



Guajolotes, Zopilotes y Paisanos

“Turkeys, vultures and roadrunners (or compatriots)” ... all inhabitants of Percha Creek.

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United States vs. Edward D. Tittmann: The Dangers of Free Speech during World War I

By Lynn Mullins

On April 12, 1917, Hillsboro resident Edward D. Tittmann published the following editorial about the decision of the United States to enter World War I:

In the early morning hours of Friday, April the sixth [1917] the lower house of Congress adopted the Senate Resolution declaring that a state of war existed between this country and the German Empire and during the afternoon of the same day the President issued his proclamation to the same effect.

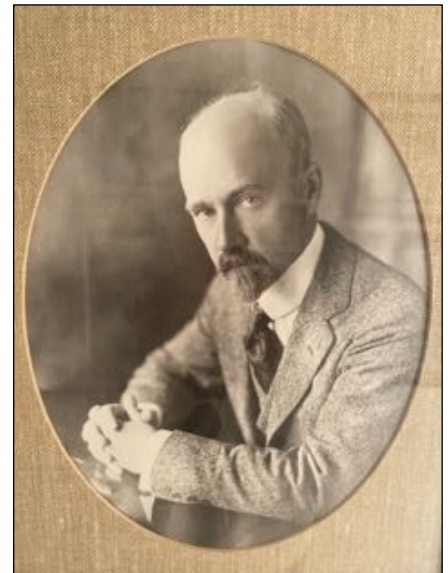
Thus has the United States with solemn hand and a heart heavy with regret swung back the ominous and ponderous portals that open to History's Corridor of War, which is lightened up only at the further end with the flash of guns where the ear hears but the rumbling of the accoutrement of Mars.

With firm step the nation is about to stride into the darkness that fills the walls. May God grant that her footsteps may not slip, that her eyes will penetrate the shadows of the pitfalls that her enemy has dug in her path, that she will come through the fire of the holocaust without the hem of her garment being singed by the flames.

May Benign Providence watch over ships at sea, over her sons in battle, and over the people who are left behind, so that they have power to bear the burdens that war brings even unto the third generation. It is naturally with a sorrowful heart that German Americans have seen the approach of the tempest that severs them from memories, from traditions, from friends. It would have been inhuman to expect that they should greet with joy the opening of the yawning abyss between them and the country of their fathers. And it is with pride that they realized that there is everywhere a perfect confidence in the solid gold of their allegiance to the stars and stripes.¹

Mr. Tittmann eloquently spoke to the problem any American citizen of German heritage was likely to encounter now that the United States had entered the war as an ally of England. A war mentality might cause these citizens to be seen as first and foremost German sympathizers and therefore dangerous. Because his German heritage might cause some to label him a German sympathizer,

(continued on p. 3 ...)



Edward D. Tittmann, 1872-1957

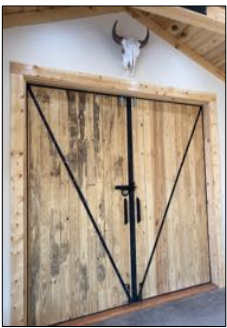
President's Message

I am pleased to report that the construction of our Coach House at the Black Range Museum has been completed, as planned. The results are amazing! The new building is a testament to the dedication of our Board of Directors and our commitment to this project. It also represents the unwavering belief that we will get ownership of the Mountain Pride stagecoach in the near future.

The latest update on the process of acquiring the coach is that the decision lies within the New Mexico Department of Cultural Affairs (DCA) at the level of the Historic Preservation Division (HPD), which is responsible for making a determination on the scope of work to be done in order to remove the coach from the Lincoln County Courthouse. The big hurdle to overcome is for the HPD to determine the appropriate action necessary to get the coach out of the building without violating the state and federal guidelines and protections afforded to historic buildings of this type (see the article "Mystery Solved in the Saga of the Mountain Pride" on page 14). We look forward to hearing encouraging news from DCA regarding this determination in the near future.



(Above) The completed Coach House, with the south-facing solar panels on its roof. (Below) Coach-height doors on the interior of the display space. Photos Joe Britton.



HHS members gathered before the solar panel "flip on" for a sneak preview of the new Coach House.

In the meantime, we now have an appropriate place to house and exhibit the coach in a secure climate-controlled building, the first step in this process. We also have a new solar powered electrical system emanating from the new building that powers the museum as well. We recently ceremoniously commemorated activating the new system with a "flipping of the switch" event.

Our next exciting project will be to make improvements to the museum grounds, including plans for an impressive new courtyard designed by Nichole Trushell and Steve Morgan. This project will certainly enhance not only the look of the museum backyard with native plantings, interpretive displays, and inviting niches but will also provide a comfortable and functional space for outdoor exhibits and events.

Although our focus has been, and will continue to be, intent on the acquisition of the Mountain Pride, we remain mindful of our goals of acquiring interpretive signage for our properties and improving new and exciting indoor and outdoor exhibits, improving and updating our website, and growing our membership. Watch for announcements of new events and presentations sponsored by HHS: hillsborohistoricalsociety.com

I take this opportunity to acknowledge the hard work and dedication of all our volunteer staff and the generous support of our donors in making this all possible. Thanks also to the members of HHS who support our mission to preserve local history for the understanding and appreciation of future generations.

Sincerely,
Steve Dobrott



"Flipping the switch" on February 1 to activate the new Coach House solar panels.



Meter showing the electricity generated by the solar panels, producing enough to power the entire Black Range Museum.

(... continued from p. 1) Tittmann involved himself in numerous activities that worked to support the war efforts by the United States. He planted a victory garden and encouraged members of his community to do so as well; he financially supported the government through organizations such as the Red Cross and the YMCA; he purchased and encouraged others to purchase war bonds; he was appointed to help draftees fill out the necessary paperwork for military service; and he wrote patriotic articles for the *Sierra Free Press*. Nevertheless, on April 10, 1918, the federal government indicted him for violating the Espionage Act. And on March 18, 1918, the New Mexico Bar Association found Mr. Tittmann guilty of exhibiting behavior unbecoming a United States Citizen and of being a German sympathizer. He was expelled from membership.

What had happened in the 12 months after war was declared, April 1917 to April 1918, to call into question the loyalty of Edward Tittmann, cause his expulsion from the New Mexico Bar Association and warrant an indictment by the federal government?

