

Nevada

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SUMMER 2004



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Oklahoma's Mike Synar Confronts the Western Grazing Question

1987 – 2000

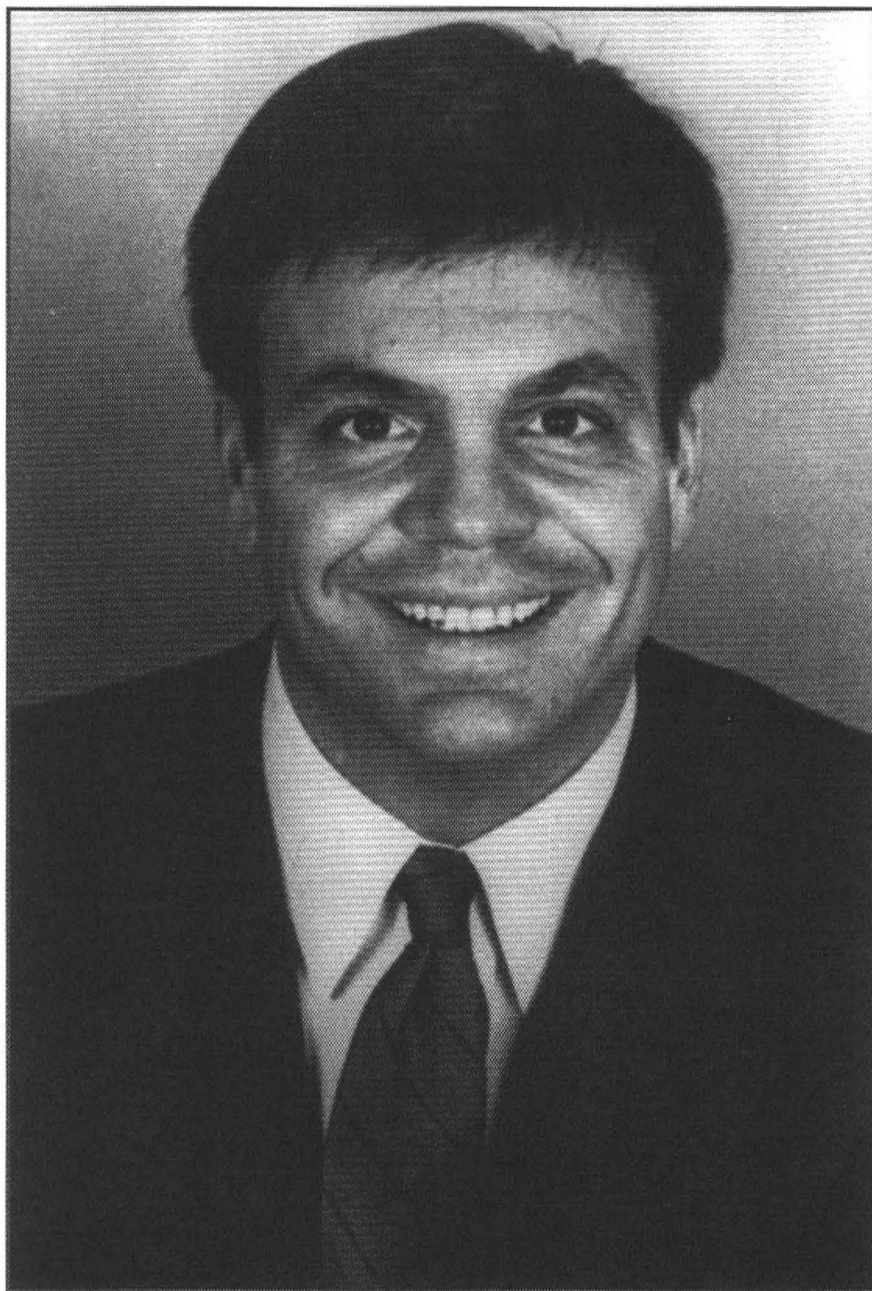
RICHARD LOWITT

For more than a decade in the last years of the last century there occurred a bitter war in the West and in Washington. It started over the fees charged ranchers, who graze their cattle on public lands and soon became part of a deeper conflict over the use of the public domain. It involved colorful personalities and provoked animosities that quickly came to the fore in the West, and more slowly to national attention. This article focuses on two key figures: Congressman Mike Synar of Oklahoma, who started the fight, and Secretary of the Interior Bruce Babbitt, who broadened its parameters and witnessed its conclusion in a decision of the Supreme Court of the United States.

Elected in 1987, at the age of 27 and a year out of law school, to represent the Second Congressional District in Oklahoma, Mike Synar quickly compiled a record as a strong advocate of good government. At the outset of his tenure he asserted, "I want to be a U.S. Congressman from Oklahoma, not an Oklahoma congressman."¹ As chairman of the Government Operations Subcommittee on Environment, Energy, and Natural Resources, he was able to roam over a wide-ranging landscape in selecting issues that merited further investigation.

Throughout his career, Synar, genuinely concerned about making what he considered to be good public policy, called himself a maverick, a reformer, an outsider. As such he aroused the ire of powerful special interests: tobacco, oil, insurance companies, and the gun lobby, among others. To his work Synar brought a certain irreverence and a gift for phrases with an Oklahoma twang. His committee assignments allowed him to become deeply involved in some of the largest questions before Congress, such as campaign-finance reform and national energy policy. In 1985 Synar strongly opposed the Gramm-Rudman deficit-reduction plan. He initiated a legal challenge that resulted in a pivotal

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Congressman Mike Synar of Oklahoma (*Carl Albert Center Congressional Archives, University of Oklahoma*)

section of the Balanced Budget Act being declared unconstitutional, while editorial writers and other critics castigated him for standing in the way of fiscal restraint.

Then, on June 14, 1987, Synar introduced a measure that soon made him a public enemy throughout most of the West. He said, "Mr. Speaker, today I am introducing legislation to increase the fee charged for grazing livestock on public rangeland managed by the Bureau of Land Management and the Forest Service." The current fee was \$1.35 per animal unit month (AUM), which Synar said was far below the average appraised 1983 market value of \$6.53 per AUM for all federal grazing land. The measure was a declaration of war on the ranching West, a war that outlasted Synar's tenure in Congress.²

Grazing fees on public lands was not a new subject. Since 1906 the Forest Service had been charging for grazing on National Forest Lands. Fees for grazing on public lands managed by the Bureau of Land Management dated back

to 1934 with the passage of the Taylor Grazing Act. Synar's immersion in the problem came about in 1985 and 1986 as a result of hearings and a study prepared by the Environment, Energy, and Natural Resources subcommittee, which he chaired.

The Taylor Grazing Act, which closed the public domain, sought to prevent overgrazing and soil deterioration. It authorized the secretary of the interior to divide the public rangelands into grazing districts, to determine the amount of grazing permitted in each district, to issue permits to graze livestock, and to charge reasonable fees for the use of the land. To administer the grazing districts, the secretary created advisory boards made up of local ranchers. These boards soon became the governing body of each grazing district. But as Synar observed in a meeting of his subcommittee, "Those who graze livestock on public lands often have very different views about the use of the land than do other members of the public."³

The Federal Land Policy and Management Act of 1976 introduced the concepts of multiple land-use planning and of public participation in that process. The introduction of multiple use (taking into account subjects such as watershed, minerals, fish and wildlife, scenic and scientific values, historical usage, and sustained yield) meant that ranchers soon would have to consider far more than grazing fees. Meanwhile, section 401 of the act froze fees for the 1977 grazing year pending further study. With the completion of the study Congress imposed a further moratorium, signed by President Jimmy Carter in July 1978. And in October 1978 the Public Rangelands Improvement Act established, for a seven-year period, a formula to use in setting grazing fees. But with the pending termination of this period, fifty years after the passage of the Taylor Grazing Act, Synar said that "much of the public's land has been overgrazed by livestock."⁴

Together the Bureau of Land Management (BLM) and the Forest Service administered a range of about 307 million acres within the sixteen western states covered by the Public Rangelands Improvement Act. These rangelands were divided into more than thirty thousand allotments, ranging in size from fewer than forty acres to more than a million acres. Both agencies required that permittees pursue cooperatively developed plans specifying the number of animals to be grazed and the time frame during which grazing would occur. Grazing permits or leases were for a one-year period and were subject to renewal, with current holders having first priority. They covered a significant portion of total grazing in some western states. In Idaho 88 percent, in Wyoming 64 percent, and in Arizona 63 percent of the cattle grazed during at least part of 1984 on public rangelands.⁵

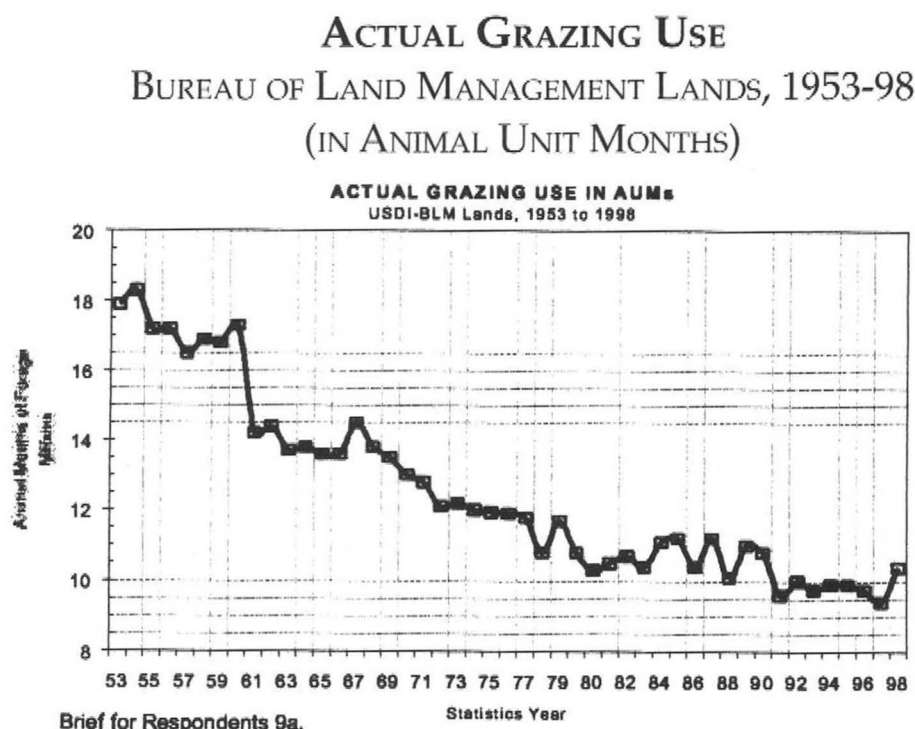
In 1985, Synar claimed that only 2 percent of the 1.6 million of the nation's ranchers grazed cattle on BLM and Forest Service lands. For this privilege they then paid a fee of \$1.35 per AUM which contrasted with fees ranging as high as \$14 per AUM, on state lands, private lands, and other federal lands. With

Congress being lobbied to extend the current formula for setting the fee, and President Ronald Reagan pressuring Congress to cut spending without touching defense budgets and without raising taxes, a difficult situation, Synar observed, was created for a program whose 1984 costs exceeded receipts from grazing fees by more than \$33 million. With the current fee scheduled to expire on December 31, 1985, and with no recommendations forthcoming from the administrative agencies, Synar wanted his subcommittee to inquire as to what the agency's recommendations were and what they were doing to establish a fee based "on a formula reflecting annual changes in the costs of production." In particular he hoped to learn more about subleasing, wherein permittees allowed someone else to graze animals on their leased land for payment greater than the AUM rate, with this revenue becoming a windfall profit to the original permittee.⁶

This preliminary hearing led to an extended 1986 report based on a study of Synar's subcommittee and published as a House Report entitled *Federal Grazing Program: All Is Not Well on the Range*. Neither the hearing nor the report was intended for public dissemination but they provided Synar with ample expertise so that when he introduced his 1987 bill he was fully versed on the matter of grazing fees. Among other things the report noted that among the twenty-seven thousand permittees grazing livestock on public lands and paying \$1.35 per AUM were "oil companies, agribusinesses, land speculators, doctors and lawyers." It added that the average 1983 appraised market value for grazing fees was \$6.53 per AUM for all federal lands and \$6.87 for non-federal lands. Although the \$1.35 based on the formula presented in the Public Rangelands Improvement Act expired at the end of 1985, President Reagan by executive order extended its use annually.

The report probed grazing fees, the profits garnered by permittees who subleased their grazing privileges, BLM regulations that were narrower than the statutory language, inadequate enforcement of trespass and other unauthorized use regulations, and practices pertaining to poor billing. In addition, it examined how the BLM was yielding some of its regulatory authority and its policy of allowing private parties to claim water rights on public lands without compensation to the United States Treasury. The fact that the BLM was unable to provide an accurate inventory of range improvements provoked questions as to how it spent its funds.

Thus, more than fifty years after the enactment of the Taylor Grazing Act, Synar recognized that overgrazing on public land continued to be a problem. Moreover, opportunities for fraud, waste, and abuse were evident in the failure of the BLM to properly account for range improvements. Another point also evident was that actual grazing on the public range, as Figure 1 indicates, was declining dramatically and steadily.⁷



SOURCE: Public Lands Council, et al. vs. Babbitt, Secretary of the Interior et al., 529 U.S. 728 (2000), at 737.

Subsequently Synar testified before the House Subcommittee on National Parks and Public Lands of the Committee on Interior and Insular Affairs. The committee was considering three bills dealing with fees to be charged for grazing on lands managed by the BLM and the Forest Service, one of which he introduced. It had no co-sponsors, but it was similar to another bill before the subcommittee. Since the previous Congress had failed to consider Synar's bill, he explained the work of his subcommittee in concluding that all was not well on the range. The fundamental question, as he saw it, was "whether or not we should continue to subsidize the 23,000 permittees who graze their livestock on this BLM and Forest Service land." These permittees accounted for less than 2 percent of the total livestock industry and only 7 percent of western producers. They paid \$1.35 per AUM on land appraised from \$4.05 to \$8.55 per AUM. To Synar the answer was an emphatic No, because taxpayers, "including livestock producers all over the country," would pay the difference. They included his family "now going on three generations deep in ranching in Oklahoma."

Synar knew that many of the witnesses would argue that raising grazing fees would cast an undue economic burden on federal permittees. He urged committee members to keep two things in mind as they listened to these witnesses. One was that grazing permittees did not have a monopoly on hard times. All livestock producers had to cover their production costs, including higher rates for grazing lands, which in Oklahoma consisted of school lands and Corps of Engineers lands. And the other consideration was that some federal permittees clearly could withstand the effect of an increase. He mentioned Union Oil, Getty Oil, and Texaco, as well as land investment partnerships operating in areas near Aspen, Colorado, and weekend ranchers like lawyers and doctors. He again mentioned permittees transferring or subleasing their grazing privileges to individuals who paid them more than the \$1.35 per AUM,

with the government unable to collect the windfall profit that the permittees garnered from these transactions. Obviously, he concluded, "the market will bear a higher fee," thereby allowing the public, "which owns these ranch lands," to benefit. His bill provided that the fee be calculated on a regional basis, thereby establishing "a fee that closely resembles the value of the land" and creating a system that could be administered with relative ease.

His bill also earmarked money to improve riparian habitat important not only to cattle but also to a wide variety of wildlife. Riparian areas, Synar claimed, were in unsatisfactory condition and were "particularly vulnerable to overuse by cattle." Indicating a parochial interest, Synar said that Oklahoma hunters, fishermen, and bird watchers "went to states like Colorado to pursue these interests."⁸

In 1989, with no grazing-fee legislation seriously considered on the floor of either branch, Synar was struggling to get national attention for grazing fees over the opposition of western delegations and the Reagan administration. In April 1989 he again appeared before the Subcommittee on National Parks and Public Lands. Again the committee was considering three bills, two of which looked at grazing fees and the third authorized funding for the BLM. Synar's remarks were brief because he was not associated with any of the measures. Reforming the grazing system, he said, involved "not just questions of fiscal responsibility" but also "basic issues of fairness"; "should the U.S. taxpayers, and 98 percent of the U.S. livestock industry who don't benefit from subsidized federal grazing, pay for the 2 percent who do?" Synar expressed the hope that, given the prevailing budget deficit, the committee would close some of the deficits and get taxpayers a better deal by raising grazing fees to a level that represented "a good deal for the use of these public resources."⁹

Now that he was secure in his views, grounded with facts garnered through extensive committee hearings, Synar began to speak out in more public arenas. For example, when Robert Burford resigned in June 1989 after more than eight years of managing the public range as director of the BLM, Synar's message was "goodbye, good riddance, don't come back." Burford, he explained, served his personal interests by not fully divesting himself of grazing permits on public land and by providing ranchers subsidies in the form of cheap grazing and water. In so doing, Synar said, he "discriminated against the other 98 percent of ranchers."¹⁰

With the advent of the George H. W. Bush administration, Synar became more outspoken in his criticisms of federal grazing policy, but open hostility had not yet fully developed in the West. In July 1990 Synar said that "grazing on public lands is producing an ecological and fiscal disaster." In a letter to the chairman of the House Subcommittee on Interior Appropriations, Synar suggested that the fee be raised from the then prevailing \$1.81 per animal to \$8.70 per animal. The current fee, he noted, was 80 percent of the rate for grazing cattle on private land.¹¹

On October 4, 1990, Synar and George (Buddy) Darden, a Georgia Democrat, introduced a bill calling for grazing fees reflecting the fair market value of forage on public rangelands. This measure was to gain more attention than Synar's earlier efforts. It called for a graduated fee structure beginning at \$4.35 per AUM in fiscal 1991 and increasing until, in fiscal 1995, the grazing fee would reach \$8.70 per AUM or fair market value, whichever was higher. Within two weeks the House approved the proposal as an amendment to the Interior Appropriations Bill. Besides saving taxpayers \$100 million a year, Synar insisted it would help preserve the ecology of the nation's rangelands. After three years of pleading with the Rules Committee for permission to bypass the committee considering interior appropriations, Synar finally got a vote.¹²

By a vote of 251 to 155 the House agreed to increase fees on ranchers who grazed their cattle on public-lands. But the Senate, where the public lands states were effectively represented, struck the proposal from its version of the appropriations bill. The issue now would be considered in conference, where western members predominated. It had no chance of gaining approval. But Synar's proposal hit several raw nerves and aroused emotional responses from western members, while gaining support from the conservative American Taxpayers Union on the one hand, and major environmental groups on the other. Members from both urban and non-western rural areas found little to oppose in the proposal. The arguments, both pro and con, heard in various committee hearings had moved to the chambers of Congress, where they would grow in intensity and help make Synar a public enemy on western rangelands.¹³

Several weeks later, at the outset of the new Congress, the 102d, a similar bill was introduced, this time by Darden, for himself and Synar. To widen its appeal, and with the addition of a third sponsor, Chester Atkins of Massachusetts, a revised measure was introduced that specifically mentioned Forest Service and BLM grazing lands. This revision allowed the bill to be referred jointly to both the Agriculture and Interior and Insular Affairs committees. The fee structure remained the same as in the 1990 measure, reaching, for fiscal year 1995, the \$8.70 per AUM or the fair-market-value rate, whichever was higher. Synar in his remarks explained that for eight years as chairman of the House Government Operations Subcommittee on Environment, Energy, and Natural Resources, he was charged with oversight responsibilities to determine whether natural resource programs were working and whether they were fair. His oversight led him to conclude that livestock grazing was "a valid and valuable use of suitable public lands" when managed by "resource professionals," that proper livestock grazing could benefit "both wildlife and livestock," and that a healthy livestock industry was an important element in maintaining western open space.

But at the same time, Synar acknowledged that "an unreasonably large proportion of our public rangelands are in unsatisfactory condition," that "inadequate funding and staffing for professional resource managers and their programs" were impairing rangeland productivity and health. To remedy this

situation necessitated raising grazing fees. He noted that in 1990 grazers utilizing 250 million acres of federal rangelands paid a fee of \$1.81 per AUM, far below the market rate. He added that "ironically," the Department of Agriculture set the commercial value of forage on its lands at \$8.70 and the BLM charged the same rate for trespassing on public land. But unless Congress changed the law, the federal government would continue to charge below market rates for legal access to public rangelands and the taxpayer would pay the difference.

In his carefully constructed remarks, Synar made much of the fact that the domestic livestock industry long prided itself on its independence. Indeed, "animal agriculture stands alone as being that element of the American farm economy that is most removed from federal intervention in the market place." When he spoke, there were "no commodity programs and no marketing orders, no laws, no insurance, no grants, and no federal interference." Nevertheless, a small segment of the industry, federal-grazing-permit holders, were "chewing through millions of dollars each year." Thus the purpose of his bill was to put federal grazing programs on a "pay as you go" basis, phasing out the grazing subsidy and using the savings to fund range improvement activities. Unless such action was taken, unless grazing fees were increased, Synar said that the government would "continue to encourage overgrazing," the costs of the program would continue to exceed receipts, and taxpayers would continue to subsidize 2 percent of the country's total meat production.¹⁴

Logical and persuasive as Synar's presentation was, the proposal faced serious challenges in Congress. To begin, Synar's subcommittee, which focused on natural resources, energy, and the environment, was involved with a multitude of other concerns and could not devote serious attention to this specific matter. He needed to work through Interior and Agriculture Department subcommittees where members from grazing-land states were well represented. This was not a problem in the House, where most committee members endorsed Synar's views and a large proportion of the full membership agreed with his call for reasonable rates that would benefit both taxpayers and the environment. Such was not the case in the Senate, where the key committees were heavily populated with members from public-lands states and where powerful senators were anything but favorably inclined. And now that his views were rousing public attention in the West, Synar was gaining in notoriety as well.

In addition, Synar was doing something more fundamental. He was in the process of breaking one of the strongest iron triangles in the West, one that was forged with the passage of the Taylor Grazing Act. It allowed ranchers on public lands to work closely with the grazing boards, on which they were usually well represented, to develop policies, programs, and fees which were in accord with or met the approval of appropriate officials in the Forest Service and the Bureau of Land Management and of powerful members of the relevant congressional subcommittees. Furthermore, on a more subtle level, he challenged

the rugged-individualist macho image of the ranchers who utilized federal rangelands by suggesting that, by allowing taxpayers to make up the difference between their fees and the commercial value of forage on other grazing lands, they had feet of clay.

