

Miguel Antonio Otero

1829–1882

TERRITORIAL DELEGATE 1856–1861
DEMOCRAT FROM NEW MEXICO

The second Hispanic Delegate to serve the New Mexico Territory, and the longest-serving Hispanic Member in the 19th century, Miguel Otero belonged to a powerful business family.¹ A successful entrepreneur, Otero engaged in politics as a full-contact sport and was, in the words of one scholar of New Mexico territorial affairs, “dynamic, intelligent, and very much on the political make.”² His rise to public office symbolized the emergence of a new generation of New Mexican politicians: a bilingual social elite that bridged the territory’s Hispanic and Anglo worlds. In a bid to advance the cause of New Mexican statehood, Otero aligned himself with Southern Democrats, who supported the expansion of slavery into the territories.

Born in Valencia, New Mexico, on June 21, 1829, Miguel Antonio Otero was the youngest son of Vicente and Doris Gertrudis Chaves y Aragon Otero.³ Vicente Otero was a farmer, a merchant, and occasionally a judge under the Mexican government. He also served as an *alcalde* (mayor) and in the New Mexican government. The family lived comfortably, if not lavishly. Even before the outbreak of the Mexican-American War, the Oteros displayed an attraction for American culture. At least one biographer claimed Otero “was one of the first New Mexicans to travel east to the United States for an education.” Moreover, the Otero clan developed an “aristocratic flair that would distinguish them from other Hispanics in New Mexico. They were well-received and regarded by the Anglo-American community in or outside New Mexico. They would be decidedly pro-American rather than pro-Mexican in nationalistic sympathies and would ... be more identified with Anglo-American culture and values than most Hispanics.” Otero was educated in private and parochial schools and attended St. Louis University from 1841 until the outbreak of the Mexican-

American War in 1846, when he returned to New Mexico at his family’s request. The following year he enrolled at Pingree College, a small school in Fishkill, New York, where he served as a teacher and as an assistant to the principal. He began studying law with a local attorney and continued under the tutelage of senior attorneys in New York City and St. Louis from 1849 to 1852, when he passed the Missouri bar exam.⁴

While studying in St. Louis, Otero befriended fellow law student William G. Blackwood, who introduced the New Mexican to his visiting sister, Mary Josephine Blackwood. Otero married her in 1857. Raised by a maternal aunt in Charleston, South Carolina, Mary Josephine was a descendant of the family of Senator Charles Carroll of Maryland and, as her son recalled many years later, “quite a society woman and popular, well known and admired” by her peers wherever the Oteros resided.⁵ The marriage connection contributed to Otero’s Southern sympathies during the secession crisis and the Civil War. A year after his marriage, Otero arranged to have his new brother-in-law, William, appointed as a New Mexico supreme court judge. Miguel and Mary Josephine had four children: Page Blackwood; Miguel, Jr.; Gertrude Vincentia; and Mamie Josephine. Gertrude died as a child.⁶ Many years later, under the William McKinley administration, Miguel, Jr., became the only Mexican American appointed to serve as governor of the New Mexico Territory.

Otero, who set up a private law practice, immediately immersed himself in territorial politics. In 1852 he became the private secretary to territorial governor William Carr Lane, the former mayor of St. Louis, serving until Lane’s term expired in 1853. While Lane ran unsuccessfully against José Manuel Gallegos for the Territorial Delegate’s seat in Congress, the 23-year-old Otero won election in





September 1852 to represent his home county, Valencia, in New Mexico's Second Legislative Assembly. In 1854 Otero was appointed attorney general for the territory; he served in that position until his election to Congress.⁷

In 1855 Otero opposed Gallegos, the incumbent Democratic Delegate, for a seat in the 34th Congress (1855–1857). Otero's faction in the nascent territorial political scene was drawn from Democrats and former Whigs who supported the policies of the Millard Fillmore administration. Over time, they came to be identified as "National Democrats" because they supported the national administration's policies. Another local faction of Democrats disagreed with many of the positions of the emerging national party. Otero's candidacy was calculated to defuse Gallegos's appeal to *nuevomexicano* constituents and signaled the ascendancy of a younger generation of public servants whose sympathies were more American than Mexican.⁸ Political opponents filled the newspapers with salacious innuendos meant to discredit Gallegos, a defrocked Catholic priest, and to question his ability to serve honorably. Bishop John Baptiste Lamy, Gallegos's rival, endorsed Otero and encouraged the clergy to support him. Charges of voting impropriety flew throughout the election. Critics questioned whether a Delegate like Gallegos, who spoke no English, could adequately represent the territory's interests in Congress. According to contemporary sources, Otero "employed every means at his disposal to achieve victory, and was ably assisted by his Anglo friends." In one instance, four Otero supporters "accosted" a courier conveying poll books from Rio Arriba County, a Gallegos stronghold, to Santa Fe. The Otero camp insisted that the books were stolen to retaliate for Gallegos supporters' sacking the returns from polling places in Valencia County that favored Otero.⁹ Initially the returns showed that Gallegos won with a razor-thin plurality: 99 votes out of nearly 14,000 cast (6,914 for Gallegos versus 6,815 for Otero).

