

FIRST ARTICLE IN THE SERIES -- FREE STATE OF SOCORRO 1953-2003

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FREE STATE OF SOCORRO

The Free State of Socorro was a dilemma Socorro created by questioning its legal legitimacy, rather innocently at first, that soon became a national news story. And it all started with a crafty attorney defending a client accused of "drinking while intoxicated." From there it exploded into a serious movement to secede as an independent territory, combined with some clever marketing by the Socorro Chamber of Commerce. All of these efforts indeed put Socorro "on the map," increased Socorro's tourism for several years, and gave the citizens of Socorro an excuse to truly have some fun at a national scale.

It all began in February 1953 upon the arrest of Elmer Brasher for "driving while intoxicated" by Socorro Police. Being found guilty and fined by City Traffic Judge Henry Zingerly, Brasher hired local attorney Claron Waggoner to appeal the decision. Waggoner appealed to District Judge Charles Fowler, arguing that Police Judge Zingerly's salary was based entirely on fines collected, in opposition to a recent Supreme Court decision that determined a judge should have no financial interest in a case over which he is presiding. Furthermore, Waggoner argued, DWI is a state law, but there is no law against driving while intoxicated in the City of Socorro ordinances. Therefore, the arrest by City Police is null and void since there is no city law against DWI. Judge Fowler, evidently being quite intrigued over this unique argument, suspended court in order to conduct his own investigation into the matter.

In the March 19, 1953 "Socorro Chieftain" Judge Fowler's review was presented, in which the judge presumed the strong possibility that the City of Socorro had virtually no laws at all because legal procedure had not been observed. Judge Fowler issued the opinion that "City laws were undistinguishable from mere scraps of paper that anyone might write and scatter about the streets or place in a notebook." Left over from the Territorial period and since statehood, the judge also noted that the city laws had not been properly drawn, signed, did not bear any official state or county seals, were not available for inspection, and most laws were drawn up by City Counselors in closed meetings without public notice. The headline for this story read "Socorro Laws Probably All Are Null & Void Says Judge." One can imagine the buzz of activity this article generated around Socorro, and certainly inside the walls of City Hall.

While the involvement by the District Judge on this matter was completed, Claron Waggoner, and colleague attorney Garnett Burkes, continued to investigate the matter. The following week, the "Socorro Chieftain" ran the front page headline "Socorro May Establish New Free State" based on the findings of the two attorneys. Their investigation led to the conclusion that Socorro County, along with what is now Catron, Sierra and possibly Grant counties, were omitted from the 1848 annexation to the Territory of New Mexico and are not and never were a legal part of the State of New Mexico, and possibly not even the United States. The article continued with "The significance of such a discovery is difficult to predict at this time," but offered such possibilities as a full refund of federal and state taxes since 1912 statehood, without taxes there would be a dramatic drop in the prices of liquor, cigarettes and cars, and who would control the water flowing down the Rio Grande?

The Socorro Chieftain reported how Truth or Consequences to El Paso favored Socorro's secession, while Albuquerque had expressed strong opposition, fearing armed patrols along the newly formed international border between them and Socorro County. Clearly, a phenomenon unique to Socorro had been born - only one week after Elmer Brasher's DWI appeal trial.

The March 26 Chieftain ended with "Suggested names for the new state along with suggested designs for a flag are being accepted at the office of the Socorro Chieftain and by Moon Mullins, manager of the Socorro Chamber of Commerce, who, it is rumored, will be appointed Secretary of State, if the move for independence is successful." Chief of Police Polo Pineda and Sheriff Ernest Peralta were contacted. Both said they stand ready "to do their duty" when orders are issued. It seems Socorro was beginning to take this thing seriously.

Indeed they were, for the following week, the April 2 edition of both Socorro Chieftain and El Defensor carried lengthy articles on the developing Free State of Socorro, including letters to the editor from around the country in support of secession, to reports of various meetings around Socorro to organize a new government. While not specifically mentioned, this does indicate the story of Socorro's proposed secession and free tax state had already appeared in numerous newspapers across the country.

Even politicians were getting involved, as State Senator T.C. Jaramillo was quoted that secession may be the logical answer to the problem of Santa Fe constantly ignoring Socorro County, cancelling the funding of building schools, etc. "The state takes our tax money to Santa Fe then threatens to refuse to provide enough to run the county on" Jaramillo pointed out.

The Chamber of Commerce also reported being contacted by numerous businesses and private individuals from around the country, including two large insurance companies, about relocating to Socorro when the no-tax status of the Free State of Socorro becomes official. It should be pointed out that the Free State of Socorro refers to the free-from-taxation they were promoting, not free from the United States. It was believed that if Socorro could be free from state and federal taxes, the businesses relocating here would more than pay for the county's needs simply through property taxes, and the tourism and business generated by the lower prices of goods, exempt from sales taxes, would make Socorro prosperous. This would more than compensate the county's coffers with funds to pave highways and build schools they were not receiving from Santa Fe. In 1953, few roads through Socorro county were yet paved. Highway 60, west to Magdalena, Datil and Quemado, for instance, was still a narrow dirt road. Socorro's claim that it was being neglected by Santa Fe was not unfounded.