In March, five weeks after Synar spoke on behalf of fair-market grazing, the subcommittee on National Parks and Public Lands met to consider the reauthorization of the BLM and its grazing fees in formulating the fiscal 1992 Interior Appropriations Bill. In his remarks, Synar, utilizing data from the Government Accounting Office and the Agricultural Research Service, claimed that "the ability to pay by our western ranchers has increased by 258 percent since 1982, while grazing fees had been lowered in 7 of the 9 years since 1982." A more reasonable fee, he thought, would be "somewhere in the neighborhood of 5 to 8 dollars," and he asked the subcommittee to request the Economic Research Service of the Department of Agriculture to validate those numbers. The simple truth, he concluded, was "that a few federal grazing permit holders are feeding off the Federal Treasury." Moreover, much of the public rangeland, five decades after the passage of the Taylor Grazing Act, was still in unsatisfactory condition. To change this situation, to improve the management of 250 million acres of federal rangelands, and to "make the taxpayers more than \$325 million over the next five fiscal years," Synar called for the approval of the 1991 Fair Market Grazing for Public Rangelands Act.¹⁵

As would be expected, most of the people testifying before the subcommittee spoke in opposition to the measure Synar endorsed. Opponents claimed it would end cattle grazing on public lands, would devastate the economies of western communities, and allow misrepresentation and emotion to determine range policy. But Synar was not to be deterred. In addition to the grazing-fee measure, he introduced two further bills, one to stop charging below-cost fees to private businesses at national parks, the other to do the same with regard to timber sales in national forests. Under Synar's plan, the government would report the fair market value of national assets and the fees charged for their use in the annual budget report.¹⁶

That Synar's proposals were not winning friends became evident that spring when the Wyoming Public Lands Council banned from 4 million acres of their private land those hunters and other outdoorsmen who lived in the congressional districts of Synar and the two co-sponsors of the Fair Market Grazing for Public Rangelands Act. The secretary-treasurer of the lands council reported that ranchers in Utah, Nebraska, and Colorado were joining those in Wyoming in the access ban. The president of the lands council said a feeling among ranchers that their rights were being trampled prompted the ban. Shortly thereafter, an official of the Idaho Cattle Association attacked Synar and his co-sponsors for promoting legislation that was a political ploy to control land use in the West "and a cheap move at that" because it overlooked \$700 million in cash receipts for cattle and calves largely grazed on public land in Idaho. The

grazing act, sponsored by members from states with "virtually no federal land," allowed its sponsors to ignore the stewardship of western rangelands by livestock producers whose livelihood depended on the availability of both quality grazing and environmental quality.¹⁷

Responding to some of the criticism leveled against him, Synar said, "I don't know if you can describe the typical guy." But he did profile some gentlemen operators such as George Gillett of Vail, Colorado, who, besides owning a ski lodge, radio and television stations, a publishing company, and a meat-packing plant, had three federal grazing leases covering 277,000 acres of public land, and David Packard, a founder of the Hewlett-Packard Corporation, whose Idaho ranch had two leases covering 97,947 acres. Feeding their cattle at "the public trough" at rock bottom prices aroused Synar's indignation. He claimed that small operators were the exception, that "10 percent control 90 percent of the land." Moreover, he noted that in 1991 some twenty thousand ranchers grazed cattle on 274 million acres of Forest Service and BLM lands in eleven western states for a bargain price, by then \$1.97 per AUM, clearly a losing proposition for the government. His bill to raise fees was seconded by the Government Accounting Office, the investigative agency of Congress which said that taxpayers lost about eighty cents of every dollar spent on the grazing program.¹⁸

Synar's views were only strengthened after a five-day trip to Cortez, Colorado, where he met ranchers at the behest of his Democratic colleague, Ben Nighthorse Campbell. The ranchers tried to prove to Synar that grazing on federal lands entailed myriad costs that did not encumber other ranchers, such as fencing, waterholes, irrigation, and the wages of cowboys to watch over cattle. To Synar these were not unique costs. He asserted "I didn't see one cost . . . that I don't have to incur on my own operation." But to Campbell, whose district was loaded with ranchers, the prevailing \$1.92 per AUM was "just fine," and he introduced legislation to keep it that way. Synar's bill, according to Campbell, would put ranchers out of work, wreck the economy of many western communities, and drive up the price of beef. In response to the critics who foresaw these dire consequences, Synar claimed that he was seeking to run government like a business and to avoid giving twenty thousand ranchers a "virtual free ride."¹⁹

With ranchers throughout the West vowing to fight Synar's proposals, they were readying for another conflict over a question that was literally as old as the American West, namely, who owned the land and who should control its use? Meanwhile, the House of Representatives prepared to vote on the bill co-sponsored by Synar, an amendment to an Interior Department appropriations measure that raised the grazing fee to \$8.70 by 1995. It passed the House on June 25 by a vote of 232 to 192, but the language was dropped in conference with the Senate, which did not act on the measure. It met the same fate as Synar's 1990 amendment. As was the case in the West, there was on the House floor a bitter debate with Donald Young, an Alaska Republican, labeling the

amendment "the biggest bunch of whatever a cow leaves behind on public lands."²⁰

The debate over Synar's proposal soon transcended being a regional controversy. The National Audubon Society aired a television special entitled "The New Range Wars." It attacked the livestock industry for overgrazing cattle on fragile grasslands, destroying endangered species, and having too much influence with federal agencies. Western ranchers and cattlemen branded the special as unfair, and the Ford Motor Company, in withdrawing its advertising, agreed. A Ford spokesman cited segments that suggested that ranchers were "indiscriminate killers" of wildlife and that they were on "the public dole." Synar's proposal was backed by the National Audubon Society, the Sierra Club, the Wilderness Society, and the League of Conservation Voters, among others.²¹

But the fight was far from over. The House in June reconsidered BLM authorization for the fiscal years 1992 through 1995 because the Senate in the previous Congress had taken no action. Thus Synar, twenty-nine days after the House last approved his amendment, reintroduced his proposal. It now competed with an amendment offered by Ralph Regula, Republican from Ohio. Regula was in agreement that grazing fees should be increased, but only at a rate not to exceed 33 percent in any one year. Synar in his remarks commended Regula "for his excellent work in improving on what has been a mission between the gentleman from Georgia (Darden), the gentleman from Massachusetts (Atkins), and I to get fair market value for natural resources, not only for this generation, but for future generations." Fair-market value to Synar meant charging everyone for the use of public lands, "whether it be for recreation, for minerals, or for grazing." Passage of either amendment, according to officials in both the BLM and Forest Service, would not involve the loss of a single lessee. Thus Synar called for the approval of the Regula amendment as a substitute for the amendment he offered. It carried by a vote of 254 to 165. However, since the bill was opposed by the administration and the Senate, the measure again came to a political dead end. The BLM would rely, as it had since 1982, on an appropriation. The battle over grazing fees and reauthorization would continue, this time on a more intense level.²²

Several days later wanted posters sprang up around Wyoming depicting the scowling faces of Synar, Atkins, and Darden, the Hole-in-the Head Gang, "wanted for destruction of the West's social and economic structure and other acts against the peace and dignity of western states." The posters were signed by the Wyoming Stock Growers' Association, the Wyoming Wool Growers' Association, and the Wyoming Public Lands Council. The owner of the Muddy Gap Three Forks Service Station proudly hung one of the posters on the wall next to handwritten notes offering horses, hay, and trailers for sale. While the gang members were unpopular with western ranchers, officials with the Wyoming Farm Bureau said they knew of no organized effort to unseat the men in their 1992 election bids.²³

However, within a month angry western ranchers began writing checks in multiples of \$8.70, the goal of Synar's grazing-fee proposal, to support his potential primary opponent. "I don't care who the other guy is. We want to get rid of Synar," said Ed McNew, a livestock buyer in Montrose, a western Colorado ranching town. McNew came across the funding solicitation at a sale barn in Montrose and quickly made copies to distribute. Unsigned notices were soon cropping up on bulletin boards at livestock sale barns in Wyoming and Montana as well. Colorado Congressman Ben Nighthorse Campbell thought that if thirteen thousand people holding federal grazing permits and paying the prevailing \$1.97 per AUM contributed \$10 each, the \$130,000 would be most effective in an Oklahoma congressional campaign. Synar's press secretary responded that if ranchers could afford \$10, they certainly could pay \$8.70 for their grazing permits.²⁴

Synar viewed his critics as harming both the land and most taxpayers, while huge operators, grazing thousands of acres of public lands, were in no way threatened by an increase in grazing fees. Among those he mentioned were the Metropolitan Life Insurance Company, Koch Industries of Wichita, John Hancock Mutual Life Insurance Company, the Mormon Church, and the Utah Power and Light Corporation. These were not small mom-and-pop outfits seeking to preserve the family ranch. He soon dubbed these operators "welfare cowboys," who enjoyed a government subsidy that cost "140 million each year."²⁵

While Synar remained a public enemy throughout the ranching West and the Senate remained hostile to any increase in grazing fees, by the summer of 1991 it became evident that public-land policy was shifting, with preservation and recreation groups threatening mandates long enjoyed by ranchers, miners, and loggers. An increasing demand to utilize public lands for recreation promised to generate significant federal reserves and billions more in state tourism funds, overshadowing the amount of money secured from the more traditional industries that plied federal lands. In addition, demographic changes evident in the 1990 census showed that the West was almost as urban as the Northeast, with 83 percent of its residents residing in cities. With people living closer to federal lands, tensions arose among its varied users. And the political makeup of the House Interior Committee, which consistently supported Synar's efforts, included in 1991 only nine western members among its twenty-six Democrats, and three of them came from urban areas: Oakland, Los Angeles, and Salt Lake City.²⁶

The Senate in September made it abundantly clear that the war was far from over. Westerners mustered a 60 to 38 vote to effectively kill the House measure that raised the current \$1.97 monthly fee to \$5.13 by 1996. Senator Pete Domenici of New Mexico called it a major victory after seven years of often emotional debate. But Synar, not discouraged, claimed that the grazing-fee hike "got 40 percent support in the Senate," indicating hope for the future. In an Op-Ed

letter to the *Tulsa World*, Synar explained that ranchers in Oklahoma encountered the same problems as ranchers on public lands and at the same time were subsidizing 2 percent of America's cattlemen. He insisted that they "should not pick up the bill for operating the federal grazing program."²⁷

Synar's views received a tremendous boost in November, when the General Accounting Office issued a report on rangeland management. It focused on the grazing program in the nation's so-called hot deserts: the Mojave, the Sonoran, and the Chihuahuan, located in Arizona, California, Nevada, New Mexico, and Utah. Among its conclusions were points Synar had previously noted: that livestock grazing on BLM allotments risked long-term environmental damage, that grazing-fee revenues were not sufficient to provide for adequate management, and that livestock grazing adversely impacted several wildlife species. All of these points led the General Accounting Office to conclude that "the BLM's current level of spending is insufficient to perform all necessary range management tasks."

But the report went further and challenged the premises of Synar's critics. It concluded that "the economic benefits derived from livestock grazing on BLM lands in the hot desert areas are minimal," that BLM documents indicated that local economies did not depend on public lands ranching for survival, and that the primary economic benefits accrued to about 1,000 operators holding grazing permits. The report also indicated that "many of those operators generate little net income from ranching the public lands." While the ranchers claimed an important benefit they received was the ability to maintain and enjoy a traditional ranching lifestyle, other public-land users valued the desert lands for recreation and environmental protection. Though the Government Accounting Office report reviewed rangeland management in only five states, Synar found support for his views in its conclusions.²⁸

Meanwhile Synar continued to arouse the anger of cattlemen. In November it was the president-elect of the National Cattlemen's Association, Jimmie Wilson, and in December Arizona rancher Alan Day, brother of Supreme Court Justice Sandra Day O'Connor, entered the fray. Both men sought to prevent Congress from raising grazing fees. But Day went further by trying to raise \$500,000 to help defeat Synar in his 1992 primary race. Day insisted "I'm not prompted by anybody in any organization. Nobody owns me. I'm a rancher that can see I can't exist if Mike Synar has his way." Synar responded in an equally blunt fashion: "I'd be upset too, if I were about to lose my sweetheart deal that I'm getting at the expense of other taxpayers."

Day planned to contribute the funds he raised to Muskogee District Attorney Drew Edmondson, Synar's expected opponent. But he admitted in December that he was not close to his \$500,000 goal. Pam Neal, director of public lands for the National Cattlemen's Association, agreed with Day that people tended to forget that ranchers acted as caretakers of the public range. Day admitted to running about eighteen hundred cattle, paying the government about

\$40,000 a year, or 3.5 cents an acre per month. He added that 30 percent of the ranch's grazing land was held by the Day family. It comprised more than 100,000 acres in southeastern Arizona and southwestern New Mexico; the other 70 percent was leased public land.²⁹

The War in the West gained increased momentum in 1992, a presidential election year, as public land ranchers threatened to dispose of Synar by supporting his opponent in the Democratic primary. While these ranchers were battling to preserve their way of life, the myth of the West was growing among urban dwellers with extraordinary appetites for rural and western symbols. It was fueled by country singer Garth Brooks, who sold more albums in 1991 than any other musician in any category. Movies such as *City Slickers* were blockbusters, and Western tourism shattered records. Cowboy hats and boots were finding acceptance among occupants of urban office towers, while no more than 3 percent of ranchers ran cattle on public lands. And to hear them tell it, Mike Synar, in seeking to raise grazing fees from \$1.89 per AUM to more than \$8, threatened their very existence. Western myth and reality were working at cross-purposes.³⁰

The Bush administration, in an election year, finally recognized reality in Synar's criticisms. In March, the secretary of the interior, Manuel Lujan, called for an increase in grazing fees on public land and expressed confidence after talking with grazers that a regional average for what the private sector charged for leasing could be balanced by giving credit to the rancher for the improvements made on the public rangelands. While Lujan believed his proposal would be approved by the administration, he was not at all certain it would result in a bill before Congress. The proposal was a clear indication of the need for a more realistic set of grazing fees.³¹

But this need was not felt by Wyoming's senator, Alan Simpson, who debated Synar before a standing-room audience on Simpson's home turf in Jackson, Wyoming. Synar challenged Simpson to show him "one shred of evidence" that higher fees would harm western ranchers. Simpson retorted that in Washington "you can find a fact to support any argument." He insisted that raising fees would devastate the livestock industry, acknowledging at the same time that some federal land was damaged by overgrazing. But, he said, penalizing all ranchers would cause the downfall of many small towns, and if ranchers' fees were increased, then recreational land users, such as hikers and hunters, should also pay increased fees. "The people of this state would never take that medicine," Simpson told Synar, eliciting some catcalls from the capacity crowd. Synar's comments focused on below-market fees charged for the exploitation of natural resources on federal lands.³²

Synar's outlook was sharply reinforced when a report prepared by the Interior and Agriculture departments found that over the previous decade ranchers had paid less than 25 percent of the fair market value for forage on 250 million acres of public land, and that the government in 1991 spent \$73.8

million to manage rangeland, with only \$7.9 million in cash receipts deposited in the United States Treasury. Synar made it clear that he would use the report to promote his amendment that raised fees. He found further ammunition in a May hearing of the House Committee on Interior and Insular Affairs. While Synar did not testify, much of the testimony was grist to his mill, as was a feature story from the *New York Times* for August 5, 1991, which was included in the report, entitled "A Range War of Words on Grazing in the West." It suggested that public-lands ranchers were the most vocal and militant lobby against both fees and environmental protection.³³

By the spring of 1992, the war was becoming more intense as Synar's primary campaign brought outside money into the coffers of his challenger. Ranchers contributed \$16,815 to his opponent, Drew Edmondson. Of that sum, \$15,515 was from out-of-state ranchers. Another \$3,500 came from PACs representing ranchers. Later in the spring four prominent Idaho ranchers who supported Edmondson announced that they hoped to raise a nationwide \$500,000 war chest for him. And several Idaho cattlemen sent checks for \$8.70, the level to which Synar worked to raise grazing fees.³⁴

At this same time an Associated Press story reiterated Synar's view that grazing permits were not limited to ranchers. Fewer than five hundred corporations and wealthy individuals controlled nearly half—47 percent—of the 163 million acres leased by the BLM, according to congressional and Government Accounting Office researchers. Among them were Daniel H. Russell and his son, who had permits to graze cattle on 516 million acres in three states, and the ZX Land and Cattle Co. of Paisley, Oregon, a Metropolitan Life Insurance Company subsidiary with permits for 695,850 acres. This information helped Synar document his argument "that these are not bread and butter cowboys" grazing cattle on public lands. He reported that the five hundred largest permit holders controlled about 152,000 acres each.³⁵

In July Synar's views were further reinforced when a House subcommittee asserted that "grazing is clearly not a benign use of our public lands," that reform proponents were "left with only blown out rangelands, degraded riparian areas and water quality, and uncharacteristic fauna such as the quail, pronghorn, and southwest willow fly-catcher." Clearly, the current fee system based on the 1978 Public Rangelands Improvement Act, which expired after the 1985 grazing year but which was continued by an executive order was flexible and provided for annual adjustments reflecting changing economic conditions. Nevertheless the subcommittee strongly advocated a change in the formula to one reflecting fair market value—more than \$10 per AUM, higher than five times the current fee.

By adopting a more equitable fee structure, along with other needed reforms, including the abolition of grazing advisory boards, the report concluded that Congress could make giant strides "towards relieving the taxpayer of the burden of supporting the destructive use of the public domain." It could also

"generate increased revenues for the federal treasury," "put grazing on a more level playing field with other public land uses," and alleviate some of the funding shortfalls which hampered the BLM's ability to properly administer the public lands. This report in its conclusions echoed Synar's views and set the agenda for the new administration installed in January 1993. Every Republican member of the House subcommittee was from the West, but the Democrats who chaired both the full committee and the subcommittee were southerners with no direct connection to western ranchers.³⁶

To further boost Synar's hopes, the House on July 22, 1992, by a vote of 245 to 164, agreed to increase grazing fees by 33 percent, from \$1.92 to \$2.56 per AUM. In brief remarks Synar noted that for seven years, ever since the debate began, "as a Member who comes from a ranching family four generations deep, who is a two-time national 4-H winner," he had implored colleagues who opposed raising fees "to bring me the facts that would support their position." Not a single fact that supporters of fee increases presented in seven years, Synar asserted, "has ever been refuted by the Members who would argue that these grazing fees should not be raised." In the measures considered previously, the House said that it was time to protect the taxpayers; now, Synar said, it is time to protect the environment. And, as his time expired, he asked his colleagues "to do something which is long overdue, which is to give these Western whining welfare cowboys a good dose of free enterprise." Although Secretary Lujan said he would support changes in the fee structure, the Senate Appropriations Committee turned aside the issue and directed the Interior Committee to prepare a study on "new grazing fee concepts" by March 1, 1993. In September the House-Senate conferees killed Synar's proposal to raise grazing fees on public lands.³⁷

At a hearing in Casper early in September, Senator Alan Simpson recalled his debate with Synar in Jackson. He claimed to have received "some rather fascinating mail" wherein "some folks evidently thought that I should have grabbed old Mike by the nape of the neck and ripped his collar button off and pitched him off the top deck of the Snow King Inn into the swimming pool which was frozen at the time." Simpson, of course, would not go that far, recognizing that Synar "is a very spirited person, rough and ornery," like Wyoming people, "sometimes." He also recognized that Synar in his re-election bid had been forced into a runoff in which 57 percent of the voters in his district had already voted for somebody else, and that "he might not make it back." Simpson added that "hardly a tear will trickle down the cheeks of Wyoming folk at that time." As a realist, he recognized that even if Synar failed to return, there would be others "who will come and take up the cause, and the battle will continue."³⁸

For several weeks in September the battle focused on Oklahoma's Second Congressional District, where Synar, one of only eight House members who did not accept contributions from political action committees, was locked in

combat with Drew Edmondson. Synar had a long record to defend, while Edmondson, scion of a prominent political family, was seeking his first public office. He attracted funds from powerful interests that Synar had managed to offend. Without a voting record to defend, he devoted his campaign to attacking Synar's. And, as already noted, western ranchers gave money to his campaign. Alan Day, with ranches in Arizona, New Mexico, and South Dakota, spearheaded the campaign. He reported that "I woke up one day and I wanted to do something for my industry that would have the most impact." It occurred to him that getting "Mike Synar selling shoes or flipping hamburgers" and getting him out of Congress would be worth the effort. These funds helped force Synar into a runoff with Edmondson. In September, Synar squeaked out a victory and thereby assured himself an eighth term in Congress.³⁹

Forthcoming change was evident after the election when the Bush administration, soon to be replaced, circulated a plan dramatically raising fees for ranchers who did not improve public ranges and wetlands. Synar proclaimed that the plan "admits that the reformers have been right all along." The proposal surfaced after an audit by the Interior Department's inspector general revealed that eighteen hundred landowners could be making an estimated \$5.1 million a year by subleasing their grazing rights. The plan would be tested in three western states, with the results submitted to Congress in March for the new administration, under President William J. Clinton, to review them. This proposal represented a victory for views Synar had expounded since 1983. As the fight to raise grazing fees now brought the War in the West closer to the center of national attention, Synar's central role in the controversy was to be diminished as the new secretary of the interior, Bruce Babbitt, a former Arizona governor and a policy wonk as well, began to push an aggressive agenda to raise grazing fees on public lands.⁴⁰

No sooner was the new administration in office and the 103d Congress under way than Synar introduced a bill to raise fees, commencing on March 1, 1993. His measure also called for the replacement of grazing advisory boards by "appropriate councils," with the federal share of grazing-fee receipts utilized "for restoration and improved management of riparian areas, and for implementation and enforcement of applicable land management plans, allotment plans, and regulations regarding the use of such lands for domestic livestock grazing." In his remarks Synar made much of the fact that the measure could save taxpayers \$325 million over the next five fiscal years, and he expressed confidence that savings could be used "to fully fund federal range improvement activities on a 'pay as you go' basis." By no longer focusing exclusively on grazing, Synar was suggesting the approach that Bruce Babbitt would emphasize in seeking range reform.⁴¹

His standing improved considerably when early in the new administration he was elected to chair the Democratic Study Group. Synar stated that congressional reform would be his main focus. And he was pleased when the Interior

Department early in March announced that the secretary, Bruce Babbitt, would hold a series of meetings throughout the West on the government's plan to increase grazing fees as part of the Clinton administration's 1993 budget. Ranchers now signaled a willingness to consider the matter, a marked change from their vigorous opposition to past congressional efforts to change the fee structure. With the Clinton administration on record as backing an increase, the ranching industry appeared ready to deal, or, as Synar said, "to accept the inevitable." A spokesman for the National Cattlemen's Association suggested why ranchers had shifted their outlook: They would rather get in on Babbitt's deliberations than battle congressional efforts to increase their fees each year. Ranchers would be at the table for the meetings Babbitt scheduled in Montana, in Denver, and in Albuquerque in the spring. All indications were that a plan would emanate from these meetings. "If you're a western rancher," Synar remarked, "your fees for grazing on federal lands will be more equal to those paid by Oklahoma ranchers, an increment that presumably would be passed on to consumers in the form of higher beef prices."⁴²

While ranchers were willing to accept the inevitable, western senators lined up in opposition to a proposed 33 percent annual increase in grazing fees over a five-year period. Clinton's public-lands package also included increased fees or royalties for the production of hard-rock minerals, for recreational use, and for water irrigation. So intense was Senate opposition that by April there were signs that the administration would back down on aspects of its western land-use proposals. To firm the wavering administration in its commitment to raising fees, Synar, as chairman of the Environment, Energy, and Natural Resources Subcommittee of the Government Operations Committee, threatened to stall action on a bill to elevate the Environmental Protection Agency to Cabinet status by claiming his subcommittee was too busy to consider the legislation.⁴³

And his strategy worked. Synar was assured by the White House that the president remained committed to raising grazing fees. "My enthusiasm is enhanced," he exclaimed, "as we come to closure on the important fee increases necessary to reduce the budget, to save the taxpayers money, and to improve the environment." A Synar aide said that Clinton sent assurances of his commitment to fee increases about an hour after the controversy erupted.⁴⁴

Thus the process started anew with a House subcommittee holding hearings on grazing-management reform and increasing fees. The measure was introduced, as in the previous bill, by Synar and Regula. Again it called for abolishing grazing boards and for using the grazing-fee receipts to enhance the environment on the public rangelands. Synar and Regula were the lead-off witnesses for the Interior subcommittee which had actively considered these measures for the previous six years. The House in the previous two years had voted three times to revise grazing fees and to make other changes in law and policy that were again included in the bill now under consideration. In his statement, Synar asserted that both he and Regula understood that a healthy

livestock industry was an important element in maintaining "the western open space and western economy." But they did not believe that retaining "low cost grazing rights for 23,000 public rangeland livestock producers" was essential in sustaining western values. He issued one more report, similar to those he presented over the previous eight years, insisting that none of the facts had ever been challenged. The BLM was unaccountable, its program demonstrated a lax attitude towards its expenditures and the condition of the lands it administered. Establishing reasonable rates for leasing publicly owned assets, Synar proclaimed, was both fair and just.⁴⁵

Bruce Babbitt soon overshadowed Synar in arguing that federal grazing lands were overused and underpriced. In May he started touring the West insisting that the Clinton administration was committed to raising fees in order to more closely reflect the market value of forage. But Babbitt, seeking consensus and "sensitive to families living on that land," told audiences that proposals would be drafted only after public meetings, adding that "then we're going to come back and do it all over again." Synar, delighted with Babbitt's remarks, commended the secretary as an ally in the fight against the unwarranted subsidies afforded individuals and corporations grazing livestock on federal lands. In doing so, he continued to chip away at the rugged individualism of western myth by dramatizing the ranchers' reliance on generous federal subsidies.⁴⁶

But the fact that the administration, buffeted by pressure from western senators, scuttled its budget package raising grazing fees meant that Babbitt's search for another route to reform would foment further hostility in the West. The administration's sudden reversal angered those lawmakers and environmentalists who saw the budget process as the best way for resolving the situation. Babbitt, seeking to reform policy through administrative action, in part by reconciling contending groups, recognized that fundamental changes would be impossible to achieve through legislative action. Since he was seeking more than grazing reform on public lands, his efforts would meet more intense opposition than Synar's. Babbitt's approach through public meetings meant that western senators would have more time to consider compromises. He indicated early on that "the question is not if these changes will occur, but how they will occur." The deeper question was whether the administration would seek to change some procedures or reform the entire system.⁴⁷

How serious Babbitt was, and how intense the War in the West had become, was evident in a news item reporting that the Interior Department was considering revoking privately held water rights on government land. It proposed to do this by dramatically changing the management of western grazing lands, by making the BLM the sole owner of water rights. Lawmakers fought back in July, when the House dropped from the Interior Appropriations Bill a provision that increased grazing fees to market value, calling it a policy question inserted in a spending bill. Synar announced during the debate that once again he would push separate legislation to raise federal grazing fees up to market value.⁴⁸

