 January 1914, Papers of Governor William McDonald, Box 30: folder 374, SRCA.

³⁶² Miguel Otero to Governor McDonald, 23 January 1914, Papers of Governor William McDonald, Box 30: folder 374, SRCA.

The president of the Penitentiary Commission quickly pronounced that the investigation had found Henry Lyons' claim of the mistreatment of his pregnant daughter Alma unfounded and "untrue in every particular," while it had judged the treatment by penitentiary management "entirely satisfactory." After this ruling, Governor Larrazolo emphatically requested Henry Lyons "correct [his] letter" written on January 20th and remove all accusations of misconduct on behalf of penitentiary authorities. Henry refused. According to Henry, he believed the word of his daughter with the tenuous logic that any statement that came from her first-hand experiences and from her own personal knowledge could not be defined as hearsay. Statements based upon hearsay, on the other hand, could be dismissed. Thus, although he acknowledged that Alma had lied when she claimed that Valentina became pregnant and gave birth in the penitentiary, he considered that information to be hearsay, and not a malicious or defamatory lie. To buttress his original letter—a letter he claimed was a statement of "the facts" his trusted daughter had shared with him—Henry Lyons reminded the governor that Alma made her original claims during a visit in the presence of his son Frank, daughter-in-law Louise, Penitentiary Superintendent John McManus, and Penitentiary Matron Mrs. McManus. By doing so, Henry constructed a representation of Alma as an imprisoned, pregnant daughter who stood bravely and unashamed in a room full of both supportive family members and the prison authorities she claimed had abused her.³⁶³

³⁶³ Henry to Governor McDonald, 23 January 1914, Papers of Governor William McDonald, Box 30: folder 374, SRCA.

Alma may not have been truthful about Valentina's childbirth or about being locked in a room and fed only bread and water, but the lack of oversight, supervision, and care by the penitentiary staff that she pointed out was entirely accurate—and entirely ignored by the governor. Following the investigation, the state of New Mexico made no changes to prevent what Henry called “an evil” to be remedied.³⁶⁴ Despite their inaction, at least one penitentiary official shared Henry Lyons' assessment. Whether his concern was for female inmates or for the general maintenance of the prison as a whole, Superintendent McManus urged New Mexico's lawmakers to fund a much-needed spatial reorganization of the institution. In his *Annual Report for the Governor of New Mexico* from 1914, McManus called for “suitable quarters” to be built for female prisoners at a cost of \$10,000. To justify the expenditure, Superintendent McManus mentioned nothing of the potential to improve conditions for female inmates. Rather, his argument focused on maintaining the discipline of male inmates, or at least guaranteeing them a more regimented exercise routine. The current arrangement of the men's exercise location relative to female quarters left them no choice but to exercise in view of female inmates. McManus noted that “as a consequence the discipline of the men is seriously interfered with” in a way that segregated housing would prevent. Nevertheless, by describing the desirable prison housing for women as “suitable,” Superintendent McManus implicitly acknowledged that the existing housing conditions were “unsuitable.”³⁶⁵

³⁶⁴ Miguel Otero to Governor McDonald, 23 January 1914, Papers of Governor William McDonald, Box 30: folder 374, SRCA.

³⁶⁵ *Report of the Superintendent of the Penitentiary to the Governor of New Mexico*, 1914, pp. 5. This report can be located in Papers of Governor William McDonald, Box 30: folder 374, SRCA.

Similarly “unsuitable” women’s quarters existed among territorial penitentiaries across the United States. In Nevada, prison officials designated their penitentiary’s top floor as the small ward for female inmates. The female quarters lacked a bathroom, sat atop the carpenter shop, and limited any possibility of exercise for the female inmates.³⁶⁶ Similarly, the Wyoming Territorial Penitentiary lacked cells and toilets for its female inmates from its founding in 1873 until 1889.³⁶⁷

Historians studying women’s experiences during incarceration identify “unsuitable” penitentiary quarters as a key ingredient in conflict, harassment, and sexual impropriety. In the case of Alma Lyons’ 1914 pregnancy, the problematic spatial organization of the women’s quarters fits the pattern, coinciding with Donna Crail-Rugotzke’s assessment of the history of women in Nevada’s prisons, Nicholas Hahn’s for women in Tennessee’s prisons, and Gary Kermer’s for women in Missouri’s prisons toward the end of the nineteenth century. According to Crail-Rugotzke, states and territories overcrowded female inmates in women’s quarters because of an underlying assumption that women were less dangerous and required less supervision than male inmates. As was the case in Tennessee, New Mexico’s Territorial Penitentiary featured only one matron to supervise all female inmates. Although the population of female inmates remained small during the territorial period, the quality of life and educational opportunities for female inmates was equally limited. In “Women’s Work in Prisons of the American West,” historian Anne Butler describes prison work programs for women as giving them the choice of

³⁶⁶ Willa Oldham, *Carson City: Nevada’s Capital City* (Genoa: Desk Top Publishers, 1991), 53-4.

³⁶⁷ Butler, *Gendered Justice in the American West*, 65.

either housecleaning or inactivity.³⁶⁸ Indeed, in New Mexico's Territorial Penitentiary, women's intellectual and creative outlets extended only to the construction of small craft items. Whereas women in Nevada created items for tourists to purchase, the handicrafts of New Mexico's female inmates—their only artistic expression while imprisoned—hung on display in the warden's office.

Still a resident of the “unsuitable” penitentiary, Alma gave birth one to three months after the completion of the investigation. Alma's fate after giving birth came to light well over two decades after the investigation ceased, and only through the initiation of her adult son. Penitentiary physician Dr. J.A. Massie assisted Alma in the early months of 1914 as she delivered an infant son at St. Vincent Sanatorium, Santa Fe's only hospital, run by Sister Marie de Chalant. A Santa Fe family, the Roybals, immediately adopted Alma's newborn. In 1938, as a twenty-four-year-old man, Frank Roybal visited both the hospital and the penitentiary with his adoptive mother to ascertain whether Superintendent McManus could help him obtain a delayed certificate of birth.

What would the childhood of Alma's son have been like? A presumably Anglo family adopted the son of African American and *Hispano* parents. Considering his solicitation of the penitentiary superintendent, Alma's son grew up aware not only that he was adopted, but that his birth mother was a convicted criminal. The quick adoption of Frank Roybal and his subsequent willingness to seek

³⁶⁸ Anne Butler, “Women's Work in Prisons of the American West, 1865-1920,” *Western Legal History* 7, no. 2 (Summer/Fall 1994): 208-19. See also, Gary Kremer, “Strangers to Domestic Virtues.”

out his past demonstrates a social acceptance in New Mexican society during the early twentieth century of raising a child of a different race, as well as the acceptance of being born to a parent with a criminal past.³⁶⁹ Frank and his adoptive mother first contacted the St. Vincent Sanatorium, but hospital authorities told him only Alma's room number and offered only a time span between February and April 10, 1914 for his date of his birth.

Frank's investigation of his past raises many questions about his life as a child and adult in New Mexico's first two decades as a state. What was his motivation for obtaining his birth certificate as a twenty-four-year-old man? Was he a father? Did he live alone, with his mother, or with his own children? Regardless of his motivations, Sister Marie de Chalant sent a delayed certificate of birth to the twenty-four-year-old son of Inmate # 2157 on December 12, 1938.³⁷⁰

Alma Lyons, her father Henry, and her son disappeared from historical records upon Alma's release from the New Mexico Penitentiary in 1920. Like most inmates with life sentences, neither Alma Lyons nor Valentina Madrid served their full prison terms due to the New Mexico Penitentiary's financial constraints. Here, as in the demands for pardons made by male inmates, the financial liabilities of a New Mexican institution served as a prominent factor in cutting short determined prison sentences. New Mexico Governor Octaviano Larrazolo granted Alma a release from prison, justified by her age of sixteen at the time of the crime and her good conduct in

³⁶⁹ Superintendent McManus to Sister Marie de Chalant, 30 November 1938, Papers of Governor William McDonald, Box 30: folder 374, SRCA.

