

A black and white photograph of a mountain landscape. In the background, there are jagged, snow-capped mountains. The middle ground features a wide, flat valley with a river winding through it. The foreground is dominated by a large, textured rock formation. The overall scene is serene and natural.

LIVING COWBOY ETHICS

The Journal of the PARAGON Foundation, Inc.

Western Memories of Charles M. Russell

The Steele Ranch: Five Generations Strong

Jay Dusard's Open Country

The Living Words of the Constitution
Part 2

SPRING 2008



The Tetons, Wyoming, 1992

photo by Jay Dusard



OUR MISSION

The PARAGON Foundation provides for education, research and the exchange of ideas in an effort to promote and support Constitutional principles, individual freedoms, private property rights and the continuation of rural customs and culture – all with the intent of celebrating and continuing our Founding Fathers vision for America.

The PARAGON Foundation, Inc.
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LIVING COWBOY ETHICS

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Artist Shannon Lawlor

photo by Ross Heacox

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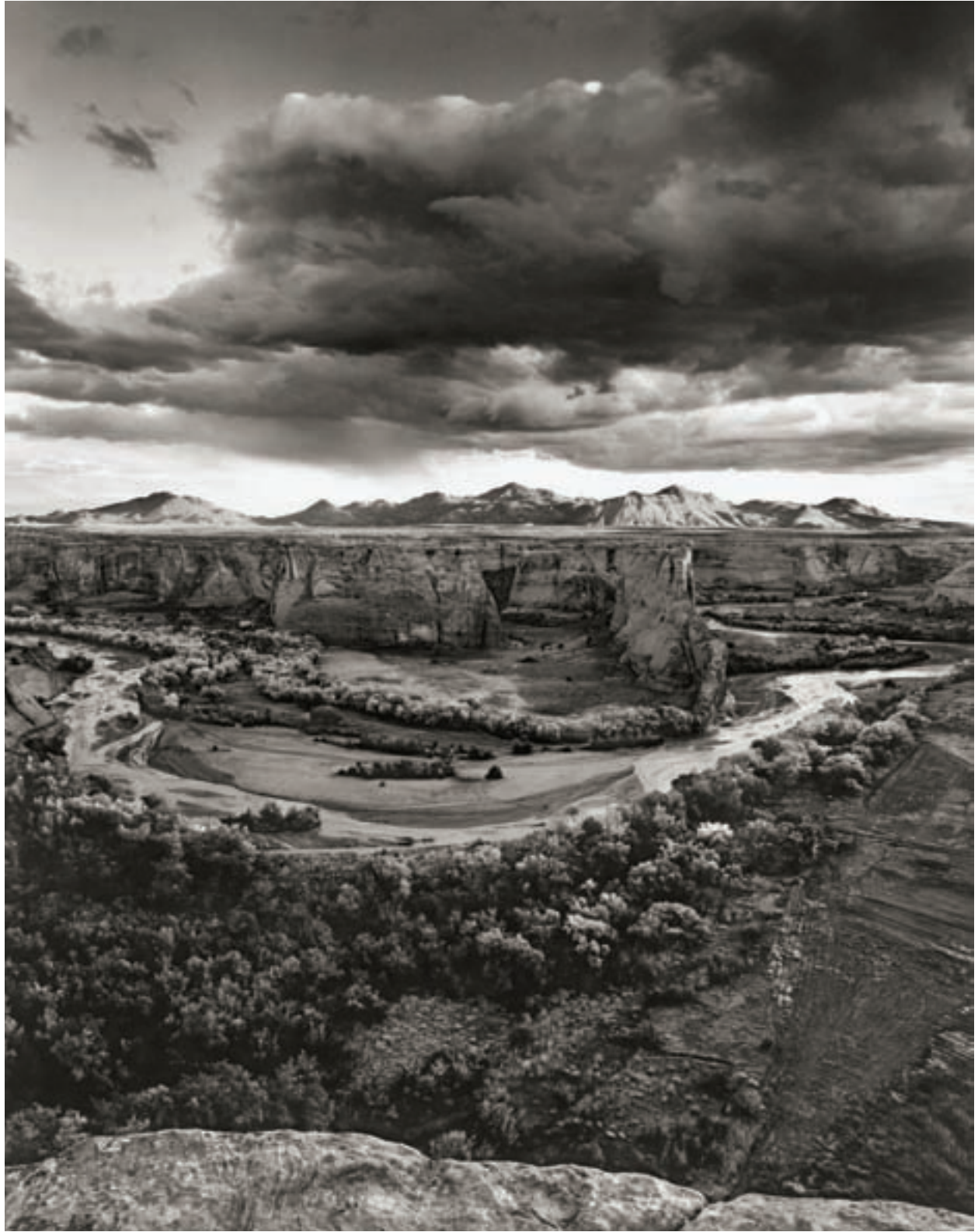


photo by Jay Dusard

Weaver Mountains from Canyon de Chelly, Arizona, 1996

"Even on the clearest of days you can't see the Weavers from de Chelly. They are about 230 miles apart, as the condor flies. Astronauts can see them both at the same time, but the angle of view is radically different. This "geographic impossibility" was created in the darkroom using two negatives, two enlargers, careful registration, and precision bleaching in the narrow "blend zone" between the component images." — Jay Dusard

GB OLIVER

The Law of the Land

Since the founding of the PARAGON Foundation in 1996, we have worked to follow our mission in helping preserve the words and intent of the Founding Fathers when they crafted the Constitution. In order to do that we have been involved in many legal battles and court cases. Many times to help specific individuals and their concerns and then other times to help the entire nation – by working to ensure that the Constitution, our law of the land, is being upheld by the very individuals the citizens have elected. And while we don't always speak specifically about all the cases we are working on, we are currently involved in a case that has potential landmark ramifications.

The case – District of Columbia v. Heller – is going to be heard by the U.S. Supreme Court later this year. It is important as the case is shaping up to be a critical decision regarding the meaning and application of the Second Amendment.

On March 9, 2007, the U.S. Court of Appeals for the District of Columbia Circuit for the first time used the Second Amendment to invalidate a gun-control regulation. Now, the District of Columbia has asked the U.S. Supreme Court to bring back a city ordinance containing a firearms ban. A ban which also requires owners of rifles and shotguns to either secure the firearms' trigger locks or keep them disassembled. Opponents allege the ban prohibits a citizen within the District from having a firearm for self-defense within one's home, and is an unconstitutional violation of the Second Amendment. The simplicity of the wording of the Second Amendment, which contains only 27 words, continues to be a source of endless debate, "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

In agreement with the Court of Appeals ruling, PARAGON has filed an Amicus Brief with the Supreme Court in support of that lower court's ruling. In the brief, we argue, "'The Right of the People,' to keep and bear arms existed before the formation of any government and exists not because of the government but is preserved by it ... The Second Amendment must be interpreted in conjunction with the historical use of firearms by individuals for self-defense, hunting and other practical purposes. And quoting a memorable line from Louis L'Amour's novel, *Heller with a Gun*, "[o]ut here a gun is a tool. Men use them when they have to . . . Where there's no law, all the strength can't be left in the hands of the lawless, so good men use guns, too."

If PARAGON exists for anything it is to stand by the Constitution, helping to keep fellow U.S. Citizens aware and strong. This requires our diligence to stay on top of things happening all over the country. Your support of our efforts helps to broaden our ability to help more and more Americans. As you read through this issue of *Living Cowboy Ethics*, remember, we are all in this together. The Constitution belongs to all of us and we must, no matter what party or political bend we subscribe to, work together to ensure the blessed continuance of our law of the land.





photo by Jay Dunsard

Martin Black, Stampede Ranch, Nevada, 1982



WILLIAM C. REYNOLDS

The Rebirth of Spring

“March is a wet, muddy month down below, farmer’s like it,” said Will Geer’s character Bear Claw to Robert Redford in the 1972 classic western, *Jeremiah Johnson*. Spring is a wet time for most of us and, rather than look with disdain at the condition as did Bear Claw, ranching and farming people give great thanks to the grass growing gift of winter and spring moisture. Another swing of nature’s cycle is beginning, bringing new life and hopes for stirrup-high grass.

The Spring of 2008 also marks our second issue of *Living Cowboy Ethics* and I want to thank everyone who has written or called with their comments about the new presentation and content of PARAGON’s publication. We want the magazine to be a source of education, entertainment and encouragement for everyone who reads it. We, as a people, are heading into some interesting times, a true history making election is before us and now more than ever, the strength of the Constitution should give strength and solace to every citizen. Ours is a collective responsibility to make sure those we elect honor and protect the words that have guided this country since its birth. In keeping with our first issue, we present the second article of the Constitution, again presented and explained by our Associate Editor Nicole Krebs. We will continue this, one article per issue. Once completed, we will reprint each article – along with Nicole’s articulate explanation of each – in a single volume, to make available to schools and libraries around the country. The Constitution belongs to every American and PARAGON wants to make it accessible to as many folks as possible. As this is an election year – we felt it appropriate that we stop by for a visit with Texas’ own Kinky Friedman who ran a brave yet unsuccessful race for governor attempting to unseat incumbent Governor Rick Perry. We knew Kinky would have a unique perspective on his race and the upcoming presidential campaign and, as you will see in this issue’s interview, the “Kinkster” doesn’t pull any punches.

Several years ago we lost a significant actor and a fine westerner in Richard Farnsworth. Writer Mark Bedor remembers Richard and some of his most beloved roles including *Come a Horseman* and his Academy Award nominated role in *The Straight Story*. Mark also gives us a look inside the newly revitalized Hamley & Co., that venerable western store in Pendleton, Oregon that has experienced its own rebirth under new owners, Parley Pearce and Blair Woodfield. We visit the Steele Ranch, as Dusti Scovel launches a new series of articles about ranching families who are taking care and flourishing. Dusti’s story takes us into the world of five generations of ranching as she shares the Steele’s family story of success and their mission to pass their legacy onto their children. We follow up our story from the last issue with Julie and Scott McIvor on their U-Up U-Down ranch. In her own words, Julie McIvor gives us her feelings about her family’s experience working with the state of Texas and the Nature Conservancy. It’s a story we can all learn from.

PARAGON board member Dan Martinez continues his series on Your Rights with a definition and discussion of Sovereignty. Just who does hold the power - you or the government? The answer might surprise you.

We are honored this issue to feature the photography of Jay Dusard. Jay, as you might recall, published the landmark book, *North American Cowboy: A Portrait*, in 1983. In this issue we feature photos from his series of images titled, appropriately, *Open Country*. Jay’s elegant and graceful landscapes speak to the heart of the vast American West.

As you enjoy your spring we hope you will enjoy this issue as well and that you will continue to support the efforts of the PARAGON Foundation.



WR



photo by Gene Pardee



of NOTE



photo by Bill Reynolds

Buck Brannaman, Decker, Montana

A Horsemanship Renaissance

There is a rebirth of sorts occurring in the West. It is a rebirth of a style of horsemanship that dates back to the ways of the *vaqueros* of early California. The *vaqueros* of old lived a life horseback tending the vast herds of cattle in areas of plentiful grass and superb weather. The time they had was put to use working their horses to a point that the most subtle shift of weight or the touch of a rein was all that was needed to control the horse's movements. This method took, in many cases, years for a horse to achieve the epitome of training – being “straight up” in the bridle. These horses were a source of great pride to the *vaquero* and they would show their abilities in local competitions on neighboring ranchos. It was a time where capability and competency were valued above all things and the bridle horse was king.

Today, the bridle horse and its *vaquero*-style origins are making a comeback throughout the ranch horse world. Much of this “renaissance” can be attributed to the rise of gentler, more non-intrusive styles of training and

horsemanship practiced today by notable trainers and clinicians. Many attribute this current interest to the ways of the late Tom Dorrance and his brother Bill Dorrance – two brothers who simply wanted a good deal for both the horse and the human. And like the days of old, horsemen and women haven't lost their appetite for a little competition, especially when it comes to roping.

There are many ranch roping competitions popping up all over the west. Here are a few very popular ones – for both spectator and competitor.

April 25 – 27 The Californios Ranch Roping and Stock Horse Contest

One of the first of its kind, The Californios Ranch Roping is held every April in Red Bluff, California. It celebrates and promotes the stock handling traditions of “Old California” and of the great basin buckaroo. The Californios is not a timed event rather it exhibits arena-based, real situations that stockmen may find themselves in when working and doctoring cattle outside. Events include

Two and Three Man Doctoring, Calf Branding, and “Big Medicine” Bull Doctoring along with Youth Competitions, Team Doctoring and a Stock Horse contest. The event features a unique trade show of quality gear makers as well. The Californios gives spectators a first hand and up-close look at some highly skilled and capable horsemen and women – and young people. For more information, www.thecalifornios.com

May 16 – 18, 2008
Fiesta at Tejon Ranch Reata Roping and Stock Horse Contest

Held on one of the oldest, and at 270,000 acres, one of the grandest working ranches in California, the Tejon Ranch is the largest contiguous expanse of land under single ownership in California and is committed to maintaining the ways of the early Californio. Each spring the ranch holds its very popular reata roping. Events at the roping include: Figure 8 roping, Jackpot cutting, Calf Branding, Ranch Doctoring, Stock Horse Contest, Pro-am roping, California’s Best Handle. In addition there is a trade show that features craftsmen and women from all over showing

their vaquero-style gear. For more information, contact Maddi Wheat at mwheat@tejonranch.com

October 11 & 12, 2008
Old California Reata Roping & Stock Horse Contest

The lush, fertile valley of Santa Margarita was a natural site for the mission fathers to establish an extension to the San Luis Obispo de Tolosa Mission. Today Rancho Santa Margarita stands as one of the oldest continually run cattle ranches in the country. Each October, ranch manager Aaron Lazanoff and his wife Kristy put on the Old California Reata Roping & Stock Horse Contest. Events include Reata Calf Branding, Ranch Style Doctoring and Stock Horse Contest. There is a trade show held inside the historic *asistencia* – the original mission extension building. For more information, visit www.oldcaliforniareataroping.com

In addition to competitions, a new association has formed, the Californio Ranch Horse Association – to preserve and promote the traditions of the Californio. To find out more contact the association at www.californioranchhorse.org

Cowgirl Creative
Nancy Anderson, Brittain Roberts and Corren Cordova are creating new looks for women who love the West.

Nancy Anderson

Boulder, Colorado artist, Nancy Anderson confesses her buckles and jewelry came from her own love of collecting. “I am a modern day hunter-gatherer,” she confesses. “I am



in love with other people’s trash. Not the fresh “Hefty Bag” stuff, but the time and sun aged discards from another era. I have

a barn full of rust that I treasure.”

In deed her buckles and jewelry have a true “found” art look to them – because that’s exactly what she uses to create them, along with sterling silver and carved figures. Stamped with freeing sayings and empowering dialogue, such as “Release the Vision,” she describes her jewelry as “wearable shrines of intention.” And it’s working, as her buckles and other wearable art are tremendously popular. With an artistic flair and a touch of whimsy, the sterling silver and found art combinations that come from Nancy’s Sweetbird Studio are designed to inspire the wearer to reawaken their hearts and minds. “My jewelry,” she says, “is a blend of my loves: the Southwest, eclectic pop and folk art and playful wit.” Visit her website at www.sweetbirdstudio.com



Brittain Roberts

“Life’s Too Short to Ride Bad Horses” is the motto of



Brittain Roberts’ Jackson Hole, Wyoming based company, Indigo Cowgirl. “I find art in everything,” she says, “Life allows me to be creative and for that I am thankful!” After years of outfitting in Colorado, Wyoming, and Montana, Brittain has settled into designing jewelry for one-of-a-kind hats, as she says, “Hats for one of a kind people.” An art school graduate, she modeled and then traveled the world for several years before returning to the U.S. to work for legendary



photo by David Stocklein

hatter Kevin O’Farrell in Durango, CO. She is now happy to be using her art education in something she loves. She specializes in creating unique headwear bands and embellishments of vintage leather and Kingman turquoise-embellished conchos and buckles. When she’s not creating, she’s horseback – her other passion in life. Brittain feels, “Life is

about discovering your dream, and focusing on what you choose to create – and never forgetting that “life is also too short to wear an ugly hat.” For more of Brittain’s work, visit www.indigocowgirl.com

Coreen Cordova

While Coreen Cordova may not seem a cowgirl, her charm and pendent jewelry designs have caught the attention of many a western woman. The Northern California designer views her art as a partnership with whoever wears it, creating a personal look that compliments who the wearer is. And with all the options Coreen offers – from bucking horses to buddhas – one will be sure to find just the right charm or bangle to illustrate a very personal necklace or bracelet.



