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Title

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Journal

Chicana/o Latina/o Law Review, 26(1)

ISSN

1061-8899

Author

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Publication Date

2006

DOI

10.5070/C7261021167

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CLASS STRUGGLE AND RESISTANCE AGAINST THE TRANSFORMATION OF LAND OWNERSHIP AND USAGE IN NORTHERN NEW MEXICO: THE CASE OF *LAS GORRAS BLANCAS*

MARY ROMERO*

I. INTRODUCTION

Nationalist rhetoric of “Aztlán,” the “borderlands,” and “border crossings” metaphors popularized in Chicana and Chicano literature tends to sweep away a complicated history and class identity that is rooted in the last 150 years in the territory once claimed by Mexico.¹ The broad strokes used to define groups on the basis of their racial ethnic identity as Anglo American, Chicano, and Indian suggests homogeneous groups acting in their own economic and cultural interests.² However, the case of land ownership and usage in northern New Mexico highlights the heterogeneity of ethnic racial identity and their relation to class issues.³ The transformation of property rights, economic position,

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1. See BORDER THEORY: THE LIMITS OF CULTURAL POLITICS (Scott Michaelsen & David E. Johnson eds., 1997) (critiquing Gloria Anzaldúa and other writers using border, borderlands and border crossing metaphors in developing theories, and pointing to contradictions embedded in their application to interrogating identity). See generally Leslie Espinoza & Angela P. Harris, *Afterword: Embracing the Tar-Baby-LatCrit Theory and the Sticky Mess of Race*, 10 LA RAZA L.J. 499, 507 (1998) (discussing the complexity of race and the use of LatCrit theory in exposing the linkages between marginalized communities of color and mainstream law).

2. See generally MARTHA MENCHACA, *RECOVERING HISTORY, CONSTRUCTING RACE: THE INDIAN, BLACK AND WHITE ROOTS OF MEXICAN AMERICANS* (2001).

3. See generally Laura E. Gómez, *Off-White in an Age of White Supremacy: Mexican Elites and the Rights of Indians and Blacks in Nineteenth-Century New Mexico*, 25 CHICANO-LATINO L. REV. 9 (2005); Laura E. Gómez, *Race Colonialism, and Criminal Law: Mexicans and the American Criminal Justice System in Territorial New Mexico*, 34 LAW & SOC'Y REV. 1129 (2000). For a broader discussion on the intersectionality of race and class in LatCrit, see generally Ian F. Haney López, *The Social Construction of Race: Some Observations on Illusion, Fabrication and Choice*, 29 HARV. C.R.-C.L. L. REV. 1 (1994); George A. Martínez, *The Legal Construction of Race: Mexican Americans and Whiteness*, 2 HARV. LATINO L. REV. 321 (1997); George A. Martínez, *Legal Indeterminacy, Judicial Discretion and the Mexican-American Litigation Experience: 1930-1980*, 27 U.C. DAVIS L. REV. 555 (1994).

and social life resulting from conquest and occupation contextualizes the high rates of poverty, low wages, poor housing conditions and low educational success rates experienced among U.S. born Mexican Americans.⁴ The transformation from land owners to wage laborers did not occur without significant resistance.⁵ The ways in which struggles were fought, identities were created, and state action was used in response to resistance, assists in understanding current injustices surrounding land and water allocation.⁶ LatCrit analysis of “governmental actions that betrayed constitutional dictates and long-established treaty law,”⁷ property law,⁸ and criminal law under colonialism,⁹ exposes “skewed interpretations of legal history and distorted jurisprudence that favors the experience of white hegemony.”¹⁰

Consistent with the goals of LatCrit, I aim to provide a counter-hegemonic story to the portrayal of Mexican Americans as acting solely as racialized ethnics rather than from their class-based interests. I join other scholars in pointing to the significance of race and class in analyzing land and water struggles dating back to colonialism.¹¹ Thus, I “challenge perceptions of

4. See Richard D. García & Todd Howland, *Determining the Legitimacy of Spanish Land Grants in Colorado: Conflicting Values, Legal Pluralism and Demystification of the Sangre de Cristo/Rael Case*, 16 CHICANO-LATINO L. REV. 39 (1995). For a discussion of the legacy of the Treaty of Guadalupe Hidalgo and recent treaties with Mexico, see Kevin R. Johnson, *An Essay on Immigration, Citizenship and U.S./Mexico Relations: The Tale of Two Treaties*, 5 SW. J. L. & TRADE AM. 121 (1998); George A. Martínez, *Dispute Resolution and the Treaty of Guadalupe Hidalgo: Parallels and Possible Lessons for Dispute Resolution under NAFTA*, 5 SW. J. L. & TRADE AM. 147 (1998).

5. See, e.g., Mary Romero, *El Paso Salt War: Mob Action or Political Struggle*, 16 AZTLAN: INT'L J. CHICANO STUD. RES. 119 n.1-2 (1985).

6. See generally Guadalupe T. Luna, *On the Complexities of Race: The Treaty of Guadalupe Hidalgo and Dred Scott v. Sandford*, 53 U. MIAMI L. REV. 691 (1999).

7. Guadalupe T. Luna, “Zoo Island”: *LatCrit Theory, “Don Pepe” and Señora Peralta*, 19 CHICANO-LATINO L. REV. 339, 340 (1998).

8. See Guadalupe T. Luna, *Chicana/Chicano Land Tenure in the Agrarian Domain: On the Edge of a “Naked Knife,”* 4 MICH. J. RACE & L. 39 (1999) (discussing the significance of studying property law from a LatCrit perspective in order to make visible the rural poverty and the history of agricultural labor) [hereinafter *Chicana/Chicano Land Tenure*]; Guadalupe T. Luna, “*This Land Belongs to Me: Chicanas, Land Grant Adjudication, and the Treaty of Guadalupe Hidalgo*,” 3 HARV. LATINO L. REV. 115 (1999) [hereinafter “*This Land Belongs to Me*”]; Guadalupe T. Luna, *En El Nombre de Dios Todo-Poderoso: The Treaty of Guadalupe Hidalgo and Narrativos Legales*, 5 SW. J. L. & TRADE AM. 45 (1998).

9. See generally Laura E. Gómez, *supra* note 3; Laura E. Gómez, *Race, Colonialism, and Criminal Law: Mexicans and the American Criminal Justice System in Territorial New Mexico*, 34 L. & SOC'Y REV. 1129 (2000); Laura E. Gómez, *Race Mattered: Racial Formation and the Politics of Crime in Territorial New Mexico*, 49 UCLA L. REV. 1395 (2002).

10. Luna, “*This Land Belongs to Me*,” *supra* note 8, at 341.

11. Kim David Chanbonpin, *How the Border Crosses Us: Filling the Gap Between Plume v. Seward and the Dispossession of Mexican Landowners in California After 1848*, 52 CLEV. ST. L. REV. 297 (2005).

reality concerning the identity of Latinas/os.”¹² I have chosen to explore a specific resistance movement that developed in the late 1880s against the transformation of land usage and ownership resulting from the litigation of the Treaty of Guadalupe Hidalgo in northern New Mexico.¹³ The transformation has been characterized as “the destruction of feudalism in the Southwest and the laying of the infrastructure of capitalism.”¹⁴ The transformation consisted of reducing independent farmers to a landless class who would be forced to sell their labor to survive.¹⁵ The case of the hooded riders who called themselves *Las Gorras Blancas* or the White Hoods is a narrative of class struggle and resistance that clearly links labor issues to the loss of commons lands in the old West.

