

NEVADA HISTORICAL SOCIETY QUARTERLY



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NEVADA HISTORICAL SOCIETY QUARTERLY

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Paul W. Gates, Western Land Policy and the Equal Footing Doctrine

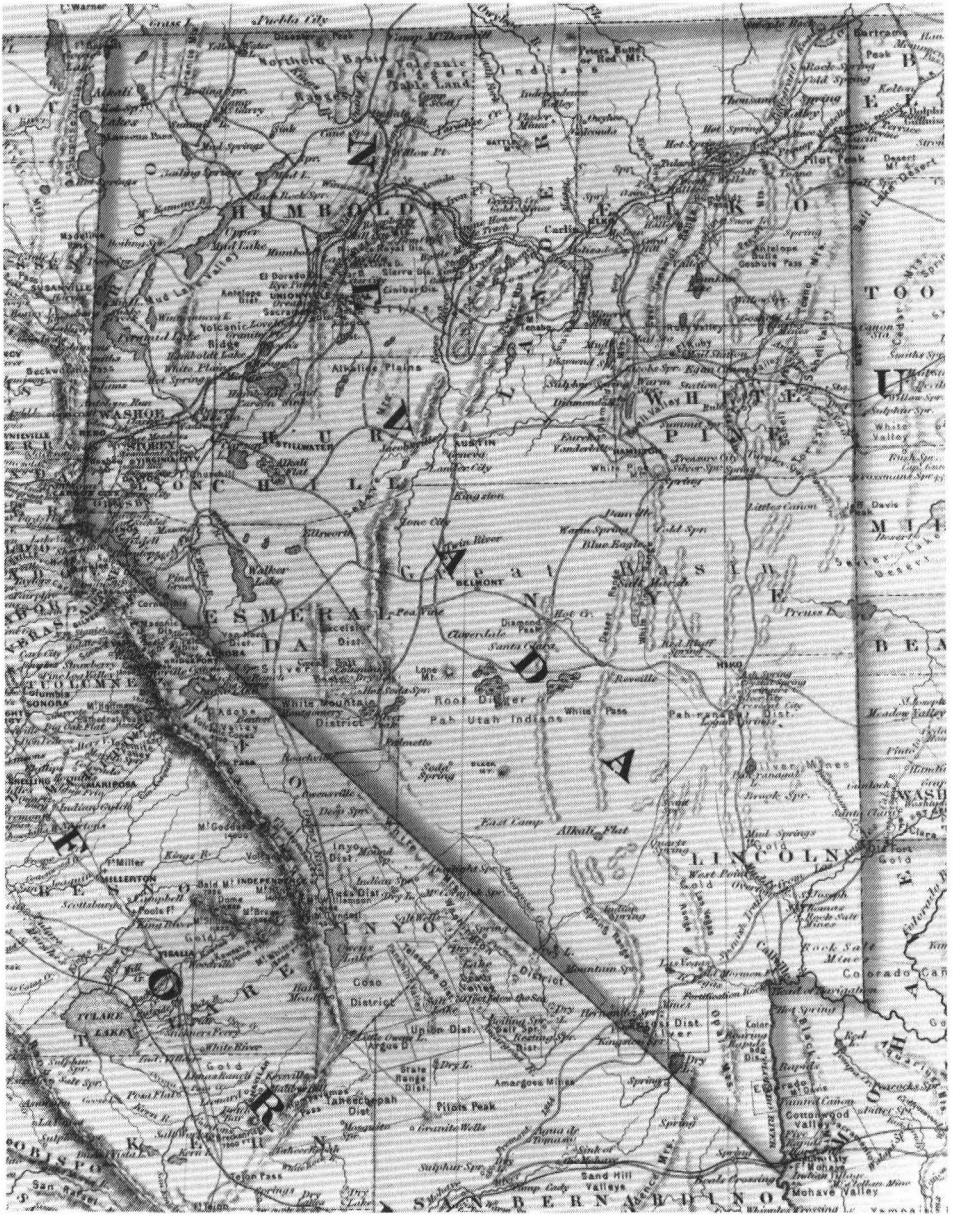
MICHAEL J. BRODHEAD AND JAMES W. HULSE

FEW SERIOUS SCHOLARS WORKING IN THE field of Western American studies or United States land policy would argue with the assertion that Paul W. Gates has been a preeminent authority in these sub-disciplines for the past quarter-century. The long and distinguished career of Professor Gates at Cornell University, extending over nearly five decades, and his extensive writings on federal public land policies are widely recognized as the standard against which scholarly careers in this branch of historical learning may be measured in future generations. Professor Gates's contribution to the work of the Public Land Law Review Commission, published in 1968, will probably be regarded in future decades as his most significant contribution to scholarship in this field.¹ The major articles that he has produced since that time have served to expand our knowledge of western land problems and policies.²

Notwithstanding the monumental quality of his contribution to the history of Western studies, we propose to demonstrate that one of the important assertions and assumptions long held by Professor Gates is in need of correction. Although he has taken a broader view of the land policies and land management problems than have most scholars in the field, he has taken a stand for the "eastern" as opposed to the "western" position in the continuing national debate on land policy; i.e. he has argued for more *federal* control and management of the unappropriated public lands at a time when many western state interests have been deploring the extent of Washington's control.

We do not propose to identify ourselves with the "western" position as opposed to the "eastern" or federal position in this debate, as we both recognize fallacies in the narrow "western" claims. We are not challenging the general Gates position on contemporary land policy. Yet it seems appropriate to point out a flaw in Professor Gates's position, in view of his large and well-deserved reputation.

Despite his wide learning and his broad approach to the land question, Professor Gates has failed to take into account some of the reasons for the frustrations felt by the Westerners in those states in which federal land distribution policies have been substantially different from those im-



A.J. Johnson's, Johnson's California also Utah, Nevada, Colorado, & New Mexico and Arizona, 1873. (*Nevada Historical Society*)

plemented in the East. The purpose of this essay is to suggest one aspect that has been neglected in this writing—the question whether the far western “public land states” have had “equal footing” with the older states on public land matters. One might also call this the question of whether traditional state

sovereignty has been diminished in those states which have enjoyed little public land distribution within their borders. We mean to show that Professor Gates is in error when he asserts that most states admitted to the Union after 1800 were required to subscribe to a standard or "usual" disclaimer with regard to the federal administration of public lands. Of course this only suggests a possible modification—not a complete rejection—of this thesis.

In the early 1980s, at least two states—Nevada and Arizona—sought ways to challenge in court the relatively recent federal assertion of the right to retain the unappropriated public lands indefinitely without designating a specific purpose. The Federal Land Policy and Management Act of 1976 (FLMPA) opens with the statement that:

The Congress declares that it is the policy of the United States that—

1) the public lands be retained in Federal ownership, unless as a result of the land use planning procedure provided for in this Act, it is determined that disposal of a particular parcel will serve the national interest. . . .³

Attorneys for Nevada and Arizona tried to argue that this was an unconstitutional reversal of federal land policy that had been initiated under Article IV, Section 3 of the U.S. Constitution, which, they argued, mandates the *disposal* of the land not required for specific governmental purposes authorized under Article I, Section 8. This confrontation, which was popularly known as the "Sagebrush Rebellion," received national attention in the news media for a few months in the early 1980s and gave the writings of Professor Gates special contemporary significance.

Professor Gates believes that continued federal ownership and control of the unappropriated public lands is not only desirable but is justified in law. In his view, the Congress has always been "sovereign" in matters of land policies; as he wrote in a sub-chapter entitled "Federal Sovereignty" in the *History of Public Land Law Development*:

The fact that Congress was supreme in the management of its lands and that the "sovereign states" could not assume control over them nor tax them, either before or for a time after they were sold, was a clear indication of where true sovereignty lay, despite the views of some sophists of the time.⁴

Professor Gates may be correct in this assertion; perhaps the "sovereign states" were a convenient fiction after 1789, or at least after the 1860s. In his arguments, however, he ignores or glosses over some historical facts about the sovereignty on land of the older states, and thus he leaves a weakness in his case.

A case in point is his frequent mention of "the usual [public lands] disclaimer"⁵ in the Ordinances that states were compelled to provide at the time of their admission to the Union. Such disclaimers were required by the enabling acts passed by Congress or, in those instances when there was no

enabling act, the acts admitting a state into the Union. In a few cases, the incoming states made the disclaimers voluntarily.

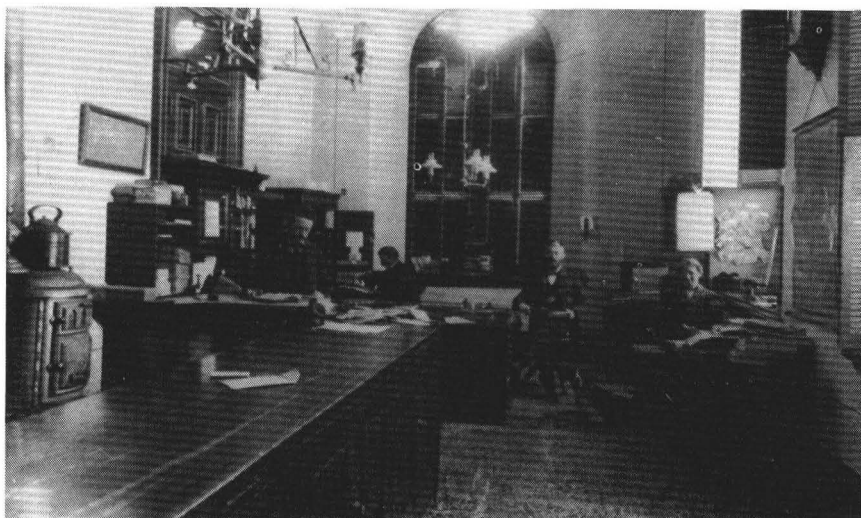
In fact, there was no standard or "usual" disclaimer. The wording and intent of the disclaimers required by the Congress varied considerably throughout the nineteenth and twentieth centuries. Before the Civil War period, the adoption of public land ordinances was usually *not* required for *admission* to statehood. Rather they were required only if the incoming states were to accept (as all of them did) the land grants offered to them by the Congress. Exceptions to this, as we shall see, were Louisiana, Mississippi, and possibly Alabama.

In the thirteen original states, which had been British colonies before the American Revolution, the public lands passed to the direct control of the states upon their assumption of sovereign authority from the British crown. The Congress did not have any control over any lands within those states, and assumed authority over the unappropriated public lands in the western regions only when they were surrendered to the United States by the states after 1781.

The first state that can be regarded as a "public land state"—i.e. one with a large amount of federally-controlled land—Tennessee, was admitted in 1796 without any disclaimer being made or required. The first disclaimer of any sort was that required of Ohio in its enabling act of 1802. In that statute, the Congress offered Ohio the sixteenth section of each township and certain other public lands on the condition that Ohio's constitutional convention "by an ordinance irrevocable without the consent of the United States" exempt from taxation all federal lands sold in the state during the next five years.⁶

The public lands proviso of the next enabling act, that for Louisiana in 1811, was markedly different. Through its ordinance, Louisiana was required to "forever disclaim" (1) "all right or title to the waste and unappropriated lands" within her borders, which "shall be and remain at the sole and entire disposition of the United States," (2) the right to tax those lands, and (3) the power to tax non-citizens of the state higher than residents of Louisiana, and (4) the right to tax commerce on most or all of its navigable waters—as well as the right to tax federally-sold land for five years.⁷

The differences in the enabling acts of Ohio and Louisiana were repeated in the cases of four other states admitted between 1817 and 1819. The enabling act for Mississippi (1817) contains the same provisions as those found in the Louisiana statute.⁸ The Alabama enabling act contains a disclaimer similar to those for Louisiana and Mississippi, except that it appears in a different section from the language authorizing the people of the territory to form a constitution. Therefore the provisions relating to the forfeiture of all right and claim to the unappropriated land does not seem to have been a condition for admission to the Union, although it could be construed that way in the contexts of the Louisiana and Mississippi acts.⁹



Interior of the Surveyor General's office at the turn of the century, State Capitol, Carson City, Nevada. (*Nevada Historical Society*)

Yet in the same decade the enabling legislation for Indiana (1816) and Illinois (1818) was nearly identical with that of Ohio, i.e. exempting federally-sold land from taxation for five years, except for additional language in the Illinois act requiring equal taxation for residents and non-residents and providing that lands granted by the federal government as bounties for service in the War of 1812 must be exempt from taxes for three years.¹⁰ The language appears in the section dealing with land grants, not in the section authorizing the people to hold a state constitutional convention.

What explains the differences in the required ordinances, particularly the more stringent language of the acts relating to the southern states? The answer appears to lie in the fact that land titles and claims in Louisiana, Mississippi, and Alabama were tangled because of overlapping and disputed titles arising from French, Spanish, and American grants or purchases. Alabama and Mississippi titles were especially snarled as a result of the long-standing controversy over the Yazoo lands.¹¹ Thus it is understandable that the Congress would impose different, more binding disclaimers upon those states in order to liquidate questionable claims arising from grants made by foreign governments at an earlier period.

In later years, Senator Stephen A. Douglas of Illinois, the leading congressional architect of territorial policy, stated his belief that the required ordinances were different because many of the inhabitants of Louisiana and Mississippi (he did not mention Alabama) were unaccustomed to the American system of law and government and therefore needed these matters spelled out more succinctly in their enabling acts.¹²

The differences between the provisions for Ohio, Indiana, and Illinois and those for the three southern states are less pronounced when we consider that the three northern states had been carved out of the Northwest Territory and that the Northwest Ordinance of 1787 contained a clause prohibiting 1) the "legislatures of those districts, or new states" created from that Territory from interfering with the primary disposal of the soil by the United States or "with any regulations Congress may find necessary for securing the title in such soil to *bona-fide* purchasers," (2) the taxing of federal property, (3) the imposing of higher taxes on non-residents than on residents, and (4) the restricting or taxing of "navigable waters leading into the Mississippi and Saint Lawrence, and the carrying places between the same."

The proviso regarding the public lands in the enabling act for Missouri (1820) was virtually identical with that for Illinois except that Missouri's did not have the stipulation against the taxing of non-residents as a different rate.¹³ After the admission of Missouri, the new states would no longer be restrained by their enabling acts from taxing federally sold land for five years. This was because the Congress, after 1820, no longer allowed land to be sold on credit.¹⁴

No new states were admitted until 1836, when Arkansas entered the Union. The supplementary enabling act for Arkansas contains the public land provision that became the model for the several enabling acts that followed before the Civil War:

Provided, that the five foregoing propositions [i.e. offering certain public lands to the state upon admission] herein offered are on the condition that the general assembly or legislature of the said State, by virtue of the powers conferred upon it by the convention which framed the constitution of the said State, shall provide, by an ordinance irrevocable without the consent of the United States, that the said general assembly of said State shall never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona-fide* purchasers thereof; and that no tax shall be imposed upon lands the property of the United States; and that in no case shall non-resident proprietors be taxed higher than residents; and that the bounty-lands granted, or hereafter to be granted, for military services during the late war, shall, whilst they continue to be held by the patentees or their heirs, remain exempt from any tax laid by order or under the authority of the State, whether for State, county, township, or any other purpose for the term of three years from and after the date of the patents respectively.¹⁵

The same language is found in the supplementary enabling act for Michigan, which was admitted to the Union in the same year.

An enabling act for both Florida and Iowa did not require an ordinance, but it specified that these states "are admitted into the Union on the express condition that they shall never interfere with the primary disposal of the public lands lying within them, nor levy any tax on the same whilst remaining

the property of the United States. . . ."¹⁶ This act went on to say that "the ordinance of the convention that formed the constitution of Iowa, and which is appended to said constitution, shall not be deemed or taken to have any effect or validity, or to be recognized as in any manner obligatory upon the Government of the United States." On the same day that this enabling act became law, March 3, 1845, a supplementary enabling act for Iowa was approved, which contained the same requirements for a disclaiming ordinance as is found in the supplementary enabling act for Michigan.

By these provisions, the Congress was obviously responding to a proposed Iowa constitution drafted in 1844, which asserted that: "This constitution, together with whatever conditions may be made to the same by Congress, shall be ratified or rejected by a vote of the qualified voters . . . provided, however, that the General Assembly of this state may ratify or reject any conditions Congress may make to this Constitution."¹⁷

The enabling act for Wisconsin (1846) imposed the same public land disclaimer for Iowa, except that the requirement for non-taxation of military bounty lands was dropped.¹⁸ Also, the Wisconsin act specified that the disclaimer could be made either by an ordinance or by a clause in the state constitution.

California, without any congressional enabling legislation, drew up a constitution in 1849 and was admitted to the Union in 1850. With regard to the public land and related matters, California was

admitted into the Union upon the express condition that the people of said State, through their legislature or otherwise, shall never interfere with the primary disposal of the public lands within its limits, and shall pass no act whereby the title of the United States, to, and right to dispose of, the same shall be impaired or questioned; and that they shall never lay any tax or assessment of any description whatsoever upon the public domain of the United States, and in no case shall non-resident proprietors, who are citizens of the United States, be taxed higher than residents; and that all the navigable waters within the said state shall be common highways, and forever free, as well to the inhabitants of said state as to the citizens of the United States, without any tax, impost, or duty therefor

Since the California constitutional convention had adopted an ordinance calling for a donation of public lands to the state which was much larger than the amount usually granted to incoming states, and because it was the opinion of some Congressmen that the absence of an enabling act would mean that all of the public lands within California would escheat to the state,¹⁹ the Congressional admission act closed with the words:

Provided, That nothing herein contained shall be construed as recognizing or rejecting the propositions tendered by the people of California as articles of compact in the ordinance adopted by the convention which formed the constitution of that state.²⁰

The requirement for a public lands disclaimer in the Minnesota enabling



James H. Sturtevant, delegate from Washoe County to Nevada's constitutional convention in 1864. (*Nevada Historical Society*)

act (1857) was, with minor differences in phraseology, identical with that for Wisconsin. Likewise, the admission act (there was no enabling act) for Oregon (1859) was somewhat different in wording from Minnesota's enabling act but the points covered were the same, with one exception:

Provided, however, That in case any of the lands herein granted to the State of Oregon have heretofore been confirmed to the Territory of Oregon for the purposes specified in this act, the amount so confirmed shall be deducted from the quantity specified in this act.²¹

A Kansas convention which drafted the proposed Lecompton Constitution in 1857, under which the pro-slavery factions in Kansas Territory unsuccessfully sought admission to statehood, adopted an ordinance which boldly asserted that after admission to the Union, Kansas "will possess the undoubted right to tax" the federal lands within her borders, "for the purposes connected with her existence as a State." The state would, however, give up this right of taxation in exchange for a larger-than-customary land grant from Congress upon admission.²² The free-state or Wyandotte constitution (1859) under which Kansas finally achieved statehood was drafted by a convention which passed an ordinance similar in wording and intent to that which the Lecompton convention had adopted. This is noteworthy because the delegates at Wyandotte were largely Republican and therefore inclined to favor the assertion of national power over state sovereignty. Yet they were in agreement with their pro-slavery, states-rights predecessors of the Lecompton convention regarding the sovereign power of a state to tax the public domain. In both ordinances, the United States is regarded merely as the "proprietor," not the sovereign, of the public domain.

