

Nevada

Historical Society Quarterly



WINTER 1990

NEVADA HISTORICAL SOCIETY QUARTERLY

EDITORIAL BOARD

Eugene Moehring, *Chairman, University of Nevada, Las Vegas*

Michael J. Brodhead, *University of Nevada, Reno*

Robert Davenport, *University of Nevada, Las Vegas*

Doris Dwyer, *Western Nevada Community College*

Jerome E. Edwards, *University of Nevada, Reno*

James Hulse, *University of Nevada, Reno*

John H. Irsfeld, *University of Nevada, Las Vegas*

Candace C. Kant, *Clark County Community College*

Guy Louis Rocha, *Nevada State Archives*

William D. Rowley, *University of Nevada, Reno*

Wilbur S. Shepperson, *University of Nevada, Reno*

The *Nevada Historical Society Quarterly* solicits contributions of scholarly or popular interest dealing with the following subjects: the general (e.g., the political, social, economic, constitutional) or the natural history of Nevada and the Great Basin; the literature, languages, anthropology, and archaeology of these areas; reprints of historic documents; reviews and essays concerning the historical literature of Nevada, the Great Basin, and the West.

Prospective authors should send their work to The Editor, *Nevada Historical Society Quarterly*, 1650 N. Virginia St., Reno, Nevada 89503. Papers should be typed double-spaced and sent in duplicate. All manuscripts, whether articles, edited documents, or essays, should conform with the most recent edition of the University of Chicago Press *Manual of Style*. Footnotes should be typed double-spaced on separate pages and numbered consecutively. Correspondence concerning articles and essays is welcomed, and should be addressed to The Editor. © Copyright Nevada Historical Society, 1990.

The *Nevada Historical Society Quarterly* (ISSN 0047-9462) is published quarterly by the Nevada Historical Society. The *Quarterly* is sent to all members of the Society. Membership dues are: Student, \$15; Senior Citizen without *Quarterly*, \$15; Regular, \$25; Family, \$35; Sustaining, \$50; Contributing, \$100; Departmental Fellow, \$250; Patron, \$500; Benefactor, \$1,000. Membership applications and dues should be sent to the Director, Nevada Historical Society, 1650 N. Virginia St., Reno, NV 89503. Second-class postage paid at Reno, Nevada. POSTMASTER: Send address changes to *Nevada Historical Society Quarterly*, 1650 N. Virginia St., Reno, Nevada 89503.

Nevada

Historical Society Quarterly

Cheryl A. Taylor
Managing Editor

Juliet S. Pierson
Manuscript Editor

William D. Rowley
Editor-in-Chief

Jerome E. Edwards
Book Review Editor

Erik Lauritzen
Art Director

Volume 33

Winter 1990

Number 4

Contents

- 1 City of Dreams:
Las Vegas in the Cinema, 1980-1989
CANDACE C. KANT
- 13 Howard Cannon, the Senate and Civil-Rights Legislation,
1959-1968
A. COSTANDINA TITUS
- 30 Senator McCarran and the Roosevelt Court-Packing Plan
MICHAEL S. GREEN
- 49 **Book Reviews**
- 61 **New Resource Materials**

Front Cover: Howard Cannon and an unidentified constituent on the campaign trail for the United States Senate in 1958. (University of Nevada, Las Vegas Library, Special Collections)

CITY OF DREAMS

Las Vegas in the Cinema, 1980–1989

Candace C. Kant

When *Rainman* swept the Academy Awards ceremony in March 1988, it became the first film with scenes in Nevada to win the motion-picture industry's most coveted honor, and its success capped almost a decade of effort by a state commission to lure the film industry to Nevada.¹ The economic reversals of the early 1980s left Nevada's seemingly recession-proof economy staggering, and Richard Bryan, campaigning for governor in 1982, seized upon the old idea of economic diversification. Once in the governor's mansion, he established the Motion Picture Division of the Commission on Economic Development to promote Nevada as a location for movies, television, and commercials, part of the effort to attract industry to the state. Since then, revenue from media production has jumped from \$13 million in 1983 to \$50 million in 1988.² The success of *Rainman* may encourage even more film makers to consider Nevada as a locale.³ Each production brings monetary benefits to the state, but more important, each also projects an image of Nevada to an extremely wide audience.

Media activity in Nevada has included television commercials, Las Vegas episodes on several television programs, and an entire television series placed in Las Vegas, but the greatest effort has been in movie production. Fifty-four feature films were made in or about Nevada in the decade of the 1980s. Of these, thirty-one, or 56 percent, were made in or about Las Vegas, eight were set in Reno, and four in Tahoe. An additional eleven were filmed against the terrain of rural Nevada but contained no reference to location. Las Vegas, with its world notoriety, eye-catching neon, and unmistakable skyline, served as setting for more films than all other areas of Nevada combined. Because of this, audiences of the 1980s received an image of Nevada that consisted mostly of the film makers' perceptions of Las Vegas.

Acquisition or loss of wealth is the most common theme of the films. Usually,

Candace C. Kant is chair of the Department of Social Sciences at the Community College of Southern Nevada. She is a member of the Nevada Humanities Committee and the *NHSQ* Editorial Board. She is currently completing a manuscript on Zane Grey.

This paper was presented at the Nevada Historical Society's History Conference, May 19, 1989, Reno, Nevada.

the gain of money is valued not as an end but as an avenue that allows the character to accomplish something else. In *Oxford Blues* (1984), the hero is a University of Nevada student who, most surprisingly, is a member of the school's rowing team, which practices on Lake Mead. He wins enough money to finance a year at Oxford, where he hopes to meet the woman of his dreams. A visit to a casino, in which unearthly powers are used to overcome the casino odds, provides the main character of *Starman* (1985) with purchase money for the car that takes him to his spaceship at a meteor crater in Arizona. Max Dugan (*Max Dugan Returns*, 1983) is a dealer who skims enough money from the casino where he works to shower his estranged daughter and grandson with gifts, thereby winning their love.

Contrary to what might be expected, gambling does not play a major role in all of the films set in Las Vegas, but is a key motif in only one third of them, and in those its function varies. *Heat* (1987) and *Fever Pitch* (1985) center on gambling addiction and its effects, suggesting that gambling is a dangerous vice that can easily get out of control. What is deplored in these films is not gambling itself, and the Las Vegas casino is not portrayed as a den of iniquity; rather, the films explore the effect of greed on the human spirit. The casino itself is neutral: The fault lies within the individual. In both cases, the unfortunate gambler is held hostage to his own desires and to his inability to control himself.

Along the same lines, *Lost In America* (1985) uses compulsive betting as a device to strip the main characters of their nest egg, thus forcing them to confront their own desire for simplicity and freedom. In a look at modern attitudes, Albert Brooks satirizes the conflicts within Americans who profess to value freedom but are willing to submit their individualities to corporate structures. It is interesting that when the film's couple turn their backs on the rat race, leaving new house and Mercedes to explore America in a motor home (named, ironically, after an extinct tribe of American Indians, the Winnebago), the first stop is Las Vegas, which is, according to one character, "the most money-grubbing place in the world." At the film's end, a controversial message flashes on the screen:

To those few who have the courage to drop out and find themselves, may God be with you and take you to Utah, avoiding Nevada completely.

Several films employ the Las Vegas setting as an indictment of American materialism. Not only does the initial Las Vegas sequence furnish the where-withal for a sojourn in England in *Oxford Blues*, but the action establishes the shallow character and values of Nick, the protagonist. *Lost In America* presents Las Vegas as the epitome of materialism, while the journey across the American landscape in *Starman* lets us glimpse rootless modern life in the United States from an alien's perspective. In the latter film, mobility is the overriding theme in a landscape cluttered with roads and freeways, traffic lights, truck stops, gas



Jeff Bridges and Karen Allen walking down Fremont Street in Las Vegas in the movie *Starman*. (Courtesy of the Academy of Motion Picture Arts and Sciences.)

stations, roadside diners, Holiday Inns, mobile homes, pick-ups, trains, cars, and, finally, the frenzied quest for money and momentary bliss in a Las Vegas casino. In the opening sequence of *Rocky IV* (1985), a lone representative of the United States meets his Soviet counterpart in a boxing ring set against the backdrop of a garish, commercialized Las Vegas spectacular. The ultramaterial-



Albert Brooks at Boulder Dam in the movie *Lost in America*. (Courtesy of the Academy of Motion Picture Arts and Sciences)

ism thus represented by Las Vegas, a critique of decadent America, results in weakness and defeat. Only when Rocky Balboa rekindles the pioneer spirit by training in the wilderness, is he able to defeat his scientifically trained rival.

If Las Vegas represents the utmost in materialism, it also symbolizes the pinnacle of fame. A booking in Las Vegas can mean one of two things. Either it is the fitting highpoint of a career, fulfillment of all one's dreams and capstone of a life of effort, or it is the key to becoming a success. In *Purple Rain* (1984), Prince's adversary sees Las Vegas as the height of his aspirations, a place where an entertainer can find steady employment. For him, it represents the American Dream of work and security. A recently released film featuring the macabre hostess of late-night television horror shows, *Elvira* (1988), portrays a Las Vegas booking as the prize to be won by vanquishing all obstacles placed in the way. For Elvira, Las Vegas is the ideal stage from which to begin a singing and dancing career. If she can secure that booking, the rest will be assured.

But fame in Las Vegas is not limited to the entertainment industry. Competition in sports can also lead to victory. Stallone drove the point home in *Over the Top* (1987). In this film, the Hilton Hotel is host to the International Arm-Wrestling Championships, and there Hawk (Stallone), an unknown truck driver, beats all contenders for the title, winning in the process his own truck,

plenty of cash, and his son's admiration. Las Vegas fulfills the American Dream in this film, but only two years earlier, Stallone had cast Las Vegas as the American Nightmare in *Rocky IV*, symbolizing a decadent lifestyle that deadened the American spirit.

There have been other films with sports themes, but none has portrayed Las Vegas as a location for serious competitions. *Strippers* (1986) follows five contenders for the first annual Golden G-String Contest as they strenuously and athletically prepare for competition at the Sahara Hotel. Tennis is featured in *Jocks* (1987), another low-budget film, as a team from a California university competes for the collegiate tennis championship, using whatever method of unsportsmanlike conduct it can devise. *Cannonball Run II* (1983) follows an odd-ball assortment of drivers in a parody of a race as they drive from west to east across the United States.

With all the major sports events that actually take place in Las Vegas—title fights, golf tournaments, tennis matches, boat races, collegiate basketball, the Mint 400—one wonders why Hollywood has ignored the dramatic potential of such competitions and focused instead on the ludicrous. Possibly the presence of race and sports-book betting has stigmatized the matches that do occur. Or it could be that the national attention attracted by the basketball program at University of Nevada, Las Vegas has affected attitudes toward all Las Vegas sports events. Perhaps Las Vegas just has not yet successfully marketed itself as a serious promoter of sports.

What has been seriously explored cinematically is power and powerlessness. Perhaps it was the presence of gaming that made Las Vegas seem, to scriptwriters and directors, a place where the usual restrictions on power were meaningless. Casino gambling, as John Findlay points out in his study of the history of gambling in America, is particularly designed to enhance a sense of self, a sense of power: "In an era when individuality and economic risk seemed to dwindle in importance next to the stress on collective security, betting made up an arena of endeavor where individuality continued to flourish."⁴ Although there is a certain irony about feeling in control when one is playing against odds set in the house's favor, the gambling table nonetheless allows for a seeming return to self-control. Power comes from the way the game is played. The willing exposure to risk, aggressive and competitive behavior, and initiative are what count. Winning or losing is secondary.

Indeed, the casino is often treated cinematically as an arena for testing power. Film critic Walter Goodman writes:

The appeal of these celluloid casinos reflects the actual appeal of casinos to millions of customers. . . . Just like in the movies, the real casino is nonstop theater, designed as a stage set, populated by showy and shady types from central casting and offering an endless succession of dramatic jolts.⁵

As Goodman says, casino settings in films, as in actual casinos, allow the

movie personage to become symbolically separated from the mundane, and from limitations encountered previously. Adventure is in the air, and an aura of mystery and menace surround those who work and lurk there. Unknown hazards wait just around the corner, and the possibility of being conned, seduced, or taken only enhances the tingle of excitement. When the hero confronts a deadpan villain/croupier, the wager becomes symbolic, a duel between good and evil. Add to this the feeling of being constantly watched by unseen eyes, governed by unrevealed rules, and the casino becomes "a foreign country where the law says you lose. Dangerous territory."⁶ It is a wilderness in which the hero must survive by his own powers.

Merely placing a movie character against a backdrop of Las Vegas casino lights or a casino interior can establish qualities of peril and power. The only function of the initial Las Vegas scenes in *Black Moon Rising* (1986) is to convey to the audience that the main character is a man who can take care of himself. The majestic entrance that Tom Cruise and Dustin Hoffman make into the casino in *Rainman*, garbed for battle in identical stylish grey suits, is the entrance of warriors into the arena.

But casinos can also reveal powerlessness. In some films, the protagonist does not have the stamina to resist the lure of the wilderness, but succumbs, unable to separate himself from the dream world. *Heat* (1987), a little-acclaimed but provocative film featuring Burt Reynolds, demonstrates this. Reynolds plays a Vietnam war hero, a man who has survived alien environments and hostile armies, but is addicted to gambling. Unable to leave Las Vegas because he consistently loses whatever money he gains, he is trapped. Ryan O'Neal in *Fever Pitch* plays a similar character, a sportswriter who is investigating the appeal of gambling and gets hooked. But by the end of each film the hero has freed himself and triumphed.

Casinos are by no means the only symbol of power in Las Vegas films. A motion picture made in the opening year of the 1980s contrasted no greater symbol of acquired personal power than Howard Hughes with a figure of utter powerlessness. *Melvin and Howard* (1980) was about a gas-station operator who was named as Hughes's sole heir in a questionable legal document. Despite the odds, Dummar, penniless, wifeless, and jobless, lives on dreams drawn largely from the fantasy world of television. His greatest moment occurs when he gives an injured Howard Hughes, to Dummar the most powerful man in America, a lift into town, and Hughes sings a song that Dummar has written. In Las Vegas, even a loser like Dummar has his day in the sun.

The atomic bomb, symbol of ultimate, unlimited power, is also clearly associated cinematically with Las Vegas.⁷ From the first detonation of a nuclear device in 1945, Hollywood has been drawn to its dramatic potential.⁸ Starting with *The Beginning or The End*, in 1946, any number of Hollywood films have addressed the history and possible catastrophic effects of the atomic bomb, but in only a few is Las Vegas the setting, even though after 1950 most nuclear

testing occurred less than a hundred miles away at the Nevada Test Site. *The Atomic Kid* (1954), *The Amazing Colossal Man* (1957), and *The Beast of Yucca Flat* (1960) are the only Hollywood productions made before the 1980s that address nuclear testing in Nevada, and each is of the science-fiction genre.

In the decade of the 1980s, the development and testing of atomic weapons was exploited by Hollywood in a different way. *Desert Bloom* (1986) used the bomb as a dramatic device to illustrate tensions within a family. Set in 1950, against the mystery and suspense surrounding early nuclear testing in Nevada, the film was sponsored by the Sundance Institute, an organization founded by Robert Redford to encourage young film directors. The delicate relationship between Jack, his wife, and his stepdaughter Rose is unbalanced by the arrival of his sister-in-law, the glamorous Starr. Pressure builds as Jack lusts after Starr and unsuccessfully tries to contain his own volatility. Rose, an adolescent on the verge of self-discovery, idolizes her dazzling aunt. When Rose discovers her stepfather's attraction to Starr, the explosion is sparked, given dramatic emphasis by the atomic blast. Vincent Canby of the *New York Times* wrote, "*Desert Bloom* is the sort of movie in which the characters attain a new plateau of understanding just as that first, shimmering mushroom cloud is rising beyond the horizon, lighted by the early morning sun."⁹ As the reunited family watches the mushroom cloud, the viewer wonders if all will go on as before, or if Pandora's Box has indeed been opened.

With the revival of concern about nuclear testing and nuclear war in the 1980s, a number of films have appeared that envision a post-nuclear-holocaust world. One of these, *Cherry 2000* (1988), was filmed in various locations around southern Nevada. It was never released nationally and played only exceptionally limited runs in selected markets. Still, it contained intriguing references to Las Vegas. In this futuristic world, relations between men and women are so strained as to require elaborate contracts as preliminaries for the slightest of social contacts. It is much easier simply to purchase a robot. Unfortunately for our hero, Sam Treadwell, his android suffers a short circuit. While he has the computer chip containing the memory, the only replacement bodies are in the robot graveyard, located in what was once Las Vegas, now Sector 7. Seeking the best tracker available to lead him through this dangerous wilderness, he hires E. Johnson (Melanie Griffith), a very human female, with predictable results. What is interesting about this film is the scene of a devastated Las Vegas, now overrun by desert, with only a few neon signs remaining. While a low-budget feature such as this generally does not have any deep message, perhaps one might comment on the appropriateness of Las Vegas as the storage depot for glamorous and sexy yet artificial women.

Power is also associated with Las Vegas in film in the guise of organized crime. Underworld figures have been connected with Las Vegas since the late 1930s, when a public-spirited purge of Los Angeles's Spring Street gambling dens prompted the operators to move to a more hospitable climate.¹⁰ East-coast

organized crime figures, such as Benjamin "Bugsy" Siegel, arrived a few years later, and were most responsible for the notoriety of Las Vegas. Siegel's flamboyant and costly Flamingo Hotel, his violent murder in 1947, and the 1951 hearings conducted by Senator Estes Kefauver all served to direct public attention toward the links between organized crime and Funtown, U.S.A. Since then, several films have exploited Las Vegas's association with mobsters: *Las Vegas Shakedown* (1955), *Guns, Girls, and Gangsters* (1958), *The Godfather* (1972), and *Godfather II* (1974). Most motion pictures involving the Mafia reflect the realities of the underworld by placing Las Vegas on the periphery, not at the center of power. Nevertheless, the city plays a crucial role, both historically and cinematically, as a colonial outpost of Mafioso power.

One of the most highly acclaimed films of the 1980s, *Prizzi's Honor* (1985), a comedy *noire* about a love triangle, used Las Vegas in just this manner. Although the powerful Prizzi family is based in New York, Las Vegas is the site of the initial act which sets in motion the forces that doom the love affair between middle-aged Prizzi hitman, Charley Partana, and Irene Walker, the Polish "outside talent" brought in to ice a rival kingpin. Despite the odds against them, they marry. The third point of the triangle, Mae Rose Prizzi, Charley's jilted fiancée, then searches for something that will destroy the marriage. In Las Vegas, she finds information that will bring the wrath of the Prizzis down upon Irene.

This film, masterfully directed by John Huston, features an all-star cast, with Jack Nicholson as Charley Partana, Kathleen Turner as Irene Walker, and Angelica Huston as Mae Rose. Huston, who sees the stacked deck as the essence of the human condition, and those who choose to play against it as the noblest of souls, directed a gentle comedy about violence in this story of odd people who dare to struggle against the odds.¹¹

Most interesting is his use of light and dark. Scenes of the Prizzi family in New York are almost all interior scenes and are, without exception, dark. Scenes in Las Vegas, however, are brightly lit exterior scenes, with one exception. When Mae Rose, the dark princess, goes to Las Vegas, the scene is done almost entirely in black and shades of gray, reflecting the intrusion of eastern underworld darkness into the western world of light.

Despite efforts by the state to eliminate underworld influence in the gaming industry, Las Vegas continues to be associated in the public mind with organized crime. Advertising campaigns designed to attract the middle-class tourist have met with great success, and conventions and sports events have lent more respectability, but Las Vegas will never be, in the movies or elsewhere, the All-American city. Perhaps the thought of possibly rubbing elbows with dangerous criminals is an attraction for visitors, those who would use their vacations to seek the unusual or to encounter, at a safe distance, a little danger. Frankly, there is little excitement in the thought of casinos being tightly regulated and scrupulously honest, but a shiver runs down the spine and a sense of

alluring corruption emerges at the idea that casinos are run by notorious underworld figures.

