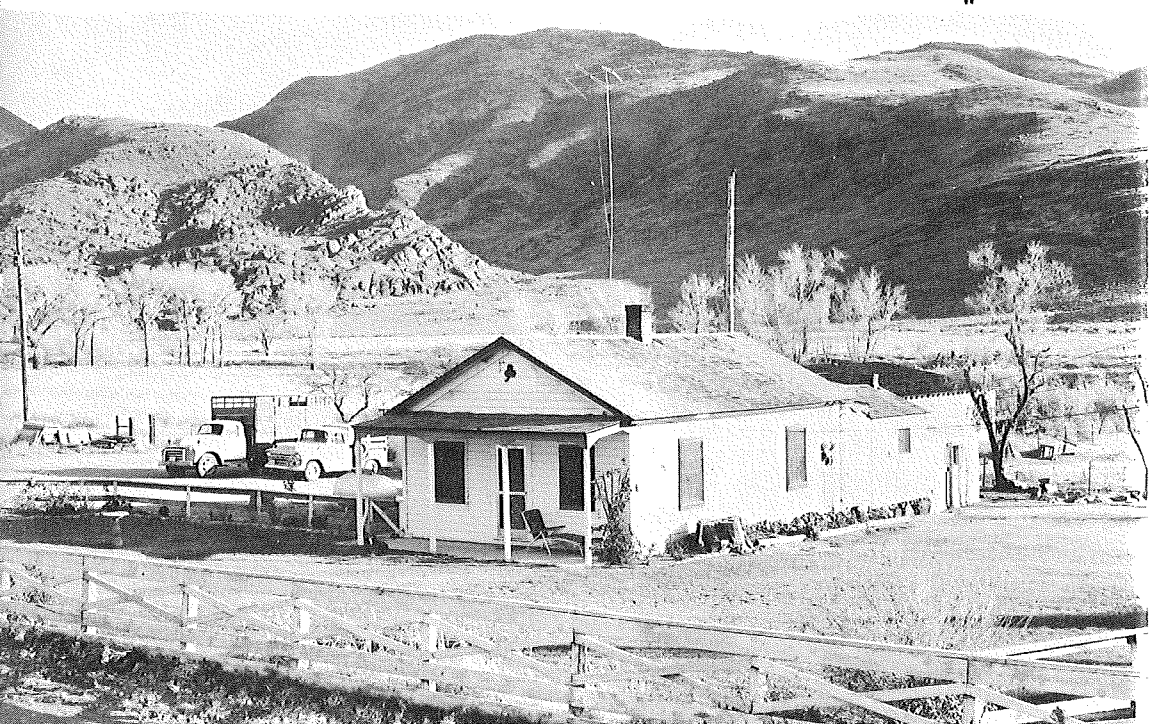




Nevada

Historical Society Quarterly



VOLUME XI
Number 3-4

FALL-WINTER
1968

NEVADA HISTORICAL SOCIETY

BOARD OF TRUSTEES

MILES N. PIKE, *Chairman*

DR. WILBUR SHEPPERSON

E. J. HORGAN, *Vice Chairman*

DR. JOHN WRIGHT

RUSSELL McDONALD, *Secretary*

MRS. THELMA IRELAND

ELBERT EDWARDS

EXECUTIVE STAFF

MRS. ANDY WELLIVER, *Acting Director*

Founded in 1904 for the purpose of investigating topics pertaining to the early history of Nevada and of collecting relics for a museum, the **NEVADA HISTORICAL SOCIETY** has dedicated itself to the continuing purpose of preserving the rich heritage of the peoples—past and present—who have inhabited the land of Nevada.

The Society believes that it can best serve the State by arousing in the people an historical consciousness which it hopes will be carried to succeeding generations. Thus, through its director, the Society sponsors an educational program which carries the history of Nevada to the schools and organizations throughout the State.

The Society maintains a library and museum where historical materials of many kinds are on display to the public and are available to students and scholars.

The Society publishes the **NEVADA HISTORICAL SOCIETY'S QUARTERLY** which publishes articles of interest to readers in the social, cultural, economic, and political history of the Great Basin area: Nevada, eastern California, eastern and southern Oregon, Idaho, and Utah.

NEVADA HISTORICAL SOCIETY
QUARTERLY

FALL-WINTER 1968

VOLUME XI
NUMBER 3-4

CONTENTS

PATRICK ANTHONY McCARRAN

SISTER MARGARET PATRICIA McCARRAN

EDITOR

Mrs. Andy Welliver

ASSISTANT EDITOR

David Basso

COVER

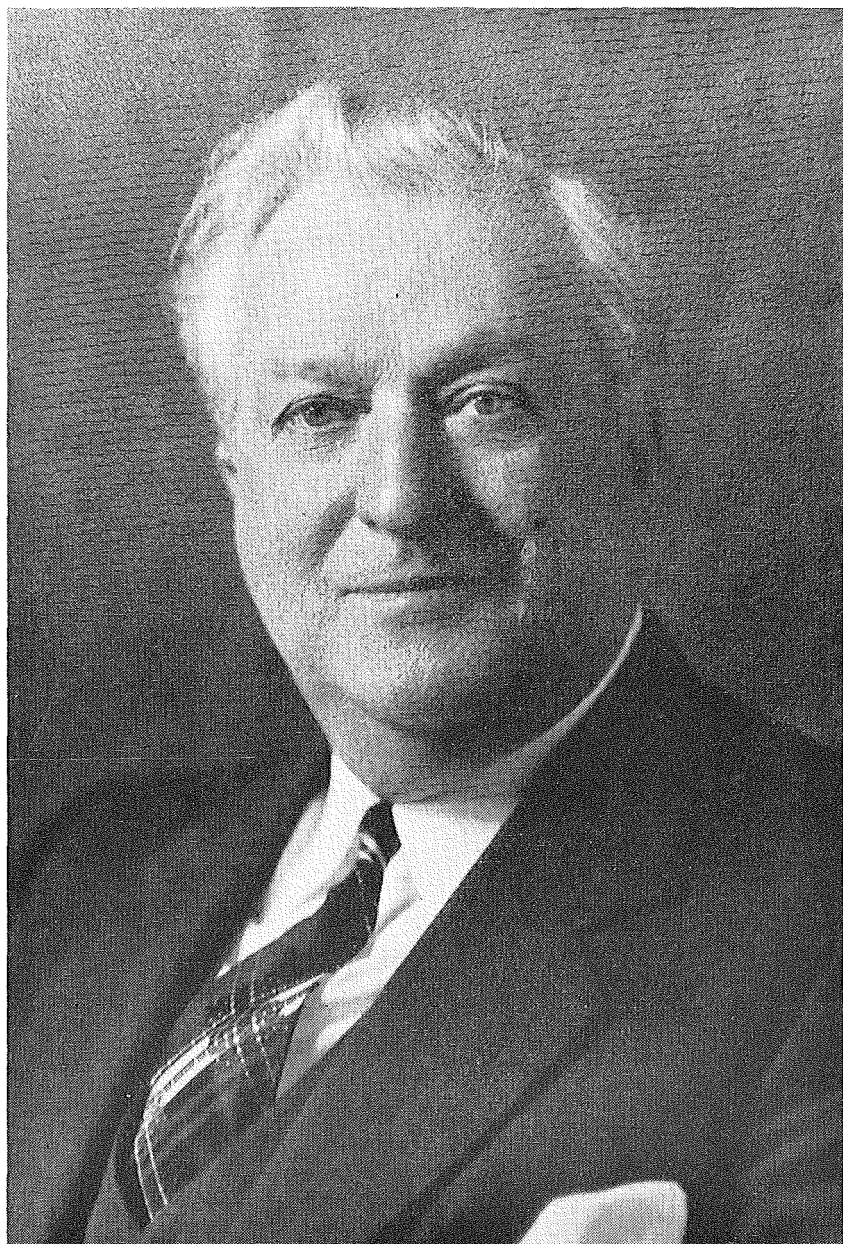
McCarran Ranch lies in Washoe and Storey Counties twelve miles east of Sparks, Nevada. The house shown was built by "Old Pat" and his son Patrick Anthony McCarran, with the aid of Amos Dickey. It contains five rooms—with annex at the rear. The Shamrock is the last of "the Old Gentleman's" three. The house has withstood several floods and consistent modernization.

—Walt Mulcahy photo

The NEVADA HISTORICAL SOCIETY QUARTERLY is published by the Nevada Historical Society, P.O. Box 1129, Reno, Nevada. Orders for membership, change of address, and undeliverable copies should be addressed to the Society.

Second class mailing privilege authorized at Reno, Nevada

Patrick Anthony McCarran
1876-1954



PROLOGUE

On September 28, 1954 by eleven o'clock p.m. the world had the word: McCarran was dead, in Hawthorne, Nevada, after making a speech against Communism. He had been campaigning to restore his Party's majority so he could retrieve control of Judiciary through which sixty per-cent of national legislation must pass.

At "the rosary" on October 1, the priests' choir sang parts of the Mass of the Holy Cross—chants to be heard no more. After the Solemn Requiem, October 2, the cortege, the Knights of Columbus as they had guarded all night in the Cathedral, now guarding the hearse, left St. Thomas Cathedral and wound over the Truckee and Belle Isle past the McCarran house on Arlington and down Court Street to the State Building. It was a very long procession. The news cameras and moving picture trucks played their skills up and down the streets. The Mass had been extraordinary—the priests choir had sung the melismatic chants like the monks of Solesmes and the Bishop had talked of Nehemias who had renewed our boundaries and reestablished our corners and of a man "sweet as summer." The trees stood yellow as Nevada gold.

One newspaper headlined "The Senator is Dead." Nevada's first native son, dean of the Conference of Western Senators, formidable as head of the Judiciary Committee, powerful ranking member of the Appropriations Committee, was carried to the State Building for the public ceremonies to follow. Pat McCarran would soon lie with his mother, Margaret, and his Father, Patrick, in Mountain View where the hills stand round about the city and the river runs blue and green toward the canyon and the ranch folded in purple hills.

Harriet McCarran rode with her brood, all five, in a mysterious mood of peace and silence. She had sat all afternoon the day before alone in the room with the body, doubtless reviewing fifty years to arrive at this moment. Only once, as they closed the casket in the State Building was there a little moaning—a sound of pity for him imprisoned in that narrow bronze casket, like her utterance of pity for an injured child. From Manzanita Park at University of Nevada to Clover Valley and on to Carson, to Washington, Spain and Rome, she had been "the valiant woman" and now she could recall his last goodbye as he had left for Hawthorne and death, "You are more beautiful today than the day I married you."

The people who packed the Cathedral and the State Building and stood in long lines along Virginia Street as the funeral procession passed and the machines were silent, cared little that he was the author of the Civil Aeronautics Law, of the Administrative Procedures Act, of the Immigration Law and the Internal Security Act; they knew that "the Senator" was

dead and their reliance on him for relief from innumerable cares of innumerable persons would be buried with him—the captive son returned, the cattlemen needing a haylift in the blizzard, the boys who wanted to study law in Washington, the widow who needed her rights restored, the rancher who needed an exchange of land with the Interior Department, the son who wanted his mother to see the Pope, the businessman who sought freedom to develop the State's economy. These knew that someone who loved Nevada had gone from them. That Masses would be offered for him from Taiwan to Rome, from New York to Pioche they knew. The freight train that cut his cortege in two was not resented. It spoke of new growth and industrial life for Nevada and the family welcomed the omen as he would.

President Eisenhower had ordered the Air Force to fly those members of the family who were still in the East to Reno in a presidential plane—Columbine III. Another official plane brought the Senatorial delegation: Senator William Knowland of California, Republican Leader of the Senate, Barry Goldwater of Arizona, Herman Welker of Idaho, Dennis Chavez of New Mexico (the only Democrat), Senator Styles Bridges of New Hampshire, who gave the principal oration at the State funeral, and Nevada's Senator George Malone. Malone, the Republican McCarran had helped elect when his opponent was the leftist newcomer, Thomas Mechling, was master of ceremonies. Eva B. Adams and some others of the "office force" came with them and it was Miss Adams who, consulting closely with the family, made the extensive funeral arrangements. Silas Ross, who had attended classes with McCarran when the latter was reader for an English class at the University in 1899, was the ubiquitous and concerned director. Honorary pallbearers were named from every Nevada county.

Nevadans mourned each as for one of his own. The news pictures of the throngs show sad faces dignified by confrontation with death's mystery. Nevadans were joined by businessmen from California who had long expressed the wish that McCarran represented California and named him "the third Senator from California."

Down in Las Vegas, the paper that had seemed to live but to damage McCarran, carried a decent editorial overlooking its own frequent references to him in the past as "the old buzzard." It had contributed all it could by injurious and written word to hasten this moment's coming. Now its publisher wrote respectfully seeing himself among the stricken Nevadans. *The Washington Post*, which had fought his great legislative Acts, mourned decorously the loss of his "granitic strength."

Styles Bridges, using the Ignatian prayer for fulfilling the Divine Will put his finger on the definition and meaning of Patrick Anthony McCarran's life and death—to the American Constitution, to Nevada's common weal, and in every County therein, to people who needed help and people

who needed liberty-in-law, he brought heroic love. In the sketch of his life that follows lies embedded the meaning that may help other Americans find the way:

CHILDHOOD IN THE CANYON

Patrick Anthony McCarran was born in Reno, Nevada, August 8, in 1876. His parents were Margaret Shay McCarran and Patrick McCarran, natives of Ireland, who had become acquainted at Steamboat, Nevada, on the road between Reno and Washoe City in 1875. Possibly, they had met at the depot in Reno when he had seen her among the passengers getting a breath of air or some food as the "immigrant train" waited to begin the long pull to San Francisco whither she was bound from Kentucky where she had first been employed. (Both were working, as cook and as hayhand respectively, on a ranch where hay was being cut and trucked to Virginia City—for \$100.00 a ton.) The marriage certificate spells Margaret's name "Shay" but her death certificate spells it "Shea." She was sometimes known as "O'Shea," and most often she was called "Maggie." Born to tenant farmers in County Cork, Ireland, she, with her long dark hair, piercing eyes and apple cheeks, had arrived in Garden City, New York, in the steerage, having earned her passage by working for a London family as cook. Her grandchildren were later to be enthralled by her true full throated singing, "I wandered today to the hill, Maggie," and a ballad of the "gay" 90's, "Her voice comes on the breeze and her spirit comes at will. I have struggled to forget but my struggles were in vain."

Patrick McCarran, the future Senator's father, "an illiterate," was nearly lost to history by those who frequently misspelled his name "McCurn." His property was listed in the directory of 1875, as being in the environs of Lake and Center Street under the name "McCurn" and the family was listed in the census of 1880 as living in the Truckee Valley in the Wadsworth District, the name being spelled "McCurn." (Valley was spelled "valey.") A Reno census of 1875 showed Patrick McCarran to possess real property worth \$900. This sum was, in comparison with others listed there, quite substantial. Although Patrick could not read nor write in 1875, by 1880 he was said to be a reader.

In both of the above-mentioned lists the Senator's grandmother, Patrick's mother's name was given as Susan McCarran. Her age was 75, in 1875, when Patrick was 37. Patrick often recalled he had two sisters, Nora and Ellen. (When the third daughter of his son was born he pleaded that she be named for his two sisters; the baby was called Norine Isabelle.) One of Patrick McCarran's sisters was known to have simply disappeared somewhere in the West after 1865. He himself came to this country around 1848 at the age of fourteen as a stowaway out of Londonderry, where it appears, his forebears had been land holders before

penal times. He left Ireland in “the starving time”; most probably his father had died. There are records of a Patrick McCarran (so spelled and having no middle name) a land holder in Derry in the 17th Century. His son was always called “Pat,” he was “Patrick.”

Patrick earned money driving a bull team for an express company to bring his mother and a sister to this country. Deep affection coupled with quick irascibility characterized this person who came to be known in the Truckee River canyon as “the old gentleman.” He was noted for his wild temper and his fiery red hair and beard. He was once tried for assault and battery and acquitted by a jury. In the 1860’s he was involved as the Irish Boss in litigation concerned with the crews—Italian and Chinese—and the digging of the Highland Ditch, one of the many historical ditches that have made Reno and the Truckee Meadows the Venice of the West.¹ Patrick and Maggie lost several cases involving fines and costs as for instance when they closed a ditch run through their property by a neighbor. The court held the latter was indeed in trespass and awarded them \$12.00. But for closing his ditch they were fined \$800 and court costs!

In 1876 Patrick McCarran sold the land which is now mainly the Harold’s Club parking lot, to the Dominican Sisters of St. Mary’s Hospital, who erected on it an elaborate wooden structure, St. Mary’s Academy for Young Ladies. Often Maggie driving her horse and buggy brought her grandchildren past the place and told the story. This school failed and the Sisters later sold the property to the Nevada Hotel, which likewise failed. On the site later stood a high school, which has since been relocated.

In 1876 the family of four, including Patrick Anthony, grandmother Susan, the red-haired Patrick, and Maggie Shay McCarran moved to property which Patrick had acquired earlier, (according to the Water Master’s Report, in 1863), fifteen miles down the Truckee River at a place which the Central Pacific Railroad would later call “Ditho.”² (It is now called “Patrick” and the railroad is now the Southern Pacific, which has several times shifted its bed—almost as many times as the Truckee River.) The place was distant but it was never really lonely because there was always activity on the railroad, and Wadsworth, about 20 miles east, was a flourishing “railroad” town. Later, about 1912 the Lincoln Highway was to come through and still later Olinghouse Mine flourished. Olinghouse was to boom and subside but the road was usually alive in those early days with people hurrying on in the direction of Fallon, which was destined to become the county seat of Churchill County. The name Churchill recalls that Patrick McCarran having served in the Cavalry of the Union Army, thereby obtaining his citizenship, had been mustered out at Fort Churchill.

Patrick at first planned to develop his ranch on the Storey County side of the River at Ditho. Relics of his handiwork in the form of a hand-dug

cistern and some of his beautiful craftsmanship with rock (a drift fence) remain to this day. One day, when the young Patrick Anthony was old enough to help with potato sorting, probably about age ten, and the family was out in the fields, the house burned down. The cellar, hand-built against a hillock of native rock and mud, stands today, and in this one room the family lived until a new house could be built. (The grandchildren knew it, still equipped with bunk bed and stove, often to house “knights of the road” who stopped to earn a dollar and a meal.) A flatcar of lumber was put off at a siding called Hafed, now called Mustang, and the house which father and son erected with the aid of Amos Dickey, who was the constant companion of Patrick Anthony, is still in use. One shamrock which old Patrick carved, painted, and nailed up on the house remains but the board fences on which Patrick Anthony and Amos Dickey wrote their names in “railroad red” have long since been replaced.