The Congress, however, rejected both this assertion and Kansas's bid for additional lands. The admission act (again there was no enabling act) for Kansas (1861) stated that "nothing in this act shall be construed as an assent by Congress to all or to any of the propositions or claims contained in the ordinance of said constitution of the people of Kansas, or in the resolutions [requesting additional public lands] thereto attached."²³ Otherwise, the admission act, vis-a-vis the public lands, had the same provisions as those for Oregon.

Thus the disclaimer had evolved from the simple ordinance specified in the Ohio enabling act of 1802, through which the state agreed not to tax for five years those lands sold by the federal government, to the more far-reaching provisions of the enabling acts (or, in some cases, the admission acts) of the years just before the Civil War. The latter typically required incoming states to adopt ordinances in which the states agreed: 1) not to interfere with the disposal of the public lands nor with the regulations respecting the sale of the lands; 2) not to tax the lands that were still in the public domain; and 3) not to tax non-residents at a rate different from that for residents. Earlier provisions for temporary tax exemption for federally-sold land and military bounty lands had been dropped. The requirements for Louisiana, Mississippi, and Alabama were far more stringent. Only they, among the states admitted before the Civil War, were required to "forever disclaim" the unappropriated public lands within their borders. Taking the period from 1802 to 1861 as a

whole, there was no "usual disclaimer"—nor even a typical disclaimer—required in the enabling and admission legislation.

The Civil War brought a significant change in the ordinances required by the Congress. The first public land state to be admitted after the beginning of hostilities was Nevada in 1864. (West Virginia was admitted in the previous year, but as a division of the state of Virginia, it had no unappropriated federal lands.) The differences between the ordinance required of Nevada through its enabling act and those for the states admitted before the Civil War are striking—and they are not noted by Professor Gates. Not only was Nevada the first state required, by "an ordinance irrevocable," to prohibit slavery and to guarantee religious freedom, she was also specifically required to "forever disclaim all right and title" to the public lands *as a condition of admission*. Moreover, Nevada was not merely obliged not to tax the public domain, but *all* "property therein belonging to, or which may hereafter be purchased by the United States." The older prohibition against higher taxes for nonresidents was also included.²⁴

To be sure, the ordinance required of Nevada was essentially the same one found in the enabling acts for Louisiana, Mississippi, and Alabama. It will be recalled, however, that those three territories were plagued with conflicting land claims resulting from previous Spanish or French possessions and those ordinances were probably attempts to head off further confusion over land titles. Why then was such an ordinance imposed on Nevada, a territory notably free of overlapping land claims, as a condition of statehood? The answer was clearly given by Representative James M. Ashley of Ohio, the author of the Nevada enabling act:

My object in drafting and urging the passage of those enabling acts [for Nevada, Nebraska, and Colorado] was twofold: one to establish a new principle in the admission of States into this Union, negating, so far as I could in the enabling acts, the old idea of State rights; the other to secure the vote of three more States, in case the election of the President and Vice President in the year 1864 should come to the House of Representatives.²⁵

In other words, the new thrust of enabling legislation was a product of the war-time assertion of federal supremacy.

If Nevadans noticed any restrictive feature in the wording and intent of their enabling act, in comparison with those of the older states, it is not apparent in the debates of the convention framing its constitution in 1864, as the following exchange between two delegates shows. John A. Collins of Storey County, who was chiefly responsible for guiding the ordinance through the convention, was asked by James H. Sturtevant of Washoe County "if this ordinance would not conflict with our rights to the sixteenth and thirty-sixth sections of the public lands, which belong to us, under the Enabling Act." Collins replied that there was no conflict "and in addition . . .

there are numerous other grants of public lands" in the enabling act. "Further than that, we are to be admitted to the Union on an equal footing with all the other States, which give us the swamp and overflowed lands within our limits. This ordinance will not conflict with those rights and grants at all."²⁶ The ordinance passed easily.

Nevadans were as eager to attain statehood as any people of any territory before and after that time. It is unlikely that they would have balked over the requirements of their enabling act, even if they had been aware of the departures from the most common precedents.

Nebraska's enabling act, also passed in 1864, had virtually the same language regarding the ordinance as Nevada's.²⁷ So too did Colorado's enabling act of 1875.²⁸

The Omnibus Act of 1889, authorizing the territories of Montana, North Dakota, South Dakota and Washington to draw up constitutions, required even more concessions. Not only did the Act insist upon religious toleration, no discrimination in the taxing of land of non-residents, no taxation of federal property, and no claiming of the unappropriated public domain, but also these four territories were required to agree: (1) not to lay claim to lands belonging to Indians (except those who had severed their tribal relations); (2) to assume and pay all debts incurred by their territorial governments; and (3) to provide for public schools "which shall be open to all the children of said state free from sectarian control."²⁹

Idaho and Wyoming entered the Union in 1890 without enabling acts, but the constitutions of both states contained ordinances covering the same points found in the Omnibus Act and in much of the same wording.³⁰

Since 1890, five other public land states have been admitted to the Union: Utah (1896), Oklahoma (1907), New Mexico (1912), Arizona (1912), and Alaska (1959). Enabling legislation for these states came to include—in addition to the public land disclaimers—prohibitions against polygamy, against furnishing liquor to Indians, against denying voting rights on account of race, color, or previous condition of servitude, and against taxation of Indian lands. The enabling acts for New Mexico and Arizona not only fixed the state capitols at Santa Fe and Phoenix, respectively, but also required the states to acquiesce in the federal reclamation projects "to the same extent as if said State had remained a Territory. . . ."³¹

Clearly the ordinances of incoming states in the late nineteenth and twentieth centuries were a far cry from that of Ohio. It has been argued in the recent "Sagebrush Rebellion" controversy—especially by Nevada attorneys—that states admitted after 1861 were not actually admitted on an "equal footing" basis because of the required disclaimers. The "Nevada argument" had made little progress in the courts by the mid-1980s.

And yet part of the concept on which it was based has a long history. The idea that the national land policy designed for the Old Northwest Territory in

the 1780s was not satisfactory for other parts of the country has often been discussed by responsible statesmen and scholars.³² Even Professor Gates has shown in one of his recent articles that some southern states were slow to realize the benefits that were available under the federal land distribution program.³³ For various economic, geographic, and social reasons, the available public domain in the Middle Western states was taken up rapidly during the first half of the nineteenth century. At least one consideration was that the basic federal land policy, designed for the Old Northwest Territory, was more appropriate for the North than for the South. In 1849 and 1850, however, the Congress passed the Swamp Lands Act which made it more attractive for the southern states to select such lands for reclamation and sale. As a result of this, three southern states—Florida, Louisiana and Arkansas—eventually received the highest proportions of public land awarded to any of the states.³⁴ In this way, federal land policy was adapted to meet special needs of one region.

At one point, Professor Gates reached a conclusion which suggests that he recognized that land policies have differed in different parts of the country because of distinctions between the powers of the states. When he offered "An Overview of American Land Policy" to a Bicentennial Symposium in Washington in the spring of 1975, he summarized his views with the remark that "many of the old disputes about our public land policies are still unresolved and that we are, in a sense, back to square one."³⁵ Gates emphasized that there has been a long-standing difference of opinion between the thirteen original states plus a few others, on the one hand, and the "public land states" on the other, and the questions of sovereignty were intertwined with land policy from the earliest days of the new nation:

Sovereignty was associated with the ownership of ungranted lands within a state's boundaries, yet this right was to be denied to new states created out of the public lands. The public land states were never to forget this limitation upon their sovereignty and their representatives were to devote themselves to rectifying this situation while the original states continued to maneuver to induce Congress to carry out the pledge it had made to Virginia that the benefits arising from the public domain should be shared by all the states in proportion to their federal ratio.³⁶

Gates recognized that there was a significant change in the concept of land holdings caused by the American Revolution, but he gave relatively little attention to the basically non-feudal, non-monarchical principle of land tenure that resulted in most of the original states and in the nation as a whole as a result of the Revolution. He acknowledged that the federal government, largely influenced in this matter by Alexander Hamilton, created a "wide-open land system" and disposed of land generously to citizens, partly as a revenue-raising device. The generous land distribution policies continued, with a few modifications and exceptions in the southern states, until near the

end of the nineteenth century. Not until the 1880s did the Congress impose a general limitation of 160 acres on land entries.

As in his earlier work done for the Public Land Law Review Commission, Gates has subsequently blurred over the dissimilar requirements imposed on the newly admitted states at different times and in different parts of the country. That there may have been some intended diminution of state sovereignty—and therefore denial of equal footing—in the wording of the enabling acts as a result of the Civil War does not seem to have been a matter of consequence for him. He did, however, acknowledge that:

The Western states detested these infringements on their sovereignty, which meant that they were not being admitted to the Union on the same basis as the original states, but anxious for statehood, they accepted them.³⁷

Although Professor Gates has generally favored a “management” concept for federally-held unappropriated public lands, he noted that in some instances in recent years, some states have managed the lands under their jurisdiction as well as or better than the federal agencies have:

One could say that by the twentieth century most of the newer states were doing about as well with their lands as the federal government, some even better. Local control over portions of their resources did not always mean that the newer western states permitted self-seeking interests to dictate improvident management and sales policies. Indeed, in the twentieth century, the great giveaway has been more characteristic of federal than of state policies.³⁸

(It does not necessarily follow, of course, that Nevada has demonstrated its ability or the willingness to manage public lands effectively, even if it had them. As of the mid-1980s, Nevada had not made a very strong case for its ability to handle a large quantity of public land.)

Gates noted that the massive federal railroad grants of the nineteenth century were usually made to corporations, “which meant that the states could not regulate these railroads, could not tax their lands until they had been sold and the title conveyed to individuals, and could not compel forfeiture of the unearned grants so as to open the land to homesteaders.”³⁹ He noted that representatives of the older states persistently sought to share the benefits of western federal land distribution in the mid-nineteenth century, and the “high tide” of such efforts resulted in the passage of the Morrill Land Grant Act of 1862, which gave the older states 30,000 acres of land or land scrip for each Senator and Congressman. The older Eastern states were entitled to select this land from within the public land states in the West.

According to the Gates thesis, the West has received generous treatment from the federal government with regard to land. He has argued that the extensive reclamation projects, initiated with the Newlands Act of 1902, not only irrigated millions of acres from revenue for public lands but also made

possible the development of electrical power for rapid western growth. Yet the West, Gates says, has remained dissatisfied and parochial. The senators and representatives from the public land states have exercised much influence in Congressional committees on public lands, and the Public Land Law Review Commission was packed with appointees from the public land states. Step by step, more revenue was returned to states within which public land revenues were generated.

While Gates is basically in sympathy with the "federal" or "eastern" position, he recognized in his 1976 article that the issue had become much more complex by that time:

The old debate continues but there is not the same division of opinion between East and West. There are still elements in the West who feel that the federal government should divest itself of the public lands, if not to individuals as in the old days, at least to the states, who, they believe, can manage it best. But there are other elements, both East and West, who feel that the federal government should retain what remains of the public domain, husband it carefully, not primarily for revenue purposes as in the old days, but for careful conservation of our national resources—soil, sub-soil, water, trees and minerals. They feel that the federal government will take the larger view and not allow itself to be pressured by exploitative interests to the same extent it has in the past. Others think that the states are more alert to these dangers. The old debate is still going on but in a larger frame of reference. We now take a broader view of the value of our public domain and have a more acute realization of all the ecological and human interests that must be safeguarded.⁴⁰

Neither in this statement, nor in his more recent article on "The Intermountain West Against Itself" does Gates return to or deal in a comprehensive manner with the factor that he mentioned a decade ago—the possibility that "equal footing" has been denied to some the western states as a result of federal government's public land policies.

In a 1980 lecture on the land question at Cornell University, Professor Gates once again glided over the sovereignty or equal footing issue, and he once again asserted, that all western states were required to accept the same "famous disclaimer clause" relative to public lands.⁴¹

But perhaps in the final analysis, the differences in the disclaimers—while apparently substantial on paper—had little real bearing on the evolution of land policy; perhaps they were an effect, a symptom of growing centralized power accelerated by the Civil War. And perhaps "equal footing" was a convenient myth from the beginning of the Republic, at least as regards land; Delaware was never the equal of Virginia in this regard, and never could be. The distribution of land continued apace for decades after the Civil War, but in general not through or by the states. With the passage of the Homestead Act (1862), the Timber Culture Act (1873), the Desert Lands Act (1878), the Timber and Stone Act (1878), the Carey Act (1894), and other generous *federal* legislation enacted in that era, substantially more land became avail-

able to individuals, if not to states. But for many years the public domain in the relatively arid regions went begging. They were largely unsuited for the standard farming methods in use in the nineteenth century, and stock growers and mining interests were content to have the public lands remain under federal jurisdiction so long as the central government imposed only minimal restrictions and fees for their use. When the western states tried to argue during the "Sagebrush Rebellion" of 1979-80 period that they had been denied "equal footing" by the change in federal land policies, they overlooked some realities of geography and historical evolution far more fundamental than Professor Gates ignored when he spoke of a "typical" disclaimer clause.

NOTES

¹ Paul W. Gates, (senior author) *History of Public Land Law Development* (Washington: Government Printing Office, 1968). Among the other important studies of Professor Gates are *Fifty Million Acres: Conflicts over Kansas Land Policy*, (Ithaca: Cornell University Press, 1954); *Agriculture and the Civil War*, (New York: Knopf, 1965); and *Tenants on the Prairie Frontier*, (Ithaca: Cornell University Press, 1973).

² A recent admirable addition to his work is Paul W. Gates, "The Intermountain West Against Itself," *Arizona and the West: A Quarterly Journal of History* 27 (August 1985): 205-236.

³ Public Law 94-579, October 21, 1976. 90 U.S. Statutes at Large, 2743.

⁴ Gates, *History of Public Land Law Development*, 317-318.

⁵ Gates, *History of Public Land Law Development*, 313.

⁶ Unless otherwise noted, all citations of, or quotations from, state constitutions, enabling acts, and admission acts are taken from Francis Newton Thorpe, ed., *The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America*, 7 vols (Washington: Government Printing Office, 1909). The relevant part of the Ohio enabling act is in Vol. 5: 2899.

⁷ *Ibid.*, 3: 1377.

⁸ *Ibid.*, 4: 2031.

⁹ *Ibid.*, 1: 94-95.

¹⁰ *Ibid.*, 2: 1055-1056 (for Indiana) and 2: 969 (for Illinois).

¹¹ Harry J. Coles, Jr. "Applicability of the Public Land System to Louisiana," *Mississippi Valley Historical Review* 43 (June 1956): 39-58; C. Peter Magrath, *Yazoo: Law and Politics in the New Republic: The Case of Fletcher v. Peck* (New York: W. W. Norton & Co., 1966).

¹² *Congressional Globe*, 31st Cong., 1st sess., appendix, part 2: 849-850.

¹³ Thorpe, 4: 2148.

¹⁴ Gates, *History of Public Land Law Development*, 294-295.

¹⁵ Thorpe, 1: 267.

¹⁶ *Ibid.*, 2: 663.

¹⁷ Quoted in Gates, *History of Public Land Law Development*, 299.

¹⁸ Thorpe, 7: 4-47.

¹⁹ Gates, *History of Public Land Law Development*, 301.

²⁰ Thorpe, 1: 390.

²¹ *Ibid.*, 5: 2997.

²² Gates, *History of Public Land Law Development*, 304-305.

²³ Thorpe, 2: 1177.

²⁴ *Ibid.*, 4: 2399.

²⁵ *Congressional Globe*, 39th Cong. 1st sess., 2372-3.

²⁶ *Official Report of the Debates and Proceedings in the Constitutional Convention of the State of Nevada . . .* (San Francisco: Frank Eastman, 1866), 51.

²⁷ Thorpe, 4: 2344-2345.

²⁸ *Ibid.*, 1: 471.

²⁹ *Ibid.*, 4: 2290.

³⁰ *Ibid.*, 2: 952 (for Idaho) and 7: 4154 for Wyoming.

³¹ 36 *U.S. Statutes at Large*, 558-559; 569.

³² See, for example, the discussions in William K. Wyant, *Westward in Eden: The Public Lands and the Conservation Movement* (Berkeley, Los Angeles: University of California Press, 1982); and Carl J. Mayer and George A. Riley, *Public Domain, Private Dominion: A History of Public Mineral Policy in America* (San Francisco: Sierra Club Books, 1985).

³³ Paul W. Gates, "Federal Land Policies in the Southern Public Land States," *Agricultural History* 53 (October 1979): 206-227.

³⁴ *Ibid.*, 223.

³⁵ Paul Wallace Gates, "An Overview of American Land Policy," *Agricultural History* 50 (January 1976): 213.

³⁶ *Ibid.*, 215.

³⁷ *Ibid.*, 219.

³⁸ *Ibid.*, 220.

³⁹ *Ibid.*, 220. He discusses this matter again in his article, "The Intermountain West Against Itself," 212-219.

⁴⁰ *Ibid.*, 228.