According to Hollywood, however, the Mafia bosses are not the only powerful forces that inhabit Las Vegas. Even God and Satan, both looking exactly like George Burns, come to gamble. In the 1984 film *Oh God, You Devil*, Caesar's Palace was host to the two adversaries as they played poker, with the stakes a human soul. When asked in the film, "Why Las Vegas?" the Lord answered, "I have my reasons, don't question them." And Satan glibly announced that he spent a few weeks in Vegas every year.

Whether a quest for wealth, fame, or power drew a film's characters to Las Vegas, their sojourn there almost always brought insight into human relationships. Of the relationships addressed in these films, doomed love is the most frequent. In *Oxford Blues*, Las Vegas provides the means for Rob Lowe to go in quest of his romantic ideal, a woman so far removed from him culturally and socially that no lasting relationship could have a chance. *A Modern Romance* (1981) depicts the instability of relationships, and finds in Las Vegas, a marriage and divorce mill, the ideal location for legitimization of an on-again, off-again love affair. *Breathless*, the 1983 remake of Jean-Luc Goddard's seminal masterpiece, uses Las Vegas as the place where doomed lovers meet. When their relationship is unable to overcome the self-absorption of either character, Monica explains their attraction as being based on fantasy, saying "Las Vegas was a holiday." Jesse, played by Richard Gere, desperately responds, "No, Las Vegas was real," unable to separate reality from dream. In *Choose Me* (1984), a strange assortment of characters nightly frequents Eve's bar in Los Angeles, forming brief liaisons. Two connect and take the bus to Las Vegas to get married, leaving the audience with the suspicion that one or both of them is so deeply emotionally crippled that this is just another ill-fated attempt to find shelter from a terrifying world. Finally, although the alien in *Starman* has learned about human love, that love is not possible for him because he cannot stay in earth's environment.

Evidently, most Hollywood film makers find little hope for romances beginning in Las Vegas, but Francis Ford Coppola's magnificent flop, *One from the Heart* (1982), conveys just the opposite message. Las Vegas in this film is simply the location in which a couple, tired of each other after five years, set out to find more meaningful relationships. Janet Maslin of the *New York Times* calls it "a thoroughly American romance with a Las Vegas setting."¹² Other critics called it "the quintessential Las Vegas story . . . of the fantasy that lies just out of reach, somewhere beyond the neon."¹³

One from the Heart could have happened anywhere. According to Armyan Bernstein's screenplay, the location was Chicago, but Coppola believed that only Las Vegas provided the visual drama and surreal atmosphere that he needed to permeate the film. Unfortunately, the Las Vegas so presented was

"not Las Vegas as it really is, but a brilliantly stylized Las Vegas constructed at mind-boggling expense inside Mr. Coppola's Hollywood studio."¹⁴

Coppola's Las Vegas is the city of dreams. Frannie, played by Terri Garr, works in a travel agency. She endlessly arranges and rearranges a window display showing cardboard depictions of distant exotic locales where adventure and love can be found. Hank, her lover, owns a junkyard on the outskirts of the city, appropriately called Reality Wrecking, which stores broken-but-still-working neon signs. After a petty disagreement, each searches for excitement but finds that fantasy can't replace their love.

Other associations fared better in Las Vegas films than did romantic love. Parents and children were reunited in *Max Dugan Returns*. Sylvester Stallone won the love and regard of his son in *Over the Top*. Concern for his daughter enabled Ryan O'Neal to control his addiction for gambling in *Fever Pitch*, and a stepfather and daughter came to a new understanding in *Desert Bloom*. Heavenly intervention in *Oh God, You Devil* allowed Bobby Shelton to be reunited with his wife and infant daughter. By forcing a confrontation with values, Las Vegas became the matrix in which the worth of human contact was discovered.

But no film carried the dramatic potential of the casino as an arena in which to confront one's values farther than *Rainman*. Charley Babbitt (Tom Cruise) believes himself to have been cheated of an inheritance willed to his autistic brother Raymond, brilliantly portrayed by Dustin Hoffman. Charley abducts him, hoping that custody of the brother will enable him to gain custody of the estate as well. When he discovers Raymond's genius for instant mathematical calculation, he takes him to Las Vegas, to make a killing in a casino.

The Las Vegas casino forces Charley to depend on his brother's unique talents. In all other settings, Raymond has been completely dependent on Charley. In the casino, the roles are reversed, allowing Charley to recognize his own selfishness and at the same time to realize his affection for his brother. For the first time in his cynical, self-centered life, he thinks of someone else's welfare.

This is not a novel use of the casino as a setting; other films have used casinos to force a confrontation with values. What sets this film apart is the quality of the directing, writing, and acting. It won Academy Awards for best script, best actor, best director, and best picture, and has become a box-office success as well. It is a fitting climax of almost a decade of effort to attract the film industry to Nevada.

By 1988, Nevada ranked eighth in the nation in revenue derived from motion pictures, commercials, and videos produced on location, activity which injected \$44 million into the economy.¹⁵ Not all of the films were of the quality of *Rainman*, however. Some were low-budget productions that played, fortunately, to small audiences. Others, though artistic masterpieces, were not successful in attracting large audiences. At least one, *Rocky IV*, was a huge box-office success, grossing \$65 million and becoming the third-ranked moneymaker for 1985; but

it took a clobbering from the critics. *Rainman*, both an artistic and financial success, enhances Las Vegas as an attractive cinematic setting.

The image of Las Vegas in these films is as varied as the quality of the productions themselves. A consistently positive image would, of course, be more beneficial to the state in attracting tourism, but even a negative image is not greatly injurious. In 1984, Robert Hirsch, the director of the Nevada Film Division, noted,

If the script is an abomination, but it's going to put people to work and the film production people see the movie as a viable way of making money, certainly we're not going to send them to another state. My job is not to be a critic. My job is to bring the films in here in the first place.¹⁶

He later added that "even a crime film like *Las Vegas Strip Wars* presents a glamorous face that arouses people's interest."¹⁷ Nevertheless, with few exceptions, the general image of Las Vegas in the films has been a positive one.

In celluloid Las Vegas, nothing is impossible. Movie stars wander the casinos, and Howard Hughes wanders the desert. Unknowns can win in athletic competition against champions. Wealth may accrue with no effort, and be used to satisfy all other desires. Fame can be achieved or the lover of your dreams found. Power dwells in the city of the desert, as visible as an atomic test. In the casino, self-understanding awaits, and brothers find each other. Souls are sold to the devil, and regained in the turn of a card. Adventure, fun, and danger are everywhere.

Las Vegas has often been portrayed as a place where the baser passions find free rein. It has been described as "the great American place of liberation from conventional morality, where one can do openly that which is morally and legally outlawed in most of the rest of America."¹⁸ Certainly, literary treatments have reflected this view.¹⁹ In *The Journey Home*, for example, Edward Abbey uses Las Vegas to stand for all the artificial urban environments he deplores, and the dissipated hero of Hunter Thompson's *Fear and Loathing in Las Vegas* views the city through eyes hazed with drugs and alcohol.²⁰

But films of Las Vegas made in the 1980s show a different kind of liberation. Conventional morality now is not so much what the visitor sheds on arrival. Drugs and prostitution are barely mentioned in these films, and graphic violence is featured in only one. Casino gambling is the focus of just three or four, and those contain strong warnings about uncontrolled betting. What is abandoned instead is the mundane reality of one's personal limitations. And what is found is the ability to overcome all the odds. Las Vegas in the movies is the place to have fun and be entertained, of course. But most important, it is the place to realize dreams.

NOTES

¹"Scenes of Nevada Grace Best Picture of the Year," *Las Vegas Review Journal*, March 31, 1989, 7C.

²Robert Macy, "Silver State Becomes the Silver Screen State," *Las Vegas Review Journal*, January 17, 1989, 1B.

³"Interview with Bob Hirsch," Channel 8 News, March 28, 1989. Interviewer Jaime Garza. The film in production was K9.

⁴John M. Findlay, *People Of Chance: Gambling in American Society from Jamestown to Las Vegas* (New York: Oxford University Press, 1986), 148.

⁵Walter Goodman, "Casinos in Films: The Play Isn't the Thing, The Casino as Movie Setting and Metaphor," *New York Times*, January 16, 1989, B1.

⁶*Ibid.*

⁷James Robertson, *American Myth, American Reality* (New York: Hill and Wang, 1980), 273.

⁸A. Constadina Titus, "Selling the Bomb: Hollywood and the Government Join Forces at Ground Zero," *Halcyon* 7 (1985): 20-27.

⁹Vincent Canby, "Duck and Cover," *New York Times*, April 15, 1986, C-15:1.

¹⁰Findlay, *People of Chance*, 122-123.

¹¹R. C. Dale, "Prizzi's Honor," in *McGill's Cinema Annual, 1986: A Survey of the Films of 1985*, ed. Frank McGill (Pasadena: Salem Press, 1986): 285-289.

¹²Janet Maslin, "Review of *One from the Heart*," *New York Times*, January 17, 1982, 56:3.

¹³Bob Walsh, "1980 and Beyond," *LV Magazine*, November, 1985: 36.

¹⁴Vincent Canby, "Romance with Music," *New York Times*, February 11, 1982, C-25:1.

¹⁵Stacey Welling, "State Agency Nurturing Film, Video Industry," *Las Vegas Sun*, January 25, 1988, C-3.

¹⁶Brad Peterson, "Is Nevada Falling over Backward to Serve the Film Trade?" *Las Vegas Review-Journal*, February 26, 1984, L-4.

¹⁷Merry Lynn Sterling, "Hollywood Discovers a Desert Paradise," *Las Vegas Review-Journal*, February 15, 1985, E-1.

¹⁸John Cawelti, "God's Country, Las Vegas, and the Gunfighter: Differing Visions of the West," *Western American Literature* 9 (Winter 1975): 276.

¹⁹See, for example, Elizabeth Landreth, "There Shall Be No Night: Las Vegas," *Journal Of Popular Culture* 9 (Summer 1975): 197-203.

²⁰Ann Ronald, "The Nevada Scene through Edward Abbey's Eyes," *Nevada Historical Society Quarterly* 27 (Spring 1984): 2-12, and Hunter Thompson, *Fear and Loathing in Las Vegas* (New York: Random House, 1971).

HOWARD CANNON, THE SENATE, AND CIVIL-RIGHTS LEGISLATION, 1959–1968

A. Costandina Titus

THE CLASS OF 1958

The election of 1958, which carried Howard W. Cannon from Nevada to the United States Senate, marked the beginning of a twenty-five year period of tumultuous change, both within the Senate and in the country at large. As the nation encountered controversial new issues, zealous new political actors, and newly mobilized factions within society, the Senate responded with greater individualism among members, a decline in consensus policy making, and decreased procedural restraint. During the same years, Nevada grew and changed more than at any time since its founding as a state. It is within this context that Howard Cannon came to play a major, albeit often overlooked, role in the passage of two of the most critical pieces of legislation to come out of the Congress during this era: the Civil Rights Act of 1964 and the Fair Housing Act of 1968.

The Senate that greeted Howard Cannon was a relatively self-contained, self-regulating, inward-looking institution, a small and intimate club wherein the conduct of business depended heavily on personal interaction and the informal understandings that govern such relationships. According to Richard Fenno, former president of the American Political Science Association and author of several books on Congress, the Senate was run by an oligarchy of senior southern Democrats and conservative Republicans who drew their power from three sources: numerical strength, seniority and the formal positions thereby accrued, and a consensus as to how the body should function.¹

That soon began to change, however, as the election of 1958 swept in a tidal

Dina Titus is professor of political science at the University of Nevada, Las Vegas, and a Nevada State Senator. She wishes to thank the Nevada Humanities Committee for its generous support of this research project.

This paper was presented at the Western History Association Conference, October 20, 1990, Reno, Nevada.

wave of newcomers. That election produced the largest net gain for one party of any Senate election in the twentieth century. Gaining fifteen seats, the Democrats expanded their control from a narrow 49 to 47 margin to a whopping 64 to 34. Suddenly the majority party was less southern and more liberal. As noted by Michael Foley in his book *The New Senate*, "This abnormally large number of confident liberal freshmen changed not only the political composition, but the whole atmosphere within the chamber."²

These newcomers were not content to follow the old norms. They were impatient; they wanted a chance to change the substance of policy while becoming more actively involved in the process. They were more attuned to external stimuli and more responsive to outside interests than were the old-timers. Having campaigned as individuals rather than party people, they saw themselves as independent politicians. Consequently, they rejected the oligarchical arrangements that had kept power within the Senate so unevenly distributed.

As a result of these attitudes, the class of 1958 pushed for internal reforms that would give them more independence, more influence, and more immediate input in the decision-making process. The old communitarian system was gradually undermined as key committees were opened to new members; not only were newcomers able to serve on more committees, but they gained seats on more important ones as well. Senate secrecy fell by the wayside as the new senators turned to the media for public exposure of their proposals. They also pressed for larger and more professionalized staffs. And action on the floor became increasingly important as committees lost their dominance and newcomers seized the opportunity to gain headlines espousing controversial positions on key issues.³

This internal transformation did not occur within a vacuum. Drastic changes were also taking place throughout the country during Cannon's tenure in the Senate. Indeed, it was an extremely turbulent time, marked by "shocking assassinations, several failed presidencies, a bitterly divisive war, a debilitating political scandal, a declining confidence in government, a revolution in civil rights, a proliferation of organized special interest groups, and an uncertain international environment."⁴ Such events brought two general types of change, procedural and contextual.

First, there were changes in the style and strategy of politics. There was more openness, heightened media visibility, instant communication, and a corresponding information explosion. Beginning with the 1960 televised debate between presidential candidates Richard Nixon and John Kennedy, television has played an increasingly significant role in the election of politicians. It has emphasized image over substance; it has fostered more candidate-centered, as opposed to party- or issue-oriented, elections; and it has increased the cost of campaigns, making candidates ever more dependent on special-interest groups for financial support.

The second major change during this period was in the nature of the political

agenda. New, more complex, more controversial issues emerged, the likes of which government had not encountered in the past. Vietnam was one of these issues; not only did government have to confront a new kind of war, but it did so without the consensus of the American public. Other new issues included the proliferation of nuclear weapons, the unprecedented demands by large segments of the population for equal rights, the growing crime rate, abortion, prayer in public schools, environmental pollution, and a crisis in the Middle East which pitted the United States against an adversary so culturally and politically different that no middle ground seemed possible. In every case, the problems called for creative solutions; these were demands that could not be met with an easy highway here and a tax bill there.

With the new issues came new actors in the political arena, players who previously had been outside the system. Large numbers of blacks, women, native Americans, Mexican Americans, and other minorities became politicized, and the face of government began to change. Not only did issues of concern to these groups make their way onto the political agenda, but more and more representatives from these segments of society began to be elected to office. Other special-interest groups, most notably the environmentalists and consumer advocates, similarly began to organize and barter for support.

Meanwhile, significant changes were occurring within Nevada—changes that presented considerable challenge to Howard Cannon as he served his twenty-four years in the United States Senate. Foremost was the tremendous growth in population. The fastest-growing state in the country, Nevada increased its population from 285,000 in 1960 to approximately 800,000 in 1980, a rate of growth higher than 180 percent in twenty years. With growth came an increase in diversity; as a backwater of Los Angeles, Las Vegas began to experience the arrival of numerous ethnic groups from Asia and Latin America who brought with them new languages, traditions, and demands on government.

This period in Nevada history was also marked by an explosion of federal-state conflict. In 1962 United States Attorney General Robert Kennedy led an assault on organized crime and its connections to gaming, Nevada's key industry. On the other side, the state launched the Sagebrush Rebellion in the 1970s, which caught on throughout the West as states attempted to gain control of federally held lands within their borders. Tensions mounted over safety at the Nevada Test Site and the navy's abuse of airspace in the Dixie Valley. The federal government also became involved in the distribution of water in the state and in the protection of native American rights. Finally, the question of both high- and low-level nuclear-waste disposal touched off a firestorm that is still raging.

An additional major development between 1958 and 1982 was Nevada's recognition of the need to diversify its economy. Several economic downturns clearly showed that a gambling-based economy was not recession-proof. Exacerbating the situation was the deterioration of Nevada's relationship with the

federal government, upon which the state had long depended for both direct economic aid (Newlands Reclamation Project, Boulder Dam, Nellis Air Force Base, and the Nevada Test Site) and good will or at least tolerance toward such activities as gaming, prostitution, and quick divorces. Consequently, the powers in the state began to look for ways to attract mainstream industries and broaden the economic base.

Finally, Howard Cannon's tenure witnessed a shift of power within the state from rural to urban, and from north to south. The state's two urban areas, Las Vegas and Reno-Carson City, gained political dominance as a result of the 1966 decision in *Dungan v. Sawyer*, which eliminated county-based membership in the legislature. The enormous growth of the Las Vegas metropolitan area gave Clark County numerical control of that body after the 1970 census and corresponding power in statewide elections. Accordingly, the concerns of Clark County's economy, based in tourism and federal government projects, joined the traditional rural, mining, and gaming issues on the state's political agenda.