³⁷⁰ Sister Marie de Chalant to Superintendent McManus, 1 December 1938, Papers of Governor William McDonald, Box 30: folder 374, SRCA.

the penitentiary, after she had completed only twelve years of her life sentence. Her conditions for this pardon—to stay within the borders of New Mexico, secure honorable employment, conduct herself according to the law, and never return to Sierra County—did not deviate much from the regulations for all released inmates. Her pregnancy, “ignorance,” canceled execution, and the remorse of her father Henry appeared nowhere in this final government record. Despite the New Mexico Penitentiary Commission’s accusation that she lied in her claim of prison abuse in 1914, a note from Penitentiary Superintendent McManus supporting Alma’s release appears on the back of the executive order, stating simply: “Alma Lyons was a good prisoner.”³⁷¹

“Awful Fate of Aged Woman at Velarde”: The Murder of Jennie Templeton

The interaction between three territorial bodies and authority figures—the Mounted Police Force with its power to solicit a confession, the territorial court with its power to decide the fate of murderer David Martínez y Sánchez, and the English-language press with its power to construct representations of both victim and murderer—stand at the heart of a narrative of the murder of Jennie Templeton. A critical part of this narrative is the implication that the territorial press was just as important of a force in shaping New Mexican society as were the territorial institutions established by the federal government.

³⁷¹ Department of Corrections, Inmate Records, Alma Lyons, Inmate # 2157, SRCA.

Thus, this case study on the murder of Jennie Templeton interrogates the unfolding of the methods used by the English-language press to develop a representation of the identity of murder victim Jennie Templeton. How did representations of this Anglo, elderly, and disabled female immigrant to New Mexico change over the course of the discovery of her body to the trial of her killer? What about the multiple representations of her murderer, David Martínez y Sánchez? This case study serves as an exploration of how the “truth” about Jennie Templeton’s life as an unmarried businesswoman in New Mexico—along with, more importantly, her relationship with Martínez y Sánchez—was initially distorted and later more accurately revealed over the course of initial reporting, an arrest, and a trial.

On the front page of the December 2, 1907, issue of the *Las Vegas Daily Optic*, an English-language newspaper, hidden among such headlines as “Andrews Sure Of Statehood,” “3 Killed, 12 Hurt in Wreck of Fast Train,” and “Populists Will Hold Convention in St. Louis,” appeared fifty-six words about a murder. Under the headline “Baptist Missionary Is Murdered At Velarde,” Monday’s article referred to the victim from the previous Saturday afternoon only as “Miss Templeton.” No first name, age, race, or birthplace could be gleaned, only her religion, gender, and profession as a “Baptist missionary teacher.” Two New Mexican men—Captain Fred Fornoff of the Mounted Police Force and suspect David Martínez y Sánchez—also appeared in the brief article about a crime of which no “particulars...manner...[or] motive” were yet known.³⁷² As the story unfolded, three local newspapers—the

³⁷² “Baptist Missionary is Murdered at Velarde,” *Las Vegas Daily Optic*, 2 December 1907.

Albuquerque Journal, the *Las Vegas Optic*, and the *Santa Fe New Mexican*—uncovered additional information that portrayed Templeton in what they believed to be a more detailed, entirely accurate description as a murder victim. Almost one week after her violent death, the public finally gained a more thorough representation of the life and identity of Miss Jennie Templeton of Velarde, New Mexico. In the interim, however, the press crafted a representation of a determined, religiously motivated, Anglo female immigrant—but not an independent, economically determined, experienced businesswoman with loyalty to the Territory she called home.³⁷³

The *Las Vegas Optic* was not the only newspaper to initially portray the victim through what the press perceived to be her religion, gender, and profession. Portraying her solely as a “Baptist missionary teacher” evoked the perceptions of female, Anglo, proselytizing missionaries in New Mexico and either the camaraderie or antagonism that people assumed their presence generated.³⁷⁴ The *Santa Fe New Mexican*, however, acknowledged the “considerable mystery” surrounding Templeton’s murder on Saturday, November 30, 1907. The only piece of information both newspapers seemed certain of was her employment as a Baptist missionary teacher. Journalists had a logical reason to assume so. According to the *Santa Fe New Mexican* and the *Albuquerque Journal*, Templeton’s predecessor, Baptist missionary Phoebe Howard, had suffered an identical fate of murder in the nearby town of Embuda, a crime yet unsolved. Templeton’s body was found in a grove of

³⁷³ “Native in Jail for Killing Missionary,” *Albuquerque Journal*, 3 December 1907.

³⁷⁴ “Velarde Scene of Brutal Murder,” *Santa Fe New Mexican*, 2 December 1907.

trees near the Baptist schoolhouse in Velarde, a town in Rio Arriba County fifty miles north of Santa Fe and located on the Denver and Rio Grande Railroad line. Here resided the Baptist Indian missionary school at which reporters claimed Templeton had been “stationed” under the direction of the missionary board of New York City. Upon receiving details by telegram, Governor George Curry immediately dispatched Mounted Police Captain Fred Fornoff, Judge John McFie, Attorney General Robert Gortner, and a journalist from the *Santa Fe New Mexican* to Velarde.³⁷⁵

Just as the press had relayed the assumption that Jennie Templeton was “the only white missionary woman in Velarde” based upon her race, gender, and Baptist faith, the English-language New Mexican press also relayed assumptions about the race of her killer. According to an *Albuquerque Journal* article printed just three days after her death, it appeared that “Mexicans or Indians” had committed the murder. The motive, journalists argued, stemmed from longstanding animosity in New Mexico towards the practice of converting New Mexico’s indigenous to an Anglo faith system. In the article “Native in Jail for Killing Missionary,” the press persuaded the public that “suspicion points to Mexicans as the murderers, for the reason that they have always opposed Christianizing of the Indians.”³⁷⁶

In an article printed three days after her murder, the *Albuquerque Journal* described Jennie Templeton as a “woman worker.” Indeed, Templeton had been a “woman worker,” but not in the sense that the press depicted. Four days after her death, a more accurate portrait of Templeton’s life emerged. Her age, profession,

³⁷⁵ “Native in Jail for Killing Missionary,” *Albuquerque Journal*, 3 December 1907.

³⁷⁶ Ibid.

family, and a motive for her death all became public knowledge as a result of the work of journalists from the *Santa Fe New Mexican*. It was in this December 3rd issue that New Mexican readers finally learned that Jennie Templeton and her sister “conducted a little store” on her fenced-in orchard in Velarde that sat on the main road to Taos, just one mile south of the local Baptist church. Instead of devoting her days to proselytizing the Baptist faith, Templeton had spent them overseeing her business and her employees in the apple orchard she owned and managed.

Why would the New Mexican press remove this key element of Templeton’s life when constructing a representation of her to the public? The answer lies in the connection between statehood and contemporary performances of gender roles. The image of a woman running her own business went against a more traditional portrayal of women in New Mexico during 1907, undercutting the image of New Mexico as a territory inhabited by women who were dependent upon husbands, sons, fathers, and brothers as family breadwinners. This image of men as financial providers—and, by consequence, women as financial dependents—was frequently reinforced by the language and decisions of territorial officials. In other words, to portray Templeton as a business owner would have weakened the image of embattled male breadwinners that appeared so ingrained in New Mexican culture, surfacing in pardon requests, Bureau of Immigration recruitment literature, and demands for employment from prospective members of the Mounted Police Force. “Business owner” appeared as a descriptor of Jennie Templeton only once among three different newspapers on all

four days after her death.³⁷⁷

By describing the sister who co-managed her orchard store as “a married sister,” the *Santa Fe New Mexican’s* lengthy article from December 3rd indirectly contrasted Templeton as unmarried. This status as a single woman may have been an element journalists included as a mere fact about the victim’s life, or may have been part of a broader agenda to include information that would have evoked sympathy for an older woman who, journalists believed, could have benefited from the protection of a husband. Twice journalists referred to her by her age: once as “an aged woman” and once as an estimated fifty or fifty-five years old. In addition to the contrast between the status of her sister as “Mrs.” versus the “aged” and unmarried “Miss Templeton” who lived with her, articles also portrayed Jennie as a woman “left alone” and not included in family gatherings while her married sister visited Templeton’s niece in Taos for Thanksgiving.

The most dubious proposition of the December 3rd article, though, was the newspaper’s assertion of the motive. According to the *Santa Fe New Mexican*, her murder was “the sequel” to the robbery of Templeton’s “little store” the week before. Piecing together information from several telegrams, journalists asserted that Templeton recognized David Martínez y Sánchez as the thief and that this identification led to her murder. Little can be learned from this article about Martínez y Sánchez and his relationship to Templeton—only that he confessed to having robbed Templeton’s “little store” of five dollars before murdering her, and that he

³⁷⁷ “Murderer Makes Full Confession,” *Santa Fe New Mexican*, 3 December 1907.

