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# Albert B. Fall and Eugene Manlove Rhodes: On New Mexico Statehood

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## Introduction

Statehood came to New Mexico in 1912. Like most states, admission to the Union came after a great political struggle, and sometimes for some supporters, after great personal struggle. In the case of New Mexico, an already colorful history marked a contest between political adversaries and parties, each vying for control, and some men seeking to be its first representatives and senators. Albert Fall was one of these men who, encouraged by his friend Gene Rhodes, helped to lead New Mexico toward statehood and became one of the state's first two senators. Fall, a Republican at the time statehood was granted, had moved from the Democratic Party knowing that it would not be the party that controlled state politics once the state was admitted into the Union.

Born in Kentucky in 1861, Fall married Emma Morgan in 1883. They moved to New Mexico in 1885, where he prospected for gold and silver, worked as an underground miner and a cowboy, and entered the practice of law, with offices in both Las Cruces and El Paso, Texas. Eventually he entered politics as a Democratic candidate for the New Mexico Territorial Legislature in 1888, the only election he ever lost. Thereafter he served the state in several elected and appointed capacities as a Democrat until in 1902 when he joined the Republican Party. As a Republican he held several more offices and in 1911 he served as a delegate to the New Mexico Constitutional Convention.

During the years preceding statehood Fall defended the killer of Pat Garrett, the sheriff who had killed Billy the Kid. He was a suspect in the disappearance of Albert Fountain, with whom Fall had an ongoing dispute, and Fountain's eight-year-old son, Henry. He was commissioned a captain in the U.S. Army during the Spanish-American War. Fall also struck up a friendship with the author Eugene Manlove Rhodes, who became a popular author of western romances and a supporter of New Mexican statehood and Fall's desire to be one of its first senators.



**Albert B. Fall and Eugene Manlove Rhodes**  
(Photo courtesy of Archives & Special Collections Department, NMSU Library, MS 00820039.)

Rhodes, nicknamed the “cowboy chronicler,” was born in Nebraska in 1869. He moved to New Mexico at the age of two, where as a youngster he was known as an expert with horses. Later he became an accomplished stone mason and road builder. Rhodes was an avid reader who became a prolific writer with a number of published poems, novels, and short stories based on his experiences in the southwest U.S. He was a regular contributor of both fiction and non-fiction to the *Saturday Evening Post*. Although his books were popular and considered above the average western novel, Rhodes was never successful financially.

In 1899 he married May Davison and he and his wife eventually moved near her family in Apalachin, New York, for financial reasons. “He had told someone he never did live there. ‘He just went back and got snowed in for twenty years,’” his wife wrote after his death.<sup>1</sup> The Rhodes moved back to New Mexico in 1926. Sometime between then and 1930, Fall gave Rhodes a house to live in at

White Mountain near his own Tres Ritos ranch. Later, due to ill health, Rhodes moved to California, where he died in 1934.

For several years, Fall and Rhodes wrote to each other frequently. Their letters include discussions of the struggle for New Mexican statehood. What follows are excerpts from letters held by the Rio Grande Historical Collection in the Archives at New Mexico State University. They are only a sampling of their communications on the subject of statehood, but together they present a picture of two men in agreement on their love for New Mexico, the importance of statehood, and their own efforts toward that end.<sup>2</sup>

The letters are transcribed as written and without correcting either grammar, punctuation, or spelling. Rhodes's handwriting, although not indecipherable, is often difficult to read. It is helpful that portions of some letters previously transcribed and published in *A Bar Cross Man* by W. H. Hutchinson<sup>3</sup> are also housed in the Rio Grande Historical Collection. These transcriptions were consulted only for the purpose of checking on words that were difficult to decipher in the originals. Most of Fall's letters were typed and are quite clear. Those that were handwritten are more easily read than those written by Rhodes.

### Letters

The first correspondence in the Rio Grande Historical Collection is a note from Fall to Rhodes dated 9 January 1910, sent from Fall's Three Rivers ranch. He opened with a statement regarding those New Mexicans who desired to be the first senators once the state achieved statehood.

Of course I expect you to treat as confidential my statements in the letter to Hawkins, copy of which I forwarded you, concerning the political situation in New Mexico, that is to say, my statements with reference to Bursum being obligated to Luna and the latter having entered into a combination or being controlled by Hitchcock.

In a letter dated 16 January 1910, writing from Apalachin, New York, Rhodes responded to two earlier letters from Fall. Rhodes expressed regret that Fall had decided to get out of politics altogether and encouraged for him to reconsider. Next, he turned to the subject of

New Mexico statehood.