HOWARD W. CANNON AS CITY ATTORNEY

Before joining the Senate, Howard Cannon served as city attorney of Las Vegas. In that position, from 1949 through 1956, he ruled on several controversial civil-rights questions. During those years Las Vegas was a segregated com-



Howard Cannon as City Attorney of Las Vegas, 1949. (University of Nevada, Las Vegas Library, Special Collections)

munity with racism deeply rooted in the city's past. As early as 1910, the Las Vegas Land and Water Company confined to Block 17 the few minority residents who had come to the area as railroad workers. In 1931 the Six Companies building Hoover Dam adopted an unstated policy of excluding blacks from working on the dam thereby denying them access to higher-paying jobs. And as the city's resort industry flourished, casinos reinforced segregation because, as Eugene Moehring points out, "the tables and slot machines attracted thousands of southern gamblers as well as upwardly mobile eastern, midwestern, and California tourists who would have questioned the presence of black dealers."⁵

In response to this situation, intensified by the influx of black defense workers during World War II, George Rudiak, Democratic assemblyman and self-proclaimed liberal attorney from Las Vegas, introduced A.B. 248 in the 1953 session of the state legislature. This initial attack on Las Vegas's *de facto* segregation focused on the tourist industry. Described as "an Act concerning the rights of citizens in places of public accommodation or amusement," the bill was intended to negate all written or gentlemen's agreements on racial discrimination in Nevada theatres, hotels, restaurants, and places of public entertainment. It included sanctions of a \$100 fine and possible imprisonment for those who discriminated on the basis of "race, creed or color."⁶

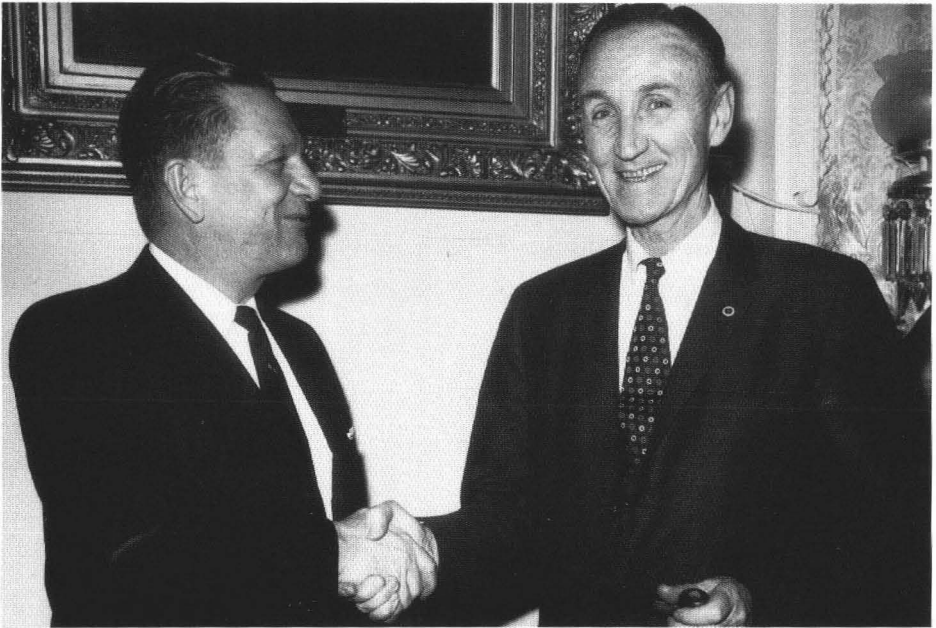
The Assembly Committee on Judiciary held hearings on Rudiak's bill in early March. Testifying before the committee, Lester Bailey, regional director of the National Association for the Advancement of Colored People (NAACP), argued that Nevada businesses were hurting themselves with segregation because many black tourists passed through without stopping. "They sell us gas, but will not serve us food," he stated. Supporting the NAACP, the Washoe County Ministerial Association also urged passage of the bill.⁷ The committee reported the bill back with "no recommendation" on March 10. Four days later the Assembly voted 30 to 14, with 1 absent and 2 abstaining, to "indefinitely postpone" the measure. It never reached the Senate for further consideration.⁸

Having failed at the state level, black leaders turned their attention to local governments, hoping to convince them of the need for municipal ordinances mandating integration. On August 5, 1953, Woodrow Wilson, president of the Las Vegas Chapter of the NAACP, asked the Las Vegas City Commission to consider enacting an ordinance based in large part on A.B. 248. Also speaking in favor of the ordinance, Lubertha Warden told the board that the "conditions of colored people are discouraging and humiliating." Commissioner Rex Jarret responded that such an ordinance was not needed because the United States Constitution already guaranteed civil rights. The commission then voted to refer the matter to City Attorney Howard Cannon for an opinion.⁹

Three months later Cannon issued his opinion in a lengthy memorandum to the commission, in which he characterized the city government's authority to pass civil-rights laws as "confused." He further stated that an earlier case "makes it appear that the enactment of a Civil Rights Ordinance without specific

charter authority would not be within the power of the City of Las Vegas." In other words, because Nevada's state constitution and statutes did not specifically provide for integration of public places, municipal efforts to mandate such action might be unconstitutional.¹⁰ Cannon's opinion is cited in several histories of Las Vegas as being a primary factor in keeping the city segregated. Asked about his position, however, Cannon quickly points out that his opinion was not expressing a political sentiment but rather was strictly interpreting the law. He adds that it was the city fathers who did not want to "rock the boat."¹¹

At the commission's December 2 meeting, Assemblyman Rudiak appeared before the members and respectfully asked when they would be considering the proposed ordinance. The commissioners promptly set the date of January 7, 1954, for a special hearing.¹² In an effort to reverse the commission's anticipated stance, black leaders geared up for the hearings, bringing in San Francisco attorney Franklin Williams, an NAACP representative, to make their case. Speaking before a packed house, he urged local politicians to enact a civil-rights ordinance. Reassuring them that "you don't have to sleep with [me] or let me go into your home," he asked only for the legal right "to have a cup of coffee or throw a few nickels in the slot machines." In response Commissioner Reed Whipple commented that such legislation might lead to "blood shed or other trouble." Letters in support of the ordinance from George Rudiak, who had



Senator Mike Mansfield congratulates Howard Cannon as Chairman of Privileges & Elections Sub-Committee of the Rules Committee, 1961. (University of Nevada, Las Vegas Library, Special Collections)



Cannon's 1964 senatorial campaign. (University of Nevada, Las Vegas Library, Special Collections)

been called to Carson City for a special session of the legislature, and Bill Byrne of Henderson were read into the record; and the meeting ended without formal action being taken.¹³

Three months later, on April 13, 1954, the commission voted down the proposed ordinance. According to Mayor C. D. Baker, "social equality cannot be legislated. The right to refuse services is an inherent legal right."¹⁴ The city remained segregated for another six years, until March 1960, when the threat of massive street protests brought matters to a boiling point. A behind-the-scenes agreement was reached, and on March 26 the city ordered integration of all public places within municipal borders. The Strip voluntarily followed suit.¹⁵

Shortly thereafter, the 1961 session of the state legislature passed its first civil-rights bill. It was a toothless tiger, however, resulting in little more than the creation of an equal-rights commission to advise the governor about civil-rights problems in the state. It was not until 1965 that the legislature passed A.B. 404, which, following the lead of the United States Congress, outlawed discrimination on the basis of race, creed, or color in public accommodations and in places of employment having fifteen or more workers.¹⁶

SENATOR HOWARD CANNON AND CIVIL RIGHTS, 1959–1963

By 1965 Howard Cannon had been in Washington for six years. As a member of the class of 1958 he had found himself dealing with civil rights matters on a

national scale. During his first year in the Senate, only one civil-rights bill reached the floor. Like many that followed, it came as a rider attached to an unrelated bill, in this case, H.R. 8385, dealing with foreign aid. The measure simply extended the life of the Civil Rights Commission for two years. A vote in favor was a vote in support of President Dwight Eisenhower's position. The measure passed, 71 to 18, with Cannon voting in the majority. Of the 18 dissenters, 17 were Democrats from the Deep South; they were joined by one Republican, Milton Young of North Dakota.¹⁷

The same coalition held in 1960 when the Senate voted 71 to 18 on March 24 to pass H.R. 8601, which amended the Civil Rights Act of 1957. The bill was a compromise between those wanting more federal regulation and those wanting less. Aimed primarily at bolstering the voting-rights provisions of the previous statute, it authorized judges to appoint referees to help blacks register and vote, and provided criminal penalties for mob action designed to obstruct court orders. In an earlier move to terminate debate on the bill, cloture failed, with 53 voting against and 42 in favor—11 short of the required two thirds of those present and voting to end a filibuster. Thirty-three Democrats, including Howard Cannon, voted against cloture along with 20 Republicans; advocates of cloture included 30 Democrats and 12 Republicans.¹⁸ It was not unexpected that the cloture attempt failed or that Cannon voted against it. To that time, no cloture vote to end filibuster of a civil-rights bill had ever passed, and no senator from Nevada had ever voted in favor of cloture.

Nineteen controversial amendments were offered to the 1960 civil-rights bill during the eight-week debate prior to a compromise. A study of Senate votes on these measures identifies two groups with strikingly opposing viewpoints and a moderate faction between the two. A group of 20 Senators, almost all from the Deep South (19 D and 1 R), opposed a group of 30 other senators (25 D and 5 R) on more than 75 percent of the votes taken. A third group of 50 (21 D and 29 R) held the decisive swing vote. Howard Cannon was a member of the moderate group that, along with Mike Mansfield (D, Montana), Ralph Yarborough (D, Texas), and Francis H. Case (R, South Dakota), voted with the southern bloc 53 percent of the time.¹⁹

Also of major consequence during 1960 was the approval, by two thirds of the Congress, of the proposed Twenty-third Amendment to the Constitution. This amendment gave Washington, D.C., a city with a large minority population, three electoral-college votes, thereby granting residents their first opportunity to participate in presidential elections. Voting on February 2, Cannon again cast his ballot with the majority: 70 for and the predictable 18 against.²⁰

Although John F. Kennedy promised civil-rights reforms during the presidential campaign of 1960, he backed away from that position during his first year in office. Joseph S. Clark of Pennsylvania and Emanuel Celler of New York, both liberal Democrats, introduced civil-rights bills that outlawed the poll tax and literacy tests and made the Civil Rights Commission permanent, but without

support of the president the bills had little chance of passage. The only rights measure to emerge at the end of the 1961 session was another two-year extension of the Civil Rights Commission, again passed as a rider on an appropriation bill, H.R. 7371.

Before that appropriation bill passed on August 30, four amendments were offered and defeated. One that would have made the commission permanent was tabled, 56 to 36; another, designed to extend the commission for four years, was also tabled, 48 to 42; a third, authorizing civil suits for injunction relief, met a similar fate, 47 to 42; and a fourth, directing federal aid to school districts actively seeking to desegregate, was also killed, 50 to 40. In each case, Howard Cannon supported tabling the amendments; but in the end he voted with the majority, as he had in the past, to extend the commission for another two years. The final vote was 70 to 19, with the Southern Democrats and Milton Young of North Dakota holding out.²¹

In two related matters dealing with school funding, Cannon's vote confirmed his position on civil rights: He was a moderate who tended to vote with the majority. When Senator Strom Thurmond of South Carolina introduced an amendment to prohibit the withholding of federal funds because of school segregation, Cannon voted on May 17, 1961, with 70 others (44 Democrats and 26 Republicans) to reject the provision. Less than a week later, he also refused to support an amendment offered by Prescott Bush, Republican from Connecticut, directing that funds be granted only to states proceeding toward full compliance with desegregation. The vote to table Bush's amendment was 61 to 25, with 54 Democrats, including Cannon, and 7 Republicans in favor.²²

This pattern continued when Jacob Javits, a New York Republican, introduced a measure to prohibit payment of federal construction and maintenance funds to airports containing segregated facilities. On July 31, the Senate voted to table, 54 to 33, with 37 Democrats in favor, including Cannon, and 19 opposed.²³ Cannon claims that his reason for opposing Javits's amendment was different from his position on the school funding bills. According to Cannon, as a member of the Commerce Committee and a strong proponent of aeronautical development, he did not want to see "aviation money get tangled up in the web of civil rights."²⁴

Civil-rights battles during the 1962 session centered on two administration bills, one to outlaw literacy tests (S. 2750) and one to amend the Constitution to ban poll taxes (S.J.R. 29). Majority leader Mike Mansfield and Republican Everett Dirksen introduced the bill to prohibit use of literacy tests in establishing voting eligibility. The bill went to the Senate Judiciary Committee, chaired by James O. Eastland of Mississippi, who was known to say of such measures, "This will never see the light of day."²⁵ When the committee failed to act on the bill, Mansfield had it added as a rider to H.R. 1361, a private bill that relieved James Norman, a Texas farmer, from having to refund excess government crop insurance.

Debate began in earnest as southern senators positioned themselves for a

filibuster. After thirteen days, a cloture vote was called on May 9; it failed, however, by a vote of 53 to 43, with Cannon voting no. The following day, Mansfield himself introduced a motion to lay the bill aside. This, too, failed when 64 senators, Cannon among them, voted against tabling the bill. Such action essentially allowed them to have it both ways; on the one hand, they voted to protect the right of filibuster, and on the other, by refusing to table, they cast a vote for civil rights. On May 14 a second cloture vote failed, 42 to 52, with Cannon again voting no. It was at this point that Richard Russell (D, Georgia) made the famous statement, "I'll vote to gag the Senate when the shrimp start whistling 'Dixie.'" The following day Mansfield repeated the motion to lay the bill aside; this time the Senate concurred, 49 to 34, with Cannon voting in the majority.²⁶

The administration's second bill, proposing a constitutional amendment banning poll taxes in federal elections, passed easily. In the Senate, the vote was an overwhelming 77 to 16, with Cannon voting in favor. On August 27, the House approved the measure, 295 to 86, exceeding the needed two thirds by 41 votes, and the proposed amendment went to the states for ratification. This was the second constitutional amendment in as many years designed to expand the electorate and concurrently remove from the states the power to control suffrage.²⁷

Early in 1963 President Kennedy sent to the House a relatively weak civil-rights bill that focused primarily on voting. Expanded in June to combat discrimination in public accommodations, schools, and jobs, it remained stalled in the Rules Committee at year's end. Meanwhile, Senator Mansfield had offered a similar bill in the Senate, where, upon arrival at the Judiciary Committee, it was promptly pigeonholed by Senator Eastland. Mansfield then introduced a separate accommodations bill that went to the Commerce Committee, chaired by Warren Magnuson (D, Washington), who held twenty-two days of hearings, highlighted by the testimony of Attorney General Robert Kennedy. The final version included a "Mrs. Murphy" clause exempting owner-occupied private homes in which not more than five rooms were for rent. On October 8, the committee voted the bill out, 14 to 3. Cannon held a coveted position on the Commerce Committee, thanks to Mansfield, and he therefore voted in favor of the leader's bill; however, he did not join the 46 senators (37 of whom were Democrats) who cosponsored the bill. Despite the overwhelming vote to report the bill, no formal report was filed. The Democratic leadership did not want to begin Senate debate and confront the inevitable filibuster until the House had passed its civil-rights measure and sent it over. As a result, 1963 ended with no action taken.²⁸

The only substantive accomplishment of 1963 was the passage of H.R. 3369, which extended the Civil Rights Commission for another year. The measure, again a rider on an unrelated private bill, passed the Senate on October 1 with a vote of 71 to 15. Cannon predictably voted in favor.²⁹

It was at this point in his career that Cannon was being touted as a potential leader in the Senate. Called by the *Washington Post* a "model first term Senator who works hard, keeps his mouth shut and offends nobody," Cannon was seen as the candidate of the southern-western coalition that hoped to keep Hubert Humphrey out of the leadership position should Mansfield not be re-elected. While this proved to be strictly speculative (as it turned out, Mansfield was returned), it is interesting that, despite basic support of civil-rights measures during his first four years in office, Cannon was still seen as an ally of the South. Indeed, despite his record of 68 percent support for President Kennedy's bills, liberals were quoted in *The Washington Post* as vowing to "fight to the death against him in any leadership battle."³⁰

THE CIVIL RIGHTS ACT OF 1964

Following the assassination of President Kennedy in November 1963, the Congressional appetite for civil-rights legislation increased as many supporters identified such programs as the slain leader's legacy. Kennedy's successor, Lyndon Baines Johnson, quickly assumed the leadership role in the push for civil rights. Accordingly, H.R. 7152, the broadest civil-rights bill to date, with provisions covering employment, education, and accommodations, passed out of the House on February 10, 1964, by a vote of 290 to 130. On the Senate side, Mansfield, using a clever procedural maneuver, managed to get the bill placed directly on the calendar, by-passing Eastland's Judiciary Committee, where such measures had stalled in the past. The vote in favor of this course of action was 54 to 37 (20 to 8, Republican, and 34 to 29, Democrat), with Cannon voting no. According to Cannon, he would have opposed such a maneuver, regardless of the issue, because he strongly supported the committee system; he felt that the structure was in place for a reason and, "having stood the test of time," should not be by-passed.³¹

In an attempt at compromise, Wayne Morse (D, Oregon) moved to refer the bill to the Judiciary Committee for hearings only until April 8. A vote to table that motion passed, 50 to 34, with Cannon again opposing the president and voting in the minority against by-passing the committee hearing procedure. When the vote to take up the bill formally was called on March 26, however, Cannon reversed his position and voted in favor, along with 40 other Democrats and 26 Republicans.

Formal debate began in the Senate on March 30. After two months of discussion and political maneuvering, several key amendments were considered prior to an attempt to impose cloture. On June 9, the Senate voted on Thurston Morton's (R, Kentucky) amendment to require jury trials in criminal contempt proceedings originating under the civil-rights act. A vote against was in support of the president. The amendment passed nonetheless, but by a narrow 51 to 48 margin, with Cannon voting yes.

On three other major amendments, however, Cannon stood with the president. He voted against Bourke Hickenlooper's (R, Iowa) amendment to delete from Title IV the authority to grant federal funds to help colleges pay for programs to train school personnel in handling desegregation problems. The measure failed, 40 to 56. Cannon also opposed Sam Ervin's (D, North Carolina) amendment to delete Title VII, the fair-employment section of the bill; it, too, failed, 33 to 64. Finally, Cannon voted against Norris Cotton's (R, New Hampshire) attempt to exempt small businesses from Title VII by limiting its coverage to employers of 100 or more, the vote was 34 to 63. In all three cases, Cannon supported the president, but he did so by voting with the majority.

On June 11 Mansfield called for a cloture vote to end the filibuster. Thirty-nine senators signed the cloture petition, 23 more than needed to start the process. The final vote was 71 to 29; 44 Democrats and 27 Republicans had voted yes, while 23 Democrats and 6 Republicans were opposed. The Republicans voting against cloture all came from the West—Utah, Arizona, New Mexico, Wyoming, Texas, and North Dakota. With the exceptions of Alan Bible from Nevada and Carl Hayden of Arizona, all the Democrats opposed were from the South.³²

It was a resounding victory. The advocates of cloture had not known until the last minute how it would go. They received eleventh-hour support from Howard Cannon, which put them over the top. They then used his pledge to bring his friend, Howard Edmondson (D, Oklahoma), on board. Republican Hickenlooper soon followed suit. And in a dramatic grand finale, they brought Clair Engel (D, California) onto the floor of the Senate in a wheelchair; having recently undergone a second operation on his brain, he could not speak, but gestured his vote in support of cloture.

This was truly an historic moment. It was the first time a cloture vote on a civil-rights filibuster had been successful since Rule 22, the provision for cloture, was adopted in 1917, and only the sixth successful cloture vote ever. It was also the first time Howard Cannon had voted for cloture and the first time a Nevada senator, in the 100 years of the state's existence, had ever voted for cloture.³³

There was considerable speculation about Cannon's change of heart. He and Bible had always argued that the filibuster was the ultimate protection for small states against the superior voting strength of the large states. Bible stood by that principle throughout his career, but in this historic instance, Cannon changed his mind. Some said it was because Lyndon Johnson leaned on Cannon. Although the president stated on June 2 that "lining up votes for cloture" was a job for the Senate leadership and "not for me," he was known to have talked to several Democrats who were resisting the leadership's pressure, including Cannon and fellow-Texan Ralph Yarborough.³⁴ Cannon himself admits that "Lyndon twisted my arm to get me to vote for cloture."³⁵

Others speculated that Cannon was facing a tough re-election bid in November and reportedly was under pressure to support the measure from Nevada labor groups and the predominantly black Westside community in Las Vegas.³⁶



Senator Howard Cannon with President Lyndon Johnson, 1966. (University of Nevada, Las Vegas Library, Special Collections)

The senator denies that this was the case, calling it a “Potomac interpretation” of what was happening in Nevada.³⁷ While Cannon was indeed dependent on the black vote in Clark County, he more than likely would have pulled those districts even without supporting cloture. Blacks had no place else to go. Cannon’s Republican opponent, Paul Laxalt, whom he defeated by only 84 votes, was a Basque from northern Nevada known to hold very conservative views. Furthermore, Cannon counted on President Johnson’s efforts to turn out the black vote for all Democrats.³⁸

Nonetheless, the senator was acutely aware of the potential political ramifications of his decision. A March 27 memo from the New York public-relations firm, John F. Kraft Associates, to Cannon confirmed that there was “more to be gained by supporting civil rights legislation than there is to be lost.” It reported that 50 percent of a sample polled in Nevada favored the civil rights bill, 24 percent opposed it, and 26 percent were not sure. Regional figures, however, showed that “civil rights cuts much more deeply in Clark County than Washoe where 35% and 25%, respectively, see the bill as a threat to jobs for whites.” Consequently, the report concluded that Nevadans were “less hearty than many states in their support” of the civil rights bill and therefore the senator “need not identify or parade his feelings on one side or the other.”³⁹ Cannon obviously took this advice because, although he cast the decisive vote, he did it without fanfare, without an elaborate statement on the Senate floor.