Rather than pitting themselves against poor wage laborers, *Las Gorras Blancas* focused their actions towards Mexican and White elites. Poor herders and ranchers in northern New Mexico organized a secret organization in opposition to Anglo American and Mexican land-grabbers in 1889 to 1891. Although *Las Gorras Blancas*' activities were predominately confined to symbolic property destruction, such as cutting barbed wire fences, they established a legacy of class consciousness among Mexican Americans activists in New Mexico. I begin by identifying the erasure of class struggle and resistance from the official history of New Mexico. Early accounts denied agency to organized resistance and used cultural explanations to shift the source of tension to outside agitators. Next, I present an overview of the emergence of *Las Gorras Blancas* and their resistance against the loss of common lands. I conclude with a critique of the interpretations of *Las Gorras Blancas*.

12. Ediberto Román, *Afterword: LatCrit VI, Outsider Jurisprudence and Looking Beyond Imagined Border*, 55 FLA. L. REV. 583, 586 (2003).

13. See generally Christopher David Ruiz Cameron, *One Hundred Fifty Years of Solitude: Reflections on the End of History Academy's Dominance of Scholarship on the Treaty of Guadalupe Hidalgo*, in *THE LEGACY OF THE MEXICAN AND SPANISH-AMERICAN WARS: LEGAL, LITERARY, AND HISTORICAL PERSPECTIVES 1* (Gary D. Keller & Cordelia Candelaria eds., 2000) (discussing the significance of the themes of indeterminacy and invisibility in LatCrit theory).

14. AUGUST TWENTY-NINTH MOVEMENT, *FAN THE FLAMES, A REVOLUTIONARY POSITION ON THE CHICANO NATIONAL QUESTION* 37 (1979). The August Twenty-Ninth Movement (a Marxist-Leninist organization) published this pamphlet, which discusses the history of Chicanos as an oppressed nation. The pamphlet is largely a response to the Communist Party USA's 1930s position that denied the existence of a Chicano national movement.

15. See E. P. THOMPSON, *THE MAKING OF THE ENGLISH WORKING CLASS* (1964).

II. THE TRADITION OF IGNORING CLASS IN RACIAL FORMATION

Early New Mexican historians either ignored early activism and political mobilization or categorized them as a form of social banditry. A strong tradition among historians and social scientists writing about land issues in the Southwest tended to characterize resistance by the poor Spanish-Indian-Mexican population as void of political content or consequence. This tradition was interrupted by Reies L. Tijerina's activities with the *Alianza Federal de Mercedes* (Federal Alliance of Land Grantees).¹⁶ In the 1960s, books and articles on land grants and indigenous use of the land flourished.¹⁷ Writings on protest movements over land loss and language usage in the Southwest emerged alongside the Chicano Movement in the 1960s and 1970s. Revisionary history produced a variety of interpretations of the secret organization of masked night riders in northern New Mexico who called themselves *Las Gorras Blancas*. The debate over whether to label the secret organization as "bandits," "vigilantes," a "protest movement," "ethnic militancy," or "revolutionaries" remained unsettled.¹⁸

Explanations for social injustice and oppression resulting from land issues have traditionally relied upon notions of modernization. John Van Ness's critique points to the inadequacies of this type of social science logic:

It is insufficient to discuss the local economy by recourse to such terms of non definition as "traditional," "backward," "primitive," or "underdeveloped" and then proceed to direct attention exclusively to the developing "modern" economy.¹⁹

16. CAREY MCWILLIAMS, *NORTH FROM MEXICO: THE SPANISH-SPEAKING PEOPLE OF THE UNITED STATES* 281 (1990) (discussing how *La Alianza Federal de Mercedes* fought to regain communal land grants lost in New Mexico). Since much of the land became state and national forest land, the Forest Service became the focus of their protests, such as the occupation of the Echo Amphitheater in the Kit Carson National Forest in 1966. See generally, PETER NABOKOV, *TIJERINA THE COURTHOUSE RAID* (1969).

17. PATRICIA BELL BLAWIS, *TIJERINA AND THE LAND GRANTS: MEXICAN AMERICANS IN STRUGGLE FOR THEIR HERITAGE* (1971); NABOKOV, *supra* note 16; REIES L. TIJERINA, *THEY CALLED ME "KING TIGER": MY STRUGGLE FOR THE LAND AND OUR RIGHTS* (2000).

18. RODOLFO ACUÑA, *OCCUPIED AMERICA: THE CHICANO'S STRUGGLE TOWARD LIBERATION* (1972); ROBERT W. LARSON, *NEW MEXICO POPULISM: A STUDY OF RADICAL PROTEST IN A WESTERN TERRITORY* (1974); Andrew Bancroft Schlesinger, *Las Gorras Blancas, 1889-1891*, 1 J. MEX. AM. HIST. 87, 89 (1971); Robert J. Rosenbaum, *Las Gorras Blancas of San Miguel County, 1889-1890*, in *CHICANO: THE EVOLUTION OF A PEOPLE* 128 (Renato Rosaldo et al., eds., 1973) [hereinafter Rosenbaum, *Las Gorras Blancas*]; ROBERT J. ROSENBAUM, *MEXICANO RESISTANCE IN THE SOUTHWEST: THE SACRED RIGHT OF SELF-PRESERVATION* (1981) [hereinafter *MEXICANO RESISTANCE*].

19. John Van Ness, *Spanish Americans vs. Anglo American Land Tenure and the Study of Economic Change in New Mexico*, 13 THE SOC. SCI. J. 45, 46 (1976).

Ranchers, lumber contractors and lawyers “came into contact with the land grant villagers in one way or another because they were interested in the potential commercial use of the land.”²⁰

Typically, social scientists have used the structural-functional paradigm to explain the difference of land allocation and land usage in northern New Mexico.²¹ A tradition of history-writing based on this conventional framework supported notions of assimilation and acculturation by comparing Chicano and Anglo value orientations to work and land usage, and relegating land grant issues to a simple conflict resulting from cultural differences.²²

Historians and politicians claimed that *Las Gorras Blancas* were the product of outside influences. New Mexico’s territorial Governor, Baron Bradford Prince, perceived *Las Gorras Blancas* as a campaign of terror that called for federal troops, but the Justice of Territorial Court, James O’Brien, referred to the organization as the “protests of a simple pastoral people against the establishment of large landed estates, or baronial feudalism.”²³ Charles Siringo, a private detective hired by Governor Prince to infiltrate *Las Gorras Blancas*, claimed the organization had an all Chicano membership. *Las Gorras Blancas* posted their manifesto in East Las Vegas, articulating a class-base stance on the issue of communal land use and a concern for all “helpless classes,”²⁴ regardless of race. The combination of race and class issues was also documented in correspondence to Governor Prince.²⁵ Anglo merchants and lawyers, as well as the native elite (*los ricos*), complained to the governor about damage to their property from *Las Gorras Blancas*’ nightly raids.

Frequently, historians have characterized Chicano resistance as the result of outside agitators or manipulative leaders by distorting the actual function of leadership roles in community mobilization and implying that Latino fatalism and ignorance demanded outside leadership as a catalyst for action.²⁶ Embedded in early writings is reference to “inherent weakness for domi-

20. *Id.* at 50.

