★ PART ONE ★

Former Hispanic-American Members

From Democracy's Borderlands

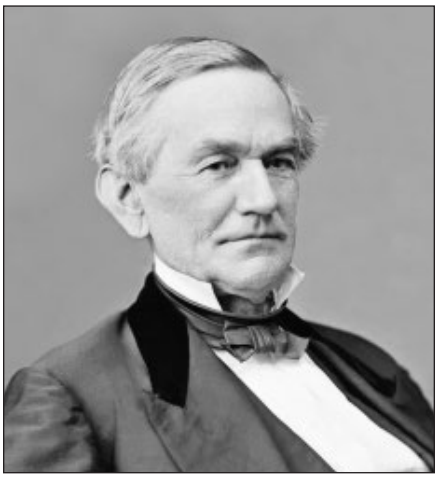
HISPANIC CONGRESSIONAL REPRESENTATION IN THE ERA OF U.S. CONTINENTAL EXPANSION, 1822–1898

The story of Hispanic Americans' first century in Congress unfolded in conjunction with the drive for U.S. continental expansion. Through diplomacy or through war, the United States acquired territory once ruled by Spain (Florida and portions of Louisiana) and Mexico (Texas, New Mexico, Arizona, California, Nevada, Utah, and portions of present-day Colorado and Wyoming). Ten Hispanic Americans served in Congress before the Spanish-American War in 1898. With the exception of the first—Joseph Marion Hernández, a Territorial Delegate from Florida who served for a brief term during the 17th Congress (1821–1823)—and for Representative Romualdo Pacheco of California, all of them were Territorial Delegates from New Mexico. By incorporating these new possessions as territories, and eventually as states, Congress opened the door to Hispanic participation in the federal government. However, Hispanic representation in Congress consisted initially of a long line of Territorial Delegates with relatively brief tenures and limited powers who functioned more like lobbyists than traditional legislators.

Just weeks after José Manuel Gallegos triumphed in a contested election, becoming New Mexico's first Hispanic Territorial Delegate in the U.S. House, he faced the prospect of being a voiceless legislator, both literally and figuratively. A former priest from Mexico, Gallegos spoke no English, making him a bystander more than a participant on the House Floor. Unable to address the House or follow the debate, he relied on other Members to introduce resolutions for him, including Representative John Smith Phelps of Missouri, who at one point acted as Gallegos's interpreter.

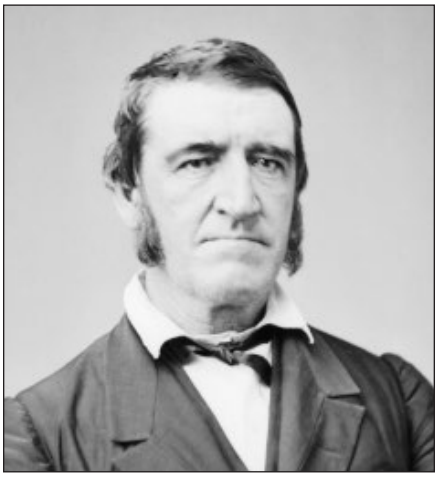
Romualdo Pacheco was the first Hispanic American to serve as a voting Representative in the U.S. House. His California district extended from San Francisco Bay to the state's borders with Nevada and Mexico. Pacheco was also the first native Californian to serve as its governor.

Image courtesy of the Library of Congress



John Smith Phelps of Missouri served in Congress for nine terms (1845–1863). Phelps chaired the House Ways and Means Committee in the 35th Congress (1857–1859), but resigned his House seat to fight for the Union in the Civil War.

Image courtesy of the Library of Congress



Mexican-American War veteran William A. Richardson of Illinois succeeded Stephen A. Douglas in the House in 1847, serving for five terms. Upon Douglas' death in June 1861, Richardson was appointed to fill the unexpired term of the late Senator.

Image courtesy of the Library of Congress

Nevertheless, Gallegos was a savvy politician, having developed his skills on the "feudal frontier" of the legislature of Nuevo Mexico, which had been Mexico's most isolated province before its cession.[1] The American governor of the New Mexico Territory, David Meriwether, judged Gallegos to be "a shrewd, intelligent man" eager for knowledge about the operations of the Democratic Party, about which Gallegos admitted he knew very little.[2] Gallegos quickly enlisted key House allies to try to resolve his language problem, and on February 27, 1854, William A. Richardson of Illinois, chairman of the Committee on Territories, offered a resolution to allow Gallegos to bring an interpreter into the Hall of the House "in order that he may more effectually understand and participate in the proceedings of this body." However, Hendrick Wright of Pennsylvania immediately objected. Richardson responded, "Mr. Gallegos does not understand one word of the English language, which is the misfortune of his constituents; and this is not for his personal convenience, but for the convenience of the people that he represents."[3] Unmoved, Richardson's colleagues did not muster the two-thirds vote that was necessary to suspend the rules and have the resolution considered. This incident marked the second time in less than two months that a committee leader had failed Gallegos; earlier, Judiciary Committee chairman Frederick P. Stanton of Tennessee had tried unsuccessfully to secure an interpreter for Gallegos by introducing the matter as a privileged question.[4] The language barrier impeded Gallegos throughout his tumultuous term of service, which was cut short by another contested election. In a futile last-ditch attempt to save his seat in July 1856, Gallegos had a reading clerk present a translation of his appeal to the House.

The dismissal by the House of Gallegos's requests and of the interventions of two influential Members underscores the cultural divide between the people whose lands were acquired during the U.S.-Mexican War and the policymakers at the center of the U.S. government. The House's action also highlights the indifference many had to facilitating even the most basic level of political participation by territorial residents. Finally, the House's action illustrates the disadvantaged, even subservient, status of Territorial Delegates in the 19th-century Congress.

Although most of the *nuevomexicanos* who came to Congress had been influenced by American educational and cultural institutions, they, too, labored at a distinct institutional disadvantage.[5] Significantly, statutes and chamber rules denied them the most basic of all legislative privileges and duties: the right to vote on final legislation and the ability to serve on a committee. While their Hispanic heritage distinguished them from their congressional colleagues and made Anglo-Americans uneasy about their constituencies, it was their status as Territorial Delegates that precluded their becoming legislative actors. "Territories are really to be pitied; they are like children under a bad stepmother," commented a political observer from the New Mexico Territory in 1871. "There is no position so trying as that of the delegate in Congress from a territory. They have no vote—are the veriest beggars, relying entirely on the help of members, who have more than they can do in trying to help their own constituents."[6]

ERA OF U.S. CONTINENTAL EXPANSION

The history of Hispanic representation in Congress is entwined with that of U.S. continental expansion in the 19th century.[7] In the decades of rapid westward advance and settlement between the signing of the Adams-Onís Treaty of 1819 and the declaration of the Spanish-American War in 1898, the House nearly doubled in size.[8]

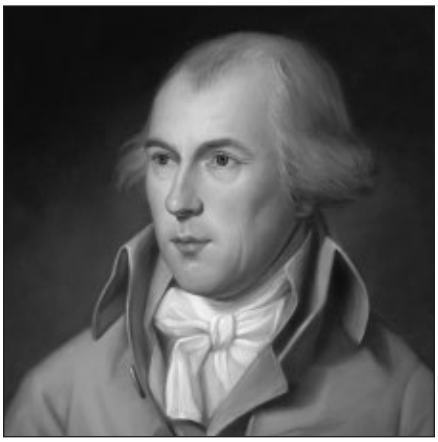
Thomas Jefferson, James Madison, and Westward Expansion

President Thomas Jefferson spearheaded westward expansion when the United States acquired the Louisiana territory from France in 1803 and sponsored Lewis and Clark's expedition (1805–1807). Jefferson's foreign policy goal to expand U.S. territory westward was intended to help the U.S. have greater freedom in dealing with foreign powers on the North American continent and to consolidate the power of the young republic. It required developing military strength and practicing shrewd diplomacy.[9] The policies Jefferson implemented, particularly regarding U.S. expansion in the modern Gulf Coast region, persisted through two more presidential administrations.

After securing the Louisiana territory, Jefferson and his successors focused on acquiring Spanish Florida—which encompassed all of modern-day Florida, as well as a strip running along the Gulf Coast to the Mississippi River. New possibilities for commerce and ports along the Gulf Coast were one rationale. National security was another: Florida offered strategic value in securing Louisiana, the Mississippi Territory, and Georgia. President James Madison employed his predecessor's tactics. In West Florida—which extended from Baton Rouge, on the east bank of the Mississippi River in modern-day Louisiana, to Pensacola, in the panhandle of modern-day Florida—U.S. settlers became the majority population from 1805 to 1810. The settlers resisted weakened Spanish rule and advocated for American sovereignty. In 1804 Congress passed the Mobile Act, which extended U.S. federal revenue laws to all territories ceded by France, including West Florida. The act also granted the President "discretionary authority" to take possession of the Mobile area.[10] In 1811 Madison asserted U.S. jurisdiction over the area and had incorporated West Florida into Louisiana. The United States annexed Mobile during the War of 1812.

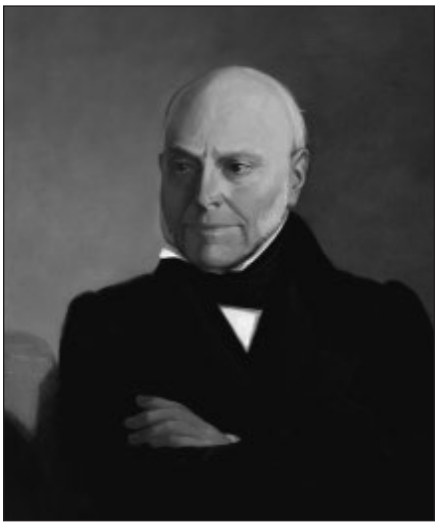
Adams-Onís Treaty (Transcontinental Treaty)

Spain claimed the lands that constitute present-day Florida in addition to the land stretching from its panhandle westward, across the southern portions of modern-day Alabama and Mississippi to the eastern banks of the Mississippi River. General Andrew Jackson's invasion of Florida during the First Seminole War (1817–1818) spurred the Spanish government—fearing the loss of its claim to the territory—to the negotiating table. Benefiting from favorable geopolitical circumstances, Secretary of State John Quincy Adams entered into negotiations with Spanish diplomat Don Luis de Onís in 1819. In return for the United States' renouncing its tenuous claims to Texas and paying $5 million for U.S.



Considered the Father of the United States Constitution, James Madison of Virginia served four terms in the House (1789–1797). Like Thomas Jefferson, Madison saw the strategic value of securing the United States from foreign encroachment by acquiring East and West Florida.

James Madison (detail), Bradley Stevens (after Charles Willson Peale), 2002, Collection of the U.S. House of Representatives



Secretary of State John Quincy Adams of Massachusetts, the lead negotiator of the Adams-Onís Treaty, enjoyed a prominent political career as a foreign minister, U.S. Senator, and President before serving in the U.S. House of Representatives for nine terms (1831–1848).

John Quincy Adams, Ed Ahlstrom (after Jean-Baptiste-Adolphe Gibert), 2002, Collection of the U.S. House of Representatives

citizens' claims against Spain, Adams secured all of Spanish Florida, finalizing the Louisiana Purchase. The treaty also set a new boundary running from the mouth of the Sabine River on the Gulf Coast (on the eastern border of modern-day Texas) northwestward along portions of the Sabine, Red, and Arkansas Rivers, then westward on the 42nd parallel to the Oregon coast. It was the first boundary to traverse the U.S. continent.

The Adams-Onís Treaty also ushered in Congress's first Member of Hispanic descent; Joseph Marion Hernández served as Florida's first Territorial Delegate during the 17th Congress (1821–1823).[11] Pursuing an agenda that was typical for a Territorial Delegate, Hernández sought to secure infrastructure improvements that would benefit economic growth and bolster political arguments for Florida's admission into the Union as a state. A wealthy planter and military figure who had fought for Spanish interests in the Patriot War and the First Seminole War, Hernández helped bridge the transition from Spanish rule to American governance. It would be 30 years after Hernández's departure from the House in March 1823 until the next Hispanic Member arrived in Congress. Like many Territorial Delegates in the 19th century, Hernández returned home to a prominent career in local politics and business; he served in the legislature and led a militia in the Second Seminole War in the 1830s before making an unsuccessful bid for a U.S. Senate seat when Florida became a state in 1845.

Though the Adams-Onís agreement resolved one friction point, it created others. Critics charged that President James Monroe and Secretary of State Adams yielded legitimate claims to Texas, fueling later demands for Texas' "re-annexation," particularly by pro-slavery advocates in the 1830s. Moreover, the Adams-Onís Treaty validated Mexican ownership of lands that would become targets for U.S. expansion during the War with Mexico from 1846 to 1848.

Manifest Destiny

Powerfully articulated in the Monroe Doctrine of 1823, Adams's coolheaded geopolitical calculations provided later generations of U.S. officials with a road map for the advancement of American dominion in the Western Hemisphere. Meanwhile, Americans in the 1830s and 1840s justified their march across the continent under the rubric of "Manifest Destiny." Coined by a New York newspaper, the term described the popular desire for geographic expansion and, as such, was more a zeitgeist than an official foreign policy strategy in antebellum America.[12] Though derived from complex circumstances, Manifest Destiny was amenable to different political agendas and worldviews, and thus its appeal cut across regional, party, and class lines.[13] At the laying of the cornerstone of the Washington Monument on July 4, 1848, Speaker of the House Robert Winthrop captured the mood, employing a metaphor that evoked the era's ultimate symbol of progress: "The great American built locomotive 'Liberty' still holds it course, unimpeded and unimpaired; gathering strength as it goes," he said. "Nor can we fail to observe that men are everywhere beginning to examine the model of this mighty engine, and that not a few have already begun to copy its construction and to imitate its machinery.… The whole civilized world resounds with American opinions and American principles,"

Titled *American Progress. Westward the course of destiny. Westward ho!*, this print memorializes the movement of U.S. settlers across the continental United States during the 1840s and 1850s.

Image courtesy of the Library of Congress

he added. "Every vale is vocal with them. Every mountain has found a tongue for them."[14]

In the eyes of many observers there was little difference between federal policy and popular will. It was America's obligation, one pundit wrote in 1845, "to overspread and to possess the whole continent which providence has given us for the development of the great experiment of liberty and federated self government."[15] Such seemingly inevitable growth justified America's rapid acquisition of Western lands and amplified the nationalist sentiments of U.S. settlers in Texas and the Pacific Northwest in the 1840s.[16]

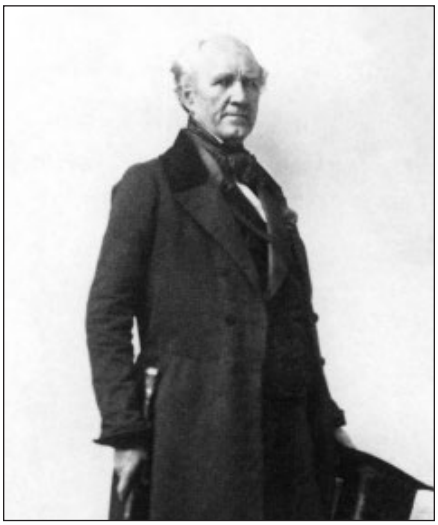
However, the concept of expansion veiled multiple motives and was advocated by Northerners and Southerners for different reasons. While many Americans supported it, such growth awakened sectional debates over slavery. The possibility of new Western lands forced the federal government to confront questions that had been somewhat mollified since the Missouri Compromise of 1820: Would new states allow slavery or oppose it? How would Congress maintain its balance of sectional interests? Expansionists, moreover, did not address the potential effects of rapid development on African Americans, American Indians, and Mexican citizens living in contested territories.[17]

Texas Revolution and Annexation

The boundaries that were ratified in the Adams-Onís Treaty, yielding Texas to New Spain, were swiftly altered in 1821 when Mexico replaced Spain as the sovereign, and U.S. settlers quickly began to cross into East Texas.[18] Throughout the 1820s, Anglos streamed into the Mexican province, outnumbering Hispanic Texans by two to one within a decade. The Mexican government sought to prohibit the slave trade, and in 1830 the Mexican Congress passed a law that suspended U.S. immigration into Texas.

In this political cartoon, Texas Army Commander-in-Chief Sam Houston (left) accepts the surrender of General Antonio López de Santa Anna. After achieving independence, Texas existed as an independent republic until its admission as a U.S. state in 1845.

Image courtesy of the Library of Congress



Sam Houston was a prominent war veteran and politician before moving to Texas in 1835. Houston served in the Texas congress and as its first president before his election to the U.S. Senate in 1846.

Image courtesy of the Library of Congress

In 1834, the year after he assumed power, General Antonio López de Santa Anna dissolved the Mexican Congress and set up a dictatorship. Revolts erupted in several Mexican states. After the insurrection spread to Texas in June 1835 (largely because of issues related to the quartering of Mexican soldiers and because of the central government's collection of customs duties), a group of rebels in Anáhuac seized a Mexican garrison. Anglos Stephen Austin, William Travis, and Sam Houston became leading insurrectionaries. In March 1836, even as the Republic of Texas declared its independence, the Mexican Army under General Santa Anna massacred Texan forces at the Alamo in modern-day San Antonio and at Goliad, 100 miles to the southeast.[19] But under Sam Houston's command, the Army of Texas repelled Santa Anna's divided forces at the Battle of San Jacinto near modern-day Houston, killing roughly half of them and capturing nearly all the rest, including Santa Anna himself. Under the threat of death, Santa Anna ordered his forces to pull out of Texas and across the Rio Grande River, in effect recognizing Texan independence.[20]

During the next decade, the population in Texas increased from approximately 30,000 to 50,000 in 1835 to a total of approximately 125,000 to 140,000 in 1845. As members of a distinct minority who were suspected of disloyalty by Anglo settlers, Hispanic Texans were quickly excluded from the political process.[21]

With the population boom Texas' first president, Sam Houston, and subsequent leaders sought to join the United States. The Andrew Jackson administration (1829–1837) and the Martin Van Buren administration (1837–1841) demurred despite their unneutrality, fearing that annexation would provoke all-out war with Mexico—inviting a political backlash driven by critics who believed the push for Texas was linked to the extension of slavery in the Southwest.[22]

But the John Tyler administration (1841–1845) was willing to proceed with annexation. Secretary of State Abel Upshur and his successor, John C. Calhoun, completed the negotiations, which were signed on April 12, 1844, and which made Texas eligible for admission as a U.S. territory, and perhaps later as one or more states. Additionally, the U.S. government assumed $10 million in Texan debt in exchange for public lands. The boundaries with Mexico were left unresolved.[23] On June 8, 1844, with public opinion stirred by antislavery activists after Senator Benjamin Tappan of Ohio leaked the provisions of the secret treaty to the press, the Senate rejected it with a vote of 35 to 16. But after the fall 1844 elections, in which James K. Polk triumphed, President Tyler pushed the treaty (H.J. Res. 46) through Congress. It passed the Democratic-controlled House 120 to 98 and the Senate 24 to 21. Tyler signed the treaty into law on March 1, 1845 (5 Stat. 797–798), three days before the end of his term. In the end, Texas was admitted as a state on December 29, 1845, with the proviso that it could be divided into as many as five states—a prospect that outraged and horrified abolitionist members of the Whig Party.[24]

War with Mexico and the Southwest

James K. Polk set an ambitious course when he assumed the presidency on March 4, 1845.[25] A strict Jacksonian, Polk accomplished what later historians have identified as three of four primary goals during the first session of the

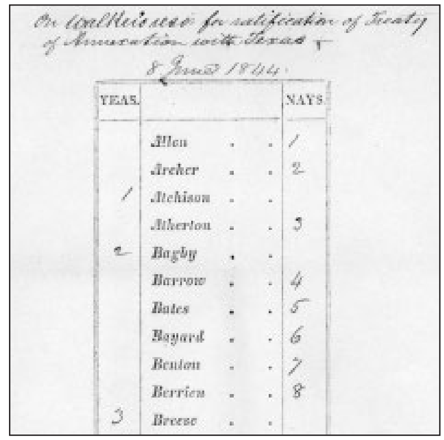
29th Congress (1845–1847).[26] With the help of Democratic majorities in the House and the Senate, President Polk had lowered the tariff; he had created an independent treasury; and by diplomacy he had acquired the Oregon Territory from England. The acquisition of California from Mexico was all that remained of his original agenda. But unlike the acquisition of Oregon, taking possession of such coveted lands required an all-out war.[27]

Less than two years into Polk's presidency, many suspected but few knew about his grand designs for California. Revealing little, Polk sent diplomats to Mexico, pressuring the Mexican government not to interfere with the annexation of Texas. Moreover, Polk claimed that Mexico owed Americans living in Texas millions of dollars for seized and lost property. Mexican officials resisted, banishing Polk's diplomatic envoy. One historian notes, "Given the anti-American mood of their people, Mexican diplomats understood that any compromise with the United States at this time was tantamount to political suicide." An anxious Polk ordered U.S. troops to encamp just north of the Rio Grande River in an area that was claimed by both Mexico and the United States. After blockading the river and training its cannon on a nearby town, the U.S. military ignored Mexican requests to stand down. On April 25, 1846, a skirmish between Mexican and U.S. troops ignited hostilities. Mexican officials blamed the United States, while Polk blamed Mexico when he learned of the fighting two weeks later.[28]

Polk promptly appealed to Congress for "vigorous & prompt measure[s] to enable the Executive to prosecute the War."[29] Polk asked for 50,000 volunteers because "by the act of the Republic of Mexico, a state of war exists between that Government and the United States."[30] The bill (H.R. 145) met with little open resistance in the House and passed 174 to 14, with only Whigs opposed. Antislavery Whigs, like John Quincy Adams of Massachusetts and Joshua Giddings of Ohio, viewed the war with Mexico as proof that Southern interests intended to expand slavery westward.[31] Garrett Davis, a moderate Kentucky Whig, was the only one on the floor that day who voiced any opposition to the bill: "It is our own President who began this war," Davis declared. "He has been carrying it on for months in a series of acts. Congress, which is vested exclusively by the Constitution with war-making power, he has not designed to consult, much less to ask it for any authority."[32] Davis, despite his reservations, voted for the provision of troops and funding.