Explaining his crucial vote to the Nevada press, Cannon continued to avoid discussion of the act's substance: "There were tremendous pressures from all sides. I finally decided the work of the Senate had been held up long enough. The bill had been debated until there was little else to be said about it. In good conscience, I had to vote to bring debate to a stop and get on to other important business."⁴⁰

Following the cloture vote, 560 amendments, mostly sponsored by southerners, were submitted. Ninety-nine were subsequently called up and defeated. Cannon voted with the president and against the amendments in almost every instance. The exceptions came on measures that dealt with the public-accommodations section of the bill. In an attempt to protect the largely white tourist economy of Nevada, Cannon voted in favor of John Cooper's (R, Kentucky) amendment to increase the number of rooms that an owner-occupied dwelling for transient guests could have and still be exempt under the act; it failed 35 to 51. He also voted with Richard Russell to postpone the effective date of the public-accommodations section until November 15, 1965. Cannon believed such a move good for Nevada, but he also remembers being anxious to vote with Russell on something after having gone against him on the cloture vote.⁴¹ The postponement also failed, 40 to 59. The final vote on the bill itself came June 19, with 73 senators in favor and 27 against.⁴²

THE AFTERMATH

The major civil-rights legislation passed during Howard Cannon's first year as a second termmer was the Voting Rights Act of 1965, which was designed to change the federal government's role in voting rights from one of passive protection to one of active advocacy. Under the measure's provisions, the attorney general could appoint federal examiners to take over registration procedures in any state that used a literacy test and/or where voter participation was low. After considerable debate on the bill, a cloture motion was made on May 21. It passed 70 to 30, with Cannon, in contrast to his historic vote in 1964, siding with the minority against ending the filibuster. His record on the bill itself, however, was in line with the president's position. He had voted no to help kill a southern amendment, introduced by Sam Ervin, to delete the provision for sending federal examiners into certain states to insure nondiscrimination at registration and polling places; and he voted yes on then Senator Robert Kennedy's (D, New York) unsuccessful amendment calling for the elimination of poll taxes in state and local elections.⁴³ Cannon recounts that he did not see Kennedy's amendment as a civil-rights issue but rather felt strongly that no one should have to pay to vote.⁴⁴ The bill passed, 77 to 19, on May 26, with Cannon voting in favor despite considerable constituent mail from Karl Prussion and the Las Vegas Citizens Information Center alleging that communist influences were active within the American civil-rights movement.⁴⁵

In 1966 a civil-rights bill passed the House but was killed by a filibuster in the Senate. A comprehensive bill addressing open housing and the discriminatory selection of jurors, the measure died when two successive cloture votes failed. In both instances Cannon voted against cloture.⁴⁶ Although he had publicly stated support for the section dealing with juror selection, he had misgivings about the "constitutionality" of the housing provision. The bulk of his constituent mail was strongly opposed to the bill, as were real estate dealers in both ends of the state.⁴⁷

The only civil-rights measure to come out of the 1967 session was a five-year extension of the Civil Rights Commission. The Senate attempted to resurrect that portion of the 1966 bill dealing with jurors; S. 989 was passed by voice vote, but it died in the House without seeing action.⁴⁸

By 1968 Congress was ready to take another look at the fair-housing issue. In the wake of the assassination of Martin Luther King, Jr., support for such a measure was rising. Passing the House first, H.R. 2516, an open-housing bill that also included provisions to protect civil-rights workers, came to the Senate, and debate began in earnest. Before it was over, four cloture votes would be called. The first, taken on February 20, failed 55 to 37, with Cannon announced against. The following day a motion to kill the bill was rejected 34 to 58, with Cannon again announced in opposition. As in 1962, this move allowed the senators to have it both ways.

A second cloture vote came on February 26. The no votes carried the day, 56 to 36, with Cannon still in the majority. At this point a compromise was worked out on some of the more controversial sections of the bill. Nonetheless, a third cloture vote on March 1 failed 59 to 35. It was not until the fourth vote, taken three days later, that the needed two thirds of those present and voting was obtained. Passing with 65 to 32, the exact number necessary, cloture was invoked and the filibuster ended. On this final vote, Cannon switched, once again giving the president the critical vote needed to put his bill over the top. Bible, Cannon's colleague from Nevada, remained steadfastly opposed to cloture. The final vote on the bill itself, taken March 11, showed 71 senators (42 Democrats and 29 Republicans) in favor and 20 against. Cannon, of course, voted for passage.⁴⁹

CONCLUSION

Howard Cannon's role in the enactment of the landmark civil-rights legislation of the 1960s was pivotal but heretofore little known or recognized. He was part of the critical swing bloc on this issue, made up of senators whose positions were not predetermined by regional or ideological considerations and whose oratory was hence least impassioned. Nonetheless, it was Cannon, a member of this group of uncommitted senators, who cast the key votes that turned the tide on both the Civil Rights Act of 1964 and the Fair Housing Act of 1968.

Senator Cannon was a pragmatist. He weighed multiple factors, state and national, in setting his approach to civil rights, and, as his record through the 1960s shows, the balance of these influences placed him in the middle of the road. Indebted both to Mansfield, liberal majority leader, and to Russell, conservative chairman of the Democratic Steering Committee, for awarding him four key standing-committee assignments, including the Armed Services Committee, Cannon had divided loyalties from the start. At the same time, regardless of the issue, he felt compelled to preserve those political mechanisms, such as the filibuster, that protected the interests of his small state. He was generally supportive of Democratic presidents but remained attuned to demands coming from his own constituency. As a member of the class of 1958 he faced new issues, new players, and new rules of the game in the Senate, and he consistently met the challenge in the fashion of a true independent.

NOTES

¹Richard F. Fenno, Jr., "The Changing Senate in the Cannon Years," *Halcyon* 11 (1989): 65–84.

²Michael Foley, *The New Senate* (New Haven: Yale University Press, 1980).

³Other studies of the changing Senate include Randall Ripley, *Power in the Senate* (New York: St. Martin's Press, 1969); James A. Miller, *Running in Place: Inside the Senate* (New York: Simon and Schuster, 1986); and Alan Ehrenhalt, "In the Senate of the '80's: Team Spirit Has Given Way to the Rule of the Individual," *Congressional Quarterly* 4 (September 1982).

⁴Fenno, "Changing Senate," 66.

⁵Eugene P. Moehring, *Resort City in the Sunbelt: Las Vegas, 1930–1970* (Reno: University of Nevada Press, 1989), 173.

⁶Perry B. Kaufman, "The Best City of Them All: A History of Las Vegas, 1930–1960" (Ph.D. diss., University of California, Santa Barbara, 1974), 363–66.

⁷*Las Vegas Morning Journal* (4 March 1953), 1.

⁸*Journal of the Nevada Assembly* (1953), 197, 395, 400, 461, 470–71.

⁹*Las Vegas Review Journal* (6 August 1953), 7.

¹⁰Kaufman, "Best City," 366.

¹¹Howard W. Cannon, interview, Las Vegas, 18 October 1990 (hereafter cited as Cannon, interview). Cannon defends this statement by pointing out that when he issued an opinion that publicly funded swimming pools could not be segregated, the commission was reluctant to comply. They never announced that the municipal pools would henceforth be integrated; instead, they quietly lifted the ban so that, legally, black children would not be turned away from the white pool, if they dared seek entrance.

¹²Las Vegas City Commission Meeting Minutes, 2 December 1953, Special Collections, University of Nevada, Las Vegas.

¹³*Las Vegas Review Journal* (8 January 1954), 1.

¹⁴*Ibid.*, (14 April 1954), 1.

¹⁵Moehring, *Resort City*, 184–86.

¹⁶*Ibid.*, 188–89.

¹⁷*Congressional Quarterly Almanac* (1959), 59–64, 80, 193.

¹⁸*Ibid.*, (1960), 185–207.

¹⁹*Ibid.*, 204.

²⁰*Ibid.*, 284–87.

²¹*Ibid.*, (1961), 392–98.

²²*Ibid.*, 574–75.

²³*Ibid.*, 592.

²⁴Cannon, interview.

²⁵*Ibid.*

²⁶*Congressional Quarterly Almanac* (1962), 371–79.

²⁷*Ibid.*, 404–6.

²⁸*Ibid.*, (1963), 354–57.

²⁹*Ibid.*, 334–68.

³⁰*Washington Post* (27 May 1963), A5.

³¹Cannon, interview.

³²*Congressional Quarterly Almanac* (1964), 338–80.

³³*Ibid.*, 368–69.

³⁴*Ibid.*, 368.

³⁵Cannon, interview.

³⁶*Congressional Quarterly Almanac* (1964), 368.

³⁷Cannon, interview.

³⁸The original tally was 67,336 to 67,288, but a recount showed 66,907 for Cannon and 66,823 for Laxalt. See *Political History of Nevada—1986* (issued by Secretary of State, William Swackhamer), 284.

³⁹John F. Kraft, letter to Howard Cannon, 27 March 1964, Howard W. Cannon papers, Box 31/351, Special Collections, University of Nevada, Las Vegas (hereafter cited as HWC papers).

⁴⁰*Reno Gazette* (25 August 1964), 1.

⁴¹Cannon, interview.

⁴²*Congressional Quarterly Almanac* (1964), 76–80.

⁴³*Ibid.*, (1965), 533–71.

⁴⁴Cannon, interview.

⁴⁵Karl Prussion, letter to Howard Cannon, 7 April 1965, HWC papers, Box 3/32.

⁴⁶On September 14, cloture was rejected 54 to 42; five days later, a second vote was taken and cloture again failed, 52 to 41. *Congressional Quarterly Almanac* (1966), 450–83.

⁴⁷Constituents, letters to Howard Cannon, HWC papers, Box 4/38.

⁴⁸*Congressional Quarterly Almanac* (1967), 771–88.

⁴⁹*Ibid.*, (1968), 152–68.

SENATOR MCCARRAN AND THE ROOSEVELT COURT-PACKING PLAN

Michael S. Green

"Never before had a victory been so complete," marveled Arthur M. Schlesinger, Jr., at Franklin D. Roosevelt's landslide 1936 re-election, a resounding endorsement of the New Deal programs the president had instituted to combat the Depression. Then, in 1937, Roosevelt announced his intent to reconstitute the United States Supreme Court, a move that reinvigorated his enemies—who called it a plan to "pack" the Court—and divided his supporters. Among the Democrats who differed over the plan were Nevada's United States senators, Key Pittman and Patrick A. McCarran: Pittman supported the measure while McCarran opposed it. Lawyers, members of the Senate Judiciary Committee, and political foes, these two reflected the divisions and the dilemmas loyal Democrats faced; whether to stand behind an immensely popular president responsible for an enormously unpopular bill. The positions they took demonstrated the unusual nature and history of Nevada politics. While they opposed each other on an extremely volatile issue, each of them benefited from his stand—especially McCarran. Indeed, the plan to pack the Court proved to be a catalyst for fundamental changes in Nevada political life, and another in the long line of national events that have exerted a profound influence on Nevada's political and economic development.¹

Nevada's economy and psyche had, of course, long been affected by federal actions and issues, but their impact was often more immediately obvious than in the case of the plan to pack the Court. Abraham Lincoln's concerns about the passage of the Thirteenth Amendment and his re-election had led to Nevada's early elevation from territorial status to statehood in 1864. Congressional actions—the Mint Act of 1873 and the Sherman Silver Purchase Act of 1890 and its subsequent repeal—had provided much of the impetus for the rise and dominance of the Silverites in the 1890s. The Newlands Act of 1902 had created irrigation projects that boosted the economy of western Nevada. World War I

Michael S. Green is a graduate of UNLV and a graduate student working on his Ph.D. from Columbia University.

This article was presented in somewhat different form as a paper at the Nevada Historical Society's History Conference, May 19, 1989, in Reno.

had caused both genuine and artificial increases in silver prices. Federal legislation had helped fund widespread road building in the 1920s. The Boulder Canyon Project near Las Vegas and the ammunition depot near Hawthorne had spared those two areas from the worst of the Depression, and Nevada had led the nation in per capita New Deal spending on jobs and public-works projects. Nevadans well knew that Roosevelt's New Deal spending had been an event that greatly changed the state.²

The proposal Roosevelt sent to Congress on February 5, 1937, sought to change the composition of the Supreme Court. If passed, the bill would give the president his first opportunity to make an appointment to the nation's highest court. According to its provisions, Roosevelt could name another judge to serve with any member of the federal bench who failed to retire within six months after turning seventy. The number of federal judges could be permanently increased, but to no more than fifteen on the Supreme Court and no more than fifty over-all.

This plan was Roosevelt's response to the Supreme Court's gradual dismemberment of his New Deal programs. The Four Horsemen of Reaction—conservatives Willis Van Devanter, James McReynolds, George Sutherland, and Pierce Butler, all in their seventies—had been joined by centrist Owen Roberts and, sometimes, Chief Justice Charles Evans Hughes to strike down much of the New Deal. Protests from liberals Louis Brandeis, Harlan Fiske Stone, and Benjamin Cardozo had gone unheeded. In making his proposal to force the Court's aging conservatives into the minority, Roosevelt believed that he occupied solid political and ideological ground. Although the president had twice received huge popular endorsements, and was riding a whopping 523 to 8 electoral vote victory over Governor Alfred Landon of Kansas, these nine justices—or, to be precise, five of the nine, appointed by presidents either dead or repudiated—had thwarted the will of a vast majority of the American people. As a political realist, Roosevelt knew he could reasonably expect some controversy over his proposal, but he equally reasonably expected to prevail in a predominantly Democratic Congress that had supported, if at times grudgingly, the New Deal.³

Instead of winning popular support, however, Roosevelt's plan caused a political and constitutional controversy that divided both the nation and the Democratic party. Even the justices who endorsed the New Deal expressed disapproval. Perhaps the most surprising reaction came from Congress, which previously had served largely as a rubber stamp for the president's policies. Some of Roosevelt's supporters turned on him. Others fought for the bill, not for ideological reasons, but out of loyalty to president and party. Into these last two categories fell McCarran and Pittman, who represented a conservative yet heavily Democratic state. Nevada had overwhelmingly endorsed Roosevelt in 1932 and 1936, and was to do so again in 1940 and 1944. The state also was proud of Pittman and McCarran, disparate rivals who were far more similar than either cared to admit.⁴



Senator Pat McCarran (far right) pictured with his wife, Harriet, and Ralph Eldridge, c. 1950. (Nevada Historical Society)

Pittman was a transplanted Southerner, born in Mississippi in 1872. He studied law in the office of a Seattle attorney and worked at law and mining in Alaska before coming in 1902 to the mining boom town of Tonopah. Tonopah was part of the early-twentieth-century boom that restored the state's troubled economy, producing not only mineral wealth, but also the men who were to lead Nevada for several decades, including banking magnate George Wingfield and Tasker Oddie, Republican governor and United States senator. In that fluid society, Pittman rose quickly. In 1910, he lost a close race for the Senate, but won notoriety and respect that contributed to his victory in 1912. In the Senate he fought for Nevada and for silver, and as his seniority grew he played an increasingly pivotal role in party councils. He also continued his habit of drinking heavily, and he began to imbibe even more freely after becoming chairman of the Senate Foreign Relations Committee and president pro tempore of the Senate in 1933. By 1937, he had proved to be a staunch Roosevelt ally and at times a valued political adviser. Characterized by biographer Betty Glad as "a good organization man, inclined to promote the welfare of the party," Pittman had a friendly relationship with Roosevelt and with Senate Majority Leader Joseph T.

Robinson of Arkansas, who was to play a crucial role in the fight over the Supreme Court.⁵

Unlike his colleague, McCarran was a native Nevadan, born in Reno in 1876. He, too, became a lawyer without attending law school and made his name in Tonopah as a defense attorney. Serving variously as Nye County district attorney, assemblyman, and Nevada Supreme Court justice, he desperately wanted to be a senator, but George Wingfield's bipartisan machine, which McCarran had challenged, frustrated his ambitions. Finally, in 1932, Roosevelt's coattails, the impact of the Depression, the influx of Boulder Dam workers who voted Democratic, and the closing of Wingfield's banks combined to win the Senate seat for McCarran. "My telephone communications convince me that we will carry . . . Nevada for you," Pittman apprised Roosevelt. "It does not mean much except sentimentally." It meant far more to McCarran. The newly elected senator wrote to one of his daughters, "I believe that I would have won even though the banks had not closed, but the majority would have been less." McCarran kept his pledge to support Roosevelt, but he won notice usually beyond a freshman senator's grasp by occasionally opposing the President.⁶

Although Pittman and McCarran usually united to fight for Roosevelt and for the best interests of themselves and their state, their personal relationship was unpleasant. They had been aloof toward each other in Tonopah. In 1914, Pittman, on a drunken spree, had punched McCarran as he walked down a Reno street. In 1916, McCarran earned Pittman's further enmity by challenging him in a race for the Senate. They had battled as national conventional delegates in 1924. As Senate colleagues, their behavior was cordial, but they actually were belligerent confederates, battling both for Nevada and over patronage. Pittman's seniority, loyalty, and vital role in Roosevelt's diplomacy as Foreign Relations Committee chairman generally enabled him to prevail.⁷

Consequently, when Roosevelt made public his plan for the Court, Pittman pledged his support. "In my opinion the President made a clear case of the necessity of protecting the efficiency of the judiciary. I subscribe to the proposal," he said. Nevertheless, Pittman clearly understood the political realities. Resuming the role he had enjoyed in 1932 as one of Roosevelt's political advisers, he warned Attorney General Homer Cummings, architect of the Court bill, that some of the president's "very strong supporters" questioned his seeming desire "to punish the court."⁸

At first, McCarran was among those conspicuously absent from that unhappy group. "I am in favor of it," he announced in the same *New York Times* story in which Pittman declared his views, but Nevada's junior senator expressed a preference for minor modifications in the measure Roosevelt sent to the Senate. Then the confusion began. Within a week, McCarran had qualified his support, saying that he favored "the general principle" of Roosevelt's proposal. On February 15, the Democratic *Las Vegas Evening Review-Journal*, probably McCarran's strongest journalistic backer, featured prominently on its front page a United

Press story stating flatly that McCarran "today went on record as unqualifiedly in favor of" the plan. "Were we in the position of Nevada's congressional delegation we would be extremely cautious about accepting the grave responsibility that goes with reducing the court to the status of a mere rubber stamp," the pro-McCarran daily had earlier warned.⁹

The uncertainty apparently stemmed from McCarran's sponsorship of a judicial retirement bill. He chaired the Senate Judiciary Committee subcommittee that considered the measure, which was intended to protect the retirement salaries of federal judges against congressional spending cuts. When McCarran visited the White House on February 15, Roosevelt endorsed the proposal as a "supplement" to his own. Within a month, a news story, undoubtedly from the senator's office, was circulating in several Nevada newspapers. It noted that "some newsmen, confusing the senator's support of the retirement bill with that of the president, sent out reports that McCarran had declared himself as favoring the bill to add six new members to the court." Instead, he was "keeping an open mind." Reacting to his intention to delay his decision until the hearings on the Court plan, the Republican *Reno Evening Gazette*, a McCarran critic throughout his Senate career, complained, "As a student of law . . . he understands exactly the issue that is drawn. He needs no help and no debates to understand it."¹⁰

While McCarran was trying to put distance between himself and the plan to pack the Court, Pittman was embracing it. The senior senator went beyond even Roosevelt, advocating a constitutional amendment to expand the high court at least to eleven and possibly to fifteen members. He reasoned that if the older, conservative justices "could convince the younger men that their viewpoint is right, then we would have to admit that the Constitution is inadequate and submit the issue to the people." Whatever the reasoning behind it, Pittman's plan represented a potential compromise, but his colleagues were unimpressed.¹¹

Pittman and McCarran also tried to educate their constituents and win support for their views. In a long letter to the *Nevada State Journal*, his Nevada organ, Pittman argued that the Court's divisions and decisions "create . . . an uncertainty and confused state of mind that makes constantly for uprisings against the court." Defending Roosevelt, he repeated that the Court was overworked, but he included a disclaimer, no doubt in response to the evident unpopularity of the president's measure: "Let it be distinctly understood that I am not dealing with the details of the proposals, but with the principle." Shortly thereafter, McCarran visited Nevada to talk and to listen. He addressed the predominantly Democratic legislature and paid homage to the president. He discussed the Court plan, but he took no stand, except to say that he expected it to fail unless it was amended. Apparently, many Nevadans told their junior senator that they wanted it to fail.¹²