“was drunk at the time,” having “taken four drinks” that afternoon, as the large print placed underneath the article’s headline announced.³⁷⁸

The press had already marked Jennie Templeton as someone whom New Mexicans, the territorial court, and the jury as a whole should have been more loyal to than David Martínez y Sánchez. As the *Santa Fe New Mexican* made known on Tuesday, November 3rd, Templeton had lived in Velarde for over twenty years, although two subsequent articles set that number at eighteen and thirteen years. Regardless of the exact length of time, by emphasizing this longstanding membership in the northern New Mexican community—despite her status as an immigrant from the town of Louisiana, Missouri—newspapers qualified Templeton as a legitimate resident for whom New Mexicans had the duty to demand justice. With Velarde as a stop on the Denver and Rio Grande railroad, Templeton had responded to recruitment literature published by the Bureau of Immigration when she relocated to this growing area in the Southwest.³⁷⁹ During the 1880s or 1890s, the Bureau of Immigration had successfully persuaded her brother-in-law to invest in the mining industry in Taos. When Templeton followed and moved to Velarde, buying a small store on an apple orchard, the *Santa Fe New Mexican* reported that her positive reputation had begun to grow throughout the community of *Hispanos*, Pueblos, and Anglo Baptists. Neighbors knew her for her “kindness of heart,” the fact that she “had no enemies,”

³⁷⁸ Ibid.

³⁷⁹ Ibid.

and the way that she gave charity to all of Velarde's needy, including Martínez y Sánchez and his wife and children.³⁸⁰

The December 3rd article from the *Santa Fe New Mexican* was the first to sensationalize the desecration of Templeton's body in great detail, though the body featured prominently in the construction of her as a victim in all articles of the English-language press. For example, the *Albuquerque Journal* described Templeton's "white" body as "mutilated beyond recognition."³⁸¹ The language, syntax, and verb usage of the press reflected the recurring placement of Templeton as the victim in the center of the crime. Describing the crime and her body in great detail, yet without placing direct responsibility on Martínez y Sánchez by making his name the subject for these verbs, the *Santa Fe New Mexican* reported that "Miss Templeton was either stabbed with a knife or clubbed into insensibility with a bludgeon and then kicked in the head until death ensued...it is said her skull was crushed as if she had been kicked in the head by her assailant."³⁸² The *Albuquerque Journal* added to the gruesome descriptions of her body by noting the heel marks pressed upon her face, already covered in wounds and a broken nose. Martínez y Sánchez would later deny "jumping on her face" but admitted to striking her with a club and throwing it in the river behind her orchard.

Sensationalizing Anglo, victimized, female bodies and the bodies of *Hispano* perpetrators capable of violence and excessive drinking was not new for the territorial

³⁸⁰ "Facts Concerning Velarde Murder," *Santa Fe New Mexican*, 4 December 1907.

³⁸¹ "Native in Jail for Killing Missionary," *Albuquerque Journal*, 3 December 1907.

³⁸² "Murderer Makes Full Confession," *Santa Fe New Mexican*, 3 December 1907.

press or the territorial court. Historian Pablo Mitchell tracks similarly graphic depictions of the female bodies of Anglo crime victims in contrast to the bodies of *Hispanos* notable for alcoholism and depravity. According to Mitchell, “the body practices of the accused—the men’s inclination for insobriety and public misbehavior, their tendency toward violence, their ability or inability to control their passions, their reputations for fidelity...materialize before the court, the jury and the assembled audience.” In the case of the murder of Jennie Templeton, the territorial press shaped public perceptions of the male and female bodies months before the territorial court interpreted the meaning of them during Martinez y Sánchez’s trial. According to the historian, building two contrasting representations of the body functioned as part of the process of racialization in the multi-ethnic, multi-racial Territory of New Mexico that Mitchell describes as “mongrelized.” Furthermore, Mitchell argues that the practice of depicting violent, *Hispano* bodies as out of control of their impulses—in opposition to bodies of victimized Anglo women—served as an opportunity for Anglos in New Mexico to challenge the “power and social status of elite *Hispanos*” by constructing “racialized truths emanating from [bodies].” These “racialized truths” associated with the bodies of *Hispanos* and Anglos buttressed a racial hierarchy in the Territory that prioritized the rights of its most recent Anglo residents.³⁸³

A full picture of the woman and man at the center of this case—two portraits that moved beyond representations of racialized bodies—was revealed on December

³⁸³ See Pablo Mitchell, *Coyote Nation: Sexuality, Race, and Conquest in Modernizing New Mexico, 1880-1920* (Chicago: University of Chicago Press, 2005), 56, 79.

4, 1907. In fact, four days after her death proved to be enough time for all three of the English-language newspapers that covered the crime in detail—the *Las Vegas Daily Optic*, the *Albuquerque Journal*, and the *Santa Fe New Mexican*—to accurately represent both Jennie Templeton and Martínez y Sánchez. The articles from the fourth day after the murder included details to endear the murder victim to the public. Headlines in two out of three of the articles characterized Templeton sympathetically: “Aged Woman” and “Victim Lovable Woman.” In addition to including statements about her age to depict her as vulnerable, the *Albuquerque Journal*’s article from December 4th was the first to make her disability public. While the article reported that Templeton was “slightly deaf and had poor eyesight,” it also balanced that disability by mentioning that this limitation didn’t stop her from being actively involved in her business.³⁸⁴

Although headlines in two of the articles on December 4th referred to her murder as either a “Brutal Crime” or her “Awful Fate,” journalists eventually clarified its exact nature. Writers for one newspaper, the *Albuquerque Journal*, felt compelled enough to retract their previously inaccurate reporting by including a bold headline: “Religious Prejudice Had No Part in Crime.” Similarly, the *Las Vegas Daily Optic* devoted an entire paragraph in its three paragraph article to explain that all “sensational stories” claiming that Templeton had been slain by “Indians or Mexicans because she was a teacher of religion or because she was an American were

³⁸⁴ “Confesses to Murder of Aged Velarde Woman,” *Las Vegas Daily Optic*, 4 December 1907; “Facts Concerning Velarde Murder,” *Santa Fe New Mexican*, 4 December 1907; and “Awful Fate of Aged Woman at Velarde,” *Albuquerque Journal*, 4 December 1907.

fake.”³⁸⁵ The *Santa Fe New Mexican* went so far as to use a peculiar choice of words, rationalizing why it “had gone to the trouble” to devote three columns on its front cover to the crime. According to the *Santa Fe New Mexican*, the death of Jennie Templeton was “naught more than an ordinary brutal murder” and the culmination of a “number of pathetic incidents.”³⁸⁶ Laying out accurate facts was an efficient strategy to allay any panic that certain groups within New Mexican society were at risk for violence based upon their belief system or lifestyle. By clarifying the matter, the press acknowledged—without explicitly making that statement—that the fear of violence based upon what they called “religious bigotry,” and the sense that Baptists stood as a minority group targeted for such harassment, were very real for residents of northern New Mexico.³⁸⁷

As the New Mexican press pieced together information to develop an accurate chronology of the crime, the assumption by journalists that the murder had been a “sequel” to an earlier burglary proved correct. According to the *Albuquerque Journal*, Martínez y Sánchez had robbed Templeton’s “little store” on Thanksgiving Day while her family was in Taos. Witness statements given during preparation for the murder trial revealed that Templeton had already informed at least two people—Baptist Reverend Rishul’s daughter and school teacher Mrs. Rodríguez—that she knew Martínez y Sánchez had robbed her store and that she “would go after the man”

³⁸⁵ Ibid.

³⁸⁶ “Facts Concerning Velarde Murder,” *Santa Fe New Mexican*, 4 December 1907.

³⁸⁷ Ibid.

as soon as her sister returned from Taos.³⁸⁸ Her awareness of the criminal's identity—and her fearlessness to publicize his name throughout Velarde—put her life at risk. According to press reports, Martínez y Sánchez rose from his kitchen table when his brother-in-law, Plácido García, warned him that Templeton had witnessed his crime. The last time his wife saw him was noon on November 30th, and she did not see him again until dusk, when she found him asleep on their bed wearing high, red, laced boots. Earlier that day, around 4:30 in the afternoon, two children discovered Jennie Templeton's unconscious body when they visited her store to purchase coal oil. Templeton would never regain consciousness, and died around 8:00 p.m. that Saturday, November 30th.³⁸⁹

Jennie Templeton may not have been a Baptist missionary as the press initially reported, but local Baptist authorities did play a role in rallying the town of Velarde to demand justice for her. Reverend Rishul, the constable of Velarde, and “citizens of the town” all publicly accused Martínez y Sánchez of Templeton's murder and rushed to the courthouse to make sure the Mounted Police made a swift arrest. Velarde's constable and the local physician searched the suspect's home and found “a pair of shoes smeared with blood behind the wood-box in the kitchen, and a pair of overalls spattered with blood behind a dresser in the front room.” After police discovered blood stains on the wrists of his undershirt, blood stains near the foot of the pant leg that he claimed came from killing a goat earlier that week, and heels of

³⁸⁸ Description of Witnesses, *Territory of New Mexico v. David Martínez y Sánchez*, First Judicial District Court Criminal Case # 1465 (12 June 1908), SRCA. Court records can also be found on TANM reel 93: frames 346-58.