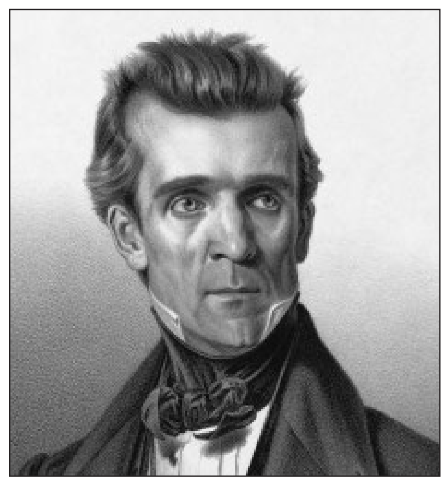
Horrified that the House had passed the bill in under two hours, Senator Thomas Hart Benton of Missouri told Polk that "19th Century war should not be declared without full discussion and much more consideration."[33] Others in the Senate bristled at Polk's demands. "War could not be made with Mexico," Senator John Crittenden reminded the body, "without touching the interests and exciting the jealousies of all nations trading with us." Like the House, the Senate eventually passed the bill with an overwhelming majority, 40 to 2.[34] Polk signed it into law (9 Stat. 9–10) the following day, May 13, 1846.

The war's nominal popularity in Congress disguised many people's reservations. Andrew Jackson Donelson, the former President's nephew, advised Polk to resolve the trouble quickly. "Nothing can be gained by a war with Mexico," he said. "We are not ready for another Annexation question, and



On June 8, 1844, the U.S. Senate refused to approve the ratification of a treaty annexing Texas to the United States. Shortly before he left office, President John Tyler, with the support of President-elect James K. Polk, maneuvered a joint resolution through both houses of Congress and signed the annexation treaty into law on March 1, 1845.

Original roll call vote on ratification of treaty to annex Texas; image courtesy of the National Archives and Records Administration



The first Speaker of the House to become President of the United States, James K. Polk was an Andrew Jackson protégé who quickly rose through the ranks of Tennessee politics. During Polk's term as President (1845–1849), the United States, through war and diplomacy, secured much of the American Southwest and long coveted Pacific Ocean ports along the West Coast.

Image courtesy of the Library of Congress

In this 1846 cartoon, President James K. Polk (center left) challenges Senator Daniel Webster of Massachusetts (center right) to a fight because of Webster's public criticisms of Polk's Texas policies. Supporters and critics of the war stand behind their respective advocates.

Image courtesy of the Library of Congress

A Zia Pueblo family was photographed in the New Mexico Territory in 1885.

Image courtesy of the Library of Congress

the Mexicans are not fit for incorporation into our Union."[35] In the House, Giddings finally lambasted the war. It would, he noted, be long, expensive, and disgraceful, and given its "connection with slavery," he said, it threatened the "harmony and perpetuity of the Union."[36]

Treaty of Guadalupe Hidalgo

The Treaty of Guadalupe Hidalgo, signed by chief negotiator Nicholas P. Trist on February 2, 1848, and approved by the U.S. Senate on March 10, 1848, ended the war, opened a dramatically different chapter in U.S. relations with Mexico, and nearly completed America's continental empire.[37] The war, however, was not without cost; roughly 12,500 U.S. troops died (most from disease), and the federal government spent nearly $100 million.[38] Moreover, stiff Mexican resistance on the battlefield and at the negotiating table made the conflict last longer than the Polk administration anticipated. Popular support waned as the conflict continued, contributing to a change in control; the House flipped to a new Whig majority in the 1846 elections.[39] Moreover, "Mr. Polk's War" brought the country closer to fratricidal conflict: Would the new territories permit or outlaw slavery?

Even counting the human, financial, and political costs of the war, the Treaty of Guadalupe Hidalgo represented an American bonanza purchased at a discount. For the equivalent of nearly one-third of the landmass of the modern continental United States, American officials paid $15 million to Mexico and assumed $3.25 million in war claims by U.S. citizens.[40] In one fell swoop, America gained control of 530,000 square miles. From Mexico's vantage point, the United States gained over 900,000 square miles, including disputed Texas land claims Mexico had long considered illegitimate. The United States obtained nearly all of modern-day New Mexico and Arizona (whose southern portions were later acquired in the 1853 Gadsden Purchase); all of Nevada, Utah, and California, with its coveted deep water ports on the Pacific Ocean; and portions of present-day Colorado and Wyoming.[41] The war also engendered resentment among Mexicans and other Latin Americans, leaving many wary of U.S. motives.[42]

The Treaty of Guadalupe Hidalgo also began to address practical issues that arose from the fact that roughly 90,000 Mexican citizens, and substantially more American Indians of various tribes, were living in the newly acquired lands, most of them in what became modern-day New Mexico.[43] The treaty contained provisions pertaining to Mexican citizens—a group that included the nonitinerant Pueblo Indians—which guaranteed their U.S. citizenship and property rights, and permitted indigenous peoples to retain or renounce their Mexican citizenship in favor of U.S. citizenship. The treaty also extended blanket U.S. citizenship to any individual who had not made a declaration within one year of its ratification.

But these guarantees were qualified. For instance, Pueblos, although they were Mexican citizens, were not accorded full civil and political rights. Instead, they were treated like the members of other Indian tribes in U.S. territory, who would eventually be moved to reservations and would not participate in territorial politics. For decades, congressional debates about New Mexican statehood were dominated by the question of whether *nuevomexicanos* were

This 1848 map outlines the territories acquired by the United States in the Treaty of Guadalupe Hidalgo. The borders of California, New Mexico, and Texas were later formalized as part of the Compromise of 1850.

E. Gilman, *Map of the United States Including Western Territories*, map (Philadelphia: P.S. Duval's Steam Lith. Press, 1848); from National Archives and Records Administration, Records of the U.S. House of Representatives, RG 233

white enough to achieve self-government, leading many *Hispano* politicians to accentuate their Spanish ancestry and to differentiate themselves from their Mexican and American Indian constituents.[44]

The Senate's consideration of the treaty amplified the calls of Manifest Destiny.[45] Thomas Ritchie, editor of the pro-Polk Washington *Daily Union*, wrote, "What we desire to obtain from Mexico is more of territory and less of population, but we have no objection to the acquisition of a few of her people along with the soil which we get." Senator Daniel S. Dickinson of New York explained that a "majority" of *nuevomexicanos* were members of "fated aboriginal races" who could "neither uphold government or be restrained by it" and therefore must "perish under, if they do not recede before, the influences of civilization."[46] Given prevailing racial prejudices and lingering concerns about the Catholicism of the Mexicans in the Southwest, the promises of citizenship as outlined by the treaty remained for decades largely unresolved, particularly in territories such as New Mexico and Arizona.

STATUTORY REPRESENTATION

Continental expansion forced Congress, particularly the House, to grapple with important representational questions. These issues were addressed in a patchwork manner. Like the territories they represented, which existed at the fringes of the United States' growing continental empire, 19th-century Delegates operated at the periphery of the House's power structure. Their influence, such as it was, depended upon statutes fixed by Congress and, just as significantly, on the sometimes-capricious nature of House Rules. This system had profound consequences for New Mexicans' representation in Congress.

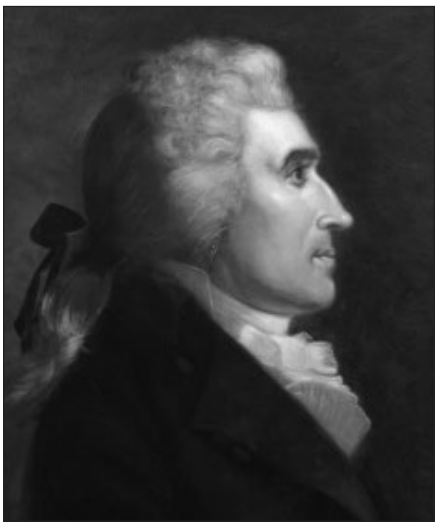
From the very beginning, Congress has contended with the Constitution's silence on the issue of representation for U.S. territories. Over decades of improvisation, a system of "statutory representation" emerged that consists of laws crafted by Congress, complemented by evolving procedural rules in the House, giving territories a limited voice in the national legislature through the office of Territorial Delegate and, later, the Office of the Resident Commissioner.[47]

Territorial representation predated the First Federal Congress, which convened under the Constitution in 1789. Operating under the Articles of Confederation, the Continental Congress enacted the Northwest Ordinance of 1787 to create a government for the territory northwest of the Ohio River. That legislation provided for a Territorial Delegate, who was entitled to a seat in Congress but not to a vote on bills. From the outset, Delegates were seen as advocates who could foster awareness of and general discussion about territorial interests and perhaps even shape legislation during its formative stages, but also as individuals who were not fully empowered as legislators because they could not vote on final bills. After the Constitution was adopted, the First Federal Congress re-enacted the Northwest Ordinance in 1789, providing for a Delegate pending the establishment of a territorial legislature to elect the Delegate. A year later, Congress granted the Territory South of the River Ohio, which would become Tennessee, the privileges provided by the Northwest Ordinance. That territory sent the first Delegate, James White, to the federal capital in Philadelphia. White, who had represented North Carolina in the Continental Congress and who was the grandfather of future chief justice of the U.S. Supreme Court Edward Douglass White, presented his credentials to the House on November 11, 1794.

The concept envisioned by the unicameral Continental Congress now stood embodied in flesh and blood before a bicameral U.S. Congress. Representatives of the Third Congress (1793–1795) were understandably perplexed, and a vigorous discussion ensued on the House Floor. Was Delegate White a Member of the House? Or, did he belong in the Senate, since he—like every Senator—had been elected by the territorial/state legislature? Was he entitled to a seat in both chambers? If he was not fully a Member of the House, would he be given franking privileges? Could he be present when the House went into closed session? How would he be compensated, and should he be required to take the oath of office?[48]

Some, like Representative Zephaniah Swift of Connecticut, believed it was bad precedent to admit a person for whom "the Constitution has made no provision." Swift warned, "If we can admit a Delegate to Congress … we may with equal propriety admit a stranger from any quarter of the world."[49] William L. Smith of South Carolina believed that White was "no more than an Envoy to Congress … an Officer deputed by the people" of the territory. Jonathan Dayton of New Jersey, who chaired the Committee on Elections and would assume the Speakership in the following Congress, weighed in with a central conclusion: "Call him what you will, a member, a Delegate, or, if you please, a *nondescript*.... He is not a member. He cannot vote, which is the essential part." While conceding the right of debate to the Delegate, Dayton noted that the scope of the latter's power and participation was similar to that of "a printer [who] may be said to argue and influence, when he comes to this House, takes notes, and prints them in the newspapers."[50] The House seated White (he served for two years until Tennessee achieved statehood) and voted against requiring him to take the oath of office. Several months later, White was appointed to a select committee to study methods to promulgate U.S. laws more efficiently.[51]

Subsequent Delegates followed White's example, serving solely in the House, though more than two decades elapsed before the House established some



Jonathan Dayton of New Jersey served in colonial and federal legislatures throughout his distinguished political career. A Revolutionary War veteran, Dayton also signed the U.S. Constitution in 1787 and served as Speaker of the House (1795–1799).

Jonathan Dayton (detail), Henry Harrison, 1911, Collection of the U.S. House of Representatives

clear definitions of Delegates' rights and responsibilities. Franking privileges were allowed, and eventually Delegates were required to take the oath of office. Starting with White, service on select committees became routine; occasionally Delegates chaired these select panels.[52] Moreover, at least one Delegate, William Henry Harrison of the Northwest Territory, served as a conferee to negotiate disputed legislation with the Senate.[53] Finally, in March 1817, the 14th Congress (1815–1817) passed a law stating that Delegates were to be seated exclusively in the House and elected to two-year terms to coincide with Representatives. Borrowing from the language of the Northwest Ordinance of 1787, the law also provided a fundamental guidepost that shaped the careers of Territorial Delegates for more than 150 years: "Each of the said delegates shall have a seat with a right of debating but not voting."[54] As will be discussed in the legislative interests section of this essay, the powers of a Delegate to serve on a committee also evolved slowly during the course of the 19th century and remained circumscribed, even after the rules were modified.

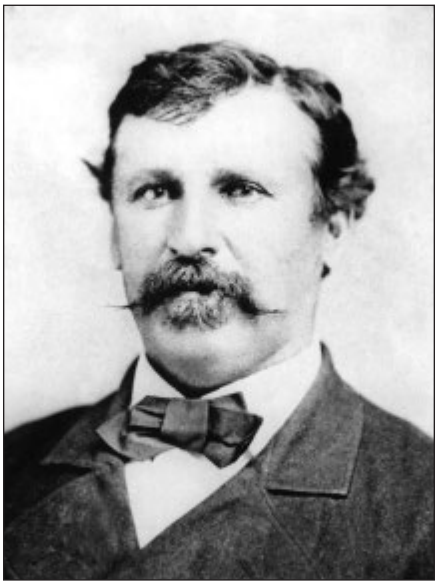
In the latter 19th century, because of their numbers (10 at their peak in the 42nd and 43rd Congress, 1871–1875), Delegates gained influence in Congress and in the city of Washington. Many of New Mexico's *Hispano* Delegates served during the high-water mark of territorial representation in the House in the 1870s and 1880s. "The territorial delegate increased in stature appreciably between 1861 and 1890," explains historian Earl Pomeroy. "Without the formal powers of a congressman, he acquired more of a congressman's influence and general functions. He was disseminator of information, lobbyist, agent of territorial officers, of the territorial legislature, and of his constituency, self-constituted dispenser of patronage. He interceded at times in almost every process of control over the territories, and generally no one challenged his right to intercede."[55]

In a system that contemplated Delegates as ministers without portfolio rather than traditional legislators, their power on Capitol Hill derived almost exclusively from their relationships and their access to leadership. Voting Members might exploit their seniority status, the collective power of their respective caucuses, or institutional rules to achieve their legislative goals. But for Delegates what mattered most was their position within the institution—their proximity to the Speaker, who held unfettered committee appointment powers in the late 19th century; to the chairmen of important committees; to a Representative, Senator, or even another Delegate who could represent specialized territorial interests before a standing committee—and their alignment with influential regional blocs.

In the process of representing constituencies who were culturally dissimilar from the majority-Anglo U.S. population, Hispanic-American Delegates amplified the diplomatist characteristics of their office. As the highest-ranking elected territorial officials, Delegates were intercessors between the frontier government and the federal legislature as well as between their constituencies and Cabinet-level officials. Joseph Hernández of Florida lobbied Secretary of State John Quincy Adams to help facilitate Spanish land grant verification; similarly, he sought to enlist the help of Secretary of War John C. Calhoun to support road construction. In borderland regions, where several distinct

An accomplished Civil War veteran, Delegate José Francisco Chaves of New Mexico served three terms in the U.S. House. After his congressional service, Chaves became an important political figure in the territory for the remainder of the nineteenth century.

Helen Haines, *History of New Mexico from the Spanish Conquest to the Present Time 1530–1890 with Portraits and Biographical Sketches of its Prominent People* (New York, NY: New Mexico Historical Publishing Company, 1891)



Delegate Francisco Perea used his position to influence the selection of federal appointees to the New Mexico Territory. Perea was an ardent supporter of the reservation system to maintain peace among Anglos, Hispanos, and American Indians in the territory.

Image courtesy of the Palace of the Governors Photo Archives (NMHM/DCA), 105371

cultural groups often competed for power, the Delegates served as facilitators. For instance, Hernández was instrumental in brokering the Treaty of Moultrie Creek between the James Monroe administration and the Seminole Indians. New Mexican Delegates Francisco Perea and José Francisco Chaves lobbied the Secretary of State and the President to appoint or remove territorial officials. Their motives frequently derived from competing impulses such as ensuring the efficiency of the territorial government or promoting their political allies—often by curtailing the careers of their political enemies.

In a less tangible sense, Hispanic-American Members of this era were cultural ambassadors. The office of Delegate provided a two-way circuit for cultural transmission that involved sending the territory federal policies and the appointees to implement them, and also receiving the representatives of a new, majority-Spanish heritage constituency. "Sir, I claim to be the representative of a people who have peculiar demands upon your justice and magnanimity," said Delegate Gallegos, addressing the Speaker and the House by means of a translated speech. "They are in their origins, alien to your institutions, your laws, your customs, your glorious history, and even strangers to your language.... I am, and have ever been, one of that very people."[56]

PRECONGRESSIONAL EXPERIENCE

Family Origins

Every Hispanic-American Member who served in the House during this era was born in a region of continental North America that had been under Spanish rule for centuries. Two were subjects of the Spanish crown: Joseph Marion Hernández, born in 18th-century Spanish Florida, and José Manuel Gallegos, born in present-day New Mexico during the Mexican Revolution, six years before Mexican independence. Romualdo Pacheco was born in Mexico's Alta province in modern-day Santa Barbara, California. Of the remaining seven individuals, all but Tranquilino Luna were born in Nuevo Mexico, on the northern borderlands of the new nation of Mexico. Luna was born in New Mexico in 1849 before it became a territory, during the period of U.S. occupation after the war with Mexico.

All of the Hispanic-American Members came from upper-class backgrounds; some were landed gentry or even feudal barons, and others were from well-to-do merchant families. Hernández married into wealth and at one point owned more than 40,000 acres, three plantations, and dozens of slaves in Florida. Pacheco, whose father and namesake came from a leading Mexican family and died when he was an infant, benefited from his stepfather's shipping fortune.

New Mexico provides the clearest example of the centralization of political power and economic privilege among the *nuevomexicano* elite. All of the 19th-century *Hispano* Delegates were members of the local ruling class. Most were the scions of prominent political dynasties or wealthy merchant families that had been in the region for two centuries. Many of these *Hispano* elites were further enmeshed by marriage or business ventures. Their power bases derived from their families' control over massive Spanish land grants, county-level politics, or the emerging mercantile and industrial economies, and sometimes a combination of all three. Unlike the Anglo politicians, who tended to

be lawyers, the *Hispano* elites were usually ranchers or merchants, or both. Compared to average Members of the U.S. Congress in this era, the members of this class had accumulated considerable wealth.[57] Collectively, 19th-century Hispanic Members had vast entrepreneurial experience, including commerce, plantation-scale agriculture, large-scale ranching operations, and mercantile pursuits. With respect to most other types of experience, such as military service or prior careers as legislators or practicing lawyers, these Members mirrored their House contemporaries.[58]

Most New Mexican *Hispano* Delegates were interrelated by blood or by marriage.[59] Particularly prominent were the Otero, Perea, and Chaves families. Francisco Perea, who represented the New Mexico Territory in the House during the Civil War, and his cousin José Francisco Chaves (Territorial Delegate from 1865 to 1871) were the grandsons of Francisco Xavier Chaves, governor of Nuevo Mexico in the 1820s. Their families dominated Bernalillo County, which encompassed Albuquerque. Mariano Otero (Delegate from 1879–1881), nephew of Miguel Otero, Sr. (Delegate from 1856–1861), married into the politically active Perea family; his brother-in-law, Pedro Perea, the cousin of Francisco Perea, served as Territorial Delegate from 1899 to 1901.