Babbitt meanwhile was developing a proposal to accomplish the same thing, using his administrative authority. He was seeking a fee schedule assuring a fair value for taxpayers that could relate to land-management reform. In brief, Babbitt was seeking grazing-policy options for overseeing public lands. At a press conference President Clinton explained that "what we had hoped to do is to turn that whole issue into an environmental one, that is, to give ranchers incentives to continually restore the ranch land as a way of avoiding higher fees and also to make sure that any fees that were imposed were not economically crippling to the people involved." He acknowledged that Babbitt was travelling throughout the West, visiting with ranchers and cattlemen, to discuss what could be done to insure that "we're being environmentally responsible with this federal land and how we can use the grazing fee structure in a way that would encourage that."⁴⁹

While Babbitt, armed with administrative authority to change policy, was conferring throughout the West, lawmakers appeared more willing to reach a legislative compromise in the summer of 1993 than ever before. For the first time, western senators endorsed a measure (S. 1326) that would increase grazing-fees 25 percent. And the House of Representatives again approved the grazing-fee proposal of Synar and Regula that would raise grazing fees 33 percent until fair market value was reached. Its supporters claimed the proposal would add weight to Babbitt's final recommendations. Synar, exuberant about these developments, thought the battle had been won "to get these whining welfare cowboys off the subsidy." Though either the Interior or Agriculture secretary could change grazing policy without legislation, Synar and others, including environmentalists and some industry representatives, favored legislation in order to avoid further changes and economic uncertainty under another administration.⁵⁰

But the Clinton administration, on August 9, acted before Congress approved a bill. It proposed to more than double grazing fees. The increase would be phased in over three years to avoid harming ranchers. The changes envisioned greater involvement by local officials and environmentalists in formulating policy, including a provision allowing them to block permits for ranchers who poorly managed their public lands. Again Synar was delighted, exclaiming that the decision put the fee issue "out to pasture." The administration's proposal "was sound and practical," Synar said, "because it realizes that only the market place can allocate federal rangeland policies." Not everyone accepted Synar's evaluation. Environmental groups saw the reforms as a good start; ranchers and western members of Congress blasted them as misguided and draconian, claiming they would drive ranchers off public lands and harm the West's economy, their standard argument against change.⁵¹

The grazing rules, which applied to 270 million federal acres, were not expected to go into effect until late 1994, leaving ample time for lengthy public comment. Environmentalists and others were pleased that the new regulations

would impose a steep surcharge on ranchers who leased federal lands and then rented them out, thereby unfairly profiting at taxpayer expense. Babbitt made it clear that decisions to issue grazing permits and their durations would take into account how ranchers managed the federal lands they utilized. In addition, the government would take over ownership of improvements made on the land as well as all claims for water rights, including ownership of any irrigation improvements.⁵²

No sooner had Babbitt presented his proposal to overhaul public land policy than the western senators dealt him a serious setback in the form of an amendment to the fiscal 1994 Interior Appropriations Bill which stopped the government from funding new policies to boost grazing fees and stricter environmental controls on federal rangelands. Environmentalists, the White House, and House members, Synar in the lead, planned to fight the moratorium in the form of a motion directing members to reject the Senate amendment. Failure to do so posed a serious threat to the administration's hope for overhauling western public lands. But it also placed the operation and upkeep of these lands in the home states of many senators in jeopardy. This was the argument Synar made when he suggested that "they may have shot themselves in the foot." At a news conference he added that the Senate's proposal was "a recipe for gridlock."⁵³

In brief floor remarks late in September, Synar reviewed his arguments in favor of raising fees to encourage defeat of the Senate amendment. He noted that the secretaries of the Interior and Agriculture departments "went out to five public meetings and heard from literally thousands of citizens," and then discussed their views. Synar recognized that for those who supported the Senate moratorium there would never "be a right time to increase the grazing fee and there is never going to be an increase that is acceptable." This was most unfortunate because, Synar said, "this administration under the leadership of Bruce Babbitt, has given us a wise and workable solution to a long standing dispute that very frankly we in Congress simply cannot resolve." By an overwhelming vote of 314 to 109 the House instructed its conferees to insist on disagreement with the Senate amendment that placed a moratorium on efforts to reform government policy for livestock grazing on public lands. The stage was now set for a conference committee showdown to determine if the gridlock could be broken.⁵⁴

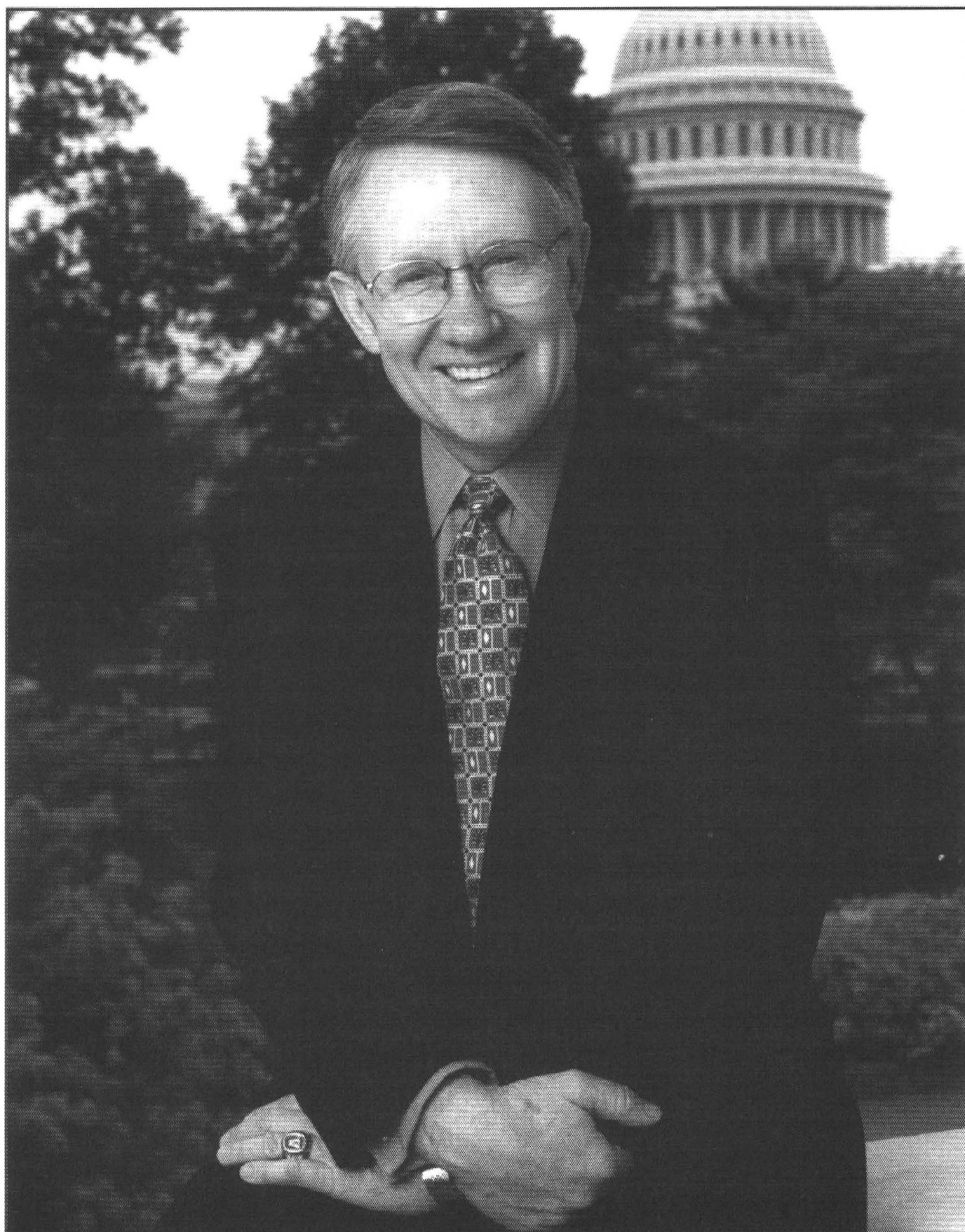
The gridlock was quickly broken because the Clinton administration agreed to a compromise with key Democratic members of Congress. Accepting a more modest fee increase kept intact most of the reform package for public lands that Babbitt had proposed earlier. The compromise was struck among Senator Harry Reid of Nevada, several House Democrats, including Synar, and Interior Department officials. Reid announced the plan to the conferees. If the conference committee approved the compromise, it still needed congressional approval to reduce proposed rates from \$4.28 per AUM, phased in over three

years, to \$3.45. This compromise gained the support of Democrats on the conference committee and thereby broke the logjam stalling the fiscal 1994 Interior Appropriations Bill. The compromise called for a relatively modest increment, though western Republicans in the Senate vowed to fight it. Senators Pete Domenici of New Mexico and Malcolm Wallop of Wyoming threatened a filibuster. Looming behind this maneuvering and war of words was the recognition that Babbitt had the authority to increase grazing fees administratively. Indeed, as noted above, the Senate earlier sidetracked a Babbitt proposal to raise fees by barring for one year the expenditure of funds to implement any fee increase. This time, leaving nothing to chance, Babbitt sat outside the room where the negotiators worked on a grazing-fee compromise agreement.⁵⁵

Whether Babbitt's positioning himself outside the conference room influenced the discussion is unknown, but he had to be pleased with the outcome which Mike Synar, who was in the room, said would force ranchers to pay fair prices for their public-land leases. Synar announced that grazing fees would increase from \$2.39 per AUM in 1994 to \$3.45 two years later, when they would be hooked into the market value. "Finally," Synar remarked, "we are running the government like a business," and launching a new era of cooperation between House and Senate members. The amendment marked the first time House and Senate negotiators agreed to boost grazing fees. Western senators, however, vowed to stage a filibuster to kill the amendment. They sought fairness for ranchers whose livelihood, they argued, would be threatened by higher grazing fees. In addition, opponents were angry about the overhaul of rangeland policies included in the amendment crafted by Senator Reid in accord with Babbitt's views. It called for the abolition of grazing advisory boards, terminating the practice of granting ranchers ownership of stock ponds and other facilities they developed on federal land, and tying the length of a rancher's lease to environmental stewardship. The War in the West would reach new levels of intensity as Babbitt raised the stakes by seeking to overhaul government policies on public lands.⁵⁶

The House, several days later, on October 20, 1993, approved the Interior Appropriations Bill with the compromise amendment, by a substantial majority, 317 to 106. Synar concluded the debate by admitting to "a little bit of melancholy" regarding what he thought would be the last debate "on this issue of grazing in the career of most of us." First he thanked colleagues who played a prominent role in the fight. Then he addressed "the two very serious assertions and complaints" against the conference report. The first was that it constituted an attack on private property rights. Synar dismissed the charge by stating that it "was a complaint that the grazers made as early as 1906 . . . when we first imposed fees on federal lands." He noted that the Supreme Court in 1911 ruled "that grazing permits do not confer any private property rights."

More immediate was the second major objection, that the conference report changed the relationship between the federal government and the West



United States Senator Harry S. Reid, Nevada (*Nevada Historical Society*)

"without adequate public input and without one single public hearing." Synar said the charge was "completely false" in that the Department of the Interior "under the leadership of Bruce Babbitt" held five public hearings throughout the West and that the administration had received "over 30,000 comments on the Range Reform bill of 1994, and they have been running 2 to 1 in favor of that report." Moreover, he asserted, the reforms were not new. They merely "return us to the management of the BLM lands the way they were before Secretary James Watt unilaterally changed the grazing management in the 1980's." And he reminded his colleagues that his subcommittee in 1985 documented the grazing problem. From that conference report, he asserted, "the Range Reform Act of 1994 was written." The issue had been studied "almost to a point of ad nauseum." It had been debated on the House floor every year since 1976, with two "simple facts that have been undisputed." The first was that "the taxpayers of this country have lost more than a billion dollars during the decade of the 1980's subsidizing 2 percent of the cattle industry." And the second undeniable fact was that "as much as 60 percent of the public rangelands throughout our country will continue to be in fair or poor condition well into the next century." Synar urged his colleagues to stay the course "as we turn the page of history, ending an era of gridlock and opening a new age of bi-partisan cooperation for public land and for budget reform." While the measure still needed Senate approval, Synar understood that even if the Senate defeated the bill, Babbitt would be free to increase fees administratively in 1994.⁵⁷

The Senate, however, did not go slowly into the deep dark night. A filibuster got under way, and three efforts to cut off debate, to secure the sixty votes necessary for cloture, were not successful. Infuriated and frustrated, Secretary Babbitt announced on October 28 that he would move to raise grazing fees and implement further rangeland management requirements, stating that "as long as the gridlock persists, the department cannot stand idly by, waiting interminably for reform that never seems to happen." While western Republican senators filibustered, the two sides were closer to agreement than many observers realized. The senators were willing to accept increased grazing fees, but they vehemently objected to Babbitt's insistence on changes in public-land management policies. However, with almost every major newspaper in the West endorsing the compromise, Babbitt was emerging as the federal marshal seeking to establish law and order in a region dominated by ranchers well able to pay higher grazing fees and to treat public lands with greater care. In short, Babbitt sought to bypass the Senate filibuster with written regulations not requiring legislative approval.⁵⁸

But persistent Senate opposition led the administration, then seeking approval of the North American Free Trade Association (NAFTA), to back away. Republican Senator Pete Domenici of New Mexico led the opposition. Babbitt's reforms backfired because they were perceived to single out small family ranchers. On November 9, Reid agreed to drop the grazing compromise from the

Interior Appropriations Bill, whereupon Domenici agreed to stop stalling the bill. The Senate approved the conference report, as did the House. Synar bewailed the fact that while "democracy's breaking out in every part of the world . . . we can't get democracy practiced on the floor of the Senate. Unless they deal with the filibuster, we're kidding ourselves that we're going to have the kind of change we so desperately need."⁵⁹

With Babbitt backing down, a wave of optimism became evident among ranchers who grazed cattle on public lands. The president of the Wyoming Farm Bureau Federation beamed, while observing that "the federal bureaucracy has looked at the region as a wonderful playground for its environmental friends" and that the media was more "concerned about introducing wolves into national parks than with the lives of the West's people." But in helping ranchers regain their self-esteem, western senators, with the exception of Harry Reid, infuriated environmentalists. As 1993 came to an end, Synar, the Clinton administration, and federal rangeland reformers suffered a severe setback. The twenty-seven thousand western ranchers, dubbed "welfare cowboys" by Synar, once again rode high in the saddle. But with the defeat of the grazing-fee compromise, Babbitt was still free to pursue his other proposals through administrative action. The War in the West had not yet ended.⁶⁰

The Interior Department budget for 1995 called for increased grazing fees, using the very same proposal that Congress had previously turned down. The proposal was part of the Clinton administration's scaled-back plan to protect rangelands from excessive commercial grazing. The fee increases would be phased in over three years and the measure would for the first time declare new improvements made by ranchers to be the property of the government. Grazing fees would increase from the current \$1.96 per AUM to \$2.75 for the first year, rising to \$3.96 by the third year, a decline from the \$4.28 per AUM Babbitt previously suggested. For about three fourths of the ranchers, the higher fees, Babbitt claimed, would mean an increase in costs of less than \$1,000 a year, a figure that could be reduced if ranchers met certain land-protection standards. But a surcharge could be levied if a rancher subleased a grazing permit.

In this proposal grazing advisory boards would be replaced by local advisory councils made up of ranchers, business interests, and wildlife experts. The councils would play a role in developing rangeland policy, including the ability to appeal local BLM decisions to Washington. And now, for the first time, ranchers would have to meet specific standards and guidelines, with local and state officials exercising broad authority in developing the standards. Babbitt's focus called for "shifting more management decisions closer to the land." While environmentalists expressed concern that the advisory councils would be dominated by ranching interests, Brad Little, an official of the American Sheep Industry Association, declared that "Babbitt's original proposal killed Western ranching. The new proposal puts us in intensive care." Synar recog-

nized that the proposal was an improvement, but he was far from satisfied, stating that "it simply doesn't represent the level of reform we've been working on for these many, many years."⁶¹

Differing opinions clearly indicated that the War in the West had not yet run its course. Ranchers and their allies in the Senate continued to stymie responsible change, while urban westerners and environmentalists called for greater control of public lands. New western residents were attracted to the weather, quality of life, entrepreneurial spirit, and the region's tax structure. Few were coming to ranch. They looked to the public lands for relaxation and recreation. Hunters, hikers, campers, fishermen, bikers, and off-road vehicle enthusiasts were increasing in numbers, and were calling for the protection of wild and scenic rivers and endangered species, while forests and national parks were gaining increased attention. In addition, western states were also recognizing the economic significance of tourism based on public-land resources.

Secretary Bruce Babbitt, through his *Proposed Rule for Rangeland Reform '94*, enunciated in the *Federal Register* and elsewhere, sought a compromise through a series of roundtable discussions in which interested parties could help shape the Interior Department's grazing proposal. These new groups began to listen to each other and develop mutual confidence as they searched for areas of agreement. Governor Roy Romer of Colorado started the process by bringing together a group of ranchers and environmentalists around his conference table. Babbitt attended an early session, was encouraged, and agreed to return for weekly meetings. Soon he was travelling throughout the West meeting with similar groups interested not in staking out obvious positions but in finding reasonable accommodation with the needs of their neighbors. As the weeks went by, Babbitt realized that these groups, as an integral part of land management, could set policy as well as deal with its implementation. Change could not occur unless it was supported with "communication and consensus building among all stakeholders, especially those who live in the West." It was Babbitt's fervent belief that "in the New West the stakeholders, in all their diversity, can come together and forge a new consensus for public land management."⁶²

But he had no intention of yielding on grazing fees, and this was the sticking point as ranchers and their political allies geared up for the 1994 mid-term elections. In a set of Senate hearings in Washington and Albuquerque, members led by Wyoming's retiring senator, Malcolm Wallop, announced their opposition to the secretary's program. Babbitt was on hand at both meetings to explain his position and to facilitate discussion. The senators and most of the witnesses were hostile to Babbitt's proposals, insisting in some instances that the range was in good condition, that ranchers were good land managers, and that Babbitt's program would adversely affect their livelihoods and the communities that served them.⁶³

Grazing fees remained a hot topic, one that held dire implications for

congressional supporters of Babbitt's land-use policies as the mid-term elections neared. In Colorado, for example, Senator Hank Brown charged that his state needed to fight grazing reforms because they would price many ranchers out of business and lead to an "environmental catastrophe." On the other hand, Governor Roy Romer was undaunted by Brown's complaints and argued, as did Babbitt, that changes in the final plan would be made as views presented at the roundtable meetings, along with others sent to the secretary, were evaluated. This approach was appeasement to some environmentalists who argued that the administration's proposed rangeland reforms offered no protection to dozens of wildlife species headed for extinction because of livestock grazing on public land.⁶⁴

As the War in the West raged on, Babbitt and his Senate critics were now the dominant players. With no grazing legislation under consideration, Synar was relegated to the sidelines. But when the House considered the California Desert Protection Act, he spoke in favor of allowing current holders of grazing permits in the Mojave National Park to continue operating until their permits expired, but no longer. He observed that intensive grazing in the California desert was particularly harmful to these arid lands and would cost more to administer than the federal government could receive in permit fees. The amendment Synar endorsed was defeated by a vote of 190 ayes and 207 nays, one of the rare defeats his point of view experienced in the House of Representatives.⁶⁵

During the summer months, as the public comment period on the Interior Department's grazing reform proposals came to an end, Babbitt toured the West answering questions, listening to criticisms, and explaining his proposals. In rural Utah, for example, at a field hearing of the Senate Energy and Natural Resources Committee, he sat in the audience for five hours listening to the remarks of more than eighty Utahans, almost all of whom expressed fear about what rangeland reform would mean for their families and their livelihoods. In response, the secretary reiterated that grazing was "an enduring, important, positive part of the western landscape," that "the right level of grazing increases the diversity of plants and wildlife on the lands." What was necessary, he insisted, was to sunder "this long culture and tradition of fighting and divisiveness, to break [the tension] between urban and rural, between environmental [ist] and rancher." But in Utah, as elsewhere, most people attending these meetings were in opposition, as were most of the local and state officials, including professors, who presented data that contradicted the premises that Babbitt, Synar, and other proponents of rangeland reform presented.⁶⁶

Babbitt's proposal, the one that most aroused western interests, called for \$3.96 per AUM to be reached in 1997. In 1994 ranchers who used state grazing lands paid anywhere from \$8.71 per AUM in North Dakota to \$3.50 in Wyoming. The base rates on private lands in the western states were even higher, as much as \$20. To be sure, state and private leases came with fencing, water, and other advantages that holders of federal permits had to provide themselves.

While these differences were real, as Synar and others, including the Government Accounting Office, admitted, they in no way accounted for the enormous gap between the prevailing fee of \$1.96 per AUM and all other fees. According to the secretaries of Interior and Agriculture, the grazing program cost \$73 million annually to administer; fees brought in only about \$27 million, a portion of which went to the states, a portion to the advisory boards, and a larger portion to fund the BLM and the Forest Service for projects benefiting range resources. As George Miller, a colleague of Synar, asserted, "Uncle Sam charges fees well below the market and less than half of what it costs to run the grazing program, they spend more than half of the pittance it takes in to build fences, water lines, and stock ponds and manipulate vegetation." Moreover, as Synar continually noted, while there were about twenty-four thousand permittees on 250 million acres of Forest Service and BLM lands, a small number, about five thousand of them, controlled about 88 percent of the AUMs in the BLM program. Instead of driving ranchers off the land, Babbitt's proposals represented a sensible attempt to achieve balance in a program that then overwhelmingly favored one special interest at the expense of the environment, the taxpayers, and the many multiple users of the federal range.⁶⁷

Synar did not play a prominent role in Babbitt's campaign during the summer because he was involved in a stiff battle to retain his seat. In the August primary he won only 47 percent of the vote against two little-known opponents and was forced into a September runoff election. In addition, the Republican candidate was running advertisements tying Synar to President Clinton, as well as denouncing the stands he had taken on broad issues that aroused powerful interests such as the National Rifle Association, tobacco companies, and cattlemen. Even more telling was the anti-Washington sentiment on the rise in Oklahoma. While Synar never let the winds of public opinion make his decisions, he was always forthright in explaining them to his constituents. Nevertheless, after eight terms representing the Second Congressional District in Oklahoma, Synar, at age forty-four was defeated in the September 20 primary by 1,200 votes. In turn, his seventy-one-year-old opponent was defeated in November by his Republican challenger.⁶⁸

Synar's defeat was a stunning blow to his congressional colleagues who championed grazing reform. But now that Bruce Babbitt was leading the fight from the executive branch, Synar's defeat was not as devastating to the cause as it might have been. He had an opportunity to return to the fray when he was invited to replace the embattled Mike Espy as secretary of agriculture. Synar took himself out of the running, explaining, tongue in cheek, to a White House official that "my last legislative goal was to solve the health care crisis, not create new ones," adding, "I could not sleep at night knowing I was giving heart attacks to the grazing, pesticide and tobacco industries."⁶⁹

But the shoot-out in the West continued. Synar was the most prominent casualty as Republican candidates throughout the West ran against the Clinton

administration's efforts to tighten controls on the use of public lands. With the heart, soul, and future of the American West at stake, Republicans blamed the president and Bruce Babbitt as being the perpetrators of the War on the West. Rangeland reform found few friends among western voters in the off-term election. The results were a severe rebuff to the administration. Clinton later admitted that "the Interior Department made a mistake They proposed as a negotiating strategy raising the grazing fees too high in 1993." The strategy was wrong and it was dropped. In 1995 the administration, in Clinton's words, was trying "to develop a responsible way of managing the federally owned lands that permit people to continue to graze them in a responsible manner."⁷⁰

While Clinton was seeking a responsible way, western ranchers, with a responsive Congress in place, were supporting the Livestock Grazing Act sponsored by Senator Pete Domenici, Republican of New Mexico, and Representative Wes Cooley, Republican of Oregon. It would bring decision-making power closer to the local communities that depends on access to federal lands, and in doing so would completely eradicate the program Babbitt tried to create. From the perspective of the reformers, the bill enshrined livestock grazing as the dominant use on millions of acres, grazing that Babbitt, Synar, and others sought to balance with competing interests. One environmentalist dubbed the measure "cowboy socialism."⁷¹

