

APRIL 28, 2003 - OLD ASSEMBLY CHAMBER, NEVADA CAPITOL

NEVADA STATE ARCHIVIST GUY ROCHA:

Thank you, Mr. Speaker. I am honored to be the first state archivist to open this, or any, Assembly Floor Session in Nevada history. Thank you, Mr. Speaker, for extending the courtesy and assuming I had something to share on this auspicious occasion.

In 1969, when the last Floor Session of the Nevada Assembly met in this Chamber after meeting for virtually 100 years in the historic state capitol, I was preparing to graduate from Clark High School in Las Vegas. Little would I know that Assemblywoman Vonne Chowning, our Spanish teacher at Clark High School, and I would meet again under these wonderful and historic circumstances. Hola, mi maestra!

With the retirement of the Honorable Joe Dini from the State Assembly, there is conspicuously no member of the Assembly in this Chamber today who served in the 1969 session. According to the legislative manual, most of you were alive 34 years ago when the Assembly last met in the old Chambers. However, five of you who now serve in the Assembly were born in 1969, and one of you hadn't arrived yet: Walter Andonov, Kelvin Atkinson, Chad Christensen, Marcus Conklin, David Goldwater, and the baby, Josh Griffin.

There are currently 42 members of the Assembly and with the recent expansions of the current Legislative Building, with Arizona and North Carolina, one of three free-standing legislative buildings in the nation, you enjoy commodious surroundings. Can you imagine 53 members of the Assembly in 1913 squeezed into these Chambers, "cheek by jowl," before it was expanded to its current size in 1915? This room was half this size with 53 members. Would you believe the remodel bill to expand the wings of the Capitol was lost on third reading in the Assembly, and was passed only after a motion was made to reconsider and several more days of argument? What does that say about a long-standing tradition of fiscal conservatism in Nevada?

In that vein, we are fortunate to be able to conduct this Floor Session in the old Assembly Chambers today. In 1955, it was agreed that the State Capitol be torn down and four modern buildings constructed on the Capitol Grounds to conduct the State's business. With the completion of the Blasdel Building next door, the 1957 Legislature decided no more modern buildings like the Blasdel Building be constructed and that the State Capitol should be saved for posterity. The Capitol sustained a major seismic retrofit and renovation in the late 1970s and early 1980s. Thank goodness for historic preservation and archival records; we are once again here to do the State's business and celebrate Nevada's colorful history.

Speaking of political history, I would be remiss if I didn't share with you the names of the members of the Assembly who served in this Chamber and went on to serve as governor and members of Congress. Governors of Nevada who served in the Assembly and sat in the old Assembly Chambers include: Fred B. Balzar, Esmeralda County, 1905; Richard Kirman, Ormsby County, 1899, who was elected at the tender age of 21; Charles H. Russell, White Pine County, 1935, 1937, 1939; and Richard H. Bryan, Clark County, 1969.

Nevada members of the U.S. House of Representatives who served in the Assembly and sat in the old Assembly Chambers include: Thomas Wren, Eureka County, 1875; Clarence D. Van Duzer, Humboldt County, 1901; Charles L. Richards, Nye County, 1919; Berkeley Bunker, Clark County, 1937, 1939, who was Speaker, and would go on to the U.S. Congress; Charles H. Russell, White Pine County, 1935, 1937, 1939; Walter S. Baring, Washoe County, 1937; and Harry M. Reid, Clark County, 1969.

Nevada U.S. Senators who served in the Assembly and sat in the old Assembly Chambers included: George S. Nixon, Humboldt County, 1891, the community of Nixon on the Pyramid Lake Reservation is named for the Senator; William A. Massey, Elko County, 1893; Charles B. Henderson, Elko County, 1905, for whom the city of Henderson is named; Patrick A. McCarran, Washoe County, 1903, for whom Las Vegas' International Airport is named; Berkeley L. Bunker, Clark County, 1937, 1939; Ernest S. Brown, Washoe County, 1933; Harry M. Reid, Clark County, 1969; and Richard H. Bryan, Clark County, 1969.

There have also been two other U.S. Senators of note that spoke in this Chamber during 1960, the only annual session in modern Nevada history, and when the population was a mere 285,000 residents. The two prominent Senators running for the Democratic nomination for the U.S. President spoke in this Chamber were John Fitzgerald Kennedy of Massachusetts, who spoke on February 1, 1960, and Hubert H. Humphrey of Minnesota, who spoke on February 9, 1960. Vice president Nixon, running for the Republican presidential nomination, was invited to speak to the Legislature; however, he sent his regrets that he could not accommodate another engagement after presiding over the opening of the Squaw Valley Winter Olympics on February 18, 1960.

In closing, I want to share with you the story behind the 1895 statute, now NRS 331.190, that prohibits the sale, gift, or disposal of liquor in the Capitol. Prior to this law being passed, the most lucrative concession in Carson City was running the bar, or "the well" as it was commonly known, in the Capitol during the legislative session. Prodigious amounts of alcohol were consumed during the course of the legislative process. Reformers were concerned about the example set for Nevadans and apparently the quality of the legislation. In 1893, Senator John Forbes, of Esmeralda County, introduced Senate Bill 14,

"an act to prohibit the sale of intoxicating liquors in the state capitol." Violation of the proposed law was a misdemeanor and included a fine not to exceed \$100 and/or imprisonment not to exceed 50 days. The bill easily passed the Senate with a vote of 11 yeas and 2 nays. However, the Assembly in this Chamber, and presumably some of its members under the influence, killed the anti-well bill by a vote of 16 against and 13 for. Undaunted, the reformers returned to fight another day.

In 1895, Assemblyman J. I. Wilson of Lyon County introduced Assembly Bill 14, "an act to prohibit the sale of ardent spirits within the Capitol Building of the State of Nevada." The misdemeanor penalty associated with this proposed legislation included a fine of not less than \$100 and not exceeding \$500, or be imprisoned in the county jail for not less than one month and not exceeding six months. Although the bill received a "do pass" from the Assembly Committee on Public Morals, and a petition from the Women's Christian Temperance Union, who were praying for the passage of Assembly Bill 14, presented and read on February 5, the bill was apparently lost by a tie vote. Assemblyman S. L. McNaughten of Esmeralda County gave notice that on the next legislative day he would move a reconsideration of the vote. The Assembly voted to reconsider the bill on February 6 and after much parliamentary maneuvering and an amendment to the bill proposed by J. A. Conboie of Storey County, Assembly Bill 14 passed the Assembly on February 8 by a vote of 26 to 3 and 1 absent.