Otero contested Gallegos's election on 11 grounds, chief among them the charge that votes cast by Mexican citizens had inflated Gallegos's totals.¹⁰ Otero claimed that nearly 2,000 votes cast in Santa Fe and Rio Arriba Counties belonged to inhabitants who had chosen to

remain Mexican citizens under the eighth article of the Treaty of Guadalupe Hidalgo and who were thus ineligible to vote for U.S. Territorial Delegates.¹¹ Through his lawyer, Gallegos questioned the validity of the article in the treaty and countered that an act of Congress was required for the establishment of a tribunal to determine citizenship requests. In effect, he argued that the provision was null because it had never been properly administered. However, as the House Committee on Elections pointed out in its report on the case, the territorial governor had in 1849 established "registers of enrolment ... [for inhabitants who wished] to elect to retain the character of Mexican citizens." Gallegos also challenged the validity of the occupation government, countering that the declarations it collected were suspect. The Committee on Elections rejected that argument, noting that any act of Congress would have abrogated that portion of the treaty and, moreover, that the military government's efforts sufficed. "It would be a mere mockery to say that they had the right to retain the character of Mexican citizens, and yet could not do so, because no mode of doing it had been prescribed by law," the report concluded. Further, in examining evidence at the precinct level, the committee determined that Otero had actually prevailed by 290 votes.¹²

The full House received the committee report on May 10, 1856, and shortly before the end of its session, on July 23, 1856, consented to hear both the incumbent and the challenger make their arguments on the floor. In a statement read by a clerk, Gallegos stressed his social and cultural ties to New Mexicans as their "true" representative. He also rejected the perception that "the influence of the Roman Catholic church was brought into the contest at the polls." While he did not directly address the more scurrilous personal charges leveled against him in the campaign, he defended his record and noted that by denigrating his inability to address the House in English, his colleagues had insulted his constituents. He also introduced evidence from the secretary of the territory that contradicted some of Otero's claims.¹³

Otero's lengthy and powerful rebuttal—strengthened in great measure by his fluent and humorous delivery—



questioned Gallegos's ability to represent New Mexicans without knowing English. He defended church officials Gallegos had attacked for conspiring against him, and he spent much of the speech detailing his claims that disqualified voters had tipped the vote in Gallegos's favor. Finally, he stressed his own deep ties to the territory, noting, "I am happy to entertain the thought that I am the first native citizen of that acquired Territory who has come to the Congress of our adopted fatherland, and address it in the language of its laws and its Constitution."¹⁴ In a stirring coda, Otero added a line that was meant to distinguish him from the Anglo politicians moving into the territory: "I come here, not as a successful adventurer from the restless waters of political speculation; I come here because my people sent me." By a margin of 128 to 22, the House approved the committee report and awarded the seat to Otero.¹⁵

By law and tradition, the House refused to assign Delegates a seat on standing committees, so Otero never held a committee post during his House career. During the remainder of his first term (August 1856 to March 1857) Otero "won renown by opposing army operations in New Mexico and advocating a more vigorous policy against the Indians."¹⁶ He petitioned for the territory to receive two Indian Agents, representatives of the U.S. government who worked with American Indian tribes. Otero proposed a number of bills, among them a measure to secure appropriations for the completion of government buildings. He also wanted to improve New Mexico's transportation infrastructure, in part by pushing for the transcontinental railroad to pass through New Mexico. He sought to stimulate more mail service between Independence, Missouri, and Santa Fe, and late in the session he submitted a resolution seeking land grants to build a road from Springfield, Missouri, to the Pacific coast via Albuquerque. These bills were referred to committee but did not receive consideration in the waning months of the 34th Congress. In all, Otero claimed to have acquired \$116,000 in appropriations for the territory.¹⁷

In March 1857 Otero received the Democratic nomination for Delegate to the 35th Congress (1857–