“I have loved charm bracelets forever,” Coreen says, “and have spent my life collecting – and now designing things that I love to wear.” A former owner of a cosmetics business in San Francisco, Cordova spent years



perfecting her silversmithing skills and now spends her time between the bay area and her shop in Mexico where she designs and manufactures all the pieces in her current line, “Que Milagro,” meaning “What a Miracle.” She

loves most the pieces she assembles that tell stories of love, life, courage and faith. To see more of Coreen Cordova’s designs, visit, www.coreencordova.com

Surf and Turf

A new apparel line, “Vaqueros de las Olas” successfully merges the horse and cattle culture with surfing.

A friend told me once that Reno, Nevada was actually farther west than Los Angeles. I just shook my head. So, grinning, he showed me a map of the world and pointed it out. He was right – longitude wise. Look for yourself. The point is, the West is a varied place filled with things that one may not expect. Vaqueros de Las Olas – loosely translated means “cowboys of the waves” - is a little company started by some folks with one foot in the stirrup and one foot on the beach. They ranch, work their cows and when the surf is up, they’re in it.



Ranching along California's Central Coast.



courtesy photos

The company mixes its passion for surfing and ranching into all their products.



Saddle worthy, Men's Barn Coat

Women's Barn Coat



The company offers a variety of t-shirts and sweatshirts.

The mission statement for their company says it all, “Build functional, quality clothing that reminds people to live the life they choose and to live it with self-reliance and integrity.” About all one could ask for. The company has just come out with exceptional barn coats to support its line of shirts and fleece. Visit their website at www.vaquerosdelasolas.com

For the Love of Horses – The Art of Shannon Lawlor



photo by Megan Larson

“I guess I would rather be horseback,” Shannon Lawlor says. “I’ve just never known life without them. In fact growing up, everyone around me I cared about seemed to love horses so naturally I felt the same. After all these years, it seems to have intensified.” That could be part of the reason this young Canadian artist’s work is so breathtaking and sought after. Her work is a study in detail.

Working mostly in acrylic, Shannon’s work cries out for closer scrutiny as she creates a broad palette of color and texture. Her love of her subject, the horses of the charro and vaquero cultures—bridle horses—are evident as they are revisited themes. Her life away from her easel is filled with horses as well. Before committing herself full time to her art, she started colts for the public as well as bred and trained horses for herself.

Through it all she was drawn to the world of the vaquero.

“In Alberta, the influence of the Californio and the vaquero bridle horse tradition is very strong. I love the elegance and character these horses present,” she says, and then, smiling from under her hat brim allows, “I can’t get enough of it.”

Her fans and collectors are glad about that as Shannon’s work is commanding serious interest around the horse world and beyond. “I am constantly learning – both from horses and from other artists,” she explains. She credits artist David Kitler, her mentor, as well as countless horses, horsemen and women and gear makers for her inspiration. “The bridle horse culture is experiencing increased interest and I want to do everything I can to celebrate that in my work and help it grow - especially for the horses.”

To see more of Shannon Lawlor’s work, please visit www.shannonlawlor.com



Photo by Open Range Digital

They’re Over The Sage



Photo by Open Range Digital

Wind In My Reins



Photo by Open Range Digital

Bits of Knowledge



Photo by Open Range Digital

Cholo

Wearable Art

The silver work of the Edward H. Bohlin Company has always been a source of discussion and intrigue in the western collectibles world, mostly due to the unique nature of the man himself. Edward Helge Bohlin (1895 – 1980) was a colorful character and during his career is credited for helping create a style of silver mounted saddlery that helped define the cinematic cowboy heroes of the first half of the last century. A perfectionist in his own work and of those who worked in his employ, Bohlin never hesitated from making a worker start over on a project if their efforts didn't measure up to his standards. His shop produced over 10,000 saddles from 1920 until 1980 and of those only 20% carried the signature silver appointments that helped shape his legacy. The company has been sold a number of times and today resides in Dallas, Texas under the ownership of Dave Marold. Marold's approach to the 88-year-old Bohlin heritage is to create using original Bohlin designs in contemporary, one of a kind items.

The process starts with thumbnail sketches and drawings while discussing a piece with a customer, such as the drawings and details shown here. Bohlin's friend Chief Red Wolf, the great-grandson of



14k gold surrounded by hand-fashioned and hand-chased feathers constructed of sterling silver and three colors of 14k gold. Of the piece, Dave Marold said, "We are limiting this exquisite piece to an edition of seven. It is our way of paying tribute to the founder of our company and I hope he would be pleased. This buckle is one of our first steps in rediscovering some of the techniques used in Bohlin's highest art." For more information, visit www.bohlinmade.com



Photo of Ed Bohlin at work, courtesy of William Reynolds.



the great Sioux chief Sitting Bull, inspired this piece "The Chief." Bohlin understood the benefits of repetitive images in his silversmithing and created a series of two-piece metal dies fashioned after the image of his friend. The Bohlin "Chief" has graced some of the most famous parade saddles – and their riders – for over 70 years.

In a tribute to Bohlin craftsmanship and design, this buckle features the full-dressed chief in three colors of



Photos courtesy The Bohlin Company

The Chiefbuckle.



photo by Dusti Scovel

THE STEELE RANCH

Five Generations of Ranching – still going strong.

BY DUSTI SCOVEL

It all happened again on a crisp fall morning last October. At precisely 4 a.m., Creed West got up, pulled on his boots and buckled his chaps. Outside, the skies were dark and the New Mexico wind kicked up the dirt in the empty cow pens. Creed hadn't slept particularly well, his anxiety waking him at intervals all night long; so much so that it was a relief to finally get up.

It's shipping day on the Steele Ranch; the day that matters most all year. Today, every long night of calving and all the endless worry about droughts and feed and fires and water will be justified.

By 4:20, Creed and his dad, Cody, are headed next door to the main ranch house, following the sweet smell of biscuits and bacon. Inside, there's a comfortable hum of activity around the kitchen. The cooking crew has been going fast and furious for half an hour. Creed's grandparents, Mike and Stacy West, scramble eggs and keep a huge pile of bacon frying while his mom, also named Staci, stirs the gravy and keeps a watchful eye on the biscuits.

Soon, headlights beam down the drive as neighboring

cowboys arrive to help with the gathering, a reciprocal ritual that benefits everyone. The men, most of who are on the back side of fifty, file through the mudroom and take their place around the long wooden dining table, enjoying each other's company as they do. At one end, Bob West, who will turn 79 this year, takes a seat next to his son, Mike. Further down, grandson, Cody gingerly tucks a napkin into the neck of Creed's shirt and pours them both another glass of orange juice.

When breakfast is over, the men head out to the barn to saddle up. As the storm door closes on the last of the gathering crew, four-year-old Creed watches them leave and longs for the day when he's old enough and big enough to go with them. It's only a matter of time because ranching roots run deep on the Steele Ranch; five generations deep.

Author's Journal: It was the eve of shipping day and Bob West had graciously agreed to show me around the place before he had to make a town run to pick up groceries for the next day's big breakfast. The wind was blowing so hard on that October day that I was afraid the pickup door was going



photo by Dusti Scovel

photo by Dusti Scovel



Four generations of Wests saddled up for an afternoon ride. (from left to right) Cody, Creed, Bob and Mike.

to blow off as I opened it. Stray papers, dirty work gloves, a hat or two and bits of scattered hay offered clues to the functionality of this rig. It wasn't necessarily built for comfort. Mounted on the truck bed was a gigantic feeder that I would soon learn has the same attraction to cows as the rabbit has to a Greyhound on a racetrack.

Bob West represents the second generation to run this ranch. In 1929, Sam Steele, with the help of his dad, M.L. Steele, purchased 36,000 acres of deeded

land just outside of Fort Sumner, New Mexico, a quiet farming and ranching community on the high, dry eastern plains of the state. An additional 10,000 acres of state leased land was added later. The Pecos River cuts through the ranch and provides surprising picturesque, tree lined canyons tucked among the otherwise arid plateaus.

Sam and his wife, Frances, had just one child, a daughter named Ann. She was Bob's high school sweetheart and eventually became his wife. In 1950, Bob and Ann were living in Denver when Sam paid

them a visit with an ulterior motive. He wanted the couple to move back to the ranch so Bob could come to work for him. Bob says there was little hesitation on his part but it took some convincing for Ann to agree. After years of living in the tiny, somewhat remote village of Fort Sumner, Ann had grown to love the cultural offerings of Denver. The ranch was home, though, and Ann finally agreed to return. That move set the wheels in motion for what would become a family tradition of handing over the reins, from one generation to the next.



Bob West (in foreground) stands post as two cowboys push the last of the herd in for weighing.

photo by Dusti Scovel

Author's Journal: The pickup pitched and rumbled over what Bob swore was a road, picking up speed in areas where there was little to see then slowing to a crawl when we neared points of interest like the ranch's small gravel pit, ancient looking camp sites and the one surviving giant pecan tree Bob planted many years ago. I'd come prepared to take notes but merely holding on to my pen and pad proved to be task enough on those jarring roads.



photo by Dusti Scovel

One of several dramatic bluff views scattered through the Steele Ranch, courtesy of the Pecos River.

After we'd driven to the edge of a ridge overlooking a magnificent river canyon, Bob headed toward the river crossing and came to a lazy stop about a hundred yards away. Without saying a word, Bob opened his door and got out. Popping his head in the window, he asked, "Wanna see a rattlesnake?" "Are you kidding?" I said thinking surely he was. "Nope," he retorted as he reached into the back of the truck for a shovel, obviously, not kidding. The confrontation was brief



photo courtesy the Steele Ranch

The Steele Ranch chuck wagon, mounted on the back of a pickup, brings lunch to the crew in this 1954 photo. From left to right: hired hand, Leonardo Serna, Sam Steele and Bob West, with his back to the camera. In the background are cook Lida May Brown and an unidentified cowboy.

but the final score was: 78 year old rancher – one and rattlesnake – zero. Bob calmly returned to the truck and we were on our way again.

Sam Steele and his son-in-law, Bob, started making changes to the ranch operations shortly after Bob returned. Together, they started a concentrated effort to control the mesquite trees, a major water thief. The ranch purchased a tractor that was used for root grubbing and the two proceeded to clear thousands of acres. Bob also decided to fence off some of the larger pastures into smaller ones so grazing could be controlled and grass could be better utilized, all changes that would have long reaching effects. Today the ranch continues to battle the mesquite but with more modern methods.

Along with a few hired hands, Bob and Ann's children, Cynthia, Mike and Charlie, worked alongside the two men. In 1964, tragedy struck when Ann died of breast cancer.



photo by Dusti Scovel

Cutting the heifers out of the pen are from left to right: Rancher Bob Page, hired hand, Benny Madrid, neighbor and rancher, Doug McCloy and Moe Berry, who works for the Geiler Cattle Co., just south of the Steele Ranch.



photo by Dusti Scovel

Bob Page and Benny Madrid drive the remaining Cattle back to pasture after the stock trucks are loaded.

Author's Journal: As the truck rocked along on the so-called roads, Bob reminisced about his life as a rancher. "Nobody's gonna get rich doing this," he insists. "We do it because we love it. You really have to love it or it wouldn't be worth it."

We were a few miles from home when Bob's cell phone rang. His second wife of over forty years, Mary Anne, was calling to add to his grocery list.

Later that evening, I sat down with Mike West, who returned to the ranch in 1976. It's Mike's business leadership skills, according to Bob, that keeps everything running smoothly.

Mike is a tall, soft spoken man who is quite serious about his role as business manager. His family says he's a tight wad. If he is, he learned it from Sam Steele whose mantra was "don't ever borrow more money than your cow herd can pay back. If that time ever comes, sell the cows, pay off the banker and go to town and get a job. Don't risk losing the land." It's Mike's mantra now.

The ranch office is in Mike and Stacy's home, a warm and gracious place with a timeless quality that makes you feel instantly comfortable. The big oak desk is scattered with paperwork, maps of the ranch adorn the walls and a computer hums in the background. I had to wonder what Sam Steele would think of this modern style of ranch management.

When asked about the changes he brought to the ranch, he points out a couple of things. First would be the establishment of Steele Ranches Incorporated, a partnership between Bob, Mike and Charlie. One of the first decisions made by the new partnership was to switch from Hereford cattle to Angus. Mike served on a local electric cooperative board with A.F. (Frankie) Flint who owned A.F. Flint & Sons Angus program. Over the course of about four years, they were able to purchase enough heifers and bulls through Frankie to gradually replace all the Herefords.

Many ranches today don't rely on their cattle alone to bring in revenue and the Steele Ranch is no different. Mike explains, "I don't guess any cattle ranch ever runs smoothly. Either you have drought and have to cut cattle numbers,

have low cattle prices or high feed costs and a lot of the time, you'll have all three at once!" The saving grace for the Steele Ranch is the small gravel pit that is leased out to a gravel contractor. Opened sometime in the 1940s, it operated sporadically for the first fifty years but has managed to maintain operation on a fairly constant basis for the past 15 to 20 years. "The royalties from gravel sales have helped us through some tough times," Mike says.

In February of 2000, the Steele Ranch suffered a huge setback when a locomotive putting off sparks started a slew of range fires, burning hundreds of acres of grass, killing several calves and forcing the sale of nearly four times as many cows as usual because their burn injuries would prevent them from raising another calf. The ranch is still recovering from that loss today.

Author's Journal: At about 11 a.m., Creed stood on the back porch of his house watching the high ridge for any sign of the herd. The first man over the ridge was Bob West, riding a striking black and white Paint Horse. He meandered down the draw toward the pens with 300 Black Angus and a group of dusty, hollering cowboys following in the distance. Creed glanced my way and grinned. His future was coming over the hill.



photo by Stacy West

Mike West and four year old grandson, Creed, moving cows.

Dusti Scovel writes from her home ranch in Texas. She has written about ranching and rangeland issues for Range magazine and Stewards of the West. To learn more visit her website at www.dustiscovel.com

SOVEREIGNTY: WHERE DOES THE POWER LIE?

BY DANIEL MARTINEZ

Who really runs the show here in America? Who actually has the power when it comes right down to these United States? It's a good question but it is important to remember, that like most things dealing with our "laws of the land," the Constitution spells it out for all of us. And much of what it says is supported in the Declaration of Independence. Consider this, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed." Consider also the following from Bouvier's Law Dictionary – a book with a long tradition in the United States legal community since the late 1800s – and its definition of where the power lies, "Strictly speaking, in our republican form of government, the absolute sovereignty of the nation is in the people of the nation; and the residuary sovereignty of each state, not granted to any of its public functionaries, is in the people of the state." (2 Dall. 471)

Simply put, it means we, the people, have certain unalienable rights and it is we that *choose* to create a Government to protect our rights – not the other way around. That Governments are "allowed" to govern because we, the people, grant that permission.

When one really considers that, it can be quite humbling and yet quite empowering. Where does the power rest in the United States? It's resting in our hands. Sometimes we may forget that. But we mustn't – ever.

Still want more? We have assembled some case law rulings that probably will give you more information than you will ever need. But information is the key to proper decision-making. And the decisions we all as Americans are making now, this election year, are more important than ever.

United States v. Cruikshank, 92 U.S. 542 (1875):

Government of the United States is one of delegated powers alone. Its authority is defined and limited by the Constitution. All powers not granted to it by that instrument are reserved to the States or the people." [United States v. Cruikshank, 92 U.S. 542 (1875)]

Baltimore & Ohio Railroad Co. v. Chambers, 73 Ohio St. 16; 76 N.E. 91; 11 L.R.A., N.S., 1012 (1905)

"Judge Story, in his treatise on the Conflicts of Laws, lays down, as the basis upon which all reasonings on the law of comity must necessarily rest, the following maxims: First, 'that every nation possesses an exclusive sovereignty and jurisdiction within its own territory'; secondly, 'that no state or nation can by its laws directly affect or bind property out of its own territory, or bind persons not resident therein, whether they are natural born subjects or others.' The learned judge then adds: 'From these two maxims or propositions there follows a third, and that is that whatever force and obligation the laws of one country have in another depend solely upon the laws and municipal regulation of the latter; that is to say, upon its own proper jurisdiction and polity, and upon its own express or tacit consent.'" Story on Conflict of Laws §23."