Annie Hudnall Martin, pioneer owner and editor of the Carson City News, wrote, "McNaughten moved a reconsideration of the vote by which the 'anti-well' bill was lost the preceding day. He did not pose as a prohibitionist but urged the passage of this bill for the benefit of the rising generation and in the interest of good morals and decency and all that was respectable and commendable. The motion to reconsider was carried by a vote of 16 to 11. When the bill came up for the final vote Constant moved for indefinite postponement. Lost. The motion to make the bill a specific order for Monday was lost. Conboie moved to amend by having the bill take effect after April 1, 1895. Amendment adopted and the whole proceeding thus turned into a farce."

The Senate easily passed the bill and Governor John E. Jones signed it. The Women's Christian Temperance Union's prayers were answered, the 1895 Legislature, because of the amendment, could spend the rest of the session drinking, and beginning in 1897, legislators were compelled to walk across the street to patronize Carson City's bars and saloons and to do their drinking. Now you know the story as to why we are not drinking in the old Assembly Chambers today. Thank you and cheers. Here is to a memorable day in the history of Nevada.

MARCH 22, 2005 - OLD ASSEMBLY CHAMBER, NEVADA CAPITOL

NEVADA STATE ARCHIVIST GUY ROCHA:

Thank you, Mr. Speaker, for your kindness in having me back for an encore performance. Before I begin my presentation, I want to respectfully acknowledge one of my former teachers in Las Vegas and now a freshman member of your august Body, Harvey Munford. Mr. Munford did so much for the students at Clark High School in promoting harmonious human relations in the midst of great racial tension and violence in 1969 and 1970. My younger sister, Victoria, and I were very fortunate to have Mr. Munford touch our lives, and now he and I have reconnected after almost 36 years. His constituents and the people of Nevada, I suggest, are equally as fortunate.

For those of you who weren't here two years ago, I regaled the body with the story of how a law was passed in 1895 to prohibit the sale, gift, or disposal of liquor in the State Capitol Bldg. Reformers were finally able to ban the alcohol concession known as "The Well;" halt the prodigious amount of alcohol consumption while legislating; and presumably enhance the quality of the legislation.

I was asked many times at the end of the 2003 regular session if the session was the most contentious, mean-spirited, rancorous legislative session in Nevada history. My answer was that it was among the worst in that regard, but not necessarily the worst; perhaps the worst in the modern era.

I thought of the 1899 session when a U.S. Senator, William M. Stewart, vying for the votes of legislators--when legislators picked our U.S. Senators--had hired notorious gunmen as body guards. One bodyguard, Dave Neagle, had been acquitted in the 1889 shooting death of former California Supreme Court Chief Justice David S. Terry as the bodyguard of U.S. Supreme Court Justice Stephen J. Field.

In addition, charges of bribery and other improper manipulations were made on both sides. A missing Assemblyman, the Sergeant-at-Arms failed to find him although he had been present in the morning session, swung the election to Stewart in a key Assembly vote.

However, the colorful story I share with you today takes us back to this very chamber in the final day, March 4, of the 1875 session. Arguably, this legislative day may have the dubious distinction of being the worst legislative day in Nevada history:

Territorial Enterprise/Saturday, March 6 1875: The afternoon and evening sessions of the Assembly, last Thursday, were in some respects the most disgraceful that ever occurred in a deliberative body. While the roll was being called on the Appropriations bill, the list was twice snatched from the hands of

the Clerk, and it was only after a few resolute members had volunteered to protect that officer that the call was finished and the result declared. One of them ([Douglas County Republican Assemblymember Henry] Van Sickle), who years ago brought the very worst of Nevada's desperados to a final reckoning through the agency of a double barreled shotgun, took his place beside the Clerk, and quietly announced that he would kill in his tracks the first man who attempted to interfere with the proceedings of the Assembly. This intimation from a man who had "seen service," was more potent than the Speaker's gavel, and for some time comparative peace prevailed in the House. This was in the afternoon. In the evening a regular saturnalia was inaugurated, which could be suppressed neither by the menace of Van Sickle nor the vehement protests of the Speaker. Some of the members smiled at the rulings of the presiding officer and his efforts to preserve the peace, and in questions of privilege requested that gentleman step into the lobby and in a rough and tumble fight settle certain contested questions of parliamentary usage. The irate Speaker [Republican W.C. Dovey of Lyon County], physically unable to maintain his rulings in the manner suggested, communicated the information, in as quiet a manner as possible, that were the desk of the presiding officer supplied with a couple of Spencer rifles, he would reduce the names of the roll-call fifty percent in five minutes, and that the only embarrassment in the House during the brief remainder of the session would be in removing the dead. But the rifles were not at hand, and for the next five or six hours the time of the Speaker was pretty equally divided in gesticulating wildly with the gavel and dodging inkstands. During the evening the members found entertainment in throwing books at each others' heads, and requesting opponents to step into the street and exchange shots. One member, after first requesting the Speaker, who had called him to order, to "take a walk," expressed a willingness to fight the entire body, and at the same time brushed aside the skirts of his coat and disclosed the handle of a revolver and what seemed to be a tomahawk or butcher's cleaver. A shower of books greeted the belligerent representative, and he subsided through sheer inability to determine the first point of assault. Finding that the session was to be closed in this manner, most of the members had provided themselves with extra supplies of books, ink-stands, and mucilage pots, and for some hours any one rising to his feet and attempting to make a motion was incontinently knocked down, or compelled to seek protection from a merciless general assault by crawling under his desk. Finally, the outsiders took a hand in the sport, and to the projectiles were added stove-wood

