

IS ONE OF OUR ATTORNEYS GENERAL MISSING?

By Mark Thompson

Trivia Question. Which New Mexicans, father and son, were immortalized by the naming of a county in both Colorado and New Mexico in their honor? Answer. Otero County, Colorado, founded in 1889 and named for the man most responsible for the creation of its principal town, La Junta—Miguel Antonio Otero. Otero County, New Mexico created in 1899, possibly to remove the area from the jurisdiction of Doña Ana County sheriff, Pat Garrett. It was named for the incumbent governor, Miguel Antonio Otero, second, perhaps to ensure that he would sign the legislation creating the county.¹

If I had to pick only one family to represent the development of territorial and early statehood New Mexico it would probably be the Oteros. A story covering 100 years, say 1845 to 1945, and the work of three generations of the Miguel Antonio branch, (plus spouses) would be a hefty book. If you included the other branches of the family, as I did in the story of the Estancia land grant litigation,² we now have multiple volumes. It gets larger because the Otero relationship with the Chaves and Luna families would have to be explained to get a complete picture of New Mexico political and business development. If we add the fascinating controversy over the genealogy of the Valencia County Oteros, we are looking at a Kindle®!³

For this story I will stay with the Miquel Antonio branch and start with an Attorney General of New Mexico who has not been lost and then work backwards in time. I have referred in prior stories to the “last” Miguel Antonio Otero (“Mike,” “Jr.,” “Judge”) as *tercero* but he was actually the fourth. His birth, August 30, 1892, in Las Vegas, was preceded the by the birth and death of a brother of the same name, buried in the family burial plot at Riverside Cemetery in Denver.⁴ Mike did serve one term as New Mexico Attorney General, 1929-30, and then was elected District Judge in Santa Fe in 1930. He had started his political career as a State Representative in 1921 and followed that with a term as State Auditor. His final attempt at political office ended with his defeat by Dennis Chávez in the 1936 race for the U.S. Senate seat following the death of Senator Bronson Cutting.⁵

Mike Otero might rightly point to other achievements in his life. Shortly after law school at Washington and Lee, and admission to the New Mexico Bar, he volunteered for military service in 1916, serving with Patton in Mexico and then with the American Expeditionary Force in Europe, 1917-19. He was not too old to answer the call during WWII and ended that service with the rank of Major. He was blessed with a fortunate marriage in 1927 to Katherine Stinson of Alabama. A chapter in the Otero book would be required to cover her achievements. She was the fourth woman to be issued a pilot's license by the Federation Aeronautique Internationale. She served as an ambulance driver in WWI and, like Charles Lindbergh, was later an airmail pilot for the United States. She might have eclipsed the now famous Amelia Earhart if not for the health condition that brought her to Santa Fe in the Twenties. Aviation's loss was Mike Otero's gain! Both Mike and Kate died in 1977, and are buried in the National Cemetery in Santa Fe.⁶

The parents of Mike Otero were Miguel Antonio Otero ("Gillie," "Jr", "Governor") and Caroline Emmett of Minnesota. The Governor, unlike his father and son, was not a lawyer, but Caroline was the daughter of the first chief justice of the Minnesota Supreme Court⁷ Due to his unprecedented nine year tenure as territorial governor, I have had many occasions to refer to his activities or his own biographical works in telling the story of territorial law and lawyers.⁸ We may need a separate volume in the Otero series to adequately cover his story. Born October 17, 1859, in St. Louis, Missouri, Governor Otero died August 7, 1944, and was buried in Fairview Cemetery in Santa Fe following a service at St. Francis Cathedral.⁹ As we shall see, there is more to that story.

