

Nevada

Historical Society Quarterly



WINTER 1993

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Historical Society Quarterly

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JUDICIAL SELECTION IN NEVADA

An Historical, Empirical, and Normative Evaluation

Michael W. Bowers and Larry D. Strate

INTRODUCTION

Given the discretion that judges exercise in the interpretation of statutes and constitutional provisions and the power which they possess over the lives and fortunes of those who appear before them, it is not at all surprising that the formal mechanisms of judicial selection have been subject to great debate in the United States since the very beginnings of nationhood. That debate has centered not only on the relative competence of judges selected under each system, but also on the basic tension between judicial independence and judicial accountability. In general, that tension can be stated as “the search for a system that minimizes politics but maximizes public participation in the selection process.”¹

The drafters of the United States Constitution clearly favored judicial independence over accountability and established a system of presidential nomination and Senate confirmation of all federal judges, judges who would serve “during good behavior” (essentially life tenure) and whose salaries could not be diminished while in office.² At the state level, however, judges have been selected by a variety of methods in an evolutionary process spanning four distinct phases: (1) legislative or modified executive appointment in the period immediately after the Revolutionary War, (2) partisan elections during the Jacksonian democracy of the 1830s, (3) nonpartisan elections as a result of the Progressive Era, and (4) merit selection after 1940.³ Nevada, which achieved statehood at the apogee of the movement for partisan election of judges, has been an actor in the

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second and third phases of this process, but has yet to adopt the fourth in spite of its tumultuous judicial history.

One of the American colonists' chief criticisms of King George III, succinctly stated in the Declaration of Independence, was that "He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries." After the Revolutionary War, with that history in mind, virtually all of the thirteen original states modified executive appointment of judges by "placing the power entirely in legislative hands or by insisting on a legislative veto" while the remaining states retained gubernatorial appointment only with "the concurrence of executive councils."⁴

Increasing concern over popular sovereignty and elite rule led in the mid—1800s, a period popularly known as the Jacksonian era, to populist changes in the formal mechanisms of government, including state judicial selection. Popular election of judges in the states effectively began in 1812, when Georgia provided that trial judges be selected in partisan elections. Indiana followed suit in 1816, joined by Mississippi and New York in 1832 and 1846, respectively. New York's adoption in particular opened the floodgates such that, by 1860, twenty-four out of thirty-four states elected some or all of their judges, and all new states admitted to the Union between 1846 and 1912, including Nevada, adopted elections for choosing some, if not all, of their judges.⁵ Unlike contemporary debate over the merit system, however, adoption of partisan elections "was not designed to improve the quality of the bench but instead to insert populist ideology into the staffing of the courts."⁶

It was not long, however, before the "reform" of partisan elections also lost favor, leading to the formation of an organized bar that, along with the Progressives, called for nonpartisan judicial elections and criticized the "base politics"⁷ of partisan elections, a mechanism that allowed organized political machines such as those at New York City's Tammany Hall to "[seize] control of the elected judiciary . . . ousting able judges and putting in incompetent ones"⁸ responsive only to the machine.

Nonpartisan elections, too, soon came under criticism for their "disgraceful exhibitions of men campaigning for the place of state supreme court judge and asking votes, on the ground that their decision will have a particular class flavor."⁹ Roscoe Pound, in a 1906 address to the American Bar Association, noted that "putting courts into politics, and compelling judges to become politicians, in many jurisdictions has almost destroyed the traditional respect for the judiciary."¹⁰ Other critics of nonpartisan elections included former President William Howard Taft, who, in his address to the American Bar Association in 1913, opined that they "limited selection (1) to those who actively sought the office (as compared to qualified persons who might be nominated at party primaries even if they were not seeking a judgeship), (2) to those who could afford to campaign, and finally (3) to those lucky enough to be placed first on the ballot, to be an incumbent, or to receive newspaper prominence."¹¹ Appointment,

previously rejected as undemocratic, had now come to be viewed by Taft, Pound, and others as "more in keeping with the fixedness of moral principles which we learned at our mother's knee, and which find recognition in the conscience of every man who has grown up under proper influences."¹²

In the midst of these heated debates over judicial selection, Albert Kales, a professor of law at Northwestern University and research director of the fledgling American Judicature Society, proposed a plan in 1914 that would, in his view, combine the best elements of the appointive and elective systems, with none of their disadvantages.¹³ The Kales Plan was modified by British political scientist Harold Laski in 1926¹⁴ and endorsed by the American Bar Association in 1937. In 1940 the state of Missouri became the first to adopt the Kales-Laski Plan for some of its courts, and it has since been known as either the Missouri Plan or the merit system.¹⁵ The merit system can be described as a system whereby

a blue-ribbon commission of laypeople, lawyers and judges is appointed to screen applicants for judicial positions. When a position becomes vacant, this commission sends three names to the governor. The governor must choose one of these and that individual will fill the judicial vacancy. After a period of time, which varies from state to state, the judge will run in a noncompetitive retention election in which the voters will simply be asked, "Should Judge X be retained in office?" and they can vote "yes" or "no." A judge who wins this retention election would serve another term and, at the end of that term, run in another retention election. Should the judge lose, the position would become vacant and the process would start all over again.¹⁶

Currently, the states use five general methods for selecting judges: partisan election (13), nonpartisan election (18), gubernatorial appointment (8), legislative election (3), and the merit system (19). By the late 1970s, the popularity of merit selection was such that political scientist Henry Glick noted that, since the late 1940s, "every state which has changed its method of judicial selection has adopted some version of the Missouri Plan. No state has moved to any other judicial selection procedure. The chances for the continued adoption of the Missouri Plan are excellent and we can expect to see it used in more states."¹⁷ Whether or not Nevada should or will adopt merit selection for state judges is very much dependent upon the state's historical and contemporary battles over the appropriate role of its judiciary. In the material that follows we shall examine Nevada's tumultuous judicial history and its current method of judicial selection in light of the advantages and disadvantages of the various means of selecting judges.

THE NEVADA TERRITORIAL JUDICIARY

The area now known as Nevada was ceded to the United States in 1848 by Mexico after the latter's defeat in the Mexican-American War and the subse-

quent Treaty of Guadalupe Hidalgo. All but the southern tip was included in Utah Territory by the Compromise of 1850. Local justice was administered by probate courts in the territory's larger population centers, while appellate justice, "or what there was of it, was administered from Salt Lake City in a way that historians called informal, to say the least, and practically non-existent."¹⁸

The Mormon-controlled territorial government tended, for the most part, to ignore the western territory, including the Carson Valley, which had been settled in northern Nevada in 1851. The Utah Territorial government's policy of benign neglect, the large proportion of non-Mormons in the western territory, and a serious lack of law and order led the settlers later that year to the creation of a squatter's government and calls to the United States Congress for "a distinct Territorial Government" for the western Utah Territory.¹⁹ Congress, of course, did not act, and the continuing absence of law and order led in 1853 to a petition to the state of California for annexation "for judicial purposes until congress should otherwise provide."²⁰

California failed to act on the petition although Utah Territory took affirmative steps to bring the western territory back into the fold. These steps led to increased Mormon domination of the western territory and created relations between the Mormons and non-Mormons that were "of an unequivocally hostile and belligerent character."²¹ That hostility was, to a great extent, rooted in dissatisfaction with the Mormon judges who made up the Utah Territory judiciary and who "so [mixed] together church and state that a man [could not] obtain justice in any of its courts."²²

A second petition for annexation to California was responded to favorably by California but, again, Congress failed to act. In 1857, however, Mormon domination of the western territory was effectively ended when Brigham Young called church members back to Salt Lake City to fend off what he believed would be an invasion of federal troops escorting President James Buchanan's newly appointed non-Mormon territorial government. Although ultimately they were not needed, most of those who left behind their homes and farms in the western territory never returned to them.²³

A continuing lack of law and order convinced the western settlers in 1857 to again petition Congress for separate territorial status "within the shortest time possible."²⁴ The failure of Congress to pass a separate territorial bill led to the creation of a vigilante committee in 1858 to restore law and order. However, the 1859 discovery of the Comstock Lode and the coming of its transient population considerably exacerbated lawlessness in the western territory. Thus, between 1857 and 1861, a period known as the "era of anarchy and confusion," the western territory lacked any strong authority, law and order, or effective government.²⁵ In 1859, Colonel John J. Musser, the settlers' delegate assigned to lobby Congress for a separate territory, noted at a meeting in Genoa that

This country is destitute of law [and] a sense of danger prevails in our community. We



John J. Musser is on the left: Mr. Henry on the right, c. mid-1860s. (*Nevada Historical Society*)

have no law to protect us in our private rights, or to give redress for public wrongs; for nearly 5 years we have asked protection of the powers that be, yet none have been granted; we have been forced to try civil and criminal cases before tribunals unauthorized by law, or submit to the even more hasty action of a guideless mob.²⁶

In 1861, as a result both of the increased population in the western territory brought about by the Comstock and of the secession from the Union of the southern states that had opposed separate territorial status, Congress made Nevada a territory separate from Utah. Upon his arrival in Nevada in 1861, territorial Governor James W. Nye confirmed in a letter to Secretary of State William H. Seward what Nevadans had known all along, that there was “no such thing as law or order existing in the Territory” and that a great need existed for a court system to establish mining rights.²⁷ Among the proclamations issued by Nye was that implementing section 9 of the Territorial Act of 1861, creating a judicial system comprising a supreme court, district and probate courts, and justices of the peace. Each of the three Lincoln-appointed territorial supreme court justices (Chief Justice George Turner, Associate Justice Horatio N. Jones, and Associate Justice Gordon N. Mott) was also assigned to circuit-riding responsibilities in the territory’s three district courts.

However, justice in Nevada Territory was little better, and in some respects perhaps even worse, than it had been prior to 1861. The early years of the

Nevada judiciary were not good ones. The courts were understaffed and overwhelmed with mining claims, and the Supreme Court was "made up of political hacks who were appointed and controlled by power brokers in Virginia City and Washington, D.C."²⁸ In spite of that, however, historian Hubert Howe Bancroft has noted that

Probably the first federal judges would have been able to hold their own against the criminal element in Nevada; but opposed to the combined capital and legal talent of California and Nevada, as they sometimes were, in important mining suits, they were powerless. Statutes regarding the points at issue did not exist, and the questions involved were largely determined by the rules and regulations of mining districts, and the application of common law. Immense fees were paid to able and oftentimes unprincipled lawyers, and money lavished on suborned witnesses.²⁹

Nevada's judicial history during this period of appointed territorial judges was one of "dark . . . disgrace and revulsion,"³⁰ represented vividly in the expensive and lengthy litigation beginning in 1861 between the Chollar and Potosi mining companies, which laid claim to the same ore deposits. Territorial Judge Gordon Mott, believed to favor the Chollar Mining Company, was originally assigned the case, but he was either "worried or bribed into resigning" so that John North, who was believed to favor the Potosi Mining Company, could be appointed to replace him on the territorial supreme and district courts.³¹ A newspaper of the day charged that Mott had received \$25,000 from the Potosi Company to resign.³²

When North decided in favor of Potosi in 1863, he was attacked verbally by the Chollar Company and its lawyers, including William M. Stewart, who was then earning an astonishing \$200,000 per year to represent the interests of various mining companies. At a time when "cases were to be won through the bribing and browbeating of witnesses, juries, and justices," it has been observed that "Stewart had no equal on the [Comstock] lode."³³ The Chollar Company appealed to the territorial supreme court, where it was believed that Chief Justice George Turner favored its claim. Chollar also attempted at two dinner parties to gain support from the third justice, Powhatan B. Locke, who had replaced Horatio N. Jones in early 1864 and who was being wined and dined by the Potosi Company as well.

In May 1864, Locke and North handed down a decision favoring Potosi; however, Locke, whom Stewart once referred to as "the most ignorant man who ever acted in any judicial capacity in any part of the world,"³⁴ eventually was induced by the Chollar Company to add an addendum to his decision, reopening the hearing of evidence. Again besieged by the Potosi Company, he removed the addendum, causing more confusion.

The Potosi-Chollar litigation is but one flagrant example of the disreputable state of Nevada's appointed territorial judiciary. The taint of North's improprieties in mining litigation, combined with Stewart's personal opposition to him,



George Turner, Chief Justice of the Nevada Territorial Supreme Court. The back of the original photograph is inscribed, "Compliments of Judge Turner, C. J. Esq. To his esteemed friends Mrs. Cutter and Miss Clapp." (*Nevada Historical Society*)

opposition based in part on a conflict between the two over mine taxation at the 1863 constitutional convention, eventually led North to resign on August 22, 1864. And Chief Justice Turner, after a meeting in which Stewart threatened to seek an arrest warrant charging him with bribery, was moved to step down as well.³⁵ Locke resigned at a final dinner party, organized by Stewart, later that day.³⁶ Thus, from August 22 until December, when the state's officials took office, Nevada Territory was once more in the position of having no judiciary to enforce law and order.

Although statehood was supported for a variety of reasons, Nevada's first attorney general, George A. Nourse, perhaps stated the case best when he noted

that "Nevada became a state to escape the dead-fall of her Territorial courts. Her Temple of Justice had been transformed into a den of iniquity."³⁷ Clearly, throughout the Utah and Nevada territorial periods, Nevadans were concerned with the poor quality of their judiciary; statehood, it was believed, would remedy that situation. As delegate Charles E. DeLong noted at the 1864 state constitutional convention, "I know many are going to vote for the Constitution in order that we may be released from the present judiciary system."³⁸

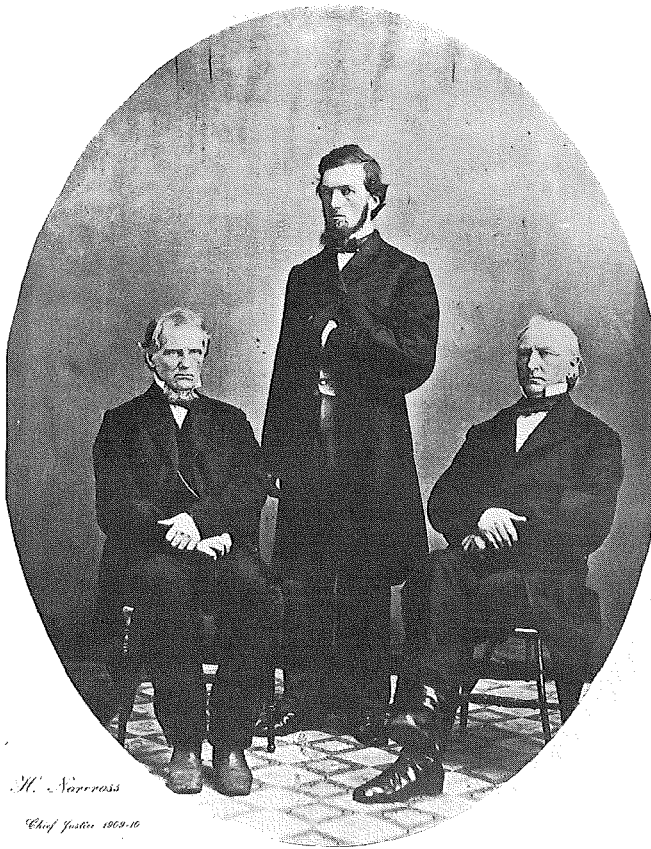
NEVADA STATEHOOD

The perception of corruption in the territorial judiciary led to great debate over the judicial article of the state constitution at both the 1863 and 1864 constitutional conventions. Both great and minor issues of judicial organization and structure were affected by the sad state of the territorial judiciary. For instance, some of the delegates supported a proposal to create a supreme court of five justices on the assumption that five justices would be harder to bribe than three, while others were concerned that it might be impossible to find five "pure" and "able" justices to sit on the high court.³⁹ In a similar vein, the delegates included an experimental provision in the constitution that required only a three-fourths majority to reach a verdict in civil jury trials, presumably in order to reduce the incidence of hung juries, frequently hung as a result of "bribery by one of the wealthy mining companies party to most civil litigation."⁴⁰

Perhaps most significant, the 1864 constitution included two provisions on judicial selection and tenure to make judges more accountable to the electorate and political leaders. Judges could be removed not only by the cumbersome impeachment process, but also "for any reasonable cause . . . which may, or may not be sufficient grounds for impeachment, . . . on the vote of two-thirds of the members elected to each branch of the Legislature."⁴¹ The constitution also provided for an elective judiciary. That provision is not at all surprising given the state's poor experience with its appointed territorial judiciary and the fact that statehood was achieved during the nation's second phase of judicial selection, noted above, when other new and old states were adopting elections as their primary method for selecting judges.

Partisan election of the state's judges apparently worked well in its first years. The state's first three supreme court justices (Chief Justice James F. Lewis, Associate Justice Cornelius N. Brosnan, and Associate Justice H. O. Beatty), as well as their successors, were generally believed to be "sturdy, impeccable, and incorruptible men" who helped to "remove the bad taste of [the] dreadful territorial years."⁴² In 1915, in the wake of the Progressive movement sweeping the country, Nevada joined other states in advancing into the third phase of judicial selection: nonpartisan elections designed to reduce political party and machine influence on judges.⁴³

The influence of political machines on elections was, and continues to be,



H. O. Beatty
Chief Justice 1864-66

HON. H. O. BEATTY, Justice HON. JAMES F. LEWIS, Chief Justice HON. C. H. BROSMAN, Justice
FIRST JUSTICES SUPREME COURT OF NEVADA, 1864
 "They laid the foundation, broad and deep"

The first Justices of the Supreme Court of Nevada in 1864: Associate Justice H. O. Beatty, Chief Justice James F. Lewis, Associated Justice Cornelius H. Brosman. (*Nevada Historical Society*)

strong in Nevada. During the latter nineteenth and early twentieth centuries, the state was dominated by two financial interests, the Central Pacific Railroad and the leaders of the Comstock, who managed to get their candidates elected to office in high numbers. The political machine of Patrick McCarran gained power over the state's politics and elections during the period between the bank collapse of the Great Depression and his death in 1954.

And, since 1954, gaming interests and the state's media power brokers (e.g., Hank Greenspun, Donald Reynolds, and Mike O'Callaghan) have exerted tremendous influence on the outcome of elections in the state.⁴⁴

Nonpartisan elections were (and are) promoted as a method for "taking judicial selection out of politics"⁴⁵ and providing for greater accountability and

democracy. It is fair to say, however, that nonpartisan elections generally have not achieved their goals in Nevada or elsewhere. Although partisanship is weaker in nonpartisan elections, its effects are not totally absent, but are often found under the surface.⁴⁶ Likewise, re-election of incumbents is frequent in both partisan and nonpartisan elections,⁴⁷ and large percentages of judges in states with these systems initially arrived at the bench through gubernatorial appointment to replace midterm vacancies,⁴⁸ both factors that indicate a lack of accountability to the voters.

Empirical evidence suggests that these trends also hold true for Nevada. The 1992 supreme court race between Charles Thompson and Miriam Shearing was nonpartisan in name only. It was generally known that Thompson was a Republican and Shearing a Democrat; but to aid those who were unaware, Shearing sent out mailers to registered Democrats asking them to support a comrade in arms. In this case, the partisanship wasn't even below the surface; it was, quite clearly, meant to be a criterion for election.

