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One of Twelve: The Nevada Impeachment Connection

ELEANORE BUSHNELL

WHEN RICHARD NIXON'S UNIQUE (one may hope) concept of the theory and practice of presidential power brought disarray to the nation, Congress and many citizens found themselves forced to learn something about the mechanism of impeachment.* This device, designed to safeguard the nation from corrupt or malperforming officeholders who abuse the public trust, had not been employed at the federal level since 1936. It exists as the sole method by which a defective president, or a defective federal jurist, may be dislodged from office. At the last minute, President Nixon chose to resign, and he thereby evaded impeachment, trial, and a conviction that looked certain even to most of his supporters. Thus was lost the opportunity to see the charges levied against Mr. Nixon tested by the law and to observe the operation of the impeachment process.

Impeachment of a federal official has occurred only twelve times in the nation's history; nine of these experiences concerned federal judges. Of course, we have had many more than twelve malperforming officers. The bulk of the suspect or accused officials have chosen the Nixon route: they have resigned one step ahead of impeachment (and have escaped the notoriety of trials); and in this way they have preserved their pensions, and avoided the shame of public dismissal should they have been found guilty. Therefore, the instances in which the House of Representatives has impeached and the Senate has tried national officials believed to have conducted themselves improperly have been few, far fewer than the number of known malefactors.

One impeached official who chose to meet his accusers in open court was Harold Louderback, a 1905 graduate of the University of Nevada, Reno and subject of the eleventh impeachment and trial in United States history.

Louderback, born in San Francisco in 1881, came to Reno to attend college because he was severely afflicted with asthma and hoped that the dry climate might improve his condition. He lived with his brother

George, a professor of geology at the University of Nevada, who later joined the University of California faculty and subsequently became dean of the College of Letters and Sciences.

The 1905 student yearbook, *Artemesia*, lists Harold Louderback's extra-curricular activities as forensics and football. He married Harriet Colyer of Reno in 1904. Following graduation he went to Harvard Law School; after receiving his law degree and being admitted to the bar, he established his practice in San Francisco. He later served as a superior court judge in the city and county of San Francisco (1921-1928); he was first elected for a six-year term in 1920, and then was reelected in 1926. Louderback did not complete his second term because in 1928 his fellow-Republican, President Calvin Coolidge, appointed him as a United States district judge for the northern district of California.[1]

Harold Louderback ran afoul of the impeachment procedure in May 1932 when the Bar Association of San Francisco asked the Judiciary Committee of the House of Representatives to inquire into negative allegations in the press concerning Judge Louderback's receivership appointments and the purportedly excessive fees that he allowed receivers and their attorneys.

During a depression, particularly one that proved so deep and long-lasting as the one precipitated by the stock market crash of 1929, receiverships are more plentiful because of the number of failing businesses, and more sought after. Some judges did appoint friends to these "plums," as Judge Louderback allegedly called them,[2] and some failing businesses could not be revived because of mismanagement by unqualified receivers. Judges sometimes awarded receivers and their attorneys high fees for very little work. Whether Judge Louderback's receivership dealings fitted any of these descriptions remained to be proved.

Soon after its receipt of the San Francisco Bar Association's request for an examination of Louderback's conduct, the House of Representatives authorized its Judiciary Committee to proceed with such an inquiry. After several months of investigation and hearings, a subcommittee of the House Judiciary Committee recommended the judge's impeachment. One bizarre aspect of his experience, and one unique to his case, concerned the action of the Judiciary Committee following its subcommittee's report. It rejected the recommendation and decided against impeachment, but announced that

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[1] *Who's Who in America, 1932-1933* (Chicago: The A.N. Marquis Co., 1934), V. 17, p. 1449.

[2] *Proceedings of the United States Senate in the Trial of Impeachment of Harold Louderback, United States District Judge for the Northern District of California.* 72d Congress, 2d sess.: 73rd Congress, 1st sess. (Washington, Government Printing Office, 1933), pp. 171, 195. Hereafter cited as *Trial.*

The committee censures the judge for conduct prejudicial to the dignity of the judiciary in appointing incompetent receivers, for the method of selecting receivers, for allowing fees that seem excessive, and for a high degree of indifference to the interests of litigants in receiverships.[3]

Such a proposed censure has no constitutional or legal justification; if adopted, it could have had no consequences except possible fleeting embarrassment to Judge Louderback. It remains inexplicable why a committee would decline to impeach a judge who had performed as the censure claimed. Equally unusual, the Judiciary Committee agreed to let the minority who favored impeachment bring their report before the House of Representatives along with the majority report advising against impeachment.

Then followed another historic first: the House of Representatives went against the decision of its Judiciary Committee and adopted the minority report. On February 24, 1933 the House approved the impeachment of Louderback by a vote of 184 to 142, charging him with abuse of office, favoritism in awarding receiverships, granting disproportionately high fees to receivers and their attorneys, and establishing a false residence.[4] The 142 congressmen who voted against the measure included 38 Democrats and 104 Republicans—a decidedly partisan vote, one which reflected Republican hopes of vindicating Louderback.

One of the 142 House members who opposed the impeachment was Nevada's lone congressman, Samuel S. Arentz, a mining engineer and rancher from Lyon County; Arentz, a Republican, served ten years in the House (1921-1923, 1925-1933). Whether his vote reflects a partisan bias for a brother Republican, a parochial affection for a one-time Nevadan, or a belief that the allegations against Louderback did not warrant impeachment, cannot be documented. Certainly partisanship had been a hallmark of earlier impeachments, often flagrantly so, but the case against Louderback seemed weak, and Arentz may well have doubted both the validity and significance of the charges brought against the judge.

Before summarizing the investigation and ensuing trial of Judge Louderback, a brief note will be made concerning the mechanics of impeachment. The United States Constitution provides the House of Representatives with the sole power to bring charges against the President, Vice President, and civil officers for treason, bribery, or other high crimes and misdemeanors.[5] The Senate is empowered to hear and

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[3] *Congressional Record*, 72nd Congress, 2nd sess., V. 76, Pt. 5, p. 4922.

[4] Ibid., p. 4925.

[5] Article 1, sec. 2, subsec. 5; article 2, sec. 4.

adjudicate the charges, to remove the official from office upon a two-thirds vote, and to disqualify him from further national office if it so chooses.[6] Treason and bribery are offenses readily understood, legally defined, and subject to proof or disproof. But the definition of "high crimes and misdemeanors" remains unsettled to this day. Its meaning has been argued extensively in nearly all of the federal impeachment trials without any firmly accepted agreement as to its scope. The more convincing opinion holds that criminal conduct need not be demonstrated to find an officeholder guilty.

Yet another constitutional prescription haunting the nine impeachments of judges concerns the stipulation that federal jurists hold their offices during "good behavior".[7] Because they have life appointments, judges stand in a category different from federal officers having fixed tenure. A defective judge can be removed only by the cumbersome impeachment process, not by expiration of term and not be deviating from "good behavior," a phrase Congress unfortunately has failed to define. References to violations of a standard of good judicial behavior had occurred in earlier impeachment trials and appeared frequently in the trial of Judge Louderback. But because Congress has never set down what the term means (least of all, having defined it, established that violating it constitutes a high crime and misdemeanor), Louderback could not have been found guilty under the "good behavior" requirement. Charges that he had performed in a fashion not in harmony with a standard that had never been made explicit could hardly cause his (or any other judge's) conviction.

Thus, the complaints against Louderback were grouped under the "high crimes and misdemeanors" category. The House of Representatives presented to the Senate five articles of impeachment concerning conduct of his that allegedly fell within that category. The main focus of the articles concerned charges he had displayed favoritism in appointing receivers and granting them exorbitant fees, assertions that certain of his appointees lacked experience and competence, and a claim that he had pretended to reside in his brother's home in Contra Costa County (across the bay from San Francisco) when, in truth, he lived at the Fairmont Hotel in San Francisco (although his name did not appear on the hotel register).

The first article of impeachment contained the fictitious residency charge and an allegation that Louderback had improperly dismissed a receiver. The ousted receivership matter, and the other charges relating

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[6] Article 1, sec. 3, subsecs. 6, 7.

[7] Article 3, sec. 1.

to receivers and their fees, consumed the bulk of the time during the trial before the Senate, which covered a period of ten days, May 15 to 24, 1933; but the most lively aspect of the case had to do with Louderback's place of residence.

Respecting the dismissed receiver, the managers (the term used for congressmen who serve as prosecutors in an impeachment trial) sought to prove that the judge had tyrannically discharged a receiver because the latter refused to engage an attorney preferred by Louderback. Both the creditors and the failing business, a stock brokerage firm, had agreed on the receiver, and Judge Louderback had appointed him on their request. But the receiver, himself an auditor for both the distressed brokerage house and the San Francisco Stock Exchange, had insisted on appointing his attorney from a firm employed by the stock exchange. Louderback, fearing a potential conflict of interest if all parties involved in rescuing the failing business had connections with the stock exchange, requested the receiver to select a lawyer who had no professional involvement with the exchange. When the receiver refused, Louderback discharged him. By doing this he had offended the dismissed receiver, the attorneys who wished to be appointed to advise him, and the stock exchange. The problems engendered by the failing stock brokerage house probably initiated the process that brought Louderback to the bar of the Senate three years after the event.

The managers could not show any impropriety or corrupt motives in Louderback's dismissal, nor could they deny that judges were empowered to appoint both the receivers and the latter's attorneys. Louderback had done nothing unusual and nothing wrong, but he had apparently aroused the implacable antagonism of several powerful people.

The other charge contained in the first article, concerning Louderback's residency, proved insignificant, but it did reveal interesting human aspects of an otherwise tedious trial. Louderback had been experiencing serious marital problems, and had moved out of his home. A friend, W.S. Leake, rented a room for him at the Fairmont Hotel using his own name, a room for which the judge paid Leake. The reason for this concealment arose from the judge's desire to avoid the notoriety that would be caused should his difficulties become public knowledge.

Several months after he moved to the Fairmont Hotel, Louderback concluded that the rift in his marrage would not be healed; he then moved to his brother's residence, and left some of his possessions in the Fairmont to use when he stayed in San Francisco. He became a registered voter in Contra Costa County. The prosecution argued that the real reason for the "fictitious" move to his brother's home was to

ensure that the impending divorce suit would be filed in Louderback's county of legal residence and not in San Francisco, where he actually lived. Louderback gave credence to this argument when testifying during his trial. He acknowledged that were he to be sued for divorce, he preferred to be sued in Contra Costa County because the

> publicity in Martinez, a little town of that county, would not be commensurate with the publicity which you would get in a city like San Francisco for one occupying my position. [But I have not] made this change and established my home primarily and solely with this in view.[8]

George D. Louderback, testifying in his brother's behalf, reported that the latter had voted five times in Contra Costa County, and said that he had established a room in his home for his brother's exclusive use. But he admitted the judge had slept in his residence only four times during the preceding three years because either house plants or the family cat precipitated the severe asthma attacks that plagued the judge throughout his life.

Thus, evidence at the trial clearly showed that (1) Harold Louderback lived at the Fairmont Hotel; (2) his friend Leake rented a room in his own name which Louderback occupied; and (3) the judge had moved to the Fairmont without registering there in order to avoid undesired publicity concerning the failure of his marriage. Asserted but not proved were allegations that he had become a registered voter through the use of his brother's residence solely to force the expected divorce action by his wife to be brought against him in Contra Costa County, not in San Francisco, and that he had never intended to live at his brother's.

Congressman Hatton W. Summers, one of the House managers, when summing up the prosecution's case at the end of the trial, scoffed at Louderback's explanations of the residency matter. He reported the great difficulty the Judiciary Committee members investigating the charges of misconduct against the judge had had in finding out where he actually resided. As Summers put it: "And when we finally found where he lived, he was living under the cover of Sam Leake. . . . Think of any decent self-respecting man living for 3 years in an American hotel registered under the name of another man!"[9] Summers displayed withering disdain respecting the judge's inability to dwell with his brother, and averred that Louderback could not live in Contra Costa County because "they had a cat in his brother's house, and he and the

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[8] *Trial*, p. 738.

[9] Ibid., p. 816.

cat could not live at the same place, so evidently it was decided that the cat should stay and the judge should go. [Laughter.][10]

Despite the innuendos contained in Congressman Summers' remarks, neither he nor his fellow-managers provided any evidence of explicit misconduct by Louderback. He obviously did not live at his brother's home; he probably did pretend to live there to prevent being sued for divorce in San Francisco;[11] and he did actually reside at the Fairmont Hotel without being registered there. However, none of these facts could place Louderback within the scope of the constitutional prescription of treason, bribery, or other high crimes and misdemeanors that would make him a proper target for impeachment.

With respect to the substantive charges concerning receiverships and excessive fees, the case against the judge proved equally unsubstantial and unconvincing. Incompetence of any of the receivers appointed by him went unproved; the fees he allowed were shown to be not only reasonable but to have been agreed upon by the attorneys for the failing companies; and no evidence was adduced of any loss of revenue to any of the companies concerned through ineptness or venality of the receivers.

At the conclusion of the trial, the Senate voted on the five articles of impeachment. On article one (the dismissed receiver and false residency charges), the vote was forty-two not guilty and thirty-four guilty. The other three specific articles fared no better from the managers' point of view: Louderback was found not guilty by the Senate on each one. Only on the last article, a conglomeration of all the preceding allegations, did the prosecution attain a majority: forty-five voted guilty, and thirty-four not guilty, but the total was not even close to the two-thirds necessary for conviction.

Democrat Patrick A. McCarran, a United States Senator from Nevada, and before that a state supreme court justice and member of the Nevada assembly, may have reflected his party's position in his vote. He found Louderback guilty on three of the five charges brought against him, charges that, based on the trial record, appeared insubstantial or unproved. Nevada's other senator, Key Pittman, was also a Democrat. He did not vote at the conclusion of the Louderback trial. Appointed by President Franklin D. Roosevelt to be a delegate to the London

[10] Ibid., p. 817.

[11] Mrs. Louderback did not proceed with the divorce. Rumors of domestic problems had, however, become public knowledge before her husband's trial. The judge went alone on a six-week trip to Japan. Questioned by reporters at that time (May 1931), Mrs. Louderback said she had no intention of divorcing "the husband I have helped all the way through life, the husband to whom I have been married twenty-seven years." *San Francisco Chronicle*, May 13, 1931, p. 4. She died in July 1940 after a long illness. In May 1941 Judge Louderback married Mrs. Pauline Eckman Graham in Reno. *Nevada State Journal*, December 12, 1941, p.2.

Conference on monetary and economic policy, he asked to be excused from voting because his preparations for the conference had required him to be absent from the trial.

California's senators, Republican Hiram Johnson and Democrat William Gibbs McAdoo, responded in different ways: Johnson asked to be excused from recording his position,[12] a request granted by the Senate, and McAdoo voted Louderback guilty. Thus, both of the Democratic senators, McCarran and McAdoo, who represented the states in which the accused had lived and had family connections, voted guilty; but perhaps these votes can be attributed to partisanship.

Although he was not supported by the senators from the two states in which he had resided, Louderback was found not guilty by a majority of the Senate. Why, then, with such a flimsy case, did the House of Representatives spend thousands of taxpayers' dollars and months of its and the Senate's time in the pursuit of a judge whose official conduct showed such slight evidence of malperformance?

The only imaginable answer is that Judge Louderback had offended some powerful individuals. It will be remembered that one of the charges leveled against him concerned his dismissal of a receiver, Addison G. Strong. The judge had appointed Strong to the receivership at the request of the creditors and of the company involved. Strong, who served as auditor for both the failing company, a brokerage firm, and for the San Francisco Stock Exchange, had been explicitly told by Louderback that he could not appoint as his attorney anyone who represented the stock exchange.