Edward D. Tittmann was born in 1872 in St. Louis, Missouri. His father, who was an attorney and a member of the Missouri state legislature, died of tuberculosis when Edward was 4 years old. His mother, a young widow with 2 small children, took Edward and his younger brother Alfred to Germany to live with her parents who had emigrated to the U.S. in 1834 but had, upon retirement, returned to Germany.

Edward completed his studies at the Real Gymnasium in Karlsruhe, Germany and returned to America in 1891 at age 19. He entered George Washington University in Washington, D.C., completed his bachelor's degree and secured a law degree. He further studied Law at Columbia University in New York City, and was admitted to the New York State Bar in 1894. He began his law career with Sullivan & Cromwell (which is still in business) in New York City, but soon decided that he loved writing and journalism and became a reporter for the *New York Times*. After 6 years he became a financial editor for the *Wall Street Journal*.

Tittmann enjoyed working for the *Journal* and developing his journalism skills. However, his office was in the basement of a small building in lower Manhattan that housed the offices of the paper, and because of the dampness he developed respiratory difficulties. Therefore, when his cousin offered to employ him to travel to New Mexico Territory to investigate and take over the managing of the mining claim in which he had invested, Tittmann accepted. He thought the dry climate would be good for his health, and it would certainly be an adventure. So in 1908, with his wife Margaret and 2 small sons, he bravely headed to the unknown West. They boarded the train in Manhattan and after several days crossing the country, they arrived in Lake Valley, New Mexico, the end of the line, which was the closest they could get by rail to the small town of Hillsboro where the mine was located. They then climbed aboard a stagecoach, and after 14 dusty miles arrived in Hillsboro. Their adventure had begun.



The cabin at the Ready Pay mine.



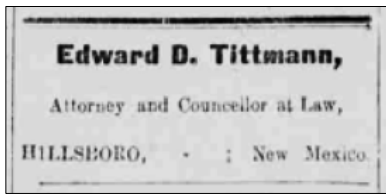
Margaret Tittmann and her two sons on the porch.

Tittmann and his family settled into the manager's cabin located at the mine. This was certainly a different kind of life than they had known in New York. The two-room cabin had no electricity, no running water, no indoor plumbing, and was 7 miles from Hillsboro.

The mine was called the Ready Pay Reduction Company but was derisively referred to by the locals as the Never Pay Seduction Company. Tittmann soon realized that the locals were right. Managing a failing mine was not what he had envisioned for his life. (In 2 years, the mine would be placed in receivership). Tittmann now had to make a decision about his future.

He decided to remain in Hillsboro and become a part of the growth and development of this new part of the United States. Perhaps being a big fish in a small pond was appealing;

or as Caesar said, he would rather be first in Gaul than second in Rome. The mining and cattle businesses were burgeoning, the population of the small town of Hillsboro was growing, and Tittmann saw an opportunity to be a part of the transition of a territory, surely soon to become a state. So, he turned his interest and efforts to creating a life for himself and his family in Hillsboro.



Tittmann's notice in the *Sierra County Advocate*, August 26, 1910. https://digitalrepository.unm.edu/sc_advocate_news/2318

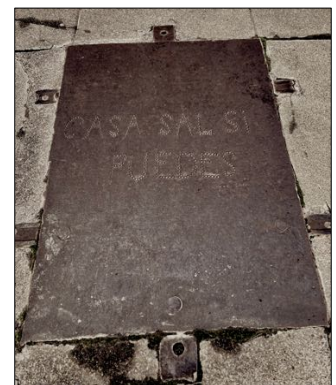
In 1910 Tittmann was issued a temporary certificate to practice law in New Mexico Territory. He opened a law office in the *Sierra County Advocate* building, then in 1911 having passed the bar examination and acquired a New Mexico law license, he moved to the Lannon Building, just below the Orchard Hotel.² As he now had three children, he thought it time to put down roots and so purchased the Keller home, a two-story adobe house on Main Street across from the Catholic church. When his wife's parents came to live with them in 1912, he purchased the house next door to the west, and in 1918 connected the two houses. They called it "Casa Sal Si Puedes" (Leave if you can), stamped the name on a metal plate that covered an extinct well on their front porch (the plate is still there), and enjoyed that residence for the rest of their lives.



The Keller house on Main Street, purchased by the Tittmanns in 1911.



The Keller house as joined together in 1918 with the house next door.



The metal plate on the front porch stamped "Casa Sal Si Puedes." Photo Joe Britton.

Tittmann's interest in politics became evident very quickly. In October 1908, just 6 months after arriving in Hillsboro, he was chosen by the Democratic party to run for the Territorial Legislature.³ He lost by only 10 votes to long-time resident Julian Chavez.⁴ Then in March 1910, at the request of Sierra County, he went to Washington, D.C. and successfully defeated a politically driven attempt being made to remove Hillsboro as the County Seat, a designation it had enjoyed since 1884. He began advocating for statehood which was reflected in an article he wrote for the *New York Evening Post* refuting their claim that New Mexico was unfit for statehood.⁵ And in October 1910 he was selected as one of two representatives from Sierra County to attend the New Mexico Constitutional Convention. He spent 2 months in Santa Fe helping develop a constitution, which led to New Mexico becoming a state in 1912. His love of journalism resulted in his founding, with several investors, *The Sierra Free Press*, a Democratic newspaper printed weekly in Hillsboro. Tittmann was the editor. In 1913 Governor William C. McDonald appointed Tittmann to the position of District Attorney for the 7th judicial district. He had very quickly begun to make a reputation as a competent lawyer and a strong member of the Democratic Party.

In 1917 Tittmann's work with the Democratic State Central Committee led to his strong support of a prominent young democrat from Silver City, Mr. William Bell Walton. Walton had come to the Territory of New Mexico to study law and began practicing first in Deming and later in Silver City, where he remained for the rest of his life. He owned a newspaper, the *Silver City Independent*; he served at the Constitutional Convention; and he went to Washington to lobby for statehood. Walton also served as Chairman of the Democratic State Central Committee and with the group's support he was elected to serve as the member at large to the U.S. House of Representatives.

It is no surprise that Tittmann and Walton, whose paths had crossed on several occasions, would become friends. They were the same age, had come to New Mexico in territory days, were lawyers, had interests in journalism, and owned newspapers. They both served at the Constitutional Convention, both enjoyed politics, and both were Democrats. While Walton was in Washington their friendship continued and they enjoyed a prolific correspondence.