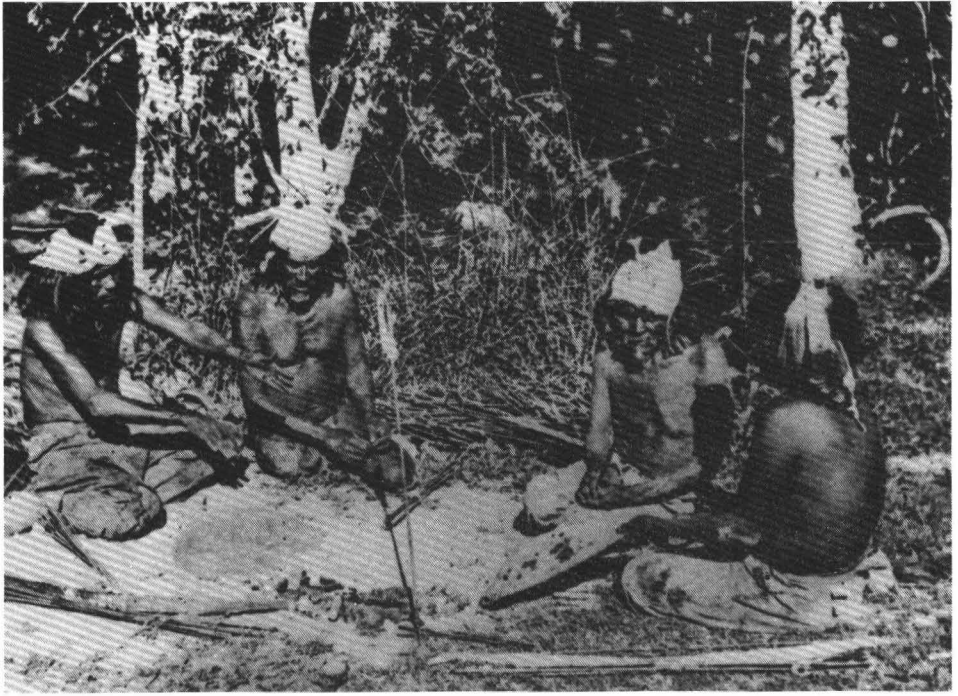
⁴¹ Paul W. Gates, *Pressure Groups and Recent American Land Policies: The Carl Becker Lecture*, (Ithaca: University Department of History, 1980), 3.

"Totell Disregard to the Wellfair of the Indians:" The Longstreet-Bradfute Controversy at Moapa Reservation

SALLY S. ZANJANI

In 1887 at the Moapa Reservation, a basic conflict over the abuse of official power surfaced through a controversy between two unlikely protagonists: Andrew Jackson ("Jack") Longstreet, a Moapa Valley rancher with a shadowy past, and Colonel W.R. Bradfute, reservation farmer and ruler of an isolated domain far outside the effective supervision of his superiors. Longstreet represented a long tradition of American frontiersmen who had pushed westward into Indian country, taking Indian wives and learning the Indians' language and customs, before the slower moving tide of white settlement caught up to them. Little has as yet been confirmed on Longstreet's origins before he emerged in northern Arizona's Gold Basin Mining District in 1880 and moved on to the Moapa Valley in 1882, first as the proprietor of a combined saloon and drugstore, and shortly afterward as a rancher, but where his sympathies lay was very clear indeed.

Colonel Bradfute, by contrast, represented the darker side of officialdom at the Indian reservations. While there were some happy and honest exceptions to the rule, venality among the personnel was a problem that continued to plague the agencies throughout the eighties. At one reservation after another it was the same sorry story: phantom saw mills, grist mills, and other buildings never built for the Indians, while government appropriations for their construction mysteriously disappeared; clothing and blankets sold for profit instead of being distributed to the Indians; rental charges for the farming tools, seeds, and draft animals that the agents were supposed to provide to the Indians free of charge; the exaction by agents of such proportions of reservation produce that the Indian farmers effectively became sharecroppers; the rental of the best Indian lands to white settlers as an extra perquisite for the agent; rental fees levied upon the Indians for using their own land. As Sarah Winnemucca put it, the Indian agents "get rich very soon, so that they can have their gold-headed canes, with their names engraved on them."¹ Colonel Bradfute did not, so far as is known, go in for gold-headed canes, but



"The Old Gamblers," near Las Vegas. (J.K. Hillers photograph, 1873; Smithsonian Institution, National Anthropological Archives)

Longstreet soon discovered how he treated the Indians. This may well have been the source of the escalating quarrel between the two men.

The Moapa Valley, where this conflict was played out, was still remote and sparsely settled in the eighties. In 1865 a substantial colony of Mormons had settled in this fertile valley where Indians had lived long before the coming of the white man. Over the next six years the Mormon settlers built adobe houses covered with earth or tules, plowed the land, established the towns of St. Thomas, St. Joseph, Overton, and West Point, dug canals, built roads, planted cottonwoods, and began draining the swamps. Then, in 1871, they abruptly departed when government surveyors placed the community within the Nevada state line and the settlers found themselves subject to taxes four times higher than Utah's. By 1882 a few settlers had homesteaded the best of the abandoned Mormon lands, a handful of Mormons had returned, and the *Pioche Record* reported a white population of sixty-four in the entire valley.²

Apart from these settlers, the greater part of the Moapa population was Southern Paiute (Nuwuvi), though few of these Indians still lived on the reservation. At the time that special commissioners John W. Powell and George W. Ingalls wrote their 1873 report on the condition of the Indians in the region, Moapa was envisaged as a possible future residence for more than

2,300 Indians from Nevada and adjacent areas of Utah, Arizona, and California. The Indians were eager to cultivate the land and raise cattle in the grass lands of the upper valley. Moreover, the distant bands expressed themselves ready to move to Moapa, and the four hundred Indians already there told the commissioners that they were willing to live together with the others. The commissioners recommended buying out the white settlers' lands for \$32,000 and securing control of the water rights for the Indians, since they were unable even to plant crops without the settlers' indulgence. "There is now no great uninhabited and unknown region to which the Indians can be sent," warned the commissioners. "He is among us, and we must either protect him or destroy him."³

Protection was not to be the choice. Not only did the Powell-Ingalls recommendation fail to win approval, but also the capacity of the Moapa Reservation even to provide for the resident Southern Paiutes appeared increasingly doubtful when the land area set aside for the Indians at the reservation's establishment in 1873 was sharply reduced in 1875. In the same year the South East Nevada or Pi-Ute Agency was consolidated with the Nevada Agency. Although loss of the reservation's status as a separate agency and the lodging of effective authority in a resident Reservation Farmer were not necessarily detrimental changes, the reservation soon entered a confused and violent period in which Reservation Farmer Benjamin Holland was shot and killed and Robert Logan, who took charge of the reservation without official sanction, was ejected and arrested for cattle theft. Colonel Bradfute's criticism of conditions at the Moapa upon his appointment in 1879 implied that reform was imminent; unfortunately, signs presently emerged that the new Reservation Farmer was neither honest nor competent. Nevada Indian Agent James E. Spencer's investigation the year after Bradfute took office uncovered "gross neglect or mismanagement" at the reservation.⁴ On the lighter side, the *Pioche Record* reported on one occasion that Bradfute had planted and carefully tended an apple orchard, only to discover at harvest time that his rows of young trees were really quaking aspens. It may be noted that, as Reservation Farmer, instructing the Indians in agricultural matters was among his primary duties.⁵

When Bradfute emerged from his customary seclusion one day in mid-May in 1887, the incipient quarrel with Longstreet at last surfaced. Both had repaired to Phil Wright's hostelry for liquid refreshments, which the *Pioche Record* later reported "incited the awakening of trivial animosities" over a small beef bill and an equally picayune poker debt. Amidst the ensuing hilarity among the men at the bar, Bradfute proceeded to discuss Longstreet's reputation, pronouncing it "decidedly bad." When the Colonel's right hand dropped to his side, Longstreet assumed he was about to draw and "snaked out his own battery with one hand and with the other hit the Colonel a diff alongside the jaw," knocking him off his box. Hostilities wound up with



"Wu-nav-ai Gathering Seed"; Moapa Paiute woman, Moapa River Valley, Nevada, 1983. (J.K. Hillers photograph, Smithsonian Institution, National Anthropological Archives)

Longstreet throwing another punch at Bradfute outside the Wright establishment.⁶

Determined to vent his rancor against Longstreet if it took a hundred mile ride to do it, the angry colonel set off to the Lincoln County Seat at Pioche, where he swore out a warrant for assault and battery against Longstreet.

Sheriff Turner and his deputy journeyed south to arrest Longstreet, and it appears that a certain friendliness developed between the law officers and their tall, long-haired prisoner during the lengthy trek back to Pioche. On May 31, 1887, Longstreet stood trial and was promptly acquitted. Pioche was obviously incensed over this "farce of a trial" at the taxpayers' expense, "all on account of a black eye induced by bug juice."⁷ The verdict may have been intended to suggest to Bradfute that recourse to the courts over mere fisticuffs was not considered appropriate in this part of the world. The Colonel himself ascribed his failure to secure redress from the law to another cause: "The Sheriff through this man Colburn fixed the jury," he wrote, and after additional fulminations went on to say that the presiding justice was "so drunk he could not hold his head up." The judge and jurors were "taken to the saloon and filled full of whiskey before the court was opened. I am sixty four years old but I never witnessed such degradation in a court of Justice before."⁸

Now it was Longstreet's turn for revenge, a desire that may well have been intensified by Bradfute's efforts to persuade government authorities to prosecute him as a cattle thief. Whatever his motives, Longstreet was, so far as we know, the only man in the Moapa Valley to speak out against the injustices suffered by the Indians in this period, and he may have been moved by grievances a good deal larger than his own. The resulting documents, one written on June 20 to Nevada Indian Agent W.D. Gibson at his headquarters at the Pyramid Lake reservation, and the other on June 26 to the Secretary of the Interior, Lucius Q.C. Lamar, are the only writings by Longstreet that have yet been uncovered. Their grammar and spelling suggest an early encounter with some frontier school but not too prolonged an acquaintance. The second of these letters, which were nearly identical, informed the secretary:

"Sir I Charge Mr. W.R. Bradfute of the Moapa Reservetion or the Mudy River agency of being corrupt dishonest and incompetent to preform the duties of farmer at this agency."

"Specifications"

"1 I charge him with killing and selling Goverment catell for his own use and benifit"

"2 I charge him with hiring out those Goverment mules for pay and converting the same to his own use and benifit"

"3 I charge him with hiring men to brand the anuel increas of the Goverment catell and paying for the same with Goverment property"

"4 I charge him with willfull neglect to look after the Goverment property comited to his charge Resulting in a totell loos to the Goverment of more than 500 head of catell since he took charge here there have been branded something over 300 calves whitch together with there increas can not be accounted for"

"5 he has Rented out the Goverment land to private parties that raised their on severall hundered bushells of Grain using the Goverments farming impliments and the Goverments team and taking in payment there for a part of the crop whitch he sold and coverted to his own use and benifit"



Southern Paiute Indian near Las Vegas, 1883. (*J.K. Hillers photograph, Smithsonian Institution, National Anthropological Archives*)

“finaly”

“I charge him with conducting the agency soley for his own pecuniary benifit and with a totell disregard to the wellfair of the indians”

“I their fore demand an investigation when I shall be prepard to prove all of the above charges”⁹

Bradfute, evidently aware that these charges were forthcoming, had already endeavored to deflect them by a letter to his superior, Agent Gibson.

Following some remarks on the continued destruction of the Indian crops by roving cattle from the government herd, in which he displayed a new and tender concern for the Indians, Bradfute went on to suggest that Longstreet had been engaged in the thievery of horses and reservation cattle. However, prosecuting Longstreet on this charge would not be an easy matter, largely as a result of the practical difficulties that Bradfute candidly foresaw in bribing witnesses who would otherwise be unwilling to testify on his behalf:

"In reference to A.J. Longstreet I am fearful that a case cannot be sustained against him . . . as all the Indians upon whom I am depending as witnesses are participants with him in the crime. This is the opinion of the district attorney of this county, unless I can find out through an interpreter others who were not mixed up with them . . . there is no one here now that can interpret sufficiently to find them out . . . and I am wholly unable to speak the language . . . my previous statements are true but this version of the case makes me very doubtful as to the final results, then the Indians would have to be satisfied or made so before they are taken to Carson that they would not be molested or abused in any way. & then they will do nothing without they are paid for it, which would be another point in law against us should the opposing attorney discover it upon the whole it is a very notty case to handle. . . ."

Bradfute was worried that Longstreet's close friend, a wealthy Meadow Valley Wash rancher named Colburn, who was scarcely less intimate with the Indians than Longstreet himself, would provide valuable advice on Indian matters to Longstreet's attorney. Bradfute concluded: "a failure to convict would make matters worse. Longstreet is [a] bad man and capable of any crime that is known."¹⁰

Agent Gibson, having read these charges and counter charges, aligned himself with Bradfute and sent the resident farmer's June 11 letter, together with his own commentary, to John D.C. Atkins, United States Commissioner of Indian Affairs in Washington, D.C. While acknowledging that he was unfamiliar with the Moapa Reservation, having visited it just once for a few hours' time, Gibson explained that he believed Bradfute, primarily because no accusations of dishonesty had previously been lodged against him. Gibson also argued that a small increase in the size of the reservation cattle herd demonstrated that Longstreet's charges concerning Bradfute's machination with the cattle were "flimsy." He thought "Longstreet may have done this to screen himself or to gratify a revengeful feeling." Wide experience had shown Gibson that "criminals when removed or detected, are ready to cry out 'wolf.'" He did not, however, recommend prosecution of Longstreet, and his high estimate of the one to three thousand dollars in expenses a trial would probably entail suggests that prosecution was an undertaking he was by no means anxious to pursue.¹¹

The matter was presently referred to the Acting Commissioner of Indian Affairs. Although that official requested the United States attorney to prosecute Longstreet, legal action did not ensue, no doubt because government



Young Paiute women in Southern Nevada, 1873. (*J.K. Hillers photograph, Smithsonian Institution, National Anthropological Archives*)

lawyers found the evidence insufficient and recognized that Bradfute was rapidly backing away from his initial charges. On July 13 the Acting Commissioner wrote his conclusion to the Secretary, "I consider Longstreet unworthy of belief." The sole foundation cited for this opinion, aside from the Gibson and Bradfute letters, was a Washington visitor of the previous year whose praise for the Reservation Farmer had convinced him that Bradfute deserved a position.¹²

Commissioner Atkins and the acting Secretary of the Interior were less convinced. Bradfute was scarcely a disinterested party, the caller was probably a friend of his, and office seekers and their advocates were well known in Washington. Moreover, it was abundantly clear that Gibson neither knew anything about conditions at the Moapa nor acknowledged any responsibility for finding out. Even if he had belatedly done so, it was Atkins's policy to give little weight to the recommendations of agents in personnel matters, which he preferred to settle in Washington. In addition, the weight of probability rested on Longstreet's side because charges of corruption in the Indian service had often proved all too well founded.¹³ Finally, it is not entirely unlikely that officials might have perceived something in Longstreet's unlettered scrawl concerning the "wellfair of the indians" that sounded like the sharp ring of truth.

Accordingly, toward the end of September, the acting secretary wrote a note to Commissioner Atkins, and the commissioner decided to dispatch an independent investigator for the dual purpose of closing down the Moapa as a sub-agency and investigating the charges. While the 1887 Dawes General Allotment Act, which sought to hasten Indian assimilation by dividing the reservations into allotments for each Indian family, was then in the process of implementation, Atkins envisaged an informal division of the Moapa Reservation lands to give each family an "imaginary proprietary right" pending a more definitive survey of the area. As for Bradfute, the commissioner's instructions revealed two conflicting currents of thought: a presumption on behalf of the Reservation Farmer as a "man of good judgment" whose advice might be relied upon "with confidence" and an apprehension that the "actual condition of affairs" at the Moapa might prove quite different from the representations of Gibson and Bradfute.¹⁴

The ensuing reports by Special Indian Agent Henry S. Welton of Kingman, Arizona, are the only disinterested evidence we have on the Longstreet-Bradfute dispute. In addition, they provide a graphic picture of the Moapa region's remoteness and privation in the late nineteenth century. After receiving a September 24 letter from the commissioner with instructions to investigate and report on affairs at the reservation, Welton set off on a nine day march over two-hundred-thirty miles of desert to reach the Moapa. He noted that he started the trek "very *poorly prepared*. taking but one blanket, a shawl, and but little food. but soon found *every one* must take their own supplies as nothing can be bought on the way." Welton was not to again sleep in a bed until his return to civilization.

"On arriving at the reservation," Welton reported, "I found Mr. Bradfute living like a miserly Hermit. He was without meat coffee or in fact anything and living on squashes. He has not been out from there in over 8 years (since he went in) I gave him Bacon Sugar Coffee etc He told me had had no meat in over three months and others told me he at one time lived three weeks on *watermelons* alone."

However, Bradfute's eccentric diet concerned the special agent less than did the situation he found at the reservation. It contained four hundred acres of good, arable land, only thirty-five of which were under cultivation, and but six Indian families "camping" on the reservation while Bradfute rented out the cultivated land to white ranchers "for *his own* benefit." (Bradfute's stewardship of more than eight years had evidently contributed to a sharp decline from the level of 370 acres under cultivation by a large number of Indians in the vicinity of West Point noted by Ingalls in 1874.) Welton was unable to estimate the current population of the tribe "as they are scattered over the surrounding country for 200 miles in all directions." Understanding his superior's desire that the Indians should "continue to be selfsupporting and remain in small, desirable numbers among the whites" in the interests of caution and thrift, Welton hoped to persuade twenty to twenty-five families to reside on the reservation. This would necessitate the promise of a cow to each family and the far greater incentive of Bradfute's departure, for the Indians "refuse to come while he remains."¹⁵

Welton at once set to work to put matters in order on the reservation. He saw to it that reservation lands were enclosed by fencing or screw bean mesquite hedges, and Bradfute's ideas on where the fence line should be run were acidly rejected ("I shall surely take *all* the land that belongs to the Indians"). As he endeavored to advertise the sale of the government herd in preparation for abandoning the Moapa as a sub-agency, Welton wrote to disabuse his superiors of their misconceptions regarding the region:

"You speak of having the printing done at *Overton*. Overton is 22 miles from the reserve, and contains but three families, all living in adobe houses with dirt floors. St. Joe (where you speak of advertising) contains but *one* house. where a man widower named Logan lives by himself. All other 'surrounding settlements' are of the same character. *This* [St. George, Utah] is the nearest town, (114 miles) and is still 125 miles from a R[ail], Road I wanted my printing done here but there is no press . . ."

And above all, he attended to the prime necessity, the dismissal of Bradfute, who unceremoniously departed from the Moapa without further delay:

"I am sorry to find Mr Bradfute has the ill will not only of all his white neighbors, but of the Indians as well. He is 65 years old, irritable and stubborn, is opposed to giving out the land in severalty [a holding by individual right, as opposed to joint interest], or leaving the mules harness wagon [e]tc for their general use and benefit. and as *he* had no plan to offer or sugestions to make (except for the Govt. to continue to keep a manager there) and as I could get much more assistance from both Whites & Indians in his absence, I discontinued his services from the date of my receipts to agent Gibson. *Manual labor* is all I require, and *he* is unfited by *age*, disposition, education, and *habits*, for that."¹⁶

On December 28 Welton returned from his second journey to the Moapa and mailed his final report to Washington. Believing that the location of the

range made it impossible to prevent annual thefts of stock from the government herd, Welton considered that Bradfute's neglectful practices were not the cause of these losses, nor did he find Bradfute guilty of butchering and selling government cattle for profit. However, he fully sustained Longstreet's charges that Bradfute had rented reservation lands, as well as the government mule team, to private parties, and had in general conducted the agency solely for his own pecuniary benefit. As evidence he included an affidavit from George Segmiller, a Moapa Indian living on the reservation. Segmiller declared:

"I know WR Bradfute he had been our Agent many years. He does not like Indian. . . . He did not let the indians use team, plow, shovels hoes or other tools. He took away the bellows because the indians wanted to use the blacksmith tools. He did not allow indians to use the grindstone without pay. it belonged to the government we did not pay him but ground our axes in his absence."