In addition, it is true that sitting judges in Nevada, as elsewhere, are rarely opposed, and when they are, they are most frequently the victors. An empirical study published in 1990 found that in Nevada

from 1894 to 1984 only 42 percent of district court judgeships were opposed in state elections. And, since 1916, when nonpartisan elections were adopted, only 37 percent of district court posts have been contested. Prior to 1916, that figure was 73 percent. At the Nevada Supreme Court level, from 1864 to 1988, 58 percent of these seats were contested. Prior to 1916, 93 percent were contested, but after 1916 that figure dropped to 38 percent. . . . from 1866 to 1988, 92 percent of incumbents running for reelection to the state Supreme Court won; 58 percent of these winning incumbents did not even draw challengers. After the adoption of nonpartisan elections in 1916 the percentage of incumbents winning reelection rose to 93 percent while an incredible 71 percent of those winners failed to draw opponents.⁴⁹

At least as far as state supreme court justices are concerned, most have achieved their initial positions on the high-court bench through gubernatorial appointment rather than election. Between 1864 and 1988, "41 percent were appointed to the Supreme Court bench initially"; following adoption of nonpartisan elections in 1916, "the number of justices who were initially elevated to the bench by appointment rose to 57 percent and since 1939 that number has risen to 67 percent."⁵⁰

If judicial candidates make their partisan affiliations a part of their campaigns, and if most judges arrive at the bench through appointment and are rarely challenged or defeated, it is difficult to conclude that judicial elections in Nevada have achieved the goals of nonpartisanship, accountability, and democracy. In the entire history of Nevada, "only five of 60 incumbents running for reelection to the Supreme Court have been defeated."⁵¹

Further reducing judicial accountability and democracy is the fact that judicial

elections often see a drop-off in voter interest.⁵² For example, in the hotly contested 1984 supreme court race between Noel Manoukian and Cliff Young, less than 95 percent of those voting for president and vice-president voted in the court race, while fewer, only 77 percent, voted in a race that same year in which Thomas Steffen drew no opponent.⁵³ In the 1992 Thompson-Shearing race the outcome was only slightly better, with 96 percent of those voting in the presidential election also casting votes in the supreme court race, although nearly one fifth of these (18 percent) voted for "None of these candidates," while an uncontested race with Charles Springer drew only 86 percent of the voters.⁵⁴ Those numbers were fairly consistent throughout the 1980s in contested supreme court races. In the 1988 race between Myron Leavitt and Robert Rose, less than 96 percent of those voting for president and vice-president voted in the court race, while in two court races in 1980, the figures were 93 percent and 95 percent. However, a major drop-off occurred in 1982 when less than 87 percent of those voting in the United States Senate race between Chic Hecht and Howard Cannon voted in the supreme court race between Al Gunderson and Robert Van-Wagoner. The voter drop-off figures in Nevada and elsewhere appear to indicate "either apathy or a lack of knowledge on the part of voters over the qualifications of the candidates."⁵⁵

THE NEVADA JUDICIARY: 1984-1992

Initial accession through appointment, a lack of challengers, high rates of re-election, and low levels of voter interest are, in a very real sense, silent indicators of the problems attendant to the use of election as a means of judicial selection. One could argue that closely contested, "unjudicial" judicial elections are a sign of a healthy system in which democracy and accountability flourish. Yet, such judicial elections in Nevada between 1984 and 1992 have pointedly reminded the state's citizens of the less silent, darker side that appears to be inherent in a system which requires judges to run for election. In particular, these unjudicial judicial elections have brought to a head issues of ethics, recruitment of candidates, and intracourt dispute that are exacerbated by turning judges into politicians.

When judicial elections do occur, they are marked by a lack of issues imposed by the Code of Judicial Conduct. For example, canon 7 states that

A Judge Should Refrain from Political Activity Inappropriate to His Judicial Office. B.(1)(c). [A judge] should not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office; announce his views on disputed legal or political issues; or misrepresent his identity, qualifications, present position or other fact.⁵⁶

As a result, judicial campaigns during this period often have become issueless

ones in which the candidates have had to raise huge amounts of campaign money from questionable sources and in which they have “gone negative” to raise questions in the minds of the voters regarding the character or honesty of their opponents. A few examples should suffice to illustrate the point.

In 1984, Clark County District Court Judge Charles Thompson found himself running hard for re-election against Justice of the Peace Joe Bonaventure, who had high name recognition and union support. Thompson took the offensive, purchasing massive amounts of media advertising to challenge Bonaventure’s attacks on the restraining order that Thompson had issued against hotel-casino strikers in the bitter strike of 1984. Ultimately, Thompson was the second highest spender in Clark County’s 1984 election, spending more than \$154,000 of which “\$7,500 came from the Golden Nugget, \$5,500 each from the Four Queens and Sam’s Town, \$5,000 from the California Hotel, \$3,000 each from Caesar’s Palace and the Las Vegas Hilton, and \$2,000 from Las Vegas Strip entertainers Siegfried and Roy.”⁵⁷ Given that each of these had benefitted from Thompson’s 1984 restraining order on the strikers, many of the public were troubled by the conflict of interest that occurs when judges take campaign contributions from those who were not only advantaged by prior rulings, but who would also likely appear in that judge’s courtroom in the future.

The battle between Chief Justice Noel Manoukian and challenger Cliff Young for a supreme court seat that same year was an especially bitter and unethical one. In addition to Young’s challenge, Manoukian was also fighting off criticism from and electioneering by, his colleagues on the bench, including E. M. “Al” Gunderson. Charges of unethical behavior were rampant on both sides. In exclusive interviews with the *Las Vegas Review-Journal*, attorneys charged that Manoukian had “asked attorneys for campaign support, while at the same time mentioning they had cases pending before the high court.”⁵⁸ Gunderson was accused of improperly securing contributions for Young. As one of the attorneys noted, “If you [openly] pick the side that loses, you just don’t know how [the winner] is going to react to that down the line.”⁵⁹

The 1992 supreme court race between Thompson and Shearing illustrates in more ways than one the inherent frailties of the election system. The fact that there was an open seat—Chief Justice John Mowbray chose not to run for re-election—is attributable in part to battles within the court, battles themselves brought on by the election system. As one observer had noted, the feud between Mowbray and three other supreme court justices (Charles Springer, Thomas Steffen, and Robert Rose) in late 1991 and early 1992 appeared to be the result of Mowbray’s desire for re-election.⁶⁰

Shortly after announcing in November 1991 that he would seek re-election, Mowbray issued a rule requiring that cases before the Supreme Court be decided within ninety days of their hearings. Although he stated that the court did “a wonderful job in keeping its work current,” he managed to anger his colleagues by further noting that “the leisurely practices of the past must cease.”⁶¹ In a

leaked confidential memo, the colleagues responded that "if the current chief justice had any interest in truly expediting the quantity and quality of this court's efforts, he would unselfishly realize that it is long past the time when he should have retired from the court."⁶²

That Mowbray's proposal came shortly after his re-election announcement may have been merely coincidence, but "the associate justices surely had cause to attack his departure from collegiality as a method of enhancing his reelection campaign—an effort certain to be difficult in view of Mowbray's advanced age and glaucoma."⁶³ Mowbray, frequently at odds with Al Gunderson during their shared time on the court, believed that Gunderson was not only behind the attempt to remove him from the bench and replace him with a Gunderson ally, but was also interested in creating the open seat in order to reduce the chances of an election challenge to Springer, whose term also expired in 1992. Whether these charges are true is unknown; however, the feuding and bickering among the justices led Mowbray not to seek another term and brought the court itself into public disrepute as charges and countercharges flew between the warring parties over competency, conspiracy, and inappropriate telephone use.

The election to fill Mowbray's seat was as distasteful and disreputable as the events leading to its pending vacancy. The campaign and its aftermath, described by newspaper columnist Jon Ralston as an "unrelenting quest to persuade voters why judges should be appointed,"⁶⁴ were characterized by negative advertising, high expenditures, contributions from questionable sources, conflict of interest, decision buying, and complaints to the Nevada Commission on Judicial Discipline.

Negative campaigning. Thompson portrayed Shearing as incompetent in forgetting the appeal of a convicted child killer for two years. Shearing accused Thompson of conflict of interest for hearing cases involving contributors to his campaign and cases in which a litigant, Humana Hospital Sunrise, was his wife's employer. Complaints were filed against both judges with the Commission on Judicial Discipline, which "expressed [its] extreme displeasure . . . regarding the tone and conduct of [the] election campaign" and which noted that the "campaign on both sides was unnecessarily negative and a discredit to the judiciary."⁶⁵ Both judges issued public apologies and the commission closed the books on all pending election complaints.

Contributions. The 1992 supreme court race was an extraordinarily expensive one. Setting an all-time record for supreme court campaigns, Shearing spent \$758,558, of which \$594,000 was her own money.⁶⁶ Thompson spent more than \$384,000, most of which was from contributions, bringing the total campaign costs for the two candidates to more than \$1,000,000 for a position that pays \$85,000 per year.

Thompson's contribution report "reads like a special interest roster,"⁶⁷ with small and large contributions from gaming companies (Gold Coast Hotel and Casino, the Boyd Group, Hilton Nevada, Jack Binion, Circus-Circus, Vegas

World, MGM Grand Hotel, Caesar's Palace, Harrah's), developers (M. G. Fauci Construction, Paradise Homes, American Pacific, Howard Hughes Properties), hospitals (Humana Hospital Sunrise, the Doctors' Management Company), business people (Battista's, Piero's, Carpet Barn, Liberty Oil, Pat Clark Pontiac, Gaudin Ford, Chaisson Motors), and lawyers (Albert Massi, Combs and England, Crockett and Myers, Pearson and Patton).⁶⁸ The necessity for Thompson, who is not wealthy, to seek campaign contributions from these sources allowed Shearing to paint him as a shill for various interest groups, although she herself appeared before an AFL-CIO convention and accepted a contribution from them as well as from other special interests, many of whom had hedged their bets by also contributing to Thompson.⁶⁹ After the election, Shearing and other winning judicial candidates held parties at which attorneys practicing in the state, and who are likely to appear before these judges and justices, were invited to retire campaign debts, a practice variously described as "a postelection shakedown" or "legal extortion."⁷⁰

Although there is no empirical evidence to date that Nevada judges have decided cases in favor of contributors, such evidence does exist elsewhere. A Texas survey found, for example, that judges in that state frequently tapped campaign contributors to "serve as receivers and guardians for children and mentally ill clients in personal injury lawsuits." A study in Philadelphia discovered that, although defendants won in municipal court cases only 35 percent of the time, "defense lawyers who had worked in or contributed money to judges' campaigns won 71 percent of their cases before those judges." And a Los Angeles judge admitted that he had "asked the prosecution and defense counsel [in a murder case before his court] to distribute some of his campaign materials." Could this happen in Nevada? Of course it could; and perhaps it already has. As one Texas lawyer noted, "Anybody who makes a contribution to a candidate for public office expects some kind of return."⁷¹

These three Nevada judicial races (and those in other states) point out the problems inherent in a system of electing judges: either judges are initially appointed by the governor, rarely challenged, and even more rarely defeated, or judicial campaigns become disgraceful spectacles characterized by ethical lapses of major proportion, negative campaigning, and the need for campaign contributions from potential litigants and litigators. In particular, the Thompson-Shearing and Manoukian-Young races appear to be the contemporary rule rather than the exception.

A PROPOSAL FOR REFORM

In general, then, one can say, based on the evidence, that the current system of nonpartisan judicial election in Nevada has resulted in the following:

(1) Judges are frequently appointed to their positions by the governor to fill midterm vacancies, they are rarely challenged, and even more rarely do they lose.

(2) In those cases where challengers vie for a judicial seat, the campaigns are more often than not issueless ones in which the candidates feel compelled to “go negative” and attack the competency, honesty, and integrity of their opponents rather than their stands on the issues.

(3) Candidates who are wealthy run the risk being accused of buying a seat on the court, while those who are not must seek out contributions from those most interested in the composition of the bench: likely litigants (e.g., casinos, hospitals, businesspeople, insurance companies) and litigators (e.g., attorneys) who may appear in their courts, creating, at the very least, an appearance of impropriety and conflict of interest and providing an opportunity for the challenger to make accusations of decision buying.

(4) Judicial campaigns have become not only extraordinarily nasty affairs, but also expensive ones. The clear implication seems to be that good, competent individuals who might otherwise serve in distinguished careers on the bench will be dissuaded by their abhorrence of mudslinging and groveling for campaign donations, or by the sizeable campaign chests of their opponents.

(5) The judicial election system has negative consequences for the quality of justice in the state. In 1991, Associate Justice Cliff Young told a state senate committee that “political influence” might have been a factor in the Supreme Court’s decision to reopen a workers’ rights case that had been challenged by several powerful, wealthy business and gaming groups that frequently contribute to judicial campaigns. In addition, Young and District Court Judge David Gamble of Douglas County noted that, in order not to be challenged in future elections as being soft on crime, “almost every Nevada judge must take a tough stance on crime, including sentencing criminals to long prison terms, even though they know state prisons are crowded and an increasing expense for taxpayers.”⁷²

(6) The system of elections has further eroded public confidence in the judiciary because electioneering by current and former members of the state Supreme Court has resulted in brutal, unethical, and image-damaging internecine battles among the justices.

In order to ameliorate these problems, we propose that Nevada adopt the merit system for the selection of its supreme court justices and district court judges. Admittedly, this idea is not a new one; voters have turned down the merit system in 1972 and 1988. In 1976, however, they did approve a modified merit system in the state that took from the governor his sole power to fill midterm vacancies and vested that power in a Commission on Judicial Selection composed of laymembers and attorneys, along with the governor. Although the initial selection takes place in a manner consistent with the merit system, judges chosen under this system do not run in noncompetitive retention elections; instead, they serve only until the next election, where they will run against any challengers who may oppose them.⁷³

At least two factors suggest that Nevada’s voters may be more willing to

accept a merit system in the future. First, the tawdry squabbling among the state's justices and the negative judicial campaigns of recent years have renewed interest in merit selection. Second, voter opposition to the merit system appears to be waning. Whereas only 38 percent of the state's electorate supported the merit system in the 1972 ballot, 44 percent supported it in 1988. We hypothesize that this increased support is most likely due to the sorry state of Nevada's judicial campaigns, particularly since 1984, and to the influx of residents new to Nevada who are arriving from states in which the merit system has been used effectively. As judicial campaigns and intracourt behavior among the justices continue to seek new nadirs and as new residents from merit-system states move into Nevada, it is probable that merit selection will gain new momentum in the next few years. That, we argue, is for the good.

Given that merit-system judges do not run in competitive elections, use of that system in other states has reduced the need for large campaign chests contributed by potential litigants and litigators and has virtually eliminated negative campaigning and ethical lapses of the type seen in Nevada.⁷⁴ At the same time, it allows judges to be held accountable to the voters through periodic noncompetitive retention elections.

In addition, a study by the Fund for Modern Courts found that women and minorities were more likely to reach the bench in states with appointive or merit systems than in those with elective systems. The study found that women and minorities constituted 17.9 percent of judges in appointive states, 17.2 percent in states using the merit system, and 9.4 percent and 11.1 percent in states using nonpartisan and partisan election systems, respectively.⁷⁵ Nevada, with its system of partisan and nonpartisan elections, has had precious few women and minorities on the district court bench and only one woman (and no minorities) in the Supreme Court.

We are not naïve enough to argue that the merit system results in better judges. Indeed, empirical studies have suggested that "not only is there little evidence of the superiority of judges selected by the merit system, . . . there is in fact little to show that judicial selection mechanisms make any difference at all!"⁷⁶ The merit system will, however, as it has in other states, clearly reduce the negative campaigning, ethical lapses, appearances of impropriety, and conflict of interest associated with fundraising, electoral pandering, and intracourt squabbling characteristic of judicial elections in Nevada, but without eliminating the ability of the voters to hold judges accountable at election time.

At the same time, unlike a straight gubernatorial appointment system, the governor's patronage power will be held in check in that he is forced to choose judges from a list created from among applicants by the Commission on Judicial Selection. Although a number of states have experienced problems with gubernatorial and bar association manipulation of these panels,⁷⁷ that appears to be less likely in Nevada. The Nevada Constitution currently provides that members of the commission serve for staggered terms and that neither the governor (who

appoints the laymembers) nor the bar (which appoints the attorneys) may appoint more than one resident of any county or more than two members of the same political party.⁷⁸ In that same vein, the commission's internal rules note that judicial applicants are to be considered in "an impartial, objective manner" without taking into account considerations of "race, religion, sex or political affiliation. "A commissioner who has a personal or business relationship with an applicant is required to notify the commission chair, and the commission will determine whether or not the individual should be allowed to participate in deliberations. And, finally, neither members of the commission nor anyone else may influence the decision with "facts or opinions" that are not "relevant to the judicial qualifications of the applicant."⁷⁹

Given the tawdry history of the Utah and Nevada territorial courts, it is particularly important that Nevada's judiciary be beyond reproach. That can be accomplished only by refusing to force our judges to become politicians and by bringing Nevada into the fourth era of judicial selection: merit selection of state judges. As one of the delegates to Nevada's 1863 constitutional convention noted presciently, "let us lift the candidate for this high office out of the slough of politics, as far as possible; out of the mire of corrupting influences; in which he should never be allowed to crawl."⁸⁰

NOTES

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³See Evan Haynes, *The Selection and Tenure of Judges* (New York: National Conference of Judicial Councils, 1944), 80-135.

⁴Harry P. Stumpf, *American Judicial Politics* (San Diego: Harcourt Brace Jovanovich, 1988), 158. See also Sari S. Escovitz, with Fred Kurland and Nan Gold, *Judicial Selection and Tenure* (Chicago: American Judicature Society, 1975), 4.

⁵See Larry Berkson, Scott Beller, and Michele Grimaldi, *Judicial Selection in the United States: A Compendium of Provisions* (Chicago: American Judicature Society, 1980), 3-4.

⁶Harry P. Stumpf and John H. Culver, *The Politics of State Courts* (New York: Longman, 1992), 38.

⁷Roll, "Merit Selection," 841.

⁸See Glenn R. Winters, "Selection of Judges: An Historical Introduction," *Texas Law Review*, 44 (1966), 1083.

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¹⁰Roscoe Pound, "The Causes of Popular Dissatisfaction with the Administration of Justice," *Journal of the American Judicature Society*, 46 (August 1962), 66.

¹¹Corsi, *Judicial Politics*, 105.

¹²*Ibid.*, quoting Taft.

¹³Richard A. Watson and Rondal G. Downing, *The Politics of Bench and Bar: Judicial Selection under the Missouri Nonpartisan Court Plan* (New York: John Wiley, 1969), 7. See also Albert Kales, "Methods of Selecting and Retiring Judges in a Metropolitan District," *Annals of the American Academy of Political and Social Science*, 52 (March 1914), 1-12.

¹⁴Harold J. Laski, "The Techniques of Judicial Appointment," *Michigan Law Review*, 24 (April 1926), 529-43.

¹⁵Escovitz, Kurland, and Gold, *Judicial Selection and Tenure*, 9.

¹⁶Michael W. Bowers, "The Impact of Judicial Selection Methods in Nevada: Some Empirical Observations," *Nevada Public Affairs Review*, no. 2 (1990), 4-5.

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¹⁸"The Nevada State Supreme Court" (Nevada Supreme Court, Carson City, n.d.), 1.

¹⁹Myron Angel, ed., *History of Nevada* (1881; rpt. Berkeley: Howell-North, 1958), 32.

²⁰Hubert Howe Bancroft, *History of Nevada, Colorado, and Wyoming, 1540-1888* (San Francisco: History Co., 1890), 74-75.

²¹Angel, *History of Nevada*, 42.

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²³James W. Hulse, *The Nevada Adventure: A History*, 6th ed. (Reno and Las Vegas: University of Nevada Press, 1990), 73.