The parents of Governor Otero were Miguel Antonio Otero ("*Don Miguel*", "*Miguel Luis Senon*") and Mary Josephine Blackwood of Charleston, South Carolina. Don Miguel was born June 21, 1829, (some say July 20) in Valencia, the community two miles east of Los Lunas, in what is now Valencia County, New Mexico. He was an academic prodigy and was sent to St. Louis for schooling at age eleven. He finished his formal education and stayed to teach in Fishkill, New York, where he also started his study of the law. On October 21, 1850, the enumerator for the U.S. Census listed him as a resident at a boarding house in St. Louis with the occupation "Student of Law."¹⁰

Otero apparently was admitted to the Bar in Missouri in 1851 and some biographical notes have him practicing law in Albuquerque that year, a fact I cannot confirm. (No N.M. Supreme Court record shows his admission, but Supreme Court admission was not required for practice at that time.) His obituary has him in Missouri until the territorial governor of New Mexico, William Carr Lane, appointed him as a private secretary. But the Territorial Archives, Executive Record, 1852-55, indicate that Governor Lane assumed office about September of 1852, suggesting that Otero was in Missouri until that time. Although there is dispute about whether or not he was seated by the House of Representatives, it is confirmed that he was an elected representative from Valencia County for the Second Territorial Legislature which met in December, 1852. His obituary then has him in California until 1855.¹¹

It is established that Don Miguel served three terms as the Territorial Delegate to Congress, 1855-61, and then a portion of the year 1861 as Secretary of the Territory. (The record of his marriage in 1857 and of Gillie's birth in 1859 suggest that Don Miguel lived in St. Louis for some part of that time.) His beginning and ending as Delegate were marked by controversy. The election of 1855 was won by Jose Manuel Gallegos, a/k/a "Padre Gallegos," but the House of Representatives resolved a fraud allegation by seating Otero. In February of 1861, Otero apparently claimed New Mexico sympathy for the Southern cause.¹² It is suggested by some that he was really only expressing the view of his South Carolina born spouse! Nevertheless, President Lincoln then appointed Otero as Territorial Secretary but he was denied confirmation by the U.S. Senate and served only a portion of the year.

What are we to make of the assertion in his official Congressional Biography, repeated numerous times in other biographical sketches, that he served as Attorney General of New Mexico, 1854-55? The New Mexico Blue Book, beginning in 1882, clearly shows that Merrill Ashurst and Theodore Wheaton served as A.G. during the relevant period. I checked the microfilm edition of the Executive Record in the Territorial Archives and the microfilm edition of the President Franklin Pierce Papers prepared by the Library of Congress, both for the years 1853 and 1854. I found no mention of Otero but the handwritten records of the period are not easy to read and facts

can be easily overlooked. I have concluded that there is reasonable doubt about the claim that Don Miguel served as Attorney General of New Mexico.

From 1862 until his death in 1882, Don Miguel had a very successful mercantile business. The 1865 Kansas State Census shows the family in Leavenworth¹³ and in 1870, Mary and the children are found in St. Louis without Don Miguel, probably because he was following the railroad construction in western Kansas and eastern Colorado. The railroad reached La Junta in 1875 and Don Miguel is credited with developing the town. The Oteros finally settled in East Las Vegas, New Mexico, according to the 1880 U.S. census. Don Miguel was part of the group that formed the San Miguel National Bank and was its first president. He also attempted a “political comeback” but lost the race for Congressional Delegate in 1880 to Tranquilino Luna.¹⁴

Controversy followed Don Miguel to the grave. His body was sent to Denver by a special train but when it arrived his family was told that the funeral could not be held at a Roman Catholic Parish and the service was shifted at the last minute to Trinity Episcopal Church. Colorado Roman Catholic Bishop, Joseph Machebeuf, explained to the *Denver Republican* that Otero was a member of the Masonic Order and therefore was not in good standing with the Catholic Church.¹⁵ The Bishop undoubtedly knew the Oteros from his days as a parish priest in New Mexico, and as Bishop Lamy’s “right hand man,” as well as from serving Southern Colorado after 1860. He told the newspaper that Otero had buried his daughter Gertrude in a Catholic cemetery in Trinidad in 1876, and later reinterred her at Riverside Cemetery in Denver after joining the Masons. Undeterred by the controversy, the burial at Riverside was conducted by the Denver Masonic Lodge.

