

The Cowboy Way

SUMMER 2010

Charlie Russell & Friends

Making a Go of It: The McCay Ranch

Robert Krentz: A Border War Tragedy

Jim Arndt: Images from the Southwest

The Living Words of the Constitution
Part 11

www.paragonfoundation.org

\$5.95 US



The Journal of the PARAGON Foundation, Inc.



End of the Day, 1997

O U R M I S S I O N

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.

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Photo by Jim Arndt

Arnold R. Rojas
1896 - 1988

For many years, the writing of Arnold Rojas was the benchmark for information on the ways of the vaquero. Out of print for many years, Alamar Media, in conjunction with Rojas' family, is reissuing "Chief" Rojas' many books, starting with his collected works, *These Were the Vaqueros*. It will be available in July and 10% of the sale price will go to support the PARAGON Foundation. Call 575.434.8998 for ordering information.



www.oldcowdogs.com

The Cowboy Way

SUMMER 2010 VOLUME 6 No. 2

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Out There



photo by Jim Stradt

Ross Knox and His Woolies, 1991



GB OLIVER

For the Love of Liberty

A few days ago, I had the privilege to again visit with Otis McDonald, the courageous man behind the case recently heard by the United States Supreme Court, **Otis McDonald v. City of Chicago**. The only time I had met Otis was March 2ND, the day of the oral briefs before the high court in Washington, D.C. His quiet and unassuming nature was overshadowed only by the courage and convictions that had carried a humble man from a sharecropper farm in Louisiana to the steps of the United States Supreme Court.

In 2008, PARAGON Foundation filed an amicus brief in the landmark case **Heller v. DC** saying that the Federal Government had no right to deny an individual's right to keep and bear arms under the 2ND Amendment of the Constitution. Although **Otis McDonald v. Chicago** might look similar in nature, it addresses the 14TH Amendment rather than the Second. The City of Chicago's claim was, that even if the Federal Government could not deny McDonald's right to keep and bear arms, *they* had the right to do so. In conflict with Chicago's claim stands the 14TH Amendment, which proclaims that the States may not "abridge the privileges or immunities" protected by the Constitution. PARAGON Foundation believed those issues raised by Otis McDonald were of equal importance to those raised in the **Heller v. DC** case, so, we again filed an amicus brief into the United States Supreme Court.

The decision on the case is expected in a few weeks, but it can't come soon enough for Otis McDonald and his family. While we visited, he alluded to the pressures and hardships that he and his family have endured from all sides since entering this battle. Alludes to, but never complains. He laughs and says that, in 76 years, he has never run from a fight and it's a little too late to start running now.

Otis McDonald is a man with no agenda other than his love of liberty. He is a common man with uncommon courage, not seeking fame or notoriety, just looking to leave his children and grandchild with those same "unalienable rights" that are protected by the United States Constitution.

Our Nation's history is rich with people like Otis McDonald, for they are the people who built this country and set it apart from any other on this planet. Mr. McDonald is the first to point out that he is not so different than anybody else, and, in some ways, he is so right. Through PARAGON Foundation, we have met thousands of people just like him, people seeking information, willing to learn of those rights protected by the Constitution, and



GB Oliver, at left, with Otis McDonald at the U.S. Supreme Court
March 2, 2010

then willing to take a stand in protecting those rights.

Otis McDonald will tell you that one of the greatest rewards in his life was being able to help other people. His view of the years of litigation and sacrifices made by him and his family, which ultimately lead them to the steps of the United States Supreme Court, was nothing more than living life the way he always has, doing something that would improve the quality of life for others. PARAGON Foundation hopes to follow Mr. McDonald's example by providing you with an understanding of those principals of freedom that are guaranteed under the Constitution. To empower you with knowledge that allows you to live life as a sovereign, free citizen. You are asked to follow the McDonald example, as well, by taking this information and adding to it that same discipline and courage that is found in the heart of Otis McDonald and so prevalent in our Nation's history.

PARAGON Foundation is seeking new avenues to provide all Americans with the information that is the life blood in a free society. As some of you have experienced in seeking that information from us, your requests have reached beyond our capacity. It is our commitment to you to create a vehicle to better provide you that information and we look forward to making that announcement in the near future.

AB Oliver III

5



photo by Jim Arndt

Canyon de Chelly, 1991



WILLIAM C. REYNOLDS

So Far

This will date me a little... In August of 1974, the band Crosby, Stills, Nash and Young released their album *So Far*. The album cover – yes that was during the vinyl days – was created by Joni Mitchell. The album shipped as a gold record, peaking at #1 on the Billboard Top Pop Albums chart; it was the band's third chart-topping album in a row.



If you haven't heard it recently, add it to your list of things to listen to (we have a lot of those in this issue). It was the first compilation album released by the group and it stated, for all that listened, where the sometimes trio/sometimes quartet had progressed creatively – so far.

It was a benchmark. A moment in time. If you noticed on the cover, this is Nicole Krebs' eleventh installment explaining aspects of the Constitution. That means you are reading our eleventh issue – the fourth as *The Cowboy Way* – another benchmark, as each issue from the PARAGON Foundation signifies where we are “so far,” as well.

We have, over the last ten issues, attempted to not only entertain, but to help each and every reader understand the power and potential at their fingertips with regards to their ability to fully utilize what the Constitution means – and can mean – in their daily lives. We put the information out there every issue and hope that folks will take up the quest themselves to pursue, for their own edification, the further points of the seeds we are spreading – hopefully free of any partisan bias or stereotypical ax to grind. And, you know what? It's working. It's working because the phone calls and emails requesting more information continue to grow in number. It has gotten so incredible that we had to make a decision. We had to decide what we needed to do next, as we had come so far.

We found we had started something huge – wonderful, but huge. So huge, in fact, we became concerned. So, after much discussion, we agreed. We needed to approach things from a new direction to make sure we could help as many who needed it – that meant we needed to think a little differently. We needed to help people help themselves and that meant we needed to make the information people wanted more accessible and easier to find. And that's where we have come – so far. We realized we need to create a broader, more easily accessible “digital source,” enabling folks to be able to search for solutions – *themselves*. So, we need to make available – online – the sum total of not only all of our Constitutional studies, but also those of others we work with. This is a big deal. Imagine having the ability to search for a specific constitutional answer to a specific issue. Imagine the support – and comfort – for every citizen to

know that real, un-abridged, un-edited constitutional information is readily available. That's where we are going, and that's what we'll deliver, for every citizen.

What are we delivering in this issue? This summer issue is designed to give you a little extra for the season. Summer is a time when – hopefully – one can steal away to read something enjoyable and we have loaded this issue with all kinds of things to read, listen to and watch for readers of *The Cowboy Way*.

With all the hubbub about the health care bill and the discussion of the Supremacy Clause, we tasked our Special Features Editor Marilyn Fisher to give us a clear and calm look at those sixty-three words in the fourth article of the Constitution. And, in our “Your Rights” section, PARAGON board member and scholar Daniel Martinez underscores a little reminder for us about the limits of congressional power.

Speaking of power – the power of music is something we all understand and writer Darrell Arnold takes us on a visit with the legendary singing group Sons of the San Joaquin. Our own Mark Bedor, it appears, has been hiding a talent. After he takes us on tour of the wonderful Paradise Ranch in Wyoming's Big Horn Mountains, he lets us in on his little secret – he is a talented singer, and we accompany him during the recording of his first album with the legendary Nashville guitarist and producer Rich O'Brien. You'll find Mark's story in our full-to-the-brim “Of Note” section as we celebrate other great singer/songwriters, writers, poets and gear makers.

Speaking of the Big Horn area, writer Guy de Galard takes us to see the wonderful Bradford Brinton Memorial and Museum in its incredible setting near Sheridan, Wyoming. Darrell Arnold takes us down into southern Colorado to see the McCay family as they continue their family ranching traditions and their work as a true FFA family. Writer Annie Millard shows us the south is still in the ranching business with a look at five centuries of Florida ranchers. Thea Marx has another installment of “Ranch Living” and Dan Gagliasso shares ten great Western films of special interest to readers of *The Cowboy Way*.

We thank you, with each issue, for your help in PARAGON's work for every American. Our new effort of assembling and organizing constitutional information for all will benefit every citizen. We appreciate your help and ask for more, as we have come, so far.



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Of NOTE

As with summer issues of the past, we take time in this installment of our “Of Note” section to give everyone permission to take some time and read a good book, listen to some good music, watch a DVD and maybe ponder some wonderful Western art. Today, summer vacations may not be as grandiose as in years past, but give yourself the time to look through these little offerings and reminders of the West of our imagination. Then, if one grabs you, enjoy!



photo courtesy The Gilcrease Museum, Tulsa, Oklahoma

Detail on front cover and this page, from left: John Young-Hunter, Charles M. Russell and Nancy Russell at Lake McDonald, home of the Russell's Bullhead Lodge. 1915

The World of Charlie Russell Where the Artists and the Antelope Play

Recently, two books appeared on the scene that chronicle several perspectives on the life and cultural contribution of Montana's favorite son and artist Charles M. Russell. Numerous books have celebrated his life works and depicted the imagery he created over a way-too-short lifetime. His only protégé, artist and visionary Joe De Yong, did not let the guide-on of CMR's vision falter, even after Russell's death in October of 1926. He, along with Russell's widow Nancy, would work tirelessly to keep Russell's importance alive in a world running headlong into an economic catastrophe. And they did pretty well – with much of the success due to the network of many friends,

acquaintances and customers Russell himself nurtured over the years.