Individual Sovereignty

"The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the State or to his neighbor to divulge his business, or to open his doors to an investigation, so far as it may tend to criminate him. He owes no such duty to the State, since he receives nothing there from, beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the State, and can only be taken from him by due process of law, and in accordance with the Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as he does not trespass upon their rights." Hale v. Henkel 201 U.S. 43, 74 (1906)

Bouvier's Law Dictionary, Third Revision (8th Edition)(1914), Volume 3, pages 3096 & 3097.

SOVEREIGNTY. The union and exercise of all human power possessed in a state: It is a combination of all power; it is the power to do everything in a state without accountability, —to make laws, to execute and to apply them, to impose and collect taxes and levy contributions, to make war or peace, to form treaties of alliance or of commerce with foreign nations, and the like. Story, Const. § 207.

The artificial soul of that artificial body, the state. Spencer.

As long as it is accurately employed...it is a merely legal conception and means simply the power of law-making unrestricted by any legal limit. But it is sometimes employed in a political rather than a legal sense. Dicey, Engl. Constitution.

Abstractly, sovereignty resides in the body of the nation and belongs to the people. But these powers are generally exercised by delegation.

When analyzed, sovereignty is naturally divided into three great powers: namely, the legislative, the executive, and the judiciary; the first is the power to make new laws and to collect and repeal the old; the second is the power to execute the laws, both at home and abroad; and the last is the power to apply the laws to particular facts, to judge the disputes which arise among the citizens, and to punish crimes.

Strictly speaking, in our republican forms of government the absolute sovereignty of the nation is in the people of the nation and the residuary sovereignty of each state, not granted to any of its public functionaries, is in the people of the state; Chisholm v. Georgia, 2 Dall. (U. S.) 471, 1 L. Ed. 440.

In international law a state is considered sovereign when it is organized for political purposes and permanently occupies a fixed territory. It must have an organized government capable of enforcing law and be free from all external control. A wandering tribe of savages, or nomads, or people united merely for commercial purposes or under control of another state cannot be considered as a sovereign state. Until a state becomes sovereign in the sense above described. It is not subject to international law. The states of the American Union are each, in a certain sense, sovereign in their domestic concerns, but not in international law, and Norway is an instance of a community not



sovereign in International law because bound in a union with Sweden. The fact of sovereignty is usually established by general recognition of other states, and, until such recognition is universal, no community can be considered as sovereign; Snow, *Int. Law* 19. See *International Law*.

Every sovereign state is bound to respect the independence of every other sovereign state, and the courts of one country will not sit in judgment on the acts of the government of another, done within its own territory. *Underhill v. Hernandez*, 168 U. S. 250, 18 Sup. Ct. 83, 42 L. Ed. 456.

"The transactions of independent states between each other are governed by other laws than those which municipal courts administer; such courts have neither the means of deciding what is right, nor the power of enforcing any decision which they may make." 13 Moore, P. C. 75. And the same is the case with their dealings with the subjects of other states; Pollock, *Torts* 105.

Sovereignty means that the decree of the sovereign makes law; and foreign courts can not condemn the influences persuading the sovereign to make the decree; *American Banana Co. v. United Fruit Co.*, 213 U. S. 347, 29 Sup. Ct. 511, 53 L. Ed. 826, 16 Ann. Cas 1047.

The idea of sovereignty was not associated in the Teutonic mind with dominion over a particular portion of the earth's surface; it was distinctly personal or tribal; and so was their conception of law. Taylor, *Science of Jurispr.* 133.

Black's Law Dictionary 4th Edition (1951) page 1568.

Sovereignty. The supreme, absolute, and uncontrollable power by which any independent state is governed; supreme political authority; paramount control of the constitution and frame of government and its administration; self sufficient source of political power, from which all specific political powers are derived; the international independence of a state, combined with the right and power of regulating its internal affairs without foreign dictation; also a political society, or state, which is sovereign and independent.

Chisholm v. Georgia, 2 Dall. 455, 1 L. Ed. 440; *Union Bank v. Hill*, 3 Cold., Tenn 325; *Moore v. Shaw*, 17 Cal. 218, 79 Am. Dec. 123; *State v. Dixon*, 66 Mont. 76, 213 P. 227.

(Reference: John Bouvier, *A Law Dictionary Adapted to the Constitution and Laws of the United States of America and the Several States of the American Union*, Childs & Peterson, c1856.)

SOVEREIGNTY. The union and exercise of all human power possessed in a state; it is a combination of all power; it is the power to do everything in a state without accountability; to make laws, to execute and to apply them: to impose and collect taxes, and, levy contributions; to make war or peace; to form treaties of alliance or of commerce with foreign nations, and the like. *Story on the Const. Sec. 207.*

2. Abstractedly, sovereignty resides in the body of the nation and belongs to the people. But these powers are generally exercised by delegation.
3. When analyzed, sovereignty is naturally divided into three great powers; namely, the legislative, the executive, and the judiciary; the first is the power to make new laws, and to correct and repeal the old; the second is the power to execute the laws both at home and abroad; and the last is the power to apply the laws to particular facts; to judge the disputes which arise among the citizens, and to punish crimes.
4. Strictly speaking, in our republican forms of government, the absolute sovereignty of the nation is in the people of the nation; (q.v.) and the residuary sovereignty of each state, not granted to any of its public functionaries, is in the people of the state. (q.v.) 2 Dall. 471; and vide, generally, 2 Dall. 433, 455; 3 Dall. 93; 1 *Story, Const. Sec. 208*; 1 *Toull. n. 20 Merl. Repert. h.t.*

Chisholm, Ex'r. v. Georgia, 2 Dall. (U.S.) 419, 1 L. ed. 454, 457, 471, 472) (1794):

"It will be sufficient to observe briefly, that the sovereignties in Europe, and particularly in England, exist on feudal principles. That system considers the Prince as the sovereign, and the people as his subjects; it regards his person as the object of allegiance, and excludes the idea of his being on an equal footing with a subject, either in a

Court of Justice or elsewhere. That system contemplates him as being the fountain of honor and authority; and from his grace and grant derives all franchises, immunities and privileges..." at 471.

"From the differences existing between feudal sovereignties and Government founded on compacts, it necessarily follows that their respective prerogatives must differ. **Sovereignty is the right to govern; a nation or State-sovereign is the person or persons in whom that resides. In Europe the sovereignty is generally ascribed to the Prince; here it rests with the people; there, the sovereign actually administers the Government; here, never in a single instance; our Governors are the agents of the people, and at most stand in the same relation to their sovereign, in which regents in Europe stand to their sovereigns.** Their Princes have personal powers, dignities, and pre-eminences, our rulers have none but official; nor do they partake in the sovereignty otherwise, or in any other capacity, than as private citizens." at 472. [Justice Wilson]

In the United States the people are sovereign over their civil servants:

Romans 6:16 (NIV): "Don't you know that when you offer yourselves to someone to obey him as slaves, you are slaves to the one whom you obey..."

Spoooner v. McConnell, 22 F. 939 @ 943:

"The sovereignty of a state does not reside in the persons who fill the different departments of its government, but in the People, from whom the government emanated; and they may change it at their discretion. Sovereignty, then in this country, abides with the constituency, and not with the agent; and this remark is true, both in reference to the federal and state government."

US Supreme Court in Chisholm v. Georgia, 2 Dall. (U.S.) 419, 454, 1 L. Ed. 440, 455 @ DALL 1793 pp. 471-472:

"...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves; the citizens of America are equal as fellow citizens, and as joint tenants in the sovereignty."

US Supreme Court in Luther v. Borden, 48 US 1, 12 LEd 581 (1841):

"... The governments are but trustees acting under derived authority and have no power to delegate what is not delegated to them. But the people, as the original fountain might take away what they have delegated and entrust to whom they please. ...The sovereignty in every state resides in the people of the state and they may alter and change their form of government at their own pleasure."

US Supreme Court in Yick Wo v. Hopkins, 118 U.S. 356 (1886), page 370:

"While sovereign powers are delegated to...the government, sovereignty itself remains with the people."

Yick Wo is a powerful anti-discrimination case. You might get the impression that the legislature can write perfectly legal laws, yet the laws cannot be enforced contrary to the intent of the people. It's as if servants do not make rules for their masters. It's as if the Citizens who created government were their masters. It's as if civil servants were to obey the higher authority. You are the higher authority of **Romans 13:1**. You as ruler are not a terror to good works per **Romans 13:3**. Imagine that! Isn't it a shame that your government was surrendered to those who are a terror to good works? Isn't it a shame that you enlisted to obey them?

Julliard v. Greenman: 110 U.S. 421, (1884):

"There is no such thing as a power of inherent sovereignty in the government of the United States In this country sovereignty resides in the people, and Congress can exercise no power which they have not, by their Constitution entrusted to it: All else is withheld."

US Supreme Court in U.S. v. Cooper, 312 U.S. 600, 604, 61 SCt 742 (1941):

"Since in common usage the term 'person' does not include the sovereign, statutes employing that term are ordinarily construed to exclude it." **US Supreme Court in U.S. v. United Mine Workers of America**, 330 U.S. 258, 67 SCt 677 (1947):

"In common usage, the term 'person' does not include the sovereign and statutes employing it will ordinarily not be construed to do so."



KINKY FRIEDMAN



*Texas' leading singing
Jewish cowboy speaks on
Illegal Immigration,
The Trans-Texas Corridor,
Alternative Fuels –
and other stuff.*

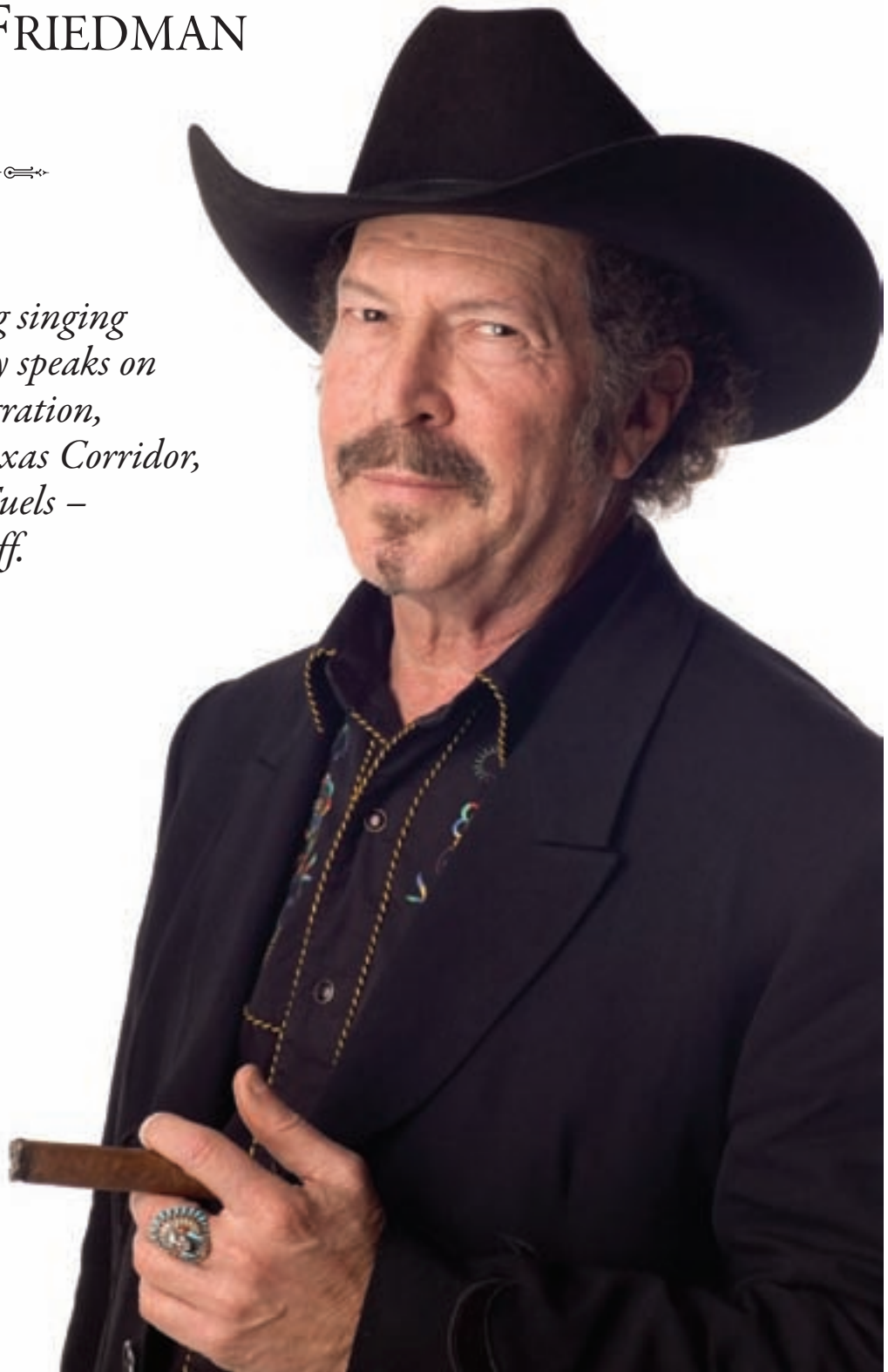


photo courtesy Kinky Friedman

Fact: In 1986, Kinky Friedman ran for Justice of the Peace in Kerrville, Texas. He lost.

Fact: In 2004, Friedman began a serious, yet eclectic, campaign running for Governor of the great state of Texas in 2006. 'Lost again.

Rumor: It was reported widely that year that Friedman is "considering" another run for Governor of Texas in 2010. "I'm open to running," Friedman said, "but if I do run, it would probably be as a Democrat, God probably couldn't have won as an Independent."

Fact: In what could be considered a form of frontier justice, Kinky Friedman is starring in a western – as of this writing still being filmed – called "Palo Pinto Gold." It's being filmed on location at the Enchanted Springs ranch at Boerne, Texas. He is playing the Governor of Texas.

In the Governor's election of 2006, the people of Texas spoke – at least 28% of them did anyway. They chose to keep Governor Perry in power in Austin, thwarting the efforts of one Richard "Kinky" Friedman who was running to help "de-wussify" Texas, one of his many campaign promises. After the election, the question arose, how could one not vote for a candidate whose campaign slogans included "How Hard Could It Be?" along with "Why The Hell Not?" and "He ain't Kinky, he's my Governor."

Kinky's was a candidacy of celebrity - and why not? The political trail had already been broken in other parts of America by the successful runs of other 'celebs-turned-governors' – Jesse Ventura, Arnold Schwarzenegger, and, of course, Ronald Reagan – so, "Why The Hell Not?" Kinky knew he fought the good fight and even though he lost, he achieved the amazing feat of getting on the Texas ballot as an independent something that hadn't been accomplished in over 100 years.

Born in Chicago in 1944, to Jewish parents, Dr. S. Thomas Friedman and Minnie Samet Friedman; Richard Friedman moved with his family to a ranch in Texas at a young age. He graduated from high school in Austin, Texas in 1962, and later from the University of Texas in 1966. His college experience also gave him his nickname "Kinky" in reference to his curly hair. After college he served two years in the Peace Corps. He formed his first band, King Arthur & the Carrots – a parody of '60s surf bands – while a student at the University of Texas. In 1971, he formed his second band, Kinky Friedman and The Texas Jewboys and the rest, as they say, is music history.

We caught up with Kinky at his home near Kerrville, Texas. Our intent was to chat about his new book, released this past October by Simon & Schuster. "*You Can Lead a Politician to Water But You Can't Make Him Think: Ten Commandments for Texas Politics*" is a wrap-up of sorts – a post-mortem, if you will – of his most recent political foray running for Governor. True to form, the "Kinkster" had already moved on, examining the political road ahead for himself and the rest of America.

LCE: Kinky, your book gives a very succinct definition of politics.