21. See generally GEORGE C. HOMANS, *THE HUMAN GROUP* (1975); ROBERT K. MERTON, *SOCIAL THEORY AND SOCIAL STRUCTURE* (1968); TALCOTT PARSONS, *THE SOCIAL SYSTEM* (1952).

22. Luna, *Chicana/Chicano Land Tenure*, *supra* note 8, at 39, 46 (discussing a similar theme grounded in demeaning ethnic stereotypes used to explain the conflict between Anglo American and Mexican property law and to shape court decisions).

23. DAVID J. WEBER, *FOREIGNERS IN THEIR NATIVE LAND: HISTORICAL ROOTS OF THE MEXICAN AMERICANS* 234 (1973).

24. See ACUÑA, *supra* note 18, at 65-66; WEBER, *supra* note 23, at 235-36.

25. LARSON, *supra* note 18, at 36.

26. See Romero, *supra* note 5.

nation" as a dominant cultural feature of New Mexican life.²⁷ For example, Margaret Mead identified the trait as the *patrón* system: "leadership is provided through the *patrón* system, whereby the leading man in the community, whether because of his financial status, his knowledge of the outside world or his personal power, assumes a position of responsibility for the villagers."²⁸ Frances Leon Swadesh, in her challenge to the Kluckhohn-Strodtbeck analysis of Hispanic values, is one of the first New Mexican historians to explain patrons in an historical context:

The emergence of *patrones* as a powerful class appears to date from the mercantile development stimulated by the Santa Fe Trail. *Patrones* became particularly powerful as a result of the junior partner status to which they were elevated during the Yankee military occupation and appear to be, at least in part, a product of Anglo-American domination, just as "Indian chiefs" were created by Army officers and employees of the Bureau of Indian Affairs for easier administration of those Indians among whom chiefdoms had previously been unknown.²⁹

Swadesh's description of *patrones* is that of a *comprador* class, a class of native merchants and landowners acting to serve foreign interests.

As agents of U.S. domination and exploitation, *los ricos* became *compradores* in order to maintain economic and political power. Emphasizing cultural differences between Anglos and Hispanos ignores important class distinctions among Hispanos. Only *los ricos*, a *comprador* class, had large enough privately-owned holdings to survive economically while *los hombres y mujeres pobres* or poor men and women owned insufficient private plots and relied upon communal land for economic survival. When they were deprived of communal ownership, the poor were forced to sell their labor in mines, lumber mills, railroads, and in the homes of the upper class as domestics, cooks and nannies.³⁰

The first group of historians that engaged in documenting accounts of the transformation from communal to private ownership was primarily composed of Anglo lawyers and politicians

27. Florence Rockwood Kluckhohn, *Dominant and Variant Orientation*, in *PERSONALITY IN NATURE, SOCIETY & CULTURE* 353, 353-54 (Clyde Kockhohn & Henry A. Murray eds., 1956).

28. MARGARET MEAD, *CULTURAL PATTERNS AND TECHNICAL CHANGE* 174 (1955).

29. Frances Leon Swadesh, *The Social and Philosophical Contest of Creativity in Hispanic New Mexico*, 9 *ROCKY MTN. SOC. SCI. J.* 12 (1972).

30. See generally MARIO BARRERA, *RACE AND CLASS IN THE SOUTHWEST: A THEORY OF RACIAL INEQUALITY* (1979).

writing their memoirs.³¹ The next period of major writings on land documentation occurred after the Great Depression, when social scientists focused on the aftermath of drought and land loss.³² Again, attention to value orientations resulted in defining the land grant issue as a consequence of cultural conflict between Chicanos and Anglos.

The third major group of studies was written in response to Reies L. Tijerina's activities in northern New Mexico.³³ Sociological notions of cultural pluralism and assimilation had little political meaning to people struggling to retain their land. Critical perspectives were frequently used to explain the dynamics involved.³⁴ Turning to a traditional Marxist approach to the making of wage laborers, internal colonial theory was used to document the transition from feudalism to capitalism in the Southwest with particular attention to racialized class interests, and consequential conflicts.³⁵ These approaches captured the changing economic and political relations between and within groups.

However, social scientists are not the only ones attempting to make sense of changes that occurred in land ownership and usage. The descendants have been engaged in an everyday process of defining the land grant issue based on the interpretation of their predecessors, their own experiences and class interests.³⁶ Although subjected to the traditional perceptions of history presented in literature, media and social policy, the descendants have their own oral and written history and community experiences.

Several questions about the interpretations made by the community and social scientists can be asked: for instance, how do people account for the loss of communal lands? Was it a result of cultural conflict between Chicanos and Anglos, or are class differences the issue? To what degree is cultural determinism used to explain socio-economic conditions? Are insurgent move-

31. See generally GEORGE B. ANDERSON, *COMPLETE HISTORY OF NEW MEXICO: ITS RESOURCES AND PEOPLE* (1907); HUBERT HOWE BANCROFT, *HISTORY OF ARIZONA AND NEW MEXICO* (1889); FRANK W. BLACKMAR, *SPANISH INSTITUTIONS OF THE SOUTHWEST* (1891); HELEN HAINES, *HISTORY OF NEW MEXICO FROM THE SPANISH CONQUEST TO THE PRESENT TIME, 1530-1890* (1891); PRINCE L. BRADFORD, *HISTORICAL SKETCHES OF NEW MEXICO* (1883); W. G. RITCH, *AZTLAN: THE HISTORY, RESOURCES AND ATTRACTIONS OF NEW MEXICO* (1885); RALPH EMERSON TWITCHELL, *LEADING FACTS OF NEW MEXICAN HISTORY* (1912).

32. See generally HERBERT O. BRAYER & WILLIAM BLACKMORE, *A CASE STUDY IN THE ECONOMIC DEVELOPMENT OF THE WEST* (1949); RUTH LAUGHLIN, *CABALLEROS* (1945); GEORGE I. SANCHEZ, *FORGOTTEN PEOPLE: A STUDY OF NEW MEXICANS* (1940); BLADINA SEGAL, *AT THE END OF THE SANTA FE TRAIL* (1948).

33. See BLAWIS and NABOKOV, *supra* note 17.

34. See generally ACUÑA, *supra* note 18.

35. See, e.g., BARRERA, *supra* note 30.

36. See MALCOLM EBRIGHT, *LAND GRANTS AND LAWSUITS IN NORTHERN NEW MEXICO* (1994).

ments defined as revolutionary or reformist? Was the transformation from land owners to wage laborers interpreted as an evolutionary stage towards modernization?