In defiance of the judge's instruction, however, Strong insisted that he must have as his counsel a member of the law firm of Heller, Ehrmann, White and McAuliffe, a firm that served as attorneys for the stock exchange. Louderback believed that because the stock exchange was a client of Strong's auditing firm, allowing the receiver to hire a lawyer who also acted for the exchange would be "too much of the same family. It is too close a proposition."[13] Furthermore, he noted that he "was not prepared to have the stock exchange substitute its judgment for mine in the selection of the officials of the court."[14]

When Strong persisted in his effort to have the Heller firm appointed, Louderback fired him, thus depriving Strong and the legal firm he proposed to employ of the expected large fees they would have earned had they been permitted to act in the matter.

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[12] Johnson had opposed Louderback's appointment to the federal bench (*San Francisco Chronicle*, March 22, 1928, p.4), and probably thought his objectivity might be doubted should he sit in judgment of Louderback in the Senate trial.

[13] *Trial.*, p. 204.

[14] Ibid., p. 741.

F.M. McAuliffe, a partner in the law office rejected by Louderback, was vice president of the San Francisco Bar Association at the time it initiated the proceedings against Louderback. The evidence sketched above, although circumstantial, helps to support the conclusion that a powerful law firm and the San Francisco Stock Exchange had been offended by the judge's unwillingness to follow their lead, and therefore had taken steps designed to punish him.

Judge Louderback was of course empowered to appoint both a receiver and the receiver's counsel; and he acted entirely within his authority in dismissing Strong. His refusal to succumb to pressure resulted in influential forces arraying themselves against him, thus bringing about his impeachment.

James M. Hanley, one of Louderback's lawyers in the trial, pointed directly to the heart of the matter as he saw it. He argued that the accused's removal of the intransigent receiver had divorced management of the affairs of the failing brokerage firm "from the hands of the stock exchange of San Francisco. [The influence of the exchange] was such that he is now being here tried upon articles of impeachment."[15]

Walter H. Linforth, who delivered the final argument for the defense, also sought to direct attention to the motivating forces behind the judge's impeachment. He asked the Senate to consider "Who is at the bottom of these charges?" He supplied the answer when he asserted: "Four disgruntled attorneys, who, in my humble judgment have misled the managers in this proceeding."[16] These attorneys belonged to the firm that the receiver dismissed by Judge Louderback had wished to have serve as his counsel. Their hostility to the judge, according to Linforth, arose from his refusal to accept them as the receiver's attorneys.

Senator Josiah W. Bailey, a Democrat from North Carolina, in a statement filed following the trial,[17] noted that Judge Louderback had met every charge frankly and convincingly. He observed that the main witnesses against Harold Louderback had shown bias and had been "the victims of [Louderback's] just conduct of which they should not have complained."[18] Senator Bailey pointed out that the judge's dismissal of the receiver had been proper and plainly within his authority, but had become "the root of this proceeding. . . . The complaint is. . . that the [dismissed] receiver and his attorneys did not get the fees. . . . It is unnecessary to say that a removed receiver is a very questionable witness in such a matter."[19]

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[15] Ibid., p. 96.
[16] Ibid., p. 797.
[17] Ibid., pp. 837-40.
[18] Ibid., p. 838.
[19] Ibid., p. 839.

The senator further asserted that "Judges ought not to be drawn into an impeachment by such witnesses." The Senate's refusal to convict Louderback should assure other judges, Bailey believed, that they would not be exposed to the impeachment process for removing receivers or refusing to appoint the attorneys the former desired "without evidence of fraud or corruption. . . . The Senate, sitting as a Court of Impeachment, is not a tribunal for the review of the exercise of judicial discretion at the will of disappointed receivers or candidates for appointment as attorneys in receivership and bankruptcy cases."[20] The present study endorses Bailey's position and concludes that Judge Louderback should not have been impeached.

Following his acquittal, which he viewed as a vindication, Louderback resumed his duties. Upon his return to the bench he received an ovation from a "throng of lawyers," and he responded to their welcome by expressing his gratitude for their confidence in his independence and integrity.[21] He continued to serve as a federal district judge for eight years until his sudden death from asthma and attendant heart problems on December 11, 1941, at age sixty-one.[22] The *San Francisco Chronicle's* obituary referred to him as "one of the most noted jurists in the Western states."[23]

Thus, Nevada's only brush with a federal impeachment and trial concerned a case that consumed hundreds of hours of congressional time and thousands of dollars of taxpayers' money. Louderback's confidence and self-respect enabled him to stand the strain of a trial rather than resign, even though the effort was costly to him in both time and money.

Judge Louderback's experience stands alone in the annals of impeachment as an example of a federal officeholder against whom the charges proved so inadequate that impeachment and trial could not be remotely justified. That the Senate, although composed of a strong Democratic majority, did not allow partisan bias to affect its judgment and found Louderback innocent, was a signal triumph for fairness and a vindication of the impeachment process.

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[20] Ibid.

[21] *San Francisco Chronicle*, June 6, 1933, p. 3.

[22] *Nevada State Journal*, December 12, 1941, p. 2.

[23] *San Francisco Chronicle*, December 12, 1941, p. 15.

The Maverick and the Cowboy

WILBUR S. SHEPPERSON

OWEN ULPH WAS BORN IN ENGLAND, grew up in Oakland, was educated at Stanford, became a professor at the University of Nevada, and in 1951 made his way to a ranch in Smoky Valley. He lived off and on in central Nevada for seven years, and returned to university teaching at U.C.L.A., the University of California, Riverside, and Reed College. In 1979 he moved to a ranch near Lamoille. Although his field of study is Medieval French Constitutional History, some thirty years ago Ulph started a work on the "authentic world of cowboys." This major study, to be entitled "The Leather Throne," is now in finished manuscript; "The Pecos Swap" and "Waiting for a Chinook" are to come later. In the meantime, Ulph has herded "a bunch of strays to the shipping pens" (written several articles) which are published as *The Fiddleback: Lore of the Line Camp.*[1] Ulph's treatment of this nostalgic and infectious fragment of the West calls for more attention than the usual "galloping review" of four hundred words.

Although the twentieth century has become an age of exaggeration and hyperbole when noting cowboys, one claim seems certain: a five hundred year old tradition is now drawing to an end. It was the Spanish who introduced both cattle and horses to the New World in 1494 during Columbus' second expedition. Both prospered and soon Cortés and other conquerors and explorers found the animals to be a vital feature in furthering their economic and military plans. By the early 1500s, cattle raising had become common in Mexico and in 1529 something akin to the roundup was officially established, with the registration of family and ranch brands becoming standard practice. The cowboy had already assumed an economic and social position that he was to maintain for the following four hundred years.[2]

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[1] Owen Ulph, *The Fiddleback: Lore of the Line Camp* (Salt Lake City, Dream Garden Press, 1981, 234 pp.)

[2] One of the most informative histories of the cowboy is David Dary's *Cowboy Culture* (New York: Knopf, 1981).

In the early 1540s, Coronado pushed north to the present American Southwest driving cattle and bringing the first horses and other livestock. The Mexican vaquero was by then accepted as "the laborer on horseback" who lived a primitive life as an employee on the large haciendas. The ranchos quickly expanded over thousands of acres and the vaquero evolved, with his techniques, equipment and skills, into a colorful and necessary part of the new society. Indeed, he was often the cutting-edge not only for the Spanish as they moved north, but eventually for the Anglos as they moved west. In much of New Spain the land and climate favored stock raising and, as missions were founded (over fifty were established in Texas), the Indians were introduced into the vaquero system. Despite arid deserts, Indian raids, rustlers, governmental bureaucracy and isolation, by the beginning of the nineteenth century a solid basis for both giant ranchos and working vaqueros, or buckaroos, had been laid in the vast area from Texas to California.

The American migrants to Texas were essentially farmers, not ranchers, and with little economic inducement the Anglo involvement with livestock was at first limited. Cattle raids by outlaw bands into the contested political regions north of the Rio Grande started by the 1830s. Therefore, the legendary American cowboy (the ancient Anglo-Irish term "cowboy" was apparently first used in the Republic of Texas) evolved in part from such bands of ruffians. Cattle culture adapted rapidly to the changing conditions and the new cowboy became personally independent, self-reliant, and above all highly mobile. J. Frank Dobie has suggested that with independence the Texas vaquero evolved as a blend of "the riding, shooting, frontier-formed southerner" and the "Mexican-Indian horseback worker with livestock."[3]

With the discovery of gold in California the rancho system with its Spanish patterns was doomed, and even ranchos in the Los Angeles area found it profitable to drive herds north to the gold country. In the late forties Texans started the cattle drives west to California; by the early fifties cattle were arriving in northern California from as far east as Missouri and Arkansas. Also by the forties and fifties Texans were driving cattle to Missouri and then on to Illinois and Ohio where they were fattened for the eastern market. A few Texas cowboys herded their livestock all the way to New York City. By the late fifties there were Texas drives northwest to the mining regions in Colorado, but during the Civil War drives were generally east to Louisiana and Mississippi, whereas Florida cowboys drove cattle north to railheads and to military installations.

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[3] See Dobie's *Guide to Life and Literature of the Southwest*, 1952, p. 89.

With the end of the war a demand for beef in the north and a critical need for markets in Texas led over a quarter of a million longhorns to be trailed to Kansas and Missouri in 1866. Despite the lawlessness, the cattle quarantines, and the opposition of state and local governments, the golden age of cowboy culture had begun. In September, 1867 the first shipment (twenty railway stock cars) of Texas cattle left Abilene, Kansas for the east. Over the following two decades many of the towns in Kansas shipped or traded Texas cattle. The lonely cowboy was at his zenith of fame and fortune; he helped make railroad switching points into boom towns. In one year, 1871, he trailed more than 700,000 longhorns to the north. Merchants, bankers, journalists, gamblers, all followed the cowboy as he switched his drives from one railway siding to another. From June to October, Kansas seemed to belong to the drovers.

In the mid-eighties, extended rail lines, legal sanctions, the coming of sheep, and a major influx of farmers led to an abrupt end to the long drives. Over 6,000,000 animals had been moved north from Texas in less than twenty years and a colorful cowboy era had ended. But while less dramatic, the regional cowboy and the cattle industry of the Great Plains and the mountain basins had been firmly established. As the buffalo, the antelope, and the elk disappeared, eastern and European interests poured capital into the ranching industry and great cattle baronies were carved out on the western ranges.

With Nevada's mining economy booming after 1860, most available agricultural and livestock lands adjacent to the new camps were quickly developed. Mormon settlers of the early fifties, followed by California buckaroos and Texas cattlemen, began to occupy valleys in both the northern and southern parts of the state. Ranches with several thousand head of livestock became commonplace by the late sixties; by 1880 Nevada had over 250,000 head of range cattle.[4] As a result of a collapse in mining, and lower beef prices, the cattle industry in the state grew more slowly during the remainder of the century. Although there was expanded agricultural activity during World War I, the number of Nevada cowboys continued to decline. Increased technology and changing economic needs were bringing a picturesque tradition to an end. Some scholars have thought it unfortunate that the traditional cowboy had mainly disappeared before folklorists, cultural anthropologists, and social historians arrived on the scene with their critical techniques of study and analysis.

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[4] Russell R. Elliott, *History of Nevada* (Lincoln: University of Nebraska Press, 1973), p. 121.

For a hundred years the myth of the cowboy has refused to die. The solitary man on horseback, although a laborer and a low paid hired hand, represents a force and an integrity which fascinates people around the globe. He is the common man with reckless daring and a steady nerve who isolates himself for an individualistic struggle against nature, against technology, and even against civilization. He tends to become a figure larger than life: he becomes heroic.

But clearly, all statements about the cowboy require qualification. In reality, tradition, terrain, weather, and economic conditions created wide differences in life styles, equipment and techniques. Cowboys have worked in all parts of the country, from Florida to Oregon, and from Minnesota to Texas. Nevertheless, most cowboys, have had to tolerate isolation, long hours, low pay, and physical hardship; at the same time, they supposedly have enjoyed independence, and personal adventure, and have earned a revered position in American folklife. They seldom cleared out outlaws, sang by the open camp fire, strummed guitars on the trail, saved maidens in distress, or shot up saloons. The ordinary working cowhand was neither a myth nor a legend; he was a long-enduring, often drifting, generally exploited mortal. And within recent memory he has tended to succumb to either cirrhosis of the liver or agribusiness.

During the twentieth century there has been a persistent attempt by scholars and others to "correct the cowboy myth." Not everyone saw the lonely man astride a horse as heir to, or pursuer of, a noble tradition. A leading Nevada crusader and reformer of 1922 found that one half of the men of the state (some 20,000 males) were living under deplorable social conditions "outside the home environment," and that a large portion of this group were cowboys.[5] It was a characteristic and "pathetic sight" to see these men "aimlessly wandering the streets" with no sense of civic responsibility and easily corrupted by gambling, whiskey and prostitutes. Indeed, the giant livestock interests were the cause of much of "the mortal illness for which she (Nevada) is suffering." "Deliberately and unconsciously its population of homeless workers has taken its revenge, as told by Nevada's overflowing jails and prison, her almshouses and insane asylum, by her lack of political, economic and social stability." No man should have to live "on top of a mountain in a company bunk-house instead of having a home." In a sad and negative way, Nevada was paying the price for its ruthless cattle industry with its legions of displaced cowboys.

[5] Anne Martin, "Nevada: Beautiful Desert of Buried Hopes," *The Nation*, July 26, 1922.

Elizabeth Budy's anthropological research of 1975 to some degree formalized and authenticated Anne Martin's general perceptions.[6] Budy found that most Nevada cowhands had left school between the sixth and twelfth grade and that by their own admission all had been poor students. Furthermore, employers, associates and other acquaintances categorized them as "dumb." Few were married and none enjoyed a close long-term relationship with anyone. Indeed, not one of the eighteen cowhands studied had maintained a permanent friendship over a period of years. Their income was uniquely low, ranging from $300 to $550 per month, with board and room in addition to salary. Employment was sporadic; none of those interviewed enjoyed full employment over the course of the previous year, and the majority changed employers at least once each year. Stability was not highly prized by the drifting buckaroos; an "I gotta be moving on" syndrome predominated.

With limited education and intermittent employment, with no spouse or family or close friends, with no real contact in the community, the cowhand was reduced to working at a monotonous job which provided little social, economic, or even personal reward. Therefore, they grumbled, complained, and quickly perceived of themselves as unqualified for anything better. Their only alternative was to keep on moving, "to change their location in space" or to gamble and get drunk and forget it all. Equally as revealing were the responses of the ranch foremen, feeders, managers, etc. Not only was the buckaroo placed in the lowest salary bracket, but he was also placed in the lowest in terms of prestige, being labelled by ranchers as lazy, undependable, and the "lowest of the low."

Whether the contemporary cowboy was patterned after his historical antecedents is a question impossible to resolve. But Budy found that Nevada cowboys often had been "rebellious impatient youths who fled their homes in their early teens and took to cowboying because it was available and because it was something they could learn to do.[7] The cowboy "spun yarns" and told humorous anecdotes, but had "little use for cold fact." Since his own life was mundane and uneventful, "the art of lying" was highly developed. Indeed, his life tended to become like his stories—vague and imprecise. Strangely enough, what the cowboy lacked was romance and glory. His life style did not promote a "free spirit with individual choice"; rather it left him at the subsistence level, provided few opportunities, and crushed his hope for a brighter future.

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[6] Elizabeth E. Budy, "Cowboys and Cowboying in Nevada." A professional paper submitted in partial fulfillment of requirements for the Master of Arts Degree, University of Nevada, Reno, 1976.

[7] Budy, p. 26.