The fact that Members of Congress in this era tended to have privileged backgrounds was reflected in their access to higher education. From 1820 to 1900, the percentage of House Members who had graduated from or attended college rose from roughly 40 percent to better than 62 percent.[60] By that measure, the Hispanic Members of Congress during the 1800s were exceptionally well educated; eight of the 10 attended college, with two studying law and another, medicine. Gallegos, who attended seminary and was ordained in the Roman Catholic Church, became one of the few priests ever to serve in Congress. Like many of the New Mexican elite, half of this group attended colleges in Missouri at the northern terminus of the 800-mile-long Santa Fe Trail, attesting to the route's importance not only for trade but also for cultural exchange.[61]

Most of these Hispanic-American Members were born in the 1830s and 1840s and entered the House at a younger age than did the rest of the membership. The average age when they began serving in the House was 36.5 years. This figure was substantially lower than the average age (41.5 years) of the general population of House Members, which tended to be older each decade from the 1820s to the 1890s.[62] The youngest Hispanic-American Member elected during this era was New Mexico Territorial Delegate José Francisco Chaves, who entered the House at age 31; the oldest was Romualdo Pacheco of California, who had already enjoyed a long career in state politics when he came to the House at age 45.[63] One significant result of this trend, discussed later, was that these relatively youthful Members, particularly in the New Mexico Territory, engaged elder *nuevomexicanos* in political disputes with a decidedly generational edge.

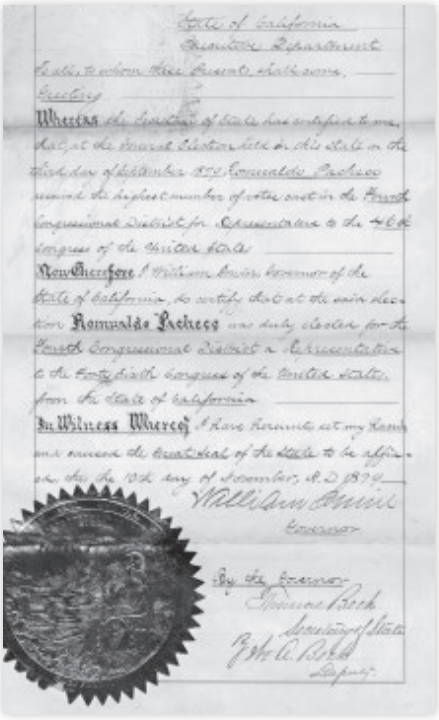
The overwhelming majority (eight of 10) of the Hispanic Members in the 19th century had experience in elective political office; at least six served in the territorial legislature. In territorial New Mexico, the Anglos controlled many of the territorial appointments, such as governor, secretary, U.S. attorney,

A successful entrepreneur who served a term as New Mexico's Delegate to Congress (1879–1881), Mariano Otero aligned himself with the powerful Santa Fe Ring to expand his businesses and political influence. Otero lost both attempts to win re-election to the House in 1888 and 1890.

Image courtesy of the Miguel A. Otero Photograph Collection (PICT 000-021-0127), Center for Southwest Research, University Libraries, University of New Mexico

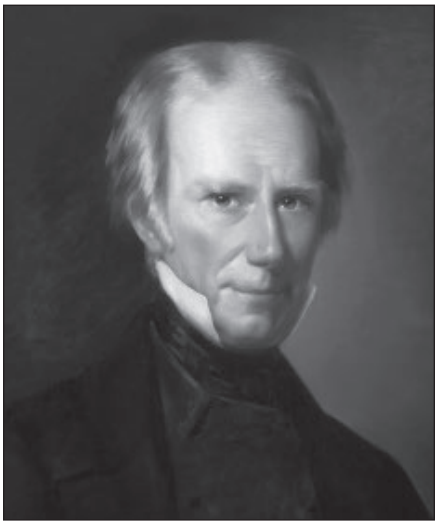
Delegate José Francisco Chaves of New Mexico served in the House during the late 1860s and early 1870s.

Image courtesy of the Library of Congress



On November 10, 1879, California Governor William Irwin certified Romualdo Pacheco's election as a U.S. Representative for California's Fourth District.

Romualdo Pacheco's original election certificate; image courtesy of the Center for Legislative Archives, National Archives and Records Administration



Dubbed the Great Compromiser, Henry Clay of Kentucky negotiated the Missouri Compromise of 1820 as Speaker of the House and helped devise the Compromise of 1850 as a U.S. Senator.

Henry Clay (detail), Guiseppe Fagnani, 1852, Collection of the U.S. House of Representatives

and district and supreme court justices, whereas the *Hispanos* controlled the territorial legislature since the overwhelmingly Hispanic population gave them a decided electoral advantage.[64] Gallegos served as a legislator in the Mexican government and as a delegate in the New Mexico Territory's legislative assembly in the early 1850s; between his terms as Delegate to Congress (1853–1856 and 1871–1873), he was the powerful and longtime speaker of the majority *Hispano* territorial legislature. Others had notable executive experience at the state and territorial level; Pacheco served as California's governor and treasurer, and Miguel Otero served briefly as the attorney general of the New Mexico Territory.

OVERVIEW OF NEW MEXICO POLITICS, 1848–1898

The story of the 19th-century Hispanic-American Members of Congress derives largely from the history of the *nuevomexicano* elites and their interactions with U.S. governing officials. Throughout this era, New Mexico's politics revolved around its territorial status and possible statehood, deferred initially because of the slavery issue and later because of longstanding prejudice against its Spanish-speaking, Roman Catholic inhabitants. New Mexico struggled for over 60 years—the longest of any contiguous state—to achieve statehood.

The U.S. military governed New Mexico until a civil territorial government was created under provisions of the Compromise of 1850. The provisions that Senator Henry Clay of Kentucky envisioned as passing in a single massive omnibus bill—the admission of California into the Union as a free state; the organization of New Mexico and Utah into territories, with no reference to their slavery status; and the resolution of the long-simmering Texas-New Mexico land disputes—passed both the Senate and the House as a series of separate measures. Part of a larger bill to settle the boundary with Texas, the New Mexico territorial measure carried the U.S. House by a tally of 108 to 97 on September 6, 1850, and was signed into law by President Millard Fillmore three days later.[65]

The politics of the New Mexico Territory, which developed over several decades, were driven more by local factionalism than by national issues; national political parties did not gain a toehold until after the Civil War. Historian Howard Lamar describes 1850s New Mexican politics as based on "cliques, usually led by one man and generally organized for the specific purpose of winning an election or controlling patronage." Neither Democrats nor Whigs existed in a national or regional sense out West in New Mexico, but local parties often defined themselves in relation to the party that was in power in Washington. For instance, many of the initial occupation politicians who were loyal Whigs while Millard Fillmore was President took to calling themselves "National Democrats" when Democrat Franklin Pierce became President in 1853. Their opponents went by several names, including "States Rights" Democrats and "Regular" Democrats.[66] Moreover, territorial politics were shaped by the comings and goings of federal administrators who owed their patronage positions to the majority national party in Washington, but in this fluid political environment, party affiliation was fleeting. Indeed, as Lamar observes, "Some thirty years after American conquest, New Mexican local politics were still based more on family alliance, cultural ties, anti-

Americanism, church faction, and crass economic interest than on any party principles.... The mere party labels Republican and Democrat became caricatures in this unique situation."[67]

While New Mexico politics were fractious to an extreme, Delegate elections—which occurred on the first Tuesday of September of odd years from 1853 until 1875—caused the territory's many political factions to unite around "two temporary parties" in what was then the only territory-wide election.[68] Usually, the defining issue in each of these contests was the division between the "native party" and a small but powerful pro-American faction. The former group, favoring home rule and the preservation of the social status quo, comprised some of the *nuevomexicano* elites. Their rivals were a group of wealthy *Hispanos* who aligned themselves with Anglo businessmen and military officials bent on facilitating the process of Americanization to modernize the territory and enrich themselves. The office of Delegate was an extremely important position from which both these groups sought to advance their agendas. Moreover, precisely because Delegates were the only federal officials elected popularly, they held tremendous sway and a legitimacy that was not often enjoyed by the appointed officials and administrators.[69]

During the Civil War, New Mexico was an important battleground in the far West.[70] Although allegiances were divided between the Confederacy and the Union, many *nuevomexicanos* remained loyal to the Union; Southern proponents suggested a pro-Confederate Arizona Territory be split from the original New Mexico Territory. Moving westward from Texas, the Confederate Army of the West occupied Santa Fe and Albuquerque in 1862, imprisoning the ardently pro-Union José Manuel Gallegos, who passed secrets to Union forces from his jail cell. Miguel Otero, though appointed secretary of the New Mexico Territory by President Abraham Lincoln, failed to receive Senate confirmation because of that chamber's long memories of his pro-Southern leanings. Inconclusive evidence suggests that despite his public displays of support for the Union, he supplied invading Confederate forces. Fearing violent reprisals by Unionists and pursuing entrepreneurial opportunities, Otero and his family left the territory and settled in Kansas for the remainder of the decade. José Francisco Chaves served as an officer in the First New Mexico Infantry Regiment, helping to repel the Confederate Army at the Battle of Valverde in 1863. With the Confederate campaign decisively checked at Valverde and Glorieta Pass, Chaves spent the final two years of the war as a lieutenant colonel, as the U.S. Army turned its attention to pacifying Navajo and Apache Indians.

Santa Fe Ring

The Civil War created new opportunities for Anglo lawyers and businessmen who had moved into the territory to seek their fortunes. A political scene with so much active ferment provided tantalizing opportunities for enterprising *Hispano*s who were willing to work with U.S. officials and Anglo outsiders to acquire greater political and economic dominance in the territory.

Built on a partnership between these two groups, the Santa Fe Ring was the first and perhaps the most notable political machine in New Mexico's history.[71] This Republican-oriented group dominated territorial politics in the

Homily in Verse

Translation of an excerpt from a campaign poem about Territorial Delegate Mariano S. Otero of New Mexico. From the Santa Fe Weekly New Mexican, *November 21, 1878.*

On July 30th
the convention met
to elect a delegate
to the Congress of the Union.

Republican Convention
You have come to good accord,
that Don Mariano S. Otero
be our delegate.

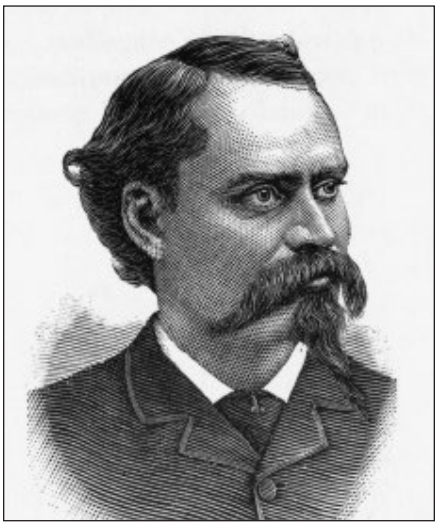
So then New Mexicans,
love your country,
vote for Mariano Otero,
drop Benito Baca.

Taking a closer look
and reflecting on the issue
New Mexico declares,
Elect our champion!

Republican Party,
you are assured
that all your friends
Work night and day.

Pay attention our friends,
be intelligent and valiant,
make sure the job goes
to our candidate.

This text is available in the original Spanish in Appendix J.



Delegate Francisco Manzanares of New Mexico served for a partial term during the 48th Congress (1883–1885). A successful entrepreneur, Manzanares owned a merchandising firm with offices in Colorado and the New Mexico Territory.

Helen Haines, *History of New Mexico from the Spanish Conquest to the Present Time 1530–1890 with Portraits and Biographical Sketches of its Prominent People* (New York, NY: New Mexico Historical Publishing Company, 1891)

A future Delegate and U.S. Senator, Thomas Catron of New Mexico managed the Santa Fe Ring, a confederation of Anglo and *Hispano* entrepreneurs who exerted political and economic dominance of the territory after the Civil War.

Image courtesy of the Library of Congress

latter 19th century, counting among its ranks nearly every governor of the territory and most federal officials from 1865 through the late 1880s. From the mid-1860s to the early 1880s, a string of *Hispanos* were elected Delegate on the Republican ticket. The Ring recruited lawyers, probate judges, land surveyors, doctors, and merchants, who combined forces for profit and political power. Through appointments to key territorial offices delivered by Republicans in Washington, D.C., and the support of the business class and a pliant press, they succeeded brilliantly. "Although located on the frontier," writes historian Howard Lamar, "the ring reflected the corporative, monopolistic, and multiple enterprise tendencies of all American business after the Civil War." Its chief means of influence was parlaying land into economic clout by purchasing, inflating, repackaging, and marketing a score of land grants doled out by Spanish rulers, and later by the U.S. government. The Santa Fe Ring's most grandiose venture involved its speculative promotion of the two-million-acre Maxwell Land Grant.[72]

Several *Hispano* Members of Congress were key Ring members or allies; Miguel Otero, Sr.; José Francisco Chaves; Mariano Otero; Francisco Manzanares; and the politically connected Perea family were all aligned with the Santa Fe Ring at some point in their careers. Miguel Otero, Sr., owned a piece of the sprawling Maxwell Land Grant. Chaves, despite some disagreements with the Santa Fe Ring, was particularly active as president of the territorial council after his tenure as Delegate. Mariano Otero proved useful as a longtime probate judge in Bernalillo County, and Manzanares was a partner with Stephen Elkins and Thomas Benton Catron in both the Maxwell Land Grant Company and the First National Bank of Santa Fe. Many of the *Hispano* Delegates who were not officially counted in its ranks sympathized with the Ring's larger desire to corporatize the territory. Only Gallegos, consistently portrayed by Ring candidates as a throwback to the corrupt, anti-modern rule of the Mexican regime, remained unaligned with the Ring. By the early 1890s, Elkins had gone back East, New Mexico's economy had diversified beyond the rampant land speculation of the early post-Civil War years, and the Santa Fe Ring faded in importance.

CRAFTING AN IDENTITY

Contested Elections

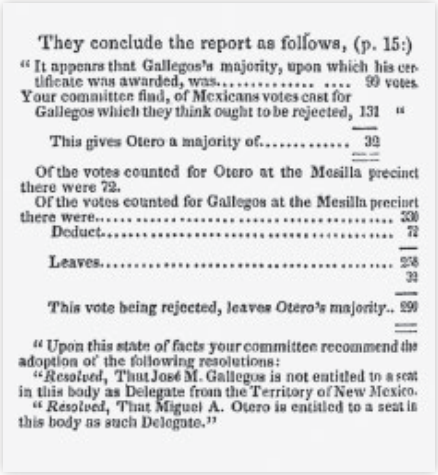
Article I, section 5 of the Constitution provides that "Each House shall be the Judge of the Elections, Returns, and Qualifications of its own Members." One of the earliest House committees was the Committee on Elections, created in 1789, with jurisdiction over election disputes and certification of House Members.[73]

While the House had always controlled the admission of its Members, the frequency of contested elections increased dramatically in the latter half of the 19th century because of Reconstruction—a majority of the disputed election results originated in the former Confederacy—and the admission of so many new territories to the Union. Several factors accounted for this exponential increase. The United States was almost evenly divided between the two traditional political parties; congressional majorities flip-flopped

five times between 1870 and 1900. One scholar speculates that partisan competition and Southern disfranchisement directly influenced the incidence of contested elections, particularly during GOP-controlled Congresses. When a Republican majority in Congress could influence the outcome of a disputed election, the party encouraged its candidates to contest the results, viewing contested elections as an "institutional equalizer" for electing Southern GOP Representatives to the House and maintaining a majority, but both Democrat and Republican majorities abused the system.[74] "Great outrages have been committed by all parties which have controlled the House," noted Democratic Speaker Champ Clark of Missouri, whose House career began in 1893. Disputed elections in the 19th century "were so numerous as to become a burden," he added.[75]

The chaos, violence, and factionalism of the frontier's nascent political systems magnified the phenomenon, particularly in elections for Territorial Delegate, which involved many patchwork alliances to ensure a victorious majority. Seven of the 10 Hispanic-American Members in this era—José Manuel Gallegos, Miguel Antonio Otero, Francisco Perea, José Francisco Chaves, Romualdo Pacheco, Tranquilino Luna, and Francisco Manzanares—were involved in contested elections. Gallegos contended with three contested elections, the most of any Hispanic Member of the era.[76] "One unfortunate result of the complex struggle to win a delegate election was the resorting of each faction or party to fraud or intimidation to win," notes historian Howard Lamar. "The Americans, hampered by numerical inferiority, did not hesitate to use methods that would have ruined them politically in the states.… The New Mexicans, unused to the American concept of the franchise, were willing to sell this new thing—the vote—for some economic advantage."[77]

A variety of factors contributed to this phenomenon of contested territorial elections, including the absence of established parties; primitive electoral safeguards; and intense factionalism, which was manifested by a power struggle between older, Mexico-oriented *patrones* and younger, America-oriented *ricos*. As did congressional elections in the Reconstruction Era South, New Mexico's elections for Territorial Delegate routinely suffered from electoral abuses like stolen ballot boxes, voter fraud, intimidation, and violence. The frequency of these episodes paralleled that of the experiences of African-American politicians in the postwar South, but while black politicians often faced violent election contests that descended into overt racial hostility, contested elections during the early decades of the New Mexico Territory were more often manifestations of rivalry among local power elites and nascent parties in an ever-shifting political environment.[78] After Charles Clever's unsuccessful effort to contest José Francisco Chaves's election to the 40th Congress (1867–1869), Chaves wrote in an open letter to constituents: "I am aware that many of my friends of Mexican nativity entertained apprehensions that the fact of my being one of their race would be an obstacle in my way. But the sequel has happily dispelled that illusion, and will give to them a confident assurance that impartial justice will always await their demands in the House of Representatives and the government of the United States."[79] Of course, the fact that Radical Republicans retained a firm grip on the House and constituted a majority on the Elections Committee



They conclude the report as follows, (p. 15:)

"It appears that Gallegos's majority, upon which his certificate was awarded, was..... .... 99 votes.
Your committee find, of Mexicans votes cast for Gallegos which they think ought to be rejected, 131 "

This gives Otero a majority of..... 32

Of the votes counted for Otero at the Mesilla precinct there were 72.
Of the votes counted for Gallegos at the Mesilla precinct there were..... 330
Deduct..... 72

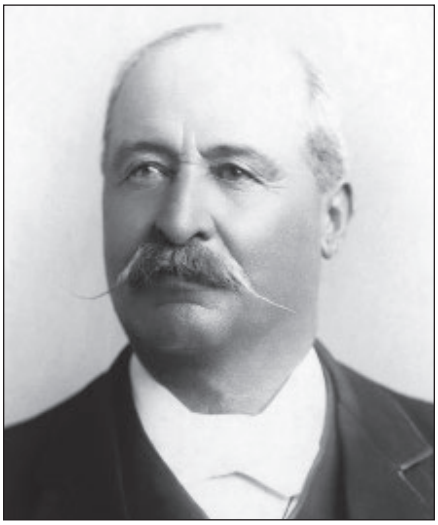
Leaves..... 258
32

This vote being rejected, leaves Otero's majority.. 290

"Upon this state of facts your committee recommend the adoption of the following resolutions:
"*Resolved*, That José M. Gallegos is not entitled to a seat in this body as Delegate from the Territory of New Mexico.
"*Resolved*, That Miguel A. Otero is entitled to a seat in this body as such Delegate."

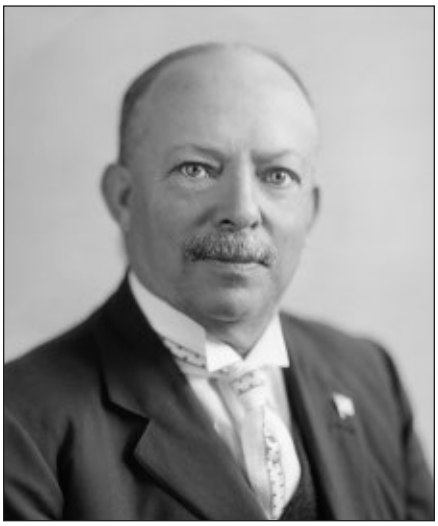
The privately published *Congressional Globe* detailed debates in the House and Senate. Pictured are the July 23, 1856, results of the contested election case between José Manuel Gallegos and Miguel Antonio Otero of the New Mexico Territory.

Congressional Globe, House, 34th Cong., 1st sess. (25 July 1856): 1730



Territorial Delegate José Francisco Chaves served in New Mexico's territorial legislature for almost three decades after his U.S. House career. During his service in Congress, Chaves tried on two occasions to expedite statehood for New Mexico.