³⁸⁹ “Facts Concerning Velarde Murder,” *Santa Fe New Mexican*, 4 December 1907; and Police Report, Mounted Police Force Captain Fred Fornoff, 9 December 1907, TANM reel 93: frames 314-17.

his red boots bearing the same shape as the contour of the wound on Templeton's left eye, Martínez y Sánchez finally confessed to killing Jennie Templeton on November 30th. Three days of interrogation by the Mounted Police took place before Martínez y Sánchez uttered in Spanish that he had killed Templeton with a club, was drunk, didn't know why he killed her, and had no memory of jumping on her face with the heel of his boot as he exited the store.

Most telling from this confession was the revelation of the relationship between the murderer and his victim, told from the perspective of the man who committed the crime. Martínez y Sánchez explained to the Mounted Police that Templeton "had always been good to him...she and her people had always been good to his children," and wept as he confessed in both his native tongue and in English "very plainly" to Mounted Police Captain Fred Fornoff.³⁹⁰ Fornoff displayed pride that his interrogation tactics had forced the suspect to confess, by saying to the *Albuquerque Journal* that he "put [him] through the third degree" and "a sweating process."³⁹¹

An *Albuquerque Journal* article of December 4th added a needed detail to the portrait of the murder victim, one that conflicted with the previously crafted image of Jennie Templeton as a vulnerable, disabled, elderly woman in need of protection. Not only did she actively manage what previous articles had called a "little store," she also owned an orchard. It took four days, but the reading public finally learned of the

³⁹⁰ Statement of A.G. Pollack to Mounted Police Force Captain Fornoff, 3 March 1908, TANM reel 93: frames 337-39.

³⁹¹ "Awful Fate of Aged Woman at Velarde," *Albuquerque Journal*, 4 December 1907; and "Facts Concerning Velarde Murder," *Santa Fe New Mexican*, 4 December 1907.

economic independence of this effective manager who maintained strong ties to her agricultural community. Here had been a woman who—like the men recruited by the Bureau of Immigration—produced the agricultural products that the pro-statehood cadre sought to publicize in order to prove that New Mexico could function as a financially stable state of the Union. However, the English-language press had largely ignored the productivity and “industriousness” of this immigrant to New Mexico.³⁹²

Jennie Templeton differed little from Mrs. R.S. García and Grace Allen, both explored in chapter two of this dissertation. Whether she possessed the social capital of Mrs. García, a woman who used her influence in the town of Pinos Wells to effectively banish a teenage boy who had robbed her store, or the tenacity of Grace Allen, a woman who forced the Mounted Police to analyze evidence of vandalism to her home, is unclear. What can be interpreted from her class position in Velarde as a business owner is that she maintained a team of male laborers who looked to her as an authority figure. This was an interdependent relationship. While Templeton’s financial success depended upon the labor of her male, *Hispano*, immigrant or native New Mexican workers, the financial stability of her *Hispano* employees depended upon Jennie Templeton’s appraisal of their labor. This interdependency between *Hispano* workers and their Anglo female boss mirrored the relationship between the Territory of New Mexico and “industrious” immigrant laborers. New Mexicans fighting for statehood desperately needed the labor of “industrious” male workers—

³⁹² “Awful Fate of Aged Woman at Velarde,” *Albuquerque Journal*, 4 December 1907.

many of whom, like Templeton, relocated from other states—in order to project the image of an economically thriving territory deserving of statehood.

Articles from December 4th painted two conflicting images of Martínez y Sánchez and his motives. Before December 4th, the reading public knew little about him except that he was born in Velarde and was a husband and father of four children. The words, the tone, and even the sentence structure used in the limited lines of print put forth both condemnation and praise of Martínez y Sánchez. On the one hand, a December 4th article in the *Albuquerque Journal* persuasively dismissed the *Hispano*, describing him as “an ignorant man.”³⁹³ Similarly, the *Santa Fe New Mexican* represented him as a man fated to a life of crime by describing the “evil reputation” he bore by being “a gambler and a hard drinker” previously accused of assault, whose “roving disposition” led him to work for a time in Colorado. Yet at the same time, journalists represented him as a man whose crime was at odds with his “tender heart,” proven by his having helped Velarde’s ill residents during smallpox and diphtheria epidemics. The press further counteracted earlier claims that Templeton’s death was a religious hate crime and confirmed that there was “no religious hatred in the heart of the accused” by applauding Martínez y Sánchez for offering to help Velarde’s Baptist reverend during the epidemics, and by sending his two daughters to the local Baptist school.³⁹⁴

In some ways, it appeared the crime would have carried greater significance for the English-language press if the motive of religious or racial prejudice had been

³⁹³ “Awful Fate of Aged Woman at Velarde,” *Albuquerque Journal*, 4 December 1907.

³⁹⁴ “Facts Concerning Velarde Murder,” *Santa Fe New Mexican*, 4 December 1907.

accurate. Instead of the sensational and profitable outrage of a murder as a religious and racial hate crime, the *Albuquerque Journal* described Martinez y Sàncchez's motive for the crime as merely "worldly gain," as though this motive were less important. Even the *Santa Fe New Mexican* stated bluntly that Templeton's death was "naught more than an ordinary brutal murder" if not for the fear incited by having associated it with "racial prejudice or religious strife."³⁹⁵

Likewise on December 4th, in the same *Santa Fe New Mexican* issue with headlines such as "Czar Receives Taft in Audience" and "Santa Fe Central Railway Employes [sic] Must Be Courteous," an article entitled "Facts Concerning Velarde Murder" constructed the fullest and most accurate representation of Jennie Templeton to date. The sub-headline, "Victim Lovable Woman," stood in contrast to the word "Slayer," used to describe the man who took her life.³⁹⁶ The priority of this article was to gain control of the representations of the two people and the town at the heart of the crime. The *Santa Fe New Mexican* argued that the murder was an anomaly in an otherwise "peaceful and law-abiding community." In order to replace the sensationalized image of Velarde as a site of religious and racial animosity with the more accurate image of an orchard and missionary town so "wrought up" by the murder that all schools closed on the Monday and Tuesday following the Saturday afternoon killing, a town where all of its male residents prioritized public safety as they "thronged the courtroom" upon Martinez y Sàncchez's arrest, and a town where the constable and court employees cared deeply about inciting the public's "bitter

³⁹⁵ "Murderer Makes Full Confession," *Santa Fe New Mexican*, 3 December 1907.

³⁹⁶ "Facts Concerning Velarde Murder," *Santa Fe New Mexican*, 4 December 1907.

feeling” if they did not carry out justice for Jennie Templeton.³⁹⁷ The press continued to build the reading public’s affection for Jennie Templeton by tying her to events in national history, as her veteran father had been a major of the Union Army during the Civil War. The same article omitted mention of Templeton’s progression of home states as she moved from St. Louis, Missouri, to Pueblo, Colorado, in addition to having spent much of her life in the town of Louisiana, Missouri. Portraying Templeton as a woman with a transient lifestyle would have reduced her connection to the Territory of New Mexico.³⁹⁸

Yet the *Santa Fe New Mexican* also developed reader sympathies for Martínez y Sánchez, as writers claimed that he not only had ties to a prominent *Hispano* family with deep roots in northern New Mexico, but also had a father who served as a representative of the United States government by acting as a postal carrier in the Territory. According to the December 4th article, the suspect’s wife was a daughter of the Velarde family, one of “the most prominent families” of the Santa Fe and Taos area of New Mexico, for whom the town itself had been named. Thus, the New Mexican press tied him to the social clout of both the “native” community and budding alliances with the federal government.

A scene “never to be forgotten”—this was the *Santa Fe New Mexican*’s description of the courtroom when Martínez y Sánchez confessed to murder on Tuesday the 3rd. According to the press, Martínez y Sánchez stood “pale, tottering, eyes bloodshot from a night’s vigil, arose and pled guilty among a deadly silence in

³⁹⁷ Ibid.