The law proposed to raise grazing fees slightly and create locally appointed boards of ranchers to monitor rangeland activities, thereby obviating Babbitt's plan. While the legislative tussle was not resolved in 1995, with Republicans in control of the Congress, the ranchers had pushed the public aside in the battle over the use of public lands. "It's over," said Dave Nelson, who managed the Idaho ranching operations for computer billionaires William Hewlett and David Packard. Their cattle grazed on nearly 100,000 acres of federal land that adjoined their 15,000 acre private ranch. "The environmentalists," Nelson added, "have lost, and all they can do now is take potshots." Ranchers would be free from heavy regulation. Clinton would be reluctant, given the Republican resurgence in Congress, to take on the livestock industry again. To insure his reluctance, western ranchers filed suit in federal court in Cheyenne, Wyoming, to block the Interior Department from implementing an overhaul of grazing regulations. Babbitt's new rules made no mention of higher grazing fees. They set minimum standards for the management of federal lands, but they also created regional "resource advisory councils" on which environmentalists would be guaranteed a place and included provisions allowing the federal government to claim all land and water improvements made by ranchers. Meanwhile, in July, the Senate Energy and Natural Resources Committee approved the measure introduced by Domenici and Cooley. The House Resources Subcommittee followed suit in September. The proposals were then incorporated into the fiscal 1996 Interior Appropriations Bill. The conferees in approving the measure agreed to postpone until later in the year the implementation

of the Interior Department regulations scheduled to go into effect on August 21. However, the whole matter became bogged down by divisions among western conservatives more supportive of the prevailing system and "deficit hawks" and environmentalists who opposed the fee structure as a federal give away. No measure was approved in 1995 as the 103^d Congress came to an end.⁷²

For the remaining years of Babbitt's tenure, Congress fruitlessly debated overhauling rangeland management. Although there was general dissatisfaction with the management of western lands, clashes of interest and ideology thwarted efforts to craft a measure that could gain congressional or White House approval. While ranchers and their supporters in Congress largely dominated the debate, they were now in competition with growing numbers of backpackers, mountain bikers, bird watchers, ecologists, and others. And their spokespersons in Congress, not as well organized as the ranching interests, played a role in stymieing grazing legislation. Gridlock prevailed in the Congress, as Babbitt's administrative rules, in effect since late 1995, left ranchers writhing in anger. Their chief spokesman in Congress, Senator Pete Domenici, tangled with Secretary Babbitt. Domenici's supporters considered the Babbitt rules an assault on their interests, one that made the bureaucracy more onerous. On the other side, critics argued that Babbitt's regulations did not go far enough, claiming that by not significantly raising grazing fees they continued an unjustified federal subsidy. No one throughout the extended controversy called for ending public ownership of the rangelands; the issue was about how they should be managed.⁷³

Mike Synar died from brain cancer on January 10, 1996, at age forty-five, at a time when no resolution of the controversy appeared forthcoming. And that was the way it remained at the end of the Clinton administration. However, in an opinion written by Justice Stephen Breyer, the Supreme Court's decision of May 15, 2000, upheld the regulations instituted by Bruce Babbitt, declaring "that the Secretary is free reasonably to determine just how, and the extent to which grazing privileges are to be safeguarded." It rejected the petitioner's claims that the 1995 regulations exceeded the secretary's authority under the Taylor Grazing Act. Among the groups filing briefs of *amicus curiae* in support of the Public Lands Council's opposition to Babbitt's regulations were the state of Wyoming, the Alameda Bookcliffs Ranch *et al.*, the Association of Rangeland Consultants, and the Pacific Legal Foundation. There were only two briefs urging affirmance: the Natural Resources Defense Council and the Nature Conservancy. Justice Breyer, writing for the Court, presented a comprehensive review of grazing on public lands starting with the first successful long drive of cattle north from Texas in 1867, but he devoted most of his attention to the period following the enactment of the Taylor Grazing Act in 1934 through to the end of the twentieth century. There were no dissents. Justice Sandra Day O'Connor, possibly with her brother's bitter opposition to Synar's efforts to raise grazing fees in mind, wrote a brief concurring opinion in which Justice

Clarence Thomas joined. O'Connor wished to confirm that permit holders who believed that the specific application of the 1995 regulations deprived them "to such an extent that the Secretary's conduct can be termed a failure to adequately safeguard such privileges" could challenge the secretary's action.⁷⁴

With the decision by the Supreme Court in 2000 the War in the West came to an end. There were winners and losers. Among the losers was Mike Synar. He not only lost his life and his seat in Congress, but the fight he launched to raise grazing fees on federal rangelands to a level commensurate with market conditions, thereby eliminating subsidization of western ranchers, among them some of America's wealthiest individuals and corporations. Among the winners was Bruce Babbitt, whose 1995 rangeland reforms effectively destroyed one of the most powerful iron triangles wherein ranchers and local and regional BLM and Forest Service agents, tied in with pertinent officials in Washington, made any change in fee structure and prevailing range conditions almost impossible to achieve. By eliminating the grazing boards and creating public land councils, environmentalists and other users of the public lands would now serve alongside ranchers. Multiple-use advisory boards would seek multiple uses for the rangelands. Grazing-fee receipts would now be utilized to support range improvement rather than ventures directed toward increased benefits for ranchers. Politically speaking, the rangeland reforms helped make the cause of the Democratic party most difficult in states such as Wyoming, Utah, New Mexico, Colorado, and Arizona, where powerful ranchers grazed livestock on public lands. On the other hand, the controversy revealed to large numbers of citizens that these powerful ranchers, all rugged individualists, staunch believers in free enterprise, many of them contemptuous of government officials, had feet of clay and were subsidized by grazing fees that were infinitesimal compared with fees charged to graze on state lands, private lands, or other government lands such as military installations. For a brief period, these western ranchers, subjects of public ridicule, bitterly resented the exposure that Synar and others brought to public attention. The sanctity of the wide open public range was destroyed. Thanks in good part to Synar's efforts in challenging the culture and mythology of the West, the image of ranchers perpetrated by Hollywood, the advertising industry, and writers of pulp fiction was briefly impaired. While ranchers still have political clout, today they are challenged by corporate interests with more clout seeking to tap into vast reserves of natural gas and minerals on public lands. The West in the twenty-first century, the post Synar-Babbitt West, could see a new war in which ranchers, environmentalists, and others ally themselves to battle outside corporate interests that seek to intrude on their turf.⁷⁵

NOTES

¹*Daily Oklahoman* (26 July 1987). The quotation appears in an article by Allan Cromley.

²*Congressional Record*, 100th Cong., 2d sess., 4 June 1987, p. 14801. The grazing fee is paid by animal unit month (AUM), the amount of monthly forage needed to sustain one animal unit (one cow and calf, one horse, or five sheep or goats). Half of the fees collected were returned to the agencies (Forest Service or Bureau of Land Management) and deposited in a range-betterment fund. Portions of the remaining 50 percent were allocated to the states and the United States Treasury.

³*Ibid.*; *Management of Livestock Grazing* hearing.

⁴*Congressional Record*; 100th Cong., 1st sess., 4 February 1987, p. 14801.

⁵*Grazing Fee Review and Evaluation: Final Report 1979-1985*. Report of the Secretaries of Agriculture and the Interior, February 1986 (Washington, D.C.), p. 3.

⁶The information in the above paragraphs is based in part on Synar's opening remarks before a subcommittee of the Committee on Government Operations of House of Representatives. *Management of Livestock Grazing on Federal Lands by the Bureau of Land Management and the Forest Service*. 99th Cong., 1st sess., December 13, 1985. The hearings were printed for the use of the Committee on Government Operations.

⁷*Federal Grazing Program: All Is Not Well on the Range*, 99th Congress, 2d sess., May 8, 1986, H. Rep. 99-593, pp. 1-2 and passim.

⁸*Grazing Fees and Public Rangeland Management*: Hearing before the Subcommittee on National Parks and Public Lands of the Committee on Interior and Insular Affairs, House of Representatives, 100th Cong., 1st sess., September 22, 1987, pp. 41-53. Synar's oral remarks appear on pages 41-42. The remaining pages comprise his formal written statement and accompanying documents. These hearings allowed presenters five minutes for their oral presentations. Their formal statements were included as part of their remarks. Synar's reiteration of his concern about riparian areas appears in the *Congressional Record*, 100th Cong., 2d sess., July 12, 1988, p. 17480.

⁹*Reauthorization of the BLM*: Hearing before the Subcommittee on National Parks and Public Lands of the Committee on Interior and Insular Affairs, 101st Cong., 1st sess., April 11, 1989, pp. 46-48. See also Synar's brief remarks during a House debate on a BLM funding bill. *Congressional Record*, 101st Cong., 1st sess., July 17, 1989, pp. 14881-14882.

¹⁰"Retiring Land Use Manager Applauded, Criticized," *Tulsa World* (5 July 1989), p. 12A. In another tirade that caught public attention, Synar claimed the government was losing up to \$10 billion a year "by leasing or selling natural resources at prices below-market value" and cited as examples below-cost national forest timber sales and below-cost grazing fees. See also articles in the *Daily Oklahoman* (28 February 1990), p. 6, and *Tulsa World* (28 February 1990), p. 16A.

¹¹*Tulsa World* (25 July 1990), p. A2.

¹²*Congressional Record* 101st Cong., 2nd sess., October 3, 1990, p. 27416; *Tulsa World* (16 October 1990), p. B6.

¹³*Congressional Quarterly Almanac: 1999*, in Volume XLVI (Washington, D.C.:Congressional Quarterly, Inc., 1991), pp. 873-874.

¹⁴*Congressional Record*, 102d Cong., 1st sess., February 6, 1991, pp. 3277-3278.

¹⁵*BLM Reauthorization and Grazing Fees*: Hearing before the Subcommittee on National Parks and Public Lands of the Committee on Interior and Insular Affairs, House of Representatives, 102d Cong., 2d sess. (hearing held in Washington, D.C., March 12, 1991). Synar's oral remarks are found on pages 28-27; see pages 28-35 for his written testimony supporting the Fair Market Grazing for Public Rangelands Act of 1991.

¹⁶*BLM Reauthorization and Grazing Fees* (comments of many western witnesses.) See also *Tulsa World* (13 March 1991), p. 2A, and (31 March 1991), p. 10A.

¹⁷*Tulsa World* (16 May 1991), p. 16A, and (22 May 1991), p. 8A; *Daily Oklahoman* (22 May 1991), p. 20.

¹⁸*Tulsa World* (28 May 1991), p. 4C.

¹⁹*Ibid.*, p. 4C. Rex Coffman, a small rancher near Vail, reiterated many of the points the ranchers in Cortez made to Synar, but added that in his tourist-oriented area ranchers had to deal with bicyclists, backpackers, and hikers on public rangelands. Coffman predicted that if a rancher could not stay afloat, "he's going to sell to the sub-divider and there won't be any open space left

in these valleys." For a long story as to how the controversy played out in New Mexico, see *The Dallas Morning News* (23 June 1991), p. 1A. In New Mexico opposition to the view of hostile ranchers surfaced with the appearance of the Public Lands Action Network, which was designed to organize opposition to public-land ranching.

²⁰*Daily Oklahoman* (25 June 1991), p. 8, and (26 June 1991), p. 15; *Tulsa World* (25 June 1991), p. 3A. The House approved a similar measure in 1990 by a vote of 251 to 155. Though the vote this time was lower, the 1991 measure attracted more public attention than in 1990. Aside from Synar, only one of the six-member Oklahoma delegation supported the bill.

²¹*The Daily Oklahoman* (24 June 1991), p. 6, and (25 June 1991), p. 8.

²²*Congressional Record* 102^d Cong., 1st sess., July 23, 1991. See pages H 5703-04 for the vote, and pages H 5677-5703 for the extended debate. *Tulsa World* (24 July 1991), p. 2B. Funding for the BLM since 1982 continued only because each annual appropriations bill was considered under a rule waiving the point of order that otherwise would be against this authorized spending.

²³*Tulsa World* (26 July 1991), p. 12A; *Daily Oklahoman* (27 July 1991), p. 23.

²⁴*Tulsa World* (3 August 1991).

²⁵*Tulsa World* (3 August 1991). Other large-scale grazing operators mentioned by Synar and his co-sponsors at one time or another included Texaco, Getty Oil, Zenchikur Livestock of Japan, leasing 41,000 acres, and one lessee in Nevada controlling grazing rights on 5.2 million acres, an area almost the size of Massachusetts. One rancher in Kansas paid the government \$20,000 in grazing fees and then subleased his rights in Nevada for \$120,000. These large-scale operations were cited by James J. Kilpatrick in his column [*The Daily Oklahoman* (17 August 1991), p. 10].

²⁶See *Tulsa World* (8 August 1991), p. 15 A, for an incisive story on shifting public-land policy. Indicative of the changing trend was a story by the conservative columnist James J. Kilpatrick entitled "No Welfare for Ranchers." Kilpatrick concluded that "unless these ranchers are to be viewed as objects of public welfare, it is hard to justify what clearly is a subsidy in some degree." For Kilpatrick's column see *Tulsa World* (16 August 1991), p. 8A.

²⁷*Tulsa World* (18 September 1991), p. A19; (19 September 1991), p. B10, (27 September 1991), p. A15. Leading senators in opposition were Ohio Democrat Howard Metzenbaum and Vermont Republican James Jeffords. Incidentally, the conference committee left grazing fees unchanged, insuring further debate in the next session of Congress.

²⁸*Rangeland Management: GAO Report to the Chairman Subcommittee on National Parks and Public Lands Committee on Interior and Insular Affairs*, House of Representatives, General Accounting Office, Washington, D.C., November 1991, pp. 2-5.

²⁹*Tulsa World* (16 November 1991), p. C1; *Daily Oklahoman* (18 December 1991), p. 34. See also the article by Tim Curran, "Once Again Synar Faces Stiff Primary Challenge," in *Roll Call* (13 February 1992), pp. 1-2.

³⁰*Tulsa World* (14 January 1992), p. A1. This lengthy article examines the growing myth of the West, contrasting it with a declining cowboy lifestyle.

³¹*The Denver Post* (10 March 1992), p. A1.

³²*Tulsa World* (26 April 1992), p. A2.

³³*Tulsa World* (1 May 1992), p. A15; *Grazing and Public Rangelands: Oversight Hearing before the Subcommittee on National Parks and Public Lands of the Committee on Interior and Insular Affairs*, House of Representatives, 102^d Cong., 2^d sess., May 12, 1992. The story from the *New York Times* appears on page 13.

³⁴*Tulsa World* (20 May 1992), p. 3A, (16 June 1992), p. 6A; *Daily Oklahoman* (16 June 1992), p. 7.

³⁵*Tulsa World* (19 June 1992), p. A 11. In another story (see p. 16A) on the same day insurance companies, oil and utility companies, and others were listed as "corporate welfare cowboys utilizing 76 million acres, an acreage greater than the land areas of Oklahoma and Pennsylvania combined."

³⁶*Bureau of Land Management Reauthorization: Hearing before the Subcommittee on Public Lands, National Parks, and Forests of the Committee on Energy and Natural Resources*, United States Senate, 100th Cong., 2^d sess., July 1, 1992, pp. 257-258.

³⁷*Congressional Record*: 102^d Cong., 2^d sess., July 22, 1992, pp. H 6441-6443; *Daily Oklahoman* (23 July 1992), p. 14; *Congressional Quarterly* (1 August 1992), p. 2266. Senator James M. Jeffords of Vermont led the fight to raise grazing fees but the body shunned his effort. See also *Tulsa World* (24 September 1992), p. A2, and *Daily Oklahoman* (24 September 1992), p. 15.

³⁸*Grazing Management and Grazing Fee Issues*: Hearing before the Subcommittee on Public Lands, National Parks, and Forests of the Committee on Energy and Natural Resources, United States Senate, 102nd Cong., 2^d sess. (Casper, Wyoming), September 3, 1992, pp. 32-33.

³⁹*Tulsa World* (8 September 1992), p. A2, A5; (2 stories); *Daily Oklahoman* (8 September 1992), p. 7. The Day ranch area in Arizona and New Mexico, including federal land administered by the BLM, consisted of roughly 250 square miles, about 16 miles across and 15 miles long. About two thousand cows, their calves, a few bulls, and some horses grazed on these lands. See Sandra Day O'Connor and H. Alan Day, *Lazy B* (New York:Random House, 2002), 18. In addition to funds from ranchers seeking to oust Synar, Edmondson received funds from tobacco industry PACs and the National Rifle Association, all seeking Synar's defeat. In the September runoff, Synar received 53.1 percent (56,662) to Edmondson's 46.9 percent (50,084) of the vote. See also "Cattlemen Try Ballot Box," *National Journal* (3 October 1992), 2261-2262.

⁴⁰*Tulsa World* (13 November 1992), p. A15; *Daily Oklahoman* (13 November 1992), p. 22.

⁴¹*Congressional Record*, 103rd Cong., 1st sess., January 26, 1993, Extension of Remarks, E pp. 176-177. Synar introduced this bill with Ralph Regula, Republican from Ohio. Synar was also concerned about the federal government failing to obtain fair market value for taxpayer-owned assets: timber sales, oil and gas royalties, below-cost contracts for recreation, and other federal fees. He co-sponsored a bill to mandate that the federal government operate under sound business practices. See *Congressional Record*, 103rd Cong., 1st sess., February 2, 1993, E p. 218.

⁴²*Roll Call* (4 February 1993), p. 9; *Daily Oklahoman* (3 March 1993), p. 19; *Tulsa World* (6 March 1993), p. A7.

⁴³*National Journal* (3 April 1993), 832; *Washington Post* (7 April 1993) p. A25.

⁴⁴*Tulsa World* (8 April 1993), Section B, p. 10; *Daily Oklahoman* (10 April 1993), p. 12 (editorial critical of Synar as a liberal wheeler-dealer).

⁴⁵*Grazing Management Reform*: Hearing before the Subcommittee on National Parks, Forests, and Public Lands of the Committee on Natural Resources, House of Representatives, 103^d Cong., 1st sess., April 20, 1993, pp. 26-33. Synar's written statement appears on pages 28-33. See also *Tulsa World* (21 April 1993), p. A6.

⁴⁶*Daily Oklahoman* (1 May 1993), p. 27; article, "Home on the Range, At What Cost?," by Synar in *Roll Call* for May 3, 1993. In this article Synar expanded his approach to include all resource industries benefiting from low fees for the use of public lands.

⁴⁷See *National Journal* (22 May 1993), 1232-1235, for a detailed discussion of these turf wars.

⁴⁸*Daily Oklahoman* (15 July 1993), p. 17.

⁴⁹*Ibid.*, (15 July 1993), p. 17; *Public Papers of the Presidents: William J. Clinton*, Vol. 1, 1993, p. 1231 (part of a 29 July 1993, interview with the Nevada Media).

⁵⁰*Congressional Quarterly* (7 August 1993), pp. 2150-2151 (article on public lands by Catalina Camia.)

⁵¹*Daily Oklahoman* (10 August 1993), p. 13.

⁵²*Tulsa World* (10 August 1993), p. B6. For a concise summary of the controversy at this critical juncture, see *Congressional Quarterly* (4 September 1993), p. 2316.

⁵³*Congressional Quarterly* (18 September 1993), pp. 2449-2450, and (25 September 1993), p. 2546, (articles on appropriations by Catalina Camia); *Daily Oklahoman* (22 September 1993), p. 6.

⁵⁴*Congressional Record* 103^d Cong., 1st sess., September 29, 1993, p. H 7193 for Synar's remarks, and p. H 7196 for the vote; *Tulsa World* (30 September 1993), p. B6.

⁵⁵*Tulsa World* (5 October 1993), p. N14; *Congressional Quarterly* (9 October 1993), pp. 2723-2724 (article on appropriations by Catalina Camia).

⁵⁶*Tulsa World* (15 October 1993), p. N11; *Congressional Quarterly* (16 October 1993), pp. 2802-2803 (article on appropriations by Catalina Camia).

⁵⁷*Congressional Record* 103rd Cong., 1st sess., October 20, 1993, pp. H 8293-8294. It was Senator Harry Reid of Nevada who played the high-profile side in mediating an end to the bitter annual fights over grazing fees and in doing so incurred the wrath of his western Republican colleagues.

⁵⁸*Congressional Quarterly* (30 October 1993), pp. 2957-2958 (article on appropriations by Catalina Camia). See also Margaret Kriz, "Quick Draw," *National Journal* (13 November 1993), pp. 2711-2716, examining Bruce Babbitt's efforts at public-land reform.

⁵⁹*Daily Oklahoman* (28 November 1993), p. 1, and (29 November 1993), p. 1.

⁶⁰*Tulsa World* (28 November 1993), p. N4.

⁶¹"New Grazing Plan Is Announced," *Associated Press News Service* (7 March 1994), *Congressional Quarterly* (19 March 1994), p. 670, See the *Federal Register* (25 March 1994), p. 14314, for reform proposal. See also the remarks of President Clinton in *Public Papers of the Presidents: William J. Clinton*, 1994, Vol. I, pp. 496-497.

⁶²See story, "Beyond Grazing Reform," by Bruce Babbitt in *Roll Call* (11 April 1994). See too "Rangeland Reform '94. A Proposal to Improve Management of Rangeland Ecosystems and the Administration of Livestock Grazing on Public Lands." USDI/BLM in cooperation with USDA/FS. August 1993.

⁶³Grazing: Hearings Before the Committee on Energy and Natural Resources, United States Senate, 103rd Cong., 2nd sess., Washington, D.C., U. S. Government Printing Office, April 20, 1994, and Albuquerque, N.M., May 14, 1994.

⁶⁴*Denver Post* (2 June 1994), p. B1; AP News Service, "Rangeland Reforms under Fire," (June 6, 1994).

⁶⁵*Congressional Record* 103rd Cong., 2d Sess., (July 12, 1994), p. H 5492; See p. H 5495-96 for the vote. One of the permit holders was the Anheuser-Busch corporation.

⁶⁶Robert Bennett, "The Effects of Rangeland Reform '94," *Roll Call* (25 July 1994). Senator Bennett reviewed the field hearing in Utah.

⁶⁷George Miller, "The Grazing Fees Gravy Train," *Roll Call* (25 July 1994). Representative Miller's article succinctly summarizes views Synar had been expounding for more than a decade.

⁶⁸*National Journal* (10 September 1994), 2094; *Tulsa World* (12 September 1994), p. N8, (25 September 1994), p. O8, (28 September 1994), p. N13. The *Tulsa World* endorsed Synar for re-election. For an appreciation of Synar's service see the column by David Broder in *The Washington Post* (25 September 1994), p. C7.

⁶⁹*Tulsa World* (7 October 1994), p. N9; *Daily Oklahoman* (7 October 1994), p. 20.

⁷⁰Margaret Kriz, "Shoot-out in the West," *National Journal* (15 October 1994), 2388-2392; *Public Papers of the Presidents: William J. Clinton*, 1995, Vol. I, 31 May 1995, p. 776. The president was responding to questions posed by Jim Gransberry of the *Billings Gazette* in Billings, Montana.

⁷¹*Washington Post* (20 July 1995), p. A25.

⁷²*New York Times* (21 July 1995), p. 1 (article by Timothy Egan); *Washington Post* (28 July 1995), p. A18; *Congressional Quarterly*, (5 August 1995), p. 2363, (16 September 1995), p. 2799, (23 September 1995), p. 2884, and (6 January 1996), p. 37.

⁷³For general discussions of the ongoing grazing controversy see *Congressional Quarterly*, "Clash of Interests and Ideology Threatens Grazing Overhaul," by Allan Freedman, (4 March 1996), pp. 609-612, "Short Term Victory in Senate May Not Save Grazing Bill," by Allan Freedman; (23 March 1996), p. 793. See also *Congress and the Nation*, Vol. IX, pp. 455-456 (for 1996), and Vol. X, p. 357 for 1997; Betsy A. Cody, "Grazing Fees: An Overview," *Congressional Research Service Report for Congress*, May 21, 1996.

⁷⁴*Public Lands Council et al. v. Babbitt, Secretary of The Interior et al.*, 529 U.S. 728 (2000). For the concurring opinion, see pp. 750-752.

⁷⁵For an indication of a developing new War in the West, Robyn Morrison, "Land Plan Attracts an Anti-Grazing Gorilla," *High Country News* (5 August 2002), p. 5, and the letters in the 20 January 2003, issue of the same journal (p. 6).

When Ditches Became Urban

Reno Women and the Fight to Prevent Child Deaths

JACQUELYN K. SUNDSTRAND

Three-year-old Gerald Martson was playing with another three-year-old, his friend, Edward Sneed, on the banks of the Orr Ditch in June of 1964. Gerald lived with his parents in a new apartment complex bordering the unfenced irrigation ditch near Wedekind Road in Reno, Nevada. Suddenly, Gerald slipped down the grassy slope and into the swiftly flowing water. For a few moments he clung to a clump of grass while his little friend tried to reach him with a stick. Then Gerald lost his grip and the current carried him away. Edward ran for help. His calls brought out people living nearby, who called the police and fanned out along the ditch to search for the boy. About half an hour later his body was recovered approximately a mile and a half downstream near a small spillway. All attempts to revive the boy failed.¹ Another young child thus lost his life to the waters of an open irrigation ditch, his death adding to a long line of similar tragic events in and around the complex of ditches that serve the Truckee Meadows. These events mark years of inertia and inability to meet responsibility for public safety on the part of officials in Reno and Washoe County, despite repeated calls from educational and women's groups to fence the ditches.