III. THE EMERGENCE OF *LAS GORRAS BLANCAS*

Las Gorras Blancas' major activities were directed towards the Las Vegas Land Grant, located in San Miguel County in northern New Mexico. Luis María Cabeza de Baca petitioned the first claim to Las Vegas Grandes (*the great meadows*) and the official grant was recognized in 1821.³⁷ Thirty-one petitioners and their families requested communal ownership of the same land grant on the grounds that Cabeza de Baca had failed to settle the area.³⁸ On March 23, 1835, the Mexican government responded to their petition by granting 500,000 areas of land for the purpose of colonization.³⁹ Each petitioner was to receive sufficient land to farm and the remainder of the land was to be reserved as common pasture. Cabeza de Baca's descendants were given land elsewhere on public domain.⁴⁰

After the U.S. occupation of this area, Congress confirmed the Las Vegas land grant and issued a patent to the town of Las Vegas in 1860. At this time, the population of San Miguel County had changed little since the U.S.-Mexican War, but this was to change quickly after the Civil War because of Las Vegas' popularity as a stage stop on the Santa Fe Trail. By 1890, San Miguel's population had increased to 52,000, with 24,000 persons—only half of whom were Mexican—located in Las Vegas.⁴¹

As the metropolis of east-central New Mexico, Las Vegas attracted the most Anglos and the most wealth in the county. *Mexicanos* dominated the countryside, and they were poor. More than two-thirds of the heads of households in the county owned property—real and personal—with a combined value of less than \$300.⁴²

As the Anglo American population increased, the town of Las Vegas became segregated. Mexicans lived on the western side of the Gallinas River and Anglos on the eastern side. West Las Vegas, often referred to as Old Town, differed from East Las Vegas in physical structure as well. Slum housing, lack of running water and electricity, and unpaved streets were characteristic of West Las Vegas. Major businesses were located in East Las

37. LARSON, *supra* note 18, at 173; Schlesinger, *supra* note 18, at 93.

38. LARSON, *supra* note 18, at 173; Schlesinger, *supra* note 18, at 93-94.

39. LARSON, *supra* note 18, at 173.

40. Schlesinger, *supra* note 18, at 94.

41. Rosenbaum, *Las Gorras Blancas*, *supra* note 18, at 126.

42. *Id.*

Vegas. Only recently has East Las Vegas become somewhat integrated.⁴³

San Miguel County natives experienced problems over land-ownership when early-arriving Anglo ranchers began fencing communal grazing lands.⁴⁴ As Andrew Schlesinger explains,

[S]everal Anglos purchased from the heirs of the original settlers of the grant, or their legal representatives, their interests in the grant and then claimed absolute ownership of an undivided fraction of the land, including the communal acres. They fenced in large sections of the grant, up to 10,000 acres, and asserted that they had exclusive right to its use.⁴⁵

On August 20, 1887, a wealthy rancher, Phillip Millhiser, attempted to claim private legal ownership of portions of the Las Vegas community land grant.⁴⁶ Civil officials and community considered the resulting court case, *Millhiser v. Padilla*⁴⁷ to be a test case. According to documents among the papers of Governor Prince, several thousand acres had already been fenced during this period, and in one or two instances as much as ten thousand acres were fenced in at a single time.⁴⁸ The original descendants of the Las Vegas Land Grant actively expressed their interest in the case by providing Padilla with financial assistance. Support was also given by the local assemblies of the Knights of Labor, who offered legal assistance by organizing the Las Vegas Land Grant Association.⁴⁹ R. M. Johnson, the appointed master in charge of taking testimonies in the trial, concluded that Millhiser had no legal right to private ownership of communal lands.⁵⁰ After studying the case for a year, Chief Justice Long ruled in favor of Padilla and filed an opinion which acknowledged that access to timber, water, and grazing lands was the

43. RICHARD L. NOSTRAND, *THE HISPANO HOMELAND* 204 (1992) (providing a detailed description of the segregation within Las Vegas).

44. See VICTOR WESTPHALL, *THE PUBLIC DOMAIN IN NEW MEXICO 1854-1891* 43 (1965). Westphall's work on public domain in New Mexico outlined the specific methods commonly used by cattle ranchers to secure more land. In New Mexico, as elsewhere, it was possible for one person to acquire 1,120 acres of land by the legitimate use of land laws. For instance, a settler could take out a homestead of 160 acres and secure a final certificate either by living on it for five years or by commuting it through payment of cash in six months. It was then possible to move to a pre-emption claim and acquire another 160 acres with six months' residence and the payment of \$1.25 per acre. At the time the settler might be fulfilling the requirements for a timber-culture claim of 160 acres and a desert land claim of 640 acres, neither of which required residence as a condition of securing a title. *Id.*

45. Schlesinger, *supra* note 18, at 95.

46. ROSENBAUM, *MEXICANO RESISTANCE*, *supra* note 18, at 101; LARSON, *supra* note 18, at 36; see also Schlesinger, *supra* note 18, at 96.

47. ROSENBAUM, *MEXICANO RESISTANCE*, *supra* note 18, at 101.

48. *Id.*, at 103; Schlesinger, *supra* note 18, at 95.

49. Schlesinger, *supra* note 18, at 96.

50. ROSENBAUM, *MEXICANO RESISTANCE*, *supra* note 18, at 102-3.

means of subsistence of the original settlers.⁵¹ Millhiser withdrew his case and agreed to pay court fees. Even though a legal victory had been achieved, in practice the situation changed very little. Barbed wire fences continued to close off communal land. This is the setting in which *Las Gorras Blancas* emerged.

Robert J. Rosenbaum described *Las Gorras Blancas*' entrance into San Miguel County politics as follows:

On the morning of April 27, 1889, the owners of a ranch near San Geronimo, twelve miles west of Las Vegas, awoke to find their four miles of new barbed wire fence cut. Cut is a mild word. It was destroyed, the fence posts chopped to kindling and the wire strewn in glittering fragments. The partners—two English adventurers trying their luck at Wild West ranching—were the first victims of a civil war that raged across San Miguel County for the next eighteen months. Wearing white masks or caps—*gorras blancas*—bands of native New Mexicans—*mexicanos*—struck at night, leveling fences, destroying crops, burning buildings, and, not infrequently, shooting people. By the summer of 1890, according to one English language newspaper, *Las Gorras Blancas* had brought business in Las Vegas to a standstill.⁵²

In a letter to Governor Prince, the prosecuting attorney, Miguel Salazar, noted several more incidents: William Quarrel's \$800 fence was destroyed for a second time on June 15th; Gregorio Varela's fence was cut on July 10th; Lorenzo López's (the sheriff of Las Vegas) and J.W. Lynch's fences were destroyed in August; and a station agent near Rowe was shot while protecting his property. Severino Trujillo complained to Governor Prince that his fifteen-ton hay stack had been burned to the ground. Mr. Barrett wrote to B.F. Butler, an ex-Union general and landowner, about the second destruction of Billy Rawlins' four-mile wire fence and posts on the Tecolote River.⁵³

On November 1, 1889, *Las Gorras Blancas* made their first major public statement. Sixty-six horsemen rode to the Las Vegas jailhouse and demanded to see Sheriff Lorenzo López. Unable to find the sheriff, they rode to Miguel Salazar's home (the district attorney), and yelled complaints and threats.⁵⁴ The following day, Judge Long condemned fence cutting and called for the full cooperation in the apprehension of participants. Official action was taken on November 25, 1889, by issuing twenty-six indictments against forty-seven suspects.⁵⁵ Among those arrested by

51. Schlesinger, *supra* note 18, at 96.

52. Rosenbaum, *Las Gorras Blancas*, *supra* note 18, at 124.

53. Schlesinger, *supra* note 18, at 97, 110, 112, 133; LARSON, *supra* note 18, at 177.

54. ACUÑA, *supra* note 18, at 101; Schlesinger, *supra* note 18, at 97.

55. LARSON, *supra* note 18, at 176.

Sheriff López were the suspected leaders of *Las Gorras Blancas*, Juan Jose Herrera and his brother Nicanor. Based on information from the District Attorney's letter (July 23, 1890), Prince identified Juan Jose Herrera as the leader:⁵⁶