Despite critical appraisals and sociological studies, the cowboy is a classic example of a myth which has triumphed over research and reality. He is legendary in half a dozen major artistic and humanistic fields. Museums, historical societies, publishing houses, libraries, movie studios, and live communication centers have effectively exploited the cowboy genre. There is the cowboy in art, the cowboy in music, the cowboy in drama, the cowboy in fiction, the cowboy in pornography, and the cowboy in storytelling; a few children may still be playing cowboys and Indians. As a historical figure the cowboy has been traced back to the Moors, Camelot, and even to ancient Mesopotamia. Exciting and saleable titles like *The Cowboy from Charles Goodnight to King Arthur, Fifteen Years on the Hurricane Deck of a Spanish Pony, Girls in the Saddle,* and *Hot Spur* suggest everything from action-packed heroics to base sex.

Today, from New York to London and from Rome to Tokyo, business executives and art connoisseurs, teen-agers and hard-hat construction workers march into western wear stores and outfit themselves with jeans, boots, hats, shirts and belt-buckles so that they can become part of the world-wide cowboy culture. The paperbacks, movies, clothes, open spaces, the apparent independence, and even the unsophisticated decency still hold the fancy and the imagination of a jaded and uncertain world. Real cowboys have long been confused or amused or embarrassed by the rhinestone, urban and midnight cowboys. But at the same time most intellectual and scientific studies which have tried to correct the myth have been labeled tiresome and unimaginative, if not un-American and antidemocratic. Equally as anti-climactic has been "the last cowboy." It is rather like one of Buffalo Bill's famous final performances. For a hundred years writers for magazines, newspapers, and books have declared that they were witnessing the "end of the cowboy era." For example, on June 13, 1982 the Reno *Gazette-Journal* ran a two page spread entitled "Nevada Buckaroos: The Last of the Real Cowboys."

Early in the present century the expanding disciplines of the social sciences (particularly anthropology, sociology and psychology) emerged as powerful factors in shaping a new form of historical writing known as the monograph. Over the past few decades every aspect of human behavior from sports, witchcraft, and sex to circuses, merchandising, and cowboys have caught the fancy of monograph writers. Historians have entered the shadowy area of nonrecorded and even nonverbal relationships. Indeed, the study of aims, purposes, and circumstances has become the object of much structural investigation. But despite a certain behavorial vagueness, monographic history is theoretically more exact-

ing, technical, specialized, and analytical than the traditional nineteenth-century narrative literary style. Over the past decade, however, a protest against the statistical and quantifiable history has emerged; and the older narrative approach has enjoyed a limited revival. The narrative form means telling a story, concern with human responsibility, notice of individual personality, and the author's general philosophy.

Owen Ulph notes both approaches and yet he refuses to accept either. *The Fiddleback* is a monograph in that a limited and specific topic is being addressed. He investigates human behavior and he uses nonrecorded sources. Yet Ulph attacks the "vulgarizing" and "dehumanizing" social and behavorial sciences. "They take the simple and render it unintelligible."[8] In a strange and inexact way Ulph champions the legacy of traditional narrative. His emphasis is always on telling a story, philosophizing, and probing the grand design. Yet he does not underpin his work with historical sources; he does not follow any academic or systematic form, and his narrative is neither balanced, consistent nor traditional. In short, *The Fiddleback* does not fit any abstract historical method. Rather Ulph, like many other intellectuals, has developed a fascination for, and draws his inspiration from, the rugged life. *The Fiddleback* reflects a kind of ambivalence; it tends to alternate between intellectual observations and tales told by or about the noble savage (cowboys). Almost every chapter repeats the two themes; there is the alleged clarity, simplicity, and pragmatism of the cowboy way of life balanced against Ulph's view of a complicated, sophisticated and generally depressing society.

It was some thirty years ago that central Nevada became Owen Ulph's Walden Pond. It still is. He lives at the 6200 foot level on an isolated ranch in the Ruby Mountains. With unflagging energy and unfailing memory he focuses on his experiences with Nevada cowboys, ransacking the familiar for misunderstood nuances, and oscillating between cowboy dialogue and personal declarations. Ulph is fascinated but not intoxicated with the character of the cowboy. He is never parochial. His work is designed to be a remedy for half-learned or misrepresented or misinterpreted history. Ulph seems to argue that it is the story of ordinary things that forms man's individual and collective personality. He feels free to invest in natural imagery and human tragedy. He is neither formal nor abstract, but rather aesthetic and intimate in his relationship with rural Nevada. He is at times garrulous and spontaneous, but he is not superfluous and does not editorialize. Ulph is not attempting to preserve the cowboy past as an inspiration for the present or as a source of guidance for the future. Rather he is talking to

[8] Oral interview conducted in Lamoille, Nevada, August 16, 1982.

"nostalgic contemporaries to whom the code of the saddle would probably remain obscure without a temperate amount of explication."[9]

Ulph's principal turf is Smoky Valley; his main devices are cowboy stories and random evaluations of American life. But *The Fiddleback* is a multifaceted and complex book, part cracker-barrel yarns, in part austere and objective, and occasionally it is willful and indulgent. How does one deal with a study of cowboys which notes such famous men of philosophy and fiction as Prometheus, Xenophon, Hercules, Atlas, Achilles, Virgil, Shakespeare, Milton, Hegel, Bentham, Gogal, Pavlov, Sartre, Lenin and Marx? The author not only introduces the standard western authorities such as J. Frank Dobie, Douglas Branch, Bernard DeVoto and Frederick Jackson Turner, but he also comments on God, the Devil, metaphysics, stoicism, skepticism, cynicism, and xenophobia.

While critical of the Hollywood romances, the Louie L'Amour paperbacks, and the academic truth squad, Ulph, nevertheless, is at the same time both romantic and analytical. The eight chapters of *Fiddleback* are not consistent in style or literary approach. At times the author's asides and digressions overpower and mute the subject at hand; and one would be hard pressed to pinpoint the book's central theme. The author refuses to cater to the dilatory reader. The Ulphisms are delightfully strident. ("Virtues are counterparts of certain inverse traits inappropriately called vices." "A compassionate deity was as comprehensible as a softhearted horsefly.")[10] Ulph generalizes about practical morality, justice, man and society. Cowboy virture and performance were not occupational or "applicable only to time and conditions." Rather, the cowboys had innate virtues characterized by all the "inconspicuously great men throughout recorded history."[11] Ulph supports valid myth which "distills meaning from history." but he opposes vulgarized mythology which leads to dehumanized abstractions and brutalized legacies. He favors an ethical campaign against "rampant pollution of civilized life by unremitting and unregenerate commercialism." And yet he admits that "it is folly to attempt to recover your tobacco when it has blown away in a dust-storm." Population and technology have reduced "the individual to a midge." Sometimes in his almost capricious attacks he tends to destroy too much. We are left with only the author's deep concern and egocentric intellect. And finally after he has gotten our attention and our respect, he refuses to show us a new way or lead us to a new salvation. He will not become another twentieth-century Messiah.

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[9] Ulph, p. 3.
[10] Ibid., pp. 80-81.
[11] Ibid., p. 190.

In fairness, Ulph's comments on the state of the world are secondary to his declared purpose of rescuing the cowboy "from the misguided adulation of admirers and the undeserved scorn of detractors." He describes and explains cowboy behavior; like some social anthropologists of the seventies, he turns to a repersonalization and at times to the dramatic. The book is an intimate memoir of the author's cowboy days, and much more. Ulph tries to find the true figure in the carpet and at the same time to expunge cheap prefabrications. In doing this, it is the author rather than the subject which often emerges. George Orwell once noted in an essay on "Why I Write" that "good prose is like a window pane," and emphasized that when he lacked emotional and political purpose he wrote "lifeless books" with "purple passages" composed of "decorative adjectives" and "humbug."

Clearly Ulph has purpose. His essays are neither designed to be empirical studies or theoretical disquisitions. Rather, they are attempts to take us close to the intimacies and the immediacies of cowboy life, and to push forward a particular and occasionally a peculiar view of what that life really was. He seems to believe that cowboys are human animals suspended in webs of significance which both they and society have misunderstood. His analysis, therefore, is not rendered as a service to scholarship but rather as a happy fruition for the author and his close friends. He finds that neither theorizing, nor journalism, nor oral history can bring the sympathetic experiences and humanistic concerns required to explain the cowboy.

Ulph does not attempt artistic descriptions of landscapes; neither does he register anger at the forces of destruction, or offer jeremiads on societal failures. His criminals are mainly products of the system, and his men of character are unassuming cowbosses. He applies warmth, admiration, and feeling to natural, simple, crude individuals. He provides atmosphere laced with anecdote, and slowly the reader becomes privy to the cowboy sensibility. In addition to wit, humor and sarcasm Ulph is also nostalgic. He never robs the cowboy of pride or of a capacity for the courageous. Cowboys are never seen as downtrodden, poor, or deprived. They are not shiftless or irresponsible, but are "nomads." Since "few cowhands have possessed the inclination, schooling, or talent to serve as their own press agents," Ulph wants his cowboy friends and all readers to know and remember, even though vaguely, the "code of the saddle."

In addition to explaining the cowboy and questioning society, Ulph is at heart a scholar who enjoys doing what good scholars do. He masters the character of his participants and the quality of their environment. He does not study cowboys, he knows them. He corrals their peculiarities and makes them normal and understandable. He deftly analyzes perceptions, interprets facts, and reduces truth to meaningful lore. Most

important, he has generosity of spirit and he reveals a soul. His few paragraphs on religion, God, and the Devil may say more than some philosophical treatises.

In reading *The Fiddleback*, one cannot forget that the Great Basin and much of the West is a vast barren landscape with an imposing geology. Compared with the East or South, it is imbued with little human history or regional variety; there are few long-established neighborhoods. In Nevada nature is not worn down to an accessible scale; at times there is scarcely enough physical detail to forestall a feeling of mental anemia:

> The range presented an inexhaustible record of unwitnessed tragedy. Everywhere, withered hides clung to the crumbling scaffoldings of gray-white bones—midget tents pitched across the arid wasteland, visited only by the ubiquitous magpie and other scavengers of the purple sage. Carcasses in bogs, ravines, and caved-in mine shafts, carcasses heaped against corners of drift fences where blizzard-trapped animals, their backs to the scourging wind, perished in mass misery, carcasses strewn around water holes baked into yellow crusts by years of drought, carcasses in the buckbrush, in swampy meadows, amid the mountain timber--these and countless other testaments to the savagery of the elements constantly sharpened the cowboy's awareness of the harshness of life.[12]

Like thousands of other frontiersmen, the cowboy sought survival for himself and his animals, and not visionary morality or innate justice. Ulph's cowboys are pragmatic and proud; like all good pioneers they should quietly and with dignity take their position in the great American hall of myths.

Man's past is not a story waiting to be told. History does not really happen in story form. Rather it is drawn together, connected, and given meaning. The plot, the significance, the dissection, are always retrospective. Students of local and western lore often seem to believe that Indians, explorers, migrants, and cowboys were two dimensional, and that the facts merely need to be uncovered. Ulph knows that any story, any myth, is in the will of the beholder. Therefore, in a very special way *The Fiddleback* is eccentric and idiosyncratic. The author is highly selective in the events he has stressed and neglected to stress. Perhaps his narrative is just another form of fiction. But at any rate, Ulph and his characters move agilely in both mind and body in a way that challenges and delights the reader. *The Fiddleback* respects the human psyche and allows for a spiritual dimension. In an age when sleaziness and phoniness tempt us to equate mindless popularity with achievement, Ulph reminds us what genuine thought with all its permutations really is.

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[12] Ibid., p. 82.

NOTES AND DOCUMENTS

Reflections of a Federal Judge in Nevada, 1888

Introduction by Phillip I. Earl
Notes and Annotation by Thomas L. Vince

IN JANUARY OF 1982, Thomas L. Vince, Librarian and Curator of the Hudson Library and Historical Society, Hudson, Ohio, forwarded to the *Quarterly* an interesting piece of Nevada-related correspondence unearthed in the course of his research on the life of George Leander Starr. The writer, George Myron Sabin, was a federal judge on the Ninth Circuit Court for the District of Nevada, a position he had held for six years at the time the letter was written.

A native of Ohio and a graduate of Western Reserve College, Sabin had served as a ninety-day volunteer in a Michigan unit during the early days of the Civil War in 1861. He later joined the 16th Wisconsin Volunteer Infantry, and rose from private to lieutenant and Adjutant of the unit. At the battle of Shiloh, he received a field commission to Lieutenant Colonel in the 5th Wisconsin Volunteer Infantry. As the war came to an end, he was appointed Inspector General on the staff of General John McArthur, and became the Judge Advocate of the Military District of Vicksburg by order of General U.S. Grant.

Sabin left military service following the war, migrated to Nevada, and in 1868 settled at Treasure Hill, White Pine County, and resumed the practice of law. In 1871, he moved to Pioche, established a law office, and helped organize the District Court for Lincoln County. He was admitted to the bar in Nevada on March 7, 1874, the same year that he moved to Eureka to join attorney William W. Bishop in the firm of Bishop & Sabin. He also took a hand in local military affairs; he was the commanding officer of the Second Brigade, Nevada National Guard, when the unit was activated in August of 1879 during the so-called "Charcoal Burners War."

Sabin continued to practice law in Eureka until his appointment as a judge on the Ninth Circuit in 1882. During his eight years of service, he became one of the most noted jurists in the West, gaining the respect of

attorneys who practiced before him as well as his fellow judges.

In the spring of 1890, he fell ill and was taken to San Francisco for treatment. His ailment was diagnosed as rheumatic gout which had attacked the brain. He lapsed into unconsciousness on May 2 at the Palace Hotel, and died on May 12. His body was brought to Carson City and lay in state in the capitol rotunda until the funeral on May 15 at St. Peter's Episcopal Church. Officials of the Grand Army of the Republic conducted the services. Carson City businesses closed that day and flags in the capital were lowered to half-mast. Among those attending the funeral were prominent political figures, attorneys and community leaders from throughout the state who had known and admired Judge Sabin during the course of his life in Nevada.

The letter reprinted here not only provides some insights into the life and times of members of the federal bench in the West, but also something of the feelings of Sabin about his adopted state. The letter also mentions the physical ailment which was to take his life two years later.

On behalf of our readers, the editor would like to thank Mr. Vince for sharing this rare item and allowing us to publish it.

United States Courts

NINTH CIRCUIT, DISTRICT OF NEVADA

Judge's Chambers,
Carson, Nevada, Febry 28th, 1888

Dr. Geo. L. Starr*
Hudson, Ohio

My Dear old friend & Classmate --

"With my hand upon my lips and my lips in the dust" I owe you a thousand apologies for my shabby conduct during the past few years. I guess I had better put it in the plural "conducts", for it has so often been repeated. Now I confess, plead guilty -- will receive absolution, & then we will jog along good naturedly.

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* George Leander Starr (1833 - 1920), Western Reserve College, Class of 1856. Born in Hudson and lived there most of his life. Served as a teacher in Middlebury (Akron), Warren, Streetsboro and elsewhere until 1862 when he joined the 85th Ohio Volunteer Infantry as a private. In 1863 he entered the Medical College of WRC and graduated in 1864. He served with the U.S. Sanitary Commission and the Christian Commission during the balance of the Civil War. In 1868 he married Harriet Sheehy of Youngstown, and a few years later returned to Hudson where he had a medical practice for the rest of his life. He served on several local boards and commissions and was an early President of the Summit County Medical Society. He kept a diary for much of his life. His journals and family papers are now in the archives of the Hudson Library & Historical Society. He died December 29, 1920, just six weeks before his 88th birthday. At the time of his death, the papers reported that he had been the oldest living graduate of WRC.