Nevada is an arid state, averaging about nine inches of precipitation annually. In northern Nevada, the Truckee River—flowing from Lake Tahoe high in the Sierra on the Nevada, California border, is the primary and most valuable source of water for the Reno-Sparks area. The early settlers of Reno and environs diverted the water from the Truckee River for agricultural uses throughout the Truckee Meadows. Before the city of Reno was founded in 1868, it is estimated that there were already ninety thousand feet of irrigation ditches in use in the valley.²

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Boys investigate an irrigation ditch through Reno at low water time. During early weeks of the irrigation season this ditch filled with fast-moving, dangerous waters. (*Campaign Scrapbook, Parent-Teachers' Association of Reno, Special Collections Department, University of Nevada, Reno*)

The Truckee River is the water source for most of these irrigation ditches, including the Orr, the English Mill, the Sullivan and Kelly, the Cochran, the Lake, the Steamboat, the Scott Ranch, the Highland, the Pioneer, the Glendale, the North Truckee, and the Last Chance.³ The Orr Ditch, begun by Henry Orr in 1863, is one of the oldest; it takes its water from the Truckee west of downtown Reno, flows between West Fifth and West Sixth streets, continues through Whitaker Park on Ralston Hill, crosses the grounds of the University of Nevada, and runs to the northeast. It is still in use, as are many of the original ditches. Originally, its total length was about ten miles, but later it was extended northward into Spanish Springs Valley for roughly another ten miles.⁴

The English Mill Ditch flows west of downtown from opposite Idlewild Park, runs northeast through the center of a residential area, and ends about two miles from the City of Sparks at a site called Auburn. The waters from this ditch originally powered a twenty-stamp mill for a mining company which began in 1863 but lasted only three years before failing, losing all for its investors, mostly Londoners.⁵

Three more ditches are important to this story. The Sullivan and Kelly Ditch diverts water from near downtown Reno, following the north shore of the Truckee River until turning northward, and ending near the site of the old race-track.⁶ The Cochran Ditch takes its waters near the Sullivan and Kelly, but from the southern shore, and travels south to Virginia Lake.⁷ Virginia Lake is a man-made lake created by the Works Progress Administration and Washoe County during the Great Depression of the 1930s.⁸

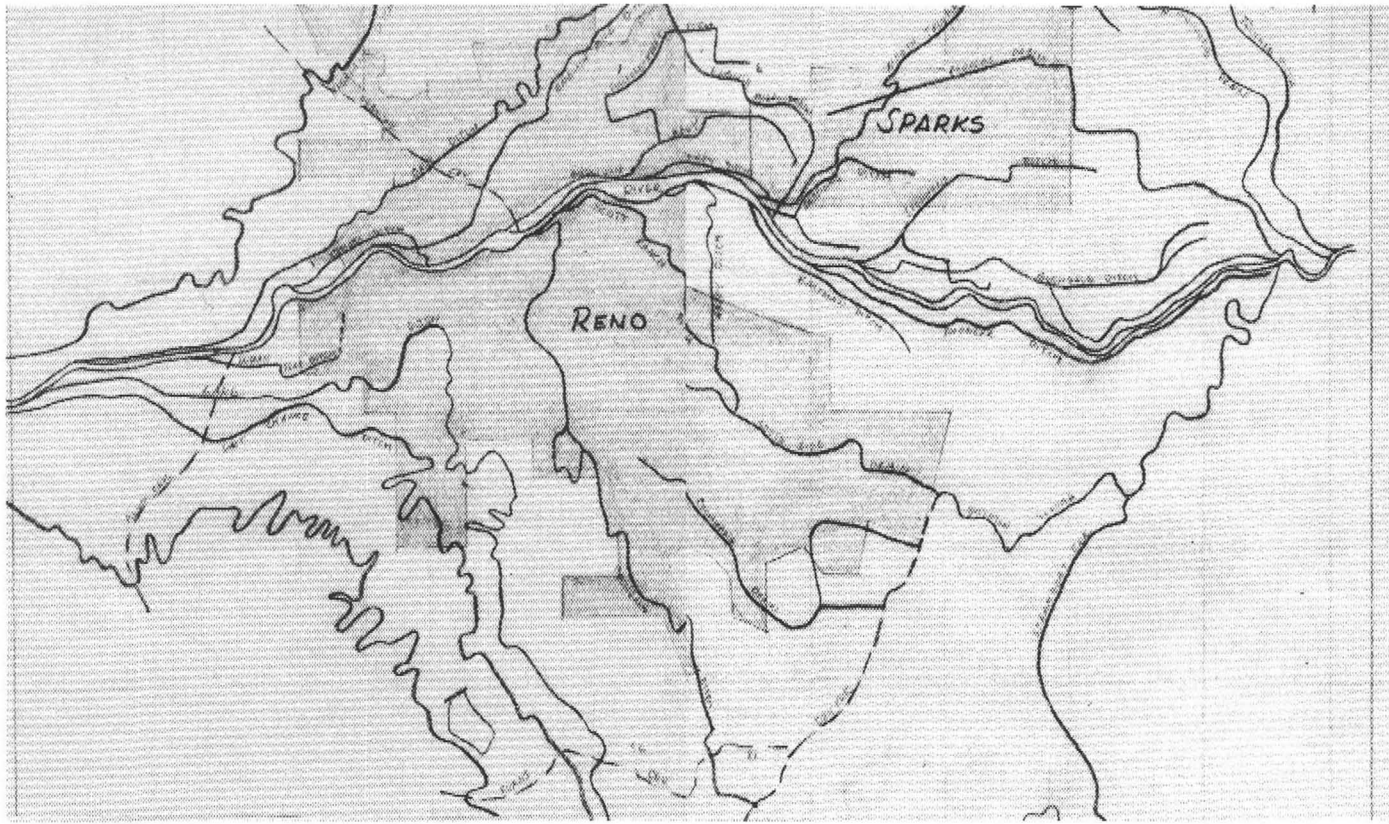
As the urban population in the Reno-Sparks area grew, the conflict between rural and urban needs became inevitable. In 1900 Reno covered 395 acres and

had 4,500 residents. The whole of Washoe County's population totaled 9,141. By 1920 the population in Reno was about 12,000 people in its 1,500-acre city limits. The City of Sparks, to the east, had 3,238 people in its 1,195 acres, and the county's population had roughly doubled. By 1930 Reno had added 475 more acres and had grown to 18,529 citizens. Washoe County's population had reached 27,158.⁹ The expansion of urban neighborhoods into acreage that was once the domain of farmers and ranchers created unlooked-for hazards and brought about random tragedies for the families bordering the irrigation ditches, especially their children.

In 1925, five-year-old Herman Menke fell into the Cochran Ditch at the corner of Thoma and Center streets. He managed to float through the concrete flume for more than a block to Virginia Street. He was one of the lucky few who made it out safely. After the Menke boy's brush with drowning, the Cochran Ditch's coverings were extended from Moran to Virginia Street, with manhole covers spaced along its route for clean-out purposes. However, two-year-old Paul Henricksen was not so lucky. His abandoned kiddie-car was found near the banks of the same ditch at Moran and Holcomb streets, where he was last seen on a make-believe fishing excursion. His body was finally found five hours later at a dam three miles downstream.¹⁰ These accidents propelled a small group of mothers to form an association to protect their children from drowning in the irrigation ditches.¹¹ The formation of the mothers' group is the starting point of an odyssey that winds through city councils, courts, the Nevada Supreme Court, and finally the Nevada Legislature. These early efforts to direct attention to this hazard brings into focus long-standing issues: public interest versus public safety, who should assume responsibility, who should shoulder the costs, and of course, what is meant by "public good."

The death of Paul Henricksen in 1927 brought the mothers' concerns about the open irrigation ditches to a head. The ditches were a great attraction to small children, who loved to play near them in the summer or even skate on them during the winter months.¹² With the exception of the Mount Rose School, every school had an open ditch nearby. The Orr Ditch, which ran along the edge of Whitaker Park, where many children of preschool age played, was considered especially dangerous, with its deep, swiftly running water.¹³ The mothers presented their concerns about the dangers of the open ditches at a meeting of the clubs of the Reno schools. It was from this 1927 meeting that the United-Parent Teachers' Association was organized, absorbing the individual clubs. Hattie Brooks was the first president.¹⁴

Ditch companies promised to take steps to make the ditches safe, but little work was completed. Each succeeding president of the United PTA continued to wage a campaign against the open ditches. Gladys Mapes, whose husband, Charles, built the famous Mapes Hotel in 1947, succeeded Hattie Brooks as president, followed by Clara Beatty, Hazel Bath, Nanette Glynn, Margaret Tarano, and, in 1939, Edna Brown.¹⁵



**Truckee Meadows Region Ditches
Regional Planning Commission, 1958**

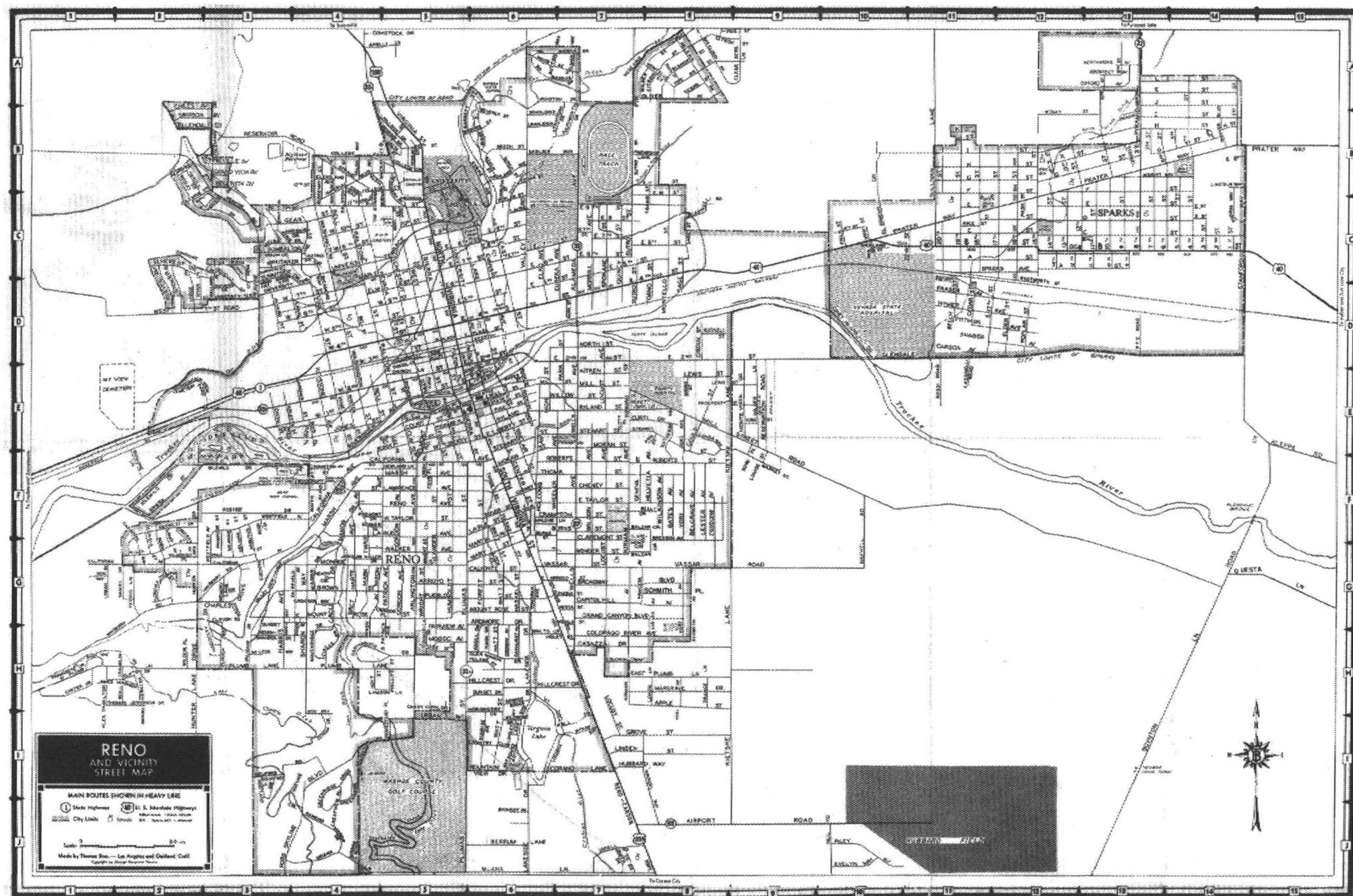
Despite sporadic efforts on the part of the ditch companies to make the ditches safer, children continued to die. Another toddler drowned in June of 1941. Three-year-old Charles Wagner, Jr., fell into the Cochran Ditch, which ran near his home on the 600 block of South Virginia Street. He was carried approximately two miles to Virginia Lake, where his body was found by the lake's caretaker.¹⁶

Finally, in the fall of 1941, after the drowning deaths of at least fifteen children in the irrigation ditches, the president of the United PTA, Helene Mack, called a meeting. Held at the Civic Auditorium, it attracted a capacity audience of parents and PTA members, who came to hear the mayor, the City Council, the county commissioners, and representatives of many of the area's ditch companies as they attempted to bring about a solution to the safety problems of open irrigation ditches. Three possible solutions were presented: cover the ditches, fence them, or eliminate them completely. However, fencing or covering the ditches would require funds, and the City of Reno could not afford to cover or fence all the ditches. However, the city put forth the offer of labor if funds outside of city revenues could be provided.¹⁷

The PTA groups began a fundraising effort. Members held a house-by-house campaign and raised a considerable amount of money. By this joint effort between private funds and public labor many dangerous areas were fenced or covered.¹⁸ It was a good start to solving the problem of the open irrigation ditches. However, World War II interrupted the program.



1931 map of Reno (*Special Collections, University of Nevada, Reno*)



1952 Thomas Brothers map of Reno/Sparks. (Special Collections, University of Nevada, Reno)

On October 10, 1942, Edna Haines, who was thirty months old, fell into the Orr Ditch and drowned.¹⁹ After her death, Reno proposed a new ordinance for ditch safety, in 1943. The ordinance would have declared ditches within the city limits to be nuisances if they were not “adequately fenced or otherwise adequately guarded,” and placed responsibility for the fencing or guarding upon the owners of abutting property. The ordinance did not pass.²⁰

Reno asked the State Board of Finance that year for an emergency loan of \$35,000 for ditch safety. Any construction amounting to \$1,000 or more required authorization by the Finance Board, but as the city’s application was classified as not essential to the war effort, it was turned down.²¹

Two more drownings occurred the following year. Fourteen-month-old Glenn McDowell drowned in the Orr Ditch on May 12, 1944. The death count continued in June when an adult, John Gnesa, also drowned in the Orr.²²

A Washoe County Grand Jury report of March 1945 recommended that fencing the ditches be given first priority. The report considered \$40,000 as the amount needed to fence the two worst ditches, the Orr and the Cochran.²³ But funding was difficult to come by in the immediate postwar economy.

The city continued its work to solve the open-ditch problem, with an eye toward the legal consequences. Areas along city parks, such as in Vigliotti Park, were fenced.²⁴ After hearing a report by Harlan Heward, a local attorney long interested in eliminating ditch drownings, the council voted to fence all the ditches within the city limits. But it didn’t have the money to do the job. Again Reno asked the State Board of Finance for an emergency loan, requesting \$75,000 for ditch safety in 1945. Initially, the request was turned down, but was later approved after explaining the background for the need.²⁵

Ditch safety wasn’t the only consideration. During the post war years, ditch owners brought their own concerns to the County Planning Board. In March of 1946, the ditch owners complained about the dead cats and dogs in their ditches, and called attention to the large amounts of garbage that residents were throwing into the open irrigation ditches running through town. By Federal Master, which governed the river’s distribution, the owners of the properties through which the canals ran were to keep them clean, but this was not happening, and the ditch owners claimed they couldn’t keep up with the problem without financial help. The owners of the Sullivan and Kelly Ditch Company asked Washoe County for \$350 to assist with the clean-up, and the English Mill Ditch company asked for \$1,000.²⁶

At that same county planning meeting proposal was made by Roger Teglia, one of the owners of the Sullivan and Kelly Ditch. Teglia proposed abandoning the English Mill Ditch by transferring the flow to the Orr Ditch and the Sullivan and Kelly Ditch. Only the Orr Ditch would need to be enlarged to handle the additional flow. Water users currently served by the English Mill could be served through the two other ditches or through city water. City and county engineers as well as the three ditch owners all favored the project.²⁷

The proposal caught the interest of the *Nevada State Journal's* editorial board. It ran two editorials in favor of the move.

Elimination of the English Mill ditch, which crosses 42 streets and alleys in the city of Reno, is a feasible project which would not be costly and which in the opinion of engineers would bring a direct benefit to property owners of at least \$25,000, in addition to removing a menace to life and health Cost of the work would be borne by the city of Reno but if it amounted in all to \$40,000 the city would gain immeasurably as it would eliminate a ditch that is costly for the city to maintain because of the many culverts to say nothing of the ever present dangers.²⁸

The Orr Ditch users met on April 1 to discuss the issue. Again, Roger Teglia spoke to the group, urging their cooperation. He stated that his company already had agreed to carry one third of the English Mill water and had a contract waiting with the city engineer stating that, the Orr Ditch canal, with its present capacity of 3,600 inches of water, would have to be deepened to handle the passage of 5,500 inches. Owners of the Sullivan and Kelly and the Orr ditches would allow the members of the English Mill company to join either of their companies without cost. Harry Dukes, Truckee River Water Master, also spoke for the project, saying, "The ditch is a nuisance to the city and the city a nuisance to the ditch." Dukes explained the timing of how the work on the canals would be conducted.²⁹

The representatives of the Orr Ditch company voted unanimously for the proposal, with the stipulation that the ditch be enlarged by the city without expense to the farmers. However, the ditch users were unanimously opposed to the fencing of the ditches, the long-proposed solution from many Reno residents. Claiming that the fences made maintenance of the ditches and rescue work almost impossible, they added that a fence was only an invitation to a boy "to get over it and get into the ditch." The estimated \$78,000 needed to fence the ditches, if correct, would be about the same as the cost to the city of deepening the Orr Ditch and lowering and enlarging the culverts needed for the increased flow. Ranchers and users thought the money would be better spent on the elimination of the English Mill Ditch and reducing the attendant dangers this ditch posed. The final plan still had to go before both the city and the county for approval.³⁰

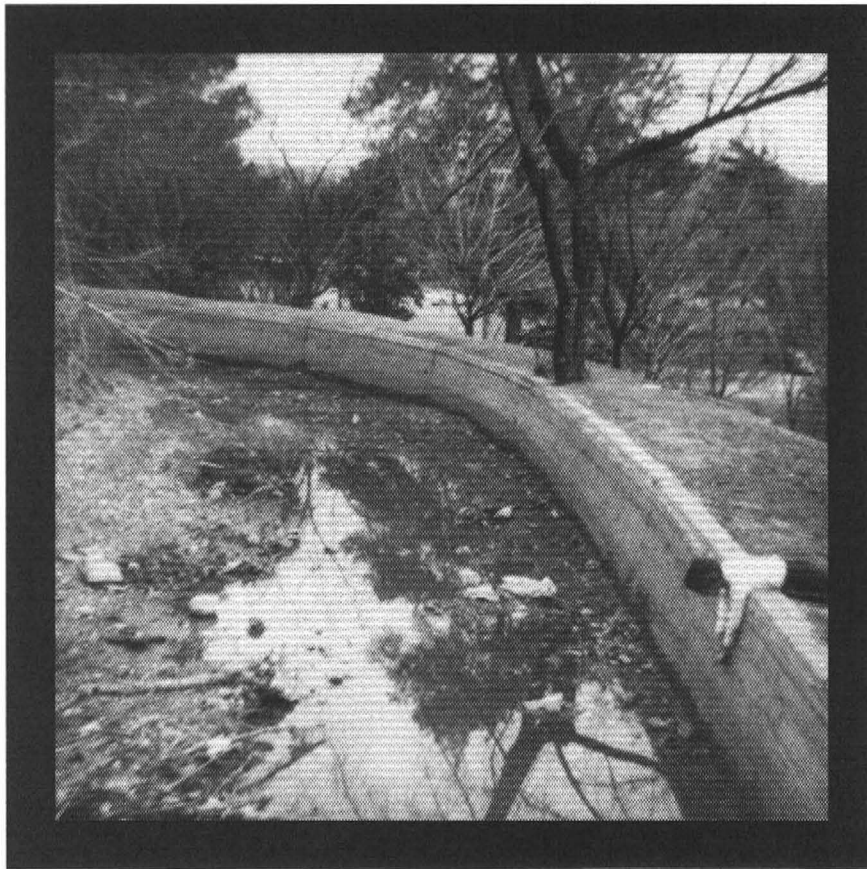
The death of four-year-old Stella Milhailovich in the Orr Ditch near the University of Nevada campus on October 10, 1946, brought a new legal twist to the fencing controversy. For the first time in Washoe County history, a ditch company was charged with being legally responsible for loss of life. A \$50,178 suit brought by the parents asked the court to order the Orr Ditch and Water Company to fence its canal near the site where the Milhailovich child fell in, basing the claim on an 1866 law requiring the protection of irrigation ditches to prevent injury to persons or animals. At the site of the drowning, the Orr Ditch was approximately twelve feet wide, five feet deep, and ran through a heavily populated residential area.³¹

The suit charged the ditch company with having negligently allowed the ditch to remain unfenced, without any safeguards to the children who played nearby, and alleged that the agents for the ditch company were aware of the deaths of two other children and one adult over the past four years, and still did nothing to prevent further deaths from the canal's dangers. While it was well known that covering and fencing the ditches would bankrupt the ditch companies, damage suits could ultimately have the same effect. Harlan Heward, attorney for the family, said that responsibility for protecting the ditches had shifted back and forth between the ditch companies and the city for some time. Therefore, he hoped that the complaint would once and for all settle whose responsibility it was to provide for the public safety.³²

Charles Gault, president of the Orr Ditch and Water Company, responded. As quoted in the *Nevada State Journal*, he said, "Fixing the responsibility upon the Ditch company would amount to confiscation not only of the ditches but of the land which they irrigate. This valley was organized and the ditches were dug more than 60 years ago, and if the public was going to confiscate them, then is when they should have done it, not now." Gault felt that either the city or the county would have to spend the money for the protection, as the ditch company could not. He opposed fencing as a way to solve the problem. "Fences do not keep out the children, but they do keep out the adults who might rescue the children." To illustrate his point, he told of being shown "the perfect fence" when he was with two five-year-old boys. Asked if they could climb the fence, which had three strands of barbed wire, both boys got over with no difficulty. Another boy showed how he crawled under the fence.³³

The filing of one lawsuit led to another legal action that same month. In Sparks, Frank Meagher, through his attorney C. Lester Zahniser, filed a suit against the North Truckee Ditch Company in October 1946. The North Truckee Ditch ran in Sparks from the western city limits between south Nineteenth Street and south Eighteenth Street, running northeast through the city until about Twelfth Street. The canal was about three to four feet in depth, and from twelve to eighteen feet in width. Two children had drowned in the ditch during the preceding five years. In order to prevent a possible tragedy with his small child who was learning to walk, Meagher wanted the ditch company to spend \$275 for fencing 140 feet of its canal which ran adjacent to his property.³⁴

The City of Sparks had been at work on its open-ditch situation. Over the previous year, it had eliminated two of the three ditches which ran through the town, and two others were eliminated earlier by diversion. Approximately two miles of the North Truckee Ditch remained uncovered; city officials estimated that it would cost approximately \$160,000 to make this stretch completely safe. As a temporary measure, the city fenced parts of it. The rest of the work would have to wait, officials felt, until a bond measure could be offered in the spring city election. If that work could be completed, the city believed that it would have completely eliminated its ditch problem in the city.³⁵ Ironically, at the



The open ditch through the University of Nevada could be hazardous, when at full flow, to small children if unattended. (*Campaign Scrapbook, Parent-Teachers' Association of Reno, Special Collections Department, University of Nevada, Reno*)



A dangerous ditch close to Reno homes where one child fell and was swept away by the current to his death. (*Campaign Scrapbook, Parent-Teachers' Association of Reno, Special Collections Department, University of Nevada, Reno*)

SUMMARY REPORT BLANK

1956-1958 Community Achievement Contest

Type in duplicate. Attach original to first page of your Report and mail to State Federation President not later than March 1, 1958. Send duplicate to Community Achievement Contest, 1734 N St., N. W., Washington 6, D. C.

Club name(s) PAST PRESIDENTS UNITED PARENT-TEACHERS ASSOCIATION INC. City RENO State NEVADA

Describe your Community Achievement Project(s): "Continuing Project"

Began in 1937 by the United Parent-Teachers Assoc. Inc.