³⁹⁸ Ibid.

the crowded courtroom.” The performance of a father appeared in the role of Rio Arriba County Judge John McFie, who took advantage of the throngs of people present in his courtroom to lecture Velarde’s men of “the consequences of gambling and excessive indulgence in liquor.” This was an interaction that the *Santa Fe New Mexican* called “a fatherly talk,” informing readers that “many were affected to tears.”³⁹⁹

The *Santa Fe New Mexican* added a complicating layer to its representation of David Martínez y Sánchez as a “slayer”: they placed his image in a wrenching performance as a father. In a scene the *Santa Fe New Mexican* described as “heartrending,” Martínez y Sánchez’ two “lovable” daughters—“lovable” being the same descriptor that the *Santa Fe New Mexican* used to describe Templeton—could be seen clinging to their father and “crying bitterly,” along with his wife, whose arms were wrapped around her husband’s neck, as the Mounted Police took him to the Territorial Penitentiary to await his trial.⁴⁰⁰ By describing these reactions, the *Santa Fe New Mexican* softened the image of a confessed murderer by creating a visual scene designed to evoke sympathy in the minds of the reading public. The critical device was to build a representation of Martínez y Sánchez as a father, a husband, and most compellingly, a son. The press’s final description of the apprehension of Martínez y Sánchez included an image of the distraught father of a confessed murderer, an “honorable old man” who had labored as a U.S. mail carrier for twenty years, whose “tears were streaming down his cheeks [and who] sobbed loudly” as the

³⁹⁹ Ibid.

⁴⁰⁰ “Facts Concerning Velarde Murder,” *Santa Fe New Mexican*, 4 December 1907.

Mounted Police removed Martínez y Sánchez from his home. The *Santa Fe New Mexican* assumed that representing a proud elderly man brought to tears would show the gravity of the crime not just for the victim, but for the family of the accused.⁴⁰¹

On June 12, 1908, Case # 1465, the *Territory of New Mexico v. David Martínez y Sánchez*, began proceedings in the First Judicial District Court in Rio Arriba County. The statements from witnesses, attorneys, the judge, and the family of the defendant provide the fullest picture of the relationship between Jennie Templeton and the man who killed her. What Martínez y Sánchez meant to her, what she meant to him and his children, and what the defendant meant to his wife and children were all spoken directly from the mouths of the people who felt these connections. To argue for a more lenient second-degree murder charge with a ninety-nine-year sentence instead of a first-degree murder charge with the punishment of death, attorney Benjamin Read blamed his client's "spilling human blood" not on malice, but on the influence of alcohol. Martínez y Sánchez' attorney contrasted his behavior under the influence of the "great enemy" of alcohol to his character when sober, asking the court to consider "his antecedents in life, his conduct, and his behavior and reputation as a citizen, as a man, as a father, and as a husband." As Read openly admitted before the court, the only chance he had to spare the life of Martínez y Sánchez was to use "the defense of drunkenness," persuading the judge to

⁴⁰¹ Ibid.

consider the extenuating circumstances of a man “deprived of reason” due to alcohol abuse.⁴⁰²

His behavior as a sober breadwinner factored heavily in his defense. Here, as in the case of penitentiary inmates demanding pardons, the themes of labor, service to one’s family, and the influence of a bad crowd factored into the portrayal of an individual entitled to freedom. Read first portrayed him as a laborer, a man who “has done every kind of work, manual labor, to support his family.” Not satisfied with the shortage of work available inside of New Mexico, Martínez y Sánchez traveled wherever paid labor could be found. Thirteen months preceding the murder, he left Velarde, worked on the railroads in Colorado, earning five hundred dollars for his family while living a sober life. The attorney for Martínez y Sánchez, like the parents of many incarcerated young inmates soliciting pardons from the governor, blamed a crowd of “hangers-on...[and] liquor fiends” for their bad influence. Read appealed for leniency by trying to convince Judge McFie that, as a result, Martínez y Sánchez “blew it in” with alcohol, leading him to “keep [his] head full of whiskey,” and pushing him to rob Templeton’s store in order to “keep on his spree.” Martínez y Sánchez also appeared as a father in his attorney’s attempt to win leniency from Judge McFie. His closing statement included a plea for the judge to “not forget” the wife and four children “that will weep for the absence of a father.”⁴⁰³

⁴⁰² *Territory of New Mexico v. David Martínez y Sánchez*, First Judicial District Court Criminal Case # 1465 (12 June 1908), SRCA.

⁴⁰³ *Ibid.*

The trial of Martínez y Sánchez for the murder of Jennie Templeton revealed the true nature of the relationship between the thirty-eight-year-old *Hispano* laborer and his sixty-eight-year-old Anglo neighbor. The press never revealed the extent of their relationship. In all accuracy, the two had been neighbors for several years, “and [the Martínez y Sánchez] family and Templeton’s family were friends.” More than that, Martínez y Sánchez thought of Templeton as “almost a mother.” Why would the press ignore the close nature of this friendship? In sensationalizing the case as a religious or racial hate crime, an example of the evils of drunkenness, or a morbid listing of wounds on the victim’s body, the English-language press ignored the reality of the relationship as it existed when the victim and perpetrator were alive and sober—that of legitimate friendship between people who differed in age, gender, race, labor, and family arrangements. Regardless of whether members of the press did this because they could not imagine this bond to be possible, or because they did not think the audience would accept it as a reality, or because it wouldn’t be scandalous enough to sell newspapers, the bond of friendship between the two was hidden from readers of the Territory’s English-language newspapers.

In fact, David Martínez y Sánchez and his wife had ample opportunity to develop a close relationship with Templeton and her sister, for the family lived just one hundred yards from Jennie Templeton’s home. To show the court how close Templeton had been to his family, Martínez y Sánchez admitted in his confession that shortly before the murder, Jennie Templeton’s sister had approached Martínez y Sánchez to get him to “loan [her] one of [his] little girls” to accompany her and

Jennie Templeton on a five-day trip to Taos. When his wife resisted because they had protected their daughter, Adela, from being “loaned out” even to her grandmother, Martínez y Sánchez persuasively reminded her of the character of Miss Templeton and her sister. He explained to his wife: “You know these ladies, and we can trust Adela with them just the same as if she were to go with you.” During his confession to Captain Fornoff earlier that December, Martínez y Sánchez emphatically explained that he appreciated how Templeton “had always been good to him...she and her people had always been good to his children.”⁴⁰⁴

David Martínez y Sánchez had a chance to express regret, sadness over the loss of a friend, awareness of the damage of alcohol in his life, as well as confusion and his inability to make sense of his actions. Admitting before the court that he didn’t remember much of what happened on November 30th, when he realized he had killed Jennie Templeton, he claimed that he asked himself, “What have I done with this poor woman?” Even in his altered state, he knew that the two shared nothing near animosity; that he “had nothing against that lady, nothing”; that Jennie Templeton could always be relied upon to help him and his wife whenever they needed assistance; and that he and his family had always been welcome in the home she shared with her sister. This was a relationship of mutual assistance. Just one day before her murder, Templeton relied upon Martínez y Sánchez to translate for her in a

⁴⁰⁴ Statement of A.G. Pollack to Mounted Police Force Captain Fornoff, 3 March 1908, TANM reel 93: frames 337-39; and Police Report, Mounted Police Force Captain Fornoff, 9 December 1907, TANM reel 93: frames 314-17.

business transaction with a Spanish-speaking *Hispano* who purchased alfalfa from her store.

Two female allies fought on behalf of Jennie Templeton during the trial to convict her killer: her sister in Velarde and her niece in Taos. Neither let the Mounted Police rest on their laurels after the arrest of Martínez y Sánchez. Templeton's niece, Mrs. Esmay, proved most demanding. The primary point of pressure that Templeton's allies placed on the Mounted Police involved expanding the witness list for the prosecution. Two young boys became part of the case. Ten-year-old Alejandro Martínez, whose mother was a relative of Martínez y Sánchez, told his mother that he "saw a man's hand" as the man killed Jennie Templeton, but did not see his face because something blocked the door of her store. The other young witness, seventeen-year-old Abel Sánchez, first saw her body on the floor of the store when he arrived to purchase coal oil and was responsible for alerting authorities to the crime.⁴⁰⁵ In preparation for the trial, Captain Fornoff planned to approach the two young witnesses gently, as he was convinced that "they are good people but of course would not want to give the evidence that would put the rope around the neck of David Martínez y Sánchez."⁴⁰⁶ This approach did not meet Mrs. Esmay's approval. During preparation for the trial, Templeton's niece sent Captain Fornoff a four-page handwritten note demanding that he locate seven additional witnesses she was convinced would help the prosecution, and demanding that he do

⁴⁰⁵ Description of Witnesses, *Territory of New Mexico v. David Martínez y Sánchez*, First Judicial District Court Criminal Case # 1465 (12 June 1908), SRCA; and TANM reel 93: frames 303-7.