I rec'd a letter from you long ago -- four or five years -- I was quite engaged at the time and took it to San Francisco with me to be answered there. But the "cares of the world", the deceitfulness of procrastination & lots of other things got in ahead of it -- & alas it was not answered. Then in time came another to keep the former one company. And that had the same fate. I think I took those letters with me to San F. at least half a dozen times to answer -- finally I became ashamed of myself, bowed down my head like the bullrush - or bully-boy - and said to myself, says I "you ought to be spanked and sent to bed." I suppose my deep contrition had a good effect upon me, for I guess I felt better, but it all resulted in "nothing but leaves", unwritten ones. Then a few days ago came yours of the 6th inst, with photo, for both of which many thanks.

It is a long time since we met, isn't it? Almost a generation of mortals has come & gone since we floundered through Caesar, who, if he could have looked down upon us & our efforts in that line would have, now & then, felt as badly "cut-up" as he did when he felt the dagger stroke of the "envious Casca" - & a rather long generation at that. But someway it has flown away very rapidly. Horace mourned the fleeting years, but I think it more sensible to make the most out of them & be content - *carpediem* has been my motto.

Your photo has a very natural look, shoring up a thousand pleasant memories. Long may you wave & may your voyage of life be ever upon a "summer sea." Now I presume you may want to hear something of myself - my ways & doings. Well perhaps I will not tell you all - but here is an epitome. I came to Nevada in 1868. Practiced Law until I was appointed to my present position about five and a half years ago in '82. I always liked to live in Nevada. It is very different in climate & productions & people from Ohio or any Eastern State. But there is a charm about it which I can hardly explain, especially in the mining districts. There is a life - go ahead freedom of thought & action never found elsewhere. I always had a nice & profitable law practice & earned a good deal of money - the most of which went the way of all the earth. So I didn't have to look after it - or sit up nights & keep guard lest thieves break through & steal - so I was happy. When I was first offered the U.S. Judgeship I was not much disposed to take it, as the salary was -- & I regret to say still is -- only $3,500.00 per ann. & I was making nearly double that amount in my practice & some years four times that amount. However, I did accept it & now that I have the harness on and *all* other harnesses off, I do not know but that I shall jog along hearing and settling other peoples' woes and sorrows until I become a full fledged angel and bid adieu to mundane affairs.

I like the position quite well & find it as much to my taste as any perhaps which I could select. The practice in our Courts (U.S.) is quite different from that of the State Courts. The sphere is larger & we have nothing to do with a thousand petty matters which engage the time & labors of the State Judges. In civil matters we have no jurisdiction in cases involving less than $2000. unless it be something arising under U.S. statute - & usually the cases in our courts involve far greater sums. I hardly think I have ever tried a half dozen civil cases involving no more than $2000 unless it be Govt. cases & patent, copyright, or admiralty cases. This brings before us usually the best lawyers at the Bar and it is always a pleasure to have before you men of ability & learning & enough at stake so that one can easily afford to give to his business his whole time, energy & thought. When I am not busy here in Nevada, I am usually engaged at San Francisco holding court there. This makes a pleasant change - though involving

a good deal of hard work. I went to S.F. about Dec. 1st, last, returned here February 10th. Will remain here until about April 10th then return to S.F. for a couple of months - then home again, & so the years run quickly away.

I think I have been fairly successful since I was appointed & have given very general satisfaction as a Judge. Of course I am the one who is telling this part of the story, but I guess I have not over drawn it. I have not been East since 1872 & the desire to return is not very ardent. I could not think of returning there to live. I am half inclined to plan a visit there however, about one year from next fall. Should I accomplish it, I shall take in Hudson for a day or so I presume.

I was profoundly disgusted when they broke up the old college & made it a little bob-tailed Adelbert affair.[1] I am, however, deeply gratified that the little cuss's name was not Bobby - or Jimmy - or Pete - or Dick for then I suppose we would have been known as the Bobby Jr. College of the Western Reserve etc.

I have kept a slight [word - ?] of Hudson affairs through letters from my sister Mrs. Cochrane who corresponds with your sister Cordelia.[2] I believe Dunc Beebe,[3] Charles Farrar[4] & all of them have gone by the board. I presume I would not know the place hardly & none there know me. I am however one of the jolliest fellows living - weigh 200 lbs on the hay scales - and in fine health, a bachelor still - but with most ardent [word - ?] but painful forebodings of the coming leap year. Just to remind me that I am mortal I suppose, I am somewhat troubled with rheumatism - not the jolliest thing in the world to have perhaps, but one can endure it if not married. The rheumatism does not comprise "all woes & sorrows" upon ones head or back or joints. I have been a good deal troubled with it for the past six months but thank fortune some months since the rheumatism seemed to leave me & the gentle sciatica took its place. This is a thousand times more decent. Indeed I have quite a degree of respect for the sciatica as a well-behaved Christian botherment. For some months I have not been able to walk any great distance without great pain, so I don't walk any great distance. But I think it is all fussing quietly away & then I will be happy. Our friend Jacob[5] I suppose is still laboring in India & begetting children between meals.

I always did sympathize with the Hindoos. Monteith[6] died some two or three years ago in Montana, I believe. At least he was Indian Agent for some tribe there, I believe, at the time of his death. He seems to have left his bondsmen in the lurch as to public moneys not accounted for, but I believe they got a relief

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[1] Western Reserve College moved from Hudson to Cleveland in 1882. Its name was changed to the Adelbert College of the Western Reserve in honor of Adelbert Stone, son of Amasa Stone, the Cleveland benefactor who persuaded the college to abandon its Hudson campus.

[2] Cordelia Starr (1840-1923). Sister of George Leander Starr who made her home with her brother and his wife for over fifty years. She also was a journal keeper whose diaries are in the archives of the Hudson Library & Historical Society.

[3] Duncan D. Beebe (1831-1889) Well known Hudson merchant whose store, "Brewster & Beebe" was a landmark business. Elected to the Ohio Senate in 1867, Beebe represented Summit and Portage Counties with distinction for two terms.

[4] Charles W. Farrar (1830-1896). Son of a prominent merchant family in Hudson who remained in Hudson for the rest of his life.

[5] Jacob. This might have been Jacob Chamberlain, Jr., a member of WRC, Class of 1856. Alumni records would show whether he worked among the Indians.

[6] Monteith. Apparently another classmate from WRC.

bill through Congress. His brother, whom he seems to have taken with him, was tried and convicted I believe of larceny in stealing either the public property, the Indians or the reservation itself. I happened by chance to see the case reported in the Sup. Ct. Reports but did not read it. I have not kept much track of our old class. Many I presume, of those who entered with us are sleeping under the daisies & many still bear the burdens & heat of the day.

My own life has been a very active one with, I guess, about the usual amount of joys & ups & downs. I have usually, I think, a rather cheerful disposition & this helps wonderfully as we pass over the jolts, bumps & thumps of life. It is a sort of spring underneath which relieves the effect of the bump. It is like sitting down when one has to - on a cushion rather than a sudden stop on a slab of granite. I notice you have been having a severe winter East. It has been unusually cold here - or was for a couple of weeks, but for the past month we have had the most delightful weather. No snow here & the streets as dusty as in summer. We seldom have severe weather here either in winter or summer.

Our climate is the finest I have ever seen anywhere. Carson - the Capital of the State, is a small place of 3 to 4,000 population - is situated in a fine Valley with mountains "lying around about it," like Jerusalem, on every side. We are about 4500 feet above sea level, which gives us a most agreeable climate ranging from 80° to 90° in the summer fresh mountain breezes & seldom below zero in the winter. I have never seen ten days of sleighing since I have been here. Now it is more than possible that you have been looking for the end of this endless letter for some time, but it will come - be of good cheer.

I will send you a couple of photos of myself taken about two years ago. The front view one looks a little serious & sober I think, but I believe I was tired when it was taken. The other one - the side view - brings out the avordupoise - du a dispose condition of things with fine effect. In London are exhibited two skulls said to be the skulls of Cromwell - one I suppose when he was a boy - the other his skull when a man. Now if he can, could or did have two craniums (crania I suppose you would say) why can't I have two genuine photos. So you can take your choice & keep both. Now write me a nice long letter someday & tell me all about everybody "and their sisters & their cousins & their aunts". And I assure you I will do better in the future. I am safe on that proposition for I couldn't do worse than I have done, but I will forgive you & say nothing about it. Now my dear old fellow God bless you and smile upon you & preserve you. Good bye.

Yours truly,
Geo. M. Sabin

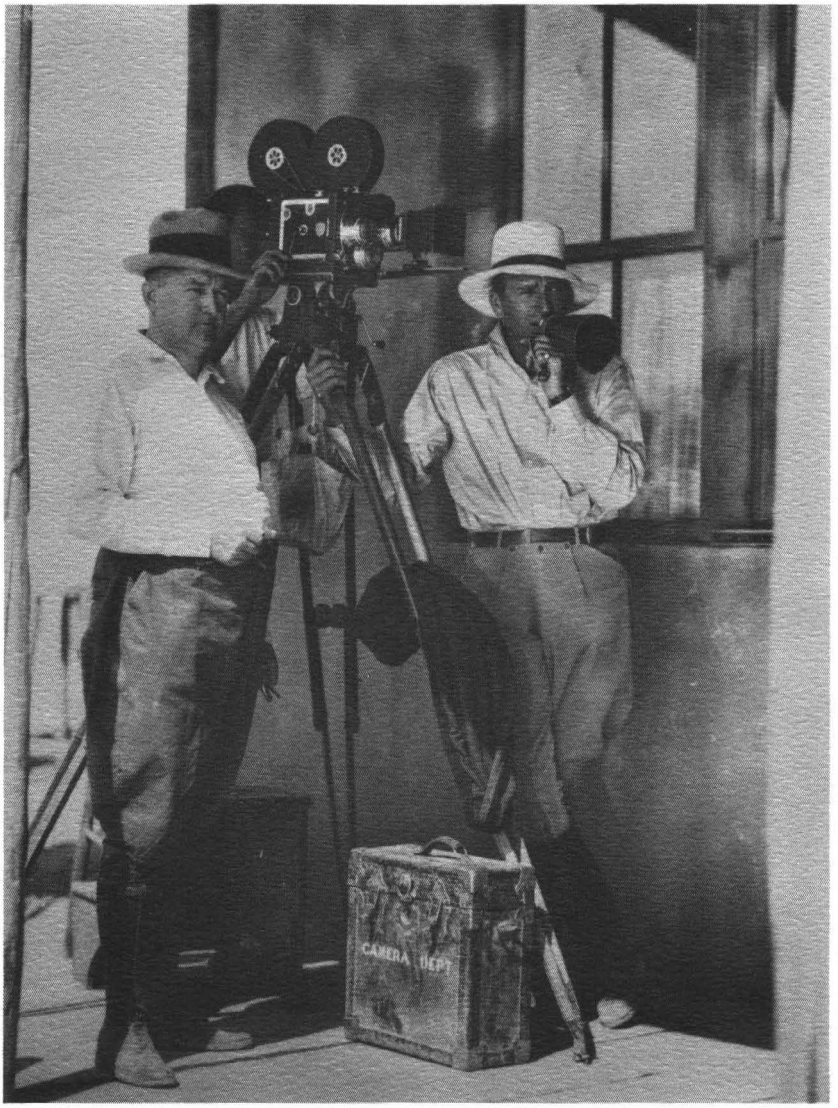
The Governor and the Movies: James Scrugham Visits Barbara Worth

THE DUTIES OF A GOVERNOR are ceremonial as well as political, and it was the former aspect of his job that took Nevada Governor James G. Scrugham to the transitory of Barbara Worth, Nevada, in 1926.

Located on the Black Rock Desert outside of Gerlach, Barbara Worth was in fact an elaborate film set, built by Samuel Goldwyn to represent California's Imperial Valley during the period before irrigation made it an agricultural center. The set was built for "The Winning of Barbara Worth," an epic silent film that is described by film historians as equal in scope to the legendary "Covered Wagon."[1] The film depicted the labors involved in bringing water to the California desert, which director Henry King thought might have looked something like the Black Rock country.

Eventually the set reconstructed three entire towns, and covered a seventy-mile stretch of desert. A tent city housing as many as 3,000 at its peak was serviced by a railroad spur built by the Western Pacific Railroad.[2] This elaborate installation was in use for just one summer, during which exterior scenes for "The Winning of Barbara Worth" were shot.

The movie was based on a 1912 novel by Harold Bell Wright. It starred romantic leads Ronald Coleman and Vilma Banky, and also introduced Gary Cooper. The presence of these luminaries, as well as the erection of a small city in the desert, inevitably created a stir in Nevada. Thus Scrugham's visit to the set was in the nature of an official inspection tour. In the three photos here, all from the Scrugham Collection at the Nevada Historical Society in Reno, the governor is pictured with Coleman and Banky, director Henry King (in the white hat), and a cameraman who is either George Barnes or Gregg Toland.



Governor Scrugham and director Henry King *(Nevada Historical Society)*

Governor Scrugham and Ronald Coleman *(Nevada Historical Society)*

Scrugham, Vilma Banky, and Coleman *(Nevada Historical Society)*

Organizing the Muse: Sweet Singers of the Sagebrush State

JOHN M. TOWNLEY

NEVADA'S NEWSPAPERS, regularly plumbed by historians for raw data pertinent to the past, contain a frequently discounted scholarly resource — poetry. Granted that about ninety-five percent of the rhymes printed deserve tomblike anonymity for the sheer ghastliness of their quality, the remaining five percent often contain unique, if not irreplaceable expressions pertinent to people and events. Nineteenth-century newspapers were viciously aligned with political parties and economic interests, and fully capable of deliberate misrepresentation in their editorial pages or elsewhere as ordered by the individuals holding fast to the money powers that spun Nevada's presses. A maverick editor who held too scrupulously to balanced interpretation of the news simply found himself without a forum or job, as happened in Austin in 1888 when the *Reese River Reveille* inquired too deeply into the policies of the largest local mining company. Yet, probably when prostituted journalists could no longer stomach their own lack of professionalism, a poem might appear in which events or personalities were presented accurately, or even satirically. It should surprise no one that the bulk of these efforts were unattributed, since the act of *lèse majesté* was particularly resented by the puffed-up arbiters of Gilded Age Nevada, and would surely bring revenge in its wake. Still, if today's historian can find a means of tapping into the gossip of past generations, these poetic offerings cannot be ignored. Many originated within the journalistic fraternity, which was fully aware of the motives behind events in Nevada, if unable to publicly record them, except through rhyme. Others came from the general public, often from persons with a grudge to erase. Even admitting these caveats, the inclusion of contemporary poetry in an analysis of Nevada history is a must. Generally, because they offer the occasional frank, unguarded disclosure relative to an event possible only from the safety of anonymity, the reader can make an evaluation of the accuracy of the statement by comparing it to other information, and, in the process, shed

a little more light on a murky situation. In some cases, often quite important ones, a poem is the only reference to reasons—or persons—behind some act; to ignore those few verses irregularly filling open columns is an inexcusable shortcoming in the historian.

Having made a case for the usefulness of poetry, one should explain at the outset that it is devilishly difficult to get at. There are few anthologies, and even those are incomplete or fragmentary. There is only one analysis of nineteenth-century poetic expression, Penelope A. Carlson's study in 1976, which undertook to point out the value of local verse to history. The proper use of poetry in Nevada history cannot be fully exploited without an index to the material.

Which brings me to the subject at hand. As an experiment during 1981, newspapers I was reviewing for studies of Reno, central Nevada, and the state's mining frontier were also checked for appropriate poems. That is to say, all poetic inclusions were reviewed and those with a research value were indexed. In general, the "heart and flowers" genre was excluded from the sample. The remainder were then consolidated into a bibliography-index of temporary design to evaluate its usability for scholars. In general, the guidelines for bibliographies and indexes within the *Chicago Manual of Style* prevailed, although no complete system for a joint biblio-index has been found. The resulting compendium includes author, title and subject categories, with the complete bibliographic citation shown when the poem appears in the first subject entry. This device was chosen since most users of the list will be searching for poetic reference to a topic, rather than anthologists organizing the entries.