KF: Politics? Yeah, the word politics is the sum of its parts: *poly* means more than one and *ticks* are blood-sucking parasites. There's the problem right there.

LCE: Given that, how do you view the current crop of presidential candidates? Do you see any hope?

KF: Very little. I think they are a very uninspiring group. The ones I like best are probably the ones with the least experience.

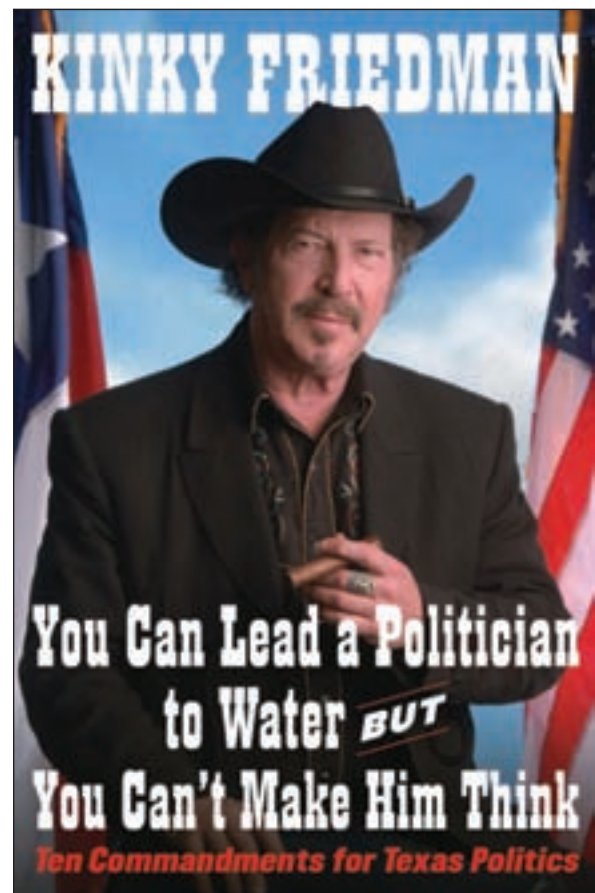


photo courtesy Kinky Friedman

The "Kinksters" new book.

LCE: So, they haven't been ruined yet?

KF: Yeah. I favor an Obama or a Huckabee. I like Ron Paul because he doesn't put party first and every great leader we've ever had in American history was like that. That's what my grandma taught me. You don't vote for the party; you vote for the person. That's disappeared.

LCE: The term "statesman" in its classic sense, really hasn't been applied to a political figure much lately. Do you see any statesmen – or women out there?

KF: John McCain. I don't know what his chances are, but I see elements of greatness in him. You know, I've said that a politician is somebody who thinks about the next election and a statesman is somebody who thinks about the next generation. That's the difference between the two.

LCE: It's very clear you have a great love of this country, and obviously for the great state of Texas. So, when you were announcing your candidacy back in February of '05, in the shadow of the Alamo – asking for Governor Perry's surrender, I might add – what did that feel like standing there at such a special place for not only Texas, but for the rest of America?

KF: It felt great. It felt like I was doing the right thing, and doing the right thing is what we need to do. That, by the way, is a slogan over death row in Livingston, Texas. "Do the right thing." And the right thing, I would contend, is not killing people because they kill people. Doing the right thing, if you're a Christian or a person of any faith, is to realize that's not our job. We're not the ones supposed to be killing people. So if I run for governor in 2010, it would be to abolish the death penalty. That would be one of the big things. I'm very disappointed that George Bush thinks we've never executed an innocent man. I don't know how he knows that. I do know one thing, we've never executed a rich man. That I do know.

I hate to be a Jew lecturing the Christians, but our religion, Judaism, is the oldest – much older than Christianity. The Christians borrowed one idea from us, and that was the Jews were the first ones to believe in one God. And, the Christians took that and ran with it and made it the centerpiece of their religion. And, the idea that you're a Christian if you stand by and hold hands around a platter of fried chicken on Sunday morning, and say you're a Christian - doesn't make you a Christian – if you stand by with the

same people who are running the post office and execute people in Texas and doing it in the name of the people.

LCE: Why, because we're not sure who's really guilty?

KF: It's more than that. But yes, we're not sure. We're not sure if people are guilty – that's why I say, let's 'DNA' death row. Let the governor and the Harris County D.A. 'DNA' death row here in Texas and let the chips fall where they may. And if we find some people there who've been in for decades that couldn't possibly have done the crime, then what happens? Can you imagine?

LCE: A little legal issue?

KF: That's why nobody will ever do it unless I'm governor. The only way it's going to happen. And I think there's a good shot at winning the Democratic nomination with part of the platform being to abolish the death penalty.

LCE: You would have that as part of your platform even though somebody may put a trap door in there, as you say?

KF: That's right. That's right. I'd take that chance because I think it's important. I don't think many people feel the death penalty is a major issue today, but I think it's a defining issue of our time, and I think that if Texas abolishes the death penalty, the world is going to stand up and cheer for Texas.

LCE: Well, as you say, if 2010 really is your time, in another couple of years the advancements in criminal justice technology will probably allow much easier ways of finding out whether or not death row inmates really did what they have been convicted of doing.

KF: That's right. I mean, do we want justice, or not? I've got a lot of evangelical friends, people who are pretty right wing who favor the death penalty, and it doesn't take long talking to them to start them thinking about it. And once they think about it a little bit, they get it. They know that they can't support the death penalty. For example, there're people like this guy, John Cooley in Florida, who raped and buried the girl alive next to his mobile home. I mean, people like this you want to strangle with your own hands. But that's where faith has to step in, even if it's someone in your family.

LCE: What do you do with a guy like that?

KF: Well, you keep this guy away from the sun – forever.



“I JUST WANT TEXAS TO BE NUMBER ONE IN SOMETHING OTHER THAN
EXECUTIONS, TOLL ROADS AND PROPERTY TAXES.”

You keep him away from people and he never gets out, and I don't care if you project images of the victim on his cell. If he wants to hang himself, I'll happily give him a rope, but the State should not continue to spend millions of dollars in appeals on this guy, which is what we have to do when people go onto death row. Folks don't understand that we're spending a fortune. We've got a huge death row here in Texas. And, every one of these guys is making an appeal every other month. You and I, the taxpayers are paying the legal tab to defend these guys, and they all can appeal. This is nuts. It'd be much cheaper to keep these guys somewhere in the back of a pen, and never let them out. That's a much worse punishment than killing them.

LCE: Not much of a gamble there, is there?

KF: Don't mention gambling. I'm a gambling addict. I can't gamble here in Texas, but that's another matter. That's a whole other help line.

LCE: Speaking of that, in California, there are a number of initiatives on the ballot for 2008 regarding various Indian casinos wanting to add additional slot machines, saying it's a benefit to the state because of the revenue that'll come in.

KF: Well, there isn't any question that if gambling is run effectively, it can pay for education. No doubt. There's enough money made. Now, whether the people that are doing it are doing it honestly or are corrupt, that's another matter. In Texas, we're not even trying.

LCE: Can Indian tribes in Texas have casino gambling?

KF: No, we've been shut down. It's real wrong. Wrong to the Indians, and it's wrong for education. What's happening is Texans are going out of state and voting with their feet every week. We invented Texas Hold 'Em and we can't even play it. So, Texans go to Vegas or Tunica or Louisiana, Oklahoma, New Mexico, and that's where all the money goes. It's just not logical when the vast majority of Texans favor legalized casino gambling.

LCE: Why has this not been brought up as a ballot issue?

KF: We don't have initiative and referendum. There are a lot of things wrong with I&R, yet there's a lot of things right as well. There's a lot of important stuff in the country that I&R has brought about: Social Security and women's rights among others made their way through this kind of

methodology. So, we should have it and if we did, you'd find that Texans hate toll roads and that they favor legalized casino gambling.

LCE: Toll roads? What about the Trans-Texas Corridor?

KF: Well, don't get me started. We're paying billions. We're paying almost as much – well, not quite as much as Iraq, but close. I call it the Santa Ana Highway, as the money goes to “foreign” governments. It doesn't go to the people or help the people, and at this point, the Government has taken so much land on either side of this Trans-Texas Corridor that all it's going to do is destroy some of the oldest farms and ranches and little towns in Texas. And here's something—it's not accessible to any of the major cities at this point. No one knows where the hell it's going. It's all very secret, need-to-know stuff.

LCE: Isn't this eminent domain at its most destructive?

KF: Yes, and it's going to be terrible. We haven't seen anything yet. I think our Governor and our President are much more comfortable with foreign governments than they are with us – the citizens. Bush is not comfortable with the American people and Rick

Perry certainly is not comfortable with Texans. It appears our Governor is living in some rarified air-filled room somewhere and really not getting out and seeing the concerns the people have. But, of course, he's a ribbon cutter and when only 28% of the people is all that vote for governor, you're going to get a ribbon cutter every time.

LCE: It brings up the point that you are the first independent, in what was it, 154 years –

KF: That's it.

LCE: – to get on the Texas ballot. And what was it you said about when you got elected you wouldn't get much done in the morning?

KF: Yeah, musicians are better than politicians as far as running the state. We won't get much done in the morning, but we'll work late and we'll be honest.

LCE: You indicate throughout the book of the lurking danger of voter apathy. What do you think can be done to get folks more engaged in the process?

KF: Well, if I had the answer, I'd do it. The answer for me was to try working outside the system as an Independent. I

ON BIG GAME HUNTING:
“SOMEBODY THAT GOES
OUT AND KILLS A POLAR
BEAR OR HAS TO GO OUT
AND SHOOT AN ELEPHANT,
I BELIEVE GOD PUNISHES
‘EM BY GIVING THEM
ERECTILE DYSFUNCTION...
THAT’S JUST A THEORY,
THOUGH.”



believe that the Democrats and Republicans are becoming the same guy, admiring themselves in the mirror. I want the Democrats to be Democrats again. I want the spirit of Molly Ivins and Ann Richards and JFK. That's what I want the Democrats to be, to be Democrats again. And if they'll do that, then we've got a chance. I've tried working outside the system and it did not work. I've said that I don't think God would have won if He'd run as an independent against Rick Perry. I believe He would have lost. That's just the way of the people— we're not in Minnesota, Toto. That's all. This is a very big state and the people are very set in their ways as far as voting patterns. And, I'll tell you what, it's a tragedy that the Republican Party celebrates when they see the voting turnout is low. They knew it. Before the votes were counted on election night, when they saw the turnout was 28, 29 percent, they knew they had it in the bag. They knew that if it had been 45 percent or higher, I would have been the governor.

ON EDUCATION IN TEXAS:
“THIS SYSTEM IS REALLY BROKEN.
NO CHILD LEFT BEHIND HAS REALLY
FAILED AND THE ONLY WAY TO SOLVE
EDUCATION IS TO LEAVE ONE
GOVERNOR BEHIND.”

LCE: You got a half a million votes?

KF: Yeah, about that. Yeah.

LCE: That would have been a landslide if you had been in Montana or Wyoming—you'd have gotten the whole state.
KF: Yeah, it's too bad. But, if you look at the Hispanic vote, they liked me a lot. I was their second choice all around. But they've voted Democratic for so long. You know, when your parents and grandparents are Democrats, it's very hard to break that. Plus, I do think the Democrats traditionally have listened to the voice of the people better than the Republicans. I don't think they're doing it today, but I think they have in the past and that's a reason to vote Democratic. I also think that the Democrats care about what I care about, which is education and abolishing the death penalty. And there're other things. You've seen what the politicians have done about immigration? Nothing. You've seen what they've done about healthcare? Nothing.

So what the hell are they doing? I'll tell you what they're doing. They're keeping me 20 feet away from a door of a restaurant with my cigar.

LCE: Do you feel personal freedoms are continuing to degrade?

KF: Absolutely. We are turning this country into a condo association with rules and regulations and political correctness strangling the thing that's best about America—freedom.

LCE: You have a unique plan about the border issue. Tell us about the “Five Generals Plan.” I was fascinated with John McCain's comment. If I can paraphrase here, he said, “It beats the hell out of anything we're doing now.”

KF: That's exactly right and it still does. The Five Mexican Generals Plan is better than anything that's going on. It goes like this: We divide the border into five jurisdictions and we appoint a Mexican general in charge of each. Then we place a million dollars (or two million, whatever it takes) in a bank in the name of each general and we hold the money in escrow. Then, every time we catch an illegal coming across through his section, we withdraw \$10,000. This will effectively shut off illegal immigration into Texas.

LCE: Many young people in Texas today obviously admire you and were supportive of you in the election, you got people up and motivated who were voting for the first time. You're a patriot and you love this country and obviously because you're still in the process, you're not going to lose faith in it. What keeps you going?

KF: Well, you know, this is a wonderful country, but it has been and could be a great deal better. Looking for inspiration, it's slim pickings sometimes these days. I'd like to see a guy like Lance Armstrong run because he can inspire millions of people. I've talked to Lance about it and he says politics is too vicious a rat race for him – and you know all tough the races he's been in – they're nothing compared to a political campaign. Good people like Lance don't want to get into politics. That's wrong. It's not what this country was built on. People really want somebody to vote for of substance. Ron Paul is a guy that is not putting party first. That's for sure. He's saying what he believes. Obama is fresh enough to have a chance, but I'm afraid it's not going to be long before any of these candidates lose their political way.

LCE: Once they get in, the system infects them?

KF: Yes, it does and as I say, it's the only field in which the more experience you have, the worse you get. So once you've been senator for 20 years, it takes its toll.



LCE: Are you in favor of term limits?

KF: Yeah, I'm in favor of never reelecting anybody. I think it's time real people got involved, and of course, you can't just pull a switch and start a revolution. We tried to do that. Of course, Texas is a big state. But you're right. If it had been Vermont or Montana, we would have won. But it's not. It's Texas, and we have a lot of wide-open spaces between our ears.

LCE: So as you reflect on this past election, your sergeant-at-arms, Willie (Nelson), obviously was very supportive of you, and still is. Does he want you to run again?

KF: Since you mentioned Willie, let me just say one thing about the Hillbilly Dali Lama. During the campaign when I said Willie would be the energy czar of Texas, people laughed. They still do. They thought it was really a good joke. The fact is, had I won, Willie would have had the farmers of Texas organized into a regular network of farmers' alternative fuel and biodiesel co-ops all along the highways and byways of this state supported by the State of Texas. And the campaign would have been a grand experiment and the first one of its kind, and I believe it would have been very possible. This is what we ought to be doing, exploring alternative fuels in a big way. It would finally give us freedom from the Middle East and from the Saudis and other people who control us in many financial ways right now. Right now they own the jukebox; we are dancing to their tune – along with the big oil companies. So this would have been something we could have tried that might have worked. Why? Who better than Willie to organize the farmers of Texas? It been a big thing, now of course, we'll never know.

LCE: Would he work with you in '10 if you go again?

KF: Yeah, Willie would. In fact, Willie feels as I do if I could get the Democratic nomination, we have a shot at winning this thing, a real shot. And, there's a good shot at winning the Democratic nomination, especially if the field is crowded with the usual suspects because there's a huge independent vote in the state, bigger than the Democrats in the last race, as a matter of fact. And if this vote comes



photo courtesy Kinky Friedman

Kinky and "Mama" at the Utopia Animal Rescue Ranch – www.utopiarescue.com

with me to the Democratic primary, we're going to swamp the thing. We will win.

LCE: Has Texas been supportive of Willie's biodiesel efforts?

KF: No. No, of course not. The legislature is not visionary. What we've got to do is get the wooden horse inside the city one way or the other. We've got to get an honest broker as our governor who has a bully pulpit who can say we are really going to do this thing with Willie and alternative fuels in Texas, or we're going to abolish the death penalty in this state and we're going to lead the American parade

“MUSICIANS CAN RUN THIS STATE BETTER THAN POLITICIANS. WE WON’T GET
A LOT DONE IN THE MORNINGS, BUT WE’LL WORK LATE AND BE HONEST.”

because it means something when Texas says “we’re abolishing” something. It doesn’t mean a thing if California abolishes it tomorrow. California is already progressive. We all know that. But Texas? Texas is being held back by the death penalty.

LCE: Does Governor Perry want to be President?