Object to cover or eliminate the seven (7) irrigation ditches within the City of Reno

1. To keep anyone from drowning, especially children
2. To keep refuse from being blown or thrown into them
 - a. To make them more sanitary
 - b. To make them less unsightly

Reasons for choice of project(s):

Our group considered it the most needed Civic Project in the City

1. For the reason many children had been drowned
2. Because there were so many miles of uncovered ditches in the residential section
3. These ditches are what the law terms an "Attractive nuisance"
4. Apparently it was not the obligation of any constituted authority to cover these ditches

Achievements: a. Ditches owned by companies not controlled by the City

5. Could be done only by arousing public interest

Continuing project, therefore brief summary of past achievements

1. Succeeded in getting support from city and uncounted number of citizens
 - a. Mayor and Councilmen personally headed and served barbecue October 15, 1955, raising \$16,057.82
 - b. Additional gift of \$10,000.00

Achievements since last contest

1. Handkerchief project
2. Enlisted support of newly elected Mayor & Councilmen to

Extent of community cooperation: preside at Barbecue set for May 18, 1958 continued, attached

Co-sponsors: Reno Women's Civic Club & Quasestorians

Mayor and City Councilmen

Manager of Chamber of Commerce

Members of South Reno Lions Club, B. P. W., A. W. V. S., Elderberry, Rebecca Lodge, Knights Pythias and an unknown number of the General Public

Macy Co. of New York City

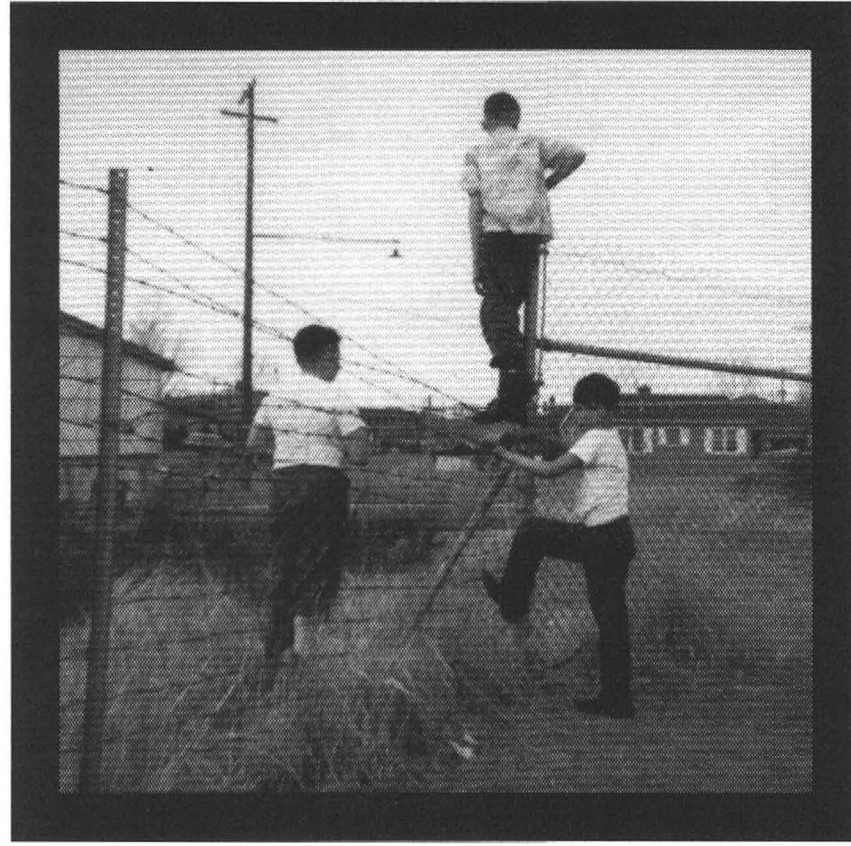
Contest Chairman(sign)

Address of Chairman . 209 Ryland st. . . .

Date Feb. 26 1958

(Report mailed to State President)

(Campaign Scrapbook, Parent-Teachers' Association of Reno, Special Collections Department, University of Nevada, Reno)



Inadequate fencing of ditches offered little protection against the curiosity of young children. (*Campaign Scrapbook, Parent-Teachers' Association of Reno, Special Collections Department, University of Nevada, Reno*)



Boys wading amidst debris in Orr Ditch when the water was low during winter months. (*Campaign Scrapbook, Parent-Teachers' Association of Reno, Special Collections Department, University of Nevada, Reno*)

October 28 meeting of the City Council, some of the residents complained about the five-foot fences, saying the fences made the area look like a prison. The council also made it clear that their planned fencing would not take in the southern part of the city below the railroad tracks.³⁶

Ten days later, an answer to the Mihailovich lawsuit was filed by William Kearney, attorney for the Orr Ditch and Water Company, asking that certain parts of the lawsuit be struck and stating that the suit did not show sufficient cause of action. The complaint, Kearney wrote, did not specify either the time of the accident or particular point along the ditch where the child fell in, nor what it is about an irrigation channel that makes it attractive to small children, and he took exception to the word excavation as being ambiguous. The hearing on the motions was set for mid November.³⁷

However, in December the Nevada Supreme Court stepped in and halted the litigation in the court in Reno. The District Court in Reno issued a writ of prohibition, requested by the Orr Ditch attorney, contending that the 1866 statute was contrary to the state constitution because it combined both civil and criminal matters and gave equity powers to the justice of the peace and judicial powers to the commissioners. The hearing, set for December 27, was moved back to January 9, 1947. The Meagher case in Sparks was held open until the decision by the Supreme Court was reached. If the court found the 1866 statute unconstitutional on these technicalities, the lawsuits filed against the ditch companies in Reno and Sparks would be dropped.³⁸

In Reno, the public was getting restless with the lack of action. Petitions were circulated for one week by most service clubs, the United PTA, and other women's organizations asking the City Council to take immediate action concerning the hazards surrounding the ditches. The petitions read:

The undersigned voters residing in Reno, Nevada, do hereby petition and urge the mayor and city council of Reno, Nevada, to forthwith protect our children from drowning in the dangerous irrigation ditches traversing Reno. Cover or fence them. If covering is not immediately practical, then fence, but do it now.

The circulators hoped to get five thousand signatures during the week, and then present the petitions to the City Council at their next meeting.³⁹

The ditch problem was highlighted the Sunday before the council meeting when two-year-old Carol Schefcik fell into the Orr Ditch. Her heavy clothes kept her afloat for about ten minutes, and a quick-thinking man managed to pull her out before she disappeared into a culvert.⁴⁰

At the December 9 meeting, no petitions were presented since the signatures were taking longer to gather. However, the Reno Lions Club presented its unanimously adopted resolution urging that the City Council take immediate action for safeguarding the lives of children against the ditches. In response, the mayor appointed a committee made up of the regional planning director, a councilman, the city engineer, the city attorney, a member of the United PTA, and a

representative from the Nevada Art Gallery to study the problem and present a practical solution back to the council.⁴¹ Reno's attorney, Emerson Wilson, was already on record as opposing ditch fencing, saying that fences would have to be built on private property along the canals, and that rights of ways would be hard to get. Wilson favored turning the ditches into storm drains and running them underground, which would require that the city pass a bond issue to raise the money.⁴²

At that meeting, Dr. James E. Church, a member of the University of Nevada's faculty and Extension Service, presented his idea for ditch safety. He felt that fencing the ditches, or covering them, would be ugly and fail to protect children adequately from their dangers. He suggested that civic and garden groups get together and plant various thorny plants, such as blackberries, to create "ribbon parks" along the ditches to isolate them from children. The Nevada Art Gallery had already landscaped part of the Orr Ditch that ran near their property in this way. The council was taken with this idea and referred it to the newly formed committee for study.⁴³

Tensions were high on both sides of the ditch question by this point. On one side, the ditch companies throughout the county had held a meeting, and all were united behind the Orr Ditch company in getting the 1866 statute repealed. The directors of the Washoe County Farm Bureau also voted to support them in their efforts as many of the ranchers would be affected.⁴⁴ On the other side were just about all of the city's service clubs and fraternal organizations, united through various resolutions and previous actions addressing the problem of ditch safety. They included PTA groups, the Lions Club, the 20-30 Club, the Twentieth-Century Club Juniors, the Odd Fellows, Rebekahs, the Washoe County Bar Association, and the Business and Professional Women. Individuals and families also awaited the Supreme Court's deliberations.⁴⁵

Finally, the Supreme Court heard the oral arguments from both sides in January 1947. At question was whether the term *excavation*, which appeared in the 1866 statute, applied beyond mining work to include ditches, and thus would make ditch companies liable for negligence if their canals were not fenced.⁴⁶ Judge Charles Lee Horsey rendered his opinion for the court March 19 in a forty-one-page decision. In short, he ruled that the 1866 law was not designed to require irrigation companies to fence their canals, thus ending the litigation battle against the Orr Ditch and the North Truckee Ditch by the two families. Departing from other legal opinions by decrying its limitations, the court wrote, in part:

We are not unconcerned as to the tragic deaths of little children which have occurred over a period of years, from falling into the irrigation ditches in the cities of Reno and Sparks, and keenly regret that there are no legal instrumentalities available to us to enable us to assist toward an effective remedy. We commend most heartily the worthy efforts of Mr. Heward, Mr. Zahniser and others to attract popular attention to the great need of effective action to fence or otherwise safeguard the irrigation ditches in Reno and Sparks, where reasonably necessary in the interest of public safety, and especially

the safety of those children too young adequately to protect themselves. We may say further, we have noted with approval and hope the earnest studies being made by the committee in Reno, and by many public spirited citizens of Reno and Sparks, and the loyal support being given by the press, in the endeavor to find a solution, and we wish them Godspeed in their worthy efforts, and sincerely trust a wise and practicable plan may be formulated and speedily executed. The present activities indicate that the people of those cities now fully realize the very serious, and, we believe, the primary or paramount responsibility resting upon them in this regard.⁴⁷

After the Supreme Court's decision was handed down, the city decided to form its own ditch committee. Through use of city finances, but especially with the fundraising help of various civic groups and other organizations committed to ditch safety, money was found to move forward on the needed fencing or covering work. Over the next four years, the city used \$17,000 to fence open ditches.⁴⁸

The end of the war saw another spurt in the growth of Reno's population. By 1950 it had risen to 32,497 persons occupying a 4,548-acre area.⁴⁹ To meet the needs of a growing population, the City of Reno now needed to direct any extra money to additional services and improvements. The open ditches were no longer a priority. Even the focus of the PTA groups shifted to the need for schools and teachers.⁵⁰

However, the tragedies of drowning children continued along the irrigation canals. In 1950 two children drowned. The English Mill Ditch, not yet closed even with the 1946 ditch owners' agreement, took the life of Andrew Tulp age two and a half. The child and other youngsters were playing among a group of ducks near West First Street when Andrew fell in.⁵¹ Clad in his red-and-blue snow suit and hood, two-year-old Bobbie Wolfe fell into the Orr Ditch, which ran directly behind his home. Despite an eighteen-hour search for the boy, the body was not found until the following morning fifteen miles downstream in Spanish Springs Valley. Apparently the boy had been able to climb over the four-foot fence behind his house by climbing on an overturned wash tub.⁵² After Bobbie's death, residents renewed their requests for protection. The city manager, Emory Branch, defensively pointed out that the city had just completed fencing around part of that area, and that other parts had been done privately. Other city officials pointed out how prohibitively costly it would be to provide complete protection against this type of accident.⁵³ The city had just used up the \$7,800 from a voluntary subscription campaign conducted the year previously by the *Nevada State Journal*.⁵⁴

Reno's Mayor, Francis R. Smith, called a meeting of the city's ditch committee after the second death to coordinate all efforts for maximum progress. Attending the meeting were representatives from the United PTA, individual PTA groups, the school superintendent, religious leaders, the Lions Club, and other service and fraternal organizations. The committee laid out a five-point plan. First, it requested the city engineer to prepare exact figures both for the fencing and for the covering of the remaining seven miles of ditches, to be ready by the

next meeting. After the figures were heard, the committee was to decide on what course of action to adopt. Then an all-out campaign for funds and for volunteer help would begin. Meanwhile, the mayor would name two subcommittees, one to direct planning and one to direct finances. In addition, all organizations that were currently planning fundraising events were to be approached for assistance in raising money for the committee's work. Finally, city and water-company officials were to come to an agreement on the closing of the English Mill Ditch.⁵⁵

The decision to fence the ditches was made, and the United PTA took a leading role in the work to raise the funds. The United PTA sponsored the Reno Men's Chorus Christmas Concert, with all proceeds to go to the Reno Ditch Safety Fund.⁵⁶ Two hundred mothers began a door-to-door campaign in residential areas, just as they had done repeatedly over the past two decades, with members of five men's service clubs joining to canvass the downtown area. The two city newspapers joined in the printing of fifteen thousand donation envelopes, which their carriers were to deliver on their routes. While the goal of \$50,000 would not complete all the needed work, everyone felt it would be a good start. The campaign's slogan was Buy a Foot of Fence and Save the Life of a Child.⁵⁷

The Ditch Fund's campaign got a boost in 1951 when the watercolor painter Paul R. Knight offered profits from his Reno showing to the efforts. Knight, a retired army colonel whose paintings hung in Washington, D. C., and New York, heard about the fund on his way to the artists' colony in Balboa, California, and decided to hold a showing of forty-five pictures at the Riverside Hotel.⁵⁸ Between the showing and the pledges from businesses, the fund hoped to receive about \$12,500.⁵⁹

Not all the pledges were fulfilled quickly, so the city began its fencing work with the \$6,350 already raised by the Ditch Fund committee. Working with city officials, the members decided to begin with fencing the places most hazardous to children. Although the city had previously volunteered labor, it was decided to put the work out to bid and get the job completed quickly.⁶⁰

The spring of 1955 marked a turning point in dealing with the dangerous ditches. During the Reno city election campaign, one of the candidates for mayor, Len Harris, pledged to help eliminate some of the dangerous ditches, using no city funds. He claimed he would go door to door and personally ask for contributions for the project. Although Harris won the election on this pledge, his platform included nine other issues, one of which was to try to move the proposed freeway farther north than its planned route, which bisected the city and had caused much public outcry.⁶¹

The City of Reno declared Ditch Day as October 2, 1955, and formed a work committee. This committee decided on a city picnic in Powning Park to raise funds for fencing the ditches. Spearheading the project, as she had when president of the United PTA in 1941, was Helene Mack, while the current PTA

president became the assistant general chair as well as being in charge of ticket sales. The newly elected Reno mayor, Len Harris was the general chairman.⁶²

Planning for the picnic began about a month before the event. Mayor Harris believed \$90,000 was needed to fence the ditches. He set a goal of \$40,000 in ticket sales for the ditch picnic, even though, at \$1.00 per ticket, this total assumed attendance by more people than lived in the city of Reno, let alone could fit into the park. However, Harris believed a number of people would buy tickets but not show up, as in the case of one businessman who already had bought five hundred tickets and given back four hundred of them. The mayor and his committee planned to have all food, entertainment, work, and materials for the planned barbecue donated by civic-minded citizens and organizations. All money raised was to be used exclusively for ditch safety.⁶³

The community pitched in. City Councilman Harold Mathisen, who owned Nevada's largest catering business, agreed to prepare the donated food. Negotiations got under way with the Musicians' Union for the city band to play for free, and with other unions so that big name entertainers from Reno's hotels and clubs could also participate, on a newly constructed platform in the park.⁶⁴

The committee received unprecedented support from individuals and businesses throughout the process. Members of Reno's Lions Club, Rotary, and Chamber of Commerce sold tickets. The PTA groups and the Federation of Women's Clubs set up special ticket booths inside downtown businesses and in the lobbies of the Granada, Tower, and Majestic theaters. The three movie theaters also featured special advertising on their screens. The city's newspapers ran free advertising, and Ball Advertising Company printed and put up a special banner on Virginia Street. Four radio stations gave free airtime to the event.⁶⁵

The Zellerback Paper Company supplied the paper plates, plastic forks, napkins, and cups. The mayor donated sixteen hundred pounds of boneless beef and sixteen hams. Members of the Carpenters' Union built the entertainment platform from lumber donated by the Home Lumber Company. Entertainment was lined up, which was to follow the barbecue. Professional acts came from the Mapes, Riverside, and Golden hotels. The city's municipal band played. Native Americans from Nixon and Stewart provided entertainment and also sold tickets.⁶⁶ The community seemed united in its efforts to save Reno's children from the hazard of open ditches.

The slogan *Don't Ditch the Kids* tapped into public responsibility and encapsulated the problem. A number of individuals even bought tickets for the orphans housed at Sunny Acres in Carson City and arranged to have them arrive on buses donated by the Greyhound Bus Lines. The first large donation to come in was a check for \$1,000 from George Wingfield, Jr.; his father, George Wingfield; and their Riverside Hotel.⁶⁷ Charles W. Mapes, Jr., who ran the Mapes Hotel for his father and whose mother was a pioneer for ditch safety, presented the mayor with another \$1,000 check a few days later, pushing the advance

sales to \$5,000. Three banks also promised to keep track of the ticket sales on the day of the event and to deposit the funds that Sunday.⁶⁸

The weather on October 2 was splendid. Food, consisting of barbecued beef, beans, salad, and a beverage, was served by members of the City Council, PTA organizations, Federated Women's Clubs, American Women's Volunteer Service, Rainbow Girls, and a complete crew of waiters from the Mapes Hotel.⁶⁹ More than six thousand people ate at the picnic with another one thousand attending the entertainment. Recorded by national magazines and motion picture studios, the event was so well received that many citizens asked to have it become an annual Community Day. The Ditch Fund raised \$14,258.40.⁷⁰

With funds now available for ditch safety, two members of an adjunct United PTA organization, who with other former members had formed their own organization, the Past Presidents of the United Parent-Teachers Association, surveyed the dangerous ditches on October 17 and reported their findings to the city engineer. Because of the growth in north Reno, including the addition of two new schools, the city agreed to the need to fence those ditches.⁷¹

City Engineer Elliott Cann estimated that the cost of fencing all the ditches in the city would be more than \$183,000, and it would take \$1,000,000 to cover them. The city had only the Ditch Fund money. On October 22, Mayor Harris called a meeting to classify the irrigation ditches as a public nuisance. The proposed ordinance, recommended by the city's attorney, placed the burden of fencing onto the ditch companies. The ditch companies, seeing the pendulum of responsibility swing their way, met with the mayor and City Council to work out a solution instead of going to the courts.⁷²

The newly formed Truckee Meadows Ditch Committee, with Roger Teglia as chairman, offered a plan to eliminate several miles of ditches inside Reno. On January 8, 1956, they presented to the mayor and his committee detailed plans for removal of eleven miles of open ditch, including the postponed abandonment of the English Mill Ditch through improvements in the Orr and Sullivan and Kelly ditches. The project proposed would cost \$41,000, the same figure discussed ten years earlier for the elimination of the English Mill Ditch. Rather than fight to try to force the ditch companies to finance the fencing plans, the city opted to use \$12,000 from the Ditch Fund and \$29,000 of city funds for the Truckee Meadows Ditch Committee's proposal. By electing to use city funds, the council recognized that it was the responsibility of the city to solve the problem rather than the ditch companies, and by citing the health problems present in parts of the ditch, the city was able to justify using municipal funds.⁷³

While the planning was under way, two-year-old Kerr Robison died in the Cochran Ditch in 1956.⁷⁴ The need to deal with the open ditches and to address the funding problem refused to disappear. The Past Presidents of the United PTA continued their fundraising work. The mothers hadn't gone away.

The group, working with the Reno Women's Civic Club and the Questorians

Club, decided to hold a rummage sale, but with a novel approach. A member wrote to Macy's in New York, and asked the department store for a donation of handkerchiefs the group could resell at the event. Although Macy's had a policy of not contributing to most individual organizations because of the number of requests received, the public-relations director wrote that "we made an exception and sent the three hundred dollars worth of merchandise, for the need seemed so very immediate We are so glad we could assist your club."⁷⁵ The handkerchief sales raised \$332.40 for the Ditch Fund.⁷⁶

It took two years before all the work was completed to eliminate the English Mill Ditch, work originally proposed in 1946. In April 1957, City Engineer Elliott Cann reported that three and a half miles of unprotected ditches had been eliminated in the city.⁷⁷ Another three and a half miles of the troublesome Cochran Ditch would be scheduled for elimination the following year.⁷⁸

Loss of life in the open ditches was not confined to Reno. In the adjoining city of Sparks, tragedies also occurred in the irrigation canals. In September 1957, Robbie Russell fell from his stroller and drowned in the North Truckee Irrigation Ditch. His death began a ditch fund campaign focused on fencing problem areas in Sparks. Based on the work in Reno, Sparks initiated the Robbie Russell Sparks Ditch Fund, which included Reno's Mayor Harris as an honorary member.⁷⁹

The annual Community Day fundraising events and other benefits in Reno and Sparks, however, simply did not raise all of the cash needed to address the totality of the ditch problem. Although Reno successfully took care of most ditch menaces over the years, many young lives were lost while ditch companies and government bodies failed to acknowledge or assume responsibility for public safety. No one wanted to bear the necessary financial burden.

Meanwhile, the city's population kept expanding into rural areas bordered by irrigation ditches. The city tried to provide for expansion by passing a subdivision ordinance wherein developers were to pay for fencing or covering any irrigation ditches bordered by their developments. Mayor Harris proposed a new ordinance that required a person owning property adjacent to a ditch to either fence or construct a culvert around the ditch before the property could be improved. Furthermore, the proposed ordinance included a provision for fencing if the ownership of a property that adjoined a ditch was transferred.⁸⁰

Passage of the ordinance was the beginning of the end of the ditch menace for the city's expanding population. Still, the cycle of past events kept recurring. On September 11, 1962, the Lake Ditch claimed three-year-old Gregory Flanagan, the only child of the dentist James Flanagan and his wife Carol, who had recently moved to Reno.⁸¹ Two days later, parents and children, neighbors of the Flanagans, marched on Virginia Street in protest, carrying signs which read *I Don't Want to Die in a Ditch* and *Another Child Is Dead! Cover the Ditch!* They hoped to promote a public demand for a ditch-fencing law.⁸² In addition, Dr. Roderick Sage, a Reno dermatologist, initiated a written protest

to the Washoe County Commission. The commissioners referred the matter to the Regional Planning Commission, the county engineer, and the district attorney for their reports and suggestions.⁸³

Outraged citizens now demanded a ditch-fencing law from the state legislature.⁸⁴ A new Reno committee formed the Citizens' Committee for Ditch Protection. It heard from a county commissioner that there were a hundred miles of ditches in the county, for which fencing materials alone would cost about \$1.5 million dollars.⁸⁵ The citizens had been here before, hearing about cost versus safety. Ditch companies couldn't solve the problem as they lacked the authority and the resources. The cities made the same claim. Since the ditches passed through not only Reno and Sparks but also through county property, many hoped that some help could be found at the state level.⁸⁶

The United PTA backed a bill in the state assembly that would require the state engineer to investigate water uses so as to stop or reduce the amount of water in unneeded ditches. Assembly Bill 104, designed to dry up some of the area's killer ditches, died in committee.⁸⁷

The United PTA and other interested groups then reworked their idea and proposed a second measure, Assembly Bill 486, before the legislature adjourned. This bill would amend the current water-conservancy-district law, broadening its powers to include issues of safety, health, flood control, drainage, and other issues. And, most important, it provided for project financing.⁸⁸ Finally on April 18, 1963, Assembly Bill 486 became law.⁸⁹



The depth of this ditch near Whittaker Parker shows the dangers posed by waters when the gates opened for the irrigation season. (*Campaign Scrapbook, Parent-Teachers' Association of Reno, Special Collections Department, University of Nevada, Reno*)

CONCLUSION

Beginning with the efforts of concerned and desperate mothers in 1927 and continuing until the passage of Assembly Bill 486, the women of various Parent-Teachers-Association groups and of the United PTA kept up their fight against the hazards of open irrigation ditches. Through their efforts to raise public awareness of the problem, others joined the fight. Service clubs, religious and fraternal groups, business organizations, and responsible public servants worked alongside the women in their attempts to make their communities safe for their children. Fundraising at the local level produced some of the money needed to solve the safety problems of open ditches when city funds were not forthcoming. Probably the most amazing feat was that of the citywide volunteer team in organizing the 1955 Ditch Day Picnic.

After the war, the city's priorities had shifted to providing for an expanding population. Growth seemed exciting to contemplate, and it created wealth for some. Interest in correcting past problems gave way to planning for the future. Funds for ditches dried up even though the water in the ditches continued to take lives. However, by 1964 subdivision ordinances had passed in Reno, Sparks, and Washoe County which required some sort of non-climbable fencing or covering of land through which ditches passed. Reno had reworked its earlier ordinance to shorten the time allowed for fencing of ditches during subdivision work.⁹⁰ After more than thirty years of work, and through the efforts of many to meet a common goal, the area's killer ditches achieved some measure of public safety.