The aim of this small project is to begin occasional, perhaps annual, publications of poetry bibliographies-indexes in the scholarly journals. In turn, such indexes will be included in the journal's own annual indexes as part of the permanent record. Should historians and others contribute their own poetic references collected over time, within a short span of years a subject listing of Nevada-related poems would be available to researchers in ever-growing quantities. In time, such resources might even persuade a student to specialize in Great Basin rhyme and produce an overall analysis.

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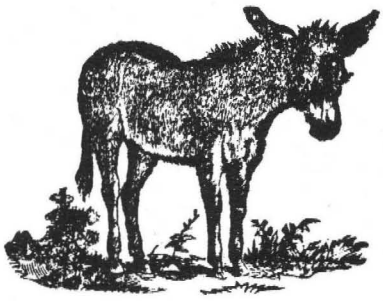

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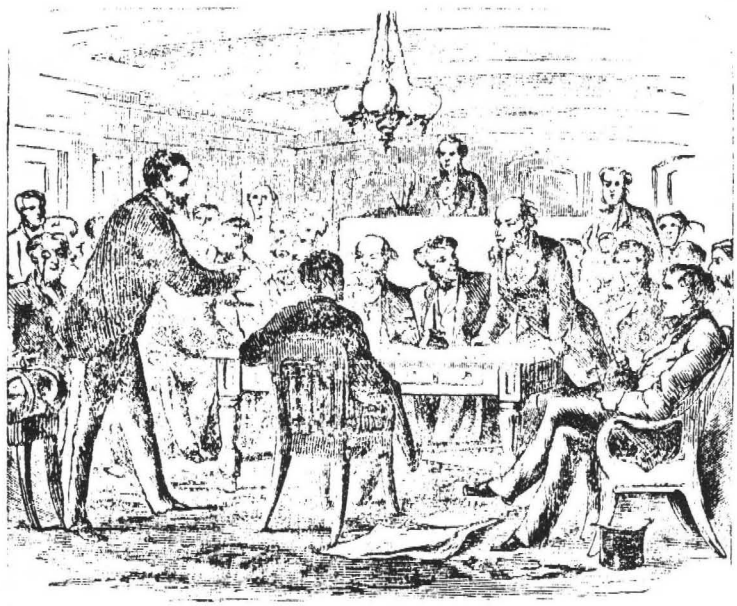
Sweep Out the Court. See Law



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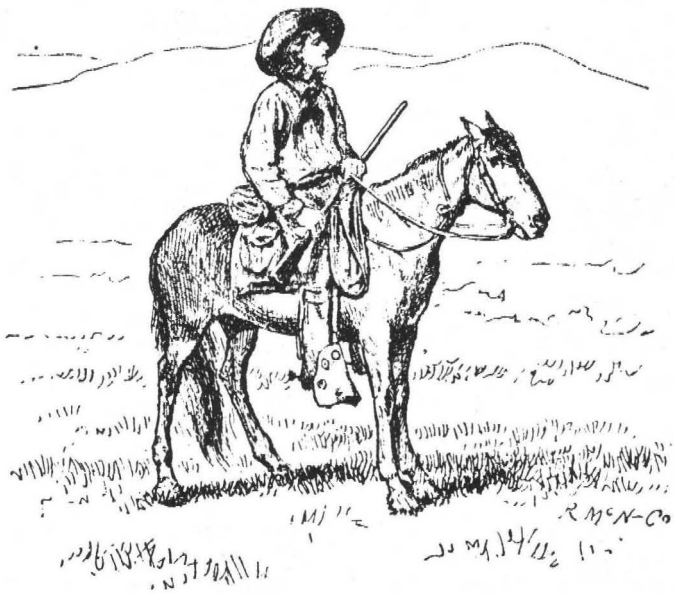

Book Reviews

Gold Diggers and Silver Miners: Prostitution and Social Life on the Comstock Lode. By Marion S. Goldman. (Ann Arbor: University of Michigan Press, 1981. xii + 214 pp. Illustrations, notes, appendices, bibliography, index.)

IN GOLD DIGGERS AND SILVER MINERS, Marion Goldman has produced another work on what has recently become a popular subject: prostitution in the nineteenth-century American West. Most previous studies have been done by historians, and the present one is by a sociologist. Goldman brings a social scientist's perspective to a substantial body of data concerning prostitution on Nevada's Comstock Lode, from the 1860s to the 1880s. She defines its shape and character, explores its relationship to the larger society, and notes differences or parallels between Comstock prostitution and the "fast life" of today.

In a well-organized study, Goldman examines Comstock prostitution in the context of Virginia City and Gold Hill society in particular, and that of the United States in general. She surveys "material life" in the mining communities—the various social and economic classes constituting the population, the prevailing system of criminal justice—and the contours of the "irregular marketplace," which she defines as the "set of economic relationships involving the creation and exchange of goods and services which were either formally or informally condemned." There is also a look at the institution of marriage on the Comstock, where the high ratio of men to women helped reinforce very definite distinctions between respectable and disreputable women.

Moving from this discussion into an examination of the "fast life" in the mining communities, Goldman offers an overview of their redlight areas, with information on the ages, ethnicity, and marital status of the inhabitants. She explains the stratification that existed among the prostitutes, who are classified, in descending order of rank, as madams, adventuresses, middle rank prostitutes (usually independent operators of small "houses," such as Julia Bulette), "working women," and "prostitutes of the lowest order" (vagrants and the Chinese women sold into indentured servitude). The "friends and enemies" of women in the irregular marketplace are also scrutinized, with pimps, long-term lovers, "profiteers," law enforcement officials, and customers all receiving

attention. Violence directed against prostitutes is also discussed, as are the friendships that often arose among the disreputable women of the Comstock.

The problems of birth control, venereal disease, and drug addiction, and the high suicide rate among prostitutes are portrayed; and considerable space is devoted to discussion of the sexual ideology, customs, and laws that regulated activity in the bawdy districts. Goldman states that prostitution "stood as a blatant contradiction to traditional ideals of womanhood, morality and family life," which held women to be morally superior to men, in large part because they were ostensibly less affected by sexual desire. In such an atmosphere, laws intended to regulate prostitution emphasized the respectable community's "behavioral boundaries," and heightened "solidarity among respectable women."

The book closes with a theoretical analysis, which includes a definition of prostitution as "the directly communicated exchange of sexual contact for financial consideration." Goldman also devotes some space to a discussion of "clean" and "dirty" work, and examines the social and psychological consequences which such a distinction of labor entailed. She notes that a patriarchal society was a necessary precondition for sexual commerce to flourish as it did on the Comstock.

On the whole, *Gold Diggers and Silver Miners* is an enlightening and well-written case study of nineteenth-century prostitution. It looks more closely at and tells us much more about the "oldest profession" in Nevada than any previous work, and extends the interpretations gleaned from Comstock data well beyond one mining camp. If there are substantial criticisms to be made of the work, they are those of the historian. The data used in the study often lends itself to other interpretations than those presented. There is not enough attention given to the social evolutions of the Comstock, where conditions for prostitutes, as for everyone else, were vastly different in 1880 from what they had been in 1860. There could have been a greater effort to examine prostitution in relation to the institution of marriage in the last century. More discussion of the arrangements and understandings that prevailed between married men and women, coupled with a comparison of these with the relationships between prostitutes and customers, and prostitutes and their friends, would certainly have further elucidated the nature of Comstock prostitution.

There is some question about the author's count of prostitutes; the methods used to enumerate them could lead as easily to an overestimate, as to the underestimate suggested by the author. In this connection, it might be questioned whether the women whom Goldman describes as "adventuresses" fit at all into her definition of prostitutes. Also, just how accurate is the census data that lies at the core of the study? It is well

known that census takers sometimes omitted people from their surveys, noted wrong occupations, and usually took on faith whatever information was given them by individuals. In the case of prostitutes, who might, quite understandably, desire to obscure their pasts, how reliable is the information on places of birth? Goldman recognizes potential problems with the census, but tends to discount them.

A greater familiarity with historical sources would have strengthened this work. For example, in discussing Virginia City, Goldman states that "county hospital reports never mentioned syphilis or gonorrhea," and she can only venture the guess that these diseases were "major problems." Appendices to Eliot Lord's *Comstock Mining and Miners* (1883) show that venereal disease was the ailment most commonly treated in the Storey County Hospital during the years from 1865 to 1880. Also, the use of Sanborn fire insurance maps, which exist for Gold Hill in 1877 and for Virginia City and Gold Hill in 1890, would have provided substantially more information on living conditions and the physical environment of the Comstock redlight districts.

Undoubtedly, however, the greatest fault to be found with the book lies in certain of the conclusions it offers about the relation of prostitution to general Comstock society. Some of Goldman's contentions, such as that "prostitution was so central to economic and social life . . . that it is hard to imagine an adult male being immune to its lures, and gaudy masquerades and prostitutes' balls were practically irresistible," appear overstated. It seems a matter of some doubt whether, as Goldman states, "in 1875 at least one woman in twelve [on the Comstock] was a prostitute," or whether (in a scrambled sentence on p. 124) almost all respectable women on the Comstock "risked contracting venereal disease from their husbands." Such statements probably exaggerate the centrality of prostitution to everyday life and social structure in the mining communities. Alfred Doten's diaries are used to buttress the author's conclusions regarding the prominence of prostitution, even though she admits that Doten was an atypical man, whose observations reflected his own particularly wide-ranging interests.

An impressive amount of research has gone into *Gold Diggers and Silver Miners*, and notwithstanding its omissions and debatable conclusions, it stands as a significant contribution to the presently modest body of work dealing with mining frontier society in the last century. As far as Nevada is concerned, it is the most important social history yet written. With its wide scope and critical analysis, it sets a new standard of quality which hopefully will serve to stimulate further scholarly examination of everyday life in nineteenth-century Nevada.

Eric N. Moody
Nevada Historical Society

The Truckee Basin Fishery, 1844-1944. By John M. Townley. Water Resources Center Publication #43008. (Reno, Nevada: Desert Research Institute, University of Nevada System, 1980. 88 pp. $7.00 paper).

THIS MONOGRAPH SETS OUT to document the history of the fish resources in the Truckee River system between the time Anglo-Americans first saw them until World War II. During that period, the once teeming fishery declined to one artificially maintained by hatchery plantings and strained even by simple sporting use. By then the indigenous cutthroat trout was listed as a threatened species and the native cuiui as endangered, neither one able to reproduce unaided in the river system so altered by man.

Townley identifies three primary reasons for this decline: the pollution of the river by urban areas and lumber mills; a drastic reduction in the water flow due to irrigation diversions, particularly by the Newlands Project after 1905; and heavy commercial fishing in the late nineteenth century. The first two factors made natural reproduction no longer possible and assured reduction of the numbers of fish. The third activity killed off the remnant breeding population. The situation was further complicated by Nevada's failure to enforce its own fish laws and subsequent poaching, the lack of interest in conservation, and the predominantly mercantile public opinion which saw little or no financial benefit in maintenance of the fishery.

Townley presents an accurate if unpopular view of frontier Nevadans' disdain for law, both state and federal, and he traces the connection between this scorn, weak state enforcement, and subsequent fishery decline. He also gives a good history of the growth of industrial pollution and its complex relationship to interlocking corporate interests and state politics.

It is unfortunate that his analysis of the Indians' role is not similarly sophisticated, despite the great stress he places upon it. He fails to mention that the maintenance habitat for all the fish under discussion was completely within an Indian reservation, and leaves totally unexplored the broad political implications of that single fact. He mentions in passing the existence of on- and off-reservation Indians, but does not consider the vast differences between these two groups. He talks about the "hazy status" of Indian hunting and fishing rights, but by offering no discussion of them, leaves these hazy indeed. His undocumented assertions that 80% of commercial fishermen were off-reservation Indians, and that they worked for white men, enable him to condemn natives for active participation, if not actual leadership, in the decline of the Truckee resources. While some Paiutes unquestionably did fish for the

market, their complicated role requires greater analysis before such conclusions can be drawn. Certainly the historic influence of a market, composed of Anglos in urban centers, cannot be ignored as Townley so comfortably does. Perhaps the simplicity of the author's approach to the Native American aspect of his narrative can best be illustrated by his stereotypic reference to "the Indian" in the singular, his capitalization of "Red man" and lower case spelling of "white men," and his patronizing use of the historian's cliche when referring to tribal dealings with "the Great White Father."

Some of Townley's biases may come from his sources, the overwhelming majority of which are newspaper citations. Local papers, particularly in the nineteenth century, vied with each other for readership through the colorfulness of their writing styles. Prevailing public opinions were unashamedly voiced in the reporting which made no pretense of neutrality. While Townley does identify some blatant biases, as in his treatment of the news campaign against the Derby Dam fishway, he does underevaluate the bias in other areas.

On the whole, Townley draws a just conclusion, that numerous parties, Indian and non-Indian, corporate, state and individual, were jointly responsible for the decline of the Truckee River fishery. None was blameless. He does not seek single scapegoats or misrepresentation of others as innocent parties. History here, as elsewhere, is not a matter of single factors, but the judicious evaluation of multiple interrelated components. That evaluation, being an opinion, can only be debated by reference to the sources, their selection, and the balanced interpretation of their meaning.

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The Orr Ditch Case, 1913-1944. By John M. Townley. (Reno: Water Resources Center, Desert Research Institute; Nevada Historical Society, October 1980; 90 pp. $7.00)

JOHN TOWNLEY is a competent scholar and the Orr Ditch Case is one of the more important aspects of Northern Nevada history in the twentieth century; one would expect the combination of Townley's skill and the subject matter to provide useful grist for analysis in the local and regional historical mills. This booklet will have value for future students of the Truckee River litigations, but its appeal to those seeking a broader social perspective will be somewhat more limited.

Townley has looked at reams of paper embracing the court records, Bureau of Reclamation documents, Department of the Interior correspondence and other related ephemera to reach an understanding of the complex Orr Ditch Case; no less than a diligent perusal of the primary sources would have been satisfactory in a study of this kind. The case lasted, as Townley's title reveals, for more than three decades, and it may not be finished yet, as a subsequent case which seeks to set aside the Orr Ditch decree is on appeal in the higher Federal courts.

The case of *U.S. v Orr Ditch Water, Co., et al.* began when the Federal government decided in 1913 to assert a claim for the unappropriated water on the Truckee River in order to establish the rights of the Pyramid Lake Reservation and the Newlands Project in Fernley and Fallon. It began as a "friendly suit" and evolved into a prolonged confrontation between those asserting traditional appropriated rights on the one hand, and the Federal engineers and attorneys who spoke for the Truckee Carson Irrigation District and the Paiute Indians on the other.

Townley did most of his historical homework quite well. He knows the territory, because as director of the Nevada Historical Society a few years ago he published a substantial book entitled *Turn This Water Into Gold: The Story of the Newlands Project* under the imprimatur of that agency. It was a highly positive history of the Newlands Project and a useful study. Unfortunately, his admiration for the benefits of that project may have made him less than objective in his study of the Orr Ditch case.

The current study reflects a cynicism about the manner in which the Orr Ditch case was handled that is hardly justified by the evidence presented between the covers of this slender booklet. He asserts that almost as soon as the suit was filed in 1913 there was a "carefully planned and orchestrated media blitz" by the U.S. Reclamation Service to soothe feelings about the matter. Presumably this fancy rhetoric refers to the few small newspaper stories that he cites from the period. He seems to assume that most of the delays in the court proceedings were the result of sinister conspiracies, rather than the understandable delays of a complex legal matter.

Townley is most caustic when he deals with the role of the Special Master, who was appointed by the Federal District Judge in the case to take testimony and technical evidence and to make recommendations to the Court on the hundreds of claims which had to be adjudicated. George Talbot had been a long-time Nevada lawyer, district court judge and Nevada Supreme Court Justice. He became Special Master in 1919 and submitted his recommendations to the Court in 1925; his advice became the basis for the uncontested consent decree which, with a few

modifications, the Court approved in 1944 as the final Orr Ditch decree.