I want to say a word of explanation as to that proposed Statehood article [for the *Saturday Evening Post*]. It is not to be written unless Congress fails to pass a statehood bill. That is almost equivalent to saying it will be done immediately after Congress adjourns. There is no idea of making a plan for admission, giving my reason as to why we should be admitted – or hinting at my reasons why we are not admitted. Nay, nay. It is my desire to present a statement, not one phrase of which can be disputed – along the following lines: making no statement open to dispute.

Introduction 1. During Mr. Taft's recent "swing around the circle" he took occasion – according to the Associated Press reports "to rebuke" Judge A.B. Fall at Albuquerque for the statement that "possibly" the Republican party might admit the Southwestern territories as per promise.

2. Events have proved that Mr. Taft was right. Mr. Fall was too optimistic. The promise was only given in a Pickwickian sense, and was not intended for fulfillment.

There seems to be no reasonable explanation for Mr. Fall's amazing credulity. There is a record of fifty two years of broken promises.

3. The record – as briefly as possible – but {fil} in vital clauses. Kearney proclamation, etc., per your records. Promise to New Mexico in treaty of Guadalupe Hidalgo – and Gadsden Purchase. Promise to Texas in settlement of Texas claims. No. of times each party has had direct promise of immediate admission. No. of times platforms have had conditional promises. No. of times question has been ignored. No. of times House of Representatives has passed statehood bills – but not Senate. No. of times Senate has passed similar bills – Southern Congressmen and Senators generally favorable. Query. Do they judge us by the magazine pictures.

Conclusion. Dear brothers. You can admit us in without any promise – where you need votes in the Senate to have pass partisan measures. For myself – I don't ask that you

admit us. But – couldn't you quit lying about it. Quit your kidding us.

P.S. If you ever should admit us – and Messrs Taft and Barridge should make their homes in New Mex or Arizona – where we would make them welcome – we should be very glad to have their assistance in constitution-making.<sup>4</sup>

Rhodes wrote on about news he received from Fall of friends in New Mexico and some personal notes.

On 2 February 1910, Fall wrote from El Paso to Rhodes in New York in response to a letter dated the "16th ultimo." He first told Rhodes that he would be at the Waldorf in New York and asked if he (Rhodes) might run down to the city for a visit.

You will of course, have noted my conclusions as conveyed to Mr. Hawkins, concerning the admission of New Mexico and the terms under which the bill would be passed. I think that I stated clearly that New Mexico would not be admitted until Mr. Hitchcock<sup>5</sup> was convinced that he had control of the political situation; that I was correct in this statement I think events as reported by the associated press have conclusively established.

From these reports it appears that the so-called Statehood Bill reported by the Senate Committee, provides simply for an appropriation for the expenses of holding a constitutional convention. Of course we could hold a constitutional convention at any time we saw fit, by paying for our own expenses and insofar as insuring statehood, this voluntary action on our part would be just as legal and binding as any such action taken under the provisions of the proposed Senate bill.

It is then proposed that the constitution prepared by such convention should be submitted to a vote of the people of New Mexico. (We could do this without the permission of Congress.) Then, in event such constitution was adopted by the people, it is to be submitted – to whom? To the President of the United States, Mr. Taft. For what purpose? That he may ascertain whether it is "Republican in form". No? That he may then hold a club over New Mexico or hold matters up un-

til Mr. Hitchcock can obtain assurances which will satisfy him as to the future political allegiance of the Republican Party of New Mexico.

Heretofore the only requirement in the admission of a new state has been that the constitution should be submitted to the President and if Republican in form he should immediately issue his proclamation that New Mexico [inserted words indecipherable] was a state of the Union.

Mr. Taft denounced the constitution of Oklahoma and sought by his speeches in that territory, to prevent its adoption. Nevertheless the constitution was overwhelmingly adopted. Mr. Taft declared that in his judgment it was not Republican in form and not a constitution at all but was simply legislation of the wildest character.

Mr. Roosevelt, when the constitution was submitted to him, in most vigorous language expressed his disapproval of the entire document, but announced that as President of the United States as the constitution was Republican in form, it was his duty to issue a statehood proclamation and he did so.

Mr. Taft proposes to go beyond his duty as an executive acting in a judicial capacity only – to ascertain if the constitution is Republican in form – but placing himself in a position which no other President has sought for a moment to occupy, he personally, is to express his approval or disapproval of the constitution.