1859). His main opponent was Republican Spruce M. Baird, a local judge and a powerful territorial politician.¹⁸ Otero ran on his record of securing essential resources for the territory, promising constituents that if they returned him to office greater rewards would follow. During the campaign, the *Santa Fe Weekly Gazette*, an organ of the Democratic Party, declared, "If the present delegate has done his duty in Congress toward his constituents let his services be rewarded."¹⁹ During the campaign, an opposition newspaper leveled the potent charge that Otero and the Democratic Party were agitating for immediate statehood. Otero deflected the charge, asserting that while the ultimate goal ought to be the "eventual erection of New Mexico into a State Government," it should first achieve a measure of economic self-sufficiency and a larger population to provide stability. In his words, the territory should wait until its "great dormant resources [were] developed and made a means of revenue to her treasury." Otero added that "an influx of immigration" would result in "our savage Indian neighbors quieted and ourselves and property protected."²⁰ Otero won with a large majority: 59 to 41 percent of the vote.²¹ During the 1859 election for Territorial Delegate for the 36th Congress (1859–1861), Otero won by a margin of 1,169 votes.²²

During his second term, Otero sought additional internal improvements for New Mexico. He obtained a \$600,000 annual grant for the Butterfield Overland Mail and acquired construction funds for a road from Fort Smith, Arkansas, to the Colorado River via New Mexico. He also ensured that the territory became a land district, enabling constituents to register for land grants and temporarily preventing settlers in the western portions of the territory (modern-day Arizona) from forming a separate territory. Otero acquired funds to support a geological survey for New Mexico, complete work on the territorial capitol building, and secure \$75,000 in appropriations for the Superintendent of Indian Affairs.²³ In a public letter, Otero notified his constituents that he had acquired more than \$700,000 in appropriations for road construction in the territory. He also sought to "obtain a twice monthly mail service from Santa Fe to



Independence (Missouri) ... [and] a weekly mail service from Santa Fe to Las Cruces.”²⁴

During the late 1850s, Otero’s territorial political faction evolved into a party with Southern sympathies, particularly regarding the preservation and expansion of slavery into the territories. Dubbed “National Democrats,” the party swept into power at the level of the territorial legislature, ensuring that Otero had a sympathetic home audience for his legislative agenda in Washington.²⁵ Indeed, although his role shaping national politics was circumscribed, Otero exerted an extraordinary amount of influence on politics in the New Mexico Territory.

Increasingly, Otero’s actions were driven by his central desire to court Southern congressional leaders to promote his vision for the territory’s development.²⁶ During his final term in the 36th Congress (1859–1861), he sought with renewed vigor to direct the transcontinental railroad through New Mexico as a means to spur internal improvements, commerce, and business investments. The effort merged Otero’s interest in developing the territory’s infrastructure with his desire to put the territory on the path to statehood.

To convince congressional Democrats of the viability of a Southern route, Otero pressured the New Mexico legislature to charter the Southern Pacific Railroad. As an additional incentive, he encouraged the New Mexico legislature to pass a code protecting the right of masters to capture slaves in the territory. By taking this action, he hoped to solicit the support of Jefferson Davis of Mississippi, who was known to have desired a similar railway route.²⁷ In a letter to Alexander Jackson, secretary of the territory and an advocate for slavery, Otero argued that “the laws of the United States, the Constitution, and the decisions of the Supreme Court on the Dred Scott case, established property in slaves in the Territories.” He wrote that he hoped Jackson would “perceive at once the advantage of such a law for our territory” and that he expected Jackson to “take good care to procure its passage.” Jackson did.²⁸ Otero lobbied other state officials, suggesting that failure to approve a slave code would curtail his influence with key Southern politicians. On February 3, 1859, after the overwhelmingly majority-*nuevomexicano*

Eighth Legislative Assembly voted for its passage, the territorial governor signed “An Act for the Protection of Slave Property in this Territory,” into law. Though the code was repealed in 1861, it contained many significant provisions. Among them was that stealing or abetting in the escape of slaves, including any action taken to induce them to abandon their owners, was punishable by fines or imprisonment.²⁹