The reader of this piece is encouraged to infer that Talbot was some kind of scoundrel, and that he made his decisions on the equitable distribution of water for political reasons. Talbot did run for a Nevada Supreme Court seat in 1922, unsuccessfully, but Townley seems to assert that because of his political ambitions he fiddled with the water duties that he recommended to the Court three years later. He refers to Talbot's Explanatory Report, but does not take into account the reasoning that Talbot offers there or the complexity of the evidence which Talbot had to reconcile in 1924. "Cynically put," as Townley says, "it proved politically impossible for a candidate for elective position of Nevada Supreme Court Justice and attorney competing for clients to ignore powerful and populous Washoe County...," sliding over the fact that Talbot's race for the Supreme Court was well in the past when he rendered his final report. The basic trouble is that too many items in this little monograph are "cynically put" when the historical documentation—admittedly very extensive—does not always justify such an attitude. Talbot may have been a rascal, but it is not proven here.

One wonders whether the Orr Ditch case warrants a booklet for wide public distribution, which seems to be intended in this case. That the matter is of historical and legal importance is clear, but whether its significance can be explained in such a cynical manner and technical format is questionable. It is good to have this information available, but the market is likely to be rather limited.

James Hulse
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American Labor in the Southwest: The First One Hundred Years. Edited by James C. Foster. (Tucson: University of Arizona Press, 1982. xii + 263 pp., introduction, notes, index. Paper, $9.85)

PROFESSOR FOSTER has collected and edited fourteen articles, two written by himself, which outline a long, colorful, and generally violent history of labor and associated union organizational activity in the western United States and Mexico. In his introduction, he chides Western historians for their excessive concern with "cowboys and Indians," business elites, and other traditional subjects of research, and forcefully argues for more studies which would detail the important role labor played in building and developing the West. "The wageworkers may not have been as glamorous as the United States cavalry," writes Foster, "but without them

there would have been no modern metropolises in the mountains or in the deserts . . . . The wageworker outlasted the cowboy." The book is a fitting tribute to some of those forgotten workers and helps fill a scholarly void in the field of Western labor history.

Unfortunately the title of the work will confuse anyone who reads the contents page. The articles are products of a labor studies conference held in Phoenix in 1977, and taken together are concerned with much more than American labor, the geographical region known as the Southwest, or only one hundred years of labor activity. For example, one article is exclusively devoted to union organizations in Mexico from 1854 to 1931. Another study details organizing efforts among farm laborers in Hawaii in the 1930s and 1940s. Yet another article discusses the status of Mexican migrant workers in the United States from the 1880s to the 1980s. No attempt is being made here to question the inclusion of these or other labor studies in the book. Most of them are sound and valuable works of scholarship. On the other hand, the title of the book is misleading. One can only question why Foster and/or the University of Arizona Press felt compelled to give the book such an inappropriate title.

Two of the book's five sections are devoted to the Western Federation of Miners (WFM) and the Industrial Workers of the World (IWW). The other three relate to union efforts among farm workers, Mexican labor in the United States and Mexico, and "Labor and Politics." Readers interested in Nevada's labor history will be particularly concerned with Foster's statements on the Comstock's miners' unions, Goldfield and the IWW, Patrick McCarran, and his study entitled, "The WFM Experience in Alaska and Arizona, 1902-1908."

Foster draws a direct link between the founding of the Comstock miners' unions in the 1860s and early 1870s and the creation of the WFM in 1893. He cites Richard Lingenfelter's excellent study, *The Hardrock Miners* (1974), when he outlines the objectives of the Comstock unions and how their principles were spread and adopted throughout the mining West. Although former members of the Comstock unions played important roles in the establishing of the WFM, Foster seems to imply that the Virginia City, Gold Hill, and Silver City miners' unions took an active interest in the affairs of the newly-created regional labor organization.

In fact, the three Comstock miners' unions were not represented at the founding convention in Butte, did not join the WFM until 1896, and appeared to have an on-again, off-again association with the regional miners' union over the next thirty years. The Gold Hill union had withdrawn from the WFM by 1899, and did not rejoin until 1907. Only two Comstock union members ever served as officers in the WFM. The

remnants of the once-great Comstock miners' unions openly identified themselves with a conservative union tradition, albeit one based on the concept of industrial unionism. There is little evidence that Comstock union leaders or their rank-and-file ever embraced the Socialist principles of WFM President Ed Boyce or the philosophy of anarcho-syndicalism as espoused by "Big Bill" Haywood and Vincent St. John. While the organizational roots of the WFM may be found in the early Comstock miners' unions, the WFM and IWW's exotic ideological approach was unpalatable to the union men working in the Comstock mines.

Goldfield was a much different story. The militant WFM had enrolled practically every miner in Local No. 220, and the IWW, a creation of the WFM in 1905, had made great organizational inroads in the booming community by early 1907. Goldfield had indeed become "the legendary IWW town in those years," but Foster is incorrect when he claims the town was completely organized by the Wobblies. The American Federation of Labor (AFL) had organized the typographers and carpenters, and this led to a number of near-violent jurisdictional disputes in 1906 and 1907.

Foster's article on "The WFM Experience in Alaska and Arizona" is valuable not only for its insights into the revamped organizational tactics of the regional miners' union between 1902 and 1908, but it also provides information about union organizers Joel Nelson and Percy Rawlings. Nelson was president of Goldfield Local No. 220 during its formative years. Rawlings was an editor of Local No. 220's short-lived labor newspaper, *The Nevada Workman*. (John Dos Passos in *The 42nd Parallel* devotes some ten pages to the Goldfield labor troubles and his main character comes to Goldfield to help publish *The Nevada Workman*).

Foster in his introduction to the "Labor and Politics" section charges that U.S. Senator Pat McCarran was not known as a defender of unions, and he notes McCarran's anti-communist legislation of the 1940s and 1950s. It is interesting to point out that McCarran studied law in the office of William Woodburn Sr., former Congressman from Nevada and first president of the Storey County Miners' League in 1864. Probably because of Woodburn's influence, McCarran generally defended Nevada's miners' unions and their conservative brand of industrial unionism. His problem was principally with the radical IWW, members of which he prosecuted in Tonopah in 1907 as Nye County District Attorney. Because of the Communist Party's influence in the International Union of Mine, Mill and Smelter Workers (IUMMSW), the successor to the WFM in 1916, and the Congress of Industrial Organizations (CIO) during that union's early years, McCarran most likely viewed

the IUMMSW and CIO as nothing more than warmed-over Wobblies. At the same time, McCarran was a long-time friend of the AFL craft unions—the IWW's arch-enemies—and the railroad brotherhoods, and enjoyed their support in his political campaigns.

Despite these criticisms of Foster's references to Nevada, the book as a whole is a credible work of scholarship. Many of the articles break new ground in their respective subjects. While the index leaves something to be desired, and typographical errors abound (the heading for one article between pages 35 and 45 is the "Fall of the WMF"), labor historians concerned with the West cannot afford to ignore the book.

Guy Louis Rocha
Nevada State Archives

The Pinyon Pine: A Natural and Cultural History. By Ronald M. Lanner, with a section on Pine Nut Cookery by Harriette Lanner. (Reno: University of Nevada Press, 1981. 208 pp., notes, bibliography, index. $8.50)

THE PINYON PINE details the evolution, biology and ethnohistory of a most important plant in one of the largest biotic communities in the Western United States. Ronald M. Lanner, a Professor of Forestry, discusses a number of topics dealing with this important member of the pine family. Although some of the information presented may be overly scientific for many readers, those who have interests in anthropology, botany, ecology, forestry, range management, or western history will be able to appreciate the relationship of the pinyon to their particular interest or area of study.

Lanner's naturalist approach to the investigation of the pinyon traces this significant pine from its inception during the Mesozoic Era to its present land management status. *The Pinyon Pine* concentrates on the single leaf pinyon of the Great Basin (Pinus monophylla), and the Colorado pinyon of the four-corner states (Pinus edulis). Lanner casually mentions the remaining nine species of pinyon, mainly from Mexico, throughout the text. The formation of hybrid trees between the two major species and a discussion of the paleoecology of the pinyon fills the evolutionary history section of the text.

The pinyon and its relationship to lower forms of animals is detailed, and there is an informative discussion of man's place in the woodland ecosystem. Lanner elaborates on how sawflies, midges, bees, beetles, porcupines, deer, and even parasitic plants use the pinyon as a resource, and he also explains the symbiotic relationship between the pinyon jay and the tree.

Approximately one-half of *The Pinyon Pine* details man's use and misuse of this woodland tree. The cultural relationship between man and tree probably began as people entered Western North America around 20,000 years ago. The ethnobotanical evidence indicates that the various cultures throughout pinyon country utilized the plant for construction, fuel, food, lubricant, sealer, and as an essential medicinal. The plant was also used in many rituals and revered in myths (many are cited in the book). Lanner discusses how the phenology of the pinyon controlled ceremonies, festivals, wedding arrangements, and even the population size of the aboriginal inhabitants in the region.

Lanner traces the pinyon from the Spanish explorations of the fourteenth century to the mining camps of Western America. Unfortunately, a problem occurs when he bisects the period of the early explorers from the nineteenth century with two essential, but unrelated, chapters. Nutritional considerations and taxonomic discussions should have been placed with earlier chapters where they would not have interrupted the logical sequence of events.

Early references to the value, flavor, and availability of pinyon pine nuts are found in the journals of Coronado and Fremont. Spanish missionaries also mention certain cultures gathering pine nuts, but they were more concerned with agricultural peoples.

The mining boom of the 1800s is cited as a major reason for the deforestation of the pinyon woodland. Pinyon wood was utilized extensively for the shoring of mine shafts, as charcoal for smelting, and as a fuel for heating and cooking. A necessarily lengthy discussion is presented, with statistical support, concerning the importance of the pinyon during this period.

Lanner compares the nutritional value of different species of pine with various edible nuts throughout the world, and he graphically shows the dietary value of pine nuts. Unfortunately, he fails to provide adequate documentation concerning the sources of the information presented in Table I. An essential treatment of nutritional benefits and energy expenditure is also presented.

There is a solid analysis of the taxonomic history of the pinyon. Correspondence with noted botanists such as Torrey and Gray, coupled with discussions of speciation, provide adequate information concerning the various common and scientific names of the pinyons.

The final chapters of *The Pinyon Pine* are primarily concerned with the land use policies of the U.S. Forest Service and the Bureau of Land Management. Significant ecological factors such as chaining, burning, and clear cutting are analyzed for their long and short term impacts. Lanner even cites the loss of non-renewable cultural resources due to the management practice of chaining. Current alternative programs in

the Toiyabe National Forest of the U.S. Forest Service include firewood sales and controlled burning.

Lanner believes that the pinyon stands of the future will suffer even greater impacts. Urbanization, pollution, strip mining, and continued wasteful grazing practices will all contribute to increased pressure on the woodland. The author maintains that an interdisciplinary program of careful husbandry is needed to increase or stabilize productivity. Various futuristic ideas of "forest farming" and the utilization of the pinyon as a worldwide agricultural crop are briefly explained. In Lanner's judgment, now is the time to implement these long range plans.

An added bonus to *The Pinyon Pine* is the informative section on "Pine Nut Cookery" by the author's wife, Harriette Lanner. The techniques of collecting, storing, shelling, and roasting of pinyon nuts are presented; and suggestions are given for where and when to go pine nut hunting (and what to take when going). The thirty-two recipes include salads, sauces, snacks, main dishes, and deserts. This practical section is an entertaining addendum to the book.

At the end of the book, Lanner includes fairly extensive notes about each chapter; however, much of this added information would be more valuable in the main text. Additional data about evolution, dendochronology, ethnography, archaeology, history, and federal policies support the major points of *The Pinyon Pine* and could have been inserted into specific chapters.

An informative bibliography complements the text; it is not exhaustive, but Lanner states that some references (especially ethnobotanical) are difficult to locate. The notes, placed at the end of the text, are often rather general, and contain a good deal of commentary upon the sources utilized; in many instances, however, more specific citations would have been helpful. There is a good index.

The Pinyon Pine is both entertaining and educational. Both professionals and avocationists with an appreciation for the Western United States will find useful and interesting information throughout the text.

Joseph P. King
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Elliott Coues: Naturalist and Frontier Historian. By Paul Russell Cutright and Michael Brodhead. (Urbana: University of Illinois Press, 1982. 509 pp. Illustrations, notes, bibliography)

SUCH A CONFUSION OF POWER do we find in this man, Elliott Coues! He is at once self-righteous, bull-headed, intelligent, observant, selfish, and energetic. Little is there to love or admire, yet much to engage and to fascinate. Like a flaming meteor, he sailed across the landscape of his contemporaries. In a society of forceful characters, he stood out.

Elliott Coues (pronounced "Cows") was born in 1842 and died on Christmas Day, 1899. His New England family took him as a lad to Washington, D.C. where he was educated, first in a Jesuit Academy and then at Columbian University—now George Washington University. He was early interested in nature and at the age of eighteen made his first scientific trip. In the summer of 1860, he surveyed bird life on the coast of Labrador. From this experience came the first of more than 600 publications.

Following graduation from college, he entered the Medical School of Columbian National Medical College. Collecting a Master's Degree in 1862 and an M.D. the following year, Coues served in the Mount Pleasant U.S. Hospital as an intern. There he worked with sick and injured Union soldiers. In 1864, he was made the equivalent of a First Lieutenant in the Medical Service and sent to Fort Whipple, Arizona.

This assignment reflected the patronage of the Smithsonian Institution and Spencer Fullerton Baird. Baird was Director of the National Museum and Assistant Secretary of the Smithsonian and was always on the lookout for talented naturalists. Following a well-established pattern, Baird would select promising young naturalists, find military support for their journeys and direct them to new fields of observation and research. This pattern originated in the period immediately after the constitutional debates in the new republic because of strenuous opposition to "elitist" and old-world systems of support for scientific work. The Lewis and Clark Expedition was justified by the commerce clause in the Constitution, and the journey itself was supported by the army. Much American science continued in this way.

Coues found ample opportunity to travel throughout the southwest and to pursue his ornithological interests. When not collecting specimens for shipment back to Washington, he was dissecting, drawing and classifying birds. If they proved scarce, he would work with mammals and other flora and fauna. His industry was laudable and his talent obvious. In 1869, he was returned to Fort McHenry in Baltimore as Captain and Assistant Surgeon. In this serene environment—a "crack station" he said—he wrote an ornithological work still considered

important, *Key to North American Birds.* Published in 1872, it was and is a classic.

That fall he was transferred to South Dakota. He was there less than a year, and then transferred to the International Survey of the 49th Parallel. As the boundary commission slowly worked its way west, Coues would traverse the path taken by Lewis and Clark.

By 1881, Coues was a naturalist of international stature. He had traveled throughout the west and had described numerous new forms of bird life. His writings were known to professionals and amateurs alike. He was increasingly unhappy with army life and was ready to return to a civilian status. He resigned his commission.

There is quite a tale behind that resignation. Coues was married three times and had numerous affairs. He felt that his "worst enemy" was his former wife, Jeannie Augusta McKinney Coues, for " . . . my whole career is at present blocked, in the deadlock brought about by the most devilish malignity and ingenuity of my infamous wife. She is in full possession, has my name, house, children and money. . . ."

But his sharp tongue and sharper pen proved to be an enemy also. To give but one example, Coues increasingly feared that the introduction of foreign birds, in this case the sparrow, would upset the balance of nature. When one of the proponents of introduction died, Coues abused him: "We both know that Brewer was a cantankerous old ass at the time he had the good taste to fall asleep in Jesus."