KF: He wants to be Vice President. Being President’s too hard for him. Here’s my theory. He really was counting on being Rudy’s running mate. Even when he was running for governor, he didn’t want to be governor. That’s clear. He wants to have a big house in Washington, to be Vice President, and it’s a perfect job for him. It’s a perfect dead-end job. If he did get to be Vice President and anything happened to Rudy, Perry would be President of the United States, and that would be the one thing that might salvage George Bush’s legacy. It would make Bush look like Thomas Jefferson. People would love George Bush. But now Perry has so forfeited the trust of the people that whatever he does is suspect. It’s the same way with George Bush. I mean, if Bush or Perry wanted to plant flowers along the highway, we’d ask, “what’s he really up to?”

LCE: That takes us back to the Trans-Texas Corridor, people who read about it seem fearful that the border crossing’s going to be in Kansas, and that control will be delegated.

KF: Let me tell you, you could buy a helicopter for every Texan for the price of the Trans-Texas corridor. This thing is going to facilitate massive drug running, while it kills the people whose land it comes through – 23 miles on either side can go right to the state, and of course, it’s not going to the state; it’s going to the cohorts of the governor. We’re going to be paying tolls to Spanish corporations for 50 years – and the people tolerate this?

LCE: Do you feel the area’s mainstream media has buried this story for some reason?

KF: Well, let me say this – the media – during the campaign – I found to be very lazy. They didn’t look into the Corridor or what it means to the people of the United States let alone Texans. They didn’t explore why the Governor’s entire inaugural party – costing several millions

of bucks – was paid for by the toll road companies. They didn’t seem to care about that. It hardly came up. And Perry made a big deal of it. He said, “Don’t worry. The taxpayers aren’t paying for this. It’s all private corporations.” They’re the toll road people!

LCE: And there’s no watchdog group that’s chasing –

KF: Well, if there is, I don’t know about it. It just seems to me that the media is playing kind of a “gotcha” journalism. You give them some red meat, they’ll run with it. But as far as investigating what’s important to the people of Texas, no, they don’t have time for that.

LCE: Well, given that, who in the media do you admire?

KF: My campaign won the support of the late and legendary journalist, Molly Ivans. She was something. Oh, and I had a couple of beers with Jim Hightower the other day. He’s one of the last great journalists, I think, of that breed too. People that have beliefs, you know. Whether you agree with them or not is not what’s important. They really have principles. Jim does and Molly did. I would say that Rick Perry and George Bush are important people, but I think Molly was significant. I think there’s a difference between being important and being significant.

Historically, Mark Twain was significant. You know, if we could have a President Mark Twain today or a President Will Rogers, I think the people of America would just snap it up to have someone who’s clearly above politics. This man Mark Twain was somebody. He’s the guy that was decried as a racist the whole last half of his life, and wrote a book called *Huckleberry Finn*, which is much more than a children’s adventure story. That’s what many in the mainstream hasn’t picked up on. They don’t get satire. They don’t get irony. The left and the right – both want to ban *Huckleberry Finn*. There’s a woman named Jocelyn Chadwick, she’s a scholar, who travels around the country speaking to school boards defending *Huckleberry Finn*. She’s spent a lot of time and energy on this. Her point is that not only is Twain not a racist, but that his creation of the slave character, Jim, as the only man in the book who has integrity, decency and humanity in a world of



scoundrels and hypocrites is the greatest thing Twain ever did. It's why everyone should read *Huckleberry Finn*. Did I mention Ms. Chadwick is black?

LCE: I would be remiss if I didn't throw an olive branch to you as the Gandhi-like figure at Utopia Animal Rescue Ranch. I see you donate all the proceeds from your salsa line to the ranch. It's sort of a Paul Newman-y gesture.

KF: Well, we've done more than that. Now, with the new Kinky Friedman cigars – KFC ...

LCE: And that's Kinkycigars.com?

KF: Yeah, Kinkycigars.com. Anybody who buys Utopians, the Utopian brand, the money goes right to the ranch. It's the only cigar in America that benefits animal rescue. The Utopia and the Willie are our two biggest sellers so far. The Willie has a little twist on one end of it.



Sales from Kinky Friedman cigars and his signature coffees support his work at Utopia Animal Rescue Ranch.

LCE: Just as a little high-concept design element?

KF: Hmm. That's right. Yeah. And my message to young people is cigarette bad, cigar good. I'll tell you what. The government with all this prohibition and smoking regulations is really helping us at Kinky Friedman cigars. I mean, they are taking off.

LCE: Oh, so there's a wonderful backlash then there?

KF: Oh, terrific backlash, and smoking a cigar has become a political statement.

Like Bill Clinton, we don't inhale.

LCE: So what's next for you? Are you starting a plan for 2010 now or are you laying in the weeds a little bit?

KF: Our band (The Texas Jewboys) and I are going to be doing a tour in May and June of Ireland, England, and Scotland. A Musical tour with Little Jewford and Ratso. That's going to be great fun.

LCE: Is there a new album or anything coming, too?

KF: No, there isn't. In fact, the songs are older than the people that listen to them. But, I rotate the crop. You know, people change.

LCE: Since it is '08 and the presidential campaigns started two years ago, should you choose to run in 2010, would you announce your candidacy in a similar dramatic fashion at the Alamo?

KF: Yeah, except there's cosmetic differences about being a Democrat instead of being an Independent. I think my wardrobe would go through a little makeover possibly. You can't quite speak like an independent populist. You'd be an Independent-Democrat. But in many ways, it'd be a lot easier, with the force of the party behind you. And there're so many people I know that if I had a little 'D' by my name would feel very comfortable. Plus the law of averages has got to catch up with us. The way to do it is for Democrats to really be Democrats again, and I think I can help.

LCE: So, you will still communicate to the throngs of loyal "Indie" Kink-ites out there?

KF: Oh, yeah, of course. It's very important that the Independents vote Democratic and vote in the Democratic primary. And it's also important that Evangelicals and Christians realize that this is a statement against the death penalty, that if they feel that way, and I think many of them do in their hearts, that this will be their chance to be heard. Because when I'm governor, there will be no death penalty.

LCE: Well, I hope we have an opportunity to talk again when you decide. Thank you, Kinky.

KF: I'd like that, and may the God of your choice bless you.



“MONEY CAN BUY YOU A FINE DOG, BUT ONLY LOVE CAN MAKE HIM WAG HIS TAIL.”



RECOMMENDED READING

Here are some great reads to add to your nightstand.
Some of the books are brand new; some are older releases but are worth a look.

In These Hills

Ralph Beer
University of Nebraska Press
www.nebraskapress.unl.edu

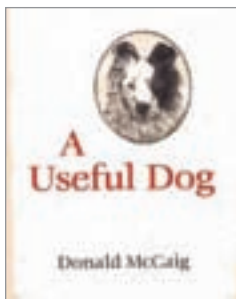


Ralph Beer has been a mainstay as a writer for publications throughout the Rockies, such as *Big Sky Journal*, along with his classic novel *The Blind Corral*. "In These Hills" is a collection of some of his best magazine essays – after a lifetime of writing and working on his family's cattle ranch outside Helena, Montana. Beer's stories grab the heart as well as the mind and immerse the

reader in his western world. Writer William Kittredge says of Beer, "In his work we see humanistic responsibilities mattering in our lives; we are witness to consequences, generosity, and compassion."

A Useful Dog

Donald McCaig
University Of Virginia Press
www.upress.virginia.edu



For those of us who love cowdogs and sheepdogs, a new book by Donald McCaig is a welcome arrival. As the author of the classic, *Nop's Trials*, McCaig has brought together in this slim yet thoughtful volume perspectives and remembrances of great dogs and dog experiences. Described as the Mark Twain of dog writers, Donald McCaig has spent three decades

raising working sheepdogs on his farm in Virginia and writing about his experiences with them. For anyone who loves dogs, reading McCaig easily explains why the dog is man's best friend.

A Shepherd's Watch

David Kennard
St. Martin's Press
www.stmartins.com



Living in North Devon, England with his wife and children, author and shepherd David Kennard takes us through an entire year of working with his sheepdogs. The book is part diary and part James Herriot-like homage to the countryside in which the action takes place. *A Shepherd's Watch* is an honest yet affectionate look at a timeless task as seen through the changing seasons. We observe through Kennard's words nature's inexorable journey through the dark, cold days of winter to the rebirth and renewal of spring. His is a gentle meditation on man's relationship with his environment and a rural way of life.

The Vaquero & Other Short Stories

Edward Borein
Pacific Slope Press
www.oldcowsdogs.com

Many books have been written about the art and life of vaquero artist Edward Borein. This little volume contains twenty-six stories written by the artist between 1900 and 1920, many written during his employment at the San Francisco *Call* newspaper where he was an illustrator. Edited by William C. Reynolds, the stories give voice to one of the West's most sought after artists. The charm of these little stories is that Borein wrote them in the "vernacular of the time" – according to the late, Borein expert, Harold Davidson. Given that, we



are able to see into a window on the past in a time when short stories and the gift of gab were true entertainment for those working on the "sage-brush sea."



RECOMMENDED READING

Haythorn Land & Cattle Co.

A Horseman's Heritage
Lisa Norman
Images West
www.imageswest.com



Author Lisa Norman has assembled a loving and comprehensive look at a living and thriving family legacy. The book follows five generations of Haythorns as she creates a glorious photo journey of the history and traditions of the historic Haythorn Land and Cattle Company, located in the

Sandhills of western Nebraska. Tradition with a capital "T" is one of the reasons that today, the Haythorn is one of America's largest breeders of American Quarter Horses. Lavishly illustrated and printed by Tim Trabon's superb Trabon Printing Company, the oversize volume reminds the reader that success is the child of hard work and dedication – along with a love of the land and its legacy.

Contemporary Western Design

Thea Marx
Gibbs Smith Publisher
www.gibbs-smith.com
www.contemporarywesterndesign.com



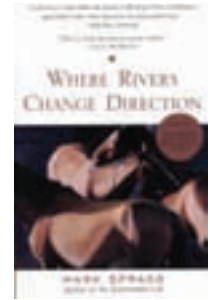
Fifth generation Wyoming native, Thea Marx has embarked on a life celebrating and encouraging western design. After a stint as executive director of the Western Design Conference in Cody, Wyoming, she found within her a passion for design of all things western, and has since devoted all her energy to working with craftspeople and artists of the

genre – helping promote their work. In her new book, *Contemporary Western Design*, Ms. Marx has created a guide to new approaches to western design as well as a means to spark design ideas for your own home. The book is for those forward-thinking dreamers who love the romanticism and mystique of the West but who also crave a measure of contemporary panache.

Where Rivers Change Direction

Mark Spragg
Riverhead Books
www.riverheadbooks.com

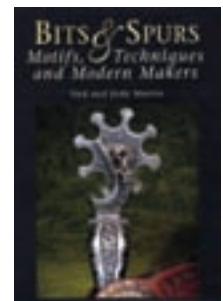
I started Mark Spragg's *Where Rivers Change Direction* sitting in the Denver airport after my flight was cancelled. I finished it before the next flight and frankly forgot where I was. It is that good. Spragg's telling of the lessons of his young life were captivating as well as enlightening. The essays that make up his story are set mostly on a remote ranch in Wyoming's Shoshone National Forest, the largest block of unfenced wilderness in the lower forty-eight states. From ranch life to horses to attending livestock auctions, Spragg's writing paints mystical moments of nature, life and the things in young men's hearts. His is a voice from the West to be treasured.



Bits & Spurs

Motifs, Techniques and Modern Makers
Ned and Jody Martin
Hawk Hill Press
www.hawkhillpress.com

This third in a series of books about bits and spur makers completed the authors' journey studying bit and spur makers in the American West. The first two volumes were mostly historic in nature and celebrated two regions famous for unique styles and approaches to bit and spur making. The first volume, published in 1997, "Bit and Spur Makers in the Vaquero Tradition" was followed up in 2001 with "Bit and Spur Makers in the Texas Tradition." The books have become standards in the game of silversmithing as for the first time images of both makers and their work were available for collectors and "users" alike. Don and Jody Martin are passionate about bits and spurs and all things western and it shows in their exhaustive research done for the books. This last volume celebrates the current crop of living makers and gives excellent resource and contact information about each maker. A must for every gear lover's library.



WESTERN MEMORIES: CHARLES M. RUSSELL



Paying the Fiddler (1916) Oil on canvas, 24 x 36 in. Courtesy C.M. Russell Museum.

The Art of Charlie Russell is still the benchmark in depicting the life of the working cowboy.

BY MARILYN FISHER



For most true westerners there's nothing more uplifting than the image of a cowpuncher riding for the brand as he pushes his cattle across a wide expanse of the American West. It's a symbol of independence that was the heart of the American frontier in the mid-19th century when rich grasslands blanketed the endless prairies and cattlemen moved vast herds along open trails. It's a recurring dream for lovers of all things western and a symbol of the freedom that Americans hold dear – a freedom that was won through hard work and solid, core values. The old time cowpunchers are long gone now, but their spirit lives on in images rendered by the artists of the period, some of whom were themselves cowpunchers, having lived the western life they toiled to immortalize.

What triggered the dramatic change in the work practices of the cowboys in that era? The American frontier cattle industry peaked between 1867 and 1882 as a devastating drought in 1883 depleted much of the

grassland and the severe winter of 1886/1887 dealt another blow to the herds, with tougher times ahead. That bitter winter, most herds and the cowboys who worked them literally froze to death on the barren range. Another factor in the demise of the open range was the westward movement with its new wave of grangers (nesters) who homesteaded and farmed the grasslands, rendering large stretches of the plains unavailable for open range grazing. They settled in and plowed the grasslands under. Between the needs of the farmers and difficult climate conditions, cattle outfits were forced to hay their cattle, reduce their herds and fence them in. The role of the free roaming cowpuncher gave way to change as the “new” cow outfits were charged with managing smaller herds within fenced ranges. The fact was, the westward movement would not accommodate the historic roaming ways of the open range cowpuncher and his herds. But he was branded as an icon in the history of the American cattle industry.

Progress was blazing a new trail and by the twentieth century much of the west and the Great Basin was divided and conquered by barbed wire. Gone to seed were the old cow camps and dusty cow towns that once marked the trails of the thirsty cowpuncher. It was the industrial revolution and new inventions that changed the face of agriculture, manufacturing and even transportation. The horse and harness gave way to a new kind of horsepower as automobiles were soon in production. The daily rhythm of an industrial nation grew more frantic and out of this new hurried pace came an inevitable longing for of all things – the old west and its slower, less complicated ways – and a longing for a simpler, more direct ‘code of the west.’ Old symbols of independence, the image of the cowpuncher and his world, were revived through the work of artists whose business it was to deliver that image. A demand for American western art filled the galleries and exhibits especially in congested metropolitan areas such as New York City. Art collectors consumed the images of the rugged individualism they had read about in western novels, or heard about from old timers. The western American dream would not go quietly.

This period produced rich images from icons of the western art world such as Frederic Remington, Charles Marion Russell, Edward Borein, Joe DeYong, Thomas Moran, Will James and a string of others. These artists were an elite group whose narrative and realistic styles sparked the revival in interest in the old west. Some were mentors, and others protégés who paid their dues to be part of the legacy. Of these greats, Charles Marion Russell rose to



photo courtesy Montana Historical Society

A young Kid Russell horseback.

become a major torchbearer for the old west. An ‘old son of the west,’ as artist Joe DeYong, Russell’s only protégé, called him, Russell had lived a life in the saddle. A philosopher, naturalist, outdoorsman, writer and authentic cowpuncher, he earned his merits first hand through his experience as a night herder for the Judith Basin Roundup in Montana in the 1880s. Self-taught and a natural observer he sketched the other cowpunchers and the dynamic action of the cow camp activities including ropings and bronc wrecks. Kid



photo courtesy the C.M. Russell Museum

Charles Russell at the Judith Basin Roundup



Kid Russell and Will Rogers.

Russell, as he was often called, gained artistic recognition after sketching what he had witnessed during the devastating blizzard of 1886/1887 – the lonely image of a cow freezing to death and at the mercy of hungry wolves. The haunting image titled, *Waiting for a Chinook – the last of the 5000* (1887) drew attention with its accuracy of detail – a picture worth a thousand words. Russell’s narrative paintings and sculptures were a testimony that he’d been there and seen it all. He had witnessed the end of a great, rowdy era on the cusp of the waning frontier.