Image courtesy of the Miguel A. Otero Photograph Collection (PICT 000-021-0056), Center for Southwest Research, University Libraries, University of New Mexico



Miguel Otero, Jr., who worked on his father's 1880 campaign for New Mexico Delegate against Tranquilino Luna, made history in 1897 when President William McKinley appointed him as the first (and only) *Hispano* governor of the New Mexico Territory.

Image courtesy of the Library of Congress

that decided in Chaves's favor worked to his advantage.

Clearly, election contests were contemplated in this era of shifting power in a closely divided House. In the wake of the 1880 election, Miguel Otero, Jr., who would serve as the first governor of Hispanic descent to be appointed in the New Mexico Territory, recalled, "What was done in Valencia County was but a sample of what was done by the Republican Party throughout the entire Territory." His father, the Democratic nominee who faced Republican Tranquilino Luna, "was urged by many of his friends to bring a contest.... But such a contest would have had to be fought out before Congress, and as the House of Representatives was then in the hands of the Republicans, my father thought it useless to go to the trouble and expense of the contest." Had his father "lived until the next election he would have been willing to enter the fray again and try conclusions" with Luna, Otero, Jr., wrote.[80]

Whether inspired by partisan gain or by racial discrimination, contested elections taxed Members' limited resources and sapped their ability to focus on constituents' needs. After a contested election fight with Gallegos that consumed three-quarters of the congressional term, Otero was awarded a House seat in July 1856. In a public letter to constituents, he explained that the harried transition had handicapped him further. Blaming Gallegos, Otero noted, "Although he promised me that he would transfer all the papers appertaining to the interests of New Mexico … he nevertheless left the city without having complied with his promise, and in so doing he evinced a palpable and most reprehensible disregard for the welfare of the Territory." Otero complained of wasting precious time because he was obligated to check with every committee to find out whether any business initiated by Gallegos was still pending. Learning the legislative ropes would take time, he said, asking for his constituents' patience. "I am as yet, but young as the representative of my far-off people, and the fruits of my labors have not as yet been abundant," he wrote. "Give me time to plant, and I will endeavor to show that the laborer is worthy of his hire."[81]

Cultural Factionalism and *Nuevomexicano* Elites

In some cases disputes between candidates in New Mexico's elections for Delegate were unusually acrimonious because they were proxy contests for the territory's competing cultural regimes. The ferocity of the Gallegos-Otero contest in the mid-1850s reflected the gulf between New Mexico's two dominant *Hispano* factions: One favored the receding Spanish system, and the other adopted the insurgent Anglo-American model. Whereas Gallegos was "a pillar of the old native ruling class," oriented toward Mexican traditions and patterns of governance, Otero belonged to the *rico* class, which was openly aligned with the Americans.[82] Reared on revolutionary idealism, Gallegos's generation was imbued with an ardor to cultivate Mexican nationalism in the years after Mexico's independence from Spain. While such men bowed to the reality of American occupation and settlement, they favored the old culture and social mores, having spent their formative years in Mexican institutions. In their view, the territorial regime created by the Compromise of 1850 and the Treaty of Guadalupe Hidalgo was an instrument of American occupiers. *Hispanos* who conformed to the new political regime were mainly merchants, opportunistic

individuals who did not get along with the pro-Mexican faction, and younger people like Otero who were educated in and familiar with U.S. institutions.[83]

When Gallegos won the 1855 election for Territorial Delegate by less than a 100-vote margin, Otero contested the result on multiple grounds, chief among them that ballots cast by Mexican citizens had inflated Gallegos's vote tally. Defending himself before the House through an interpreter, Gallegos stressed his personal ties, and those of most of his constituents, to Mexican culture, describing himself as "native to that very soil." Emphasizing the fact that Mexican-American constituents chose "me as their representative," he said, "I am not ashamed of whatsoever is common to them and to me." He judged the "sneers and jests" with which House Members had responded to his faltering English to be insults against all *nuevomexicanos*. "As I am their true representative under the laws, so I claim to be their true type in all that has been the subject of sarcasm and ridicule in the debates [about his contested election]," he said. "I receive it all as the representative of my people."[84]

In stark contrast, Otero, whose English had been refined in American colleges and who had spent considerable time in the Northeast and Midwest, claimed to defend "my people … from the implied charge of having knowingly sent a representative who would boast of his incapacity, and claim his seat upon the very ground of being unable to fill it." He repeated salacious campaign allegations that Gallegos associated with corrupt clergymen who were "notoriously addicted to the grossest vices … the disgrace of every gambling house and drinking saloon, and the open frequenters of brothels." Given the pervasive xenophobia of the 1850s, religion was a potent rhetorical device. The subtext was clear: A suspended Catholic priest, Gallegos was the creature of an alien political culture which Otero called the "Mexican party" faction and which he described as "indulging great hostility against the institutions of the United States."[85] This cultural clash resounded through the decades of New Mexico's territorial status. Years later when Gallegos challenged two-term incumbent Delegate José Francisco Chaves—another scion of a prominent family and an advocate of the territory's Americanization—many of the same patterns persisted. Gallegos's camp challenged Chaves's youth and chastised him for his facility with English: "He is much younger than Mr. Gallegos, superficial in appearance … [and] attached to English to the point of hating his own language … and, if you wish it, 'to the point of hating' his race." Chaves supporters painted Gallegos as "evidently inspired by hatred of Americans, their language and institutions, and directed to the Spanish speaking citizens, as he thinks they should entertain, and be swayed by … the same sentiment."[86]

In the 1856 contested election, Otero played to more than religious bigotry against *nuevomexicanos* or generational friction among the *rico* elite; he drew a clear line between the elite he described as pure-blooded Spanish and the mixed-race Mexicans. In contrast to Gallegos, Otero claimed allegiance to the "American party"—by which he meant the pro-American faction of New Mexicans, not the national movement—but he described himself as being of "unmixed Spanish descent" and as part of the *nuevomexicano* elite who viewed U.S. annexation as salvation and "the only security from the perpetual discords and civil wars of Mexico."[87] "I confess I have always been attached

During his three terms in the House (1856–1861), Miguel Antonio Otero's pro-Southern sympathies and family connections drew him into an alliance with powerful southern Democrats. Otero lobbied for infrastructure appropriations—including a transcontinental railroad route through the South—to improve New Mexico's chances for statehood.

Image courtesy of the Library of Congress

Miguel Antonio Otero

Translation of an excerpt from a campaign poem about Delegate Miguel Antonio Otero of New Mexico. From the Santa Fe Weekly Gazette, *August 22, 1857.*

From high up in the empire,
the sun casts its rays
on our true democracy,
on our illustrious party,
on Miguel Antonio Otero;
on this beloved young man
showered with gifts
by the heavens;
we proclaim without apprehension
and, in my own judgment, without cowardice,
long live MIGUEL, long live ANTONIO
and long live OTERO as well.

This terrible administration
that governs this County
has subordinated
our liberty and action.
Now it is time and it is our chance
to be free from evil.
National Democracy
alert, alert we will be,
we nationals with greatest care,
will shed the blood
long live MIGUEL, long live ANTONIO
and long live OTERO as well.

Next September
we will have the elections
for our Delegate
to the Congress of the Union
and, also to remove
every corrupt official.
That all of our interests
be well represented
by our Delegate
a gift from the heavens,
long live MIGUEL, long live ANTONIO
and long live OTERO as well.

This text is available in the original Spanish in Appendix J.

to the institutions of this country, and to have been taught from childhood to look to this quarter for the political regeneration of my people," he added. However, Otero carefully avoided disassociating himself from the majority-*nuevomexicano* constituency, claiming he was a truer heir than Gallegos. "The sitting Delegate appeals to your *magnanimity* in favor of the people of New Mexico," Otero crowed. "When, sir, in the history of the race of which he claims to be a *type*, did Castilian blood ever congeal in the presence of power, and so far degrade itself as to seek to crawl into favor? I claim for New Mexico, not your magnanimity, but your fraternal justice."[88] By making this claim, Otero used a strategy that was common among the *rico* elite, who emphasized and even exaggerated their direct Spanish bloodlines and heritage. Questioning the "legitimacy" of this tactic, scholars like Laura Gómez and John M. Nieto-Phillips chronicle its repeated "articulation and its deployments in contexts of resistance and accommodation," but Otero and other like-minded *ricos* considered this strategy to be a crucial link in arguments for statehood, since they believed Congress needed to be convinced of *nuevomexicanos*' readiness for self-government based on their "whiteness." Scholars including Robert Larson, Gómez, and Nieto-Phillips maintain that racial fitness for self-government was a determinant in 19th-century debates about whether New Mexico should be admitted into the Union.[89]

Ironically, Miguel Otero would later be on the receiving end of the charge he leveled at Gallegos in the 1850s. In the intensely personal and bitter 1880 campaign for Territorial Delegate, Tranquilino Luna's supporters in the press depicted Otero as out of touch and a relic of the past. With Luna's victory, the editors of the *Daily New Mexican* called for an end to the politics of personality and for increasing engagement with national political issues. The editors predicted the "campaign of the future … will be one of argument and of discussion. The principles of the parties which the candidates who are running represent will be made the subject of criticism. Personalities will not figure to so great an extent. Politics will be lifted up to a higher plane and the whole method of conducting campaigns will be changed … the whole political atmosphere will be purer and cleaner."[90]

Social Experiences in Washington, D.C.

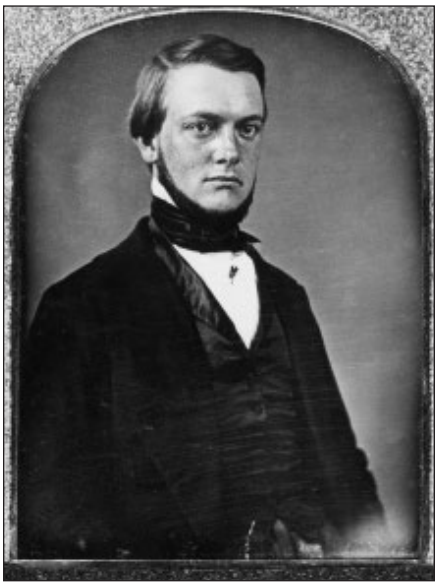
Groups that were newly admitted to the political process were often the subject of intense press coverage in Washington, D.C. Playing to public interest, the media customarily portrayed early African-American and women Members of Congress as spectacles and curiosities amid the capital's governing circles, which were overwhelmingly male, white, and Protestant.[91] But the Hispanic Members of the 19th century received little attention from contemporary political observers or Capitol Hill veterans. Though Benjamin Perley Poore, a D.C. journalist and editor of the early editions of the *Congressional Directory*, who recorded in his memoirs the Otero-Gallegos contested election, intimated that Gallegos's Catholicism made him the more conservative of the two, while the American-educated Otero possessed a "Democracy [that] was of the more liberal school," for the most part, the contemporaries of these Hispanic pioneers seemed largely oblivious to them.[92] There were too few to establish a distinctive

presence, and their House careers, muted by their subordinate status as Delegates, usually lasted only one term. With the exception of Pacheco and Trinidad Romero (1877–1879) and Pacheco and Mariano Otero (1879–1881), no two Hispanics served in Congress simultaneously during this period.

Living arrangements were consequential for Members in Washington, D.C., which was rather provincial and sleepy throughout the 19th century. Scholars speculate that groups of Members living in boardinghouses and messes, particularly in the antebellum era, formed similar legislative agendas and voting blocs. While this theory has been disputed, clearly group living quarters often provided a sense of fraternity and company for individuals separated from family.[93] *Congressional Directory* listings suggest that only about a quarter of House Members brought their wives or families to Washington in the years before the Civil War. Primitive travel, shorter, more work-intensive sessions, and the relatively brief careers of most individuals serving in Congress accounted for this pattern. Even if they were married, the vast majority of Members lived as bachelors when Congress was in session. Most lived in boardinghouses run by women or roomed in hotels such as the National, Willard's, and Congressional. Not until after the Civil War did a greater proportion of Members—perhaps half—bring their families to Washington.

The *Congressional Directory* offers glimpses into the lives of Hispanic Delegates in the nation's capital. José M. Gallegos boarded at a residence several blocks from the Capitol during his service from 1853 to 1856, and at no point did he room with other Members of Congress. In contrast, Gallegos's political nemesis, Miguel Otero, Sr., had a connection to the region; his wife, the former Mary Josephine Blackwood, was a descendant of Maryland Senator Charles Carroll. Raised in Charleston, South Carolina, Mary Josephine belonged to the Southern aristocracy and seems to have contributed to her spouse's pro-Southern orientation in the 1850s. Otero roomed with two Maryland Representatives at a boardinghouse on Pennsylvania Avenue across the street from the National Hotel, which was popular among Southern Members in the antebellum years. Known for his assiduous courtship of key Southern leaders such as Jefferson Davis of Mississippi—who as Secretary of War (1853–1857) helped oversee surveys of a rail route to the Pacific—Otero eventually moved to the National and brought his wife to the capital for at least part of a term. One of the longest-serving Hispanics in the 19th century, Otero was one of only three Hispanic Members whose families accompanied them on the arduous journey to Washington. Another relatively long-serving Delegate, José Francisco Chaves, had his wife join him for one term in the late 1860s, and one-term Delegate Trinidad Romero roomed with his wife and daughter at the National Hotel for one session of the 45th Congress (1877–1879).

The *Congressional Directory* suggests that Romualdo Pacheco and Mariano Otero were the only Hispanic Members to live at the same location, renting rooms at the National Hotel during the 46th Congress (1879–1881). The two Republicans were known to work closely on legislation. Further, seating charts from various editions of the *Directory* for that Congress indicate that Pacheco and Otero occupied neighboring desks on their party's side of the chamber, along the south wall at the extreme left of the Speaker's rostrum.[94] The proximity



In 1885, Benjamin Perley Poore published a two-volume memoir, *Perley's Reminiscences of Sixty Years in the National Metropolis*. Students of Congress still use Perley's memoirs for insights on nineteenth-century life in Washington, D.C.

Image courtesy of the Library of Congress

Trinidad Romero, who served during the 45th Congress (1877–1879), served in New Mexico territorial politics before entering Congress. Romero also was one of a few *Hispanos* who served as a U.S. Marshal in the territory.

Image courtesy of the Citizens Committee for Historic Preservation, Las Vegas, New Mexico

Popular because of its proximity to the U.S. Capitol, the National Hotel was one of a number of establishments that Members of Congress used as their Washington residences during congressional sessions well into the 20th century.

Image courtesy of the Library of Congress

of their desks provides evidence of their working relationship since Members' desks functioned as their offices in the 19th century, before the construction of congressional office buildings.

The brevity of Hispanic-American Members' terms in the federal legislature suggests that they viewed their tenure in Washington as a means to advance their careers in territorial politics, particularly their business ventures. Miguel Otero, Sr., became a wealthy merchant as well as a partner and director of the Atchison, Topeka, and Santa Fe Railroad. In the 1890s his son, Miguel, Jr., became the only governor of Hispanic descent in the territory's history. After serving a single term in the U.S. House, Mariano Otero returned home to speculate in lucrative land grants through his ties to the Santa Fe Ring, making a fortune that rivaled his uncle's. Gallegos enlarged his fortune in farming and mercantile concerns and enjoyed a long tenure as speaker of the territorial house in the 1860s. José Francisco Chaves, who often aligned himself with the Santa Fe Ring, served eight terms as president of the powerful territorial council, effectively the New Mexico territorial senate. According to one scholar, he founded the New Mexican town of Torrance and dominated the politics of Valencia County as a result of his massive landholdings and his influence as a *patron*.[95]

LEGISLATIVE INTERESTS

Committee Assignments

Like their counterparts in other territories, the Hispanic-American Delegates lacked fundamental legislative tools. For much of the 19th century, Territorial Delegates were barred from serving on standing committees of the House. Particularly in the two decades before a standing committee system was formed in the 1810s, Delegates appointed by the Speaker might serve on select committees, and in rare instances, even chair those panels. Inconclusive evidence suggests that Delegates were seldom allowed to vote on committees, and the few occasions when they did were exceptions to the 1817 law that defined their power.[96]

The law that designated the District of Columbia a territory in 1871 entitled its Delegate in the House to sit on the Committee on the District of Columbia. Additionally, one of the 10 Delegates at the time was seated on the Committee on Territories, marking the first time Delegates were allowed to serve on standing House committees. When the House abolished the seat of the Delegate from the District of Columbia several years later, the remaining Delegates retained the right to serve on committees, but they still could not vote in committee.[97] Sparring over the 1871 resolution reserving two committee seats for Delegates, Representatives pointed out that Delegates would have the same status in committee as they did on the House Floor; one Representative said Territorial Delegates should act as "advisory members."[98] In 1876 the House approved with little debate a rule that expanded the scope of the standing committees on which Delegates could be seated to include Indian Affairs, Mines and Mining, and Public Lands but noted that "the said Delegates, in their respective committees, shall have the same privileges only as in the House," giving the Delegates the right to debate but not to vote.[99] Though there were challenges and possibly exceptions to that restriction, it remained intact until the 1970s.

Since all but one of the 10 Hispanic-American Members profiled during this era were Delegates, only four served on standing House committees. Representative Romualdo Pacheco of California was the first Hispanic Member to hold a standing committee assignment: a seat on the Public Lands Committee in the 45th Congress (1877–1879). He also served on the Private Land Claims and Public Expenditures Committees. Pacheco's committee assignments ranked roughly among the top third in terms of attractiveness to Members. He eventually chaired the Private Land Claims panel, making him the first Hispanic American to hold a leadership position in Congress. The committee, which existed for more than a century until its abolishment in 1911, reported general and special legislation to settle individual claims on public land. It was a significant panel for Members from Western states and territories, of which large swaths were owned by the federal government. Likewise, the Public Lands Committee, which managed all federal land, was a key assignment because it had jurisdiction over irrigation and reclamation, conservation, national parks, and mineral and water rights. After the Committee on Private Land Claims folded, its responsibilities were merged with those of the Public Lands Committee.[100]

A further expansion of the committees that were available to Delegates, due to a revision of House Rule XII in 1880, opened a seat on the House Coinage, Weights, and Measures Committee that appears to have been reserved by the Speaker for the New Mexican Delegate.[101] Mariano Otero, Tranquilino Luna, and Francisco Manzanares served on the Coinage, Weights, and Measures Committee, beginning with Otero during the 46th Congress (1879–1881). Created in 1864, Coinage, Weights and Measures was a decidedly middling assignment with little appeal for most Members. Its jurisdiction included standards of value for coinage (including gold and silver), legislation related to mints and assay offices, and national standards for weights and measurements.