All the same, government authorities decided not to prefer charges against Bradfute following his dismissal, for Welton had already urged that he "should be shown some lenity for having had to live so long in such a place." In accordance with Atkins's general plan, the Indians would be left to sustain themselves upon their reservation without supervision. Welton expressed the hopeful, if somewhat naive opinion, that the cattlemen would not encroach upon Indian rights.

As for Bradfute's accuser, Welton found "the general character and reputation of A.J. Longstreet to be (in the main) as represented by Farmer Bradfute . . . but am unable to obtain any evidence upon which a reasonable probability of his conviction could be based. and as he has now left the State, being last heard from in San Bernardino Co. Cala, I would recommend no further action in his case." Longstreet had indeed made himself scarce, but it is doubtful that he had found it necessary to withdraw as far as San Bernardino. One of the affidavits Welton forwarded to his superiors attesting that Bradfute was "habitually fond of intoxicating drinks and was often drunk" came from E.B. Kiel, notorious for sheltering outlaws at his Las Vegas ranch, and suspected of even worse;¹⁷ it is amusing to reflect that Kiel may have been fully cognizant of Longstreet's whereabouts—perhaps at his own table—at the very time that he gave his testimony to Welton.

The exact date of Longstreet's return is uncertain, but it is clear that he had been losing interest in his ranch on the Moapa for some time. He had evidently returned by September, 1888, when the *Pioche Record* listed him as a precinct judge in Overton. Candidates in the approaching election obviously believed that his influence was considerable and did not hesitate to remind him of past favors. John C. Kelley, for example, dispatched a letter to Longstreet on October 9: "Having shown my willingness to befriend you when you were here on trial for beating Colonel Bradfute, I now appeal to

you for assistance at the coming election as I am on the Democratic ticket for the Clerkship. . . ."¹⁸ While Longstreet's sympathies were known to lie with Kelley's party, few Democratic candidates succeeded in withstanding the Republican landslide that swept the state in 1888.

By now Longstreet owed the county more than six hundred dollars in taxes on the ranch. On September 28 he sold the two-hundred-forty acre spread of the best land in the valley for twelve hundred dollars to Hiram Wiser, whose name it afterward bore on the maps.¹⁹ Longstreet moved on to further adventures, far beyond the pale, in the wild country that suited him best. As an old man, he would briefly return to testify in the Muddy River water rights litigation nearly thirty years later, when he was believed to be the last survivor of the early settlers in the Moapa. Unfortunately his testimony has not been preserved.

From the perspective of the century that has now passed, it can be argued that the controversy at the Moapa produced no grand result. One corrupt reservation authority was dismissed, regrettably soon to be succeeded by an equally corrupt trustee. By defending Indian interests in the white world, Longstreet had assumed the role that historians have found was typically played by "squaw men" at the Indian agencies throughout the West during the frontier period.²⁰ There is a certain rightness in the circumstance that this challenge to the abuse of official power at Moapa Reservation came not from one of the religious reformers so prominent in Indian affairs at that time, nor from a rival for Bradfute's office, but from the archaic figure of an outlaw-frontiersman, lacking articulate ideas on Indian policy, yet possessed of a deep affinity for his adopted people and a firm sense of justice.

NOTES

¹ Sarah Winnemucca Hopkins, *Life Among the Piutes: Their Wrongs and Claims* (Bishop: Chalfant Press, Inc., 1969, reproduction of 1883 original), 86; also see 87-136.

² *Pioche Record*, 14 Oct. 1882. Sources on the history of the area include: G.W. Ingalls, "Indians of Nevada," in Sam P. Davis, ed., *History of Nevada*, v. I (Reno: Elms Publishing Company, 1913), 20-117; Russell R. Elliott, *History of Nevada* (Lincoln: University of Nebraska Press, 1973), 17-23; Inter-Tribal Council of Nevada, *Nuwuvi: A Southern Paiute History* (University of Utah Printing Service, 1976), esp. 92-108; Pearson S. Corbett, "Settling the Muddy River Valley" *Nevada Historical Society Quarterly* 18 (1968); and Arabell L. Hafner, *100 Years on the Muddy* (Springville, Utah: Art City Publishers, 1967).

³ Ingalls, "Indians of Nevada," 113.

⁴ Inter-Tribal Council of Nevada, *Nuwuvi*, 92-108; Edward E. Hill, *The Office of Indian Affairs, 1824-1880* (New York: Clearwater Publishing Company, 1979), 108-110.

⁵ *Pioche Record*, 16 Aug. 1884.

⁶ *Pioche Record*, 4 June 1887.

⁷ *Ibid.*

⁸ W.R. Bradfute to W.D. Gibson, Nevada Indian Agent, 11 June 1887, National Archives, Washington, D.C.

⁹ A.J. Longstreet to Secretary of the Interior, 26 June 1887, National Archives; also see Longstreet to Gibson, 20 June 1887 at the same source.

¹⁰ Bradfute to Gibson, 11 June 1887.

¹¹ Gibson to J.D.C. Atkins, Commissioner of Indian Affairs, 27 June 1887, National Archives.

¹² Acting Commissioner of Indian Affairs to Secretary of the Interior, 13 July 1887, National Archives.

¹³ Gregory C. Thompson, "John D.C. Atkins, 1885-88," in Robert M. Kvasnicka and Herman J. Viola, eds., *The Commissioners of Indian Affairs, 1824-1977* (Lincoln: University of Nebraska Press, 1979), 181-88.

¹⁴ Acting Secretary of the Interior to Commissioner, 21 September 1887; Atkins to Special Indian Agent Henry S. Welton, 20 September 1887, 24 September 1887; Acting Commissioner to Welton, 24 October 1887, all in the National Archives. Also see Thompson, *Commissioners*.

¹⁵ Welton to Commissioner, 2 November 1887, National Archives.

¹⁶ *Ibid.*

¹⁷ Welton to Commissioner, 28 December 1887 (with enclosed depositions by E.B. Kiel [December 8, 1887] and George Segmiller [December 12, 1887]). Also see his November 2 letter, all in the National Archives.

¹⁸ Maryellen v. Sadovich, "James Bernard Wilson—Forgotten Pioneer," *The West* 9 (October 1968): 65; another candidate's letter to Longstreet has been preserved in the James B. Wilson manuscript collection, Special Collections, University of Nevada, Las Vegas.

¹⁹ Items relating to Longstreet's worsening tax situation and the sale of his ranch to Wiser appear in the *Pioche Record*, 6 Aug. 1887; 22 Sept. 1888; and 1 Dec. 1888.

²⁰ On the role of "squaw men" at the Indian agencies, see Colin G. Calloway, "Neither White nor Red: White Renegades on the American Indian Frontier," *Western Historical Quarterly* 27 (January 1986): 46-52, and James W. Schultz, *My Life as an Indian* (Greenwich, Conn.: Fawcett Publications, 1964), 201-203; religious reformers at the agencies are described in Robert W. Mardock, *The Reformers and the American Indian* (University of Missouri Press, 1971), esp. ch. 12.

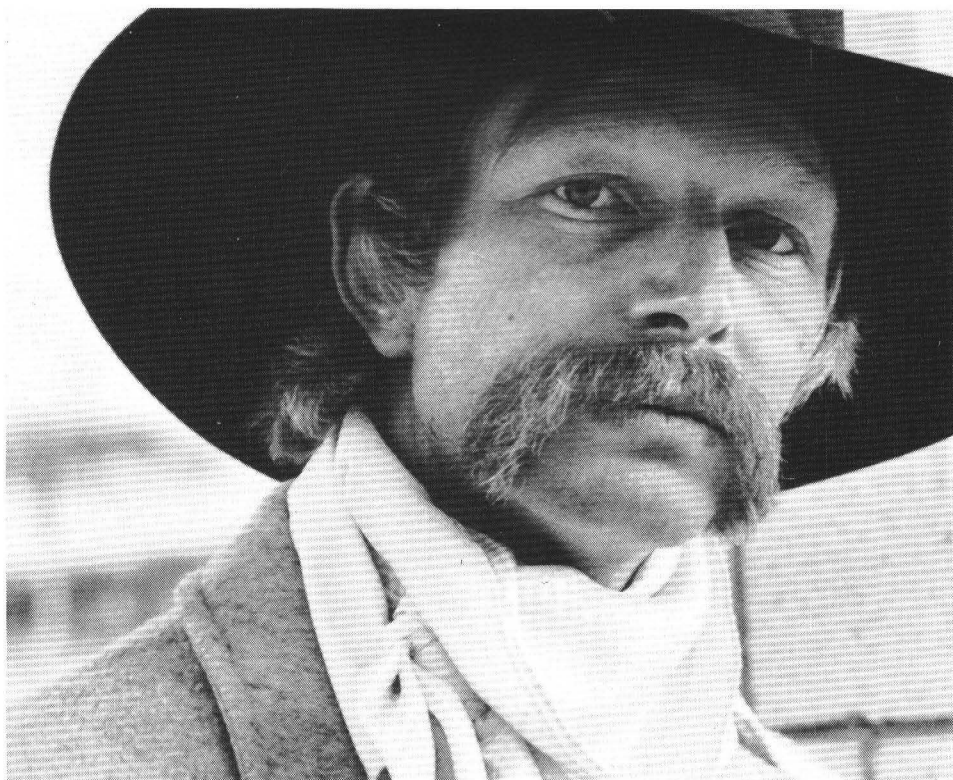
Cowboy Poetry: The New Folk Art

WILBUR S. SHEPPERSON
JUDITH K. WINZELER

AMERICANS HAVE DISCOVERED INDIVIDUALISM, freedom, and romantic exhuberance in the mystique of the cowboy. We have been tutored from childhood on cowboy-and-Indian stories until the cowboy injunctions of truth, bravery, and modesty have become morality plays. And equally as important the cowboy-Western has proved to be an economically rewarding subject for media and corporate exploitation. However, neither John Wayne nor the Marlboro man or Levi Strauss have transformed cowboy poetry into a profitable myth. Indeed, of all cowboy arts and crafts only poetry has not been well laundered; it has remained natural and essentially authentic. However, it may be that we are now witnessing a transition. The painter Mark Chagall suggested that "art begins where nature ends." During the late twentieth century cowboy poetry is perhaps moving from nature to art, from rural innocence to popular self-consciousness.

Using a rough parallel, perhaps cowboy poetry can be compared to nursery rhymes, Negro spirituals, western ballads, Washo Indian baskets, hooked rugs or frontier quilts. All were evolved instinctively by the common man as items of both utility and pleasure to make life a bit less tortuous, and all were eventually "discovered" by the broader society and declared a folk art. Perhaps cowboy poetry has evolved to the point of nursery rhymes of some 200 years ago. For centuries the populous, in a semi-illiterate way, laughed at the antics of kings, queens, and other famous people or sometimes retold stories of the despair wrought by cataclysmic events. As generations passed, these singsong, homespun, Mother Goose jingles became part of the broad culture until they were firmly embedded in historical and literary tradition. Indeed, they often tell us more about people and social customs than elegant histories or books of stately verse.

In another sense, cowboy poetry might be likened to the homemade American quilts. Quilts had a utility but were not a necessity. Blankets and skins could provide protection and warmth. However the overworked and fatigued homemaker demanded a touch of simple refinement; color and design were almost as basic as food and shelter. Therefore she labored overtime to shape a simple bed cover into an element of pleasure and delight.



Bill Black, cowboy reciter from the MC Ranch in Adel, Oregon, attended the Cowboy Poetry Gathering in Elko, Nevada, 1985. (Photo by Sloan Bosniak)

But only recently has the general public elevated and transformed these patiently handcrafted quilts into artistic items of great worth. They have been “discovered” and the determined vision and innate respect for beauty of these tireless women provide us with a masterful art form that played a basic role in frontier life. Perhaps, just perhaps, cowboy poetry is now entering the arena of the nursery rhyme or the frontier quilt.

During the recent past both academic and popular programs, projects, books, and films have emphasized the cowboy and focused attention on cowboy poetry. This article was inspired by and in turn will attempt to highlight two such poetry events.

The first Cowboy Poetry Gathering was held in Elko, Nevada, on January 31 and February 1 and 2, 1985, the second gathering on corresponding dates in 1986. A related event occurred in August, 1985 when *Cowboy Poetry* (Hal Cannon, editor, Peregrine Smith Books, Salt Lake City) was published. The occasions represent intensive effort and fieldwork on the part of folklorists and chroniclers, entrepreneurs and organizers. The gatherings provided

tangible products drawn from a longstanding but only vaguely recognized folk art tradition.

The first poetry meeting surprised even the most sanguine planners with participants from fifteen states and Canada attending. Among these were 40 guest cowboy writers, over 100 other interested poets, 15 folklorists and some 400 friends, reporters, academics, and curious observers. The national and even international press had an idiomatic field day. The *Los Angeles Times* carried the headline "Prairie Poets Meet at Cowboy Woodstock," *People Weekly* declared "Out Where the Sages Bloom, 120 Rhyme-Stoned Cowboys Show How the West Was Spun," the *Dallas Times Herald* implored "Rhyme 'em Cowboy," while the *Denver Post* was terse with its "Writing the Range." Page one of *The Wall Street Journal* announced "Poem on the Range: Cowboys Round up Hundreds of Verses," and the *New York Times* caught the spirit with "O.K. Pardners, Now's the Time: Ready, Aim . . . Rhyme!" *Time*, *Newsweek*, the *International Herald Tribune*, *Mother Jones*, the *Western Horseman*, and over a score of historical societies, folklife newsletters, local newspapers, arts publications and even bank news sheets carried stories about the "Cowboy Poetry Roundup" and urged "Git Along, Little Doggerels."

The second gathering built on and greatly expanded the original vision. A cowboy painting and photography show, a wide assortment of western musicians, from Canada's Ian Tyson to Nashville's "Riders in the Sky," an artistic cowboy slide show financed by Pentax, and Western movies from the thirties and forties broadened the event into a many-faceted occasion. The British, West German, Italian, and Japanese media along with CBS, ABC, and local publishers and broadcasters competed for individual interviews, personal recitations and camera position. Sophisticated taping techniques allowed for the purchase of programs within three minutes after their presentation and the Utah State Folklore Archives made their poetry collection available to the some 4000 participants and observers.

Hal Cannon's anthology and annotation of poems includes 78 works composed or recited by 46 known and 7 anonymous authors. Some of the poems date back to the Civil War, a few have been adapted from musical versions, others were borrowed from sailors, loggers or miners and several were written by or for movie cowboys. In research for the publication, Cannon amassed over 200 books of poetry along with nearly 50 looseleaf notebooks of manuscripts. The collection is housed permanently in the Fife Folklore Archive at Utah State University. *Cowboy Poetry's* extensive bibliography cites some 29 books of poetry which were first printed in the 1920s or earlier. Many of the volumes were published by prestigious university or major commercial presses like Knopf, MacMillan, Clarendon, Holt, and Doubleday. The Houghton Mifflin Co. of Cambridge, Massachusetts issued nine books of cowboy poetry between 1914 and 1930.



(l-r) Georgie Sicking of Fallon, Nevada, and Irene Pecoraro and her mother Blondell Whitehead of Lander, Wyoming, are a few of the women-rancher poets attending the Cowboy Poetry Gathering in Elko. (Photo by Sloan Bosniak)

Cowboy Poetry is also devoted to the finest work of today's ranch poets. In compiling the book Cannon "looked at ten thousand poems" and finally included works which were "both a week old and a hundred years old." Contrary to popular opinion the cowboy occasionally corralled his thoughts into form. He more than most men came to understand the perils and the fullness of life, and more than most men was decisively influenced by his occupation. He responded to nature's cruel indifference and to its stark beauty, he experienced weeks of profound loneliness mixed with short respites in the bunkhouse or in town. Required to face both physical and mental endurance his spirit, his rhymes, his poems have been part of his strength, part of his furnishings within.

* * *

Mankind's historical record generally has been concerned with a small minority who owned most of the wealth, exercised most of the power, and made most of the important decisions in the society. Where common people

have appeared in the story of the last five thousand years they have seldom been central, but rather placed in the background like characters speaking from off-stage. Yet despite the patrician bias of history writing most of us are interested in the past because we see it related to the present, to the wants and actions of every man, to the feelings and needs of today. We wish to personally identify with what we hear and see and read. And most of us in the Mountain West hold the lingering romantic belief that somehow it was the frontiersman, the trail blazer, the isolated man on horseback, the sod buster, and the cowboy who truly understood grass-roots democracy. And because of this common man's energy, modesty, and lack of pretensions, there was created a motif from which has sprung our most decent urges and which formed the backdrop for our best institutions.¹

Over the past one hundred years the cowboy in particular has been given priestly robes and has found himself credited with mystical powers. For the public he has become the ordinary man with reckless daring and a steady nerve who isolated himself for an individualistic struggle against nature, against technology, and against the encroachment of urbanized civilization. Although he has represented only a minor aside in the large histories of the United States and has been generally ignored in American anthropology and anthology, to many he has become a figure larger than life, he has become heroic.

Cowboy painting, stories, music, and clothes are big business. One of Charles Russell's paintings is worth a ranch in the Judith Basin of Montana where he taught himself art; Louis L'Amour's ninety-five novels (as of early 1986) have made him a fortune; Nashville country music shows and records compete favorably with Hollywood; and a pair of Lucchesse boots can cost a thousand dollars. Cowboy novels and movies have reworked and dramatized the forceful western man, not only into the archetypical gunfighter and the protector of womanhood, but also into the great patriot. Millions of youth have identified themselves with this salty, lusty, daring, profane master of arms. A hundred years ago Teddy Roosevelt became the rough riding cowboy who shot the Spanish off San Juan Hill and today Ronnie *le Cowboy*, as he is known in France, plays war among the stars. American politicians have carefully cultivated the image. Richard Nixon was going to get out of Vietnam "as a cowboy with guns blazing, backing out of a saloon." Henry Kissinger acted aloof because "Americans admire the cowboy leading a caravan alone astride his horse." In short, we have milked the heroic perception for economic and political purposes. We have both glorified and distorted the cowboy story.