In his paintings, drawings and sculptures, Russell depicted the West that he knew. A West he felt was rapidly disappearing around him. After his death, De Yong and Nancy Russell worked at keeping Russell's world a relevant place. Here, over eighty-five years later, two books – *Charlie Russell & Friends* and *The Materworks of Charles M. Russell* – illustrate not only the relevance of Russell's life works, but they affirm Russell's position as a catalyst for Western artists that were emerging at the time.

In *Charlie Russell & Friends* (an issue of the “Western



Passages” publication by the Petrie Institute of Western American Art at the Denver Art Museum), we find, even with Russell’s apparent uneasiness around strangers, he had an ability to make lasting friendships – especially among his fellow artists. The book explores his relationship with not only his protégé Joe De Yong, but with singularly important artists coming up the ranks with their

own efforts. Relationships between Edward Borein, Philip Goodwin and Manard Dixon, among others, are fascinatingly reviewed, giving us a much broader picture of a man whose iconic imagery helped shape the nation’s visage of the West throughout the twentieth century and beyond.



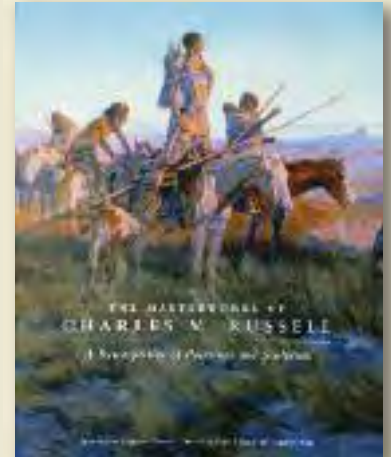
Artistry of Maynard Dixon, above, *Lonesome Journey*, 1946, oil on canvas; below left, *The Plains*, 1931, oil on canvas

Courtesy Brigham Young University Museum of Art

This well illustrated volume, researched by Russell scholars such as Brian Dippie and Peter Hassrick, allows us a look into a life filled with self-driven talent. Russell himself had very little in the way of formal training, according to writer John Taliaferro. Russell’s school-type art education consisted, at most, “of several

days’ enrollment in classes at the Art School of Washington University in his hometown of St. Louis, an experience the young art student found to be tedious and irrelevant to his subject.”

The book goes on to illustrate that no other artist, save George Catlin (1796 -1872), had an impact on the art of the West comparable to Russell. Other great Western artists discussed include Carl Oscar Borg, Frank Tenney Johnson and Edgar Paxson and are placed among the important artistic saddle pals that Russell ran with. But it was Russell’s imagery and purity of color – oh, the light he could create on canvas – that truly put him in a place all his own. It is apparent that Russell loved being with his “waddie pards,” as they were as much of an inspiration to him as the West he saw fading from the scene.



In *The Masterworks of Charles M. Russell*, editor Joan Carpenter Troccoli gives us an important grouping of Russell’s most iconic images that have helped define the West for more than a century. Troccoli corralled eight essayists – including the aforementioned Dippie and Hassrick – all of whom give important and diverse views on the artist and his major works. One of the essays by James Ronda focuses on the importance that the Lewis and Clark expedition had in Russell’s life. “I am not a

historian,” Russell stated on more than one occasion, but the fact that Russell chose the subject for nineteen of his paintings shows the event’s importance – especially to a son of the Big Sky state – especially since the expedition spent more time during its journey in Montana than in any other place. It becomes apparent, when viewing the many glorious



photo courtesy the William Reynolds Collection

Charles M. Russell and Edward Borein – “waddie pards” to the core

images he created on the subject, that Russell did not view the journey as “American empire building,” but rather placed Indians at the center of most of his significant expedition works, allowing Native peoples to tell the story of our nations’ first “road trips.” Within that context, he brought balance and perspective to an event so important to not only Montana but the Nation.

Masterworks is worthy of its subject – timeless and inspiring, yet friendly and accessible. Both of the books described here would be a must for any student of Russell and his contribution to our true root-based culture in the West.

Both books are available through the University of Oklahoma Press. For more information, visit www.oupres.com. And, while you’re looking at these two, do not forget B. Byron Price’s landmark volume *Charles M. Russell, A Catalogue Raisonne*. This book won a Wrangler Award from the National Cowboy & Western Heritage Museum and features over 200 color and black and white images. The big extra is the book gives the reader an online link to view over 4,000 of Russell’s works.



photo courtesy the William Reynolds Collection

Charles F. Lummis and Charles M. Russell,
like-minded Westerners

A Few Words about Myself



photo courtesy the William Reynolds Collection

Charlie Russell would not live to see the publication of his book of short stories, *Trails Plowed Under*. A fond picture of the West that was going away, even the venerable magazine of the “rich and famous of the time,” *Vanity Fair*, gushed over the book in its review which stated, “If you have ever loved the West, if there is any loyalty in you for the finest page that ever turned in American history, then this authentic collection of yarns and pictures of the old-time cowpuncher is your book.”

Trails Plowed Under has been in print continuously since its publication in 1928 and Russell’s introduction, “A Few Words about Myself,” is at once descriptive as it is a statement of his own mortality. It was

written by the author just a few months before his death.

A Few Words about Myself

The papers have been kind to me many times more kind than true. Although I worked for many years on the range, I am not what the people think a cowboy should be. I was neither a good roper nor rider. I was a night wrangler. How good I was, I’ll leave it for the people I worked for to say there are still a few of them living. In the spring I wrangled horses, in the fall I herded beef. I worked for the big outfits and always held my job.

I have many friends among cowmen and cowpunchers. I have always been what is called a good mixer I had friends when I had nothing else. My friends were not always within the law, but I haven’t said how law-abiding I was myself. I haven’t been too bad nor too good to get along with.

Life has never been too serious with me I lived to play and I’m playing yet. Laughs and good judgment have saved me many a black eye, but I don’t laugh at other’s tears. I was a wild young man, but age has made me gentle. I drank, but never alone, and when I drank it was no secret. I am still friendly with drinking men.

My friends are mixed preachers, priests, and sinners. I belong to no church, but am friendly toward and respect all of them. I have always liked horses and since I was eight years old have always owned a few.

I am old-fashioned and peculiar in my dress. I am eccentric (that is a polite way of saying you’re crazy). I believe in luck and have had lots of it.

To have talent is no credit to its owner; what man can’t help he should get neither credit nor blame for it’s not his fault.

I am an illustrator. There are lots better ones, but some worse.

Any man that can make a living doing what he likes is lucky, and I’m that. Any time I cash in now, I win.

CHARLES M. RUSSELL.
Great Falls, Montana
THE OLD WEST

The Art of the Horse Buffalo Bill Historical Center

A new tradition at the Cody, Wyoming Buffalo Bill Historical Center (www.bbhc.org) is the spring Traces of Tradition weekend. This is a new and activity-packed three day festival that brings together a number of Western traditions like music, craft, art and, this year, a horse sale. This year an added event is the Art of the Horse, an invitational Western gear makers show. Included in the show are true "American Masters" – saddlers, bit and spur makers, silversmith and braiders, featuring the works of Don Butler, Chas Weldon, Nate Wald, Arne Esp and Sara Hagel, among many other fine makers. The work was on display through June 6TH.



One of the architects of the show's concept and ongoing mission is saddler Gordon Andrus. For several years, Gordon has been stealing time from the saddle shop to take the big circle outside to visit with other makers and significant Westerners and record conversations as part of the Museum's Oral History initiative housed in the McCracken Research Library. Part of the project's purpose is to see and record the recognition of the resurgence of interest in the arts of the horse. The show featured taped conversations of many of the makers responding to the nature of their work and inspiration.

