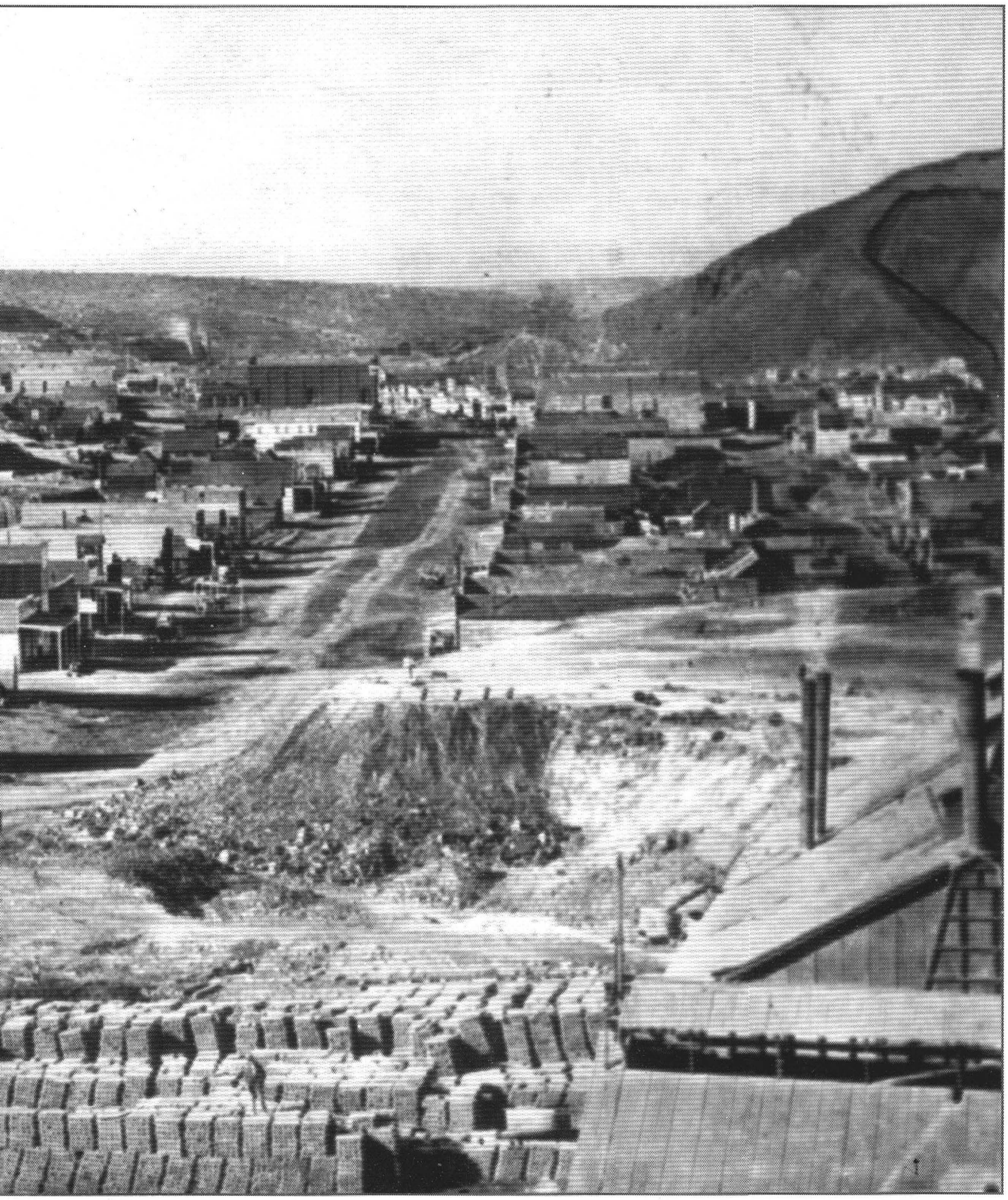
Nevada

Historical Society Quarterly



FALL 2004

Nevada Historical Society Quarterly

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

Prospective authors should send their work to The Editor, *Nevada Historical Society Quarterly,* 1650 N. Virginia St., Reno, Nevada 89503. Papers should be typed double-spaced and sent in duplicate, along with a copy on disk (in MAC© or IBM© compatible form-WordPerfect© 5.1, 6.0, or Microsoft Word©). All manuscripts, whether articles, edited documents, or essays, should conform to the most recent edition of the University of Chicago Press *Manual of Style.* Footnotes should be typed double-spaced on separate pages and numbered consecutively. Submission guidelines are available on request. Correspondence concerning articles and essays is welcomed, and should be addressed to The Editor.

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Rabbi on the Comstock

The Irrepressible Herman Bien

1864 – 1865

JOHN P. MARSCHALL

Herman Milton Bien had been no stranger to controversy when he arrived at Virginia City, Nevada Territory, early in 1864. His youth, energy, idealism, and musical and linguistic talents were his greatest assets and liabilities. He had been a failed editor and publisher, a successful writer and producer of dramas, and a passionate supporter of the Reform movement in Judaism. His goal in Nevada was to provide much-needed religious leadership to the booming Virginia City, while espousing the nationalism of the new Republican Party. Although Bien's tenure was short, he made contributions to the religious and intellectual lives of hundreds of Jewish citizens and also attempted to break some radically new ground in Nevada state law. Bien's earlier work in San Francisco has received attention in other sources, but his roles in Nevada as rabbi, assemblyman, and artist have not been explored. That he appears to have been the first functioning rabbi to serve as an elected state legislator is one notable aspect of his Nevada career.[1]

While Bien gained prominence as a dramatist and state assemblyman, he also was a controversial presence for those Jews in this western mining community who were confronted for the first time with a religious figure prepared to reform their traditional understanding of how Judaism should be practiced in America. Virginia City was one of the largest mining districts in the West. It was internationally famous and set the general pattern of what mining towns would look like throughout the rest of the century. Virginia City not only experimented with avant-garde technologies, it also addressed the problem of shaping from the rugged outback a society with a citizenry that reflected many religions and ethnic groups. The way in which these issues were resolved on the Comstock Lode may be regarded as a prototype of the nineteenth-century

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rural industrial community. As a liberal rabbi and staunch Unionist, Bien would seem to have been a perfect fit in the cosmopolitan and pluralistic atmosphere of the Comstock. Virginia City's Jewish community, however, was divided within itself along religious, political, and ethnic lines. Religious practice was not always a top priority in Nevada's frontier period, but Bien wore his religion on his sleeve as he publicly tackled issues of educational, religious, and political reform.[2]

MAKING WAVES ON SAN FRANCISCO BAY

Herman Bien was born on April 26, 1831, in Naumburg, near Kassel in Kurhessen, Germany, to Emanuel M. and Esther Bien—the fourth of ten children. His early religious education was from his father, who was a respected Judaic instructor, lithographer, and rabbi. Herman matriculated in the Teachers' Seminary at nearby Kassel and after graduation filled several teaching posts. His mentor in one of these posts was an early reformer, Dr. David Einhorn, who later settled in Baltimore. Coming to the United States in 1854, Bien took a position as assistant teacher in New Haven and by 1856 was on his way to San Francisco, where he introduced himself at the age of twenty-five as the "Reverend Dr." Herman Bien. Although he gave ample evidence of advanced education, his European ordination and doctoral credentials were soon to be challenged by those who considered him too liberal and brash.[3]

San Francisco's newly established Congregation Emanu-El had recently terminated the scholarly Polish-born rabbi, Julius Eckman, who was fifty years of age. The congregation's heavily German membership had chafed under his peculiar Sephardic pronunciation of Hebrew. The trustees turned to the younger and more spirited Bien on a trial basis. He was hired in March of 1856 as lecturer and teacher, and officiated at the High Holy Days of that year. Some hackles were raised early on when he appeared before the ark of the Torah wearing the headgear of the ancient high priest with an inscription meaning Sacred to the Lord. More criticism was leveled when he held a memorial service in the new synagogue for the recently killed Christian editor of the San Francisco *Bulletin*, James King.[4] Julius Eckman got off the first salvo by questioning Bien 's credentials in the pages of the widely read Cincinnati-based *American Israelite*.[5]

Bien 's somewhat lame response was simply to state that he had documents from the Baltimore rabbi, Dr. David Einhorn, as well as other educational certificates. Rabbi Isaac Meyer Wise, editor of the *American Israelite* and an early promoter of the Reform movement, took the occasion to join Eckman in his criticism of Bien by asking: "[Who] is this bare-faced arrogance of a man whose name is scarcely known to ten of our readers, and who was an assistant teacher in New Haven?"[6] In spite of the criticism at home and in the East, Bien clearly had support at Emanu-El, while Eckman, the Pole, was favored at the

predominantly Polish-speaking congregation, Shearith Israel. San Francisco's Judaism was experiencing a struggle over ritual language and the extent to which traditional Orthodox practices should be accommodated to modernity. Jews from France, England, Germany, and western Poland under Prussian rule had migrated heavily to the West. Some of these latter had been exposed to the so-called Enlightenment reform of Judaism in Germany, while others clung to traditional Orthodox ways. The Minhag, or ritual language, could be Polish or German. While the memberships of both congregations in San Francisco were divided by language, they were also riven internally by disagreements over the level of accommodation to the American practices of mixed-gender seating and organ music, which were prohibited by the Orthodox.[7]

Within a month of his temporary appointment at Temple Emanu-El, Bien published the first Jewish newspaper in the West, *The Voice of Israel*. His co-editor was Henry J. Labatt, a prominent California attorney of Sephardic background.[8] Within three months, Julius Eckman—still without permanent appointment in a congregation—started another publication, *The Weekly Gleaner*. *The Voice of Israel* had an immediate circulation of two thousand, but it was unable to compete with Eckman. Bien's paper routinely carried political commentary reflecting the editors' Republican bias as well as other material not directly related to Jewry or Judaism. Although praised by the popular *Daily California Alta*, the paper received less than complimentary reviews from its Jewish competitors in the East. It appears to have been too broad in its news coverage for the estimated thirty thousand potential California Jewish subscribers, who preferred copy that was more specifically Jewish. By April of 1857, the *Gleaner* had run the *Voice* out of business, and Eckman hastily altered its name to *The Weekly Gleaner, as a Voice to Israel*—presumably to pick up Bien's former subscribers and perhaps to underscore his rival's failure.[9]

Upon termination of his temporary synagogue appointment in February 1857, followed by the folding of his newspaper, Bien tried his hand at business, operating a jewelry store on Stockton Street until 1858. This initiative was also a failure, and he turned to writing a German-language musical extravaganza, *Samson and Delilah*, which successfully played to packed houses. Even his archrival at the *Gleaner* acknowledged Bien's status as "Reverend," adding that his play's success warranted its translation into English. Concerning his rabbinical credentials, it is perhaps telling that Bien announced that the proceeds of his play would be used to allow him to complete "certain studies" at German universities. The lavishness of the scene designs and sets, orchestra, band, and choir doubtless contributed to the success of the play as well as to the fact that Bien made no money on the production. To make ends meet he started a private Jewish school in 1859, which competed successfully for a year with schools run by Rabbi Eckman and the Polish-born Rabbi Elkan Cohn, who had been named the permanent rabbi at Temple Emanu-El.[10] At the same time Bien continued to perform marriages and officiate at High Holy Days for several

temporary Jewish congregations which had arisen in the shadows of the two existing synagogues. The proliferation of congregations reflected the deep religious factionalism which was prevalent during these turbulent times.[11]

In the summer of 1860 Bien returned to the role of editor, launching a new weekly, *The Pacific Messenger.* It ran three pages of English with a fourth in German. Isaac Meyer Wise reviewed it in *The American Israelite* as advocating neither orthodoxy nor reform particularly. Wise took the occasion, however, to rebuke Bien for using the titles Reverend and Doctor. Julius Eckman added his own objections to the paper's blatant Union proclivities. At issue was the display of Union and Confederate flags on houses of worship in the North and South, which Eckman considered a violation of church-state separation. Bien, to the contrary, had argued in favor of flying only the Union flag over northern synagogues as the nation entered its war over slavery and secession. "Hoist your Flags," he wrote. "When you pray let the ensign of the Union float over your heads and pray even that these stars may never wander from the glory of Liberty and Union!"[12] Although hailed by the *Marysville Appeal* for his public spirit and opposition to "dead customs," Bien withdrew from editorial responsibility within two months. He was flat broke. Having lost his membership in the Jewish Eureka Benevolent Society for nonpayment of dues, he was filled with self-pity. He eked out a living performing occasional religious services as well as in continued short-lived ventures as a school headmaster. Indeed, in the period 1858 to 1863 he opened and closed five private schools at various locations in San Francisco.

All of this speaks to the state of the rabbinate in the middle of the nineteenth century. The modern expectation is that anyone claiming to be a rabbi would be certified by a duly authorized organization of Orthodox, Conservative, or Reform rabbis. Such groups did not exist in the1850s in the United States. Europeans trained in Talmudic and Scriptural lore customarily received a certification either from a recognized school or from a respected and well-known teacher. Some, like Herman Bien, as well as the very successful Jacob Voorsanger, were not formally ordained rabbis. The rivals of the famed Isaac Meyer Wise questioned even *his* rabbinical title. His Cincinnati congregants and readers of his moderately Reform *Israelite*, however, did not begrudge his claim. Most congregations in America were established by laymen who then invited whom they deemed fit to serve as rabbi and at the pleasure of the congregation's board. Rabbis trained in Europe, who had been taught to consider themselves the ultimate religious authority, were often thwarted by the men who paid their salaries. The result was what Hasia R. Diner described as "endless arguments, disputes, and even occasionally physical confrontations." Unordained rabbis "went from congregation to congregation, city to city, and disputes between them and the laity erupted everywhere."[13] Herman Bien fit this itinerant model as he sought respectability and a permanent congregational position.

In December of 1863 Bien finally received some recognition of his efforts. Attending the first meeting of the B'nai B'rith Library Committee, he was unexpectedly called upon by the group to give a speech. According to one observer, Bien declared that "his heart swelled with joy to see such a body of men assembled for such a noble cause."He then proceeded to extol the merits of reading as the best way to perfect one's mind. His remarks were regarded, it was said, as "appropriate and elegant."[14] Within a few weeks, the beleaguered but energetic Herman Bien left San Francisco—after almost a decade—to begin a new career at Virginia City.

Making a Living on the Comstock

Virginia City, with a population of no more than ten thousand, was in a temporary depression when Bien arrived early in 1864.[15] Nevertheless, there were more than a hundred Jewish heads of households, who served the community mostly as merchants. According to the 1860 census, the Jewish population was heavily German and Prussian. Demographers have often assumed the two were virtually synonymous, but by reason of Prussia 's annexation of eastern Poland in 1816, "up to 40 percent of Prussian Jewry, two-fifths of those . . . who might have been considered German or who listed themselves as hailing from 'Germany,' actually lived in the former Polish territory."[16]

Jewry on the Comstock was remarkably well organized. The Eureka Benevolent Society, founded in November 1862, had eighty-five members when Bien arrived. Following the traditional religious duty to bury the dead, the society had purchased and consecrated an ornamentally fenced cemetery at Cedar Hill on the outskirts of town. The Hebrew Self-Protecting Association arose to care for the needy, and numbered forty-four members in 1864. B'nai B'rith Nevada Lodge No. 52 claimed sixty-nine members and was expected to double in a few months when business picked up. However, a rival, B'nai B'rith King Solomon Lodge No. 64, was established in 1864. It claimed forty-two members and competed with its fraternal brothers for leadership amongst a Jewish population from all parts of Western Europe. Finally, Virginia City had its own correspondent to *The Hebrew*, Louis Kaplan. Kaplan signed his dispatches "NESOP" (Posen spelled backwards), which was a clear acknowledgment of the presence of Poles from Posen on the Comstock and of *The Hebrew*'s many California readers from this Prussian-controlled duchy of western Poland.[17]

Bien would not have come to Virginia City without an invitation from friends and some assurance of a warm welcome and an opportunity for work. Louis Kaplan likely was one acquaintance; Bien had officiated at the San Francisco wedding of his brother, Jacob Kaplan, in July 1860. The Virginia City *Directory* notes that both were Comstock residents in 1864. Jacob would have been one of those who attended Herman Bien's admission as a third-degree member of

B'nai B'rith Nevada Lodge No. 52. Bien also gravitated toward German fraternal organizations and patriotic societies. He was, however, a rabbi in search of a congregation. No sooner had he arrived than there appeared in the press an announcement of a public meeting of Virginia City Jews who had unanimously passed a resolution to unite in establishing a formal congregation. The resolution acknowledged the existence of a "sufficient number of our brethren dwell[ing] in one neighborhood" with the intention of worshiping God "according to law and ancient customs," and having the ultimate purpose "to educate our children accordingly." It called for the appointment of a committee of seven to make it all happen. There was some ambiguity in the published announcement. While it acknowledged a unanimous consent for forming a congregation, it called for a committee "to make the necessary preparation, and issue a call for such a demonstration." The authorship of this public announcement is unknown, but there is evidence that Bien welcomed the proposal. *The Hebrew's* correspondent, Louis Kaplan, later observed that Bien had presumed that upon his arrival a congregation would inevitably be formed. Bien had already experienced in San Francisco the disparity of opinions over congregational worship and practice, but he now assured himself that his very presence would create the necessary numbers for a unified congregation.[18]

The congregation did not materialize. The Jewish clientele of Virginia City was diverse in so many ways. There were those whose mother tongues were German, Yiddish, Polish, or English. Some did not wish to be distracted by religious observance while others would have liked to be kosher traditionalists. If any of these latter had read or heard of Bien's substitution at Temple Emanu-El in San Francisco of his own paraphrase of the Exodus account for the Haggadah at Passover, they would have automatically considered him too radical to serve their needs. Although Bien consistently used the Minhag Ashkenaz (German ritual) for High Holy Days in San Francisco, there were those on the Comstock who would have preferred the Polish Minhag.

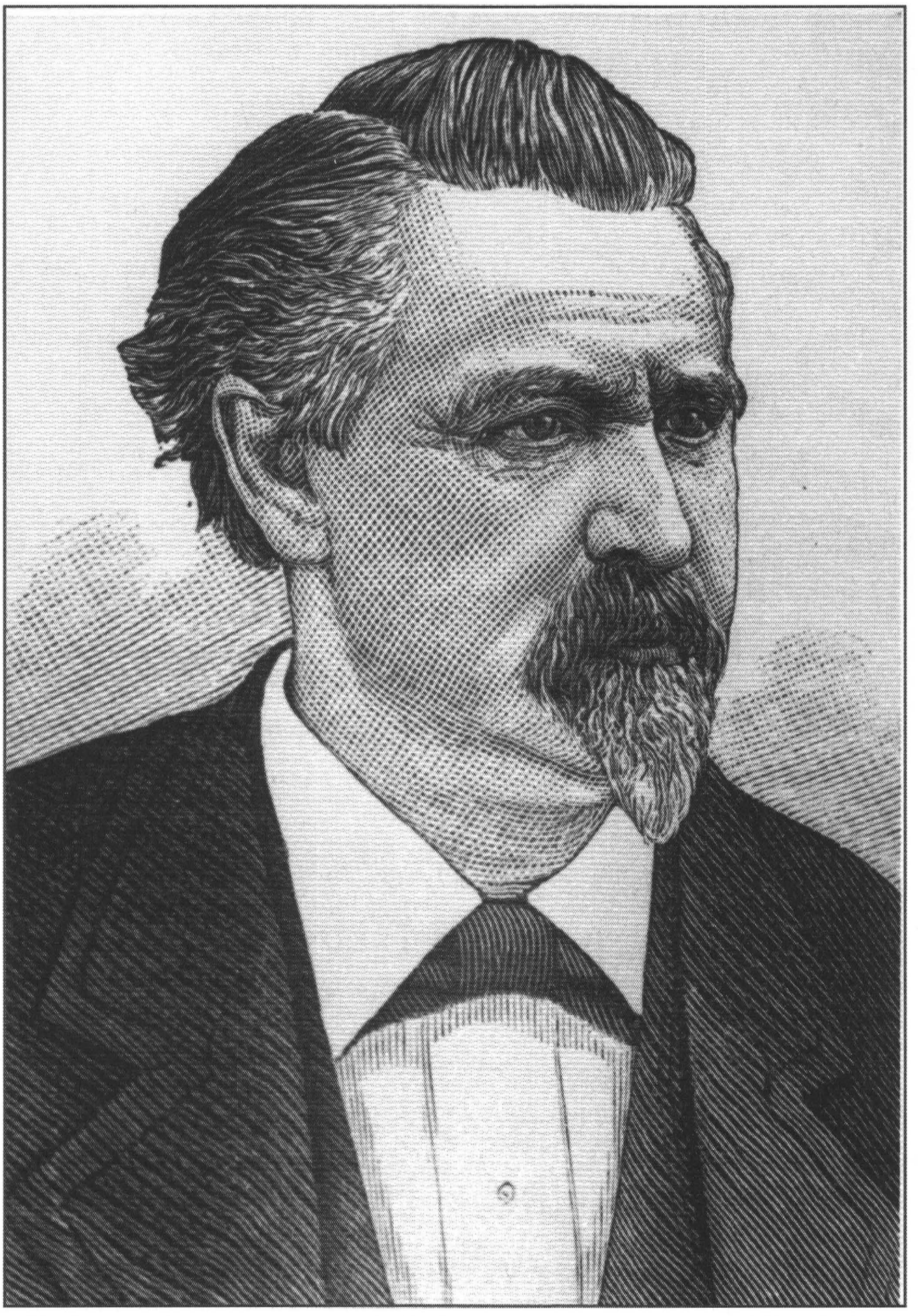
The adaptation of Orthodox Judaism to the exigencies of modern times was a movement in process. It had begun in Germany shortly before mid-century, and its chief leaders in the United States were David Einhorn (leader of the most radical branch of Reform Judaism and Bien's former mentor) and Isaac Meyer Wise (leader of the more moderate Reform movement and Bien's former critic.) There was wide-ranging discussion among Reform-minded Jews about exactly how far one should go in making accommodations to modernity. Some simply wanted to anglicize the religious service, others wanted to introduce organ music, still others wanted to abolish gender-segregated seating, and a few favored moving the celebration of the Sabbath from Saturday to Sunday. Although Bien would consistently maintain observance of the Sabbath on Saturday, he was known to light a cigar on that day—which would have been anathema to anyone with traditional, i.e., Orthodox, sensibilities.[19] Some Polish Jews would have been scandalized, while some German Jews could not

have cared less. Virginia City was a western exemplar of polyglot Jewry and diverse Judaic practices in which no single rabbi or worshiping cluster of Jews could unanimously agree on the extent to which Judaism should accommodate itself in ritual language and religious practice to the exigencies of American life .