In other words: If the people of New Mexico were foolish enough to adopt a constitution such as that of Oklahoma or containing any of the provisions which Mr. Taft objected to in that constitution, he would either disapprove it or stultify himself. If the people adopted a constitution and Mr. Taft – being told by Mr. Hitchcock that the latter has made satisfactory political arrangements that the State officers and United States Senators would assist him in his political ambitions, and that delegates to the National Convention will be satisfactory – then the constitution must be submitted to Congress and if not affirmatively disapproved by that body the President may issue his procla-

mation admitting the territory.

Being admitted, will New Mexico stand on an equality with the other States under the constitution? No. It is provided in this so-called Statehood Bill, that the people of the Territory shall never be allowed the privilege which the people of every other State in the Union have always considered one of their inalienable rights – that is to amend their constitution from time to time to suit themselves. This right, given to all the other people of all other States of the Union, is distinctly withheld from the people of New Mexico and Arizona. Senators from these new States, and representatives in Congress, would occupy their seats knowing that they were not regarded as the equal of other Senators or Representatives except in voting power.

I think that the proposed bill is an outrage upon Republican institutions. I think that its provisions clearly denote a job and political scheme such as has never been entered into by any other President or any other administration.

I am almost prepared to endorse the words of Henry Watterson in his editorial, republished in Collier's two weeks ago, that "for the first time in the history of this country a President of the United States has openly allied himself with thieves and corruptionists." Of course this is strong language but I am simply writing to you.

As for myself, I have been so strongly in favor of Statehood that I am almost prepared, if possible to get it, to accept it even under the terms of the proposed Senate Bill. If we have the right men in the Senate and in the House, it will be possible to convince other members that an unwarranted outrage has been perpetrated upon the people of the new States, and convince them that justice would demand the repeal by Congress of the Act taking away from the people of New Mexico their right to amend their constitution from time to time to suit their own wishes.

The letter continued in a political vein, particularly discussing Presidents Roosevelt and Taft, and giving Rhodes news concerning mutual acquaintances in

southern New Mexico.

Fall next wrote to his friend on 4 February 1910. He began by describing a history of New Mexico that he started writing two years earlier. Then he came to the issue of New Mexico statehood.

I am also sending you a lot of memoranda on the question of the fights of New Mexico and Arizona for statehood. This latter memoranda I have no copy of at all and I wish that after you have glanced over it and made what use of it you desire, if any, you would return it to me.

I am sending you this stuff and have been writing you simply because I know you are interested in the matter and I want you to be informed whether you ever prepare an article for the *Post* or not.

In the final paragraph, Fall suggests that his friend should return to New Mexico and write a history of the state

As you are the only New Mexican whom I know of, who is engaged in writing stories or giving any attention in a literary way to matters which I consider to be of interest here, I am ready to offer any assistance in my power.

Rhodes wrote from Apalachin to Fall who was staying at the Waldorf in New York City in a letter dated 14 February (probably) 1910.

Your two letters, with notes on New Mexican history and the Statehood fight were most interesting for (to) me. I found much material which will be useful in the monograph, and thank you for sending it. I won't return it to you in N.Y., but will send it back to your El Paso office to be held there for you, after I complete my note-taking.

Rhodes went on to write an introduction of an artist acquaintance who was desirous of moving to New Mexico, at least for a time, and with thanks for the information Fall had sent for the article.

The next letter from Rhodes is dated 9 March 1911, again written from Apalachin. He opens with the subject of statehood.

Time has shown that "the rebuke" Mr. Taft administered to you for saying "perhaps this promise of statehood will be kept," was richly merited. You should not have been so

credulous. You had no reason to be credulous. "If a man fools thee once, shame on him: if he fools thee fifty-four times, shame on thee."

The 61st Congress is no more, and New Mexico is not a state. Therefore, I am hard at work (and two thirds done), in my statehood article: taking the position not that New Mexico should be admitted, but that there really should not be any more lying promises.

I am using the notes I made from the material you sent me: I utterly regret that I have not the material itself. But – I confess it – they fooled me too. I thought – especially after last fall's election – that some vital defect would be found in Arizona's Constitution, while New Mexico's constitution would be admirable. For I thought the Republicans would need two more U.S. Senators. I was unjust. The inordinate hostility to N.M. is based upon something narrower than partisanship, baser than mere superiority.