The first indication that Tittmann's path was soon to become rocky was a letter he received in July of 1917 from William Walton which revealed a concern Walton and other friends felt for Tittmann. Walton cautioned him:

Be more guarded in what you say relative to the war situation My reason for giving you this advice is that certain of your enemies in New Mexico are trying to make trouble for you. Of course, I know that there is not the slightest doubt of your loyalty and your thorough Americanism, and that there is no foundation whatever for any statements that have been made bringing them into question; but strictly as a matter of precaution, be as conservative in your expressions as your conscience will permit you to be.⁶

Walton's concern was based on reports from a meeting or meetings recently held in Sierra County. He admitted he knew nothing of the facts, had only heard the gossip, and he was sure that Tittmann had been grossly misrepresented. Nonetheless he observed, "should such a matter reach Washington in an official way, it could be troublesome to you and to those of us who endorsed you for a federal position." (Tittmann had been selected in 1916 by the federal government to be the attorney for the New Mexico Pueblo Indians.) Walton reminded him that, "in small communities the most casual remarks are apt to be elaborated and distorted. ... Take the advice of a plain damn fool and don't make ammunition for your enemies to shoot at you."⁷

Tittmann thanked Walton for letting him know about the possible critical statements made by some of his opponents, but told him that was not unexpected. He reminded Walton that before the United States entered the war in April 1917, he had frequently expressed his anti-war feelings and his displeasure with England. It would be natural for some people to think he might agitate for Germany.

However, I have studiously avoided to do anything that would hinder the purposes of the administration. I used the columns of my paper to encourage recruiting, with the result that we [Sierra County] furnished three times the volunteers that Socorro County did I subscribed for three liberty bonds and urged the people to buy and by my example forced a number of ardent war-shouters, including our bank, to buy these bonds. As a result, this county took over \$5700 in bonds. Without my persistent efforts they probably would have bought none.⁸

Tittmann admitted to Walton he had no idea what the specific accusations were, but said they probably referred to a meeting he had refused to attend in which

that young whippersnapper, Laurence F. Lee attempted to create a feeling of hatred against the German people as a people It is my idea that President Wilson wisely drew the distinction between the military caste and the Kaiser and the German people. If these things are brought up officially I should very much like to come to Washington in person. I have no fear of the outcome, ... because I consider myself a more loyal and more patriotic American than many who stand in the marketplace.⁹

It appears that by refusing to attend Lee's meeting, Tittmann had made an enemy of Lee. The New Mexico State Bar Association held its annual meeting on September 20, 1917. At this meeting, Laurence Lee—"the young whippersnapper"—raised concerns about the conduct of Edward D. Tittmann. He perceived Tittmann's behavior to be "unbecoming a citizen of the United States."¹⁰

At this time, membership in the State Bar Association was voluntary, open to all lawyers in the state and required only an annual membership fee. The organization had no jurisdiction nor control over the licensing or disbarment of lawyers. It was not until 1925 that the State Bar Association became an

arm of the New Mexico Supreme Court controlling the issuing of law licenses and mandating membership for practicing attorneys.

Even though Tittmann was not a member of this group, the Bar Association resolved to investigate the complaint made by Mr. Lee anyway. The chairman instructed Mr. Lee, who had made only an oral statement criticizing Tittmann's behavior, to present formal charges in writing to the Committee on Investigations. That committee would then investigate the validity of the charges, and report back to the Bar Association. Perhaps some of Tittmann's political enemies, most likely because of party alignments, saw the Bar Association as a credible way to investigate and discredit Tittmann.

Lee submitted his written statement to J. M. Hervey, chairman of the Investigative Committee, accusing Tittmann of "violating the ethics of the profession of law and not a fit person to be a member of the New Mexico Bar Association." He further accused Tittmann of being a "German sympathizer, who had openly expressed himself as such and had attempted to obstruct the operation of our government."¹¹ Powerful allegations. But Mr. Lee, who had misspelled Mr. Tittmann's name throughout his written statement, provided no examples of disloyal behavior, no facts to substantiate how, where or when Mr. Tittmann tried to obstruct the operation of the government, leaving the reader to conclude that the allegations were only Mr. Lee's personal opinion—exactly the kind of judgements Mr. Tittmann had realized were possible because of his heritage but had hoped to avoid by immersing himself in patriotic activities.

John R. McFie, Jr., Secretary of the New Mexico Bar Association, sent a letter to Tittmann dated October 14, 1917, which enclosed a copy of the Resolution made by the New Mexico Bar Association at their annual meeting in September to investigate charges made against him by Laurence F. Lee. McFie's letter advised Tittmann that the Investigative Committee would meet October 23, 1917, 9 days hence, in Albuquerque.

Tittmann immediately wrote a letter to Chairman Hervey on October 19 and expressed his surprise that "an association aspiring to such great purposes as your association does, should proceed on such flimsy and general charges as those preferred by Laurence F. Lee."¹² He requested that the Investigative Committee meeting be postponed so that he would have time to prepare his response. He reminded Hervey that he was not currently a member of the New Mexico Bar Association, yet the only action they could take, should they find him guilty, was to remove him from membership. However, he wrote,

I am willing to waive the fact that I am not now and have not been for some time a member of your organization, although such fact might be alleged in a plea of abatement of jurisdiction, and I am willing to waive it because rumors of the charge by Laurence F. Lee have been so generally circulated all over the state that I am entitled to a vindication.¹³

Tittmann's letter to Hervey pointed out that the Association had jumped to conclusions without specific incidents that would allow him to provide a conclusive defense.

The resolution of your association does not recite what the facts, alleged to have come to the notice of the Association, were, nor does the resolution give the members of the investigating committee. ... Under our Law the accused is supposed to have his alleged offense charged against him in such a manner that he can have no doubt to the exact offense he stands charged with. The petition submitted by Laurence F. Lee does not set forth a single specific violation of any ethical rule or any violation of any law, of any obstruction to any particular kind of work by the State Counsel of Defense. The charges are so indefinite and vague that they would be demurrable in any court of law. ... I am not willing to go into a trial or investigation without knowing what proofs I may have to make, what witnesses I may have to produce, without in fact knowing what I am charged with except the general allegation that I have been a German sympathizer. And this last charge certainly is one that should be stricken and eliminated entirely because men have been tried for their sympathies only by the Inquisition of the Middle Ages and by the secret and infamous courts of European Kings and Autocracies. I consider the above a sufficient statement of my position and believe that it is only fair to your association as well as to myself that I should have full opportunity to meet and defeat the contemptible and

slandorous attack made upon me by Laurence F. Lee, whom I shall hold to strict accountability, and to disprove the allegation and insinuations he may make and to show up the Animus of his falsehood. This I cannot do the way the charges now read when they are couched in such vague and indefinite terms that they could not even be sworn to, which INDEED THEY ARE NOT.¹⁴

Reading Tittmann's assessment of the charges, and the lack of facts to sustain such charges, one might think that this was simply a case of name calling. Perhaps political motives were fueling further investigation. But whatever the reasons, the Bar Association had decided to pursue the complaint of Mr. Lee and had appointed a committee to investigate and determine the validity of the accusation. If we recall Tittmann's nine years of public service, political interests and achievements, being an advocate for his county, and his building a reputation as a competent attorney and journalist, it seems unlikely that he would be a person accused of behavior unbecoming a citizen of the United States. But with the U.S. now in the First World War, and because of Tittmann's German heritage, he became a target and his political adversaries saw a chance to take advantage.