⁴⁰⁶ Captain Fornoff to Alex Reed, 1 April 1908, TANM reel 93: frames 342-43.

what he could to make sure they would “be induced to tell all” in their testimony at the trial. In particular, Esmay demanded that Fornoff pressure the ten-year-old witness, Alejandro Martínez, for more information despite the young boy’s fear. She claimed that since he heard her aunt say with a weak voice, “Lemme in! Lemme in and help me!” then he most likely saw the face of Martínez y Sánchez but was too scared to tell.⁴⁰⁷

The prosecution, Judge McFie, and the defense attorney for Martínez y Sánchez all crafted a representation of Jennie Templeton as “the good lady” and “a very kind woman.” The court also held Templeton’s family in the highest regard. In part, Judge McFie made that assessment because of the way Templeton’s sister and niece sympathized with Martínez y Sánchez as a father, and told the court that they would not protest a conviction of second-degree murder. By reducing the conviction from first-degree murder, Templeton’s two female allies played a critical role in sparing Martínez y Sánchez the punishment of hanging.⁴⁰⁸

Judge McFie was most impressed that women with “the blood trickling through [their] veins, the blood of the deceased...do not demand the blood of this man, notwithstanding the revolting circumstances under which Miss Templeton was killed.” Judge McFie also expressed surprise and a sense of esteem towards the entire community of Velarde for its lack of vigilante justice and violent retribution against Martínez y Sánchez after losing the “innocence and the lovable character” of Jennie

⁴⁰⁷ Mrs. Esmay to Captain Fornoff, 26 January 1908, TANM reel 93: frames 323-25.

⁴⁰⁸ *Territory of New Mexico v. David Martínez y Sánchez*, First Judicial District Court Criminal Case # 1465 (12 June 1908), SRCA.

Templeton. According to McFie, Templeton's residency in Velarde made her "identifiable with the place and the people there." Furthermore, McFie expressed disgust "that human life is so cheap that an innocent woman can be slain and nothing done? The lives of innocent people shall not be taken by even persons who are drunk."⁴⁰⁹

What is surprising about McFie's ruling against Martinez y Sánchez, though, is that he said nothing about the two characteristics toward which the press had directed most of its attention: Jennie Templeton's age and gender. Rather, this authority figure of the territorial court expressed the greatest amount of indignation that this crime had been inflicted upon a person who served as a pillar of kindness in her community of Velarde. Just as compelling, McFie focused on a description of Martínez y Sánchez that the press had reported four days after the murder: his role as a father and husband who failed to meet his responsibilities, a young family man who wasted the lives of his children and wife due to his drunkenness, who destroyed a friendship and committed the most "revolting crime" only in part because his victim was a woman, but more so because she was a friend. Judge McFie twice referred to Martínez y Sánchez as a "young man" and a "young father." In this case, the youth of his thirty-eight years referred to an immaturity and a lack of judgment, but not necessarily youth in the sense intended by parents who wrote the governor pardon demands, invoking the youth of their sons as a rehabilitative characteristic.

⁴⁰⁹ Ibid.

This Anglo territorial representative took the opportunity to lecture every *Hispano* in the courtroom to interpret the life of Martínez y Sánchez as an example of mistakes not to follow. He recognized that Templeton's murder forever affected the life and heart of the culprit, as "this young man has repented of it a thousand times, and always will repent of it and regret it as long as he lives." However, what touched McFie the most, and what he warned court attendees to understand most profoundly, was the consequence of a drunken killer's actions on his wife and children. Reinforcing the same definition of masculinity proposed by Mounted Police Force officers and Penitentiary inmates, Judge McFie chastised Martínez y Sánchez for failing to serve and protect his family more than for the murder itself. As McFie explained, purportedly with a fatherly tone, "The saddest thing in connection with this is, this wife who sits here, whom he swore to support and protect, and these poor little children and the old father and mother, whose hearts must also bleed as long as they live." With an almost patronizing tone, McFie prefaced his ruling by reminding all in the courtroom that "the innocent must suffer with the guilty. What a horrible thing this is, fellow citizens."⁴¹⁰

The District Attorney felt an added responsibility to pursue justice for Templeton because of her gender, because of her disposition and persona, and because the combination of her gender and her persona made the crime of murder all the more hideous. District Attorney Alex Read explained to the court that seeking justice for Templeton differed from any other case in his legal experience. Read

⁴¹⁰ Ibid.

bluntly contrasted the hierarchy of social justice according to gender, explaining to the court that although “a man kills another man in the heat of passion where a man kills another man by mistake,” he now had his first responsibility to “plead the case of a woman.” The court accepted the lesser charge of second-degree murder, and not first-degree murder which would have required a death sentence, not because Judge McFie accepted that Martínez y Sánchez’s “maudlin drunkenness” was an excuse for violence, but because he claimed the court “would rather make a mistake on the side of mercy than on the other side, when human life is at stake.”⁴¹¹

The same behavior that had caused Martínez y Sánchez trouble before he committed the crime of murder in 1907 continued to do so during his sentence in the Territorial Penitentiary. On May 19, 1913, six years into a ninety-nine-year sentence for second degree murder, Martínez y Sánchez lost all of his privileges as a “trustee.” He had earned the right to labor on a road camp, beginning construction work on April 28, 1911, as Penitentiary Superintendent John McManus had deemed him a trustworthy and reliable inmate who would not flee. Outside of the confines of the penitentiary, though, his coworkers reported that he had been “getting drunk” on the job. As his punishment, Martínez y Sánchez received ten days of solitary confinement and lost the ability to work outside of prison until August 1, 1913. Thus, the compulsion that Martínez y Sánchez, his attorney, his wife, the prosecution, and the judge at his trial associated with his murder of Jennie Templeton proved to be a

⁴¹¹ Ibid.

problem that Martínez y Sánchez could not overcome.⁴¹²

Jennie Templeton's body appeared in gruesome depictions—wounds on her skull, a broken nose, heel marks on her face—in the press, on police reports, and in the trial. However, the body of Martínez y Sánchez appeared only in penitentiary intake records. The English-language press and attorneys in the trial, meanwhile, presented his behavior and his relationships in great detail. Only from the penitentiary intake records could readers learn that the thirty-eight-year-old weighed one hundred and fifty-three pounds, stood five feet and six inches tall, wore a size seven and one half shoe, had a dark beard, black hair, and complexion defined as “light,” teeth defined as “bad,” and had a body that bore scars on the left side of his face and on his left forearm. With a living father and a deceased mother, David Martínez y Sánchez did not smoke, could not read or write, had not received even a common school education, and was described by penitentiary workers as “intemperate.”⁴¹³

Like Alma Lyons, Martínez y Sánchez would not complete anything near a full sentence of ninety-nine years, but instead received a conditional pardon once New Mexico became a state. Also like Alma Lyons, during his incarceration, Inmate # 2315 experienced the significance of statehood simply through the name change of his mandatory residence: after 1912, the New Mexico Territorial Penitentiary that housed him became the New Mexico State Penitentiary. What qualified him for a

⁴¹² New Mexico Department of Corrections, “Penitentiary of New Mexico Newspapers and Mixed Articles, 1915-1916,” Box 7271: folder “Punishment Book, 1906-1916,” SRCA.

⁴¹³ Ibid.

conditional pardon in 1919? According to Governor Octaviano Larrazolo, his “unequivocal signs of repentance” earned Martínez y Sánchez the opportunity to “begin life anew” and become a “useful citizen” after serving only eleven years. Becoming a “useful citizen” was directly connected to the potential of future industriousness. Like the men to whom territorial governors had granted pardons, this inmate’s age and ability to be industrious proved to be deciding factors. In exchange for the pardon, the governor of New Mexico required Martínez y Sánchez to labor “honorably” in the future in order to “prove himself a worthy citizen.” Being “worthy” meant being “profitable” in his employment. Being “profitable” in his employment meant being able to fulfill responsibilities as the breadwinner of his family. In the executive order issued on November 27, 1919, Governor Larrazolo reinforced the importance of the male head-of-household by requiring Martínez y Sánchez to “comply with his domestic obligations and support those dependent upon him.” Despite being a fifty-year-old convicted murderer and reputed “intemperate,” the governor of New Mexico still saw potential in Martínez y Sánchez’s ability to support his family. Penitentiary Superintendent John McManus also expressed faith that David Martínez y Sánchez could fulfill this condition of his pardon because he had labored “faithfully well”—despite his drunken construction work—while incarcerated. This ability to work was enough for the superintendent to advocate for the convicted murderer of Jennie Templeton.⁴¹⁴

⁴¹⁴ Governor Octaviano Larrazolo, Executive Order, 27 November 1919, New Mexico Department of Corrections, “Penitentiary of New Mexico Newspapers and Mixed Articles, 1915-1916,” Box 7285: Inmate Case File # 2315, SRCA.