While McCarran visited Nevada, misfortune visited Roosevelt's bill. The Supreme Court—or, more accurately, Owen Roberts—started to uphold New Deal measures. Taking advantage of the retirement bill that McCarran had shepherded through the Senate, the conservative Van Devanter retired, to be succeeded after the Court fight was over by Hugo Black, senator from Alabama and ardent backer of the New Deal. The "switch in time that saved nine" gave Roosevelt the judicial approbation that he and his programs needed. But it also eroded the already shaky support for his plan because it seemingly removed whatever conservative obstacles the Court might pose to liberal reform. As Senate Majority Leader Robinson told a White House aide, "This bill's raising hell in the Senate . . . but if the President wants to compromise I can get him a couple of extra justices tomorrow."¹³

On April 15, McCarran gave Roosevelt that opportunity. He offered a plan to expand the Court's membership to eleven. The proposal to name another justice for each judge over age seventy would apply only to the lower federal courts. "It is fair and would remove all criticism," McCarran said. "No legitimate charge of packing the court could be made because the present membership would remain. It would give President Roosevelt, who has appointed no members of the court, an opportunity to appoint two." Although McCarran's idea would have given Roosevelt his desired majority on the Court, those who had been loyal to the president stood by him, while his foes remained opposed to any change. Roosevelt was silent on the measure.¹⁴

Meanwhile, McCarran still had to decide whether to support Roosevelt's bill. His vote was crucial. One of four uncommitted Democrats on the eighteen-member Senate Judiciary Committee, McCarran would help determine the committee's position. Mail and advice, much of it protesting against the president's scheme, engulfed McCarran, yet his vote remained at best "doubtful or probably against."¹⁵

On April 28, McCarran removed all doubts. Informing the committee of his opposition, he declared, "The supreme court should not be . . . subject to the will of either of the other two branches," and urged his compromise. The following week he presented another suggestion: an eleven-man court, consisting of a chief justice and one associate justice for each of the ten federal circuits, and elimination of the provision for fifty new lower-court judges. This proposal failed, but McCarran's decision to oppose Roosevelt's plan virtually assured that the committee would rebuke the president and report unfavorably on his bill to the full Senate.¹⁶

Taking his opposition a step further, McCarran joined several other senators in Philadelphia on May 10 for a rally against the bill. His speech exemplified the strategy of the Democratic opponents—opposition to Roosevelt's plan without directly opposing Roosevelt. "Sponsorship of the pending bill is not to be ascribed to any individual," McCarran declared. The Nevadan characterized him-

self as "one who by his vote has supported every major measure of the administration." But he quoted the section of the Declaration of Independence that denounced George III for making judges "dependent upon his will alone." To claims that the changes proposed for the Court were legal, McCarran announced, "I reply in the language of Sir James Bryce: 'It is immoral; it is anticonstitutional.' " He mocked "the doctors" who "say the Court is afflicted with hardening of the judicial arteries and requires infusion of new blood. Is it the malady that concerns the doctors or a desire to perform the post-mortem?"¹⁷

Those words sat well with Nevadans, but not with the administration. A few days later, reporters greeted Postmaster General James Farley, a longtime Democratic party operative, as he left a meeting with Roosevelt. They asked him about the fight over the Court plan. His remarks were meant to be off the record, but they were, in the words of McCarran's biographer Jerome Edwards, "far too juicy" for the journalists to ignore. "When Senator O'Mahoney [a Wyoming Democrat who also opposed Roosevelt's plan] comes round for help on a sugar bill, his conscience won't be bothering him then, will it?" Farley responded, "Neither will Senator McCarran's when he wants something for his state. It's all in the point of view."¹⁸

These comments also were far too juicy for McCarran to ignore. They clearly implied that McCarran's well of patronage, already low because of Roosevelt's obvious preference for the more powerful Pittman, had run dry. Abruptly withdrawing his compromise, McCarran angrily said, "I am not going to offer it. Farley has said there will be no compromise and so there will be no compromise"—a premature observation, for there would be a compromise. Bowing to the inevitable, Roosevelt agreed to the introduction of a new bill on July 2. Under its provisions, he could name one justice a year for each justice who was older than seventy-five years.¹⁹

But for McCarran and for Roosevelt's other opponents, it was too late. The Judiciary Committee had voted 10 to 8 to oppose the original bill, and for those who shared the committee's opinion, the time for compromise had long since passed. Pittman, loyal to the end to Roosevelt, was one of the eight. McCarran not only voted against him, but also helped write the majority report, which condemned the plan to pack the Court as "a needless, futile, and utterly dangerous abandonment of constitutional principle."²⁰

In mid-June, McCarran returned to Nevada to find out how Nevadans felt about his actions, and to explain them. He told the Reno Lions Club that "presidents make mistakes—then it is necessary for those on the sidelines to preserve the balance." The next day, opening a public swimming pool, he urged a popular referendum on the plan. In Winnemucca, paying tribute to Roosevelt, he explained that "we intend to save him from his own misjudgment." McCarran predicted that the Court plan "will die a natural death right where it is." After receiving much encouragement, and avoiding a direct assault on the president himself, McCarran cut short his visit and returned to Washington to attend a

picnic that Roosevelt was giving at a Maryland resort as part of an effort to mend his congressional fences.²¹

When the Senate began to debate the compromise bill on July 6, however, it quickly became apparent that if the picnic had been meant to convert the opposition, it had failed miserably. While McCarran remained adamant in his refusal to accept the president's new plan, Pittman became embroiled in controversy. On July 8, Nevada's senior senator was presiding over the Senate as president pro tempore in the absence of Vice-president John Garner, who had returned to Texas disgusted with Roosevelt and his pet bill. At the behest of Majority Leader Robinson and the Democratic leadership, Pittman enforced old, technical Senate rules to limit debate. Designed to thwart filibuster attempts by Roosevelt's opponents, these parliamentary maneuvers instead increased the tension. Several senators, including McCarran, accused Pittman of favoritism and applying the rules selectively. Although McCarran disingenuously told the Senate that he "would not want to put the Presiding Officer [Pittman] in an embarrassing position," he contended that his colleague was "overlooking some rulings heretofore made."²²

On July 10, in this atmosphere of acrimony, McCarran rose to address the Senate. He was "ill and showed it," according to one report. "This is the first time for a year and a half that I have attempted to deliver a speech of any magnitude, and I am delivering it now contrary to a doctor's orders, but I think the cause is worth while. I think the cause is worthy of any man's life," declared McCarran, who had been plagued by heart and stomach ailments for the past two years. "I think this cause in which we have enlisted, and in which I say without hesitation we constitute ourselves a battalion of death, to the end that the Constitution . . . shall prevail, is worthy of the effort." Avoiding a direct attack on Roosevelt, McCarran called him "too splendid ever to have a bill of this type come from him." But he referred darkly to executive abuses in Hitler's Germany and Mussolini's Italy, and warned that the plan, if passed, "would destroy the Supreme Court." McCarran also had no qualms about assailing Farley, whose comments about patronage he melodramatically described as "a dagger driven into my heart" and "my death warrant." He told the Senate, "I may be today delivering my valedictory by reason of a mandate of Mr. Farley."²³

While debate raged on the Senate floor, behind-the-scenes dealing continued. On the night of July 13, Robinson died, and chances for compromise died with him. Pittman met several times with Roosevelt after Robinson's death. He worked to abate the anger the plan had prompted and was among those who told Roosevelt that he had lost, and that senators who had pledged votes to Robinson out of respect for the majority leader no longer considered themselves bound to support the plan. After McCarran and other Roosevelt opponents received assurances from Senate Democratic leaders that they would suffer no reprisals, promises which McCarran and the others were not so innocent as to believe wholeheartedly, the Judiciary Committee agreed to a heavily watered-

down compromise. On July 22, the Senate voted 70 to 20 to send the bill back to committee. McCarran was part of the majority. According to Betty Glad, "Pittman was not one for lost causes"—on this day, he "was conveniently absent from the Senate." After 168 days of anger and debate, Franklin Roosevelt's plan to pack the Supreme Court was dead.²⁴

McCarran's opposition to the plan to pack the Court and Pittman's unflinching support for it raise questions about which senator truly reflected the views of his constituents. After all, both men were practical—and able—politicians. McCarran faced re-election in 1938, Pittman in 1940. They had to be responsive to public opinion in Nevada, and they were fully aware of Roosevelt's impressive majorities there in 1932 and 1936.

The traditional barometers of public opinion provide little help in uncovering the views held by the Nevadans. Most of the state's twenty-nine newspapers opposed Roosevelt's plan, but they were far different from the nation's larger newspapers. "The reactionary newspapers, which is to say the large majority, sounded like a swampful of banshees on a bad night," reporters Joseph Alsop and Turner Catledge wrote in their study of Roosevelt's plan. "The great old-fashioned liberal, middle-of-the-roaders which had been coldly friendly to the New Deal, gave excellent imitations of Mr. Gladstone hearing that one of his reformed harlots had hit the primrose path again." While Nevada has a rich journalistic history, its press of the 1930s fit neither of the categories described by Alsop and Catledge. Instead, Nevada's editors were more often creatures of town and party, reflecting the views of their constituents, not unlike elected officials. Nevada's eight dailies, one bi-weekly, and twenty weeklies were usually individually owned, with only two cases of multiple ownership, and served areas that were predominantly Democratic, conservative, and too small to support two papers. Thus, a publisher who antagonized the tight circle of local leaders by straying from themes of progress and good will was likely to find himself swimming upstream against a tide of reader and advertiser displeasure.²⁵

Although Nevada's newspapers were invariably small in size, scope, and staff, their conservatism and party leanings still make generalizations difficult. The Democratic *Nevada State Journal* blindly supported the plan, the president, and Pittman, but the Democratic *Las Vegas Evening Review-Journal*, usually an unequivocal McCarran backer, attacked the measure almost immediately, before McCarran made his position known. Letters to the editor give little guidance; the *Nevada State Journal* was the only paper to print more than two letters on the issue, but the same four or five people wrote all but a couple of the twenty pro and five anti letters in this pro-Roosevelt daily. The lone statewide opinion poll led to a mail-in vote of 726 to 552 against Roosevelt when nationally the results ran 2 to 1 against him. But even this measurement is of dubious value: Heavily Democratic Clark County was the only area to endorse the plan; the poll was conducted by newspapers in Las Vegas, Elko, Winnemucca, and Lovelock, but

not in Reno or Carson City; most of those who took the time to vote were probably better educated and better off financially, and thus more likely to be opposed to Roosevelt anyway.²⁶

Whatever their educations or political affiliations, Nevadans became embroiled in debate over the plan. Nevada members of the American Bar Association voted 103 to 31 against it, and several local bar groups and business and women's organizations criticized Roosevelt. Ben W. Coleman, then sixty-eight years old and chief justice of the Nevada Supreme Court, expressed disapproval. The legislature passed a bill permitting Nevada judges to retire at the age of seventy, and one Democratic lawmaker prepared a resolution attacking Roosevelt's bill, but never introduced it for fear that the Democratic majority would revise it to support the president. Democratic groups such as the Reno Democratic Women's Club backed Roosevelt, as did Reno Teamsters Local 119. Several prominent Democrats, including future governor E. P. Carville and party chairman George Swartz, also endorsed the bill. Party victory dinners applauded Roosevelt and his bill.²⁷

A deluge of mail—enough to fill twelve scrapbooks—descended upon McCarran, much of it critical of Roosevelt's plan. One letter urged him to fight "against what Cornwallis and Howe fought for in 1776." His "death battalion" speech of July 10 inspired "thousands of congratulatory and commendatory letters" from across the country. Letters opposing the plan came from such diverse sources as a Sparks High School civics class, the Nevada chapter of the Daughters of the American Revolution, the Reno Women's Christian Temperance Union, and longtime maverick attorney and politician George Springmeyer. According to McCarran's daughter, "The legal fraternity was so pleased with McCarran's stand . . . that some gave their children his name."²⁸

Whether or not the gratitude of America's attorneys ran that deep, McCarran's stand earned him notice and popularity. Nevada historians such as Russell Elliott and James Hulse, and McCarran's political and journalistic supporters ranging from machine operatives Norman Biltz and Pete Petersen to Senator Alan Bible and journalist John Cahlan, have singled out his role in the fight. Biographer Jerome Edwards found his death-battalion speech unusually "meandering and repetitious" and "intensely emotional," yet it was "probably McCarran's most celebrated speech ever to be delivered in the Senate." Indeed, McCarran's daughter—and the senator himself—considered it the major event of his career.²⁹

Pittman's role in the Court fight has been largely and unfortunately ignored. His biographer, Fred Israel, refers to the plan only in an aside and then says nothing about the senator's position; Betty Glad devotes two pages to an explanation of Pittman's views in the context of his support for the New Deal. To be sure, on this issue Pittman was a follower. His public statements were unfailingly loyal to Roosevelt, but that hardly makes him unimportant. A leader of the Roosevelt administration's efforts by dint of seniority and palpable loyalty, Pitt-

man was active behind the scenes and as a frequent presiding officer. Admittedly, he lacked the interest and oratorical skill that McCarran and other members of the opposition brought to committee hearings and to the debate. Pittman was less prominent than McCarran in the Court fight, but as one of the ninety-six senators, who present or not, took part in the fate of the president's proposal, he unquestionably carried some importance. Indeed, his activities were more significant than those of all but a few of Roosevelt's other supporters in the Senate.³⁰

McCarran's reasons for opposing Roosevelt are more difficult to ascertain than Pittman's motives for supporting him. At first, despite his later claims, McCarran did openly back the measure. By early March, however, he professed to be, and to have been, neutral, blaming reporters for confusing his support for the retirement bill with his views on Roosevelt's plan. In the face of the evidence, it appears that that is highly unlikely. On February 6, the day after Roosevelt disclosed his plans, the usually accurate *New York Times* reported that McCarran stood with the president and quoted him as saying so. It seems more probable that McCarran, endowed with considerable political acumen and aware that the bill was causing a firestorm of opposition, wished to back off, to avoid committing himself too soon.³¹

When McCarran finally announced his opposition, his views were praised or attacked, but not analyzed. One suggested explanation came from Drew Pearson and Robert S. Allen's nationally syndicated "Daily Washington Merry-Go-Round." Pro-Roosevelt and pro-Pittman, the column was widely popular and by turns gossipy, probing, and vindictive. Pittman and McCarran, who often sparred over patronage, were battling to appoint a new United States marshal for Nevada. Pittman's choice was Frank Middleton of Elko, while McCarran endorsed Harvey Dickerson of Clark County. As he usually did, Roosevelt supported Pittman because he was, according to Pearson and Allen, "a much more important fighter for the President's court plan than McCarran." For that reason, they said, McCarran decided to oppose Roosevelt.³²

Nevada's press reacted to Pearson and Allen in accordance with its political predilections. It is interesting that only two Nevada newspapers printed the column—Middleton's hometown Elko *Daily Free Press*, a conservative paper that supported McCarran's position on the Court plan, and the Ely *Daily Times*, which not so coincidentally was owned by Vail Pittman, the senator's younger brother and a longtime McCarran opponent. The *Las Vegas Evening Review-Journal*, pro-McCarran but opposed to the Court plan, usually published the column, but did not print this edition. It undoubtedly—and probably correctly—considered the report inaccurate, not to mention unfavorable. The Carson City *Chronicle*, which closely followed Nevada politics, devoted an editorial to the column. Describing it as "little short of slander," "malicious defamation," and "unjust and indecent," the *Chronicle* called Pearson and Allen "liars." These

comments prompted Pittman to write a letter to the *Chronicle* in which he defended himself and McCarran, and complimented the paper on its analysis.³³

But the point that Pearson and Allen raised, though valid, seems doubtful. Pittman and McCarran's mutual dislike was perhaps Nevada's worst-kept secret, despite Democratic efforts to hide it. Although the *Review-Journal's* Al Cahlan had written, "The passing years have found the two Nevada senators working side by side in all problems affecting the state, and they have developed into a splendid team," they had fought before and would fight again. Indeed, disputes over federal projects and appointments had even tried relations between Roosevelt and Pittman. A smart politician, well aware of the importance of patronage and federal largesse for Nevada, McCarran may have hoped that Roosevelt would offer him something in order to secure support for the Court plan. John Sanford, the longtime *Reno Evening Gazette* editor and a respectable McCarran critic, believed that the senator often "made himself the gadfly" to get others to "buy him off." This may have led to what McCarran's daughter called "the crude rumor" that the president would name him to the federal bench, perhaps to the Supreme Court—for which Pittman's name also was mentioned.³⁴

The possibility of a judicial appointment leads to a less political explanation for McCarran's stand—his legal ideology. He had been one of Nevada's leading attorneys for three decades. His tenure on the Nevada Supreme Court had been unpleasant; he wrote, "There is no place on earth that constitutes so fine a political burying ground, as the bench." Nevertheless, his biographer has pointed out that he "had a judicial record he could have been proud of. Even today decisions he wrote remain eloquent and important." A major theme in the body of his legal writing was that the "legislature is the lawmaking body. It speaks for the policy of the people of the state, and its functions should not be assumed by the courts." His rulings followed this reasoning, rooted in his contention that the law was not static, that the "rules . . . must not remain rigid." Serving during the Progressive Era, McCarran followed the basic precepts of that reform movement when he argued that the legislative branch had the right and obligation to enact legislation to improve social welfare.³⁵

This background could have pushed McCarran in either direction when Roosevelt introduced his plan, but it appears to have inclined him against the president. The Supreme Court had earned Roosevelt's hatred when it consistently overturned his progressive New Deal acts, exercising the kind of judicial activism and supremacy over the legislative branch that McCarran had decried as a state supreme court justice. But, as a justice and as a senator, McCarran had amply showed his independent nature. Roosevelt's plan clearly struck him as a means of assailing the Court's independence, which a lawyer such as McCarran probably would have been loath to do. Also, by 1937, McCarran's occasional opposition to the New Deal and his political fights in Washington, D.C., and in

Nevada had revealed traces of the conservatism that marked his later years in the Senate, when he enthusiastically participated in—and at times led—the communist witch hunt of the early 1950s. Even if Roosevelt's attempt to counter the Court's conservative majority could be regarded as judicial reform, it was still far-reaching reform—more so than the New Deal because the Court plan would have altered constitutional government and in a way far more radical than McCarran would have been likely to stomach.

Above all, it was Farley who appears to have been responsible for driving McCarran irretrievably into the opposition. Until he was publicly insulted and threatened, McCarran had been willing to compromise. No senator, and certainly not McCarran, would stand for Farley's comments. And McCarran was by nature a lone wolf who liked to chart his own course. He knew that his occasional resistance to Roosevelt had won for him important attention that a freshman senator, especially one from a state as small as Nevada, usually fails to receive.³⁶

Both senators were careful to pay attention to the views of their constituents. McCarran's visits and Pittman's letters showed that they gauged and tried to influence public opinion. As practical politicians, they had to pay some heed to the voters, but it was easier for Pittman. In 1937 he had little or nothing to lose by remaining loyal to Roosevelt, and he wisely chose to stand by him. No matter how they felt about packing the Court, Nevadans certainly were not going to vote out a five-term senator in 1940 over something that had happened three years before and had not affected their economic well-being or his political standing. More important, Pittman's stand assured that he would retain the president's friendship and support, and his patronage.

McCarran's situation was different. At the time he balked at the plan for the Court, he was also facing an election in the following year, when the memories of the voters would be fresh. As a first-term senator, his record still paled in comparison with Pittman's. In addition, Roosevelt's coattails had proved beneficial, and if the Democratic presidential candidate in 1932 could give to McCarran, then as president in 1938 he could take away. Yet McCarran's actions, in the context of time and place, constituted a logical appeal to Nevada's innate conservatism and its contradictory distrust of an overbearing federal government that had primed Nevada's economic pump. He antagonized Democratic stalwarts, but impressed many with his willingness to stand up to party leaders and to say no, presumably out of principle, to the president. He might have lost patronage, but his losses were easily offset by his gains.