What must it have been like to be in Russell’s era? Look closely at his paintings. He knew well the smoky cow town bars and rough, fiercely independent characters that traded their wares on the oak top bar for food or whiskey. He slept in teepees and appreciated the Blood Indians he lived with during the summer of 1888. Civilization may have choked Russell, his letters and works say as much, but as he worked in his studio he chronicled the American wilderness over and over, documenting it in the image of a buffalo herd grazing on a snowy plain under the splendor of a western sunset, faithful to ‘Ma Nature’ in all of her glory.

Of his circle of artist friends who painted the old west, only a handful lived the life of a cowboy, sleeping on the ground or in a drafty old bunkhouse, as their experiences show in their techniques. Russell made fast friends with a kindred artist from Central California named Ed Borein, a former cowpuncher himself, and cut from the same cloth as was Russell. The two would roll cigarettes by the hour and tell their ‘windies’ about ‘hosses’ and cow camp days and the changing times in the new ‘man-made’ era. In joint company, these two giants of western art genre were great supporters of one another’s work. A couple of ‘genuine

articles’ themselves they shared a similar destiny in the art world – depicting the west as it had been before, as Russell put it, “the granger plowed the trails under.” Both men felt blessed to have once lived that life before the west, in their eyes, disappeared. Those memorable “western” moments were common threads woven into their works.

Russell painted mostly in Montana, though California became a second home for him and his family to escape the harsh northern winters. He’d visit Borein in his Santa Barbara studio in the historic De la Guerra adobe, a popular gathering place with its fireplace and the perpetual kettle of cowboy beans simmering away. The old rawhide reatas, bits, spurs, saddles, and Mexican sombreros laying around – cowboy and vaquero regalia from Borein’s own cow punching days – were good for a story or two. Russell would be seen

around the plaza in his typical attire of cowboy boots with spurs, a ‘half-breed’ sash around his waist and rolling a ‘quirley’ cigarette. His outfit reflected the old days, a reminder of where he had been, and he wore his classic Stetson back on his head.

Few records of conversations between these two friends



photo courtesy William Reynolds

Two saddle pals, Edward Borein and Russell in the early 1920s.

can be found; still it is safe to imagine that their talk revolved around their art, the current market they faced – and the old cow punchin’ days. By the time the mid-1920s rolled in, it had been a while since either artist had tasted the freedom of the open trail. What follows is a romanticized conversation between these two friends and westerners, longing for a little taste of the old days.

EB – I’m glad to see you Charlie, you flush old son – ‘got your boss hitched out front – or did you drive?

CR – You can have the ‘skunk wagon’ – I’ll stick to the ‘hoss.’ We understand each other better. A machine will show folks the manmade things, but if people want to see God’s country they’ve gotta get a ‘hoss’ under ‘em. To me, the roar of a mountain stream mingled with the bells of a pack train is grander music than all the string and brass bands in the world. Friend Ed, wouldn’t you like to get a ‘hoss’ under you like the old weather worn coumen and ride over some real grass country again?

EB – Maybe we oughta cut loose from here and ride to another range, like we did in the old days when we didn’t have a nickel, and didn’t need one.

CR – Well, the man-made country is not for me. The older I get the more I think of the old days and the times we had before the bench land granger grabbed the grass – there was no law against smokin’ cigarettes then. It’s the granger that turned Montana into ‘grass side down’ – she’s a ‘has been’ now, but I remember her for what she was.

EB – The West of the old cowpuncher and the open range is a goner. That’s why we do what we do – so they’ll know how it was back when the cattle drives stretched for miles across the plains – an’ the old cowpuncher lived a sort of code of honor, faithful to the brand he rode for. We’ve got a job to try an’ keep that dream alive. The days of the old cowpuncher and the injun, the trapper and the mountain man – and the buffalo – are fast settlin’ into the past. It’s a shame that man has to go and build cities to cover it all up, but this country is bound to keep growin’ and there’s not a thing we can do about it. The buffalo an’ the old cowpuncher are best remembered now



Russell in front of his masterpiece, *When The Land Belonged to God*, finished in 1914. It hangs in the capital rotunda in Helena, Montana.

photo courtesy Montana Historical Society

through paint and ink. That’s what they call progress.

CR – The barbed wire and the plow made the old cowpuncher history and the buffalo gave way to progress. The West owes much to the hump backed beef, the Rocky Mountains would’ve been hard to reach without ‘em.

EB – We can’t go back to the old days, but we can call ourselves lucky that we knew it for just a little while – luckier than most.

By 1926, Charley Russell, the artist who had created nearly 4,500 works and personified the old west for so many, was in failing health. His cow punchin’ days had caught up with him. That October, the man who had poignantly captured the American frontier on canvas finally, as he had been known to say of others who passed on, “crossed the great divide.” And along with him, the times were clearly changing. In 1929, Montana was feeling the sobering effects of the strict era of prohibition. The old cowboy saloons of Great Falls could not serve liquor and the spirits of thirsty

cowpunchers lingered on old Central Avenue along with the hitching rails, remnants of another era gone to memory. The Great Depression soon arrived and much of the luster of the roaring twenties era turned to tarnish.

The turn of the century was a boom for many western artists. Russell's own professional art career spanned 30 years from the end of the old frontier to the middle of the Roaring Twenties. His one man show in a New York City gallery in 1911 brought him success, as did another London Show in 1914. His wife and manager, Nancy, saw to it that his work sold to well-heeled collectors, wealthy ranchers, actors and film makers such as William S. Hart, Harry Carrey, Douglas Fairbanks, Tom Mix and other giants of the silver screen. Most of Russell's work was commissions Nancy had arranged for him and with his passing he left a body of artworks yet to be sold. Nancy carried on her husband's legacy – one that she had consistently helped him to build. For years she had been the driving force behind Russell, ever encouraging him to produce and at the same time, keeping their family afloat. He was by nature less concerned with money matters than his wife and would have been happy to trade straight across – a drawing for a meal – or to settle an occasional bar debt as in his old cow punchin' days. Fortunately for his family, and the western art world, Nancy Russell was a fighter who bargained mercilessly with galleries and dealers in pursuit of the fame she felt her husband deserved. It was a fight she fought alone, even during her artist husband's lifetime, as



photo courtesy the C.M. Russell Museum

Portrait of Nancy Russell.

he did not have the demeanor to “push” his career in the same assertive way.

Theirs though was a true partnership in which the two worked well ‘in harness’ and the result was success in a crowded western art field. Russell once remarked about Nancy, “The lady I trotted in double harness with was the best ‘rooster’ and ‘pardner’ a man ever had... If she hadn’t prodded me, I wouldn’t have done the work I did.” Following his death, she contracted a book of his illustrated letters titled, “Good Medicine” with a fitting, sentimental foreword penned by Russell’s old friend, the humorist, Will Rogers.

After Charley’s passing, Nancy accepted the help of a true friend who figured prominently in Russell’s



photo courtesy the C.M. Russell Museum

Russell and Joe DeYong at Russell's Bull Head Lodge in Montana.

legacy Joe DeYong. A faithful 'adopted' son of the Russell household, DeYong proved to be a trustworthy confidante who assisted Nancy by feverishly promoting Russell's legacy in the changing art world. DeYong, a cowpuncher himself, had lived with the Russells as a student of the great artist from 1916 to 1926. He liked to refer to Russell as a "modest son of the old west, and the genuine article." Completely deaf due to a bout with meningitis in 1913, DeYong appreciated Russell's patient and creative attempts to communicate with him through sign language. That kind gesture of attention was returned through DeYong's unconditional support and admiration for Russell. When Kid Russell died, DeYong moved to California and became the torchbearer for the Russell legacy – fully committing his efforts to the great artist in word and deed, and carrying on his name in western circles. A protector of Russell's image, he would not allow other artists to defame Russell or copy his mentor's works, often exposing those who did. DeYong's contributions to Russell's legacy were his own artworks and the record of memoirs he faithfully kept of the final years of Russell's life.

The stock market crash of the Great Depression put an end to the indulgence of the 1920s. The most consistent art collectors during this period were the wealthier patrons who could still afford to collect. During the difficult years of the 1930s, Nancy Russell passionately continued to deal her husband's remaining works through exhibitions and galleries, securing the best prices she could

in that brutal economy. She passed on in May of 1940 having done her diligent best to honor the value of her husband's artwork.

During the 1940s, the best hope for traditional western imagery in the arts was the thriving film business. Hollywood was in its heyday and the American western film was a welcome diversion from war time cares and a sort of return again to an era of cowboy values. And, in the field of western art, popular artists were painting western scenes for a new generation of modern collectors.

Today Russell's images still "ride for the brand" carrying on the spirit of the old west with their timeless depictions of the cowpuncher. He gave the world a lasting memory of an era he branded his own and a romance with a west he hoped would return. In western art museums throughout the country the spirit of Charles Russell still lingers, and many more western artists today carry the flame as Russell did only a century ago.

And so, the old time cowpuncher still lives. He's on paper, canvas and in sculpture – a symbol of the early American West – a trusted soul who forever pushes herds across the plains, lives on next to nothing with his honor intact, living by his code of the west. To be horseback each day, that's all he wanted – to ride and rope, and tell his story to anyone who shares the dream. Thank goodness many of us today still do. Our hats are off to the old cowpuncher and Charlie Russell too, the artist who kept the dream alive – an 'old son of the west.'



Photo by L.A. Huffman, courtesy the Astor National Center.

The buffalo was an important visual symbol for Russell. His letterhead carried a buffalo skull.

Marilyn Fisher is the Curator of the Reagan Ranch Center in Santa Barbara, California – which celebrates the legacy of Rancho del Cielo, Ronald Reagan's beloved ranch and 'Western White House' during his presidency. The Ranch is now owned and preserved by Young America's Foundation. She received her M.A. in Art History from California State University, Northridge, California and her B.A. from Framingham State College.



photo by Mark Bedor

A sculpture of famed Pendleton saddlemaker Duff Sevre adds to the atmosphere of Hamley's. Custom braided rawhide bridles hang on the wall behind the statue.

HAMLEY & Co. THE RESURRECTION OF A LEGEND



BY MARK BEDOR

It's a September Saturday night in historic downtown Pendleton, Oregon. After spending the day at the action-packed Pendleton Round-Up rodeo, I've just savored a delicious prime rib dinner with a table full of new friends as we listen to the guitars ring, as Canadian singer-songwriter Ian Tyson performs classic cowboy music in an absolutely perfect setting. I'm soaking up these precious moments in the Slickfork Saloon, a place that looks and feels as if you've stepped back in time to the 1880s. But it's all happening on the third floor of a western store – but not just any western store – a true Western icon: Hamley & Company.

Even Ian Tyson seems enthralled with his surroundings. "It's so great to see what Parley and the gang have done to this beautiful old building and this great, legendary business," he beams between songs. "Yeah...I love it!"

"Parley and the gang" are owners Parley Pearce and Blair Woodfield. The two longtime business partners have resurrected a Western legend that nearly slipped away into history. "We just saw it as a real gem of the West laying here that needed some capital and needed some reinvesting," says Pearce. "And we decided that we were the guys to probably do that."

The Hamley family had already been making harnesses,

saddles and leather goods in England for generations when William Hamley came to America in 1850. His two sons, John James and Henry, left their Wisconsin home and established their own shop in Ashton, South Dakota in 1883. Crop failures forced a move to Kendrick, Idaho, where Henry died in 1894. And after the town of Kendrick burned to the ground for a second time, J.J., as he was known by then, brought his business to Pendleton, setting up shop in 1905 in the same three story brick building where it operates today.

Before that decade was done, word about the quality of Hamley saddles had spread throughout the West. The cowboys who worked the cattle country of eastern Oregon and beyond would spend several months' wages to get their hands on a Hamley. Hamley designs included the creation of the "Hamley Wade," an innovative saddle that gave cowboys better leverage when roping heavy livestock. The saddle's fork sat lower and was built with a stronger "tree" or frame, which was far less likely to break when the rope holding a big animal was wrapped around the horn. Working with the Pendleton Round-Up and other rodeos, Hamley also designed the "Association Saddle," still used today by saddle bronc contestants. J.J.'s

son Lester joined the business and created a catalogue in 1909 that brought in customers nationwide. Hamley craftsmen also produced a quality line of belts that at one



photo by Mark Bedor

Ty Skiver works on a pair of chaps in the Hamley saddle shop

time were carried by 1200 department stores across the country. The Pendleton operation also retailed a wide variety of Western wear, while outfitting the working cowboy with its own line of chaps, bridles and silver bits



photo by Mark Bedor

The bronze of Chief Joseph overlooks the shopping action on Hamley's main floor

and spurs. Today, those creations are highly sought after collectibles. But Lester's son Dave had no heirs who wanted to continue the business, and he sold it in 1980. By the 1990s, Hamley's was a shell of its former self. Honda Motor Company had acquired the iconic Hamley logo, and the company's historic building was in the hands of some Nike executives. "Those guys were not cowboys," says Woodfield of those troubled ownership years. "They didn't understand the cowboy ways."



photo by Mark Bedor

Owner Parley Pearce with artist Shannon Luyendyk in Hamley's second floor art gallery

Parley Pearce and Blair Woodfield had grown up riding Hamley saddles on some big Idaho ranches. The friends had become business partners by the time both finished Veterinary School at Washington State University. After practicing veterinary medicine for five years, they found even more success in real estate development, construction, and retailing, operating a number of businesses over the years with hundreds of employees.

Meanwhile, the partners had been watching as their beloved saddle shop fell on hard times. And, when Hamley's came up for sale, they had the resources and experience to buy the business, the building, and reacquire the logo from Honda – all completed by 2005. But just as important was all that time the partners had spent horseback chasing cows. "You can't do this and not understand the cowboy life," says Blair.

"We understand the culture and that's real necessary here," adds Parley. "Cowboys are a real different breed by nature...not that every piece of business we do here is done with cowboys...but what draws the tourist people in is the authenticity of the real 'cowboy.'"

And you can taste that authenticity and smell the leather when you walk in the door. This building, on the National Register of Historic Places, has been renovated completely, highlighting the original brick walls. You'll

marvel at the wonderful monumental Western bronze sculptures, including one of the famous Chief Joseph of the Nez Perce who called this area home. But what will catch your eye are the rows of beautiful hand made Hamley saddles. Those saddles are created right inside the store. It's a thrill to step inside the busy saddle shop and watch an amazingly talented team of craftsmen at work. There is rawhide braider Tim George, saddlemaker Jim Stone, renowned chapmaker Sterling Lamb, and all around leather worker Woodrow Star. "They're the best in the world as far as I'm concerned," says Pearce of his expert team. The Hamley leather shop also produces fine belts and other leather goods, and even an exclusive line of Hamley cowboy boots. And the store also has its own silversmith, once again producing Hamley silver bits, spurs and other items.

Throughout Hamley's there are of course all of the other items for men and women you'd expect to find in a fine Western store. But the ambiance, the sculptures, the historic Hamley saddles, and even a display case of historic Colt .45s engraved with the Hamley brand make it the kind of place you could spend the whole day. And, with the Slickfork Saloon, you can spend the evening there as well.

Parley Pearce and Blair Woodfield are perfectionists, and there's no better example of that than the magical environment they've created in the Slickfork. Boots on the hardwood floor make it sound like you just walked into the Old West, a feeling reinforced by the recreated tin ceiling, the big historic photos on the walls, and the authentic and very impressive antique bar, brought here from Butte, Montana. Copper King Marcus Daly bought the bar for Butte's Thornton Hotel in the 1890s. Teddy Roosevelt spent time leaning on this bar. And, many of the chairs in the room are even older, gathered from saloons and taverns all over the West. "We've really gone the extra mile to try to bring it back authentic and stick with things that are significant to Hamley's," says Pearce.

That's because in the final analysis, the resurrected Hamley & Company isn't really a business. It's a passion. "We have a huge passion for this business," confides Woodfield. "It's more than just a numbers business. It's a heritage."