Just as labor proved powerful enough to release a man from the penitentiary with a conditional pardon, labor also proved powerful enough to return a man to it. Martínez y Sánchez's idea of honorable employment required him to relocate to San Simon, Arizona, in 1919 for a "good paying" position under an acquaintance of Acting Governor Benjamin Penkey. The governor judged this future employer to be a "good and reputable citizen" and subsequently modified the conditional pardon to allow Martínez y Sánchez to leave New Mexico. Once again, a governor reinforced the significance of laboring to support one's dependents as a breadwinner, as Martínez y Sánchez stood to lose all privileges should he quit this job in Arizona.⁴¹⁵

Conclusion

This chapter analyzed the way representatives of the territorial court, the Territorial Penitentiary, the English-language press, and the governor intervened on behalf of an African American teenage murderess largely for the purpose of avoiding an "uncivilized" reputation for the Territory, and the way the same territorial institutions enforced punishment against a *Hispano* who committed a violent act against an "aged" Anglo woman represented as an asset to her community. In each case study, New Mexicans faced the court and the press because something had failed in a familial relationship or an interdependent friendship. More importantly, each case study highlighted the prolific rhetoric of fatherhood. In the case of Alma Lyons, the deterrence of her execution in 1907 rested upon Henry Lyons' representation of

⁴¹⁵ Ibid.

himself as a failed guardian to his teenage daughter. Expectations of the role of the father returned seven years after the elderly, African American veteran Henry Lyons had placed himself before a territorial governor in order to advocate for his soon-to-be executed teenage daughter. In 1914, Lyons, once again, appeared before the governor of New Mexico as a regretful father, but this time to demand protection for his pregnant daughter and retribution for suspected prison abuse.

In the case of David Martínez y Sánchez, the confessed murderer of Velarde's beloved Jennie Templeton, his plea for leniency also revolved upon a representation of himself, imposed by the court judge and territorial press, as a father whose drunkenness led him to fail his dependent wife and children. In this case, the territorial judge crafted this representation by imposing a sentence of second-degree murder and denounced him before all of Velarde's *Hispanos* as an example to avoid. Martínez y Sánchez, awkwardly and not willingly, participated in this representation by fulfilling Judge McFie's demand that he translate this condemnation of his own behavior to his entire Spanish-speaking *Hispano* community.

Teenager Alma Lyons, her African American father Henry Lyons, Anglo Jennie Templeton, her *Hispano* murderer and friend David Martínez y Sánchez—the territorial press misrepresented all four New Mexicans and ignored critical components of their characters and their bonds with one another. Doing so allowed the press to construct inaccurate and salacious representations of a mentally and morally underdeveloped teenage girl whose neglectful father influenced her murderous actions, and a helpless Anglo, female, immigrant victim devoid of the

business acumen that endeared her to her adopted *Hispano* community. Meanwhile, Henry Lyons and David Martínez y Sánchez crafted their own, more honest representations of themselves as an elderly, poor, African American, veteran father who failed his daughter, and a *Hispano* laborer who failed as a friend by murdering his Anglo neighbor.

Meanwhile, the two women at the center of these two case studies—pregnant teenager Alma Lyons and business owner Jennie Templeton—were residents of New Mexico who, had the crimes that surrounded them never occurred, would have been ignored and dismissed by the territorial government and the territorial press, one as an unproductive, developmentally immature African American teenager with little to contribute to the Territory except domestic work, and one as an incredibly productive immigrant businesswoman whose age and gender rendered her virtually invisible in order to support an image of New Mexico as a population dominated by male breadwinners for the purpose of achieving statehood. What remained consistent between the two women was the role of their advocates who demanded justice for each. Despite differences in their race, age, labor, morality, contribution to their community, or with their status as living or deceased, criminal or victim, soon-to-be-executed or soon-to-be-buried, sexualized and reproductive or alone and “husbandless,” the territorial press crafted representations of both women that supported the archetypes their advocates made use of in order to shape a more effective plea. Relying upon socially constructed representations allowed these

advocates to persuade the territorial court and territorial governor to meet their demands.

CONCLUSION

After sixty-two years as a territory of the United States, New Mexico became the U.S. flag's forty-seventh star on January 6, 1912. Anglo immigrants, Mounted Police Force officers, Territorial Penitentiary inmates, and an African American teenage girl who escaped execution all experienced varying degrees of change as New Mexico transitioned from a federal territory to a U.S. state. Between 1880 and 1912, the connection between the quest to convince a U.S. president to permanently inscribe his signature on New Mexico's Enabling Act, and the gendered rhetoric used by men across class and racial lines as a strategy to demand entitlements from territorial institutions was less than subtle.

Officials in multiple territorial institutions constructed a representation of New Mexico as ready and capable of belonging in the Union. Demonstrating the difference between New Mexico as a U.S. territory controlled by the federal government and New Mexico as part of the Republic of Mexico and the Spanish colonial empire formed the basis of this claim. Multiple institutions engineered a representation of New Mexico as a stable, economically productive, law enforcing space populated by a majority of Anglos. Male recipients—or those who desired to become recipients—of the benefits of territorial institutions animated this representation. Male authorities—including governors of New Mexico, Territorial Penitentiary wardens, Mounted Police Force captains, and Bureau of Immigration

advertisement writers—made professional decisions that reinforced the value and power of this representation.

With a strategy designed to convince a federal authority to grant statehood, a cadre of individuals within the Territory transformed its political infrastructure by strengthening the territorial institutions established to serve all New Mexicans. The work of territorial institutions and New Mexico's quest for statehood were intricately and irrevocably linked. All four of the institutions at the focus of this dissertation played a role in constructing this representation of New Mexico as American, law abiding, and "civilized." The Bureau of Immigration, founded in 1880, courted Anglo workers from the Midwest and Northeast to work in the mining and agricultural sector. Doing so, Bureau of Immigration officials believed, would redefine New Mexico as an economically productive territory that would reap wealth equal to or superior to that of established states. This tactic, however, required denying the value of pre-existing methods of labor used by *Hispanos* and Pueblos already living in the Territory. Additionally, this tactic required denying the value of future methods of labor that prospective immigrant women would have brought to New Mexico. The Bureau of Immigration defined the value of labor—and the value of an immigrant's presence in the Territory—based upon the gender of the worker who performed that labor. This disproportionate assessment of an immigrant's contribution to New Mexico weighed on the side of white, male, able-bodied immigrants who would, in the minds of Bureau of Immigration officials, improve the opinion of Congress and the entire nation. Recruiting and populating the Territory

with a greater number of Anglo immigrants—especially Anglo immigrants who brought knowledge of farming techniques from other states—helped Bureau of Immigration officials craft their appeal to persuade Congress to recognize New Mexico as a territory that had grown closer to legitimate states in its image, population, and economy, while growing more distant from its *Hispano*, Catholic, and indigenous reality.

A second institution, the Mounted Police Force, participated in the project to convince the nation of New Mexico's aptitude for statehood by constructing a representation of New Mexico as a space with far less disorder and crime as a territory than it had during its years as part of the Republic of Mexico. Since its establishment in 1905, the territorial institution of the Mounted Police Force stood in contrast to the pre-existing system of *Hispano* sheriffs that territorial officials—men appointed by the federal government—and Anglo newcomers judged as inept and corrupt. To help the Territory distance itself from the legal traditions of its Mexican past, Anglo immigrant men who sought to serve this new institution did not request work gently. Prospective officers defended their entitlement to one of the eleven positions on the Mounted Police Force by employing a decidedly masculine language to flaunt their physical fortitude, skill with weapons, and bravery. These Anglo men referred to themselves as “A-1 good men,” or attested to being “no banker's daughter” and, by doing so, added credibility to their assertion that they possessed the characteristics necessary to enforce federal and territorial law in New Mexico.