²⁴Angel, *History of Nevada*, 43.

²⁵Secretary of State, *Political History of Nevada 1990* (Carson City: State Printing Office, 1991), 55.

²⁶Nevada Legislative Counsel Bureau, *Nevada's Court Structure* (Carson City: Legislative Counsel Bureau, 1968), 7.

²⁷Eleanor Bushnell and Don W. Driggs, *The Nevada Constitution: Origin and Growth*, 6th ed. (Reno: University of Nevada Press, 1984), 13.

²⁸"The Nevada State Supreme Court," 1.

²⁹Bancroft, *History of Nevada, Colorado, and Wyoming*, 172.

³⁰"The Nevada State Supreme Court," 1.

³¹This entire episode, including the quotation, can be found in Bancroft, *History of Nevada, Colorado, and Wyoming*, 173-75.

³²*Territorial Enterprise*, quoted in Samuel P. Davis, ed., *The History of Nevada*, 2 vols. (Reno: Elms Publishing Co., 1913), 288.

³³Gilman M. Ostrander, *Nevada: The Great Rotten Borough, 1859-1964* (New York: Alfred A. Knopf, 1966), 28.

³⁴William M. Stewart, *Reminiscences of Senator William M. Stewart of Nevada*, George Rothwell Brown, ed. (New York: Neal Publishing Co., 1908), 153.

³⁵According to Stewart's memoirs, Turner had accepted a \$5,000 bribe for issuing an injunction in an important mining case. In their conference, Stewart threatened to swear out a court warrant for Turner's arrest on bribery charges if he did not resign. Stewart, *Reminiscences*, 160-61.

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³⁷Davis, *History of Nevada*, 302.

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⁴⁰Michael W. Bowers, *The Nevada State Constitution: A Reference Guide* (Westport, Conn.: Greenwood Press, 1993), 26.

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⁵⁰*Ibid.*, 6.

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⁵⁴"Election 1992: Nevada Results," *Las Vegas Review-Journal* (5 November 1992), p. 7B. The percentages were figured by Michael Bowers based on raw numbers reported by the *Review-Journal*.

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⁵⁶Quoted in John P. MacKenzie, *The Appearance of Justice* (New York: Charles Scribner's, 1974), 243.

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⁵⁸Clyde Weiss, "Supreme Court Fight Gets Rough," *Las Vegas Review-Journal* (28 October 1984), p. 15A.

⁵⁹*Ibid.*, p. 1A.

⁶⁰Michael W. Bowers, "Personality and Judicial Politics in Nevada," *State Constitutional Commentaries and Notes*, 2 (Summer 1991), 7-10.

⁶¹Ed Vogel, "Mowbray Resisting Justices," *Las Vegas Review-Journal* (6 December 1991), p. 4A.

⁶²Ed Vogel, "Three Justices Try to Unseat Chief Justice," *Las Vegas Review-Journal* (7 December 1991), p. 1B.

⁶³Bowers, "Personality and Judicial Politics," 9.

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⁶⁸J. Charles Thompson, "Campaign Contribution and Expenditure Report," (15 August 1992) Office of the Secretary of State.

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⁷¹Stumpf and Culver, *Politics of State Courts*, 44.

⁷²Ed Vogel and Dave Palermo, "Court Ruling Questioned," *Las Vegas Review-Journal* (6 April 1991), p. 4A.

⁷³A review of the Nevada modified merit system can be found in Bowers, "Impact of Judicial Selection Methods," 5.

⁷⁴Even in merit-system states, however, there will on rare occasions be a negative campaign against the incumbent. The 1986 Rose Bird retention election in California is a particularly virulent case. See, for example, John T. Wold and John H. Culver, "The Defeat of the California Justices: The Campaign, the Electorate and the Issue of Judicial Accountability," *Judicature*, 70 (April-May 1987), 348-55.

⁷⁵Alexander Stille, "Election v. Appointment: Who Wins?" *The National Law Journal*, 8 (30 December 1985), 8.

⁷⁶Stumpf, *American Judicial Politics*, 167.

⁷⁷Watson and Downing, *Politics of Bench and Bar*, 107-9.

⁷⁸Nevada Constitution, article VI, section 20.

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NEVADA'S DOCTRINAIRE SENATOR

John P. Jones and the Politics of Silver in the Gilded Age

Leonard Schlup

John P. Jones (1829–1912), United States senator from Nevada for thirty years, was a prominent political personality in his state's history. Ignored by historians as a subject of dissertation or biography, he deserves better treatment and wider recognition for the role he played in national politics during the late nineteenth century. His political career revolved around one central issue—silver. In fact, the money issue and Jones, the “silver senator,” became synonymous, and it was impossible to separate one from the other between the years 1873 and 1900.¹

Born in England of Welsh ancestry, Jones spent much of his youth with his parents in Cleveland, Ohio, where he worked for a brief period in a marble yard. In 1849, succumbing to the pioneer spirit of adventure embodied in the gold rush, he traveled to California to seek a better life. There he engaged in farming and mining, served as sheriff and justice of the peace, represented Trinity County in the state senate from 1863 to 1867, and ran unsuccessfully for the lieutenant governorship.²

In 1868, Jones relocated to western Nevada. His friends and connections at the Comstock Lode, the silver deposit discovered near Virginia City in 1859 by Henry T. P. Comstock, provided him with the start he needed in his adopted state. Beginning as superintendent of the Kentuck mine in Gold Hill, Jones soon advanced to the superintendency of the Yellow Jacket and Crown Point mines in Gold Hill.³ Jones turned to Alvinza Hayward, a friend from California, to invest with him in Crown Point. Together they purchased nearly five thousand of Crown Point's twelve thousand shares.⁴ After the bonanza in 1871, Crown Point stock rose rapidly from \$2.00 to \$1,800 a share. Jones suddenly became wealthy, allowing him to build an ice house in New Orleans, start a railroad from Santa

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Monica to Salt Lake City, and engage in other activities to develop the West and make money. His fortune also enabled him to exert influence in the political life of the new state of Nevada at a time when senate seats went to the highest bidder. Jones was now in that league.

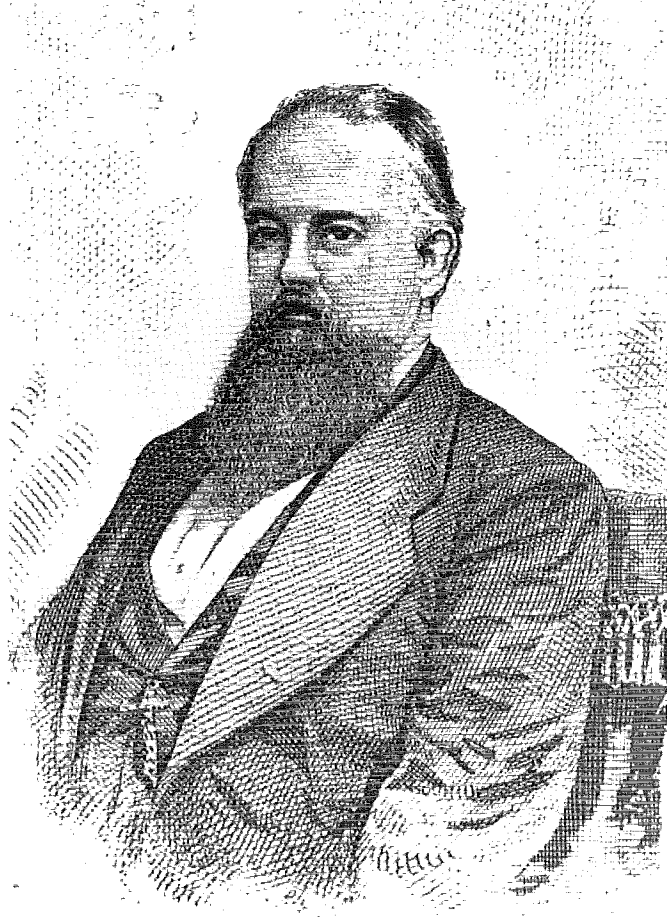
Known as the Nevada Commoner, Jones in 1873 secured election by the state legislature to the United States Senate, succeeding James W. Nye, a Republican and former territorial governor. Jones, a Republican, served on the committees on post offices and post roads and mines and mining, achieving in this capacity important results for western states. His interest in promoting silver surfaced immediately during his first year in the Senate. In 1873, Congress passed an act that omitted the standard silver dollar from the coinage at a time when increased silver production from new discoveries in the West occurred.⁵ Jones vehemently denounced this legislation, for he was opposed to the demonetization of silver. He addressed the Senate many times on this vital issue.⁶

Three years later, Jones chaired the monetary commission organized under a joint resolution of Congress on August 15, 1876. This committee, which met in New York City, consisted of three experts on the financial question, three members from the House of Representatives, and three senators, who were Jones of Nevada, Lewis V. Bogy of Missouri, and George S. Boutwell of Massachusetts. The report of this nine-member committee, submitted to Congress on March 2, 1877, contained a thorough examination of the silver question and gained significance for reflecting the economic thought of the period. Jones urged that the United States should remonetize silver regardless of the views of other nations and without waiting for European action. He also favored a law to establish the relative value between silver and gold. "The great object is the remonetization of silver," he asserted. "Its precise legal relation of value to gold is of far less importance."⁷

Jones entered the Senate at a crucial time in Nevada history. When the government's demand for silver fell, its value dropped considerably. Unable to produce ores at a profit, many mines closed in the 1870s, thereby increasing unemployment and creating ghost towns, as people sought work elsewhere. Most significantly the Comstock Lode itself failed by the end of the 1870's. These economic calamities reverberated across the state. Nevada's population declined from 62,266 in 1880 to 42,335 in 1900.⁸ Ranchers also faced difficult problems because of extremely high railroad shipping rates and severe winters that killed thousands of cattle. Jones witnessed the bankruptcies and hardships of these troubled times in his state. Silver for him became a political panacea whose dogma would cure economic ills and reduce social tensions. He told Nevada's laborers, farmers, and mining investors that the free coinage of silver would promise better times, more employment, increased farm prices, reduced indebtedness.⁹

Silver remained a volatile issue throughout the Gilded Age, an era characterized by extravagance, greed, and growing industrialization, urbanization,

change, and diversity in the nation. The contentious money issue produced divisions within the Democratic and Republican parties and also spawned sectional hostilities between East and West. In 1878, Congress passed the Bland-Allison Act over President Rutherford B. Hayes's veto. It required the government to make monthly purchases of from two million to four million dollars' worth of silver at the market price. This compromise measure, which prevented unlimited coinage, was not inflationary because the treasury secretary could use his discretionary powers conservatively, with monthly purchases at the minimum amount. In the end, the 1878 act satisfied neither the silverites nor the goldbugs. A revival of national prosperity in the late 1870s momentarily curtailed the silver agitation until agricultural discontent in the 1880s led to a resurgence of political attacks against eastern moneyed interests, industrial monopolies, and advocates of gold monometallism.¹⁰



Senator John P. Jones of Nevada. (*Nevada Historical Society*)

During the presidential campaign of 1888, Republicans straddled the financial question. Their platform called for "the use of both gold and silver as money."¹¹ Jones entertained no reservations that autumn in announcing his support of the Republican ticket, headed by Benjamin Harrison of Indiana. Following Harrison's triumph over the Democratic incumbent, President Grover Cleveland, Jones sent the president-elect a congratulatory letter:

I rejoiced heartily at the splendid victory achieved, and . . . I rendered all the assistance in my power to bring it about. To my mind the consequences involved were more momentous than those of any election since the foundation of the Government, excepting only that of Lincoln. While . . . I congratulate you most sincerely on your conspicuous success, after a fight in which the people thoroughly understood what they wanted, and whom they wanted, I congratulate the Republic no less that it has escaped the baleful consequences that must have followed the success of the Democratic party at this critical juncture of our economic policy.¹²

Jones harbored a clear motive in writing to Harrison. He wanted to impress upon the new chief executive the importance of having a western politician in the Cabinet. Jones's first choice was Morris M. Estes, a California Republican and former gubernatorial candidate, who had served as permanent chairman of the Republican National Convention in 1888. "He would faithfully and intelligently discharge the duties," Jones assured Harrison, "of any position for which he might be selected. He would prove loyal to you, and would promote harmony in your official household." Jones pointed out that a great distance separated the Pacific Coast from the other states and that there existed "interests and conditions" peculiar to that region. "The people believe that their situation would be more thoroughly understood, and their wants better met, if a representative of the Coast should be selected as a member of the President's Council, especially as Secretary of the Interior," he added.¹³

Senator Jones enclosed with his letter a resolution addressed to President-elect Harrison that had been passed by the Nevada legislature on January 10, 1889. Properly affixed with the Great Seal of State and signed in Carson City by John M. Dormer, Secretary of State of Nevada, this document expressed the hope of the legislators that Harrison would select a Cabinet member from the Pacific region:

We deprecate everything in American politics which has the slightest sectional coloring, and it is in no such spirit that we address you at this time. We believe that any doctrine which tends to divide our people upon geographical lines is baneful in the extreme, and fraught with infinite danger to the Republic. But, nonetheless, it should be borne in mind that in a widely extended country . . . the interests of the people will apparently diverge, and sectional friction will inevitably arise. . . . The Pacific States, if left unrepresented, are especially liable to suffer . . . because of their remoteness from the great center of population and political power.¹⁴

Although there was no mention of the money issue in Jones's letter or in the

state resolution, the Harrison administration confronted that matter in 1890. The steady decline in the market price of silver bullion and the deepening agricultural depression increased the political strength of the inflationist groups, including representatives voted into office by the Farmers' Alliances. The pro-silverite Senate embraced a bill for free coinage, but the House, controlled by gold-standard men, blocked its passage. When western legislators threatened to vote against the McKinley tariff bill, conservative easterners, such as Senator Arthur Pue Gorman of Maryland, compromised by agreeing to a more liberal purchase in return for western support of the highly protective Republican tariff and western opposition to the Republican-sponsored federal elections bill to increase black suffrage in southern states.¹⁵ Although the Sherman Silver Purchase Act of 1890 did not provide for free silver, it did require the Treasury to purchase 4,500,000 ounces of silver each month at the prevailing market price and to issue in payment legal-tender notes redeemable in gold or silver. The act not only caused eastern financial groups to fear that silver inflation would take the country off the gold standard, but it also failed to satisfy the demands of free-coinage advocates. Once again Congress had administered a temporary and soothing remedy to a major problem that required more decisive action. Jones supported the measure as a step in the right direction, and Harrison signed the legislation. Despite this action, the issue remained unsolved and confusing.¹⁶

Still the passage of the Sherman Act provoked optimism in Nevada. "You have no idea how much the present rise in silver has helped Nevada. New mines are being opened daily and everybody feels that there is a great, big future," wrote Henry M. Yerington, general manager of the Virginia and Truckee Railroad, to Nevada's Republican Senator William M. Stewart, a silverite.¹⁷ Roswell K. Colcord, Republican governor of Nevada from 1891 to 1895, echoed this sentiment, predicting that the Sherman law would help the state's economy.¹⁸ Their optimism was short-lived. As silver prices resumed their downward plunge, opinion in the state for silver solidified. Sam Davis, ardent supporter of silver and editor of the Carson City *Morning Appeal*, affirmed: "The remonetization of silver concerns this State more than any and all other questions of an economic character now before the people. It means prosperous times, employment for thousands, and a home market for the products of the farm and dairy."¹⁹

Caught in the furor of the moment, President Harrison was a chief executive whose keen intellect had sought an office for which his frigid personality was ill suited. Although genuinely warm among family members and close friends, the president often displayed a brusque demeanor around others. Nevada's Senator Stewart claimed that Harrison had "fewer personal friends and supporters than any man who ever occupied the White House."²⁰ He added,

Benjamin Harrison was a unique character. He was gifted beyond comparison with a capacity to be disagreeable. He never either refused or granted a favor during all the time

he acted as President that he did not give offense. He was so impartial in the distribution of his disagreeableness that when a Senator entered the cloakroom of the Senate his associates could tell by his excited and disgusted manner if he had visited the White House that day.²¹

While Jones did not share Stewart's intense hatred of Harrison, he nevertheless turned against the president by 1892. Jones told the Republican delegates assembled in Minneapolis for their national convention that the silver movement in the West had reached "the proportions of a third party" and that, unless they had a hearing on "the protection of their chief product," there would be a "clean bolt on election day."²² Jones addressed his fellow Republicans not only as a delegate-at-large from Nevada but also as a member of the Committee on Resolutions.²³ Although delegates defeated a declaration for free coinage, the platform of 1892 recognized the money issue in a carefully worded plank: "The Republican party demands the use of both gold and silver as standard money, with such restrictions and under such provisions, to be determined by legislation."²⁴ This promise failed to satisfy Jones.

Harrison's renomination generally displeased Nevadans. Governor Colcord complained about the outcome as did numerous editors of Nevada newspapers. Former Congressman William Woodburn of Virginia City referred to the president's triumph at the convention as "a wet blanket" on the electorate residing in silver-producing states.²⁵ Jones also decided to find a new leader in whom to place his trust.

On June 24, 1892, a convention held at Reno established the Silver party of Nevada. The delegates passed resolutions demanding full remonetization of silver and repudiating the nominees of the two major parties. A second convention in September instructed its candidates for presidential electors to cast their votes for James B. Weaver of Iowa, the presidential standard-bearer of the Populists, a third party committed to free coinage and various reforms.²⁶ Jones, Stewart, and other leading political figures in Nevada joined the cause. After four years of virtual apostasy under Harrison, however, Jones and his cohorts turned to the new political organization in Nevada in order to express their principles and promote the cause of silver.²⁷ Jones endorsed Weaver for president, and, with the help of the Silver party, Nevada went Populist in the 1892 presidential election. But Cleveland won the presidency that year, which forced Jones to ponder his next move.

After the panic of 1893, accompanied by a run on the nation's gold supply, President Cleveland asked Congress to repeal the Sherman Silver Purchase Act. This action split the Democrats and enhanced sectional feeling on the silver question. The repeal bill also caused a lengthy filibuster in the Senate and catapulted Jones into the center of the debate.²⁸ Dressed in a long black coat and easily recognizable with his flowing white beard, Jones delivered his longest and most important oration on silver in October 1893. His verbosity on this occasion was unprecedented for the easygoing senator. Requiring large portions of eight

days over a two-week period for delivery, Jones's stupendous speech occupied more than 100 pages in the *Congressional Record*, and topped 450 pages when printed.²⁹ Silverites hailed the published work as a compendium on the subject. As a result of his extended endeavor, Jones became in many ways the "father of silver" in 1893.