The open-ditch issue was not confined to the city of Reno. Ditches ran through Sparks and the unincorporated areas of Washoe County. Many children perished through a continuing abdication of public responsibility. The *Nevada State Journal*, in a 1946 article, estimated that at least one person a year had drowned in a ditch over the course of the previous fifty years.⁹¹ Unfortunately, the waters drew small children to their deaths with regularity. The drownings of so many toddlers through the years even caused sympathetic comment from the state Supreme Court. But interest waned. The responsibility for solving the problem was never fully recognized to be that of either the ditch companies or the city. An early advocate of ditch covering, Ruth Hill said in 1951, "Right now the public doesn't give a hoot whether we fence the ditches or not. After a child drowns, there's a great indignation and promises to . . . do something about it. What we need to do is get the enthusiasm before losing the child."⁹²

Although outraged over the deaths of toddlers in the community was pervasive, finding a responsible party to pay for the safety work was nearly impossible. The hot potato passed from hand to hand, group to group. Had fifty or even fifteen children drowned in a single year the outrage might have been sufficient to galvanize the parties into action. As it was, tragedy was incremental and the solutions were long in coming. Clearly, public officials, city and

county, evaded a primary responsibility to the citizens of the community, as did the courts. The time-honored attitude of "business as usual" and "it's not really my problem" took precedence over public safety, over the safety of children. It is not hyperbole to call it tragic indifference. Had it not been for the persistence of a group of women coming together in 1927 and refusing to go away, the tragedies associated with open ditches would have been more numerous. In the end, Reno had neither the will nor the resources to provide for the public safety. Fortunately, in larger state and federal systems more resourceful governmental bodies exist.



Reno club women (from left to right): Mrs. Ed Redman, Mrs. H. J. Thorpe, Mrs. L. A. Gulling, meet to launch sale campaign for hankkerchiefs, donated by Macy's from New York, to raise funds for the fencing of irrigation ditches. (*Campaign Scrapbook, Parent-Teachers' Association of Reno, Special Collections Department, University of Nevada, Reno*)

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Book Reviews

Paradise Lost: California's Experience, America's Future. By Peter Shrag (Berkeley: University of California Press, 1999)

If the rest of the United States has lessons to learn from California, then Nevada (and particularly Southern Nevada) should be the first to heed them. After all, Southern Nevada is in many ways an out-of-state extension of the Southern California multicounty suburban complex, and both the north and south of Nevada have been traditionally tied by culture, economics, and politics to the Golden State. So Peter Shrag's *Paradise Lost* is a book that Nevadans should read with care. Shrag, a journalist who writes for the *Sacramento Bee*, has both covered California's political scene and taught public policy at Berkeley, and is thus in a position to synthesize the legislative and elective politics of California in a way that is readable—and relevant—to both interested citizens and policy professionals.

Shrag skillfully argues that the Californian "tax revolt," beginning with Proposition 13 in 1978, brought lowered expectations and an ongoing slide in the quality of California's public services. Indeed, by any imaginable yardstick, California has been transformed from a thriving, resource-rich state with an enviable array of educational and social services to a land where county governments teeter on bankruptcy, the vaunted free university system is no longer free, and once-welcome immigrants are increasingly viewed as threatening and burdensome.

This happened through a series of steps taken by California's electorate to protect its own best interests and, paradoxically, to preserve the quality of life of individual voters. Shrag pins the lion's share of the blame on California's plebiscitary short-circuiting of the legislative process—thanks to the citizens' liberal use of ballot initiatives to codify law on everything from property taxes to insurance reform to affirmative action. The neopopulist drive to hold down property taxes, for example, effectively undercut the primary funding for California's schools, resulting in a severe decline in the quality of elementary and secondary education. The emended tax codes, for a variety of reasons, heavily penalize home buyers (whose re-assessed taxes can be five times those paid by long-owning neighbors) and discourage new industrial development. None of this was intended by those who voted in 1978 in favor of Proposition 13 (most were, after all, homeowners who simply wanted to hold rising property taxes in check). But the constricting tax laws are nothing more or less than the will of the people, written into law without the mediating presence of a legislature.

Shrag dissects the implications of the neopopulist voter revolt within the framework of California's shifting demographics. We see that these radical measures took place only as California changed from "a society that thought of itself . . . overwhelmingly white and middle class to one in which whites will soon be just another minority and where Hispanics, Asians, and blacks already constitute a sizeable majority in school enrollment and in the use of many other public services" (pp. 10-11). Thus, Shrag hits at the core of the problem: California's voting citizens, in his interpretation, are predominantly white, elderly, and affluent, and those who use public services tend to be non-white, young, and poor. It is race, rather than economics, that is the primary driver of the fiscal backlash that has gutted education and public services. Thus, though it is "the people" who speak via the ballot initiative, Shrag believes that the people who vote are hardly representative of the people who live, work, and pay taxes in California.

The ballot-initiative process itself, rather than being a tool that enables informed voters to take an active role in democracy, has become yet another tool of special interests. In his chapter "March of the Plebiscites," Shrag traces the evolution of the media consultants, direct-mail specialists, and pollsters who orchestrate signature campaigns and mold public opinion via advertising—something that has become an industry in and of itself. The "concerned citizen" groups that ostensibly sponsor most initiatives are, more often than not, pieces in a shell game played by electoral marketers who focus-test an issue, seek out a sponsor, and then roll out the artillery, all in the name of direct democracy.

So what does all this have to do with Nevada? Nevada is, after all, a low-tax haven, with sales taxes and gleanings from gaming revenues filling the coffers. In the aftermath of September 11, it is clear that, in the event that the bottom ever does fall out of the gaming and tourist industries, this state could easily be facing the same problems that California is. *Paradise Lost*, in this regard, should serve as a cautionary tale, a reminder that the easiest political and fiscal choice is not always the best one. Furthermore, this book should remind Nevadans that no matter how flush their own bank accounts may be, it makes good civic sense to ensure that schools are being built and maintained, essential public services are being meted out, and new residents and businesses are not made to assume an unwieldy share of the tax burden. If a state with the diversified economy, abundant resources, and technological and entrepreneurial advantages of California can dig itself into such an abyss of decaying schools and crumbling infrastructure, then certainly the more marginal Nevada can as well. Those who fancy themselves civic minded, then, may want to read *Paradise Lost* before the Silver State founders, as did its golden neighbor, on the political and fiscal rocks of misinformed neopopulism.

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Moving Stories: Migration and the American West, 1850-2000. Edited by Scott E. Casper (Reno: Nevada Humanities Committee, 2001)

In *Moving Stories*, Scott E. Casper has brought together a diverse collection of essays that examine the immigration to and migration within the American West over the last one hundred and fifty years. Each of these essays challenges the traditional tale of east-to-west historical narrative that highlights the "progressive" nature of the experience. In many respects these new analytical narratives further weaken Frederick Jackson Turner's frontier thesis that the settlement of the frontier, i.e., the West, shaped Americans into a democratic, independent, and optimistic people. By focusing on the incredible diversity of experience of those who settled in the American West up to the recent decades, these essays examine racism, social marginalization, federal intervention, cultural hegemony, and other challenges to Turner's hopeful view of the West. It appears that this is Casper's primary goal for *Moving Stories*. Many of these essays are in line with recent scholarship of the American West that seeks to reveal the histories of participants in the western migration experience who tend to be left out of older histories. Also, the diverse manner in which these writers investigate their topics, from literary criticism to the analysis of oral histories, exposes the reader to a variety of ways to understand the western migration experience.

The first three essays explore the classic period of western migration beginning in the middle of the nineteenth century. Theresa Strouth Gaul, in "Some Is Writing Some Reading," analyzes the diaries and correspondence of overland women by comparing and contrasting their writings to literature and literary conventions of the time. The connections she makes are impressive at times for she demonstrates how one's culture is an ever-present influence on how one perceives new experiences. Though Gaul offers interesting interpretations of these women's writings, her heavy-handed literary criticism sometimes gets in the way of the overland women's voices. Linda Schelbitzki Pickle treats the memoirs of western immigrants in "The Frontiers Within and Without." Here her subjects are late-nineteenth-century German-speaking settlers in Kansas and Iowa who wrote their autobiographical accounts in the early twentieth century. Pickle makes effective use of historical context to position these personal narratives. Her analysis of these stories reveals the public world versus the private world of the writers, which is constructed largely from a gendered perspective. Gioia Woods offers an interesting essay from the perspective of those displaced by immigrants. In "Sarah Winnemucca," Woods examines the autobiography of a Paiute woman who traveled between the world of white culture and that of Native Americans. She notes how Winnemucca, in her autobiography, uses "we" more often than "I" to incorporate the story of her people as well as her own. Woods argues that in some respects Winnemucca's personal identity becomes inexorably wrapped up in the story

of her people, transforming her own identity in the process. Like Gaul, Woods uses critical literary theory to get at the significance of Winnemucca's writings and life experience, sometimes at the cost of historical analysis.

The myth of the West and the marketing of the West are the topics of the two subsequent essays in *Moving Stories*. In "Stephen Crane and 'Some Others,'" Matthew Evertson explores Stephen Crane's fiction and non-fiction western literature. Evertson finds Crane challenging the myth of the West as dime-store novelists were creating a popular vision of the West. From within Crane's work, Evertson explains the tension between the East and West, civilization and wilderness, law and survival of the fittest. He also places Crane's work into a larger historical context of American experience during the demise of the western frontier and the ascendancy of an American overseas empire. Reading Douglas M. Edwards's "A New Opportunity for the 'Man with the Hoe,'" one can understand the similarity between myth making and boosterism. Edwards offers one of the best essays in *Moving Stories*. He analyzes the marketing of Montana at the beginning of the twentieth century. According to Edwards, boosters, both public officials and capitalists, tried to sell Montana as a progressive, efficient, modern agrarian enclave in the American West. Edwards examines the sophisticated nature of this undertaking and expertly places booster literature and promotion within the context of the Progressive Era in the years before World War I.

The next three essays deal with the social constructs of blackness, whiteness, and racism in the migration west. Michael K. Johnson approaches the concept of blackness from a distinct perspective in "Migration, Masculinity, and Racial Identity" his treatment of Taylor Gordon's autobiography *Born to Be*." Johnson finds that Gordon has his own myth, of a West devoid of blatant racism. Gordon actually discovers racism as he goes east and simultaneously discovers blackness, thereby changing his own identity. In "At the Crossroads of Whiteness: Anti-Migrant Activism, Eugenics and Popular Culture in Depression Era California," Peter La Chapelle examines the loss of white status by Dust Bowl migrants to California during the Great Depression. La Chapelle offers an interesting account of the concept of race as defined by the ruling elite, who wield immense power in bestowing and removing white privilege when it suits their interests. Racism and racial hierarchy are subjects of Josh Sides's essay, "Rethinking Black Migration." Sides follows in the footsteps of Lawrence B. de Graaf, one of the first historians to seriously treat the east-to-west migration of African Americans. Sides focuses on the internal western migration of blacks from Houston to Los Angeles during World War II and provides a thorough account of what drove blacks out of Houston and what they found in Los Angeles. His examination of the social and political interaction among blacks, whites, and Latinos is well documented. Moreover, his passages on the renewed energy that Houston blacks brought to the pre-existing civil-rights movement in Southern California further make his essay a solid contribution to western social history.

The last three essays in this volume offer very different perspectives on western migration. Heather Fryer's "Into the Prefab West" presents a concerted attack on the Turnerian frontier thesis by examining the role of the federal government in western migration. Fryer examines Japanese internment, the World War II industrial community of Vanport, Oregon, and the atomic research center at Los Alamos, New Mexico. The federal government oversaw the development of all of these communities, fundamentally questioning the libertarian sensibility of the West. In "Spanish-speaking Mormons in Utah," Jessie L. Embry relies heavily on oral histories for an account of the Latin American Mormon immigration to Utah. The essay documents the motivations for immigration and the acculturation experience of Latinos in Utah. Even though Embry provides a detailed history of Mormon Latinos, the essay could have benefited from more analysis of the difficulties Spanish-speaking Mormons face in being fully accepted by an intensely socially conservative white population. The final essay is Marni Gauthier's "Better Living through Westward Migration." Here Gauthier analyzes the myth of the frontier in United States history and its accompanying "innocence" within the context of Don DeLillo's novels, especially *Underworld*. The literary criticism within this essay is almost impenetrable for a general reader, though dedicated students of western history may succeed in appreciating it.

Over-all, Casper has assembled a collection of essays that offer interesting and useful contributions to western literature. Some of the essays are more accessible than others, but that really depends on readers' interests and literary tastes. The photographs, illustrations, and other images scattered throughout the book are a fine addition to the individual essays. *Moving Stories*, though it would be of interest to general readers of western history, could also be a useful addition to an upper-division undergraduate or graduate course in the history of the American West.

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Jefferson's West: A Journey with Lewis and Clark. Edited by James P. Ronda (Monticello: The Thomas Jefferson Foundation, Inc., 2000)

Voyages of Discovery: Essays on the Lewis and Clark Expedition. Edited by James P. Ronda (Helena: Montana Historical Society Press, 1998)

The year 2003 brought various celebrations designed to commemorate the bicentennial of the Louisiana Purchase and the subsequent Lewis and Clark Expedition, which Thomas Jefferson called the Corps of Discovery. Amid the hoopla of historical re-enactments and the welter of souvenir trash that clogged

western tourist traps, it is encouraging to know that some fine historical writing was also available for consumption. The two books under review here establish a benchmark of quality that bodes well for the future of Lewis and Clark scholarship.

Mustering some thirty-odd men funded by the United States government, the Corps of Discovery launched our nation's first official scientific expedition into the West. According to detailed instructions that Jefferson penned for Meriwether Lewis, the principal objective of the expedition was to locate an all-water route to the Pacific. The Corps of Discovery was also instructed to record meteorological data, and to collect ethnological, botanical, geological, and natural history materials. In essence, its mission was to take an initial inventory of resources in the vast tract of land called Louisiana. Service to science, however, does not entirely explain why it was that Jefferson, the acknowledged main spring of the venture, set it in motion. Lewis and Clark were ordered to undertake a hard-headed, pragmatic economic inquiry. But they also went to the Pacific in order to verify and validate two widely held notions: that the West was the "Garden of America," and that it would become the well-spring for Jefferson's idealized future "Empire of Liberty." Predicated upon what Ronda calls a geography of hope, Thomas Jefferson imagined the Far West blossoming into a cradle of liberty, nurtured and guided by the sturdy yeomen of America. He assumed that as the embryonic American empire developed, it would somehow eschew the morally questionable practices of earlier colonial powers in America. He also believed that Anglo-Americans were "united in one family with our red brethern [*sic*]," and expressed his hope that the Indians "shall not lose by the change" in the impending transfer of sovereignty from Spain and France to the United States. These issues related to the historical fallout from the Lewis and Clark expedition, as well as others, merit serious attention. Fortunately, both of these books illuminate significant aspects of Jefferson's dreams and plans, Lewis and Clark's travails and triumphs, and the meaning of the West in American history and thought.

Jefferson's West: A Journey with Lewis and Clark joins the ongoing Monticello Monograph Series, launched in 1993 to commemorate Jefferson's 250th birthday and with the intent to publish works "of enduring value on various aspects of Jefferson's diverse interests and legacy." James P. Ronda's trademark elegant prose is just the right vehicle for laying the background for, and raising provocative questions about, the national mythology surrounding the Corps of Discovery. This little book also throws light on Jefferson's two visions of the West, consisting essentially of "The Passage to India," and the "Empire of Liberty." In brief but thoughtful essays, Ronda describes Jefferson's fascination with western exploration, and identifies the path that led to a collaboration between the president and his two captains. Focusing on several days interspersed over the course of the journey, Ronda lucidly contrasts the activities of

Jefferson and those of the expeditionary men during the same days, thus exposing some of the ambiguities of the intellectual and physical discoveries that took place between 1804 and 1806. Ronda finishes with a brief discussion of the difficulties that ensued after the expedition returned to Saint Louis in 1806, when Jefferson requested that Lewis write the report of this "vast enterprise." Publication was delayed until 1814, when the Nicolas Biddle edition—a much truncated version of what Jefferson actually wanted—appeared, only to be greeted by low public interest and meager sales. This brief book is a worthy introduction to the legacy of Jefferson and his Corps of Discovery.

The second book, *Voyages of Discovery: Essays on the Lewis and Clark Expedition*, is a splendid collection of sixteen first-rate articles, spanning several decades of scholarship dealing with the expedition led by the men who Donald Jackson called the "writingest explorers in American history." Divided into an introduction, five topical sections, and an afterword, this book conveniently assembles a variety of documents and articles that helps explain the expedition and its meaning in American history. An impressive roster of contributors, several of whom are deceased, is here represented. James P. Ronda edited the book and has included some of his own well-known writing as well as much fresh insight. John L. Allen discusses geography and its relationship to perceptions of the West. Silvio Bedini elucidates Lewis's scientific training and describes the expedition's scientific instruments, and their limitations. Ronda offers a nod of acknowledgement to Bernard DeVoto (whose 1951 abridged edition of the journals helped to spark a resurgence of scholarly and popular interest in Lewis and Clark) by including DeVoto's prose sketch of the expedition's Christmas Days in 1804 and 1805. John C. Ewers, who helped pioneer multidisciplinary Native American historical research, writes about Native responses to the expedition. Albert Furtwangler describes the "Crossfire of Wit" between the federalist John Quincy Adams and his political rival, the republican poet Joel Barlow, who developed divergent assessments of the expedition's importance in 1807. Donald Jackson, who presciently called for a new edition of the journals in 1967, points out that Jefferson's relationship with Lewis initially grew out of Jefferson's desire to downsize the army's officer corps. Gary E. Moulton, who recently completed a twenty-year project to publish the University of Nebraska Press's definitive edition of Lewis and Clark's journals, summarizes some key ideas that directed that monumental editorial work. These books will make excellent reading for scholars and students interested in the Lewis and Clark expedition.

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Organized Crime and American Power. By Michael Woodiwiss (Toronto: University of Toronto Press, 2002)

The Purple Gang: Organized Crime in Detroit. By Paul R. Kaveeff (New York: Barricade Books, 2000)

Michael Woodiwiss, a senior lecturer in history at a British university, and Paul Kaveeff, an engineer and student of history, have written quite different types of books on crime. Some readers interested in organized crime will find Woodiwiss's book quite valuable, others will find Kaveeff's book enjoyable.

Woodiwiss's fundamental goal is to place a variety of manifestations of organized crime in America within the context of power. In the introduction he prepares the reader for what is to come, writing, "Indeed, from the beginning, the U.S. legal and criminal justice systems were set up in ways that showed a great deal of latitude to certain kinds of organized criminal activity." He directly and convincingly challenges the rather widespread beliefs that much of organized crime in America has been a foreign import and that the United States has of all nations had the most success in combating organized crime. He acknowledges that his task is made more difficult by the constant recycling of these fictions in the print and electronic media. In contrast, Kaveeff, in his quite brief preface, focuses on the violence and corruption that the sons of Jewish immigrants perpetrated on the people of Detroit. Unlike the British academician, he avoids placing the events he describes in any grand scheme.

Woodiwiss proceeds to develop his argument in the manner one would expect of an historian, that is, he does so chronologically and with appropriately copious documentation of sources. After devoting about fifteen pages to what he terms the old world antecedents, he launches into a discussion of smuggling, land theft, and customs racketeering. As is the case with subsequent topics, Woodiwiss does not break any new ground but covers the material in forceful style, reminding the reader frequently enough that the most effective criminals are almost always those who hold economic and political power. Perhaps, given his British citizenship, it is not surprising that Woodiwiss emphasizes that expansionism more than any sort of libertarian commitment was behind both the American Revolution and the Constitution that followed. Yet he does acknowledge that British ineptitude, inflexibility, and corruption helped the wealthy expansionists gain the support of the few American radicals as well as the majority of white colonists. Woodiwiss then goes on to deal with the Yazoo and other land thefts and scandals, the horrors of the slave trade, and the nearly genocidal policies toward Native Americans formulated by the economic and political elite.

In the next chapter the British historian focuses on racism and organized crime in the post-Civil War South. Using a variety of respected secondary sources, he argues effectively and passionately that the story of the post-Civil

War South, at least through the mid twentieth century, was one of political terror, criminal exploitation, and economic stagnation. Woodiwiss, once again drawing upon diverse secondary sources, explains the origins of the American Mafia myth in discussing the lynching of eleven Italian immigrants (actually the eleven Italian immigrants were either shot or clubbed to death by a mob before they were lynched as a message to others who might challenge the white power structure in New Orleans).

Chapter 3 finds Woodiwiss providing example after example of corporate organized crime from the end of the Civil War to the beginning of the Korean War. He covers territory familiar to students of American history—the machinations of Jay Gould and Jim Fisk, Standard Oil's gaining of a near monopoly on refining and distribution, the recruitment of thugs and national guardsmen to break strikes in the mines and factories—as well as twentieth-century racketeering, often undertaken by immigrants and their sons, especially in the construction trades, the entertainment industry, and along the waterfronts of cities from New York to San Francisco.

Woodiwiss again demonstrates the breadth of his reading on American social history in his chapter "America's Moral Crusade and the Organization of Illegal Markets, 1789-1950." He amasses an impressive array of books, scholarly articles, and reports of government commissions to substantiate his claim that the multitude of laws prohibiting gambling, prostitution, alcohol, and an ever-increasing variety of mood-altering drugs have changed only the manner in which producers, sellers, and buyers interact and indeed have facilitated new fields of criminal enterprise. Once again, academicians interested in the phenomenon of organized crime will find little if anything that is novel in Woodiwiss's approach, but will acknowledge that he writes persuasively.

The title of Chapter 5, "Organized Crime and the Dumbing of American Discourse, 1920 to the Present," perhaps conveys the strong feelings that Woodiwiss brings to the matter of popular perceptions of organized crime in America. Like the overwhelming majority of criminologists and other academicians who study this issue, Woodiwiss bemoans the Mafia conspiracy theory that began in the 1930s and took hold in the American consciousness by the late 1950s. And, as do so many of his colleagues, he cites example after example to refute the idea that forces outside the mainstream American culture threaten our institutions, and that therefore those institutions must be strengthened so that the Mafia cancer may be driven from our great land. He suggests that, with Nixon's resignation under threat of imminent impeachment and then conviction, many Americans came to understand that in the name of crime fighting too much power had been given to individuals in government who were as dangerous as the *mafiosi* they were supposed to apprehend. The evidence he marshals for this assertion fails to convince this reviewer. In any case, Woodiwiss notes that the Mafia myth, even as the FBI tapes of aging Italian-American gangsters in the New York area make the American Mafia appear as

a loose grouping of geriatric buffoons, continues strong right into the twenty-first century.

Chapter 6 takes up where Chapter 3 ended, as Woodiwiss provides a well-documented account of the high points of corporate racketeering for the past half century. After noting the increasing concentration of control over the production of goods and services, he discusses the extensive and mutually beneficial relationships among the corporate executives of shipping and transportation companies, corrupt union officials, dishonest physicians and lawyers, and mobsters along the waterfront in the 1950s. Woodiwiss then reviews a host of scandals from the Teamsters' Union racketeering to price fixing by America's largest corporations to the savings-and-loan debacle, and ends the chapter with numerous examples of egregious corporate violations of local, state, and national environmental and occupational safety laws.

Appropriately, Woodiwiss devotes a chapter to America's long, long war on drugs before concluding his book with an explanation of how America's domination of the global economy has led to a global dumbing down of discourse on crime. In the former, he recounts the usual absurdities of America's futile struggle to stop its citizens from ingesting mood-altering substances and indicates that he sees no hope on the horizon given the extent of the interests vested in continuing this never-ending war. In the latter, he discusses the many examples of United States corporations locating production and distribution systems abroad so that they might escape the reach of American law. In the closing pages of his quite comprehensive treatment of crime and power, Woodiwiss bemoans the ability of American policy makers to foist their unrealistic views regarding the nature and extent of organized crime on the world community.

In contrast, KaviEFF is critical of very little, even as he recounts the murders and mayhem of those Detroit bootleggers, thieves, and thugs known to the press, if not always to themselves, as the Purple Gang during Prohibition. He attributes about five hundred murders to the sons of eastern European Jewish immigrants, but expresses no moral outrage. In contrast also, the amateur historian provides great detail about many of the crimes of the Bernstein brothers and other alleged Purple Gang members, but never informs the reader of his sources. Indeed, even when KaviEFF tells the reader of the emotional state of a particular gangster, he offers no explanation of how he might have gained such intimate knowledge.

