

In 1970, President Nixon appointed Edwin Leard Mechem as a United States District Judge for the District of New Mexico, a position he held and in which he actively worked until his death in 2002. Thirty-two years as a trial court judge is an exceptionally long tenure. When considered with his earlier activities and governmental positions, it is truly amazing. Judge Mechem served as a special agent for the Federal Bureau of Investigation before the beginning of a long, illustrious political career. He was elected to the New Mexico House of Representatives in 1947. Next, he was four times elected governor of the State of New Mexico. In 1963, he returned to the legislative branch of government serving in the Congress as United States Senator from New Mexico.

Interestingly, Judge Mechem was born in Las Cruces, New Mexico in 1912, the year New Mexico became a state in the union. In the first ninety years of statehood, Judge Mechem probably was the most dominant, respected and important figure in the state's history.

Throughout his service in the legislative and executive branches of government, and his thirty-two years as a judge, people used either of two nicknames in referring to Judge Mechem: "Big Ed" or "Honest Ed." Although he was a humble, unpretentious man, he was of large physical stature and walked or sat upright projecting a majestic figure. This once prompted a defendant in his Court to address him not in the typical manner, as "Your Honor," but instead, as "Your Majesty." He was considered by all to be a judge of great integrity. Judge Mechem was rather taciturn in public settings even though he was a very popular politician as demonstrated by his election to the various offices in which he served. This attribute, as well as his integrity, is reflected in a well-known story about an incident that occurred while he was serving as governor of New Mexico. After the legislature had recessed for a weekend, an aggressive lobbyist accosted Governor Mechem in Santa Fe and this conversation ensued:

“Are you going back to Las Cruces for the weekend, Governor?”

“Yep.”

“Well, I’d like to give you a little bottle to take with you.”

“Nope.”

“Look, Governor, there is nothing wrong with this, it’s just a token of friendship.”

“Nope.”

“Governor, please don’t think I’m trying to influence your vote on anything, this is just a gesture of good will.”

“Nope.”

After a few more entreaties by the lobbyist and more replies of “nope,” the conversation ended.

Judge Mechem had a reputation for often ruling in favor of the Native American tribes and pueblos in New Mexico on issues of tribal sovereignty and other matters affecting tribal self-governance. In a case that troubled him because it involved obvious sex discrimination by a pueblo, Judge Mechem deferred to tribal sovereignty. Julia Martinez and her daughter Audrey brought a class action against the Santa Clara Pueblo and its Governor under the Indian Civil Rights Act Equal Protection clause. They claimed that the Pueblo ordinance which denied Pueblo membership to the children of women (but not men) who marry non-members of the Pueblo violates that clause. Judge Mechem recognized the discriminatory effect of the Ordinance and acknowledged that Julia Martinez had sought relief from the Tribe, the State and the federal government to no avail. Judge Mechem first decided that he had jurisdiction to decide the case on the merits. Noting that the equal protection guarantee of the Indian Civil Rights Act was not identical to the federal constitutional guarantees of equal protection, he held

in favor of the Pueblo on the merits. His decision was driven by his notions of tribal sovereignty: “If those words have any meaning at all, they must mean that a tribe can make and enforce its decisions without regard to whether an external authority considers those decisions wise. To abrogate tribal decisions, particularly in the delicate area of membership for whatever “good” reasons, is to destroy cultural identity under the guise of saving it. Congress has not indicated that they intended the Indian Civil Rights Act to be interpreted in such a manner.” The Tenth Circuit agreed that the federal courts had jurisdiction to hear a claim based on the Indian Civil Rights Act and held that ICRA had abrogated the Pueblo’s immunity from suit. It went on, however, to reverse on the merits of the ICRA equal protection claim. The United States Supreme Court held that the Pueblo had sovereign immunity from suit under ICRA but that the Governor could be sued for injunctive relief. The Supreme Court, however, reversed the judgment finding that Congress did not intend to provide a private right of action and that tribal courts were more competent to evaluate tribal laws than the federal courts. **Santa Clara Pueblo v. Martinez**, 402 F. Supp. 5 (D.N.M. 1975), 540 F. 2d 1039 (10th Cir. 1976), 436 U.S. 49 (1978).

During an oral history interview, Judge Mechem recalled being disturbed by the case which involved sex discrimination without any question. But in his view you couldn’t get around the sovereignty of the Pueblo. (Transcript of Oral History, Judge Edwin L. Mechem, interviewed by Maureen Sanders & G. Emlen Hall, August 27, 1997, at 20-23).

Judge Mechem came to the bench from the political world of legislators, governors and United States senators. When John Anderson tried to register as an Independent candidate to run for President of the United States after dropping out of the Republican primary where his opponents were Ronald Reagan and George H. W. Bush, Judge Mechem’s initial approach was that no one should have “two bites at the apple”. Ultimately, however, he granted summary

judgment to John Anderson and enjoined the Secretary of State from refusing to accept his declaration of candidacy and nominating petitions. The central issue was deadline requirements. Judge Mechem determined that the Secretary of State had failed to show a compelling interest to justify the different deadline requirements which discriminated against independent presidential candidates as distinguished from partisan candidates and thereby violated the First and Fourteenth Amendments of the United States Constitution. **Anderson v. Hooper**, 498 F. Supp. 905 (1980)

Judge Mechem had a fairly early and very complex case in the history of age discrimination cases. Several cases were started in 1975 against Sandia Corporation in which the Plaintiffs and the EEOC complained that Sandia had acted in a manner which discriminated against the older workers in a 1973 reduction of force process occasioned by a cutback in federal funding of Sandia's operations. The Judge used a rather unique procedure in handling the case. The trial was separated into two stages. The first stage, which was commonly referred to as the "liability" phase ended with an opinion that the plaintiffs ranging in ages between 52 and 64 had established a prima facie case of illegal age discrimination. At the second stage, the "remedial" phase, Sandia had the burden of presenting evidence to overcome the prima facie case and the plaintiffs then went forward with the burden of showing that the reasons articulated by Sandia for their individual selection for termination were pretexts for unlawful discrimination. This second phase was done as individual cases in groups of 10 to 20 employees over the span of several years. Dozens of engineers and management personnel testified. Judge Mechem determined the damages incurred by each individual in those cases where the plaintiff successfully sustained his burden and generally awarded double damages based on a finding of Sandia's willfulness. The Tenth Circuit generally upheld Judge Mechem's rulings in the case.

Judge Mechem had a wonderful sense of humor shown by hilarious, pithy comments and his unique chuckle laugh that was much like a Santa Clausian “ho, ho, ho.” Many have tried to imitate it; only his colleague Judge John E. Conway has come close, but even he could not replicate that special laugh. As another reflection of his humor, and to remind himself that he needed to be patient while listening to boring, droning arguments by lawyers, Judge Mechem kept on his bench, immediately in front of his chair, a photograph of a road sign in a remote area of southwestern New Mexico that reads: “Gut Ache Mesa.”

His colleagues on the bench and friends and lawyers frequently asked Judge Mechem, when he was in his late eighties, why he continued coming to Court daily. His response was: “I can come to Court and issue orders or I can stay home and take orders.” Although during the last year of his life he was unable to come to the courthouse as regularly as he had over the years, he continued working on his cases at home at his kitchen table which was piled with briefs that he read daily.