Jones's speech contained several fundamental points. First, the senator contended that the contraction of money, not the Sherman act, led to the Panic of 1893. "A volume of money that does not keep pace with population and demand," he asserted, "always ends in a panic." He added that "the happiness of all the people depends upon their having a sufficient volume of money." Second, Jones argued that gold was the money of the rich and that silver, the "national metal of the country," represented the money of the poor. "If the people of this country . . . do not destroy the gold standard," he warned, "it will destroy them." The senator described the gold standard as "the child of greed and avarice and the prolific parent of panic and of involuntary idleness." Third, Jones blamed British bondholders for instigating the movement to demonetize silver in the United States. In this connection, he maintained that Americans should not permit the monetary systems of European nations to influence their national policy. Fourth, Jones scoffed at the fears of inflation under free coinage, stating that the government could regulate the supply of money in circulation. Restoring silver and expanding the currency would supply enough money to improve the economy, provide higher wages, and correct the problems of underproduction. This was the key to prosperity. Fifth, Jones spent part of his time on the Senate floor debating the currency question with Senator Joseph M. Carey of Wyoming and Senator John R. McPherson of New Jersey. Directing his anger toward McPherson, Jones said: "Our demand is a demand for equity and justice. . . . If we have to take our choice between a gold standard and a standard of justice, we insist upon the standard of justice."³⁰

Jones concluded his oration on October 30. His masterful summary ended with a poignant plea and vision of a better America:

What an enormous stimulus to intellectual and moral growth . . . would be a civilization in which . . . all would be assured . . . of the comforts of life. . . . With the growth of intelligence and strength among the masses of the people . . . the result will be achieved by an intelligent monetary system scientifically adjusted in quantity to the increase of population and demand.³¹

Jones's speech was the last major statement by the Senate silverites on the repeal bill. Stubbornly refusing to compromise and using patronage to whip Democrats in line, Cleveland managed to weaken the filibuster. On October 30, the Senate voted to repeal the Sherman Silver Purchase Act. The House concurred on November 1, the day Cleveland signed the repealer.³² When the panic failed to subside after repeal and conditions worsened across the nation, a puz-

zled Cleveland remained adamant in his stand for hard money. The severe depression and other factors sent Cleveland's popularity plummeting, and a troubled chief executive remained virtually closeted in the White House near the end of his term. His cherished conception of his job collapsed under the weight of reality. Senator Stewart claimed that Cleveland's second term "was probably the worst administration that ever occurred in this or any other civilized country."³³

The repeal of the Sherman act marked a crucial turning point in Jones's political career. With the Democrats in control of the White House and Congress, and with sound-money Republicans unwilling to commit themselves to free coinage, which they regarded as a reckless and dangerous experiment, Jones viewed with alarm the growing dissension in the country among classes and sections. More and more he began to look toward the Populist party as the vehicle with which to register his political, economic, and social concerns. He thought the party had made a good showing in 1892 by winning twenty-two electoral votes, and he predicted that this strength would grow in the South and West among debtor groups, farmers, and others desiring different policies on land, currency, transportation, taxes, and reform. The Populist party's forthright stand in favor of free coinage especially appealed to the Nevada senator.

In addition to his flirtation with the Populists, Jones harbored suspicions of various groups in the East. He came to believe that their interest in the West was for purely selfish purposes and that the gold barons planned to drain western industries by means of unfriendly legislation. In clamoring for free silver, Jones vigorously protested against the plutocracies that had become strongly entrenched in some areas, such as Colorado. For Jones and others like him, the conspiracy of Wall and Lombard streets had impoverished and exploited the western people and desolated their interests. Jones concluded that the time had come to redeem the overburdened and discouraged American people from, in the words of Representative Henry A. Coffeen of Wyoming, "the organized greed and cunning avarice of the money power."³⁴

In the spring of 1894, Jones journeyed to New York City, where he stayed at the Astor House. He witnessed firsthand the effects of the depression on the Empire State and surrounding areas. He observed,

The working people of the country were never in such a deplorable condition as they find themselves in today, & while now & again the dreadful strain may relax a little, I can see no chance for an era of real prosperity until a reform in the monetary policy of the country such as I have long contended for shall be inaugurated. Hard times & suffering are the most effective teachers & the monetary problem is attracting more attention now than ever before.³⁵

Jones's official trip to New York occurred in 1894, a pivotal year characterized by several major events. First, the growing economic distress and mass unemployment brought groups of jobless men together to demand relief. Jacob S.

Coxey, an Ohio Populist, led a legion of discontented people to Washington to advocate a public-works relief program of road construction and local improvements. Second, William H. Harvey, chief executive officer of the World's Money Educational League, wrote *Coin's Financial School*, which circulated as the infallible guide of bimetallicists and free-silver propagandists across the nation. Third, efforts at conservation resulted in the Carey Act, which authorized the president to grant to each public-land state a maximum of one million acres within its boundaries for irrigation, reclamation, settlement, and cultivation. Fourth, President Cleveland dispatched federal troops to Chicago to stop obstruction of the mails by Pullman Company strikers, an action that aroused the fury of Illinois Governor John Peter Altgeld, who denounced Cleveland's administration. Finally, the American Bimetallic League held a conference in Washington on August 16 and 17. Jones appeared on the program, a clear indication that he enjoyed national stature. Attention centered on the papers read by Jones and two Democratic silver politicians, William Jennings Bryan of Nebraska and Richard P. Bland of Missouri. The conference's published report pointed out that repeal of the Sherman act had failed to bring recovery to the people.³⁶ In late August, a few days after the conclusion of the conference, Jones formally left the Republican party.

Although Jones renounced his allegiance to the Republicans and joined the Populists, he still believed in a protective tariff and the benefits of protectionism for American industries, farmers, and manufacturers, as well as in most other Republican doctrines. But he could no longer support his party on the silver question, a matter of greater importance to him than tariff duties. Privately, Jones had another motive for switching political allegiances—his obvious desire to run for re-election to the Senate in 1896.³⁷

Senator Jones's announcement of his decision to leave the Republican party was made public on September 4, 1894, with the authorized publication of his letter to the Republicans of Nevada. Using official United States Senate stationery, Jones had notified Enoch Strother, chairman of the Republican State Central Committee of Nevada, of his action on August 29. This lengthy letter, published in various newspapers, revealed the reasons for his political departure from the Republican organization:

Having become fully convinced that the republican party organization is unalterably opposed to the free coinage of silver at the American ratio of 16 to 1 . . . I have to announce that I can no longer act with that party. I have not arrived at this conclusion without extreme regret. It is always painful to sever associations of long standing, but fidelity to my own convictions and my imperative duty, as I see it, to the people of Nevada, who have long and greatly honored me, compel me to this course. To my constituents I need hardly say that whatever change has occurred in the relation between the republican party and myself is not a change in me. My opinions are in every respect what they have always been. . . . A change of party affiliations is not to be either advised or commended except in obedience to the imperative demands of principle. But I submit to my friends and all who believe with me that in this great emergency the monetary

issue is, and of right ought to be, the supreme, if not the sole issue, which should now be deemed to be before the country. That being so, I ask whether, with the principles which they really entertain, they are not doing more violence to their consciences by remaining in the old party organizations than they would do by joining a party which, though new, has the courage of its convictions—the courage to treat this great question as it deserves to be treated, namely, as the leading question of the age. . . . I am firmly convinced that there is no prospect for relief from either of the old parties. . . . History teaches that . . . no question of the first magnitude . . . involving a great fundamental principle operating in the interest of the masses of mankind was ever settled without the creation of a new party to achieve it. . . . In the immovable conviction that the progress, prosperity and happiness of not only the people of Nevada but of those of the entire country are more immediately dependent on monetary reform than upon any other issue that can be presented for political action, I shall henceforth vote for and act with the party that brings this overmastering issue to the front.³⁸

Jones's letter met with mixed emotions across the nation, creating a sensation in political circles. Silverites hailed the senator's aggressive stand while opponents scoffed at his action. Jones received a favorable telegram from the chairman of the Silver party, which read, "The Silver Party in Convention assembled in Carson City, Nev., Sept. 4th 1894, congratulate you upon your abandonment of the party of demonetization, and affiliation with the party of remonetization of silver."³⁹ In an interview with a newspaper correspondent, Jones elaborated on his reasons for leaving the Republican party. He declared that the Republican party, opposed to free silver coinage, had set the hands of the clock back twenty years. "The money question," he emphasized, "is paramount to all others. . . . I can no longer as an honest man, true to my convictions, remain with a party whose principles on the main issue are so repugnant to my own views."⁴⁰

The publicity over Jones's disengagement from the Republicans occurred during a period of electioneering in the nation. The midterm congressional elections in the fall of 1894 resulted in a Republican triumph, which began a new era of political realignment. Many interpreted the outcome as the forerunner of 1896, with the hope that a united Republican party would be able to resolve the currency dilemma. Editorialized one midwestern newspaper,

The Republican party can bring us back to the bimetallic basis [and] put some money into the empty wallets of the farmers. . . . It is the only party that has the confidence of the business world, and at the same time leaders of sufficient courage and capacity to give us the legislation required. . . . No party but the Republican party can do it. The Democratic party has demonstrated that it cannot. . . . The Populists will never be intrusted with power to do it because . . . the nation classifies them as a . . . collection of rainbow chasers.⁴¹

With the off-year contest behind him, Jones resumed his Senate duties. He joined with Populist colleagues in the House and Senate, including William V. Allen of Nebraska and William A. Peffer of Kansas, in promoting free coinage as a remedy for the nation's economic ills. He gave freely of his time and talent,

traveling the country to address various groups. Since his 1893 address in the Senate opposing repeal of the Sherman act, Jones had been overwhelmed with invitations to speak. Among the best of the silver orators, he often crossed paths with others speaking on the same issue. His friends included Democratic Senators John W. Daniel of Virginia and William Jennings Bryan of Nebraska, Congressman Richard P. Bland of Missouri, Senator Henry M. Teller of Colorado, Senator James H. Kyle of South Dakota, and his Nevada colleague, William M. Stewart. Shortly after the 1894 election, Jones responded to a call from General Adoniram J. Warner, president of the American Bimetallic Union and a former Ohio congressman, to meet in St. Louis in November. This conference coincided with a gathering of the Trans-Mississippi Commercial Congress, and Jones participated in both conventions. In late February and early March of 1895, Jones again joined his silver friends in Washington for another meeting of bimetallists.⁴² The stage was set for the 1896 election.

The presidential election of 1896 was a crucial contest in United States history. It constituted a fundamental turning point in American electoral politics and demonstrated the periodicity of political realignment. Years of violence, sectional antagonisms, class conflicts, social unrest, political protest, and economic disillusionment, in combination with the problems of growing urbanization and industrialization, had fostered frustrations and triggered national anxiety. These forces climaxed in the campaign of 1896, the most significant election in the Gilded Age.⁴³ A dramatic redefinition occurred, and an economic agenda swept in a new majority.

Jones believed that the electorate's attention would center on the money issue during the campaign and that the verdict would be a referendum on silver. He hoped for a long-awaited victory. In an interview in New York late in March 1896, Jones discussed the political situation. He thought that the presidential nomination of William McKinley, an Ohio Republican and former governor who had served his party well, would help the cause of silver. "The Ohio candidate," Jones professed,

is a straddler, pure and simple. The silver people would rather see a man like Governor Morton⁴⁴ nominated, and the issue made at once. It is idle to dilly-dally with this great question any longer. It is another "irrepressible conflict" and must be fought to the finish sooner or later. McKinley's election won't cut any figure with us. . . . We are demanding our just rights. Our constituents would repudiate us if we did not make a bold stand for silver. . . . Nothing short of free silver coupled with protection will bring peace and prosperity. . . . The Ohio candidate is neither flesh, fish, nor fowl. What we want is a gold bug pitted against a free silver man, and the country given a chance to vote. A good many people would open their eyes at the result.⁴⁵

Like Jones, Senator Stewart also questioned McKinley's sincerity on the silver issue. In April, he addressed a letter to McKinley demanding to know the Ohioan's stand on money. "Your Republican friends," Stewart wrote, "claim that you are in favor of the free and unlimited coinage of silver at the ratio of 16

to 1. Will you define your position or will you continue to hold out hopes to both sides one or the other of which you must disappoint after the election."⁴⁶ In reality, Jones and Stewart had already abandoned hope that McKinley would declare for free silver. They aimed their preconvention attacks on him mainly as an effort to force the presidential aspirant to announce for a gold policy.

The Republicans convened at St. Louis in June for their national convention. McKinley easily won the presidential nomination on a sound-money ticket. The platform stated, "The Republican party is unreservedly for sound money. . . . We are unalterably opposed to every measure calculated to debase our currency or impair the credit of our country. We are therefore opposed to the free coinage of silver, except by international agreement with the leading commercial nations of the earth."⁴⁷ McKinley's nomination on a conservative money platform angered silver Republicans such as Senator Henry M. Teller of Colorado and Senator Frank J. Cannon of Utah, both of whom, among others, walked out of the convention, the first bolt in Republican party history.

One month later, Democrats assembled in Chicago for their quadrennial convention. Silverites controlled the proceedings but remained deadlocked on four ballots in selecting a presidential candidate. After his "cross of gold" speech from the podium, William Jennings Bryan steamrolled his opposition. Having built a firm political foundation, Bryan, whose victory was a triumph of timing and temperament, rode into the convention brandishing a distinctively American endowment of youth, energy, change, ideals, and luck. Angry and disgusted delegates, in a leap of faith, returned to the party's philosophical foundations and named this Nebraska silverite to carry the banner against the Republicans. It was a fascinating choice. The Democratic platform, which denounced the Cleveland administration, came out decidedly in favor of free coinage.⁴⁸

A new political alliance developed shortly thereafter when the Populists also nominated Bryan as their presidential standard-bearer on a free-silver platform. A delighted Jones expressed optimism over the unification movement. In fact, the outcome propelled him to campaign vigorously for the ticket. Jones saw Bryan as a new leader who would change the nation's course, reinstate silver, reopen Nevada's mines, and restore prosperity. He believed that Bryan's victory in Chicago heralded the first steps toward a golden age of political peace and economic justice. For Jones, a new beginning had dawned for Nevada and the nation.

During the campaign, Jones wrote an article outlining the reasons for free coinage. He did not mention Bryan by name; nor did he refer to the Democratic and Populist platforms. Yet the message was unmistakably clear in his endorsement of a political figure who would achieve the coveted goal. The senator noted that at last a "real issue" had come to the front:

For a generation there has not been an issue before the American people on which a rational party line could be drawn. . . . It is a good thing for the American people that the

financial question is now clearly defined, and that they have forsaken all other controversy in order to give it their undivided attention. . . . The wretched pretences and excuses for argument which have been employed by the gold ring . . . have deceived the people. . . . The restoration of silver to its constitutional place in the monetary system of the Republic will have no effect more disastrous than the raising of renewed hope in the breasts of the people and the giving of new impetus to all the plans of the producing masses.

He closed his article by reiterating the idea that he had been preaching for more than twenty years: "The demonetization of silver has checked our advancement as a nation, and brought us under tribute to thieves; but if we succeed in securing its remonetization, the wheels of progress will turn again."⁴⁹

The Nevada electorate agreed with Jones and voted for Bryan. He carried the state with 81 percent of the popular vote. Nevertheless, Bryan lost the national election to McKinley, who as president graciously gave the Republican patronage in the state to Jones and Stewart. The Republican triumph in 1896 was a bitter disappointment for Jones, who won re-election to the Senate. Despite the outcome, he never wavered in his loyalty to the defeated apostle of the white metal. "I think [Bryan] is a wonderfully clever man," Jones assured his wife in 1899, "and the press will have to give up its attempts to ridicule him. He has proved himself equal to every occasion."⁵⁰

An age of prosperity and prodigious new gold discoveries occurred during McKinley's years in office. Congress passed the Gold Standard Act in 1900, the year in which Bryan campaigned a second time for the presidency and enjoyed Jones's support. Although Nevada again favored Bryan over McKinley, the Nebraskan lost the national contest in November when voters returned President McKinley to the White House with a handsome victory. The money issue took a back seat that year to matters of foreign policy and imperialism. Without doubt the nation was moving in a new direction.

When the money question ceased to be a major political issue after the presidential election, Jones returned to the Republican party in 1900, near the end of his senatorial career. Tired of bitter political battles, Jones declined to be a candidate for re-election in 1902, having had a continuous service of thirty years. Francis G. Newlands, a Democrat, succeeded Jones in the Senate in 1903. After leaving the Senate, Jones resumed his former business activities and looked after his mining investments. Ultimately, he retired to Santa Monica, California, where he had lived during the years he represented Nevada which drew criticism because of the carpetbag nature of his residency. He died in Los Angeles in 1912, and his body was interred in Laurel Hill Cemetery in San Francisco, home of his second wife.⁵¹

Jones left his mark not only on Nevada history but also on national silver politics in the late nineteenth century. A leading western spokesman for free coinage, Jones argued that eastern businessmen and bankers wanted to deflate the economy by maintaining the gold standard. He contended that the low price

of silver was artificial and that free silver and a protective tariff would restore prosperity. Certainly his most important work in the Senate centered on the issue of bimetallism, mining legislation, and his role on the Finance Committee. Jones's colleagues on Capitol Hill were cognizant of his loyalty to silver and his strengths as a politician. James G. Blaine, former speaker of the House of Representatives and unsuccessful 1884 Republican presidential nominee, found Jones to be "a rare and somewhat remarkable character" who was "a close observer of men" and "a genial companion" possessing "an enthusiastic faith in silver." Blaine added, "He is a man of originality and works out his own conclusions. . . . No one can listen to him without being impressed by his intellectual power."⁵² A fascinating figure in Nevada history, Jones showed much political spirit during his long public career and left a legacy for Nevadans, which was not forgotten by one of his twentieth-century successors, Senator Key Pittman, a Nevada Democrat who served in the upper chamber from 1913 to 1940 and advocated remonetization of silver.⁵³ The role Jones played in Nevada's quest for silver was but one part of a much larger story.

NOTES

¹The John P. Jones papers are divided among four manuscript collections at different repositories. The Department of Manuscripts of the Henry E. Huntington Library and Art Museum at San Marino, California, has physical possession of some of his papers. They are on deposit and not open to research. The Nevada Historical Society at Reno has about fifteen items (letters by Jones and his wife on personal matters as well as miscellaneous business concerns). There is one box of papers relating to mining and business records at the Society of California Pioneers in San Francisco. These documents pertain to the Camp Carson Mining Company, Kern County Mining Company, Nevada Mining Company, and the Virginia and Truckee Railroad. The largest, most accessible collection on Jones is in the Manuscript Division, Department of Special Collections, University of California at Los Angeles. This library has correspondence, writings, scrapbooks, clippings, and photographs dealing with Jones for the period from 1872 to 1909. A detailed printed guide and inventory for the Jones Family Papers is available. In addition to these materials, there are Jones letters in the manuscript collections of many of his contemporaries, including the William M. Stewart Papers at the Nevada Historical Society, the Tasker L. Oddie Papers at the Huntington Library, and the William E. Chandler Papers, Division of Manuscripts, Library of Congress, among others. The Bancroft Library at the University of California at Berkeley has the distinction of being the most important repository of manuscript material dealing with Nevada. See, for example, the papers of Henry M. Yerington and Grant H. Smith.

²For Jones's early California experiences, see John E. Baur, "Early Days and California Years of John Percival Jones, 1849-1867," *Southern California Quarterly*, 44 (June 1962), 97-131; John P. Jones to McGillivray, 30 August 1868, John P. Jones Papers, Nevada Historical Society, Reno; Silas A. Stone to Jones, 2 November 1874, John P. Jones Papers, Joseph A. Moore Library, The Society of California Pioneers, San Francisco.

³Brief biographical sketches of Jones appear in the standard biographical dictionaries and encyclopedias, such as the *Dictionary of American Biography* and the *Biographical Directory of the American Congress*. Excellent insights on Jones can be gleaned from Lucy Scheid, "An Interview with David Toll," Oral History Program, Special Collections Department, University Archives, University of Nevada, Reno.

⁴Richard H. Peterson, *The Bonanza Kings: The Social Origins and Business Behavior of Western Mining Entrepreneurs, 1870-1900* (Norman: University of Oklahoma Press, 1991), 44-45.

⁵Allen Weinstein, "Was There a 'Crime of 1873?': The Case of the Demonetized Dollar," *The Journal of American History*, 54 (September 1967), 307-26.