By April of 1864 the talented Bien introduced at the Virginia City Opera House a play he had written and which New York City theatre lovers had been "enjoying for weeks." The five-act dramatic sensation, *Leah the Forsaken*, was performed by the Comstock's leading actors, Virginia Howard, Frank Lawlor, and Thomas McKeon, with new scenery and costumes.[20] The opening night's review by *The Virginia Evening Bulletin* commented that *Leah* was a splendid lady filled with "lofty sentiment" and "many beautiful exemplifications of woman's intense, self-sacrificing love." Consequently, the *Bulletin* assessed, the play was "not of a character to suit the tastes of a Virginia audience." The newspaper, however, had miscalculated. The play "held the boards" for three successive performances and the *Bulletin* ungrammatically quickly ate crow. "As with all things intrinsically good, though not quite to our taste, on first acquaintance, force themselves on our admirations [*sic*] so the beautiful play *Leah* is forcing itself on the good opinion of Virginians." "Universal pressure" brought the play back to a "full house"two days after it officially closed. Alfred Doten, the newspaperman and diarist, attended its "well-played" performance October 16 and noted its continued popularity years after Bien was gone.[21] While the play 's success did not give Bien instant credibility as a rabbi, it promoted respect for his literary and dramatic talents, and may have contributed to his popularity as a potential candidate for political office.

Demonstrating his longstanding commitment to religious education, Herman Bien announced in April his opening of a Hebrew school, or "academic seminary" located at 4 North B Street.[22] He soon became active in the German Union Club (Verein) and in early October took over editorial responsibility for the failing German-language *Nevada Pioneer*. He shortly changed its name to the *Nevada Staats Zeitung*, a fervently Republican weekly. Isaac Meyer Wise, the leader of Reform Judaism and editor of the *American Israelite* had earlier shown little admiration for Bien. He took occasion, however, to praise the new publication. "While his leaders [headlines] are pungent, his selections and original stories suit the intelligent German population of Nevada Territory. May success attend him in his new home and his old sphere." The paper was, however, no more successful than Bien's previous editorial ventures in San Francisco, and he suspended publication by the end of the year.[23]

Meanwhile, High Holy Days in October were more generally observed on the Comstock than in previous years. Louis Kaplan, in his regular letter to *The Hebrew,* rhetorically wondered: "Whether this fact was owing to the presence of a Rabbi or Reverend among us, or whether the Israelites hereabouts recovered from their bad ways and went heart and soul for reform, I know



Alfred Doten, newspaperman and diarist in Virginia City. (Nevada Historical Society)

not." Evidence of the newfound piety was to be found in the windows of deserted Jewish stores on C Street. Placards "announcing 'Closed on account of the Holydays,' stared you in the face, look where you would."[24] The fact is that two separate temporary synagogues were opened for the services. One was led by Dr. Bien and the other by trustees of the Hebrew Self-Protecting Association. Kaplan was anxious to dispel any suspicion of disunity within the Jewish community (for which there was ample evidence), and he offered the following explanation. Bien, he recorded, had earlier thought that by reason of his "clerical robes" he was entitled to start a congregation. He failed at that, wrote Kaplan, and became a schoolmaster. As the High Holy Days approached, Bien's friends encouraged him to open a place of worship. As was traditional one needed to purchase tickets for such special events. The Hebrew Self- Protecting Association members saw an opportunity to add to their "widows and orphans fund" by sponsoring their own service.

Some members suggested that a compromise be struck and sent a "delegation" to Bien charged with the task of uniting with him or separately engaging his services. "To the credit of Dr. Bien it must be said, that he received the deputation politely and after informing them of his very moderate charge ($250 for three sermons and service, reading, prayers) discharged them with the profoundest bow." The association unanimously rejected Bien 's proposal, and developed its own plan. "Where all the Israelites came from," Kaplan wrote, "must have been a . . . surprise to a stranger, but both places of worship were thronged with earnest and attentive people. . . ." He added that women in both places played a "conspicuous" role, though wryly noting they did this by "either reciting their prayers in silence or devotedly listening to the recitation of the Hezan [*sic*]." He concluded his letter to *The Hebrew* by noting that "Jews are fond of good and easy living, and for that reason, fast-day [Yom Kippur], although occurring but once a year, pales many a face. Still, all seemed to bear it well, and but few left during the religious services."[25]

When Nevada officially became a state a few weeks later, on October 31, 1864, Herman Bien was still running his Hebrew school, editing the *Nevada Staats Zeitung*, and officiating at marriages and funerals. He was a member in good standing with the Nevada Lodge No. 42 of the International Order of B'nai B'rith, and his play, *Leah the Forsaken*, had been performed yet again a few weeks before.[26] Bien was popular enough to be called upon to deliver one of the speeches directed to "all loyal hearted men" celebrating Nevada 's new statehood. Somewhere along the way he was encouraged to run for the first Nevada State Legislative Assembly representing Storey County, which included the mining areas of the Comstock. Although he may have carried some negative baggage from his San Francisco experience, he was accorded the privilege of a fresh start—particularly among the Germans, whom he considered part of his constituency.[27] He won the election.

There are those twentieth-century commentators who have suggested that

Bien chose to publish a German newspaper with the specific purpose of developing a constituency to assure his election. They attribute the early demise of the publication to the fact that he no longer needed it. Such a cynical posture does not take into consideration his earlier commitment to the production of good reading in the areas of religion and patriotism and his need for a steady source of income. The paper's first edition was October 28—hardly enough lead time to develop a constituency before the November elections. The newspaper did not survive for a host of reasons. First of all, Bien had a poor track record as a businessman, and second, he had twice misread the needs of his readership in San Francisco. Although he may have surmised that Nevada, the new "Battle-Born" State, was ready for Republicanism *auf deutsch*, he miscalculated once again. German immigrants may have had some nostalgia about their language and the old country, but for the most part they read and spoke English and wanted to be regarded as Americans. The earlier *Nevada Pioneer*, edited by Jake Hahnlen for a German audience, had failed after seven months, and Hahnlen's 1866 *Deutsche Union* was gone in six months. Finally, not all the news of the day was to be found in German translations of the latest Union victories in the war to the east. Front-page headlines in most Nevada papers carried news of the war as well as relating the all-important state of the local mining economy and its value in the San Francisco brokerage houses. Bien exercised poor judgment in attempting to publish the *Staats Zeitung* as an additional source of income. He may have had an inflated opinion of his own abilities, and he certainly suffered from business naiveté, but a crafty and cunning electioneer he was not.[28]

HERMAN BIEN, ESQUIRE: ASSEMBLYMAN

Herman Bien took his oath of office December 13, 1864, and was accorded the title "Esquire" in the assembly's *Journal*. He approached this new responsibility with customary energy and a focus befitting his interests. Within the week his colleagues appointed him to three standing committees: Education, Federal Relations, and Trade and Manufacture.[29] He was among the first to introduce bills. Assembly Bill (AB) 6, for example, provided for proper proof of citizenship to prevent fraudulent use of the suffrage. Other early initiatives included AB 13 to limit civil actions in courts of law, and AB 94, which would regulate the licensing of marriages. While none of these bills was enacted into law as originally proposed, remedies for some of the concerns which prompted them were incorporated into related bills. Bien and his Jewish colleague Henry Epstein were active in the debates to expedite the building of a railroad to Nevada.[30] The *Gold Hill Daily News* gave Bien a cheer in his first days working for Storey County. He was a solid, "creditable representative"—a "brick"—reported the *News*.[31] This positive assessment was quickly to change to open warfare,

when Bien opposed the editor of the *News* for the office of state printer.

The assembly first had to deal with an attempt to revive a defeated bill that had proposed printing costs which its opponents considered excessive. As a failed former editor and publisher, Bien knew as much (or more) about debilitating printing costs as any of the legislators, and his voice was raised "at length" in warning against the "exorbitant" rates reflected in the pending printing bill. He called the bill an "outrageous corpse," which should "remain dead, dead."[32] The assembly agreed and overwhelmingly refused to further consider the bill as it stood. The editor of the *Gold Hill Daily News*, Philip Lynch, was one of five nominees for the future position of state printer. He harbored a particular interest in the rates proposed in the bill which Bien had criticized. Lynch attacked the rabbi unmercifully. "The *Reverend* Bien," wrote Lynch, is a "legislative blowhard" and "an Ass." "The Reverend Gas-pipe is fond of hearing himself talk." Lynch likened him to a calf 's head: "all gab and guts."[33] The following day, January 10, the joint convention of senate and assembly voted on the nominees for the office of state printer. After nine inconclusive ballots lasting well into the evening, the convention adjourned. The candidate supported by Bien was John Church of the *Virginia Daily Union*, who had been amassing votes with each successive ballot, while Lynch 's numbers remained stationary.

Bien had been quite vocal in his opposition to Lynch 's candidacy and was now sensitive to the editor's slurs on his knowledge of printing prices. Sometime during the several votes for State Printer he rose to Lynch's bait, requesting the floor as a matter of personal privilege. For the occasion Bien had inexplicably taken to holstering a gun under his waistcoat. One of the two extant accounts of Bien's words and actions came from Lynch, who had a field day in the columns of his newspaper. "'Bien' (how that name irresistibly reminds one of *wind*) talks about resting his case 'mit his lekal advisers,' mocking Bien's German accent. In the spirit of jocular western exaggeration, Lynch noted that "the Rabbi had a big mountain howitzer buckled to his back, and which flopped around fearfully while the little monkey was gesticulating . . . . One of the members wrote out a motion to disarm the terrible Teuton, but failed to present it in due time." He caricatured Bien's "long ears," "kicking," and "he-haws" and then threatened that "if the *burro* makes himself too disagreeable, we shall put a chestnut burr under his tail that will give him a chance to kick himself out of this community. Go slow, Bien."[34]

If Lynch had been attempting to discredit one of the most vocal opponents to his candidacy, the ploy backfired with Bien's colleagues. By January 11, support for Lynch as state printer had dwindled to one vote, two candidates had withdrawn, Joseph T. Goodman's votes had doubled, but John Church won the appointment handily— thirty-four votes to Goodman's seventeen.[35] Now Lynch took out his frustration by attempting to drive a wedge between Bien and his coreligionists. The day after the final vote, Lynch stated that this "humbug" and "wretched booby" was not uniformly appreciated by some of our

"most respected Israelitish [*sic*] citizens" of whom he had made inquiry. He publicly challenged Bien's constituency support, stating that "if he relies on his coreligionists for endorsement as a *good man*, he leans upon a broken reed."[36] The criticism was futile, which is not to say that intelligent and fair-minded Jews of Virginia City necessarily agreed with the politics or judgment of a man simply because he called himself a rabbi. Bien was beleaguered, but help was on the way.

John Church, the successful nominee for the printing post, editorialized that the attacks by the *Gold Hill Daily News* "on that gentleman, who occupies no inconsiderable place in our legislative hall, were in the extreme rude, uncalled for, and unprofessional." Church's *Virginia Daily Union* then proceeded to provide the following "gist" of Bien's statement of January 11. The paraphrase is articulate, pointed, and witty. It may well have helped to seal the vote against Lynch.

> If I have to choose between being called an ass or a knave, I prefer the former. The coward who penned the lines in question, knew well that his grey hairs protected him from the blow which he (a kicking donkey) deserved; knew well, that my profession as a Jewish Rabbi secured him against such wanton assaults. The only remedy left me is already in the hands of my legal advisers. My constituency, particularly the German and Israelites, will know how to appreciate the blackguarding conduct of that old miserable man. The stigma he places upon me shall not be an intimidation in my course pursued in the State Printer Bill or any other measure, in honesty, and with energy at least to guard this young State from being "Lynched."

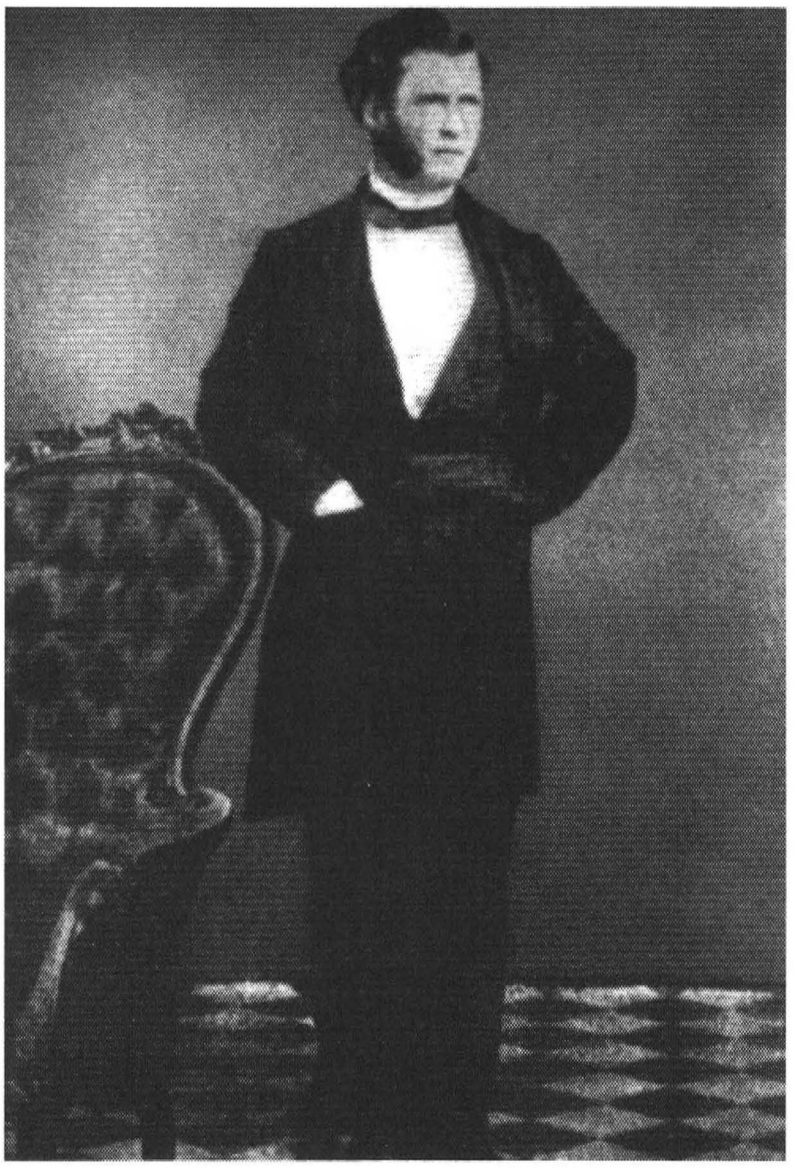
Bien co-opted Lynch's characterization of him—stating his willingness "at all times" to be "the ass of the people, bearing their burden." "Holy Scripture," he continued, "records a speaking ass, but it was left for our time to learn of a 'writing donkey' in the *Gold Hill Daily News*." And then to the heart of the issue, he described Lynch as a "vile slanderer" who waited in the lobby salivating "in anticipation of seeing *his* Printing Bill passed and being made State Printer." As such, Lynch would have received $2.50 per thousand ems (the exorbitant rate opposed by Bien and advocated by Lynch), thus "robbing and swindling the people." He concluded by throwing the offending *Gold Hill Daily News* to the floor, stepping on it, and thus demeaning "its scurrilous and malignant insults, not offered alone to me individually, but to you, Mr. Speaker — this House—the entire Legislative body—and the sovereign people of this State."[37] Bien was standing on high oratorical ground, and the final vote for state printer was his vindication.

Editor Lynch, however, did not let up. On January 13, Bien introduced a resolution to ameliorate the "feelings of dissensions" between the legislature and the governor, who had vetoed so many bills. He called for a joint senate and assembly address to the governor, "stating our grievance, and desiring his explanation thereto."[38] Lynch's report of the assembly's actions bears little resemblance to the official account in the *Journal of the Assembly*. He references "Little Bien" whose "pedantic poppycock about 'ancient Romans' and 'East-

ern battlefields' disgusted his hearers and he was called to order and told to 'blow his nose with his fingers and go on with the play.' He was asked if he didn't want the *Gold Hill Daily News* banished, etc., etc." Copies of other newspapers are not extant to corroborate Lynch's account of the discussion. Clearly, however, Bien's opposition to his candidacy had become cause for a personal vendetta.

The irrepressible Bien continued to be involved with every major issue coming before the Nevada Assembly, and he also was one of several who wished to have the assembly adopt patriotic resolutions. On the afternoon of January 15, 1865, two such resolutions were deferred until the following Monday evening. Lynch's account of the session ran as follows: "The sucking Melchisedec [*sic*] who pervades the Assembly Chamber of this State with the odor of his Rabbinical sanctity, holds the uncircumcised of that body in mortal terror." Lynch then quoted the *Territorial Enterprise*'s account of the assembly deliberations. Allegedly, Bien was still carrying a concealed revolver ("masked battery"), which prompted Assemblyman Henry Beck to offer a resolution that "the Sergeant-at-Arms be ordered to capture said battery at all hazards." According to the *Enterprise*'s account, Speaker Charles Tozer of Storey County declared the resolution "out of order" because the resolution did not call for seizure of Bien's alleged "arsenal" of weaponry.[39] The assembly's *Journal* reflects none of these events, leading one to wonder if the newspaper reporter was simply engaging in some playful exaggeration. "Horseplay in print was a standard Nevada commodity," wrote Henry Nash Smith in his commentary on the journalistic antics of Mark Twain, who was reporter for the *Territorial Enterprise* at the Nevada Territorial Legislature in 1864.[40] Herman Bien, in any case, was providing ample opportunity for ridicule by the *Gold Hill Daily News* editor.

Lynch's account of the next day's event again focused on the "contemptible, cowardly little whelp, the *Reverend* Doctor Bien, of Storey, who in the mixed character of a Rabbi, Legislator and bravo, harangues the Assembly of this State with the name of the Great Jehovah on his lips, and a loaded revolver on his ecclesiastical rump."[41] According to the *Journal of the Assembly,* Meyer Rosenblatt's bill to prohibit the carrying of concealed weapons was recommended by the Committee of the Whole to be indefinitely postponed. During the discussion (as cited from the *Enterprise* by Lynch), Bien was reported to have said that when he first came to California his only weapons were the Word of God and his pen. However, "in his capacity as a legislator he had been compelled to wear as a defense a deadly weapon. (He referred to the *Gold Hill News*.) For he thought that a person who would attack a man's honor was equal to the crime of a midnight assassination." Mr. Edmond Patten of Storey County is said to have expressed regret that Bien had "from a meek follower of the lowly Jesus, become so demoralized as to carry a masked battery upon his person." Bien then rose and made it clear that, as a rabbi, he had no such relationship to the "lowly Jesus." Assemblyman Samuel Denson of Carson City



Mark Twain, who was reporter for the *Territorial Enterprise* at the Nevada Territorial Legislature in 1864. (*Nevada Historical Society*)

stated his opposition to debating the "propriety of a clergyman or a gentleman with a white neck-tie [*sic*] carrying a weapon for the defense of his honor," and hoped the matter would be indefinitely postponed. And so it was finished in the assembly, but Lynch was unrelenting. The *Gold Hill Daily News* editor recommended that "the hypocritical Pharisee" be "publicly cowskinned" by the Jews of the Comstock "upon whose ancient and revered faith his 'walk [*sic*] and conversation' have cast a stain." Lynch promised no harm to Bien from his quarter and recommended he "put up his gun." And not to miss the chance at one last barb, he said the only weapon he had ever known Bien to use was "that with which Samson slew the Philistines—*the jaw of an ass.*"[42]

On January 17—the day on which the *Gold Hill Daily News* had quoted the *Territorial Enterprise*—a resolution was brought to the floor of the assembly citing William M. Gillespie, reporter for the *Territorial Enterprise*, for having admittedly printed "partial, garbled, and untruthful reports of the proceedings

of the House" which are "unjust to its members and injurious to their constituents." The resolution called for the *Enterprise* editor, Joseph T. Goodman, to "employ some competent and truthful gentleman" as his reporter. After much debate, the matter was indefinitely postponed—with Bien casting the deciding vote. All three assemblymen (Patten, Beck, and Denson), who had been mentioned in the previous day's *Gold Hill News* article concerning Bien, opposed the postponement. Whether or not the resolution was prompted by concern over the press coverage of Herman Bien is impossible to determine with certainty from the record because none of the above parties was ever consistently on the same side of the several issues under debate.[43]

The patriotic resolutions—postponed earlier—came up on schedule on Monday evening, January 19. Statements of loyalty to the Union had been presented for action in the Territorial Legislature in previous years. Because of the small but vocal minority of secessionists and northern Democratic southern sympathizers in Nevada, the debates were contentious and the resolutions barely made it out of committee.[44] On Bien's motion the matters were considered by a committee of the whole—the entire assembly. In spite of efforts to send them back to the Committee on Federal Relations, they passed overwhelmingly, twenty-three to seven. Bien moved for adjournment after two and a half hours of debate. Editor Lynch—with predictable exaggeration—alleged that Bien's resolutions had already taken up three sessions and were still being discussed on January 21, when his paper went to press. Noting the size of the fabled beanstalk that Jack cut down, he estimated that the time and energy that went into the resolutions would prove to be the most "gigantic" and costly "Bien's talk" on record. In a separate story adjacent to the beanstalk item, Lynch thoroughly criticized the legislature for wasting time debating resolutions of patriotism when the state's loyalty was not in doubt. In an obvious reference to Bien, Lynch singled out "a member of the Assembly [who] is anxious for a cheap fame and reputation for patriotism as 'the author of the celebrated John Doe patriotic resolutions.'"[45] A few days later when Bien took out an ad in Carson City's *Daily Morning Post,* signing his name in connection with the International Order of B'nai B'rith—I.O.B.B.—the Gold Hill newsman could not resist some digs. "As the 'Doctor' in question is in bad odor with the Israelites of this State, it may be well to state that the Carson organization is not the Hebrew order of the same initials, but the Insignificant Order of Blowhard Bien."[46] Thus ended, for the time being, the Bien-bashing in the *Gold Hill News.*

Several weeks later, in mid-February 1865, Bien was serving again as religious leader conducting the funeral of a six-year-old child who was apparently one of the darlings of the Jewish community. Louis Kaplan, correspondent to *The Hebrew,* wrote touchingly of the sorrow associated with the death of infants and children so common in the nineteenth century. "Many were the mourners, and deeply affected were they by the solemn prayers of Rev. Dr. H. M. Bien, who officiated as the minister at the burial."[47] It is instructive that Kaplan did

not flinch from using Bien's titles, which had been questioned over the years by some of the San Francisco readers of *The Hebrew*. Perhaps it was Kaplan's way of stating that Bien had finally been accepted.

BIEN CRITIQUES THE STOREY COUNTY SCHOOL SYSTEM

Back in the legislature at Carson City, Bien's currency appeared to be running high since the appointment of the state printer. In early February of 1865 the joint Senate and Assembly Education Committee had called for an investigation concerning the condition of the schools in Virginia City. This led to the committee's appointment of Bien to serve as chair of a team of two (the other being Erastus Bond of Storey County) to review the books and papers of the Storey County Board of Education. They began their task in the first week of February and initially discovered that the financial report submitted to the state superintendent by the Storey County Board of Education was so defective that it was impossible "to form a correct idea of income and expenditure." This was conceded by the "entire Board." While Bien and Bond supported the idea, in principle, of raising teachers' wages, they recommended retrenchment because the county was in fiscally "embarrassed circumstances."