Indeed, McCarran's stand turned out to be strangely advantageous. Roosevelt consigned him to the Haters Club and sought to purge him from the Senate in 1938 despite advice from political advisers such as Farley that McCarran was unbeatable. And McCarran was able to exploit his independence during the re-election campaign, earning votes from Republicans and conservative Democrats who admired his willingness to oppose Roosevelt, while still citing his

over-all support to the party faithful. Several commentators had predicted that, rather than hurting him, his attack on the Court plan would instead help him. McCarran's victory in 1938 proved them to be correct.³⁷

In fact, McCarran's opposition to Roosevelt may be seen as a crucial step that helped cement his grip on Nevada politics for years to come. As Al Cahlan, a leading Democratic insider and astute political observer who was personally and ideologically close to McCarran, wrote to him, "Many who have been hitherto lukewarm, Pat, are rallying to your support in outstanding style." At least one important Nevada Republican leader, national committeeman Lester Summerfield, publicly commended McCarran. Indeed, "many Republicans switched their registration in the primary election [in 1938] from Republican to Democratic." This report came from Charles Russell, then an Ely editor, and later a Republican congressman and governor whom McCarran helped both in Washington, D.C., and in Nevada. "Many Republicans switched to the Democratic party at that time solely on account of McCarran's court stand," and the senator had no trouble winning re-election despite the support Roosevelt enjoyed in Nevada. Clearly, McCarran had touched a responsive chord among his conservative constituents.³⁸

From there, McCarran built a political machine that brooked neither opposition nor interference. Pittman's death in 1940 made McCarran Nevada's senior senator and pre-eminent Democrat. One by one, he eliminated potential political challengers, often pitting them against each other or ignoring his party ties to oppose Democrats whom he disliked. In the wake of the court fight he acted against potential opponents. When Deputy Internal Revenue Collector Walter Baring, Washoe County Democratic Central Committee chairman and a Pittman protégé who later served ten terms in the House, wrote to the *Evening Review-Journal* to complain about McCarran's role in the battle, Al Cahlan sent the letter on to McCarran. Baring was forced to resign from his party post and suspended from his federal job for thirty days; only Pittman's intervention saved him from being fired. Alternately courting and bludgeoning the press, McCarran provided exclusives and off-the-record material to friends such as Al and John Cahlan of the *Evening Review-Journal* and Joseph McDonald of the *Nevada State Journal*. He organized advertising boycotts and cut off government printing contracts to enemies such as Hank Greenspun of the *Las Vegas Sun*, Morry Zenoff of the *Boulder City News*, and Denver Dickerson of the *Nevada State News*. Borrowing tactics from Pittman and several generations of senators, McCarran cultivated and took advantage of his seniority and chairmanships to whipsaw presidents and force both elected officials and government bureaucrats to do his bidding and funnel federal projects to Nevada. His opposition to the Court-packing plan won for McCarran attention and power at home and across the nation that he might not otherwise have commanded.³⁹

The tide of national and international events, whose influence had shaped the course of the state in the years before McCarran's ascent, continued to affect

Nevada in fundamental ways, and McCarran's power contributed to the accompanying largesse. Because of World War II, military bases dotted Nevada's landscape, and Basic Magnesium created an industrial base for southern Nevada and the town of Henderson; these combined to foster a postwar boom that helped make Las Vegas a sunbelt tourism mecca. The cold war with the Soviets and the hot war in Korea led to the opening and growth of Nellis Air Force Base and the Nevada Test Site, and also helped support the faltering mining industry. The power and seniority of Senators Alan Bible and Howard Cannon, their connections with Lyndon Johnson in particular, and the continuing military build-up, aided Nevada's mining and defense installations. While McCarran was not responsible for the events themselves, his ability to translate them into public projects for his state reflects his power and is his legacy. Working in public or behind the scenes, McCarran brought many public projects to Nevada during his two decades in the Senate, and Bible, who was his successor and in many ways his protégé, continued the tradition of federal involvement in Nevada.⁴⁰

If Pittman had broken with Roosevelt in 1937, this story, including McCarran's role in it, would have been far different. But the issue of the Court mattered far less to Pittman than did silver and various economic measures that would help Nevada and, in turn, his political record and popularity. For McCarran, who was seeking power and prominence for himself in the shadow of a popular political foe, the decision to oppose Roosevelt proved politically shrewd. His position was wisely taken and in character. The plan to pack the Court did not in itself make Pat McCarran into the political boss of Nevada, but it did plant the seeds of his future dominance in the state.

NOTES

The author would like to thank Ralph J. Roske, Jerome E. Edwards, Gary E. Elliott, and Candace C. Kant for their help in the preparation of this manuscript, as well as the two referees for the *Nevada Historical Society Quarterly* for their suggestions.

In addition, gratitude is extended to six men who offered encouragement and advice, and shared their memories in letters and interviews: Walter Cox, Elton Garrett, and Jack McCloskey, and the late Elbert Edwards, Warren "Snowy" Monroe, and John Sanford.

¹Arthur M. Schlesinger, Jr., *The Age of Roosevelt: The Politics of Upheaval* (Cambridge: Harvard University Press, 1960), 642.

²Russell R. Elliott with William D. Rowley, *History of Nevada* (2nd ed., Lincoln: University of Nebraska Press, 1987); James W. Hulse, *The Nevada Adventure: A History* (5th edition, Reno: University of Nevada Press, 1981). See Harold Smith, "New Deal Relief Programs in Nevada, 1933-1935" (Ph.D. dissertation, University of Nevada, Reno, 1972), and Eugene P. Moehring, "Public Works and the New Deal in Las Vegas, 1933-1940," *Nevada Historical Society Quarterly* 24 (Summer 1981): 107-29, for more on the New Deal's impact on Nevada. Another work that makes this argument is Gary E. Elliott, "A Legacy of Support: Senator Alan Bible and the Nevada Mining Industry," *Nevada Historical Society Quarterly* 31 (Fall 1988), especially 183-84.

³Joseph Alsop and Turner Catledge, *The 168 Days* (Garden City: Doubleday, 1938), especially 32-34, 54-55; Alfred H. Cope and Fred Kirinsky, eds., *Franklin D. Roosevelt and the Supreme Court* (Boston: D. C. Heath, 1952), 17-27. On the Court, Drew Pearson and Robert S. Allen, *The Nine Old Men* (Garden City: Doubleday, 1936), is biased yet entertaining. More dispassionate are Robert H. Jackson, *The Struggle for Judicial Supremacy: A Study of a Crisis in American Power Politics* (New York:

A. A. Knopf, 1941); Fred Rodell, *Nine Men: A Political History of the Supreme Court from 1790 to 1955* (New York: Random House, 1955), 213–54; G. Edward White, *The American Judicial Tradition: Profiles of Leading American Judges* (New York: Oxford University Press, 1976), 181–87, 206–09. Roosevelt's political realism is central to James McGregor Burns, *Roosevelt: The Lion and the Fox* (New York: Harcourt, Brace, 1956).

⁴Alsop and Catledge, *The 168 Days*, 73–138; Leonard Baker, *Back To Back: The Duel between FDR and the Supreme Court* (New York: Macmillan, 1967), 17–29. On Pittman and McCarran, John Koontz, *Political History of Nevada* (Carson City: State Printing Office, 1965), 195–200; *Las Vegas Evening Review-Journal*, April 30, 1937; Smith, "New Deal Relief Programs."

Nevada's representative was Democrat James G. Scrugham, a former state engineer, governor, and newspaper publisher in his third House term. The House never considered the plan because Judiciary Committee Chairman Hatton Sumners opposed it, and the Senate turned it down. Scrugham voted for the bill to let justices retire at seventy with full pay, but made no public statements. See Baker, *Back To Back*, 67–68; *New York Times*, February 11, 1937, 14; Sister Marie Olive Doyle, "The Political Career of James Scrugham, 1923–1945" (Master's thesis, Catholic University of America, 1956).

⁵Key Pittman to Franklin D. Roosevelt, 28 March 1932, 11 April, 30 May, 6 June; 2 March 1933, in Key Pittman Papers, Box 15, Library of Congress; Roosevelt to Pittman, 16 April 1932, 24 August 1932, Albany, in *Ibid*; Betty Glad, *Key Pittman: The Tragedy of a Senate Insider* (New York: Columbia University Press, 1986), xvi; John Brennan, *Silver and the First New Deal* (Reno: University of Nevada Press, 1969), 79–80; Fred L. Israel, *Nevada's Key Pittman* (Lincoln: University of Nebraska Press, 1963); Fred L. Israel, "Key Pittman and New Deal Politics," *Nevada Historical Society Quarterly* 24 (Fall 1971): 19–26; Smith, "New Deal Relief Programs," 59–61.

In 1910, Pittman had run against Republican incumbent George Nixon. Although the legislature still chose United States senators, Nevada had a preferential primary; its results, both parties agreed, would be binding. Nixon won the primary by a small margin while Democrats won control of the legislature. Pittman announced that he would abide by the primary results, and Nixon was re-elected. He died in 1912. George Wingfield, who was Nixon's business partner, was offered the office, but declined, after which Governor Oddie appointed Judge William Massey, a Republican, to serve until an election could be held to complete the term. Pittman won that election.

⁶Pittman to Franklin D. Roosevelt, Washington, 19 July 1932, in Pittman Papers, Library of Congress; McCarran to Sister Margaret Patricia McCarran, Reno, Nevada, 12 February 1933, in Patrick McCarran Papers, Nevada Historical Society, Reno. The standard biography is Jerome E. Edwards, *Pat McCarran: Political Boss of Nevada* (Reno: University of Nevada Press, 1982). See also Sister Margaret Patricia McCarran, "Patrick Anthony McCarran," *Nevada Historical Society Quarterly* 11 (Fall-Winter 1968): 5–66. James T. Patterson, *Congressional Conservatism and the New Deal* (Lexington: University of Kentucky Press, 1967), 120–21, does not list him as one who opposed the New Deal even one third of the time.

An important, provocative analysis of Wingfield's bipartisan machine, or the lack of it, is Elizabeth Raymond, "George Wingfield's Political Machine: A Study in Historical Reputation," *Nevada Historical Society Quarterly* 32 (Summer 1989): 95–110.

⁷Edwards, *McCarran*, 59–93; Israel, *Pittman*, 32–33; Smith, "New Deal Relief Programs," 59–61; Von V. Pittman, Jr., "Senator Patrick A. McCarran and the Politics of Containment" (Ph.D. dissertation, University of Georgia, 1979), 15–16; Eva B. Adams, "Windows of Washington: Nevada Education, The United States Senate, the United States Mint" (Oral history, University of Nevada, 1982), 121; Thomas W. Miller, "Memoirs of Thomas Woodnutt Miller, a Public-Spirited Citizen of Delaware and Nevada" (Oral history, University of Nevada, 1965), 169–75; John Sanford, "Printer's Ink in My Blood" (Oral history, University of Nevada, 1972), 240–42. Pittman and Roosevelt also fought over appointments and the disposition of federal projects. See, for example, Glad, *Pittman*, 173–270.

⁸Alsop and Catledge, *The 168 Days*, 32–34; Key Pittman to Homer Cummings, Washington, 8 February 1937, Pittman Papers, Box 11, Library of Congress, quoted in Patterson, *Congressional Conservatism*, 110, n. 109; *New York Times*, 6, 15 February 1937. An irony about the bill that was not lost on the president or the attorney general is that, while Cummings designed it, it was based upon a proposal made to Woodrow Wilson nearly a quarter of a century before by James McReynolds,

then Wilson's attorney general, but in 1937 one of Roosevelt's most strident opponents on the Supreme Court.

⁹*Las Vegas Evening Review-Journal*, 9, 15 February 1937; *New York Times*, 6, 10 February 1937; *Reno Evening Gazette*, 10, 15 February 1937; *Caliente Herald*, 18 February 1937; *Elko Daily Free Press*, 15 February 1937; John F. Cahlan, "Reminiscences of a Reno and Las Vegas, Nevada, Newspaperman, University Regent, and Public-Spirited Citizen" (Oral history, University of Nevada, 1969), 245–46.

¹⁰*Reno Evening Gazette*, 15 March 1937. McCarran led the Senate fight for the bill, which originated in the House under the sponsorship of Judiciary Committee Chairman Hatton Summers. McCarran's subcommittee reported the bill favorably. It passed and Roosevelt signed it, but not without controversy: McCarran had to defend it as having "no connection whatsoever" with the Court appointment plan. See Baker, *Back To Back*, 67–68; U.S. *Congressional Record*, 75th Congress, 1st session, 1937, LXXXI, Part 2, 1643–49. The press release appeared in *Caliente Herald*, 25 March 1937; *Elko Independent*, 12 March 1937; *Fallon Eagle*, 20 March 1937; *Las Vegas Evening Review-Journal*, 13 March 1937; *Lovelock Review-Miner*, 12 March 1937; *Mineral County Independent*, 17 March 1937; *Reno Evening Gazette*, 11 March 1937.

Ironically, Roosevelt, McCarran, and others at the center of the Court fight appear to have largely ignored the role of the judicial retirement bill. Had it not passed Congress and been signed by Roosevelt, Van Devanter probably would have remained on the Court. His retirement, and the pending appointment by Roosevelt, helped opponents of the Court plan to defeat the president. McCarran's leadership in passing the retirement bill contributed considerably to Roosevelt's failure, although this in itself was not a political issue.

¹¹*Nevada State Journal*, 16 March 1937; *New York Times*, 11, 14, 15 March 1937; *Reno Evening Gazette*, 13 March 1937; *Tonopah Daily Times and Bonanza*, 13 March 1937.

¹²*Carson City Chronicle*, 5 March 1937; *Nevada State Journal*, 26 February 1937; *Caliente Herald*, 25 March 1937; *Ely Daily Times*, 18 March 1937; *Fallon Eagle*, 20 March 1937; *Mineral County Independent*, 24 March 1937; *Pioche Record*, 25 March 1937.

¹³Alsop and Catledge, *The 168 Days*, 124–27; Baker, *Back To Back*, 153–64, 173–85; *New York Times*, 23 March 1937; *Reno Evening Gazette*, 22 March 1937.

Robinson, a conservative, disliked Roosevelt's bill, but he was a party loyalist. Earlier, Roosevelt had promised him a Court appointment, and his failure to reassure the majority leader that he would succeed Van Devanter cost the president support from Democrats close to Robinson. Alsop and Catledge, *The 168 Days*, and Baker, *Back To Back*, trace Robinson's role in the Court fight.

¹⁴*Las Vegas Evening Review-Journal*, 16 April 1937; *Nevada State Journal*, 16 April 1937; *New York Times*, 16 April 1937; *Reno Evening Gazette*, 16 April 1937.

¹⁵*Carson City Daily Appeal*, 23 April 1937; *Elko Daily Free Press*, 23 April 1937; *Ely Daily Times*, 24 April 1937; *Las Vegas Evening Review-Journal*, 20 March, 24 April 1937; *Pioche Record*, 29 April 1937; *Reno Evening Gazette*, 16 April 1937; McCarran, "McCarran," 44–45, 64.

¹⁶*Carson City Daily Appeal*, 28 April 1937; *Ely Daily Times*, 28 April, 5 May 1937; *Las Vegas Evening Review-Journal*, 29 April, 5 May 1937; *Nevada State Journal*, 6 May 1937; *New York Times*, 29 April, 6 May 1937; *Reno Evening Gazette*, 28 April 1937; *Tonopah Daily Times and Bonanza*, 5 May 1937.

¹⁷Edwards, McCarran, 76; *New York Times*, 11 May 1937; *Congressional Record*, Appendix, Volume 1, 1146–48.

¹⁸Alsop and Catledge, *The 168 Days*, 190–92; Baker, *Back To Back*, 210–15; Edwards, McCarran, 77; James A. Farley, *Jim Farley's Story: The Roosevelt Years* (New York: Whittlesey House, 1948), 74, 88; *Elko Daily Free Press*, 29 May 1937; *Reno Evening Gazette*, 17 May 1937.

¹⁹*Las Vegas Evening Review-Journal*, 17 May 1937; *New York Times*, 18 May 1937; *Reno Evening Gazette*, 18 May 1937; Alsop and Catledge, *The 168 Days*, 208–16, 223, 235; Baker, *Back To Back*, 199–202, 225–34.

²⁰Cope and Kirinsky, eds., *FDR and the Supreme Court*, 71–80; *Humboldt Star*, 1 July 1937; *Lovelock Review-Miner*, 25 June 1937; *Pioche Record*, 24 June 1937; McCarran, "McCarran," 63.

²¹*Battle Mountain Scout*, 24 June 1937; *Humboldt Star*, 17 June 1937; *Las Vegas Evening Review-Journal*, 17, 18, 21, 22 June 1937; *Lovelock Review-Miner*, 25 June 1937; *Nevada State Journal*, 18 June 1937; *Pioche Record*, 24 June 1937; *Reno Evening Gazette*, 17, 19, 26 June 1937; *Tonopah Daily Times and Bonanza*, 14, 23 June 1937.

²²Glad, Pittman, 183–84; Alsop and Catledge, *The 168 Days*, 258; *Carson City Daily Appeal*, 9 July

1937; *Las Vegas Evening Review-Journal*, 8, 9 July 1937; *Nevada State Journal*, 9 July 1937; *New York Times*, 3, 9 July 1937; *Tonopah Daily Times and Bonanza*, 8 July 1937; *Congressional Record*, LXXXI, Part 6, 6982–85, 7018.

²³Edwards, *McCarran*, 77–80; Fred E. Whited, "Senator Patrick A. McCarran: Orator From Nevada," *Nevada Historical Society Quarterly* 27 (Winter 1974): 193–95; *Congressional Record*, LXXXI, Part 6, 7018–27.

²⁴Glad, *Pittman*, 184; Alsop and Catledge, *The 168 Days*, 272–94; Baker, *Back To Back*, 252–74; *Las Vegas Evening Review-Journal*, 29 July 1937.

²⁵Alsop and Catledge, *The 168 Days*, 71–72. On the role of editors in state and local politics, see the author's "The Las Vegas Newspaper War of the 1950s," *Nevada Historical Society Quarterly* 31 (Fall 1988): 155–82; Richard E. Lingenfelter and Karen Rix Gash, *The Newspapers of Nevada: A History and Bibliography, 1854–1979* (Reno: University of Nevada Press, 1984). On the role of Nevada's editors in the local and national political processes, see, for example, Sanford, "Printer's Ink in My Blood"; Joseph F. McDonald, "The Life of a Newsboy in Nevada" (Oral history, University of Nevada, 1971); Cahlan, "Reminiscences"; John F. Cahlan, "John F. Cahlan: Fifty Years in Journalism and Community Development" (Oral history, University of Nevada, 1987); John R. McCloskey, "Seventy Years of Gripping: Newspapers, Politics and Government" (Oral history, University of Nevada, 1982); Paul A. Leonard, "Tales of Northern Nevada—and Other Lies, as Recalled by Native Son, Journalist, and Civic Leader" (Oral history, University of Nevada, 1978). The author is also grateful to longtime Las Vegas publishers Bob Brown, Hank Greenspun, and Adam Yacenda for their comments, published and personal, about their journalistic and political activities.

The allusion to Gladstone and reformed harlots refers to Victorian England's Prime Minister William Gladstone, who sometimes wandered through London to proselytize prostitutes, urging them to walk not the streets, but the path of righteousness. Obviously, the results were mixed. In his autobiography, Catledge, later executive editor of *The New York Times*, wrote that as a native of rural Mississippi, he provided the more "homely" phrases in *The 168 Days*, while the classically educated Alsop added the literary touches. This makes it relatively easy to figure out who was responsible for each part of the quotation in question.

²⁶Lingenfelter and Gash, *The Newspapers of Nevada*; *Las Vegas Evening Review-Journal*, *Elko Daily Free Press*, *Humboldt Star*, and *Lovelock Review-Miner*, February 15–March 15, 1937, for poll ballots and results.