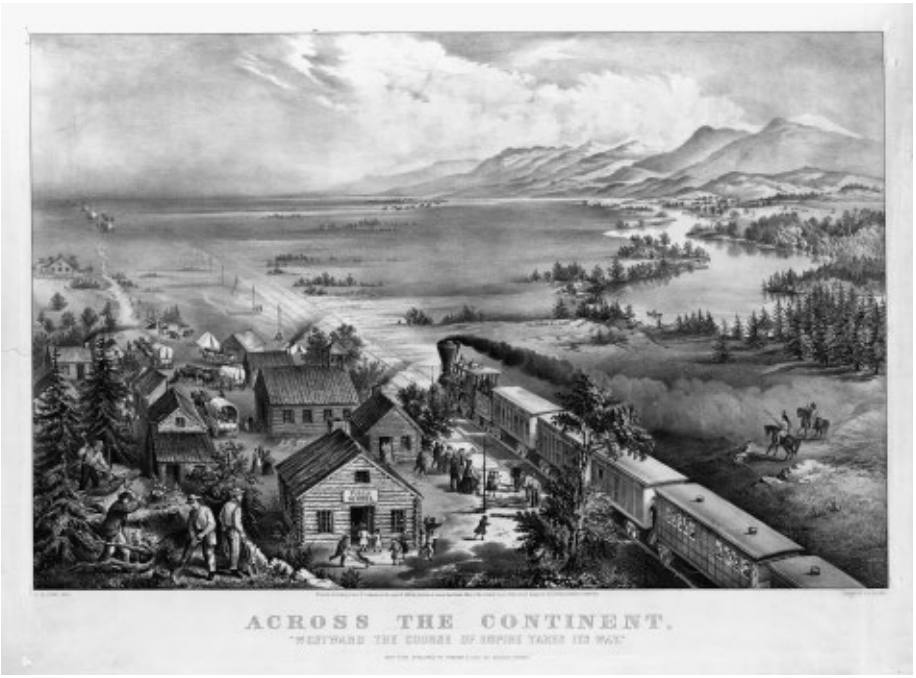
In this circumscribed legislative landscape, Territorial Delegates often relied on other members of their cohort to advance their proposals. Future Speaker of the House Samuel Randall of Pennsylvania described the Delegates as "a quasi committee … they meet together both socially and in a legislative sense, and they will seek through one of their number to instruct and enlighten" pertinent committees on key territorial questions. The *New York Times* reported that once the House agreed to grant one Delegate a seat on the Territories Committee, the group organized "into a self-appointed committee," calling itself the "Territorial Syndicate," akin to a modern special-interest caucus. Its purpose was to arrange for individual Delegates serving on various committees to act as conduits for the other Delegates' legislative interests and concerns. "They will also consult with and aid each other in the preparation and passage of measures through both houses," the article said.[102] Clearly, this occurred in other cases, too, particularly when Delegates could ally themselves with Representatives from nearby states. For instance, Representative Pacheco worked closely with Delegate Mariano Otero of New Mexico, helping him look after territorial interests. In Otero's absence and at his request, Pacheco attempted to allocate more money to complete the construction of a jail and courthouse in Santa Fe.[103] He also presented a letter from territorial governor Lionel Sheldon, requesting that Congress

approve the election of the New Mexico Legislative Assembly before the start of its next session.[104]

Infrastructure Improvements and Land Grants

Like many of their congressional colleagues, Hispanic Members in the latter 19th century were keenly interested in procuring federal dollars for infrastructure development and capital projects. This goal was particularly important for the Delegates, for whose territories basic public works improvements such as postal roads, railway lines, and federal buildings augured momentum toward statehood. However, disputed rights to land conferred previously by Spanish and Mexican authorities often complicated economic development, especially in the New Mexico Territory.[105]

Transportation projects were crucial to developing economies in the territories and far Western states, and from the 1850s through the 1880s, Congress actively promoted the growth of railroads in the United States.[106] Roadways and rails were ongoing concerns for Hispanic Members of Congress throughout this era. Delegate Joseph Hernández of Florida advocated for the construction of a 380-mile road along the Gulf of Mexico in the extreme western panhandle of the territory between Pensacola and St. Augustine, on the Atlantic coast. Hernández believed such an east–west route would boost economic development, facilitate the location and construction of a capital city, and make Florida an attractive candidate for statehood.[107] New Mexico Delegates followed the same pattern. Though hamstrung by the language barrier and all-consuming contested elections cases, Gallegos introduced a bill to construct a postal road between Albuquerque and California. His successor, Miguel Otero, Sr., courted powerful Southern Senators and Representatives in a bid to secure a major rail route through the New Mexico Territory. Romualdo Pacheco knew reliable transportation routes were crucial to the survival of the



This 1868 print, *Across the Continent: Westward the Course of Empire Takes Its Way*, shows the importance of railroads for U.S. settlement in the western territories.

Image courtesy of the Library of Congress

relatively remote economic outposts in the American Southwest and along the Pacific coast. Attuned to the needs of the shipping industry, he sought federal funds to dredge the harbor and improve the facilities in the Wilmington section of Los Angeles. He also sought congressional support to make the Los Angeles area the terminus for the Southern Pacific Railroad.

Congressional control over land grant issues was also an important aspect of territorial development, and Representative Pacheco had a prime perch from which to tend to the multitude of land claims and land grant issues that were central to politics in new territories and states. His assignments on the Public Lands Committee and his eventual chairmanship of the Private Land Claims Committee suited his interest in protecting the property rights of Western landowners. Several New Mexico Delegates who associated with the Santa Fe Ring, including Miguel Otero, Sr., and José Francisco Chaves, repeatedly brought before the House thorny land grant issues requiring the alteration or confirmation of long-standing Spanish or Mexican grants. Land grants formed one corner of a 19th-century golden triangle: By conferring rights to large tracts of land, Congress opened the way for territorial development by railroads and land speculators; territorial development, in turn, encouraged population growth and the possibility of statehood, and Santa Fe Ring members gambled on the prospect that statehood, once achieved, would boost property values.[108]

Indian Relations

One legacy of the United States' acquisition of lands ceded by Mexico was the inauguration of a new era in the federal government's policies toward American Indians. The Constitution prescribed powers to Congress (Article I, Section 8) "to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes." From the beginning, Congress played a key role in negotiating treaties with various tribes. Reflecting their growing workload, the Senate and the House created standing committees on Indian affairs in 1820 and 1821, respectively. Congress approved the Indian Removal Act of 1830, initiated by the Andrew Jackson administration and premised on the idea that Eastern Indians could be relocated to the expanses of land west of the Mississippi River, freeing land for agriculture. It was during the implementation of Jackson's removal policies that Florida's Joseph Marion Hernández played a key role in the subjugation of the Seminoles during the 1830s. The mammoth land grabs of the 1840s, including the settlement of the Oregon Territory dispute and the acquisition of vast acreage with the Treaty of Guadalupe Hidalgo, brought more than a quarter-million people under U.S. control and into conflict with Anglo settlers heading west. In 1851 Congress created Indian superintendencies under the newly established Interior Department to manage tribal relations, and authorized Indian agents in New Mexico and Utah. At the request of many of these federal officials, the reservation system, whereby Indian tribes were relocated to lands under the stewardship of the U.S. government, emerged during the 1850s and accelerated during the Civil War.[109]

New Mexico's Bosque Redondo ("round grove of trees") was one such reservation that existed during the Civil War and its immediate aftermath. Sprawled across a million acres along the Pecos River in eastern New Mexico,

Before implementing Indian removal in the southeastern United States in the 1830s as President, Andrew Jackson of Tennessee garnered national attention for victories in Indian pacification campaigns after the War of 1812.

Image courtesy of the Library of Congress

Apache scouts were photographed at Apache Lake, Sierra Blanca range, Arizona Territory, in 1873.

Image courtesy of the Library of Congress

with Fort Sumner at its center, the Bosque Redondo was part of a two-pronged Indian pacification effort conceived by General James H. Carleton, the territory's military commander. Carleton aimed to subdue Apache and Navajo in the western reaches of the territory, who for centuries had fought against encroachment by Spanish and now Anglo settlers. "Carleton's Indian program was harsh and simple: to kill or capture the Indians until they agreed to surrender and live on a single reservation, where they could be taught Christianity and agriculture," notes historian Howard Lamar. At first the plan was ruthlessly efficient and widely praised by Anglo and *Hispano* New Mexicans. Forces initially mustered to turn back a Confederate advance rounded up thousands of Mescalero Apache and Navajos in 1863 and 1864, led by the First New Mexico Volunteer Cavalry under Colonel Kit Carson. By late 1864, more than 8,000 Indians (nearly three-quarters of the Navajo tribe) had been forced on a "Long Walk" eastward across barren stretches of the territory to the Bosque Redondo. Scores died on the journey. Moreover, their destination was ill-suited to hosting so large and diverse a group. Apache and Navajo were crowded together; longtime rivalries festered, and the prospect of violence grew. Despair set in when crops failed, federal supplies ran low, and many faced starvation. Once trumpeted as a winning strategy, the Bosque Redondo "now began to seem a fiasco," Lamar notes. In 1865 the Apaches left the reservation *en masse*; by 1868 the U.S. government had renegotiated a treaty with the Navajo, who were permitted to return to their native lands.[110]

The Bosque Redondo quickly became a political lightning rod. Pro- and anti-Carleton forces emerged, dominating the 1865 election for Territorial Delegate. The contest between nominal Republicans José Francisco Chaves and Francisco Perea focused largely on the controversy surrounding the reservation. Perea, the incumbent Delegate, supported Carleton's policy of using the military to round up Indians and relocate them to reservations. He considered his "imperative duty" the advocation of such a course of action and the procurement of the federal dollars necessary "to put these pests out of our way and reinstate our people in their rightful control" of "the destinies and prosperity of the beloved country for which our gallant forefathers endured and suffered so much in redeeming it from savage hands and reducing it to civilizing influences of our pure Christianity."[111] Chaves, an accomplished Indian fighter, criticized the resettlement because of his widely shared opposition to Carleton's authoritarian methods, as well as the economic ramifications, which involved the seizure of valuable grazing land along the Pecos River to host the tribes; the loss of a potential labor pool when captured Indians were "civilized" rather than pressed into servitude; and the federal government's repeated failures to supply the reservation with adequate supplies, leading to unrest.[112] On this last point, Delegate Chaves chastised the House during debate about a $50,000 appropriation to supply the Bosque Redondo. "I have noticed as a general thing members eulogize the enterprise, skill, and success of the Anglo-Saxon race," Chaves declared. "Although I am not of that race, still I can feel as proud as any of the glory of this great country. But I must be permitted also to say that great as we are, yet the United States has failed entirely and utterly in the attempt to solve the problem as to the best manner in which these Indians are

to be treated so as to result in their civilization." Chaves pointed to Spanish and Mexican officials' relations with the Pueblo Indians as a model that was worthy of emulation.[113]

Slavery

The nature of New Mexico's forms of forced servitude—Indian slavery and peonage—did not fit neatly into the long and bitter debate about chattel slavery in the South, nor did it conform to prevailing conceptions of whiteness and blackness.[114] Territorial politics helped obfuscate Indian slavery since it was never legally sanctioned, and thus New Mexico's brands of servitude went largely unnoticed in the national debate during the antebellum era.

The practice of Indian slavery, which began in the 16th century, involved enslaving Indians captured during warfare, and their offspring, to work for planters and mine owners. Occasionally, Indian tribes captured and sold members of rival tribes to the Spaniards and later to the Mexicans; less frequently, Indians enslaved Spaniards and Mexicans. By one estimate, on the eve of the Civil War, as many as 3,000 American Indians were held as slaves in the New Mexico Territory.[115] In addition to Indian slavery, wealthy *Hispano* landowners practiced peonage using *nuevomexicano* laborers. Unlike chattel slavery, which was practiced primarily in the antebellum South, peonage was used mainly in territories that were formerly controlled by the Spanish.[116] Peons (derived from the Spanish *peón*, an unskilled laborer) became indebted to landowners for such things as rent, farming implements, and seeds and were paid a pittance to work off their debt. Most sank deeper into arrears, hence perpetuating their servitude. In some instances, a peon who had spent a lifetime in servitude would be "forced through continued and increased indebtedness to bind out his children." [117] In one such case the debt was reputed to be $5. Peonage was more visible than Indian slavery, both to conquering soldiers and to U.S. politicians. Northern abolitionists denounced it. In the wake of the war with Mexico, Representative George Perkins Marsh, a Vermont Whig, decried the practice as "that barbarous relic of ancient Roman law, *peonage*, of the servitude of an insolvent debtor to his creditor."[118]

Several Hispanic Delegates to Congress from this era drew on both the Spanish and Anglo-American models of slavery, and thus owed part of their higher economic status to their activities as slave masters and slave traders. By one estimate, Joseph Marion Hernández owned as many as 150 African-American slaves in a profitable but labor-intensive system of sugar and cotton production on his three Florida plantations. Among other tasks, Hernández's slaves performed the backbreaking work of draining and reclaiming swamplands for prime agricultural fields.[119]

Given the pervasiveness of Indian slavery and peonage among the *Hispano* elites in New Mexico, many of the New Mexican Delegates probably came from families that engaged in or profited directly from some form of forced servitude. However, since much of the practice was cultural and not codified in law, it is difficult to know which Delegates owned slaves or engaged in peonage. Based on census reports, court records, and newspaper accounts, Gallegos and several members of the extended Otero and Chaves families likely benefited directly

from slavery.[120] Census records from 1860 indicate that Gallegos listed 21 servants in his household, including a Utah Indian named Josefa Gallegos; a seven-year-old Apache boy named Miguel Gallegos also is listed as a member of the household, although his status is ambiguous.[121] Tranquilino Luna, who was 11 years old at the time of the 1860 Census, lived in a home with 11 servants, one of whom was an Indian. Fifteen-year-old Mariano Otero lived in a household with two Indian servants, Dolores and Guadalupe. José Francisco Chaves and Francisco Perea, both independent adults in 1860, reported the presence of one and three female Indian servants, respectively, in their households.[122]

Controversy over territorial slavery stirred in Congress from the very beginning of U.S. involvement in New Mexico. In 1846, during the 29th Congress (1845–1847), as debate swirled about the potential westward expansion of slavery following the war with Mexico, Representative David Wilmot of Pennsylvania introduced an amendment to an appropriations request from the President. Later known as the Wilmot Proviso, the amendment echoed the language Thomas Jefferson first drafted to prohibit the expansion of slavery into the Northwest Territory in the 1780s. "That, as an express and fundamental condition to the acquisition of any territory from the Republic of Mexico … neither slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime, whereof the party shall first be duly convicted," Wilmot declared. The House adopted the proviso, but it never came to a vote in the Senate in the 29th Congress. Several versions of the proviso were passed by the House in the 30th Congress (1847–1849), but again it died in the Senate which was dominated by Southern Members.[123]

New Mexicans overwhelmingly approved the proposed constitution of 1850, which provided that New Mexico should enter the Union as a free state (prohibiting chattel slavery). But the Compromise of 1850, which conferred territorial status rather than statehood, was silent on the issue of slavery. In the 1850s, responding to both national impulses and local contingencies, New Mexicans shifted from an antislavery position to a pro-slavery position.[124] In 1857 the territorial legislature adopted a law that imposed severe restrictions on free blacks, mainly a 30-day moratorium on their presence in the territory; offenders could be fined, jailed, or sentenced to "hard labor."[125] The territory's slave code, engineered largely at Miguel Otero's insistence and passed in February 1859, established the federal Fugitive Slave Act in New Mexico, codified the sale of unclaimed slaves, dictated the relationship between masters and slaves, and limited the movements of slaves and free African Americans.[126]

These 1857 and 1859 laws were enacted as much for their message to key constituencies outside the territory as for the few who were directly affected by them. In practice, these codes applied only to a miniscule portion of New Mexico's population, probably the handful of slaves who had likely been brought into the territory as the personal servants of U.S. Army officers from the South. The 1850 Census, which listed nearly 58,000 non-Indians in the territory, recorded fewer than two dozen African Americans in all of New Mexico, which then spanned the bulk of present-day New Mexico and Arizona. By the next census, there were still only 64 blacks recorded in New Mexico.

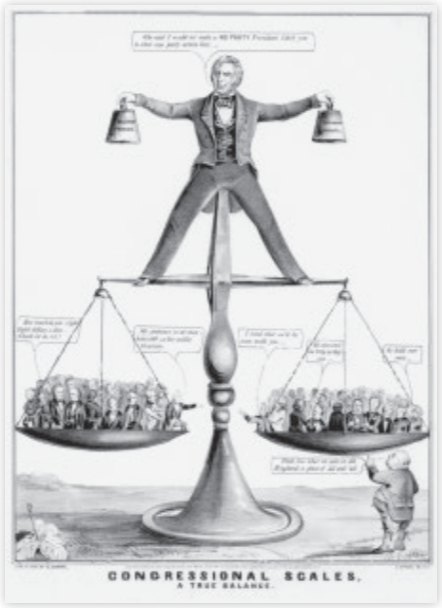
Clearly, territorial disputes revolving "around slavery and the rights of free blacks were mostly about symbolic politics," in part because of "an understandable preoccupation with Euro-Americans as an audience," argues one historian.[127] This symbolism resonated with the key Southern Members of Congress, whose favor Otero curried to gain federal dollars for infrastructure improvements and a favorable ear for pro-statehood arguments. Throughout the 1850s, another study concludes, "national issues of free soil, slavery, and the tariff were discussed and debated by politicians and newspaper editors in New Mexico with great ferocity, but this was more for consumption in Missouri and Washington than it was for the local citizens."[128]

The slave code also revealed the powerful hand of *Hispano* elites, who were concerned with codifying and protecting the centuries-old practices of Indian slavery and peonage. Indeed, the Anglo officials who were drafting the bill seemed intent on appeasing affluent *Hispanos*, although references to peonage and Indian slavery were avoided.[129] Scholar Estévan Rael-Gálvez argues that Anglo-American officials through "lobbying efforts encouraged Mexicans to understand how regulating slavery and the protection of property in slaves, if not in name certainly in theory, [would] protect *their own system*, now being identified as peonage."[130]

The slave code's cruel and exacting provisions, including its prohibitions against interracial marriage and miscegenation, suggest that *Hispanos* sought to separate themselves from blacks. As Laura Gómez explains, the codes "reflected the preoccupation with pushing Mexican Americans up the racial hierarchy" while pushing blacks to the bottom.[131] Thus, the code balanced the concerns of several New Mexico factions by legalizing the territory's version of the "peculiar institution" of slavery by placing New Mexico in the pro-slavery column—an important step in Otero's mind toward statehood and toward receiving appropriations from powerful Southern politicians in a Democratic-led Congress—and by reaffirming the place of *Hispanos* relative to the place of blacks in the social order of the antebellum era.[132]

Weeks before Miguel Otero's tenure as Delegate expired at the end of the 36th Congress (1859–1861), Horace Greeley, the mercurial editor of the *New York Tribune* and a notorious Republican partisan, published a scathing editorial blasting New Mexico for the "signal atrocity and inhumanity" of its slave code and its long-standing peonage system. Greeley briefly criticized the Democratic administrations of Franklin Pierce and James Buchanan for what he described as their schemes to move New Mexico into the slave state column, but much of his bile was reserved for the mixed racial heritage of the territory. "The mass of the people are Mexicans—a hybrid of Spanish and Indian origin," he said. "They are ignorant and degraded, demoralized, and priest-ridden." The political system, he continued, was dominated by a handful of "able and unscrupulous men.… The masses are their blind, facile tools. There is no Press of any account; no Public Opinion; of course, no Republican party. Slavery rules all." Needless to say, Greeley flatly opposed the extension of statehood to the territory.[133]

Otero characterized Greeley's "unscrupulous exaggerations" as "utterly, maliciously, and basely false." But he did more than dutifully defend his constituents. Otero's lengthy refutation of racial mixing showed that his



In this cartoon, President Zachary Taylor balances Northern and Southern interests by using the Wilmot Proviso and "Southern Rights." John Bull, an observer who symbolizes Great Britain, comments on the situation.

Image courtesy of the Library of Congress

The publisher of the *New York Tribune* and an intense partisan, Horace Greeley developed a national reputation as a provocateur. He served for one term as a Representative in the 30th Congress (1847–1849).

Image courtesy of the Library of Congress

Stephen Elkins served as a Union Army captain in the Civil War. A prominent politician in the New Mexico Territory, Elkins moved to West Virginia and served as a U.S. Senator from 1895 until his death in 1911.

Image courtesy of the Library of Congress

principal concern was drawing a distinct racial line. He emphasized the separateness of *Hispanos* like himself, who claimed descent from Spanish conquistadores, from those who were American Indians. "At the close of the seventeenth century … to the present day the Indians within the settlements have occupied pueblos or towns exclusively set apart for them, and they have scrupulously refrained from intercourse with the Spanish population excepting so far as became necessary for the ordinary transaction of business," Otero explained. Further, he noted the lack of intermarriage between the groups: The "two races have never amalgamated; and although the Spanish blood has sometimes manifested itself on the aboriginal race, and the Indian blood less frequently on the Spanish race, those instances are of rare occurrence—so rare as to render the sweeping allegation that the mass of the people of New Mexico are a hybrid race … grossly defamatory and shamefully mendacious."[134]

After the abolition of chattel slavery, federal officials viewed the practice of peonage in the New Mexico Territory more harshly. President Andrew Johnson issued a proclamation in June 1865 requiring all federal employees to discontinue peonage and to work to end the practice. Even after the ratification of the 13th Amendment in December 1865 and the Civil Rights Bill of 1866, Congress felt compelled to address directly New Mexico's forms of servitude. In the closing days of the 39th Congress (1865–1867), Massachusetts Senator Henry Wilson introduced S. 543, a bill "to abolish and forever prohibit the system of peonage in the Territory of New Mexico and other parts of the United States." Its three main provisions were to prohibit peonage and invalidate all supporting legislation; to impose penalties of up to $5,000 and five years in prison for all violations; and to obligate civil servants and soldiers to enforce the law. Radicals in both chambers backed the legislation—as did Santa Fe Ring leader Stephen Elkins, who was motivated as much by a desire to weaken *Hispano* elites as by altruism.[135] The bill passed the House with little debate on March 2, 1867, and was signed into law shortly thereafter.[136] Chaves, then a Territorial Delegate, did not address the House about the bill at any time during the 39th Congress.