The two visited the county facilities and found the Virginia City school house on F Street to resemble a "stable" representing a "standing reproach to the city and county." It was ten by twelve feet in area, seven feet high, and was supposed to serve fifty to sixty children. Ventilation was inadequate, the furniture "wholly unfit" for a schoolroom, and the playground nonexistent. The entire property was in such terrible condition that Bien adjudged it to be "a fit subject for the attention of a Grand Jury." The matter was further sullied by the fact that certain members of the previous Storey County Board of Education had received a $2,000 bribe to arrange for the original purchase of the F Street property for $7,000. The physical plants of all other schools from American Flat to Gold Hill were considered to be in good or excellent condition, and the teaching was praised as "creditable." The team singled out certain teachers for their particular care and attention, while not casting any doubt on the competence of the others.

Chairman Bien's report to the assembly on February 16 reserved some of its most serious criticism for the Honorable John A. Collins, member of the former Storey County Board of Education, former delegate to the Constitutional Convention, and candidate in 1864 for the United States Senate.[48] According to Bien, Collins had testified to the two investigators that when there was a need to be met in one of the schools, he would advance or borrow the funds and then seek reimbursement from the county board. One example of sloppy administration was his reimbursement for $1,400 in expenditures of which $1,000 could not be substantiated. Although Bien did not accuse Collins of any

wrongdoing, the appearance of impropriety was there.

Finally, in what appears to have been a clear case of skullduggery, a lot for a school in the Fourth Ward was purchased by the former Storey County Board of Education for $3,000 of which $1,300 was to be paid immediately to the owner. This same property had been purchased on the same day by the same "owner" from a third party for $1,200! The semblance of corruption or mismanagement had been rife, and the crusading Bien did not hesitate to uncover it. The report—including detailed financial statements and the sworn testimonials—was endorsed by the Education Committee chairman, Senator William Clagett of Storey County. He further recommended that the legislature enact a special law for the "regulation, government and reconstruction of the Public School system in Storey county."[49] After much argumentation, it was decided that 240 copies of the damaging report were to be published. However, the sworn testimony upon which the report was presumably based was not immediately made public.[50]

Bien's report apparently had been distributed in advance to the Education Committee and was not presented orally. Instead, Bien had made some lengthy comments on the Storey County school investigation which were, at best, self-serving and somewhat patronizing. It was not necessary, for example, to claim that his own educational experience was appreciated by some teachers or to regale the assembly with examples from the British parlimentary and United States congressional records to justify the legislature's authority in such matters. More to the point, he commented on the well-publicized allegations that accused some teachers of political "disloyalty." He stated that he had advertised for witnesses against the alleged anti-Unionist teachers, and that he—ever the patriot—had found no basis to proceed further. Bien concluded that he would consider any "practical and useful results" of his labor as the best part of his political career.[51] However, his apparent triumph of investigative reporting was soon to turn sour.

Reaction to the Storey County public school matter was immediate. The *Virginia Daily Union* of February 19 carried a letter from none other than the respected and powerful John A. Collins. He acknowledged all the "honorable" men who had endorsed Bien's report. He then noted that the "Adisonian [*sic*] English, the grammatical construction of its elegant sentences and finished rhetoric" pointed clearly to Bien's authorship of the team report. Consequently, Collins was "indisposed to cast any reflections upon the report . . . but [was] impatient to see the 'sworn statements.'" He took the occasion to note that he was only one member of the Board of Education castigated by Bien and took no responsibility for its "minutes, papers, or vouchers." Although Collins was initially diplomatic and restrained, he concluded his letter with sarcasm. Instead of making any accusation against the legislators, he questioned the veracity of the "sworn statements," which, he said, must be filled with "falsehoods to the brim, to justify the honorable gentlemen of that committee to put

forth that extraordinary document."[52] The sworn statements were not made public until mid-March, and then Bien would be in the spotlight again.

In spite of earlier bad press from the *Gold Hill Daily News*, Bien appeared to have weathered the storm. He was being held in sufficiently high respect by his legislative colleagues and the governor for a statute to be enacted that allowed him specifically to "administer oaths and take the affidavits of persons" depositing minerals, ores, and rock specimens for purposes of making a claim. The act, however, was to be in force and effect for a period of only six months. The reason for the act must have been known to insiders, but it was not made public until later. After the legislature adjourned, Bien confided to John Church, editor of the *Virginia Daily Union*, that he planned to take samples of ore to Germany for examination by potential investors in Nevada mines.[53]

Bien's attempt to abolish capital punishment represented one last effort at reforming Nevada's territorial law as that law was being adopted into state law. On the same day in mid-February of 1865 that he submitted his report on the Storey County School System, he revealed his intention to introduce a bill "to abolish capital punishment in the State of Nevada." The bill, AB 299, was formally introduced "by unanimous consent" to read "An act amendatory of and supplementary to the several acts of the Territorial laws concerning capital punishment." It was summarily referred to the Judiciary Committee, which recommended it for passage without amendment. Accordingly it was "accepted and the bill placed upon file." The date was March 10, 1865, and the legislature was scheduled to adjourn the following day.[54] Although the assembly never voted on the bill, it is extraordinary that Bien's colleagues did not simply bury the potentially controversial legislation in committee. Bien's intentions were not fully realized, of course. His success was limited to getting the issue as far as the assembly floor with a "do pass" recommendation. It is doubtful that anything more could have been accomplished in view of the temper of the times. However, one final statute approved by the governor on March 14, 1865, contained a civil-rights amelioration of earlier legislation. The law, titled Chapter CXXXVII, allowed a defendant in a capital case ten peremptory challenges in the trial while limiting the state prosecutor to five such challenges. The state of Nevada has never altered its position on capital punishment.

On March 11, 1865, the legislature adjourned, and Bien had reason for embarrassment. John Church, the newly appointed state printer and still editor of *Virginia Daily Union*, published a damaging assessment of the state assembly's report on the Storey County School System, which Bien had written. Having received a copy of the sworn testimony as well as a protest from the former Board of Commissioners, Church firmly concluded that "the charges against those members, contained in said report, are not sustained by the testimony; and, further, that the testimony does not afford a shadow of foundation for the charges." He then accused Bien, as committee chairman, of framing questions "with a predetermination to sustain those charges [in the report]." Any person

reading the report and testimony together, Church wrote, could not fail to see the injustice done to the old board. So, "the old Board is justified, and the author of the committee's report left in a very awkward and une[n]viable position."[55] Bien appears to have emerged relatively unscathed, leading one to speculate about the politics surrounding this issue and the person of John Collins. Just four days later, John Church provided Herman Bien with a lengthy public endorsement of his plan to interest Europeans in Nevada mining investments. Collins was appointed in April to the Board of Examiners for Storey County, and on May 29 he was also named interim County Superintendent of Schools pending the November election for that position. He was not, however, the people's choice. He lost that election, which may have given even more credence to the validity of Bien's report.

While Bien was completing his duties as state assemblyman, the Jews of Virginia City were beginning to implement the establishment of a library. The idea had been conceived by some members of B'nai B'rith Nevada Lodge No. 42. In view of his rhetorical swan song before the San Francisco lodge's Library Committee in December 1863, Bien was probably an organizer or at least a vocal supporter of the project. A fund had been established in January and had received the overwhelming support of "the entire Jewish community." By March the project had been undermined by members of the new B'nai B'rith King Solomon's Lodge No. 64. Louis Kaplan, in his monthly letter to *The Hebrew*, fastened the cause of failure on "jealousy" over which lodge would get credit for the enterprise. In hopes of reviving the library initiative he publicly shamed these "Sons of the Covenant"—and by implication all of Jewry on the Comstock. He minced no words in condemning the pettiness of the culprits as well as lauding the benefits of reading and learning, which had been Rabbi Bien's message a year before. The failure of the library was symptomatic of the divisions to be found within the Virginia City Jewish community on a variety of religious and linguistic matters. In this respect it reflected the previously noted turmoil to the west in San Francisco and across the country in any place where new immigrant populations from German and Slavic regions were adapting their traditional Judaism to the vicissitudes of modern times.

There is yet an allegorical prism through which we might read the talented Louis Kaplan's letter to the western readership of *The Hebrew*. When Kaplan, in March 1865, articulated the failure of the Jewish community to establish a library, he couched his words in ways which could have described not only the hoped-for resolution to establish a Jewish congregation but also the man whose presence might have catalyzed both with a desire for learning and religious observance under his tutelage. It all had, he said, "the appearance of a meteor, which flashes forth brilliantly for one moment, only to vanish in the next." The decline of Virginia City's fortunes may have also contributed to resistance to the establishment of a library. The market value of ore stocks fell from their high of $40 million in 1863 to $4 million in 1865. Although ore production

remained stable during the mid 1860s, pessimism that the peak had been reached led many to leave the Comstock. Herman Bien was among them.[56]

FROM STOREKEEPER TO PERMANENT RABBI AND TRAGIC DEATH

What Bien's feelings may have been about his experience in Virginia City we do not know. There is no evidence, however, that he implemented his plans to broker Nevada interests in Europe. Bien traveled to New York City, where he attempted once more to edit and publish a new weekly, *The Progress*, in English and German. Though initially well received, the competition with well-established Jewish newspapers rendered the enterprise another failure. A friend wisely persuaded him to get into another line of work. He opened a general store in Port Henry, New York, and there married his friend's sister, Louise M. Thompson. They had four children. After thirteen years he was finally called, in 1879, to serve for a year as rabbi of Congregation Emanu-El at Dallas, Texas. Jacob Voorsanger, then the rabbi at Houston, spoke of Bien as "a clever, scholarly gentleman" with a flourishing congregation and Sabbath school. He particularly noted Bien to be "an orator of no mean quality, and by the power of his speech will undoubtedly revive the dormant spirits of the people."[57]

From 1880 to 1885 Bien was the rabbi of Congregation Beth Shalom in Chicago before accepting what would become his final post, with Congregation Anshe Chesed at Vicksburg, Mississippi. Here he continued his writing of Biblical dramatizations. One of these, "Esther," received favorable press reviews in New York City and was published in a second edition. His last literary piece, *Ben Beor*, was a history of Jewish martyrdom covering eighteen centuries and filled with patriotic references to the United States as the bastion of liberty. It was also during this period that his creativity was directed to southern heat and humidity. He invented a rocking chair whose action operated a wafting fan.[58]

After ten years of stability and success at Vicksburg Bien became caught up in congregational personality differences and relinquished his rabbinic post in 1895. Following several fruitless years of writing poetry and attempting to see reprints of his other works, he searched again for a permanent pulpit. After a rejection in Chicago he interviewed and preached at Temple Emanuel in Birmingham, Alabama. He was then informed that the congregation preferred someone younger. That evening in his room at the Florence Hotel he wrote a note detailing his despair and sense of uselessness, ingested an overdose of morphine, and died the following morning. It was April 22, 1895, and Herman Bien was sixty-four years of age. This staunch Unionist was buried in the Congregation's Anshe Chesed cemetery located within Vicksburg National Military Park.[59] In death he received widespread recognition for his work and mournful respect from people of all faiths in Vicksburg. One obituary,

published by the *American Jewish Historical Society*, emphasized Bien's staunch public support of Jewish rights and reprinted his letter to the British prime minister, William Gladstone, defending the historicity and inviolability of the Jewish Sabbath. Bien's children later presented San Francisco's Temple Emanu-El with his robe, tallis, and a seal, which they pointedly noted "belonged to his father who was also a rabbi."[60]

The brevity of Herman Bien's short tenure in Nevada was not entirely due to his lack of proven rabbinical documentation, or to his energetic idealism, or to his self-confident personality. The fickle relationship between rabbis and their constituents was and continued to be legendary.[61] Though the Virginia City Jewish population swelled to almost five hundred by the late 1870s, it was never able to achieve enough unity to form a permanent congregation—much less maintain a permanent rabbi.[62] Bien may have judged that the opportunities for his cultivated talents had been exhausted on the Comstock or sensed a continuation of the depression of 1865.[63] His legacy, however, was multifaceted and extended beyond the Virginia City Jewish community. He had provided ministrations during times of civil and religious celebration and mourning. His dramatic and musical talents made manifest the potential of the theatre as a vehicle for adult religious education, while his Hebrew school served the needs of the children. His representation of Storey County in the Nevada Legislature—while perhaps histrionic when under fire from the *Gold Hill Daily News*—was an energetic demonstration of wedding his ideals to legislation for social change. Brilliant though he may have been, Bien in his Virginia City days was headstrong and contentious. He was a dedicated clergyman of great talent whose reforming instincts were too radical for Virginia City. Had he and the distinguished Jewish citizens of the town been able to strike a sustained harmonious chord, the combination could have provided the mining community with a remarkable example of how religion and life might be conjoined.

NOTES

[1]See Reva Clar and William Kramer, "Julius Eckman and Herman Bien: The Battling Rabbis of San Francisco" (three parts), *Western States Jewish Historical Quarterly*, 15: 2, 3, 4 (January, April, July, 1983), 107-30, 232-53, 341-59.

[2]For a thorough treatment of early Virginia City, see Ronald M. James, *The Roar and the Silence: A History of Virginia City and the Comstock Lode* (Reno and Las Vegas: University of Nevada Press, 1998). Also see William Wright [Dan De Quille], *The Big Bonanza* (1876; reprint, New York: Alfred A. Knopf, 1953).

[3]Herman's older half-brother, Julius (1826-1909), had come to the United States in 1849 and was already making a name for himself as a talented lithographer. Julius became the premier printer of maps in the United States. He was also national president of the B'nai B'rith during 1854-57 and 1868-1900. We know little of his other siblings: Klarchen, Hannchen, Rebecca, Rosalie, Bertha, Leo, Leah, or Emma. There is an "M. Bien," who appears in an 1863 *Territorial Enterprise* advertisement as secretary of the Philadelphia Mining Company. He has no certain connection, however, to Julius or Herman. Julius's biographers note that his father, Emanuel, was a lecturer and lithographer. Biographical citations concerning Herman state that his father was a teacher and rabbi. See *Dictionary of American Biography* (New York: Scribners, 1928-1958), II,249; Clar and Kramer, "Julius Eckman and Herman Bien," 113, 359. Synagogue records at Naumburg also provide birth dates and occupational information on the Bien family including the detail that Herman's given name at birth was actually Hirsch; see Volker Knoppel, *Da War Ich Zu Hause. Synagogengemeinde Naumburg, 1503-1938* (Hofgeismar/Naumburg, 1998), 101-3.

[4]*American Israelite*, (10 October 1856) as cited in Clar and Kramer, "Julius Eckman and Herman Bien,"114. For more on the popular crusading editor killed by one of the scoundrels he had exposed in his newspaper, see "The Vigilance Committee of 1856," at http://elane.stanford.edu/wilson.text/11a.html. See www.sfmuseum.org/hist6/corahang.html for an account of King's funeral, reported as the largest public gathering in San Francisco history.

[5]*The American Israelite*, published by Isaac Meyer Wise in Cincinnati, had a respectable circulation in the West, including Virginia City, Nevada. *The Occident*, a more traditional publication, edited by Isaac Leeser in New York, had its own agent in Carson City in 1862. "Trail Blazers of the Trans-Mississippi West," *American Jewish Archives*, 8:2 (October 1956) 105.

[6]*The American Israelite* (10 October 1856), pp. 108-9. Self-taught un-ordained rabbis were not uncommon in nineteenth-century America. Jacob Voorsanger was one who served with distinction as rabbi in Texas from 1878 to 1886 before being called to San Francisco's Temple Emanu-El, where he was considered one of the leading rabbis in the city from 1886 until his death, in 1908. Kenneth C. Zwerin and Norton B. Stern, "Jacob Voorsanger: From Cantor to Rabbi," *Western States Jewish Historical Quarterly*, 15:3 (April 1983), 195-202.

[7]Concerning Polish Jews in the West, see Norton B. Stern and William M. Kramer, "The Polish Jew in Posen and in the Early West," *Western States Jewish Historical Quarterly*, 10:4 (July 1978), 327-29. For a treatment of seating practices, see Jonathan D. Sarna, "The Debate over Mixed Seating in the American Synagogue," in *The American Synagogue: A Sanctuary Transformed*, Jack Wertheimer, ed. (New York: Cambridge University Press, 1987), 363-94.

[8]Sephardic Jews in the United States traced their origins to the first migration of Jews to New Amsterdam from Portuguese-controlled Brazil in 1655.

[9]Clar and Kramer, "Julius Eckman and Herman Bien," 117-28.

[10]Rabbi Elkan Cohn served as spiritual leader at Temple Emanu-El from 1860 until his death, in 1889. This man, who eventually became beloved of this congregation, was initially criticized in his first year of service for ending segregated seating of men and women and introducing Friday evening services. Bien's first attempt at running a Hebrew academy for young men and women had ended in tragedy in the summer of 1857, because of the accidental death of a student who was engaged in gymnastic exercises. Clar and Kramer, "Julius Eckman and Herman Bien," 116.

[11]For more on the effects of congregations finding a comfortable level of reform, see Rabbi I. Harold Sharfman, *The First Rabbi. Origins of Conflict between Orthodox and Reform: Jewish Polemic Warfare in pre-Civil War America. A Biographical History* (n.p.: Joseph Simon Pangloss Press: 1988); references to Bien in San Francisco are at pp. 402-5, 427.

[12]Bien's remarks were preserved in a California Catholic history book as a reprint from the *Daily Alta California* of 18 July 1861, as cited in Clar and Kramer, "Julius Eckman and Herman Bien," 345.

[13]Hasia R. Diner, *A Time for Gathering: The Second Migration, 1820-1880* (Baltimore and London: The Johns Hopkins University Press, 1992), 120, 126.

[14]*The Hebrew* (24 January 1864), p. 4. *The Hebrew* had been started just a few weeks before in San Francisco by its editor, Philo Jacoby. Unlike Bien's short-lived ventures, this newspaper was to run for more than a half century. It was also one of the main vehicles of communication between Jews in northern Nevada and their friends and relatives in California.

[15]Early Nevada population figures have been notoriously exaggerated. See James, *Roar and Silence*, 74, 245, 289 n. 8. The population figure for 1864 was corroborated by Ronald James in a 25 January 2002 conversation with the author.

[16]Diner, *Time for Gathering*, 26.

[17]John P. Marschall, "Jews in Nevada: 1850-1900," *Journal of the West*, 23:1 (January 1984), 62-64. For Jewish membership in B'nai B'rith lodges, see "List of Members of Subordinate Lodges" in *Proceedings of the Second Annual Session of the Most Worthy District Grand Lodge, No. 4, . . . 1865*, 109-12. *The Hebrew* (5 August 1864), p. 4. Concerning Polish Jews in California, see William M. Kramer and Norton B. Stern, "Polish Preeminence in Nineteenth Century Jewish Immigration: Review Essay," *Western States Jewish History*, 17:2 (January 1985), 151-55.

[18]*Gold Hill Daily News* (5 April 1864), p. 3. Also, "Nesop" [Louis Kaplan] to *The Hebrew* (21 October 1864), p. 4.

[19]Lighting a match was considered "work," and therefore forbidden in Orthodox Judaism. For a brief summary of the Reform movement in the mid-nineteenth century, see Arthur Hertzberg, *The Jews in America: Four Centuries of an Uneasy Encounter: A History* (New York: Simon and Schuster, 1989), 143-46. For greater detail on the development of Reform in its formative period in the United States, see Diner, *Time for Gathering*, 305, for numerous citations.

[20]Margaret G. Watson, *Silver Theatre : Amusements of the Mining Frontier in Early Nevada, 1850 to 1864* (Glendale, Calif.: A. H. Clark Co., 1964), 270. See also Russell McDonald Legislative Collection, Box 5, at the Nevada Historical Society, Reno.

[21]*Virginia Evening Bulletin* (5 April 1864), p. 3; (6 April 1864), p.3; (9 April 1864), p.2, as cited in Margaret Watson, "History of the Theatre of Virginia City, Nevada, from 1849-1865" (M. A. thesis, University of Nevada, Reno, 1940), 124-25. *The Journals of Alfred Doten: 1849-1903*, Walter Van Tilburg Clark, ed. (Reno: University of Nevada Press), II, 812, 1034, 1115–16, 1199, 1208.

[22]*Mercantile Guide and Directory for Virginia City, Gold Hill, . . .* (Virginia [City]:Charles Collins, 1864-65), 57.

[23]*American Israelite* (24 June 1864), p. 411. Richard E. Lingenfelter and Karin Rix Gash, *The Newspapers of Nevada: A History and Bibliography, 1854-1879* (Reno: University of Nevada Press, 1984), 89. There are no extant copies of the *Nevada Staats Zeitung*.

[24]*The Hebrew* (21 October 1864), p. 4.

[25]*Ibid*.

[26]*Virginia Daily Union* (18 October 1864), p. 3.

[27]*Ibid*. (12 January 1865), p. 2. Further evidence of Bien's popularity is to be found in the *Gold Hill Daily News* (1 October 1864), p. 3:1, which reported Bien representing the German Union Club (Verein) with a speech at a patriotic rally "amid loud applause."

[28]For the view that Bien used the newspaper as a vehicle of exposure for election, see Wilbur Shepperson, *Restless Strangers: Nevada's Immigrants and Their Interpreters* (Reno: University of Nevada Press, 1970), 39, and Jake Highton, *Nevada Newspaper Days: A History of Journalism in the Silver State* (Stockton: Heritage West Books, 1990), 133. For details concerning publication dates and editorial policies of the German journals, see Lingenfelter and Gash, *Newspapers of Nevada*, 89.

[29]*The Journal of the Assembly during the First Session of the Legislature of the State of Nevada, 1864-1865* (Carson City, 1865), 13.

[30]The two men filed a minority report raising questions concerning the financial stability of certain railroad companies in competition with the Central Pacific *Journal of the Assembly* (6 January 1865), p. 131.

[31]*Gold Hill Daily News* (3 January 1865), p. 2. Bien and his co-religionist, Henry Epstein of Douglas County, were both active in promoting legislation which would hasten construction of the Central Pacific Railway. *Journal of the Assembly* (5 January 1865), p. 131.

[32]*Virginia Daily Union* (8 January 1865), p. 2.

[33]*Gold Hill Daily News* (9 January 1865), p. 2.

[34]*Ibid.*,(11 January 1865), p. 2.