There were other personality traits which were less than endearing. Violently anti-Catholic, Coues made no secret of his prejudice. He also espoused spiritualism, especially theosophy. Somehow he even managed to have himself expelled from that group. In 1891, we find him Vice Chairman of the "Committee on a Psychical Science Congress to be held in connection with the World's Columbian Exposition of 1893."

Historians have been perturbed with Coues because of his treatment of the Lewis and Clark manuscripts, which he edited in 1893. The authors carefully follow this work and take him suitably to task for his cavalier treatment of these valuable manuscripts. But they also point out that it was he who discovered them in the archives of the American Philosophical Society in Philadelphia where they had lain unnoticed for many years. Also he clearly identified the wealth of natural history and geographical information to be found in the journals. Finally, he did arrange and index the collection. It is not so clear that he gave due credit for the ornithological information contained in the journals.

At the time of his death, Coues was identified with the warp and woof of burgeoning American science. In his publications, he reflects the transition from hair-splitting taxonomic systems to a more confident discussion of populations and ecology. In his institutional activities, he

expresses a strong desire to integrate science into our national culture. In his literary style, he sings the praises of nature and our search for understanding. In sum, as a distinguished twentieth-century ornithologist points out, "Thus it comes as no surprise to learn that the ornithologist, indeed anyone with an interest in birds, still treasures the writings of Elliott Coues not only as science but also as literature."

Paul Russell Cutright, Professor Emeritus of Biology, has for many years worked and written on this subject. Michael J. Brodhead, Professor of History at the University of Nevada, Reno, brings to his writing and research a solid knowledge of western military and scientific work. Basing their conclusions upon the best primary sources, especially the 1896 *Book of Dates* which Coues composed to illuminate the highlights of his life, the authors arrive at a judicious and well-reasoned view. Their writing is lively, vivid and readable. The Regents of the University of Nevada supported part of this work, and they are to be commended for it is a credit to them also. This is a book which can be used in the classroom, but it also is plain good reading.

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Mary Colter: Builder Upon the Red Earth. By Virginia Grattan. (Flagstaff: Northland Press, 1980. x + 131 pp; bibliography, index, footnotes, illustrations, $9.95 softcover, $15.50 hardcover)

THE NAME MARY COLTER usually sounds vaguely familiar to Southwesterners, but it is also usually not lodged firmly enough in the memory to call forth additional identification. It is not until someone says, "She was the architect and designer for nine of the Fred Harvey buildings at the Grand Canyon" that a sudden flash of recognition occurs. With this valuable biography, Virginia Grattan makes sure that all of Colter's accomplishments receive their much deserved recognition.

Mary Colter was a remarkable woman. She was a school teacher in St. Paul, Minnesota, in the 1890s. In 1902, at the age of thirty-three, she began work as an architect, designer, and interior decorator for the Fred Harvey Company. She was to continue in this capacity for the next forty-six years, finally retiring at the age of seventy-nine; and she later came out of retirement for one last job, the design of a new cocktail lounge for the La Fonda Hotel in Sante Fe, New Mexico.

During the first part of this century, as the Santa Fe Railroad pushed further and further west, the Fred Harvey Company built an ever-increasing number of hotels and restaurants along the railway. Mary

Colter was the architect, interior designer, and decorator for ten of these buildings and designed and decorated the interiors of an additional twelve. It was, of course, Fred Harvey and the Santa Fe that eventually brought her to the Grand Canyon and to her best known creations.

During a time when most American architecture was laboriously imitative of European models, Mary Colter developed her own original style, based on the environment surrounding a building and on the previously existing culture of that region. In her manual she wrote:

> The primitive architect never intentionally copied anything but made every building suit its own conditions and each one differed from every other according to the character of the *site*, the *materials* that could be procured and the *purpose* for which the building was intended.

It was consistently this emphasis on the site, the materials available locally, and the purpose of the building that gave Mary Colter's designs their originality and their distinction. Using local stone and timber, and strongly influenced by the local history and culture, she designed buildings that looked as if they belonged, that seemed to grow naturally out of the environment in which they were situated. Illustrative of her originality and of this use of local materials is the fireplace in Bright Angel Lodge at Grand Canyon. Impressed with the fact that the earth's geologic history is recorded in the successive strata of the Canyon's walls, Colter desired to repeat these "layers of history" in the fireplace. The hearth was formed with stones from the base of the Canyon; then each succeeding layer of stone in the fireplace was formed with material from a succeeding strata of the Canyon's walls. The top of the ten-foot fireplace was finished off with Kaibab limestone, the surface strata of the Canyon.

Apparently, Mary Colter was not a particularly popular woman. She was a perfectionist and could be quite dogmatic and intractable. Frequently, she would personally supervise a job—much to the workmen's dismay—and if something did not look right to her, she would have the workmen tear it out and do it over. On the other hand, she was quite capable of getting down with the tile-setters or stone masons and showing them *how* she wanted a job done. It must have been very difficult, especially at this time in history, for a woman whose job required that she supervise men. Unfortunately, she frequently referred to the workmen as her "boys." They retaliated by calling her—but never to her face—"Old Lady Colter."

Mary Colter: Builder Upon the Red Earth is a thoroughly enjoyable book. Ms. Grattan has researched carefully both in published and unpublished materials and in interviews with people who knew and

worked with Colter. In addition, readers are provided with a wealth of photographs of Colter's work, including some of her buildings which have, tragically, been torn down to make room for "progress." At the end of the book, Ms. Grattan has provided a list of Colter's buildings with the current status of each ("Standing" or "Down") indicated. Ms. Grattan has performed an invaluable service in preserving and distributing both photos and facts about Mary Colter. Anyone concerned with the heritage of the American Southwest will certainly enjoy this book.

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Community on the American Frontier: Separate but Not Alone. By Robert V. Hine. (Norman: University of Oklahoma Press, 1980. 292 pp., illustrations, notes, bibliography, index, $12.50)

ROBERT HINE'S INTERPRETIVE STUDY of frontier community is successful only insofar as one can accept his basic premise, that "the ideal community would be culturally and ethnically homogeneous, politically egalitarian, socially and economically classless, and reasonably stable in time" (p. 32). If this utopian description is accepted as a standard, then certain revered American social values—among them individualism, capitalism, mobility, and ethnic assimilation—must in turn be rejected. This, then, is the dilemma posed by Hine's work.

Inevitably, there are few American communities that can meet such exalted standards (indeed, Hine's model is explicitly a European one). As a result, after an intriguing survey, Hine concludes that the American frontier was by nature antithetical to true community. Yet those Americans who were part of the frontier clearly *felt* that they had experienced community, even in the heterogeneous, expedient, and often temporary settlements that they did create. In the end, the reader must decide whether a community such as Hine proposes could ever exist in America, and if not, whether Hine errs by rejecting as inadequate the types of communal endeavor that did prevail.

In either event, the book is worth examining. After a brief and thoroughly dissatisfying theoretical introduction, Hine ranges in anecdotal fashion through successive types of American communities. His organization is largely geographical, beginning with the Puritan towns in New England and proceeding westward through midwestern farms and villages, mining camps, isolated southwestern ranches, and the makeshift trail communities that prevailed for a limited time among cowboys,

trappers, and travelers. Groups united by principle rather than common circumstance are also discussed, in separate chapters on ethnic communities and cooperatives.

Although detail about such a variety of groups is necessarily sparse, Hine chooses it well. His background as an historian of the American West and of utopian social experiments lends a certain credence to his choices, but still does not satisfy the reader who seeks sustained analysis. Hine summarizes the mining frontier, for example, by referring primarily to two towns in Colorado, with passing references to Montana, Nevada, California, and South Dakota. Any sense of nuance, of how these mining towns may have differed one from another, is subordinated to the need for generalization. Hine's final summary of mining communities, that "they would compete or share, whichever seemed best" (p. 92), is undoubtedly valid, but hardly insightful. Too many of the chapters in this book are similarly diffuse, leaving the reader amused by the stories that Hine has lovingly assembled, but unenlightened. Unless one can accept Hine's definition of community, and his exclusion of every form of frontier settlement from it, this book remains a failure. *Community on the American Frontier* is an important attempt to examine fundamental assumptions about the frontier experience, and should not be ignored, but it raises more questions than it answers.

Elizabeth Raymond
Nevada Historical Society

Thomas Jefferson & the Stony Mountains. By Donald Jackson. (Urbana: University of Illinois Press, 1981. xii + 339 pp. Maps, notes, bibliography, and index. $11.95)

NEVADANS AND THEIR GREAT BASIN NEIGHBORS live in the presence of mountains. To the west rise the Sierra Nevada, to the east stand the Rockies, or Stony Mountains of our early geographers. The extent of the western cordillera, the character of the grass-covered plains, and the possible existence of a mighty westward-flowing river were questions that intrigued early nineteenth-century scientists, philosophers, and statesmen. Thomas Jefferson, who was all three and more, was enticed by the West, especially by the Stony Mountains, for the greater part of his long life, although he never ventured west of Virginia.

Because Jefferson was a renaissance man, interested in nearly everything—except geology—his life offers writers a seemingly endless menu of topics for books, articles, and essays about him. Donald Jackson's portrayal of Jefferson as the "single most important Figure" of the early

Republic in his concern for the trans-Mississippi country (not altogether a new interpretation of the third President's fascination with the West) sounds the theme of this detailed, scholarly, highly readable monograph that gives greater depth and new meaning to Jefferson's life and times.

Only a few contemporary historians have Jackson's experience in writing on the West and the early nation, and even fewer have edited such a diverse lot of historical documents, ranging in Jackson's case from Washington's diaries to letters and papers on Lewis and Clark, Black Hawk, Fremont, Pike and Custer.

Thomas Jefferson & the Stony Mountains is neither a biography of Jefferson nor a history of western exploration. It is, instead, an "aspect book," in Jackson's words, a generally chronological, easily understood narrative of the evolution of Jefferson's thinking about the West and of how he transformed those thoughts into action. We look at the West through Jefferson's eyes from his earliest years into the last decade of his life, and while making that great journey with him, delve into domestic and international politics relating to the West, examine the development of geographic concepts of the West, evaluate Jefferson's role in western exploration, and watch him build an outstanding library on western Americana.

While gazing west with Jefferson from Monticello or perhaps from some other vantage point in the East or in Europe, we must keep in mind, as Jackson cautions, that Jefferson's ideas about the West changed little between the 1780s, when he published his *Notes on the State of Virginia*, his longest treatise, and Lewis and Clark's return from the Pacific Northwest in 1806 with proof that the Stony Mountains could not be crossed easily from the headwaters of the Missouri to the upper Columbia. But, although exploration forced Jefferson to alter his view of the "symettrical geography" of North America, he never changed his belief that the young United States was destined to become the "nest" from which to people all the New World. Britain had given her American colonies an imperial urge to expand, and Jefferson looked west eagerly to new empire.

Historians in particular should be satisfied with Jackson's summation of the significant influence on Jefferson of Alexander Mackenzie's explorations and report; with the author's discussion of how Jefferson could favor both the assimilation of the Indian into white society and the removal of tribes west; and with Jefferson's defense of American Indians, animals and plants when they were labeled inferior by some leading late eighteenth-century European scientists; and should agree at least that Jackson is objective when writing about Zebulon M. Pike's controversial expedition southwest, although some may still question Pike's loyalty, and disagree with Jackson that Pike was simply a victim of lifelong bad

luck. While reading the book we come across some valuable, even unexpected, tidbits of history. Jefferson's disdain for Andrew Jackson is one of these morsels; and another is the probability that Meriwether Lewis kept a day-by-day account, now lost, of the early experiences of the Lewis and Clark expedition. A third is the way Jefferson nourished his garden at Monticello by diversified planting. Since Jackson's narrative tends to be far-reaching and, at times, chatty, we lose contact intermittently with Jefferson, but, fortunately, he always returns, and the reader senses that the author is pleased with the book he has written.

Even the most hard-hearted reviewer will find it difficult to challenge the makeup of the book. Chapter endnotes are full, the fourteen-page bibliography is a researcher's delight, the index is excellent, and the fifteen maps (nine reproductions of old maps and six simple outline maps drawn specifically for the book) are a great bonus to the reader.

But even the best of books—and Jackson's volume is certainly one of the best of recent date—leaves things unsaid that a reviewer might like to see included. This problem surfaces in the last sentence of Jackson's last chapter. In light of what we know about our history, does not that final sentence deserve qualification? How can Jackson say, as he does, that "Jefferson's remarkable monument [was] a land where the American people could do what they loved doing best. They could grow," without adding: grow, yes indeed, but grow by wasting the land and its resources and nearly destroying the Indian.

John E. Sunder
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Witness to a Vanishing America: The Nineteenth-Century Response. By Lee Clark Mitchell. (Princeton: Princeton University Press, 1981. xvii + 240 pp. Illustrations, selected bibliography, index. $18.50)

PROVIDING EXPLANATIONS for this country's conquest of the continent in the nineteenth century has seldom troubled Americans. Politicians, statesmen, journalists, and even historians have evoked repeatedly the phrases of "manifest destiny" and the "course of empire" while they praised the "rugged individualism" of frontiersmen and other empire builders. Convinced that the country's resources were inexhaustable, Americans easily overlooked the plunder of forests, the overgrazing of the open range, and the environmental damage associated with mining and other industries, leaving to their twentieth century descendants the tasks of preserving the remaining wilderness areas and evolving a philosophy to sustain the movement.

In *Witness to a Vanishing America: The Nineteenth-Century Response,* Lee Clark Mitchell reassesses these time-worn expressions and argues convincingly that participants in the triumph over the wilderness were clearly ambivalent about their accomplishments and wondered whether too much of the national heritage was being sacrificed to the future. Their concern about the "vanishing wilderness" appeared in a variety of sources—diaries, reminiscences, novels, popular essays, poetry, journals kept by artists, and scientific reports. Mitchell's analysis of such material leads him to conclude that "our nineteenth-century predecessors swaggered with less thoughtless confidence than the accepted historical record suggests." Not only did they express poignant concerns about the cost of the course of empire, but their feelings also inspired efforts to limit the devastation caused by westward expansion.

Not until the 1820s did Americans fully realize that "their national heritage was the vanishing landscape," and thereafter they exhibited an intense interest in preserving their frontier experience. Their endeavors took various forms, including amateur histories, biographies, genre painting, and illustrations, along with the founding of historical, antiquarian, and ancestral societies. Only George Catlin, however, perceived the interrelationship between the vanishing wilderness and the destruction of indigenous Indian cultures. Before the westward movement thoroughly altered Plains Indian life, he captured impressions of their culture as it had existed for generations. Most importantly, according to Mitchell, he taught Americans to examine their western landscape and to observe its residents.

While the first third of Mitchell's study focuses on the disappearing wilderness, the remainder is devoted to discussion of Native American culture as it was captured by artists and photographers and examined by such nineteenth-century ethnologists as John Wesley Powell, Henry Rowe Schoolcraft, and Lewis Henry Morgan. As a result of their work, the need for tolerance and for the understanding of a primitive culture's complexity and autonomy gradually changed white attitudes toward Native American culture. By the latter years of the century, white understanding of Indian tribes approached a cultural relativism that argued the equality, and sometimes the superiority, of primitive societies.

Mitchell acknowledges that "only a mildly intractable minority" of the nineteenth-century population shared the apprehensions about the vanishing wilderness and the destruction of tribal life. But he maintains that any definition of the American character must include "that mixed strain of regret about the process of westering" that emerged more than a century ago. The end of the nineteenth century did not witness a decline in such apprehension. Rather, those feelings intensified in the twentieth century as Americans took on the more complex tasks asso-

ciated with the conservation and preservation movements and also revised their opinions about Native Americans.