Statehood

Perhaps the most complicated issue faced by the Territorial Delegates was statehood, both because of opposition in the national capital and because so many New Mexicans (both Anglos and *Hispanos*) were deeply ambivalent about it for so long.[137] From 1848 through 1898, the push for statehood grew in fits and starts. In the brief period leading up to the Compromise of 1850, statehood was promoted as a necessity to stave off Texan encroachment on the eastern section of the territory. In the 1870s, the ever-ambitious Santa Fe Ring championed statehood, in no small measure because many Ring members viewed themselves as natural administrators for a future state. And by the late 1880s, the movement gained renewed life as Anglos moved to the territory and became demographically equal to the *nuevomexicanos*.[138]

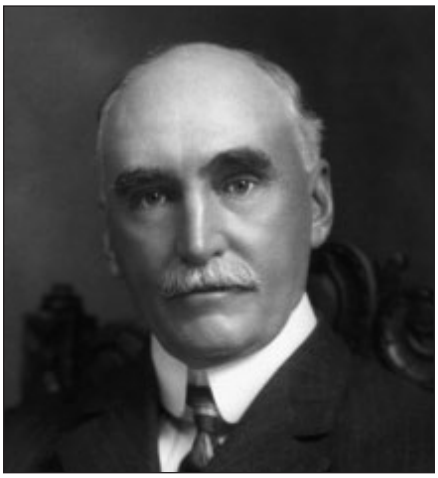
Among the Delegates of this era, Chaves was the most eloquent advocate for statehood, noting that until New Mexico was a full member of the Union, its laws and officials would be imposed by Congress and recalled at will. In an open letter to constituents, Chaves savaged the territorial appointment process: "Your

governor … and your judges … are now elected by people who have never set foot on your soil, who are ignorant of the nature of your country and the needs of its people and who have no special interest in your well being." While "some of the servants sent from Washington … have been capable, honorable, and trustworthy," Chaves acknowledged, "the preponderance have been the reverse." Chaves told his constituents they were "tormented by the insertion of politicians who … finished their careers in the states and … hope to find in your midst a new field for their political adventures." "Under a state government … your laws would be your own laws, to be modified, amended, and repealed solely by your own will," he added.[139]

In this 1855 painting, Henry Clay of Kentucky speaks to Senate colleagues about the Compromise of 1850. The other members of the Great Triumvirate—Senators Daniel Webster of Massachusetts and John C. Calhoun of South Carolina—are seated nearby.

Image courtesy of the Library of Congress

Partisanship and prejudice created obstacles at the federal level. New Mexico's solid Republicanism in the latter 19th century worked to its detriment in Democratically controlled Congresses in the post-Reconstruction Era, particularly in those that were closely divided between the parties. But even more invidious was the portrayal—in the press and in speeches on the House and Senate Floors—of *nuevomexicanos* as indolent, ignorant, and irredeemably papist.[140] The pervasiveness of this sentiment during a debate on statehood at the end of the 50th Congress (1887–1889) caused Representative William McAdoo of New Jersey to complain that prejudice seemed to have trumped even political considerations. He described the Senate's stripping New Mexico from a House-passed omnibus statehood bill for the Dakotas, Montana, and Washington state as "a gross act of injustice to the people of New Mexico." The debate, he noted, had been colored by an "insidious calumniation and narrow-minded misrepresentation" of native New Mexicans. The territory's contributions to the



William McAdoo emigrated from Ireland to the United States in 1865. He served in the New Jersey state assembly before winning election to Congress for four terms. McAdoo chaired the House Committee on the Militia during the 50th Congress (1887–1889).

Image courtesy of the Library of Congress

One of the youngest Senators in congressional history, Albert Beveridge served for two terms (1899–1911). After losing re-election to the Senate in 1910, Beveridge ran unsuccessfully for governor of Indiana (1912) and two more times for the Senate (1914 and 1922).

Image courtesy of the Library of Congress

Union side in the Civil War were proof of the patriotism and loyalty of New Mexicans, McAdoo insisted. "These Spanish-Americans of New Mexico are Americans by birth, sympathy, and education, and have so testified on the field of battle."[141]

Although strong elements in the Eastern press and key politicians in Washington, D.C., were against New Mexican statehood, this opposition was not the main reason New Mexico remained a territory for more than 60 years. Indeed, many New Mexicans, if not most, seemed content to defer statehood. Of the *Hispano* Delegates from 19th-century New Mexico, only Miguel Otero, Francisco Perea, and Chaves ardently advocated statehood. Gallegos strenuously opposed it. Most Territorial Delegates were ambivalent or did not serve long enough in the national capital to record an opinion, reflecting most *nuevomexicanos*' perceptions of statehood as a threat to their economic and political status, and as the means by which their culture would be diluted. Anglo-Americans, particularly in the southern portions of the territory, thought statehood would only lead to tyranny imposed by a *nuevomexicano* majority until more Anglo settlers arrived. In fact, only small, vocal groups consistently championed the idea. Stephen Elkins, the Santa Fe Ring boss, saw statehood as a vehicle for the dominant Santa Fe class of politicians to cement their control of the state; a minority of *Hispano* elites considered statehood a means to achieve home rule and minimize Anglo usurpations.[142]

CONCLUSION

From 1885 to 1898, as the power of the New Mexico's *Hispano* elites began to wane during the final drive for statehood, there were no *Hispanos* serving in Congress.[143] The issue of race dominated debates and even internal territorial considerations about New Mexican statehood. Senator Albert Beveridge of Indiana, chairman of the Senate Committee on Territories from 1901 to 1911, who blocked the statehood initiative almost single-handedly, exemplified the predominant perspective. A 1902 committee report authored by Beveridge rejected statehood largely because of the territory's "Mexican element," a "mass of people, unlike us in race, language, and social customs" who had yet "to form a creditable portion of American citizenship."[144]

Notions of American exceptionalism and providential design that had impelled westward expansion had begun to clash with a resonant, underlying anxiety about incorporating culturally distinct peoples into the U.S. body politic. Gradually, Anglo politicians in the latter 19th century and the early 20th century became increasingly hesitant to invoke race as a rallying cry for U.S. territorial acquisition, particularly when encroachment on contiguous lands escalated to the seizure and administration of insular possessions.[145] Congress patched together a system of statutory representation for the territories in the 19th century, assuming that the territories would become states and that their second-class status in Congress would be temporary. The problem of statutory representation grew more complex as the United States acquired populated territories abroad, without immediate or long-term prospects for achieving statehood.

The 55th Congress (1897–1899), which declared war against Spain, was the last Congress to deliberate without a Member of Hispanic descent.

Though New Mexico continued to send *Hispanos* to Washington, the Spanish-American War of 1898 transformed Hispanic representation in Congress; in the aftermath of the war, Puerto Rico came under U.S. rule, and the office of Resident Commissioner was created to give Puerto Ricans a voice in the national legislature. The majority of the Hispanic Members of Congress who served between the conflict with Spain and World War II were Resident Commissioners. While the responsibilities of Territorial Delegates presaged those of Resident Commissioners in the U.S. House, the new office was in many ways distinct. Yet, like the New Mexico Delegates who preceded them, Puerto Rican Resident Commissioners sought to expand opportunities for their constituents, and in doing so, became ambassadors to the U.S. mainland for their island's culture and institutions.

NOTES

1 The quotation is from a chapter title in one of the standard works on the U.S. settlement of New Mexico: Howard R. Lamar, *The Far Southwest, 1846–1912: A Territorial History,* Rev. ed. (Albuquerque: University of New Mexico Press, 2000).

2 David Meriwether, *My Life in the Mountains and on the Plains*, edited by Robert A. Griffin (Norman: University of Oklahoma Press, 1966): 166–167.

3 *Congressional Globe*, House, 33rd Cong., 1st sess. (27 February 1854): 492.

4 The first attempt to secure Gallegos an interpreter was in early January; see *Congressional Globe*, House, 33rd Cong., 1st sess. (5 January 1854): 128.

5 Throughout this essay, the term *nuevomexicanos* will be used to describe New Mexicans of Hispanic and/or *mestizo* descent. The term *Hispano* will be used to differentiate New Mexicans of Hispanic and/or *mestizo* descent from New Mexican Caucasians, who will be referred to as "Anglos." For more on terminology, see Phillip B. Gonzales, "The Political Construction of Latino Nomenclatures in Twentieth Century New Mexico," *Journal of the Southwest* 35, no. 3 (Summer 1993): 158–172; John M. Nieto-Phillips, *The Language of Blood: The Making of Spanish-American Identity in New Mexico, 1880s–1930s* (Albuquerque: University of New Mexico Press, 2004): 2.

6 Letter to the Editor signed "Republican," 7 July 1871, (Santa Fe) *The Daily New Mexican*: 1.

7 For a brief summary of U. S. territorial expansion in the 19th century, see Bartholomew H. Sparrow, "Territorial Expansion," in Julian E. Zelizer, ed., *The American Congress: The Building of Democracy* (Boston & New York: Houghton Mifflin, 2004): 168–186. A more detailed treatment is Bradford Perkins, *The Cambridge History of American Foreign Relations, Vol. 1: The Creation of a Republican Empire, 1776–1865* (New York: Cambridge University Press, 1993).

8 See "Party Divisions of the House of Representatives, 1789 to Present" http://history.house.gov/Institution/Party-Divisions/Party-Divisions. In 1822, the year Hernández entered the House, there were 187 Representatives and four Delegates; on the eve of the Spanish-American War in 1898, the House had 357 Representatives and three Delegates.

9 Walter LaFeber, *The American Age: U.S. Foreign Policy at Home and Abroad*. Volume 1 to 1920 (New York: W. W. Norton, 1994; second ed.): 52–56; George C. Herring, *From Colony to Superpower: U.S. Foreign Relations since 1776* (New York: Oxford University Press, 2008): 109–112.

10 Herring, *From Colony to Superpower:* 109–112; Gordon S. Wood, *Empire of Liberty: A History of the Early Republic, 1789–1815* (New York: Oxford University Press, 2009): 374–376.

11 Although Hernández was elected at the end of September 1822, he did not arrive in Washington, D.C., until January, 1823; therefore, his six-month term was abbreviated to two months (January 8 to March 3, 1823).

12 The term "Manifest Destiny" was long assumed to be the work of New York news editor John O'Sullivan, but historians have recently questioned his authorship. New theories propose that well-known expansion proponent Jane Storm penned the phrase using the pseudonym "C. Montgomery." Daniel Walker Howe, *What Hath God Wrought*: *The Transformation of America, 1815–1848* (New York: Oxford University Press, 2007): 703.

13 For a concise overview, see Anders Stephanson, *Manifest Destiny: American Expansionism and the Empire of Right* (New York: Hill and Wang, 1995). See also Thomas R. Hietala, *Manifest Design: American Exceptionalism and Empire*, Rev. ed. (Ithaca, NY: Cornell University Press, 2003). For critical assessments, see Sam W. Haynes and Christopher Morris, eds., *Manifest Destiny and Empire: American Antebellum Expansionism* (College Station: Texas A&M University Press, 1997). For an illustration of expansionism's foothold in the Caribbean, see Tom Chaffin, *Fatal Glory: Narciso López and the First Clandestine U.S. War against Cuba* (Charlottesville: University of Virginia Press, 1996).

14 Robert C. Winthrop, "Oration Pronounced by the Honorable Robert C. Winthrop, Speaker of the House of Representatives of the United States, on the Fourth of July, 1848, on the Occasion of the Laying of the Corner-stone of the National Monument to the Memory of Washington" (Washington, D.C.: National Monument Society and J. & G. S. Gideon, Printers, 1848): 9–10.

15 As quoted in Stephanson, *Manifest Destiny*: 42.

16 Howe, *What Hath God Wrought*: 705; Reginald Horsman, *Race and Manifest Destiny: The Origins of American Racial Anglo-Saxonism* (Cambridge: Harvard University Press, 1981): 84–88, 92–94, 139–157.

17 See Horsman, *Race and Manifest Destiny,* pp. 208–228, for a discussion of where Mexicans fit in the worldview of white Americans in the 1840s.

18 Howe, *What Hath God Wrought*: 658–671; Matt S. Meier, *Mexican Americans, American Mexicans: From Conquistadors to Chicanos* (New York: Hill and Wang, 1993): 56–59.

19 David J. Weber, ed., *Foreigners in Their Native Land: Historical Roots of the Mexican Americans* (Albuquerque: University of New Mexico Press, 2003): 89–92.

20 Mexico's legislature subsequently refused to ratify the agreement, believing that Texan independence was the first step in U.S. expansion into the Southwest. See Weber, ed., *Foreigners in Their Native Land: Historical Roots of the Mexican Americans*: 114–115.

21 Bolstering the population growth were thousands of enslaved persons who were sold into the republic from the upper U.S. South, Cuba, and Africa. Weber, ed., *Foreigners in Their Native Land: Historical Roots of the Mexican Americans*: 145–147. By the 1890s and the early 20th century, "white primaries" and poll taxes intended to keep African Americans from voting largely kept Mexican Americans from voting as well.

22 See John M. Belohlavek, *'Let the Eagle Soar!': The Foreign Policy of Andrew Jackson* (Lincoln: University of Nebraska Press, 1985): 214–238.

23 Howe, *What Hath God Wrought*: 677–680.

24 *Senate Journal*, 28th Cong., 1st sess. (8 June 1844): 436–439; *Senate Journal*, 28th Cong., 2nd sess. (22 February 1845): 200; *House Journal*, 28th Cong., 2nd sess. (25 January 1845): 264, (1 March 1845): 541–542; Howe, *What Hath God Wrought*: 698–700; Stephen W. Stathis, *Landmark Legislation 1774–2002: Major U.S. Acts and Treaties* (Washington, D.C.: Congressional Quarterly Press, 2003): 68, 70.

25 For readable and concise biographies of Polk, see John Seigenthaler, *James K. Polk* (New York: Times Books, Henry Holt and Company, 2003); and Paul H. Bergeron, *The Presidency of James K. Polk* (Lawrence: University Press of Kansas, 1987).

26 During the 29th Congress there were 142 Democrats, 79 Whigs, and 6 Americans in the House of Representatives (with one vacancy). In the Senate, voters had elected 34 Democrats and 22 Whigs (there were two vacancies). See Kenneth C. Martis, ed., *The Historical Atlas of Political Parties in the United States Congress: 1789–1989* (New York: MacMillan, 1989): 98–99.

27 For a longer narrative of the events leading up to and after the U.S.-Mexican War, see Howe, *What Hath God Wrought*: 701–791; Sean Wilentz, *The Rise of American Democracy: Jefferson to Lincoln* (New York: W. W. Norton, 2005): 577–605; Herring, *From Colony to Superpower*: 194–207.

28 Manuel G. Gonzales, *Mexicanos: A History of Mexicans in the United States,* second ed. (Bloomington: Indiana University Press, 2009): 75–82, quotation on p. 76; see also, Herring, *From Colony to Superpower*: 197–200. For a summary of the public opinion of Mexicans during the war, see Jesús Velasco-Marquez, "Mexican Perceptions during the War," in Donald S. Frazier, ed., *The United States and Mexico at War: Nineteenth-Century Expansionism and Conflict* (New York: Macmillan, 1998): 338–339.

29 Milo Milton Quaife, ed., *The Diary of James K. Polk during his Presidency, 1845–1849*, vol. I (Chicago: A. C. McClurg & Company, 1910): 386.

30 *Congressional Globe*, House, 29th Cong., 1st sess. (11 May 1846): 795.

31 Wilentz, *The Rise of American Democracy*: 582–583; Leonard L. Richards, *The Life and Times of Congressman John Quincy Adams* (New York: Oxford University Press, 1986): 185–190.

32 *Congressional Globe*, House, 29th Cong., 1st sess. (11 May 1846): 794.

33 Quaife, ed., *Diary of James K. Polk*, vol. I: 392.

34 Like Garrett Davis, Crittenden and Senator William Upham opposed the language in the preamble condemning Mexico, but they eventually voted for the provisions. Other Senators did not attend the session and thus did not vote. *Congressional Globe*, Senate, 29th Congress, 1st sess. (12 May 1846): quotation on pp. 802, 804. For more information on public dissent and the war, see John H. Schroeder, *Mr. Polk's War: American Opposition and Dissent, 1846–1848* (Madison: University of Wisconsin Press, 1973).

35 Andrew J. Donelson to James K. Polk, 23 May 1846, in Wayne Cutler, ed., *Correspondence of James K. Polk*, vol. 11 (Knoxville: University of Tennessee Press, 2009): 172.

36 *Congressional Globe*, House, 29th Cong., 1st sess. (12 May 1846): 805.

37 The full text of the Treaty of Guadalupe Hidalgo of 2 February 1848 is available online at the Yale Law School's Avalon Project, http://avalon.law.yale.edu/19th_century/guadhida.asp (accessed 3 May 2010).

38 For casualty figures see, Howe, *What Hath God Wrought*: 752. Howe's discussion of the war is the most recent and balanced survey of the existing secondary literature on strategy, politics, and impact; see pp. 744–791.

39 Michael Holt, *The Rise and Fall of the American Whig Party: Jacksonian Politics and the Onset of the Civil War* (New York: Oxford University Press, 1999): 233–245.

40 For the most recent comprehensive treatment of the peace treaty, see Richard Griswold del Castillo, *The Treaty of Guadalupe Hidalgo* (Norman: University of Oklahoma Press, 1990). For a recent, balanced overview of the treaty process and its effects, see Howe, *What Hath God Wrought*: 800–811.

41 Herring, *From Colony to Superpower*: 205.

42 See Matt S. Meier and Feliciano Ribera, *Mexican Americans, American Mexicans: From Conquistadors to Chicanos* (New York: Hill and Wang, 1993; Rev. ed.): 6–68; quotation on p. 68. For a survey of Mexican historians' interpretations of the Treaty of Guadalupe Hidalgo—ranging from self-criticism to indictments of American aggrandizement—as well as an analysis of the treaty's legacy on the Chicano movement of the 20th century, see del Castillo, *The Treaty of Guadalupe Hidalgo*: 108–153.

43 The figure for the Hispanic population is from Howe, *What Hath God Wrought*: 809.

44 Gómez, *Manifest Destinies*: 81–115; John M. Nieto-Phillips, *The Language of Blood: The Making of Spanish-American Identity in New Mexico, 1880s–1930s* (Albuquerque: University of New Mexico Press, 2008): 47–48, 54.

45 For an insightful analysis of the potential for racial prejudice to act as a brake on expansion, see Horsman, *Race and Manifest Destiny*, 236–248; and Eric T. L. Love, *Race over Empire: Racism and U.S. Imperialism, 1865–1900* (Chapel Hill: University of North Carolina Press, 2004). See also Hietala, *Manifest Design*: 164.

46 Cited in Hietala, *Manifest Design*: 165–166. For the original speech, see *Congressional Globe*, Senate, 30th Cong., 1st sess. (12 January 1848): 157–160; quotation on p. 158.

47 Abraham Holtzman, "Empire and Representation: The U.S. Congress," *Legislative Studies*

Quarterly 11, no. 2 (May 1986): 249–273. A statistically small but numerically consequential group, statutory representatives have constituted over 1 percent of all House Members. Since 1789, 175 individuals have represented territories or insular possessions in the House (143 Delegates and 32 Resident Commissioners from Puerto Rico and the Philippines). This figure is based on data from the online *Biographical Directory of the United States Congress*, http://bioguide.congress.gov/ (accessed 3 February 2012). For the development of the office of Delegate from a procedural perspective, see Chapter 43 of *Hinds' Precedents of the House of Representatives*, vol. 2 (Washington, D.C.: Government Printing Office, 1907): 861–868.

48 *Annals of Congress*, 3rd Cong., 2nd sess. (17–18 November 1794): 884–891.

49 Ibid, 884.

50 Ibid., emphasis in original.

51 See Betsy Palmer, "Delegates to the U.S. Congress: History and Current Status," Report R40555, Congressional Research Service, Library of Congress, Washington, D.C.: 1–12; see especially, p. 7.

52 See, for example, *Hinds' Precedents*, for information on Delegate George Poindexter of the Mississippi Territory, who appears to have chaired at least two select committees: sections 1299 and 1303, pp. 865–866.

53 Palmer, "Delegates to the U.S. Congress: History and Current Status": 7.

54 *Statutes at Large*, Act of March 3, 1817, ch. 42, 3 Stat. 363. *Hinds' Precedents* notes that the language was replicated "verbatim" from the Northwest Ordinance Act of 1787. See section 1290, p. 861.

55 Earl S. Pomeroy, *The Territories and the United States* (Seattle: University of Washington Press, 1969; reprint of 1947 edition): 80.

56 *Congressional Globe*, House, 34th Cong., 1st sess. (23 July 1856): 1730.