and spittoons. But all that transpired in this line was not the result of overflowing good-humor. Blows were exchanged in some instances with venom. [Lincoln County Republican Assemblymember J.B.] Van Hagan, in reply to some remark, hurled a copy of the compiled laws of Nevada at the head of [Roop and Washoe counties Democratic Assemblymember H.H. Hogan. As the volume opened in its flight, Hogan was not knocked down. The latter started for his assailant but a hand-to-hand fight was prevented by some lady in the lobby. About 11 o'clock a wood-chopper from the head of Clear Creek dropped into the Chamber, and believing that a free fight was about to be inaugurated, offered a bystander a month's wages if he would turn off the lights and give him a five minutes discussion with the members with an ax. At one time it was proposed to raise an alarm of fire, and wash out the chamber with a stream from a fire steamer; but better counsel prevailed, and the members were allowed to "fight it out on that line." It is marvelous that some of them were not killed, for behind the apparent levity which kept the air full of books and ink-stands, was a feeling of rancor which suggested pistols and bowie-knives. As described to us by half-a-dozen witnesses, the scene was the most disgraceful ever enacted within a legislative chamber, and when the minute for adjournment came, the Speaker descended from his stand with an undisguised look of thankfulness that his life had been spared. The closing scenes in the Senate were less turbulent, yet the proceedings were characterized by a sullen discourtesy on the part of many of the members which we hope may never again be observed in a Nevada Legislature. Had the [Lt. and] acting Governor [Jewett W. Adams] appeared during the evening in the Assembly, the chances are that he would have been thrown out of a window. Those who witnessed the scenes in the Assembly say that they were indescribable; and here, in respect to the people of Nevada, we will let the curtain drop on the seventh session of the Nevada Legislature.

And that is the rest of the story. So, in closing, just remember, it wasn't all that bad in the 2003 Legislative Session.

MARCH 20, 2007 - OLD ASSEMBLY CHAMBER, NEVADA CAPITOL

NEVADA STATE ARCHIVIST GUY ROCHA:

Thank you, Madam Speaker, for your invitation to have me back for a second encore performance. I know of no other State Archivist in the nation that has been extended the courtesy to speak at a legislative floor session. Madam Speaker, you also know what it feels like to be the first. Congratulations; it's been a long time coming.

I am dedicating this presentation in tribute to Nevada historian Mary Ellen Glass, Reno native and founder of the University of Nevada Oral History Program in 1964. She died last Thursday, March 15, at the age of 79. Part of the story I will share with you today comes from Mary Ellen's pioneering history of Nevada's Silver Party.

In 2003, I regaled the Assembly with a story of how a law was passed in 1895 at the behest of the Women's Christian Temperance Union to prohibit the sale, gift, or disposal of liquor in the State Capitol building. After years of effort, the reformers were finally able to ban the Capitol's alcohol concession known as "The Well." This was to reduce the prodigious amount of alcohol consumption while legislating and presumably enhance the legislative process.

In 2005, I told you of the last day in the 1875 session when guns and knives were displayed in the Assembly chamber, angry words exchanged, and objects were thrown by Assemblymen at each other. I suggested that March 4, 1875, despite the rancor displayed in the 2003 legislative session, had the dubious distinction of being the worst legislative day in Nevada history.

In 2005, I also briefly mentioned the 1899 session. A long-time Nevada U.S. Senator, William M. Stewart, vying for the votes of legislators—when legislators chose our U.S. Senators—had hired a notorious gunman and another colorful character skilled in the use of a Bowie knife as his bodyguards. I want to share this story in greater detail because it is one of many glaring examples of why Congress proposed the *17th Amendment* providing for the direct election of U.S. Senators, which the states ratified in 1913.

William Stewart was Nevada's first U.S. Senator. He had served in Congress from 1864 until 1875 and again beginning in 1887. Biographer and Nevada historian, the late Professor Russell Elliott, called him a "Servant of Power." Stewart was indeed a powerful politician, serving mining and railroad interests in Nevada. Perhaps his greatest political legacy is the National Mining Law. Stewart had a major challenger for his office in 1898-1899, Congressman Francis G. Newlands. Newlands, the son-in-law of former Nevada U.S. Senator William Sharon, was considered a political upstart who was no friend to the Southern Pacific Railroad, Stewart's principal supporter. The costly campaign to elect legislators partial to Stewart or Newlands was an ugly one laced with

character assassination. The newspapers were full of vitriol and demeaning cartoons. The Stewart forces easily outspent the Newlands supporters and the assumption was the Senator had "fixed things" on the State Senate side. However, Stewart needed a majority of votes in the State Assembly, and that had not been assured.

Stewart's headquarters was the Ormsby House, catty-corner to the State Capitol, while Newlands' headquarters was the Arlington House, just south of the U.S. Mint. Stewart's entourage included controversial lobbyists, Southern Pacific Railroad employees, and two strong-arm men named Colonel Jack Chinn and David Neagle. Mr. Neagle was famous, or infamous, as a deputy U.S. Marshal. He acquired his reputation when he shot and killed former California Supreme Court Chief Justice David S. Terry, while defending U.S. Supreme Court Justice Stephen J. Field. The matter—*In re Neagle*—went before the U.S. Supreme Court. The hot-tempered former Justice Terry was well known for having previously killed California U.S. Senator David C. Broderick in a duel.

Beautiful Sarah Althea Hall, scorned by her lover, former U.S. Senator William Sharon, who she claimed was her husband (remember that Sharon was Francis Newlands' father-in-law) played a major role in instigating the events that led to Neagle's reputation. Sarah's lawyer, former California Justice David Terry—whom she married following Sharon's death during the litigation—claimed that Sarah had been William Sharon's lawful wife. Sarah went berserk upon hearing the adverse ruling, and Terry attacked a court officer and brandished a Bowie knife following efforts to escort his wife out of the court room. Shortly thereafter, the U.S. Attorney assigned Deputy U.S. Marshal David Neagle to protect the presiding federal circuit judge, Supreme Court Justice Stephen Field. Subsequent to the wild courtroom outburst, Sarah, who had been pregnant with Justice Terry's child, had a miscarriage.