²⁷George Swartz to McCarran, Elko, Nevada, 30 April 1937, in McCarran Papers, Nevada Historical Society, Reno. For these responses, *Battle Mountain Scout*, 11 March 1937; *Carson City Daily Appeal*, 10 March 1937; *Carson City Chronicle*, 5 March 1937; *Elko Daily Free Press*, 8 March 1937; *Ely Daily Times*, 12 February, 5 March 1937; *Ely Record*, 12 February, 9 April 1937; *Fallon Eagle*, 27 March 1937; *Fallon Standard*, 17 March 1937; *Gardnerville Record-Courier*, 12 February 1937; *Humboldt Star*, 8 February 1937; *Lovelock Review-Miner*, 19, 26 February 1937; *Mason Valley News*, 19 March 1937; *Nevada State Journal*, 9, 16, 17, 21 March 1937; *Pioche Record*, 4 March 1937; *Reese River Reveille*, 3 April 1937; *Reno Evening Gazette*, 16, 17, 23, 27 February 1937; 1, 6, 16, 27 March 1937; *Tonopah Daily Times and Bonanza*, 14 April 1937.

²⁸The McCarran Papers, Nevada Historical Society, contain hundreds of letters and clippings pertaining to the plan to pack the Court. Edwards, *McCarran*, 76–80; William E. Leuchtenberg, *Franklin D. Roosevelt and the New Deal, 1932–1940* (New York: Harper and Row, 1963), 235–36; *Las Vegas Age*, 26 February 1937; McCarran, "McCarran," 64; Pittman, "Politics of Containment," 24.

²⁹Edwards, *McCarran*, 78; Elliott, *History of Nevada*, 304; Hulse, *The Nevada Adventure*, 244; Gilman M. Ostrander, *Nevada: The Great Rotten Borough, 1859–1964* (New York: A. A. Knopf, 1966), 190; McCarran, "McCarran," 32–43; Whited, "McCarran," 193; Alan Bible, "Recollections of a Nevada Native Son: The Law, Politics, the Nevada Attorney General's Office, and the United States Senate" (Oral history, University of Nevada, 1981), 66, 79; Norman Biltz, "Memoirs of the 'Duke of Nevada': Developments of Lake Tahoe, California, and Nevada; Reminiscences of Nevada Political Life" (Oral history, University of Nevada, 1969), 132; Minnie P. Blair, "Days Remembered of Folsom and Placerville, California; Banking and Farming in Goldfield, Tonopah, and Fallon, Nevada" (Oral history, University of Nevada, 1969), 83; Cahlan, "Reminiscences," 245–46; McDonald, "Life of a Newsboy," 158; Peter Meriardo, "Memoirs of a Son of Italian Immigrants, Recorder and Auditor of Eureka County, Nevada State Controller, and Republican Party Worker" (Oral history, University of

Nevada, 1971), 88; Peter Petersen, "Reminiscences of My Work in Nevada Labor, Politics, Post Office, and Gaming Control" (Oral history, University of Nevada, 1970), 35.

³⁰Alsop and Catledge, *The 168 Days*, 120; Burns, *Roosevelt: The Lion and the Fox*, 303; Israel, *Pittman*, 153; Glad, *Pittman*, 183–84, 241; Patterson, *Congressional Conservatism*, 110.

³¹See especially *New York Times*, 6 February 1937; Edwards, *McCarran*, 76; and Turner Catledge, *My Life and "The Times"* (New York: Harper and Row, 1971), 89–100.

³²*Ely Daily Times*, 10 May 1937; *Elko Daily Free Press*, 7 May 1937.

³³*Ibid.* See also *Carson City Chronicle*, 14 May, 4 June 1937. On Vail Pittman, see Eric N. Moody, *Southern Gentlemen of Nevada Politics: Vail M. Pittman* (Reno: University of Nevada Press, 1973).

³⁴Sanford, "Printer's Ink in My Blood," 251; *McCarran*, "McCarran," 43; *Las Vegas Evening Review-Journal*, 17 March, 30 April 1937; *Nevada State Journal*, 21 March 1937.

³⁵Edwards, *McCarran*, 17. For a fuller explanation, see Jerome E. Edwards, "Patrick A. McCarran: His Years on the Nevada Supreme Court, 1913–1918," *Nevada Historical Society Quarterly* 28 (Winter 1975): 185–206. I am indebted to Professor Edwards for pointing out the role of law in McCarran's thinking.

³⁶Baker, *Back To Back*, 213–15; Farley, *Farley's Story*, 88.

³⁷Burns, *Roosevelt*, 431; Farley, *Farley's Story*, 124; Edwards, *McCarran*, 87; *Carson City Chronicle*, 7 May, 16 June 1937; *Las Vegas Evening Review-Journal*, 24 July 1937; *Mineral County Independent*, 28 July 1937; *Reese River Reveille*, 17 July 1937.

³⁸Edwards, *McCarran*, 76, 79–89; *Carson City Chronicle*, 7 May 1937; *Las Vegas Evening Review-Journal*, 4 May 1937; Biltz, "Memoirs," 132; Miller, "Memoirs," 163–64; Charles H. Russell, "Reminiscences of a Nevada Congressman, Governor, and Legislator" (Oral history, University of Nevada, 1967), 86.

³⁹The aforementioned works by Edwards and this author contain many examples of McCarran's methods and behavior toward his friends and enemies.

⁴⁰Ralph J. Roske, *Las Vegas: A Desert Paradise* (Tulsa: Continental Heritage Press, 1986); Eugene Moehring, *Resort City in the Sunbelt: Las Vegas, 1930–1970* (Reno: University of Nevada Press, 1989); A. Costandina Titus, "A-Bombs in the Backyard: Southern Nevada Adapts to the Nuclear Age, 1951–1963," *Nevada Historical Society Quarterly* 26 (Winter 1983): 235–54; Mary Ellen Glass, *Nevada's Turbulent '50s: Decade of Political and Economic Change* (Reno: University of Nevada Press, 1982); Elliott, "A Legacy of Support"; Gary E. Elliott, "Congressman Walter Baring and the Demise of the Great Basin National Park Plan, 1958–1966 (re-titled "Whose Land Is It? The Battle for the Great Basin National Park, 1957–1967" *Nevada Historical Society Quarterly* 33 (Winter 1990): 239–255. Professor Moehring and Mr. Elliott generously allowed me to see their works in draft form. A recent collection of articles that examines many of these issues is Dina Titus, ed., *Battle-Born: Federal-State Relations in Nevada in the Twentieth Century* (Dubuque: Kendall-Hunt Publishers, 1989).

BOOK REVIEWS

Let Justice Be Done: Crime and Politics In Early San Francisco. By Kevin J. Mullen.
(Reno and Las Vegas: University of Nevada Press, 1989. 313 pp., illustrations, notes, bibliography, index.)

Kevin Mullen forces his readers to re-evaluate the standard interpretation of San Francisco's Vigilance Committee of 1851. Historians previously argued that the Committee of 1851 grew out of a pressing need to control a rapid increase in crime. Scholarly analysis during the past few decades, however, has revealed political motivations behind the Vigilance Committee of 1856, and Mullen wants to examine the 1851 Committee in light of these new interpretations. He hopes to set the record straight concerning certain aspects of San Francisco's early history. By investigating rates of crime during the Gold Rush period, and placing particular emphasis on the frequency of homicide, robbery, and burglary, the author intends to put to rest the infamous legends about crime in the city. With this information, Mullen then proposes to clarify the motivations behind creation of the Committee of 1851.

Mullen carefully traces the crimes committed from 1851 to 1853 and persuasively concludes that the incidence of crime was not nearly as high as historians previously thought, nor was the justice system quite as corrupt. He contends that the political forces active in the 1856 Vigilance Committee began in 1851. Leading merchants and landowners, who dominated the city, embellished the level of crime in order to discredit the appointed military alcalde and to justify taking control of the reins of government. Prominent businessmen found themselves at odds with the military-backed government and later with authorities who did not suit them.

The murder of a member of the commercial establishment touched off the Vigilance Committee of 1851. Involving a commercial robbery, this murder represented something new and threatening to the merchant class of San Francisco. A few reactionary citizens, including Sam Brannen, demanded violent action. Yet, these same businessmen failed to support the developing justice system. The police force received its pay infrequently and often in devalued scrip. The city council refused to allocate funds to build a proper jail. Jurors found ways of avoiding their duty. The courts used the old methods of dealing with a new and increasing criminal element.

Mullen's discussions of crime rates and the criminal justice system stand as the strongest portions of his book. When examining the motivations behind the formation of the 1851 Vigilance Committee, however, he seems on less certain ground. The businessmen's reasons for hindering development of legal institutions remain unclear; businessmen stood to gain the most from a strong law-enforcement system that would protect their property and position. The author acknowledges the role Sam Brannen played in creating this pivotal character. David Broderick and the law-and-order faction also receive short shrift. In addition, while Mullen implies that the *Alta California* acted as mouthpiece for the commercial class and its ambitions, he nevertheless utilizes that newspaper as a source for the accurate reporting of crime. Does he take into account the bias of the *Alta* for the whole period under consideration, or do the leanings of the newspaper change?

The author occasionally mars his work with repetitive phrases and word choice, as well as by use of colloquial expressions. At times, Mullen lapses into a detailed accounting of crime that seems unnecessary, and he periodically reaches conclusions by supposition rather than proof, which may well be a function of the sources. Although the minor flaws in *Let Justice Be Done* are somewhat annoying, only rarely do they distract from what is generally an important work. Mullen greatly contributes to disproving the legend of San Francisco's supposedly horrendous crime rate. He accomplishes this difficult task with thoroughness and as much accuracy as the distance of 150 years allows.

Susanne Teepe Gaskins
Orange Coast College

So Much to Be Done: Women Settlers on the Mining and Ranching Frontier. Edited by Ruth B. Moynihan, Susan Armitage, and Christiane Fischer Dichamp. (Lincoln and London: University of Nebraska Press, 1990. 325 pp., illustrations, bibliography.)

As we discover more about the lives of western women we begin to realize how diverse they actually were. The autobiographical pieces in this book affirm that fact, and they also help to dispel the stereotypical images of the frail lady, the careworn drudge, and the prairie Madonna. They depict, instead, women who seized opportunities, often supported themselves, and contributed to the lives of their families and communities. By letting these women speak for themselves, the editors allow the reader to view their contributions in the initial settlement of the West.

The book consists of nineteen diaries, letters, and personal recollections. The pieces express each writer's reaction to her unique situation. While some women remember hard work, sorrow, or death, others recount lively tales, such as the midnight visit of a skunk.

As a collection, the pieces emphasize the diversity of women's lives. Some of the differences may be attributed to class or geographic location. The frivolous activities of the wife of a wealthy Virginia City miner stand in stark contrast with those of a Colorado homesteader.

Other differences resulted from economic circumstances. Single women, or those whose husbands did not provide support, worked for monetary compensation. Some expanded traditional feminine roles, providing room and board, nursing, or teaching. Others, such as the woman who sold engravings in California and the Texan who owned a millinery and dressmaking shop, were true entrepreneurs. All of the women provided some kind of economic contribution to their families or communities. A woman's skills, interests, and opportunities determined what kind of work she would do.

The responses of these women to economic circumstance vary as much as their perceptions of their physical and cultural environments. While most of the writers find some beauty in the land, others feel they are engaged in a struggle for survival. After watching wind, water, and time obliterate her home, one Arizona woman wonders if anything "permanent" can ever remain in the desert. Sarah Winnemucca recounts the death, cold, and privation that accompanied her tribe's forced move in midwinter.

Her story is also a good example of the complex relations between ethnic groups. She describes some Indian agents as compassionate and fair, and others as ignorant and greedy. Mary Ronan and her husband, an Indian agent in Montana, treat their charges benevolently but always remain wary of them. A nun in Trinidad, Colorado, refers to an Indian as her "best ally in an emergency."

Many of the women mention members of other ethnic or social groups in their writings, and their reactions are frequently inconsistent. The disdainful description of prostitutes by an Oregon teacher contrasts sharply with the compassion displayed by Sister Segale. A southern woman shows great respect for the Hispanic culture of her husband, but mentions the forced removal of seven thousand Navajo Indians merely as an interlude between social events.

While the women writers display various responses to other cultures, the environment, and economic challenges, there are some similarities in their stories. Most of them cared deeply about their families, and their writings tend to be more personal than political. All of these women were participants in life, not its victims; many state that they chose to come and stay in the West.

It would be incorrect to assume that the experiences of these women were typical of all of their sisters. Those who leave written records generally represent a more educated and wealthy segment of the population. While these pieces can

never wholly escape that bias, they were selected to demonstrate as much diversity of class and ethnicity as possible.

The book would have been strengthened by the addition of a Mormon writer. Because of the influence of polygamy and theocracy, lives of Latter-day Saints differed in many respects from those of their neighbors. It would be instructive to observe the contrasts and similarities. Mormon settlement was an important element in the development of the West, and it deserves inclusion here.

Despite that omission the editors have done a fine job. The pieces are lively and interesting as well as informative, and the stories will spark the imaginations of students who regard history as a monotonous recitation of names and dates. For scholars, these pieces should stimulate some questions about the value and extent of women's work, as well as about their roles in cross-cultural contact.

Teri Conrad
Austin, Nevada

Documents of United States Indian Policy. By Francis Paul Prucha. (Lincoln and London: University of Nebraska Press, 1990 [1975]. Second edition, expanded. 338 pp., appendix, selected bibliography, index.)

Francis Paul Prucha's update of his 1975 volume, *Documents of United States Indian Policy*, is a welcome contribution to the body of literature available on this subject. Increased governmental activity in this area of federal law in the last fifteen years has made the expanded revision particularly appropriate. Prucha has augmented the first edition with representative documents covering the years 1975–88, as well as including two documents from the pre-1975 period that have had important ramifications for recent Indian policy. The primary themes of the post-1975 documents are tribal sovereignty and Indian self-determination. The areas of education, social welfare, religious freedom, and tribal prerogative are strongly represented.

Prucha has included a fine synopsis of each document, which greatly facilitates use of the book. The author is to be applauded for compiling a primary-resource collection designed for teaching purposes: The book is appropriate for use in courses focusing on the Native American experience, and is characterized by skillful editing of lengthy documents, succinct synopses, and selections that reflect the underlying principles, changing emphases, and major turning points of federal Indian policy. The principal federal sources upon which he has drawn include congressional legislation, presidential papers, judicial decisions, and documents of the Commissioner of Indian Affairs.

The logical chronological format permits selective use, especially by instructors who might wish to include the book for class assignment, and the affordable price allows easy incorporation into courses on the Native American experience. Students may thus develop the familiarity with primary sources that is essential to an understanding of the role of the federal government in an adaptive but enduring native American culture.

Although Prucha's intent to provide a teaching tool for courses focusing on federal Indian policy has been more than satisfied, this volume will also be welcomed by researchers. It contains a fine selective bibliography for scholars in need of a preliminary guide to the bewildering area of federal Indian legislation.

It is to be hoped that Prucha's book will serve as an example to scholars in other areas of the Indian experience. Primary-resource collections drawn from nongovernmental repositories, particularly Indian sources, would be similarly welcomed by those interested in the Native American. The cultural, religious, and other nonpolitical aspects of Indian life deserve similar attention.

Doris D. Dwyer

Western Nevada Community College

That Constant Coyote: California Stories. By Gerald Haslam. Foreword by Ann Ronald. (Reno and Las Vegas: University of Nevada Press, 1990. 197 pp., foreword, preface.)

In the preface to *That Constant Coyote*, his new collection of short fiction, Gerald Haslam notes that at the outset of his writing career he ignored a friend's advice to write about what he knew. Haslam's background did not provide the settings and characters that many urban critics then demanded of serious literature. Born in aptly named Oildale, California, during the Great Depression, Haslam grew up amid the poor and unlettered—the struggling ranch hands, Okies, migrant workers, and oil-field roustabouts who populate the flat, arid Central Valley. Fortunately for us, after dropping out of junior college and surviving both the army and a series of dead-end jobs, Haslam eventually recognized that the agricultural communities he knew intimately offered a wealth of material for the writer's art. Haslam's short tales, vivid in detail and deftly crafted, evoke the unconscious poetry of earthy speech and deeply felt relationships among the denizens of farms, bars, and migrant camps. His characters, sometimes rough-hewn and inarticulate, are typically the sorts ignored by fashionable writers, but they are the people whose labor forms the indispensable foundation of our society.

Earning two academic degrees and a professorship at Sonoma State Univer-

sity, as well as an honorary doctorate, Haslam acquired the discipline and sophistication to place his characters in cultural perspective, depicting their unexpected mixtures of naïveté and shrewdness with insight, humor, and affection. "Earthquake Summer" presents a memorable confrontation between a naïve farm boy and an aged Indian woman whose ancestral burial ground he has disturbed. A recreation of boyish recollections of the 1952 Tehachapi quakes that involves a discovery of the mysterious bond between the land and its human inhabitants, the story invites readers to see beyond the lad's simple narrative to some startling implications. "The Great Waldorf Astoria Caper" is a rollicking account of what happens when a rich, pretentious newcomer tries to impress a group of small-town drinking buddies. Although a departure from his Central Valley settings, "My Dear Mr. Thorp" is an hilarious effort, a series of letters between a long-suffering magazine editor and several would-be authors whose exaggerated sense of self-importance is superbly contrasted with the down-to-earth gusto of a quasi-literate correspondent, one of Haslam's irrepressible (and delightfully manipulative) Central Valley types.

While focusing on persons living near the soil, *That Constant Coyote* offers a surprisingly wide range of moods and situations. In "An Old Intimacy" a woman anxiously describes a reunion between two old college friends—her husband and her former lover. The title story explores the consciousness of a dying man who experiences a dream-vision of his father and grandfather, both of whom died before he was born. The two ghost figures reaffirm one of Haslam's prevailing themes, the masculine bond that links generations of men otherwise unknown to each other. The story is remarkable for its successful integration of metaphysics and a concrete sense of place, a redwood grove in the Sierra foothills, where the narrator's family has found renewal in nature for a century. As a deceptively simple look into the lives of men and women inhabiting California's heartland, Haslam's collection is wonderfully readable and strongly recommended.

Steve Harris

California State University, Sacramento

Tiger on the Road: The Life of Vardis Fisher. By Tim Woodward. (Caldwell, Idaho: The Caxton Printers, Ltd., 1989. 296 pp.)

Tim Woodward's readable biography of Idaho's Vardis Fisher takes its title from a Robinson Jeffers line that claims most people would "rather meet a tiger on the road than face unpleasant facts about themselves." Woodward faces the unpleasant facts about this prolific writer, a man who spent his life fighting what he called "standardized errors," man's most deadly enemy.

Fisher devoutly resisted those errors to become, as *Time* phrased it, a man who “carried chips on both shoulders” and who eluded both success and satisfaction in a life driven equally by anger, ambition, and hard-won learning. Born to poor Mormon farmers in a remote Idaho settlement, Fisher endured both physical and spiritual hardship in a long pursuit of education that culminated in a doctorate from the University of Chicago. Yet his parents could take little comfort from that accomplishment: Fisher’s wife had committed suicide on learning of his involvement with a fellow student, and neither the family nor Fisher could forgive him for it. His first teaching job, at the University of Utah, ended after his expressed contempt for Mormon theology and belief produced conflict with the authorities. Hired at New York University on the basis of the coming publication of *Toilers of the Hills*, Fisher could only watch while friend and fellow teacher Thomas Wolfe went on to accelerating success while his own succeeding work became harder and harder to sell.

Critics responded favorably to Fisher’s early work, placing him in the company of Thomas Hardy, and calling him a novelist of the first rank, but none of his first five novels sold enough copies to support him. Only the Work Projects Administration (WPA) writers’ project rescued him for a few years until, with *Children of God*, his first historical novel, he found a more enthusiastic audience. The historical novels that followed—*The Mothers*, about the Donner party, and *City of Illusion*, set on the Comstock—brought the commercial achievement he had craved and which, Woodward suggests, he might have sustained. But Fisher, driven by his personal demons, squandered twenty years on the research and writing of his massive, twelve-volume *Testament of Man*, beginning with the creation of the world.