In commenting on the first Elko gathering *Newsweek* declared, "While cowboy music has been swallowed up by the electronic twang of silk-shirted country-and-western singers, cowboy poetry has survived in its original innocence and rough vigor, primarily because no one cared enough to exploit it."²

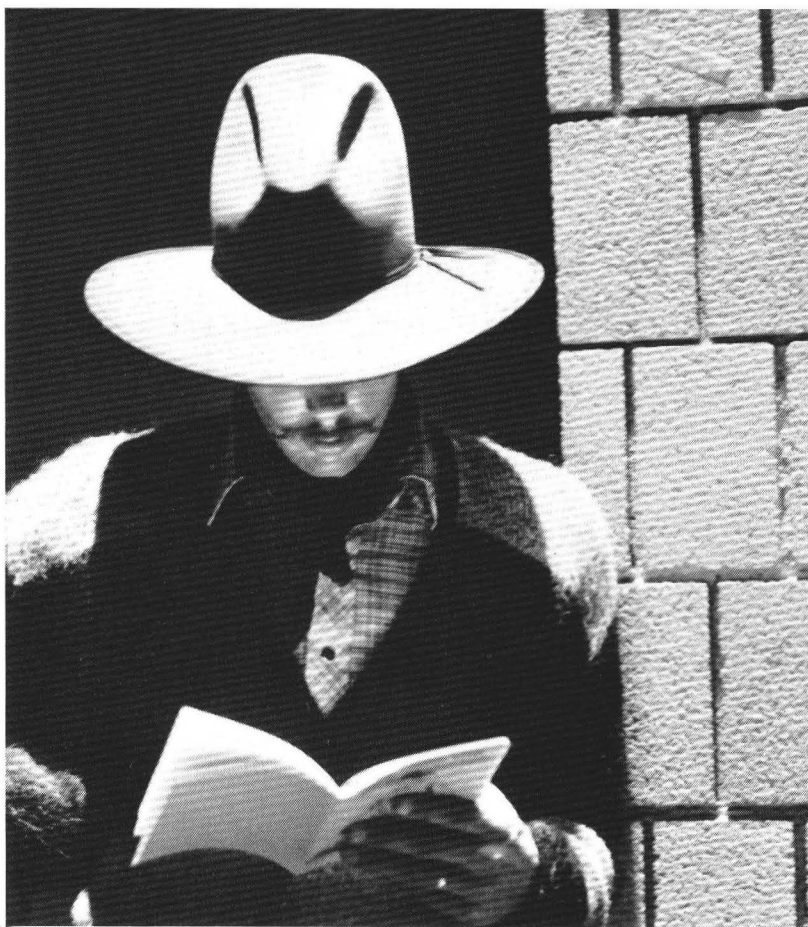


Bud Bartram of Stoneham, Colorado recites an old-time cowboy poem at the Cowboy Poetry Gathering in Elko, 1985. (Photo by Sloan Bosniak)

Ernest Hemingway wrote about manhood; Tennessee Williams wrote about sensitive people injured in a mean world; cowboys write about horses and cows. In *Cowboy Poetry* branding irons, cattle drives, campfires, starlight, storms, and saloons are reoccurring themes, but the dominant subject is herding, trailing, bronco breaking, rodeo riding—in short, the cow and the horse.

The controversial environmentalist, Edward Abbey (*The Monkey Wrench Gang*, *Desert Solitaire* and *The Brave Cowboy*), has said, "Suppose you had to spend most of your working hours sitting on a horse, contemplating the hind end of a cow. How would that affect your imagination? Think what it does to the relatively simple mind of the average peasant boy, raised amid the bawling of calves and cows in the splatter of mud and the stink of shit." Obviously the first demands made on a cowboy are physical. Abbey has noted, "A cowboy's work . . . is sometimes brutal—even cruel. Often violent. Anyone who's taken part in a gathering, roping, branding, de-horning, castrating, ear-notching, wattle-clipping, or winching a calf from its mother knows how mean and tough and brutal it can be."³

This hard, isolated, male dominated occupation has led Clifford Westemeier to argue that cowboy poetry and limericks originally were, and to some degree still are, "epitomes of bawdiness" with key words like riding, bucking,



Tom Blasedale reads book of Cowboy Poetry, Elko, Nevada. (*Photo by Sloan Bosniak*)

rawhide, gun and saddle providing much of the imagery and suggesting sexual activity.⁴ On the other hand, Larry McMurtry in a 1968 *Harper's* article, "Take My Saddle From the Wall" suggests that the cowboy truly likes horses better than women and therefore is more comfortable "in the company of his fellow cowboys" than "in the company of women." "The cowboy realized himself on a horse, and a man might be broke, impotent, and a poor shot and still hold his head if he could ride."

A Wyoming poet and cowboy watcher Gretel Ehrlich has argued that the talented and thoughtful cowboy faces an emotional impasse and "contradictions of the heart between respectability, logic and convention on the one hand, and impulse, passion and intuition on the other, played out wordlessly

against the paradisiacal beauty of the West." They are left with "a wide-eyed but drawn look. Their lips pucker up, not with kisses [or poems] but with immutability. They may want to break out, stay up all night with a lover just to talk, but they don't know how, and can't imagine what the consequences would be." After expressing deep emotion one cowboy confessed "I feel as if I'd sprained my heart."⁵

Many cowboys are now bridging the gap between heart and head, between hand and paper. They are now willing to "sprain their heart." With gatherings and books and growing popular interest cowboy poets now face exploitation by the media, commercialization by promoters, and the adulation of folklorists. They are being discovered.

* * *

On serene days of fifty-mile vistas and purple shadows, cowboys with a sensitive nature react like a photographic film. With insight they "put into rhythm and rhyme the moods of cloud and sunlight, of [life on the] open range."⁶ But they have often failed to put themselves on paper. Real cowboys are men of action not men of words. Relatively few have had the urge for written self-expression. And yet there are 158 books and pamphlets included in the bibliography to *Cowboy Poetry*. The works embrace authors who were born to the true cowboy life and who have come forward hoping to explain, interpret or joke about their occupation. There is the Midwestern or Eastern arrival who associates himself with cowboys and becomes a writer of verse for newspapers, magazines and all receptive audiences. And there are the western boys who leave the corral for the classroom and subsequently return hoping to capture their singular heritage and perhaps gain a hearing in the larger world. Regardless of origin the unique culture, customs and folklore of the range tends to convert the poets into enthusiasts.

But while cowboy poets may be enthusiasts they have not become prima donnas. And while a few have succumbed to bright lights and showmanship most retain the old cowpoke mentality with its unheroic aspirations. Despite the successes of Baxter Black, Nyle Henderson, Wallace McRae and Waddie Mitchell their poetry has not made the "big time." Even the works of the more renowned mid-century poets like Badger Clark, Bruce Kiskaddon, Curley Fletcher, and S. Omar Barker provided the authors with little wealth and only modest popularity.

Perhaps the first and most obvious question to ask is whether cowboy poetry should be studied as poetry *per se* or whether it is a mere extension of cowboy life. Should it be judged as poetry or as western folklore? Should we think of poets or of cowboys? In a limited sense *Cowboy Poetry* is designed and presented as poetry *per se*. There is individuality of thought and style among the authors, there are satirical rhymes and comic rhythms and there is treatment of the noble and the base. The unreasonable and grotesque antics

of both men and animals are commonplace themes. The disputes and violence, the imprudence and daring, the melancholy and sadness, the failure and hopelessness as well as ruddy landscapes, wild symmetry, quiet imagery and always the underlying sense of man's limitations are topics found in this as in all poetry.

Poetry is, among other things, an articulation of personal value. It, like music and painting, is among the most intense forms articulation can take. Clearly knowledge derived through poetry is not objective, it is not quantifiable or verifiable, but it is powerful knowledge provided by the insider. Even more than knowledge it is an index of a groups' faith and tradition and it can reveal why some people might want to choose a way of life that requires a grinding repose to the elements, the drudgery of repetition, and the sacrifice of commonly accepted material possessions.⁷

This felt value is crucial in understanding the attractions for cowboy life. Most of us have resigned ourselves to the massive social changes that have come with urbanization and industrial "progress." We have dismissed our lost rural senses as mere whims or nostalgia. But the hope for human fulfillment in the wide open spaces still has a broad and perhaps universal appeal. Philosophers, theologians, and utopians for over two thousand years have associated "a love of wisdom" with space and isolation. This traditional wisdom was a source to which man could turn in times, like our own, when too much togetherness was creating contempt and irritability and genuine hostility. In short, the best cowboy poetry calls up the old values and the traditional wisdom rooted in the earth and in personal individualism.

Obviously cowboy poetry does not answer all of the problems of ranch life and it is also obvious that not all identified with the cowboy's earthy wisdom have behaved in admirable ways or consistent with the poetry they expound. But cowboy poetry emphasizes and helps to create self-knowledge and self-respect; it smiles at the prevailing single-minded quest for wealth and power; it suggests an alternative for a driven and confused society; it reaffirms the perennial beliefs and traditions found in the great western American epic; and it provides a sense of place, a true ecological conviction, a vivid and an uncomplicated definition of human values.

Yet, to be candid, most cowboy poetry is conventional and mere doggerel; it is neither ingenious nor intricate nor intellectual. It does have "a sort of epitomizing effect which makes it live in the minds of many people, especially if they have strong fundamental feelings and longings with limited power of expression."⁸ Humanist scholars usually prefer to debate or examine the past whereas the cowboy poets usually prefer to reflect its rich and rough hewn character. The humanists show marked preference for thoughtful speculations whereas the cowboy's occupation dictates that he be a hunter, a midwife, a provider, and a stoic; in short, very much the realist. The humanist tries to be consistent whereas the cowboy regularly displays shocking con-

traditions of physical toughness yet inner tenderness, of being a man's man yet a great nurturer of life. He mixes bad grammar, strange oaths and wild yarns with tense silence and a sensitive heart to transform a hermit life into rare moments of conviviality.

Certainly most cowboy poetry grows from the ruggedness of cowboy life. It is not presented as expository verse, but rather as a comment on the homely details of an occupation. The versifiers use no formula and hold to no style. It starts from its own unique assumptions and is written for, or most often orally presented to, sympathetic non-critical audiences. Like cowboy music it is basically sad, whimsical, outrageous or amusing. It provides appreciation for a host of common men who perished as though they had never been born. The verses, by noting things which are central to daily experiences, uncover the obvious but they also reveal the more subtle profile of a low-paid and mundane vocation.

Cowboy poetry suggests verbal insights into the lives of a mainly nonverbal group. It shows how cowboys live and what they think and perhaps what they hope to be. It provides a historical pattern by interweaving thematic evidence from the past into an eternal present. The academic poet cannot recreate cowboy poetry no matter how sympathetic and imaginative he may be. The starting point involves those things which are central to the life, hope and love of the author. Indeed, the contours of cowboy poetry will appear unfamiliar to the readers of most literature. There is nothing that is doctrinaire; there is the common man's distrust of professional art. The reader will find little of the socially irregular, the literary picturesque or the intellectually sublime. And while there is turbulent action there is seldom turbulent emotion. Rarely is there conflict between feelings and conviction. Sentimentalism is connected with primitivism and perhaps to a simplified view of human relationships and democracy. There is the expressed obligation to feel; virtue is tied to an expression of sympathy, pity or amusement. There is an inherent distrust of dilettantism and speculation.

Cowboy poetry does not embrace the optimistic belief in perpetual progress which has so dominated most aspects of American society. Growth, industrialization, and bureaucracies have not been kind to cowboys. Their trade, their occupation, indeed, their existence demand that they maintain an eternal unalterable presence. Society may change but they must, at least to a large degree, remain the same. For the cowboy to survive time must be irrelevant. Most cowboy poetry provides this type of unchanging metamorphose.

Almost a hundred years ago Thomas Hardy caught the naturalistic detail and pervasive bleakness in his vision of the English farmer.

Only a man harrowing clods
In a slow silent walk

With an old horse that stumbles and nods
Half asleep as they stalk.

Only thin smoke without flame.
From the heaps of couch grass;
Yet this will go onward the same
Though Dynasties pass.⁹

At about the same time Allen McCanless reflected a similar tone of dream-like isolation in his "The Cowboy's Soliloquy."

All day o'er the prairie along I ride,
Not even a dog to run by my side;
My fire I kindle with chips gathering round,
And boil my coffee without being ground.

* * *

My ceiling the sky, my carpet the grass,
My music the lowing of herds as they pass;
My books are the brooks, my sermons the stones,
My person's a wolf on a pulpit of bones.

McCanless' poem, set to a droll night herding tune, has remained popular for the past hundred years and provides the introductory verse for *Cowboy Poetry*.

But while there is wistful charm and recollections of bygone sights and sounds, Hal Cannon's book is not wrapped in nostalgia, the real tends to overpower the vague, the present replaces the past. There is immediacy, tension and bitterness when noting strip mining, government bureaucracy, and urbanization in the "Vanishing Valley." The book is much more than a memoir; it is a current expression of attitude; it is an occasion. And yet few cowboy poets attempt to arouse passions and the use of truly hostile language is limited. Few voice broad social protest; few emphasize political, ideological or controversial subjects; few really find someone to blame. As a genre it is someplace between nineteenth-century primitive, Grandma Moses, and Gene Autry with white hat and pleasant smile.

In summary, cowboy poetry has always been more participation and performance than content. The authors and reciters do not seek the literary, rather they seek the show. They do not embrace the rules of writing, rather, like Turkish, Irish, Scandinavian or other ancient bards, they engage in the act of doing poetry more than in recording it. And like other bards, the true cowboy poet is a compulsive story teller. You listen to his lore, his tradition is oral, his doggerel is bred of loneliness. The Elko Gatherings featured poetry which was straight-forward, strident, theatrical, often outrageous and true to life. There was humor but not comedy, there was adventure but not expectation, there was farce and tragedy but neither romance nor mystery. It was

personal but never intimate, historical but not factual, episodic but not picaresque.

With gatherings, books, publicity, and the electronic media the lonesome cowboy and his oral tradition is vanishing. Rather like the nursery rhymes and the home fashioned quilts, cowboy poetry is being studied, recorded, popularized and rendered into a folk art. Unfortunately as each cowboy paradise is invaded and interpreted it is another paradise lost. In the idealized cowboy never-never land, any change is for the worse. Obviously cowboy poetry cannot be broadly appreciated until it is "discovered," but once discovered part of the eden, part of the naive authenticity disappears. But at least thus far the gatherings, the publications, the discoveries have come gently at the hands of faithful recorders and concerned students. Perhaps cowboy poetry is now poised for the inevitable, it is ready to take its place as another folk art spawned on the great American frontier.

NOTES

¹ During the twentieth century more and more historians are responding to the sociologist's challenge. The "new history" has turned its attention to everyday life; to the habits, manners, food, customs, sexuality, and health of the common people.

² *Newsweek*, February 12, 1985, 77.

³ Edward Abbey, "The Ungulate Jungle," *Northern Lights* (July-August 1985), 13. Also see Abbey's "Cowboys and the Ruin of the West," *San Francisco Chronicle*, 9 February 1986, This World p. 10.

⁴ Charles W. Harris and Buck Rainey, eds., *The Cowboy: Six-Shooters, Songs and Sex* (Norman: The University of Oklahoma Press, 1967), 92-93.

⁵ Gretel Ehrlich, "The Real Cowboy," *San Francisco Chronicle*, 8 December 1985, This World p. 15. Also see Gretel Ehrlich, *The Solace of Open Spaces* (Viking Press, 1985).

⁶ Badger Clark, *Sun and Saddle Leather* (Stockton, California: The Westerners Foundation, 1962), 23.

⁷ Thomas Auxter, "Poetry and Self-Knowledge in Rural Life," *Agriculture and Human Values* (Spring 1985), 15.

⁸ C.L. Sonnichsen, *Cowboy and Cattle Kings: Life on the Range Today* (Norman: The University of Oklahoma Press, 1950), 283.

⁹ Thomas Hardy, See *In time of 'The Breaking of Nations,'* 1915.

NOTES AND DOCUMENTS

Frank Waters's "Symbols and Sacred Mountains"

CHARLES L. ADAMS

ON MAY 5, 1981, Frank Waters delivered the annual W.Y. Evans-Wentz lecture at Stanford University. He and I were Stanford's guests on that occasion, and I was able to tape his talk. On the 23rd of that month, Waters delivered the annual Commencement Address at the University of Nevada, Las Vegas.¹ Inspired by that talk, the University of Nevada, Las Vegas Graduate Student Association, under the presidency of Ms. Lee Cox, invited Waters to return to Las Vegas to deliver for our community the Stanford address. He did so on November 21, 1981, adjusting his talk somewhat for the new audience. I was again able to tape his lecture and to compare the two versions. The following "Nevada version" of "Symbols and Sacred Mountains" is taken from my tape of the G.S.A. lecture and also from several pages of additional notes and revisions which Waters has kindly provided.

Symbols and Sacred Mountains

My talk covers substantially the same material I presented at the annual Evans-Wentz lecture at Stanford University last May, but with several changes in emphasis. It has a long background growing out of my seventeen years of friendship with the great Tibetan Buddhist scholar W.Y. Evans-Wentz. You are no doubt familiar with his widely known *Tibetan Book of the Dead* and other volumes in his Tibetan series.

After doing psychic research in Great Britain, and travelling extensively throughout the British Isles, Normandy, Egypt, Ceylon and Tibet, Dr. Evans-Wentz settled in India and embraced the faith of Mahayana Buddhism. For many years he lived in an *ashram* at Kasar Devi, at the foot of the Himalayas. At the outbreak of World War II, he returned to San Diego, California, where he had inherited a large ranch of some 5,000 acres just to



Frank Waters. (Photograph from *Images of the Southwest*, copyright 1986 by Marc Gaede and published by Northland Press, Flagstaff, Arizona)

the southeast, lying astride the international border of California and Baja California. It included Mount Tecate, known to the surrounding Indian tribes as the sacred mountain of Cuchama. Dr. Evans-Wentz became familiar with its traditions, interviewed many of the old Indians around there, and also became interested in the religion of the American Indians, particularly with the many parallels with Buddhism. He began to compile a book on Cuchama and other sacred mountains he had known in India, Tibet, Ceylon, Persia and

China. He conducted me to Cuchama and sent me his manuscript to review as he developed it.