Herrera had lived for a time in San Miguel County, had left under the cloud of scandalous conduct with [sic] a woman, and had joined the Knights of Labor in either Utah or Colorado. The date of his return to San Miguel County is not known, but it is undeniable that he received a commission as district organizer from the Knights of Labor in 1899. He proceeded to establish twenty local assemblies in the country and to begin recruitment in the neighboring counties of Mora and Santa Fe. As Herrera organized his assemblies, *Las Gorras Blancas* began to ride in the same areas, a coincidence that disturbed several Anglo members of the Las Vegas Assembly Number 4636.⁵⁷

Sheriff López and Chief Justice Long telegraphed the governor for rifles and ammunition in case trouble resulted from the arrests. Colonel E. W. Wyndoop, the Adjutant-General of the Territory, delivered the arms on the afternoon train. No outbreak of violence occurred. The alleged fence cutters were released on bond and three hundred people marched in support of *Las Gorras Blancas*.⁵⁸

Northern New Mexico experienced a fairly quiet winter. However, the following March there was a dramatic increase in *Las Gorras Blancas* activity. On March 6, 1890, three hundred men reportedly "cut in half 9,000 ties belonging to the Atchison, Topeka, and Santa Fe Railroad. Four days later, between 200 and 300 masked men appeared in East Las Vegas at midnight and rode around the courthouse, the jail, and the home of Sheriff Lopez."⁵⁹

In a manifesto posted in East Las Vegas, and later printed in the *Las Vegas Optic* on March 12, 1890, *Las Gorras Blancas* publicized their platform:⁶⁰

Nuestra Plataforma

Our purpose is to correct the rights and interest of the people in general and especially those of the helpless classes. We want the Las Vegas Grant settled to the benefit of all concerned, and this we hold is the entire community within the Grant. We want no "land grabbers" or obstructionists of any sort to in-

56. *Id.* at 176-77.

57. Rosenbaum, *Las Gorras Blancas*, *supra* note 18, at 121.

58. WEBER, *supra* note 23, at 235-6.

59. *Id.* at 101.

60. See generally Gómez, *supra* note 9 (discussing other examples of racial order and class which divided poor Mexicans and the Mexican elite, particularly in the criminal justice system).

terfer[e]. We will watch them. We are not down on lawyers as a class, but the usual knavery and unfair treatment of the people must be stopped. Our judiciary hereafter must understand that we will sustain it only when "Justice" is its watchword. We are down on race issues, and will watch race agitators. We favor irrigation enterprises, but will fight any scheme that tends to monopolize the supply of water sources to the detriment of residents living on lands watered by the same streams. The people are suffering from the effects of partisan "bossism" and these bosses had better quietly hold their peace. The people have been persecuted and hauled about in every which way to satisfy their caprices. We must have a free ballot and fair court and the will of the Majority will be respected. We have no grudge against any person in particular, but we are the enemies of bulldozers and tyrants. If the old system should continue, death would be a relief to our suffering. And for our rights our lives are the least we can pledge. If in fact that we are law-abiding citizens is questioned, come out to our houses and see the hunger and desolation we are suffering; and "this" is the result of the deceitful and corrupt methods of "bossisms."⁶¹

The next written notice circulated by *Las Gorras Blancas* announced rates for cutting and hauling railroad ties. On April 3, 1890, posters announcing the prices that workers were to be paid appeared in Las Vegas. The postings were followed by attempts to regulate wages. *Las Gorras Blancas* stopped teamsters who were undercutting the set rate, unloaded their wagons, and destroyed their ties.⁶² Unwilling to raise wages and unable to avoid losses, railroad officials eventually announced on July 23rd "that they would no longer purchase crossties in the Las Vegas area."⁶³

In anticipation of violence from the upcoming trial over the alleged fence cutting, Manuel C. Baca, the probate judge of San Miguel County, requested military action on April 15, 1890. Perhaps he also feared that the prisoners might attempt an escape. However, an escape was unnecessary because the three witnesses who had provided the information for the indictments could not be found. The district attorney was unable to make a case against the suspects and Chief Justice James O'Brien, the Justice of the Supreme Court presiding in the Judicial District, dismissed all the indictments on May 18, 1890. Several hundred supporters joined the freed men in celebration upon their release.

Prior to June, the governor of New Mexico had not taken any official action against *Las Gorras Blancas* because his attention was focused on Washington in his attempt to lobby for state-

61. WEBER, *supra* note 23, at 235-36.

62. LARSON, *supra* note 18, at 79.

63. *Id.*

hood. In addition, Governor Prince had extensive personal financial investment in New Mexico's land grant situation.

His exceptional interest in the rich mineral wealth of his adopted home created suspicions. He invested in so many gold and silver mines that he had to maintain an office in Flushing, New York, to handle his increasing mine properties. To many this was proof that the stately, bewhiskered New Yorker was just another acquisitive carpetbagger. He was also accused of having aligned himself with the landgrabbing Santa Fe Ring.⁶⁴

Governor Prince began efforts to suppress the resistance movement. In response to General B.F. Butler's requests for a full investigation of twenty-five incidents of property damage, the governor wrote each alleged victim requesting additional information. Additional assistance was requested from Judge O'Brien, Judge Long (the former District Judge), the District Attorney, the Chairman of the Board of County Commissioners, Sheriff López, and other prominent citizens. Both public and private meetings were held. Governor Prince made a proclamation in Spanish and English that further disorders would not be tolerated and branded the movement as un-American.⁶⁵ Prince's criticism of *Las Gorras Blancas'* activities was strongly supported by his associate Miguel Salazar, San Miguel County's District Attorney, and a likely member of the Santa Fe Ring. Salazar recommended the strongest measures possible against these people as the only possible way of placing them in fear. Only through fear then could they be persuaded to desist from the wholesale destruction of property.⁶⁶

Next, Prince solicited the assistance of the Catholic Church. Meeting with Archbishop Salpointe, he asked that the clergy be asked to "[e]xert an active influence against the formation of such secret societies, for illegal purposes . . ."⁶⁷ Undoubtedly the Archbishop assured Prince of his cooperation. Since the removal of the Mexican archdiocese to Durango and the Anglo replacement, Catholic Church officials had commenced a campaign to crush the religious and political activities of the *Penitentes* in New Mexico.

Los Hermanos Penitentes were a religious brotherhood most widely known for their practice of flagellation during Holy Week. However, the *Penitentes* played a major social and political role in the community. Starting with the first Anglo archbishop in New Mexico, Archbishop Lamy, the Catholic Church had persecuted members of the religious sect by denying sacraments and

64. *Id.* at 38.

