

THE GOVERNOR HANNETT CASE: LAWYERS, JUDGES, POLITICS AND THE PRESS – 1927 STYLE

By Mark Thompson, Esq.

Likening the newspapers of the day to the bombastic extravagance of the carnival barker, historian Frederick Lewis Allen named that period of time just before the stock market crash of 1929 “the ballyhoo years.”¹ “When something happened which promised an appeal to the popular mind,” Allen wrote, “one had it hurled at one in huge headlines.”² Just as significant to Allen, the press seemed to have the power “to excite the millions over trifles.”³ Certainly the readers of the two Albuquerque newspapers in 1927 saw most of the same treatment of national news as Allen, but in May, the month that Lindbergh captured the headlines and the popular imagination, a political columnist for the *Albuquerque Journal* created a stir that gave ballyhoo some local color.⁴

Arthur Thomas (“A.T.”) Hannett had lost his bid for reelection as governor in 1926. Instead of returning to Gallup, where he had practiced law and served as mayor, Hannett moved to Albuquerque and opened an office in January 1927. In its Sunday

morning edition on the fifteenth of that month, the *Journal* announced with great fanfare that Hannett would be writing a political column for its afternoon edition.⁵ Hannett’s page-one column, “New Mexico Day by Day,” contained the usual political fare, but on Jan. 24 he started a campaign, seemingly risky for a practicing lawyer, against the sitting judge of the First Judicial District, Reed Holloman. In that column he merely noted that Judge Holloman had the Republican Party “in his hand” and that he could “get the Legislature to his bidding.” And then on May 2, Hannett accused Holloman of “perverting his court into an engine of oppression,” alleging that Holloman had conspired to throw a Gallup utility into receivership. Hannett called for Holloman’s impeachment. He followed up on May 9 by accusing Holloman of threatening the *Journal* and alleging that he had “personally known [Holloman] to be intoxicated on the bench.”

Elected district judge in 1918 and re-elected in 1924, Reed Holloman was by 1927 no stranger to controversy. He had played a role, as a district court judge, in the efforts to discredit, or possibly imprison, the Albuquerque journalist, Carl Magee. According to one historian writing about the Magee cases, “Holloman remained on the bench and continued his partisan activities causing his legislative adversaries in 1925 to draft, although not use, articles of impeachment against him.”⁶

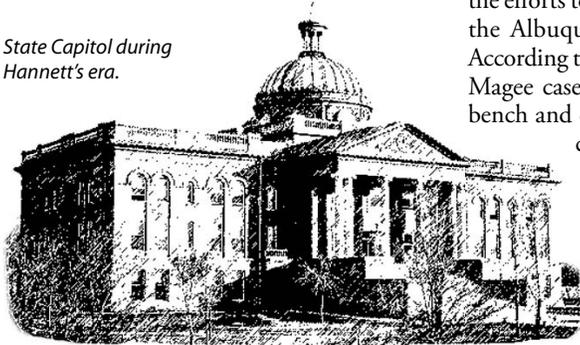
The *Journal* wasted no time in stirring the pot. In an editorial on May 10 it

declared that Holloman should respond to Hannett’s charges.⁷ Meanwhile, Hannett hired that ubiquitous company of “private eyes,” the Burns Detective Agency,⁸ to go undercover in Gallup and get evidence to back up Hannett’s allegations about the receivership conspiracy. Posing as an agent for a potential investor, the detective was on the job at least by May 20 according to his reports to Hannett.⁹ Apparently the detective played his role very well. Two legal actions were eventually brought by persons alleging that Hannett was the undisclosed principal and was bound by the act and representations of his agent, as if the activities of the detective were truly in connection with an attempt to buy the equity in the utility.¹⁰

With a headline only slightly smaller than the “Lindbergh in Paris” banner it had used on May 21, the *Journal* announced on June 9 that the Board of Bar Commissioners had passed a resolution directing its committee on ethics, grievance and discipline to prepare formal charges by June 15. The resolution also provided that Hannett should file a response by July 15 and then show cause at a hearing before the Commissioners on Aug. 2 why he should not be disciplined, absent proof that the statements about Holloman were true.¹¹ Hannett and his lawyers saw an opening and not only filed an answer but also a “bill of particulars” with additional specific charges giving the *Journal* yet another opportunity to headline the case.¹²

It seems fair to say that the law of “lawyering” was unsettled in 1927. To begin with, both the legislature and the New Mexico Supreme Court each thought

State Capitol during
Hannett’s era.



¹ Frederick Lewis Allen, *Only Yesterday* (New York: Harper & Row, 1931; Perennial Library ed., 1964), pp. 155-187.

² *Id.*, at p. 158.

³ *Id.*, at p. 160.

⁴ From 1926 to 1933, the *Journal* published two daily editions, Monday through Saturday, and a morning edition on Sunday. The evening edition was probably published in an effort to adversely impact the other afternoon paper, the *New Mexico State Tribune*. After reading both editions for several days in 1927, I believe the editors worked on the assumption that both editions would be read by its subscribers. For convenience, I will identify citations to the *Journal* as either “Morning” or “Evening” edition.

⁵ In his autobiography, Hannett expressed his appreciation to the *Journal* publisher for giving him a job while he was trying to build a new practice. Arthur Thomas Hannett, *Sagebrush Lawyer* (New York: Pageant Press, 1964), pp. 183-86.

⁶ Susan Ann Roberts, *The Political Trials of Carl C. Magee*, 50 N.M. HIST. REV. (1975), pp. 291, 307.

⁷ Morning ed., p. 4.

⁸ It sometime seemed that Burns was involved in every celebrity divorce in the country and in 1927 it had plenty on its plate, having been charged with causing the mistrial in the Fall/Sinclair trial, a part of the Teapot Dome scandal, by tampering with the jury. See e.g., Morning ed., 11/13/27, p. 1. Full disclosure: The author’s grandfather, one of the attorneys for New Mexican A.B. Fall, was implicated by a government agent as having some role in the jury tampering, but was never charged by the government. See e.g., Morning ed., 11/12/27, p. 1.

⁹ Hannett does not dwell at any length on this whole affair in his autobiography, but he does reprint the Burns’ reports as an appendix, apparently content to have his readers draw their own conclusions. *Sagebrush Lawyer*, appendix no. 9. It is possible that the *Journal* paid for the cost of hiring the detectives. See, *Sagebrush Lawyer*, at pp. 183-186.

¹⁰ See e.g., Morning ed., 10/21/27, p. 1 and Morning ed., 3/1/28, p. 1.

¹¹ Evening ed., 6/9/27, p. 1.

¹² Evening ed., 7/15/27, p. 1. The *Journal* used almost two complete pages of its eight column broadsheet to print the entire response, leading with a banner headline, “Holloman Sold His Influence for \$500 in Franchise Deal, Hannett Charges.”