Tittmann received word from Investigative Committee Chairman Hervey on November 7, 1917, that New Mexico Attorney General Harry Patton and District Judge Reed Holloman, members of the Committee, would visit Hillsboro to further investigate the charges that had been made against him. The selection of these two gentlemen greatly disappointed Tittmann. He had served as a Democrat representing Sierra County on the Constitutional Convention and frequently clashed with Mr. Holloman, a Republican representing Quay County. He and Mr. Patton had recently been opponents seeking the elected position of Attorney General. Consequently, he advised Hervey "as neither of these gentlemen have any great love for me, I do not expect much from them in the way of courtesies or fairness."¹⁵

Nevertheless, Tittmann kept himself available the day the investigators visited Hillsboro thinking they might want to question him. However, not only did they never contact him, he learned they had not spoken to any of the town's leading citizens. He wrote to Chairman Hervey, "I cannot understand how the Committee could have missed so many prominent men during its investigation at Hillsboro."¹⁶ He enclosed supportive affidavits from a number of officials, business and professional men of Hillsboro and Sierra County:

Dr. J. C. Hatcher, County Physician
Fred Mister, owner of the Stage and mail route
P. S. Kelley, County Clerk
Neil Sullivan, County Commissioner from 1911 to 1917
John Disinger, proprietor of a jewelry store
J. B. Badger, manager of the largest mercantile establishment in Sierra County

He also enclosed a supportive letter written to him by Deputy Sheriff Jack Avirette, and a notarized letter from F. M. Bojorquez, the highly respected Sheriff of Sierra County, Chairman of the County Board of Defense of Sierra County, and Chairman of the Local Exemption Board of Sierra County, who stated that he had

consulted Mr. Tittmann on a considerable number of matters pertaining to his business and his committee work and had never heard Mr. Tittmann express a disloyal thought nor did he have any knowledge of a disloyal act.¹⁷

Surely, Tittmann must have thought, the support of such prominent citizens would cause the Bar Association to reconsider their investigation of him.

Rumors however continued to circulate which led to District Judge Merritt Mechem, who would be elected Governor of New Mexico in 1920, to write a "confidential" letter to Mr. John [Jack] Avirette, a colleague in Hillsboro, stating that he understood that

this committee has in hand nothing that should call for drastic action. I do not think that our friend is disloyal. His love of criticism leads him to make extravagant statements.¹⁸

Obviously, there were some who were able to see through the smoke screen that was being cast over Tittmann by the war-driven accusations of “German sympathizer.”

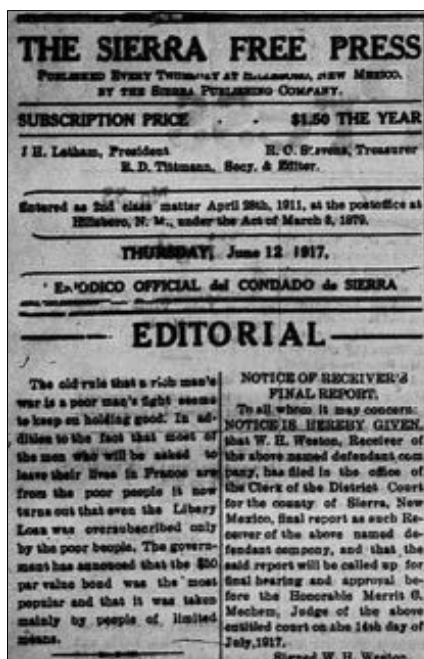
Despite the speculations about Tittmann’s loyalty, on December 18, 1917, the Governor sent a letter to Tittmann stating he had been “designated and appointed an associate member of the Legal Advisory Board for the County of Sierra. As such it will be your duty to assist registrants in properly filling out the questionnaires.”¹⁹ The letter enclosed a blank oath Tittmann was to execute and return.

As the federally appointed attorney for the Pueblo Indians, Tittmann wrote to Cato Sells, Commissioner of Indian Affairs in Washington, D.C., to indicate that he was aware that Mr. Sells’ office had made inquiries about the charges that had been made against him by the New Mexico State Bar Association. He therefore provided a full disclosure of his defense:

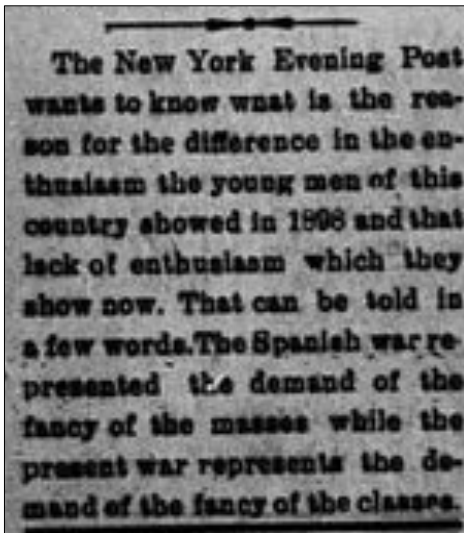
While my sympathies before the United States entered into this war were against Great Britain I have, since the declaration of war, considered it my duty to abide by the decision of the American People and that I have never done anything whatsoever to hinder, delay, or defeat the war statute and the other war work of the government of which my people have been citizens since 1840. That on the contrary I have given freely of my money and time in support of the government. ... I have endeavored to deport myself as a good, law-abiding American citizen should, and it occurs to me that a man who before our entry into the war was sympathetic with the people of his blood deserves credit and kindly encouragement in the very difficult and hard situation in which the declaration of war placed him, for naturally the average citizen might conclude that he, the man of German descent, was not to be trusted. The evidence shows that in my home community I have the same respect and confidence of the people that I had before [the declaration of war], and that only my personal enemies ascribe to me motives which they are unable to prove by anything except idle talk, against which stand out concrete examples of varied and wholly unselfish acts on my part.²⁰

Tittmann concluded by asking Sells that if there were to be any charges in his department proffered against him, he would like the opportunity to come to Washington to see Sells in person because he felt the charges against him were so unjust.