[35]For a summary of the parliamentary maneuvers taken in the sessions concerning the appointment of the state printer as well as the tally of votes, see *Journal of the Assembly* (11 January 1865), 149-63. It may be of interest to some readers that there were three Jewish legislators voting for their favorite candidates: Herman Bien, Henry Epstein (Douglas County) and Meyer A. Rosenblatt (Lander County). The three legislators did not always agree. For an earlier sarcastic assessment of Philip Lynch's competence to serve as state printer, see Carson City's *Daily Morning Post*, (28 December 1864), p. 2. Joseph T. Goodman, owner and editor of the *Territorial Enterprise* during 1861–74, has been considered by some writers to have been of Jewish parentage, but there is no evidence that he was affiliated with any Jewish organization during his Nevada tenure, and his death certificate and obituary indicate no Jewish funeral rites. State of California Certification of Vital Record: 17-035058, State Index No. 780-4, City and County of San Francisco, Local Registered No. 5641. The obituary appears in the *San Francisco Examiner* for 3 October 1917.

[36]*Gold Hill Daily News* (12 January 1865), p. 2.

[37]All quotations are from the *Virginia Daily Union* (12 January 1865), p. 2. Bien's colleagues may well have been in agreement with John Church's assessment of Bien's interpositions, for when, at the end of the legislative session, the assembly thanked the reporters from the newspapers, they acknowledged the *Territorial Enterprise* and the *Virginia Daily Union* for their correct and faithful reports of the proceedings. Lynch's *Gold Hill Daily News* was not so acknowledged. *Journal of the Assembly* (11 March 1865), p. 489.

[38]*Journal of the Assembly* (13 January 1865), p. 174. On January 12, Bien gave notice of his intent to introduce a bill to establish the office of state superintendent of the Insurance Department. No such bill was ever formally brought to the assembly. The significance of even noting Bien's intention is that, in spite of any controversy which may have been swirling about him, he had his lance tilted at what others might have regarded as another Quixotic windmill. *Ibid.*, 167.

[39]*Gold Hill Daily News* (16 January 1865), p. 2.

[40]Henry Nash Smith, ed., *Mark Twain of the Enterprise: Newspaper Articles and Other Documents, 1862-1864* (Berkeley: University of California Press, 1957), 21.

[41]*Gold Hill Daily News* (17 January 1865), p. 2. The *Territorial Enterprise* for the date cited is not extant.

[42]The reference to Bien's "walk" may be a misprint or a stilted characterization of his behavior. *Gold Hill Daily News* (17 January 1865), p. 2.

[43]*Journal of the Assembly* (17 January 1865), 186-87.

[44]For anecdotal information on Nevada's Copperhead Democrats and southern secessionists, see James, *Roar and Silence*, 71-72, and Smith, *Mark Twain*, 19.

[45]*Gold Hill Daily News* (21 January 1865), p. 2. The *Journal of the Assembly* (14 December 1864), 17; (19 January 1865), 194-95.

[46]*Ibid.*, (27 January 1865), p. 2.

[47]*The Hebrew*, (17 February 1865), p. 4.

[48]Myron Angel (ed.), *History of Nevada, with Illustrations and Biographical Sketches of Its Prominent Men and Pioneers* (Oakland: Thompson and West, 1881), 81, 86, and 85.

[49]*Journal of the Assembly* (16 February 1865), 304-6. Clagett was a state senator and former member of the Nevada Territorial Legislature. His political leanings were southern and he resigned from the Senate on 12 April 1865.

[50]*Ibid. Journal of the Assembly* (16 February 1865), 1, 31 and 307-10.

[51]*Virginia Daily Union* (17 February 1865), p. 2.

[52]*Ibid.*

[53]Statutes of the State of Nevada . . . 1865, chapter 56 (Carson City, 1865), 173. *Virginia Daily Union* (15 March 1865), p. 2.

[54]*Journal of the Assembly* (10 March 1865), pp. 479, 481.

[55]*Virginian Daily Union* (11 March 1865), p. 2. John A. Collins was formally exonerated of any wilful wrongdoing or appearance of impropriety.

[56]*The Hebrew* (10 March 1865), p. 3:3. Also see James, *Roar and Silence*, 74. As Bien was leaving Nevada, Jacob Sheyer, a Polish-born rabbi arrived in Carson City. That the two may have met during Bien's last days in the legislature is highly unlikely, for Sheyer did not purchase property in Carson City until September. As it turned out, Sheyer with his wife and children settled into the women's clothing business and became Carson City's resident rabbi and Virginia City's choice for leading High Holy Day services. What religiously interesting symbiosis might have occurred had Bien stayed on is simply fodder for speculation. See Ormsby County Records, 1865, and John P. Marschall, "The House of Olcovich: A Pioneer Carson City Jewish Family," *Nevada Historical Society Quarterly*, 41:3 (Fall 1998), 178.

[57]*The American Israelite* (19 October 1880), p. 139, and Clar and Kramer, "Julius Eckman and Herman Bien," 356-57, who identify only three children. The four were Lily, Louis, Julius, and Joseph. Los Angeles Temple Genealogical Library, "Bien, Herman M." obituary in *Commercial Weekly Herald* (26 April 1895), of Vicksburg, Mississippi, in family records of Mary M. McKain, Quartz Hill, California, which were graciously made available to the author.

[58]A photograph of the fan being demonstrated by his son, Louis, can be seen in "A Western Picture Parade," *Western States Jewish History*, 20:4 (July 1988), 372.

[59]Clar and Kramer place Bien's death at Chicago, while the "Necrology" of the American Jewish Historical Society states it to have occurred in Cincinnati. The most reliable source is Birmingham's *Commercial Weekly Herald*, cited in note 57. Also see Clar and Kramer, "Julius Eckman and Herman Bien," 357-58 and "Necrology," *Publications of the American Jewish Historical Society*, 5 (1897), 207-9.

[60]Lily Bien Brown to Congregation Temple Emanu-El, no date, in Archives of Temple Emanu-El, as cited in Clar and Kramer, "Julius Eckman and Herman Bien," 359.

[61]Clar and Kramer "Julius Eckman and Herman Bien," 252, suggest "he might have fared better in the world of the theatre under the scrutiny of professional critics than as rabbi of a congregation, each member of which constituted a critic or judge, not necessarily qualified as such."

[62]The distinction of having the first permanent Jewish congregation in Nevada fell to the small town of Eureka. Its one hundred Jews formed such a group, which was recognized by the Reform Union of American Hebrew Congregations in 1877. Both Virginia City and Eureka hired part-time rabbis for High Holy Day Services as long as there was a need. John P. Marschall, "Jews in Nevada: 1850 - 1900," in *Journal of the West* (January, 1984), 64. No Nevada town or city was able to support a salaried full-time rabbi until Baruch I. Treiger assumed that position at Reno's Temple Emanu-El in 1947. Abraham (Oppochinsky) Tarlow served as full-time rabbi on a part-time salary from 1931 to 1946. Mervin I. Tarlow, Torrance, California, 8 September 2000. letter to the author.

[63]Elliott, *History of Nevada*, 398; James, *Roar and Silence*, 70 (prefatorial quotation from the *Territorial Enterprise*.)

Thomas Detter

Nevada Black Writer and Advocate for Human Rights

ELMER RUSCO

In 1871, Thomas Detter, a writer then living in Elko, Nevada, published *Nellie Brown, or The Jealous Wife, with other sketches*. In 1996 his book was republished by the University of Nebraska Press, with an introduction by Frances Smith Foster. In between these dates, *Nellie Brown* was largely ignored, as was its author, although both deserved better treatment.

One of the reasons for ignoring Detter and his work may be that his book was published in the American West at a time when it was widely assumed that worthwhile American intellectual life existed only in the East. It is even more likely, however, that it was ignored because its author was an African American. Anyone familiar with the long history of racism in this country, in which the lives and achievements of so-called non-whites have often been ignored or denigrated, will not be surprised that author Thomas Detter has been treated in this manner.

Frances Smith Foster, a professor of English and women's studies at Emory University, has done scholarship a service by republishing Detter's book. Readers may expect to enjoy Detter's literary musings, and can hardly miss his moral intent. The original title page of the book states that "this work is perfectly chaste and moral in every particular," and his introduction avers that "man and woman were created for a noble purpose by their Creator" but that this work of fiction "show[s] the unhappy results of jealousy and misplaced confidence" upon some marital unions.

Foster's insightful introduction places Detter's work in the context of similar literary treatments of divorce that emerged during the late 1850s and the 1860s. She points out, for example, that the principal fictional element of Detter's book fills a gap in our knowledge of literary treatment of this topic between 1870 and 1881. Detter's fictional work is therefore important to students of American literary and intellectual history.

As Foster points out, although *Nellie Brown* occupies about two-thirds of the book, it also contains several smaller works of fiction and several essays. Since the events of the novelette take place within a slaveholding family, *Nellie Brown* inescapably contains several comments about this fundamentally racist institution, although an attack on slavery is not its point. However, Detter's moral views on divorce are not basically dependent on this milieu; they could have been expressed through characters of any race or within other milieux without weakening his emphasis on divorce.

In the shorter pieces in his book, however, race is a central focus. In "The Octoroon Slave of Cuba," for example, Detter sharply attacks the absurd "one drop theory" of American racism—that having what an early Nevada statute described as "a distinct and visible admixture of African blood" makes anyone a member of a race that can be enslaved and discriminated against, even though the person's ancestors may have been overwhelmingly white.[1] In this story two sisters sharing predominantly Euro American genes have very different fates, because one is classified as colored while the other is regarded as white.

"My Trip to Baltimore" has the same theme. In this story the narrator describes traveling with a man who is sometimes perceived as colored and sometimes seen as white. He receives very different treatment depending on how others see him, which is a biting comment not only on the injustice of racism but also on its stupidity. This aspect of white racism is still with us.

The principal focus of this article, however, will be on Detter's other published writings, mainly short pieces appearing in newspapers. These display extensively his fundamental posture as a principled and systematic advocate of human rights, particularly the right not to be discriminated against on the basis of race or skin color. In addition to fictional or nonfictional statements included in his book, many more such statements of his ideas are contained in letters he published in the West Coast African-American press based in San Francisco.

The newspaper *Mirror of the Times* was published in California by black intellectuals during the 1850s, but few issues have survived. It is not known whether Detter published in this paper. Extensive collections of two successors to the *Mirror of the Times*, however, are available on microfilm at the Bancroft Library at the University of California, Berkeley. The *Pacific Appeal*, first published on April 5, 1862, and the *Elevator*, first appearing almost exactly three years later, do contain many letters submitted by Detter. Peter Anderson, the publisher of the *Pacific Appeal*, and Philip Bell, his counterpart at the *Elevator*, sometimes differed and bickered, which may account for the fact that Detter did not publish in both newspapers at the same time. Between April 6, 1863 and January 12, 1864, he published six letters in the *Appeal*, between October 26, 1866 and May 6, 1870 fourteen of his letters appeared in the Elevator, and from September 14, 1870 to October 8, 1875 sixteen were printed in the *Appeal*.

The thirty-six letters published in these newspapers plus the texts (published in various newspapers) of three public addresses he made during the 1870s, were the foundation for the statement in *Good Time Coming?* that Detter "was the most articulate of the remarkable blacks who lived in nineteenth-century Nevada and one of the West." Although this article will include some new material on Detter's life, discovered since *Good Time Coming?* was published, it will primarily report and analyze these letters and addresses.[1]

Detter's Biography

Thomas Detter was born in either Maryland or the District of Columbia in 1827 or 1831, depending on whether the age of forty-three in the 1870 census of population or of forty-nine in the 1880 census is correct. His father was a stone mason named Thomas Detter (spelled in various ways) or Dettrow or Detro (also in various forms); his mother's first name was Eleanor. Although apparently unable to write (he signed his name with an x on various documents), his father owned property and lived in Washington, D.C. from at least 1830 until his death in 1840. Probably the family—Thomas had a younger sister, Martha—were members of a substantial free black population in the District, although what their wider connections with slavery may have been we do not know.[2]

The father's will indicates his desire that Thomas, his only son, be apprenticed to a shoemaker until the age of twenty-one. It is not clear whether Thomas had any training in this trade; none of his surviving writings suggests that he did. But it is clear that he received formal education as a child. Slaveowning states systematically by law denied the right to an education to African Americans, and most states outside the South enacted similar laws until well after the Civil War. For example, almost all non white children were barred from public schools in Nevada until 1872.[3]

In the introduction to *Nellie Brown* Detter unnecessarily stated a weak apology for publishing his possibly crude work and then went on to say: "I was raised in the District of Columbia, where the education of colored persons was very limited." Such opportunities were limited, but the District was one of the few places in the country during his childhood where a child of African descent could receive any formal education at all.[4] His comment suggests a short period of schooling, but obviously he continued to educate himself, as the facts and authors he cites amply demonstrate.

For example, in an 1870 address delivered in Elko, Detter made an extended argument that the South bore the responsibility for initiating the Civil War. In doing so, he quoted Abraham Lincoln, Alexander Stevens, George Washington, Steven A. Douglass, Andrew Jackson and Andrew Johnson. To buttress his argument that violence had not been necessary to defend slavery, he cited the Missouri Compromise, the Crittenden Resolutions, the Dred Scott decision and the Fugitive Slave Law. These were presented as evidence that Northern leaders had had no desire or authority to abolish slavery in 1860.[5]

Exactly how he kept abreast of what was going on at the national level while he lived in several small Western towns is not clear. He was a subscriber to the San Francisco black newspapers, but we do not know how much access he may have had to similar newspapers published in the East. It is important that he was one of a circle of black intellectuals in the West who must have corresponded significantly with each other, although how often they were able to meet together is uncertain. These opportunities to learn from one another must

have been substantial during his early years in California, when black leaders vigorously protested discrimination in many ways. Dispersal of many of the group to other Western states and territories must have decreased opportunities to share information and ideas directly. Nevertheless, they obviously kept in touch through the San Francisco papers, and probably with personal correspondence.

Detter clearly was well regarded by the members of this group. The *Pacific Appeal* once described him as "a gentleman well known in Sacramento, San Francisco, and other cities of the State, for his integrity and gentlemanly deportment and his zeal as a writer in behalf of his race."[6]

However this happened, these black intellectuals were certainly more cosmopolitan than most Americans of the time. Their locally-published pieces often deal at least as much with what was going on at the time in the South and in Congress as they do with events in the West. Sometimes they were ahead of white leaders in their understanding of important topics involving race.

For example, there is a letter published in May 1862, by Dr. W. H. C. Stephenson, a black physician then practicing in Sacramento, California. By 1863 he was practicing on the Comstock, and lived there until at least 1870.[7] In a letter to the *Pacific Appeal*, Dr. Stephenson wrote that the age was one of revolution: "The spirit of Liberty is again being kindled in the hearts of the people, and tyrants tremble."

He then applied this notion to the institution of slavery, and wrote that "the present conflict is a war waged between the North and South. It is a contest, with Liberty arrayed on one side, and Tyranny, of the foulest and most despotic character, on the other. It is a conflict of *force* against *right*—of *truth* and *error*." He then asked: "What is the object of this sanguinary struggle? What is the end of this desperate encounter?" and continued: "I answer that the final result will be to establish the principles of *freedom*, and to obtain an extension of individual *liberty*," as part of the worldwide revolution then going on.[8]

This letter was written at a time when President Abraham Lincoln and the other leaders of the national government were insisting that the Civil War was about the issue of secession, denying that slavery was the root cause of the war. In late summer of 1862 Lincoln made the decision to issue the Emancipation Proclamation, as a war measure. When he did issue this document, in January 1863, and later in that year when he delivered the Gettysburg Address, Lincoln embraced the notion that the essential meaning of this terrible conflict was to elevate human rights to a central foundation for the Northern purpose in the conflict.[9]

Detter arrived in San Francisco by ship in 1852. His occupation and city of residence for many years after are not precisely known, but apparently he made his living as a barber in Sacramento and perhaps other California cities. He continued in this business in other Western states.

Barbering was one of the more profitable occupations open to black males at that time, for several reasons. Opening a shop required little capital, the skills needed to shave and cut hair were widespread in black communities at that time, and white attempts to overcome black competitors by using racial prejudice as a limiting factor did not intensify until later in the nineteenth century.[10]

More important, was the fact that, as businessmen, barbers had somewhat more freedom than laborers or occupants of other low-status positions open to African Americans because they worked for themselves and because their efforts were more remunerative.

Once a business was established, a barber could add other related services or sell specialized products, both of which could increase profits. For example, while living and working in Elko, Detter advertised that he offered "hot and cold baths . . . in warm and comfortable rooms." This advertisement stated: "Having refitted and refurnished my Bath Rooms, I am now prepared to supply every comfort to my patrons."[11] In Eureka, he was described in a newspaper as 'the wellknown proprietor of the Silver Brick shaving saloon and bathing establishment.'"[12]


NEW BARBER SHOP.

T. DETTER

Has reopened his

BARBER SHOP AND BATH ROOMS

In Mrs. Ramft's new Building, on Main street, where everything is new, neat and clean.

GIVE HIM A CALL. jeo-tf

(Eureka Sentinel, July 8, 1879)

Detter sold at his places of business a "celebrated hair renewer." In an advertisement published in a San Francisco black newspaper addressed to "Bald Heads," Detter argued that his "hair restorative" was effective and cited testimonials to its efficacy from an attorney, two physicians, a notary public and others.[13] Later he sold "the best Blood Purifier in use, Rheumatic Liquid, and Pile Ointment—made purely of vegetation and guaranteed." A James McCormick endorsed his "Cough Tonic," claiming that he had gained "immediate relief" from "a severe cough" which resisted other treatments.[14] While in Elko, Detter published an advertisement stating that "Everybody Should Buy a copy of *Nellie Brown*, written by T. Detter (Colored) of Elko." For a while in Elko, at least, his first wife, Carolina, advertised a hairdressing establishment.

Figure 1 lists Detter's known places of residence from 1852 to 1884. There are numerous gaps in this record, but the general pattern is clear: After staying in California for at least six to seven years he began a series of moves to inland territories and states on the mining frontier.

FIGURE 1
KNOWN PLACES OF RESIDENCE OF THOMAS DETTER, 1852-1884

Arrived in San Francisco 1852, in California until at least 1858 or 1859
Lewiston, Idaho Territory—April 25 through July 18, 1863 (and possibly for several years before this)
Bannock City, Idaho Territory—August 1, 1863
Walla Walla, Washington Territory—January 30 to March 19, 1864
Idaho City, Idaho Territory—October 26, 1866 to February 9, 1869
Elko, Nevada—March 8, 1869 to November 18, 1871
Eureka, Nevada—November 25, 1871 to at least 1883
New Orleans, Louisiana—February 10, 1884

It is not clear whether Detter himself engaged in mining, but clearly he was attracted to the exciting prospect of becoming wealthy quickly through finding a rich source of silver or gold ore. He wrote in 1870 that he and other black men who came to California in the 1850s "looked only to the sunny side of life and for glittering gold."[15] After it became clear that he and his friends were unlikely to become rich in California, he was attracted to new mining frontiers. Whether prejudice by white miners played a role in discouraging him from attempting mining, Detter does not say.

A letter from Bannock City in July, 1863, just before he moved there, expressed his excitement at the get-rich-quick aspect of mining towns. He wrote that "this is the liveliest camp I have seen since I have been on the coast," and that "there is no question or doubt as to the richness of these mines. I have seen surface diggings that paid $200 to the hand; $20 and $50 per day are common."[16]

Detter's personal ambivalence about mining is evident in the first letter he wrote after moving to Elko. He notes that Elko had "sprung into existence as

by magic" and that while "six weeks ago there was not half a dozen houses here, now there are nearly three hundred tenements, built mostly of canvas." The reason for this prosperity was that Elko was a crucial transportation hub for the newly-opened mines at Treasure Hill, south of the town. He then comments: "The news from the mines is still encouraging. I see men from there daily, who say it is the place for the boys to make a scratch, but I hardly think I'll take any of it in mine at present. I have been struggling long and hard to make it stick; it is up one side and down the other with me. I have hung out my shingle here and expect to remain."[17] He stayed in Elko for nearly two and a half years and then left for Eureka, a new Nevada mining camp just opening up.

His stay in Eureka was the longest after his move to the West—at least twelve years, beginning when he was in his mid-thirties or early forties. Detter was successful and highly-regarded in Eureka. This is apparent in an article published in the *Eureka Sentinel* reporting his second wedding. His first wife, Carolina, died in 1874; in 1876 Detter married Mrs. Emily Brinson (or Bronson) of San Francisco.[18]

In reporting the wedding, his hometown newspaper referred to him as Dr. Detter and stated that the wedding had been "attended by nearly all of the colored folk in town, besides some twenty-five or thirty white people, including some of our most prominent citizens and their wives." There was no black church in town; they were married by Rev. Thomas McClain, the second pastor of the Presbyterian church in Eureka. The article concluded by stating that "the affair was well conducted throughout and the Doctor and his bride have reason to feel pleased with the auspices under which they commence their voyage upon the matrimonial seas."[19]

Detter owned at various times two properties in Eureka that were the sites of businesses. On January 5, 1872 he purchased a one-half lot piece of land on the west side of Main at Robbins, in the central commercial part of the town. He paid $312 in gold coin for the lot, and sold it on April 27, 1883 for $500. An 1878 directory identifies Detter's business in this fashion: "Hairdresser and baths," with a business on Main Street.[20] On April 24, 1872, he bought a full lot at Adams and Clark, about two blocks away from his first purchase, and sold this twice, in 1876 and 1880, which must mean that either he repurchased or repossessed the lot in between these two sales. It seems that he made quite a bit of money on this property; he first bought it for $40, but sold it for $700 the first time and $1,500 the second time. An 1880-1881 directory of Eureka erroneously lists him as a "baker," but does not indicate where his business was located.[21]

Detter obviously prospered and became highly regarded in Eureka. However, he suffered personal tragedies while there. The death of his first wife, Carolina, in 1874, has been noted above. The same year their son Robert died at the age of nine. A funeral service for him was conducted at the Episcopal church in Eureka.[22]

The last date Thomas Detter is known to have lived in Eureka was February 2, 1883, when he purchased from Jessie Mendes and his wife a residence on Paul Street, on the eastern edge of the town. A year later Detter sold the property to his wife; he is described in this deed as "Thomas Detter of New Orleans State of Louisiana," and his signature was notarized in that city.23 In June 1890 Mrs. Detter sold the property to William Robertson. Probably Detter was once again a victim of the inevitable decline of mining communities, but these data suggest also that he became estranged from his second wife.

DETTER'S HUMAN RIGHTS STANCE

Thomas Detter consistently opposed racism on universal grounds. In addition to attacking the irrationality in this country of the rules used to classify individuals by race, he pointed out the injustice of assigning rights on the basis of the color of one's skin. For example, he once wrote: "As to the color of races, it is a matter of small importance to me. Perhaps some were made in the night. If so, shall the morning oppress the evening? Are they not equal in the rights assigned them?"[24] Another time, he wrote that the Creator had made some men with "darker complexion" than others. But, he asked, is this a ground for hate? "I ask the question, if it is a crime to be black—who is amenable for said crime, the Creator or his creatures?"[25] He asserted that "men must be measured according to their intellect, not their color." [26]

Although Detter was clearly a Christian—he repeatedly eulogized friends by commending their advocacy of Christianity and referred to himself as a Christian—his opposition to racism was not couched in specifically religious terms.[27]

Instead, he based his passionate views on a concept of universal human rights, as well as on the notion that expanding human freedom is the essential meaning of Americanism. In other words, he defined Americanism not in racial terms or even in narrow political terms, but as flowing from a commitment to individual rights.