65. LARSON, *supra* note 18, at 38-9.

66. ROSENBAUM, *MEXICANO RESISTANCE*, *supra* note 18, at 121.

67. *Id.* at 113.

slandering members' characters and activities. Eventually the organization went underground and its members swore to secrecy. Jesuits were so zealous in cooperating with the government in their persecution of the *Penitentes* that they carried their efforts into the 1891 election when *Las Gorras Blancas* supported the People's Party.⁶⁸ Jesuits published defamatory articles against the People's Party in their Las Vegas Newspaper, *La Revista Católica*.⁶⁹ The Jesuits denounced claims concerning the legitimacy of the land grant or labor issues and alleged that the candidates of the People's Party were members of secret cults.⁷⁰

Public officials tried to prove that the Knights of Labor and *Las Gorras Blancas* were one and the same. Their belief was based on growth of new chapters of the Knights of Labor coinciding with an increase in fence cutting. Juan Jose Herrera, the local organizer for the Knights of Labor, was suspected of being the leader of *Las Gorras Blancas*.⁷¹ However, representatives of the Knights of Labor, including Juan Jose and Pablo Herrera, denied being members at the August 6, 1890 meeting.⁷² This public disclaimer did not stop two Anglo members of the Las Vegas Assembly from expressing their suspicions about Herrera to the governor.⁷³ They also shared a letter written to Terrence V. Powderly with Prince requesting that he "[e]xercise all his power to prevent the Knights from being used as a cover by the Gorras for their lawless activities. Prince stated that there simply were not enough knights to justify the fifty local assemblies in the country affiliated with the national organization."⁷⁴ Prince accepted an invitation to meet with representatives of Knights of Labor who quickly disavowed any relationship with *Las Gorras Blancas*.⁷⁵ Governor Prince also wrote to Terrance Powderly claiming that the name of "Knights of Labor" was being misused in northern New Mexico.⁷⁶

After Governor Prince consulted with seven prominent citizens, including the mayor and three county commissioners, a citizens' meeting was called for August 16, 1890. Much to Prince's surprise, four-fifths of the people present sympathized with the

68. See Schlesinger, *supra* note 18, at 99.

69. *Id.*

70. See generally Guadalupe T. Luna, *Gold, Souls, and Wandering Clerics: California Missions, Native Californians, and LatCrit Theory*, 33 U.C. DAVIS L. REV. 921 (1999-2000) (discussing a LatCrit perspective on the contentious relationship between the Catholic Church and colonized populations).

71. Schlesinger, *supra* note 18, at 102-03; Rosenbaum, *Las Gorras Blancas*, *supra* note 18, at 128.

72. LARSON, *supra* note 18, at 179-80; Schlesinger, *supra* note 18, at 113.

73. Schlesinger, *supra* note 18, at 113.

74. LARSON, *supra* note 18, at 41.

75. *Id.* at 179-80.

76. *Id.* at 179.

activities of *Las Gorras Blancas* and expressed similar concerns over land grant issues and fair wages. Felix Martinez, the publisher of East Las Vegas' Spanish language paper, *La Voz de Pueblo*, summarized the sympathizers' position:

The fence-cutters in their lawlessness must be suppressed, but the land-thief in his evil-doing must also be put down, and put down to stay. Many of you present are down on both alike. If the tax-payer and prosperous citizen of this county were to join hands and cooperate with the poor people, a conclusion would soon be reached. Politics can be allowed to enter this question at all and it can be traced out as the source of this trouble. It is to be traced to the landgrabber at the beginning. On the one hand you have the power of money, the rich landgrabbers, on the other hand, the physical might of the people. True, the innocent with good titles are made wrongfully to suffer on account of the land thieves. The good decision of a just judge was that the Las Vegas Grant belonged to the town meeting held, to what result? The man Millhiser is more than the community, because he is guarded by dogs. The people must be suppressed, but Millhiser, under the protection of his bloodhounds, holds the community at bay. He, and the other landgrabbers are not greater than the mighty will of the people and should be ordered by the courts to vacate. Then there would be no fence-cutting, but peace.⁷⁷

Governor Prince wrote an extensive report of his findings to John W. Nobel, Secretary of the Interior, in which Prince stated that his investigation proved that twenty-five incidents of property damage were more or less correct.⁷⁸ However, Prince pointed out that some crimes occurring in San Miguel County had no connection with *Las Gorras Blancas*.⁷⁹ Prince described *Las Gorras Blancas* as the most ignorant class of natives of New Mexico.

Because of the secrecy of the organization, Prince proposed that services of a paid informer be secured in order to inform civil officials of the *Las Gorras Blancas*' plans. Charles Siringo, a

77. WEBER, *supra* note 23, at 237-38.

78. Schlesinger, *supra* note 18, at 179.

79. Politicians at the time, and later historians, attempted to discredit the issues that *Las Gorras Blancas*' proclaimed by claiming that all criminal activity was committed by them. After *Las Gorras Blancas*, one group in particular was credited with much of the criminal activity. The group is referred to as Vincente Silva's ("Silva") gang and they appeared after *Las Gorras Blancas*' leaders had turned to politics. For a reading of any of the popular historical accounts of Silva, one must conclude that it is no wonder that attention was misdirected. Each account attempts to out-do the other in hilarious depictions of famous Mexican bandit stereotypes. Such light and colorful stories are useful tools to remove conflict and resistance from the pages of history. See Milton W. Callon, *Las Vegas, New Mexico: The Town That Wouldn't Gamble*, LAS VEGAS DAILY OPTIC (1962); F. STANLEY, *THE LAS VEGAS STORY* (World Press 1951); CARLOS C. DE BACA, *VINCENTE SILVA: THE TERROR OF LAS VEGAS* (1968).

Pinkerton detective and undercover agent, was eventually hired. Since witnesses were unwilling to testify, *Las Gorras Blancas* had to be captured in the act. Prince requested that one or two companies of federal troops be moved from Santa Fe to Fort Union to patrol the region between Lamy and Las Vegas.⁸⁰ On August 19, 1890, Nobel responded negatively to Prince's request for military assistance after conferring with President Harrison, the Acting Secretary of War, and the Solicitor-General, until "civil force is defied and resisted to a degree that the public peace is overthrown."⁸¹

Prince began the undercover investigation of *Las Gorras Blancas* after John A. Ancheta, a territorial senator, was shot while sitting in a committee meeting on educational reforms with four other legislators. After offering a \$5,000 reward for information leading to the arrest of the men involved in the attempted assassination, Prince contracted with the Pinkerton Detective Agency. James McParland, the Pinkerton Agency's superintendent, warned that the *Las Gorras Blancas* issue was moving in the same direction as the Mollie Maguires in Pennsylvania.⁸²

Charles A. Siringo, alias Charles T. Leon -a bounty hunter with a shady reputation, was sent to infiltrate the Knights of Labor and uncover information about *Las Gorras Blancas*, particularly the assassination attempt. Siringo reported to Prince that the *Las Gorras Blancas* and the Knights of Labor were separate organizations. He claimed that Catron, the leader of the Santa Fe Ring, had been the actual target for the assassination. Unable to uncover incriminating evidence, Prince closed the case.⁸³ In addition, Prince's plan to destroy *Las Gorras Blancas* was complicated by Herrera's move into territorial politics. A declaration was publicly posted in Las Vegas on August 25, 1890, by Theodore B. Mills, a former Republican legislator, Juan Jose Herrera, and other members of the Knights of Labor: "A cry of discontent has become general among the people of San Miguel County on the account of party abuses against the sovereignty of the people, and public and private interests of the same, especially the interest of the working people."⁸⁴

El Partido del Pueblo Unido or the United People's Party announced the unity of disillusioned Democrats and Republicans in a struggle for reform and managed to win four seats in the

80. ACUÑA, *supra* note 18, at 102; LARSON, *supra* note 18, at 171; Schlesinger, *supra* note 18, at 114.

81. Schlesinger, *supra* note 18, at 114.

82. See generally KEVIN KENNY, MAKING SENSE OF THE MOLLY MAGUIRES (1998).

83. VICTOR WESTPHALL, THOMAS BENTON CATRON AND HIS ERA 216 (1973).

84. Schlesinger, *supra* note 18, at 117.

Assembly.⁸⁵ The coalition not only weakened the Republic's hold in Las Vegas, but the Populist Party appeared to be quite sympathetic to the *Las Gorras Blancas*' platform: "Mills, a Populist assemblyman, introduced a bill calling for rail regulation and presented a memorial from the businessmen's commercials curb of Las Vegas urging protection for the Las Vegas Community."⁸⁶ The coalition between communal landowners and local businessmen, Anglo laborers and lawyers resulted in further Anglo encroachment of common lands.⁸⁷