By early April 1953, Socorro was buzzing with talk on forming the Free State of Socorro, with many citizens still wondering what the commotion was all about. Recognizing this, the "Socorro Chieftain" presented the legal justification in the April 9 issue.

When old Mexico seceded from Spain, it appears the "Provincia de Socorro" was never included nor listed in the deal. Later, in 1848, when Mexico surrendered the land to the United States following the Mexican-American war, the original Socorro Grant could not have been included since Mexico never owned the Provincia de Socorro in the first place. This means

Socorro was still legally a province of Spain, to be ruled by the decendent of Cavasa de Baca, the original Duke of Socorro as appointed by King Ferdinan. The "Socorro Chieftain" checked the geneology records and found the lineal decendent was Socorro resident E. M. Baca of 616 N. California Street.

Further investigation by Socorroan's showed there was no legal map of Socorro County or the City of Socorro to define the boundries in 1953. Checking with the U.S. Census Bureau, it was revealed this had presented difficulties to the census takers for decades. They were never able to ascertain the exact political boundries of the city, and therefore did not know which people to count as city residents. This quickly raised the question, how did the Census Bureau determine the census of the City of Socorro since statehood? They had admitted that due to a lack of legal description, population was mostly a "best guess." This naturally added fuel to the Free State of Socorro, claiming that since the United States did not know we legally existed, then how could they miss us when we seceeded? These arguments were beginning to make sense to even the impassioned skeptic.

On Wednesday evening, April 8, a group of patriots gathered to discuss the Free State of Socorro dilema. The entire group, upon hearing the evidence presented, was in complete agreement that Socorro does not legally belong to New Mexico or the United States, nor never had been. They voted to become a separate territory without the benefits or obligations of belonging to the United States. It was decided to undertake formulating a new government immediately, issue a proclamation and hold a Constitutional Convention in November during the next 49ers Celebration. It appears the only real disagreement from the attendees is whether the new territory should be a democracy or a dictatorship. The Loyalists, as they were called, preferred democracy. The Royalists believed the Free State of Socorro should be governed by E. M. Baca, the rightful Spanish heir and Duke of Socorro. They were accused by the Loyalists of forcing a dictatorship on the people of Socorro. Remember, this was only a few years after the conclusion of World War II, in which Adolf Hitler had maneuvered himself as dictator of a previously democratic society, causing the deaths of tens of millions of people. This was a fresh, sore subject in 1953 as new Cold War dictators were beginning to emerge. However, the Royalist eagerly agreed to a public Constitutional Convention to dispell the accusations they too were trying to establish a dictatorship in the Free State of Socorro. No further mention of the attempted dictatorship regime is found mentioned in the "Socorro Chieftain" or "El Defensor" newspapers after April 1953.

In the April 9 "Socorro Chieftain," the official Proclamation for the Free Republic of Socorro was published. The authors are not identified. However, the language is clearly polished "legaleze" and was available for publication the day following the patriots meeting. This would suggest that attorneys Claron Waggoner and Garnett Burkes were responsible, and possibly Judge Fowler. Regardless of the authorship, it was a powerful Proclamation, for which portions of it are contained herein. It is of special interest since it clearly shows the political and economic concerns of early 1950 Socorroans. Just as interesting is how the majority of the issues are seemingly just as valid today. Fifty years later, it could pass for a contemporary statement, rather than an historical proclamation.

In the May 7 "Socorro Chieftain," the two final flag designs are published for the Free State of

Socorro, both being designed by Joe Bagley. Searching all of the newspapers of this era, the winning flag was never declared or published. However, the "four star banner" version appeared in the "Socorro Chieftain" masthead for several months. Either this was the winning, official flag, or the editor simply decided he liked this one the best to display on his paper.

The following week, the "El Defensor" describes some of the interesting visitors who have registered at the Socorro Port of Entry and received their tourist visas for the Free State of Socorro. One of the more interesting was the Mayor of Rayne, Louisiana, Mr. and Mrs. W. J. Grossen. He was given plenty of publicity materials to spread about during his travels to California and return to Louisiana.

It is interesting that beginning in May 1953, many of the same articles regarding the Free State of Socorro were published in both the "Socorro Chieftain" and "El Defensor," often with virtually the same wording. This shows the two competing newspapers obviously had a healthy cooperation between them, at least in regards to reporting and promoting the Free State of Socorro. This of course was several years before the two Socorro newspapers finally merged into what is today's "Socorro El Defensor-Chieftain." Between the two, they have served Socorro County since the late 1880's, making it the second oldest continuously operated local newspaper in New Mexico.

In the May 14 "El Defensor," the editor ended a lengthy article by stating "Socorro is now just an orphan, belonging to no sovereignty but herself."