When he is not out and about working on additional oral history acquisitions, Gordon is in the shop of his Sage Creek Stock Saddle Company in Cody. A saddler since the 1970s, Gordon is a student of history and authenticity. "Because of my longstanding interest in historic saddlery and harness, I continue to seek out every opportunity to study original pieces of gear from the nineteenth century, a time before manufacturing practices had sped to the point that care for details and handwork were lost in the rush of mechanization. As a saddler today, I strive to achieve as high a level of artistry in my craftsmanship as I can. I love making things that are useful, and feel blessed to be working at something that I enjoy so much." Gordon's work was also featured in the Art of the Horse exhibit and we are pleased to share some additional examples of his work. www.sagecreeksaddles.com



3b saddle with engraved silver by Gordon Andrus



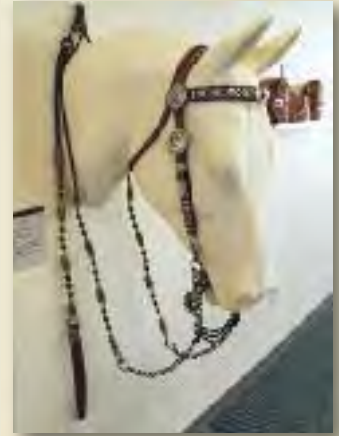
Hand-carved saddlebags by Jim Jackson



Saddles by Keith Seidel (left) and Chas Weldon (right)



Alamar, decorative rope for a finished
bridle horse by Sara Douglas Hagel



Old-style Santa Barbara spade bit,
silver mounted brow-band bridle, with
rawhide and kangaroo braided reins by
Bruce Alan Haener, bit maker;
Bruce Sandifer, rawhide braiding;
Ron Butler, bridle leatherwork



Full Flower Mother Hubbard Saddle with
elephant hide padded seat and sterling silver
trim by Don Butler



Floral Carved Mother Hubbard Saddle by the
late Don King



Gordon Andrus, Sage Creek Saddle Company
www.sagecreeksaddles.com



Gear by Gordon Andrus
From left: carved saddle bags, carved saddle with engraved brass hardware

Spoken Word & Music of the West – Classic and New



Steve Demming

Poems of the Trail
www.stevedemmingpoet.com

Cowboy poet Steve Demming has released a collection of poetry that fits into “way more” than just the cowboy life. His poetry can sneak up on you – it’s meaning transcending horses and cattle to fit just about anyone

who listens. Great words are accessible to all who listen. People find their own meaning in them, applicable to their own specific lives. That is the poetry of Steve Demming. If you are ever feeling especially pleased with yourself or, as Demming says, “When your hat’s run out of room,” don’t miss his poem “The Bucket.” It has a wonderful, simple message that will help you center in just about any situation.



The Byrds

Sweetheart of the Rodeo
Columbia

Ok, this is an oldie – but oh, what a goodie. So dust it off from under the pick-up seat or go online and buy the download for your iPod. Released in 1968, the Byrds’ *Sweetheart of The*

Rodeo, was the sixth of the legendary 1960s group and was recorded with the addition of country-rock pioneer Gram Parsons. It was influential as the first major country-rock album by an established act and represented a true stylistic “shove” away from the psychedelic rock of the time. The album’s big hit, “You Ain’t Goin’ Nowhere,” was written by Bob Dylan in 1967 in Woodstock, New York during the self-imposed exile from public appearances that followed his July 29, 1966 motorcycle accident. The album found huge resonance in later years as people realized just how important it was within the genre. Allmusic.com critic Mark Deming said of the album, “No major band had gone so deep into the sound and feeling of classic country (without parody or condescension) as the Byrds did on *Sweetheart*. At a time when most rock fans viewed country as a musical ‘L’il Abner’ routine, the Byrds dared to declare that C&W could be hip, cool and heartfelt.” Members of the group read like a Who’s Who of Music and included Roger McQuinn, Gram Parsons, David Crosby and Chris Hillman, among others. It’s a record that has proved to be a landmark, serving not only as a blueprint for Parsons and Hillman’s The Flying Burrito Brothers, but also for the entire nascent 1970s Los Angeles country-rock movement. Of course, the Jo Mora art for the album cover doesn’t hurt.

Gary Allegretto

Harmonicowboy
gallegretto@earthlink.net

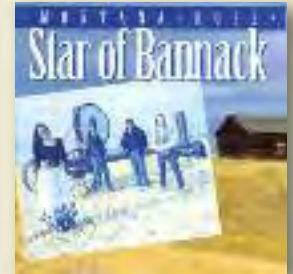


If you are a harmonica junkie, this record is for you. “Gary Allegretto,” as Dave Stamey says of him, “plays the harmonica the way

Casey Tibbs rode broncs.” Enough said. This album is filled with some great original material and all the selections are first cabin, mouth organ playing. Ever since he was handed his grandfather’s harmonica, Allegretto has been playing. He’s cowboied, been a backcountry ranger and a fire fighter, and, along the way, he set up a foundation called Harmonikids (www.harmonikids.org) to help put music in the world of special needs children around the world. This is a good man who plays good music for good reasons. What more do you need?

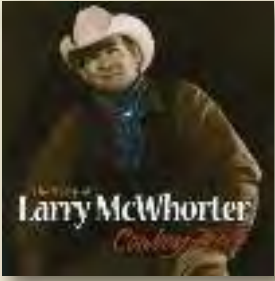
Montana Rose

Star of Bannack
Cowboy Heaven Records



For all of our readers outside the state of Montana – *Star of Bannack* is an album to find and buy that will bring you up to speed on the greatest bar band you have

never heard. Montana Rose has been playing and evolving for over twenty years. “This band,” writer Peter Bowen reveals, “is Western music, and the west is where America does its best dreaming. Wallace Stegner said that ‘the west is the Native Home of Hope...’ and in their songs there are glances at the past and hope for the future. Broken hearts heal, legends never die and it is worth it to go on.” They are best seen live or listened to in the pick-up – with the added percussion of a fifth wheel stock trailer clanking along behind. They rarely leave Montana so, if you happen to be in Pray, Montana on August 15TH, you can see them live at the Chico Hot Springs Saloon. Bet they’ll have some CDs with them. www.mtrosemusic.com



Larry McWhorter
The Poetry of Larry McWhorter
Prescott Music

Larry McWhorter is the real deal. The great writer Elmer Kelton said of Larry, “There are truck-driving cowboys, drugstore cowboys and there are working cowboys. Larry McWhorter is a working cowboy who also happens to write poetry with a gritty reality that reaches other working cowboys where they live. He does not sugar-coat the hard knocks and disappointments that plague the horseback life, but he also understands the quiet satisfactions that bind men to it forever.” Amen. This album has some truly great and heartfelt moments – one especially, “He Rode for the Brand.”

His wall wasn't lined with old Doubledays
Of him ridin' broncs at Cheyenne.
Instead you'd find spurs and chaps and old bits
He'd used through a sixty year span.

He'd swapped his old saddle some years ago
For a comfortable rocking chair.
Now he whiles the hours away all alone,
No more for the cow brute to care.

The JA's, the Sixes, the Mats and the Forks,
In his youth he'd rode for 'em all.
He'd stay with the wagon from early spring
'Till it pulled back in after fall.

Many a maverick had stretched his grass rope.
Bad horses he'd raked with his hooks.
He'd been a man among men you could tell
By the way he talked and his looks.

I used to go see him when school let out
To pick his old brain for some knowledge
And he'd tell of things he'd learned through the years
That they didn't teach me in college.

Like stuffin' cottonwood leaves in your hat
To keep your head cool in the sun.
How to strain water from an old dirt tank,
Which cow was most likely to run.

The other boys called him an old windbag,
His tales just an old man's prattle.
But there was a time he'd do a days work
On horses we couldn't saddle.

His kind of cowboy my friends never knew.
He'd brought no cheers from the grandstand.
He'd never rode for the big crowds, it's true,
But, By God, he'd rode for the brand.



Territorial Law
No Traditions
Performance CD

Have you ever been to a local dance and the band was more than just a band? Bill Agin and his friends that comprise the band Territorial Law are in it for that reason. They play for their fans – and they're legion. Agin and his sons rodeo all over the southwest and their hearts are as big as the country they cover. The band is made up of Agin, Lavoy Shepard, John Payne and Ben Contreras. They do what great bands do and cover some big-time classics, such as “Ghost Riders in the Sky,” “Come Go With Me” and Hank Williams’ “Hey Good Lookin’,” but they also give some original material salted in. Agin’s “Highway Man” and “I Believe in You” offer some great guitar and help take you back to some of those great after-the-rodeo-let's-go-to-the-dance-at-the-Grange moments. The band sells CDs at their performances or you can write them at PO Box 811, Santa Ynez, CA 93460.

iCitizen

“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?

[**Yick Wo v. Hopkins**, 118 U.S. 356 (1886), page 370]



In the Studio with Rich O'Brien

BY MARK BEDOR

*Editor's Note: Our own wandering cowboy writer Mark Bedor continues to surprise us with his many talents as he has just finished his first CD, **Today's Wild West**. Mark made the record with the help of Western music's own Rich O'Brien. What follows is Mark's adventure working with and learning about the legendary guitarist/producer.*

The Wrangler Award. The prestigious trophy is known as the Oscar of the cowboy world. Presented during the annual Western Heritage Awards at Oklahoma's National Cowboy and Western Heritage Museum, the Wrangler honors the best in Western film, writing and music. And no one has won more in any category than guitarist/producer extraordinaire Rich O'Brien.

Never heard of Rich? If you've listened to Red Steagall, Don Edwards, R.W. Hampton, Juni Fisher, Katy Moffatt, Belinda Gail, Riders in the Sky, Sons of the San Joaquin, Stephanie Davis, Jean Prescott, Ray Price, Moe Bandy, Gene Watson and many others, you've heard O'Brien's guitar, mandolin and perhaps even keyboard, fiddle and marimba. The winner of thirteen Wranglers, O'Brien has performed at the White House, toured all over the world, played on hundreds of recordings and produced many of those albums as well – including my first CD!