The poplar trees that Maggie often boasted Patrick Anthony as a child, planted, were cut down in 1964, though some of their progeny survive. The old gentleman’s water rights date back to 1863 and 1879. The two ditches, one in Storey County and one in Washoe County still carry the proper “quantum and head.” The orchard in which stood the chicken houses and other appurtenances has long since disappeared, largely sacrificed to the “dirty, treacherous” river, as Maggie called it, but the “new orchard,” which Maggie planted the year her eldest granddaughter left to enter the convent, survives and bears fruit. The people of Nevada have forgotten the miraculous quality of their soil and the rare flavor of the apples, plums and big peaches that could be the product of the canyon. McCarran cabbages were huge and crisp and the corn and immense potatoes of a flavor long lost but unforgettable. In Patrick’s youth, his mother, driving a horse and wagon, trucked fruit and vegetables up to Virginia City through Lagomarsino’s Canyon, over either the Lousetown or the Long Valley Road. She drove during the night so as to enter the town at sunrise, to dispose of her fruits and vegetables. Needless to say, they disappeared like the dews of the morning. There was always a mason jar full of silver coins in the dining room cupboard.

In the 1880’s not only did the rumbling teams go over the dusty roads, but hundreds of men passed by walking the railroad ties. In the late 1880’s there were two million tramps in the United States.³ Their security was social; they could drop in at almost any of the ranches along the road and get “a dollar a day and found.” Some stayed a few hours for a meal and some stayed through harvest seasons and several became a legend at the McCarran Ranch—“Old Pierce,” “Irish Tom,” and “Blind-eyed Tom.”

Patrick Anthony’s mother and father had no formal education. His grandmother, then living at the ranch, could neither read nor write

according to the census. However, his mother, Maggie Shay McCarran, had learned to write as well as read, and occasionally she penned in careful schoolbook lettering her name and a word or two. There are documents on which her name appears after her mark; all the documents involving the Old Gentleman are signed only by his mark; in the famous Highland Ditch case, in his demurrer, he says he is an Irishman who can neither read nor write, although he knows the meaning of all the words. This does not mean that they were illiterate. They knew and discussed the history and politics (and some poetry) of the world; likewise the history and politics of Nevada. The theology and liturgy of the Catholic Church with her prayers and sacraments they knew very well indeed, though often attendance at Mass was possible only at Easter, weather permitting. Patrick and Maggie may have talked of "Roosians" and "Proosians," but she and the old gentleman never heard any other name from their son but a most respectful "mother" and "father."

SCHOOLING

Young Patrick Anthony attended the Glendale Spelling School which opened its door in 1864 and did not close until 1958. The months of the school year were short, usually from late September until the lambing season, and when the weather permitted it, Patrick rode about ten miles to school on a pony. Through the '80's and '90's news of literary and scholastic events at Glendale School often appeared in the newspapers of Reno. Many illustrious Nevada names formed the roster of that little school, among them Ross, Rice, Ferguson, Sullivan, Kelly, Shaber, Crocker, Hollenbeck, Powell, Alt, Derby, Jones, Frost, Gulling, Stephens, Kinney, Kleppe, Lysle, Peckham, and Eastman. Mrs. Hattie Steele was enrolled to help create a "district." She had received no formal education but became a prize-winning speller.

One of the teachers at the Glendale school was Hanna Linehan, the future Mrs. Patrick L. Flanagan. She was a woman of great grace and elegance whose husband was the founder of Flanagan Warehouse and later, the Senator from Nevada. Much of the stately society life of Reno centered around the Flanagan family in the 1890's. The impression that she left on the young mind was depicted in a letter which Senator McCarran wrote to her son, John, when Mrs. Flanagan died. He spoke with great tenderness of his former teacher, prizing her sense of dignity and decorum. Following her example, his own style of writing, manners, and mode of dress always reflected taste and dignity. He once rebuked a fellow-Senator running for re-election in Nevada who appeared in the Riverside Hotel disheveled. "If you want to be a Senator," he said, "look like a Senator!"⁴

Poverty marked the whole life of the family after the move to the Canyon. The '80's were terribly hard and once a relative whose sons Maggie had nursed and tended sued for the \$800.00 she had "borrowed" (thinking he might requite her work and pay for the feed and dairy products he had used and too polite to demand payment). The ranch was mortgaged to pay this judgment (Henry Barnett had bought the Devine debts).⁵ On one occasion young Patrick walked out of school and back to his home because he had no proper suit, only his overalls, in which to appear for a school performance.

One beautiful autumn day, when section men were working on the railroad tracks parallel to the road and had left a handcar standing on the siding, Patrick, riding to school in the early morning hours, saw the handcar and noted a little downgrade in the railroad tracks. Tying the horse to the fence, he got on the handcar and rode gleefully to the foot of the slope just as an express train whistled into sight. There was nothing to do but jump off the handcar which in seconds became a splintered heap. The section men came running to find their ruined car, and their boss took Patrick into custody. He was about to march him up to Sparks when Patrick's mother, driving her mare and buggy, came on the scene. Maggie, by this time, had acquired the look, shape, glance and general aspect of one of Michaelangelo's Sybils. She demanded of the arresting party: "What are you doing with that boy?" The boss explained he was taking him to Sparks under arrest for having wrecked their handcar. Mrs. McCarran assumed charge of the situation, ordered Patrick back on his horse and off to school, and informed the boss she would go to the Sheriff's office and settle the matter (telling Patrick she would settle it with him when he returned from school in the afternoon—a promise she did not forget). Years later, in a political campaign, his opponent proclaimed that he had been a "bad boy"—he had "wrecked a train!"

After the Glendale School, Patrick attended public school in Reno. He had lived in Reno before when his mother had arranged for him to live at the Rectory while preparing for his First Communion. Father Thomas Grace, later to become Bishop Thomas Grace of Salt Lake, was then pastor. Now, placed in a grade in which he was too old for the class, Patrick was bored and took interest only in the sights and sounds of Reno which, then, was growing and bustling. (He never lost throughout his life a certain sense of wonder in the presence of the achievements of other men, whether it was the building of towns or great structures like Hoover Dam.) One afternoon when he had been playing hooky, one of his teachers, Mrs. Libbie Booth, found him. "Patrick," she said, "you have the makings of a great man but you are unhappy in school because you are too old for your grade. If you will come to my house after school I will help you catch up in your grade work." Patrick agreed to this and when

his mother next appeared to pay his board and room ("six bits and a sack of potatoes"), Mrs. Booth told her, not that Patrick had been playing hooky, but that he did not have enough to do. Consequently he was enrolled in shorthand, typing and telegraphy classes after school hours. The certificates for these accomplishments hung framed on the walls of the house in the canyon all the rest of his life.

Perhaps Patrick's favorite teacher was Mrs. Libbie Booth of Reno. In a letter to her dated September 15, 1915, he wrote: "The lessons taught, and the rules you laid down, have been with me constantly, and I look back to you as the beginning of my public career; and whatever temple I may build in that respect, the foundation was laid by you."

During the years Patrick was in grammar school in Reno, he formed a firm friendship with his pastor, Father Grace. In after years this friendship took on even more importance. On the eve of his death Bishop Grace was about to assist the ex-Judge McCarran in protecting from prosecution by means of restitution several very highly placed state officers. His sudden death defeated the hopeful plans laid by the two repentant friends and their counsel.

Patrick attended the only high school in Reno, achieving distinction in English (Rhetoric), History and Athletics. During his last two years in high school his mother took employment in the Evans Hotel in Lemmon Valley. The Evans Ranch is still run today by one of the Evans daughters, Edith, who recalls knowing Mrs. McCarran when she worked at the hotel. She also remembers that Patrick Anthony with a friend often rode out on horseback to visit his mother. Susan McCarran was no longer at the Ranch at Ditho managing the household, having died July 10, 1889. The old gentleman cared for the horses, milch cows, chickens, a few sheep and hogs, and a lot of pick-and-shovel irrigating.

Considering her past experience, Maggie's work at the Evans Hotel must have been that of cook and maid in spite of a limp from her "bum leg"—an arthritic hip. As mentioned before, it was through the occupation of cook that she earned her passage money in the steerage to New York. Years later, when the family visited New York, Patrick, a United States Senator, pointed to Garden City during their tour saying, "There is where your grandmother arrived in this country." The family took a certain pride in its hard and humble origins; this was America, after all.

She had migrated first to Kentucky whither many Irish people had gone seeking something like the green fields of Ireland. When the southern family for whom she worked became impoverished, she had boarded an immigrant train (it cost about \$50.00 to cross the continent in those days—but not in parlor cars) and had taken the route to San Francisco which was then recovering from the exodus to Australia where the gold rush had started in 1857. Instead of going on to San Francisco, she had remained in Reno and now she put her son through high school by means of the one

avocation she knew—cooking. Grandchildren remember very simple but delicious meals of bread cut thick, fresh butter, green tea, warm milk, boiled chicken or lamb and yellow corn meal eaten with thick cream. They also recall thin slabs of pounded round steak and a rare spongecake or rice pudding in the making of which she made lavish use of eggs. She taught them to make biscuits and churn butter, let them have real eggs to make mud-pies. Otherwise her cooking was scarcely gourmet. Her saying was “eat when you’re hungry and drink when you’re dry.”

By the time Patrick was a senior in high school he had been invited to join the varsity football team of the University. His athletic prowess was exceptional and during his college years he coached the football team at Reno High. Once when the varsity went “down below,” i.e., to San Francisco to play a game, Patrick, still a High Schooler, accompanied them by invitation. Much later he told his daughters that on the return trip he had nothing but fifty cents to pay for meals and that he was with another boy who was even more badly off. They had waited until the train stopped for a few minutes in Sacramento and there they had spent their last few cents for doughnuts to relieve the pangs of hunger. Patrick would never have let teammates know he could not afford the trip.

At the university Patrick was a reader in the English Department. He once encouraged a younger student, Silas Ross, to write a theme on the Indian petroglyphs which are still to be found in the Truckee Canyon. Silas Ross tells of that particular “A” in English with great glee, because the reader, McCarran, had given him this high mark saying, “You and I are the only ones who know anything about the subject.”

Patrick also stoked furnaces at four o’clock in the morning at the University to help pay his expenses. The habit of early rising stayed with him—rising was always at 4 o’clock at the ranch. Sunrise was a most important part of the day! Maggie rose and claimed it before old Pat or the boy—or the grandchildren.

During his college years McCarran achieved athletic fame. He won medals for shotput, javelin and hurdles and even set a world record for the hundred-yard dash which was not bettered until recent times. While his athletic career was quite successful, McCarran’s academic life in the University was not outstanding. He was now entirely self supporting. His third year marks showed a good many units dropped and by the middle of his senior year he had withdrawn from every course. His thriving sheep business precluded study.

ENGAGEMENT, BUSINESS, MARRIAGE

Meantime, Martha Harriet Weeks, niece of Robert and Hattie Weeks Steele of the Mill Street Ranch, was making a nearly perfect record at the Normal School of the University. Harriet, whose nickname was Birdie,

was a daughter of Samuel Tyler Weeks and Martha Ann Wood Weeks" of Clover Valley, Elko County; she was the fourth of seven children and the first daughter—bright, industrious, frugal, timid and pretty.

Patrick's landlady, Mrs. Jamison, teased him about "that little black-eyed Weeks girl." The reason for his scholastic failure was, however, not courting but "sheep." In this third year Patrick found himself the owner of about five hundred head. He had built up this flock himself at the Ranch, leaving them to his father's management. He mortgaged his five hundred to buy more. In the middle of his senior year, as the lambing season started, his father was injured by a fall from a wagon and Patrick had to go back down to the Ranch to resume the business through the lambing season. He was rewarded. One could read in *Nevada State Journal*, October 15, 1901, (p. 1, col. 6):

P. A. McCarran has received returns on a shipment of yearling wethers to San Francisco. He got the top market price. His wethers were the heaviest marketed this year. Mr. McCarran is the youngest sheep man in Nevada, and is one of the most successful.

However, the success had been costly. On the night of graduation he and a hired hand had separated the lambs and ewes; the wind had brought the sound of the lambs' bleating to the flock of ewes, which stampeded, making the two flocks one again. In disgust, Patrick left the flock in the hills north of the house, in the hired man's keeping, returned to the ranch, hitched up the team and brought his mother to the graduation exercises. She sat in the auditorium with him and cried. Brave Maggie seldom cried but she had dreamed of a finished education for her son. She often said that, having been born in America, he could be President, but her ambition was not so great that she would deprive him, at the same time, of his Catholic heritage. In those days many prominent politicians were ex-Catholics. Years later the University bestowed on Patrick Anthony McCarran a master's degree May 11, 1931 *honoris causa*, and again in 1941, an LL.D. He received other LL.D.'s during his lifetime, but he cherished most deeply that from the University of Nevada. In 1952 there was talk of the sheepman Doctor of Laws being presidential timber.⁷ The gist of a Ray Tucker column was: McCarran, "terror of subversives" though respected by colleagues, is "read out of the party" by Roosevelt and Truman, else he should be the presidential nominee. The coddling of Communism by Democrats should be the main issue for Republicans in 1954 and 1956; hence McCarran, author of Internal Security Act of 1950 and Immigration and Nationality Acts of 1952 setting up "semi-independent loyalty and security agencies" should be the Democrats' candidate. However, Truman prefers "faithful appointees" and defeat to his party will mean even that McCarran will lose control of the Judiciary Committee. The Democrats will not use their "secret weapon." His "refusal to back

down" cost him much. He is called "the stocky grey-haired Westerner and former Nevada chief justice," whereas in the first column which took note of him, in 1933, "The Washington Merry-Go-Round" by Drew Pearson and Robert Allen, he was called "a bleary-eyed raucous voiced ex-shepherd." Margaret Shay's son was not to be President.

The episode of the lost diploma took place in the spring of 1901. In the following year the ranch was mortgaged for \$2,000 to Otto Hartung and with this fund then considered rather large, Patrick Anthony ran for the State Assembly on the Silver Democratic ticket, at the suggestion of Senator William Sharon, who drove his surrey to the ranch, found him working the sheep, and asked him to run, and to nominate Newlands for Senator. The Democratic party was then divided into "plain Democrats" and "Silver Democrats." He campaigned with Herman Cooke who, in later years, told the family about how they had traveled through the county with a buckboard and horse and how he has passed out the cigars while McCarran made the speeches.⁸ Both were elected among six assemblymen from Washoe County and served in the legislature of 1903. McCarran proposed bills concerning a Charter for the City of Reno, veterinary medicine and preservation of fish and wildlife, among other things, and both his and Cooke's names occur frequently in the legislative record of 1903.⁹ They nominated Francis Newlands, of course.

At this time Patrick became engaged to Martha Harriet Weeks, who, having graduated from the Normal School of the University of Nevada in 1902, was teaching in a one-room school in her native Clover Valley in Elko. Her daughter remembers finding in an attic trunk a challis dress of pale lavender, made with a bustle and flounces scalloped and embroidered—a dress that was never worn. Martha Harriet had reckoned that since she was earning her own living, she was at liberty to employ a dressmaker and make plans for a trip from Wells to Carson. "Patsy" had asked her to Inauguration when he had visited her school and shared a desk with her seven year old sister, Sylvia. She had prepared this dress in which to attend the inaugural ball when the young assemblyman should be sworn in. But her brothers, Samuel and Seneca Weeks, assumed the authority to decree that she must not make the trip to Carson, especially since Pat McCarran was an Irish Catholic. To make the trip alone was improper in their eyes and they had heard nothing good of Catholics. However, on August 10, 1903, Patrick and Harriet were married in the new house Martha and Samuel Tyler Weeks built for the occasion in Clover Valley. The upper story was not yet finished and the huge banquet for the innumerable guests took place in the old house that had served Martha and Samuel Weeks and their seven children since their move from a log cabin shortly before Seneca Charles, their second son, who was best man at Harriet's wedding, was born. Sam, his eldest brother, had married the

daughter of a lady preacher, Josephine Blum of Reno who had been "school marm" at the time. Harriet had lived some time with the large Blum family, when attending the University. She lived also for a time in Manzanita Hall.

Mary Benson, Harriet's schoolmate and closest friend in the University of Nevada Normal School lived at the ranch in Clover Valley for weeks helping Harriet to prepare for her wedding. During that summer, she decided to take the school in Clover Valley and it was there that she taught Harriet's sisters and cousins, preparing them for High School or for the University. At Harriet's wedding Seneca Charles suggested that perhaps his and Mary's should be the next marriage.

Pat and Harriet (as their friends were later to call them) boarded the Southern Pacific train in Wells and went to San Francisco on their honeymoon. It was Harriet's idea that they should be re-married in the Catholic church, as they were on August 14, 1903. Their marriage by the Episcopal Bishop in Clover Valley was valid but Harriet was eager to make and keep peace with Pat's mother and she subsequently became a Catholic herself.

For the first few months after the honeymoon they lived in rented rooms in a house on Mill Street. They also spent several months living at the ranch. Newspaper accounts of the day spoke of Mrs. Patrick Anthony McCarran, wife of a local sheepman, coming to Reno from her ranch home in the Canyon to visit friends and relatives. Her cousins from the Steele Ranch, Pink and Pearle Steele, were prominent in Reno society at the time and her sister, Sadie, was engaged to Harry Standerwick, student body president at the University, stepson of the renowned Dr. William Henry Hood.

Patrick McCarran was now engaged in the study of law. This writer has made the acquaintance of the grandson of a Fallon Basque sheepherder who remembers coming upon McCarran reading *Blackstone* by the fire in a sheep camp. His "sheep stories" used to fascinate his children, particularly those about a fabulous cook, "Old Ned," and those about bears in the Sierras. Pat was a crack shot and once he came upon a herd milling about a she-bear and being systematically slaughtered to the accompaniment of shouting Basques and yelping dogs. He dispatched the bear. Pat's sheep grazed at the Trosi Ranch in Plumas County, California, during some seasons.

The first addition to the McCarran family was Margaret who was born in Reno on July 22, 1904, and named for her two grandmothers, Margaret McCarran and Martha Weeks. The newspapers of the time, announcing this event, stated that while Patrick McCarran was "chasing a thousand sheep" in the high Sierras, word was brought to him that he should hurry home as his wife had something for him. When asked about



Mr. and Mrs. Patrick McCarran, 1903.

the time of his return to the camp he was reported to have replied: "Damifinoifever." By 1905 he was admitted to the Bar.

Having in 1904 read law, not only in the camps but in the offices of the Honorable William Woodburn¹⁰ (the first native Nevadan to be elected to Congress, whose offices were in Carson City), Patrick passed the Bar examination and hung out his shingle in 1905. Between 1903 and 1905 he had paid off the mortgage on the ranch, finished his law studies and served as a sheep buyer, traveling through the Oregon borders and northern Washoe County ranches for State Senator Patrick Linehan Flanagan, founder of the famous Flanagan Warehouse. As said above, the political activities and social events connected with the Flanagan family filled many columns in the newspapers and these same newspapers also related that Patrick Anthony McCarran was the youngest and most successful sheepman in the state of Nevada. However, the sheep had to be put out of his life. They had wrecked his college career and now there were other troubles. (The "hirling" of the gospel seems to have been a typical case.) It was only as long as Patrick could work with the sheep himself that he was successful. One day he was sitting on the porch of the ranchhouse he had built, visiting with his mother, when a hired man brought down the flock of black-faced Marinos, thoroughbreds of which Patrick was very proud. As the hired man drove them across the double railroad tracks, a Southern Pacific certified silk train, which could not be stopped, shrieked past the signal and through the band of sheep, tossing them over the engine as if plowing through water. Those sheep that escaped foolishly ran back to be run over and those that lived were unfit for breeding.