After several postponements of the Investigative Committee’s hearing, Hiram M. Dowd, president of the New Mexico Bar Association, rescheduled the hearing to be held on March 18, 1918, in Albuquerque. The primary evidence submitted to prove Tittmann disloyal were two small editorials published in the *Sierra Free Press* on June 12, 1917:



Text: The old rule that a rich man’s war is a poor man’s fight seems to keep on holding good. In addition the fact that most of the men who will be asked to leave their lives in France are from the poor people; it now turns out that even the Liberty Loan was oversubscribed only by the poor people. The Government has announced that the \$50 par value bond was the most popular and that it was taken mainly by people of limited means.



Text: The New York Evening Post wants to know what is the reason for the difference in the enthusiasm the young men of this country showed in 1898 and that lack of enthusiasm which they show now. That can be told in a few words. The Spanish war represented the demand of the fancy of the masses while the present war represents the demand of the fancy of the classes.

However, since Pierce Rodey, who was serving as investigator for the Justice Department, had read these articles and had given them a “clean bill,” Tittmann did not think they could be very damaging.

After a day of questioning Tittmann and discussing the complaint, the Committee voted 22 to 11 to remove Mr. Tittmann from membership in the Bar Association, despite the fact that he was not actually a member, as he had pointed out to them. (This vote was effectively a majority of the minority as the Bar Association had a membership of 167 lawyers.) The following day the *Albuquerque Journal* headline reported “Tittmann Dropped from Bar Association,” and in the article explained such action was taken because Mr. Tittmann was found to be “pro German” and therefore disloyal to America.²¹

However disappointed Tittmann was with the outcome of the hearing, he was pleased with the caliber of the men who had supported him: “N. B. Field, Frank W. Clancy, J. G. Fitch, Burkhart [U.S. Attorney], A. H. Hudspeth [U.S. Marshall], both Rodeys, Albert Simms, [W. A.] Keleher, A. A. Sedillo, Judge Barnes.”²² Tittmann’s thoughts about the procedure of the hearing were disclosed to a friend when he wrote that “they permitted all kinds of hearsay, disregarded their own by laws and constitution. ... If [they] had been fair, they would have included numerous editorials showing my point of view, but they only put in those that suited them. In fact, the hearing was held along the lines of French Cause Célèbre rather than that of an American trial.”²³ The rocky road of enduring accusations of disloyalty did not however deter Tittmann from continuing his political interests. He assured Walton that as a representative from Sierra County to the Democratic State Central Committee, “he was carrying on with the business of trying to garner continued support for Walton.”²⁴

Following the Bar Association hearing Mr. James Fitch, who had cast a vote in favor of Mr. Tittmann, wrote and submitted a compelling statement of how he felt the hearing had been poorly conducted and justifying his favorable vote. One action he discussed was the mishandling of the November investigation in Tittmann’s hometown of Hillsboro. First of all, he pointed out that the two men chosen to go to Hillsboro, although well respected in the legal and judicial community, had crossed swords over party differences with Tittmann in the past and were known to be his political enemies. Mr. Fitch stated that these men “went to Hillsboro prejudiced against respondent on the charges of disloyalty and pro-Germanism. They came back confirmed in their opinion and so testified on respondent’s guilt.”²⁵ However, the only person they admitted having spoken with was the County Clerk, who shortly after their visit submitted an affidavit in support of Mr. Tittmann. Mr. Fitch then queried,

Why did not the persons from whom informant (Lee), and these gentlemen obtained their information take the stand and testify as to specific facts? Not a single person from Sierra County has done this, or even expressed an unfavorable opinion of respondent by affidavit.²⁶

Furthermore Mr. Fitch pointed out:

The primary charge against Mr. Tittmann was that he is a German Sympathizer and has

attempted to obstruct the operation of our government and particularly of our State Council of Defense in its legitimate work relative to said war. But aside from the charge of being a German Sympathizer there are no specifications as to when, how, or in what manner the respondent has attempted to obstruct the operation of the Government or the State Council of Defense This Association should not attempt to affix such a serious stigma upon the professional standing of one of its members.²⁷

Mr. Fitch also called attention to the fact that,

Respondent holds a commission as a law officer of the United States Government, to-wit, attorney for the Pueblo Indians. Respondent continues to hold his office, and the conclusion is irresistible that the government, acting through its appropriate department, has found that respondent has said or done nothing that would warrant dismissal.²⁸

Mr. Fitch's conclusions as stated in his brief were:

1st: The subject matter of these charges [does] not involve professional misconduct, and therefore shouldn't be considered by this Association.

2nd: There is no evidence that respondent has, since the commencement of the war, been a German sympathizer, in any objectional or disloyal sense, or that he has, by word or act attempted to obstruct the operation of the Government or of the State Council of Defense in any of its legitimate work relative to the war.²⁹

Mr. Fitch made it very clear in his brief that the Bar Association had reached their decision without any factual testimony. But while that might be somewhat satisfying, being publicly labeled as a disloyal American must have been extremely difficult for Edward Tittmann.

But the rocky road was about to become much rockier, for on April 10, 1918, Tittmann received a letter from A. H. Hudspeth, United States Marshal (who had supported him at the Bar Association hearing), informing him that Summer Burkhart (who had also supported him at the Bar Association hearing) had presented a case to a grand jury with testimony from the two investigators and political adversaries, Holloman and Patton, and obtained an indictment in the U.S. District Court for the violation of Sec. 3, Title 1 of the Espionage Act, and had set a \$1,000 bond, which Tittmann posted the very next day.³⁰ For Burkhart to consent to bring an indictment was very surprising to Tittmann. Burkhart had even told Tittmann's attorney that he had been reluctant to prepare the indictment and would recommend its dismissal. Somehow political pressure evidently had forced Burkhart to take such action.