That's right. There I was in February in a recording studio outside Fort Worth, cutting a record with Rich O'Brien! Now, I'm not anywhere close to being in the same league as all those



pros, but I play guitar and sing just about every day, and I love to play around the campfire on a horse trip. People even seem to like it! And, when I showed Rich what I do at the Cowboy Festival in Heber City, Utah, he encouraged me to make a record. Since my mission in life is to do new things and write about it, how could I pass up an opportunity like that?

Now, I'm not a songwriter. So, I came down to Fort Worth with a dozen or so Western flavored acoustic tunes, like the Eagles' "Tequila Sunrise," "Rocky Mountain High" and Chris LeDoux's "Song of Wyoming." I'd play Rich my version, and then he'd go to work. It was amazing to watch how he could take these songs and recreate them in an incredibly fresh way. It was like watching a fine artist with a blank canvas. First, he'd sketch out the musical chart for the song as I'd performed it. Then, with that blueprint, he began his musical painting, layering on a series of rhythm, lead and bass guitars – like a painter using different shades of color. The instrumentation was, of course, true to the original song, but with a creative, originality all its own. When those foundation tracks were recorded, I'd sing the vocals. I'd never done this before. It's one thing to play a few tunes around the campfire, but studio microphones can be a little intimidating. I was lucky that the low-key O'Brien, and his dry sense of humor, made it easy to relax.

The recording studio itself helped, as well. I'd never been to one. I guess I had imagined something like you'd see in *A Hard Day's Night* – you know, the big glass window, huge console and all that. Instead, when I followed the directions to Casey Jones Studio, I found myself in front of a rather modest home on an ordinary street! But I was at the right place!

"That's how Nashville is," laughed owner and Recording Engineer Aarom Meador, aka Casey Jones. "Every other house is a studio."



Rich O'Brien in the studio



Rich and Valerie O'Brien



Mark Bedor's "money shot" for the album package

Inside were dozens of guitars, and tens of thousands of dollars of high-tech recording gear. What these guys produce here sounds as good as any CD from any major label. With today's technology, you can make a record with \$35,000 worth of equipment that sounds like it was recorded at a multi-million dollar studio – if you know what you're doing. "I learned in bigger studios, the techniques... and isolation and all the e-q and compression... all the geek stuff," Casey tells me.

"The learning curve on that digital stuff these days is pretty steep, and he's climbed it," Rich says of Casey. "He makes me sound better, which, in turn, makes everybody sound better." The two have worked together for about ten years.

Many of those thirteen Wrangler Award winners have been created in this studio. "If somebody brings a project to me, I try to funnel it through Casey 'cause it's gonna be better," says Rich. "He hears things that I don't hear. He's pretty much my right arm."

The admiration is mutual. "Aside from being such a musical talent, he's so intelligent," says Casey of Rich. "He knows so much, and his depth of understanding of the history of music, and the music he loves in particular, is so vast. In the ten years I've been



Rich with the one and only Ramblin' Jack Elliott

with him, my appreciation for music and my understanding of it has just exponentially grown."

O'Brien's genius is evident in the way he arranges even the relatively simple "Song of Wyoming." "What he's doing on the song, technically, isn't that difficult," observes Casey. "But it's so consistent. And so right."

The 55-year-old O'Brien has been mastering his craft since he first picked up a guitar at the age of eight. And he almost never put it down. "I thought I was gonna have to take you to the hospital and have that damn thing surgically removed," his father once told him. "Every evening, I'd sit out on the big rock in front of the house and play and play and play." There was no television in that house to distract him because there was no electricity. And no running water either. He grew up poor in rural southwest Missouri, one of ten children. "I was kind of embarrassed by it," Rich recalls. "And I wouldn't let very many school friends in the house because of it."

But, while the O'Briens didn't have much money, the family had a rich musical heritage. "My mom's people, name was Spears, and Jim Spears was a neighbor of Peter Jefferson in Virginia,

Thomas Jefferson's father," Rich reveals. "And every generation of Spears has had musicians. I would like to think that Jim Spears and Thomas Jefferson played the fiddle together."

Rich grew up listening to his mother play her arch top Sears guitar and sing the old folk songs of the Carter family. While his classmates were listening to the Beatles and the Stones, Rich was marching to a different drummer after his older brother introduced him to the Western swing music of Bob Wills. "I just flipped when I heard Bob Wills' music," he remembers. "Eldon Chamblin's guitar was the backbone of that sound to me. I really wanted to try to play like that." Bob Wills and the Texas Playboys were at their peak in the 1940s and '50s with a sound that combined jazz, blues and cowboy music.

Gene Autry was another O'Brien favorite. "When my buddies were listening to the Beatles, I was listening to Gene Autry and Bob Wills," he tells. "Not because I had to, but because I liked it." They were songs that took you to the wide-open spaces of the West, and perhaps away from the hard times at home. O'Brien had less than ten dollars in his pocket when he left Missouri for Texas, where they were hiring prison guards. Instead of working for the prison, he landed work with a phone company. But, within a year, Rich's talent was discovered by the



Rich O'Brien with rancher Cliff Teinert & the late superb actor Richard Farnsworth



Rich performing with John McEuen of the Nitty Gritty Dirt Band

Lone Star state's music scene and he was playing with the house band at a bar in College Station, home of Texas A & M. It was a rowdy joint. "The Aggies would come

out every Wednesday, Friday and Saturday and dance and fight," he tells. "They'd go to a fight and a dance would break out."

With O'Brien's guitar in steady demand, attempts at his own college career never got far. "I'd go to school for a few months and somebody would call with an opportunity to go to Europe (with a band) for a couple weeks for more money that I could make in six months. So, I felt like I'd have to do that. That would put school on the back burner."

Playing guitar and traveling sounds like a great life. But, often times, it wasn't. "When I couldn't pay the rent," O'Brien explains. "When it'd be Christmas day and I'd be out of gas in the butane tank and the house would be 30 degrees. From my early 20s to my late 30s, it was real tough."

But, every time he'd try to put the guitar down and find another profession, the phone would ring with some big time offers. Rich toured with country stars Ray Price, Gene Watson and Moe Bandy. "Moe had a song called 'Americana.' That was the campaign song for the first President Bush and how I got to play at the White House," he tells.

Playing with the iconic Price was a definite highlight. "It gives



At a gig in Crawford, Texas – from left: Dick Gimble on bass, Buck Reams on guitar, President George W. Bush, Rich and Wes Westmoreland on fiddle.

me cold chills to this day to sit down with a guitar and watch that guy sing 'Danny Boy' or 'Spanish Eyes' or any of his songs," he beams. "It was like a new experience every time I did it. I mean, that in itself was a reward for workin' with Ray."

But life on the road in the back of a bus playing the same song night after night wasn't much of a life. "My personal life wasn't the greatest. I drank a lot," he confesses. "The music begat the drinking which begat playing music again tomorrow night and, you know..."

And then, Elko happened. The 1985 event that became the annual National Cowboy Poetry Gathering launched the revival of Western music, reigniting the careers of Don Edwards, Red Steagall and a host of other cowboy singer-songwriters, poets and musicians, including O'Brien. "It dawned on me, 'Hey! I'm making a living playing the music I like!'"

The cowboy music brought a new circle of friends, including some famous ones, like actors Richard Farnsworth, Wilford Brimley and Red Steagall, a close friend who O'Brien has often toured with. "He's kinda like a brother," says Rich. "Just got a different last name."

About the same time the cowboy music revival took off, O'Brien's personal life did too when he met his fiddler wife Valerie, a recording artist, gifted performer and the only woman ever inducted into the Texas State Championship Fiddlers Hall of Fame. "She's the big rock that I never had to lean on," he shares. "She's a real partner. And now I have some stability, a home and dogs instead of just a house and a place to change clothes and sleep."

It's a pretty good life. And meanwhile, O'Brien has recorded seven of his own albums, been inducted into the Hall of Fame at both the Western Music Association and the Western Swing Society and produced and played on hundreds of recordings. Including mine!

To listen to Mark's new CD, please go to www.todayswildwest.com



Rich with the great Chet Atkins



Rich with actor Wilford Brimley



Paul Hunter



One of the great moments in life is stumbling upon a source of information that is at once consistently informative and, at the same time, inspirational. Such are the writings of one Paul Hunter.

The best way to describe Hunter is that he is a capable man. He has sung the praises of small farming for many years and has himself worked corn, hay, wheat and oats – from plow to harvest.

He has stretched fence,

tended herds of cattle and forked and spread manure. Further, he can fix machinery. A capable man.

Additionally, he has written many books of poetry dealing with the self-rewarding aspects of farming. His first collection of poems, *Breaking Ground*, won the 2004 Washington State Book Award and, over the past fifteen years, he has worked the delicate grace of the letterpress, self-publishing broadsheets under the name Wood Works.