Unfortunately, he died in 1965, bequeathing the unpublished manuscript and much of his property to Stanford University. Through the efforts of Dr. Charles L. Adams of the English Department here at UNLV, Stanford was persuaded to release the manuscript for publication under the joint imprint of the University of Ohio Press and the Swallow Press. He and I were selected to edit it with the title of *Cuchama and Sacred Mountains*. Dr. Adams also visited Cuchama, gaining personal knowledge of it.

The appearance of the book was timed to coincide with my delivery of the annual Evans-Wentz lecture at Stanford. Its publication, probably not too unusual in these days, has been constantly delayed.² Hence, what I have to say here may be as timely, or perhaps more timely, than last May.

It will be on Symbols and Sacred Mountains, and especially on the beliefs about them common to Buddhism of India and Tibet and the ceremonialism of Indian America. Mesoamerica, or Indian America as I term it, embraces that vast area from our own Southwest down through Mexico and Guatemala, including its many tribes, ancient and contemporary.

My remarks will not take the usual approach of theology, which is a logical analysis of organized religious systems or teachings. Rather they will tend toward the viewpoint of theosophy, based on mystical insights. We are not concerned here with the academic differences between Buddhist schools in the East, between the countless sects of Christianity in the West, or how many Hopi kachinas can stand on the head of a pin. What I hope is that we can understand better the truly religious beliefs held so commonly throughout the world by ordinary people, members of the laity like ourselves.

First, I must define a symbol as something that stands for or suggests something else than its usual appearance or meaning. The image of a Coca-Cola bottle is simply a sign; it suggests only what it actually is. A cross is a symbol; it carries a profound meaning beyond its mere appearance of two crossed sticks. So too a sacred mountain is more than just another mountain. It evokes a meaning from those peoples everywhere who see it as a symbol of universal spiritual energy, a means of access to higher consciousness.

So I will begin with a brief discussion of sacred mountains. Mt. Meru in the Himalayan range is the spiritual heart of two of the world's oldest civilizations, India and China. According to the cosmography of Hindu and Tibetan Buddhism, it is the axial core of the cosmos. It is 80,000 miles high, 80,000 miles deep, containing within it four realms, one above the other. Surmounting them is the supreme heaven, the vestibule to Nirvana. If man's psycho-physical organism is a microcosmic pattern of the universe, his spinal column represents Mt. Meru. And, likewise, he is crowned by the highest center of consciousness, the thousand-petaled lotus of the mind.

And just as man's various centers of consciousness stretch out from his

psycho-physical spinal column, so Mt. Meru extends in girdles of seven mountains and seven oceans to four worlds in outer space. Spreading out like a four-petaled lotus blossom, these four worlds are oriented to the primary directions and bear directional colors. Mt. Kailas, 22,000 feet high, bears the name of the metaphysical Mt. Meru, but it is only its material image.

A striking parallel in the American Southwest is the Encircled Mountain which stands in the center of the cosmography of the Navajo Indians. It is surrounded by four lesser mountains which mark its boundaries: the San Francisco Peaks in Arizona, the holy mountain of the west; Mount Taylor in New Mexico, the holy mountain of the south; Wheeler Peak, the holy mountain of the east; and a peak in the San Juan or La Plata Range in Colorado, the sacred mountain of the north. The location of the Encircled Mountain is marked by a small peak, but the Encircled Mountain itself is invisible. Being the actual core of the whole universe, it existed before the First People emerged from the lower worlds, and it spans a time and space beyond our earth-dimensional comprehension. This is its metaphysical reality.

They have other similarities. The sides and outer worlds of both Mt. Meru and the Encircled Mountain bear the same directional colors: white on the east, blue on the south, red on the west, and either green or yellow on the north. Below each mountain, the cosmos spreads out like a four-petaled flower, a lotus. Each of the world petals is protected by a *Lokapala* or World Guardian, as each of the Navajos' sacred mountains is guarded by a Talking God. And this today in a Navajo sandpainting is the symbol of the great axial rock—a four-petaled flower, like a Buddhist lotus.

In ancient China, the Taoists regarded five mountains as sacred. When the Buddhists entered China, sometime around the second century, they designated four more of particular sanctity. All were oriented to the cardinal directions. To these nine sacred mountains millions of pilgrims came for centuries to climb their steep trails, praying and depositing offerings. Mount Omei, 10,000 feet high, is one of the most beautiful. From its base to its summit are more than seventy monasteries and temples.

Dr. Evans-Wentz regarded such mountains as repositories of psychic power upon which man could draw. He paid tribute to those Himalayan peaks near his home, and once made a pilgrimage to Arunachala in South India, and walked around it barefoot in the traditional manner.

In Japan, early in the seventh century, there developed *Shugendo*—the “Way” by which human beings could attain the spiritual powers inherent in the mountains by pilgrimages and rituals. The meaning and purpose of *Shugendo* are made clear by the derivation of its name: *shu*—beginning enlightenment of a pilgrim's inherent divine nature; *gen*—his innate realization; and *do*—his attainment of what Buddhists call *nirvana* and the Japanese *nehan*. The pilgrim, beginning his climb up the mountain, was considered to

be "entering the mountain, leaving this world for the other world," finally obtaining spiritual rebirth on its summit. Mount Haguro, with thirty-three temples, was the most important of the 134 sacred mountains in Japan. *Shugendo* was officially proscribed in 1872, but has since then been rejuvenated.

In ancient Mexico, the Aztecs held an elaborate ceremony to honor the towering mountain of Popocatepetl, the "Smoking Mountain," and Ixtaccihuatl, the "Sleeping Woman," during the annual "Feast of the Mountains." Villagers made small images of amaranth seed to represent the mountains. Then the little dough images were decapitated and eaten. Following this, a great procession carried four richly dressed children, with gifts of precious stones and flowers, to the tops of the mountains. Here fires were lighted, incense burned, and the children sacrificed. The sixteenth-century Dominican Friar, Diego Duran, make this comment: "It should not be considered that the mountains were held to be gods or worshipped as such. The aim was to pray from that high place to the Almighty, the Lord of Created Things, the Lord by Whom They Lived." So it seems clear that here, as throughout the world, sacred mountains were not worshipped as deities, but regarded as places of access to the divine power of Creation. Popocatepetl and Ixtaccihuatl still today hold many shrines, all above 12,000 feet altitude, and ceremony is held at them each year.

To these examples in Tibet, China, India, Japan, and Mexico could be added more in South America and Africa. And in line with this mode of thought, it was from Mount Sinai that Moses brought down the Ten Commandments, and the gods of ancient Greece were said to live on Mt. Olympus.

So, too, today the home of the Hopi spiritual beings, the Kachinas, is on the San Francisco peaks in Arizona. And my neighbors at home, the Indians of Taos Pueblo in New Mexico, still make annual pilgrimages up their Sacred Mountain to conduct ceremonies which have never been witnessed by a white man. Also current today is the reverence for sacred mountains observed by the Chamulas and Zinacantecos of southern Mexico, whom I visited a few years ago. They follow the ancient Mayan custom of erecting crosses at the foot and on the summit of sacred mountains. Here they deposit offerings of flowers, chickens and rum, and burn candles and incense. The cross has no Christian meaning for them, but marks the meeting place between them and their ancestral Mayan gods.

Always, everywhere, sacred mountains seem to have served as places of communication between men and their gods. We may well ask the origin of this world belief. Apparently it has a sound psychological basis rather than being a primitive folk-belief. The modern psychologist Mimi Lobell, in her study of spatial archetypes, equates the emergence of the mountain out of the

sea of chaos with the rise of the ego and self-consciousness from the womb—cavern of the unconscious. There began in world history the era of mountain-veneration and pyramid-building civilizations in which reverence for the Earth Mother gave way to that of the Sky Father, and patriarchal replaced matriarchal patterns. This was reflected in the social stratification of different castes, with a divine ruler at the apex of the social pyramid. Yet eventually the ego in turn experienced spiritual enlightenment, which again related it to the mother of all creation, the unconscious. Hence the function of the sacred mountain was to enable man to surmount his worldly existence at its summit, and achieve transcendental unity with the universe.

A man-made stone pyramid and even the body of man was in effect a sacred mountain. At its apex, either on the summit of the sacred mountain, at the apex of a stone pyramid, or in the mind center of the human pyramid, man sought the expansion of his spiritual consciousness.

If the relationship between mountains and mankind is so universal and deeply rooted, our disregard of them in the United States needs a little comment here. No reverence is given to those once held sacred by our indigenous Indian tribes for the very reason that the tribes themselves were decimated and almost obliterated during our march of empire across the continent. Most of those which still remain are being exploited for industrial gain. Cuchama itself seems to be in danger of being violated by a high voltage line planned to be laid across its summit, and also there are plans afoot to build some kind of industrial complex of some sort at its base. As a result, we have bought the physical energy derived from their gold, oil, coal, and uranium at the expense of the psychical energy so equally necessary for us.

Let me now descend from the mountaintop to the deepest pit of Hell. *The Tibetan Book of the Dead*, the first of Dr. Evans-Wentz's Tibetan series, was committed to writing in the eighth century A.D. The ancient treatise was translated from Sanskrit by Lama Kazi Dawa-Samdup, edited and annotated by Dr. Evans-Wentz, and published in 1927 by Oxford University Press.

It is similar to *The Egyptian Book of the Dead*, and its teachings are generally subscribed to by most people throughout the East. It is founded upon the Doctrine of Reincarnation.

Orthodox Christianity asserts that man has only two existences: one short lifespan on this earth, followed by an eternal existence in a sublime Heaven or in an abysmal Hell. The Doctrine of Reincarnation, to the contrary, posits an afterdeath period on the Bardo plane. Here the deceased, the "soul" or causal nexus, passes forty-nine days before being reincarnated in another human body on the earth plane.

The period reflects the Buddhistic belief in forty-nine stages of man's physical evolution. These are recapitulated after death, accompanied by forty-nine stages of psychical evolution. During them, the deceased experi-

ences the karmic results of his past earthly lives. He is beset by thundering sounds and different colors representing the constituent elements of his earthly body: fire, air, earth, and water, each having mental and emotional attributes. Peaceful deities help; wrathful deities menace. None of them is real. They are but hallucinations, thought forms created by karmic reflections of the deceased's good deeds and bad deeds, dormant lusts and desires, during his earthly incarnation. They thus comprise a "Book of Judgment" from which he passes sentence upon himself, his predilections determining his need to be reincarnated for another earthly existence.

Only a few persons, like yogis for example, recognize these hallucinations for what they are and see the one blinding light at The Clear Light of Reality of the formless Void. They then outstrip the normal process of evolution, attaining Enlightenment and Emancipation from the Wheel of Life, and achieving transformation into a higher spiritual plane.

Hence the Sanskrit name of *The Tibetan Book of the Dead*, the *Bardo Thodol*, is "Liberation by Hearing and Seeing on the After-Death Plane." It is regarded as not only a mystic manual for guidance through the After-Death plane, but a guide to use in life.

The great Shalako ceremony of Zuñi Pueblo in New Mexico gives us a reminder of the symbolic forty-nine days which the soul of the deceased spends on the Bardo plane.

These forty-nine days which I have just mentioned represent the forty-nine stages of man's physical and psychical evolution. As the Hindus explain, there are seven degrees of Maya within the phenomenal Sangsara represented by seven worlds; and there are seven stages of evolution in each, making forty-nine active existences from amoeba to man.

The great Shalako is a forty-nine day ceremony featuring the annual return to Zuñi of the Shalako kachinas or spirit beings. Preparations to receive them have been made all year. A new house has been built for each. The family hosts have gone into debt for years to purchase cattle and sheep which will be butchered to feed the crowds of guests. Hundreds of loaves of bread have been baked.

In October, on the morning of the tenth month of planting prayer sticks at the full of the moon, the kachina priests receive a cotton string tied in forty-nine knots, one to be untied each of the following mornings. During the ensuing days, they rejuvenate the kachina masks, ritually feed them with cornmeal, and hold secret observances in the underground kivas. On the fortieth day, the first kachinas appear in the plaza. They are the Koyemshi, the Mudheads, their heads and bodies covered with pinkish clay, their faces grotesque, pitifully deformed. Another group of kachinas march in on the forty-fourth day. They are led by the Rain-God of the North, called Long Horn, from the great horn protruding from his mask, which signifies long life.

On the forty-eighth day comes The Little Fire God, the Rain-God of the South, the warriors of the East and West, the war brothers of the Zenith and Nadir.

All the kachinas make the rounds of the pueblo, leaving prayer sticks on the thresholds of the ceremonial houses. Then they all enter the house and bless it with long poetic prayers.

By dusk, all is ready. In cold, darkness and silence, the waiting Zunis and spectators stand facing the freezing river and its causeway of stones and sticks.

At last the six Shalako come, tall spectral shapes gliding across the causeway. Shapeless, armless bodies, eight to ten feet tall, draped with white kirtles embroidered in red, green, and black. Each enormous mask is colored turquoise, surmounted by a crest of eagle feathers raying out like the sun. And from their gargoyle faces protrude bulging eyeballs, up-curving horns hung with red feathers. Huge, anthropomorphic figures, part beast, part bird, part man.

Each is conducted to the house prepared for him and seated at the "valuable place" beside the altar. Here for hours he recites a long, prescribed ritual address. Then from midnight until dawn, he dances in the great lofty room before the crowd of squatting spectators. It is one of the greatest Pueblo ceremonials, and one of the most unique rituals in the world.

What does it mean?

From the arrival of the earliest Spanish priests it has received more observation and interpretation than perhaps any single Indian ceremonial. It has been anthropologically classified as a war ceremony, a hunt ceremony, a ceremony for longevity, fertility and reproduction. It may indeed contain all these elements. Yet above all these explanations, it seems to me that the ceremonial's period of forty-nine days, its concern for the return of the spirits of the dead, their ritual feeding, and the Shalako's own long recitals, combine into the one predominating motif of the meaning of death.

The kachinas, of course, are the spirits of the dead, of all the plant, animal, and human forms; of the color directions;—the inner forms of all the forces of life; wherefore the masks of horn, snout, beak, and abstract design to represent all aspects of life, as the composite Shalako. From where have they come? The Zuñi Creation Myth tells us there have been four previous worlds from which man has been successively reborn to continue his journey on the Road of Life. Their names are significant. The first underworld is the place of Generation. The second, "dark as the night," was called the Umbilical Womb or Place of Gestation. The third cave-world was lighter, "like a valley in starlight," and was named the "Vaginal Womb, or Place of Sex Generation." For here peoples and things began to multiply apart in kind. In the fourth cave-world, the "Womb of Parturition," was "light like the dawning," and men began to perceive according to their nature. And finally into this great

upper "World of Light and Knowledge or Seeing," mankind emerged, first blinded by the light and glory of The Sun Father, then looking for the first time at one another.

I will have more to say later about this four-world concept. It is introduced here simply to show that the Zuñi's Road of Life leads up through these four underworlds and also mirrors man's evolutionary development on the way. This is visually shown by the progressive kachinas as they appear, from the first unformed and deformed Mudheads.

And why have the kachinas returned? Why simply to recount in hours-long recitals their own journey to their yet earthbound fellow travellers whom they have preceded, and to assure them that death does not interrupt the continuity of their journey. Breath is the symbol of life, and inhaling an act of ritual blessing. Wherefore during the recital all in the room inhale, holding up their hands before their nostrils to partake of the essence of the sacred prayer.

. . . That clasping one another tight,
Holding one another fast,
We may finish our roads together;
That this may be, I add to your breath now . . .
May our roads be fulfilled.
May we grow old,
May our people's roads all be fulfilled . . .

So the Shalako dance and pray with their people, and at dawn they stop dancing. Long Horn clambers up to the roof. Facing East, he unties the last knot, the forty-ninth in his string. Then the Shalako, escorted by singers back across the frozen causeway, make their transition back to the spirit realm.

The winter solstice is at hand. All fires in the Pueblo are extinguished. The whole earth dies. But from the Shalako the people know that it is all simply a withdrawal, that life may be renewed with freshness, vigor, and a deep sense of its continuous flow.

That *The Tibetan Book of the Dead* had a remarkable parallel in prehistoric Mesoamerica I did not discover until a few years ago, when I was given a Rockefeller Foundation grant for research into the religion of the ancient Toltecs, Aztecs and Mayas. What a Christmas present from Santa Claus it seemed! I had not applied for a grant; the Foundation simply suggested that I apply for one, and granted it immediately. A *Permiso* from the Mexican and Guatemalan governments gave me free access to all archaeological and anthropological sites, and so for six months, I had a wonderful time visiting all over.

I then spent some time in the great library of the National Museum of Anthropology in Mexico City, which permitted me to peruse the documents

of a vanished civilization. Among the most important is the Borgia Codex. It has become the property of the Vatican, where it now reposes. In 1898, The Duke of Loubat financed a reproduction in colored photoengravings, and the great German scholar Eduward Seler was engaged to interpret it. His two-volume commentary in German was published in 1904. Not until 1963 was it translated into Spanish, and it has not yet been translated into English.

The Borgia Codex is itself a screenfold of seventy-six paintings on animal skin. Their gorgeous color and design make it the most beautiful of all codices. Its ritualistic content makes it also the most complex and esoteric of all others known.

The pictorial account of Quetzalcoatl's apotheosis comprises its most essential and esoteric section. It describes, in Seler's words, "*El Viaje de Venus por el Inferno*" or "The Journey of Venus through the Underworld." Venus, of course, is equated with the mythical Nahuatl god Quetzalcoatl, who was transformed into the planet.

Quetzalcoatl, of course, was the culture-hero believed to have brought the arts of civilization to Mexico about the time of Christ. His name reflects his worldly duality: *Quetzal*—a brilliantly colored tropical bird, and *coatl*—a serpent; literally the Plumed Serpent. The religion he established spread from the American Southwest to Central America, and lasted for nearly one thousand years.

As the ruler of Teotihuacan, the City of the Gods, Quetzalcoatl was wise, good and chaste. Then evil companions induced him to drink pulque. Afterward he slept with his sister, Xochiquetzcal, the goddess of love and beauty. Upon awakening, he lamented that he had become drunk, forgotten his chastity, and committed incest. In expiation, he disposed of all his kingly riches, went to the seacoast, and built a great fire. Then he cast himself into the flames.

After his physical body was consumed, he went underground to the Land of the Dead. Days later he was transformed into the planet Venus, the Morning Star, the Lord of Dawn. Thereafter, he astronomically repeated his ritual journey: first appearing in the western sky as the Evening Star, disappearing underground, and then reappearing in the eastern sky as the Morning Star to unite with the rising sun.