Other discouraging events followed. Patrick had gone into partnership with a neighbor, the owner of the Murphy sheep ranch west of the McCarran place. (Its most recent owner, purchaser from A. J. Flagg who bought it from Azcarate, is James Parker.) He had paid his half of the herders' wages but his partner defaulted, and there was a lawsuit, resulting in Patrick's having to pay all the herders' expenses.

SHEEP YIELD TO LAW

The first case tried by Patrick Anthony McCarran, Attorney at Law, admitted to practice before the Federal Bar July 1905, involved the defense of his father. The telephone company had sought an easement to take its lines through the ranch and the Old Gentleman had objected strenuously. Easements through the ranch property were the furthest thing from his mind. When the telephone company exercising "eminent domain" proceeded to erect its poles in spite of his protests, he cut them down and brought them into his yard, his face fiery and his language

more picturesque than ever. In the end he was arrested, indicted by the Grand Jury in Carson for destroying Federal property; young Patrick, of course, was his attorney. The newspaper accounts of the trial showed the communities of Reno and Carson to have been involved and sympathetic with the McCarran case. The wrathful elder McCarran had to be restrained by two men in the Federal courtroom. To everyone's surprise, his counsel took the stand at the end of the second day and testified that the wrong man had been arrested and that it was he who had cut down the poles and had brought them into the ranch house premises! For several days the newspapers lamented this development, assuming that the handsome young attorney had jeopardized the brilliant career before him by perjuring himself to save his father.¹¹ The *Carson City Appeal* and the *Reno Evening Gazette* announced that the grand jury would certainly indict young McCarran immediately on his return from Plumas County where he had gone on sheep business. This story has no follow-up since no action against McCarran was taken. Possibly the telephone company, in moving on to private property without obtaining the needed easement, was in the wrong. However, the young attorney's testimony was perfectly true. He had, no doubt, done as bidden by the senior whose will was not to be trifled with.

LAW PRACTICE IN TONOPAH

By 1906 Tonopah had developed into a boomtown, following the discovery of gold in 1902. The McCarran family moved to the southern city which had become the Nye County seat. Booming Goldfield, a short distance over the boundary, was to become the county seat of Esmeralda County. Mary Ladwina McCarran had been born in Salt Lake City on August 31, 1906. Salt Lake City was the metropolitan center for Elko County dwellers and Harriet had been spending some time with her parents there, in poor health in the latter part of this pregnancy.

The party that moved to Tonopah boarded the train at the McCarran Ranch. The young attorney had gone before them to locate a house and had returned to bring them to the roaring camp, now likewise a cultural center. Old Pat (hereafter to be known as Grandpa McCarran) signaled the train to stop with a swinging lantern and helped Harriet, the two children, and a maid, Jennie Nelson, aboard. The first glimpse the family had of Tonopah was during the swift move from train to hack. The transportation from the station to the house was in a covered wagon, roughly furnished with seats along the sides. Only a glimpse of the back of the horse and the back of the driver could be caught through a parting in the front canvas. The children saw nothing of the town except rough boards when they stopped the hack at a bakery, but they had the impression of

going over stones and ruts and hearing the iron shoes of the horses. Pat had law offices on a corner on Main Street but later he moved into the Court House.

Their house, recorded in Harriet's name, was a four-room frame building without a cellar or attic, contained one bedroom, a parlour, a dining room and a kitchen. The parlour was kept cool and dark and the furniture was covered against the dirt and dust. Margaret remembers seeing the dome of the new (1907) Court House from a spot near this house. When, many years later, she asked her father "what happened to the boy who lived in the tar-papered house nearby," he informed her there was no boy in that house; she was doubtless recalling the imaginary playmates of Tonopah whom he knew all about and vividly recalled—her friends "Jolly and Hoke and Moke." The old Senator cherished the memory: "Hoke and Moke were sort of regular fellows who got into trouble sometime but Jolly was sort of godallmighty." The children learned to disregard the thunder of underground blasting, heard under home, church and theatre any day or night.

One day, after Pat McCarran had become District Attorney for Nye County, having first served as Deputy, Jennie was in the kitchen preparing supper at the wood stove. She had placed the baby buggy holding Mary nearby and Margaret, aged three, was standing at her elbow watching her activities when a shot rang through the house, making a round hole in the front door glass and passing through the dining room and kitchen. Margaret raced to the door and saw a man on a donkey riding by. When her parents returned that evening, Margaret was warned not to race out "to see" under such circumstances again. But it was not the only time the young district attorney came under attack. A killer whom he had convicted, Fred Skinner, boasted he never lost a cartridge and vowed to kill McCarran when at last he should be released from the state prison. Actually, he was brought back after an escape attempt and ended his days "in Carson." The story of how the D. A. had found the convicting gun and flashed it in court, throwing the lying defendant off balance was one of those the girls heard on their camping trips with their ex-judge father, years later.

While he was in Tonopah, McCarran was the highest paid District Attorney in the state, and many of the cases he prosecuted are famous to this day. One case involved a nightlife lady who had killed her husband, evidently with the approval of the town. McCarran procured conviction for first degree murder, but on sentencing day he pleaded so eloquently with the judge for clemency that the woman was sentenced to serve only one year in the Nevada State Prison.¹² According to the newspapers the town was quite pleased. It was no wonder that during a pretended interview, when asked the question "What are you thankful for?," McCarran replied, "That my office is the most lucrative in the state and

for other things.”¹³ In those days newspapers spoke openly of what a man was “worth.”

During those early years in his career, McCarran was recognized by various organizations (as was to happen many times later) for his outstanding capabilities. In May, 1907, he was appointed chief counsel for the Nevada Editorial Association. When an Assemblyman in 1903 he served as official correspondent for the *Reno Evening Gazette*.¹⁴ A member of the Elks, and the Eagles, at the time, he was named territorial deputy of the Knights of Columbus in the state of Nevada in June, 1908. He was delegate of the Knights of Columbus to conventions in Mobile, in Quebec and in Boston 1908 and 1911.¹⁵

It was a surprise to surviving members of his family to learn that Patrick A. McCarran had been involved in several mining companies. In 1907 he was president of the Golden Arrow Mohawk and secretary of the Liberty Reveille. The following year he took a lease in the newly opened district, in partnership with others outside Tonopah. This venture proved not unprofitable.¹⁶ The Tonopah newspapers came to recognize him with friendly banter. They jested about his high salary as district attorney; when he took the lease mentioned above, a caption in the *Tonopah Daily Bonanza* (May 15, 1908) read “McCarran Millionaire,” the article averring that he had been “mistaken for J. P. Morgan.”

BACK TO RENO, THE “FROG HOUSE” AND CLAY PETERS BUILDING

In the summer of 1910 the successful attorney, having moved back to Reno, sent his mother back to Ireland for a visit. During the summer Harriet spent several weeks living at the ranch and redecorating the old house while Grandpa McCarran spent long hours sitting on his old detached wagon seat fitted to two tree stumps on the east side of the house, whittling until the pile of shavings was knee-high. So great was his loneliness that one day he made a little green felt flag of the Sinn Fein and set it up on the green gatepost. At Christmas that year his son presented him with a tobacco bowl decorated with hand-painted shamrocks, inscribed on the bottom: “To Father, Christmas, 1910, P.A. McC.”

Lena Cherri, whom Patrick had met when she was employed at the Reno telephone company, came to work for the family and to live in as a maid in 1909. One day a long distance call had been mismanaged and he had dashed downstairs from his offices in the Clay Peters Building to the Telephone Company to rebuke Lena, one of the two switchboard operators. Instead of having her fired, he hired her and she remained as a nurse-maid for the girls until her marriage in 1910 to a successful Winnemucca rancher. Pat and Harriet were often socially engaged in the evenings and Lena cared for Margaret and Mary with complete devotion.

She recalls that she once expressed a desire to go to Alaska, having heard that there were many opportunities there for working girls. McCarran warned her that it was improper and very dangerous for a young woman to go to Alaska alone, but he held out the hope that if his business in Tonopah prospered the whole family, including Lena, might move to Alaska. The dream of going to Alaska never came true nor did that of having a prosperous business. The mining companies McCarran was involved with were soon defunct.

In January of 1911 Margaret and Mary were sent to the ranch to stay with Grandma for several reasons: They had whooping cough; the birth of Norine was imminent; and their father was involved in a trial defending Dr. Frederick Wichmann accused of murdering Mrs. Emma Ross of Reno. The woman had died as the result of an abortion¹⁷—at that time, not an illegal operation. To prove that printed accounts are not always reliable, the papers on January 31st noted the absence of one defense attorney from the courtroom and reported that the judge had announced that the defense attorney was absent because he had lost a good bit of sleep but “mother and son” were doing well. The “son”, of course, was daughter Norine Isabelle, born January 30, 1911. Wichmann was convicted and sentenced to 14 years in the State penitentiary, Carson City.

In 1912 Patrick Anthony McCarran ran for Justice of the Supreme Court of Nevada and was elected by a large majority.¹⁸ Although the Reno newspapers had not supported him, those in outlying counties had been staunchly in his favor and had run fulsome editorials in his praise.¹⁹ He was handsome, with his dark brown wavy hair parted on the side. He stood in the characteristic pose of the day, with arms folded, which gave him the appearance of being taller than he was. He had inherited the large arms and legs that characterized his mother's sibylline form. He had a reputation among the people as a keen defender, a great constitutional lawyer and a moving orator. Though his oratorical style became old fashioned as his life went on, he was always in demand as a speaker in spite of the press' speaking of him during his third term in the Senate as “old bleeding heart”; the liberal press, too, detesting his ability to move hearts in favor of constitutionalism, sneered at what they called his “purple passages.” The *Reno Evening Gazette* proclaimed that he had not the legal ability nor acumen of his opponent, A. A. Heer, but commentators like Justice Milton Badt have stated that the record McCarran made on the Nevada Supreme Court bench was his own best monument, a body of decisions which are still read for their legal content and fine English. He cleared the docket of a great backlog of cases while he was on the bench and wrote over two-thirds of the opinions which

filled seven volumes of Nevada Reports from 1913 to 1918. Many landmark decisions in mining and water law²⁰ and the famous Kuhl case palm print decision were cited world-wide.²¹

THE SUPREME COURT

In Carson City the family first lived in "the Regan House" on Minnesota Street which had a large yard, a hedge fence, fruit trees (one with a ready-made treehouse) and a well-built barn with a loft. There was a bench out under the lilac trees where the clover and pinks scented the warm spring air and often on the first of a month at the lunch hour, when the family was always together again, the young judge showed them his salary (\$500 a month) which by law was paid in \$20 gold pieces. One still envisions the glint of gold in clover blossoms.

In the Regan house the maid was a colored lady by the name of Mrs. Miller. She used to sing the "Blue Danube" loud and well and told the children that that was a song "the spirits" sang coming to take her husband when he died. She was a good cook but once in the absence of Judge and Mrs. McCarran she sent Margaret with a dollar to Muller's drug store to get a bottle of "Duffey's Pure Malt." It was not long after this that she was dismissed, but her tales, her songs and her cooking were long remembered.

Two years later, after debating as to whether they could afford \$35 instead of \$30 rent, the family moved across the street to the Raycraft house. The Raycraft family was one of the earliest, largest and most successful families in the state and their house was a long, low one-storied place with an imposing front door and large side veranda, huge living room and fireplace. A carriage barn with stalls was adjacent to the house, which had been built in the 1880's. A picket fence surrounded the yard, two city blocks square. It had been a show place with its beautiful grounds in the 1880's. Besides an orchard, there were many exotic shrubs and flowers. Margaret and Mary raced through the lot claiming different plantings and areas each for her private preserves. The Judge took over and cultivated the enclosed kitchen garden. Helen Nevers the beloved Washoe Indian girl occupied a room in the former "servants quarters." Those days the judge would point to his girls saying, "There are my three million." Both Regan and Raycraft houses were near the "V & T" tracks, a wonderful asset when the circus unloaded on the switch tracks. The "V & T" ran down Washington Street beside the biggest cottonwood trees imaginable and a moss-bordered creek, full of gold-flecked pebbles and darting minnows. The children loved these things and talked about them incessantly, especially at the family meals

each day. Their parents, by drawing attention to what nature provided, showed them the means to an interesting and self-reliant life.

The family moved again after a few years into one of the Springmeyer houses on South Main Street. Both of these modern bungalows are gone now, having been moved away, but the Regan and Raycraft houses, surrounded by the shrubs and fruit trees and almost hidden by the mass of perennial sweet peas and by a huge hedge, are still there. Indian girls Helen Nevers, and later, "Ruby" learned housekeeping from Mrs. McCarran and cared for and entertained the girls with some mysterious Washoe lore.

When Senator Francis G. Newlands died in 1916, the suggestion appeared in the press that Judge McCarran would welcome appointment to the Senate. Many high office-holders as well as countless citizens had approached him with the idea during the previous two years and McCarran had devoted considerable thought to tossing his hat in the ring—to the extent that he even sent out letters to prominent people throughout the state asking them to appraise the possibility of his success as Democratic nominee for the U.S. Senate. In fact, he filed for the nomination.

The suggestion was raised that it would violate the constitution of the state of Nevada for Judge McCarran to seek another office while on the bench. The family recalls the wire he sent on this occasion to the Governor. It was not to be the last time he tested Nevada laws and demonstrated to legislators the need for amending legislation.

McCarran did not secure the Democratic nomination for Senator but his graciousness as a loser made him a more popular figure in the state. A *Nevada State Herald* editorial (August 18, 1916) stated:

"His defeat has brought out qualities that have been underestimated and at some future election these qualities will predominate. Everyone loves a good loser, and Judge McCarran has proven himself to be one. The Herald doffs its hat to him. It anticipates that the time will arrive when it can fight as hard for him as it has fought against him during the primary campaign, and it will be a pleasure to do so."

In 1918 McCarran ran again for Supreme Court Justice. That same year a new statute had been passed obliging judges to run for office on a non-partisan ticket. It seemed strange to see on fence posts throughout the state pictures of him under which one read "Vote for Patrick A. McCarran for the Justice of the Supreme Court, Non-Partisan." Everyone knew that McCarran had been first a Silver Democrat and then a plain Democrat. In his old age, as befits elder statesmen, still a Democrat, he stood for Nevada and the Nation—a paramount figure in all parties. However, in 1918, the world was disillusioned with Democrats, as Pat McCarran was disillusioned with Woodrow Wilson. The man who was

elected because "he kept us out of war" had plunged us insanely into the European war, and Wilson was talking about what Patrick McCarran always called "The League of Notions."

McCarran was not re-elected to the state Supreme Court but again his sense of good sportsmanship recommended him to popular opinion. He wrote in a letter to a friend:

"It is apparent that it was not in the cards for me to win, hence the result. Destiny has her own peculiar way of shaping the career of man. One who cannot accept defeat has no business playing the political game."

To a loyal supporter he wrote: "It is not a question of my sincere gratitude to those who sought to make it otherwise." Years later he confided to Margaret that he was "a firm believer in 'what will be will be.'" (Both of them loved the song "*Que sera sera*.")

BACK TO RENO

He returned to Reno to the practice of law, joining the firm of Miller and Mashburn. Grant Miller was one of the outstanding orators in the State of Nevada and a brilliant lawyer who had for many years been the leader of the Socialist Party and a candidate for public office on the Socialist ticket. He remained in the firm of McCarran, Miller and Mashburn only one year after McCarran joined them. He had served as attorney for the litigious Socialist Colony of Fallon.²² Gray Mashburn remained a partner until McCarran was elected to the Senate in 1932. He later became Attorney General of the State of Nevada, retaining that position until his death. Post-war Depression made life hard for the family for five or six years. McCarran's cases were unimpressive. Two very drab affairs in Fallon were successful only because McCarran was more clever with a jury than the District Attorney. He won acquittals but insisted that the accused "leave the country." Birdie was heard telling Pat she had seen A. A. Heer looking very "down and out" trying to get warm in a little cafeteria—where she and the girls had a meal. She was desolate over the incident, but she challenged Pat by redecorating "the frog house!"

In the meantime, the McCarran family increased. Sylvia Patricia was born April 19, 1919, and her brother, Samuel Patrick, named for his grandfathers, was born September 28, 1921. Pat now had "ten million."

To go back a step or two for the sake of accounting for family life—in 1914 the Judge had taken the family to the beach at Santa Cruz, a must for all Renoites at the time, comparable with the long day's journey to Tahoe Tavern and Tallac, as newspaper advertisements of those years, attest. In October of 1915, the family went to San Francisco to the Panama Pacific International Exposition. On the last day of their stay at

the Fair, they met the family's friend Mr. John Shaughnessy, Railroad Commissioner, with whose daughters the McCarran girls had been closely associated in Carson City. The girls learned that, for the sake of their mother's health, they were living "below" and going to the College of the Holy Names in Oakland on Lake Merritt. The next day on the way home, en route to Sacramento, they stopped at the college where they were greeted by the portress Sister M. Francis de Sales, formerly Mollie Stark of Virginia City, Nevada. This was the kind of school that Mary Margaret Shaughnessy and Margaret and Mary had imagined themselves attending as they played "convent" in the branches of the pine trees in the Raycraft yard in Carson City. The family had arrived about 1:00 o'clock and by 3:00 they had driven away, leaving Margaret behind as a resident at the Holy Names where she remained until graduation from High School in 1922. She returned to College of the Holy Names to become a nun in August, 1923, after a year at the University of Nevada, where she was a member of Pi Beta Phi. Mary came to the boarding school in 1920, graduated in 1924 and entered the Holy Names novitiate in 1926.

In 1920 Judge McCarran purchased the Bert Gibbons home which stands today at the corner of Court and Arlington in Reno. Arlington Avenue at that time was Belmont Road through which a creek wandered by marshes and willow-bordered rivulets down to the Truckee River. The children called it "the frog pond," and they spent many happy hours playing along the stream, building dams, floating boats and catching French frogs and polliwogs among the dragon flies. Their teachers encouraged this study of nature and they responded with enthusiasm.

The family first lived in what was known as "the frog house," a two-bedroom house with a cellar, attic, kitchen, dining room, parlour and large circular front porch over which was a cupola on which stood the lead effigy of a bullfrog. The builder had made his fortune in the Bullfrog Mine near Tonopah. It seems fitting that the frog was made of lead because the "Bullfrog" never leapt again. Interestingly, though, the office building built by Preston Hale that stands on the site today is called the Bullfrog Office Building, and on its roof stands the bullfrog.

The Gibbons' mansion, with the loggia looking out on the river and Belle Isle, later called Wingfield Park, was surrounded by lawns, hawthorne trees, linden trees, lilacs, roses and raspberry and currant bushes. The children had watched the hill on which the house was built surrender its fascinating wild flowers—violets, sago lilies, wild phlox and innumerable other tiny glories of the Reno soil—and they had seen the Gibbons house constructed, never dreaming that it would be their future home.