By the late 1850s, Otero had assembled the beginnings of a territory-wide machine in New Mexico. He was well connected with the Southern governor and secretary; he had managed to place his brother-in-law on the territorial supreme court; he had influence with the territory’s major newspaper, the *Santa Fe Weekly Gazette*; and he also counted James L. Collins, the newspaper’s editor, and the federally appointed Superintendent of Indian Affairs as an ally.³⁰ Nevertheless, Otero, who served as a delegate to the Democratic National Convention in Charleston, South Carolina, in 1860, chose not to run for a fourth term in the U.S. House.³¹ His decision was forced in part by the emergence of the Republican Party and by the waning power of pro-Southern sympathizers in New Mexico after the divisive 1860 presidential election. In a public letter that was remarkable for its ambivalence about the cause for secession given his earlier flirtations with Southern Members of Congress, Otero wrote that he awaited “with almost breathless suspense ... the consequences that must result from this awful manifestation, on the part of the Northern people ... to disregard the equal rights which Southern people claim in the common territory belonging to the United States.” He bemoaned the fact that “this glorious Union is to be dissolved and broken up before the great and noble mission for which it was formed and intended by its founders, is consummated. And for what? For the accursed negro.” Otero advocated that, if the Union dissolved, New Mexico should enter a “Union with the Pacific free States, west of the great prairies. If California and Oregon declare their independence of this Government, I am for joining them. Our resources are similar to theirs, our interest therefore [is] the same.” Still, he believed secession to be unnecessary and, while



emphasizing his fealty to the Democratic Party, he confirmed his commitment to the Union: “I think it would be, to say the least, imprudent to secede... You may rest assured that as long as there is no direct violation, or an overt act committed by the administration of Mr. Lincoln, against the institutions of the South and its constitutional rights I can be nothing else than a Union man.”³²

Such a position made Otero a palatable political appointee for the newly installed Abraham Lincoln administration, which was eager to keep New Mexico in the Northern fold. On the eve of the outbreak of the Civil War, Otero accepted President Lincoln’s appointment as secretary of the territory, but he served in that position for less than a year because the Senate withheld its final confirmation in light of Otero’s publicly declared sympathy with the South.³³ In a letter to Secretary of State William H. Seward, Otero attributed his “rejection” to “malicious and false representations made against me by unprincipled, personal, and political enemies in the States and in the Territory,” but he assured Seward that despite this outcome he would not “be the less loyal ... nor become less zealous in contributing my feeble efforts ... in behalf of the preservation of the Union, the constitution and the laws of the United States.”³⁴

Otero exploited his congressional connections and government experience in the private sector. His first venture was a Kansas City, Missouri-based firm that he formed with a partner, David Whiting. Hinting at its future success, Whiting & Otero also maintained a New York City office. During the Civil War, Otero’s firm played a controversial role during the Confederate invasion of New Mexico. The inventory from Otero’s stores (reported to contain \$200,000 in merchandise) helped sustain the Confederate Army of the West, which sacked Albuquerque in March 1862 under General Henry Sibley. Whether Otero volunteered the supplies or was forced to comply is unclear.³⁵ A Chicago newspaper alleged that Otero was “very bitter against the government and intended to arouse these simple people to rebellion.”³⁶ Charges of Otero’s disloyalty to the Union dogged him throughout the Civil War and afterward. Once, Union soldiers

arrested Otero because, according to his son, “Some of my father’s political enemies in New Mexico had proffered certain charges against him to the military authorities at Leavenworth [Kansas].” However, Otero was released based on “the findings of the Santa Fe Military Court, as well as a personal letter from General [Edwin S.] Canby, which completely exonerated him.”³⁷

In 1864 Otero left New Mexico to pursue business interests in Kansas City and in Leavenworth, where he worked as a silent partner in a forwarding and commission firm. In 1867 Otero, with his brother Manuel, and Scottish immigrant John Perry Sellar formed one of the largest merchandising firms in the Southwest: Otero, Sellar, and Company. Otero retired from the business in 1871 but remained active in the company up to 1881.³⁸ In the 1870s, Otero served as an agent for the Atchison, Topeka, and Santa Fe Railroad, lobbying on its behalf before the New Mexico territorial government. In this position, he continued to pursue one of his goals in Congress: bringing major railroads through New Mexico to spur economic development. He also served on the board of directors of the New Mexico and Southern Pacific Railroad Company and arranged for its passage through the territory. Eventually, Otero and Sellar, among others, incorporated the San Miguel National Bank in Las Vegas, New Mexico, in 1879.³⁹ Returning to New Mexico in the 1870s, Otero was a stakeholder in the Maxwell Land Grant, one of the largest land grants in New Mexico.⁴⁰ According to his son, Otero, Sr., continued to dabble in politics when he lived briefly in Colorado. He was elected county treasurer of Las Animas County, Colorado, although a deputy served in his place. Otero was nominated for lieutenant governor.⁴¹

In the summer of 1880, the Democratic Party prevailed upon Otero to run for the Delegate’s seat in the 47th Congress (1881–1883), but he lost to Tranquilino Luna, a successful entrepreneur. Much of the campaign took on a generational bent as Otero, a first-generation assimilationist, faced a younger competitor who was comfortable in the *Hispano* and the Anglo communities of the territory. Luna’s supporters criticized Otero’s 1850s career, particularly his Southern sympathies, as well as his



departure from New Mexico in the 1860s to pursue his business interests, and Luna highlighted Otero's failure to protect land grants that *Hispano* landowners lost under U.S. rule. Also, Otero's age was considered a strike against him. In a close election, Luna won 52 to 48 percent.⁴² Less than two years later, on May 30, 1882, Otero died in Las Vegas, New Mexico, from complications of pneumonia.⁴³

FOR FURTHER READING

Biographical Directory of the United States Congress, "Miguel Antonio Otero (Sr.)," <http://bioguide.congress.gov>.