Unlike the Mollie Maguires who maintained a policy of violent oppression until they were destroyed, *Las Gorras Blancas* turned to party politics in the Territorial Legislature. Pablo Herrera, one of the *Las Gorras Blancas*' leaders, was less successful in discouraging land grabbers as a representative in Santa Fe than in leading the midnight raids. After repeated failures in the Legislature, Pablo Herrera resigned and returned to Las Vegas to reorganize *Las Gorras Blancas*. However, a revival of the same intensity never occurred even though similar night rides "through Antochico in 1903, and again against the Preston Beck Grant in the mid-1920" were reported.⁸⁸

On March 3, 1891, Congress passed an act to establish a court of Private Land claims.⁸⁹ The act required the publication of a notice in English and Spanish for ninety days in one newspaper in Washington, DC and in the capital of Colorado and in the territories of New Mexico and Arizona.⁹⁰ Over a thirteen-year period, the court heard claims for two hundred thirty-one grants, totaling 34,653,140 acres in New Mexico.⁹¹ Only eighty grants, involving 1,934,986 acres, were confirmed, leaving 32,718,354 acres rejected by the court.⁹² A suit was brought before the court to establish the San Miguel del Vado Grant as a community grant. In 1896, the Supreme Court ruled that the "common lands remained the property of the sovereign,"⁹³ leaving only 5,024 acres or 1.6 percent of the original grant.⁹⁴ The economic utility of the grant had been destroyed.⁹⁵

85. ACUÑA, *supra* note 18.

86. LARSON, *supra* note 18, at 183.

87. For discussion on the Santa Fe Ring, see ACUÑA, *supra* note 18, at 91-94; LARSON, *supra* note 18, at 24-26.

88. ROSENBAUM, MEXICANO RESISTANCE, *supra* note 18, at 136.

89. LARSON, *supra* note 18, at 174.

90. VICTOR WESTPHALL, MERCEDES REALES: HISPANIC LAND GRANTS OF THE UPPER RIO GRANDE REGION 239 (1983).

91. LARSON, *supra* note 18, at 174.

92. RICHARD W. BRADFUTE, THE COURT OF PRIVATE LAND CLAIMS: THE ADJUDICATION OF SPANISH AND MEXICAN LAND GRANT TITLES, 1891-1904 214 (1975).

93. WESTPHALL, *supra* note 90, at 265.

94. *Id.* at 322.

95. *Id.*; ACUÑA, *supra* note 18, at 68.

IV. INTERPRETATIONS OF *LAS GORRAS BLANCAS*

Little has been written about *Las Gorras Blancas* from their perspective. The first documented account of *Las Gorras Blancas* was not published until 1971 by Andrew Bancroft Schlesinger.⁹⁶ Schlesinger relied heavily upon the local newspapers at the time, *Las Vegas Daily* and *La Voz de Pueblo*. Additional resources were found in Governor Prince's papers, namely the White Cap File and Ancheta Shooting File.⁹⁷ Robert Larson's research included additional data collected from "oral testimony of living relatives of the main *Las Gorras Blancas*' leader, Juan Jose Herrera."⁹⁸ Larson contributed a unique perspective to previous research by examining the relationship between *Las Gorras Blancas*, the Knights of Labor, and the Populist Movement.

One of the primary areas of debate is the issue of leadership. Larson attempted to establish that Herrera was a key influence and an "outside agitator."⁹⁹ Larson suggested that Herrera had been exposed to militant union activity in Utah and Colorado and had been influenced by other *Las Gorras Blancas* organizations, especially the techniques being used by the Ku Klux Klan.¹⁰⁰ Herrera's incredible organizing and leadership ability were presented as proof of his past union experience. Schlesinger also reduced Herrera to an outside agitator who, after leaving Las Vegas in 1887, returned "to organize a society on the ideas that the common people were being deprived of their rights."¹⁰¹ The hundreds of peasants who rode with Herrera were referred to as ignorant and illiterate people lacking "ideals," suggesting they were too stupid to define oppression.¹⁰²

Robert J. Rosenbaum criticized the role Robert Larson and Schlesinger had assigned to Mexicans and presented another interpretation. Rosenbaum explained his criticism as follows:

Both studies emphasize the violent, widespread and relatively long-lived nature of the movement, and therefore, provide a clear corrective to the placid, mañana-oriented peon stereotype. But neither, I believe, penetrated very deeply into the culture of *los hombres pobres*, and moreover, both tend to fall back on the Knights of Labor and incipient Populists as explanations for the outbreak of violent resistance. By doing this, both Mr. Schlesinger and Mr. Larson imply that *Las Gorras Blancas* were an outgrowth of Anglo radical ideologies; that

96. Schlesinger, *supra* note 18.

97. LARSON, *supra* note 18, at 171, n. 2; Schlesinger, *supra* note 18, at 133, n. 14.

98. LARSON, *supra* note 18, at 172.

99. *Id.*; Rosenbaum, *Las Gorras Blancas*, *supra* note 18, at 124.

100. LARSON, *supra* note 18, at 172, 175.

101. Schlesinger, *supra* note 18, at 103.

102. Rosenbaum, *Las Gorras Blancas*, *supra* note 18, at 125-26.

without Anglo know-how, *los hombres pobres* would have placidly stepped aside.¹⁰³

Rosenbaum argued that the self-defense tactics used by *Las Gorras Blancas* grew out of "Mexicano culture," and that the reason this movement has received the attention it did was due to its extended influence, organization, and immediate successes.¹⁰⁴ According to Rosenbaum, *Las Gorras Blancas* were not foreign to the culture from which they emerged. The specific tactics used by *Las Gorras Blancas* were culturally accepted. Warnings, followed by violence, were commonly used tactics during the period after the Mexican American War and the years of skirmishes with the Indians. Rosenbaum pointed out that Anglo "know-how" was not necessary for *los hombres pobres* to identify issues, to solicit members, and to establish leaders.¹⁰⁵

I agree with Rosenbaum that the community had resources available to them to organize a resistance movement. Descendants of the original grantees agreed on how communal grazing land would be used and the distribution of water, timber, and other natural resources.¹⁰⁶ Rosenbaum suggests that *el mayordomo de acequia*, the regulator of the local irrigation system, was probably a major source for distributing information, recruiting, and offering local leadership. I argue that another possibility is *Los Hermanos Penitentes*. As Jack Holmes noted in his studies on politics in New Mexico, the *Penitentes* were a strong organization in Mora and San Miguel counties.¹⁰⁷ They may have offered extensive assistance in the recruitment and organization of *Las Gorras Blancas*. Since the Catholic Church had forced the *Penitentes* underground they had already refined a system for operating in secrecy.

Another clarification necessary for interpreting *Las Gorras Blancas* has to do with support from Anglo Americans, especially the Knights of Labor. Larson claimed that the Knights supported the issue of public lands and opposed land speculation. Schlesinger agreed that the fight against land grabbers was consistent with the Knight's national politics but pointed out that differences did exist between the Knights and the northern New Mexico *paisano* or countryman—the latter was responding to the demands of his environment rather than to general ideological issues.¹⁰⁸ Rosenbaum notes that the Knights only supported the land issue in terms of public domain, not community land grants.