⁶Jones's major speeches in the Senate on silver occurred on 1 April 1874, 24 April 1876, 28 June 1876, 15 July 1876, 15 August 1876, 14 February 1878, 29 July 1886, 12 and 13 May 1890, and several days during a filibuster in October 1893. See John P. Jones, *Resumption and the Double Standard* (Washington, D.C.: McGill and Witherow, Printers, 1876).

⁷*Report of the Silver Commission of 1876* (Washington, D.C.: Government Printing Office, 1877), 131.

⁸As recorded in the federal censuses of 1870 and 1880, more than 40 percent of Nevada's residents came from foreign lands.

⁹Useful books and studies dealing with the history of Nevada in general and the Gilded Age in particular include James W. Hulse, *The Silver State: Nevada's Heritage Reinterpreted* (Reno: University of Nevada Press, 1991); David Alan Johnson, *Founding the Far West: California, Oregon, and Nevada, 1840-1890* (Berkeley: University of California Press, 1992); Sam P. Davis, ed., *The History of Nevada*, 2 vols. (Reno: The Elms Publishing Company, 1913); Russell R. Elliott and Helen J. Poulton, *Writings on Nevada: A Selected Bibliography* (Reno: University of Nevada Press, 1963); Jack L. Millinger, "Political History of Nevada, 1891-1900" (M.A. thesis, University of Nevada, 1959); John Koontz, *Political History of Nevada*, 5th ed. (Carson City: Nevada State Printing Office, 1965); Richard White, *It's Your Misfortune and None of My Own': A History of the American West* (Norman: University of Oklahoma Press, 1991); Lawrence J. Scheidler, "Silver and Politics, 1893-1896" (Ph.D. diss., Indiana University, 1936); Russell R. Elliott, *History of Nevada* (Lincoln: University of Nebraska Press, 1973); James W. Hulse, *The Nevada Adventure: A History* (Reno: University of Nevada Press, 1965); Gilman M. Ostrander, *Nevada: The Great Rotten Borough, 1859-1964* (New York: Alfred A. Knopf, 1966); and Mary Ellen Glass, *Silver and Politics in Nevada: 1892-1902* (Reno: University of Nevada Press, 1969).

¹⁰John Sherman, *Recollections of Forty Years in the House, Senate, and Cabinet: An Autobiography*, 2 vols. (Chicago: The Werner Company, 1895), II: 603-35; William Vincent Allen, "Western Feeling towards the East," *The North American Review*, 162 (May 1896), 588-93; Lindley M. Keasbey, "The New Sectionalism: A Western Warning to the East," *The Forum*, 16 (January 1894), 578-87.

¹¹Kirk H. Porter and Donald Bruce Johnson, comps., *National Party Platforms, 1840-1960*, 2d ed. (Urbana: University of Illinois Press, 1961), 81.

¹²Jones to Benjamin Harrison, 18 February 1889, Benjamin Harrison Papers, Division of Manuscripts, Library of Congress, Washington, D.C.

¹³*Ibid.* Harrison chose John W. Noble of Missouri for the Cabinet position of secretary of the interior.

¹⁴John M. Dormer, Secretary of State of Nevada, Resolution of the Nevada Legislature to Harrison, 10 January 1889, Harrison Papers.

¹⁵Homer E. Socolofsky and Allan B. Spetter, *The Presidency of Benjamin Harrison* (Lawrence: University Press of Kansas, 1987), 47-76. Also, *Nevada State Journal* (Reno), May-July 1890. The Sherman Antitrust Act was also part of the compromise legislation of 1890.

¹⁶The currency dilemma was one of the most controversial and complicated issues during the Gilded Age. Richard J. Oglesby, a Republican governor of Illinois, once remarked, "These Democrats undertake to discuss the financial question. They oughtn't to do that. They can't possibly understand it. The Lord's truth is, fellow citizens, it is about all we Republicans can do to understand that question!" in Adlai E. Stevenson, *Something of Men I Have Known* (Chicago: A. C. McClurg and Company, 1909), 346.

¹⁷Henry M. Yerington to William M. Stewart, 21 June 1890, William M. Stewart Papers, Nevada Historical Society, Reno.

¹⁸*Morning Appeal* (Carson City), 21 January 1891, p. 1.

¹⁹*Ibid.*, 22 December 1891, p. 2. See also Glass, *Silver and Politics in Nevada*, 36-37.

²⁰William M. Stewart, *Reminiscences of Senator William M. Stewart of Nevada*, George R. Brown, ed. (New York: Neale Publishing Company, 1908), 312.

²¹*Ibid.*, 310.

²²*Morning Appeal* (Carson City), 10 June 1892, 3.

²³*Proceedings of the Tenth Republican National Convention* (Minneapolis: Harrison and Smith, Printers, 1892), 20, 103, 141.

²⁴Porter and Johnson, *National Party Platforms*, 93.

²⁵Glass, *Silver and Politics in Nevada*, 44-45; Fred W. Wellborn, "The Influence of the Silver Re-

publican Senators, 1889–1891," *the Mississippi Valley Historical Review*, 14 (March 1928), 462–72; *idem*, "The Silver Republicans, 1890–1900" (Ph.D. diss. University of Wisconsin, 1926).

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³¹*Ibid.*, 444. In addition to their publication in the *Congressional Record*, Jones's speeches appear in a collection of pamphlets in the New York Public Library.

³²Russell R. Elliott, *Servant of Power: A Political Biography of Senator William M. Stewart* (Reno: University of Nevada Press, 1983), 166–67; Glass, *Silver and Politics in Nevada*, 78–79. Useful insights on the currency question can be found in William H. Harvey, *Coin's Financial School* (Chicago: Coin Publishing Company, 1894); Rodman W. Paul, *The Far West and the Great Plains in Transition, 1859–1900* (New York: Harper and Row, Publishers, 1988); Frank W. Taussig, *The Silver Situation in the United States*, 2d ed. (New York: G. P. Putnam's Sons, 1896); and Arthur B. Darling, ed., *The Public Papers of Francis G. Newlands*, 2 vols. (Boston: Houghton Mifflin Company, 1932), I:9–49.

³³Stewart, *Reminiscences*, 320.

³⁴United States, *Congressional Record*, 53d Cong., 2d sess., 30 January 1894, Vol. 26, pt. 9, p. 290.

³⁵Jones to Mrs. John P. Jones, 29 May 1894, John P. Jones Papers, Manuscript Division, Department of Special Collections, University Library, University of California at Los Angeles. In 1861, Jones married Mrs. Cornelia Conger Greathouse, the daughter of Judge Thomas Conger of Sacramento. Some years later, after her death, Jones married again.

³⁶Paul W. Glad, *McKinley, Bryan, and the People* (Philadelphia: J. B. Lippincott Company, 1964), 118–19.

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⁴⁵*Evening Transcript* (Boston), 24 March 1896, p. 1.

⁴⁶William M. Stewart to William McKinley, 28 April 1896, William McKinley Papers, Division of Manuscripts, Library of Congress. See also Stewart to George Rutledge Gibson, 12 February 1896; Marion Butler to Stewart, 24 and 29 June, 6 July 1896, Stewart Papers. Marion Butler, United States senator from North Carolina (1895–1901), was chairman of the Populist National Executive Committee from 1896 to 1904.

⁴⁷Porter and Johnson, *National Party Platforms*, 108; also *St. Louis Post-Dispatch*, 19 June 1896.

⁴⁸Thomas E. Watson to Marion Butler, 28 July 1896, Marion Butler Papers, Southern Historical Collection, University of North Carolina Library, Chapel Hill; *Philadelphia Press*, 10 July 1896.

⁴⁹John P. Jones, "What the Remonetization of Silver Would Do for the Republic," *The Arena*, 16 (October 1896), 736–42.

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⁵²James G. Blaine, *Twenty Years of Congress*, 2 vols. (Norwich, Conn.: The Henry Bill Publishing Company, 1886), II:540, 606. Blaine served as secretary of state from 1889 to 1892.

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ART MODERNE AND CHRISTIAN SCIENCE

The History of Reno's Loomis Manor

Christine Savage Palmer

Constructed in the Art Moderne style of architecture, the striking peach-and-aqua apartment building at 1045 Riverside Drive in Reno carries a brass name plate bearing the words "Loomis Manor" embedded in its front wall. This U-shaped 1939¹ building has a commanding view of the tree-lined Truckee River and is a memorable example of the city's architectural heritage. Art Moderne, known also as Streamline Moderne, is an architectural style representative of the late 1930s and early 1940s, when the streamlined look was in vogue for American buildings, bridges, automobiles, movie theaters, gas stations, trains, steamships, and diners.

Architectural History

During the mid-1920s, innovative stylistic influences from Europe were having an impact on American architecture. These modernistic styles received their first major American impetus in 1922 when the *Chicago Tribune* held a worldwide competition to design its headquarters building in Chicago. Although the first prize went to a Gothic design, second prize went to an Art Deco design by a young Finnish architect, Eliel Saarinen. His design was widely publicized and much of the architectural profession believed that he deserved the first prize; the style quickly became the prevalent architectural fashion.² The Art Deco style of architecture and art was the first to capture the American fancy that was not in the revivalist tradition. Revivalist precursors had included the Beaux Arts designs and various period recreations such as Colonial Revival. Art Deco helped to symbolize the American Jazz Age and took its name from the 1925 Paris

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Exposition Internationale des Arts Décoratifs and Industriels Modernes, which was organized to display designs of “new inspiration and real originality.” It was a style that looked to the future and gave artistic expression to the ideals of the machine age.³

Art Deco motifs appeared on jewelry, clothing, and furniture, as well as on buildings. Employing low-relief geometrical arrangements featuring parallel straight lines, diagonals, and stylized botanical designs, Art Deco could be complex and handcrafted or diluted to its common denominators for easy mass production. Architects often sought a futuristic effect with their Art Deco designs because its look was intended to be a conscious break with the past.⁴ Their designs featured exteriors of concrete, smooth stone, and metal with terra cotta, glass, and colored-mirror decorations. Noted Art Deco structures in Reno include the Gazette Building, completed in 1941 at 955 Kuenzli Street, and the Majestic Theater, completed in 1948 on the corner of Center and Front streets.

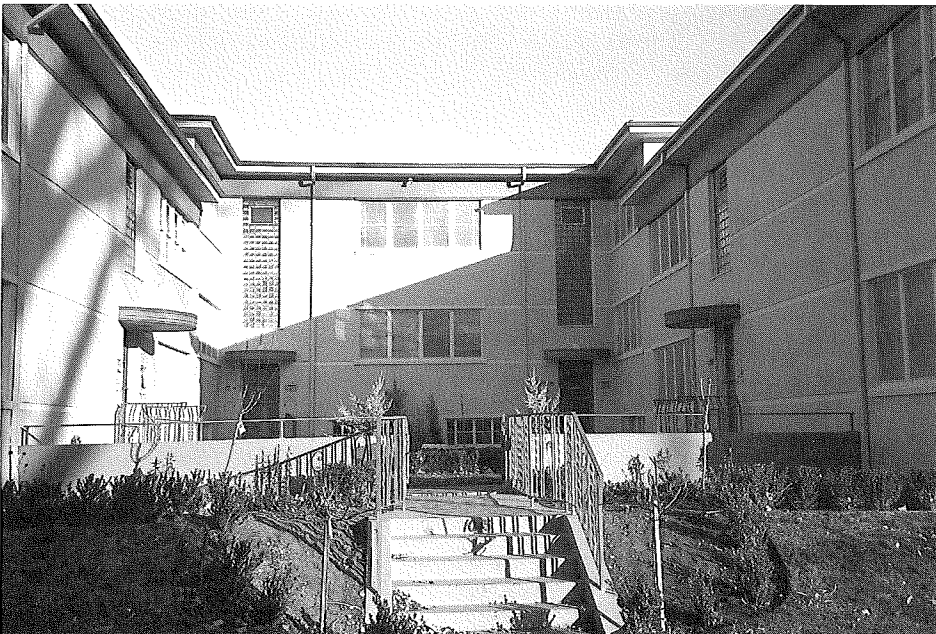
During the 1930s, Art Moderne evolved from Art Deco and came to symbolize the streamlined look of the American Depression era. While similar in form to Art Deco, it sheared away ornamentation and dramatized flat surfaces and bold shadows. Decoration became simplified, horizontal lines were emphasized—often with window bands—and detailing was severe on plain surfaces. There was often a strong appearance of geometrical volume or massing.⁵ Specific Art Moderne architectural characteristics include soft or rounded corners, flat roofs, smooth wall finishes without surface ornamentation, and horizontal bands of windows. These features create a distinctive streamlined or wind-tunnel look that is often emphasized by the use of curved window glass that wraps around corners. Ornamentation consisted of mirrored panels, cement panels, and an occasional metal panel, with low-relief decoration around doorways and windows. Aluminum and stainless steel were often used for door and window trim, railings, and balusters. Metal or wooden doors often had circular windows, large panels of glass, or patterns with circular and angular outlines.⁶ Many examples resemble the contemporaneous International Style, in which decorative detailing was reduced to the barest minimum, with no coping at the roof line, an asymmetrical facade, and no decorative detailing at doors or windows.⁷

The Art Moderne architectural style was thought to be symbolic of the dynamic twentieth century, of speed and machines, fast motor cars, railway trains, and steamships. It penetrated deep into the vernacular of American building and appeared in small towns everywhere from post offices to roadside diners. Its popularity was promoted by a new professional, the industrial designer, who eagerly gave streamlined shapes to every implausible object from pencil sharpeners to teapots. Sleek, mechanically perfect curves appeared everywhere, and the style became most popular for commercial architectural commissions, especially office buildings and movie theaters. In its customary manifestations, Art Moderne shunned the color experiments and expensive materials of Art Deco and relied on synthetics—plastics, plywood, ivory-colored formica, black glass,

and chrome strips.⁸ This style popularized the use of glass blocks as opaque lighting design features in walls and windows. The most noted Art Moderne commercial structures in Reno are the original Landrum's Cafe at 1300 South Virginia Street and its newer, larger copy at 6770 South Virginia. Another is the Chism Ice Cream Company building addition at 245 West Street, completed in 1941.

Loomis Manor conforms to most Art Moderne architectural characteristics, especially in its severe geometrical massing, horizontal bands of windows, flat roof, smooth wall finish, and horizontal emphasis in its stringcourse along the wall copings. The structure's U-shape is reminiscent of the auto-court designs that were popular for apartment buildings in southern California during the 1930s. Loomis Manor also displays metal window casements in horizontal bands that turn at right angles around the building's front corners. Tall glass-block windows highlight the apartment building's four stairwells, and crescent-shaped marquees project from the top of each of the four entrance doors. The marquees bear a stringcourse which matches that along the wall coping and enhances the structure's streamlined effect. The metal railings and balusters on the steps of each of the four entrances are a recent addition; originally the four entrances had no railings or balusters.

Loomis Manor presents a severely plain stucco exterior painted a light peach color. The stringcourses along the wall coping and entrance marquees, as well as



Loomis Manor, facing north. (Photo by Lex Palmer)

the railings and balusters, are painted a contrasting deep aqua shade, creating a striking effect. This color combination is not the original chosen for the structure in 1939. Then, the building's appearance was even more severe, as it was painted a stark refrigerator white with no contrasting trim. Surrounding structures in this residential neighborhood along the tree-lined Truckee River included conventional wooden frame houses in neutral shades, red brick houses, and a modern cement-block apartment building. Their contrast further enhanced Loomis Manor's distinctive architectural style, shape, and color.

The courtyard inside the building's U-shaped plan contains a cement-linked rectangular reflecting pool that was originally painted blue on the bottom. Still surrounded by its original low boxwood hedge, the pool has recently acquired a birdbath in its center. Interior hallway and stairwell details reflect the streamlined Art Moderne look, with curvilinear aluminum railings and door handles. Each of the four hallways contains built-in insulated receptacles for milk, cream, and butter delivery, lending a great deal of 1930s character and charm not commonly seen in post-World War II apartment construction. The apartments feature original ceramic tiles in the kitchens and bathrooms, as well as built-in wooden cabinetry.

A detached structure at the rear of Loomis Manor contains eight tenant garages. This building, also completed in 1939, matches the apartment structure in architectural design and color scheme with a flat roof, plain exterior walls, and peach-and-aqua paint.

Social History

An examination of Loomis Manor's history reveals the story of one of the most successful families who settled in the Truckee Meadows, the Frandsens. Andrew Frandsen was born in Ribe, Denmark, on April 10, 1859, the same year that the rush to Nevada's Comstock Lode began. In 1875, eleven years after Nevada achieved statehood, Frandsen came to the Truckee Meadows from New York City, along with an older brother, Soren.⁹ Arriving on the newly constructed transcontinental railroad, Frandsen settled in the valley of waist-high grass where the town of Reno had emerged only seven years earlier, springing from the trading-post settlement of Lake's Crossing. This site of a pioneer wagon-road crossing over the Truckee River began to grow as Reno's townsite when the Central Pacific Railroad established a terminal there in 1868.