So, it was with great anticipation that the word of his new book, *One Seed to Another: The New Small Farming*, arrived on our desk. It is a book to be read after one has spent time in the garden, or cleaning pens. It examines the basis of our approach to food production and attempts to help illuminate where we are in both our conscience and our values. He looks at what he calls the “art and craft” of farming from a one-family-at-a-time perspective: What is our place in food production locally today – concerns about environmental values, energy use and the dismay of certain practices of industrial agriculture. His answer is based upon the examination of scale. Of scale and reward. He looks at ways to return the vital vocation of food production to a more modest and sustainable form of husbandry – returning to human hands the tasks of feeding a community and a nation. His is a world where honor and pride are mixed with efforts of a days work well-done. An advocate of the use of horses in farming, he is driven by common sense as much as he is a romantic. And it’s pretty easy to agree. Even if the reader is urban-based – land locked by cement. Hunter’s message is wonderfully accessible and rewarding. A potted tomato plant on the fire escape can have the same individual reward as a section of corn. The point is, get your hands dirty. Be a part of the solution. Grow something to eat and do it well.

It is a book, frankly, for everyone who eats and who may have forgotten the nurturing nature of what it takes to bring something to the table. Simple truths, yes, but easily overlooked.

Of scale in food production he writes, “The truth is that the highest yields on the planet have always come, and are still attained, in small plots, in rice paddies and in hand-tilled home gardens. It’s the old story of personal motivation, concentrated effort and attentiveness. Reaching back to feudal serfs in Europe, so to slaves’ and sharecroppers’ gardens in the American South, and the peasant terraces in China, Korea and Japan. Private garden patches grudgingly permitted by Soviet regimes fed the nation through times of severe privation. For eighty years, the people of the old USSR fed themselves despite the active discouragement of local Party officials and brutal programs to collectivize and farm the land in common. It was no mistake that, during WWII, Roosevelt called on patriotic citizens in the United States to plant Victory Gardens. Those gardens strengthened families and fed local communities while freeing up resources for the armies overseas.

“Voicing wisdom still alive among our own traditional farmers, the poet, essayist, novelist and horse farmer Wendell Berry has long advocated that we should work few enough acres that we get to know and love them, so that we can watch over and care for everything that happens there. With the implication that over time we might learn from the land, be nurtured and improved even as the land improves and, in the practice, come to know ourselves.

“We shouldn’t be misled by arbitrary pigeon holing. For instance, gardening can be seen as another form of subsistence farming, in that both grow food for oneself and one’s family, on an intimate and efficient – and aesthetically pleasing – scale. Yet in the media, we are often sold a class distinction about gardening, that it is a leisurely pastime of the well-to-do. But the word ‘garden,’ at its root, just means an enclosure, a plot with a fence or a wall surrounding it, where close attention can be paid and, in time, rewarded. The view of gardening as an aesthetic pursuit might baffle most farmers I knew as a boy. Yet along side lovingly tended fruits and vegetables, their gardens were always lush with flowers.

“So, what does scale do for framing? As practiced at the contemporary industrialized extreme, vast mono-crop fields justify the status quo, which is a massive ongoing investment in equipment and fuel, irrigation, petro-fertilizers, pesticides, herbicides and bio-engineered seed. Never mind the equipment operator’s endless hours at the controls, this mechanized, self-consciously ‘efficient’ effort is aimed at one target – maximum yield for a minimum price. All the other values – taste, nutrition, sustainability, quality of life for the farmer – have been sacrificed to this so-called bottom line. In a small patch, weeds can be pulled or hoed, not indiscriminately poisoned. In a small patch, plants can be thinned by as they come up, vegetables picked as they ripen.”

In his way, Paul Hunter has issued a gentle call-to-arms. Pick up that hoe, that shovel – be a part of the solution. Grow something. For more information, visit www.smallfarmersjournal.com.

More Western Reading

Loading Mercury with a Pitchfork

Richard Brautigan



Back in the early 1970s, many of you I'm sure can remember that far back, Montana was home to a group of wonderfully creative writers; and while Richard Brautigan was just "passing through," he made many friends there, including writer Thomas McGuane. During the 1970s, Brautigan experimented with different literary genres, publishing several novels throughout the decade and a collection of short stories called *Revenge of the Lawn*. "When the

1960s ended, he was the baby thrown out with the bath water," said friend and fellow writer Thomas McGuane. "He was a gentle, troubled, deeply odd guy." In 1984, at age 49, Brautigan, who had recently moved to Bolinas, California, was living alone in a large, old house. He died there of a self-inflicted .44 Magnum gunshot wound to the head. Why he did it is still a mystery. His editors – one in particular – were always "waiting for Richard to grow up." His poetry was simple and direct. He used words as keys to open doors. He once wrote, "All of us have a place in history. Mine is clouds."

This little book came over the transom and I hadn't read it for years. Its poems are lessons in the heart, such as his poem "Impasse."

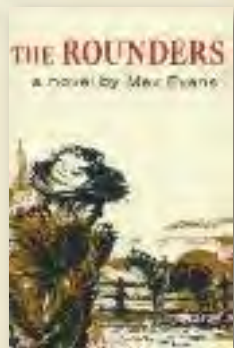
"I talked a good hello
but she talked and even
better good-bye."

This book of poems, along with his tome *Trout Fishing in America*, are little rewinds reminding us of a more innocent time. Both books take a little looking but can be found at www.amazon.com.

The Rounders

Max Evans

University of New Mexico Press



Everyone's list of great Western books would include this title by the favorite son of Ropes, Texas. Max Evans' classic, *The Rounders*, we include here to remind everyone that it has been continuously in print since 1960, making this year its 50TH anniversary. Time to crack it out and read it again or buy some copies and spread them around to younger people. The book has been acclaimed for its authenticity, and certainly was helped in gaining

broader appeal with the 1965 film version of the book featuring Henry Fonda and Glenn Ford. Evans resides in Albuquerque and received the Owen Wister Award for lifelong contributions to the field of Western literature from the Western Writers of America.

Wrangling Women

Kristin M. McAndrews

University of Nevada Press

The small community of Winthrop, Washington has reinvented itself as a Western-theme town. In *Wrangling Women*, the women of Winthrop function as trail guides, wranglers, horse trainers, packers and ranchers and work in an environment where gender stereotypes must be carefully preserved for the sake of the tourist-based economy. The book is a fascinating commentary on the way women use humor in their storytelling and in their working relationships with men, and on what this humor reveals about issues of gender in the American West. The book is exhaustively researched with a gigantic bibliography for those who wish to pursue more information on the subject.

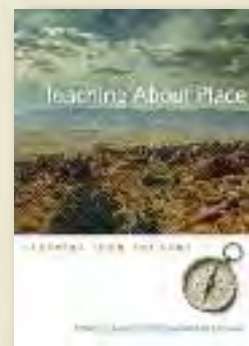


Teaching About Place: Learning from the Land

Edited by Laird Christensen and Hal Crimmel

University of Nevada Press

Here is a book that for those in generational ranching or agriculture may find, well, unnecessary. But for the rest of our culture, a bunch that rarely stays in one place very long, the sixteen essays in this anthology describe the practice of teaching about place, with the goal of inspiring educators, as well as other readers, to discover the value of close investigation of their own places. The contributors discuss places from the desert river canyons of the American West, to the bayous of Texas, to wildlife refuges on the Atlantic Coast, to New England's forests and river and back to the wild land-urban interface in suburban Southern California. Multi-generational families in ranching understand the notion of staying put. But, today, the mobility of our culture causes great movement of many family units due to the economy and various other social reasons. This fact has left many detached from an authentic sense of place and belonging. The book examines this contemporary phenomena and reflects on the challenges of teaching students about place and their connection to it.



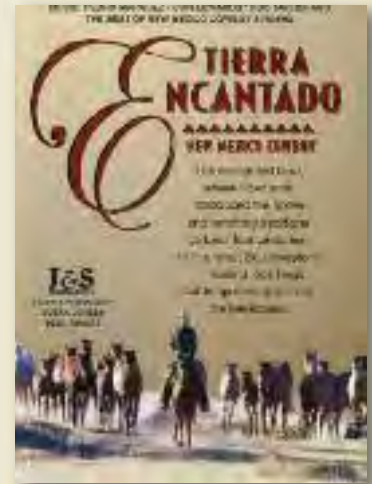
Tierra Encanto

A Film by Susan Jensen and Paul Singer

Number six in their series of regional vaquero documentaries, Paul Singer and Susan Jensen have produced *Tierra Encanto*, another fascinating look into the historic and contemporary lives of people making a living horseback. In this installment, we travel to New Mexico where, four hundred years ago, the Spaniards introduced the horse to the American West – an event that had a profound effect on the new world. The horse provided transportation for the padres and gave Native Americans mobility. For the merging vaquero culture, horses provided the underpinnings for the ranching culture and the foundation for the American Cowboy.

We visit some of the descendants of those early settlers who are still living in New Mexico, many still speaking the dialect of the Conquistadors. Descendants of those early caballos are still here, too. The foundation the Spaniards laid for ranching is still practiced on the big outfits shown – the Bell Ranch, Pecos Ranch and San Cristobal Ranch. The filmmakers show it's all part of this great Southwestern melting pot where Spanish, Indian and Anglo come together, each preserving their own traditions, but forging a colorful culture unique to *Tierra Encanto* – the land of enchantment.