Not surprisingly, *Testament* exhausted Fisher, two publishers, and most of those who read it. Even Fisher’s old friend at Caxton Press, J. H. Gipson, had balked at the “non-divine Jesus” the novelist created for the seventh volume. “Old Irascible” believed that more books were really necessary to do the task justice, but the public bought few of the twelve, and only a few critics bothered with the entire cycle.

Woodward makes no claim to writing either a scholarly or a critical study. His references to particular works are no more than summaries, and he has not provided even a selected bibliography. Sometimes it is hard for the reader to keep track of publications and events. Still, the author is clearly impressed by the colossal impudence of Fisher, by his irascibility, his energy, his intemperate striving. Woodward shows us much of the man, gingerly touches on Fisher’s themes, and tempts the curious reader to give this nearly forgotten Idaho writer, eclipsed in his own state by the later arriving Ernest Hemingway, a second try.

Anne Howard
University of Nevada, Reno

Contemporary Basque Fiction: An Anthology. Introduction and commentary by Jesus Maria Lasagabaster. Translated by Michael E. Morris. (Reno and Las Vegas: University of Nevada Press, 1990. 95 pp., preface, introduction.)

Jesus Maria Lasagabaster's slim volume presents the Basque region's finest contemporary writers. Lasagabaster's introduction underscores the renewed spirit present in Basque prose and alludes to sociocultural and linguistic/literary trends that are taking place in Euzkadi today. The author emphasizes Basque fiction's break with the wordy *costumbrista* novel and the development of a modern introspective, existentialistic style. The short stories and excerpts from novels collected for this anthology were written after 1957, when the dramatic break from the *costumbrista* school occurred.

The selections represent a broad cross section of Basque fiction, are delightful reading, and stand on their own admirably. With works from Txillardegui and Ramón Saizarbitoria, Lasagabaster has included two authors considered by many to be Euzkadi's finest. Txillardegui's introspective and poetic "Beyond the Wind" reflects upon lost love, using the seaside village of Guéthary as its setting. By contrast, the main character of Saizarbitoria's "My Jesus" is turned inward in a Beckett-like objectivism. Arantxa Urretavizcaya's melancholy "Why Darling?" and Laura Mintegi's well-told "Mole Hole" story are two strong contributions from female authors. In addition, Bernardo Atxaga's playful "To Write a Story in Five Minutes" and Koldo Izagirre's descriptive and lively "They Deserved Euzkadi" enhance the variety and versatility of the collection. Other authors whose works appear in this treasury are José Augustín Arrieta, Mikel Hernández Abaitua, Angel Lertxundi, and Joseba Sarrionaindia. Each short story is distinct and engaging.

Regrettably, the introductory chapter is blemished. While Lasagabaster's commentary on Basque literary movements is useful, he fails to present a coherent rationale for selecting these stories and excluding others. For example, he praises Yon Extaide's *Law of Hate* as "an absolutely exceptional phenomenon in Basque narrative," yet omits a sample from it in this publication. Unfortunately, the lengthiest passage in the collection is allocated a scant ten pages, leaving the reader to wonder why the anthologist's remarks account for one quarter of the text and why more selections from the literature were not presented. A final difficulty with the introduction is Michael Morris's rough translation. Lasagabaster's prose seems uneven and stilted, and the famed literary critic is rendered clumsy and lifeless in contrast to the pieces in the compilation.

Students of literature and contemporary Basque culture will forgive minor defects in *Contemporary Basque Fiction* and applaud the University of Nevada's effort to introduce English-speaking readers to a little-known genre. During the sixty-year *costumbrista* period, only nineteen novels were published in Basque; in the three decades since, over one hundred have reached print. Given the esca-

lating productivity of post-1957 Basque writers, publication of another collection of Basque literature in translation seems warranted in the near future.

Jerónima Echeverría
California State University, Fresno

A Celebration of Work. By Norman Best, with an introduction by William G. Robbins. (Lincoln: University of Nebraska Press, 1990, 222 pp.)

A Celebration of Work is Norman Best's autobiographical summation of a life made rich through labor. He tells of himself through the things he has built, the jobs he has held, and those who have shaped his craft. He pays homage to his father and uncles who passed on to him the syndicalist faith of the Industrial Workers of the World (IWW). With a novice's awe he recalls the heroic journeymen who taught him his trade and the ethical burden that inheres in all forms of craft. Written in the style of an industrial ethnography, larger portions of his narrative are spent in describing the skills and knowledge accrued during a life of labor. We learn of the tricks of the machinist's trade and how they pass orally from one generation to another; we are instructed in the rigors of map making and of running a surveyor's transit over open terrain; finally, we are schooled in the aesthetics of bridge building and highway construction. Throughout his narrative Best emphasizes the honor and art of doing labor, and how such values become generative elements in the class struggle that swirls around the productive act itself.

In both style and content, *A Celebration of Work* is part of the body of radical literature that seeks to challenge conventional accounts of American labor history. Best's study distinguishes itself, however, in the way it portrays recent labor history from the viewpoint of the rank and file. Written as "history from the bottom up," we see radical labor and its heroes only tangentially, from the perspective of those who spend most of their lives laboring on the shop floor, and who only occasionally enter the rush of dramatic events that make up labor history as such. Writing first and foremost as a worker, Best tells why he joined the Communist Party—USA and why he quit. He explains his unending admiration for Earl Browder and Harry Bridges, while heaping disdain on labor fakers who have destroyed democratic unionism in America.

Finally, this memoir presents Best himself as a living refutation of those who today insist on conflating Stalinism and socialism. For those who mistake the death of the former for the historical passing of the latter, Best's radical odyssey reminds us that working-class rebellion resists easy organizational routinization. Capital breeds in each generation a fresh cohort of dissenters like Best—be they

called Populists, Wobblies, Trotskyites, or ultra-left troublemakers. Each new cohort rejects the bogus arguments of historical inevitability designed by apparatchiks of the Left to silence dissent, while it denies in equal measure the economic opportunism that capital uses to fragment working-class solidarity. Even when dissenters are a minority, as they seem to be today, they remain committed to democratizing the workplace and constantly involve themselves in the struggle for social equality. Norman Best, self-critical and self-effacing to a fault, is one of these men. His radicalism can best be captured in the way certain union men of our fathers' generation were once described. In Best's words: "When one of those proud, old-time machinists walks out of the shop, you can't tell by looking at him whether he works there or whether he owns the place."

Norman Best's celebration reminds us that his is the same pride, self-confidence, and dignified bearing that lies at the heart of class struggle in capitalist society. The ineradicable demand that one's labor be respected and taken seriously on its own terms is still the least understood and most feared characteristic of the working class that those who manage labor confront. As Best shows, this is true whether such demands are voiced in factories by industrial workers, in corporations by white-collar drudges, or by dissenting intellectuals in public universities.

David Lee Frank Harvey
University of Nevada, Reno

Phoenix: The History of a Southwestern Metropolis. By Bradford Luckingham. (Tucson: University of Arizona Press, 1989. 316 pp., illustrations, notes, index.)

Synthesizing his own newspaper research with the existing body of writing on Phoenix (including a formidable list of M.A. and Ph.D. theses), Luckingham traces the history of what has become the nation's ninth-largest city. His account consists of seven chronologically defined chapters, each covering approximately two decades. An eighth chapter surveys Phoenix in the 1980s, up to 1987.

The work is old-fashioned urban history, filled with quantitative indicators of growth but thin on analysis. The major exception is the attention given the city's non-Anglo underclass. But even here Luckingham's treatment falls into a pattern, with the first two thirds or so of a chapter devoted to relating the city's progress, the rest to lamenting the failure of its Mexicans, African Americans, and Indians to share fully in the advance.

Luckingham is aware of the darker side of the Phoenix story—its niggardly treatment of the poor, its planless sprawl, its worsening air and water pollution.

But he largely echoes the boosterism that has been the dominant motif of the Phoenix scene from its founding. Typical are his much too generous remarks about his own institution, Arizona State University, whose major claim to fame has remained (apart from its explosive enrollment growth) the notoriety attained by its athletic programs.

The most interesting question relates to why Phoenix was able so to outdistance its rivals and become the leading metropolis of the Southwest. The reason is hardly the quality of the local government. As even Luckingham admits, the key to Phoenix's growth has been the success of its promoters in tapping the federal treasury. Yet he is strangely silent about the workings of that process. The decisive turning point in Phoenix's history was the federal government's Salt River Valley reclamation project. The reader of this book, however, will learn nothing of the massive subsidy underlying the cheap water that is responsible for the flowering of the Valley of the Sun. And the role in the years that followed of that most consummate of congressional fixers, Carl T. Hayden (appropriately the son of one of Tempe's most successful promoter/speculators), receives no more than passing allusion.

John Braeman
University of Nebraska-Lincoln

The Last Resort: Success and Failure in Campaigns for Casinos. By John Dombrink and William Thompson. (Reno and Las Vegas: University of Nevada Press, 1990. 220 pp., references, index.)

Dombrink and Thompson set out in *The Last Resort* to explain why New Jersey voters decided in 1976 to legalize casino gaming while voters or their elected representatives turned down the idea in Arizona, Arkansas, California, Colorado, Connecticut, Florida, Hawaii, Illinois, Louisiana, Massachusetts, Michigan, New York, New Hampshire, Pennsylvania, Rhode Island, Texas, and Washington.

Long before this book, I. Nelson Rose, professor of law and guru of gaming legislation, devised and refined a theory that public support for gaming ebbs and flows. He has posited that, beginning with New Hampshire's lottery in the early 1960s, America has been riding the nation's third wave of acceptance of legal gambling. Others saw the spread of state-run lotteries, the decline of religiosity, and a changing morality as evidence of a growing momentum; the result would be a gambling fever that could be satisfied only by opening casinos throughout the union.

The authors of *The Last Resort* assert that those who support this "gravity

theory" of growing mass support for casinos are ". . . in error. Therefore we reject their model." They propose instead their intriguing "veto model" to explain why, as of their book's publication date, casinos had spread from Nevada and Atlantic City only to Deadwood, South Dakota. They base their well-reasoned argument on their careful studies of the failed 1974 New Jersey casino measure and one that failed in Florida, as well as on press accounts and interviews with some participants in other casino-legalization battles.

From this chaos of facts, the authors have discerned patterns that reveal meaning in these complex and confusing political events, identifying key obstacles that proponents must overcome to win a legalization fight. They specify four veto factors: the extant political environment, the attitudes of political élites and active interests, the identity of the legalization campaign's sponsors, and the framing of the issues to be mulled by voters. All four factors must work in support of legalization or a casino measure will fail.

In 1986, when the doctoral thesis from which this book is adapted was finished, these ideas were at the cutting edge. Unfortunately, events have overtaken the research. The authors have updated their work by including incisive paragraphs about Deadwood and riverboat gambling on the Mississippi River in Iowa, but Illinois and Mississippi have since joined in legalizing riverboat casinos. And the Pequot Indians have struck a deal with Connecticut to open a full-blown casino in 1991 that will be an hour closer to Manhattan than are Atlantic City's.

The imminent prospect of casinos in seven states suggests a new theory to explain the body politic's response to legalizing casinos in the 1990s: the distant-and-economically-distressed-locale theory. Illinois will allow gambling on riverboats embarking from struggling rust-belt ports on the Mississippi, but not in Chicago. Connecticut will allow the Pequots to build a casino in the country, but not in downtown Hartford. Still, the obstacles the authors identify remain, and their work provides a well-focused lens to aid our understanding of where and why future casinos will be built.

David Johnston
Philadelphia Inquirer

NEW RESOURCE MATERIALS

Nevada Historical Society

PELEG BROWN FAMILY PAPERS

The Society recently received a collection of photographs and documents relating to the family of Peleg Brown, one of Nevada's early settlers. Brown, who established a ranch in the south Truckee Meadows in 1858 and was among the first to grow alfalfa in the state, was a prominent figure until his death at age forty-two in 1878.

The photographs include portraits of Brown, his wife, Elizabeth Gill Brown, their children and other family members, as well as of James Burke, another Truckee Meadows rancher and early Reno businessman. Accompanying the pictures are several legal documents and newspaper clippings.

We thank Laura E. Bellinghausen, granddaughter of Peleg Brown, for her gift of these valuable materials from one of Nevada's pioneer families.

CARSON CITY COURTHOUSE AND POST OFFICE BUILDING RECORDS

Jack Bacon of Reno has donated some thirty letters and other documents pertaining to the construction of the old federal courthouse and post office building in Carson City. Apparently from the files of Jacob Klein, who was the U.S. Treasury Department's local disbursing agent for the project, the items include correspondence between Klein and treasury officials, payrolls, monthly estimates of funds, and vouchers from the period 1887-1890.

The group of papers adds significantly to our knowledge of the landmark structure in the state's capital, which presently houses the Nevada State Library.

CALIFORNIA-NEVADA INTERSTATE COMPACT COMMISSION MINUTES

The office of the Stillwater Wildlife Management Area at Fallon has given the Society a volume containing minutes of the Joint California-Nevada Interstate Compact Commission from 1958 to 1962. These minutes, and various items which accompany them, contain much information on the activities of the commission, the long-standing debate over allocations of water from Lake Tahoe and the Truckee, Carson and Walker rivers, and the effect these allocations have on agriculture (prominently the Truckee-Carson Irrigation District), Indian res-

ervations (such as the Pyramid Lake Reservation), and federal and state fish and game programs.

Eric N. Moody
Manuscript Curator

University of Nevada, Reno
Special Collections Department

The Special Collections Department recently received several important additions to the manuscript collections. The records of Camp Chonokis, a girls' camp at Stateline, Lake Tahoe were donated to the Department by the U.S. Forest Service, Lake Tahoe Basin Management Unit. The collection consists of nine cubic feet of material dating from 1921–1982 and is accessible through a collection guide.

Camp Chonokis, which was named for the Washo Indian word for sugar pine, operated from 1927–1952 and was owned by Mabel Winter Whitney. Whitney, known and loved as “Blis” to campers and counselors, was a school teacher in San Jose during the school year and had both a summer and Christmas camping program for up to 35 girls, ages 8–18. Her assistant during most of the camp's twenty-five years was Miss Gladys Gorman, or “G³,” together they ran a loosely structured program which included horseback riding, hiking, swimming, music and drama, crafts, nature studies, and overnight hiking trips to various Tahoe area peaks. The records for Chonokis include extensive correspondence on how the camp was operated and from campers and their parents; subject files; financial records; architectural drawings of camp buildings and Blis's house in San Jose; watercolor sketches of the camp and Lake Tahoe; photographs and 16mm movie film of the camp and campers; “Chonokis Logs” containing prose, poetry, and art work of each camp session; and Blis's personal files of letters and school and teaching records. In addition to serving as a resource illustrating the outdoor and recreation movements of the first few decades of the twentieth century, these camp records provide through letters, forms, pamphlets and menus, interesting views on World War II and how civilians coped with rationing and other wartime restrictions.

The U.S. Forest Service now owns Camp Chonokis and plans to eventually open it as a museum or visitor center, at which time some of the items in the collection will be made available for display.

The Department is very pleased to have received a gift of the papers of Ellin Mackay Berlin from her daughters Mary Ellin Barrett, Louise Emmet, and Elizabeth I. Peters. These papers relate to Mrs. Berlin's biography of her grandmother, Marie Louise Antoinette Hungerford Mackay (wife of John W.), published in 1957 as *Silver Platter*. Included in the Berlin papers are correspondence, research notes, several drafts of the *Silver Platter* manuscript, photographs,

ephemera, books, and pamphlets. Mrs. Berlin's extensive notes were compiled from research in libraries in California, Nevada, and New York. They form a comprehensive resource on the California Gold Rush, Comstock Lode, and lives of John W. and Marie Mackay.

The photographs, books, and pamphlets were collected by Mrs. Berlin during her extensive research on the Mackays. Among the photographs are original carte de visite images of James C. Flood, James G. Fair, Mrs. James G. Fair, and Issac Requa; and Lawrence & Houseworth stereo cards and cartes de visite views of Virginia City, Gold Hill, Carson City, Silver City, Swift's Station, and the Nevada State Prison, all dating from about 1865. The books and pamphlets include histories of eastern California counties and Nevada, the gold and silver rushes of California and Nevada, mining company prospectus, and personal reminiscences of mining days. Other printed materials include several Nevada newspapers not available on microfilm; a bound "run" of *Arthur McEwen's Letter*, published in San Francisco from February 1894–June 15, 1895; and an 1868–69 scrapbook, apparently Adolphe Sutro's own copy, of clippings and pamphlets about Nevada mining and the Sutro Tunnel. A guide to the collection will be prepared when processing of the papers is complete.

Another new acquisition is a group of sixteen letters written by Walter Van Tilburg Clark to his graduate student, novelist David Madden. These letters, dating from 1961–1971 initially contain advice to Madden regarding Madden's graduate thesis at San Francisco State College, where Clark was a professor of English. Later letters continue to evaluate Madden's writing, as he developed into a prolific author of novels, short stories, plays, screenplays, poetry, and other forms of literature. Madden is currently writer-in-residence at Louisiana State University.

Susan Searcy
Manuscript Curator

BECOME A MEMBER OF THE NEVADA HISTORICAL SOCIETY OR GIVE A GIFT MEMBERSHIP

Memberships help the NHS by providing funds to publish the *QUARTERLY* and to create new exhibitions for the changing galleries.

MEMBERSHIP BENEFITS

- **Nevada Historical Society Quarterly**
- **Nevada Historical Society Newsletter** — the newsletter keeps all members informed of upcoming events.
- **Discount** of 10% in the Nevada Historical Society Gift Shop, the gift shops of the other museums of the Department of Museums and History and on copies of NHS photos.
- **Tours** — Society sponsored tours take members to historic sites within reach of Reno. 10% discount on tour fares.
- Special notice to all Society events and activities.

MEMBERSHIP CATEGORIES

- | | |
|--|--|
| <input type="checkbox"/> Regular — \$25. | <input type="checkbox"/> Departmental Fellow |
| <input type="checkbox"/> Family — \$35. | (Benefits from all |
| <input type="checkbox"/> Student — \$15. | museums in |
| <input type="checkbox"/> Senior Citizen (60 or over) | DMH.) — \$250. |
| without <i>Quarterly</i> — \$15. | <input type="checkbox"/> Patron — \$500. |
| <input type="checkbox"/> Sustaining — \$50. | <input type="checkbox"/> Benefactor — \$1,000. |
| <input type="checkbox"/> Contributing — \$100. | |

Of each membership fee, \$20 is not tax deductible.

-
- ☐ Check enclosed for \$_____
- ☐ Please charge my ☐ Visa ☐ MasterCard

Card No. _____ Exp. date _____

Signature _____

Name _____

Address _____

City _____ State _____ Zip _____

- ☐ This is a gift. Please send to above name with compliments of _____

Mail to Membership Department, Nevada Historical Society
1650 N. Virginia Street, Reno, NV 89503

NEVADA HISTORICAL SOCIETY



DEPARTMENT OF MUSEUMS AND HISTORY

Scott Miller, *Administrator*

ADMINISTRATION

Peter L. Bandurraga, *Director*
Cheryl A. Taylor, *Assistant Director*
Phillip I. Earl, *Curator of History*
Erik Lauritzen, *Curator of Photography*
Eric N. Moody, *Curator of Manuscripts*
Lee Mortensen, *Librarian*

BOARD OF TRUSTEES

William V. Wright, *Chairman, Las Vegas*
Wilbur S. Shepperson, *Vice-Chairman, Reno*
I. R. Ashleman, *Reno*
Donald H. Baepler, *Las Vegas*
Fritsi Ericson, *Reno*
Morris Gallagher, *Elko*
Karen Johnston, *Las Vegas*
Marjorie Russell, *Carson City*
Gene Segerblom, *Boulder City*
Robert Stoldal, *Las Vegas*
Joseph P. Thornton, *Las Vegas*

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, 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.