In 1868, he wrote, "the time has come for all to unite in advancing the Rights of Man." Later that year, in a letter marking the passing of William H. Yates, he wrote that Yates "was a true friend of human rights, and was never known to retreat in the great struggle in which we are engaged."[28]

In 1874, in eulogizing Charles Sumner, the chief Senate leader of the Radical Republicans, who saw the Civil War as basically about ending slavery and racial discrimination, Detter wrote that Sumner "convinced the civilized world of his devotion to human rights, freedom and free institutions. He is beloved and mourned by every lover of justice and every friend of humanity." He went on to state that "every colored man should be proud to contribute to the erection and dedication of a monument to so devoted an advocate of our rights."[29]

Although Detter seldom wrote about any rights other than those of primary significance to African Americans, he must have seen the world in the broad terms implied in relying upon such a foundation for his concrete goals. More often, however, he asserted that abolishing slavery and the racial prejudices accompanying it, and surviving its demise were called for by the basic ideals of American democracy. No doubt he believed that Americans of all parties should endorse these ideals.

There is one known exception to Detter's profound commitment to America. In 1862, he attached his signature to a petition sent to Congress by 220 black leaders in California. This petition reflected despair at the failure of the national government at that point to embrace the end of racial discrimination as a Northern war aim; the petition pointed out the denial of "many of the most important privileges of citizenship" by American governments to black citizens, and also "their being marked out, not only by law, but also by public sentiment . . . as an inferior and degraded caste."[30] The petitioners at that point supported "emigration to those countries where color is not considered a badge of degradation."

After this time, however, Detter was never on record in favor of leaving the United States, and consistently phrased his pleas for "justice" in terms of the national ideals. A major reason for this stance was the issuance of the Emancipation Proclamation in early 1863, followed by President Lincoln's Gettysburg Address later that year. These actions placed Lincoln squarely on the side of interpreting not only slavery but racial discrimination as violations of the highest national ideals.

In October 1868, Detter wrote, "We claim this to be our country and our home, and nothing less than the rights of freemen will satisfy us." In his address in Elko in honor of ratification of the Fifteenth Amendment to the federal Constitution he asserted, "this Government was founded upon the idea that all men were created equal," and went on to repeat the rest of the Declaration of Independence's elaboration of this point.[31]

A common theme in his writings and speeches was that participation of blacks' in the nation's wars for freedom entitled them to equality with white men. In his 1870 address in Elko, he invoked the name of Crispus Attucks, a black man who was the first to die in the Boston Massacre, at the beginning of the American revolution. In his 1875 address in San Francisco he made this strong statement:

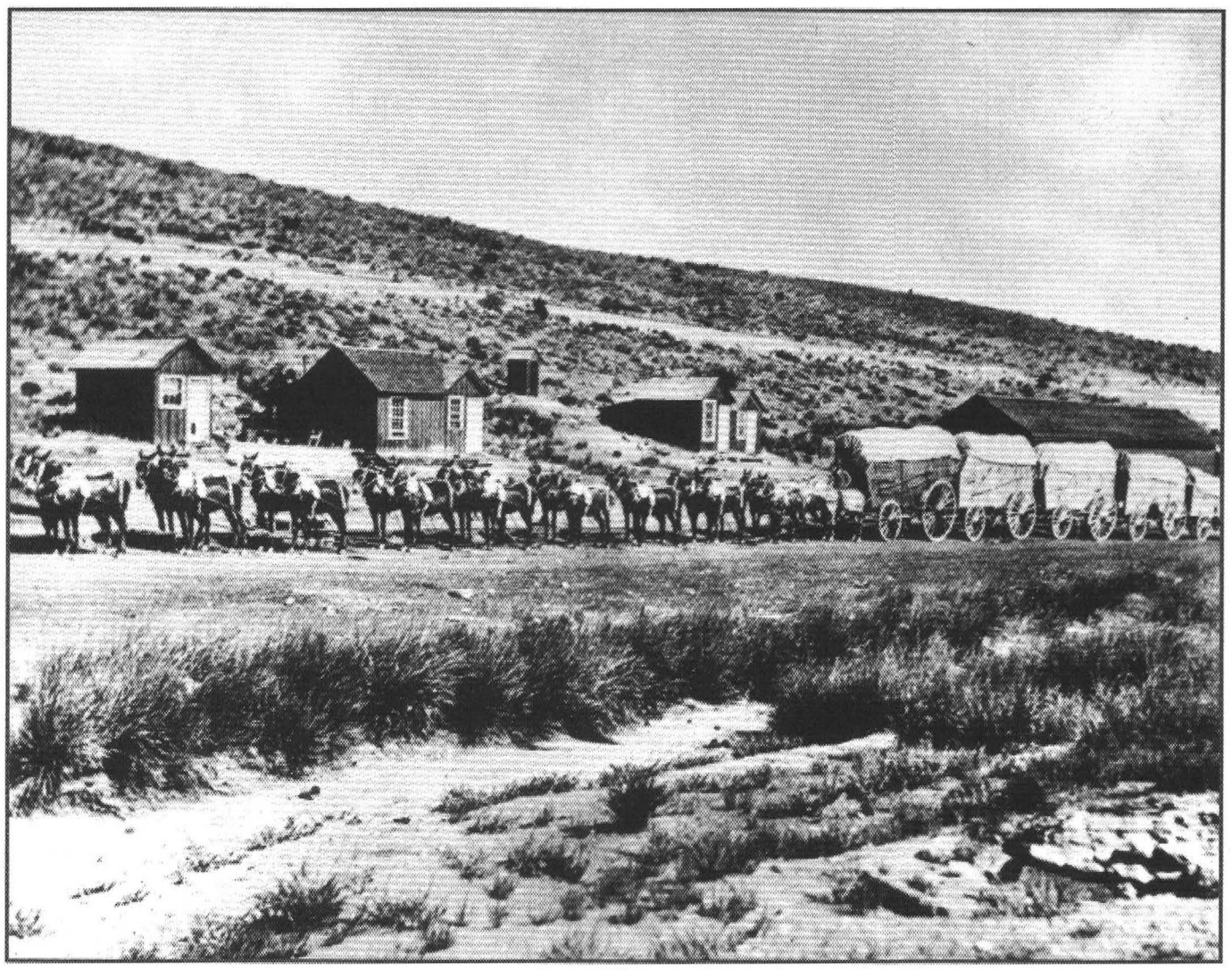
> Some claim that this is a White man's country. I ask you, When the old bell of Independence Hall peeled high notes of freedom, calling Americans to arms, did she summon white men only? No, sir. The Indian rushed from his smoky wigwam, with his glittering battle axe of steel; the negro from the plantation, with his crude implements of war—all united to make this 'the land of the free, and the home of the brave.' Yes, sirs; the negro poured out his life-blood in every struggle for your country's glory.[32]

Most of Detter's writings and speeches were directed at black audiences, and probably were read or heard at that time by few outside this group. Because of his appeal to universal values and especially to national ideals, it is doubtful that the things he said could have disturbed any whites who were not blatantly racist, but at that time there were plenty of these. In his address in Elko in 1870 Detter used some strong language, which he seems to have felt might upset some of his white audience.

Toward the end of his address Detter reported that he had read years before of an incident in which two Americans in another country were tried and sentenced to death. Just before they were to be executed the American ambassador saved their lives with this statement: "I take the ensign of my Government and cover them, I defy the nations to harm a hair of their heads." Detter than asked: "Now allow me to ask, Do you believe if those men had been negroes they would have been thus delivered? No sir! so strong was the proslavery sentiment at that day, that a negro had no rights that white men were compelled to respect; we were treated but little if any better than dogs." The reference to rights in the last sentence of this statement quotes from the Supreme Court opinion in the Dred Scott case, in which the majority of the court went beyond deciding the facts of the case before them to espouse a white-racist view of U.S. policy toward African Americans.[33]

In the same address, Detter praised Touissant L'Ouverture, the black leader of the successful slave rebellion against French rule that led to the independence of Haiti. Speaking of him as "that black advocate of human rights," he reported L'Ouverture's response when French authorities stated that they would behead his sons if he did not abandon his leadership of the rebellion. Detter said: "Now mark the language of that brave black warrior: 'It is far better for two to die than a nation to be enslaved.' Personal and constitutional freedom is what he died to secure." Immediately after telling this story, Detter concluded his speech with this statement: "These are my sentiments. I am responsible for the same."

Detter left Elko for Eureka not long after delivering this address; it is possible that this departure resulted at least in part from adverse white reaction to these or other statements in his address. However, there is no evidence to support this assumption. H. F. Grice, another educated black barber in Elko at this time, stated that his address had "received loud and prolonged applause from all." Moreover, the Elevator noted that a Democratic newspaper, the Elko Independent, had "congratulated us of [sic] our celebration, and praised our speakers in the highest terms." This newspaper reported that "the address by Thomas Detter was happily delivered . . . and was frequently cheered by the audience. Detter counseled his colored brethren to be temperate and educate themselves to a proper understanding of the responsibilities and duties now devolving upon them, that they may discharge them with credit." Not all the speakers received praise; it was said that president W. A. Scott "addressed the



Early Eureka, Nevada (*Nevada Historical Society*)

Early Eureka, Nevada (*Nevada Historical Society*)

meeting at some length in a political harangue." Perhaps his address produced this response because he allegedly uttered "uncalled-for flings at the Democratic party." The newspaper's editorial ended with the judgment that "the whole performance was well conducted, and our colored citizens may well be proud of the manner in which the programme was carried out."[34]

Detter repeatedly defined the rights that African Americans were seeking as rights of American citizenship. In 1872 he wrote: "I am willing to admit that citizenship is the greatest gift Government can bestow upon its subjects. There can be no grades of citizenship in a Republican Government."[35] Two years later he wrote: "I regard the title of citizenship of little value in a Republican Government when it does not make all equal, and remove every political and civil disability. The great work of freedom is not completed."[36] When it seemed that the civil rights bill of 1874 would not pass the Congress, Detter remarked bitterly: "Is there a government in existence where the title of citizenship is such a farce to any class of its subjects as the title is to us?"[37]

Initially, of course, he saw the greatest evil to be the continued existence of slavery. But by 1863 he was proclaiming: "We feel rejoiced to see that Slavery has received a death-blow, and today is struggling for life."[38] The Emancipation Proclamation technically freed slaves only in the states in rebellion against the Union, where the government's writ did not run, but Detter and other black writers could see that in practice it meant that a Union victory would end this odious practice. The Thirteenth Amendment, outlawing slavery, was the first constitutional amendment put forth by the Reconstruction Congress; it was ratified in December 1865, a few months after the end of the Civil War.

From that time on, Detter was concerned with the ever-widening agenda of those who sought to extend more and more rights to the freed slaves (although admittedly some Republicans voted for these measures only because they saw them as beneficial to the electoral success of the party.) These factors were linked: When Democrats regained strength in congress, the willingness of that body to support civil rights legislation ended.

In 1866 Congress passed a civil rights bill (over the veto of President Andrew Johnson) declaring that there were a number of rights of individuals which states could not abridge. Detter criticized this act because, while the bill spoke of African Americans as citizens of the United States, it still left control over the granting of the suffrage to the states. He argued that "the Federal Constitution clearly sets forth the rights of all American citizens, and protects their claim, at home or abroad." However, he pointed out, blacks were "exceptions to the favored classes" in fact. He asserted that "if Congress has the power to declare us citizens, it should have secured to us the same rights and immunities that others enjoy . . . . I say we are American citizens with no political rights . . . . We are freemen and still oppressed in our native land." His immediate concern in this case was the right to vote, but it is clear that he also saw wider problems. Detter declared that, "slavery is fallen, but it is not dead, oppression is still striving to fetter justice and to lull the voice of freedom."[39]

The Reconstruction Congresses found themselves responding also to the increasing need to expand the rights of the freed slaves, as not just Southern states but also most Northern states refused to effectively eliminate state discrimination in various areas against African Americans. The Thirteenth Amendment was followed by the Fourteenth, which unequivocally proclaimed that birth in the United States is the primary way to acquire citizenship, established broad limits on the ability of state governments to discriminate on racial grounds, and provided a means to punish states that denied the right to vote on racial grounds. Finally, the Fifteenth Amendment forbade states to deny the right to vote on the basis of race, color or previous condition of servitude.[40]

The principal problem of Reconstruction was preventing southern states from defying or evading the newly-established constitutional rights. During the 1870s the failure to make these rights operative in that part of the country became obvious; the withdrawal of federal troops in 1877 was not the cause but the result of this failure.

However, private discrimination against African Americans remained widespread, even in non-Southern states. This led to attempts in the early 1870s to enact federal legislation to forbid such private discrimination. A civil rights act banning racial discrimination by individuals operating in interstate commerce was enacted in 1875, but it proved to be the last civil rights bill at the national level before the 1950s and in 1883 was effectively annulled by the U.S. Supreme Court.

Detter was very sensitive to this issue. For example, in 1869 he wrote that, while slavery was dead, "injustice, its offspring yet lives; oppression is not driven from this free land."[41]

In 1870 he made a longer statement about this question. He wrote:

> I admit that slavery is a dead issue, and can never be resurrected to life again . . . . But, sir, who can deny that its wicked spirit still haunts us by day and by night? Everywhere we see the hideous form of American prejudice—the offspring of slavery, the twin of tyranny . . . The white man still clings to his prejudices against caste. To be black is a crime. To be white is an honor. He has nothing to support his prejudices but the evils which slavery entailed upon us, or to establish his theory of the colored man's natural inferiority to the white . . . Let us teach our children to hate tyranny and oppression, and to love liberty's honored name. Slavery's curse still rests upon us. We are yet the subjects of what seems to be an unrelenting prejudice.[42]

He explained that he had several things in mind. First, there was the refusal of Southern states to accept the Fifteenth Amendment, and the frequent lynching of African Americans in those states. But he also protested public discrimination in education in Nevada. In 1870 he wrote of the Eureka school that "no children are admitted except those who wear white skins. We have several colored children here who are growing up in ignorance, all on account of the white man's prejudices. I ask, when will 'man's inhumanity to man' cease?"[43]

The next year, black parents in Carson City successfully challenged the constitutionality of Nevada's discriminatory school law. After the Nevada Supreme Court invalidated this law, Detter wrote about the victory and stated: "I leave the subject, and honor the Negro who has the courage to attack the enemies of his race and rights. I believe you of California can accomplish the same if the proper remedy is applied."[44]

Second, Detter called for legislation to halt private discrimination. He stating that the intent of the federal constitution "was to place the Negro in possession of every political privilege, and to abolish all laws founded upon caste: abridging the rights of States to legislate against our class because of color. But . . . men evade it and disregard the rights of colored citizens. We are still denied privileges which others can purchase." He listed the denial of admission to hotels, restaurants, and common carriers. Specifically, Detter wrote that the Fourteenth Amendment "does not secure us legal redress for all grievances afflicted upon us by persons who still believe in Negro inferiority and white supremacy over the colored citizen."[45]

Another aspect of his writing was the recognition that, at the time, the Republican party supported the human rights he advocated, although occasionally he despaired of this party and even apparently hoped that the Democratic party would also embrace equal justice. In 1870 he wrote that "since 1861 the Republican Party have swept the country, their standard has been erected in every State of this Union," because they were the progressive party in the country, "advocating equality before the law for all men."[46] Later that year, he wrote that the mission of the Republican party would not be complete until "every law for the protection of human rights" should be "as immovable as the Rock of Gibraltar."[47]

In 1869, however, he had remarked that not all Republicans were faithful to the ideals of the party: he asserted that some were alarmed at the idea of "negro equality" and were afraid of "the fearful ghost of Chinese suffrage, called up from the tomb by Democratic Spiritualists to delude faint-hearted Republicans." He was commenting at that time on the rising anti-Chinese sentiment in Nevada, encouraged by the Democratic party, which in 1870 was the beneficiary of the Republican party's first defeat in that state.

Just before the election in 1870 he wrote that the Democrats in Nevada were making a strong effort and that "they use the Chinese improved musket, intended to kill at long range."[48] These remarks indicate clearly that he was not endorsing the powerful anti-Chinese movement. He was also prescient in foreseeing the powerful effect on Nevada politics of the rise in anti-Chinese prejudice.

In 1872, when the independent candidacy of Republican Horace Greeley threatened the reelection of President Ulysses Grant by aiding the Democratic party, Detter asked: "is it expected that we, like Greeley, will abandon a party who has given us every political right which has long been withheld by the

party that Greeley has chosen as his political friends? He is a traitor." He asserted that "the time is not yet for us to experiment with our liberty and rights. They are none too secure," and urged that Grant "is the friend of freedom, and the advocate of equal rights for all."[49]

In late November, 1873, however, apparently in frustration at the failure of Congress to pass the civil rights bill then before it, Detter expressed disillusionment with the Republican party. Noting that Negroes had "clung to the Republican party since the close of the rebellion," he remarked that "the dusky warriors . . . fought for the same cherished principles as those of 1776 and 1812. When the monster Slavery fell dead at the feet of the Republic . . . it was then the Negro believed Justice would ever be the reward of his race."[50]

He also wrote that "the great sacrifice of life and limb . . . has not removed American prejudices. We are citizens, yet denied the privileges of citizens. Our civil rights are not respected . . . It is yet a crime not to be white." He noted that while the colored man could expect no help from his enemies, "we demand of those whom we support and endorse to secure us every right by State and National legislation [although] they are slow to heed our appeals and demands for Justice." He implied that Negro voters should not automatically vote for Republicans: "Vote for no man who is doubtful; bring them square up to the point of justice."

Nearly a year later, he was even more emphatic. Assuming the civil rights bill to have died in Congress, Detter wrote that this failure had weakened the faith of Negroes in the Republican party. He asserted that "the legislators of the Republican party deserted us at the very time when the capstone was to be placed in position, completing the great citadel of American liberty and fixing forever the civil status of the colored Americans." Saying that this outcome was an insult to 800,000 colored voters in the country, he repeated the advice he gave the year before: "Let us vote for no candidate who believes a white American citizen is entitled to more privileges and consideration than a colored citizen. Let us aim to make an example of such." Speaking of the lynching of Negroes in the South and charging that President Grant was "too lenient to the midnight assassins," he stated: "I care not if the coming political contest is made outside of the Republican ranks, if by so doing we are to receive the rights of freemen."[51]

Thomas Detter's last known major statement of his views on human rights consists of excerpts from an address he delivered in San Francisco in 1875, in celebration of the anniversary of the Fifteenth Amendment. By this time the new civil rights bill had become law. Detter was more optimistic than he had been earlier and had returned to the Republican party, although he still asserted that the battle for freedom had not been won completely. He wrote:

> I regard the passage of the Civil Rights Bill as the last act in the drama of human rights, fixing ever, I trust our political and social status in these United States. The negro is no longer a slave—he is a freeman. Now and forever in his native land he is an Ameri-

can citizen. I see him running side by side with his white competitors for the city of fame, where the statesman, warrior, philosopher and the hero are resting upon their golden laurels . . . Look at the strides he has made in a decade from the servitude of the plantation. Beneath the dome of the nation's capitol he stands, contending with the ablest adversaries of his race.[52]

While he also thanked God, Detter praised the Republican party for this result. "I am here to ask you as American citizens to keep the jewel of freedom in the house of its friends. The Republican party is my party, and should be the party of every colored man, until its great mission is completed—until personal and constitutional freedom is ever secure."

In Detter's writings the Democratic party is routinely condemned as the party of treason and, more important, the party which defended slavery and founded itself on American prejudices. A curious exception is that Detter claimed in 1869 and 1870 that James Madison, one of the most important architects of the federal Constitution and later president, had once supported citizenship for freed slaves. Detter first made this claim in a letter from Elko written on October 18, 1869, and repeated it in his 1870 address in Elko when he said that Madison had said that "if the negro is set free by virtue of the laws of our country, citizenship follows."[53] In 1870 Detter also asserted that Democrats had once allowed free blacks to vote in several states before the 1830s, with the result that some Negroes had voted for Democrats during this period.

The editor of the *Elevator* remarked with sadness that Detter had committed a "grave error" by asserting that Democrats had once supported rights for Negroes. Instead, the editor claimed, "the Democratic Party have always opposed negro suffrage."[54]

James Madison, like Jefferson and several other early leaders of the nation, was a slaveholder who realized that slavery was wrong, although he did not free his slaves at his death. He strongly opposed the slave trade, but also believed that African Americans, if freed, could not continue to live in the United States. Toward the end of his life he accepted the presidency of the American Colonization Society. Although most advocates of colonization favored sending free blacks to Africa, Madison supported sending them to the vast area added to the United States by the Louisiana Purchase and financing the purchase of their freedom by using part of the proceeds from the sale of public lands. This view implicitly rejected the notion that African Americans could ever become part of the voting population of the United States.[55]

While Madison never embraced citizenship (which did not automatically guarantee suffrage rights) or voting rights for freed slaves, Detter may have read too much into a statement Madison made in number 54 of the *Federalist Papers*. That number was an attempt to justify the "three-fifths rule" for apportioning seats in the House of Representatives among the states. The Constitution provided that the states with slaves received credit for three-fifths of their slaves for this purpose, although no Southern state allowed slaves or freed slaves to vote. Madison justified this provision on the ground that representa-

tion in the lower house of the national legislature involved both "personal rights of the people" and wealth, and of course the slaves were "considered as property, not as persons." However, possibly because this made him somewhat uneasy, Madison went on to assert that slaves were not entirely devoid of personal rights. Moreover, he ended this long paragraph with the recognition that only the legal definition of slaves as property gave them this status. He then wrote that "it is admitted, that if the laws were to restore the rights which have been taken away, the negroes could no longer be refused an equal share of representation with the other inhabitants." This does not specifically endorse suffrage for them; the context was the number of representatives to be assigned to each state, not who should elect them. But it might be read as implying that freed slaves could become voters. Detter's statement above is a paraphrase of this sentence, not a direct quotation of it.[56]

Conclusion

In evaluating Detter's ideas about and moral stances toward racism, it needs to be kept in mind that these views were by no means widely accepted at the time in the nation or in the various western states in which he lived, including Nevada. To the contrary, white racism was pervasive and deeply imbedded in both law and practice. One example of this is the "one drop rule" which he criticized in *Nellie Brown*. This ridiculous notion obviously rests on the view that any degree of non-white "blood" is polluting.

Pervasive racism is also apparent in the pattern of law, at both state and national levels, before Reconstruction. For example, when Nevada became a territory in 1861 and then a state in 1864, its constitution and statutes assumed a fundamental chasm between persons who were white and persons who were not white.