This film is a great addition to add to your collection of films produced by Jensen and Singer's J&S Productions. The two producers obviously love their subject as they are continually looking into more aspects of the vaquero's living legacy. To purchase a copy, or find out about the teams' earlier films, visit www.tapadero.com.



Catalogs

Every once and a while we dig through the stack of catalogs we get just to see if there is anything we can't live without. These three always have something we want.

Filson



Filson is Seattle's answer to L.L. Bean. Around for 110 years, Filson's motto is wonderfully self-assured – "Might as Well Have the Best." Touchable, classic wool styles include their legendary Mackinow Cruiser, designed by Clinton C. Filson. This baby is so heavy and warm, the wool is probably bullet proof – but don't try it. I still wear my grandfather's "Mack" that he bought in 1927. Glorious! The

catalog is filled with photos of horses and loggers and cold grey days. Great clothes for men and women, as well as luggage that will stand the test. www.filson.com

Lehman's

From on the square in Kidron, Ohio, Lehman's catalog is filled with "Authentic Products that Work for Life." Things like numbered stoneware crocks, authentic corn brooms and tins of Porter's Liniment Salve – trusted by moms since 1916. Lehman's is one of those catalogs that are as much about remembering as it is useful. Their products are honest, they work and have stood the test

of time. Their apple peeler is the best. All cast iron, it works like an old friend, and hasn't changed since 1878. www.Lehmans.com



Mayatex

Since 1978, Mayatex has been making fine saddle blankets – by the pound. Specializing in heavyweight New Zealand wool blankets, Mayatex is one of the only makers offering larger 36" x 68" oversize blankets. Natural and heavy duty, these blankets will last many years of gatherings. They have a wholesale catalog and can direct you to one of their resellers. A real stand-up outfit to work with. www.mayatex.com



A Vaquero Life – Ray Ordway

BY JANE MERRILL

In an unpretentious, rural part of Madera, California, lives one of the last true vaqueros – Ray Ordway – sometimes referred to as the “Dean of the Vaqueros.”

Born into the culture, Ray followed in the footsteps of his father Ira Ordway and older brothers Kent and Oliver. Relishing the lifestyle, he worked long, hard days in the open air, moving and handling cattle, branding, colt starting and absorbing the knowledge and lessons from old-time masters of the California Spanish style. And, after all those years, at the age of 85, Ray still remains dedicated to preserving and sharing these traditions.

Ray Ordway’s family migrated from New Hampshire to Iowa in the 1860s, then to California, arriving in Santa Cruz County in 1870. Ira Ordway was born in 1879 and, at age 14, joined his older brothers Ed and Adolph who were already working on the historic Rancho Jesus Maria ranch in Santa Barbara County (now Vandenberg Air Force Base), drawing \$5 a month in pay. Also working at Jesus Maria was Edward Borein, not yet well-known as a vaquero artist.

Ray recalls his father speaking fondly of the old vaqueros on the Jesus Maria. They used riatas and spade bits, never faltering to gracefully throw figure eights and big loops; and their horses were handled easily and maneuvered at the lightest touch. It was so impressive that Ray’s father learned to read and write Castilian Spanish to better communicate with these masterful horsemen.



photo by Heather Huffleigh

Ray Ordway

So began the legacy that Ira passed on to his four sons, all of whom became outstanding bridle horsemen following the old vaquero methods.

During the draught of 1898 in Santa Barbara County, Ray’s father and uncles, in search of better grazing, drove cattle from the Jesus Maria north, covering around 400-miles through San Francisco. They ferried them across the Bay, ending their drive in Willits, Mendocino County. At age 19, Ira left Willits and went to work for Ike Castle on the 77,000-acre San Luis Gonzaga Ranch (under water now as San Luis Dam) starting colts for \$40 a month. Ira later told Ray about the 30 head of colts he and fellow vaquero Manual Arana drove from the San Luis Gonzaga to Marysville (about 250 miles) and had

them all well started by the time they arrived.

Ira married in 1906 and moved to Mendocino County, joining his brother Ed running cattle on 88,000 acres. They used the Lazy Hook Diamond brand, now registered to Ray Ordway. (In 2011, the brand will have been registered in the Ordway name for 100 years.) Ira’s four sons all followed in their father’s footsteps as working vaqueros. Ira was 45 when his third son Ray was born and Ray remembers riding in the saddle in front of his father as they moved cattle. Ray was riding alone by the time he was seven. In 1938, Ray, at 13-years-old, along with his brother Jack, started their own cattle business as the “Ordway Brothers.”



photo courtesy the Ordway family

Ira Ordway



Vaqueros and brothers – Ray, Kent and Jack Ordway in Merced, California, circa 1950

photo by Heather Hafleigh



Sorting with the Harney family. From left, Chaley & Deeth Harney, Ray Ordway and Jay Harney

The cattle business, along with their schooling, kept them busy. After graduating, while working on the Oak Flat Ranch for older brother Kent, another ranch had steers out on pasture to be shipped by train to Montana. They asked Ray to go and be in charge of the Montana herd. Ray was geared up and ready, until his "letter from Roosevelt" arrived and he was drafted into the Army Air Corps during World War II.

After his tour of duty, Ray returned and hired on at the Jack Ranch in Cholame, California starting colts. He became fond of their Morgan breed for its durability, quick mind and good disposition and the Morgan remains his choice today. Ray later hired on to start colts and handle cattle for H. Moffat & Co., Ingomar Division in Gustine, California – a very old vaquero style ranch. He then went to Eden Valley Ranch in Mendocino starting colts; then with Charlie Howard Ranch, Livingston Division, starting colts and handling cattle and other ranches in the San Joaquin Valley.

In 1957, Ray married. For the traditional vaquero, times continued to change and cattle ranching became less profitable. Ray had built up a small herd of cattle and continued to start colts and hire out for day work. Ranching had changed and the "old vaquero" style was fading out, replaced with more of the cowboy and rodeo style. But Ray always found work, always had colts, always remained dedicated to the old traditions.

Ray operates by putting a good foundation on a horse starting with the hackamore, then two-rein and into the spade bit. For him, the old ways are best –



Ray and Laverne Ordway

photo by Heather Hafleigh

A little history of the Ordway family and its legacy

photo by Heather Hafleigh



Ray in the branding pen

The Ordway family tree can be traced back to 1634. James and Anne Emery Ordway were among the first settlers arriving in Newberry, Essex County, Massachusetts from Worcestershire, England. They had eleven children. Some of the more notable descendents were Sgt. John Ordway (1775-1817) who helped lead and record the Lewis & Clark expedition in 1804; Nehemiah Ordway (1828-1907) who was Governor of North Dakota; Albert P. Ordway Brig. General; Lucuis Pond Ordway (1862-1948) major stockholder in 3M Corp. in St. Paul, MN; John Chamberlain Ordway (1801-1870) who in 1824 went to Boston and Quincy, MA and worked for President John Adams assisting him with his correspondence and various duties and was with Adams at his death, then returned to NH worked in hides & tallow business. Alanzo Benton Ordway (1887-1977), loyal employee of Edgar F. Kaiser of Kaiser Industries who named his first building in Oakland, CA after him – the Ordway Building. Alanzo Ordway was Senior VP of Kaiser Industries when he died. Icle Ivanhoe Ives (known as Burl Ives) (1909-1995) was a famous actor and folk singer, son of Cordellia Ordway. Ray's great uncle Edward Ordway arrived in Denver, CO in 1866 and blazed his way through CO, WY and MT fighting Indians with a Henry rifle, guiding Teddy Roosevelt, driving cattle to WY all on horseback. In 1929, Edward Ordway wrote about his life in *Annals of Wyoming*, and authored four books on his adventures.

not rushing the process, but working with the horse through the stages. He notes, "Today, everyone is rushed for results – but lasting results come in allowing the time to train." Ray currently has his Morgan colt Henry in the hackamore. At 85, he continues to ride and rope with the long riata and enjoys roping at brandings with friend Jay Harney and his son Deeth – a striking picture of three generations carrying on the vaquero tradition. Ray is dedicated to sharing old vaquero traditions and knowledge with younger generations and he is a respected, humble individual with patience, integrity and respect for the horse and fellow man. He is a true and gracious example of his vaquero heritage.



photo by Heather Hatfield

To learn more about Ray and to meet him in person:

Ray Ordway will be the "Honored Vaquero" at Vaquero Heritage Days held at Mission San Juan Bautista on August 20 & 21. The event was created to celebrate and share the California vaquero history by presenting artisans, film, exhibits, historians and demonstrations on vaquero traditions. Proceeds benefit the Old Mission Preservation Fund. www.vaqueroheritagedays.com

In 2007, Ray participated in a four-day film shoot for the Essential Image Source Foundation's project "The Legacy of the California Vaquero." In 2009, he was inducted into the California Ranch Horse Association Hall of Fame.

Ray was featured in a video interview presented in May 2010 at the Buffalo Bill Museum in Cody, Wyoming.