The Bert Gibbons family had lived in Tonopah when the McCarrans did, where Mr. Gibbons was a prominent attorney, active in the civic life of the community and in the Republican party. Mrs. Gibbons, putting

the house up for sale after her husband died early in 1920 of tuberculosis, had stated, "Pat McCarran couldn't buy one of my little hawthorne trees." However, in May of that year she accepted about \$35,000 from the bank which financed the McCarran undertaking, and moved to California.²³

At the time, McCarran was defending an exciting case in Hanford, California, involving an Elko man, who, having shot his wife's paramour, surrendered himself immediately to the police. All of Elko County rejoiced when McCarran got an acquittal.²⁴ On his way home from the trial, he purchased a harp in San Francisco for his daughter, Margaret, who was about to give a graduation recital at the College of the Holy Names. Perhaps the harp was a "status symbol" but Judge McCarran was infinitely proud of his daughter's harp-playing though most affectionate toward all his daughters. Mary was excelling in voice and piano. Norine was an independent tom-boy, disgusted with "those girls."

1920 was an eventful year because it was during that time that McCarran represented the famous actress, Mary Pickford, in her suit against Owen Moore for divorce. The case proved to be a test of the Nevada law on the subject of divorce and residence and showed that without some emendation the law actually would permit divorces after three weeks' residence rather than the six months then held to be necessary under the Nevada Constitution, which had been written to enable the state to acquire the population needed to be admitted to the Union. Citizenship could be acquired after six month's residency. Gladys Moore, Miss Pickford, took advantage of the loophole in the residency law and the liberal definition of "grounds" which had created the easy divorce laws so that divorce had begun to constitute the main industry of Reno. Then Roman Catholic, Mary had assured her counsel that she would "never change her religion." Accompanied by her mother, brother and maid, she arrived in Reno on a Sunday morning. Judge McCarran met their train and drove the party to Carson City where they attended a late morning Mass. They then drove on to Carson Valley where the actress took up residence at the Campbell Ranch and filed for divorce in Minden, Douglas County, under the name of Gladys Moore, which was her legal name. She was not recognized by Judge Langan.

When the final decision granting her divorce was attacked McCarran stated: "I helped write the law and my career stands behind that decree. I am ready to back it with everything there is in me."²⁵ The Nevada statutes were upheld in later Pickford decisions, but they were subsequently altered by the legislature. "Residency" now requires six weeks. Margaret was having a holiday from boarding school in company with her father when the newspapers "hit the street" with "extras" bearing five-inch headlines "Fraud, Collusion, Perjury!"

Rumor spread it far and wide and stubbornly that the Gibbons house

had been purchased by Mary Pickford for her Reno residence and that she had given it to McCarran as attorney's fee. The fact of the matter was she never owned a stick or stone in Nevada.²⁶ While waiting for the train for her return trip to California she visited the "frog house" long enough to renew her makeup. Mary McCarran wrote all the secret details to Margaret down in Oakland, California, at boarding school.

LAW PRACTICE TO 1932

McCarran was elected in 1920 President of the Nevada Bar Association, was chairman of the Committee on Courts and Judicial Offices of the Nevada Bar Association in 1925 and received an honorary degree of Master of Arts from the University of Nevada (1931) in recognition of his work in the field of law. From 1922 until 1932, except for running once and losing a primary election for the nomination for U.S. Senator in 1926, McCarran continued to practice law in Reno. His files contained many samples of bar examinations; he worked to improve bar exams, professionally. His three outstanding cases of that period were the Dudley Boyle case which involved a robbery of the Bank of Sparks, the State Bank case in which McCarran defended Edward Malley, State Treasurer, and George Cole, State Comptroller, who were indicted for embezzlement of state funds, and the Brokow divorce case. A word or two about these cases throws light on the times.²⁷

THREE MAJOR CASES

The Dudley Boyle case appears from the documents to have been a travesty of justice. Boyle was a mining engineer, graduated from the University of Nevada. A native of Goldfield, Boyle had the reputation of being a rather high-spirited young man and the period was "Whoopie" moving into "Depression." Over a month after the robbery of the Sparks Bank, Boyle was identified by the bank personnel who had first declared that they could not possibly identify the masked robber who had been in the bank when the doors opened, the morning of the robbery. His defense attorney in Goldfield, where he was arrested, had had to persuade McCarran that Boyle was innocent before McCarran would agree to take the case. In the process of convicting Boyle, Sardis Summerfield, District Attorney, put witnesses on the stand who answered each time in the negative whether they had seen Boyle drunk, carousing, or frequenting places of ill-repute. Each time he objected, the judge overruled the defense counsel; the jury, in spite of the negative replies, was necessarily influenced by Sardis Summerfield's suggestion that Boyle was of bad character.

One of the most unique devices used by the prosecution was that

the State called to the witness stand the one man who could prove Dudley Boyle's alibi—that he had left Reno early on the morning of the robbery and journeyed by automobile to Goldfield. Summerfield elicited the man's name and address and then dismissed him from the stand. Thereafter, McCarran, continually overruled by Judge George Bartlett, was unable to cross-examine the man, or elicit from him the confirmation of Boyle's alibi. This would be unbelievable if it were mere news reporting. The transcript is available. Even on appeal, Judge Edward A. Ducker, who had succeeded McCarran on the Supreme Court, handed down a terribly facile decision against Boyle, who had been sentenced from five to twenty years in the State Prison. He was released after six years and subsequently, committed suicide. When he had been working for parole, Boyle had written to McCarran: "You know and I know that I am innocent." This was, unfortunately, in the depth of the Depression when everyone was desperately distracted. There was much to suggest that when the owner of the Bank of Sparks desired a conviction, it could be obtained. There were several other cases where the defense of friends of the bank owner was paid for by him. In a long assize of Federal Court, a jury on which the latter served brought in a series of guilty verdicts, suddenly to reverse itself for one particular defendant. In 1923 McCarran defended on a murder charge one Sage, whose expenses were paid by George Wingfield. After a hung jury and second trial, the verdict was manslaughter, drawing fourteen years imprisonment.

The Malley and Cole case caused much more of a commotion than did the Dudley Boyle case. The entire state was rocked by the information that two of its trusted officers, the State Treasurer and the State Comptroller had appropriated state monies to their own use. Their embezzlement had the nature of the usual "borrowing" (an oil well, out of state, was sure to come in any day). They had connived with the cashier of the Carson Valley Bank to make it appear that the State's money was intact in cashier's checks, when it had actually gone out to finance the speculation of the officers. (The cashier, H. C. Clapp, "turned state's evidence.")

It is not generally known that P. A. McCarran had been appealed to much earlier to help extricate these officers from their desperate plight. McCarran had advised them to go to confession because restitution would be demanded before absolution could be given and he knew what could be hoped for if the Salt Lake Bishop were confessor. Bishop Thomas Glass, formerly pastor of Reno, and at that time Bishop of the Salt Lake diocese which included Reno, made a trip to Los Angeles to find his old friend Edward Doheney, to procure money to replace the embezzled funds. The Bishop died while engaged in this project. Indictment and trial followed.

In his defense, McCarran attempted to convince the jury that the missing money was not the property of the State of Nevada because the checks were there, but that thanks to a conniving cashier who turned state's evidence, the money was missing from Wingfield's bank, the Carson Valley Bank. In his final plea to the jury he urged them ironically to "give Wingfield back his money and send these men to State's prison." However, McCarran's efforts were in vain. Both men were found guilty and were sentenced to fourteen years in the State Penitentiary. This was a sad ending to a story that had begun in Tonopah years before when the families had been closely associated in politics, law enforcement, church and society. The loyalty of Malley's three sons enabled him to live after his release and until the end of a long and comfortable life in love and respect among their families.

"What will be will be." Here was an interesting change of fate:—when McCarran had but recently passed his bar examination, he had arrived in the mining camp of Tonopah which had suddenly developed a large, moneyed, snobbish class. An ex-shepherd, he was not at first invited into clubs and lavish gatherings. He once told the girls that one evening in Tonopah, before the family moved there, he, hearing the sounds of merriment coming from a second story downtown, ventured up some stairs and found a large party in progress. Another man, wearing a monacle stepped over and eyed McCarran scornfully. Four years had brought Tonopah metropolitan airs.

In those days Ed Malley and George Cole had been among the accepted ones in Tonopah, with the Oddies, Gibbonses, Pittmans, Bartletts, Tallmans and others where it had first been difficult for the young lawyer to find acceptance. At the close of his career in Tonopah McCarran represented the aggrieved lady in *May Wingfield vs. George Wingfield*. Later, from 1912 to 1922, largely with Wingfield backing, the Democratic Party was in control of the state offices in Carson, some professional jealousy had been on occasion rather apparent in the environs of the politico-social Sagebrush Club. When McCarran had been defeated for election to the Supreme Court in 1918, most of the Democratic Party officers had remained in office. Here was one of those reversals of fortune which marked McCarran's life. In the end, the Getchell-Wingfield interests favored McCarran because of the common bond, Nevada.

In 1927, George Gordon Battle, prominent attorney in New York City, referred to Judge McCarran, a client of his, Mr. Clifford Brokow, who was divorcing his wife on grounds of desertion and extreme cruelty. McCarran took the case, associated with Mashburn, Diskin, Sanford and Platt, and Malter. The case was a long-drawn-out contested one which took a great deal of the attorney's time, as he complained to Battle²⁸ but eventually, heard behind closed doors, the divorce was granted in January, 1929. Although time consuming, the case enabled McCarran

to remain financially afloat a little longer while the depression was reaching its most desperate point in Nevada in 1932. However, the children learned that in 1932 he often paced the floor of his office in anguished worry over the state of his finances. There was much business but no money to pay for it. His new associate, John W. Dignan whom Pat addressed as “dear Dig,” wrote to would-be litigants to advise them not to sue though they had sufficient cause; there was no way to collect a judgment.

DEPRESSION AND ELECTION TO THE SENATE

The Depression was, of course, severe everywhere, but the power of the people to adjust and help one another seems to have been greater in Nevada than anywhere else. The newspapers were full of self-help projects, plans and programs to see that no one went hungry. McCarran told his daughter that he remembered the depressions of '87, '97, and 1907, but he had never experienced anything worse than 1930–1931. Every time the train slowed up in a small town where usually it did not stop, the people shuddered, knowing the sheriff was dropping off to claim cattle or sheep for the bank, or to foreclose on a ranch. Bank loans had been over-extended and banking friends of ranchers, like the Badts of Wells, and indeed, the chain of Wingfield banks which had made range loans throughout the drought that began in 1922 and ended more than a decade later, were in deep trouble.

McCarran owned some properties left to him by his mother on the northwest side of Reno, including the house he was born in—where Bartlett Ford now operates. People simply moved into the houses there, and refused to pay rent or to vacate. At this time, his mother became a permanent patient at St. Mary's Hospital where she remained for about three years. In an effort to meet his obligations, McCarran sold some property worth \$30,000 for \$23,000. His letters to the agent said, “everyone has to take his turn,” in suffering the effects of the economic crisis. Harriet had purchased good properties in California on which he had been paying nearly \$500 monthly. These were lost. He was carrying several life insurance policies for his young children. These were forfeited.²⁹

In 1932 McCarran ran for the U.S. Senate on the Democratic ticket against Sen. Tasker L. Oddie, Republican incumbent. Often he and Col. James Scrugham, State Engineer, now Democratic candidate for congressman, campaigned together, traveling throughout the state making speeches at numerous rallies and club meetings. Despite the fact that Oddie was supported by the bankers and, for instance, by the *Fallon Standard*, one of the leading Democratic newspapers of Nevada not to mention the Reno papers, McCarran won the Senate seat on November 9, 1932. The leading ranchers around Battle Mountain were assured by Dan Shovelin that even

though they had voted for Oddie as the banks had advised, McCarran would do everything possible to help save their properties facing bankruptcy. Shovelin's confidence was rewarded and the Jenkins and Marvel families remained McCarran's friends to the end of his life.

In order to pay campaign expenses, McCarran mortgaged a cafeteria in downtown Reno which had "gone broke" in the depression and which he had acquired as attorney's fee.³⁰ The attitude of the bank was that he was reliable—if necessarily a bit slow in making repayments. His letters to a Chinese proprietor who leased some downtown property on Lake and First Streets from him, request that when the latter should light his josh sticks he would remember in his prayers his Irish friend, now striving with the national as well as the personal problems of the Depression and the "New Deal."

McCarran had endorsed the Roosevelt-Garner ticket during his election campaign. However, he always detested the name "New Deal," saying once that all of the jargon about "Deals" made people think of a "dirty card game." Most historians know that "The New Deal" was the title of a book by Stewart Chase, published by the Twentieth Century Fund and promulgated by highbrow liberals, some of those in the "Brain's Trust." The Roosevelt administration, in effect, struck out everything after the preamble, or enacting clause, as it were, in the Democratic platform of 1932 and inserted the program contained in that socialistic book.

SENATOR: FIRST TERM

McCarran was sworn in on March 4, 1933. This was the last time the President was inaugurated and Congress sworn in on this date. In the fall of 1932, he had gone to Washington during the "Lame Duck" Session, to familiarize himself with the working methods and parliamentary procedure of the Senate. He was already a skilled parliamentarian, having served in the assembly of the Nevada Legislature, having compiled the rules for the first Tonopah Fire Department,³¹ and having written the charter for the fabulous City of Rhyolite—now a ghost town—which sprang full grown in stone in the desert with railroad, school, ice factory and electricity. He also helped to organize the Truckee River Water Users Association. As former Chief Justice of the Nevada Supreme Court and as one who had had experience in mining and livestock, he was fitted both for Judiciary and Appropriations Committees. The latter brought him to immense power in the State Department and Justice Department and more.

Senator Key Pittman of Nevada may have had mixed emotions seeing the one-time upstart of Tonopah arrive in Washington as the new Senator from Nevada. The Pittmans and the Oddies had been part of the elite Society in Tonopah which had first snubbed young McCarran.³² However,

Senator Pittman, President *pro tempore* of the Senate, introduced McCarran around official Washington and used his influence to obtain assignments to the Judiciary Committee and the Appropriations Committee for the junior Senator. In these committees he was to make a lasting mark on the nation as a whole and, indeed, upon the world. The Nevada Senators worked together for silver and for Nevada problems.

In those days, a Senator could serve on more than two major committees and the junior Senator found himself involved in his very first session besides Judiciary and Appropriations, in the national milk marketing situation, the operation of canals and post roads, and the Senate Committee on the District of Columbia.³³ He was to serve, later, as Chairman of the District Committee and he served for four years, therefore, as the unofficial Mayor of Washington. When, under the Monroney-LaFollette law, 1946, which reorganized the Senate, he had to give up membership in this committee (he was by this time in line for the Chairmanship of the Judiciary Committee and was a ranking member of the Appropriations Committee), Negro groups from the District of Columbia appealed to the Senate to allow McCarran to retain the chairmanship of the District. Often one would meet Negro cab drives who would say, "Pat McCarran is my Senator. He should be President of the United States." Although, in later years, there was a great deal of bitterness about some of the legislation McCarran had fostered, his driver could and often did, at Harriet's bidding, leave his car out all night in a predominantly Negro neighborhood. No harm ever came to it. (The standing orders were to take the car back to the Senate garage, but often Harriet would whisper to the faithful Roland Butts, "Keep the car," so the driver would not have the long trip from the garage back to his home.) McCarran stated to his daughter that he did not share the fears some expressed concerning the Negro vote. He said that should the inhabitants of the District be enfranchised, they were men after all, and some would be Democrats, some Republicans. His work for the District of Columbia must be treated more extensively in another place. Teachers, policemen, firemen, all the civil servants of the District revered him like a patron saint.

PERSONAL RENOUNCEMENT

In 1933 he began a life of almost complete self renunciation. In large measure, the sports he loved had gone before. This renunciation had begun earlier, however. When the family moved from "The Frog House" to the Gibbons house, the Judge's Llewelyn setter, "Jack Dog," successor to "Queenie" the Cheseapeake and Collie hunting dog which had retrieved scores of ducks and produced seven very intelligent puppies, in Carson, would not follow. At last, he conceded to take a position out under the arc light on the corner of Arlington and Court Streets, eventually to be

killed, but before that, occasionally seeing the Judge cleaning his guns, Jack would leap in the air, yelping gleefully anticipating a hunt that would not take place. "Jack Dog" and the black-faced Marinos were symbolic; there were other sacrifices to high service.

Pat McCarran had been an athlete in his high school and college days but he remained a sportsman all his life. Often in their young married days, he and Harriet went camping and fishing together. Duck hunting was the favorite sport, however. He would go out at 3 o'clock on a Sunday morning during the duck season, carrying his guns and covered from head to foot in a canvas coat he had created which was lined with sheepskin and held together with metal buckles. He would join other members of a gun club and, before the days of the automobile, would go to the gun club reserve by buckboard. By midmorning he would be home with the limit of mallards, teels and canvasbacks.

His interest in fishing and hunting continued as he became immersed in political life. In his term in the Assembly in 1903, for example, McCarran contributed to the development of the Fish and Game Commission in Nevada. All sportsmen's organizations relied on his leadership in Congress and he favored them—Ducks Unlimited, Isaac Walton League and the like. But they all failed him when he introduced S1152 in 1943. Hearings on the administration of the Taylor Grazing Act and use of the Public Lands had convinced him that the reaffirmed sovereignty of the Federal government was inimical to local usages and custom. The states administering Federal lands within their borders had developed laws, regulations, and customs, for the orderly use of these domains as well as for the regulations and conservation of wild life. McCarran seeing the reassertion of Federal interest and encroaching Federal regulations introduced a bill to oblige Federal administration to take counsel with and consult with State officers administering areas. Through 1943 McCarran explained repeatedly to various agencies of States and private associations, sportsmen, Isaac Walton League and others that whereas the Federal government was already actively paramount in the Public Domain, the states had already lost sovereignty where for a long time Federal agency lay dormant, and the only way to regain some authority of States, and State protection for private interests was for Congress to oblige the Federal authorities by law to confer with and perhaps to defer to State authorities. The control of wild grazing herds was particularly important. He failed to make any of his hearers understand; they insisted that his bill meant surrendering to Federal authority, so in December 1943 he withdrew it. A foot in the door against Federal landlordism was withdrawn; a buffer between the people of the several states and sprawling Federal assertion of its "welfare" stateism was removed. State agencies became superfluous. Elk and deer devoured the graze where cattle had to be reduced in numbers.³⁴ But this runs ahead of our story.



During the week before he died in 1954, he set out his guns and arranged his hunting clothes because as soon as the caravan working for the election of the Democratic ticket should have completed its swing around the state, he declared, he was going hunting. This was but one of the many other trips and plans for sport and relaxation that were never fulfilled.