57 For instance, in 2011 dollars, both Gallegos and Chaves were likely millionaires. Their known assets totaled in the high hundreds of thousands, roughly $725,000 and $950,000, respectively (using 1870 as the basis year). Mariano Otero also had accumulated more than $250,000 in 2011 dollars. Asset information for most other Hispanic Members of Congress from this era is incomplete. See the chart "Assets of Delegates Elected to the United States Congress," in Carlos Brazil Ramirez,"The Hispanic Political Elite in Territorial New Mexico: A Study of Classical Colonialism," Ph.D. diss., University of California–Santa Barbara (June 1979): 270. These figures were calculated using data from the historical Consumer Price Index. Other methods of calculation, including Gross Domestic Product, sometimes result in drastically different valuations. For a discussion of the difficulty involved in accounting for inflation conversion factors and determining the relative value of dollars over long periods, see Oregon State University's "Inflation Conversion Factors in final 2011 Dollars for 1774 to Estimated 2022" at http://oregonstate.edu/cla/polisci/individual-year-conversion-factor-tables (accessed 24 July 2012). For a detailed description of the involvement of the Otero, Perea, and Chaves clans in the lucrative trade along the Santa Fe Trail, see Susan C. Boyle, *Los Capitalistas: Hispano Merchants and the Santa Fe Trade* (Albuquerque: University of New Mexico Press, 1997). Ramirez provides a useful analysis of this cohort as well as comparisons with Anglo political elites on pp. 260–325.

58 See Allan G. Bogue, Jerome M. Clubb, Carroll R. McKibben, and Santa A. Traugott, "Members of the House of Representatives and the Process of Modernization, 1789–1960," *Journal of American History* 63 (September 1976): Tables 2 and 3, pp. 284, 286.

59 A number of Delegates from the New Mexico Territory were related by marriage. For detailed information, see Miguel Otero, Jr., to Ansel Wold, 9 November 1928, textual files of the *Biographical Directory of the United States Congress*, Office of the Historian, U.S. House of Representatives (hereinafter referred to as textual files of the *Biographical Directory of the United States Congress*). For background and detailed explanations of the familial relationships between the New Mexico Delegates, see Ramirez, "The Hispanic Political Elite in Territorial New Mexico: A Study of Classical Colonialism": 22–26, 284–288, 298, 300–301, 306–307, 312–313. Some of the bloodlines were quite complicated. Francisco Perea married Dolores Otero, a niece of Miguel Antonio Otero. Henry Connelly, who served as governor of the territory after the Civil War, married Dolores Perea,

the mother of José Francisco Chaves. When Chaves became a Delegate, his stepfather was governor of the territory.

60 Bogue et al., "Members of the House of Representatives and the Process of Modernization, 1789–1960": Table 1, p. 282.

61 Alvin R. Sunseri, *Seeds of Discord: New Mexico in the Aftermath of the American Conquest, 1846–1861* (Chicago, IL: Nelson-Hall, 1979): 68. "Some Mexican-Americans," notes Sunseri, "in a desperate effort to insure that their children would be prepared to deal with the Anglo-American invaders on more equal terms, sent them to school in Missouri."

62 Bogue et al., "Members of the House of Representatives and the Process of Modernization, 1789–1960": 275–302; see especially Table 6, p. 291. From 1820 to 1900, Members' median age at their entry into the House increased from 39 to 44 years.

63 The median age of the first generation of Hispanic-American Members of Congress elected to Congress (36.5 years) was far younger than that of the first generation of women elected to Congress (50 years), but just slightly younger than the average age of African-American Members during Reconstruction (41.5 years) and the early Jim Crow Era (36.95 years). In part, the median age for first-generation women in Congress (1917–1934) was higher because the professionalization of Congress (in which many politicians whose median terms of service rose significantly as they began to make a career of service in Washington) occurred over the course of several decades in the late 19th and early 20th centuries. For a comparative analysis of the background of pioneer cohorts of women and African Americans in Congress, see Office of History and Preservation, U.S. House of Representatives, *Women in Congress, 1917–2006* (Washington, D.C.: Government Printing Office, 2007): 24–26, and *Black Americans in Congress, 1870–2007* (Washington, D.C.: Government Printing Office, 2008): 22–25.

64 Ramirez, "The Hispanic Political Elite in Territorial New Mexico: A Study of Classical Colonialism": 557–558, 575. From the establishment of the territory in 1850 to 1880, *nuevomexicanos* dominated the territorial legislature. According to Ramirez, *nuevomexicanos* accounted for "more than sixty percent of men elected to the territorial council and over seventy percent of those elected to the House. They served over seventy percent of the terms in both houses and were reelected to office more often than Anglo-American legislators." See Ramirez, pp. 440–441 for specific figures.

65 *Congressional Globe*, House, 31st Cong., 1st. sess. (6 September 1850): 1762–1764.

66 Lamar, *The Far Southwest, 1846–1912: A Territorial History*: 88; see Horsman, *Race and Manifest Destiny*: 236–248, for Democrats' and Whigs' positions regarding New Mexico's admittance as a state.

67 Lamar, *The Far Southwest, 1846–1912: A Territorial History*: 114–117, quotation on p. 116. Lamar divides New Mexico's political evolution into three stages: 1) an unoccupied territory in which contending powers jockeyed for control during 1821 to 1846; 2) a frontier reliant upon the national government for defense and development from 1847 to 1864; 3) an assertion of local rights, the rise of a working political system, calculated use of outside aid for local benefit, and a growing sense of a distinct political identity from 1865 to 1912.

68 The election date was changed with the passage of a 1872 law that moved the election date of Delegates to the first Tuesday of November of the even-numbered year. See *Revised Statutes and Laws of the Territory of New Mexico in Force at the Close of the Session of the Legislative Assembly Ending February 2, 1865* (St. Louis: R. P. Studley & Co., 1865): 430; *Compiled Laws of New Mexico. In Accordance with an Act of the Legislature, approved April 3, 1884. Including the Constitution of the United States, the Treaty of Guadalupe Hidalgo, the Gadsden Treaty: The Original Act Organizing the Territory; The Organic Acts as now in force; The Original Kearny Code; and a List of Laws Enacted Since the Compilation of 1865*. (Topeka, KS: G. W. Crane & Co., 1885): 586.

69 Pomeroy, *The Territories and the United States, 1861–1890*: 80; Larson, *New Mexico's Quest for Statehood, 1846–1912:* 29–30, 36–40, 69–74; Lamar, *The Far Southwest, 1846–1912: A Territorial History*: 88–89. Lamar and Larson describe the political split between New Mexicans who wanted immediate statehood and those who preferred a territorial government. Pro-statehood advocates formed a faction under Richard Weightman, New Mexico's first Territorial Delegate, while pro-territory advocates united under Judge Joab Houghton. The

Weightman faction made an effort to promote *nuevomexicano* political candidates such as Gallegos, whereas the Houghton faction promoted primarily Anglo candidates. Larson writes that "the Spanish-speaking majority … was hurt more than any other group by the political divisions and feuds" as one faction "scornfully exploited the Hispanos, and the other patronizingly sought their votes." The Weightman and Houghton factions fought for control of New Mexican politics through delegate elections and patronage appointments for the remainder of the 1850s. See also Ramirez, "The Hispanic Political Elite in Territorial New Mexico: A Study of Classical Colonialism": 261.

70 Larson, *New Mexico's Quest for Statehood*: 85–86. Larson lists two reasons for why *nuevomexicanos* remained loyal to the Union. First, Confederate rule meant Texan rule. For many New Mexicans, the Sibley invasion was another attempt by Texans who tried to take the Rio Grande Valley. Secondly, Confederate supporters' promotion of "the exclusive use of English in all legal proceedings by the Confederate Territory of Arizona … made the territory's Spanish-speaking citizens more positive of the unsuitability of the Southern cause." For background on the Civil War in the American West and New Mexico, see Donald S. Frazier, *Blood and Treasure: Confederate Empire in the Southwest* (College Station: Texas A&M University Press, 1995); and Ray C. Colton, *Civil War in the Western Territories: Arizona, Colorado, New Mexico, and Utah* (Norman: University of Oklahoma Press, 1959). For more information about *nuevomexicano* experiences during the war, see Darlis A. Miller, "Hispanos and the Civil War in New Mexico: A Reconsideration," *New Mexico Historical Review* 54, no. 2 (April 1979): 105–123.

71 At the heart of the ring was the Santa Fe law partnership that included college friends and outsize personalities: Republicans Stephen Benton Elkins and Thomas Benton Catron. Before they joined forces, Elkins was U.S. District Attorney for New Mexico, and Catron was the territorial attorney general. Both men became successful politicians, advancing the Santa Fe Ring's interests along the way. For more information on both men, see "Thomas Benton Catron" and "Stephen Benton Elkins," *Biographical Directory of the United States Congress*, http://bioguide.congress.gov.

72 For an especially useful interpretation of the Santa Fe Ring's domination of territorial politics through land grant manipulations, see Lamar, *The Far Southwest, 1846–1912: A Territorial History*: 121–149. Lamar provides background on the Maxwell Land Grant (originally the Beaubien–Miranda claim), which dated to Spanish rule, on pp. 124–125. For the Santa Fe Ring's pro-statehood position, see Larson, *New Mexico's Quest for Statehood, 1846–1912*: 135–146.

73 For a summary of modern contested election practices, see Charles T. Howell "Contested Elections," in Donald Bacon et al., *Encyclopedia of the United States Congress*, vol. 2 (New York: Simon and Schuster, 1995): 568–570.

74 Jeffrey A. Jenkins, "Partisanship and Contested Election Cases in the House of Representatives, 1789–1902," *Studies in American Political Development* 18 (Fall 2004): 113.

75 Champ Clark, *My Quarter Century in Politics*, vol. 2 (New York: Harper & Brothers, 1920): 20.

76 In awarding Gallegos his seat against William Carr Lane in 1853, the Committee on Elections ruled that Pueblo Indians, who were considered citizens by the Mexican government, were not entitled to vote in territorial elections. In excluding the Pueblos from the political process, the House violated a key provision of the Treaty of Guadalupe Hidalgo that extended U.S. citizenship to those who renounced their Mexican citizenship as well as to those who had not elected Mexican citizenship one year after the treaty's ratification. See Ramirez, "The Hispanic Political Elite in Territorial New Mexico: A Study of Classical Colonialism": 267; and Mary Childers Mangusso, "A Study of the Citizenship Provisions of the Treaty of Guadalupe Hidalgo," M.A. thesis, University of New Mexico–Albuquerque, 1966: 78–88.

77 Lamar, *The Far Southwest, 1846–1912*: 91.

78 For the experience of early African-American Members, see Office of History and Preservation, *Black Americans in Congress, 1870–2007*: 25–30.

79 José Francisco Chaves, "Address," 9 March 1869, (Santa Fe) *The Daily New Mexican*: 1.

80 Miguel Otero, (Jr.), *My Life on the Frontier: 1864–1882* (Albuquerque: University of New Mexico Press, 1987; reprint of 1935 edition): 272–273.

81 Miguel Otero (Sr.), "Address of Hon. Miguel Otero to His Fellow Citizens of New Mexico," 6 March 1857, *Santa Fe Weekly Gazette*: 2.

82 Ramirez, "The Hispanic Political Elite in Territorial New Mexico: A Study of Classical Colonialism": 269, 271–273, 314.

83 For an analysis of factionalism in New Mexico politics, see Lamar, *The Far Southwest, 1846–1912: A Territorial History*: 51–117.

84 *Congressional Globe*, House, 34th Cong., 1st sess. (23 July 1856): 1730.

85 *Congressional Globe*, House, 34th Cong., 1st sess. (23 July 1856): 1733–1736. For more on the xenophobia of the 1850s, see Tyler Anbinder, *Nativism and Slavery: The Northern Know Nothings and the Politics of the 1850s* (New York: Oxford University Press, 1992): especially pp. xiii, 33–34, 43–50. The premier intellectual history of nativism remains John Higham, *Strangers in the Land: Patterns of American Nativism 1860–1925* (New York: Rutgers University Press, 1963; reprint Atheneum, 1973). For more information on how nativism influenced the primary political parties of the 1850s, see Eric Foner, *Free Labor, Free Soil, Free Men: The Ideology of the Republican Party before the Civil War* (New York: Oxford University Press, 1995; reprint of 1970 edition): 226–260.

86 "Democratic Proscription," 20 July 1871, (Santa Fe) *The Daily New Mexican*: 2; "Washington Correspondence," 24 July 1871, (Santa Fe) *The Daily New Mexican*: 1; "Gallegos' Cadet Appointment," 1 August 1871, (Santa Fe) *Daily New Mexican*: 1.

87 *Congressional Globe*, House, 34th Cong., 1st sess. (23 July 1856): 1733–1736.

88 Ibid., 1734.

89 Larson, *New Mexico's Quest for Statehood, 1846–1912*: 117–120, 123–125, 153–155, lists racialist and politically partisan motives for denying statehood to New Mexico in the 1870s; Laura E. Gómez, *Manifest Destinies: The Making of the Mexican American Race* (New York: New York University Press, 2007): 62–63, 71–78, 81–115; Nieto-Phillips, *The Language of Blood*: 8–11; 45–93; quotation on p. 9. However, some scholars disagree with Gómez's and Nieto-Phillips's approach. Charles Montgomery argues against analyzing New Mexican history from an "oppositional relationship, one marked by conflict, domination, resistance, and the virtually unbridgeable barrier of whiteness." Montgomery encourages scholars to study the "accommodative relationship" between elite *Hispanos* and Anglos in the early 20th century in "The Trap of Race and Memory: The Language of Spanish Civility on the Upper Rio Grande," *American Quarterly* 52, no. 3 (September 2000): 478–513. In the 1880 delegate election, Luna supporters accused Otero of pandering to *Hispano* constituents while making disparaging comments about them behind their backs.

90 "Our Victory," 6 November 1880, (Santa Fe) *The Daily New Mexican*: 2.

91 See, for example, Office of History and Preservation, *Women in Congress, 1917–2006*: 26–27, and *Black Americans in Congress, 1870–2007*: 30–32.

92 Benjamin Perley Poore, *Perley's Reminiscences of Sixty Years in the National Metropolis* (Philadelphia, PA: Hubbard Brothers, 1886): 456.

93 See, for example, James Sterling Young, *The Washington Community: 1800–1828* (New York: Columbia University Press, 1966), for an account that stresses the significant role of boardinghouses in organizing legislative behavior in the early 1800s. For a contrary view, see Allan G. Bogue and Mark P. Marlaire, "Of Mess and Men: The Boardinghouse and Congressional Voting, 1821–1842," *American Journal of Political Science* 19 (1975): 207–230. Bogue and Marlaire argue that influence of individual relationships within state delegations had a more determinative effect on voting patterns.

94 See for example, *Congressional Directory*, 46th Cong., 2nd sess. (Washington, D.C.: Government Printing Office, 1879).

95 Martha Durant Read, "Colonel Jose Francisco Chaves: A Short Biography of the Father of the New Mexico Statehood Movement," *Southwest Heritage* 8, no. 4 (Winter 1978–1979): 13–21, 30.

96 For more on this complex issue, see Palmer, "Delegates to the U.S. Congress: History and Current Status": 1–12; see especially pp. 7–10.

97 Certainly by 1884, when a proposal to grant Territorial Delegates the right to vote in

committee died in the Rules Committee, it is clear that Delegates were not empowered to act as full members of standing committees. See Palmer, "Delegates to the U.S. Congress: History and Current Status": 8.

98 See the floor debate in the *Congressional Globe*, House, 42nd Cong., 2nd sess. (13 December 1871): 117–118; for more on precedent, see *Hinds' Precedents of the House of Representatives*, vol. 2 (Washington, D.C.: Government Printing Office, 1907): 864–856.

99 *Congressional Record*, House, 44th Cong., 1st sess. (29 March 1876): 2035.

100 For a useful jurisdictional summary, see Charles E. Schamel, ed., et al., *Guide to the Records of the United States House of Representatives at the National Archives: 1789–1989 Bicentennial Edition* (Washington, D.C.: Government Printing Office, 1989): 89; 181–185; published as House Document no. 100–245, 100th Cong., 2nd sess. Eventually, the panel's responsibilities were transferred to the Banking and Currency Committee and the Interstate and Foreign Commerce Committee. For an analysis of committee attractiveness to Members, see Charles Stewart III, "Committee Hierarchies in the Modernizing House, 1875–1947," *American Journal of Political Science* 36, no. 4 (November 1992): 835–856; see especially Stewart's table on "Committee Attractiveness," pp. 845–846.

101 Schamel et al., *Guide to the Records of the United States House of Representatives at the National Archives*: 71–72.

102 *Congressional Globe*, House, 42nd Cong., 2nd sess. (13 December 1871): 118; "The National Capital: Territorial Syndicate," *New York Times* (14 December 1871): 1. Gallegos had been returned to the House for a single term and likely would have interacted with the syndicate, although there is no definitive evidence of his membership.

103 *Congressional Record*, House, 46th Cong., 3rd sess. (22 February 1881): 1955.

104 *Congressional Record*, House, 47th Cong., 1st sess. (21 December 1881): 241.

105 For more information about the competition for federal government resources between different sections of the United States in this era, see Richard F. Bensel, *Sectionalism and American Political Development: 1880–1980* (Madison: University of Wisconsin Press, 1984): 22–59, especially pp. 50–51. For a summary of a 19th-century Delegate's powers and privileges, see Pomeroy, *The Territories and the United States, 1861–1890*: 80–89. For a brief explanation of the complications of settling land grants in New Mexico, see Lamar, *The Far Southwest, 1846–1912*: 123–128.

106 For an overview of Congress and its efforts to promote railroad development and, later, regulation, see Wallace D. Farnham, "Railroads," in *The Encyclopedia of the U.S. Congress*, vol. 3 (New York: Simon and Schuster, 1995): 1660–1666. For a technical analysis of congressional land grant policy for railroads, see Lloyd J. Mercer, *Railroads and Land Grant Policy: A Study in Government Intervention* (New York: Academic Press, 1982).

107 Clarence Carter, ed., *The Territorial Papers of the United States, Vol. XXII: The Territory of Florida, 1821–1824* (New York: AMS Press, 1972; reprint of 1934 edition): 642–643.

108 See, for example, Larson, *New Mexico's Quest for Statehood*: 144–145. For a detailed overview of the New Mexico land grant issue, see Malcolm Ebright, *Land Grants and Lawsuits in Northern New Mexico* (Albuquerque: University of New Mexico Press, 1994).

109 For an overview of American Indians' experiences during three centuries of Spanish rule in the lands eventually acquired by the United States in the Mexican cession, see Albert H. Schroeder, "Shifting for Survival in the Spanish Southwest," in David J. Weber, *New Spain's Far Northern Frontier: Essays on Spain in the American West, 1540–1821* (Albuquerque: University of New Mexico Press, 1979): 237–255. For a survey of congressional Indian policy from 1789 forward, see Frederick E. Hoxie, "Indian Policy," in *The Encyclopedia of the U.S. Congress*, vol. 2 (New York: Simon and Schuster, 1995): 1112–1119; and Robert Bee, *The Politics of American Indian Policy* (Cambridge, MA: Scheckman, 1982).

110 See Lamar, *The Far Southwest, 1846–1912: A Territorial History*: 106–111. For a description of the Bosque Redondo Reservation experience from the Navajos' perspective, see Peter Iverson, *Diné: A History of the Navajos* (Albuquerque: University of New Mexico Press, 2002): 48–65. For more information on the Bosque Redondo, see "Bosque Redondo Memorial," New Mexico State Monuments Web Page, maintained by the New Mexico Department of Cultural Affairs, http://www.nmmonuments.org/inst.php?inst=8 (accessed 15 April 2010).

111 Francisco Perea, "To the People of New Mexico," 13 June 1863, *Santa Fe Weekly Gazette*: 2.

112 See Lamar, *The Far Southwest, 1846–1912: A Territorial History*: 106–111; and Robert M. Utley, *The Indian Frontier, 1846–1890*, rev. ed. (Albuquerque: University of New Mexico Press, 2003): 82–86.

113 *Congressional Globe*, House, 39th Cong., 2nd sess. (19 February 1867): 1344–1345.

114 Gómez, *Manifest Destinies: The Making of the Mexican American Race*: 81–115; Estévan Rael-Gálvez, "Identifying Captivity and Capturing Identity: Narratives of American Indian Slavery in Colorado and New Mexico, 1776–1934," Ph.D. diss., University of Michigan, 2002; and James F. Brooks, *Captives & Cousins: Slavery, Kinship, and Community on the Southwest Borderlands* (Chapel Hill: University of North Carolina Press/Omohundro Institute of Early American History and Culture, 2002). One classic study is L. R. Bailey's *Indian Slave Trade in the Southwest: A Study of Slave-Taking and the Traffic in Indian Captives* (Los Angeles: Westernlore Press, 1966).

115 Alvin R. Sunseri, *Seeds of Discord: New Mexico in the Aftermath of the American Conquest, 1846–1861* (Chicago, IL: Nelson-Hall, 1979): 59–64. For a more conservative estimate, of roughly 600 individuals, in 1860, see Lawrence Murphy, "Reconstruction in New Mexico," *New Mexico Historical Review* 43, no. 2 (April 1968): 100.