America, Still a Creative Powerhouse

In the last several decades, independent American artisans and designers at the pinnacle of their craft have been losing ground to foreign-made products, unable to compete in a financial climate where Americans settle for less. DesignAmerica Foundation, an organization for designers, makers, and artisans across America, was founded in 2010 to help combat this decline. It is a community for – and of – those who recognize the artistic, cultural and economic value of impeccable design and craftsmanship, and who endeavor to pass their knowledge and skill to future generations. DesignAmerica Foundation is dedicated to promoting and supporting these artisans in order that they may break through to mainstream markets and sophisticated buyers in ways they may never have imagined or had thought impossible on their own.



courtesy Susan Adams

The goals of DesignAmerica Foundation are many, but three remain at the core of their thinking:

- Promote outstanding artisanal work of America
- Perpetuate these skills and trades for future generations
- Provide a community of support, education and philanthropy

Learn more about DesignAmerica Foundation, or help support America's contemporary masters by visiting www.designamericafoundation.org.

Two extraordinary events for America's extraordinary artists and designers



DesignAmerica-NYC
October 14-15-16, 2010
 Skylight West, New York City, NY

On Thursday evening, October 14TH, 2010, the doors to Skylight West in Midtown Manhattan will open to a spectacular 3-day event showcasing magnificent works from America's most exceptional independent designers, artisans and artists. DesignAmerica-NYC is a celebration of these artists and will be an incredible shopping experience.



DesignAmerica-Texas
May 6-7-8, 2011
 Gaylord Texan Hotel & Resort
 Longhorn Convention Center, Grapevine, TX

For three days, the Great State of Texas will be overwhelmed with the works from over 100 of America's premier independent artists and designer featuring high couture, accessories, furnishings, art and dazzling decoratives.

For information on exhibiting or attending either event, email DesignAmerica at shows@designamericafoundation.com or call (626) 791-8310.

To Save the Mission Memories

Spanish Corporal Juan Ballesteros and five men came to the site of California's Mission San Juan Bautista (Saint John the Baptist) in the late spring of 1797. In a month, they had erected a chapel, houses for themselves and the padres and a granary. The site was formally dedicated in 1797 with a grand celebration. Over 200 years later, the Mission San Juan Bautista is the site of



another celebration, this time to celebrate the area's vaquero heritage and help support the ongoing preservation of one of California's cultural hold-fasts.

On August 20 & 21, 2010, in the historic city of San Juan Bautista, California, Vaquero Heritage Days – the first California Vaquero Show to be held on

actual Mission grounds – will celebrate, educate and raise public awareness of the California vaquero with selected artisans, gear makers and historians exhibiting and selling their wares. Both days offer opportunities to share the vaquero history experience at the place where early vaqueros gathered herds of livestock for the San Juan Bautista Mission compound in the 1700s and 1800s.

The early California vaqueros were part of mission history in California. They were known for their skills in horsemanship and handling herds of cattle and livestock. At the time, the "best" of the vaqueros were described as "Californios" – a name used even today when acknowledging those who continue to excel in horsemanship skills by following the early California vaquero



methods. Visitors will have the opportunity to visit with contemporary vaqueros who teach the importance of respect, honor and integrity in day-to-day life. This vaquero lifestyle, thought to be disappearing, is very much alive today on many California and Great Basin ranches of Nevada and Oregon, and both days of the event will feature demonstrations and exhibits that will educate and entertain.

"In addition to previewing the artisan show and sale August 20, ticket holders (advance tickets a must) will be entertained by WMA award winning singer/songwriter Dave Stamey along with the premier of a Sony high definition short film *The Gathering* produced by EISF.org filmmaker Susan Sember. The documentary contains footage from EISF's project *The Legacy of the California Vaquero* which began



photo by Jay Dusard

Image from Susan Sember's *The Gathering*

production in October 2007, with further production shoots occurring in 2008 through 2010. Various products will result from the completed project including a museum film tour series scheduled to begin early 2011. For more information on the film, visit www.eisf.org. To purchase tickets for August 20TH, visit www.vaqueroheritagedays.com.

Producer Jane Merrill says, "This event has been years in the planning and we are pleased to have so many enthusiastic, talented vendors and gifted artists supporting our efforts to celebrate the heritage of the California vaquero and Mission San Juan Bautista."

To learn more, visit www.vaqueroheritagedays.com.



photo by Jay Dusard

Vaquero Heritage Days honored vaquero Ray Ordway

The Art of Teal Blake

Teal Blake grew up in Montana surrounded by ranching country, wandering around his father Buckeye Blake's studio looking at Charlie Russell paintings and reading Will James. So it was not hard for him to pick up a pencil and a brush and follow the family business. His hammer, as they say, was cocked. "Early on, I was always on the edge,



Day Worker

asking myself, 'Do I paint what I want or what other people want?' I think now, after a few years, folks seem to like what I'm doing with my subjects coming from things I've seen or been involved in." He's a stickler for detail and may take several hours laying down watercolor just to make sure his shadows are right. But he loves action. "I do love bucking horses," he says with a smile. "They're such a classic subject, big

action, but I also am drawn to the quiet moments ranch people experience everyday." Blake is sensitive to ranch life as he and his wife Joncee have a ranch outside of Weatherford, Texas where he traded a mural for four longhorn cows to start raising cattle. An artist, who truly loves the process of painting, works primarily in watercolor on hand-made, hand-pressed paper. It's a careful process but the results are works he describes as "authentic" and "traditional."

"Authenticity has to come from experiencing it – it validates the scene or subject you're painting," he says. See more of Teal's work at www.tealblake.com.



Hide and Horn



Soap Creek Branding Crew



Teal and pals



The Diamond Hand

Santa Margarita Ranch celebrates Early California Rancho Days.

The historic Santa Margarita Ranch, just up the Cuesta Grade from San Luis Obispo, hosted Early California Rancho Days May 29TH and 30TH. In the grand tradition of long-rope, reata roping, events included Team Branding, Team Doctoring, a Stock Horse event and Youth Reata Roping. It was apparent that a grand time was had by all – great roping, great horses – and great gear in the historic *asistencia* – gear for sale and as displayed collections. The Santa Margarita Ranch's own Jeff & Alie McKee and Kathy Loftus created a wonderful scenario where seasoned vaquero talent along with superb weather made for some great roping. It was a gathering of wonderful like-minded people aiming to keep the vaquero traditions of fine horsemanship alive.

Some of the results included:

Team Branding:

- 1ST Burt Ferasci, Joe Burroughs, Jason Mercurio
- 2ND Clayton Edsall, Zeb Burroughs, Brian Huntsberger
- 3RD Justin Fields, Bill Askew, Dave Lackey
- 4TH Buddy Montes, Ron Apodaca, Cody Real

Team Branding, Best Head Catch:

- 1ST Zeb Burroughs
- 2ND Clayton Edsall
- 3RD Jessup Renteria

Best Heel Catch:

- 1ST Burt Ferasci
- 2ND JasonMercurio
- 3RD Bill Askew

Results for the Team Doctoring event:

- 1ST Justin Fields, Bill Askew, Dave Lackey
- 2ND Buddy Montes, Ron Apodaca, Cody Real
- 3RD Clayton Edsall, Zeb Burroughs, Brian Huntsberger
- 4TH Gene Armstrong, Justin Bogle, Alie McKee

Team Doctoring, Best Head Catch:

- 1ST Cody Real
- 2ND Dave Lackey
- 3RD Ron Apodaca

Best Heel Catch:

- 1ST Zeb Burroughs
- 2ND Bob Blackwell
- 3RD Bill Askew

Stock Horse Class, Advanced

- 1ST Clayton Edsall
- 2ND Jeremy Morris
- 3RD Brian Huntsberger

Intermediate

- 1ST Alie McKee
- 2ND Jessup Renteria
- 3RD Jim George

Beginner

- 1ST Gail Armstrong
- 2ND Greg Aguilar
- 3RD Lacey Davis



Contestants came from all over the West

High Point Team

- Bill Askew
- Justin Fields
- Dave Lackey

Many of the West's finest makers and artisans showed their wares in the *asistencia*, a place of great local California ranching and mission history. The Santa Margarita Ranch dates back to the Spanish mission days in California. The ranch, sometimes referred to as San Luis Obispo County's "third mission," contains what at one time was the most northern outpost for Mission San Luis Obispo de Toloso. The *asistencia*, established in 1787, still stands near the main ranch buildings on the ranch's almost 18,000 acres. The building of this "auxiliary mission" was built originally 120 by 20 feet and consisted of a chapel at the southwest end and eight rooms for the use of the majordomo and his servants and for visiting priests. A barn was built over the stone structure to protect it from the elements.

Some of the artists who exhibited at the gear show included Ed Field, Chuck Irwin, Ernie Morris, Phil Tognazzini and Bob Blackwell – among many others.

For more information, visit www.earlycaliforniaranchodays.com.