There are many of our older Socorroans who remember well the days of the Free State of Socorro. Their memories do differ, however. Some remember it as a serious attempt to secede from New Mexico, making a political statement that Socorro was tired of the neglect from Santa Fe. Others remember it as a "tounge-in-cheek" campaign to promote a struggling Socorro. Following the mining and railroad boom days of the 1880-90's, Socorro slipped into a dwindling community with few jobs and a growing poverty since the early 1900's. She was a proud community, but felt rather isolated from the rest of the country. 1950's Socorro appeared little changed from the depression years. The Free State of Socorro, beginning as a far-flung DWI defense, suddenly put Socorro on the map. Newspaper articles about Socorro's secession spread across the country, climaxed by a three page feature article in the June 1953 "Life" magazine. Almost overnight, Socorro went from an obscure desert town nobody had heard of, to a town admired for their stance across the country. It became a national phenomenon, and nobody quite knew why. Rather than question it, Socorroans jumped in with both feet and had fun with it. They had a blast with it. Whether they took the movement as serious or not, businesses began offering Free State specials, fixed up the town, issued their own license plates, visas, stamps, flags and an assortment of other items. And it worked, for tourists from around the country were arriving every day to get their visas, shop at the local stores, spend a night or two, and have their pictures taken at the Port of Entry building. It wasn't exactly Socorro's second boom days, but it did bring a measure of prosperity, pride and fame to Socorro. The two Socorro newspapers both contain news stories about the Free State of Socorro and advertisements from area merchants with Free State specials through December, 1954, and a few spotty references into 1955. Numerous "letters to the editor" contain testimonies from the visitors that enjoyed their Free State experience in Socorro and how they fell in love with the beautiful country and people of Socorro, being referred to as the "nicest, friendliest people on Earth" more than once. This was

the shot in the arm Socorro needed. Not only the tourists and the money they spent in town, but the pride for being recognized for the truly great people they were - and still are fifty years later.

While the success of promoting the Free State of Socorro was clearly reaping its rewards, the serious effort to document Socorro as an independent republic continued as well. By mid June 1953, additional ancient documents to establish the sovereign state of Socorro were found by Socorroan Juan Miera and given to the "Socorro Chieftain" for publication. "An old map showing the actual location of the original Socorro Grant, which extended west to the top of the Magdalena Mountains, was among the document uncovered by Miera," the Chieftain reported. Signatures of most of the Socorro landowners of the 1800's were affixed to the petition requesting recognition of the property rights of "the people of the sovereign state of Socorro," as declared on an 1882 petition to the United States congress. The wording "sovereign state of Socorro" on this 1882 document further proved the people of Socorro had recognized their independent status well before 1953, although it did reduce the size of the original grant, basically running to the Arizona border by "many leagues" to include only Socorro and Magdalena.

The legal description of this document read:

"Socorro Grant, containing about 843,000 acres ... with boundries as follows:

FIRST line on the north, the upper bluff of the San Lorenzo Creek,

SECOND line on the south, the edge of the little height of Tornal at the slope of the meadow,

THIRD line on the east, the summit of the mountain on the left side of the Rio Grande,

FOURTH line on the west, the summit of the Magdalena Mountain.

The document was signed by A.C. Richards, Clerks Office of the Supreme Court, District of Columbia, dated the 23rd day of March, 1882, indicating acceptance by the United States government. This was important, since it was accepted after the 1848 land deed that established New Mexico, seemingly proving that the Socorro Land Grant was indeed considered a "sovereign state" after the Territory of New Mexico was established, and thirty years before statehood.

This document galvanized the belief by many that Socorro indeed remains a sovereign provincia of Spain. Many of the prominent citizens of Socorro, such as Mayor Holm Bursum, Chamber of Commerce manager Moon Mullins, former "El Defensor" editor Albert Torres, and of course Free State founder Claron Waggoner, began an informal campaign for various positions in the new government. Some of these started out as quite serious, such as for Governor, Secretary of State and Ambassador to the United Nations, while others migrated to a non-serious, in fact outright silly positions shortly thereafter. For example, both Socorro papers reported it was decided at a May 1953 meeting at the Capitol Bar that Michael Harriet was the "Wizard of the Wampum" while Mayor Bursum's official title was now "His Excellency, Uncle Holm, Presidente General, Expander of Industry, Bigger Beefs (from the citizens), sheep with self-

weaving wool and Lieutenant Wizard of the Wampum." Apparently, they were all taking advantage of those Free State five-cent beers offered by the Capitol Bar and Max's Lounge!

In next months History Section of the "Defensor-Chieftain," we'll continue the 50th Anniversary of the Free State of Socorro by profiling some of the prominent characters that were involved, some of the Free State specials offered by Socorro merchants and other items of interest. The "Defensor-Chieftain" will also be sponsoring an election for the 50th Anniversary by allowing you to nominate and vote for our new Free State of Socorro officials to serve the 2003-2004 anniversary term. Who would you nominate for Governor, Mayor, Sheriff, Secretary of State and the like? No time like now to launch your campaign or create your own political party. The top nominees will be allowed a brief campaign profile in the "Defensor-Chieftain," just like a real election, where you can promise or lie what you will do for Socorro to get those winning votes! Our forefathers would be proud of us for continuing their tradition - one that is uniquely a Socorro affair.