OPPOSITION TO CENTRALIZATION

The first one hundred days of the New Deal, in 1933, have gone down in history. The 76th Congress established a reputation for being a rubber stamp for Roosevelt; one day Will Rogers wrote in his short, witty column, "There's 13 Senators that think they know how to run these United States better'n the President." This showed how absolutely Congress was expected to rubber stamp the Presidential proposals. In the midst of a vast Federal spending program, the administration had suddenly caused to be introduced a bill to cut the salaries not only of Congressmen and government workers, but of veterans,³⁵ stenographers, elevator operators and charwomen. McCarran suddenly emerged from the Democratic mass to say "no" to their demi-god. He opposed the "Economy Bill." He and the other twelve Senators lost out when the bill passed, but by the end of the year this act had been repealed, provision by provision, due to the efforts of Senator Patrick McCarran and Senator Steiwer (of Oregon).

The next time McCarran opposed Roosevelt, he was more successful. The Works Progress Administration and the Civil Works Administration were about to be created. Organized labor, headed by Matthew Wall and William Green, pointed out that in these measures proposed by the administration, there was nothing to prevent the government from hiring local labor at depression rates—for example, 25¢ an hour. McCarran championed the cause of Labor and offered an amendment providing that the "prevailing rate of wage"³⁶ should be paid so that Labor's gains made over the years, should not be set back. A famous Berryman cartoon in *Washington Star* showed Pat McCarran down on all fours on a railroad track, making a barricade of railroad ties. The train, labeled "Four Million Dollars Relief Measure," was being brought to a grinding halt with McCarran's little formula "prevailing rate of wage."³⁷ Leadership of Organized Labor forgot about his service later when they procured resolutions against him in the matter of the Subversive Activities Control Act of 1950 and the Immigration and Nationalities Act of 1952.³⁸

The letters of Pat McCarran to his daughters during the early years of the "New Deal," as well as the conversations held on his rare visits to their college or schools, showed his concern for relieving the depression in Nevada—"pumping some money into the state"—and portrayed his grief that Nevada should have an economy based only on gambling and

divorce. Mounds of letters from him in response to federal and military agencies described his continued activity in bringing military installations and industries into the state. (Second only to the ranching industry, he cherished mining.) Nevada's "Freeport" law was largely the result of his pressing to bring industry into the State and it has worked well, having its roots in McCarran's Reorganization (decentralization of Industry) Act of 1945. He would be gratified that the new McCarran Boulevard runs across the Truckee Meadows past numerous well-built and landscaped warehouses and industrial plants.

In 1934 Congress was about to bestow on the Executive the power to make reciprocal trade treaties with Latin American countries without Senate review. McCarran fought this measure with a vigor and enlightened philosophy of which the Senate was beginning to take note, in order to protect industries of Nevada and the west. Wolfram, tungsten and magnesium he was sure should be developed in Nevada—presently, these commodities are curtailed or shut down in favor of their production in foreign countries. (This has been Nevada's fate with minerals and metals. The Warburg interests invaded Silver in 1872; Davidson in Virginia City managed both gold and silver for Rothchild interests; the Guggenheim interests achieved ultimate control of Nevada copper.³⁹ Salt and soda plants closed; the beet sugar processing in Fallon was destroyed although presently Nevada sugar beets are processed in California. One small early success was achieved when the Executive Branch agreed to define mill tailings as newly mined domestic silver,⁴⁰ but, by and large, the curtailment of Nevada mining in the interest of foreign production proceeded apace.) Nevertheless, the Pittman Silver Act of 1934, although it treated silver as a mere commodity and not as McCarran would have it, as a monetary metal,⁴¹ was as he said then "a shot in the arm." However, the battle against Reciprocal Treaties was lost.

In 1936 Senator McCarran had to take time out to recover from a neglected ulcer. Harriet accompanied him from a Chicago hospital out to Clover Valley to remain is the home of her brother, Seneca Weeks. The maintenance of his diet and the carrying out of doctor's orders was entrusted to Mrs. Mary Weeks, "Aunt Mary." In the place he spoke of as "paradise"—Clover Valley—he recovered completely, and true to form, all through the spring continued to conduct a great deal of political business over the telephone. Visitors with political errands included the future partner and later District Judge, Gordon Rice, son of a schoolmate at Glendale Spelling School, and Alan Bible, likewise a future law partner and McCarran's successor in the Senate, and many others.

When he had arrived, greeted by the Well's Boy Scout Band, the snow was deep over every road. But the train had come in so early in the morning that the automobile could cross the fields from Tobar, a Western

Pacific station visible from the ranch houses, over solid crust. A few hours later it would have been impassible.

He left in the spring and the creeks were singing as they tumbled down from the Ruby Mountains. The wild hay, oats and alfalfa was greening in the fields, the violets and columbine were starting up in the woods and the calving season had arrived.

Senator McCarran returned to Washington, D.C., on the steamship *Republic* sailing out of San Francisco and through the Panama Canal, but, he had no sooner arrived in the east than he received a message from James Farley that Roosevelt was in danger of losing the western vote and he returned to the west to campaign for Roosevelt, who was running for re-election in 1936.⁴²

THE "A" (IN P. A. McCARRAN) IS FOR AMENDMENT

McCarran told the family that, holding Roosevelt's book *On Our Way* in his hand, that he had promised the Utah miners that the administration would never tamper with the Supreme Court, making reference to the rumor that a wrathful Roosevelt intended altering the structure of the Court which he declared was throwing the nation back to the "horse and buggy days." Roosevelt was angry with the Court because it had found unconstitutional a Minimum Wage Law for women, the Agricultural Adjustment Act and the NRA or National Recovery Act, the Guffey Coal Act and Farm Moratorium Act, among others. The New Deal, in retaliation, had a technique of its own. A measure would be passed, of moderate scope and expense and within Constitutional bounds. Such was the NIRA (National Industrial Reconstruction Act) or the PWA (Public Works Administration). A year or so later this law would be amended or re-enacted with much larger scope, higher expense and all but open contempt for Constitutional bounds; the public, and perhaps, the Congress, scarcely noted such "amendments." For example, the Public Works Administration had definite objectives and was legislatively controlled; the WPA (Works Project Administration—the nomenclature is unintelligible) left huge discretion to the Interior Department which Mr. Ickes used with abandon; the NIRA was limited to industrial recovery, whereas NRA was, practically unlimited in scope so that the Court found the Federal Government unlawfully concerned with a "sick chicken" and a Jersey "pants presser." NRA, McCarran said could have been written Constitutionally. As written, NRA constituted Federal aggression against the States' competence.

The Court had also found the Frazier-Lemke Farm Moratorium Act unconstitutional. Senator Frazier's thinking was consonant with the Farm Labor Party of Minnesota which had sent him to the Senate. In setting up this bill, Mr. Frazier had sought the assistance of Senator McCarran.

McCarran warned him that the procedure he proposed in handling the problem of farmers' debt was unconstitutional, but Frazier argued that the President had suggested that measures of doubtful constitutionality might be attempted and the onus of objection left to the Supreme Court. Subsequently, the Frazier-Lemke Bill was found unconstitutional, just as Senator McCarran said it would be. He drew up a new bill for Mr. Frazier with charts showing the difference between a constitutional bill and the unconstitutional measure. This analysis was introduced into the *Congressional Record* by Senator William Borah of Idaho, who, in a speech on the Senate floor, hailed the junior Senator from Nevada with fulsome praise, speaking of him as a person of legal acumen, comparable with the great minds of history. This version of the Frazier-Lemke Act passed and went into operation unchallenged. Later McCarran had a great deal more experience and success in the field of municipal moratorium acts.⁴³

Very few historians have paid attention to the fact that the Supreme Court, which held unconstitutional a minimum wage law for women enacted in 1934, for the District of Columbia, had, in the past, upheld and was to uphold other minimum wage laws for women. A minimum wage law in the state of Nevada, for instance, had been enacted in 1910. Although Senator McCarran was not in the legislature at the time, he was very active in the lobby of the Nevada State Legislature at the time and he always claimed some credit for the Nevada law which was upheld by the Supreme Court and remained on the books for decades. In other words, it was possible to enact a Minimum Wage Law which was constitutional; legislation which was intended to produce other social effects was, accordingly, by the Supreme Court of 1933/1937 declared unconstitutional.

For a brief sketch as the present article must be, it seems best to outline the work of each term, indicating historical points which other studies should work out more exhaustively. From 1933 to 1937, the Senator was involved in events of great importance to his State and to the country. A list of a few of them follows.

Of immense importance to Nevada was the bankruptcy of the Wingfield banks; thirteen banks within the state closed, never to re-open. McCarran served with intense interest on the McAdoo committee investigating the handling of bankruptcies by Federal authorities. He dissented from the McAdoo report and wired his objections from Clover Valley. Air Transport,⁴⁴ Air Safety and Air Mail, filled a major portion of his time and the story of his frustrations trying to put through a measure to curb interstate cattle-rustling by truck would be amusing were the matter not so serious for Nevada ranchers whose lands and grazing districts were being crossed with huge ribbons of asphalt,⁴⁵ and whose cattle were likely to be stolen, butchered, and trucked over state lines before recourse to

local law officers could be had. He conducted numerous hearings for the Committee on Public Lands and Surveys in which he encountered the machinations of Harold Ickes who tried to exercise arbitrary power over the grazing organizations and dictatorship by the Interior Department.⁴⁶ In fact, as early as August 1933, McCarran delivered an address before the American Bar Association meeting in Grand Rapids, Michigan, on the "Expansion of the Executive." He declared:

Is Democracy a failure? I am not ready to believe that the American Government, founded upon an Organic Law, must needs turn from its course on each occasion when the word, "emergency," is in the air. Human needs and human protection may require unusual activities, but the security of a stabilized Government, founded upon tried and tested rules, is more important for the welfare of the people than all the experiments in the World.

. . . I firmly believe that the judgment of the people of this country will be exercised before the time comes that, through the expansion of the arbitrary powers in the Executive, brings us to a fall. What we may fear is the revolutionary turn which a liberty-loving people may take, when they realize that their rights and liberties have been shorn from them.⁴⁷

He would belabor these points many times in the months to come. To Mrs. Libby Booth, on September 13, 1937, he wrote:

It is my view that those of us who love constitutional democracy and who have faith, safety, and security by this form of government must cling tenaciously to the fundamental principles embraced within our Constitution.

Again, in reply to authoress Margaret Mayo (June 4, 1935), he wrote:

The Constitution with all its elasticity is the gospel of the court of last resort. . . . You probably know that I have taken a peculiar part in this administration, a part which many condemn and some praise, but even under praise or condemnation, I see my way through the fact that I realize that surrounding me on every hand there is an insidious thing fostered by the wealth of America, dictated by its greatest institutions, which is aimed at and intent upon the destruction of a republican democracy under the rule of the people of the western hemisphere.

McCarran retained a use of words unvarnished by modern socio-political jargon; thus, when he wrote "dictated" and "fostered" above, he intended to point out that the "insidious" thing was attracted by the wealth of America and milked this wealth for its own sustenance and that the very institutions (Courts, Congress, Executive) imposed on would-be subversives the necessity of attacking these directly.

The same "insidious" element made some use of the position McCarran took on the local question of Italian ranchers at or near Pyramid Lake.⁴⁸

Early in 1937, he introduced a bill authorizing the Secretary of the Interior to issue patents for certain lands to Italian settlers in the Pyramid Lake Indian Reservation, Nevada.⁴⁹ These lands had been taken up by immigrants near the mouth of the Truckee River but above the delta where the river enters Pyramid Lake; some of the land, since 1869, had been disputably, Indian property (Paiute tribal land). In the 1930's agitation was initiated to find the boundaries higher upstream than the delta and the Federal Government offered a scale of payment the settlers might make to reimburse the Paiutes. Some acceded to these demands, although they considered them unjust, and others refused to remit payments.⁵⁰ In fact, in Depression, their financial condition prohibited it.

During the months immediately following McCarran's death, *The New Yorker* ran a series of articles purporting to be the writings of a first hand but quite imaginative observer in which McCarran was blamed for the ills that had come to Pyramid, the loss of its fish, and damage to the Paiutes from the Newlands Irrigation Project of 1903 and the Derby Dam which was finished in 1912 (lacking proper fish ladders!). Enmity was built up from other directions during McCarran's political life, but this sequel will show that they came from the same kind of "insidious" source.

Beginning in 1934, a species of enmity which manifested itself during the rest of McCarran's political life was roused in the pages, for instance, of the *Las Vegas Age*. Las Vegas and Clark County were the greatest sources of political strength for him from the beginning of his career in the Senate, yet it was in *The Age* that the following sarcasm appeared:

"Key Pittman is expected in Las Vegas very soon on his campaign (for the Senate). During the primary campaign, Pittman was a busy man with national affairs, so his "good friend" Kingfish McCarran, junior Senator from Nevada, donated his services to help Key out. The Kingfish can be credited with the wonderful vote given Pittman at the primary election."⁵¹

However much the editor appreciated Senator Pittman, he aimed harsh barbs at Democrats in general and the junior Senator in particular.⁵² On January 11, 1935, he inferred that McCarran, in order to have himself appointed, had blocked the confirmation of Judge Frank Norcross, nominated to the Federal Court by Roosevelt; then, Congressman Scrugham was to become Senator and Harley Harmon of Las Vegas was to become a Congressman, a "play" according to the *Las Vegas Age*, worked up by the principals and published first in the *Nevada State Journal*. In this editorial entitled "Don't Make Us Laugh," and in several during the previous year, *The Age* loaded the Democratic Party with guilt of the crimes of two Democratic office holders, a Treasurer and a Comptroller who had, indeed, embezzled half a million dollars and left an empty treasury for the Republican administration which had taken office in 1927. At a time when everything was being done to prime the mining industry, 1934, and

restore purchasing power to the people, when new mines were actually being opened, new power lines constructed and herds built up again by cattlemen, *The Age* boasted that it was the Republican Party which had restored the solvency of the State Treasury, established the policy of using gasoline taxes and auto licenses to free the State of bonded indebtedness in the matter of highway bonds, and amassed a million dollars in the various funds.

There was something the editor dared not say but strove to insinuate: since McCarran had been the defense lawyer for the defalcating State officers, State Treasurer Ed Malley and State Comptroller George Cole, he was responsible for Depression. However, the success of the State Administration was in reality attributable to the immense efforts of Nevada's three members of Congress and the officers mentioned by the *Age* were life-long friends of Senator McCarran: Governor Morley Griswold,⁵³ State Treasurer George Russell and State Controller Ed Peterson. The Congressional contingent encouraged the settlement of banking problems, payment to depositors, loans from Reconstruction Finance Corporation and aid to farmers and ranchers. McCarran's part in these efforts was effective and revealed itself in his correspondence. For example, in a letter to R. C. Stitser of Winnemucca, Nevada, on December 29, 1933, seeking credit for himself as well as aid for his friends, McCarran wrote:

Following receipt of your wire relative to the return of the checks from the Comptroller of the Currency to the First National Bank of Winnemucca, I exerted every effort and had the comptroller on the phone immediately. . . . I have a copy of your paper of Dec. 23rd, carrying the headline about the \$104,000 released in the city, etc., and while perhaps I am a little selfish, I regret that in this article you made no mention of the activity I put forth to get the checks back there. Had it not been for unusual activity on my part and the very friendly and courteous attitude of the Comptroller of the Currency to me, the checks would never have been returned by air mail and hence the distribution could not have taken place before Christmas.

Senator McCarran made further efforts directed to relieving the depositors of the closed banks in Nevada.⁵⁴ In a letter dated January 5, 1934, he wrote to Charles Howard, Secretary for the Churchill County Bank Mortgage Corporation, Fallon, Nevada:

I am advised that legislation bearing on this subject of relief of depositors in closed banks may come up, pursuant to a program during the present session of Congress. I wish to assure you that I shall keep in mind our Statute and that I will do everything in my power to see that any legislation that may be enacted shall be formulated in keeping with the policies of our Depositors' Corporation. . . . It is unfortunate that financial difficulties should have brought it to a point where some of the finest citizenry in the world finds itself in hardship."

Although he wrote "Dear Dig" that he was staying out of the bank trouble, McCarran was quite concerned about the reorganization needed after the Wingfield Bank scandal. Writing to Mr. J. C. McCafferty on April 25, 1933, McCarran said:

. . . I hope that the banking situation will soon clear itself although there is not much chance for a reorganization so long as any of the Wingfield Banks stay out. I have had the matter up with R.F.C. on two or three occasions and they have sent special representatives into Reno to assist in the reorganization. I realize that if this banking situation continues, Nevada will be in a very bad way, with some of the bills now passing through Congress, I am in hopes that we may be able to reorganize a banking system in Nevada that will to some extent relieve the depression there. . . .

McCarran continued to "work on" the Reconstruction Finance Corporation and sent out telegrams to several newspapers telling of his success:

I have been successful in bringing about a loan from the Reconstruction Finance Corporation for the Henderson Bank in Elko under the management and control of its depositors amounting to \$765,000 which loan will make it possible for an immediate 25 percent dividend to all depositors.

McCarran's part in helping to settle the Nevada banking situation was not well-known. When he died in 1954, it was often said he was in control of a biparty coalition.⁵⁴ Yet in 1933, it had already been said that he could control the bipartisan machine. F. E. McCafferty writing to McCarran regarding his efforts to relieve Nevada's financial situation, declared:

I often hear it mentioned that you are the first and only man who smashed the program arranged by the bipartisan machine, and the hope expressed that you will lead the movement next year to redeem the State from that influence.⁵⁵

Not only was McCarran's influence exercised state-wide, but his reputation as a powerful politician attracted notice nationally. Early in 1935 a periodical *Today* published an article by Max Stern entitled: "Senator McCarran: Wrench Power," which posted warning signals that here was a man who might have to be reckoned with, as the "New Deal" marched towards its unexposed or inchoate goal. McCarran had threatened to investigate the National Recovery Act, first enacted with legally limited scope, as the National Industrial Recovery Act. Evidence suggests at this point that the crude rumor that Roosevelt was going to appoint McCarran a Federal Judge was a well-placed one; it turned to positive blandishment during the Supreme Court fight. McCarran's threat to investigate the NRA was not an idle one and he received much encouragement from people everywhere in the United States on his action. The general complaint from the numberless hotel owners, wholesale grocers, small

manufacturers and merchants who telegraphed the senator was that the Federal authority had abused its power. Walter V. Reynolds, President of Walter Reynolds, Inc. (Heating, Ventilating, General Contractors in New York City) telegraphed a typical reaction to the Senator on February 18, 1935:

Continue good work correcting evils of NRA. Through five depression years my men have received their pay regularly. They are all satisfied. To follow NRA's dictation will cause my ruin. That means 12 to 14 additional men thrown out of work. For God's sake let small business men run their own affairs without too much Government interference.

The Supreme Court obviated the need for McCarran's investigation.

The *Las Vegas Age*, May 13, 1936, when McCarran's renomination was discussed he was, "regarded by Republicans generally as an 'accidental' Senator, riding in on the crest of the Roosevelt wave."⁵⁶ They went on to allege: "While he dictated most of the federal appointments in Nevada . . . most of the federal appointees are lined up with the faction now opposed to him."

