

2007 ASSEMBLY SESSION IN OLD ASSEMBLY CHAMBERS

Thank you, Madame 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.

Madame 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, who 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 "The Well;" reduce the prodigious amounts 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 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 1898-99, 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 the Newlands’ headquarters was in 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.

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's 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 detrained 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 Assemblyman were pledged for Stewart and 15 for other candidates. With Storey County Assemblyman William A. Gillespie nowhere to be found by the Sargent 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 any one 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 twenty states between 1891 and 1905, resulting in numerous delays in seating senators. Beginning in 1899, Delaware did not send a senator to Washington, DC 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.”