Tittmann could not imagine having committed a crime that would warrant being indicted by the federal government. But as the news of the indictment began to circulate, he told a friend "I think anyone who knows me must know that I have too high a sense of duty to permit me doing anything against my country." He continued, "I have not the slightest idea of the crime I stand charged with. My conscience at least is clear. *Qui vivra, verra.*"³¹ (Here he uses a French phrase literally meaning "The one who lives, will see," or as we might say, "Time will tell.")

A week later, April 16, Burkhart wrote Tittmann and said that he was planning to make a "full statement of the facts in this case to the Attorney General, and ask authority to dismiss it. I consider further prosecution of you in this behalf to be persecution. ... [You] have been sufficiently punished and that since that time by your acts you have shown your perfect loyalty."³² This indictment must have seemed a bit like a comedy of errors.

Thinking of the possible political influences that could be in play, Tittmann speculated to Walton "one reason for the persistent persecution are my relations with you and someone is endeavoring to hurt you thru me. I heard this some time ago in Albuquerque but did not believe it, but it looks like it was so. I consider the whole game one of a concerted attack on any prominent man in the party whom they can possibly attack with a view of discrediting the administration."³³

Tittmann's legal training made him realize that even though the indictment might be dismissed, if it was not, he would have to engage in a trial to prove his innocence. He turned his thoughts to

preparing his defense. He had learned that the indictment was based on the same two editorials published in the *Sierra Free Press* on June 12, 1917, that the Bar Association had used in their hearing.

And so he thought the best defense would be to prove that at the time of the publication of those articles he was not in charge of publication of the paper. He therefore prepared a sworn affidavit that stated, "When war was declared I took the precaution to turn over the final say about all publications to R. C. Stevens who was and had been strongly pro-ally, since the August days of 1914."³⁴ He felt that any claim that the publication of those editorials at that time could possibly have hurt the U.S. naval or military forces was utterly absurd, and neither of the articles could be said to have violated the Espionage Act. He also felt that since an investigator for the Department of Justice had read both of the editorials and had given them a clean bill a dismissal should be given. But he also knew, as with the Bar Association, these articles would be judged subjectively under the cloud of a war hysteria and his German heritage.

After the indictment had been publicly announced in the newspaper, Tittmann received a letter from James G. Fitch, the lawyer from Socorro who had written the comprehensive statement to the Bar Association in favor of Tittmann. Fitch told Tittmann:

If the offense charged is based on one or more of the articles before the Grievance Committee, I am willing to undertake your defense without charging you any fee. I feel that this is a duty one lawyer owes to another whom he believes to be unwarrantably attacked. I thoroughly believe it is the result of the "hysteria" which now seems to be so prevalent. ... While I was both pained and surprised to learn of the indictment against you, upon further reflection I believe that it will be a good thing for you; for if you are acquitted, as I confidently expect, it ought to be a complete vindication of the stigma which the Bar Association has attempted to put upon you.³⁵

Tittmann advised Mr. Fitch that he had heard from Mr. Burkhardt that he would recommend to the Attorney General that the indictment be dismissed.

I think anyone who knows me must know that I have too high a sense of duty to permit me doing anything against my country, and I have been at all times anxious to help the cause along as my conduct will and has shown. ... If the members of the Bar Association committee had been fair, they would have included numerous editorials showing my point of view, but they only put in those that suited them. The Grand Jury indictment was secured on the demand of the chairman of the Bar Association Committee [Hervey] to be permitted to go before the Grand Jury and of course Burkhardt could not help himself.³⁶

Tittmann further shared his feelings about how the trend of identifying those persons who simply have a German heritage as being German Sympathizers was damaging not only to the persons but also to the country. As he told Mr. Fitch,

I regret the present state of feeling because it has the inevitable effect of embittering those who suffer by it and instead of encouraging to help and keep on helping it makes them think Oh, well, what's the use; they call me a traitor anyhow. I think it is very foolish to thus put aside and repel those who, like myself, are anxious to show that whatever may have been our sympathies as between England and Germany we have only one allegiance when the United States is concerned. It is in fact the one certain way of helping the enemy, because in a war like this there can be success only if the entire people are united, and to daily offend by attempted ostracism our citizens of German extraction is merely to sow discord.³⁷

Tittmann further stated his distress, lamenting

that there should be among our profession men of so narrow and vindictive a streak of thought. If those gentlemen could have placed themselves in the difficult position, I found myself in when we declared a state of war, they would have complimented me on the good faith and

earnest endeavor which I employed to put aside prior opinions and to support my country.³⁸

Then suddenly on May 1, 1918, Tittmann received a letter from Mr. Summer Burkhart of the Department of Justice, Office of the United States Attorney for New Mexico, that the United States Attorney General had written on April 25:

In response to your communication of April 17th relating the case of Edward D. Tittmann, the Department authorizes you, under the circumstances stated by you, to dismiss the indictment.³⁹

Edward Tittmann had spent 13 months enduring public accusations of being “Pro German,” of violating the ethics of his profession, of being a disloyal American, and was indicted by the Federal Government of being in violation of the Espionage Act. This experience might well have derailed his career and damaged his life. But he knew he was a loyal American and as he had stated numerous times his conscience was clear. His use of the phrase “Qui vivra, verra” (as mentioned above) proved quite accurate. Tittmann continued practicing law, pursuing his political interests, and writing articles for various publications around the country for the next 40 years. He died in his home in Hillsboro on February 9, 1957.

At the time of Tittmann’s death, the *Sierra County Advocate*, under the headline “Courts of New Mexico Close in Tribute to E. D. Tittmann,” published an in-depth article about him and his life, disclosing that “in recognition of Mr. Tittmann and his near half-century of service in the courts of New Mexico all district courts of the state and all superior courts in Albuquerque were closed the afternoon of his funeral.”⁴⁰

QUI VIVRA, VERRA

Lynn Tittmann Mullins is the granddaughter of Edward D. and Margaret Tittmann. She was born in Raton, New Mexico and has resided in Albuquerque since 1952. She was close to her grandparents and spent many happy and memorable vacations and several summers in Hillsboro, in Casa Sal Si Puedes. She is lucky to have many of her grandfather's papers and letters, and when she discovered a small file labeled “United States vs. Edward D. Tittmann,” it led her to research the events described in the preceding article.

Notes

Images courtesy of the author unless otherwise noted. First-hand references below refer to the author’s personal files.