The Territorial Penitentiary, a visually formidable institution located not far from the governor's office in Santa Fe, served as evidence of New Mexico's ability to house, feed, clothe, and sequester convicted criminals from law abiding New Mexicans and their property. In reality, whether this institution had the capability to house, feed, clothe, and sequester inmates on its limited budget varied throughout the entire territorial period. The high costs of running the Territorial Penitentiary provoked an urgent desperation to reduce the institution's overall costs of operation. The governor of New Mexico, in turn, listened more receptively to the demands of incarcerated inmates with the knowledge that every pardon he granted would result in reduced expenses for this economically strained institution of public safety.

The men sequestered inside the penitentiary walls never abandoned their longing for release. Receiving a pardon meant reuniting with family, launching economic ventures beyond the manufacture of inferior quality bricks in the penitentiary's brick-making factory, roaming the Territory for work, and returning to the life and social position they enjoyed before their incarceration. Thus, demanding a pardon necessitated adopting a strategy that inmates knew would prove successful. The strategy inmates adopted—and the one their allies adopted on their behalf—was to portray themselves in letters to their governor as embattled breadwinners desperately needed by the family who awaited them outside the penitentiary walls. These fathers, husbands, and sons persuaded the governor that, once released through his pardon, they would stabilize their family by contributing an income to their ill wives, providing solace to elderly mothers, and serving as a positive authority figure

to teenage daughters under the influence of mothers whom inmates labeled as irresponsible. Whether these men genuinely intended to contribute to their families in these capacities or not, the promises made by inmates to fulfill the role of father, husband, and son convinced the governor to release them from the penitentiary. In doing so, the governor endorsed the definition and representation of manhood constructed by inmates in the Territorial Penitentiary, granting it legitimacy and validity on behalf of the territorial government.

The role of the father also featured as a defense to assist women incarcerated in the Territorial Penitentiary. Men serving as allies of female inmates harnessed an identity of fatherhood to champion the incarcerated women dependent upon their support. During his daughter's incarceration, Henry Lyons, the elderly African American father of teenage inmate Alma Lyons, twice performed the gendered role of a regretful father. His daughter, meanwhile, fell victim to negative, sinister, and deriding characterizations. The territorial press promulgated the salaciousness of her act of murder, her low intelligence, her youth, and her gender to both vilify her as a thoughtless murderess and to support her as a helpless victim of a manipulative older *Hispano* who masterminded the murder of her best friend's husband. Her allies, though, relied upon the representation of a troubled child to demand Alma's clemency.

Even more influential than portrayals of a child raised by an "immoral man,"

the broader goal of statehood appeared as an overriding concern of New Mexicans.⁴¹⁶

Worried that the execution of a teenage girl would tarnish New Mexico's newly improved reputation, thus reversing progress made through the reinforcement of the authority of territorial institutions, New Mexico's governor revoked Alma's order of execution in order to avoid giving Congress and the rest of the nation a reason to once again perceive New Mexico as "uncivilized." Once Alma became pregnant, her father reappeared. This time, Henry Lyons positioned himself as a vocal advocate to decry what Alma claimed to be starvation and brutality dispensed by the Territorial Penitentiary matron and supervisor during her pregnancy in 1914. When those claims proved false, this father defended his daughter by refusing to apologize to the governor for instigating an investigation of fictitious accusations of misconduct by penitentiary authorities.

Fatherhood, as in the case of penitentiary inmates who demanded pardons from the governor, and applicants to the Mounted Police Force who demanded employment from the captain, appeared as a rationale for leniency when invoked by the wife of accused *Hispano* murderer David Martínez y Sánchez during his criminal trial for the 1907 murder of his friend, Jennie Templeton. The case of David Martínez y Sánchez reveals more than just his wife's plea for the financial support that she and her children so desperately needed.

⁴¹⁶ W.H. Hopewell to Governor Raynolds, 27 May 1907, Territorial Archives of New Mexico Microfilm reel 179: frames 1337-38, State Records Center and Archives, Santa Fe, New Mexico (hereafter TANM and SRCA, respectively).

The press and trial coverage of Jennie Templeton's murder also revealed a differential assessment of immigrant labor. Following the pattern that the Bureau of Immigration's advertisers of New Mexico demonstrated in their recruitment pamphlets, the labor of elderly, Anglo, partially deaf immigrant Jennie Templeton was not judged as valuable enough to be named as a prominent characteristic of this murder victim in descriptions by the press of her life, murder, or the trial of her murderer. Her work as a business owner, overseer of an orchard, and authority figure in the town of Velarde, remained obscured in all but her final public portrayal. Despite Jennie Templeton's economic contributions to the Territory, her identity as a businesswoman did not support the project of portraying New Mexico as worthy of statehood by virtue of its population of able-bodied, male, Anglo fathers, husbands, sons, and brothers who served as breadwinners for children, wives, mothers, and sisters. In fact, it undermined it. Thus, this Anglo businesswoman remained represented only as a victim of crime.

Hispanas and Anglo women in the Territory, meanwhile, demanded their own entitlements with an equally powerful—though not always gendered—strategy. In most of the cases presented in this dissertation, women appeared in the abstract form of future beneficiaries of a breadwinner once he received his Territorial Penitentiary pardon, job on the Mounted Police Force, or employment in the mining and agricultural industries advertised by the Bureau of Immigration. Four New Mexican women—African American convicted murderer and pregnant inmate Alma Lyons, *Hispana* businesswoman Mrs. R.S. García from Pinos Wells, Anglo homeowner

Grace Allen from Yeso, and German governess and prospective immigrant Nearia Liegler—expressed their own demands for attention from the territorial institutions they believed served them along with male members of New Mexican society.

Placing these women at the center of an analysis devoted to the ubiquity and success of a gendered rhetoric of territorial masculinity serves as a contrast to the claims of men who based their demands for entitlements upon a need to perform a role that, hypothetically, benefited their wives, daughters, sisters, and mothers. The experiences of women in the Territory of New Mexico, however, reveal that immigrant Nearia Liegler expected employment, Mrs. R.S. García and Grace Allen expected protection and safety for themselves and their property, Jennie Templeton's female allies expected justice for her murder, and teenage inmate Alma Lyons expected care and fair treatment throughout her pregnancy.

While these New Mexican women received minimal, insufficient, and ineffective attention from the Bureau of Immigration, the Mounted Police Force, and the Territorial Penitentiary, their strategy to articulate their expectations nevertheless deserves consideration. These women demanded what they believed territorial institutions owed to them based upon their sense of identity as residents and laborers of New Mexico who valued themselves for their contributions to the Territory. Unafraid of being dismissed by the governor, captain of the Mounted Police Force, Bureau of Immigration officials, or Territorial Penitentiary staff, these women advocated for their own safety, justice, and employment with the same vigor used by men in New Mexico. These four women—and the *Hispanas*, Anglos, and African

Americans whose experiences do not appear in this dissertation—determined their treatment from territorial institutions regardless of whether the representations of themselves that they performed matched the images of New Mexican women in the minds of territorial officials.

Men, too, shaped their own identities—or at least tried to—by crafting images of themselves as breadwinners. Performances of masculinity included those engineered by male inmates, prospective Mounted Police officers, prospective immigrants to the Territory, and prospective attentive fathers. Whether *Hispano*, Anglo, or African American, these men constructed representations of themselves that they anticipated would persuade New Mexico's governor, Mounted Police captain, Territorial Penitentiary supervisor, and Bureau of Immigration officials to heed their demands for the entitlements they believed were owed to them. Articulating an image and a definition of the capable and desperately needed father, husband, son, and brother was only the first step in communicating their demands. Performing this image in its entirety required these men to bring to life the claims they put forth of their identity as "A-1 good men," as veterans, as fathers, as possessors of physical strength, bravery in the face of danger, and skill with weaponry.

For Anglo immigrants in the Territory—whether as Mounted Police officers, inmates, miners, or agriculturalists—optimizing their demands also required that their self-depiction publicize the Americanization of a space populated by New Mexico's *Hispanos* and indigenous tribes with ancestral roots in a region once controlled by

Mexico and Spain. Their portrayal did not always match their reality. Defining what it meant to be a father, a husband, a son, a brother—and indirectly, a governor who endorsed those roles—according to a meaning unique to the final years of New Mexico’s sixty-two-year struggle as an underfunded and increasingly embittered territory, while at times insincere, ultimately succeeded in propelling the Territory of New Mexico to achieve its transition to statehood in 1912.

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