Ganaway, Loomis Morton. "Otero and the New Mexico Slave Code of 1859," in *New Mexico and the Sectional Crisis, 1846–1861* (Philadelphia, PA: Porcupine Press, 1976; reprint of 1944 edition): 60–76.

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

Otero, Miguel Antonio, Sr., *The Indian Depredations in the Territory of New Mexico* (Washington, D.C.: n.p., 1859).

_____. *Address to the People of New Mexico* (Santa Fe, NM: n.p., 1860).

_____. *An Abolition Attack upon New Mexico, and a Reply by the Hon. M. A. Otero* (Santa Fe, NM: n.p., 1861).

Speer, William S. and John Henry Brown, eds., *The Encyclopedia of the American West* (Easley, SC: Southern Historical Press, 1978; reprint of 1881 edition): 30–32.

MANUSCRIPT COLLECTIONS

Harvard University, Graduate School of Business Administration (Cambridge, MA). Has credit reports on Miguel Otero and Otero, Sellar, & Co.

New Mexico State Library (Santa Fe). *Papers*: Felipe Chavez Papers, 1810–1913, 2.5 linear feet. Subjects include Miguel Otero.

University of New Mexico Library, Special Collections (Albuquerque). Gross, Kelly, & Company Collection. Contains business records of Otero, Sellar & Co.

NOTES

1 Otero was the longest-serving Hispanic-American Member in the 19th century based on the length of his service from the time of his swearing-in (4 years, 8 months, and 13 days). By the same method of calculation, Gallegos (who was not seated as a new Member until

December 19, 1853, because of an election challenge) is by a narrow margin the second-longest-serving Hispanic-American Member in the 19th century (4 years, 7 months, and 4 days).

- 2 Alvin R. Sunseri, *Seeds of Discord: New Mexico in the Aftermath of the American Conquest, 1846–1861* (Chicago, IL: Nelson-Hall, 1979): 133.
- 3 Some biographers suggest that Otero's parents were born in Spain, but this seems unlikely since a study examining records of Catholic marriages that took place in New Mexico between 1693 and 1846 found that just 10 persons out of more than 13,000 listed Spain as their parents' birthplace. See Laura E. Gómez, *Manifest Destinies: The Making of the Mexican American Race* (New York: New York University Press, 2007): 98.
- 4 Mark L. Gardner, "Otero, Miguel Antonio," *American National Biography* 16 (New York: Oxford University Press, 1999): 822–823 (hereinafter referred to as *ANB*); "Miguel A. Otero" in Maurilio E. Vigil, *Los Patrones: Profiles of Hispanic Political Leaders in New Mexico History* (Washington, D.C.: University Press of America, 1980): 45–48; Miguel Otero, Jr., to Ansel Wold, 26 May 1927, 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*); Carlos Brazil Ramirez, "The Hispanic Political Elite in Territorial New Mexico: A Study of Classical Colonialism," (Ph.D. diss., University of California–Santa Barbara, 1979): 274. Otero had two brothers, Antonio José and Manuel Antonio. In his memoir, Otero, Jr., asserts that his father graduated from St. Louis University in 1849, although this is not confirmed by other sources. However, in a 5 April 1926 letter in the *Biographical Directory* files, Otero, Jr., states that his father graduated from Fishkill in 1852.
- 5 Miguel Antonio Otero, Jr., *My Life on the Frontier, 1864–1882* (Albuquerque: University of New Mexico Press, 1987; reprint of 1935 edition): 284–285.
- 6 Gardner, "Otero, Miguel Antonio," *ANB*; "Miguel A. Otero," in Vigil, *Los Patrones*: 46; Otero, *My Life on the Frontier, 1864–1882*: 285.
- 7 Gardner, "Otero, Miguel Antonio," *ANB*; Gómez, *Manifest Destinies: The Making of the Mexican American Race*: 98; "Hon. Miguel A. Otero," in William S. Speer and John Henry Brown, eds., *The Encyclopedia of the New West* (Easley, SC: Southern Historical Press, 1978; reprint of 1881 edition): 30–32; Otero, Jr., to Wold, textual files of the *Biographical Directory of the United States Congress*. Gardner questions whether Otero served as attorney general under Governor David Meriwether's administration, noting that while his son Miguel, Jr., claims he did, Gardner's sources did not confirm this. An 1881 biography states that President Franklin Pierce offered Otero the position of U.S. Attorney in 1851 but that Otero declined. Gardner also differs from the 1881 biography