Mary Blackwood Otero died in Santa Fe in May of 1900 and, following a service at St. Francis Cathedral, was buried next to Don Miguel in Denver.¹⁶ There was an interesting twist to the story after the death of Governor Otero—he was buried from St. Francis Cathedral notwithstanding the fact that he was a 32nd Degree Mason and a Shriner. Sixty-two years can make a difference, but Bishop Machebeuf must have turned over in his grave in Denver.

¹ See Frank Hall, *The History of the State of Colorado* (Chicago: The Blakely Printing Co., 1895), Vol II, PP. 242-47. For an explanation of the New Mexico politics behind the legislation, see e.g., H.B. Hening, ed., *George Curry, 1861-1947: An Autobiography* (Albuquerque: U. Of N.M. Press, 1958), pp. 109-13.

² See N.M. Bar Bulletin, September 10, 2007. A longer version of my story, containing more of the genealogy of the Manuel A. Otero branch, may be found on the N.M. State Historian website.

³ Compare Ralph Emerson Twitchell, *The Leading Facts of New Mexican History* (Cedar Rapids: The Torch Press, 1912), Vol. II, pp. 273-74 and 309-10, with Ernest J. Sánchez, “Pedro Otero y Vicente Otero de Valencia: A Rebuttal,” *Herencia*, Vol. 8, No. 2, April 2000, pp. 4-11. To follow the Sánchez “argument” as it is applied to the genealogy of Miguel A. Otero IV, allegedly back to Cayetano Otero, see the website of the Hispanic Genealogical Research Center of New Mexico, www.hgrc-nm.org.

⁴ Miguel A. Otero, *My Life on the Frontier, 1882-1897* (Albuquerque: U. of N.M. Press, 1939), p. 193 (Sometimes referred to as “Vol. 2” of a three part memoir.)

⁵ Chávez, the Democrat, was the incumbent, having been appointed to fill the term until the special election. See, *New Mexico Blue Book, 1937-38*, “Canvass of returns of Election Held November 3, 1936,” following page 82.

⁶ “Pioneer Flier Mrs. K. Otero Dies at 86,” *The Albuquerque Journal*, Mon. July 11, 1977, p. C-16.

“Miguel Otero, Ex-Jurist, Dies at 85,” *The Albuquerque Journal*, Friday, Nov. 11, 1977, p. G-4.

⁷ According to the U.S. Census Governor Otero was divorced by 1910. In 1913 he married the widow, Maude Frost.

⁸ I have tended to use the Governor’s writings as secondary authority, recognizing that political memoirs have their own agenda. Nevertheless, except for the main issue of this story, whether his father was N.M. A.G., and the genealogy question which he ignores, I must admit that most of the story of the 3 generations could be learned from his books.

⁹ “M.A. Otero Dies at 84 After Long Public Career,” *The Albuquerque Journal*, Tues. , Aug. 8, 1944, p. 1.

¹⁰ Silas B. Flint “household,” U. S. Census, 1850, State of Missouri, Harris County, St. Louis; Dwelling 1440, family 1362; National Archives microedition, Roll M432, p. 388B.

¹¹ I have relied upon the *Las Vegas Optic* obituary reprinted by the *Rocky Mountain News*, June 2, 1882, p. 4. The obituary states that he was elected to the legislature in 1850 but I believe the Secretary of State *Blue Book* and the census of 1850 are probably more reliable on this issue.

¹² Twitchell, *supra* note 3 at pp. 357-58.

¹³ Kansas State Census Collection, 1855-1925, Microfilm Roll Ks1865-5, Kansas State Historical Society and available on-line through Ancestry.com.

¹⁴ See Charles F. Coan, *A History of New Mexico* (Chicago: The American Historical Society, 1925), Vol. I, p. 409. Luna, of course, was the brother of Eloisa (Luna) Otero, the wife of Manuel Basilio Otero, the latter a nephew of Don Miguel. See note 2, *supra*.

¹⁵ “Mason vs. Catholic,” *The Denver Republican*, June 3, 1882, p. 8.

¹⁶ “The Angel of Death,” *The Albuquerque Journal-Democrat*, Sun., May 22, 1900, p. 4. “Will Be Buried In Denver,” *The Denver Times*, May 21, 1900. p. 6.