This is the astronomical interpretation of the myth given by most scholars. But, to me, its hermetic meaning also seems clear. It is an expression of the universal doctrine of sin and redemption, of death and rebirth, the transfiguration of matter into spirit, of man into god.

Quetzalcoatl's tribulations in the Land of the Dead curiously parallel the experiences of the deceased in the Bardo plane as described in *The Tibetan Book of the Dead*. He traverses the four regions of sin and death: East, North, West, and South. How frightening are the scenes! Queer hieroglyphs, strange images, barbaric Demons of Darkness, all symbols. Quetzalcoatl then

enters the deepest pit of hell. Two roads lead into it, one black and one red. May I ask you to remember these two roads? We shall refer to them later.

We now see two Quetzalcoatl: one black, destined to live, and one red destined to die. His division into two beings can be best understood by the Buddhist doctrine of karma and rebirth. For although a man may have consciously repressed or inhibited all his base instincts during his lifetime on earth, he carries them into the after-death state. What is necessary before he emerges into full spirituality is that these karmic propensities or predispositions be extinguished on the unconscious level as well as on the conscious. This is what is happening here to Quetzalcoatl. He is divided into all manifestations of his mental, emotional, and spiritual components according to the karmic propensities of his being.

There follows a painting of the red Quetzalcoatl stretched out on the sacrificial stone, his heart being torn out. Appropriately, the one who executes the sacrifice is the black Quetzalcoatl, destined to live. Now the black Quetzalcoatl, the enduring spiritual principle, is resurrected. He drinks the water of renewal and is transformed into a hummingbird perching in a flowering tree. The hummingbird was the Aztec symbol of rebirth. The Flowering Tree was, of course, the Tree of Life of many world mythologies and religions. And now in the last painting is shown Quetzalcoatl ascending at last in the eastern sky as The Morning Star, The Lord of Dawn.

The Borgia Codex is a significant document of Indian America, with the greatest of all themes—death and transfiguration.

I don't want to impose on your time by enumerating too many minor aspects of American Indian religion which correspond to Mahayana Buddhism. But there is one more fundamental religious belief that I would like to develop for you before we end.

This is the concept of four previous worlds, the four worlds we mentioned during the *Zuñi Shalakó*. Commonly held throughout all Indian America, it is the foundation of ancient Aztec and Mayan thought in Mexico, and of the Andean Incas in South America. And it is perpetuated today in our Southwest by the Pueblos and Navajos, who still affirm the previous existence of four successive worlds. Especially to the Hopis, among whom I lived for three years, this cosmological concept is a living reality. To them, Creation of the world and man did not take place just once, at a prescribed time. Creation was a long continuum of events during which one world was destroyed and replaced by another. And each time a portion of humanity escaped destruction to emerge to the succeeding world. All of the Hopis' nine major ceremonies with their rituals, dances, and songs dramatically enact and recount their literal Emergences from each of the preceding worlds. I wish I had time to develop some of these for you. For they comprise the most profound, indigenous mystery plays of America.

Buddhism develops this concept in psychological detail. It traces the

evolution of man through the mineral, plant, animal and human kindgoms associated with four primary elements: fire, water, air, and earth. From the fire element man derived his life heat, from the air his breath of life, from water his life stream, his blood, from the earth the solid substances of his body. But man is more than a physical organism. Hence he also derived corresponding psychical power: with fire, an aggregate of feelings; with air, volition; with water, consciousness; and with earth, touch. But with these he also received corresponding passions: fire and feelings give rise to the passion of attachment and lust; air and volition, the passion of envy; water and consciousness, anger; and earth and touch, egotism.

This will remind you of a previously-quoted belief that when man's physical body dies, he still carries with him to the After-Death state these psychical attributes which must be resolved before he attains higher consciousness in a fifth state or world.

This brings us back again to ancient Indian America. The Aztecs' famous Calendar Stone depicts the four previous suns or worlds which also represented the four elements, earth, air, fire, and water. In the center is the symbol of the Fifth Sun, termed the Sun of Movement because it was the unifying center of the four preceding suns. Yet within the Fifth Sun lay another synthesizing center, the soul of man. For only in the movement taking place in man's own heart could the opposing forces be reconciled.

The idea of movement also suggests the great cycles in which the various suns or worlds perish and are succeeded by another. The Mayas developed this idea most completely in terms of time. Like the Aztecs, they held there had existed four previous worlds, each destroyed by a catastrophe, and that the present world was the fifth. No other people have been so obsessed with time. With mathematical and astronomical precision, they measured timeless time from a *tun* of 360 days up to an *alautun* of 60 million years. Their most common cycles ranged from 52 years to 5,200 years. This last Great Cycle measured the duration of each of the five successive worlds. Their overall duration totaled approximately $5 \times 5,200$ or 26,000 years, the length of the great cycle of the Precession of the Equinoxes, that is, the time required for the Vernal Equinox to move through the twelve space and time divisions of the great circle of the Ecliptic.

The Maya's last Great Cycle was regarded as the duration of the present Fifth World. The astronomer priests projected its beginning back to 3,113 B.C. and projected its end in 2,011 A.D. What an astounding prediction to have been made in Indian America about 1,500 years ago! And how closely it is paralleled by the present well-known Hopi Prophecy which asserts our present world will soon be destroyed.

I don't believe, myself, an engulfing catastrophe will overtake this planet. I prefer to believe that the four previous worlds were dramatic allegories for the stages of man's ever-evolving consciousness, symbols of cosmic changes

taking place in rhythmic cycles which relate the inner life of man to his vast outer world.

I hope these few outstanding aspects of Mesoamerican Indian religion illustrate their similarity with the significant beliefs of esoteric Buddhism. Clearly all these symbols spring from a common source, far back in time, deep in mankind's common unconsciousness.

What significance do they have for us today in materialistic and rationalistic America?

In partial answer to this, I shall end these observations by briefly recounting the vision given a nine-year-old Plains Indian boy in 1872. He held it to be so sacred that he did not reveal it in full detail until 1931, when he was a destitute old man. He was the Oglala Sioux holy man Black Elk; and his Great Vision, as recorded by John C. Niehardt, is one of the finest pieces of American Indian literature.

Black Elk in his vision had been transported to meet the Higher Powers above. In a series of dramatic experiences he was conducted to the four horizontal directions of the Sioux "hoop" or nation on two roads, one black and one red. (These I hope will remind you of the black and red roads the divided Quetzalcoatl traveled in the Land of the Dead.) Black Elk, as he traveled, saw behind him ghostly generations of his tribe, embodied in the element of past time.

Now ahead of him rose four "ascents" whose vertical dimensions suggest the element of future time. So it was. On each ascent he saw the plight of his people below steadily increasing. It foretold the campaign of U.S. Cavalry troops against the Sioux nation, ending with the infamous massacre at Wounded Knee in 1890. When he reached the summit of the third ascent, the nation's hoop was broken, the buffalo had been destroyed, the people, herded into reservations, were starving. A terrible storm was coming, the winds of war fighting like wild beasts about him—foretelling a century more of injustices and prejudices his people would suffer as a racial minority.

And then—thus begins the eloquent passage describing the climax of his Great Vision:

Then I was standing on the highest mountain of them all, and round about me was the whole hoop of the world. And while I stood there, I saw more than I can tell, and I understood more than I saw; for I was seeing in a sacred manner the shapes of all things in the spirit and the shape of all shapes as they must live together as one being. And I saw that the sacred hoop of my people was one of many hoops that made one circle, wide as daylight and starlight, and in the center grew one mighty tree to shelter all the children of one mother and one father. And I saw that it was holy.

Who can doubt that this simple and illiterate American Indian boy had

attained the divine Illumination, or Experience of Totality as we call it, achieved by Buddhists and other world saints and sages.

Now, I don't think that I am walking on the sands of surmise when I compare his four ascents with the four worlds and eras we have discussed. A surer footing is found in Black Elk's own statement in 1931, that he believed that we were then and now hearing the winds of war fighting like wild beasts, and that something bad was going to happen to the world.

Certainly today ours is a period of war, revolution and world-wide change. The twelfth and last zodiacal age, the Piscean, is ending, and with it the present great Precessional cycle of 25,920 years. Certainly this concluding hour to be struck by the world clock will announce one of the most momentous changes in world history.

In my Commencement talk here last spring, I suggested we were already experiencing the prelude to this change. The next and first zodiacal age in the new processional cycle is that of Aquarius. I'm delighted to learn of the Aquarian Earth Fair held on this campus last month to "celebrate our ability to create a more positive future"—a belief affirmed by one of your speakers, Marilyn Ferguson, author of *The Aquarian Conspiracy*. There seems to be little doubt that people everywhere are feeling the need for a drastic change in our mode of thinking.

What lies ahead? No one knows. But if Higher Powers are indeed governing the evolution of all life throughout the universe, we can believe that sometime we too will stand on the highest mountain of all and, like Black Elk, see below the hoops of all nations and in the center the flowering tree sheltering all us children of one mother and one father.

The few vivid mystical insights into the nature of man I have reported here may give you a better understanding of the numinous symbols which give meaning to our lives.

Sacred mountains, the four elements—earth, air, fire, water, the cross, the kachinas, the flowering tree. . . . how simple in appearance they are! Yet they are all symbols of the mysterious world of the spirit that lies beyond our physical senses, even beyond our logical reasoning. They give words to the wordless. They call forth from our hearts long-buried truths we have always known but have forgotten. They are doorways to the spiritual unity that constitutes one universal religion.

I hope that, as you become more aware of them, they will open to you hidden aspects of your inner selves.

NOTES

¹ See "Frank Waters' 'Prelude to Change,'" *Nevada Historical Society Quarterly* 24 (Fall 1981): 250-254. At that time, U.N.L.V. awarded Waters his sixth honorary doctorate; he has since received his seventh. At eighty-four he is in good health and still writing.

² *Cuchama and Sacred Mountains* has now been published (Athens, Ohio: The Swallow Press/University

of Ohio Press, 1981). Of special interest is Waters's addendum, "The Indian Renaissance," in which he has expressed his most recent thoughts on Indian/White relations. Also in 1981, Swallow Press/University of Ohio Press published Waters's *Mountain Dialogues*, a collection of informal essays. Of possible additional interest to readers is Terence A. Tanner's *Frank Waters: A Bibliography With Relevant Selections from His Correspondence* (Glenwood, Illinois: Meyersbooks, 1983), which contains numerous letters from Waters detailing not only his intentions but many of the problems involved in writing each of his major works.

Book Reviews

Many Tender Ties: Women in Fur-Trade Society, 1670-1870. By Sylvia Van Kirk. (Winnipeg: Watson and Dwyer. 1980, first American edition, Norman: University of Oklahoma Press, 1983. illustrations, maps, notes, bibliography, index. Paperback, \$9.95.)

FOR MOST OF THOSE WHO study and enjoy the American West the fur trade conjures up visions of rugged mountain men like Jed Smith and Jim Bridger. The history of the Rocky Mountain fur trade has long been the story of rival companies fighting for control of an extractive industry soon to wither and die. Throughout this century the writing of fur trade history has been dominated by the work of Hiram M. Chittenden. His classic *American Fur Trade of the Far West* (1902) placed the traders and their companies at center stage. This traditional version of fur trade history featured white males as the principal actors. The notion that Indians, women, and children might also have important lines to speak in the fur trade drama seemed remote.

Of all the aspects of western history, the study of the fur trade was the slowest to respond to significant changes in the ways most American historians were beginning to re-think the past. In the 1960s scholars were expanding the research agenda to include native peoples, women, and family life. The "new social history" was an attempt to escape from the narrow confines of rigid institutional narrative. Despite these currents of change, most studies of the American fur trade published in the 1960s continued to be in the Chittenden mold. It was left to Canadian scholars to break that mold. Blessed with the riches of the Hudson's Bay Company archives, a number of Canadian historians, anthropologists, and historical geographers began to rewrite the story of the northern fur trade. By the time students of the trade gathered for the Third International Fur Trade Conference (1978), it was plain that fur trade history was rapidly changing. Those attending the conference heard a whole range of papers on what might be called "fur trade social history." Many of those papers were subsequently published in Carol M. Judd and Arthur J. Ray, eds., *Old Trails and New Directions: Papers of the Third North American Fur Trade Conference* (Toronto: University of Toronto Press, 1980).

Among those presenting papers at the Winnipeg conference were Sylvia Van Kirk and Jennifer S. H. Brown. Both were working on manuscripts dealing with fur trade families and both would publish major books on that subject in 1980. Van Kirk's *Many Tender Ties* is the subject of this review but

no reader should miss Brown's superb *Strangers in Blood*, published by the University of British Columbia Press and available in paperback. The books by Van Kirk and Brown marked a dramatic shift in fur trade scholarship. As Van Kirk wrote, "the fur trade was not simply an economic activity, but a social and cultural complex that was to survive for nearly two centuries." At the heart of fur trade society was the practice of marriage *à la façon du pays* that bound Indian women to European traders. Those "alliances with Indian women were the central aspect of the fur traders' progress across the country."

In a series of carefully researched, well crafted chapters Van Kirk analyzes the causes and consequences of such unions. She demonstrates the ways in which the different trading strategies and Indian policies of the North West Company and the Hudson's Bay Company shaped native-trader family relations. Van Kirk is especially perceptive in her discussion of the various roles Indian women played in the fur trade. Those women made moccasins, laced snowshoes, and prepared pemmican. Indian women acted as interpreters and guides. So important were they that the redoubtable Alexander Mackenzie declared that such women had "a very considerable influence in the trade with Europeans."

Just what influence the trade and its marriage customs had on native women is harder to document. Van Kirk describes trader wives as "women inbetween." Indian women surely embraced parts of European technology, knowing that iron pots and steel needles made their lives less onerous. But an uneasy sense of lost identity came from standing between two worlds. Van Kirk finds that life as a trader's wife "offered the Indian woman the prospect of an alternative way of life; it promised sufficient relief from the burdens of their traditional existence to induce numerous women to chose it."

Early in the nineteenth century the character of fur trade society began to change. That shift was wrought by the presence of marriageable "daughters of the country." These were the children of Indian mothers and European fathers. Marriages between these young women and white traders became commonplace. Van Kirk finds that such bonds were "lasting and devoted." Her chapters dealing with those families are both imaginative and provoking. Equally valuable is her section on the education of children from fur trade families.

Van Kirk concludes *Many Tender Ties* with a searching examination of the forces for change in fur trade society. Settlement, the economic transition from trade to agriculture, and the arrival of white women upset old ways. As other historians have found in studies of the British Empire in India and Africa, the presence of white women profoundly altered social behavior. Trader wives with native heritage found themselves increasingly part of a caste shunned by white women. Van Kirk's sensitive treatment of the famous Foss-Pelly scandal shows the dimensions of that growing cultural arrogance.

Sylvia Van Kirk's *Many Tender Ties* and Jennifer Brown's *Strangers in Blood* should signal the start of a new and lively direction in the study of the fur trade. So far Canadian scholars and northern subjects have dominated the scene. There need to be more studies like that done by William R. Swagerty, "Marriage and Settlement Patterns of Rocky Mountain Trappers and Traders," *Western Historical Quarterly*, 1980. American fur trade scholars and buffs could well take a line from north of the border. Van Kirk and her companions have shown that the fur trade remains a field rich in possibility.

James P. Ronda
Youngstown State University

As Long as the River Shall Run, An Ethnohistory of Pyramid Lake Indian Reservation. By Martha C. Knack and Omer C. Stewart. (Berkeley/Los Angeles/London: University of California Press, 1984. xvii + 433 pp. illustrations, notes, bibliography, index., \$35.00.)

THIS BOOK IS THE STORY of some of the Northern Paiute Indians of Nevada, specifically those who inhabit the small (some 500 inhabitants) reservation at Pyramid Lake. We are told that Omer C. Stewart of the University of Colorado conducted most of the research over a span of four decades, and Martha Knack of the University of Nevada, Las Vegas did the writing. The book does not claim to be a history of a tribe, but rather the history of a conflict. This conflict between the Pyramid Lake Indians and the "Anglo-Americans" was primarily economic in nature, that is, it was over the possession and use of scarce resources. Approximately half the book is devoted to twentieth century matters. It is certainly as detailed a study of a small Great Basin tribe and reservation as we are apt to find in the foreseeable future.

Chapter I, "The Land and Its People," sets the background of how the Indians lived before the intrusion of white settlement. Their existence was well attuned to the scarcity of resources and the sharp changes of the seasons. They were a peaceable people. "There is no record of fights, raids, or feuds between the bands of the Northern Paiute tribe itself, and the vast majority of the references to Paiutes fighting with other tribes and peoples were defensive or retaliatory measures."

This lifestyle was shattered by white intrusion in the nineteenth century. The authors depict the "Anglo-Americans" as completely aggressive, viewing the "Indians as lacking the traits which they valued and therefore having no culture at all." Convinced of its superiority, the white culture was beholden to private possession, not group sharing, and was fond of violence for its own sake. It told the Paiutes "what to think, what to say, how to act." Continuing

the argument, Stewart and Knack contend that the whites were completely blind to legitimate Indian interests and deaf to their justified protests. Instead, the "Anglos" penned the Indians onto insufficient reservations, then encroached on their lands, trespassed on their grazing areas, stole their timber, took their fish, and diverted their water. The story is a relentless one and occupies most of the book. The depredations continue to the present.

Although the situation appears grim, Knack and Stewart see hope in the resurgence of Indian leadership dating back to the 1930s with the formation of the Pyramid Lake Tribal Council. They are impressed by what they describe as the courageous, and an increasingly sophisticated, Paiute commitment to defending their homeland. "Above all," they declare in their Preface, "we thank the Paiutes of Pyramid Lake who have lived this history, and have refused to quit." Knack and Stewart both affirm their deep love of, and commitment to, traditional Paiute values which they find far preferable to those of the dominating white society.

This is an excitingly written and solidly researched book. The University of California Press has done a model job of publishing this attractively laid-out work. To criticize this book is to reveal a particular mindset on the part of the reviewer. Certainly Knack and Stewart are quite aboveboard about their value system, about what they choose to do, and about their biases. Within that framework, their work has been quite competently done. This reader, however, is uncomfortable with their achievement in two ways.

The book's purpose is to give background to a lawsuit filed by the Paiutes to gain additional water for Pyramid Lake. Indeed, the idea for the book was born of the lawsuit. Knack and Stewart were expert researchers and witnesses for the tribe. The selection of materials and information for the book was geared to that lawsuit and everything in the work revolves around it. Knack and Stewart make no apologies for their advocacy but they are writing primarily, not as historians or anthropologists, but as advocates in a litigation. Although they use all the scholarly paraphernalia that could ever be desired, this is not a work of scholarship. And by selecting their materials and information around the issues defined by the suit, the book is disappointingly barren of information on the everyday life and culture of the Indians. It is, as the authors themselves acknowledge, not a tribal history but the history of a conflict. For this reader at least, the high promise of the first chapter ends right there and the subject matter is unduly restrictive considering the book's length.