- on the location of Otero's first law practice; whereas Gardner and Otero, Jr., report the location as Albuquerque, Otero's 1881 biographer reports that the office was in Valencia County.
- 8 Howard R. Lamar, *The Far Southwest, 1846–1912: A Territorial History*, rev. ed. (Albuquerque: University of New Mexico Press, 2000): 88–89; Robert W. Larson, *New Mexico's Quest for Statehood, 1846–1912* (Albuquerque: University of New Mexico Press, 1968): 29–30, 69–74. Lamar and Larson describe the political split between the 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, and pro-territory advocates united under Judge Joab Houghton. The Weightman faction tried to promote *nuevomexicano* politicians for political office, but 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 elections for Territorial Delegate and patronage appointments for the remainder of the 1850s.
 - 9 Sunseri, *Seeds of Discord*: 133.
 - 10 “Results of the Election for Delegate,” 22 September 1855, *Santa Fe Weekly Gazette*: 2; Gerlald A. Theisen, “José Manuel Gallegos (1815–1875): The First Mexican-American in the United States Congress,” (Ph.D. diss., University of New Mexico, 1985): 107–110.
 - 11 For the House Election Committee's report on the Otero-Gallegos case, see House Miscellaneous Document no. 57, *Cases of Contested Elections in Congress, from 1834 to 1865, Inclusive*, 38th Cong., 2nd sess. (1865): 177–185. Otero's principal complaint about Mexican citizens voting for Gallegos is on pp. 178–179. For more information on the case, see Theisen, “José Manuel Gallegos (1815–1875):” 107–114; Chester H. Rowell, *A Historical and Legal Digest of All the Contested Election Cases in the House of Representatives of the United States from the First to the Fifty-Sixth Congress, 1789–1901* (Westport, CT: Greenwood Press, 1976; reprint of 1901 edition): 144–145.
 - 12 *Cases of Contested Elections in Congress, from 1834 to 1865, Inclusive*: 179.
 - 13 *Congressional Globe*, House, 34th Cong., 1st sess. (23 July 1856): 1730–1732.
 - 14 *Ibid.*, 1734.
 - 15 *Ibid.*, 1736.
 - 16 Gardner, “Otero, Miguel Antonio,” *ANB*; Sunseri, *Seeds of Discord*: 133.
 - 17 “Bills and Propositions for New Mexico,” 28 February 1857, *Santa Fe Weekly Gazette*: 2; Otero, “Address of Hon. Miguel Antonio Otero to His Fellow Citizens of New Mexico.” For a detailed argument for building an intercontinental railroad through New Mexico, see Miguel Otero, “Pacific Railroad,” in *Congressional Globe*, Appendix, 35th Cong., 1st sess. (25 May 1858): 415–418.
 - 18 For more information about Baird, see Clarence Wharton, “Spruce McCoy Baird,” *New Mexico Historical Review* 27, no. 4 (October 1952): 300–314.
 - 19 “Baird and Otero,” 11 July 1857, *Santa Fe Weekly Gazette*: 2.
 - 20 “Mr. Otero and a State Government,” 29 August 1857, *Santa Fe Weekly Gazette*: 2.
 - 21 Sunseri, *Seeds of Discord*: 134. The official results were 8,498 votes for Otero and 5,986 for Baird. See Certified Election Results of 1857 Territorial Delegate Race in “Copy of Executive Journal of the Territory of New Mexico from the 1st Day of December 1856, to the 30th Day of November 1857, Inclusive,” in Department of State Territorial Papers, New Mexico, 1851–1872 (National Archives Microfilm Publication T17, Roll 1), General Records of the Department of State, Record Group 59, National Archives at College Park, College Park, MD (NACP). One scholar attributes Baird's defeat to “his former relations with Texas and . . . having held a territorial appointment under the whig administration” of President Millard Fillmore. See also Loomis Morton Ganaway, “Otero and the New Mexico Slave Code of 1859,” in *New Mexico and the Sectional Controversy, 1846–1861* (Philadelphia, PA: Porcupine Press, 1976; reprint edition): 62.
 - 22 “The Result,” 24 September 1859, *Santa Fe Weekly Gazette*: 2–3. The results of the vote are illegible in the English section of the newspaper, but the Spanish section states that Otero won by 1,169 votes. (“Cuando nuestros lectores sepan que el Hon. M. A. Otero ha sido re-electo por la mayoria larga de 1169 votos.”) The National Archives' Center for Legislative Archives could not locate Otero's 1859 election certificate, nor were the certified election results preserved in the Department of State Territorial Papers, New Mexico, 1851–1872 (T17, Roll 2), RG 59, NACP. Therefore, the *Santa Fe Weekly Gazette* articles may be the only existing primary source for the results of the 1859 elections for Territorial Delegate in New Mexico.
 - 23 Sunseri, *Seeds of Discord*: 134.
 - 24 “Conseguir un correo semi-mensual de Santa Fé a Independencia . . . Además un correo seminario [*sic*] de Santa Fé a los [*sic*] Cruces.” “Miguel Otero, Sr., Cámara de Representantes,” 28 March 1857, *Weekly Gazette* (Santa Fe, NM): 2. Translated as “House of Representatives” by Translations International, Inc. (December 2009). Although Otero describes his success in this letter, there is no indication that his proposed bills passed. Throughout the 35th Congress, Otero submitted a number of bills that were referred to committees and quietly shelved. For examples, see *Congressional Globe*, House, 35th Cong., 1st sess. (20 January 1858): 346; and *Congressional Globe*, House, 35th Cong., 2nd sess. (23 December 1859): 200. However, New Mexico received a number