Sarah and David Terry and Justice Field and his court-appointed bodyguard, Deputy Marshal Neagle, came together in an explosive confrontation on August 14, 1889, in the Lathrop railway station outside Stockton. Having served their sentence for contempt, Sarah and former justice Terry boarded the train in Fresno on which Justice Field and Deputy Neagle were returning to San Francisco. The next morning at Lathrop Station, the passengers detained to take breakfast. Ignoring Neagle's protest, Field went to the dining room. The result was a dead husband, a wife committed to the Stockton Insane Asylum, a deputy marshal charged with murder, and a landmark U.S. Supreme Court decision—Justice Field abstaining—that substantially expanded the powers of the federal government and affirmed the authority for U.S. marshals and their deputies to use force in the performance of their lawful duties.

Some ten years later, the notorious former U.S. Deputy Marshal David Neagle walked the halls of the Nevada State Capitol in the interests of U.S. Senator

William Stewart and the Southern Pacific Railroad. In addition, although both Stewart and Newlands belonged to the Silver Party, the Stewart backers were able to get Newlands kicked out of the party in time for the 1899 Session. Everything looked like a done deal, and Newlands did not allow his name to be submitted to the Legislature. On January 24, the State Senate chose Stewart over three other candidates by a vote of 9 to 6. However, the State Assembly was confronted with a missing member for the afternoon U.S. Senate vote who had been present in the morning session. Prior to the vote, 15 Assemblymen were pledged for Stewart and 15 for other candidates. With Storey County Assemblyman William A. Gillespie nowhere to be found by the Sergeant of Arms, the vote ended up 15 for Stewart, 14 for the others. Stewart, with a majority of the Assembly vote, was reelected to the U.S. Senate.

According to Newlands biographer, UNR Professor Bill Rowley, "The absence of Assemblyman Gillespie was no accident since his vote against Stewart could have tied the Assembly. He was spirited away either voluntarily or involuntarily to a home in Carson Valley for two days. Many speculated on how much he received for his absence, but within two months he held an office job with the Southern Pacific Railroad in Oakland."

A newspaper wire service story after the legislative session noted Jack Chinn and David Neagle's role in the 1899 Legislative Session: "Chinn's most dramatic use of his big Bowie knife was a short time ago when he sharpened it up and started for Nevada to help re-elect Senator Stewart, whom he admired. Chinn claimed that he was quicker with the knife than anyone else engaged in the campaign. David Neagle, the man who killed ex-Judge David S. Terry, went there as the man who used his revolver most rapidly, and as he was for Stewart, too, the combination looked irresistible."

Chinn and Neagle were perhaps much too irresistible for Assemblyman William Gillespie. Historian Mary Ellen Glass candidly summed up one of the state's most controversial legislative sessions: "The Nevada legislature was bought and paid for in 1899 by the railroad forces to assure William Stewart's election. Thus it was demonstrated again that the Southern Pacific Corporation would use any means, including bribery and intimidation to elect a man who would be compliant to its needs. Only the strongest could have stood against the pressure. As the legislators prepared to settle other questions of state importance, they might have observed that other states had had similar experiences in electing United States senators. Many displayed in greater or lesser intensity the graft, bribery, and corruption that led to the increasing demands for direct, popular election of senators."

Forty-five deadlocks occurred in 22 states between 1891 and 1905, resulting in numerous delays in seating senators. Beginning in 1899, Delaware did not send a senator to Washington, D.C. for four years.

And you thought political campaigns today are dirty and low-down.
Thank you for letting me remind you that politics has not changed all that
much in the last 100 years.
And remember, "The truth does matter."

MARCH 3, 2009 - OLD ASSEMBLY CHAMBER, NEVADA CAPITOL

FORMER NEVADA STATE ARCHIVIST GUY ROCHA:

This is an auspicious occasion. You probably do not know, but the gentleman who gave the invocation—our Presbyterian minister here in Carson City—and I went to San Diego State together. We were working on our history degrees—his Bachelor's degree, my Master's degree—in the mid-1970s. Thank you, Madam Speaker, for bringing us back together, whoever is responsible for that. We even found ourselves somewhat challenged in working together on a project that resulted in the expansion of that wonderful church. We saved the part of the church that Orion Clemens was associated with as a trustee. Samuel Clemens, or "Mark Twain," gave a speech in order to raise enough money to finish that church. It is one of the few buildings left that has an association with Mark Twain. Bruce, it is good to be together after 35 years in this setting.

I had a homework assignment from our Assembly majority whip. It has been an adventure. I want to walk over here to the east door, which used to be a window, and I am going to give my initial presentation from there.

I chose this location because the "Mesquite Mosquito" has something to do with this door, which used to be a window but is now a door because of the renovation of this building in the late 1970s and early 1980s and the seismic retrofit. The Mesquite Mosquito—how many people have heard of that, since Senator Reid brought it to everyone's attention?

The late *Las Vegas Sun* reporter and columnist Bryn Armstrong gave Assemblyman Bryan K. Hafen the name Mesquite Mosquito after Hafen darted out the east window of this Chamber during the 1969 Legislative Session during a call of the house. He was up here by the door someplace, which was the exit point. Now, you know, it was 40 years ago, so I decided to call Bryan K. Hafen. I found him and he is still alive. He is living in Mesquite. He did admit to the act on impulse. He wanted to get the attention of his peers by exiting this building through that open window and down the fire escape. He showed up again at the bar of the Assembly, assisted by the Sergeant-at-arms. According to Joe Dini, a call of the house found him hanging out with Paul Laxalt, who was Governor at the time.

What is interesting here is that Bryan Hafen disagrees with Harry Reid that the controversial vote was on an abortion bill. U.S. Senate Majority Leader Reid makes that particular claim in his recent book, *The Good Fight*. Bryan Hafen says the bill related to raising the sales tax in Clark County. "I should know," he said. "I was there and voted on the bill."

Richard H. Bryan, our former esteemed Senator, Governor, and Attorney General, and serving in this Legislature as an Assemblyman in 1969, witnessed

the flight of the Mesquite Mosquito. He said it was that “greyhound dog racing bill,” but he wasn’t sure.