Within the family circle, McCarran often recited lines from Shakespeare about ingratitude and disloyalty, but recrimination such as he encountered in the Supreme Court fight served only to whet his determination. For instance, Post Master James Farley emerged from a White House conference one day to announce that his President would accept "no compromise" in the method he proposed to subordinate the Supreme Court to New Deal objectives.⁵⁷ McCarran had introduced a compromise measure—one that would obviate the valid reason for "reform," which, besides the fact that Supreme Court Justices were not then allowed retirement pay, was overload. Farley went on to say that the consciences of Senators like O'Mahoney of Wyoming and McCarran of Nevada would "not bother them" when they sought aid for their States or for legislation they sponsored. According to the *San Francisco Examiner* (May 16, 1937), McCarran "promptly interpreted the Farley statement as a threat of reprisal and said a 'showdown' vote on the court bill might be demanded immediately and no compromise plan even suggested." McCarran announced his withdrawal of his own compromise measure saying, "Farley says no compromise and there will be no compromise. I am ready to fight it out along those lines."⁵⁸ This attitude he maintained up to the tragic end when, on the return trip from the funeral of Joseph T. Robinson, who had dropped dead fighting for "the Boss's" bill, Vice-President Nance Garner could not wring from the opponents even a "face-saving" gesture. Two weeks later, McCarran introduced and obtained swift passage of a bill to allow retirement at full pay for a Justice over seventy who had served ten years. The bill also provided means of reducing the individual justice's work load.⁵⁹

McCarran's part in the Supreme Court fight was enormous.⁶⁰ His huge correspondence, coming from every part of the nation as well as his home state, indicated that in the public thinking he seemed not to have made up his mind when the Logan Act was first introduced. When his vote in the Judiciary Committee was finally cast against reorganization of the Court, the Bar Association of Nevada and most of the outstanding members of the Bar throughout the United States, hailed his action and praised his Constitutional position.

The majority report of the Judiciary Committee of the Senate became a most celebrated document over night.⁶¹ The historian Henry Gabriel, in his book *The Course of American Democratic Thought*, considers this majority report to mark a turning point in the course of American thought. *The Saturday Review* commented on its Ciceronian content and style. From the report which was submitted by Senator O'Mahoney of Wyoming who had collaborated with Senator McCarran who had drafted it, the sentences most often quoted and remarked upon were those in the style of the former Chief Justice of the Supreme Court of Nevada. Irish contemporaries reportedly obtained copies and read portions aloud to one another in groups in the long Irish twilight. It was, indeed, a turning point, but it was the turning point such as one takes on departing from a well-built old home, looking back for the last time before going down a path in a direction which is entirely divergent.⁶²

It was during the Supreme Court fight that McCarran proved to the nation his worth as a politician. *The Austin Sun*, as early as April, 1937, prophesied the position he would take:

That our senior Senator [Pittman] will put the interests of his constituents and the country generally before the dangerous plans of the president there is little hope, but his many friends and admirers in both parties do believe that Sen. Pat McCarran will long hesitate before he betrays his conscience and his constituency and puts party before patriotism.

Thousands of his supporters are watching Senator Pat McCarran in this emergency intensely anxious for the proof as to whether he is a statesman or only a politician.

During the early summer of 1937, McCarran had travelled around Nevada in the company of the young attorney, Gordon Rice. The two argued every step of the way about the proposed changes in the Court, Rice against the President's position, McCarran defending it. Mr. Rice's surprise was great when he learned that the Senator had swung his weight to the opposing side. This incident clearly illustrates McCarran's manner of self-persuasion. (His children could verify the method's use in domestic affairs.)

In spite of his independence regarding the New Deal, the Party leadership (if not the crypto-centralizers, not to say subversives) evinced



McCarran defended constitutional liberties such as Mary's being "Sister Mary Mercy."

respect for him and deferred to his Party loyalty. He had established his position regarding law and the courts even in the fight over Veterans' benefits—he fought for a man's right to appeal to a court; he fought the on-coming "Administrative State." In 1934 Dr. William Wirt stumbled on evidence of a conspiracy to subvert the American constitutional system. He discovered what in the United States was a clique whose sound had not gone, yet, to all the ends of the earth. But McCarran was then without information on the development of organized subversion at the time. He had helped district attorneys in Oregon prosecute "criminal syndicalist" cases (any records of which are impossible to find) and he had instructed his elder daughter on the tenets of socialism and syndicalism in the 1920's. He had sympathized with Labor from his earliest thinking years and had experienced the agitation of I.W.W. in Goldfield and the throes of the then organizing labor unions in Tonopah, when "Big Bill" Haywood and his cohorts were activating strikes in Goldfield. But in the earliest days of the New Deal, his fight was not so much "against flesh and blood" of Communism as against the "principalities and powers" of bad political science—centralization, as has been noted—and administrative procedures lacking the restraint of legally prescribed custom or denying citizens recourse to the courts.

For a like reason, McCarran has expressed his doubts about the federal bankruptcy proposal which he forwarded to George B. Thatcher and he had filed his own report on the hearings conducted for Senator McAdoo (Chairman of Special Committee to Investigate Receiverships and Bankruptcy Proceedings) by Col. William H. Neblett. William H. Metson wired Senator McCarran a warning springing from his own revulsion from *activist* subversion rather than the higher and more deadly kind.

Secretary of the Interior Harold ("Old Curmudgeon") Ickes was the object of McCarran's ire for as many reasons as the junctures to which the Secretary addressed himself. Early in his Senate career, the Senator had had reason to visit the Secretary regarding a necessary appointment in connection with the work at Boulder Dam. The appointment had too long been postponed by Ickes' department. In those days, national legislators were being taught to wait upon cabinet members. When McCarran was ushered in, Ickes remarked that any "appointment recommended by a politician" was "suspect." McCarran retorted, "Mr. Secretary, I was elected by the people of the sovereign State of Nevada. I believe your office is appointive." Ickes yielded, saying: "You're right, Pat. I'll see that the appointment is made." In 1937 "Senator Warns Ickes to Avoid Class Warfare" appeared in the *New York World Telegram*, during the "Roosevelt Recession." Referring to Mr. Ickes' speech and two speeches during the week by Assistant Attorney General Robert H. Jackson, who began the anti-monopoly campaign, Senator McCarran said in an office release:



George Storck, investigator for committee holding hearings on Administration and use of Public Lands. Questions were raised about Moving Picture industry paying charges. This picture was taken on the set for "Las Vegas Nights."

It is to be hoped we can establish a healthy business life and keep it healthy and wholesome without arousing class hatred. Those who resort to the method of setting class against class do no good to the group that the administration as well as all of us are seeking to benefit most. More than that, they destroy the things the President has said he was seeking in his recent conferences with business leaders and in his efforts to encourage private initiative.

Service on the District of Columbia Committee was bringing McCarran close to the chairmanship and the pseudo-title "Mayor of Washington." Until the La Follette-Monroney Reorganization Act of 1946 which forced him to relinquish the District Committee, he earned the affection of Negroes, teachers, policemen, civil service and Government employees.

Beginning in 1934 and to the end of his life, he labored for an air safety bill, a Federal Aviation Commission as well as the Air Mail Service,⁶³ all with measures of success. His air safety bill in 1937, for example, (S. 1760) was praised by such notables as David Behncke, President of the Air Line Pilots Association and William Green, President of the American Federation of Labor. The founders of great airlines sent to him so many testimonials of respect and appreciation that a special hideaway in the Rotunda of the Senate Office Building was filled with these trophies alone.

In 1938 McCarran ran for re-election. Roosevelt marked for elimination all those who had opposed him on the Supreme Court reorganization bill; he succeeded in obtaining the defeat of John J. O'Connor of New York. (O'Connor had participated in the prosecution—indeed the persecution—of Dr. William Wirt and this may have contributed to his defeat more than the opposition of Roosevelt to which it has always been ascribed.) Before he died, but long after Wirt's premature death, Representative O'Connor made a public acknowledgment of his grief for having injured Dr. Wirt.⁶⁴ Although Roosevelt had sat on the platform during a Democratic rally in Georgia and had risen to ask the people of Georgia not to send Senator Walter George back to the Senate, George served in the Senate until his retirement a few months before his death, a generation later.

Undaunted, Roosevelt continued stalking his prey—those marked for "purge." On a trip through Nevada enroute to the coast, he stopped in various towns to urge that McCarran be eliminated from the Senate. By special invitation and thanks to party protocol, the Junior Senator was invited to join the Presidential train which he boarded in Ogden, Utah. He received no invitation to join the Presidential party in the private car until, as the train was pulling into Carlin, Steve Early came to McCarran's compartment and said, "The Boss is going out on the platform at the next stop. He would like to have you join him." By this time, the train was practically stopped and McCarran emerged onto the platform behind the Presidential group, just as the President was saying, "My friends," to the

assembled railroad men, farmers and miners from the vast countryside where Carlin was a mere speck on the railroad map. Insignificant as Carlin seemed, it was politically partial to McCarran since it was the home town of Hazel Smith, his highly esteemed and very efficient secretary, as well as a "railroad town." As the President began, "My friends of Carlin, Nevada," someone in the crowd glimpsed the silver hair of their Senator in the background and shouted, "Hello, Pat!" The whole gathering turned into a greeting for their Junior Senator. The President's speech went on in a somewhat changed vein. "Your Junior Senator has sent me some pretty good fish," he said, referring to the fact that somewhere along the line a friend of McCarran's had sent in a willow branch loaded with brook trout and the Senator had graciously sent them forward to the Presidential dining car to suggest, as it were, a little change from the tarpon and sailfish the President had fished for astern a battleship. McCarran was re-elected in 1938.

PERSONAL

As McCarran's first term had drawn to a close he had recovered his health which had been undermined more by sad circumstances in his family life than by his strenuous work in battling on behalf of the public. Having lived in rented houses the first few years, he bought a house on Blagden Avenue, off Rock Creek Park, and deeded it to Harriet as he had always done with houses from Tonopah days to the last. All the letters from Washington told of his son's success in school and of Patricia's discontent with school. The residual effects of Norine's earlier illness—she had encephalitis when she was twelve—had begun to be noticeable, although, at her doctor's insistence, she obtained a job in the Library of Congress, Legislative Reference Division, where she was to work for twenty-five years. Only Margaret and Mary knew of the deep wound of misunderstanding in their parents caused by imprudent words of one from whom only gratitude was due, a person also an encephalitis victim, whom Judge McCarran had allowed to read law in his offices in Reno in the late 1920's, and with whom he had often been associated in Washoe County cases. No one of those sheepmen, ranchers, miners, bankers, and aviation and airline company persons who wrote to ask his help knew the grief which undermined his rugged constitution and made his personal life a series of hospitalizations.

While he was recuperating in Clover Valley, Patricia eloped, having once before "run away." She had tried to leave her mother in Reno and hitch-hike to Washington under an assumed name. The F.B.I. found her and she resumed her high school studies in her boarding school. There was little publicity⁴⁵ about the incident, only anxiety. She fled her financially struggling young consort soon after the elopement and returned to

the Washington household where in 1939, with all the usual elegance and ceremony she married Edwin Parry Hay, who was to be the father of her five children. Her father and mother did everything possible for them and for each of their children, but from the 1930's until the end of their lives, there was always present a melancholy anxiety over one or the other.

Perhaps, Margaret's and Mary's parting for the convent was a cause of some fissure in the family's lives. Nothing more need be said about it here. This is the story of a servant of Nevada and of America, suffice it to say a suffering servant.

Long before the general election of 1938 approached, McCarran could show constituents a prodigious record. The magazine, *Columbia* (April, 1934) stated:

He is a Democrat but his habit of making up his own mind as to matters of policy and politics and his insistence upon saying exactly what he thinks make it impossible to classify him further. None of the convenient labels fit him. Frank, logical, intellectually honest, he has already become one of the best liked members of the Senate. A brilliant orator, he is sparing of his art and gets to the point without delay or detour.

He proposed the amendment by which the Senate voted to restore, July 1, the fifteen percent reduction made in the pay of Federal employees. He has been an active and prominent member of the committee investigating the ocean and air mail contracts and has given much time to the interests of veterans of the World War. He came to Washington with a distinguished legal record behind him (he takes pride in the fact that none of his decisions as judge were ever reversed by a superior court), his favorite branch of practice being criminal law.

By 1938, his record was even more heavily weighted with achievements. A law making stealing and transport of cattle across state lines a federal offense; a frank appraisal of the Silver Purchase Act (1936) and an established position on silver despite eastern big business' opposition;⁶⁶ many successful undertakings in favor of Nevada towns and counties such as the final surveying of the Eureka townsite (Nevada); much progress toward the completion of the Truckee-Carson Irrigation District⁶⁷ and relief from endless litigation by and against water users, wherein his first-hand experience with the famous Orr Ditch decision⁶⁸ served him in good stead. (The restoration of lands, taken over by the Newlands Reclamation Project and promised to be returned to the public domain if not included in the completed project, meant a long drive to procure fulfillment from a forgetful government.) Seeing to it that Nevada towns—not to speak of any and every town in America—if they desired air transportation, got airline extension and their own airports was almost an obsession with him.⁶⁹ Boulder Dam was nearing completion and electric power was being



Dedication—Anaconda Copper. Growth of Nevada was McCarran's main interest.

readied for towns hitherto dependent on inadequate power production. McCarran warned the local and state governments against taxation that would retard growth:

Southern Nevada is now on the threshold of what promises to be the incoming of industries that will depend upon cheap power for their life. These industries must not be discouraged by premature taxation. The property that will be created will constitute a basis for taxation in the future far in excess of what can be expected now. (*Las Vegas Age*, October 13, 1937)

He celebrated with Pioche, a town rich in metal and mineral deposits, when the power lines came through and he was the principal speaker at the dedication by Boulder City Central Labor Council of a plaque in honor of those killed in the creation of the great dam and dynamos.

Many of the national issues he endorsed or pressed for were Nevada issues, too. He was on the Judiciary Subcommittee considering an anti-lynching bill; he issued a warning to Labor to fight a new cut in wages proposed as a cure for the Roosevelt Recession;⁷⁰ and he encouraged (despite NCWC opposition) an Equal Rights Amendment sponsored by the National Women's Party, a non-political organization.⁷¹ Furthermore, he injected into federal tax law the Civil Law principles of "community property."

One of the earliest episodes of massive use of tons of mail to sway Congress resulted from the proposal that America join the World Court. McCarran was among the leaders of the opposition hailed in the Hearst papers. McCarran was already, predictably, convinced that America should abstain and he was fighting, in 1937, to keep America out of the brewing European war, although it was already becoming apparent the Administration economic measures had failed to lift the Depression and the coming of war seemed a solution to some and a means of hastening the coming of the Administrative State to others.

McCarran was re-elected in 1938. The next three terms found him more often standing in the breach between America and her dissolution. They form the subject of a subsequent article.

On October 2, 1954, when the cortege stood still as the freight train lumbered by—a "mishap" which enabled the eight truck loads of floral pieces to arrive at the grave site and be set up in vast array—few recalled the first term as we have recalled it here. The massed persons on Virginia Street could hardly have recalled more than fleeting recollections of depression, bank failure, war and reorganization; they mostly wondered what Nevada would be without McCarran.

Many are mourning late in 1968 that his like does not appear again. Industrial growth in Nevada, if not the demonetization of gold and silver, attest daily that his work for the West lives on. The story of the next three terms should explain this statement.

FOOTNOTES

1. Case Number 1364, Second Judicial Court, Washoe County. Roll Number 364, P. B. Comstock, Judge. *Guiseppie Rinaldo, Plaintiff vs. Patrick McCarran, Defendant*. Thomas Effeydon, Attorney, Plaintiff; Robert M. Clarke, N. Sodenber, Attorneys for Defendant.

Court decision against McCarran forced him to pay Rinaldo for labor and incidental costs amounting to \$705.95, for work on the Highland Ditch which McCarran had sub-contracted to Rinaldo. Difficulties leading to the court trial had arisen between the two parties over differences between the verbal and written contracts. In order to pay the required sum, the court confiscated some of McCarran's real property in Reno.

This case is particularly interesting for the following reasons: The great canals of Reno were dug by crews, Italians (\$1.50 a rod) and Chinese (\$.90 a rod). Rinaldo not knowing English had not understood that a rod was "a foot down and sixteen feet forward." McCarran declared he could not read or write but knew the words and their meaning.

2. Several deeds to parcels of property at the Ranch were made between Central Pacific, or Southern Pacific and Margaret McCarran as sole trader.

3. *Carson City Daily Appeal*, May 12, 1876, stated from the Virginia Chronicle that the streets were crowded by idle men. There was no work.

4. It is interesting to note, here, that in a letter to Senator McCarran of February 24, 1937, another of his school-teachers, Anna June Welch (Summerfield), wrote:

"Back in the old Glendale school house you learned that government of the people, and for the people and by the people shall not perish from the earth, did you not? Only we used to put the emphasis on the little old prepositions in those days of the far distant erstwhile. But we erred in so doing. President Lincoln stressed the people not government by one man! (She was referring to the Supreme Court Reorganization Bill.)

5. Case Number 3236, Second Judicial District Court, Washoe County. Roll Number 236. P. B. Comstock, Judge. *Henry Orr, Plaintiff vs. Margaret [sic.] McCarran, Defendant*. F. V. Julian, Attorney for Plaintiff and William Webster, Attorney for Defendant.

Henry Orr filed a complaint against Margaret McCarran on August 15, 1895, for the payment of a debt of \$500, plus interest. This debt was incurred by Margaret McCarran between October 31, 1891, and September 12, 1893, when on various occasions she borrowed a total sum of \$500 from John Devine. In Reno, Nevada, on June 29, 1895, this debt was bought by Henry Orr. On June 24, 1898, it was decreed that Margaret McCarran would be responsible to Henry Orr for the sum of \$601.85 with additional interest amounting to \$112.14. To pay this debt the ranch was mortgaged to Otto Hartung. John Devine was a relative. Margaret had nursed one of his sons through typhoid. She had provided milk, cream, butter and hay to the Devines and instead of claiming repayment she had written a note to John Devine asking to borrow some money to buy some cows.

6. Martha's father was John C. Wood, who came to Clover Valley, Elko County, in the fall of 1870 and engaged extensively in farming and stock-raising. His ranch contained 480 acres.

Thompson and West, *History of Nevada* (Berkeley, California: Howell-North Publishing Company, 1958), p. 387.

Samuel's father, having been "disowned" for "marrying beneath him" had migrated to Ohio from England about the same time.

7. *The Herald Tribune* syndicated column by Ray Tucker, "Senator McCarran—Red Hunter, He Could be Democrats' Ace in 1954 and 1956."

8. *Nevada State Journal*, October 4, 1902; October 21, 1902; November 2, 1902; November 4, 1902.

Reno Evening Gazette, June 4, 1902.

9. *Reno Evening Gazette*, March 10, 1903. "Legislative Proceedings: Session of the Nevada Legislature Nearing its Closure—Much Important Business Transacted by Both Houses Yesterday." McCarran's Fish Hatchery bill was amended to change expiration date of open season from November 15 to November 1. McCarran spoke in Senate in favor of his bill on Fish Hatchery and said only place it should be is on Truckee River.