- of appropriations for the construction of roads between major settlements, smaller towns, and military forts. See *Congressional Globe*, Appendix, 35th Cong., 1st sess.: 579.
- 25 Theisen, “José Manuel Gallegos (1815–1875)”: 120–124; Lamar, *The Far Southwest, 1846–1912*: 90–91. Lamar notes that “Otero’s election symbolized the ever-shifting center of power in New Mexico. Where Delegates [Richard] Weightman and Gallegos played second fiddle to the governor or depended upon others to help them, Otero was a man of ability and many projects. As a Democrat with Southern connections, he stood ready to forward the course of the South.”
- 26 Historians disagree about the motivation for New Mexico’s adoption of a slave code in 1859. Traditionally, scholars have viewed the territory’s position on slavery as a calculated decision made to promote its chances for statehood. Initially inclined toward an antislavery position, territorial leadership assumed a pro-slavery tilt during the 1850s, largely to cultivate powerful Southern leaders in Congress. More recently, scholars have argued that the slave codes legalizing black chattel slavery were adopted principally because of *nuevomexicano* elites’ interest in protecting the long-standing and far more extensive practices of Indian slavery and peonage. But while making this argument, Laura Gómez concedes that Otero’s position on slavery also was likely influenced by larger, national interests. See Gómez, *Manifest Destinies*: 100, 104; Larson, *New Mexico’s Quest for Statehood, 1846–1912*: 64–65.
- 27 Theisen, “José Manuel Gallegos (1815–1875)”: 124–127; Sunseri, *Seeds of Discord*: 134–135; Gómez, *Manifest Destinies*: 100–101. Gómez cites an alternative explanation from Estévan Rael-Gálvez, who argues that New Mexico legislators “enacted a slave code that legalized black chattel slavery in order to better protect their real interest in slavery—the enslavement of Indians taken captive from nomadic tribes and sold into Mexican households.” See Estévan Rael-Gálvez, “Identifying and Capturing Identity: Narratives of American Indian Slavery, Colorado, and New Mexico, 1776–1934,” (Ph.D. diss., University of Michigan, 2003). But Gómez cites an even more basic impulse, self-protection, behind the legislation: “Given the fragility to Mexican Americans’ claims to whiteness, Mexican elites’ actions regarding African Americans can credibly be seen as a means of distancing themselves from the group undeniably at the bottom of the American racial order.”
- 28 Ganaway, “Otero and the New Mexico Slave Code of 1859”: 67–68; Gómez, *Manifest Destinies*: 100, writes that Jackson was the “likely author” of the code.
- 29 Ganaway, “Otero and the New Mexico Slave Code of 1859”: 69–76; Sunseri, *Seeds of Discord*: 117–119. The code did not survive very long. A repeal measure was submitted during the 1859–1860 session of the territorial assembly. With the start of the Civil War in 1861, the slave code was repealed by the assembly. In Washington, Representative John Bingham of Ohio introduced a bill on February 16, 1860, to declare it null and void. A further provision of the bill would have nullified the peonage law. Although the bill passed the House based on strict party lines, it died in the Senate Committee on Territories. For a detailed discussion about *nuevomexicano* elites and American Indian slavery in New Mexico, see Gómez, *Manifest Destinies*: 105–112. Gómez notes that when the territorial slave code passed, 34 of the 37 New Mexico territorial legislators were *nuevomexicanos* (p. 102). See also “The New Mexico Territorial Assembly, 1858–1859,” *New Mexico Historical Review*, 37, no. 1 (January 1962): 77–80.
- 30 Lamar, *The Far Southwest: 1846–1912: A Territorial History*: 91.
- 31 Gardner, “Otero, Miguel Antonio,” *ANB*.
- 32 “From Washington City,” 8 December 1860, *Santa Fe Weekly Gazette*: 2.
- 33 Gardner, “Otero, Miguel Antonio,” *ANB*; “Miguel A. Otero,” in Vigil, *Los Patronos*: 46; Otero, *My Life on the Frontier*: 1–2; Otero, Jr., to Wold, textual files of the *Biographical Directory of the United States Congress*. Although the Lincoln administration sought to retain Otero’s allegiance to the Union, there is conflicting information about the positions he was offered. According to Vigil, President Lincoln offered Otero an appointment as minister to Spain, but Otero declined, preferring to serve as secretary of the territory. According to information supplied by Miguel Otero, Jr., the *Biographical Directory of the United States Congress* notes that Otero served as territorial secretary and acting governor for one year; there are no primary sources to corroborate this claim. In fact, according to Otero, Jr.’s memoirs, his father refused the appointment to concentrate on his firm, which included banking, wholesale, and retailing.
- 34 Miguel A. Otero to Henry H. Seward, 1 September 1861, Department of State Territorial Papers, New Mexico, 1851–1872 (T17, Roll 2), RG 59, NACP.
- 35 Gardner, “Otero, Miguel Antonio,” *ANB*; Jerry D. Thompson, *Henry Hopkins Sibley: Confederate General of the West* (College Station: Texas A&M Press, 1996): 275.
- 36 “Our New Mexico Letter,” 13 January 1862, *Chicago Tribune*: 2. The article alleges that Otero sent this letter while he was under consideration for secretary of New Mexico Territory in early 1861. The writer further alleges that the article was “distributed in pamphlet form in the Spanish language and distributed by Otero all over the Territory.... For obvious reasons these were never printed in English.”
- 37 Otero, Jr., *My Life on the Frontier, 1864–1882*: 4–5.
- 38 Gardner, “Otero, Miguel Antonio,” *ANB*; Lamar, *The Far Southwest: 1846–1912*: 125–126; Otero, Jr., to Wold, textual files of the *Biographical Directory of the United States Congress*. For more information about the Otero, Sellar Company, see Daniel T. Kelly, *The Buffalo Head: A Century of Mercantile Pioneering in the Southwest* (Santa Fe, NM: Vergara Publishing Company, 1972): especially pp. 3–34.