Tim Hafen, Bryan Hafen's brother, who served as a fellow member of the Assembly in 1969—Bryan Hafen sat over here by the window and Tim Hafen said he sat over there on the other side of the room—said, “Well, I recall it being an abortion bill, but I am not sure. But there was a folding chair, when that was a window.” Tim Hafen said as his brother mounted that chair, it crashed, and everybody saw him trying to scramble out the window.

I looked in the book and tried to find out who else was there, who else remembers. We do have a woman here today sitting at the Front Desk who was witness to that. Don Mello, who now lives in Dayton, thought it was the abortion bill. When I talked to Joe Dini this morning, who served in the same session in 1969, he said, “That’s what I think it was.” So, that makes the vote four for the abortion bill, one for the dog racing bill, and one for the Clark County sales tax bill. And there’s a vote for the abortion bill right here by Jeanne Douglass, who is sitting at the far left of the front table.

Unfortunately, the 1969 legislative record—let me get this in as an advertisement—is not clear as to which bill led to the flight of the Mesquite Mosquito. This happened 40 years ago, and we cannot definitively figure this out. I read all Bryn Armstrong's Sunday *Las Vegas Sun* columns from the 1969 Legislative Session on microfilm over at the State Library and Archives and found no mention of the incident. Presumably Bryn Armstrong gave this information in a news report and news story, but not in one of his columns. That would have taken reading every day, virtually, and I couldn’t do that. Here is what this experience told me. Memory can and does fail us all with the passage of time, but I think today you all will remember that there was an Assemblyman from Nevada in 1969 who unceremoniously was called the Mesquite Mosquito. Madam Assembly Majority Whip, I have met my homework assignment.

What I wanted to share with you today, and what I thought would be appropriate is the Great Depression in Nevada. I thought, “Why not?” Let’s be instructive today. Perhaps we can learn something. The one thing we seemingly learn from history is that we do not learn from history. Not that history has all the answers, but how do we know if it can be instructive until we examine the past in light of the present?

Thanks to Assembly Speakers Richard Perkins and Barbara Buckley, this will be the fourth time I have had the distinct honor of regaling you, here in the old Chamber, with stories about what happened in this State Capitol.

The Legislature met in this building from 1871 until 1969, so the Mesquite Mosquito flew out during the last session. If you think this space is small, the

Assembly and Senate Chambers were about half this size, until expanded in 1913-14 and first used in the 1915 Regular Session. There were no committee rooms and they didn't have offices. It was pretty primitive. When the Legislature convened here in 1931, Nevada had by far the smallest population in the nation—91,058 residents according to the recent U.S. Census. Carson City was the smallest state capital with a population of 1, 596. Oh, yes, a very different state, let me tell you.

The country, but not Nevada, was in the throes of the Great Depression. When Republican Governor Fred Balzar's message to the Legislature was read by the Chief Clerk of the Assembly and the Senate Secretary on January 20, 1931, Nevada was not in the Depression. Governor Balzar did not make the presentation. He did not have to. It is a tradition, but off and on governors have chosen to just submit it, and the message was read to the body. Perhaps it saved money. Let me read Balzar's message, because I think you will understand where he is coming from. This is January 20, 1931, in this Chamber:

"The existing era of economic depression and industrial unemployment obtained throughout the nation, and to a minor degree within our own state, are facts well known to you and make necessary the most careful consideration of existing conditions before legislation is attempted as a possible remedy. It will therefore be well to thoughtfully examine the reports of all the several state offices, that the exact facts as to the internal condition of our state may be known. Most fortunately, the existing nationwide condition of financial stress is but lightly felt within our borders. When comparisons are made with conditions prevailing in other states, and this partly due to our solid financial standing and partly to the large federal expenditures which have heretofore been made within the state or those authorized to be made. Deeply as we regret conditions prevailing elsewhere, Nevadans may rejoice, notwithstanding the tremendous decline in our mining industry which approaches total extinction in some quarters, yet the future for the rare metallics as well non-metallics is very good.

The expenditures proposed in connection with the Boulder Canyon Project in Clark County, running into many millions of dollars during the ensuing decade as well as those made at the Naval Ammunition Depot in Mineral County outside Hawthorne, are factors tending to lessen financial distress among our people. These disbursements, added to those authorized by Congress for additional highway construction, give promise that Nevadans can face the future in a most optimistic frame of mind."

The point is, you were taught the Great Depression affected every place the same. Nevada got into it late. Just like the great recession today—you wouldn't

know it in northeastern Nevada. There are four jurisdictions—Elko, Eureka, Lander, and Humboldt Counties—that are not feeling it in the way the other 13 counties are. It is much more nuanced than you might think, even in the Great Depression. But we are going to feel it.

The 1931 Nevada State Legislature legalized casino gambling after it had been made illegal 21 years earlier, then lowered the residency period for migratory divorces to six weeks to outmaneuver states that had reduced their residency periods to three months. They were trying to get the business—just like legalizing casino gaming and getting the business that Nevada used to have a monopoly on.

With improved highways linking Nevada to neighboring states, the quickie wedding business—with no waiting period as in other states—also grew significantly. In addition, tolerated female prostitution thrived in most communities in Nevada, particularly in the two largest cities, Reno and Las Vegas. Senator Coffin, it was a different era. It can be argued that Nevada's long-time dependence on taxes derived from its legislated tourist businesses can be traced to the 1930s. What you have inherited as a tax dynamic and an economic dynamic starts here in the 1930s. The Nevada prior to that is the "old" Nevada, the frontier Nevada.