Witness to a Vanishing America reflects Mitchell's examination of manuscript and photography collections located at the Huntington Library, the Massachusetts Antiquarian Society, and Princeton's Firestone Library. But it is the author's imaginative synthesis of the mass of published primary material, along with pertinent secondary works, that makes this study an important contribution to historical literature. The book greatly enlarges the nineteenth century foundations of the present conservation-environmental movements and also develops fully the background for the modern study of Native American culture. Equally important, the book is a perceptive analysis of a previously obscured aspect of the nineteenth century American mind.

George M. Lubick
Northern Arizona University

NEW RESOURCE MATERIALS

George S. Nixon Letters

As the result of a generous donation by Lee Berk of Susanville, California, the Society now possesses a substantial collection of letters by Nevada banker, mining man and United States Senator George Stuart Nixon (1860-1912). Some 750 letters, dating from February 1900 to October 1905, more than six months after he was elected to the Senate, describe Nixon's personal business affairs in Winnemucca, Tonopah, and elsewhere. Among the matters he deals with are the early development of Tonopah, banking in Winnemucca, Tonopah, and Goldfield, financial and political activities of the Southern Pacific Railroad in Nevada, livestock marketing, and the fire insurance business. There is a fascinating series of letters pertaining to Butch Cassidy's purported participation in the 1900 holdup of Nixon's First National Bank in Winnemucca (Nixon maintains that the celebrated outlaw was not in the bank), and communications to "Friend George" Wingfield, which help to illuminate the relationship existing between the banker and cowboy-turned-gambler during the period when they were starting their mining empire in Tonopah. Besides Wingfield, other important correspondents include William F. Herrin of the Southern Pacific, banker John S. Cook, state Assemblyman and later Congressman Clarence D. Van Duzer, and Tasker Oddie.

The Society now holds the only known body of Nixon papers, other than letters of his which are included in the papers of other individuals. We thank Mr. Berk for his most significant gift.

Southwestern Mining Company Records

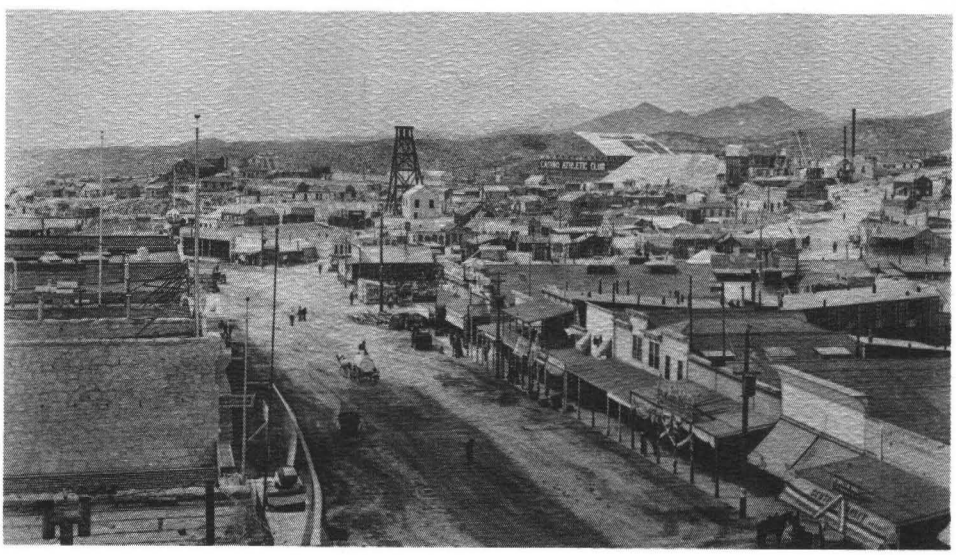
During the last quarter of the nineteenth century a single company dominated mining in Eldorado Canyon, center of southern Nevada's important Eldorado Mining District. This was the Southwestern Mining Company, which in 1879 bought the pioneering El Dorado Company's Techatticup Mine, and soon thereafter acquired most of the other valuable properties in the district. Owned first by a Minneapolis group, then by the Barker brothers of Philadelphia, and finally by Joseph Wharton, the Southwestern Company accounted for most of the Eldorado District's production up to the end of the century.

The Society has been fortunate in obtaining a number of the company's letterbooks for the years 1881, 1890-91 and 1893-96. These contain the correspondence of W.S. Mills, who was manager of the Eldorado mines until 1896, and his assistant, George B. Waterhouse. Directed to other Southwestern officials and to firms supplying equipment and provisions, they detail the company's activities and point out, among other things, the difficulties which had to be overcome to maintain operations at the isolated Colorado River mining camp.

Tasker Oddie Photographs

A major addition to the Society's Tasker L. Oddie papers was made recently when Allen L. Oddie donated a group of family photographs. Dating from 1902 to about 1909, the collection includes pictures of early-day Tonopah, Tasker and Clarence Oddie, with their wives and friends; and the Pine Creek Ranch and other central Nevada ranch properties acquired (and lost) by Tasker in the first decade of this century. Among the most unique scenes are those of parades in Tonopah, Tasker touring in his automobile, and tracklaying on the Tonopah Railroad in the summer of 1904, when a labor dispute brought prominent citizens out to help put down the last sections of track into town. There are also a few views of Goldfield in its infancy.

We wish to thank Allen Oddie, nephew of Tasker, and other members of the Oddie family for this gift of more than seventy intriguing and valuable photographs.



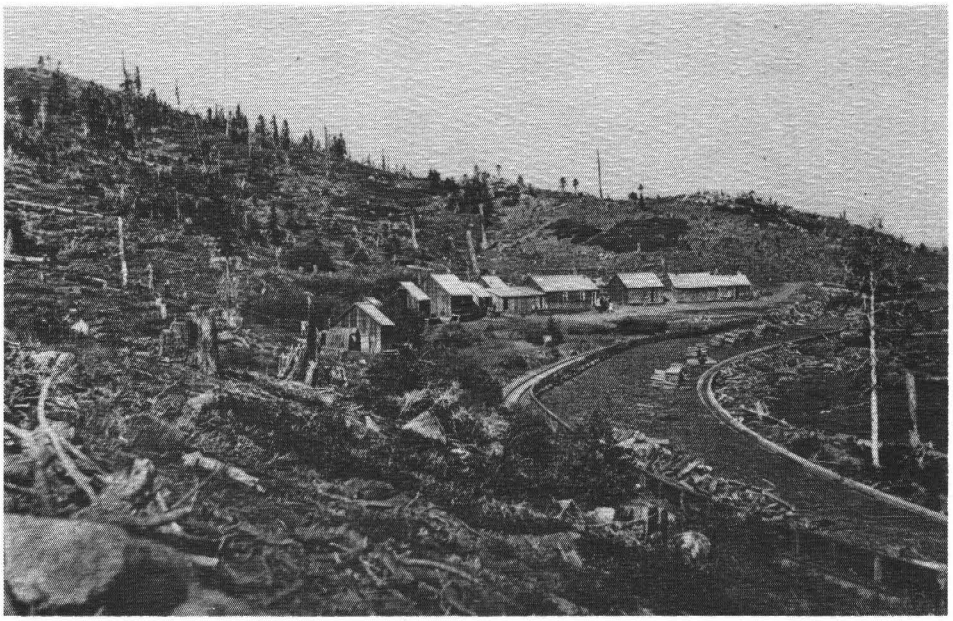
Tonopah, c1908

Washing at Pine Creek Ranch, c1904

NHPRC Grant in Special Collections UNR

Lake Tahoe area historical records are now organized for research use in the Special Collections Department of the University of Nevada, Reno Library. The project to organize thirty-seven manuscript collections from Special Collections was funded by a grant from the National Historical Publications and Records Commission (NHPRC). The manuscripts chosen for the project focus on historical issues in the Truckee and Carson River Basins and the Lake Tahoe region, some of which are still topics of concern today. Subjects covered are mining, lumbering, water resources, land use, environmental control, government and Indian culture.

Historical records of land use are contained in deeds and patents from the Carson and Tahoe Lumber and Fluming Company and the El Dorado Wood and Flume Company dating back to the 1860s. Land descriptions and transactions and tax assessments roles assigning property values are also included in the records. A comprehensive history of Lake Tahoe lumbering practices in the late nineteenth century can



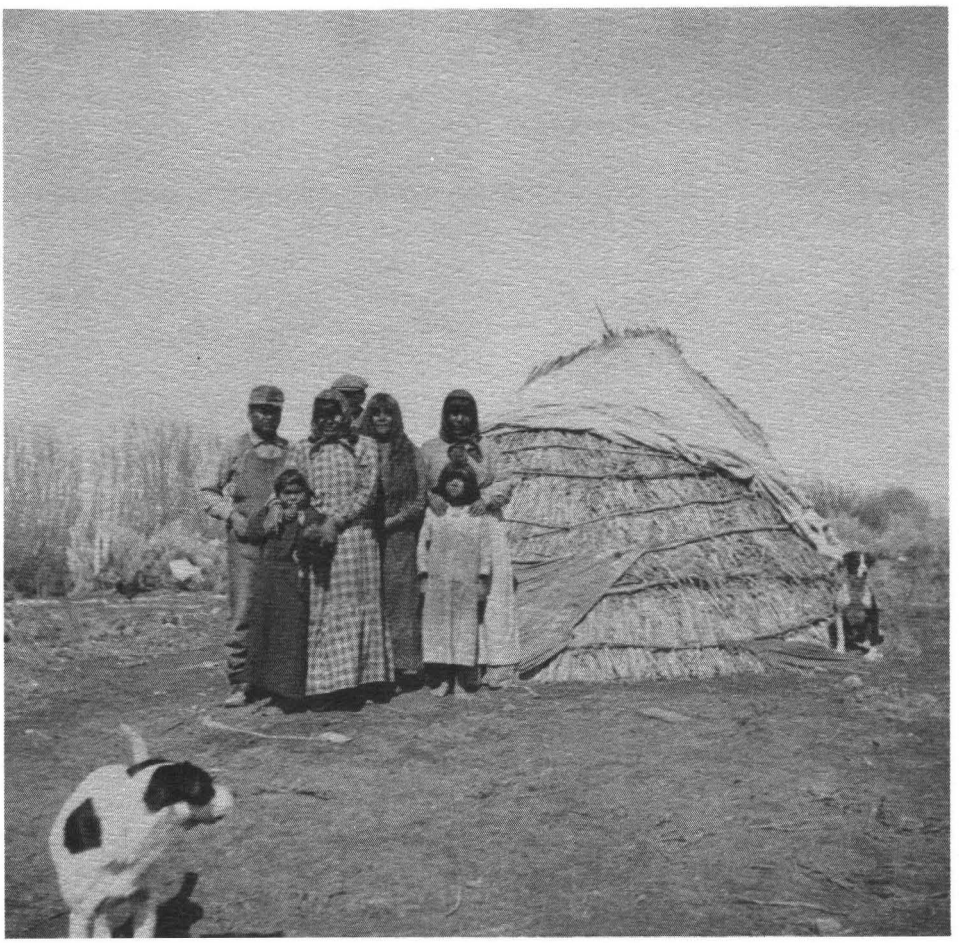
Summit Camp near Glenbrook, Carson and Tahoe Lumber and Fluming Co., late nineteenth century *(Special Collections, University of Nevada, Reno Library)*

be traced from payroll and lumber accounts, financial statements and correspondence from both companies. Hand-drawn maps depict early property boundaries, timber stands, buildings and flumes. Mining companies' land use records are available in documents from La Panta, Juniata, Nevada Salt and Borax companies and the Southern Development Company, which was responsible for land development around Hawthorne, Nevada.

H.M. Yerington's papers appear throughout all the early collections. He was involved in mining, land development, lumbering, and railroads in Nevada, and he was a major figure in the Carson and Colorado Railway Company, which served mining companies and communities in central-western Nevada from 1880 to 1900. A fairly complete set of financial records from the railway company shows business operations in the nineteenth century. These include waybill registers, account volumes, freight and tonnage record books and documents dealing with right of way and land transactions.

Three collections illustrate the history and Indian culture of Pyramid Lake from 1906 to 1971. Lorenzo D. Creel, as a U.S. Indian Service agent in Nevada during the early twentieth century, took over 1,000 photographs of Nevada Indians which are included with his papers.

More than 500 photos show activities of Pyramid Lake Paiute Indians on the reservation from 1906 to 1922. Along with photos of other American Indian groups, the Creel papers include official U.S. Indian Service records, first-hand accounts, and personal observations of Nevada Indians. The Margaret Wheat collection also has original photographs that depict the arts and culture of Pyramid Lake Paiutes from the 1940s through the 1960s. Information on contemporary Pyramid Lake issues can be found in the Robert Leland collection. Leland served as counsel to the Pyramid Lake Paiute Tribe from 1959 to 1971, and he kept detailed files on tribal matters, water problems, Indian claims, and a variety of subjects concerning the reservation. Several boxes of material deal with plans and proposals to develop Pyramid Lake.



Washoe Indian group and dwelling, c1920. *(From the Lorenzo D. Creel Collection, Special Collections, University of Nevada, Reno Library)*

Controversies surrounding water use are described in the Robert Allen and Fred Settelmeyer collections. As former Nevada State Engineer, Allen was involved in a number of water controversies in Nevada. He represented the upper Carson River water users in the *U.S. v. Alpine Land and Reservoir Company* when it was initiated in 1925. His personal notes on the Alpine case as well as documents of other water litigation in Nevada are included in the Allen collection. He also left 284 maps showing water basins in every portion of the state along with information on water use, water development plans, land use, and topography from 1863 to 1950. Settelmeyer, as a member of the Joint California-Nevada Interstate Compact Commission in the 1950s and the Pyramid Lake Task Force in 1969, collected meeting records of both groups, providing further information on water issues.

Planning and development at Lake Tahoe are documented in the Joseph F. McDonald collection and in the records of the Lake Tahoe Area Council. McDonald was considered a pioneer in his efforts to instigate "orderly development" at Lake Tahoe with the establishment of the Nevada-California Lake Tahoe Association in 1957. These efforts continued with the creation of the Lake Tahoe Area Council in 1958, an organization made up of a variety of interest groups which sought solutions to Tahoe's problems through planning and co-operation. Historical records on Lake Tahoe government are found in the papers of Walter E. MacKenzie. One of the earliest regional government experiments in the nation was the Tahoe Regional Planning Agency, established in 1969. MacKenzie was a charter member of this governing body for the Lake Tahoe Basin and his papers contain early meeting records of the TRPA as well as environmental studies and plans concerning development in the area.

Organization of this manuscript material in Special Collections began in January, 1981. The eighteen month project required a full-time manuscript cataloguer, a full-time assistant and a part-time director to sort, arrange and describe the collections. Inventories or guides were prepared for collections larger than one linear foot and major collections have been reported to the National Union Catalog of Manuscript Collections. The organization of this vast quantity of historical material will aid researchers in locating information on past and current issues in the Lake Tahoe and Truckee and Carson River Basin regions.

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Contributors

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Wilbur S. Shepperson is a Professor of History at the University of Nevada, Reno, and is a specialist on European immigration to the United States. He has also written articles and books on a variety of Nevada topics; he is the author of *Retreat to Nevada: A Socialist Colony of World War I,* and *Restless Strangers: Nevada's Immigrants and Their Interpreters.*

Thomas L. Vince has been Librarian and Curator of the Hudson Library and Historical Society at Hudson, Ohio, since 1969. Long interested in the life of abolitionist leader John Brown, who grew up in Hudson, he helped secure one of the largest collections of Brown family documents for the library's special collection. Mr. Vince is interested in the Civil War period, and has had a number of articles published in various journals.

John M. Townley received his Ph.D. in History from the University of Nevada, Reno, and formerly was the Director of the Nevada Historical Society. He is the Director of the Great Basin Studies Center in Reno. His publications include *Conquered Provinces, Turn This Water into Gold,* the two monographs reviewed in the present issue of the *Quarterly,* and several articles.

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