- 1 *Sierra Free Press*, April 12, 1917.
- 2 *Sierra County Advocate*, February 3, 1911.
- 3 *Sierra County Advocate*, October 9, 1908.
- 4 *Sierra County Advocate*, November 20, 1908.
- 5 *Sierra County Advocate*, June 3, 1910.
- 6 W. B. Walton letter to Edward Tittmann, July 17, 1917.
- 7 *Ibid.*
- 8 Edward Tittmann letter to W. B. Walton, July 26, 1917.
- 9 *Ibid.*
- 10 Resolution of the New Mexico Bar Association, September 20, 1917.
- 11 Laurence F. Lee’s written complaint made to the New Mexico Bar Association, September 29, 1917.
- 12 Edward Tittmann letter to J. M. Hervey, October 19, 1917.
- 13 *Ibid.*
- 14 *Ibid.*
- 15 Edward Tittmann letter to J. M. Hervey, November 13, 1917.
- 16 Edward Tittmann letter to J. M. Hervey, November 19, 1917.
- 17 F. M. Bojorquez affidavit, November 13, 1917. For more about Bojorquez, see Karl Laumbach, “Francisco Bojorquez: Sierra County’s Legendary Sheriff,” *GZP* 16/4 (November 2023).
- 18 Merritt C. Mechem letter to John Avirette, December 8, 1917.
- 19 Washington Lindsey, Governor of New Mexico, letter to Edward Tittmann, December 28, 1917 (signed by R. C. Ree).
- 20 Edward Tittmann letter to Cato Sells, Commissioner of Indian Affairs, January 6, 1918.
- 21 *Albuquerque Journal*, March 19, 1918.
- 22 Edward Tittmann letter to W. B. Walton, April 1, 1918.
- 23 Edward Tittmann letter to James G. Fitch, April 18, 1918.
- 24 Edward Tittmann letter to W. B. Walton, April 1, 1918.

- 25 James G. Fitch, supporting brief submitted to Hiram M. Dow, President of the New Mexico Bar Association, following the hearing held on March 18, 1918.
- 26 Ibid.
- 27 Ibid.
- 28 Ibid.
- 29 Ibid.
- 30 A. H. Hudspeth, U.S. Marshal, letter to Edward Tittmann, April 10, 1918.
- 31 Edward Tittmann letter to Lonerger, April 14, 1918.
- 32 Summer Burkhart letter to Edward Tittmann, April 16, 1918.
- 33 Edward Tittmann letter to W. B. Walton, April 14, 1918.
- 34 Edward Tittmann's affidavit, April 16, 1918.
- 35 James G. Fitch letter to Edward Tittmann, April 15, 1918.
- 36 Edward Tittmann letter to James G. Fitch, April 18, 1918.
- 37 Ibid.
- 38 Ibid.
- 39 Dismissal of United States vs. Edward D. Tittmann from United States Attorney General, April 25, 1918.
- 40 *Sierra County Advocate*, February 15, 1957.

Black Range Museum Bookshelf Notes January 2025

By Kathleen Blair

Greetings to all from the Black Range Museum Bookshelf! In our Gift Shop we carry about 100 titles to offer an interesting selection to feed your curiosity. We emphasize books relevant to the Hillsboro Historical Society's mission statement and topics developed in our museum displays. Local authors are also featured. We have many titles on the people and events that have impacted our region of the Southwest including Native Americans, mining, ranching, local community development, significant places, and historical events, as well as natural history. We also keep books on more current activities such as hiking and camping, field guides, a children's section, our giftshop artist skills, and a few Southwestern classics and fiction just for a good, thoughtful read. In these periodic notes, I try to keep abreast as new titles are acquired and favorites revisited. Just a note—in order to keep prices down and books out of landfills, many of the books we offer are used, though still in good condition.

Villista Prisoners of 1916-1917. J. W. Hurst (2000). When Pancho Villa and 484 men raided Columbus, New Mexico in 1916, Black Jack Pershing was sent after them in a Punitive Raid. The reasons for the raid have been long debated and the fates of those captured have been obscure, though many were executed or sent to the State Penitentiary in Santa Fe. This book brings their stories back into history.

Sierra County. C. Carpenter and S. Fletcher (2018). A concise history of Sierra County from the Native Americans, to its political origins in 1884 (with Hillsboro the first county seat), to the focus on mining and ranching, up through the development of Truth or Consequences, Elephant Butte and Caballo damsites, the Carrie Tingly Hospital, and the New Mexico State Veterans Home. Lots of photos and interesting details!

Rock Art Symbols of the Greater Southwest. A. Patterson (1992). The Southwest is amazing for its diversity and concentration of rock art. This extensively researched book is a well-organized and illustrated compilation of sites and interpretations. Great to have as you visit, hike, and explore.

Camping New Mexico. M. Crow (2015). Latest edition of the Falcon Guide to public tenting and RV campgrounds in our state. Gives good details as to maps, driving directions and GPS, facilities at each site, fees, recreational opportunities in the area, and tips.

Hunting Grizzlies, Black Bear and Lions "Big-Time" on the Old Ranches. W. F. Evans (1950). Tales of big game hunts in the Davis Mountains of West Texas and the Gila region of New Mexico. Memoirs of the Evans family between 1880 to 1920s including the only account known of the grizzly bear in Texas.

Mystery Solved in the Saga of the Mountain Pride

By Steve Dobrott



The Mountain Pride inside the Lincoln County Courthouse Museum. Note the doorway on the right that was modified to move the coach inside. Photos Steve Dobrott.

The question of how the Mountain Pride stagecoach (which ran from Lake Valley through Hillsboro to Kingston) *got inside* the Lincoln County Courthouse has finally been solved. The story of how the famous Concord Coach *got to* Lincoln is already well documented (see “The Story of the Mountain Pride: A Case for Acquisition,” *GZP* 15/1 [Feb. 2022]). Why it is on exhibit in Lincoln is likely a matter of practicality and foresight by the History Museum of New Mexico. The Museum, owner of the coach, presumably had no other place to put it in 1982 and therefore transferred it from the Palace of the Governors where it had been on display outdoors since the wife of Governor Arthur Seligman donated it after his passing in 1935. The wagon was deteriorating and in need of a suitable place inside a building. Someone must have asked, why not ship it to Lincoln?

The question remains, however, how did they get the Mountain Pride into the historic courthouse? The double doorway is 48 inches wide, and the body of the coach is 54 inches. It has always been surmised that the coach was disassembled in order to get it through the doorway, but there seems to be no official record of how they did it, or who approved it. How did they gain the 6 more inches needed? The “they” referred to here is likely the New Mexico Department of Cultural Affairs (DCA) and more precisely, its Division of Historic Sites that administers the Lincoln Historic Site in partnership with the History Museum.