Although neither statute nor court decision ever defined the term white during this period, in fact Nevada law denied basic rights to three groups, implicitly assumed to be racially inferior. At that time, only whites could vote, hold office, serve on juries or be attorneys, while—with minor exceptions—African Americans, Native Americans and Chinese were prohibited from testifying against whites in either civil or criminal cases and from attending public schools, except in the rare case in which a segregated school was established. Nevada law also forbade the marriage of whites with members of the three non-white groups, although there was no blanket prohibition of marriage across racial lines. There were other minor discriminatory laws directed at these three groups. At the same time, members of these non-white groups were required to obey the laws they had not been allowed to shape and to pay taxes on the same basis as whites.[57]

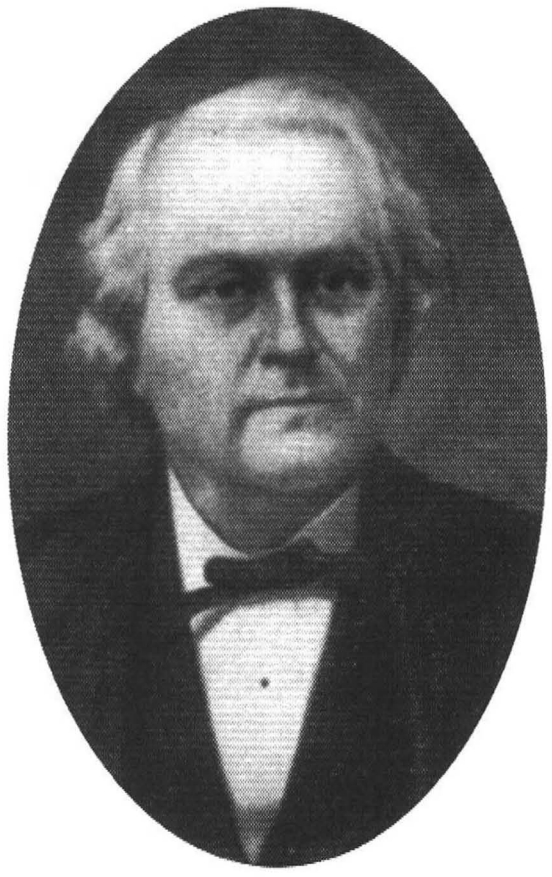
Finally, although white racism was so taken for granted that much of the

time it was not explicitly defended, there were plenty of times when it was. For example, District Judge George G. Berry of Humboldt County, Nevada, at the time also publisher of the *Humboldt Register*, in 1868 accused the Republicans of believing in "the civil and political equality of all men upon a common ground of natural and inalienable rights." The Democratic party, he maintained, believed "that the Declaration of Independence . . . was never intended by its authors to embrace the inferior and savage races, but that it simply related the distinction of cast [*sic*], founded on birth, blood and divine right then existing in all European countries." In other words, he asserted, only "all Europeans were equal before the law and endowed with the same rights."[58]

Judge Berry's revealing statement reflects a fact that so far has been ignored almost completely in the writing of Nevada's history. These histories have also missed the important fact that, during the 1860s, some Republican leaders of the state rejected racism and tried to repeal discriminatory laws. These included Warren M. Nye, the Territorial Governor and one of Nevada's first United States Senators; the other first Senator, William Stewart; George Nourse, the state's first Attorney General, and its first federal judge, Alexander Baldwin. These men were among the more cosmopolitan of Nevada's early political leaders. They were deeply affected by the Civil War and by the Reconstruction period, when prohibitions against racial discrimination were added to the federal Constitution for the first time.[59]

Obviously, many of Detter's comments, quoted above, were inspired by what was going on at the national level, but he also commented on what was happening in California, Idaho and Nevada. Nevada's short Reconstruction ended dramatically in 1870, when a riot against the Chinese in Unionville intensified anti-Chinese prejudice and ended efforts to eliminate discrimination against the other groups considered not white.[60]

Unfortunately, we do not know the views of Thomas Detter after 1875. This was only two years away from the formal withdrawal of federal troops from the South. After 1877 the non-southern states increasingly accepted the realities of the reimposition in the South of a form of racial inequality in practice not far from slavery. Not surprisingly, racial discrimination increased in the North at this time. All of these reversals of the promise of freedom he had celebrated earlier must have deeply disturbed him. Perhaps he continued to write on these subjects when he moved to the South; if so, we may hope that some of these writings will come to light.



Territorial Governor, James Warren Nye, 1861-1864.
(*Nevada Historical Society*)

NOTES

[1]Elmer R. Rusco, *Good Time Coming? Black Nevadans in the Nineteenth Century*. Westport, Connecticut: Greenwood Press, 1975: 8-10, 104-9. The quotation is on 104.

[2]This statute is noted in *Good Time Coming?*: 23. The title of this book is taken from a comment by a Nevada black leader. I did not know at this time that the phrase "The Good Time Coming is almost here!" was the first line of a popular song by Henry Clay Work called "Wake Nicodemus!" This song was about a slave named Nicodemus who died "long ago" but asked to be awakened "for the Great Jubilee!" Bahr Vermeer & Haecker, "Cultural Landscape Report" for the Nicodemus National Historic Site, Graham County, Kansas, 2001: II-27-29, figure after II-44.

[3]Rusco, *Good Time Coming?*, 8-10.

[4]Letitia Woods Brown, *Free Negroes in the District of Columbia, 1790-1846* (New York: Oxford University Press, 1972).

[5]*Elevator* (6 May 1870) p. 2.

[6]*Ibid.* (14 February 1874) p. 2.

[7]Rusco, *Good Time Coming?* 58, 73-80; "A Black Doctor on the Comstock." IX *Greasewood Tablettes* 2 (Summer 1998) 1-3.

[8]*Elevator* (17 May 1862), p. 3.

[9]John Hope Franklin, *The Emancipation Proclamation* (Garden City, New York: Doubleday, 1963). Garry Wills has written about the significance of the Declaration of Independence in changing Lincoln's fundamental understanding of American identity. See *Inventing America: Jefferson's Declaration of Independence* (Garden City, New York: Doubleday & Co., 1978), and *Lincoln at Gettysburg: The Words That Remade America* (New York: Simon & Schuster, 1992).

[10]Rusco, *Good Time Coming?*, 152-5.

[11]*Elko Independent* (1 January 1870), p. 2.

[12]Rusco, *Good Time Coming?*, 162.

[13]*Ibid.*, 156.

[14]*Eureka Sentinel* (17 October 1871). Another ad for his cough tonic asserted that it "excels any ever introduced for curing deep seated Colds and Consumption." *Pacific Appeal* (9 January 1875), p. 2.

[15]Rusco, *Good Time Coming?*, 9.

[16]*Elevator* (6 July 1863) p. 2:2.

[17]*Ibid.* (19 March1869) p. 2.

[18]Reprinted in *Pacific Appeal*, (18 November 1876). The marriage records in the Eureka County Courthouse give her last name as Bronson; they were married on November 2, 1876. Marriage Record/Eureka County/A: 84.

[19]Thomas Wren, ed., *A History of the State of Nevada: Its Resources and People* (New York: Lewis Publishing Co., 1904), 199.

[20]Eureka County Recorder's Office, Register of Deeds, Book 2: 387, Book 10: 629; *Business Directory of the Pacific States and Territories, for 1878* (San Francisco, 1878), 184.

[21]Lander County Courthouse, Recorder's Office, Register of Deeds, Book 40: 708-9; Eureka County Courthouse, Recorder's Office, Register of Deeds, Book 3: 429, Book 7: 599; *Business Directory of the Pacific States and Territories, for 1880-1881* (San Francisco, 1881) 175. Eureka was in Lander County in 1872.

[22]Rusco, *Good Time Coming?* 161; Eureka County Courthouse, "Record of Vital Statistics" compiled by George and Phyllis Hawes, *Eureka Sentinel* (20 May 1874), p. 2:4.

[23]Recorder's Office, Eureka County Courthouse, Register of Deeds, Book 11: 616 and Book 12: 65, Book 13: 391.

[24]*Pacific Appeal* (24 April 1875),p. 2.

[25]*Elevator* (29 October 1869), p. 2. Lest anyone suspect, as I did at first, that Detter did not know the meaning of "amenable," the second meaning of this word, according to the Random House Dictionary of the American Language, is "liable to be called to account; answerable; legally responsible."

[26]*Elevator* (3 July 1868) ,p. 1.

[27]See *Pacific Appeal* (9 October 1875), p. 2. In this letter, which mourned and praised Reverend Jeremiah B. Sanderson, Detter elaborated on his belief in resurrection, made possible by Christ's sacrifice for humanity.

[28]*Elevator* (3 July 1868), pp. 1–2.

[29]*Pacific Appeal* (28 March 1874), p. 2. For similar references to human rights, see *Pacific Appeal* (1 August 1874), p. 2.

[30]Rusco, *Good Time Coming?*, 8.

[31]*Elevator* (2 October 1868), p. 2; (6 May 1870), pp. 1-4.

[32]*Pacific Appeal* (24 April 1875), p. 2.

[33]This and the quotations in the following paragraph are from the Elevator, (6 May 1870), p. 2.

[34]*Elevator* (15 April 1870), p. 3, *Elko Independent* (13 April 1870), p. 2. The *Independent* could not be accused of racial tolerance; the week before an editorial predicted that if the Radicals continued to support Chinese immigration, they would "see upon this coast the uplifting of the bloody banner of extermination . . . That war of the races will leave no Chinamen on these shores." (6 April 1870), p. 2.

[35]*Pacific Appeal* (30 March 1872), p. 2.

[36]*Elevator* (16 May 1874), p. 1.

[37]*Pacific Appeal* (24 October 1874), p. 2.

[38]*Ibid.* (13 June 1863), p. 2.

[39]*Elevator* (26 October 1866), p. 3.

[40]The citizenship provision contained a qualification that persons "not under the jurisdiction" of the United States government did not become citizens by birth. For many years this exempted Native Americans, and now applies only to the small number of families of diplomats of other nations living in the United States. States were forbidden by this amendment to deprive any person of liberty without due process of law, to deny any person the equal protection of the laws, and to deprive any person of privileges and immunities of United States citizenship.

[41]*Elevator* (29 October 1869), p. 2.

[42]*Pacific Appeal* (8 October 1870), p. 3.

[43]*Ibid.* (16 December 1871), p. 2.

[44]*Ibid.* (30 March 1872), p. 2.

[45]*Ibid.* (30 March 1872), p. 2.

[46]*Ibid.* (5 November 1870), p. 3.

[47]*Ibid.* (21 November 1870), p. 3.

[48]*Elevator* (29 October 1869), p. 2., *Pacific Appeal* (17 September 1870), p. 3.

[49]*Pacific Appeal* (7 September 1872), p. 1.

[50]These quotations and those in the following paragraph are from *Ibid.* (8 November 1873), p. 1.

[51]*Pacific Appeal* (24 October 1874), p. 2.

[52]This and the quotations in the following paragraph are from *Ibid.* (24 April 1875), p. 2.

[53]*Elevator* (29 October 1869), (6 May 1870), p. 2.

[54]*Ibid.* (15 April 1870:), p. 3.

[55]Matthew T. Mellon, *Early American Views on Negro Slavery* (New York; Bergman Publishers, 1969), 124-164.

[56]Detter might have known of Madison's statement from reading the *Federalist Papers*, of course, but could also have found the entire number 54 in a book first published in 1844 by leading abolitionist Wendell Phillips. *The Constitution, a Pro-Slavery Compact, Selections from The Madison Papers* (New York: Negro Universities Press, 1969) 65-7.

[57]This pattern is described in detail in Rusco, *Good Time Coming?*.

[58]Rusco, "Riot in Unionville, Nevada: A Turning Point," In Susie Lan Cassel, ed. *The Chinese in America* (Walnut Creek: AltaMira Press, 2002), p. 96.

[59]An unpublished manuscript by the author dealing with race and law in Nevada from 1861 to 1943 documents the existence of Radical Republicans among Nevada's chief governmental officials.

[60]Rusco, *Good Time Coming?*, "Riot in Unionville"; the manuscript by the author on race and law in Nevada from 1861 to 1943; and Eugene H. Berwanger, *The West and Reconstruction* (Urbana: University of Illinois Press, 1981).

Notes and Documents

Bookkeeper in a Gambling Joint
Charles Hirsch and the Early Professionals of the Casino Industry

DAVID SCHWARTZ

Any investigation into management concerns in modern casino operation will disclose parallels in management of any other less esoteric business. Initially there is a concern with profits, the fine art of ending up with more money than you started with. Most American businesses today can be described as a series of mistakes corrected sufficiently to result in a profit. Casinos in Nevada are classifiable as an American business and as such can claim no special immunity.[1]

—Charles Hirsch

In the popular imagination, the casinos of Nevada, though certainly profitable since the 1940s, surrendered to professional accounting and management only with the coming of "corporate control" in the 1970s. The usual glib rehash of the 1950s casino scene imparts, intentionally or not, that all casino managers were frog-throated mob torpedoes who relied on guile and terror to keep the money flowing. In that version, any serious consideration of the development of professional casino management is unimportant, because only the corporations are deemed to have brought professional management to the business and rescued it from its shameful mob roots.

But this interpretation unfortunately neglects the men and women who actually developed the accounting and management techniques that keep casinos running in the black to this day. Dismissing the fiscal foundations of the gaming industry as the province of mob money doesn't at all clarify how casino operators successfully operated businesses built on risk. To do so, they by necessity relied on meticulous auditors. It was the development of professional casino management in the 1950s that was to demonstrate the stable profitability of Nevada's legal gaming industry, enabling the evolution of corporate casino ownership.

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Charles J. Hirsch.

Although professional accounting and management produced corporate control for Nevada casinos, and not the reverse, pre-corporate casino professionals have remained more or less invisible in popular historiography. The relative inscrutability of early casino management has been more the product of intellectual laziness than a true lack of documentation. After all, to truly consider the roots of professional casino management before the 1970s would force scholars to question many popularly held assumptions about gaming history. If early casinos and the casino industry of today display shared management techniques, might there be other parallels as well? That early casinos were fundamentally similar to modern ones, not only in accounting but also in marketing, operations, and structure, is a notion that, if fully explored, would effectively set most of the popular writing about gaming history on its head.

Nevertheless, Nevada's casino industry indisputably utilized professional, college-trained managers quite early. Nowhere is the early professionalization of casino management seen more clearly than in the career of Charles J. Hirsch. Born in 1912 in New York City, Hirsch earned a degree in accounting from Pace University and in 1938 moved to Las Vegas, where he worked as an accountant for the Apache Hotel and did independent accounting work. With the advent of World War II, Hirsch entered the armed forces and rose to the rank of captain while auditing contract terminations. After the war, he returned to Las Vegas and, following a brief stint in two local accountancy offices, took a job with the Golden Nugget, then an unremarkable downtown casino. His tenure spanned 1950 to 1970, twenty of the most formative years in the development of the casino resort. By the early 1960s, he had risen to the position of chief accounting officer, controller, and assistant secretary. In 1970, he went to work for Howard Hughes's organization at the Sands as controller.[2]

Hirsch's press-oriented biography sheet claimed that he "pioneered in casino systematization," and the detailed records to be found in his collection substantiate this assertion. Extant records enumerate the drop, net recovery, and percentage of profit for roulette, blackjack, and craps for the period 1952 to 1966. Hirsch also tracked profits in the poker room from 1958, the year that it opened. Hirsch's bookkeeping was meticulously detailed. By the mid 1960s he supervised an office of seventeen employees, nine of whom worked solely on accounting and audit functions. Hirsch and his staff produced both daily operational reports and a monthly financial report. As Hirsch described it:

> . . . the preparation of the daily operating control is only a small part of an audit function which culminates in the financial report produced on the seventh of each month.
>
> This is a respectable document in itself. It consists of twenty-two pages of financial information with year-to-date, prior month, current month, and current year-to-date comparisons. It includes a net variation in fixed assets analysis and an analytical presentation of current income tax liability.
>
> These financial statements are drawn from general ledger accounts so organized that all supporting schedules for federal income tax purposes are maintained on a current basis and for twelve years our FITRs [federal income tax returns] have been filed on the fifteenth day of January.[3]

These financial statements provided more than interesting reading for casino executives—they formed the backbone of casino audit procedures, which in turn permit in-house and state audits. These regular audits were a necessary precondition for mainstream investment in the industry as well as for state regulation of the industry, the power to track winnings and losses effectively being, more or less, the power to detect skimming, cheating, and fiscal irregularities.

On a daily basis, casino managers wrestled in particular with three categories: the Drop, Win, and Hold. The Drop was the money (placed in drop boxes) with which customers purchased chips at gaming tables. Drop effectively measured the business that a casino conducted during a shift—how many chips players bought at the tables. The amount of money dropped at a table, minus the amount of chips missing from a table at the end of a shift, was that table's Win for the shift. When the cumulative wins of the casino's tables were added, this produced the casino's total shift win. The Hold percentage of an individual table was the fraction of money dropped that the casino retained. In a nutshell, casino managers struggled to increase the Drop and Win of their casinos by keeping the Hold percentage as high as possible—something that they could do only with the assistance of casino systemization as pioneered by Hirsch.

By recording table game statistics, accountants could track the efficiency of certain games, tables, and even dealers. They maintained a kind of fiscal surveillance that often pointed managers to "leaky" tables. For an interested newspaper reporter, Hirsch skillfully demonstrated the skill of management in using Drop and expected Win numbers to maximize efficiency:

> Hirsch showed me a graph of red and green lines, a chart of the play at one dice table. The red line was the day shift, the green line the night shift. The red line went along decently, getting back a little for the house. The green line didn't. The green line looked like the graph of a soup kitchen. All out-go.
>
> "Now," said Hirsch. "Was it psychological? A difference between night play and day play? Or were we being taken? We changed the shifts. See the graph change? The red and green lines are similar for a month. Then the bottom drops out of the red line—the shift formerly represented by a green line. Somebody had been scared by the shift change, and then recovered. So we knew there was a defective employee."[4]

Casino managers left little to chance. They were fully aware of the parameters within which "square" play operated. When a consistent disparity between Drop and Win could not be explained away by luck, they usually found the source of the variation in the Win. Through skill, casino managers hoped to triumph over all those who attempted to tilt the wheel of fortune in their direction through deception. "We get a lot of people who think we are easy marks," Hirsch told *Newsweek* in 1961. "But it's impossible to outsmart us—we're professionals."[5]

The accountant's pride in his professionalism was more than gum-flapping badinage. The organization that used his accounting skills was as sophisticated as any industrial model then available, hence his assertion that industry had

adopted *his* "functional controls." Since casinos were doubly vulnerable—to the vicissitudes of the dice and to the deception of dishonest employees and customers—it stands to reason that they developed stringent control mechanisms.

The rigorous cost-accounting of casinos made them examples for other businesses to follow. Hirsch was fond of telling his listeners that there was little fundamental difference between "the administration of a casino and that of the more usual industrial enterprise." Both enterprises existed to make money, and in both there was, for managers, "the duty to earn profits for owners and stockholders." Hirsch often argued that "*industry* has finally accepted the validity of *casino* functional controls."[6]

As skillful as he was in the accounting room, Hirsch aspired to be more. His formative years in Las Vegas—the years immediately after World War II witnessed the bloom of the hardy flower of Las Vegas boosterism. Visiting writers such as Katherine Best and Katherine Hillier produced glowing tracts like *Las Vegas: Playtown, USA.* The local attorney Paul Ralli, another exemplar of the booster writer, wrote two books that described the growing town through the eyes of a divorce lawyer and public citizen. So it makes sense that Hirsch, the behind-the-scenes casino accountant, also took upon himself the booster's prerogative to set the record straight about his hometown.

Thus, the private protector of the house's riches also adopted the role of public defender of the faith. Hirsch, a slight, slender man with a mischievous grin, acquitted himself as not only an excellent accountant and statistician but also a sought-after raconteur for both auditors and general audiences. He declaimed chiefly upon the bourgeois normalcy of Las Vegas and the travails of quality control in the gaming industry. He received invitations to address American Society for Quality Control (ASQC) chapters from every section of the nation; a partial list of invitations includes Omaha/Lincoln, Nebraska; Kansas City; Richmond, Indiana; Kankakee/Joliet, Illinois; Huntsville, Alabama; Seattle; Utica, New York; and Orange Empire (Anaheim, California). Hirsch also was a desired speaker on the service-organization circuit. Groups as disparate as the Long Beach Rotary Club, Oakland Paint and Varnish Association, Sacramento American Institute of Industrial Engineering, and assorted other Kiwanis and Rotary clubs, requested his presence as an after-dinner speaker.

Hirsch had appeal as a middle-American everyman. Born in New York but a westerner since his twenties, he could transcend narrow regionalisms. He shared military service with many men who had just reached middle age in the late 1950s. Like many of them, he had made the move from an eastern city to a sunbelt suburb. Hirsch was a senior warden of Las Vegas's Christ Church Episcopal, as well as a leader in the Boy Scouts. One glowing newspaper account of a Hirsch appearance in St. Louis remarked that Hirsch "takes his work seriously but knows when to cut it back with a fine edge of humor."[7] In his tweed jacket and bow tie, Hirsch undoubtedly looked to members of local

businessmen's lodges like a fellow (business) traveler. "He did a real good job of 'good-willing,'" the Kansas City Rotary Club reported in describing a typical Hirsch appearance at which he distributed freebies to the audience in the form of used dice and cards.[8]

Hirsch sought tirelessly to spread the good word about his adopted hometown, Las Vegas, and the gaming industry. When speaking before the statisticians and accountants of the ASQC, his self-deprecating claim to still be a "bookkeeper in a gambling joint" was belied by his thorough analysis of every aspect of the daily operation of a casino. Hirsch's various orations covered three main themes: the general reputability of Las Vegas and the legal gaming industry, the difficulties of auditing the cash flow of a casino, and quality control within the casino.

Hirsch used humor and semantic argumentation to spread a more positive image of his hometown. The *Winston-Salem Journal* captured Hirsch's technique in a 1971 account of his appearance before the Central North Carolina Section of the ASQC:

> Hirsch comes from Las Vegas, and he says that most of us have Las Vegas all wrong.
>
> This, he said, happens because "more good-natured nonsense has been written about Las Vegas than has been written about any other city in the country except Washington, D.C."
>
> He hastily added that this is about the only thing his hometown has in common with our nation's capital, because:
>
> "We are not noted for giving people a lot of money."
>
> All this talk about gangsters and the Mafia?
>
> Hirsch sighed his misunderstood businessman's sigh and said, "Our business is about as mysterious as living in Hershey, Pa., and eating Hershey bars.
>
> "You've heard of Monaco? I don't think anyone ever called Princess Grace a gangstress."
>
> Running a gambling joint, he said, "is just a business."[9]

Hirsch here used two contrasting images to underscore the purity of Nevada gaming. First, he described the nation's purported glamour capital in disingenuously unglamorous terms, implying that the casino's dealers and executives were cut from the same cloth as the chocolate makers of Hershey. Next, he introduced a contrasting linkage of Las Vegas gambling with Monaco and Princess Grace. For the people of central North Carolina, Princess Grace was doubtless above reproach, and any gambling conducted under her watch was incorruptible. Therefore, though the pits and count rooms of Las Vegas were manned by men and women who would be equally at home in Hershey (or Greensboro, by extension), they conducted themselves with the class—and probity—befitting Monte Carlo.