116 No single authoritative book exists on peonage in New Mexico in the latter half of the 19th century. A few works that address the practice are Sunseri, *Seeds of Discord*: 38–42; Clark S. Knowlton, "Patron-Peon Pattern among the Spanish Americans of New Mexico," *Social Forces* 41, no. 1 (October 1962): 12–17; and David J. Weber, *The Mexican Frontier, 1821–1846: The American Southwest under Mexico* (Albuquerque: University of New Mexico Press, 1982): 211–213. Pete Daniel, *The Shadow of Slavery: Peonage in the South, 1901–1969* (Urbana: University of Illinois Press, 1990), describes many of the aspects of peonage as it was practiced in the postbellum South before the civil rights movement.

117 Sunseri, *Seeds of Discord*: 40–41; Knowlton, "Patron-Peon Pattern among the Spanish Americans of New Mexico": 12–17; Weber, *The Mexican Frontier, 1821–1846*: 212. Knowlton identifies two predominant forms of the patron-peon relationship: large landowners and village patrons. In contrast to the perpetual condition of chattel slavery for African Americans in the U.S. South, Weber argues that a "peon was not legally a slave nor was peonage limited to one race. Peonage was viewed as a condition of class and bad fortune. A peon could … end his obligation by paying off his debt, and his condition was not hereditary."

118 "On Slavery in the Territories of Oregon, California, and New Mexico," *Congressional Globe*, Appendix, 30th Cong., 1st sess. (3 August 1848): 1072–1076; quotation on p. 1072. Derived from Spain, peonage foreshadowed some aspects of the share-cropping system that evolved in the postbellum South, but peonage commenced when a worker was forcibly restrained at a task (e.g., mining, herding, working as a domestic servant) because of indebtedness. For the Southern planter in 1900 and the New Mexican *rico* in 1850, peonage conferred many of the economic benefits and few of the disadvantages of chattel slavery. Overseers profited handsomely from the work of their laborers without expending a large outlay of capital to purchase them or providing for them in their old age. See Pete Daniel, *The Shadow of Slavery*: 16, 23–24. A synthetic treatment of peonage as it was practiced in the New Mexico Territory from the 1840s through the 1860s has not been published.

119 Linville, "Cultural Assimilation in Frontier Florida: The Life of Joseph M. Hernandez, 1788–1857": 17–19.

120 While some of the evidence is circumstantial, in its totality it is highly suggestive of complicity in slave-owning or trading. Unsurprisingly perhaps, it implicates the three Delegates who were the wealthiest *Hispanos* in Congress in that era. Miguel Otero's father, according to court records, was engaged in Indian slave trading in Taos; see Rael-Gálvez, "Identifying Captivity and Capturing Identity: Narratives of American Indian Slavery in Colorado and New Mexico, 1776–1934": 193, footnote 362. According to Lawrence Murphy, Chaves's family "owned more peons and Indian slaves than anyone in the Territory"; see Murphy, "Reconstruction in New Mexico": 101. Carlos Ramirez notes that Gallegos, according to 1860 Census records, listed 21 "servants" living in his household. See Ramirez, "The Hispanic Political Elite in Territorial New Mexico: A Study of Classical Colonialism": 269.

121 *Eighth Census of the United States, 1860: Population Schedule,* Santa Fe, Santa Fe, New Mexico Territory, microfilm, Roll M653_714, pages 491–92, http://search.ancestrylibrary.com (accessed 6 May 2010). Ten years later, after the Civil War, records indicate that Gallegos declared that three female Indian servants, all illiterate, lived in his household. See *Ninth Census of the United States, 1870: Population Schedule*, Santa Fe, Santa Fe, New Mexico Territory, microfilm, Roll M593_896, page 357A, http://search.ancestrylibrary.com (accessed 6 May 2010).

122 For Tranquilino Luna, see *Eighth Census of the United States, 1860: Population Schedule*, Los Lunas, Valencia, New Mexico Territory, microfilm, Roll M653_716, page 661. For Mariano Otero, see *Eighth Census of the United States, 1860: Population Schedule*, Valencia, Valencia, New Mexico Territory, microfilm, Roll M653_716, page 747. For José Francisco Chaves, see *Eighth Census of the United States, 1860: Population Schedule*, Los Pinos, Bernalillo, New Mexico Territory, microfilm, Roll M653_712, page 160. For Francisco Perea, see *Eighth Census of the United States, 1860: Population Schedule*, Alameda, Bernalillo, New Mexico Territory, microfilm, Roll M653_712, page 93. In 1870 Perea listed two of the same women as members of his household; one of them lived under his roof until she was in her 80s. See *Ninth Census of the United States, 1870: Population Schedule*, Bernalillo East, Bernalillo, New Mexico Territory, microfilm, Roll M593_893, page 40A, http://search.ancestrylibrary.com (accessed 6 May 2010).

123 For more on the Wilmot Proviso and the origins of the short-lived Free-Soil Party it spawned, see Eric Foner, "The Wilmot Proviso Revisited," *Journal of American History* 56 (1969): 262–279. For the original introduction of the bill, see *Congressional Globe*, House, 29th Cong., 1st sess. (8 August 1846): 1214–1217.

124 See Ganaway, *New Mexico and the Sectional Controversy*: 60–76, for a traditional interpretation that Anglo elites were responsible for the switch to a pro-slavery position. For an interpretation that places *Hispano* elites' need to preserve slavery at the center of the discussion, see Gómez, *Manifest Destinies*: 99–101.

125 Gómez, *Manifest Destinies*: 101–102.

126 For the full text of the 1859 New Mexico slave code as well as the text of a territorial law protecting peonage, see "Slavery in the Territory of New Mexico," House Rep. 508, 36th Cong., 1st sess. (10 May 1860): 1–8. This report from the House Judiciary Committee was to accompany H.R. 64, a bill "to disapprove and declare null and void all territorial acts and parts of acts heretofore passed by the Legislative Assembly of New Mexico which establish, protect, or legalize involuntary servitude or slavery." A lengthy minority dissent was appended to the report; see pp. 8–39. The House narrowly passed H.R. 64 on a 97 to 90 vote; see *Congressional Globe*, House, 36th Cong., 1st sess. (10 May 1860): 2045–2046. However, the bill died in the Senate Committee on Territories near the end of the session; see *Congressional Globe*, Senate, 36th Cong., 1st sess. (8 June 1860): 2743–2744.

127 Gómez, *Manifest Destinies*: 99; for a suggestion that these African-American slaves belonged to U.S. Army officers, see Brooks, *Captives & Cousins*: 309–310.

128 Lamar, *The Far Southwest, 1846–1912: A Territorial History*: 88.

129 Gómez, *Manifest Destinies*: 100. The territorial legislature subsequently passed bills protecting peonage slaves and Indian slaves as property. The territorial governor vetoed the latter measure.

130 See Rael-Gálvez, "Identifying Captivity and Capturing Identity: Narratives of American Indian Slavery in Colorado and New Mexico, 1776–1934": 197–198. Italics in original.

131 Gómez, *Manifest Destinies*: 103.

132 Ganaway, "Otero and the New Mexico Slave Code of 1859": 69–76; Sunseri, *Seeds of Discord*: 117–119. The code did not survive for long. An effort to repeal it was initiated during the same session in which it was enacted. With the start of the Civil War in 1861, the territorial assembly repealed the slave code. In Washington, John Bingham of Ohio introduced a bill on February 16, 1860, declaring the slave code null and void; a further provision of the bill sought to nullify the peonage law. It passed the House on a strict party-line vote but died in the Senate Committee on Territories. For a detailed discussion of *nuevomexicano* elites and American Indian slavery in New Mexico, see Gómez, *Manifest Destinies*: 105–112.

133 Horace Greeley, "New Mexico," 18 February 1861, *Santa Fe Weekly Gazette*: 2. The article was originally published December 3, 1860, in the *New York Tribune*.

134 Miguel Otero (Sr.), "To the Editor of the Constitution," 18 February 1861, *Santa Fe Weekly Gazette*: 2.

135 Gómez argues that Anglo advocacy against Indian slavery derived from just such an impetus: a political effort to undermine the hegemony of *nuevomexicano* elites in New Mexico. See Gómez, *Manifest Destinies*: 108–109.

136 *Congressional Globe*, House, 39th Cong., 2nd sess. (2 March 1867): 1770; for a rudimentary overview of action by Radical Republicans in Congress, see Murphy, "Reconstruction in New Mexico": 99–115.

137 Two comprehensive sources on the statehood movement during the territorial decades are Larson, *New Mexico's Quest for Statehood, 1846–1912;* and Lamar, *The Far Southwest, 1846–1912: A Territorial History*.

138 Charles F. Coan, *A History of New Mexico*, vol. 1 (Chicago and New York: The American Historical Society, 1925): 387–388, 410–411; *Congressional Globe*, 41st Cong., 2nd sess. (24 January 1870): 709; *Congressional Globe*, Appendix, 41st Cong., 3rd sess. (3 March 1871): 244–247. Coan lists three attempts at achieving statehood in the 1860s and 1870s by the Legislative Assembly. As for efforts in Congress, José Francisco Chaves submitted a bill for statehood in 1870 (H.R. 954) and an enabling act for statehood in 1871, but neither one passed. Coan also notes that Delegate Stephen Elkins submitted bills in the 43rd and 44th Congresses (1873–1877) that failed to pass.

139 "Vuestro Gobernador … y vuestros jueces … son ahora elijidos por personas que jamas han pisado vuestro suelo, que ignoran el character de vuestro pais, las necesidades del pueblo, y que carecen de ningun interes especial en vuestro bien estar … no obstante que varios de los empleados que han sido mandados de Washington para que os sirvan, han sido cpaces, honrados y fieles, la preponderancia ha sido al contrario … Bajo un gobierno de Estado.… Vuestros leyes serian nuestras propias leyes, sujetas á ser modificadas, enmendadas y abrogadas unicamente por vuestra propia voluntad … atormentados por la introduccion de politicos, quienes tal vez ya habrian acabado su carrera en los estados y quienes esperan halla un campo Nuevo y propio en aventuras politicos." J. Francisco Chavez (Chaves), "A los ciudadanos de Nuevo Mejico," 4 May 1866, *Santa Fe New Mexican* (Santa Fe, NM): 4. Translated as "To the Citizens of New Mexico," by Translations International, Inc. (August 2010); Lamar, *The Far Southwest, 1846–1912*: 10–11. Lamar confirms Chaves's assertions, "More often than not, territorial appointees after 1865 were political hacks, defeated congressmen, or jobless relatives of congressmen and cabinet members. These appointees owed their loyalty neither to the territory nor to the branch of government they represented.…"

140 Larson, *New Mexico's Quest for Statehood, 1846–1912*: 123–125. For an example of such a portrayal, see Richard Melzer, "New Mexico in Caricature: Images of the Territory on the Eve of Statehood," *New Mexico Historical Review* 65 (October 1987): 335–360.

141 *Congressional Record*, House, 50th Cong., 2nd sess. (14 February 1889): 1910. Representative Francis Spinola of New York concurred: "I do not agree that it is good statesmanship to oppose the admission of New Mexico on account of the religious opinions of a large majority of its inhabitants." See p. 1906 of the same debate.

142 For discussions of distinct statehood impulses and public ambivalence, see Lamar, *The Far Southwest, 1846–1912: A Territorial History*: 64–70, 143–145, 161–169. Lamar notes that both "Spanish-Americans" and "Anglo-Americans" feared that statehood would entail the control of the government by the other group. See also Coan, *A History of New Mexico,* vol. 1: 410. Coan notes the even splits between the parties that sent New Mexican Delegates to Washington: "The democrats were successful in six out of nine elections between 1878 and 1892, while the republicans won in seven out of eight elections between 1894 and 1908."

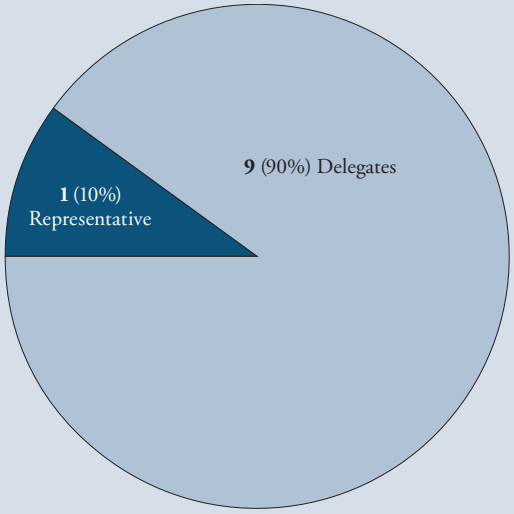
143 Because of Republican squabbling and factionalism, Democrat Antonio Joseph won the Delegate's seat and held it for much of this period. See Larson, *The Far Southwest, 1846–1912: A Territorial History*: 169–170. Ramirez convincingly asserts that Joseph was not a *nuevomexicano*; see Ramirez, "The Hispanic Political Elite in Territorial New Mexico: A Study of Classical Colonialism": 304–305. For more information about Joseph, see *Biographical Directory of the United States Congress,* "Antonio Joseph," http://bioguide.congress.gov.

144 For an overview of Beveridge's opposition and congressional debate on statehood, see Larson, *New Mexico's Quest for Statehood, 1846–1912*: 214–225. See also "New Statehood Bill," Senate Rep. no. 2206, 57th Cong., 2nd sess. (10 December 1902): 1–31; quotation on p. 9.

145 Love, *Race over Empire: Racism and U.S. Imperialism, 1865–1900*: especially pp. 24–25, 196–200.

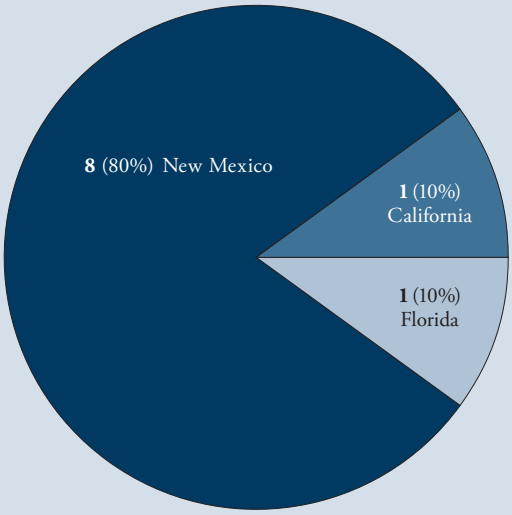
Hispanic-American Members by Office†

1822–1898



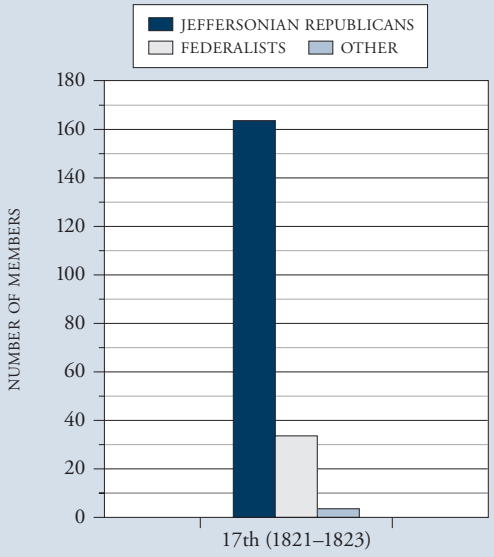
Hispanic-American Members by State and Territory†

First Elected 1822–1898

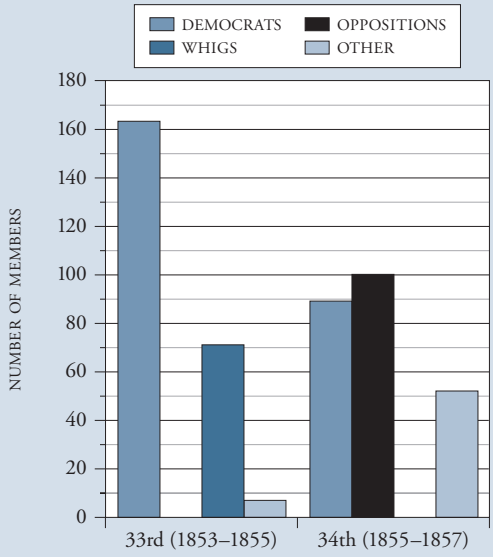


Party Divisions in the House of Representatives‡

17th Congress (1821–1823)*



33rd–34th Congresses (1853–1857)*

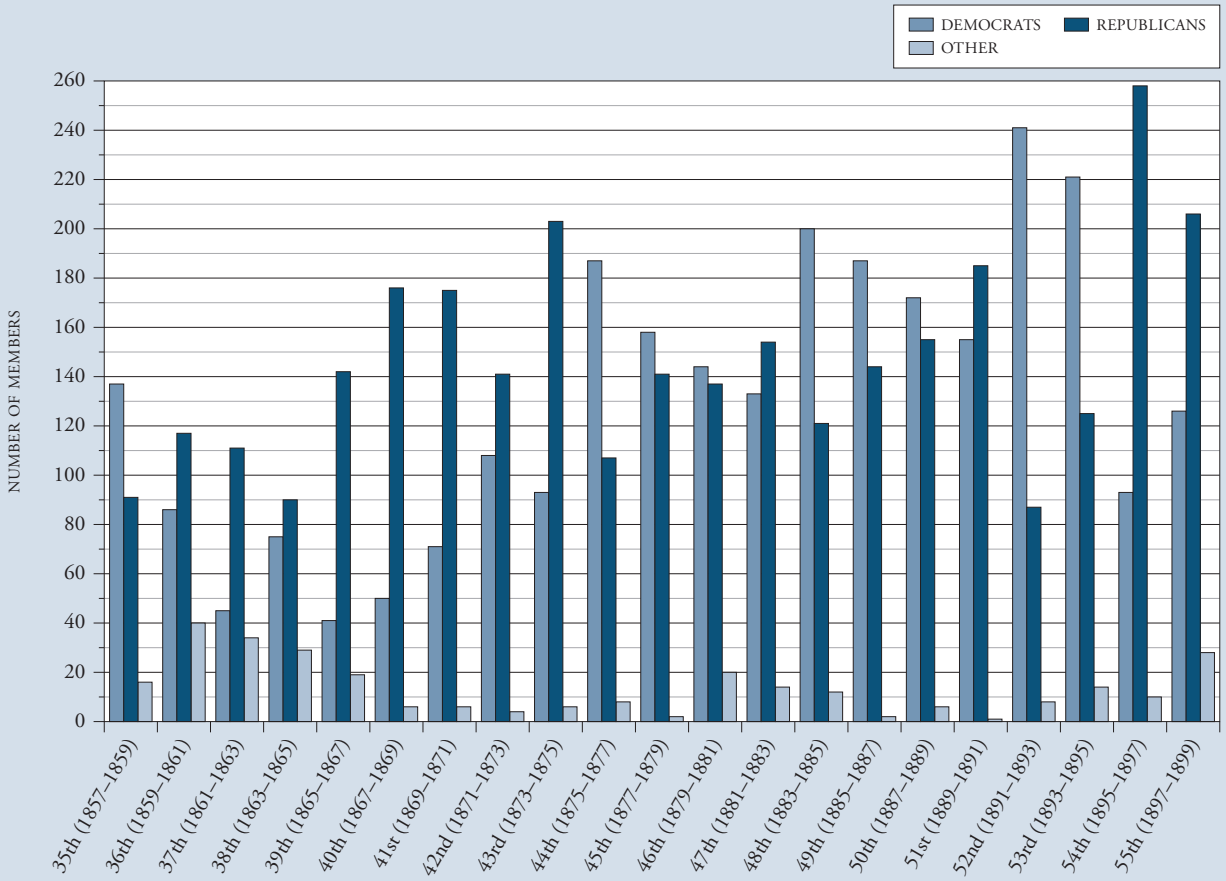


Sources: † Appendix A: Hispanic-American Representatives, Senators, Delegates, and Resident Commissioners by Congress, 1822–2012; Office of the Historian, U.S. House of Representatives; U.S. Senate Historical Office. ‡ *Biographical Directory of the United States Congress, 1774–2005* (Washington, D.C.: Government Printing Office, 2005); also available at http://bioguide.congress.gov.

*Party division totals are based on election day results.

Party Divisions in the House of Representatives

35th–55th Congresses (1857–1899)*



Source: Biographical Directory of the United States Congress, 1774–2005 (Washington, D.C.: Government Printing Office, 2005); also available at http://bioguide.congress.gov.

*Party division totals are based on election day results.

Congressional Service

For Hispanic Americans in Congress First Elected 1822–1884