Reno Evening Gazette, March 12, 1903. McCarran moved to strike out Section 43 of Hardin incorporation bill providing for merging of corporations. Bill was defeated.

Reno Evening Gazette, March 13, 1903. McCarran's Fish Bill is passed. Opens season March 15 and closes it November 1.

McCarran's Record: from *Journal of the Assembly*, 1903.

An Act to provide for copying the Journal of the Assembly for the 21st session.

An Act authorizing County Treasurers to place county funds in banks on open account under certain restricts.

An Act to regulate the practice of veterinary medicine and surgery in the State of Nevada.

An Act to provide for the preservation of fish in the waters of this State, and matters relating thereto.

An Act to provide for the protection and preservation of wild game and to repeal all other acts in conflict therewith.

An Act to prevent trespass upon real estate by livestock, and other matters relating thereto; and to repeal all other Acts of a similar nature.

An Act concerning sitting of Court in Nye County, and matters connected therewith.

An Act to amend Section 1 of an Act to amend an Act entitled "An Act to regulate the settlement of estates of deceased persons," approved March 23, 1897, and as amended and approved March 16, 1899, approved March 6, 1901.

An Act to amend section 15 of an Act entitled "An Act to establish a State Printing Office, and to create the office of Superintendent of State Printing," approved March 11, 1879.

Assembly Resolutions and Memorial: Assembly Joint Memorial and Resolution to the Congress of the U.S. and to the Interstate Commerce Commission, relative to terminal points on interstate railroads.

Reno Evening Gazette, January 23, 1903. McCarran is appointed chairman of the Education Committee.

Reno Evening Gazette, January 27, 1903. Francis G. Newlands is nominated for U.S. Senator and is seconded by P. A. McCarran. Newlands is elected. "Cooke and McCarran the two young Washoites who made nominating speeches, were much complimented for their eloquence."

10. *Sparks Tribune*, January 13, 1915, "Death of Noted Nevadan—William Woodburn, Sr., father of the present District Attorney passed away yesterday. William Woodburn was one of the best known men in the State and since its early history has taken a prominent part in shaping the career of Nevada. He was a member of Congress for three terms, formerly Attorney General of Nevada and lately Assistant Federal Attorney.

11. *Reno Evening Gazette*, July 20, 1905, "While it is the theory of the government's side of the case that the witness is not guilty of the theft, but perjured himself to save his father, a warrant has been prepared which will be sworn in a few days."

12. *Tonopah Sun*, May 14, 1907. The wife claimed that her husband and she quarreled and he beat her. She shot him in self-defense. Their four-year old daughter agreed to the above statement. Both of them were under the influence of alcohol.

Criminal Case Number B174, Fifth District Court in the County of Nye, *State of Nevada vs. Elsie Cronin*.

13. *Reno Evening Gazette*, September 6, 1905. "Will practice at Tonopah:

R. S. Wilson and Pat McCarran Form Law Partnership—Latter is Prominent Democratic Politician and Formerly Lived in Washoe County."

The Tonopah Sun, November 28, 1907

14. *The Tonopah Sun*, May 22, 1907

The Tonopah Sun, May 6, 1907. P. A. McCarran's poem "Walley Springs" appeared in this edition of the *Tonopah Sun*. Walley's Hot Springs was a spa outside Tonopah. When McCarran was there taking depositions in a case, he composed some doggeral which appeared in the *Sun*. He described various characters (total population, one can believe) in fifteen stanzas.

Gee, but this is a lonesome springs,
Drinking hot water to sprout our wings,
No one can picture the joy it brings,
Just hanging around at Walley springs . . .
. . . Gee! but this is a lonesome place,
Nothin' to do but rubber at each new face,
Nothin' to make the spirits rise,
But a dipper of water and sunny skies.

15. *Reno Evening Gazette*, April 5, 1905. Knights of Columbus Nevada Council No. 978 is instituted, first to be organized in the Sagebrush state.

Reno Evening Gazette, September 18, 1912. New organization of Eagles is Framed—First Annual Meeting to be held in Tonopah in May. P. A. McCarran makes chief address at public meeting in Yerington.

Reno Evening Gazette, May 8, 1905. "In honor of the Departed: Eagles Held Impressive Memorial Services—P. A. McCarran Delivers Oration Paying a Fitting Tribute to the Departed Members."

16. *Reno Evening Gazette*, May 21, 1909, "Will Do Much Work on Golden Arrow Properties,"—Tonopah.

17. Case Number 5563, 1911, Second Judicial District Court, Washoe County. *State of Nevada, Plaintiff vs. Frederick H. Wichmann, Defendant*. Wichmann was charged of practicing medicine without a license and prescribing his own medicine. Formerly of Reno, he had been charged for man-slaughter in connection with a case of malpractice, an abortion. Wichmann was sentenced to eight years in the state prison, March 14, 1911.

18. *The National Miner*, November 8, 1912, lists results of the election: George Bartlett—90; James Lockhart—11; Patrick McCarran—135; W. R. Thomas—21.

19. *The Yerington Times*, May 18, 1912, ran a large spread on McCarran's character and past experience, praising him as being "admired, respected and honored in every city and every county of this State." The *Virginia Miners Union*, also endorsing McCarran, ran a full page advertisement in their 45th Anniversary program:

"His life spent in this State, his struggle against adversity, his determination when in the right, his keen perception of right and wrong, and above all, his fair-mindedness and honesty of purpose has won for him the love and admiration of the people throughout the length and breadth of Nevada, and insures for him the nomination and election to the office for which he is so aptly fitted—Justice of the Supreme Court."

20. For instance, cf. Volume XLII, 1918-1919, *Reports of Cases Determined by the Supreme Court of the State of Nevada*, pp. 185 to 208. Palmira Prosole and Luigi Prosole, Respondents vs. Steamboat Canal Company (A Corporation), Appellant Case Number 2104.

21. An editorial in the *Carson City Daily Appeal*, January 6, 1917: "Judge McCarran's fitness for the highest judicial position in the state has been evidenced by the fact that his opinions written during his four years on the Supreme bench in many instances have been selected by the commentators in the Lawyer's Annotated Reports and in the American and English Annotated Cases.

"The analysis and conclusion set forth in his opinion in the case of *Lawson* versus

Halifax-Tonopah Mining Company was adopted by the Supreme Court of the United States when the case was carried on appeal to that tribunal.”

22. Miller was out of the firm by July 2, 1920, when the partnership was changed to McCarran and Mashburn. His collection of papers pertinent to the Socialist Colony at Fallon, were found among McCarran papers and formed the nucleus of *Retreat to Nevada*, by Wilbur Shepperson (Reno: Nevada: University of Nevada Press, 1964).

23. The house at 401 Court Street was built by Mr. and Mrs. Lewis A. “Bert” Gibbons in 1913. Lewis Gibbons was a successful lawyer who had been among the early and most prominent persons in affluent Tonopah when Reno-born Patrick Anthony McCarran, having been admitted to the Bar in 1905—his only asset—moved with his wife and two infant daughters to Tonopah in 1906 and began practicing law in the three year old boom town.

The Gibbons house was built on the pattern—reduced scale—of the “Nixon Castle,” which long stood alone on Rio Vista Heights. In 1963 Martha Harriet Weeks McCarran died, leaving the house to Mary Ladwina McCarran, her second eldest daughter. The latter sold the house to John Cavanaugh head of an old and respected Tonopah family who had owned the historic Mispah.

24. *Reno Evening Gazette*, February 12, 1920. P. A. McCarran was the attorney for W. Forbes, a prominent Elko county resident who was accused of killing Lester Baton, at Hanford, California.

25. *Reno Evening Gazette*, April 20, 1920.

26. In a letter to Mr. Wesley Stout, editor of the *Saturday Evening Post*, dated December 14, 1937, McCarran wrote:

“Mary Pickford never lived in Reno, never owned nor possessed nor occupied a house in Reno, never secured a decree of divorce, nor did she ever apply for a decree of divorce in Reno and never gave her lawyer her house or any other house located either in Reno or any other place in Nevada. The home in which I live and in which my family and I have lived since 1921 never belonged to Miss Pickford . . . I purchased the home and property from the original owner and builder, making but a small initial payment and later paying the entire amount as I earned the money. To these payments Miss Pickford never contributed.”

27. Case Number 21,858. The Second Judicial Court, Washoe County, *State of Nevada, Plaintiff vs. D. M. Boyle, Defendant*, L. D. Summerfield, District Attorney for Plaintiff and McCarran & Mashburn, Attorneys for Defendant. Affidavit July 7, 1925.

28. Case Number 26638, in the Second Judicial District Court of Nevada, Washoe County. *Clifford V. Brokaw, Plaintiff vs. Nannie I. Browkaw, Defendant*. McCarran, Attorney for Plaintiff and Thatcher & Woodburn, Attorneys for Defendant. Divorce granted in 1929.

29. Letters written in 1933 show McCarran’s financial struggle during the problems of the Depression and the New Deal. On March 28, W. H. Harris of the First National Bank in Reno sent a letter calling McCarran’s attention to the fact that the annual interest on his \$15,000 mortgage, amounting to \$1,050.00 which was due on January 18 was still unpaid. On May 15, McCarran wrote to Jack Steele in Reno asking for an “itemized statement of rented dwellings on my University Avenue property.” On October 14, he wrote to Howard Parish of Reno inquiring about rentals on the Vincent property. There were almost no collections from any rentals except the Chinese storekeeper.

30. On August 2, 1937, the mortgage between McCarran and George Thatcher and the Bank of Nevada Savings and Trust Company was discharged and released. This involved the cafeteria and \$6,000.

31. *Rhyolite Herald*, April 26, 1907.

32. Although some observers claimed that McCarran and the Pittmans were destined to be enemies, a letter from William B. Pittman to the Honorable Patrick

McCarran, written January 17, 1933, disproves this allegation. Pittman asked McCarran to support him for Democratic Governor of the Territory of Hawaii. McCarran answered: "Be assured of my support in the furtherance of your appointment." William Pittman had preceded McCarran as District Attorney, Tonopah.

33. The Congressional Directory of the 73rd Congress, 2nd Session, February, 1934, lists McCarran on the following committees: Appropriations, District of Columbia, Irrigation and Reclamation, Judiciary, and a Special Committee to Investigate Air and Ocean Mail Contracts.

34. cf. Hearings: *Administration and Use of Public Lands*, June to October, 1943. These hearings took place under chairmanship of McCarran pursuant to S.R. 241, 76th Congress.

35. *The Police Post*, April, 1934. Covers Senator McCarran's speech on Veteran's Rights:

"Nevada's fighting Senator has brought to the Senate a new and cheering philosophy. He believes in giving the average man action as well as conversation. His fight for restoration of veterans' rights was inspired by a strong sense of justice and not by any thought of political expediency. He did not single out veterans for special consideration—something no real veteran wants—but 'went to the front' for them because he believed that they were not getting their rights. His forceful pleas for Federal employees is of interest because of it's uncompromising demand for justice."

36. Headline of *Labor* (Washington, D.C. organ of organized labor) on February 19, 1935: "McCarran and Schwollenback are Honor Guests at Meeting of Executive Council: Praised For Restoring Wages of Government Workers and Backing Auto Probe; Nevada Senator Says Nation Was Built by and for Those who Toil."

37. *Labor*, March 26, 1935: "Although he appreciated that he was facing defeat, Senator McCarran gallantly continued the fight with the unwavering support of the entire American Labor movement."

Labor, March 26, 1936: "The defeat of the McCarran Amendment is a keen disappointment to labor" declared President William Green of the A.F. of L. However the Administration adopted the policy McCarran's Amendment sought to implement.

McCarran received many commendatory letters and messages on the prevailing wage amendment to H.J.R. 117 in 1935, among them from: Chicago Federation of Labor, National Federation of Post Office Clerks, Local No. 338, Architectural Guild of America, William Green, President of the American Federation of Labor, and A. F. Whitney, President of the Brotherhood of Railroad Trainmen are a few.

Washington Post, June 16, 1935. Contains a picture of Senator McCarran signing the Senate Pay Roll in order to receive the restored wage. He was good-humored about the inference that the opponents of the wage cuts were self-seeking.

38. Senator McCarran received much support for his efforts to restore cuts made by the Economy Act. In McCarran files exists a huge folder of commendatory messages and letters from Federal Postal Employees and organizations. He also received much support from twenty-five states besides his native Nevada.

39. "The Restoration of the American Silver Market," a speech and news release by Senator McCarran, June, 1936.

40. cf. *Las Vegas Age*, October 11, 1935: McCarran told a *Tonopah Daily Times* representative before he left for Mina, Nevada, that the Senate silver bloc would continue to seek the remonetization of silver.

41. *Las Vegas Age*, January 10, 1937 cited the *Washington Mining Bulletin* as offering a striking example of the opposition the administration's silver program received in the East. It republished an editorial of the *New York Journal of Commerce*, entitled "Enough Nonsense."

42. Headlines in the *Washington Star* and *Times Herald*, October 10, 1936:

"Roosevelt Will Be Re-Elected by Greater Majority, Says McCarran; Nevada Senator Entertained by Army and Navy Representatives, Meets Laborites; Will Take Stump in East to Boost New Deal."

43. *Collier's Magazine*, April 6, 1935, captioned an article: "Patrick Anthony McCarran, Junior Senator From Nevada, Who Loves a Good Fight and to Whom Reticence Is No Virtue." "A Senator for only two years, and a sagebrush Senator at that, yet already a national figure, getting his daily headlines along with Huey Long, Father Coughlin and Good Old Doctor Townsend. Does a tiger turn vegetarian after having tasted blood?" Borah's opinion was not shared by pro-New Deal writers.

Max Stern stated in *Today*, May 4, 1935:

"The gentlemen from Nevada, former Reno divorce lawyer, sniper extraordinary, has crashed the front pages more often than any other Westerner in Congress. He usually marches with the minority, and no quarter is given or asked in the fights he joins. He snipes the New Deal: McCarran joined with Republicans Nye of North Dakota and Borah of Idaho to fight the NRA in behalf of the 'little fellow'. He lined up with Messrs. Hearst, Johnson and Borah to defeat the World Court resolution. He marched with the Borah-Wheeler silver bloc to win the Silver Purchase Act. He voted for the Black 30-hour-week bill. He is fighting the Administration's aviation program and demanding regulation by an independent board. He is out to repeal the Reciprocal Trade Agreement Act. He voted for the bonus and has inflationary ideas. And crowning his sniping achievements is his almost single-handed feat of holding up the work relief bill for six weeks, nearly defeating it and finally forcing the Russell compromise on his prevailing wage amendment. This marplot record for two years seems to prove two things about Senator McCarran: One is that he has been bitten by some grudge; the other, that he is a man of unusual powers."

Cf. also, *Schechter Poultry Corp. vs. United States*, June 14, 1935, Supreme Court, concerning NIRA.

44. On April 27, 1934, *The Washington Daily News* ran headlines stating "McCARRAN ASKS SALVATION OF AIR TRANSPORT INDUSTRY: WOULD SUBSTITUTE 'COMMISSION CONTROL' BILL FOR PENDING MCKELLER MEASURE: INEQUALITIES OF BIDDING SHOWN."

The Washington Herald, April 28, 1934, stated that McCarran said that the McKeller-Black air mail bill "brought the Roosevelt Administration to its present airmail dilemma."

It was not until June 7, 1937, that the Committee on Interstate Commerce submitted a favorable report to accompany S. 2, the Air Transport Act. Senator Harry Truman reported the bill favorably with an amendment and a recommendation that it should pass. In explaining his moving adoption of the Conference report in the absence of Senator McCarran, Truman said, looking Pat "straight in the eye," "Because I am a gang politician and the boss wanted it."

45. *Las Vegas Age*, August 24, 1934. "Highway Patrolman Started Secret Warfare Against Modern Rustlers" by Homer Moody. The author, as a State Police officer told of heroic work in rounding up thieves—only to have them released on technicalities.

46. cf. *Hearings before the Committee on Public Lands and Surveys on H.R. 6462*. April 20 to May 2, 1934, for example.

47. Senator McCarran had also addressed the Las Vegas Chamber of Commerce on September 21, 1934: "The Constitution."

48. Cf. *Bollettino Del Nevada*, February 12, 1937. A picture of McCarran with the following caption: "The Italian's friend. This is one of the recent pictures of Senator Pat McCarran is in favor to retain the Pyramid Lake land of the Italians there. The Senator Pat McCarran is in favor of the Italians in the Pyramid Lake dispute," shows, in halting English, the settlers' appreciation.

49. *Hearings Before Committee on Indian Affairs on the Bill, S. 840*: A bill to authorize the Secretary of the Interior to issue patents for certain lands to certain

settlers in the Pyramid Lake Indian Reservation, Nevada. In one of the statements contained therein, McCarran stated: "This whole question is one of fair play, justice and equality. It is not one of cold-blooded, heartless law. We can oust these settlers; we can throw them out, and they will become destitute, unless perhaps their little holdings otherwise would help them to go on. Or we can let them live as they have lived for years and years, in neighborly friendliness with these Indians. And I say emphatically, that the settlers were the sole support of these Indians in the years long ago when they had no place in which to be employed.

"I say, without fear of contradiction, that today the Superintendent of the Indians of Nevada is using the Indian vote as a political club to try to compel me to withdraw this bill. I do not fear any contradiction of that statement, because it is true. The Indians vote in Nevada, and their vote has been [will be] thrown in my face just as long as I am in the Senate of the United States. But neither the Indian Bureau nor an imported Indian Superintendent for Nevada can threaten me with any such a club as that and get away with it. The time has gone by for cheap politics of that kind."

In fact, Derby Dam, Project 1 of the Reclamation Bureau evidenced some human fallibilities, not to mention the lack of fish ladders, and subsequent laws against fishing near or below the dam where fish were crowded and dying. This dam, like others, past and future, silted up, slowed up the river, removed its scour, dried up Winnemucca Lake (Mud Lake) and nearly destroyed Pyramid Lake as well as its famous cutthroat trout. The project should have begun by producing more drop for the river especially with its fall toward Pyramid, and should have arranged for water "get away" in flood time.

Reno Evening Gazette, January 14, 1914, "Fish Ladder at Derby Dam now Assured: Reclamation Service Agrees to Begin Construction Immediately—Congressman Raker of California Gets Busy; Plans Drawn by Commissions of Two States Have Been Accepted." These ladders were to be constructed of wood instead of concrete.

50. The Ranch known as the S-Bar-S and owned by Mrs. Helen Marye Thomas, daughter of the last American Ambassador to the Czar of Russia, was settled by the Gardella family whose founder in Nevada, paid up to make sure the property he had so laboriously brought into cultivation and by means of which he educated a large family, would remain for his heirs. This ranch is presently isolated within tribal holdings and has been dedicated to the University of Nevada.

51. *Las Vegas Age*, May 15, 1936, cf. also *Ibid.*, October 12, 1934.

52. *Las Vegas Age*, January 6, 1934. The paper disregarded McCarran's being sworn-in. But before this paper died it had become a friendly voice for Pat McCarran.