Hirsch's defense of Las Vegas was apparently effective; press reports of his speeches were unstintingly positive. It is impossible to dismiss his pooh-poohing of gangsters and the Mafia as simple deception. After all, he never denied the presence of gangsters in Nevada gambling. Instead, he emphasized that the

gaming industry was just a business. It was his job, and that of other managers, to ensure the efficient running of the casino and the maximization of profits for investors. That a portion of these investors, unable to be licensed, received their dividends via skimmed proceeds, is undoubtedly important, but it is no reason to call into doubt the legitimacy of casino operations or the efficacy of functional controls. So Hirsch was right in insisting that, in spite of the cloud of disreputability that still obscured it, gambling was "just a business."

And it is in his discussions of gambling as a business that Hirsch's speeches yield their greatest value. Hirsch spoke frequently about the nightmares engendered by a "liquid inventory" of cash. The problems of the casino, he said, were parallels of those of any business, and he argued that if one substituted agents, managers, and salesmen for the terms floormen, boxmen, and dealers, one could easily see the "control requirements" of the pit. As in any business, the "net effectiveness of individual employees" directly impacted the profitability of the operation. Instead of a mark-up on retail stock, casinos had a Hold percentage that allowed profits. Diligent managers had constantly to monitor the Win and Drop to maintain a profitable operation. "Individual performances must be gauged against acceptable standards of deviation," Hirsch wrote. "Prompt recognition is essential in the investigation of assignable causes as differentiated from the chance causes of variation which abound in gaming." In other words, Hirsch and his peers had to find cheaters quickly in order to remain in business.[10]

Hirsch also described the pervasive governmental presence within the casino. The Nevada casino industry, he noted, was "publicly controlled to a degree that in any other industry would constitute an invasion of privacy." Gaming Control Board agents were free at any time to take as "custodial samplings" (i.e., to impound) cards, dice, and slot machines. All employees were annually required to renew their police clearances. Ownership of a casino was tightly monitored. Any interest in excess of one percent was "the subject of federal, state, and local reports, quarterly and annually," with changes in stock ownership reported monthly. Hirsch reported that his casino had two thousand stockholders "scattered from here to Spain," and left to the listeners' imaginations the "methods necessary to conform with the state and federal licensing requirements." Hirsch believed this regulation made casino gaming a boon to Nevada and a public good. He proudly stated that casinos, unique in all of industry, were subject to licensing standards designed with "public policy as the only criterion."[11]

Finally, Hirsch stressed the importance of quality control to the profitable operation of a casino. As a "high-volume, fast turnover, low mark-up" business, a casino needed to rely on a razor-edge of probability. Any defects in cards or dice could be turned to the advantage of an observant customer or double-dealing employee, so strict controls were instituted. Hirsch convincingly used slide displays of cards and dice to illustrate the details of their

manufacture and attempts made to manipulate them by cheaters. Each die was checked upon delivery to ensure its flatness and symmetry to one ten-thousandth of an inch. Playing cards were subject to a similarly stringent accuracy check. Nothing was wasted, however; decks that did not pass muster were repackaged and given to patrons as souvenirs.[12] Some of them, no doubt, Hirsch passed out on his "good-willing" tours. Exemplifying the astute managers of early casino resorts, he found ways to turn even the dross of his business into profit.

What then does the early development of professional casino accounting mean? For one, it indicates that the typically glib division of gaming history into two disconnected periods—pre-corporate (or mob, in informal company) and corporate—is flawed. A more accurate assessment of the evolution of the casino resort would consider the many factors that led to the continued elaboration and expansion of a concept dating from the early 1940s, the integrated hotel/casino/resort. It would also require historians to hear the voices of those, like Hirsch, who belied the stereotype of the early casino professional.

NOTES

[1]Undated speech fragment, Box 1, Charles J. Hirsch Collection, Special Collections, Lied Library, University of Nevada, Las Vegas (hereafter cited as CJH).

[2]Biographical Sketch, Box 2, CJH.

[3]Untitled speech fragment, Box 2, CJH.

[4]Jack Rice, "His Eye on Figures in Las Vegas Casino," *St. Louis Post-Dispatch* (29 October 1961), Box 6, CJH.

[5]"Engineering: Square Bones," *Newsweek* (3 July1961), Box 6, CJH.

[6]Box 2, CJH.

[7]Rice, "His Eye on Figures."

[8]Box 2, CJH.

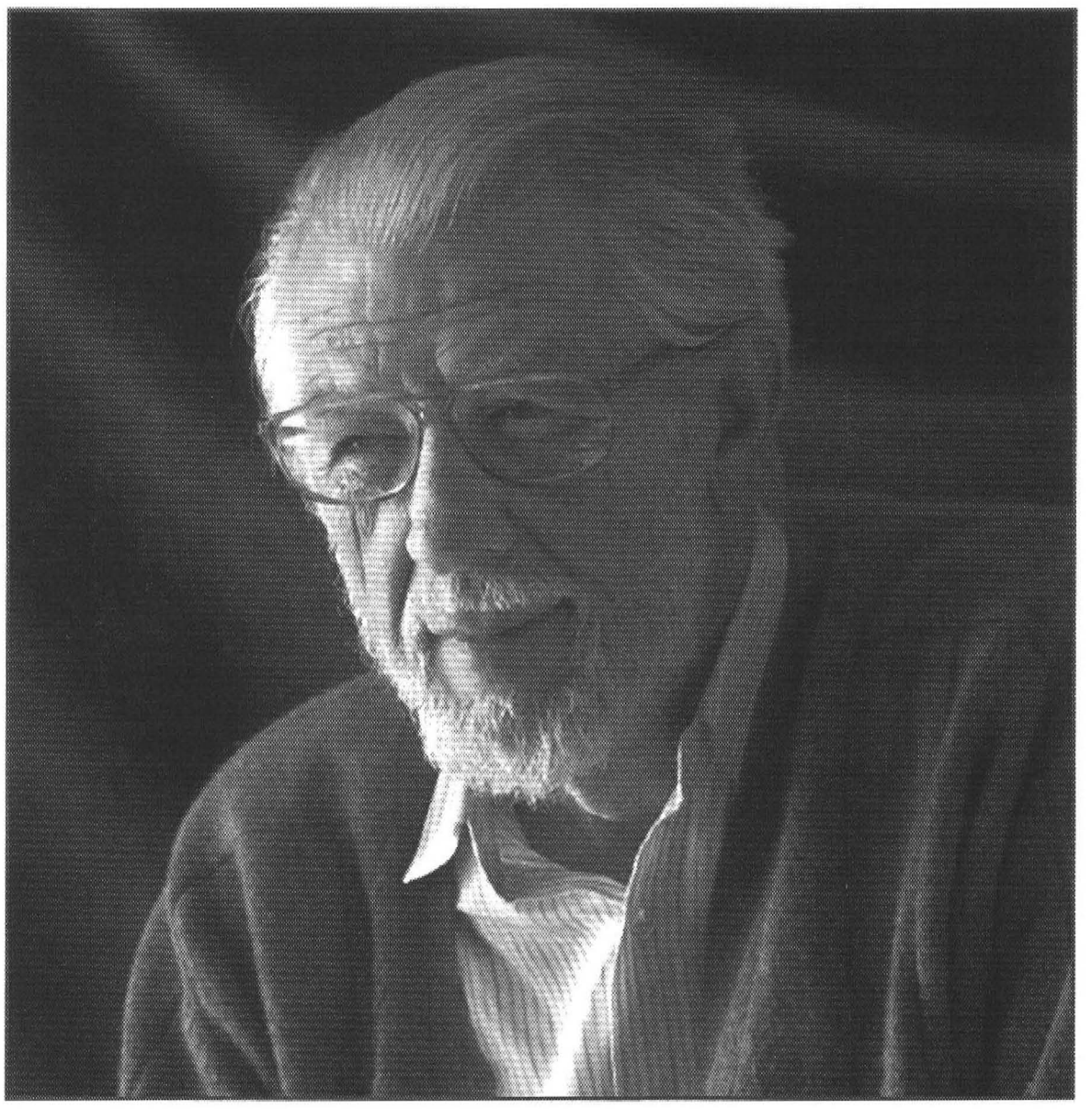
[9]Roy Thompson, "Las Vegan Defends Honor of His City," *Winston-Salem Journal* (3 March 1971), Box 6, CJH.

[10]Box 2, CJH.

[11]Speech fragment, Box 2, CJH.

[12]Untitled press clipping, Box 2, CJH.

In Memoriam



Elmer Ritter Rusco

May 6, 1928 – July 2, 2004

Elmer Ritter Rusco

May 6, 1928 – July 2, 2004

When Elmer Rusco died in Virginia on July 2, 2004, at the age of 76, Nevada lost an astute observer of political and governmental affairs, a prominent champion of equal rights before the law, and a groundbreaking historian. The Nevada Historical Society lost a good friend and longtime supporter.

Elmer was born in Kansas in 1928 and grew up there, eventually attending the University of Kansas. It was while he was a university student that he first gained an awareness of institutionalized racism, became a political activist, and embarked upon a lifelong campaign against racial discrimination.

After earning his doctorate in political science at the University of California, Berkeley, he taught at several schools before coming to Reno and the University of Nevada in 1963. He was one of those responsible for organizing and shaping a new Department of Political Science, and during two decades of teaching in the department he published a number of articles and monographs on political subjects. Among these were "Voting Behavior in Nevada" (1966), "Voting Behavior in Arizona" (1967), "Minority Groups in Nevada" (1966), and "Voices of Black Nevada" (1971). When the American Civil Liberties Union of Nevada was created, Elmer was one of its founders and he later served as its president.

By the mid-1970s, Elmer was increasingly looking at the historical aspects of subjects that interested him, prominently the status of Nevada's racial and ethnic minorities, and the development of civil rights in the state. He strongly believed that knowledge and understanding of past events were critical to an accurate perception of current political and social problems, and that a familiarity with history could facilitate the finding of solutions to those problems. In 1975, he published a pioneering study of Nevada's African-American inhabitants during the decades of the Comstock mining boom. *"Good Time Coming?" : Black Nevadans in the Nineteenth Century* is still considered, thirty years later, the definitive work on the subject.

A succession of magazine and journal articles focusing on the history of Nevada's minorities followed. A story about black rancher Ben Palmer for *Nevada Magazine*, articles on "Native Americans in Nevada," "Nevada Law and Race," and "The Civil Rights Movement in Nevada" for *Nevada Public Affairs Review*, and the article "Formation of the Pyramid Lake Paiute Tribal Council, 1934-1936" for the *Journal of California and Great Basin Anthropology*, were joined by such contributions to the *Nevada Historical Society Quarterly* as "The Organization of the Te-Moak Bands of Western Shoshone" (1982), "Formation of the Reno-Sparks Tribal Council, 1934-1939" (1987), "The Civil Rights Movement in Hawthorne" (2000), and "The Chinese Massacres of 1866" (2002).

Subjects in the wider, but related fields of general Nevada and U.S. history also attracted his attention, and led to numerous publications. Among them were the booklet *The Bench Marks of . . . Character and Way of Life: The Acquisition of Rancho San Rafael Regional Park* (1998), his introduction and notes to a book-length edition of A.J. Liebling's *A Reporter at Large. Dateline: Pyramid Lake, Nevada* (2000), an examination in *Nevada Public Affairs Review* of "The Truckee-Carson-Pyramid Lake Water Rights Settlement Act and Pyramid Lake" (1992), and a number of articles for the *Nevada Historical Society Quarterly.* These included "Alternate Visions of Reno" (1985), which was an extended review of new books about the city, and "Campaign Finance Reform in the Silver Era: A Puzzle" (1995). In 2000, the University of Nevada Press published his major work, *A Fateful Time: The Background and Legislative History of the Indian Reorganization Act*.

A lengthy manuscript submitted soon afterward to the university press marked Elmer's return to a concentration on the history of Nevada's minorities and civil rights development. It was a just-completed study of race and law in the state during the period 1861-1943. He had a companion volume, an examination of the development of civil rights in Nevada over the latter decades of the twentieth century, projected and substantially researched when illness interrupted his labors.

Some six years ago, Elmer donated a modest collection of personal papers to the Nevada Historical Society. This gift was followed in 2003 by another one of the research notes used in producing his book on race and law in Nevada to 1943, and then, in 2004, by yet one more gift of 25 boxes of research materials gathered in preparation for writing his history of civil rights developments in the state during the later twentieth century. In a letter accompanying this final donation, which was made just after he was diagnosed with ALS, Elmer expressed the hope that someone else might make use of the research papers to write the history that he had projected. "I spent decades gathering these materials," he wrote, "and do not want other potential researchers with similar interests to have to redo all this work."

We at the Nevada Historical Society, where Elmer had become a familiar figure in the research library, will miss his presence – and his arrivals, when he would come in full of enthusiasm for whatever new project he was working on, ready to explain, characteristically with some dry, witty asides, its importance and contemporary relevance. Fortunately, we do still have with us his published works – an important legacy he has left this state and its people. And we have the many boxes of his invaluable research notes and materials that await the attention of future historians.

Eric Moody
Curator of Manuscripts

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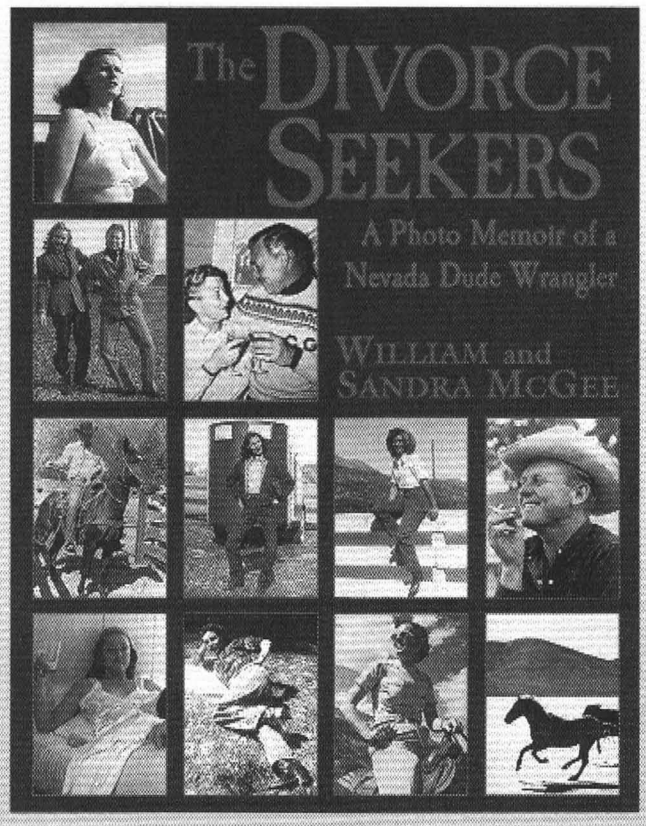

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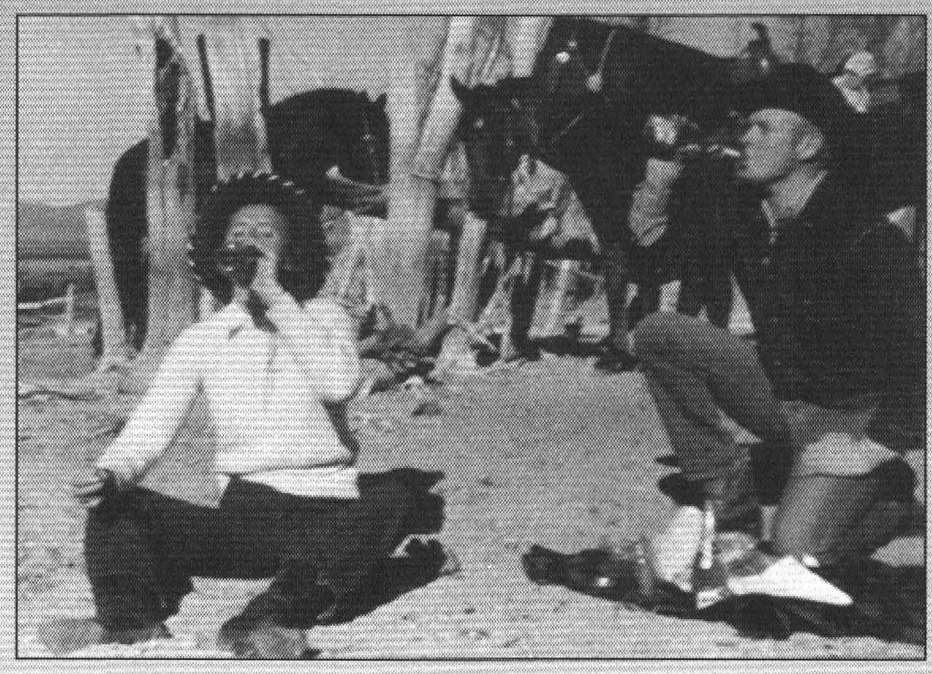

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(Top) In the 1930s, Easterners Theodore and Emily Wood purchased the old Franktown Hotel built about 1861, and converted it into a luxurious dude ranch according to their concept of what their Eastern friends and acquaintances would find attractive and comfortable. The V & T stopped at the ranch daily to take on water. Photo circa 1948. (R. C. Greenleaf Collection)

(Center) Emily Pentz Wood, proprietor of the Flying M E, with Clark Gable, 1948. Celebrities and socialites knew that Emmy Wood and the ranch staff would guard their privacy from the press. (Author Collection)

(Bottom) Dude wrangler Bill McGee and a Flying M E guest enjoy a break on the trail at the south end of Big Washoe Lake, 1948. (Author Collection)

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Book Reviews

Storied Land: Community and Memory in Monterey. By John Walton (Berkeley: University of California Press, 2001)

John Walton's *Storied Land* is in many ways a synthesis of two books. The first is a comprehensive history of Monterey, California that includes groups whose voices do not get heard in other texts. The second is an exploration of the writing and public memory of Monterey. Each chapter contains discussions of both areas.

Storied Land traces the history of Monterey, and by extension California, from Native American times to the present. The narrative goes well beyond the familiar pantheon of local heroes such as Father Junipero Serra, Thomas Larkin, Commodore John Drake Sloat, Robert Louis Stevenson, and John Steinbeck. Groups overlooked in local history—from Chinese fishermen to Mexican paisanos to Sicilian fishermen—appear throughout this book. Moreover, these are not just groups to mention for the sake of diversity. Walton makes sure that individuals from those groups, with their own names, stories, and personalities, also appear. The interactions among these individuals provide stories just as interesting as the romantic tales of the novels set in early California. There were squabbles among the mission, the presidio, and the local Native American tribal leaders. Local populations, led by powerful families such as the Vallejos and the Castros, challenged central authority from Mexico to become the leaders of a semi-independent California. Anglo-American land barons became powerful (and often disliked) leaders for the rest of the nineteenth century. Disgruntled Chinese workers may have been the catalyst for the fire that destroyed the grand Del Monte Hotel. Attempts to turn Monterey into a resort for the wealthy clashed with the needs of a working-class industrial fishing center. A lively community of Anglo-American cannery developers, Japanese and Chinese fisherman, Sicilian boat-owners, and a diverse array of male and female workers created a community very different from the romanticized treatments of *Cannery Row*. When the fishing industry faded, urban renewal and the environmental movement continued to transform Monterey yet again. Throughout the book, statistics on demography, labor, and housing provide insights into this changing community.

Each chapter, in addition to recounting the themes mentioned above, also includes a section on the historiography of the region from a given period of time. Thus, the chapter on the initial Spanish settlement includes a section on how mission reports contrasted with those of military officials. Taken to-

gether, these sections chart the various ways that Montereans and outside visitors have seen the region and its history. Writers tended to recount the historical events that reinforced their own images of what Monterey was or should be. Authors who saw Monterey as a quaint locale for Spanish romances were prone to focus on the missions and the surrounding ranchos. By contrast, Sicilians who saw Monterey as a place of fisherman primarily concentrated on the Italian connections of the fishing industry to the exclusion of other ethnic groups who were also significant to that part of the local story. Moreover, promoters of "historic" Monterey tended to downplay the ruthless land acquisitions of the ever-unpopular David Jacks but lavished great attention on Robert Louis Stevenson, who only roomed there for a few months. Serving as a fuller, more rounded, successor to Martha Norkunas's *The Politics of Public Memory: Tourism, History, and Ethnicity in Monterey, California*, Walton's book emphasizes the ways in which rich, poor, Hispano, Anglo, Asian, merchant, and laborer have all had their own contributions to—and interpretations of— the local story.

This book will likely become the classic history of the community. Such a treatment naturally covers some features and not others (which, as this book shows, has been a constant issue for the study of Monterey history from the beginning). For example, the focus is exclusively on Monterey while the surrounding communities such as Pacific Grove and Salinas get only passing mention. As in the case of *The Politics of Public Memory*, the scarce references to the military history of the Presidio of Monterey after 1900, and especially to the local colossus of Fort Ord, remain an issue for this book. The military presence from 1940 to the 1980s, transformed Monterey, as well as nearby communities such as Seaside and Marina, into diverse, multicultural enclaves; thus the omission of the military is surprising given the book's strong emphasis on minorities and overlooked stories. Major national events of the twentieth century such as the Great Depression and World War II also get downplayed. Overall, however, the book's sweeping scope, wealth of detail, and lively stories will educate and entertain scholars of both Monterey Bay and California as a whole for years to come.

Jay Price
Wichita State University

Our Elders Lived It: American Indian Identity in the City. By Deborah Davis Jackson (DeKalb: Northern Illinois University Press, 2002)

Empty Nets: Indians, Dams, and the Columbia River. By Roberta Ulrich (Corvallis: Oregon State University Press, 1999)

Americans left rural homes for urban ones throughout the twentieth-century, and American Indians were no exception to that trend. In 1900, most Americans lived in rural communities, but by 2000, most (by far) were urban or suburban people. It is no coincidence that the two United States counties with the largest Indian populations in the 2000 census also contained metropolitan centers that most epitomize urban sprawl in the late twentieth-century West: Los Angeles County, California, and Maricopa County, Arizona (Phoenix). This trend also held true for the states most relevant to this review essay: Nevada (Las Vegas), Washington (Seattle), Oregon (Portland), Minnesota (Minneapolis), Wisconsin (Milwaukee), and Michigan (Detroit). In the twentieth century, Indian parents, in the same way as other Americans, mostly reared their children in cities far from where their parents once farmed, ranched, fished, hunted, or gathered. Those children grew up in a re-engineered landscape of pavement and dams with little room for the "traditional" lifestyles their parents knew. These two books examine how Indian people adapted to dislocation from ancestral homelands in an era of urban encroachment and forced assimilation. Jackson's *Our Elders Lived It* focuses on the upper Midwest while Ulrich's *Empty Nets* examines the lower Columbia Basin, but each author explores the many boundaries of a dual theme: How can people who link their cultural identity with a particular landscape (a) retain an authentic sense of self and (b) make that identity relevant to the concerns of children who will never see that homeland? This theme resonates beyond Indian Country, which, as Jackson suggests, is more a way of thinking than an actual place. Americans live in an overwhelmingly urban society so deeply conflicted that it celebrates ruralness as if it were a national virtue—the American "heartland." In a land where most people are not rural, this anti-urban fundamentalism is really a denial of self that undermines efforts to build viable communities. These two books, however, suggest there are no easy answers.