With the continued decline of the mining industry and the state's agricultural interests in deep debt due to extensive loans, many local banks, particularly in northern Nevada, failed in late 1932. A banking holiday was declared on November 1, 1932, after a run on the banks. Nevada clearly understood what the depths of the Great Depression were when Governor Balzar's message was read to the Legislature on January 17, 1933, again, in this Chamber:

"In my message to the Legislature of 1927 and again in 1929, stress was placed upon the following statement: 'The people of Nevada do not want an increase but, on the contrary, expect a reduction in their tax burden.' Conditions existing at that time justified my comment. During the past three years, economic conditions throughout the nation have grown steadily worse until we have reached the point, in spite of all our efforts, with economical administration of the several departments of state, where it is now apparent that drastic reductions in expenditures must be had if we are to continue to stay on a cash basis, only to the causes which you are all familiar with. The state, our several counties, and many of our cities have been confronted with a serious decline in tax and other revenues, which in some instances almost approach the vanishing point. This diminution of receipts make necessary the careful and serious scrutiny of all appropriations proposed to be made for the State's purposes during the next two fiscal years. At the very

onset of your session, you will be well to consider a material reduction in your number of attachés of your respective bodies below that obtained in the last legislature and also whether or not it will be possible to complete the work of the session in not to exceed 40 days, thus setting the example for all other departments of an enforced and drastic reduction in the public expenses.

In the budget to be submitted to your honorable bodies in the near future, mark down the revisions of appropriations as will be recommended and wherever possible, all standing appropriations should be wholly eliminated or greatly reduced.”

That is Fred Balzar, from January 17, 1933.

Well, the Legislature did not comply with a material reduction of attachés, and the session lasted the constitutional limit of 60 days—you know that constitutional separation of powers issue.

The 1933 Legislature passed an insurance premium tax but cut the *ad valorem* tax on taxable property, and dramatic cuts were made to the state's budget.

Arguably the worst years for Nevada during the Great Depression were 1932 through 1934.

Now I want to read Richard Kirman, who was the new governor. He was a Democrat while Balzar was a Republican. On January 22, 1935, once again the Senate Secretary and Assembly Clerk read the Governor's message to the Legislature.

“It is almost unnecessary to state that for the past several years our state and the nation have been suffering from the most terrible depression in our history. Never since the establishment of the government of the United States have so many citizens been unemployed and dependent upon what would be termed “organized public charity.” In industry throughout the nation, there's been practically a standstill, and only the drastic action taken by Congress and the President during the past two years has prevented a complete collapse of this form of government. This depression and financial industrial stagnation exists not only in America but throughout the world. Many and varied are the causes assigned, but I believe the consensus of considered and best opinion is that the natural letdown from the abnormal condition induced by the World War as well as post-war inflation, staggering unpaid war debts, and the loose practices indulged by the great financial powers of the world are the primary reasons

for our present condition. The various relief agencies proposed by Franklin D. Roosevelt and sanctioned by Congress alone have saved America, and the sincere and grateful thanks of our people and our posterity will be recorded due to them, for the courageous manner in which vital problems have been and are being solved. Measures already enacted, as well as others to be proposed, will, it is hoped, prevent a return of such conditions."

Now, this is where the story gets interesting, and I will tell you why.

Although Nevada received the highest per capita federal dollars associated with New Deal programs and extensive highway construction among the 48 states at the time, the 1935 State Legislature decided some taxes had to be raised.

Following the end of the federal prohibition on alcohol manufacturing and consumption on December 5, 1933, the 1935 Legislature created a liquor tax and licensing fees. The Motor Vehicle Fuel Excise Tax and dealer licensing fees were increased. The *ad valorem* tax on taxable property increased. With the new tax revenues and the growing income from casino gambling, migratory divorce, quickie weddings, an upturn in the mining industry, and the continued infusion of federal dollars, Nevada had a surplus in 1936. Did you know that? That is why you called me here today.

At the same time, Governor Kirman, a long-time banker and conservative Democrat, joined business leaders from across the state in a "One Sound State" campaign. The intent was to draw millionaires from across the country to Nevada because of its low taxes. California millionaires were particularly targeted because their state income tax had been increased by their Legislature in 1935. The extensive national marketing campaign advertised Nevada as a state with "no income tax, no inheritance tax, no sales tax, no tax on intangibles, but with a balanced budget and a surplus."

Literally scores of millionaires—among them Max Fleishmann, George Whittell, Jr., LaVere Redfield, and E. L. Cord—established residency in Nevada. The taxes on all the property purchased at Lake Tahoe, in and around Reno and Las Vegas, and throughout Nevada helped fill the state's coffers.

Although the *ad valorem* tax on taxable property was raised by the 1937 Legislature, by 1939 the state surplus was so large that the property tax rate was cut by 20 percent. I thought this was the Great Depression! Didn't it happen all the same way, everywhere? Let me continue.

A March 20, 1939, *San Francisco Chronicle* article entitled "Nevada Fires on Fort Taxation" playfully asked:

“What is Nevada doing? Getting ready to secede from the Union? The Nevada Legislature wound up Saturday after cutting the state's taxes by 20 percent. That is unfair to organized taxers. And nobody in this session of the Legislature proposed any such levies. This marks Nevada as a community with no proper place in the American commonwealth of states. South Carolina achieved secession by firing on Fort Sumter. Nevada puts herself out alone by firing on Fort Taxation. Nevada has no need for the fancy taxes other states have been dolling themselves up with. The simple taxes she has produced too much money. Surplus has been piling up. The Legislature thought the surplus was getting too big, so it handed out a dividend to taxpayers by cutting taxes one-fifth. Unbelievable, but it is true. These people just do not belong in the United States.”

Actually, the 1939 Legislature did impose a state gas tax for the first time at 5 cents a gallon. However, an effort to pass a 1937 legislative resolution a second time in 1939 to amend the state constitution to allow for a state lottery, with proceeds earmarked for old-age pensions, and send the measure to the voters in 1940, passed in the Senate but died in the Assembly due to the gaming lobby. My goodness, that was 70 years ago.

The Great Depression was clearly over in 1939 while the rest of the nation continued to struggle until the onset of World War II. Nevada's population had grown to 110,247 in 1940, the largest growth the state had seen since the resurgent mining booms in the first decade of the twentieth century.

Let me read Edward Peter Carville's 1941 message, which he read. He came to this Chamber and read it to the body. I have it here—January 21, 1941.