- 39 Ramirez, "The Hispanic Political Elite in Territorial New Mexico: A Study of Classical Colonialism," 280–282; Otero, Jr., *My Life on the Frontier, 1864–1882*: 268–269. For more on Otero's numerous business dealings, see Gardner, "Otero, Miguel Antonio," *ANB*; Lamar, *The Far Southwest, 1846–1912*: 125–126, 153. Lamar credits Otero with helping to establish and charter the New Mexico and Southern Pacific Railroad. As for his own firm, Lamar writes, "The Atchison, Topeka, and Santa Fe celebrated its entrance into New Mexico on January 1, 1879, at which time Vice-President Otero drove a golden spike into a tie that lay on the Colorado-New Mexico line." (Gardner writes that Otero drove in the golden spike in December 1878.) Otero, Jr., claims that his father refused money for his hard work and that when urged to submit a bill for his services, Otero, Sr., declined, saying, "I was working for New Mexico, and I am satisfied if my Territory gets the benefit of my labors."
- 40 Lamar, *The Far Southwest, 1846–1912: A Territorial History*: 125–126.
- 41 Otero, Jr., to Wold, textual files of the *Biographical Directory of the United States Congress*.
- 42 Otero, Jr., *My Life on the Frontier*: 270–273; W. G. Ritch, *The Legislative Blue-Book of the Territory of New Mexico* (Albuquerque: University of New Mexico Press, 1968; reprint of 1882 edition): 93. The official vote count was 10,385 for Luna to Otero's 9,562.
- 43 "The Distinguished Dead," 2 June 1882, *Rocky Mountain News*: 4.