Frandsen found employment as a hay hand with a sheepherding family named Wilson and lived in their attic while he worked in Nevada's burgeoning livestock industry. Wilson told Frandsen he could keep all the orphaned lambs—called bummers—to begin his own herd. Each bumper had to be hand nursed to maturity, but Frandsen persevered, and his flock grew enough that he could take some sheep to market in Chicago. He took the train to the Chicago livestock market, riding among his sheep, and returned with enough profit to enable him to move out of the Wilson home and live on his own.¹⁰

Frandsen continued to work for others while his own herd thrived on the open range and, as one laudatory biography states, "his activities contributed in no small measure to the general prosperity of the state."¹¹ In 1882, he returned to Denmark to marry Marie Jepson, a young woman he had met five years earlier in Reno.¹² Marie was an aunt of Melvin Jepson, a Reno attorney who subsequently became Washoe County district attorney and a Republican candidate for governor. The Frandsens made their home in Reno as hard-working sheepherders, but it lasted only five years. Marie died before her twenty-fifth birthday in childbirth. Their only surviving child was a daughter, Anna. Andrew Frandsen was remarried in 1891 to Frances Westfall Gray, a Reno divorcee with three children from her first marriage.¹³ In 1901, he purchased a house at 442 West Fourth Street in Reno¹⁴ and maintained a residence there until his death. By the first years of the twentieth century, Frandsen had established himself as one of the most prominent and prosperous sheepmen in Nevada.¹⁵

In 1914, the price of wool on the international market rose because of the increased need for military uniforms and other supplies as Europe entered World War I. Western American sheepherders were hoarding their wool, speculating in the market for the best possible sale price. Frandsen sold his entire flock under a chattel-mortgage arrangement just before a large shipment of wool from Australia dropped the international price. A few years afterward, he opted to foreclose on the chattel mortgage, which had become delinquent. These two transactions boosted Frandsen's worth considerably, and he found it necessary to employ an attorney to help manage his finances. Frandsen hired prominent Reno lawyer George S. Green, Jr., whose legal practice was at Room 221, 106 East Second Street.¹⁶ Green's investment advice was so competent that Frandsen was frequently able to escape from his business to a mountain cabin in the Sierra Nevada.¹⁷

As Frandsen's investment profits increased, Green counseled him to venture a portion on some urban construction projects in Reno, one of which was an apartment house to be built on the parcel at 432 West Fourth Street.¹⁸ Green hired the eminent Reno architect Frederic J. DeLongchamps to design a structure to be known as the Andrew Frandsen Apartment Building. DeLongchamps designed a four-story brick apartment building with Classical Revival details, and Frandsen's construction contractor completed the structure in 1917. During the 1930s, the Frandsen Apartment Building was remodeled, incorporating Art Moderne elements to update its look in conformance with then-fashionable trends.¹⁹

Meanwhile, Frandsen's only daughter, Anna, was growing up. She attended Reno High School and completed her education at Mills College, a distinguished Oakland, California, women's academy, where she received training to be a school teacher. Anna chose not to attend Nevada State College (later renamed the University of Nevada) in Reno because she wanted to escape her step-mother, whose company she did not enjoy. When she visited Reno during

college breaks, she had to hide her books from her stepmother, who did not approve of higher education for women. It was at Mills College that Anna was exposed to the Christian Science Church, whose teachings she steadfastly espoused for the remainder of her life.²⁰

After graduation from Mills, she returned to Reno and taught Spanish at Reno High School until her marriage to James Loomis in 1905. Loomis was a noted photographer and a friend of George Eastman, inventor in 1888 of the first hand-held Kodak box camera. Loomis received a commission from President Theodore Roosevelt in 1907 to travel through South America and photograph politically powerful officials who were threatening to "turn communist." Loomis had designed a special camera that George Eastman assembled for him



Fig. 6 Anna Frandsen Loomis in 1918. (Photo courtesy of Lynn Johnson, a descendant of the Frandsen family)

in exchange for a special favor: Loomis agreed to introduce Eastman's new x-ray machine to South American hospitals.²¹

Anna and James Loomis conducted an extended photographic tour of South America, during which Anna gave birth to two of their three children. Inez (Loomis Johnson) was born in Santiago, and Eugene (Frandsen Loomis) was born in Buenos Aires.²² When Anna became pregnant a third time and saw that James was not yet ready to come back to the United States, she returned with Inez and Eugene and lived in Oklahoma City, where her third child, Maryalice (Loomis Blakely) was born. After teaching school briefly in Oklahoma City, Anna returned to Reno with her three children in 1916. She resumed her career as a Nevada school teacher, with James no longer a part of her life, and resided at 444 West Sixth Street.²³ While teaching Spanish at Reno High School, she conducted a concurrent career as a Christian Science practitioner, administering that religion's special healing arts.²⁴

During the summer of 1930, Andrew Frandsen's health began to fail. As he approached death, his faithful attorney, George Green, informed Anna that Frandsen's second wife, Frances, had seen to it that Anna's portion of the family estate had been considerably reduced. Anna sought a way to have her father sign a new will before he died and recalled that Frances loved to attend Reno's movie houses. She had Green draft a new will, and one day when Frances was at the movies, she visited her father and had him sign it.²⁵ Consequently, when Frandsen died at age seventy-two on September 17, 1930, Anna received \$262,171.49, her share of the estate.²⁶ Anna's inheritance included the Frandsen Apartment Building. At this point in her life, she was a single mother, a Reno High School teacher, a devout Christian Scientist, and wealthy. She moved into the Frandsen Apartments,²⁷ resigned her teaching position at Reno High School, and traveled extensively in the United States and Europe, including a 1931 visit to her father's birthplace in Denmark.²⁸ Anna also opened her own Christian Science practitioner's office with a partner, Mrs. Irene Riegg, at Room 202 of the Byington Building, 15 West Second Street in Reno.²⁹

Just as he had advised her father, Green encouraged Anna to invest her considerable wealth in urban construction projects in Reno. She determined that the structure the town needed most was a new Christian Science church; the existing church and reading room at 210 Granite Street³⁰ had been deemed inadequate by the city's active Christian Scientists. Anna conferred with the other members of Reno's Christian Science community, and they invited a noted Los Angeles architect, Paul Revere Williams, to meet with them in Reno to discuss building plans.³¹

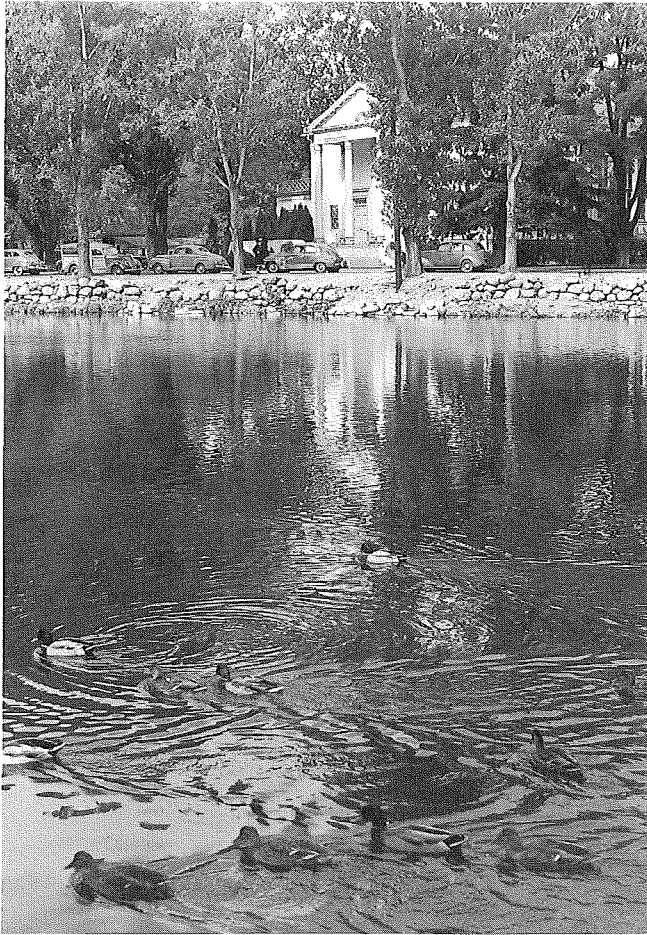
Paul Revere Williams was an African American, born in Los Angeles in 1894. After working his way through the University of California at Los Angeles, he became an art instructor there and later attended the Beaux Arts Institute of Design, winning the Beaux Arts Medal. Williams became a certified architect in 1915, and proceeded to visit every architect listed in the Los Angeles telephone

book until he found one willing to hire a black man. He began as a general utility draftsman, but gradually worked his way up to chief draftsman, acquiring experience in all aspects of the profession. In 1923, he opened his own office and established a thriving practice. The Society of Architects of Los Angeles accepted him as a member. He designed more than four hundred houses in California, many for movie stars, and a total of about three thousand buildings during his active career. His most notable Southern California structures include the Hollywood YMCA, fraternity and sorority houses for the University of California at Los Angeles, the Beverly Hills homes of CBS executive William Paley, and the Beverly Hills Saks Fifth Avenue store. Williams received honorary degrees from Howard, Lincoln, and Atlanta universities, and from Hampton Institute. He received the Springarn Medal of the National Association for the Advancement of Colored People in 1953.³² Williams's commissions in Nevada include the Garvey and Lunsford House on the corner of California Avenue and Nixon Street in Reno, and the design of a residential neighborhood for black employees at the Basic Magnesium Plant in Henderson.³³

When the forty-five-year-old Williams got off the train in Reno, Anna was surprised to see that he was a black man. His race did not prevent her or the other Christian Scientists from being pleased with his proposed architectural plans, and he was hired to design their new church, to be built on the triangular parcel facing the Truckee River at 501 Riverside Drive, at the intersection of Ralston and Riverside. Anna provided the land, the construction costs, and the architect's fee for the new church, completed in 1938.³⁴ A traditional monumental design in a Neoclassical style, this extant structure has columns and pilasters bearing Corinthian capitals on a front double-curved portico, and a Chippendale side-window pediment. Although the building is painted light blue today, it was originally pale yellow with white trim. Anna hired Reno builder Walker Boudwin, a notorious drunkard, to construct the church because she knew him to be an honest man.³⁵ Boudwin's construction company operated at 125 North Center Street in Reno.³⁶ Anna persuaded Boudwin away from his bottle for the duration of the building project.³⁷

After returning from her European trip, Anna had maintained her residence at 1045 Riverside Drive, near the Booth Street Bridge over the Truckee River. She decided to construct an apartment building on the site and returned to Williams for its design because she admired the skills he demonstrated when working on the Christian Science Church.³⁸ Williams fashioned a white, U-shaped Art Moderne structure that Anna named Loomis Manor. After the building was completed in 1939, she resided there with other tenants. Her life was filled with church activities, travel, children, and grandchildren.

The probability is strong that it was Paul Revere Williams who did the Art Moderne remodeling design for the Frandsen Apartments during the 1930s while he was still employed by Anna. (Much of the documentary evidence on Williams's architectural commissions was lost when the bank in which the



The First Church of Christ, Scientist on the Truckee River, c. 1940. (Photo by Cliff Segerblom, Gift of Gene Segerblom, Nevada Historical Society)

records were stored was burned during the 1992 Los Angeles riots.) Unfortunately, the Frandsen Apartments building was razed in 1986 to make room for the parking lot at the Sands Hotel and Casino.

Anna died in 1966 and her three children inherited her property, including Loomis Manor. In 1967, the children sold Loomis Manor to Mario Gildone, a prominent Reno dentist, who initiated a maintenance repair program on the building, including a new roof and plumbing reconditioning.³⁹ The structure's original stark white façade was altered by Gildone to its present peach-and-aqua appearance.

Since few Art Moderne structures of a quality comparable to Loomis Manor remain in Reno, this building is an essential part of the city's architectural heritage. It is a rare Reno representative of a structural design era. Although the

structure's rental history has been uneven through the decades, and not all tenants have respected the interiors of their apartments, the building nevertheless stands today with little or no alteration from its original 1939 appearance, retaining integrity of location, design, setting, materials, workmanship, feeling, and association.

NOTES

¹*Reno City Directory, 1939* (San Francisco: R. L. Polk Publishers, 1939), 137, 28.

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³John C. Poppeliers, S. Allen Chambers, Jr., and Nancy B. Schwartz, *What Style is It?* (Washington, D.C.: The Preservation Press of the National Trust for Historic Preservation, 1979), 88.

⁴Poppeliers, Chambers, and Schwartz, 88–89.

⁵Carole Rifkind, *A Field Guide to American Architecture* (New York: New American Library, 1980), 219, 230, 240–41.

⁶John J. G. Blumenson, *Identifying American Architecture*, 2d ed. (Nashville: American Association for State and Local History, 1981), 77–79.

⁷McAlester and McAlester, *Field Guide*, 466, 469.

⁸Arcus Whiffen and Frederick Koepfer, *American Architecture, 1607–1976* (Cambridge: The MIT Press, 1981), 331–32.

⁹James G. Scrugham, ed., *Nevada: A Narrative of the Conquest of a Frontier Land*, Vol. II (Chicago: The American Historical Society, 1935), 306; Clel Georgetta, *Golden Fleece in Nevada* (Reno: Venture Publishing Company, 1972), 330.

¹⁰Lynn Johnson, Frandsen descendant, telephone interview, 16 September 1992. To the contrary, Georgetta, *Golden Fleece*, 332, states that Frandsen acquired his first sheep herd in payment for hay he had baled.

¹¹Scrugham, *Nevada*, 306.

¹²Georgetta, *Golden Fleece*, 333.

¹³*Ibid.*, 307.

¹⁴*Reno City Directory, 1925*, 164.

¹⁵Scrugham, *Nevada*, 306.

¹⁶*Reno City Directory, 1939*, 99, 458.

¹⁷Johnson, interview.

¹⁸*Ibid.*

¹⁹Ana Koval, *Reno Architectural Survey* (Carson City: Rainshadow Associates, 1983), 13–24.

²⁰Johnson, interview.

²¹*Ibid.*

²²Johnson, interview; Scrugham, *Nevada*, 308.

²³*Reno City Directory, 1925*, 219.

²⁴Johnson, interview; *Re-Wa-Ne*, Reno High School yearbook, 1929.

²⁵Johnson, interview.

²⁶Georgetta, *Golden Fleece*, 335.

²⁷*Reno City Directory, 1932*, 199.

²⁸Johnson, interview; Scrugham, *Nevada*, 308.

²⁹*Reno City Directory, 1932*, 226.

³⁰*Reno City Directory, 1939*, 315.

³¹Johnson, interview.

³²W. Augustus Low, ed., *Encyclopedia of Black America* (New York: McGraw-Hill Book Company, 1981), 859; Maxine Block, ed., *Current Biography—Who's News and Why—1941* (New York: The H. W. Wilson Company, 1941), 921.

³³Jamie Coughtry, ed., *Lubertha Johnson: Civil Rights Efforts in Las Vegas: 1940s–1960s* (Reno: Oral History Program, University of Nevada, Reno, 1988).

³⁴*Reno City Directory, 1940*, 206; metal plaque on east exterior wall of church building.

³⁵Johnson, interview.

³⁶*Reno City Directory, 1939*, 420.

³⁷Johnson, interview.

³⁸*Ibid.*

³⁹City of Reno, Building Permit Files: plumbing permit 26666, dated 2 August 1977; reroofing permit 102753, dated 9 February 1983; boiler repair permit 131575, dated 3 October 1985; reroofing permit 149041, dated 8 June 1987.

NOTES AND DOCUMENTS
IMAGINARY SPACE: BUILDING
THE IMPOSSIBLE
The Need for New Directions in Mass
Culture Studies

Norman M. Klein

I feel a bit humbled by the monumentality of our surroundings here. An auto museum as a conference hall? A room at Circus Circus for a critic of mass culture? The mood feels extraordinarily appropriate. But I am also a non-Nevadan. I know too little about your history. How can that be? I've been at this for a good fifteen years now. Why is this material so neglected in work on mass culture?

So I imagine myself starting to research the fantasy spaces of Nevada in 1993, as if from scratch. First I remove the easy points of reference, that Nevada has gangsters, gaming, and mirages. Never trust what is taken for granted by outsiders. It may be delivered to them by boosterism, racism, or simply through ignorance promoted by travel writers, who see the world from the airport.

Also avoid the kitsch and the cute, the postcards of senior citizens glued to dime machines—or the Reno arch smiling like bridgework, or fantasies that happen to resemble a phrase from French criticism (a sliding signifier at Circus Circus), the nomadic clients for escort services in Vegas. And finally, do not rely at all on Robert Venturi's book *Learning from Las Vegas*. It is twenty years old, and while I enjoy writing about Venturianisms—decorated sheds and ducks—we are now in the twenty-first century. Venturi would agree I suspect. Of course, I'm just a writer, not an architect. Theories from the seventies about postmodern architecture do not capture the corrosive impact of the global economy today,

A professor in the Division of Critical Studies at the California Institute of the Arts, Norman M. Klein presented this essay as the keynote address to the Annual Meeting of the Nevada Museums Association on July 29, 1993 in Reno. He is the author of numerous books and articles, including *Seven Minutes: The Life and Death of the American Animated Cartoon*, which has just appeared from Verso Press. Currently Professor Klein is co-editing *Scripted Spaces* for Princeton University Press.

the massive and painful world-wide restructuring. We need more intensive techniques for research now, from the ground up, a review of markets, crafts, censorship, from the product for sale down to the lint being swept from the warehouse floor—to study the chain of production link by link.

Let me give you an example from an area where I have firsthand knowledge. I'll use my interviews with those who worked with Walt Disney, inside the Disney Studio in the late thirties, to guess about Disney's most famous decorated shed. Then I'll suggest how one approach (among many others) applies to imaginary spaces generally, what I also call special-effects environments.

A few days ago, I met a retired illustrator who had worked at Disney in the thirties and forties. We chatted about the famous Disney strike of 1941, about those whose careers were destroyed by Walt. We shared names, and places. He told me a story about Disney I hadn't heard before. Walt spun dreams in piano boxes gathered in the back yard of his parents' home, pretending they were castles, piling them high, fighting with paper swords.

"Wouldn't it be nice to have a place like that for kids to walk through?" Disney asked. "A place where castles were an amusement park?"

Walt said this in the late thirties. We know that he was planning his park by then, and in 1941 wanted the lower ten acres of his Burbank Studios to include an amusement park for his employees.

Now let us see what else this modest anecdote contains: There is a chain of information about children and castles that passed from one head to the other, over a period of two centuries, until it reached the child Walter Elias Disney, born in 1901. Walt's boyhood interest in castles and swordplay came from children's novels of the late nineteenth century, though Walt was not much of a reader. It came to him from secondary visual sources, I suspect. He saw it in illustrations from children's books, from the Brandywine School certainly (N. C. Wyeth, Howard Pyle himself), or the Gustave Doré illustrations so common in American homes. These sources preceded the cinematic versions of silent adventure films, Douglas Fairbanks, and other swashbucklers. Disney's fantasies were generally precinematic, like the fantasies of many in his generation.

Walt also went to children's theater as a boy, in the first decade or early teens of the century, more to theater than to movies. His generation was too old to be formed internally by film. Instead, he saw the staging of the Middle Ages first in terms of theater, then as movie set. It was easy for him to imagine a pop-up theater inside a piano box—scaled down for kids, sealed off by walls and a curtain.

The designs for staging these plays had a lineage all their own as well, a history most children born in 1901 would recognize. Theater designers had been passing along basic formulas, with new tricks added, for centuries, a four-hundred-year history—from Renaissance ruins of the medieval done with theater scrim, to Gothic-dreadful sets of the early nineteenth century, to the Gothic Revival itself after 1860 and the architectural touches from Gothic Revival that

invaded Victorian architecture in the midwest by the 1880s (those prop towers and mock barricades in Victorian houses). In interiors, Gothic warmth was taken to the extreme that fireplaces occasionally were lined in tiles depicting Sir Walter Scott's novels; the fire was literally encircled as in a spell for the reader's illustrated memory to ponder, a cricket-in-the-hearth effect, as if the smoke and glowing wood resembled the dust and mist of knights fighting at dusk.

Castles are always a theater for boys at play, testosterone adventure, forts from Alexandre Dumas to Indiana Jones—bloodshed and anarchy, prepubescent bonding. However, they bore a peculiar stamp in fantasies common to the lower-middle-class midwestern boy in late Victorian America, about 1910. That boy's fantasies—our imagined Walt—would reflect what his family remembered from the late nineteenth century: the great depression of 1873 to 1895, a world of continual economic golgotha that damaged their lives, a world of class warfare and the terror of industrial modernity. To such a boy these castles were stabilizing, a symbol of family life, of old-world community before the age of industrial class war, of life around the hearth. Castles were sites for violent adventure; and castles were a style of family architecture. No matter how violent the adventure setting, Walt's fantasy spaces always emphasized a Victorian definition of security: space made theatrically safe, enclosed to suggest the family living room, like piano boxes as castles.

All these comments are based directly on chats and documents, directly on how Disney ran his studio, worked with his team, joked, misremembered. To make leaps like this about what went on in Disney's mind, one has to interview dozens of people who worked with him as head animators or simply as in-betweeners, at all levels, and to watch how he censored them and his films, how he started projects, how he imagined Disneyland—to look for little asides he made to workers, or at what kind of "inspirational sketches" he asked them to draw for him and then at how he talked to them about the drawings, and took their versions of his fantasies forward, going step by step. We cannot rely simply on reception theories and the language of deconstruction. We have to dig into the sources like archaeologists, as if the mentality of a Walt Disney were a tar pit filled with bones of tigers, wolves, and mammoths, layer upon layer, all very tangible, seemingly chaotic, but their secrets available if studied, as long as we do not disturb the order created by the passage of time. All mass culture is an industrial art, invaded from all sides, made by circumstance into a whole. What did Walt see at a certain age? What was his temperament? What can we ascribe to his personal desire, and what to his genius for marketing, in response to pressures from outside?