53. Lieutenant Governor Morley Griswold had acted as Governor during the long absence and after the death of Governor Fred Balzar. His account of the situation with his, Henderson's and Richard Kirman's banks and the mistakes made in the handling of the Wingfield banks was given as follows:

I am presenting to you . . . the real facts of the closing of the Wingfield banks, the bank reorganization cases, and the developments since the appointment of the receiver. Listen . . . and find out who is at fault and who is responsible for the condition we find ourselves in now in the Reno National Bank and the other banks of the Wingfield chain.

The first intimation I had of the difficulties of the Wingfield chain of banks was on Saturday, Oct. 29, 1932 . . . On Saturday morning I had made a deposit of personal funds in the Reno National Bank, following other deposits made earlier in the week . . . Hence I had no information as to the condition of the banks when I made those deposits, because the doors of that bank have never since opened.

As Lieutenant Governor, I was called upon by Mr. George Thatcher, attorney for Mr. Wingfield, Mr. Allard Calkins of the R.F.C. and two other members of the R.F.C., and was informed that the Reno National Bank could not open

on Tuesday morning and was also told that the other banks in the Wingfield chain were in a precarious condition and could not continue business . . .

Governor Balzar left for Washington, D.C., to see if he could arrange with the Government for a federal loan of \$2,000,000 to keep the banks open to save the people of Nevada from loss.

I called the bank examiner and the Attorney General of the State of Nevada and discussed the situation with them, got their suggestions and drew the proclamation declaring the bank holiday, hoping Governor Balzar would be successful in his trip to Washington, D.C.

It is significant that the same procedure I followed was promptly followed by 12 of the other states of the Union and by President Roosevelt in his proclamation immediately upon assuming office, and this course has received the approval of the Legislature of the State of Nevada.

The next step in the bank business was the appointment of a committee from the Senate of the State of Nevada to investigate the closing of the banks. The next step in the bank business was the now famous reorganization plan and suits, and it is this that seems to have given those opposing me the basis for charging that I was a Wingfield mouthpiece, and that what I attempted was vicious or bad.

First, I never saw the form of waiver that was prepared until after it was printed and signatures were obtained . . . That waiver named three men who, as far as I know, had been freely chosen by the depositors themselves to represent them: Mr. Kind, Mr. Dyer and Mr. Eccles. Mr. Eccles selected his good friend and attorney Mr. George Guzendorfer and I together with them represented the Depositors Executive Committee.

. . . The bank reorganization cases cost me more than six months of my time and over \$3,000 of my money.

It is a significant fact that the Henderson Bank signed up over 64% of the depositors, practically every depositor in that bank was in the United States—the Winnemucca Bank signed up over 76%—the Carson Bank signed up well over 50%—the Virginia City Bank and all of the other banks save and except the Reno banks where the depositors could be influenced by those who bore Mr. Wingfield's grudge or enmity.

When the plan was rejected by the Controller of Currency (in Washington), I returned to Nevada and reported to the Court.

I went to San Francisco and presented the plan to Fleishacker interests and to the Transamerica Banking Corporation. They said it would be necessary to have our auditors make examinations of the assets involved and the auditors came to Nevada and examined the assets of the Wingfield banks.

. . . The assets were satisfactory but they did not desire to become involved in the controversy with reference to the closed banks, so-called Wingfield chain . . .

The people lost 3½ million dollars in cash because of the opposition to our plan, and they lost the chance to get their banks open because of the same opposition.

The surprising thing is that within a short period after the receiver was appointed, Mr. Kirman's bank, the First National in Reno, sold to the very people with whom I had been negotiating, and that institution was taken over by Transamerica and Bank of America and the closed institutions were left to their fate.

54. In September, the question was still unsolved. Sherburne, Powers and Needham wrote to Senator McCarran (Sept. 18, 1933):

We have just seen a news item in the New York Times stating that George Wingfield represents that he has only \$87,000 to meet double liability in two national banks in the amount of \$460,000, and that a group of depositors will charge that his statement does not include all his assets and that he has made transfers of property which are open to question. We would greatly appreciate your advice concerning Mr. Wingfield's present position and your opinion as to the possibility of concluding the litigation you have been handling.

By 1934, it was evident to all that the exposed assets of Mr. Wingfield were scant. *The Reno Evening Gazette* ran an article stating that George Wingfield offered to assign all of his free assets, as well as any equity that might exist in the assets to the Crocker First National Bank and the First National Bank of Winnemucca in full settlement of his stockholder's and director's liability.

Nearly a year had passed and still no payments to depositors had been actualized, although the Griswold and Henderson banks had paid off a percentage and were rebuilding assets for depositors. In a letter to Mr. and Mrs. James Wright of Tonopah, Senator McCarran revealed his concern over the banking incident and stated that he had repeatedly discussed this subject with authorities both in the Reconstruction Finance Corporation and in the office of the Comptroller of the Currency. "The situation," he said, "is, in my judgment, far worse than you may understand . . . I may as well speak plainly, I fear that the banks will be forced to go through receiverships." (Feb. 6, 1934)

It is interesting to note that that same year, 1934, the *Las Vegas Age* linked Senator Key Pittman, former Senator Tasker Oddie and George Wingfield as the key Nevadans involved in the gold rush for the new "Silver Queen" property in Mojave, California.

September 24, 1937, *Las Vegas Age* reveals how Wingfield, who at the age of 40 was a millionaire and at 60 bankrupt, was on the comeback trail at 61:

The public belief that George Wingfield is again on the road to fortune is strengthened by an Associated Press story from Reno, under date of September 21, which says that Wingfield got a grubstake from backers [understood to be one Bernard Baruch].

The new mining company, known as the Getchell Mines, Inc., owns some 18,500 acres of land 27 miles north of Golconda. The Getchell mines are deemed capable of producing many tons of low grade ore, which will be milled in a 600 ton plant now being constructed.

55. Correspondence McCarran with McCafferty, April 25, 1933.

The following excerpt from a letter (March 13, 1933) from Senator McCarran to George B. Thatcher exemplifies McCarran's interest and concern in the Wingfield Bank problems:

"I am sending you under separate cover a copy of the Emergency Banking Bill, passed by Congress a few days ago. I voted for this measure reluctantly because I doubt the propriety of granting such arbitrary powers as are granted in this measure. I also doubt the propriety of opening certain banks and keeping others closed. I did think, however, that perchance there was some ray of hope in the new bill which would be beneficial to your banking situation in Nevada."

56. Random sampling shows an indication of the typical groups endorsing President Roosevelt's judiciary reform: Labor's Non-Partisan League, Washington, D.C.; American Labor Party, New York; United Textiles Workers of America; and the International Photo Engravers Union.

57. The following, among many others, wrote the Senator opposing F.D.R.'s packing of the Supreme Court: Wehinger Service Inc.; Charles Deering McCormick of Yale University; S. Hunter Davis, President of the Park National Bank of Kansas City; and Columbia Ribbon & Carbon Manufacturing Company, New York.

The Congressional Intelligence of February 22, 1937, analyzed: "From the C. I. poll of the Senate, opposition to the Supreme Court increase is far more marked than that expressed against the program as a whole."

May 22, 1937 the following committee members of the National Committee to Uphold Constitutional Government sent a congratulatory telegram to the members of the Senate Judiciary Committee who opposed the President's plan for reorganization of the Supreme Court: Frank Gannett (Chairman), Amos Pinchot, Dorothy Thompson, Douglas Johnson, James Truslow Adams, and Sumner Gerard.

58. *Washington Times Herald*, May, 1937.

59. The argument presented in the adverse report of the Senate Judiciary Committee was stated as follows: (*italics added*)

"The committee recommends that the measure be rejected for the following primary reasons:

1. The bill *does not accomplish any of the objectives* for which it was originally offered.

2. It applies force to the judiciary and in its initial and ultimate effect would undermine the independence of the courts.

3. It *violates all precedents in the history* of our Government and would in itself be a dangerous precedent for the future.

4. The theory of the bill is in direct violation of the spirit of the American Constitution and its employment would permit alteration of the Constitution without the people's consent or approval; it undermines the protection our constitutional system gives to minorities and is subversive of the rights of individuals.

5. It tends to *centralize the Federal district Judiciary* by the power of assigning judges from one district to another at will.

6. It tends to expand *political control over the judicial department* by adding to the powers of the legislative and executive departments respecting the judiciary."

In their summary statement, the Committee declared, in McCarran's wording:

"We recommend the rejection of this bill as a needless, futile, and utterly dangerous abandonment of constitutional principle.

It was presented to the Congress in a most intricate form and for reasons that obscured its real purpose.

It would not banish age from the bench nor abolish divided decisions.

It would not affect the power of any court to hold laws unconstitutional nor withdraw from any judge the authority to issue injunctions.

It would not reduce the expense of litigation nor speed the decision of cases.

It is a proposal without precedent and without justification.

It would subjugate the courts to the will of Congress and the President and thereby destroy the independence of the judiciary, the only certain shield of individual rights.

It contains the germ of a system of centralized administration of law that would enable an executive so minded to send his judges into every judicial district in the land to sit in judgment on controversies between the Government and the citizen.

It points the way to the evasion of the Constitution and establishes the method whereby the people may be deprived of their right to pass upon all amendments of the fundamental law.

It stands now before the country, acknowledged by its proponents as a plan to force judicial interpretation of the Constitution, a proposal that violates every sacred tradition of American democracy.

Under the form of the Constitution it seeks to do that which is unconstitutional.

Its ultimate operation would be to make this Government one of men rather than one of law, and its practical operation would be to make the Constitution what the executive or legislative branches of the Government choose to say it is—an interpretation to be changed with each change of administration.

It is a measure which should be so emphatically rejected that its parallel will never again be presented to the free representatives of the free people of America."

60. *The Los Angeles Times* (April 29, 1937), in announcing McCarran's opposition to the court plan making the majority of the Senate Judiciary Committee, ran a picture of McCarran with the following caption:

"Balance Wheel Turns: Senator Pat McCarran, Democrat of Nevada, known as the balance wheel of the Senate Judiciary Committee, is shown as he took stand yesterday against Roosevelt's program to increase membership of Supreme Court."

The risks McCarran took in his stand were great. For example, in correspondence to the Senator (May 22, 1937), Robert Gray Taylor informed him that Farley reportedly threatened to injure and ruin the careers of Senators O'Mahoney and McCarran. However, representatives of several executive departments called on Senator McCarran to offer judgeships for himself or his friends, if only he would support the president's plan.

61. Senator McCarran, receiving thousand of congratulatory and commendatory letters from every part of the United States, had them made into separate book files and they filled six large files. A random sample of those who sent him letters is the following list: Marc Frazer; Rep. U. S. Guyer of Kansas; Dr. Charles B. Reed, Secretary of the Chicago Medical Society; George Warch, President of Washington Assurance Corporation of New York; Edward Tickle (California State Senator); Mrs. Hamilton Fish-Webster; ex-Governor Colcord of Nevada; Judge William Atwell of Dallas, Texas; William Lemke (Representative of North Dakota); the Editor of the *Las Vegas Review Journal*; and Hon. Gray Mashburn, Attorney General of Nevada.

The letters he received, many having the autographs of the greatest American citizens, form a fine deposit of source material for a student in the field of American thought.

62. In his speech in Philadelphia referring to the Democratic platform of 1936, McCarran made his stand clear:

The Constitution of the United States, written where we now stand, declared for an independence of courts and that that independence should be absolute, not conditional; entire, not partial; perpetual, not temporary. It declared that our Court of last resort should be a constituted authority upon which Presidents might lean, in which Congresses might abide, and to which the lowly and humble might appeal for the redress of wrongs and the pronouncement of rights.

My individual interest, aside from my official duty in the question of the hour, is as deep-seated as my patriotism. I have but one worthwhile heritage to pass on to my children, and that is the guarantee announced by their Government that whatever their station in life, however humble their position, whether fortune may lead them to plow the furrow or to plead for the lives of men, to sit in the seats of worldly power or to walk the way of the lowly, to mold public opinion, or to serve under the symbol of their Savior, no hand shall be lawfully raised against the enjoyment of their liberties. No momentary power shall take from them, by reason of a tidal wave or whim of the hour, the right of life, liberty, and the pursuit of happiness.

When a challenge to those rights comes they, like the children of other men, may rest in security that the voice and mandate of an impartial, independent, finite Court constitutionally existing, will pronounce their rights, redress their wrongs, and give them opportunity and encouragement to love their Government and to work out their destinies in their chosen walks of life.

If any authority, however much admired, can hold at its beck and call, or effect even to the least jot or tittle, the judgment of that Court, then to that extent individual liberty is jeopardized, the spirit of the Constitution is adulterated, and our form of government is challenged. There is no consolation in the assurance that the measure now pending before the Senate of the United States may be constitutionally enacted. To that assertion I reply in the language of Sir James Bryce: "It is immoral; it is anticonstitutional."

The legal fraternity was so pleased with McCarran's stand on the Court packing bill that some gave their children his name.

63. In hearings before a Subcommittee of the Committee on Inter-State Commerce on S. 2 and S. 1760 (S. 2, re: the regulation of transportation of passengers and property of aircraft), McCarran stated:

During the course of the hearings the committee will have brought before it, I hope, a view of the activities of other nations from the standpoint of the development of commerce by air, and we will see that Great Britain is perhaps in the forefront, with Russia, Germany, and Italy the leading nations

looking to the development of commerce in foreign territory by the avenue of the air.

America has developed to some considerable extent domestically. We hope that our air commerce may be developed from the foreign standpoint. We hope to bring out legislation that will encourage the industry and, at the same time, build not only from a commercial standpoint but build from a standpoint of national defense.

It is my theory that every air line properly installed is in itself one more element looking toward the national defense that we must establish for the years to come.

Regarding McCarran's work on the Air Mail Service, a memorandum to Commissioner Eastman (March 27, 1937) reports that the Senator had already opened hearings before Truman's Subcommittee; he had introduced hearings held before the subcommittee in the 74th Congress on S. 3027 and regarding S. 2, he had cross-examined Mr. Mulligan, Solicitor of the Department of Commerce on the question of the payment of the trans-Atlantic mail service.

Senator McCarran's proposed legislation on aviation around this time included S. 3187, creating a Federal Aviation Commission; and S. 3027, amending the Inter-State Commerce Act. cf., also, *Tonopah Times*, July 13, 1938.

64. Cf. Martin Dies, *The House Committee on UnAmerican Activities*.

Dr. William Wirt was a noted educator from Gary, Indiana who was destroyed by his contact with those who were trying to infiltrate the United States government. Dr. Wirt had tried to unveil the communist moves that were taking place but was only condemned by the Congress.

"Not only was Dr. Wirt denied benefit of council, he was denied the right to read a ten-minute statement in his own behalf, nor was he allowed to cross-examine opposing witnesses. Liberals have held such actions high crimes when applied to communist and pro-communist, but no liberal voice was raised in defense of Dr. Wirt."

Martin Dies, *Martin Dies Story*, (New York; The Bookmailer, Inc., 1963), pp. 31-34.

65. Some publicity leaked out to the *Las Vegas Age* (August 6, 1937) which wrote:

Mrs. Sylvia Patricia McCarran Breckenridge, 18-year old daughter of Senator Pat McCarran, was granted a divorce August 5th at Virginia City from John Breckenridge, a former sergeant of the Capitol police in Washington, D.C.

The Divorce was granted on the cross-complaint charging cruelty filed by the wife to her husband's suit. The pair married August 14th, 1936, after an elopement.

Reno Evening Gazette, July 4, 1935, "Funeral Rites for Mrs. McCarran to be held Saturday,"

"Simplicity in keeping with the life she had lived will mark the final rites for Mrs. Margaret O'Shea McCarran, pioneer of the west and mother of United States Senator P. A. McCarran, whose death occurred at a Reno hospital Wednesday following several years of invalidism."

The "old gentleman" had died in 1924, nursed by Mrs. John (Angelina) Iacometti, wife of the ranch lessee and Mrs. McCarran's friend.

66. On January 10, 1936, the *Las Vegas Age* ran headlines: "Big Business Is Against Silver Mining In West."

McCarran's efforts to solve the silver problem went farther back than that article, however, for as early as April, 1933, he was being praised for his endeavors. Writes Walter Harris of the First National Bank of Reno:

"Your reference to silver in your letter of the 22nd to the effect that you are using your best efforts to restore this metal to its proper place will confirm the faith that all residents of Nevada have in you and it is earnestly to be hoped that the representatives of the silver producing states will overlook

nothing to accomplish this very laudable purpose of putting our idle men to work and stimulate all kinds of business affected by the mining industry."

67. In a letter H. F. Dangberg, President, Carson River Water Users Association, dated August 21, 1933, Senator McCarran announced his intentions regarding the Truckee Carson Project which involved upstream storage:

"As regards the Upper Truckee storage, I am in hopes to be able to put through a program whereby there will be sufficient storage on the Truckee to take care of the Truckee Meadows, thus to augment the flow of the Truckee into the Lahontan Reservoir, also to take care of the Swingle Bench in the Fernley District."

"I am very much interested in the installation of a reservoir on the Upper Carson. My aim and object in this matter is to forever do away with the litigation that has been so absorbing of the vitality of our people."

68. Docket Number A-3, the District Court of the United States, Nevada, November 17, 1919. United States of America, Plaintiff vs. Orr Ditch Water Company, et al . . . , defendants.

The Orr Ditch Company and its co-defendants claimed to have right, title or interest in or to the waters of the Truckee River. The litigation of the Federal Government against hundreds of owners of irrigated land, began in 1924 and was settled by the famous Norcross Decree of 1944. McCarran made deposition for his father, then mentally ill.

69. April 2, 1937, Senator McCarran sent the Las Vegas Chamber of Commerce a telegram announcing: "As a member of the appropriations committee of the Senate I joined with Senator Copeland (New York) and others for an additional \$500,000 for airline extensions and safety measures."

Cf. *Las Vegas Review-Journal* of May 31, 1935.

70. Headlines of the *Washington Star*, April 27, 1937 read: "McCarran Urges Fight to Prevent Slash in U.S. Pay; Fears Blanket Cut in Appropriations Bills Will Hurt Workers; Note to Labor Heads Contains Warning; Higher Level of Prices Cited by Nevada Senator in Moving to Stop Proposal."

71. Writing to Olive Hurlburt, Chairman State Council, National Women's Party, McCarran assured her in a letter dated November 23, 1937, that he would support the amendment (Equal Rights) both in the Judiciary Committee and on the Senate floor. (His personal answer was hand-written for his secretary on Miss Hurlburt's letter.)



Rarely does an historical publication have the opportunity to publish intimate family material on a national figure. No one is more qualified to do *Patrick Anthony McCarran* than his daughter, Sister Margaret Patricia McCarran, Ph.D., Associate Professor of Social Sciences, College of Holy Names, Oakland, California. Sister Margaret was closely associated with her father during his years in Washington, D.C.

She is presently doing a book on his life and political activities. We feel this article will give future researchers a starting point for material on the early life and the first term of Nevada's first native born United States Senator.

We hope to publish more at some future date, especially concerning the last terms McCarran spent in office.

—*the editor*