At the time of the transfer, it seems that there were fewer protections afforded to the historic Courthouse than there would be now, given that it is on both the state and federal registers of historic buildings. The Historic Preservation Division surely was aware of the dismantling of the doorway in order to get the coach inside. Harley Shaw relates the following in his article, “How the Mountain Pride got to Lincoln”:

I emailed Gary Cozzens, Manager of the Lincoln Historic site. His reply: “From what I have been able to find out, the stage was brought to Lincoln from the Palace of the Governors in Santa Fe sometime in 1981 or ’82. While in Santa Fe it sat outside and was weathered. The Palace became concerned about the state of the stagecoach and decided it could be better protected in the courthouse in Lincoln. When it arrived, in order to put the stagecoach in the old Courthouse, the doors were taken off the building and the stage was partially taken apart and then reassembled in the building. Then in 2009 when the New Mexico History Museum opened in Santa Fe, the Museum of New Mexico tried to take it back to Santa Fe. Since they could not get the stagecoach out of the building, it still sits in Lincoln. Things are different now than they were in 1981 and with current historical preservation laws, the doors of the Courthouse will not be removed again in order to take the stagecoach out of the building. However, if the stagecoach were to be removed, I suspect the Museum of New Mexico would like it back before it is returned to Hillsboro” (*GZP* 8/3 [August 2015]).

On December 4th, 2024, the question of how the move inside was done was resolved when Steve Dobrott, President of the Hillsboro Historical Society (HHS) and Sierra County contractor Rand Berger were given permission by the Facilities Management Division (DCA) to conduct “a limited exploratory dismantling of the outside trim boards of the entrance.” Their finding was that behind the

wooden door trim and doorway there was clear evidence that the adobe walls had been shaved and “notched” to the exact width and height of the coach body of 54” by 60”. It was also clear that the coach had been disassembled to the least amount of width possible by removing the wheels and under carriage of the wagon in order to slide it inside where it was reassembled, corroborating Gary Cozzens’ recollections. The doorway was then rebuilt to match its previous look and function. It was also evident that the alteration was done with more recent construction materials compared to those of the original second doorway just to the north of the main entrance. It had been rumored that a “notch” was made in the walls in 1982, and according to museum docent Scott Smith in a communication with Dobrott, when the doorway was opened, then Site Manager Jack Rigney had to sleep overnight inside the museum until the building was again secure. The “notch” had been confirmed!



Site Manager Oliver Horn and Rand Berger examine the “notch” in Courthouse doorway made to accommodate the Mountain Pride in 1982.

So, the mystery has been solved and we now know that the coach can be moved in or out of the building with a minimum of disturbance to the historic adobe walls of the building. It has already been done! All that it would take to remove the coach is to reverse the process and carefully disassemble and rebuild the doorway—a doorway that has previously been altered from its original state. The coach would have to be taken apart just as it was when it first arrived in Lincoln 42 years ago.

But what about the new regulations concerning historic buildings? The “bone of contention” is the action necessary to dismantle the doorway of the historic building. The project is currently being reviewed by the Facility Management Bureau and the Historic Preservation Division. Upon these approvals, including the Cabinet Secretary of DCA, the final decision to transfer the coach to Hillsboro will be up to the Board of Regents who must release the coach from the History Museum’s permanent collection.

HHS is working with DCA and the New Mexico History Museum to acquire the Mountain Pride for the Black Range Museum (BRM) in Hillsboro where the wagon once rolled 109 years ago until it came off the line and was purchased by Governor Seligman from Fred Mister in 1916. BRM/HHS has recently built a new “Coach House” for the stagecoach (see President’s Message, page 2). Now we are hoping to get her back to Hillsboro in the near future. Meanwhile, her saga rolls on and we now have confirmed how she made it to the first floor of the Lincoln County Courthouse in Lincoln, New Mexico.

Thanks to the decision to transfer the coach to Lincoln in 1981-82, and the initial alteration to the doorway of the Courthouse, the 135-year-old wagon still exists today. Meanwhile, HHS will strive to obtain the Mountain Pride to be exhibited at the Black Range Museum in Hillsboro, where it belongs.

Since 2019, Dobrott has made multiple trips to Lincoln and has communicated with several DCA officials, as well as the current Governor of New Mexico, in the effort to return the Mountain Pride to Sierra County.



A wooden model stagecoach found on the streets of Hillsboro by the author, who then labeled it the “Mountain Pride” and placed it in the Black Range Museum.

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The mission of the Hillsboro Historical Society is to preserve, collect, and protect the history of Hillsboro, Kingston, and the surrounding area.

HHS is a member of the Historical Society of New Mexico, and recipient of its Edgar Lee Hewett Award (2021) for outstanding service to the people of New Mexico.

We are an all-volunteer, non-profit 501(c)(3) organization. All donations are tax deductible.

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Editor's Note

This issue's lead story is a timely piece, being a reminder of the danger that lies in making false accusations. Lynn Mullins did us all a great favor by sharing the story embedded in her family files of how her grandfather, Edward Tittmann, was wrongfully charged with a lack of patriotism, merely because of his foreign roots, and of the personal consequences of it.

On September 20, 1910, the *Santa Fe New Mexican* carried a profile of Tittmann under the banner, "Constitution Makers" (because of his status as a delegate to the State Convention). It opened with the words: "Fearlessness, aggressiveness and candor—these are the striking characteristics of Edward D'Oench Tittmann." The profile emphasized how he had made a name for himself by holding to the values of competency, truth and integrity, both professionally and politically. We should be proud to count him among the cast of characters who have called Hillsboro home.

The name the Tittmanns gave to their house in Hillsboro, "Casa Sal Si Puedes," is also thought-provoking. It has both the connotation, "You'll be so beguiled you will never want to leave," and at the same time, "You'll be so entrapped you will never be able to leave." Perhaps something of that double meaning affects all of us who live in "The Land of Enchantment."

Finally, this issue celebrates a real milestone in the evolution of the Hillsboro Historical Society: the completion of the new Coach House, poised to welcome home the long-exiled Mountain Pride stagecoach. It's quite an impressive addition to the community!

—Joe Britton

April 4 is the deadline for submission of paper proposals for the Historical Society of New Mexico annual history conference, to be held September 25-27, 2025 in Las Cruces:
<https://hsm.org/history-conference/>

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