The same twists are true of consumer spaces in general, certainly in Los Angeles, and probably in Reno. Recently I have been interviewing an architect deeply involved in some of the most elaborate malls in Southern California (and with many in the pipeline in Asia). His name is Jon Jerde. A driven man, Jerde is a diabetic who works continually and even needs special pills to control a

medical condition that induces manic depression. After six hours of conversation, I have begun to learn a bit about his childhood as he sees it, about his obsession with what he calls communality. I have seen his operation first hand, if not on a project, at least in motion. I felt mostly like a turtle dropped into a fish tank.

He said, "I ask people living around the site to tell me what they genuinely imagine their world is, at its best. Since I know they are exaggerating, when I actually build it—their fantasy—I know they'll pay any money to show up."

Jerde understands that all fantasy spaces are merely narratives, stories people want to walk through. Shopping can be converted, he believes, into a narrative about old cities, then given a suburban twist. Shoppers like malls that resemble the turmoil of city life of old, even of medieval walled towns and old Italian cities. He will talk for hours about the narratives of these spaces, what he identifies as the seemingly useless frills on buildings, frills that appear even in great and very formal works of architecture, like the Parthenon. He is fond of pointing out how the Parthenon is a monumentalized version of the primitive wooden huts from much older Greek villages. In these huts, a thatched, triangular roof was held up by simple poles that jutted forward. He believes that the Doric colonnade on the Parthenon, supporting the forward thrust of roof supports is actually a formal reference to forgotten uses, to the supporting poles that the rude huts needed, even though the Parthenon is a building in marble, and certainly could stand without much of the elaborate columns and porticoes. They are signs about estranged familiarity, cool and superior (like marble), and at the same time, blushed with nostalgia.

Jerde understands that consumer architecture always contains empty bits of half-remembered moments, what I call syntagms, a gesture, a taste of childhood fantasy perhaps. Disneyland is filled with these as well—and Reno, too, I suspect. Reno is clearly a hidden city in many ways; it looks like a remodeled New England town, bears the scars of tourist industries over the past fifty years, from divorce mills to gaming, and now is debating plans for a cathedral to the sport of bowling—plans, as always, to bring quick money from outsiders. Reno suffers, it seems at first glance, from a fear that no one will take it seriously. It builds new monuments to its history as the victim of commercial vampirism. What becomes increasingly evident as I listen to specialists on Reno is how much profit goes out of state, and how many industries service the outside investor, leaving much of the state hollow. This seems apparent also in the tourist-filled mining ghost towns, in what remains of ranching, in the divorce industries, in the threads left by railroad moguls, or by gaming. And yet, how does the city as a whole self-consciously remember in this way, or should I say misremember, and create what some consumer designers call "hot spots," bits of eccentric unlikely half memories, touches of the archaically forgotten West, intentionally artificial, in the warm spirit of a grandmother's drawer of old trinkets. These are part of the architectural narrative essential to tourism.

But now new challenges face Nevada's narrative design. The world economy

is creating competition that feels different from the postwar era, 1940s through 1980s. Rumours suggest that up to forty-five states may legalize casino gambling within the next decade or so. The stakes are growing. Suddenly, gaming has to include theme parks like Treasure Island, a PG-13 version of gaming; then add a G-rated portion, and still fit in the NC-17 variation. There were even plans last year for a theme park celebrating Nevada's whorehouses. And we all await the arrival of vehicular pirate ships firing on each other from one Reno casino to another. Theme gambling is apparently the future. And yet, the more global the attraction, the more localized the narrative and the more ethnic and Balkanized the look that is needed—a hint of foggy local memory, a vestigial quotation like Jerde's Parthenon or Disney's old piano boxes, theatrical fantasies similar to Victorian domestic architecture. We live literally in an age of globalized localism, where everything seems wired into the master computer system and yet everything is also simultaneously an enclave, the last bastion against a world without borders, a fantasy narrative that is supposed to feel intimate but actually leaves no clear boundary between private and public events, where everything private seems to be part of a TRW report, and where a president's political future can rise or fall on how he comes across on the voter's private television, propped in front of the bed, partially blocked by potato-chip bags and empty soda cans. The more global our world gets, and that includes Nevada, the more like a private enclave we want our entertainments to feel, a wish that extends even to our presidents. We want warm fuzzies as leaders, like quiz-show hosts or pals we can trust from a small-town grocery store. We want community again, but in the spirit of shopping alone, in front of a slot machine perhaps, or visiting movie sets at a theme park, a movie built just for us, our personalized version of *The Wizard of Oz*, in real space, built with chicken wire and stucco, animatronic and even virtual, electronic and interactive. But above all, the space has to be solid as a bridge or a temple in marble. We're not flakes after all, not in our imaginations at any rate. We want our fantasies to stand still long enough for us to walk through comfortably. We want eternal marble decors next to snack bars. Even fake marble will do.

Fake or not, this still makes a tall order for any corporation involved in urban planning. They're asked, on the drawing board at least, to cure neurosis by inducing psychosis. But only a little psychosis, controlled, checking the directions on the bottle. Psychotic breaks permitted only a few minutes at a time, like trying to find your way back from the bathroom in a casino, the unmappable jungle of coins in blinking slot machines.

How do we study the perverse twists in urban planning for consumers and tourists? How many stages are involved, and how many interviews needed to figure out how a casino is to be mapped? We need closed systems first of all, where we can examine the entire chain of command—attitudes of those who order the product, those who build it, and those who buy it. We cannot simply slap on a few terms from poststructuralism, invoke them like names of God's

messengers, and then identify the obvious—that malls and gaming halls and consumer-built cities are madly contradictory places, where the shopper pretends to have an adventure. What we need to know is how this bizarre ecosystem was planned, and how it mutates, what memory traces it presents (what it really presents, not what our guess is). And then we must check ourselves. We must avoid nostalgia (no comments about our favorite deli in Manhattan). If the nostalgia cannot be stanchd, then we will simply announce our own prejudices—our weaknesses: that we like high urban decay, or prefer a national forest to a city. Honesty is safer than objectivity—if you're biased in some way, let the reader know, and not just in the footnotes. We should separate how perceptions we have personally vary from the evidence. And we should write in a less affected literary style, as scholars, in a slightly more interpretive voice. *Perhaps* is a fine word. The first-person pronoun *I* is impossible to avoid regularly, at least in spirit. Thus, many of the rules of scholarship must be changed in order to study places where *Building the Impossible* takes place.

We must never assume that this is the first brave new world. We've been through brave new worlds before, new media in 1810, new world economies in 1840, the mortal crises of modernity in 1860. There are centuries of prehistory, often a hidden or neglected history, lying behind this contradictory place, Reno or Disneyland. The prehistory might be from theater, book illustration, movie sets, or ghost towns and the Old West. But how do people remember prehistory? Where does it stop? We must assume that any event more than fifteen years old is already mostly forgotten. Only one generation remembers at a time. And yet fragments linger on, miscoded and beloved, always misunderstood. There is no continuity, only half-erased routines, freeways precisely in the same roads where old mule trains went.

But the broken threads that go into the warm fuzzy syntax of any consumer place are very important, often the key to its success. I am convinced right now that Reno is misreading what syntax it needs: less of the bowling palace, and more of the balanced economy. But who would believe an outsider? These references to fast fantasy weekends are built into Reno's self-perception, or self-delusion. They are truly part of a marketing process and involve many stages of intervention, as in the making of a feature film (or a museum, or a university). The seemingly irrelevant threads are essential, even if they appear counterproductive to profit. That is why I look for bits of conversations, the lint swept from the warehouse floor.

I have no pretense that what I am doing is scientifically correct, or even brand new. All facts are fictions to me. But the fantasies people have are solid. And the ecosystems that produce these fantasies, and consume a product are really there. But that leaves me in a Kantian dilemma, without a categorical imperative as a guarantee. I can get close to the edge of rational discussion of fantasy, then must leap into fictions that are simply informed by the facts.

The field of mass culture studies, particularly of sites like Reno, or Disney-

land, or film sets, or city boosterism, is moving into a new zone in literary scholarship. Some call it documentary fiction, where the author announces his or her limitations, lays out a sense of the evidence involved, makes clear where fact and fancy separate, and lets loose. But in doing so, the conscientious scholar should never rely on arguments by authority as a justification. The only authority is the source of the evidence, primary always; all secondary is primary, including your own evaluations. All theory must come from the ground up. If a technique from Jacques Derrida or Walter Benjamin or Gilles Deleuze or Theodor Adorno or Robert Venturi fits, then it proceeds *after* the evidence, never before.

As with all good fictions, the best way to lie is with the truth, with what is solid at least. And the desires that actually turn into wall treatment in casinos are solid, as much as an impulse along a fiber-optic cable. Now to find that desire as honestly as possible, from the source, and work up from there, from one mutation to the next; study or talk to the new owners, examine the uses of that wall, listen carefully to the responses from visitors. Then if the result reminds you of Paul Virilio or Gaston Bachelard, or Saint Thomas Aquinas staring at the ceiling right before he died—that's fine. The reader knows you are struggling to make meaning vivid—that you are "lying" based on an informed sense of the entire ecosystem—and should be allowed to see how you arrived at these strange flourishes.

Mass culture is a prescribed narrative pretending to be the unconscious desire of the consumer. We might say that this script is a lie, or a fake. Or we might say that the consumer has no unconscious left, except to select from a menu on a screen, or that the screen has become the unconscious. But even as we say this, clearly we know we are just running away with ourselves. Our petty anguish that capitalism invades our intimate process is justified; however, even our moral outrage has to be put on a leash, or else we spend our entire careers simply preaching to the converted. Be ruthless, say what's as close to your heart as possible, but try to force the evidence to contradict you; or else why research at all?

Now back to the present, to late July 1993. How does the new global entertainment economy affect Nevada? What projects reflect this problem the most clearly? Who is in charge? How has a specific project mutated from its earliest conception? What censorship is at hand, both subtle (before the fact) and direct (after a plan is under way)? What market is this project going after? What desires are perceived by the marketers to be part of the consumer's mind-set? Is their perception of the ideal consumer anywhere near the mark? All theories about audience and marketing are ideologically crazy in one way or another. No one gets the market quite right. And the Heisenberg principle always operates when you study it up close. There is always a taste market that the campaign itself creates, its own self-congratulatory statistics. Give a professional time enough, and anything will make sense on a graph. But the consumer's impulse is too

phlegmatic for a graph ultimately. Desire is a moving target at all times. However, it does leave an amazing paper trail, as long as Halley's Comet, and as variable as dust in a windstorm. It is genuinely fascinating to try to make some sense of the paper trail, the bits from the designers, from the owners, from those who buy the crazy object, and from what your informed eyes can see, the incongruities above all. First find the code of the script. Then look for subversions of the script. Why is this here? That doesn't belong. But someone ordered it.

For example, since Venturi's work of the late sixties and early seventies (and this alone), hundreds of writers have been discussing the effect of freeways and highways on architecture, on design, on the perception of the driver. Nevada is presumably built to enter by car, and be seen by car. That's the myth anyway. Obviously it is partly true, but once said, is that very important? What about the subtleties?

Drivers see the world through a glass screen. They map an area, but rarely enter it block by block, rarely feel the bumps on the street except as bumps under a tire. They experience the narrative of a city like the viewer flipping past thirty channels on cable.

The parallels between driving and watching television are considerable; the two are even historically similar, considering that highway building took off in the United States in the early fifties, and television networks emerged in the late forties, early fifties.

They are both part of the same emergent civilization, with its acuties and insanities. Both a windshield and television screen tend to flatten backgrounds (look out a window; then open the window and look out). It will foreshorten the objects closer at hand (the ones that have the most volume—one reason why window displays catch our eyes). The background drifts into a matte surface.

All this is interesting to play with. Our perceptions of space and time are altered not merely by the speed of travel, but by the medium of glass itself. The distortions mutate our way of seeing, not in a genetic sense of course, but very profoundly nonetheless.

Now, we go a small step further: How do we actually identify what this paradox of glass and display does to the driver? And how does this alter the way streets are laid out in Reno or elsewhere? Imagine what a strange ecosystem of production and reception is needed to get a clue for that one. However, unless we do work on such problems, how do we know precisely what our auto-motivated civilization is building? It is easy to label the signified, to simply say, here is what the driver sees. But who gave you this privileged information?

On the other hand, what better place to study the perceptual realities of what Reyner Banham (enthusiastic late modernist that he was) called *autopia*? (borrowing the term, I might add, from a ride at Disneyland, and then half forgetting his source). All right, we'll update the term: *postautopia*, or *postapocalyptic autopia*, if the traffic continues to grind to a halt the way it is in most places. What did the driver in 1960 feel on the road, and what does the driver feel

today? No difference at all? No threads of memory in 1960 about bumpy carriage roads with speed limits of forty miles per hour? No memory in 1960 of neighborhoods that were torn down in 1951 to make way for the new highway? No memory of the first auto park built in that part of town? No memory of the contrasts between tail fins and thirties running boards? Were threads of these memories put into elements of the car of 1960? Were the innovations called modern in 1960 contrasting with these older thirties memories, precisely ignoring the old coding (the Depression of the thirties is over, buy tail fins), subverting references to the past to please the buyer? So what we cannot see is actually what was there in 1960, invisible to us now, but not back then. How do we find this ghost in the machine? Should we try a guess based on what our eyes tell us today? Is there any way to make an educated guess, since we drive a different fantasy road in 1993, with different threads of memory when we drive? Who's still around from 1960? What's the paper trail? Where are the objects themselves?

Mass culture teaches us that all meaning is mutating continuously, and that all useful objects must be partly useless. We realize that perception is constantly changing, and that there are no auteurs really, only a chain of production, and of consumption. And out of these we carve fictions about our emerging civilization, find new origins, and attempt a certain degree of honesty. At least when we fail to arrive at the truth, we do it with some dignity. The truth is only another fantasy that someone builds anyway.

THE OVERLAND TRAIL

A PHOTOGRAPHIC ESSAY

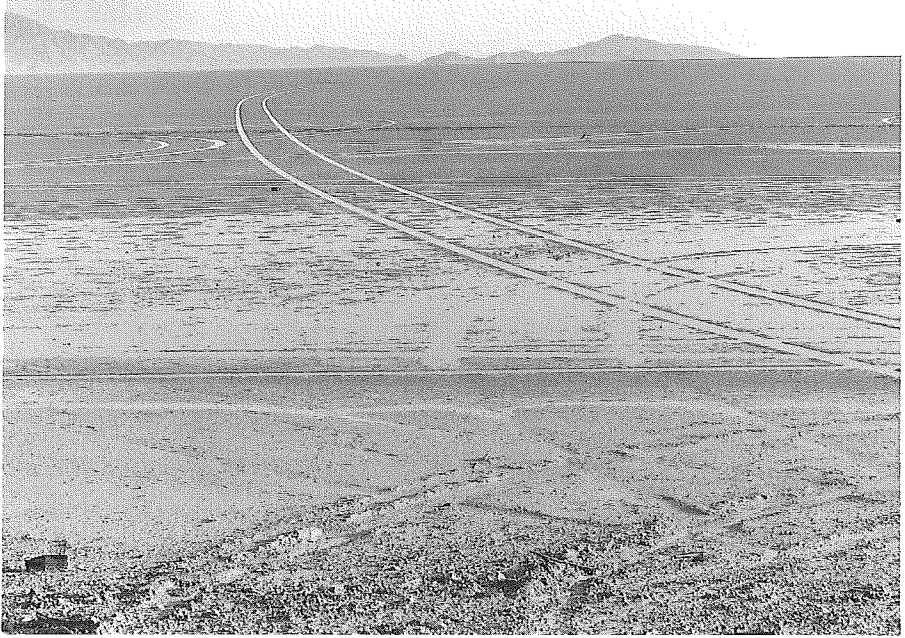
Greg MacGregor

Editor's Note: On January 21, 1994, the Nevada Historical Society opened a traveling exhibition of photographs by Greg MacGregor, titled "The California-Oregon Emigrant Trail of 1841-1870." The following photographic essay is taken from that exhibition, which will run in the Changing Gallery in the Society's museum in Reno through May 30. Professor MacGregor begins his trek at the beginning, in Missouri, and follows the trail west to the end, in California and Oregon. This documentary project focuses on the land itself, the land where the past intersects with the present.

The California/Oregon Trail is that two-thousand-mile-long trace across the country by which an estimated 300,000 to 500,000 emigrants traveled to settle California and Oregon between 1841 and 1869. Most migration along it ended when the first transcontinental railroad, which generally paralleled the route, was completed in 1869. The trail began in several "jumping off places" (Independence or St. Joseph, Missouri, or Council Bluffs, Iowa), converged quickly, and then followed one river system after another until it terminated in either the Sacramento Valley, California, or the Willamette Valley of Oregon. The California and Oregon trails were one and the same (along with the Mormon Trail) for much of the way up to a point just north of the Great Salt Lake, where the California travelers split southwest to cross Nevada along the Humboldt River. The Oregon Trail continued westward along the Snake River.

The romantic interpretation of landscape, so often found in both paintings and photographs of the West, has never interested me, and I do not photograph it so. I do not see landscape as a holy place or symbol for God, and it certainly was not treated that way by the pioneers. The land was used to scratch out a living on a large or small scale by whatever scheme people could invent, as it had been for centuries. In arid climates the evidence of these efforts is slow to heal, and it became obvious to me that the scars of the trail, and that of the new highways that overlay or paralleled it, would be a more potent record and

Greg MacGregor, professor of art and photography, is chairman of the Art Department at California State University, Hayward. He has been photographing western landscapes for the past twenty years using a wide variety of approaches in a fine art context. This is his first documentary project.



View of Hastings Cutoff, Bonneville Salt Flats, Utah



Deeply eroded trail ruts, near Wells, Nevada



Remains of Hawes Station and trail, near Silver Springs, Nevada



Dunphy Siding, Nevada, looking west

perhaps a truer statement of the meaning and current condition of the Overland Trail.

My methodology was not to make a photograph unless I was standing directly in the ruts of the trail or looking straight at where they used to be. It was very tempting to wander one hundred feet off to capture a spectacular image, but I resisted. The maps of the trail are very specific, and I followed them whether they led under concrete or asphalt, through cities, or under water. Even when the historic track was invisible, I often found a granite trail site marker erected by the local historical society or the Daughters of the American Revolution. Small towns remember their history, and the placing of these markers is surprisingly accurate.

Someone, it seems, has always been interested in this trail and marked it with everything from wooden signs to bronze plaques.