“I am pleased to report that the financial condition of the state's various departments is sound. Each department is considering its affairs within the limits of the amounts set forth in the budget made during the 39th Session of the Legislature, and in several instances, reversion of funds will be made at the end of the biennium. Throughout the state, economic conditions are fundamentally sound. There has been a marked increase in revenues from gasoline and diesel taxes, liquor taxes, bullion taxes, plate taxes, and common carrier taxes.”

We were no longer in a depression.

Today's “Great Recession” ranks as Nevada's third worst economic crisis, after the state's 20-plus year mining depression—which began in the late 1870s and lasted through 1900—and Nevada's six-year Great Depression in the 1930s.

The Nevada Legislature is facing a challenge of a magnitude it has not seen for more than 70 years. May you have the wisdom and leadership to lead our state out of the economic wilderness. Nevada must be reconfigured in order to

thrive in the rest of the twenty-first century in ways much different than in the twentieth century when we relied so heavily on the tourism industry to fund the operations of our state.

We clearly know now that no state, especially Nevada, is recession-proof.

I wish you well and success in this political and economic challenge of a political lifetime. Thank you.

MARCH 10, 2011 - OLD ASSEMBLY CHAMBER, NEVADA CAPITOL

FORMER NEVADA STATE ARCHIVIST GUY ROCHA:

Thank you Mr. Speaker, for inviting me today to entertain everyone in this historic chamber where the Assembly met from 1871 to 1969. This is my fifth presentation since 2003. Speaker Richard Perkins began this latter-day tradition; Speaker Barbara Buckley continued it; and now Speaker John Ocegüera has sustained it.

I had the high honor in 2007 of recognizing Barbara Buckley as Nevada's first female speaker in this chamber. Today I have the privilege of sharing with everyone assembled here another first in Nevada history. Mr. Speaker, recognizing that you are an enrolled member of the Walker River Paiute Tribe, I congratulate you as Nevada's first Native American Assembly Speaker.

I want to separate fact from fiction regarding two prominent features of the old State Capitol to which you are here today: the cupola we generously call a dome; and the wrought-iron fence surrounding the building.

Let's start with our silver dome. Surely the Silver State's capitol "dome"—technically it's a cupola—was once covered with silver! It was, if you believe virtually every tour guide and bus driver talking to unsuspecting tourists. The literature on the State Capitol is replete with references to a "silver dome." After all, other state capitols have cupolas or domes covered with gold or made of copper, and Nevada's Comstock was queen of the silver camps in the mid-nineteenth century.

The oft-repeated story notes that with the seismic retrofitting of the capitol in the late 1970s and early 1980s, the "silver dome" was replaced with a silver-colored fiberglass cupola. However, the tale continues, when the capitol was completed in Carson City in 1871, the octagonal bell-shaped cupola gleamed in the sun because it was made of silver from Nevada's booming mines. Silver seemed to be everywhere, and the Carson City mint was turning silver bullion into American coins, so why wouldn't the capitol cupola be made of silver? It only stands to reason.

Or does it? What seems a logical assumption is dead wrong! The state of Nevada has seldom been one for extravagance—and the metal used to cover the capitol cupola bears it out. In referring to the new capitol in Carson City, Virginia City's *Territorial Enterprise* (January 3, 1871) pointed out that "The cupola has a curved roof, covered with tin, and is formed in sections to suit the octagon base of the structure." That's right, that "silver dome" was made of tin, actually tin-plated steel called charcoal tinfoil. It only looked like silver because of the shiny surface painted silver in color. Before 1876, the cupola was painted with Princess Red fireproof paint. If the cupola had been made of silver, its surface would have oxidized with prolonged exposure to air

and moisture and turned black. Maintenance costs to keep the cupola gleaming would have been prohibitive. The capitol annex and two other small cupolas—the dome on the annex—dating back to 1906 are still covered with tin-plate panels painted silver.

When and where the story of a “silver capitol dome” started is a matter of conjecture. The why is probably because a silver cupola sounds a lot better in the Silver State than a tin cupola. And if it wasn't true, it should have been! However, construction-related records in the Nevada State Library and Archives bear out the truth to the story behind the “silver dome” of the capitol and so do the workers who peeled the metal covering off the old cupola in March 1978.

Exhibit A—[displaying a metal sheet from the roof]: This is silver paint falling off. This is proudly Nevada's pattern. It is a pattern from the silver capitol dome. Right? Do you want you to touch it, Mr. Speaker? Verifying, right? A little forensics. Okay, this is how we did business. Enough said, thank you.

As a postscript to the “Capitol Dome” story, let me share an experience I had with a tour bus group that visited Carson City and the Capitol. I joined the group at the Hilton, now Grand Sierra in Reno. I was asked to be a co tour guide with the bus driver. I marveled at the historical misinformation the driver shared on his microphone with the group as we traveled to the State Capital. However, I kept my mouth shut except to point out historical features he did not mention.

When the bus slowed in front of the Capitol Building, the driver proceeded to tell the group, pointing to the capitol dome, that it was once made of silver. All of this excitement. I waited for the bus driver to pull the vehicle over and the tourists to exit before I told the driver that the capitol cupola was never made of silver. He seemed genuinely shocked and told me his authorities on the subject were all the other tour bus drivers.

He then paused and sincerely told me it really didn't matter what the truth was in this case. After all, the tour group was just tourists from Modesto!

Let me introduce you to Hannah Clapp, who along with Sarah Winnemucca—you have seen her statue in the rotunda downstairs when you come in or go back out—was one of the most prominent women in 19th century Nevada.

This is a folktale told to generations of school children in northern Nevada, and myself at John S. Park Elementary School in southern Nevada, with Marilyn Dondero Loop as one of my school students. We grew up believing these kinds of things to be historical fact. After all, they were in the history text, weren't they? Even today, well-meaning teachers, authors, and others unknowingly perpetuate the myth as a true story. According to the legend,

practically everyone in Carson City was shocked to discover that Hannah Keziah Clapp was awarded the bid to purchase the capitol fence in 1875 because the capitol commissioners did not recognize her initials, H. K., and found, to their surprise, that they had given the job to a woman!