This will be sent off next Tuesday: I have no doubt of its acceptance, as it is uncommonly good. Also, the S.E. Post has taken two or three such of articles of me – one which, in this week's issue, digs at Mr. Hitchcock. They are not averse to annoying Mr. Hitchcock nowadays, since the recent postal regulations fiasco.

Rhodes then asked for details relating to politics in New Mexico, especially anything dealing with the statehood issue. He warned Fall not to give him information that he should not use in the article, or if he does, to mark such information in the letter, indicating that it is private. In one of the final paragraphs Rhodes informed Fall of the death of his twenty-month-old daughter the preceding October.

On 22 February 1912, Fall wrote from Santa Fe to Rhodes in Apalachin. He explained that Rhodes's last letter had not reached him promptly since it was addressed to Three Rivers, and that he had written to a Mr. Russell,<sup>6</sup> apparently an artist acquaintance of Rhodes's.

Insofar as I am concerned the Senatorial situation looks all right, but of course you can never tell what the result will be in a matter of this kind until the final vote is taken. The sentiment in the State is practically unanimous for me as one of the Senators. The Albuquerque Herald, Las Vegas Optic, a greater number

of the weekly papers and even the Albuquerque Journal are favorable to my candidacy.

At present there are two complications:

First, there is no general agreement or sentiment for any other one candidate with that of any other one man even if I were willing to make such a combination with Mills, Andrews or Catron, which I am not.

Second, Every Spanish Republican paper in the State, with the exception of the Mexican edition of the Santa Fe New-Mexican, is advocating my election, but yet they are insisting upon the election also, of some native to the Senate.

Solomon Luna is the logical man and would receive the backing of the Spanish Americans, or natives, almost unanimously if he would become an active candidate. He would also be most acceptable to the Americans as distinguished from the natives. However, Luna declines to become a candidate and only by persistent insistence have I been able to convince him that it was his duty, in event he should be elected, to accept such election.

He continued to discuss other possible candidates, including Mr. Andrews. Then he stated that he would not deign to try to buy votes. He then turned to Rhodes's article published by the Saturday Evening Post.

I have not written you since the publication of your article in the *Saturday Evening Post* of, I believe, May 22nd last.<sup>7</sup>

I presume that you noticed references to this article in the debates in the House upon the Statehood Resolution as contained in the Congressional Record. I don't think any magazine article ever aroused more comment, certainly in this portion of the country, than did yours referred to. I understand that several extra orders of the *Post* were made in El Paso to supply the demand.

I believe an Alamogordo paper secured permission to re-publish the article in full.

I must thank you therefore, for an advertisement such as few men have received.

Fall concluded by informing Rhodes that he would be in Washington and New York soon and hoped to see his friend while he was there. He also hoped that

Rhodes would be in New Mexico soon.

### Conclusion

New Mexico was admitted to the Union on 6 January 1912. Also that year, William Howard Taft lost the presidency to Woodrow Wilson, a Democrat, and even came in third to Theodore Roosevelt running as a member of the newly formed Progressive Party.

Albert Fall was elected Senator along with Thomas B. Catron, both Republicans. Although Fall went on to become Secretary of the Interior, both careers ended ignominiously.

Fall and Rhodes remained friends until Rhodes's death in California in 1934. Fall died in 1944.

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### Endnotes

- 1 Rhodes, May Davidson, *The Hired Man on Horseback* (New York: Houghton Mifflin, 1938), 89.
- 2 Albert B. Fall family papers, Archives & Special Collections, NMSU Library, Lass Cruces, N. Mex.
- 3 W. H. Hutchinson, *A Bar Cross Man* (Norman: University of Oklahoma Press, 1956).
- 4 Rhodes is referring to the article titled "The Barred Door," reprinted in *The Rhodes Reader* (Norman: University of Oklahoma Press, 1957), 112-130.
- 5 Frank Harris Hitchcock, Postmaster General (1909-1913). Newspapers reported in August 1910 that he was touring the western and southwestern U.S., particularly Arizona and New Mexico, to promote their entering the Union as Republican states.
- 6 Probably Todd Russell, to whom a letter dated 22 February 1912, is extant in the Fall collection. Russell planned on staying in New Mexico for a time, and Fall advised him on the benefits of different cities and towns.
- 7 The article, published under the title "The Barred Door," was published in the *Saturday Evening Post*, 6 May 1911.

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Photo cut line:

Albert B. Fall and Eugene Manlove Rhodes. (Photo courtesy of Archives & Special Collections Department, NMSU Library, MS 00820039.)

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