103. *Id.* at 125.

104. *Id.* at 131-33.

105. *Id.* at 125.

106. See generally García & Howland, *supra* note 4.

107. See JACK HOLMES, POLITICS IN NEW MEXICO (1967).

108. Schlesinger, *supra* note 18, at 102.

As a general ideological position, opposition was given to large landowners but not for the communal property rights of descendants of the original grantees. Rosenbaum explained the Knights' move to disassociate themselves from *Las Gorras Blancas* as an indication of their inability to accept the notion of community lands. Rosenbaum is correct in making the distinction between public domain and communal land grants, and in concluding that the Knights' support of public domain was actually a direct threat to the New Mexicans' struggle to maintain their land grants.

Rosenbaum's explanation touched on an important characteristic/feature of Mexican landownership in the 1880s. The European immigrants' interest in the land issue was in their own self-interest (i.e., as squatters on public domain lands). In most cases, the U.S. government owned the land until a claim for private ownership was made. However, New Mexico was an occupied territory and New Mexicans were a conquered people even though they had been promised property rights.¹⁰⁹ In practice then, the government's encroachment on communal grants to extend the public domain was no different than the efforts of land grant rings, and entrepreneurs' and lawyers' land grabs.¹¹⁰

Historians writing about New Mexico have tried to reduce the land issue to a cultural conflict between Mexicans and Anglo Americans. For example, in the first section of his article, Schlesinger established what he called "roots of history."¹¹¹ Following the approach developed by Walter Prescott Webb, Schlesinger's historical background utilized historical interpretations that emphasized cultural conflict between Mexicans and Anglo Americans and the notion that geography determined or influenced the way Mexicans behaved.¹¹²

One people's isolation, calm, and contemplative nature exposed and threatened the other's frenzy, confusion, and reckless curiosity. . . . The facts that confrontation could be peaceful, that different peoples could live together without slowly murdering each other, that integration did not have to be destructive to cultural values, were lost in the utter confusion of such situation.¹¹³

Elaborating on the cultural conflict thesis, Schlesinger wrote:

The *paisano* suddenly found himself the focus of interest of commercially oriented ranchers, lawyers, entrepreneurs. His preparation for the confrontation was not encouraging: Centu-

109. See ACUÑA, *supra* note 18.

110. See generally Robert D. Shadow & Maria Rodriguez-Shadow, *From Reparation to Partition: A History of the Mora Land Grant, 1835-1916*, 70 N. M. HIST. REV. 257 (1995).

111. Schlesinger, *supra* note 18, at 87-93.

112. *Id.* at 105-6.

113. *Id.*

ries of isolation, lack of competitive consciousness, faith in person-to-person relationships, dislike of decision-making, knowledge only of barter economy, illiteracy and not understanding of the English language.¹¹⁴

These explanations blamed the people for losing their land because they lacked “competitive spirit” and “commercial orientation” which had reduced them to a state of poverty.¹¹⁵ The fact that the U.S. had just fought an imperialist war against Mexico was not a factor considered in Schlesinger’s conclusion. Furthermore, Schlesinger failed to recognize that the “different kind of life” threatened the existence of the people.¹¹⁶ Farming plots were not sufficient to maintain a livelihood in the semi-arid West, and communal lands were necessary for grazing. Furthermore, participation in capitalist ventures was not being offered to all New Mexicans but only to a few *ricos* who were needed to exploit the poorer class.

Oppression and exploitation were the issues involved here, not simply cultural values. The spirit of capitalism cared little about value orientations or traditions.¹¹⁷ The descendants of the land grants were not bothered by the different values expressed by the Anglos. They fought against the legal and illegal tactics used to strip the community of their access to the natural resources of the land and positions of power within the territory. In reality, confusion did not exist between poor New Mexicans and Anglo entrepreneurs, lawyers, the U.S. government or *compradores*. *Los hombres and mujeres pobres* knew what was happening economically and politically. Businessmen wanted the land and its resources, and the New Mexicans intended to keep their land and access to water and timber in order to assure subsistence because the loss of land or access to water and timber threatened their livelihood.

Los ricos responded by working with Anglo entrepreneurs, lawyers, and public officials in order to maintain their personal economic and political power. *Las Gorras Blancas* were not blinded by race issues and recognized *los ricos* as *compradores* serving the interests of U.S. imperialism. The complaints from Miguel Salazar, Severino Trujillo, and J.Y. Lujanto to Governor Prince about property damage indicated their class-conscious. New Mexican *compradores* demanded protection from the resistance movement in payment for their past and present cooperation with the Anglo power structure. The action of *Las Gorras*

114. *Id.* at 32.

115. *Id.* at 90-92.

116. *Id.* at 129.

117. See generally MAX WEBER, THE PROTESTANT ETHIC AND THE SPIRIT OF CAPITALISM (1930).

Blancas against *los ricos* is an illustration of the breaking down of the *patrón* system or *comprador* role by class-consciousness. Rich New Mexicans did not make alliances with the poor based on notions of "blood" or "culture." Rather, their actions reflected class interests. Class-consciousness was apparent in poor peoples' organization of *Las Gorras Blancas* to fight their oppressors. Eventually, activist resistance gave way to the electoral politics and participatory democracy eased. The people lost most of their land and were reduced to a subsistence level or else were forced off the land to work as wage laborers in the fields, mines, railroads, mills, kitchens and later in the factories and hotels.¹¹⁸

V. CONCLUSION

The transformation of the economy in San Miguel County reflected the change in landownership and the closing of communal lands as sources of livelihood. No longer able to depend on such natural resources as lumber, water, and grazing areas, the land grant descendants were forced from their former economic roles. *Los ricos*, a small, wealthy native elite, managed to escape complete economic and political subordination by forming alliances with Anglo entrepreneurs and aiding in the exploitation of the other New Mexicans.¹¹⁹ The actual winners among New Mexicans remained small, particularly when the impact on their families is considered. As Paul Rodman argued,

Whether Hispanics really were the big gainers from the operations of either the Ring of the early business houses may be doubted. And in any event, while some of the Hispanic upper class were prospering, many of their cousins. . . were losing ownership of the land that had been a traditional basis of their power. So at best only a portion of even the favored class were [sic] better off at the end of the century than they had been in 1848.¹²⁰

Thus, nearly all New Mexicans were affected by the transfer of land for exploitation by Anglo commercial enterprise and capital. Mexicans in the Southwest were relegated to a subordinate status and a vulnerable economic position that eventually created a colonial labor force at the end of the century and continued for the next fifty years.

An analysis of the transformation of landownership and land usage is crucial to understanding the present class structure of the Southwest. Both the illegal and legal litigations surrounding

118. See THOMPSON, *supra* note 15.

119. Gómez, *supra* note 9.

120. Paul Rodman, *The Spanish-Americans in the Southwest, 1848-1900*, in *THE FRONTIER CHALLENGE: RESPONSES TO THE TRANS-MISSISSIPPI WEST* 31, 31-39 (John Clard ed., 1971).

property issues in the Treaty of Guadalupe Hidalgo provided a process of land transformation that altered social relations. Consideration of both class and culture point to the complex relations between New Mexicans and Anglos, as well as among New Mexicans. Without considering class dynamics unfolding the fight for communal land, nationality, race, or ethnicity are meaningless concepts. Only when class is considered do we fully come to understand the cultures and traditions of the land grant descendants.