The authors apply two different disciplines to the common theme of dislocation: anthropology (Jackson) and journalism (Ulrich). Jackson gathers life-history interviews with many different people, each presented as an example of other people with similar backgrounds. The book describes people and events in a mid-size industrial community, "Riverton," located in the Great Lakes region of Canada or the United States. Jackson protects the privacy of those interviewed, shielding their identities with fictitious names for people, cities, towns, counties, universities, and even companies. Readers, consequently, can only guess at actual locations or identities of events, people, and experiences.

Jackson suggests Riverton might be any of a number of mid-size cities in Minnesota, Wisconsin, Michigan, Ontario, Illinois, or Indiana, although most examples in the text refer to the first three of these political districts. Ulrich, by contrast, focuses on the Columbia River and specific fishing sites identifiable at scales as small as from one to ten acres and on the "river people" who lived and worked at those sites. The resulting book is a mosaic of people and events gleaned from Ulrich's lengthy experience as a reporter covering Indian issues in the late twentieth century. Over several decades, Ulrich developed close contacts with the river people and with federal, state, local, and tribal authorities, notably those affiliated with the Yakama, Umatilla, and Warm Springs reservations.

The different methods of the authors explain why each book is weak where the other is strong and why neither fully grapples with the common theme they both address: adaptive strategies for dislocated, urbanized people. Ulrich's account weaves individual "memories," court files, and archival records into a detailed narrative emphasizing institutional and political issues. The memories are really composite narratives that Ulrich compiled using notes from various, largely undocumented sources gathered over several decades. The book, sadly, lacks footnotes, although an annotated manuscript is available in Portland. Ulrich describes who did what, when, and where, often relating the same story at several different points. These narratives, ironically, tell us less about Indians as real people with families and hopes than we learn from Jackson's interviews with people who cannot be specifically identified. Ulrich's detailed "memories" of a re-engineered riverine landscape only vaguely suggest what the people thought or how they linked actions with identities and "Indian ways." The book occasionally veers into racist characterizations of whites as a group (e.g., page 213). Even so, the family life of white bureaucrats and politicians is for the most part described in more detail than is that of the families of the river people. Apart from a few activists who led political fights for fishing sites promised in lieu of fisheries ruined by hydropower dams, women are mostly invisible in *Empty Nests*. We learn surprisingly little, for example, about how women, children, and men processed or marketed fish, despite the centrality of this issue to disputes over conditions at fishing sites. *Our Elders Lived It*, by contrast, offers thoughtful theory and personal insights from Indian parents and their children, with a strong emphasis on family life, family culture, and the ways in which people adapted to urban life. Jackson's people and places, however, are both unknowable and unique, limiting their usefulness to other historians.

Despite their differing methods, these authors reach related, if contradictory, conclusions. Neither fully confronts the social, educational, and economic issues that the next, more urban, generation of children reared by Indian parents must face. The authors different takes on similar themes, however, successfully illustrate how multiple identities of ethnicity, race, and class

complicate and discredit more simplistic notions of "white" culture versus "Indian ways." *Our Elders Lived It* provides a much stronger theoretical framework for understanding these issues than does *Empty Nets*. It presents sophisticated theory in commonsense terms, and it is more solidly grounded in other works that explore how and why people redefine cultural identities. Jackson pays more attention to how those identities change over time and with physical distance from traditional homelands, and she is especially adept at exploring how an individual's experience or age group influences how that person adapts to new circumstances. The strongest chapter, "Family Ties," examines not only how parents communicated their cultural identities to children, but also how the next generation misunderstood, failed to recognize, or otherwise distorted those lessons, even as they extracted meaning from them. Anishinaabeg parents of the upper Midwest, Jackson suggests, built a legacy of remembered experiences. They moved away from rural homelands to rear children in urban households where kinship (even adoptive) formed the core of an Anishinaabeg identity. Continuing involvement with one of these relocated families was more important than blood percentages for determining "authentic" Indian identities in Riverton. The parents' experience in a rural homeland authenticated their children's Indian identities, even if the parents explicitly rejected those identities and assimilated into white, urban society.

Empty Nets takes a narrower approach to the question of authentic identity, emphasizing the importance of a particular activity (fishing Columbia River salmon) as a characteristic distinguishing real Indians from "wannabes." In the end, Ulrich concludes, capturing, processing, and consuming a commodity (salmon) authenticated Indian identity. This industry and consumerism distinguished river people from Yakama or Umatilla tribal groups. River people were everyday fishermen, as compared with Indians who seldom, if ever, fished. As with Jackson's depiction of Riverton, where assimilated Indians resented efforts to lump them in with more traditional, reservation Indians, Ulrich focuses on Indians who were alienated from organized tribal identities. *Empty Nets* describes how the river people claimed unique, individualistic rights separate from treaty rights and reservation Indians.

Ulrich chronicles how patterns of residence, industry, and community changed on the Columbia River as federal, state, and local authorities manipulated the concept of tribal identity in the late nineteenth and the twentieth-centuries to suit the interests of non-Indian people. Engineering works on the Columbia River segmented the river into a series of lakes that forced river people into other occupations and homes. Those who took allotments along the Columbia River in the period between the Dawes Act of 1887 and the reorganization of tribal governments during the 1930s secured promises from federal agents for sites in lieu of traditional fisheries. The book carefully reconstructs the maddeningly inconsistent, interminable bureaucratic process that postponed fulfillment of that promise past the 1990s. Ulrich understandably sympathizes

with the river people and uncritically reports their libertarian arguments, which often conflicted with the more communitarian concerns of tribal authorities. A discussion on page 104, however, suggests that the in-lieu sites may have undermined tribal efforts to protect treaty rights to fish the Columbia *wherever* access was available. The river people shifted the focus to include residence adjacent to the river as a test for legitimate access, and this tied Indian fishing claims to an apartheid system of segregated sites with inadequate and poorly maintained facilities.

Where much of *Empty Nets* focuses on the formal discourse of diplomacy and litigation, *Our Elders Lived It* emphasizes informal, personal relationships and the importance of silence as discourse. Anishinaabegan culture idealizes respectful autonomy and responsibility, which temper concepts of power and leadership. Children of seemingly assimilated Indians, consequently, did not closely question parents' motives and, instead, misunderstood why their parents downplayed their Indian identities. The children silently misinterpreted their parents' silence as shame, and respectfully avoided discussion of that issue. In fact, Jackson concludes, silence was an expression of the Indian culture for which these children later yearned. On this point, these two books reach opposite conclusions: Ulrich argues that conscious efforts to perpetuate fishing traditions created or sustained a more authentic Indian identity, whereas Jackson suggests that those who carefully avoided any overt association with "Indian ways" successfully (perhaps especially) conveyed an authentic Indian identity to their children. Children misperceived their parents' motives, but Jackson concludes that they unconsciously internalized an Indian identity directly relevant to their urban lives. Ulrich, by contrast, emphasizes the importance of ongoing physical experience: doing a specific thing in a particular landscape for a long time. Jackson emphasizes the importance of remembered experiences with a particular group of people (kin) in a particular setting, where *what* people did was not nearly as important as *with whom* they did it. Both authors, however, ultimately link authentic Indian identity with a place outside the city.

In the end, neither of these books fully confronts what these definitions of authentic Indian identities imply for the majority of Indian people, who lack any connection with rural places or riverine lives. Indians live in a rapidly urbanizing society. They are often victims of urbanization, but they are also actors in it. *Our Elders Lived It* is strongest when it explores the complexities of the many Indian identities that share space within the same city, the same community, even the same person. *Empty Nets* could use more of that sort of analysis to assess how resolution of the in-lieu issue might affect people who seldom, if ever, make use of those sites. The distinction between river people and tribal people is a central theme in *Empty Nets*, but Ulrich uses the terms loosely, often failing to note the conflict between that distinction and claims that the tribal authorities, by not supporting river people in their in-lieu claims, "failed" to

act in "the interests of the tribe" (p. 153). In general, both authors ultimately conflate rural and traditional lifeways with an authentic Indian identity, leaving modern urban Indians who do not follow those ways to question their own authenticity. The emotional dislocation resulting from that denial of self is at least as destructive as the physical dislocations these books describe. In a country where images of a "real" (read "rural") West of farms and ranches still dominate our popular culture, most Americans are engaged in similar denials of self. A broader understanding of "authentic" Indian identities might lead us back to a healthier sense of who we really are.

Max Geier
Western Oregon University

People of the Wind River: The Eastern Shoshone, 1825-1900. By Henry E. Stamm IV (Norman: University of Oklahoma Press, 1999)

Home to the Eastern Shoshones and Northern Arapahos, the Wind River Reservation in western central Wyoming is one of the larger Indian reservations in the country. Like other reservations, however, it has changed greatly since its creation by the Fort Bridger Treaty of 1868. Originally encompassing some three million acres, reductions in 1874, 1897, and 1904 cut it by more than two thirds. In 1939 some of those acres were returned and the reservation currently covers approximately thirty-five hundred square miles.

As important as the changes of the reservation's geographical boundaries are, of greater importance are the histories of the two tribal groups residing there—the Eastern Shoshones and the Northern Arapahos. Loretta Fowler's *Arapahoe Politics, 1851-1978* (1982) details much of the history of the latter group after they arrived at the reservation in 1878. Shoshonean history has been less well known. Virginia Trenholm and Maurine Carley's *The Shoshones: Sentinels of the Rockies* (1964) has been the standard account of the combined history of the northern, western, and eastern Shoshone groups. For the Eastern Shoshones, scholarship has centered around the preeminent eastern Shoshone chief Washakie, as represented by Grace R. Hebard's *Washakie: Chief of the Shoshones* (1930).

As the first real book-length treatment of Eastern Shoshone history during the second half of the nineteenth century, Stamm's *People of the Wind River* is a welcome addition. He begins with a brief overview of tribal origins and the cultural changes wrought by the acquisition of the horse. He clearly demonstrates the Shoshones' historical claim to western Wyoming and details the important contributions of leaders such as Ohamagwaya (Yellow Hand), who brought the Sun Dance to the tribe in the early 1800s.

In my estimation, Stamm fails to adequately cover the period from 1800 to 1863. This vital sixty-three-year span receives less attention (barely forty pages) than the 1871-72 period does. The author barely scratches the surface when discussing the fur trade, the impact of the overland-trails system, and the Shoshone-Mormon interactions, three critical themes that fit within the book's time frame. Take, for instance, the Rocky Mountain rendezvous. Between 1825 and 1840 American fur trappers held the vast majority of their summer rendezvous in Shoshone lands. This early interaction with Americans greatly enhanced the Shoshones' regional prestige, set an important precedent for future Shoshone-American relationships, and infused an influential mixed-blood component into tribal politics. The effects of a half million emigrants passing through the Shoshones' land, as well as the generally amicable Shoshone-Mormon relationship following the arrival of the Latter-day Saints in 1847, also lacks sufficient attention.

These quibbles aside, Stamm successfully covers the important years of transition from 1868 to 1885. From the creation of the Wind River Reservation in 1868 to the last buffalo hunt in 1885, the tribe suffered critical changes. At first, the numerous difficulties seemed insurmountable: the distance from Fort Bridger to Wind River; unprepared military officers serving as agents; competition among various church groups for governmental patronage; nearby gold rushes; European communities within reservation boundaries; encroachment from white settlers and ranchers; unscrupulous administrative exploitation; the reduction of land with the Brunot agreement of 1872; the constriction of the bison herds; and devastating attacks from the Arapahos, Cheyennes, and Sioux. The Eastern Shoshones responded to these injustices in a variety of ways: by maintaining tribal customs and practices whenever possible; by forming an alliance with the Crows; by serving as scouts in the United States Army; by starting cattle herds of their own; and by supporting agents, missionaries, and other whites they trusted. Nevertheless, challenges to Shoshonean economic, political, social, and religious practices increased. Further complicating matters was the arrival of their former tribal foes, the Northern Arapahos, as their new Wind River Reservation neighbors in 1878.

Coming to grips with these changes and the governmental pressures associated with the "civilization" program threw the Shoshonean world into confusion. Stamm discusses the realignment and complications attendant on the arrival of the Arapahos, a change that made native consensus nearly impossible and weakened the tribal autonomy of both. He portrays the malfeasance of federal agents and employees within the Shoshone Agency, the ineffectiveness of national policies, governmental neglect in addressing the tribe's basic needs, the religious and educational programs offered by the Episcopalians and Roman Catholics, and the blending of Latter-day Saint teachings and practices within the Ghost Dance movement. The author concludes with a brief discussion of the upheaval brought by the last fifteen years of the century, the forced

acculturation of the Shoshones into the dominant society, and further land cessions.

Stamm has written a fine work chronicling Eastern Shoshonean history in the last half of the nineteenth century. Now it is time for someone to begin the process of reconstructing a culturally sensitive history of the Shoshones prior to European contact, an ethnohistorical assessment of Eastern Shoshone culture, and a twentieth-century tribal history.

Jay H. Buckley
Brigham Young University

Exploring Ancient Native America: An Archaeological Guide. By David Hurst Thomas (New York: Routledge, 1999)

There are numerous books in print describing the culture, history, and archaeological manifestations of the Native American Indian in North America. Some are written as scholarly tomes suitable for college-course adoption, while others, such as those produced by the National Geographic Society, are for a more popular audience. The great rift that separates these two genres of archaeological literature is an apparent devotion to method and theory; it is the sine qua non of scholarly writing, but the bane, it seems of the popular literature. David Hurst Thomas, an experienced field archaeologist with the American Museum of Natural History, has written one of those rare books that bridges this gap.

Exploring Ancient Native America: An Archaeological Guide, as the name suggests, focuses on archaeological sites and museums in the United States and Canada that concentrate on Native American heritage and are open to the public. At first glance, the book appears to be a well-produced travel guide whose target audience would include avocational archaeologists; it has forty attractive color plates of sites and artifacts, as well as numerous maps, photographs, diagrams, and drawings evenly distributed throughout the text. The writing style is clear and engaging, and the text is unencumbered by scholarly citation. Upon reading it, however, one realizes that this book is more than simply an assemblage of cool places to visit. Thomas has managed to infuse method and theory—the how and why—into a concise narrative style. Many methodological and theoretical explanations in greater depth, such as "What Is Radiocarbon Dating?" (pp. 25-27), "How To Read Ancient Rock Art" (pp. 66-70), and "Infectious Encounters: An American Holocaust" (pp. 193-96), are in text boxes appropriately placed vis-à-vis the cultural context. An additional feature of *Exploring Ancient Native America* is the inclusion of short essays by several Native Americans, which gives the book something of an ethnographic voice

insofar as a living Native American perspective is often unrecoverable in a mute archaeological record.

The body of the text consists of eight chapters, which generally follow a chronological sequence not uncommon to archaeological exposition. Thomas follows convention by partitioning thirteen millennia of known and unequivocal archaeological evidence into three broad periods: PaleoIndian, Archaic, and regionally distinctive agricultural societies. Following a brief introductory chapter addressing hominid evolution, the second chapter focuses on "The First Americans," or PaleoIndians. Thomas explains the PaleoIndian diaspora, describes the characteristic tool kit, which included stone tools designed to kill and butcher Pleistocene megafauna, and, to his credit, presents alternative views as to the peopling of the Western Hemisphere. The following chapter, entitled "Spreading out across America," portrays the so-called Archaic tradition as one of adaptation to regionally diverse post-Pleistocene environments. Archaic peoples throughout North America perfected a hunting-gathering-fishing lifestyle prior to, and in the absence of, agriculture. Much of western North America, as Thomas points out, remained in this generalized mode of existence until European contact, and he illustrates its complexity through his excavation of Hidden Cave near Fallon, Nevada. The next three chapters present different manifestations of agricultural economies and population agglomerations: the American Southwest, Eastern Woodland and Plains traditions, and the widespread Mississippian culture. These cultural florescences were made possible, explains Thomas, by a number of factors: the diffusion of ideas from Mexico, food production, and social-political complexity. The penultimate chapter describes the calamity of what the author has described elsewhere as Columbian consequences, or those changes that occurred as a result of European contact. Thomas argues that missions—located with greatest frequency along the Spanish borderlands from Florida to California—remain one of the most tangible components of the cultural landscape from this era. The final chapter stresses that Native Americans represent an important part of our pluralistic society and that the encounter continues.

A substantial portion of *Exploring Ancient Native America* is devoted to sites and museums that may be visited by the general public. Each of the major chapters concludes with recommended places to visit apropos of that chapter's topic, and the book contains an appendix of sites and museums in the United States and Canada that preserve and interpret American Indian heritage. Notes, bibliography, and index contribute to the book's scholarly appeal, and further evidence of Thomas's attempt to bridge the bifurcated archaeological literature is the grouping of recommended readings into general and more specialized categories. Regardless of one's acquaintance with the fascinating field of archaeology, *Exploring Ancient Native America* is both a pleasure to read and an indispensable resource for the thinking traveler.

Peter B. Mires
Salisbury University

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, Nevada (and particularly Southern Nevada) should be the first to heed them. 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 open eyes. 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 California's "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 into 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, which sought to protect its own best interests and, paradoxically, 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 Californians' 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 amended tax codes, for a variety of reasons, heavily penalize home buyers (whose reassessed 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. After all, these radical measures only took place 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 for informed voters to take an active role in democracy, has become yet another tool of special interests. Shrag traces the evolution in his chapter "March of the Plebiscites" 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 revenue 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, like its golden neighbor, founders on the political and fiscal rocks of misinformed neopopulism.

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The Opal Desert: Explorations of Fantasy and Reality in the American Southwest. By Peter Wild (Austin: University of Texas Press, 1999)

Deserts evoke as many different emotions as the variety of people who gaze upon them. To some, the desert is a sunbathed land of rugged beauty endowed with radiant blue skies, majestic vistas, and exotic wildlife. Others, however, see deserts as an obstacle to be endured or, at best, a barren wasteland to be tolerated in realizing a greater goal. In his book *The Opal Desert*, Peter Wild has assessed the work of sixteen authors who typify this spectrum of feelings. And, much as in the case of the general public's perception of deserts, there tends to be no middle ground or ambiguity in the feelings of the individual authors about these arid expanses.

Discussing the work of both less-known and widely read authors (including such luminaries as Edward Abbey, Mary Austin, Charles Bowden, Joseph Wood Krutch, and Ann Zwinger), *The Opal Desert* progresses in a logical manner highlighting writers from the nineteenth century to the mid-twentieth-century. The writing style is by and large crisp, clear, and easy to follow. After a brief introduction, the first chapter examines the work of Cabeza de Vaca—the Spanish explorer marooned in Florida who survived a death-defying trek back to Spanish lands in the American Southwest. Wild's summary and explanation of Cabeza de Vaca's account, and his analysis in the subsequent twelve chapters, compel you to read those works if you haven't already, while giving added layers of meaning to those you have. As Wild explains, most authors' descriptions of deserts tend to fall into one of two camps: fantasy or reality. The realists that Wild selects include J. Ross Browne, William Hornaday, Joseph Wood Krutch, John Wesley Powell, and Ann Zwinger, while the fantasy writers of the desert include Alvar Núñez Cabeza de Vaca, Samuel Cozzens, and John Van Dyke. A more intriguing, yet underexplored, thread running its way through *The Opal Desert* is work by such writers as Edward Abbey, Charles Lummis, John Wesley Powell, John Van Dyke, and Joseph Wood Krutch. Each of these authors advocates the preservation of the desert's natural beauty and pristine landscape.

At the book's outset, Peter Wild acknowledges that *The Opal Desert* is the product of many years of living in and writing about the desert—a true labor of love. I feel, however, that his passion for the desert has led him astray. In the introduction Wild indicates that the book's purpose is to provide a framework by which the work of other authors can be interpreted as they strive to evoke artfully the essence of the desert in captivating prose. By this measure the book falls short of achieving its goal. Instead of focusing on the ways in which the authors use the desert as the central character in their respective books and then highlighting examples that illustrate the clever prose used to capture the essence of the desert, Wild spends an overwhelming amount of time discussing the life histories of his authors and what may have motivated them to write

as they did. For example, we read more about Edward Abbey's rebel spirit and political agenda than about the fascinating prose he used to advance the cause of protecting the desert he so deeply loved. Some readers might conclude that Wild's extensive contextual introductions provide a delightful background explaining what motivated each writer. Others, myself included, suggest that Wild is too verbose and has lost focus on the topic at hand, namely an analysis of how each author has distilled the essential quality of the desert landscape. I was left yearning for a more thorough appraisal of each author's perspective on the desert.

Equally troubling is how frequently Wild's discussion wanders away from the desert to The West as a whole. The book's title and stated purpose indicate that the focus will be on the deserts of the American Southwest, yet references to California's Pacific Coast, northern Mexico, and at times even Nebraska and Montana find their way into Wild's discussion. Furthermore, there are numerous examples in which Wild showcases thick mountain forests, snowcapped peaks, and monstrous grizzly bears. In the chapter on Mary Austin for example, Wild digresses from Austin's work in the desert to focus on a gold miner who takes refuge from a mountain blizzard under a canopy of cedars and sleeps with bighorn sheep (p.71). Where is the desert?

Finally, Wild's self-aggrandizing detracts from the book's discussion. Not only does he abundantly self-reference and self-cite, he goes so far (p.24) as to write:

> Furthermore, two months after publication of *The Desert*, a professor at the University of Arizona with ample desert experience [Wild himself] nailed the Easterner for his glaring deviations from the facts. Nonetheless, though the book went through printing after printing over [John] Van Dyke's long writing career, he didn't bother to correct many of his mistakes.

To borrow Wild's own words, "[W]e get some dribbles and drabbles about the [deserts] themselves, though the setting becomes an excuse for more breast-beating and a reason for the author to talk still more about himself" (p.175). Scholars need not boast of their accomplishments; rather, let readers draw their own conclusions about an author's reputation.

If you are looking for a book that discusses the life history and motivations of selected authors whose work has included the desert, then look no further. You will find this book rewarding, entertaining, and peppered with nuggets of intriguing information. If, however, you are seeking an appraisal of selected authors' works that can frame the body of literature on desert writing, then you might be disappointed.

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