

The Gallup 14

A Novel

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Albuquerque

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Author's Disclaimer

No lawyer worth his salt should write anything without making sure the reader knows the difference between the fact and the fiction of the writing. So here's the difference: This is, essentially, a true story. The context in which I tell the story and all of the dialogue is fiction.

The riot in Gallup, New Mexico, and the killing of Sheriff M. R. Carmichael occurred on April 4, 1935. It was a significant historical event in New Mexico. The trial of the men charged with his murder was a watershed legal event and an important marker in the cultural progression of race and labor relations in New Mexico. But the real story lies in the ferment and political intrigue that led to the riot, the jury's verdict at the trial, and the political conclusion to the saga of the "Gallup 14." That said, the reader must remember that this novel is not history, even by implication. This story is told with invented dialogue and imagined characters for the express purpose of avoiding history's limiting obligations and obtaining a different kind of truth—one that will endure and tell the story of Gallup in the greater context of New Mexico.

While I have invented characters, created dialogue, and filled in missing gaps, I have nevertheless made an honest effort to accurately report what happened. The criminal complaints, search warrants, lineups, mass arrests, deportations, and kidnapping of the defense lawyers in Gallup are well documented in the official files of the McKinley County District Court. The widespread fear and influence of the American Communist Party and its National Miners Union are well documented by serious and respected researchers. The trial of the ten men ultimately charged with the murder of Sheriff M. R. Carmichael and the assault on Deputies Hoy Boggess and Bobcat Wilson took place in Aztec, New Mexico, from October 4 to October 17, 1935. The judge, the trial lawyers, and the witnesses in this story are real. I used a lot, but not all, of the sworn testimony given by the witnesses to tell the story of the trial. The names are factual, but the personal descriptions, dialogue, and disposition of the characters, both real and imagined, are all products of my imagination. I tried to make the testimony interesting by modifying the lawyers' questions. I am solely responsible for the arguments and attitudes of the lawyers. I created them as if I had tried the case (for both sides). The actual exhibits, affidavits, warrants, and court orders are accurate. They were excerpted from the official court transcript in the clerk's office of the New Mexico Supreme Court in Santa Fe. The case is officially reported as *State of New Mexico v. Ochoa et al.*, 41 N.M. 589, 72 P2d 609 (1937). The letters, telegrams, and notes in the novel were copied directly from the originals on file in the various penal papers of four New Mexico governors in the New Mexico State Archives, in Santa Fe, New Mexico.