The book is certainly informative, but it is also rather more restrictive in scope than its title or length might indicate. The thesis is too insistent, and what might be convincing in a court of law is not necessarily so in a scholarly work. Although it is perhaps unfair to criticize a work for so successfully accomplishing precisely what it set out to do, a more temperate use of

language and a wider framework of information might have been more persuasive and more enlightening.

Jerome E. Edwards
University of Nevada, Reno

Zane Grey's Arizona. By Candace C. Kant with an introduction by Loren Grey (Flagstaff: Northland Press, 1984. 184 pp., illus., bibliography, \$14.95)

OF ALL THE LOCALES WHICH attracted Zane Grey, Arizona held a special place for this prolific and immensely popular writer. Most of his novels were based on his Arizona experiences between 1906 and 1930, and his romantic fiction, disparaged by most literary critics, became the "real" West to millions of middle-class Americans and others. His colorful tales of cowboys, Indians, desperados and those who brought them to justice live on in reprints, films and in television dramatizations.

It is Grey's relationship with the place that most inspired and influenced him that is the subject of this scholarly study, originally the author's doctoral dissertation at Northern Arizona University. Dr. Kant, a Nevadan who teaches history and is an administrator at Clark County Community College, is the first to put Grey's Arizona exploits in their historical setting. Also, she traces the intellectual currents, particularly Social Darwinism and the ideas of Frederick Jackson Turner, which affected him and which he promoted.

Kant's Zane Grey is more than the man others, including his principal biographer, Frank Gruber, have portrayed. While Kant makes no apologies for Grey, whom most critics have characterized as a superficial, formula-fiction writer who pandered to popular tastes, she feels he has not been appreciated for his careful attention to historical details in researching his novels and for his sincere love for the place. He promoted conservation and wildlife preservation and helped to make the nation conscious of the wrongs suffered by Indians at the hands of Anglos. At the same time, he saw Anglo-Saxon culture as superior to any other, which put him, as Kant says, "in tune with mainstream American public opinion."

Readers will welcome Dr. Kant's excellent discussion of Grey's relations with filmmakers, beginning in 1918. Sixty-eight of the 113 films based on Grey plots were from his Arizona novels. "Grey saw the film medium as a way in which his novels could reach a vast audience in as authentic and original a form as possible, and the motion picture industry cooperated with him in achieving that goal," writes Kant. She adds, however, that Grey, who died in 1939, would probably have been "bombastic" had he seen some television adaptations of his work.

As myth-maker and promoter of the West, and particularly Arizona, Zane

Grey was a powerful force. As Kant puts it, "No other writer placed the West so squarely in the forefront of his work; Grey gave the Western setting great influence over plot and theme, and endowed it with symbolic and restorative powers. He made the West the repository of American values."

Zane Grey's Arizona will be welcomed by fans of Western fiction and students of Arizona history. The book won the 1984 Southwest Book Award by the Border Regional Library Association, and Kant was selected as the 1986 Woman of Achievement in Education by the Greater Las Vegas Chamber of Commerce.

Reviewers often wish for a better book, and I am no exception. While the material is well-organized, and some of it breaks new ground, the book suffers from its brevity and lack of an index. Also, it could have had more careful proofreading. Although Loren Grey, Zane Grey's son, in his introduction mentions that Gray was "scorned and mocked" by the eastern literary establishment, this is not developed, nor are we given any idea of what Arizonans thought of Grey and what he wrote about them. It would have been helpful, for example, had Kant been able to consult Rowland Rider's memoir, published last year by Utah State University Press. Rider has some interesting things to say about Grey and even claims to have saved Grey's life in 1907.

Candace Kant has in mind to do at least one more book on Grey. His children have agreed to release a large body of family correspondence, not available for the Arizona book, which will be the basis for a work on Grey's relationship with his wife, who was partly responsible for his success. Hopefully this will lead to a new and much-needed biography of Zane Grey, a biography which Dr. Kant is eminently qualified to write.

Robert W. Davenport
University of Nevada, Las Vegas

Basque Shepherders of the American West: A Photographic Documentary.

By William A. Douglass. (Reno: University of Nevada Press, 1985. 184 pp., preface, illustrations.)

IT IS A CURIOUS THING about the past, in that those who lived it have no idea as to how they might fare at the hands of future writers. Had the Basque Shepherders of the Intermountain West some notion that their travails would have been chronicled by William A. Douglass, they might have taken some comfort in knowing that they would be treated with a compassionate and reasoned pen.

Basque Shepherders of the American West, is one of those rare books that encourages the reader to admire and comprehend, while resisting cock-eyed romanticism and misplaced nostalgia. As the author explains, the Basque saga

has a beginning, middle, and an end. When Basque herders first arrived in the West, the reception afforded them was hardly a warm one. Coming from the border regions of France and Spain, speaking a language that few could comprehend, and working in an industry that was unwelcome on the cattle frontier, Basques were prime targets of prejudice from "American" ranchers already settled in the area. Although as Douglass points out, the argument that sheep destroy a range has never been scientifically proven, it was a view that persisted, constantly raising tensions between sheepmen and cattlemen.

The start of the 20th century brought the Basques to the middle of their Western journey. A reduction in range lands, federal restrictions on itinerant herders, and the introduction of discriminatory immigration laws that reduced the flow of southern Europeans into the United States, began to conspire against the Basques. Yet by the 1930s, when doom appeared inevitable, America's entry into World War II brought with it a labor shortage and the demand for herders was up again. Intriguingly, it was Nevada Senator Patrick McCarran, a former sheepman but foe of liberal immigration policies, who successfully fought for an increase in the Basque quota.

By the 1970s, the end finally did arrive for the herder. Changes both in the economy of the West and in the Basque lands of Europe, no longer made coming to America an attractive aspiration. The Basque story would now be left to the historian and anthropologist.

Douglass has a knack for getting the reader to sense the paradoxes of the herder's life, mind-numbing loneliness amidst spectacular scenery, a past desire to hide one's ethnic identity measured against today's wish to express it at festivals held throughout the Great Basin, and an independent spirit that was all too often rewarded by a forgotten retirement in a hotel by the railway tracks.

The text is rich in those ethnographic tidbits that give texture to any story. For example, Douglass notes the herder's reluctance to turn his flock over to shearers. Time spent minding his sheep breeds in the herder an affection for his animals. In the shearing sheds where clipping, marking, and castration are the order of the day, the herder becomes uneasy with the fate he has delivered his charges to.

This is a book that knows what it's about; to tell an old story and to tell it well. The text is given in four languages (English, Basque, French, and Spanish) and the photographs by Richard H. Lane are frequently gorgeous. *Basque Shepherders of the American West* may not make one yearn to get out on the range, but it sure encourages a healthy respect for those who did, and still do.

Albin J. Cofone
State University of New York,
Suffolk Community College

Cattle in the Cold Desert. By James A. Young and B. Abbott Sparks. (Logan: Utah State University Press, 1985. 255 pp., illus., intro., notes, index.)

THE UNIVERSITY OF UTAH PRESS has published an interesting book about the Great Basin. Actually, *Cattle in the Cold Desert* is not one book but three. Dr. James Young, a fine agronomist with a well-developed sense of history tells a fascinating story about the introduction of large herbivores into a fragile desert environment of sagebrush and grass undercover. It is a story that has been told before but never, to my knowledge, so well. The devastation of the range under the onslaught of hundreds of thousands of cattle marches to its depressing conclusion of degradation with the inevitability of a Greek tragedy. Dr. Young is familiar with his subject and has done an excellent job of sharing his insight with his readers.

To Dr. Young, I assume, must also be attributed the detailed and often hilarious account of early ranching days in the Great Basin of haying, house-keeping and hell-raising. I am not sure the story should have been put so firmly into the past tense. The antique equipment so lovingly described has been superceded by more modern machinery, but life has not changed, and ranch managers and owners face much the same problems today that they did fifty years ago.

Dr. Young has worked many years for U.S.D.A. as a research scientist. Abbott Sparks brings a different expertise to *Cattle in the Cold Desert*. He is the great nephew of John Sparks, and tells his great uncle's story with empathy. John Sparks was a cattleman whose herds ran into the many thousands of head. He was president of the American Hereford Association and twice governor of Nevada. He was a man who enjoyed wealth and power most of his life, only to die destitute at the end.

There are a few minor errors in the book which should be noted. On page 107 Galloway and Highland cattle are spoken of as one breed. Both breeds originated in Western Scotland, but Galloways are large cattle with curly coats and are predominantly polled. Highland cattle are small, shaggy animals with a long fringe of hair falling over their foreheads and covering their eyes. They have enormous horns.

On page 212 the well-known Elko County Hereford breeder, Harry Cazier's name is misspelled "Cazer."

Illustration 14 shows two old stone barns at the Willow Creek ranch on the Grass Valley road in Lander County. These are described as a ranch house in the list of illustrations in the front of the book. At one time the Willow Creek ranch belonged to me and by no stretch of the imagination were those two buildings ever used for human habitation.

Aside from these minor oversights, *Cattle in the Cold Desert* is meticulously researched and well presented. I recommend it highly.

Molly F. Knudtsen
Grass Valley Ranch, Austin, Nevada

Encyclopedia of Western Railroad History: The Desert States, Arizona, Nevada, New Mexico, Utah. By Donald B. Robertson. (Caldwell, Idaho: Caxton Printers, 1986. 318 pp., preface, illus., intro., \$34.95.)

THIS BULKY VOLUME REVIEWS, in a truly encyclopedic fashion, the railroads of Arizona, Nevada, New Mexico and Utah. Donald Robertson, the compiler, focuses on the abandoned shortlines, often those that served the region's once burgeoning mineral industry. In the case of Nevada he chronicles such puny mining pikes as the ten-mile Nevada Railroad Company and the twelve-mile Nevada Short Line Railway Company. Yet he provides only brief mention of the San Pedro, Los Angeles & Salt Lake Railroad Company (Union Pacific), a road that claimed more than 200 miles of trackage in the Sagebrush State. Each of Robertson's entries contains a host of data, including the road's date of incorporation, mileage, weight of rail, date of opening and the like. In addition to statistical information Robertson adds a detailed system map and frequently a photograph of a locomotive, train or station.

An enthusiastic amateur historian, Robertson has done the mandatory research, ranging from railroad trade publications and Interstate Commerce Commission reports to local newspapers and archival materials. The rail fan, professional historian, and anyone else interested in a plethora of facts on individual railroad companies in these four desert states should consult the fruits of Robertson's considerable labor.

H. Roger Grant
University of Akron

People of Chance: Gambling in American Society from Jamestown to Las Vegas. By John M. Findlay. (New York: Oxford University Press, 1986. 272 pp., introduction, illus., bibliographical essay, notes, index, \$19.95.)

JOHN M. FINDLAY HAS ABLY found his place among the writers in the developing area of interest—gaming—a contemporary concern for 1986. *People of Chance* is a refreshing analysis of the development of gaming written for people from varied backgrounds and not limited to a special interest reader.

People of Chance is a well-guided tour along the road from Jamestown to Las Vegas with intermediate stops along the Mississippi River, the Comstock Lode, an atomic test site, San Francisco and Atlantic City. In an intriguing narrative with enlightened comments, Mr. Findlay covers three and a half centuries of the people's struggle to come to grips with "gambling" in terms of social issues, moral issues, and economic issues of the people involved—the people of chance.

Across the United States, gambling has been accepted in some states better than others; only five states have no gambling, while others have a variety to include lotteries, poker, horse racing or casino gambling. Yet, even in the United States no two states have the same environment or attitudes regarding gaming.

In a readable two hundred pages, plus footnotes and bibliographical material, the book is a welcomed addition to those on the market. It is also a timely contribution. If the book has a weakness, it is the forward, but that is more than compensated for by the strengths of the text. And just when needed, the mark of the intuitive writer comes through just as his comments entice you to read on.

Larry D. Strate
University of Nevada, Las Vegas

New Resource Materials

Nevada Historical Society

FREDRICK JUKES PHOTOGRAPHS

The Society has received an important addition to its collection of photographs by Mark Fredrick ("Fred") Jukes, the accomplished commercial photographer who resided and had a studio in Elko during the first two decades of this century. The approximately sixty views of locomotives and cars of the Virginia & Truckee, Southern Pacific, and Nevada-California-Oregon railroads, taken in Reno, Carson City and other northern Nevada locations between 1907 and 1917, were purchased from Jukes by the late Lucius Beebe for use in that author's railroad books. Subsequently, the pictures were inherited by Charles M. Clegg, Jr., whose estate has given them to the Society.

MINING RECORDS

A number of significant records relating to Nevada's mining industry have been received during the past year. Notable among these are: a volume recording mill operations (1907-1914) of the Montana Tonopah Mining Company; correspondence and financial records (1863-1865) of the Scorpion Silver Mining Company, an early Virginia City concern; stock ledgers, minutes of meetings and operational records (1914-1932) of the Comstock Home Mining Company; a stock ledger (1920) from the Big Comstock Mining Company; a stock journal (1882-1920) and other documents of the Ruby Hill Tunnel and Mining Company of Eureka County; a letterbook containing superintendent's correspondence and reports (1890-1897) from Gold Hill's Kentuck Consolidated Mining Company; and an expense journal (1874-1877) of the Dayton Gold and Silver Mining Company. Also added to our collections have been correspondence and reports (1917-1935) on Nevada mining properties generated by the New York-based General Development Corporation, and over one hundred letters (1870-1871) between officials of the Mineral Hill Mining Company, some of which relate to the 1871 takeover of that significant Eureka County enterprise by the British owned Mineral Hill Silver Mining

Company. (The Society already possesses a collection of the latter company's records.)

Eric Moody
Curator of Manuscripts

Nevada State Museum and Historical Society, Las Vegas

Curator of Education Frank Wright has completed *Nevada's Heartland: Washoe County and Its Neighbors*, a Nevada History unit for junior high schools. It is being distributed to schools in Washoe, Lyon, and Churchill counties, and in Carson City.

John Cahlan, former editor of the *Review-Journal* in Las Vegas, has donated three large scrapbooks of his correspondence with dignitaries and politicians from around the country and the state. There are also many rare photographs of early Las Vegas in the scrapbooks.

Ad-Art Co. of Las Vegas has donated many slide photographs of neon signs as well as an original neon sculpture.

Paul Hughes of Victorville, California has given many historic postcards of Boulder Dam and Las Vegas. Also included are photographs and records of early mining operations in Goodsprings and Sandy Valley.

David Millman
Curator of Collections

*University of Nevada-Reno, Library
Government Publications Department*

The Government Publications Department has recently acquired the *Unpublished U.S. Senate Committee Hearings on Microfiche, 18th-88th Congress, 1823-1864* and the *CIS Index to Unpublished U.S. Senate Committee Hearings*. The microfiche are facsimile reprints of some 7,300 previously unpublished Senate committee hearings. The main reason that items in this collection remained unpublished was that Senators considered the information in these hearings to be for in-house consumption, not for public dissemination. Owing to Senate procedures regarding the transcription, preservation, and release of transcripts of committee hearings, the majority of the items in this collection were generated between 1946 and 1964.

The *CIS Index to Unpublished U.S. Senate Committee Hearings* is similar in format to other retrospective CIS Congressional indexes, providing access to the Senate's unpublished hearings through personal name, title, bill number, and subjects and organizations indexes. A Reference Bibliography sec-

tion contains full bibliographic information for each hearing, including subject descriptors and annotations. Accession numbers provided in the various indexes lead users to Reference Bibliography entries as well as to the actual transcript, on fiche. Lengthy User Guide and User Instructions sections make the set easy to use.

Duncan M. Aldrich
University of Nevada-Reno

*University of Nevada-Reno, Library
Oral History Program*

The UNR Oral History Program has recently completed an oral history which chronicles the life of Italian immigrant, Joseph P. Mosconi. The interview, entitled *Reflections on Life in Truckee, Verdi, and Reno, 1900-1960s*, was conducted by William A. Douglass.

Administrative Aide, Linda Sommer, compiled *A Carson Valley Bibliography*, recently published by Camp Nevada. The bibliography contains works that refer to the people, places, and various other aspects of Carson Valley. The bibliography was used extensively by the UNR Oral History Program when a series of interviews with Carson Valley residents was conducted, a project which won an American Association for State and Local History award in 1985.

Cynthia L. Bassett
Program Coordinator

Contributors

Michael J. Brodhead is a professor of history at the University of Nevada, Reno. He has written a number of scholarly articles dealing with natural history, military exploration and Populism. He has recently completed a manuscript on U.S. Supreme Court Justice David J. Brewer.

James Hulse is a professor of history at the University of Nevada, Reno, and is a specialist in European and Russian history. He has published a number of books on Nevada history, the latest of which is *Forty Years In the Wilderness*, published by the University of Nevada Press.

Sally Springmeyer Zanjani received her Ph.D. from New York University. She has published numerous articles and is the author of *The Unspiked Rail: Memoir of a Nevada Rebel*. Her new book is one she coauthored with Guy Rocha entitled, *The Ignoble Conspiracy: Radicalism on Trial in Nevada*, published by the University of Nevada Press.

Wilbur S. Shepperson is chairman of the Department of History at the University of Nevada, Reno. He is author of *Retreat to Nevada, Restless Strangers*, and editor of *Hardscrabble, A Narrative of the California Hill Country*.

Judith K. Winzeler is the Executive Director of the Nevada Humanities Committee. She has worked closely with the coordinators of the Cowboy Poetry Gathering and other folklife projects in Nevada. Her professional training is in anthropology with a special interest in peoples and cultures of Southeast Asia.

Charles L. Adams is a professor of English at the University of Nevada, Las Vegas, and is a specialist on the works of Frank Waters. He is the author of "Las Vegas As Border Town: An Interpretive Essay," and "The Return of Frank Waters: A Postscript," both published by the *NHS Quarterly* in 1978.

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FOUNDED IN 1904, the Nevada Historical Society seeks to advance the study of the heritage of Nevada. The Society publishes scholarly studies, indexes, guidebooks, bibliographies, and the *Nevada Historical Society Quarterly*; it collects manuscripts, rare books, artifacts, and historical photographs and maps, and makes its collections available for research; it maintains a museum at its Reno facility; and it is engaged in the development and publication of educational materials for use in the public schools.