Actually there are a number of different versions of this fence-building myth that have been widely circulated over the years according to Kathryn Totton, Clapp's biographer. Writing in the fall 1977 issue of the *Nevada Historical Society Quarterly*, Totton noted that writer Marian Michelson first presented the fence story in a feature article entitled "A Sketch From Life" in 1899, nine years prior to Hannah's death in Palo Alto, California. It was the subject of a radio program called "Death Valley Days" in 1940, which went on to television. In the same year, Reno's *Nevada State Journal* published a version of the tall tale, and on December 28, 1943, Gladys Rowley, in her column "Reno Revue" in the Nevada State Journal, made it the principal topic. Each retelling altered the details of the event for the sake of the tale.

Michelson had Hannah hiring the crew and supervising the work in a "long, warm ulster" and warm woolen hat. In fact, the fence was erected in the heat of August and September. Anyway, according to records at the State Archives, Ms. Clapp, and her colleague and longtime companion Elizabeth C. Babcock, were only responsible for the fence purchase. Another contractor, William D. Torreyson, was awarded the bid for installation, and Robert B. Stewart received the contract to lay the sandstone base for the fence.

With the facts obscured by the passage of time, the October 13, 1940, *Journal* article—making reference to the recently-aired "Death Valley Days" broadcast—had Hannah in trousers and boots overseeing the project and doing "a really excellent job building the fence." The article claimed that "Hannah Clapp believed she could do the job more efficiently than any man, and submitted an estimate which was so sound and so moderate that she was awarded the contract, in spite of the fact that she was a woman." I refer to this as BS.

Gladys Rowley took even greater liberties and claimed that the capitol commissioners were unaware that the H. K. Clapp to whom they awarded the bid was a woman, although she had been a well-known resident of Carson City for almost 15 years. Thomas C. Wilson, whose son Spike Wilson served in our state Senate, an advertising executive, perpetuated the myth in his popular *Pioneer Nevada* vignettes published by Reno's Harold's Club in 1951. Dante Pistone followed suit in his article "Carson City Heroine," published in the *Nevada Official Bicentennial Book* in 1976.

The population of the entire county, Ormsby County at that time, was listed as only 3,222 souls in the 1875 state census. The truth was almost everybody

knew H. K. Clapp, including Samuel Clemens when he lived and worked in the capital city in the early 1860s reporting for the *Territorial Enterprise*. Clemens, in a lengthy letter dated January 14, 1864, and signed Mark Twain, detailed a visit to Clapp's Sierra Seminary and his observations of the classroom. In addition, the Carson City section of the 1862 *First Directory of Nevada Territory* lists Samuel Clemens and Miss H. K. Clapp on page 69. Virtually every city directory and newspaper story referred to Hannah as H. K. Clapp; it was common in that time—generally men but in this case a very successful businesswoman.

An article that ran in the May 4, 1875, edition of the Carson City *Daily Appeal* made abundantly clear just how the editor felt about H. K. Clapp and Eliza C. Babcock being awarded the bid for the capitol fence. Like this is going to the source now, right?

“Let there be no further complaints about the non-enjoyment of their rights by the women of Nevada.” What do they mean, they didn't know they were women? Of course they knew they were women.

“The contract for the furnishing of iron fencing for the Capitol Square has been awarded to Misses Clapp and Babcock, Principals of Sierra Seminary; their bid \$5,500 in coin for the delivery of the fencing upon the grounds is the lowest by some hundreds of dollars of those submitted.” The cast and wrought iron fence was purchased from Robert Wood Co. Ornamental Iron Works of Philadelphia and, we think, that Misses Clapp and Babcock have handsomely shipped by rail to Carson City. In the end, these pioneer educators and astute businesswomen made a sizeable profit of \$1,000 in 1875.

I just want to point out that Hannah Clapp went on to be one of the first faculty members at the University of Nevada when it was moved from Elko to Reno in 1885 to 1886. The *Appeal* graciously commented that “It will be found, we think, that Misses Clapp and Babcock have handsomely fulfilled their contract.” My problem is we are always swimming in a sea of misinformation, folks, and it is a difficult job to navigate that sea at all times.

I'll conclude my presentation today wishing you well in addressing arguably Nevada's worst economic crisis in its history.

The mining depression in the late nineteenth century was certainly the longest, more than 20 years. However, Nevada's population was about 100,000 residents in the beginning of the depression in the late 1870s, and some 42,000 at the end in 1900. Mining boomed again to revitalize the dying state.

Nevada was late into the Great Depression—by latter 1931 followed by bank failures in 1932—but early getting out with a state budget surplus by 1935. The

smallest state in the nation—with less than 100,000 residents—had major federal public works projects like the Hawthorne Naval Ammunitions Depot and the Hoover Dam, coupled with substantial highway construction paid by federal dollars to help Nevada through its worst years.

The legalization of casino gambling in 1931; the lucrative migratory divorce business enhanced by a six-week residency period, in that same year, 1931; the end of prohibition in 1933; and, yes, brothel prostitution made for a prosperous service industry, particularly in Reno and Las Vegas.

With an all Democratic congressional delegation led by senior U.S. Senator Key Pittman, Nevada's budget had the highest per capita New Deal dollars among the 48 states. Pittman also persuaded Congress to pass, and President Franklin Roosevelt to sign, a federal subsidy bill for silver prices which revitalized Nevada's troubled mining industry. If that wasn't enough, Governor Richard Kirman, inaugurated in 1935, ran on a "One Sound State" campaign to attract scores of millionaires from across the country to move to Nevada as a tax haven. By 1939, with a booming economy, Nevada cut its property tax.

Today, some 2.7 million Nevadans find themselves in the fourth year of the so-called "Great Recession." Never have so many Nevadans found themselves facing so much hardship with the highest unemployment rate, bankruptcies, and foreclosures in the nation.

Nevada is in grave peril. Our state must reinvent itself in order to prosper for the rest of the twenty-first century. Arguably the 2011 Legislature, faced with the unprecedented economic problems besetting our state, is the most critical session in Nevada's history. What you do—or don't do—will lay the groundwork for our state's future. Our citizens look to you for hope and vision. And so do I. Good luck and Godspeed.