As is the case with so many crime writers, KaviEFF shares with readers the presumed nicknames, some of them no doubt the creation of Prohibition-era journalists, of the criminals he introduces. Also, once again in tandem with many of his colleagues, he often attributes to those Detroit bootleggers, thieves, and thugs whose names ended in vowels membership in the Mafia, without even attempting to define what it might be. These are time-tested approaches to ensuring that at least some who—perhaps attracted by a book jacket that includes a homicide victim, an auto destroyed by a bomb, and a motley group

of rogues at a police lineup—picked up his book, might then purchase it. Thirty-two pages of pictures of the rascals and rogues whose criminal activities he addresses also serve to ensure a reasonable level of sales for Kaviëff's book.

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Unbound Voices: A Documentary History of Chinese Women in San Francisco. By Judy Yung (Berkeley: University of California Press, 1999)

In *Unbound Voices: A Documentary History of Chinese Women in San Francisco*, Judy Yung brings together hard-to-find documents and oral-history interviews to create an invaluable collection of sources for the study of Chinese immigrant and Chinese-American women. In part, this new collection functions as a supplement to Yung's 1995 monograph, *Unbound Feet: A Social History of Chinese Women in San Francisco*, from the same publisher. *Unbound Voices* largely recapitulates the earlier book's argument that, freed from traditional constraints by "the influences of Chinese nationalism, Christianity, and acculturation into American life," Chinese-American women gradually escaped their "bound feet and bound lives" until, by the end of World War II, they were "in step" with American women, though they continued to struggle with racism, sexism, and the balance between China and America. (*Unbound Feet*, 6; *Unbound Voices*, 3, 7) Readers of the monograph will recognize the same structure, and even the same chapter titles, in *Unbound Voices*. Indeed, Yung includes here only documents and interviews originally cited in *Unbound Feet*. However, *Unbound Voices* also stands alone as a resource for readers interested in Chinese-American women's history and as a useful tool for teachers of historical methodology.

This book adds tremendously to the range of published sources by and about Chinese immigrant and Chinese-American women. Delving into her "sixteen vertical file drawers" of documents and interviews, Yung has brought together a broad range of fascinating sources, including Chinese proverbs, articles from San Francisco's Chinese-language newspapers, speeches, poems, previously unpublished autobiographical material, and oral-history interviews collected by Yung and others (p.2). Given the relative scarcity of documents about these women's lives, this is a great resource for scholars, teachers, and interested readers alike, lending, as Yung says, "immediacy, urgency, and reality to the lives of Chinese American women [and allowing] a diverse group of women to express themselves as active agents in the making of their own history" (p. 3).

While providing a treasure trove of documents, Yung also comments extensively on the process and challenges of piecing together conflicting sources to reconstruct these women's lives. In an introductory essay entitled "Lessons

from *My Mother's Past: Researching Chinese Women's Immigration History*," Yung uses her family history to demonstrate "the complications involved in researching Chinese women's history" (p. 9). Yung reminds her readers, with a range of examples from her mother's past, that "no document—whether a legal affidavit, an immigration transcript, a letter, or an oral history interview—should be taken at face value" (p. 9). By sensitizing readers to the hazards of working with historical documents, Yung suggests that all of the sources in her book must be read with a similarly critical eye. Yung uses footnotes, introductions to documents, and a lengthy appendix on oral history to highlight methodological points throughout the book. Indeed, both the introduction and the appendix could stand alone as useful teaching tools. Her book thus becomes a lesson in methodology as well as a collection of sources.

Given Yung's attention to methodology throughout this volume, some questions remain. First, why did Yung choose to include only sources cited in *Unbound Feet*? While the documents and interviews included here clearly express a range of viewpoints, they tend to have been written by educated, middle-class, often Christian women, raising the question of how representative these women really were of the experience of the Chinese-American woman. Since Yung has made a point of discussing the difficulties of working with scarce documents, I wish she been more explicit about this decision. Were these the best or most extensive sources available, or did Yung choose only these sources from a desire to make this collection a close parallel to *Unbound Feet*? As part of her methodological discussion, Yung might have also have explored more fully the limitations of documentary, and even oral history, sources for exploring the history of subaltern groups.

Unbound Voices is a book I am proud to have on my shelf. The historical footnotes and ample introductions to each chapter and document provide enough context to make this far more than just a collection of documents. In addition to dozens of documents and interviews, the book also includes nearly fifty maps and photographs, giving faces as well as voices to the women in this collection. Scholars, teachers, and general readers alike will find this a valuable and enjoyable collection.

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Henry M. Jackson: A Life in Politics. By Robert G. Kaufman (Seattle and London: University of Washington Press, 2000)

By any standard, Henry M. "Scoop" Jackson is a major figure in twentieth century United States political and diplomatic history. He is richly deserving of the meticulously researched and comprehensive biography written by the University of Vermont political scientist Robert G. Kaufman, a volume that should be considered must reading for any student of the nation's strategic and defense policies during the Cold War.

Born in the blue-collar town of Everett, Washington, in 1912, Henry Jackson exhibited throughout his life habits of moral probity, thrift, and hard work that made him a highly attractive and popular candidate and ultimately led to six terms in the United States House of Representatives and more than five terms in the United States Senate. He demonstrated courage in standing up to Senator Joseph R. McCarthy in the early 1950s and proved to be what Senate insiders call a "work horse" rather than a "show horse," leaving his imprint on many significant environmental measures during his tenure as chair of the Senate Interior Committee in the 1960s.

Apart from the biographical recounting of Henry Jackson's life, several important and interrelated themes run through this book. Jackson is portrayed with good reason as the classic Cold War liberal, devoted to support of New Deal/Fair Deal programs under presidents Franklin Roosevelt and Harry Truman and of the cause of organized labor, and, following World War II, equally devoted to the containment of Soviet communism. By the presidencies of John Kennedy and Lyndon Johnson, as a result of growing public unhappiness with United States involvement in Vietnam, the Democratic Party experienced internal schism, with the new antiwar majority favoring withdrawal from America's role as leader of the Free World. Kaufman sees that as a disaster for Democrats politically *and* for people around the world oppressed or threatened by Soviet totalitarianism. Also high on Jackson's agenda was a concern, always viewed in a Cold War context, for Israel's safety in the midst of hostile Arab neighbors backed by the Soviet Union. As the Democratic Party descended into chaos and defeat, Henry Jackson's personal power increased, encouraging unsuccessful bids for his party's presidential nomination in 1972 and 1976.

Different people viewing the same body of evidence may come to very different conclusions about its meaning. Indeed, historians are sometimes accused of refusing to reveal their fundamental assumptions. No one will accuse Robert Kaufman of *that*; this is clearly a book with a point of view. While not an official biography per se, from the "Prologue" on, the author makes no secret of his admiration for Jackson (comparing him with Calhoun, Clay, Webster, La Follette, and Taft) and essentially crediting his hero with keeping Cold War anticommunist strategy alive until Ronald Reagan's administration could use his ideas to deliver the coup de grâce to the evil empire of the Soviet Union and win the Cold War.

Despite the author's generally friendly attitude, he is not uncritical of certain parts of the senator's career. In the age of television, Jackson's conspicuous lack of charisma limited his national appeal. Kaufman spends somewhat less time on Jackson's domestic record than on his national-security efforts, but does express disappointment that the senator "excessively distrusted private markets" and always believed "in the efficacy of government intervention in the economy and the need for . . . a massive welfare state" (p. 443). Not everyone will agree. Of course, this book was written before the Enron debacle, but surely the deregulation of the Jimmy Carter and Ronald Reagan administrations played a role in the sometimes illegal and ruinous machinations of the savings-and-loan industry and the financial piracy on Wall Street during the 1980s. So, once again, readers need to understand Kaufman's personal political and philosophical orientation.

Others will have trouble sharing Kaufman's enthusiasm for Jackson's efforts in the area of national-security policy (although his citations reveal a thorough perusal of views different from his own and often direct the reader to alternative interpretations). As early as the Vietnam era, the senator was often villified by those who emerge as the villains in Kaufman's analysis: the "New Politics" Democrats who failed to understand the truly malevolent and aggressive nature of the Soviet Union and the critical role of power—military and moral as well as economic—in world affairs. Not quite so reprehensible, but misguided still, were the "declinists" like Henry Kissinger and Richard Nixon, who felt that the Soviet Union could be treated like any traditional empire and assumed that, with the historical tide running against the United States, efforts to seek détente with the Kremlin were in order. Scoop Jackson regarded such efforts as dangerous and futile. From the late 1960s through the Carter administration, it was largely up to Jackson and his allies to keep the advocates of conciliation from doing irreparable harm to the nation's defenses and vital interests. The fact that, partly as a result of the extraordinary power wielded for many years by Jackson and his Democratic colleague Warren Magnuson, Washington state was home to a number of important defense industries is generally discounted. The label "Senator from Boeing," according to the author, was a bum rap.

On the other hand, Kaufman's description of the various forms of diplomatic realism is informative, and he is surely correct in denying that ideals and national interest can be treated as mutually exclusive (p. 449, note 4). Whether Henry Jackson struck the right balance is the question. Some will continue to doubt whether the United States can, or should, endeavor to reshape the world in its own image. Nearly forty years ago, John Kennedy suggested that, as great as our power is, with only 6 percent of the world's population (down to less than 5 percent today), there cannot be an American solution to every problem.

Ultimately, ends and means must be kept in balance.

It is also instructive to consider those whose foreign-policy views Jackson regarded as defective—and with whom he failed to connect in a personal way. Henry Jackson, like Kaufman, may have regarded Adlai Stevenson as “an elitest, a critic rather than a celebrator of the common man” (p. 69), but others saw in Stevenson’s alleged indecisiveness an appreciation for the complexity of the world and its problems that the more simplistic intelligence of Jackson missed. The same could be said for J. William Fulbright or unnamed college professors who come off in this account as hypocrites and archenemies of Jackson’s efforts to keep America strong. Is it possible that his dislike for such people came partly from his own more pedestrian intellect? During the struggles over strategic-arms limitation in the 1970s and 1980s, millions of Americans feared for the future of civilization as the megatonnage accumulated on both sides of the Iron Curtain to levels where second and subsequent strikes would only serve, as the saying went at the time, to “make the rubble bounce.” Historians, mindful of countless examples of humanity’s past miscalculations, are rather inclined to believe in Murphy’s Law: If something *can* go wrong, sooner or later it will. That is a particularly worrisome thought when it comes to the control of weapons of mass destruction. If such things worried Henry Jackson, it was hardly evident in his efforts to curtail or sabotage arms agreements.

For those who like their history “relevant,” however, it should be pointed out that Jackson’s influence continues down to the present through the roles still played by neoconservatives who began their careers as “Jackson Democrats” and sometimes as members of his staff. When we pick up the morning paper and find references to Paul Wolfowitz, Richard Perle, Elliott Abrams, Jeane Kirkpatrick, or other people influencing defense and foreign policy in the administration of George W. Bush, it is helpful to know where they came from and what earlier events shaped their understanding of global geopolitics. Kaufman’s exhaustive research in archival materials and a wide range of printed sources in addition to scores of interviews with Jackson’s associates—friends and enemies—has yielded a densely packed but eminently knowledgeable study of one of the last half-century’s pre-eminent advocates of a powerful United States role in the world. Whatever the reader’s personal view of Henry Jackson’s place in recent American history, this is a book well worth reading.

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Cultivating California: Growers, Specialty Crops, and Labor, 1875-1920. By David Vaught (Baltimore: The Johns Hopkins University Press, 1999)

David Vaught has written an important book which should enjoy wide readership and stimulate considerable debate. By his own account, when setting out to write on labor relations in California's specialty agriculture, Vaught, as did most California historians, accepted the analysis of California's farm-labor relations found in Carey McWilliams's *Factories in the Field*, published in 1939. There, McWilliams explained the widespread unrest in California's fields during the Great Depression as manifestations of a system of farm labor relations found in California since the 1880s and best represented in the so-called Wheatland Massacre on the Durst hops ranch in August 1913. Vaught soon discovered, however, that the McWilliams model of "farm factories" and "industrial agriculturists" had not applied—at least in the late nineteenth and early twentieth centuries—in the Fresno raisin fields, the Placer County fruit belt, and amongst the almond growers near Davis, where his research was centered. Furthermore, Vaught concluded, even the Wheatland affair had been misunderstood by historians too eager to accept uncritically Carleton Parker's assessment of that unhappy event, as well as to overlook the distinctions between the culture of raisins, fruit, and almonds on the one hand, and that of hops on the other.

Instead of narrow, profit-driven "proto farm-fascists" tyrannizing over beaten-down laborers, Vaught finds self-proclaimed horticulturists with strong regional characteristics. These men believed themselves representatives of "a higher form of agriculture" (p. 48) which could lead California beyond the toils of industrial capitalism toward a middle landscape located somewhere between the isolated yeoman farmer of Jefferson's vision and the anonymous dweller in the brutal and crowded industrial city, a landscape of virtue, community, and profit. In Vaught's view, the hopes of these horticulturists would be dashed in the early decades of the twentieth century as changing circumstances persuaded them to embrace marketing based on crop standardization and to depart from the "more personal" (p. 53) and regional systems of labor relations which had characterized their earlier efforts. Furthermore, the horticultural ideal which had been so important in California's nineteenth-century culture, and which had fueled the hopes and dreams of the horticulturists, no longer enjoyed pride of place. Instead "oil, tourism, motion pictures, and other burgeoning industries stole some of its luster" (p. 156) in progressive and post-progressive California. Nor was the progressive state inclined to support the horticulturists and the conditions which had structured their lives. According to Vaught, these changing conditions, the impact of World War I, and, for example, the "influx of Mexican workers" (p. 185) in the case of almond grower George W. Pierce, Jr. moved specialty agriculture in California away from its earlier ideals and closer to the conditions associated with the McWilliams analysis. Thus, Vaught con-

tends, historians searching for the origins of the “factories in the field” need to look in the first two decades of the twentieth century and not in the 1880s, at least where specialty agriculture is concerned.

Cultivating California delves deeply into labor relations in California’s specialty agriculture, and certainly qualifies as an historical monograph of great importance to scholars of that subject. The book’s great strength, however, and the reason it deserves a wide readership is its author’s ability to stimulate thought about several important historical subjects beyond the narrow limits expressed in its subtitle. First of all, Vaught’s work reminds readers that much work remains to be done regarding California’s agricultural history and that part of that work requires recognition of the variety of agricultural practices and regions within the state over time. Furthermore, *Cultivating California* appears as part of The Johns Hopkins University Press *Revisiting Rural America* series and represents an effort by Vaught and the editors of that series to encourage the writing not only of California’s agricultural history but of its rural history as well. And last, Vaught’s book raises healthy questions about the present historiography of California and about the impact of particular seminal works such as *Factories in the Field* on that historiography. In *Cultivating California*, David Vaught has done what good historians are supposed to do: He informs attentive readers about the particular while encouraging them to reflect upon the general.

Vaught writes in a clear style free of jargon, and that is a very good thing because the book is notable for the complexity of its arguments and for the quantity of detail included in support of those arguments. The endnotes are full and helpful (despite being endnotes rather than footnotes) and the “Essay on Sources” provides readers with well-informed guidance to both primary and secondary materials. Useful photographs, drawings, and several maps complement the text.

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William Mulholland and the Rise of Los Angeles. By Catherine Mulholland (Berkeley: University of California Press, 2000)

In November 2002 voters, given the opportunity to decide whether the San Fernando Valley region should secede from the City of Los Angeles, opted against it. Catherine Mulholland’s fastidiously researched book is, therefore, both timely and instructive. It is in equal parts “an account of how a small pueblo in a semiarid basin was able to secure the water and power that allowed it to grow into a major city” (p. xvii) and a biography of William

Mulholland, the man who did more than any other to provide those vital resources and to assure their public ownership. Along the way, the book chronicles the legal decisions establishing the rights of the city of Los Angeles to the aquifer beneath the San Fernando Valley (the source of the Los Angeles River whose waters belong to Los Angeles by Spanish grant) and to the water imported via the aqueduct Mulholland built between 1905 and 1913. To assure access to both sources of water, Valley communities annexed themselves to Los Angeles in 1915. Secession, in the face of this history of water rights, is risky.

In 1905, the small western city of Los Angeles, on the say-so of a self-taught engineer, undertook the construction of a 235-mile aqueduct to bring Owens River water across mountains and desert to meet the demands of expected urban growth. The engineering, financing, legal, political, and logistical challenges to such a project in that era stagger the imagination. That the Los Angeles Aqueduct was successfully completed in 1913, that it also furnished municipally owned hydroelectric power, and that the city went on to acquire water from the Colorado River—largely attributed to the efforts of one man, William Mulholland—make the story worth telling.

It has been told before, each time from a different perspective [Chalfant (1933), Nadeau (1950), Ostrom (1953), Wood (1973), Hoffman (1981), Kahrl (1982), Sauder (1994)]. It might be anticipated that Catherine Mulholland's telling would attempt to lionize her grandfather and refute his detractors. She does some of this, but she focuses less on the individual than on the gargantuan task of piping a distant river to a water-short but high-growth city, told from the viewpoint of the city water department's chief engineer, his allies, and his opponents. The weakest portion of the book, a strictly biographical account of Mulholland's early life, relies on nineteenth-century raconteurs and fond family tales. The book's greatest strength is not as biography but as urban history. Catherine Mulholland's chief contribution is to bring rich new research to the story, making it essential reading for an understanding of Los Angeles from the 1880s through the 1920s, and of the relationship of water infrastructure to urban development anywhere.

The author builds on previous studies, to which she adds the advantage of full access to Los Angeles Department of Water and Power archival material (Mulholland's office files, 1902-1914; press-clippings books, 1902-1942; and a file of Owens Valley historical documents) unavailable to earlier researchers. She also makes admirable use of the papers and journals of a number of contemporary Los Angeles business and political leaders.

The discovery of William Mulholland's office files dictated a strictly chronological, rather than topical, approach. Marched year-by-year through the key period of 1905-1913, the reader's focus on the aqueduct story is interrupted (as was William Mulholland's) by local complaints of poor water quality, the construction of city reservoirs unrelated to the aqueduct, requests for expert testimony on other regions' water proposals, etcetera, hindering comprehension of

ongoing issues such as the pattern of bond-funding crises and the struggles for municipalization of electric power. In the long run, the calendrical approach holds value. First, we are reminded of the incessant and sometimes conflicting demands of operating a vital public utility even while the enormous engineering work was under way, and of the impact of the Los Angeles Aqueduct on water development throughout the West. Second, future students of water and/or Los Angeles history will find the chronological approach easy to follow.

Catherine Mulholland generously shares the credit her grandfather received. She chronicles the contributions of his right-hand man and successor, Harvey Van Norman; the indefatigable legal counselor, William B. Mathews; and the many others, from the nation's engineering experts to the lowliest day laborer, who made the aqueduct a reality. Labor historians will find the detailed account of the pay of the three thousand workers, their working and living conditions, and labor-management relations very useful, especially since the author sets it in the context of the rise of the Socialist Party in Los Angeles and the 1910 bombing of the *Los Angeles Times*. She admits Mulholland's problematical intransigence and even reveals what could have been viewed as a conflict of interest (simultaneous employment as chief of the water department and service to the Dominguez Land Company) if it had come to the attention of his critics at the time (p. 239). The author finds it difficult to comprehend the motives of Mulholland's detractors and opponents, but, in the case of individuals, if not of private power companies, she makes a substantiated effort (e.g., 293). She finds it necessary to counter charges that have tainted his reputation. For example, in battling old charges of urban villainy against unsuspecting Owens Valley ranchers, she cites a substantial correspondence between Mulholland and local surveyors and notes water bureau drafts, cashed locally for supplies and work, as evidence of an aware and compliant "victim" (p. 113).

William Mulholland and the Rise of Los Angeles ends like a biography, with Mulholland's death, rather than with the completions of his Boulder Dam, Colorado River aqueduct, or the Owens aqueduct extension. Nevertheless, the book is not simply a biography. Vignettes, one-liners, quotes from his letters and contemporaries' accounts dance around the man—a "man's man," a curmudgeon, a stubborn Irishman, an engineering master-builder—but there is little here of the grandpa, father, or husband. William Mulholland remains a bigger-than-life monument. But thanks to painstaking research, he is more credible than ever before, more conflicted, a bigger achiever in light of the multifarious challenges and responsibilities revealed by previously untapped sources. More than a biography, and less than a total account of a city's rise, this work is a major contribution to our understanding of the highs and lows of an astounding project in city-building, and of the men and times that made it possible.

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Travels with My Royal: A Memoir of the Writing Life. By Robert Laxalt. Foreword by Cheryll Glotfelty (Reno and Las Vegas: University of Nevada Press, 2001)

"If Walter Van Tilburg Clark is the patriarch of Nevada letters, Robert Laxalt is the man who inherited the master's mantle" (Ann Ronald in *Updating the Literary West*, Thomas J. Lyon, ed., 1997, p. 246). The above statement summarizes perfectly Robert Laxalt's highly significant contribution to the development of contemporary western literature and his fundamental role in Nevada letters. Laxalt (1923-2001), son of Basque immigrants, has achieved a well-deserved reputation by his ability to portray the lifestyle of the Basques both in Europe and in the New World, and he is unanimously regarded as the main literary spokesperson for the Basques in the American West. Laxalt has also written successful works dealing with other ethnic groups and with western subjects in general. In fact, his impressive literary career consists of seventeen books, the last of which is the posthumously published *Travels with My Royal*, a memoir that contains engaging vignettes of Laxalt's youth, a lively description of his immersion into journalism, and a very interesting insight into the writing process of his major books. The title of the book stresses Laxalt's long-lasting devotion to writing by referring to the 1940s-era Royal portable typewriter—a gift from his mother—on which he wrote all his books and magazine articles.

Travels with My Royal is a novelty in Robert Laxalt's literary production. Certainly, Laxalt had written other memoirs in the past, such as *The Land of My Fathers: A Son's Return to the Basque Country* (1999), *A Private War: An American Code Officer in the Belgian Congo* (1998), *A Time We Knew: Images of Yesterday in the Basque Homeland* (1990), *In a Hundred Graves: A Basque Portrait* (1972), and his landmark immigration tale, *Sweet Promised Land* (1957). However, *Travels with My Royal* is the first book where Laxalt, apart from narrating different episodes of his life, openly discusses his previous writing. In fact, the whole third section of *Travels with My Royal* ("Selected Books and How They Came to Be"), which amounts to almost half of the book, deals with the creative process involved in seven of his major works. Laxalt comments on the genesis of these books, the building of particular characters (he even reveals the true identity of some of his fictional characters), or the choice of structure and plot. Particularly illuminating are his explanations of the genesis of *Sweet Promised Land*, his detailed analysis of the main characters in *A Man in the Wheatfield* (1964), his discussion of the different levels of comprehension present in *A Cup of Tea in Pamplona* (1985), and also his references to the interaction between the narrator and the setting in *In a Hundred Graves: A Basque Portrait*. In contrast, the chapter devoted to his superb Basque-family trilogy, consisting of *The Basque Hotel* (1989), *Child of the Holy Ghost* (1992), and *The Governor's Mansion* (1994), turns out to be somewhat disappointing because most of it is merely a summary of the plot of these three novels.

The first half of *Travels with My Royal*, containing the sections "Growing Up" and "Writing Days," is aptly defined by Cheryll Glotfelty in the foreword as "a portrait of the artist as a young Nevadan" (p. xx). In this part Laxalt resorts to his usual simple but evocative prose to convey a vivid picture of his youth in Nevada and also of his reporting days both at home and abroad. It is not a straightforward autobiography, but a mosaic of different vignettes in which Laxalt recreates significant moments of his past. Probably he is aware of the fact that the reconstruction of one's memories through a traditional linear chronology often turns out to be a utopian aim and that therefore, we must limit ourselves to capturing only glimpses of the past.

In *Travels with My Royal* Laxalt's depiction of his early life in Nevada and of his most striking assignments as a reporter demonstrates once again his literary gift of being able to evoke a vanished era and also to convey the essence of particular places, such as the Grand Canyon, the pampa of Argentina, or the Basque Country. Nevertheless, the strength of *Travels with My Royal* lies mainly in its unique insight into the origins and evolution of Laxalt's major works. Certainly, "the creative process is largely unexplainable," as Laxalt himself states in this book (p. 135). He even used to insist, in all modesty, on the fact that his works should speak for themselves, as he reminded me on the several occasions when I interviewed him about his writing (1995-2000). Talking with Laxalt about his literary production was always a rewarding task and provided me with a wider understanding of his most engaging books. Reading *Travels with My Royal* becomes an even more delightful experience because we are introduced to some of the secrets behind the outstanding career of Nevada's finest contemporary writer.

David Rio
University of the Basque Country

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