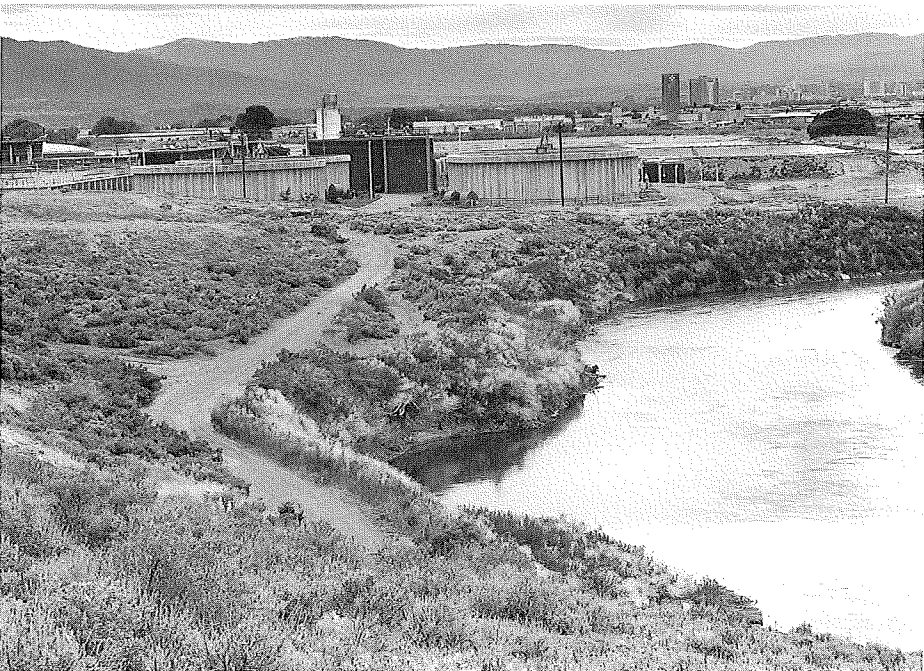
Many times, the traces of the old trail give out, and it becomes passable only on bicycle, which I resorted to more than once, especially when a ranching fence without a gate crossed the track. Other times the trail just ends. In these cases, I backtracked out to the main highway and began another probe at some distance farther west. I also learned to venture across property marked "no trespassing" and to go through latched, but unlocked, gates. Since cattle were often



Ruts leaving Parren Flat, Carson River Route, 40-Mile Desert, Nevada



On trail, looking west, Carson River Route, Dayton, Nevada



Entering Reno, sewer plant, Truckee River Route, Nevada

in or near the viewfinder of the camera, my biggest job was to convince ranchers that I was not an advanceman for sophisticated cattle rustlers who needed photographs of their future booty.

The Overland Trail now passes through Forest Service and Bureau of Land Management land, factory and corporate yards, private ranches, and small and large cities, and it is much of the time under concrete highway. Most restricted sites, however, were made accessible after I explained the nature of my project. The most difficult access was encountered when the trail passed through Indian reservations, such as that of the Shoshone-Bannock tribe in Fort Hall, Idaho. Perhaps these Native Americans still remember the consequences of letting the first white man pass through their country.

BOOK REVIEWS

To Reclaim a Divided West: Water, Law, and Public Policy, 1848–1902. By Donald Pisani. (Albuquerque: University of New Mexico Press, 1992, 487 pp., notes, bibliography, index.); *The Great Thirst: Californians and Water 1770s–1990s.* By Norris Hundley, Jr. (Berkeley: University of California Press, 1992, 422 pp., notes, bibliography, index.); *Western Times and Water Wars: State, Culture, and Rebellion in California.* By John Walton. (Berkeley: University of California Press, 1992, 339 pp., notes, bibliography, index.)

Water ranks high on any list of controversial subjects confronting the growing populations of western states. As the most arid of western states, Nevada is acutely aware of the demands placed on its available water, both in the south with the growth of Las Vegas and in the north as Reno struggles with the question of whether it can be content to live with only the water from the Truckee Basin. The pressures of the contemporary water crisis in the West have prompted a rich outpouring of historical literature on the subject. These three works combine chronological narratives with reasonable interpretations but without sounding a doomsday scenario of water dearth for the West. In contrast, other works published in the late 1980s were pronouncements of impending doom hanging over the giant urban centers of the Southwest and the agribusiness of warm western valleys from Texas to California. Marc Reisner's *Cadillac Desert* (1986) and Donald Worster's *Rivers of Empire* (1985) carried ominous messages for the future of the West. Such messages are not new. John Wesley Powell in the late nineteenth century warned of the limitations of reclamation for the West, and Walter Prescott Webb delineated the haunting spectre of drought and aridity in the West that reaches out "to argue with the sea" in a much reviled *Harper's* article (mainly by chambers of commerce) in May 1957.

Pisani's *To Reclaim a Divided West* studies the region's varied responses to the National Reclamation Act of 1902, the federal government's cautious effort to spur on western reclamation through federal aid. He covers the decade or more before the passage of the act and its ultimate implementation. He describes the incredible power and influence of the states and local interests over this attempt to bring centralized planning and financing to local projects. At no time did the federal government succeed in imposing a uniform federal water law, but preferred to leave this tangled subject to the states, bowing in effect to local interests

and control in this fundamental sphere. These findings contrast with Worster's earlier assertions in *Rivers of Empire*: An irrigated society is by its nature centralized and authoritarian. Instead Pisani emphasizes ambitious personalities in the growing federal technocracy who campaign for a well-watered West through federal reclamation.

He constructs the beginning of the so-called "iron triangle," wherein Congress, private interest groups, and the Reclamation Service combine to expand the role of the federal government and incidentally job opportunities for professionals in the dam and water business. On the other hand there are powerful interests in the states and localities who maintain and advance their power by extracting concessions and considerations from the bureaucracies and Congress. Pisani is not interested in overarching theory that might suggest the rising technocracies are a part of a new functionalist state emphasizing modernization and efficiency. Nor is he particularly interested in suggesting that water engineering in the West is a prelude to social engineering in the new irrigation West. There is, however, the unavoidable conclusion that individuals pursue their own interests and from time to time set in motion events that have consequences they cannot predict. Reclamation came into the twentieth century as a multifaceted undertaking mostly responding to the demands of local people and sometimes ignoring them in favor of national policy, but always operating within the framework of the federal-state system, with the states enjoying persistent influence.

California, of course, is a state that has constructed a huge water utilization infra-structure with federal aid. Called by various names, the plan has irrigated the Central Valley and brought water from as far away as the Cascades in northern California to feed the growth of Los Angeles. This all occurred in the twentieth century, but Norris Hundley's latest book, *The Great Thirst*, discusses the "waterscape" and its use prior to the arrival of the Euro-Americans. He continues through the Mission-California period, the Gold Rush dynamics, late nineteenth-century agricultural development on into the spectacular growth in the twentieth century when California became the most populous of the fifty states and the world's fourth largest economy.

Hundley acknowledges that water utilization has created an artificial environment far different from the natural state of California's water flow patterns. For the most part the state's electorate has ratified the development in both Democratic and Republican state administrations. No great conspiracy dominated the building of the systems to deliver water to agribusiness or even Los Angeles. Again individuals and communities pursued their self-interests with the idea that government aid was proper to ensure prosperity in the private sphere.

Yet, serious problems for the future reside in what the people of California have created. Can the state's water resources be expected to support an ever-increasing population? These doubts emerge in an otherwise progressive, opti-

mistic treatment of California's water history. The context of its political and social life is skillfully woven into the story. For the general reader this latter point is particularly appealing because the political history of the state provides an understandable contextual reference to water development. The key to the success of this work, dealing with the complicated labyrinth of water history, is its masterful organization and skillful prose.

Part of the California water story takes place in the Owens Valley. Here Los Angeles reached out at the beginning of the century to drain the valley of its most valuable resource. *Western Times and Water Wars* is a work not by an historian, as are the previous two, but by a sociologist. Like many sociologists this one is concerned with power in society, more specifically water and power in a remote California valley. But why another study of the Owens Valley troubles? Historians such as Abraham Hoffman in *Vision or Villany: Origins of the Owens Valley-Los Angeles Water Controversy* (1981) and William L. Kahrl in *Water and Power: The Conflict over Los Angeles' Water Supply in the Owens Valley* (1982) have gone over the ground. These and others offer an implicit condemnation of Los Angeles's water imperialism, especially appealing in an environmentalist age. The sociologist presents the valley as a case study of social theory in action in relation to the power of the local community to resist larger, more powerful forces in the society. Like Pisani the historian, Walton the sociologist is impressed with the endurance of local influence and power. While on the surface this may not ring true, given the loss of most of Owens Valley's water to Los Angeles, the story is actually more complicated. It demonstrates generations of resistance, betrayal, and dissension that ultimately, by the late twentieth century, see the city failing in its attempts to further its grip upon the valley.

Significantly this study views the American West, "not [as] an isolated patch of picaresque history, but [as] fertile terrain for the elaboration of general ideas about the conquest of indigenous peoples, state intervention in the economy, uneven capitalist development and rebellion." The author rejects "idealized notions of frontier uniqueness" and notes that incidents in the past provide microcosms for the application of theories about how state and culture interact with local collective action. For Walton the latter is "the decisive agent of change." (p. 338) On this point he brings to bear the theories of British political economist E.P. Thompson. Thus, the moral economy developed as "an emendation of Marxian theories of class formation and action." (p. 322) This is all quite high-toned for the story of a small irrigated ranching valley on the leeward side of the Sierra, but it is an example of the sophistication of the new local history and historically based sociology that is descending upon the West.

William D. Rowley
University of Nevada, Reno

The Desert's Past: A Natural Prehistory of the Great Basin. By Donald K. Grayson (Washington and London: Smithsonian Institution Press, 1993. xix + 256 pp., illustrations, notes, maps, concordance of common and scientific plant names, literature cited.)

This volume is vast in the extent of time, landscapes, and fields of science covered. Although the author writes natural history for the non-scientist, his work is also acceptable to scientists in numerous different and contrasting disciplines. Donald Grayson has produced an excellent addition to the natural history literature concerning the Great Basin. *The Desert's Past* is mandatory reading for students young and old with an awakening interest in the Great Basin.

Since the author's training and professional experience are centered around anthropology and mammalogy, these fields obviously receive emphasis in the volume. The presentation, however, covers a much broader array of fields, exhibiting the author's familiarity with an immense breadth of technical literature. The technical quality of the material is evident from the list of chapter reviewers given in the Acknowledgments.

A series of landscapes from near the end of the Pleistocene to the advent of Europeans is described for the Great Basin. Readers are exposed to various scientific tools, such as radiocarbon dating, pollen analysis, packrat midden analysis, equilibrium-line altitudes, and projectile point chronologies that are used to reconstruct past environments. Considering the emphasis on anthropology, the author provides a balanced presentation of some of the great controversies of this field, such as the search for the cause of late Pleistocene extinctions among large mammals.

All natural history writers are limited by the quality and availability of literature in disciplines outside their major fields of scientific interest. For example, Grayson does a very creditable job of treating plant ecology, although with a few exceptions. The fact that virtually nothing is presented concerning soils reflects the weakness of the available literature. Botanical problems with the volume include no discussion of the role or lack of a role for three-needle pine woodlands and mixed conifer forest in the vegetation as well as, which is perhaps more important, in the evolution of salt desert vegetation. An uninformed reader might have the perception that the most important vegetation formations in the Great Basin are five-needle pine alpine woodlands, rather than big sagebrush/grass and shadscale plant communities.

The relative lack of knowledge concerning the prehistory of the Lahontan Basin of northwestern Nevada becomes very evident through the author's use of regional comparisons within the Great Basin. Grayson presents an excellent review and interpretation of the contributions of Ernst Antevs toward understanding post-Pleistocene environments in the Great Basin. This recognition is well deserved. It is unfortunate that similar treatment was not provided for

Israel Cook Russell. Antevs always credited Russell for the germ of his ideas concerning Holocene climates.

It is easy to criticize such a sweeping volume on specific small points. It is more important to praise this landmark volume for the very breadth of its accomplishments.

James A. Young
Agricultural Research Service
United States Department of Agriculture

Building Hoover Dam: An Oral History of the Great Depression. By Andrew J. Dunar and Dennis McBride. (New York: Twayne Publishers, 1993, 350 pp., illustrations, notes, index.)

Although Hoover Dam arose from a confluence of big politics and big engineering, the dam was a labor-intensive project employing common people, most of whom had been out of work before they were hired into its huge labor force. Ignoring the politics of the enterprise, and dealing with its engineering only in passing, Andrew J. Dunar and Dennis McBride have set out to reveal the human dimension of Hoover Dam's construction through the recorded memories of people who were there. To the extent that this is possible using oral history as the sole source, they have succeeded.

Building Hoover Dam was composed from fragments of interviews with approximately sixty people, each of whom was associated in some way with the construction of the dam or with its support system. These fragments are introduced as "personal stories that illustrate America's pioneering heritage and industrial resourcefulness." While "pioneering heritage" may seem an odd choice of terms to apply to a 1930s event, it is appropriate—these are stories from a past not distant in years, but one closer in spirit to nineteenth-century America than to the present. Construction on the dam started before there was a New Deal, before the Wagner Act rescued organized labor, before OSHA and environmental impact statements and affirmative action and the whole post-industrial panoply of protections and entitlements. Although human comfort, safety, and rights were concerns of the builders, they were only marginal concerns. Everything was subordinate to raising the dam. One hundred and twelve men perished getting it done.

The book's eye-witness accounts leave the impression that the builders of the dam, supervisors and laborers alike, were to a certain extent making things up as they went along. This was on-the-job training on an enormous scale, conducted in a frantic rush to get the dam completed and into operation. When a high-scaler fell from a great height to his death on a road below, there was no pause in the work. A superintendent ordered the drivers to keep their trucks moving: "He won't hurt anybody; get'em going!" Workers poured concrete

twenty-four hours a day, and in the summer of 1934 over 5,000 were laboring directly on the dam. Giant twin-engined, double-deck buses that could carry 150 workers were jury-rigged on extended truck frames to move three shifts a day from their quarters to the site. The pace never slackened.

Back in Boulder City, on a rise seven miles from the Black Canyon dam site, construction of another sort was underway. When the first workers and their families arrived in 1931, they lived in the canyon in tents or crude shacks made from discarded materials. Their only source of water was the Colorado River, and they had neither electricity nor sanitary sewage disposal. (Some of the most evocative passages in the book are spoken by women who were confronted with caring for their families in these primitive conditions.) Boulder City was created in response to the need to sustain the workers' health and morale. Companies engaged in building the dam also built much of the city, which was operated by the government as a federal reservation under the supervision of the autocratic Sims Ely, about whose idiosyncracies we learn much.

While the government was establishing a community where alcohol, prostitution, and gambling were not permitted, twenty miles away Las Vegas was building its future by providing these diversions to dam workers. The reader is treated to vivid (and sometimes amusing) accounts of humans trying to cope with regimentation and social repression at one location, and freedom bordering on licentiousness at the other. It is revealing that in the end, the residents of Boulder City resisted exchanging the security of reservation status for the uncertainty of a future as a Nevada town with elected officials.

Building Hoover Dam, which is well organized and richly illustrated with photos, is a fascinating example of oral history's potential in the service of social history. It is less a portrayal of the emerging physical presence of a dam than of the arrangements, understandings, pressures, and rewards that a large group of Americans resorted to when brought together in the midst of the Great Depression to accomplish a difficult task. Dunar and McBride allow their material to speak for itself, and to do so in the words of the interviewed. Thus, much of our pleasure in reading the work derives from our opportunity to interpret meaning from uninterpreted memory. The reader becomes an active participant in a rewarding exercise.

R. T. King
University of Nevada, Reno

On the Home Front: The Cold War Legacy of the Hanford Nuclear Site. Michele Stevehjem Gerber (Lincoln: University of Nebraska Press, 1992, 312 pp.)

One of the key components in the development of nuclear power in the United States has been the Hanford Engineer Works, a facility in southeastern Washington built by the Army Corps of Engineers and the Dupont Corporation

during World War II to produce plutonium for the first atom bomb. Yet, with the exception of Paul Loeb's *Living and Working in the World's Largest Atomic Complex* (1982), the burgeoning literature on American's Atomic Age has largely ignored the Hanford Site. This is due in part to restrictions on information concerning the facility, but also to the more dramatic appeal of stories emanating from Los Alamos and the Nevada Test Site. Now comes Michele S. Gerber's well documented book, *On the Home Front*, an in-depth look at the history of Hanford, made possible by the recent declassification of thousands of documents revealing previously closely-guarded secrets about the construction, operation, and maintenance of the site over the last fifty years.

While Gerber clearly fills a major void in the literature on atomic weapons development, it should be noted that she joins Barton Hacker and *The Dragon's Trail: Radiation Safety in the Manhattan Project, 1942-1946* (1987) in a new school of "official" atomic historians tapped to put the "best spin" possible on irrefutable evidence of a damning nature. Under contract to the Department of Energy, Hacker examined safety concerns and procedures at Los Alamos, concluding that because of the Manhattan Project safety regulations, "[R]isks from radiation have become more precisely defined, in both physical and human terms. Radiation can now be detected and measured more accurately; injuries can be treated more effectively". What better way to justify such decisions as going forward with the Trinity Shot despite the inclement weather?

Likewise, Gerber, staff historian to DOE contractor Westinghouse-Hanford Co., is critical of the releases of radioactive and chemical contaminants at Hanford and of the secrecy of government operations that made scientific review of such activities impossible. Nonetheless, she attempts to minimize the problems at Hanford by categorizing them as only one element in a system-wide dilemma that includes facilities at Savannah River, Rocky Flats, the Nevada Test Site, and Twin Falls, Idaho, among others. And she consistently praises Hanford for being "the first to disclose its problems openly" (p. 9) and for once again "leading the nation," only today the frontiers are in "waste remediation, environmental restoration, and the preservation of democratic principles through public involvement." (p. 10)

Gerber's conclusion confirms her pro-government slant: while "[t]oday that waste seems very ugly, and its generation sometimes is termed irresponsible" (p. 221), Hanford not only had a "straightforward effect in ending a war that had cost fifty million lives", but also played a major role "in winning the cold war" (p. 220). She ends her book rather melodramatically: "Without the vast production [at Hanford], the course of history might have been far different. As the tasks of waste clean-up go forward . . . , the ability to work in peace and to deliberate and evaluate methods without the incessant pressure of competition and war, is very precious" (p. 221).

In addition to her inherent bias, Gerber also tends to jump from one era to another with little explanation. As Gerber is careful to avoid conjuring up any

images of either heroes or villains, the work is also totally depersonalized. The lack of a bibliography makes reading burdensome for researchers; camouflaging sources in notes, however, may not be unintentional. Finally, one must question the author's sources when a quick review of notes relating to the Nevada Test Site reveals only several newspaper articles from, of all places, the *Tri-City* (Washington) *Herald* and the *Sun City* (Arizona) *News-Sun*.

Such shortcomings do not render Gerber's work useless, however. Indeed, in keeping with the government's new approach, it is more an apology than a polemic and therefore more likely to be effective than a more combative defense would be. Furthermore, the chapters that chronicle the previously untold story of events at Hanford are informative and valuable for students of atomic politics because they represent the first compilation ever of data on Hanford drawn from in-house government documents and reports. In addition to being comprehensive and much awaited, it is easy to read. Accordingly, Gerber's *On the Home Front* is a necessary addition to any serious atomic collection.

Dina Titus
University of Nevada, Las Vegas

IN MEMORIAM



John Gregg Folkes

Longtime member of the History Department at the University of Nevada, Reno, John Gregg Folkes, 59, died October 11, 1993. He was a lecturer in history from 1969 until his retirement in 1990, offering the introductory courses in American and European history and the survey class in U.S. and Nevada constitutional history. In his characteristically large classes, he probably instructed some 15,000 Nevada students, and he also advised the history students' honorary society, Phi Alpha Theta. He attended Virginia Military Institute and held the B.A. and M.A. degrees from the University of Nevada. His teaching career began with the Washoe County system at Billingshurst Junior High and Wooster High Schools in Reno. While teaching always came first with Folkes, his publication efforts included *Nevada's Newspapers: A Bibliography: A Compilation of Nevada's History, 1854-1864* (Reno: University of Nevada Press, 1964) and Wilbur S. Shepperson, with the assistance of John G. Folkes, *Retreat to Nevada, A Socialist Colony of World War I* (Reno: University of Nevada Press, 1966). He was also an occasional contributor to the *Nevada Historical Society Quarterly*.

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(Signed) Peter L. Bandurraga, Director

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