But of course, the numbers do have to add up to make it work. And, the partners are looking beyond the small town of Pendleton to generate the business they need. A primary tool is their inviting website, www.hamley.com, which can be almost as fun to browse as the store itself. As the restored Hamley's approaches its second anniversary in September, things are going well. "It's been very rewarding so far," says Parley. "The company has really taken off and the support locally and regionally has been great. People have poured in here and are really happy to see Hamley's 'back in the saddle,' so to speak."



THE FUTURE OF YOUR INDUSTRY MATTERS – Will you lead or will you follow?

Cattle producers now face one of the greatest decisions of their lives — *what path do I want my industry to take?* You can choose to follow the herd leading you down the path of vertical integration and lost competition. Or you can blaze your own trail, seeking a fair and competitive market-place for your livestock. R-CALF United Stockgrowers of America is the tool for you to reclaim your industry.

One of the most difficult challenges facing the cattle industry today is the National Animal Identification System (NAIS). R-CALF USA members recently passed a resolution via their mail-in ballots calling on R-CALF USA to:

- Oppose a federally-mandated national animal identification program, and
- Oppose a totally privatized, centralized database and/or federally centralized database.

Instead:

- R-CALF USA only supports a voluntary animal-health, trace-back system that ensures the protection of individual stat, and a system that is compatible with the National Identification System (NAIS). R-CALF USA is working with the federal government, state governments and tribal governments as well as the industry, to determine the feasibility, functionality, and benefit to the U.S. Cattle industry of an animal-health, trace-back system.

R-CALF USA believes that existing systems, such as brand programs and the Intertribal Cattle Connect program, can best meet the needs of producers.

With an ever-growing membership of over 18,000 independent cattle producers, R-CALF USA represents the U.S. cattle industry in trade and marketing issues to ensure the continued profitability and viability of our industry. ***Join R-CALF USA today. Every cattle-owning member has the right to vote on policy that will decide the future of your industry.***

Join today!

Visit www.r-calfusa.com
or call 406/252-2516 to
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THE LEGACY CLUB

Creating a family legacy is sometimes not as simple as it sounds.



(Left to right) Julie McIvor holding daughter Locke Ann, Scott McIvor holding daughter Mac and Don McIvor, Christmas 2000 on the ranch.

BY JULIE W. MCIVOR

Editors Note: In our Winter issue, we introduced you to the McIvor family and the issues they faced dealing with The Nature Conservancy and their family's ranch. In this issue, we invited Julie McIvor to give us the current generation's take on the legacy of the U-Up U-Down Ranch in Fort Davis, Texas.

Why do so many feel the need to leave a “legacy” for the world to see? Is it the age-old search for fame and fortune?

I would like to think that sometimes our search for fame and fortune is just for the experience. And the treasure is almost always found in our own backyard.

However, there are many well-primed organizations ready to help us all achieve the glory of being immortalized past the grave. In fact, you can go to The Nature Conservancy web site and see an entire section dedicated to helping you with gifting and estate planning. It is entitled “Gift & Estate Planning. Leaving a Conservation Legacy”. You can learn how to “give wisely” on this site. You can “Compare Gift Plans” with many ideas, including words and legal phrases to use in your will. They leave no stone unturned as to how to give your precious belongings, money or land to *THEM*. You can give outright gifts such as cash, stocks, real estate, donor advised funds, business interests, partnership interest, personal property including

artwork or rare books. Also, there are plenty of ideas on how to give them money through bequests, life insurance and retirement assets. You can even give them your home and still live in it until you die. And all this is part of “The Legacy Club” – as they call it. The Nature Conservancy’s website defines, “The Legacy Club” as “a group of Nature Conservancy supporters who have made a lasting commitment to conservation by making a life income gift with the Conservancy, or by naming the Conservancy as a beneficiary in their estate plans. The Legacy Club is a way for us to recognize this profound contribution to The Nature Conservancy’s future.” They do a fine job of “working the room” for those who want to “leave a legacy” – for the world to see.

In our hearts, we all probably want to leave some sort of a legacy. I know Scott and I would like to leave a legacy for our children. We would like to leave them the U-Up U-Down Ranch to continue the ranching heritage that we have been a part of for over 125 years. We would like to

leave them a legacy of appreciating a hard day's work. We would like to leave them the values and character of being a good person. We want to teach them to be someone you can trust and count on. We want to teach them to fight for what is right and not accept the status quo. These are the things we think of when we think about leaving a legacy.

But today, it seems many people desire some sort of celebrity or to be glorified. In my opinion, I believe that is only for the few who really make a difference in this world. The Thomas Jefferson's and Mother Theresa's of the world deserve these kinds of accolades, but if you think the more common efforts really live on past a generation or two, let me tell you a story about how long some of these "legacies" actually live.

In 1933, Violet Locke McIvor, my husband Scott's grandmother, was approached about giving Mt. Locke on our ranch to the University of Texas for the McDonald Observatory. She thought it was a good idea and donated the land where it sits today. If you go on a tour up there they will tell you a little about her and her gift. Don McIvor, Scott's dad, was remembered as Violet's son and I guess a few people up there must know that in the '80s the water wells went dry at the McDonald Observatory and Don gave them a water well from down on our ranch – the *U-Up U-Down* – so they could have water again. I am sure a few people know how important it was to Don to be sure McDonald Observatory would have "dark skies" when he needed to sell a good portion of the ranch. He worked hard to not sell to someone who would develop another subdivision. But as for Scott and I, we had to go as Don's guests to all the meetings and BBQs. In fact the only reason we are invited to the yearly meeting and BBQ now is we chose to become a member of the Board of Visitors and pay our membership fee each year. To be honest, each year when we attend the meetings, we don't even know the majority of the attendees. Most of the members of the McDonald Observatory Board of Visitors are not the Observatory's surrounding neighbors but large donors from more urban areas. Recently, it was brought to my attention that a few connecting landowners don't even receive invitations to meetings anymore – even though they neighbor the Observatory. The reason we chose to become members was when Don passed away, we knew the tradition and heritage should be continued. The Observatory was so important to Don, and to Scott's grandmother Violet, we felt we should respect that legacy (our family's involvement).

The bottom line is the folks who ran the Observatory when Don was alive, used to remember who the McIvor's were. Today, it's another story. Here's a good example: There's a bus that picks up children of families living at or near the Observatory and takes them to and from school every day (15 miles each way). In the past, since the ranch is on the route, Scott and Don's stepchildren were all

allowed the special privilege of riding that bus. When our children started school we called to inquire if our children could enjoy this same privilege that had been bestowed on our family in the past. I was told by the acting superintendent at the time, "No, that is just too much liability and opens up to too many people wanting the same." What if Violet would have said that back when she and Don McIvor were making their decision about their gift of property? Would the Observatory even be there today? What if Don would have said that? Would the "crown jewel" of the University of Texas system enjoy the benefits of the fresh water well they do today?

And what gratitude did the McIvors get for the care taking of what is now The Nature Conservancy's Davis Mountains Preserve for over 100 years. Nothing but grief. To Don's face he was "the Father of Conservation in the Davis Mountains" and for his benefit, and donations, they named a building up there after him. But on the daily tours they continue to lie to unknowing visitors about how many cattle we ran and how it is our fault when the surrounding land is in bad shape. It couldn't be the drought or any of their actions. Although they have been the owners for 12 years, it seems the condition of the land is only their responsibility when it is in good shape. I guess the need to appeal to their audience for continuing monetary support out weighs the importance of the truth. I guess that is why The Nature Conservancy is worth so much. They are good at marketing.

It is amazing how a story can be manipulated to fit an "agenda." On one occasion recently, an Observatory employee told me quite frankly that the State of Texas simply took the land from us and that we had no part in giving the land. And just the other day, I found a book about the McDonald Observatory. Inside it said that Scott McIvor's great grandfather, G.S. Locke, won the *U-Up U-Down Ranch* in a poker game. Truth? That was a new one on us, as well as on all of the area's history books. It is well-known, documented fact that G.S. Locke settled here because of the dry climate for health reasons.

So if you are interested in leaving a family legacy—leave it to your children and grandchildren, and not in the hands of the government or some non-governmental private organization. Leaving your decedents entangled with other "partners" they have no control over, might not create the kind of outcome you and your family intended. Put simply, a family's heritage is too important to leave to others.



Errata: In the last issue we incorrectly captioned a photo in the McIvor story. The photo was of Don McIvor, with his son Scott next to Scott's grandmother, Violet Locke McIvor.

THE LIVING WORDS of the CONSTITUTION

PART 2

NICOLE KREBS

The Constitution was a grant of limited power from the people of the original confederation to the federal government to represent the States in those limited areas. Yet how well do we truly understand our Constitution? We felt that it would be beneficial to review this important document. Below you will find the second in our series focusing on each Article of the U.S. Constitution. It is our hope that the information provided will benefit you with any questions you might have regarding your Constitutional rights.

ARTICLE II

“Of all the issues confronting the members of the Philadelphia Convention, the nature of the presidency ranks among the most important and...one of the most significant steps taken.” (FindLaw.com) The Founding Fathers were very clear on what the office of President was supposed to be. They felt that the President had all the responsibility he needed in the six specific powers.

The Founders gave the President six areas of responsibility. Those areas as they apply to today are:

- Chief of state over 303 million Americans.
- Commander in chief over a military force of 2.7 million.
- The chief executive officer of the whole executive branch of the government.
- The chief diplomat in handling foreign relations.
- The chief architect for needed legislation.
- The conscience of the nation in granting pardons or reprieves when he feels justice requires them.

Today, Congress has assigned nineteen other responsibilities to the President. The remarkable thing is that none of the other responsibilities have been authorized by a constitutional amendment. All of them are outside of the original intentions of the Founding Fathers. James Madison tells us that “The powers delegated by the proposed Constitution to the federal government are few and defined... The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the

people, and the internal order, improvement, and prosperity of the State.”

Article II, Section 1 begins, “The executive Power shall be vested in a President of the United States of America.” According to W. Cleon Skousen, author of *The Making of America*, Article II gives “the President the RIGHT to administer all of the duties assigned to the executive branch of the United States government” for a period of four years. Interestingly enough, when the Founding Fathers were discussing the length of the term of office for the president, George Mason from Virginia, wanted a term of seven years. He felt that there should be no reelection so that the president “would not waste any of his time as the national executive in campaigning for another election.” There was some debate among the Founders regarding term limits. Several felt that one term was enough while others felt that there should not be a limit. Franklin D. Roosevelt was the first president to be elected for a third and fourth term. Shortly after his death, the Twenty-second Amendment was passed limiting presidential terms to two.

The Constitution tells us that the Vice-President shall be chosen for the same term as, and shall be elected with, the President. The Vice-President is an ambassador of goodwill among foreign nations and, as a presiding officer in the Senate, is the only member of the executive branch who is allowed to officially function as part of the legislative branch.

The Twenty-fifth Amendment was passed so that the President can nominate a new Vice-President in the event of a vacancy. Of the eighteen occasions when the office of the Vice-President was empty, nine were Vice-Presidents that succeeded to the President’s office, two resigned from



office and seven died while serving. Until the Twenty-fifth Amendment was passed in 1967, there was no design for the replacement of a Vice-President.

Section 1 explains that “Each State shall appoint...a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress...” Each state has the same weight in electing a President that it has in the legislative branch of Congress. The Constitution informs us that “no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.” The Constitution is in place to protect *we the people*, from government power.

Originally, each elector would vote for two people for President. The one with the most votes became President and the runner up became Vice-President. This caused problems by allowing two people with completely opposite views on government to be voted as President and Vice-President, as happened in 1797 with John Adams and Thomas Jefferson. The rise in political parties was mainly to blame. According to the Twelfth Amendment, each state would have separate ballots, one for President and one for Vice-President. As Skousen explains it, “In order to obtain the electoral votes of a state, a party must carry that state. In other words, the party with the highest popular vote gets all of the electoral votes of that state.”

There are several requirements for a President. Only “a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.” Several of the signors of the Constitution were foreign born. If this provision were not added, they would have been ineligible for President.

What is the significance of the age of thirty-five? John Jay stated in the Federalist Papers, No. 64, “By excluding men under thirty-five...it confines the electors to men of whom the people have had time to form a judgment, and with respect to whom they will not be liable to be deceived by those brilliant appearances of genius and patriotism which, like transient meteors, sometimes mislead as well as dazzle.” Theodore Roosevelt was the youngest man ever to serve in the presidential office; he was 42.

By adding the requirement that the Presidential candidate must be a United States resident for fourteen

years, the Founding Fathers eliminated Benjamin Franklin as a nominee for President. Franklin had been out of the country for twenty-five of thirty years. While the Convention felt that he had served his country well in foreign lands, they felt that he had missed some of the “political philosophy” that had developed during the years of experimentation with freedom. The Founders wanted their President to be, according to Skousen, “acquainted with the American concepts of government as well as the moral values which the people wanted the President to exemplify.”

“The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected...” With this statement, the Constitution

prohibited the Congress from raising or lowering the Presidents pay while he is in office thereby preventing the Congress from trying to manipulate the President. In 1789 the salary of the President was \$25,000 a year. President Washington refused to accept any salary even though his financial situation was bleak. The day before his second term began in 1873, President Grant’s salary was increased to \$50,000 a year. It

was raised to \$75,000 in 1909 and an allowance for traveling expenses that “Congress may deem necessary” was included. In 1949 the Presidential salary was changed to \$100,000 with a \$50,000 expense account. The latest increase was brought about in 1967 when the salary became \$200,000.

The last paragraph of Article II, Section 1 states that the President must take the Oath of Office. The oath reads: “I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.” The Twentieth Amendment, which was adopted in 1933, changed the date of the inauguration to January 20th. When George Washington took the oath, he added “So help me God!” Each President added those words at the end of the oath and so, Congress incorporated them into the oath as an official part of the ceremony.

Article II, Section 2 begins with, “The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States...” There has been great debate to whether the President has the Power to use troops overseas without Congressional authorization. In 1973, despite a Presidential veto,



Congress enacted the War Powers Resolution. It was designed to redistribute the war powers between the President and Congress.

The second part of that first paragraph states that the President “shall have the Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.” This means that the President can delay the execution of a sentence and grant the suspension of or the mitigation of a sentence. If there are special circumstances and the President feels that these circumstances might have changed the outcome of the trial, he can grant a reprieve. On the other hand, if the President feels that the execution of the sentence would be “unjust” due to certain circumstances, he can grant a pardon. A pardon does not mean that the person is innocent. If a person is impeached and convicted, the President is not able to pardon the offense and restore the offender to his position.

The people of the United States cannot “be subject to any agreement with a foreign nation” unless “two-thirds of the Senators present concur.” A quorum must be present to vote. Treaties involving funds must pass in the House of Representatives. “Until the House has approved a bill authorizing such expenditures the treaty cannot be implemented.” Two examples of treaties involving violations of the Constitution include the League of Nations in 1919 (which was rejected by the Senate) and the Panama Canal Treaty.

With the advice and consent of the Senate, the President may also nominate and appoint ambassadors, public minister, consuls, judges of the Supreme Court and all other officers of the United States not otherwise provided for in this Constitution. Congress may allow the President to appoint inferior officers as they think proper. The President has the responsibility of filling vacancies while the Senate is in recess but those appointments are only valid until the end of the next session unless they have been confirmed by the Senate.

Section 3 of Article II states that the President shall at various times give the Congress and the American people a “State of the Union” address. This clause imposes a duty rather than confers a power. Today, there is no subject on which the President may not appropriately communicate to Congress, in as precise terms as he chooses, his notion of its duty. On the other hand, the President is not obligated by this clause to communicate information which, in his judgment, would be in the public’s best interest to be withheld.


Section 3 also allows the President to RECOMMEND legislation to Congress without violating the separation of powers. He may also call both the House of Representatives and the Senate together when the need arises. Since the President is not able to declare war, appropriate funds for military action, borrow emergency resources or a number of other things, he has the ability to call Congress together. According to Findlaw.com, “the President has frequently

summoned both Houses into ‘extra’ or ‘special sessions’ for legislative purposes, and the Senate alone for the consideration of nominations and treaties.”

One power that the President has that has never been used is the power to designate the time he thinks is proper for the House and Senate to adjourn. The existence of this power has been enough to persuade them to agree on a time.

The U.S. Constitution states that the President “shall take Care that the Laws be faithfully executed...” According to a 1999 Hearing of the Subcommittee of the Legislative and Budget Process discussing the Impact of Executive Orders on the Legislative Process: Executive Lawmaking, “The issuance of executive orders, proclamations and directives by the President is a practice not specifically enumerated in the Constitution, although it has been generally identified as flowing from the authorities vested in the President by Article II.” They go on to say that “It is generally accepted that, where executive orders have been based upon appropriate constitutional or statutory authority, they have the force and effect of law....Since June of 1962, procedures for preparation, presentation and filing of executive orders have been governed by Executive Order 11030, issued by President Kennedy.” As explained in Congressional Quarterly’s “Guide to the Presidency” (1989) the power of the President goes beyond those authorities actually enumerated in the Constitution. If the Founding Fathers would have wanted the President to have this power, wouldn’t it have been number seven on the list of responsibilities?

Article II, Section 4 states that “The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.” At the time of the Convention, treason and bribery were two of the most reprehensible crimes that could be committed. Treason is defined in the Constitution; bribery is not, but it had a clear common-law meaning and is now well covered by statute. “High crimes and misdemeanors” is an undefined phrase. The Founders used this phrase so that it was broad enough that any serious offense could be dealt with.

Article II is best summed up by W. Cleon Skousen who said that the Executive Branch has acquired an enormous amount of power. The power that the President displays now is far beyond what the Founding Fathers envisioned. Skousen, as well as many Americans, feel that this “is a matter of profound importance to this and all future generations of Americans.” He believes that the problem “is further complicated by the fact that this extravagant expansion of executive power was done with the encouragement of Congress and the consent of the Supreme Court.” But what can we, as Americans, do? The most important thing is to vote. Vote for those that notice the problem and are willing to correct it. Other ways to help will be discussed more when we reach Article V. 

IT IS IMPORTANT TO REMEMBER:



If the government or anyone of its branches steps outside the bounds of the Constitution it is unlawful.

“All laws which are repugnant to the Constitution are null and void.”

Marbury v. Madison, 5 U.S. 137,174,176

The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void and ineffective for any purpose; since unconstitutionality dates from the time of its enactment, and not merely from the date of the decision so branding it. An unconstitutional law, in legal contemplation, is as inoperative as if it had never been passed. Such a statute leaves the question that it purports to settle just as it would be[,] had the statute not been enacted.

Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no rights, creates no office, bestows no power or authority on anyone, affords no protection, and justifies no acts performed under it...

A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing valid law. Indeed, insofar as a statute runs counter to the fundamental law of the land, it is superseded thereby.

No one is bound to obey an unconstitutional law, and no courts are bound to enforce it.
[16 Am Jur 2d, Sec. 177 (1962), emphasis added]



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JAY DUSARD, PHOTOGRAPHER

Photographer Jay Dusard was born in St. Louis, Missouri in 1937, and raised on a farm in southern Illinois. He attended high school and college in Florida, majoring in architecture. A travel scholarship to study American architecture, coast to coast, was his introduction to the American West.

In 1965, while living and working in Tucson, Arizona, Dusard started photographing. A year later in Flagstaff he was working in publishing and regularly aiming his large-format cameras at the landscape.

A 1981 Guggenheim Fellowship freed Dusard to pursue his interest in the working cowboy, buckaroo, and vaquero as subjects. The resulting landmark body of work was published in *The North American Cowboy: A Portrait* (1983). His second book, *La Frontera: The United States Border with Mexico* (1986), a collaboration with writer Alan Weisman, received the 1988 Four Corners Book Award for Non-Fiction.

His next book, *Open Country*, was awarded third place in the 1994 Photographic Book of the Year competition. He then collaborated with writer Dan Dagget on *Beyond the Rangeland Conflict: Toward a West that Works*, which was nominated for a Pulitzer Prize.

In 2005, Jay collaborated with writer Thomas McGuane, on the book, *Horses*. Also in 2005, Jay published his limited edition portfolio of 12 digital prints, *The California Vaquero*, with Cattle Track Press.

Jay and his wife Kathie live near Douglas, Arizona. Between trips to photograph and teach workshops, he punches cows and plays jazz cornet. To see more of Jay's images and words, please visit www.tinysatellitepress.com and www.oldcowsdogs.com.





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A COWBOY'S STORY: RICHARD FARNSWORTH

BY MARK BEDOR

America knew him mostly as an actor, a star whose on screen career began in his 50's and ended in his 80's. His first major role and his last were both honored with Oscar nominations: Supporting Actor in 1978's *Comes a Horseman*, and Best Actor in *The Straight Story* in 2000. But those who knew him best agree that while he was a fine actor, Richard Farnsworth was most of all, a cowboy.

"He was a cowboy through and through in the best sense of the word," says actress Melissa Gilbert, who co-starred with Richard in *Sylvester*, her first feature film. The two spent a great deal of time in the saddle together in what you might call a modern day Western set in a small Texas town. "He actually, literally saved my life one day, when my horse decided to try and take off with me in an arena and jump a fence," Gilbert says. "He rode up and grabbed my reins and stopped my horse." Today the two actors are together again, with adjacent sidewalk stars in the Los Angeles area's Walk of Western Stars, a Western version of the better known Hollywood Walk of Fame. "Working with him was such a joy," Gilbert remembers. "I fell madly in love with him and was so stunned by the depth of his talent. I remember asking him... 'Where does this come from?' 'Just happened,' was about all Farnsworth ever told her. And in a way, he was telling the truth.



photo by Jewey Van Valin

photo courtesy Diamond Farnsworth



Richard Farnsworth & Wild Bill Hickock star, Guy Madison, rabbit hunting in the early '60s

Richard Farnsworth had been in the movie business since 1937, but as a stuntman. Born in 1920, he grew up in Los Angeles. Apparently bored with school, he dropped out when he was 15 and left home a year later. He'd grown up riding and found a job in a polo barn taking care of the horses, including some belonging to Walt Disney. "One day, a couple of guys from Paramount came by," Farnsworth recalled during ceremonies for his induction

into the Walk of Western Stars. "As they left, one of them said, 'If you know anybody that rides pretty good, we've got about three week's work up at a picture called *Marco Polo* with Gary Cooper.'" The pay was \$7 a day. The 17 year old had been making \$7 a week. It was 1937, and his career as a stuntman was underway.

The following month came another good paying job

photo courtesy Diamond Farnsworth



Margaret & Richard with son, Diamond, after a successful fishing trip

photo courtesy Diamond Farnsworth



Richard and daughter Missy in 1953

riding in the Marx Brothers classic, *A Day At the Races*. There was *Gunga Din* in 1938, *Red River* in 1948, and *Spartacus* in the 1950s. Farnsworth appeared as a stuntman in more than 300 films before that first major speaking role in *Comes a Horseman*. And a horseman he was. Most of his

stunt work involved leaping on, falling off, or riding fast horses during the heyday of the Hollywood Western. Falling out of the saddle paid \$35. The more difficult and dangerous work of horse falls, bringing a horse to the ground, paid \$75. In the early 1940s, when he wasn't riding horses in front of the camera, he was making a living on horseback guiding tourists into Glacier National Park and at the Arizona Biltmore in Phoenix. In between, there was rodeo, where the now 20-something competed in bareback bronc riding events from L.A.'s old Stockyard Arena to Madison Square Garden. Guy Madison soon entered Farnsworth's life. The two, who looked very much alike, became close

photo courtesy Diamond Farnsworth



Richard and Margaret Farnsworth pose next to their plane after a successful deer hunt in California's White Mountains in 1954.



Stuntman Farnsworth leaping from a wagon onto a team of horses in 1954's *The Command*

friends as Richard doubled for Madison during his starring years in the 1950s TV series, *Wild Bill Hickock*. The men made their living portraying danger and action in Hollywood. But they found some of the real life variety on one of their frequent bow hunting expeditions. Fellow *Spartacus* stuntman and longtime Farnsworth friend, Loren Janes, tells how Madison was being pursued by a wounded, enraged and very dangerous wild boar, chasing the actor around a tree. Richard couldn't get off an arrow shot for fear of hitting Madison. "So you know what Dick does? He drops his bow, pulls his knife, runs down, dives on top of the thing, and kills it with his knife!"

Along the way Richard Farnsworth found another hunting partner: Margaret Hill Farnsworth. The Indiana girl was as adventurous as she was beautiful. She was riding elephants and performing in a roller skating act with the Ringling Brothers Barnum and Bailey Circus when the two met while riding horses outside L.A.'s Griffith Park. They were together until Maggie died of cancer in 1985.

And, what companions they must have been. In addition to their physical talents, Maggie and Richard were both pilots. The mid-1950s were a different time. Son Diamond Farnsworth remembers how as a 6 year old, he, sister Missy and their parents, would hop in a plane and fly up to a grass landing strip in the White Mountains near Bishop, California to go deer hunting.

Richard Farnsworth was such an expert with the

bow and arrow, he may have been the very last stuntman allowed to shoot real arrows at an actor. (Well, padded of course!) He used to practice that skill by shooting arrows at Diamond in the house! "He put a plate on me, and I'd stand back about 25, 30 feet," the son recalls with a laugh. "And, he'd shoot an arrow – a broad head arrow – into me!" The plate, "Had thick wood so it (the arrow) wouldn't (do any harm)," Diamond explains. "But when it hit you...you could feel it hit you

(the impact)." But Richard Farnsworth never missed that block of wood with anybody. He was simply an amazing athlete. Stuntman Loren Janes tells of all the muscle men on the set of *Spartacus* competing to see who could do a one armed pull-up. The wiry Farnsworth stepped up and shamed them all by doing a dozen. On another film, Loren watched as his friend ran uphill, in sand, wearing cowboy boots, and vaulted from behind onto the back of a horse – uphill, an incredibly difficult feat. "Dick did it beautifully," remembers Janes. "On the first take...it was magnificent!" It was while working on the Goldie Hawn film, *The Duchess and the Dirtwater Fox* in 1975, that the stuntman got his first chance to speak on camera. "It was a Western and I drove the coach in it," Farnsworth once told an interviewer. "And the director asked me to do a few lines that didn't amount to anything, and after they saw the dailies...he said, 'Did you ever try to act?' I said 'No, I never did.' He says, 'Well, when you see this, it goes pretty good! Give it some thought!'"

A string of bit parts followed, including Clint Eastwood's classic, *The Outlaw Josie Wales*. Then, at the age of 56, came his first big role in *Comes a Horseman*, with Jane Fonda, James Caan and that Oscar nomination. How did he do it? "I believe Richard watched actors through the years and started studying (them)," speculates horse trainer Rex Peterson, who wrangled horses on *Sylvester*. "As he got older, he did become a great actor."

Farnsworth won the Genie, the Canadian equivalent of the Oscar, for his portrayal of an aging frontier outlaw in *The Grey Fox*. There were other starring roles in *Tom Horn*, *Misery*, *The Natural*, *Anne of Green Gables*, *The Getaway*, *The Two Jakes*, *Havana*, and finally, *The Straight Story*.

But, great as the stunts and the Academy Award caliber acting was, what people who knew him remember most about Richard Farnsworth was the character of the man. Rex Peterson tells of a scene in *Sylvester* when an actor playing a truck driver who'd been perfect in rehearsal froze up when the camera rolled. "And so, Richard slipped over and started talkin' to him and just motioned behind him for the director to roll the camera...and they run the whole scene...and the guy didn't even know they was rollin' it at first!" "That's what was great about Richard. There was no ego. No b.s.," remembers Peterson.

Richard was also well known for his great sense of humor, even when the trick was played on him. Peterson has another story from *Sylvester*, when some of Farnsworth's old wrangler pals switched the tea in the prop whiskey bottle to real Jack Daniels. "And Richard takes a big charge of it. . . and then, gasping for breath, goes right on with his lines..." laughs Rex. "And the medic comes runnin' and says, 'Mr. Farnsworth, Mr. Farnsworth, you ok?!'"

"And he says, 'Yeah...as soon as I catch my breath I'm gonna kill them... wranglers!'"

"I never laughed so hard in my life! And the wranglers are rollin' on the ground! It was so hilarious!"

Don Edwards, the dean of Western singers, became good friends with Farnsworth after performing at his 70th birthday party. It turned out the two were fans of each other's work. "Gettin' to know him was really neat!" smiled Edwards. "You're like, a fan, but then you get to know him personally. How cool is that?!"



From left: Monte Hale, Gene Autry, Diamond Farnsworth and Richard Farnsworth.

photo courtesy Diamond Farnsworth

no more of them guys. They really aren't." Stricken with cancer, Richard died in October 2000. But his legacy endures. His son Diamond, who grew up on movie sets watching his dad work with John Wayne, Roy Rogers and other Western legends, is in the middle of his own amazing career as a stuntman. He's doubled for the biggest names in the business for decades (including his father),

and currently works as stunt coordinator for the CBS TV series *J.A.G.* and *N.C.I.S.* Diamond is also a regular at many of the Western Festivals his dad once attended. Twenty-four year old granddaughter Courtney does stunts on Diamond's shows from time to time and is an amazing trick rider. And, great as he was on the job, Richard Farnsworth's biggest fans remain his family. Says Diamond's wife, Linda, "couldn't have drawn better for a father-in-law."

In the forward of a book by Darrell Arnold titled, *The Cowboy Kind*, Richard wrote, "Though much about the cowboy is myth, real men of that caliber still exist." Richard Farnsworth was one of those men, a true cowboy, and remains an inspiration to those he left behind.



Richard Farnsworth & Ben Johnson

photo courtesy Diamond Farnsworth



Some memories of a good cowboy.

Richard Farnsworth's first wife, Maggie died in 1985. Three years later he walked into a coffee shop in Burbank, California, and met Jewel Van Valin. They were together until his death in October 2000. Here she shares some of her memories of the man she knew.

On their first meeting:

*"We met at a restaurant in Burbank. (Actor)Monty Hale used to come in. Wilford Brimley used to come in quite a bit. We all used to have coffee together. I didn't know Dick at the time, but when he came in I recognized him immediately from the *The Grey Fox* and *Comes a Horseman*. His stuntmen friends introduced me to him, said that I was from Solvang. He said, 'I know people from Solvang!' And we started talking. We were engaged by the next summer and were together for twelve and a half years."*



photo courtesy Jewel van Valin

On the ranch in Lincoln, New Mexico

"When we were at the ranch, he didn't want anybody else around. He was a very private man. We'd do things socially. But that was one thing, and privacy was another. He loved his time alone. We'd sit on these two swings, one on each side of the porch, and enjoy the livestock. It was our private world. We rode there a lot ... until he couldn't really ride any more."

"I talked him into getting a satellite dish. He loved it! He was finally able to see himself in movies that he had never seen, like the Westerns, and he'd say to me, 'Little One, I'll be comin' around the bend in a checkered shirt, ridin' Smoky!' And he hadn't seen it (the movie) since it came out, or when it was first shot. And sure enough, he'd come around the corner on Smoky! And all the stuntmen that were with him ... like his pal Walt Larue ... all these guys would be flying around the corner with him, laughing and carrying on."

On his career as a stuntman:

"Film people would ask him, 'Can you do this stunt?' And he'd look at it and size it up. After a while he'd say yes or no – he was a man of few words."

On Hollywood:

*"Dick was a gentleman. And he was highly respected. Not typical Hollywood-type. His friends would say, 'Who he is on film is exactly who he is.' He just played himself. When he did his last movie, *The Straight Story* (for which Farnsworth was nominated for the Academy Award for Best Actor), he had bone cancer. It was frustrating for him. He used to say, 'They asked me to do this great role, and I can barely get off the couch.' He didn't want a sympathy vote, so he did not tell anybody in the Academy about his cancer."*

On that night at the Oscars for *The Straight Story*:

*"For Dick to be there and be a part of the Academy Awards again - he had been there in '77 for *Comes a Horseman* - was wonderful."*

On the man himself:

"He had his head on straight when he looked at Hollywood. He didn't let it go to his head. He was just a cowboy and he loved doing what he did. He loved riding, and he loved the guys that he worked with, the stuntmen. He did a beautiful job in presenting himself as a good actor, a good cowboy, and a fine man. I felt it an honor to be with him. He was my world and I'm grateful for what he has taught me. He gave me the strength to keep going. I miss him every day."





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OUT THERE



photo courtesy the Martinez family

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