Great roping, great gear, great horses and great people made for a first-class event

Tom Selleck inducted at the National Cowboy & Western Heritage Museum

While he may be best known as Magnum P.I., Tom Selleck may be best *loved* for his Westerns. Since he first saddled up with *The Sacketts* in 1979, Selleck has done as much as anyone to keep the beloved genre alive in films such as *Quigley Down Under*, *Monte Walsh* and *Crossfire Trail*. Last April, he was rewarded for those efforts, with induction into the Hall of Great Western Performers during the National Cowboy and Western Heritage Museum annual Western Heritage Awards. The star brought his entire family to the event, and the veteran actor was clearly moved by the recognition. Selleck's work with the National Rifle Association is also popular among the cowboy crowd.



National Cowboy & Western Heritage Museum Board member Wyatt McCrea, Hall of Great Western Performers inductee Tom Selleck and actor Barry Corbin



A pair to draw to – Waddie Mitchell (left) and singer / songwriter Don Edwards, who received a Lifetime Achievement Award

NRA leaders Wayne LaPierre and Kayne Robinson were among the record crowd to witness both Selleck's induction and that of the late, former NRA President Charlton Heston. Fraser Heston accepted the honor on behalf of his dad. Lifetime achievement honors also went to Western singer/songwriter Don Edwards, Texas rancher and Western photographer Bob Moorhouse and legendary Wild West showman Pawnee Bill. And the coveted Wrangler Award was presented to a host of honorees recognizing the year's best efforts in Western film, music and literature.



Great Westerners All
from left: Lincoln & Angie Lageson and Goldie & Buck Taylor

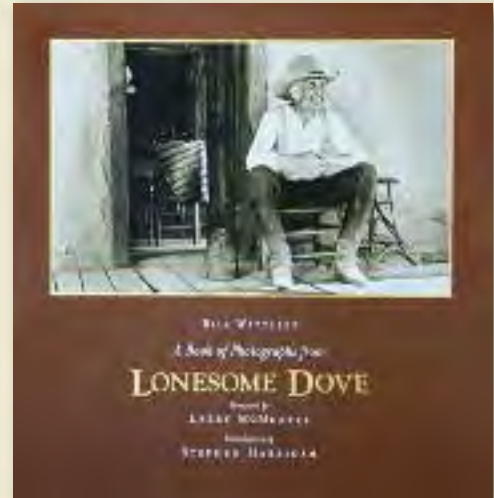


Lynn Anderson and Waddie Mitchell



**“The older the violin, the sweeter the music”
Lonesome Dove at 20**

Twenty years ago last February, those words were spoken to Diane Lane’s Lorena by Robert Duvall’s Augustus McCrae. The ground-breaking mini-series, directed by Simon Wincer, became an instant classic – and so did its characters. Year’s later, writer Bill Wittliff published a book of photographs he took during the making of the epic Western. Today, those images, along with his extensive catalog of photographs, are part of the permanent collection of Texas State University. In our Fall issue, we will share some of the images from the Wittliff Collections regarding the work from *Vaquero: Genesis of the Texas Cowboy*, a book he published in 2004 through the University of Texas Press. To celebrate the joy of having *Lonesome Dove* in our lives for these past twenty years, we give some images immediately recognizable, but not usually seen yet, for all you LD junkies out there. For more information on the work of Bill and Sally Wittliff, please visit www.thewittliffcollections.txstate.edu.



A Book of Photographs from Lonesome Dove
by Bill Wittliff is available from the University
of Texas Press – www.utexaspress.com



Here's to the sunny slopes of loong ago. – Augustus McCrae



photography by Bill Wittliff





ROB KRENTZ AN AMERICAN RANCHER

BY JIM OLSEN



photo courtesy David Zickl Photography

Rob Krentz and his brother Phil

*Editor's Note: We receive many letters from readers about folks that they feel are worthy of a profile in the workings of **The Cowboy Way**. Recently we received the following letter about the murder of rancher Rob Krentz near Douglas, Arizona. With all the interest in Arizona's controversial new immigration law, we felt this story about who Rob Krentz really was would be timely and of interest to our readers. A number of stories have appeared in the press regarding the Krentz incident. According to a number of reports, Rob Krentz, a prominent Arizona rancher, was most likely killed by an illegal immigrant, but there's no evidence to suggest there was any confrontation that led to the shooting.*

The body was located on his ranch about 35 miles northeast of Douglas after his brother reported he had lost radio contact with Krentz earlier in the day. At a news conference after the killing, Cochise County Sheriff Larry Dever indicated Krentz was out checking water lines and fencing on the land his family had ranched since the early 1900s. The Sheriff said Krentz had weapons but didn't use them. Investigators say Krentz apparently came upon one person when he was shot.

After the incident, Rob's family released the following statement:

On March 27th, our Husband, Father, Grandfather, Brother and Uncle was murdered in cold blood by a suspected illegal alien on the Ranch. This senseless act took the life of a man, a humanitarian, who bore no ill will towards anyone. Rob loved his family, instilling in them the importance of honesty, fair dealing and skill managing all aspects of a large 100-year-old ranching operation producing food to make our country strong and healthy. He was known for his concern and kindness, helping neighbors, friends and even trespassers on his ranch with compassionate assistance in their time of need.

We hold no malice towards the Mexican people for this senseless act, but do hold the political forces in this country and Mexico accountable for what has happened. Their disregard of our repeated pleas and warnings of impending violence towards our community fell on deaf ears shrouded in political correctness. As a result, we have paid the ultimate price for their negligence in credibly securing our Borderlands. In honor of everything Rob stood for, we ask everyone to work peacefully towards bringing credible law and order to our border and provide Border Patrol and county law enforcement with sufficient financial resources and manpower to stop this invasion of our country. We urge the President of the United States to step forward and immediately order deployment of the active U.S. military to the Arizona, New Mexico Border.



photo courtesy the Krentz Family

Rob and Blue

Dear Cowboy Way:

I am attaching a story about the late Rob Krentz – he was the rancher killed along the Mexican border this past March that received so much news attention. I was honored when his family invited me to write this story and they asked it be sent to you.

I know that there are all kinds of stories out there about this incident along with immigration and secure border issues, but I haven't read one of them that actually told me who Rob Krentz really was. I hope people will read this story and feel like they knew him and that we all lost a great giver and friend.

Thank you for your consideration,
Jim Olsen

Rob Krentz' phone was ringing. It was Don. "Hey Rob, I've got this prolapsed cow locked up in the corral and I was wondering if you could give me a hand?"

"Sure, where?" Rob asked.

"At the Double Adobe."

"Yeah, just come on over and get me on your way."

So, the two men headed over to the Double Adobe Ranch – about an hour away from Don's main ranch at Apache. They didn't need any horses as Don had trapped the cow in the water lot earlier. Upon their arrival they found a mean old heifer that was none too happy about her current uncomfortable condition, or the arrival of the two "would be" cowboy doctors.

"You run her up the alley and I'll catch her with the head gate," Don instructed.

After giving Rob quite a run around in the alley, he finally got her headed up the lead-up. She was really moving fast when she hit the front. As a matter of fact, she hit the front with such a force that the old bolts holding the head gate in place just popped like buttons on a shirt! The old gal proceeded to run around the water lot with the head gate on her head and Don still holding on to the lever. Don didn't want to let her go for fear she would escape, or worse yet, chase him around while wearing the head gate. After a minute or so of dragging Don around, the cow smartened up and backed out of the contraption until she was free of it. She then chased Don around the lot until at last she cleared the top rail of the fence like a hurdler at a track meet.

Laughing and breathing hard, Rob asks, "Well, now what are we going to do, boss?"

It would take about two hours to go back to the main ranch and get a horse, so Don rummaged around behind the seat until he came up with an old catch rope.

"We'll rope her using this old truck," declared Don. "You drive!"

Rob says, "Your ranch...your cow... your truck...you drive...I'll rope."

So, off they went across the mesquite flat dodging bushes and arroyos chasing after the prolapsed cow. The rope was tied to the gooseneck ball in the back and Rob had fashioned a handhold onto the "headache" rack in the truck bed for balance and support. After chasing the cow far enough that she finally began to wear out a little bit, Don was able to line out on her in a fairly level area. As Don pulled up beside the cow, Rob swung a time or two and then landed a loop that would have made a PRCA roper proud.

Rob threw the trip and Don turned the pickup off to the left just as if he was a header in Cheyenne at Frontier Days! The truck didn't quite work like a good rope horse would have so the cow was difficult to throw down. Don and Rob tried many different methods of getting the cow down, but about all that was accomplished was she got a little madder. She chased the two cowboy doctors around the truck, in the cab, on the back; she was after her antagonists.



photos courtesy Russell Hill

Rob and his horse Pecos during a gathering

Finally, the two men came up with a plan; they had rummaged around behind the seat and came up with another catch rope. This one they tied off to the base of a larger mesquite bush.

Don says, "Let her chase you by here and I'll heel her."

Rob says, "You're skinny and faster...you chase...I'll rope."

So, as Don let the cow chase him around like a champion bullfighter, he finally got her to go by the spot where Rob waited. With a heel shot that was sent by the gods, Rob snagged a hind leg. Don jumped in the truck and took out the slack; the cow was tied down. Then, and only then, was she given slack.

Well, they got her doctored and then they cautiously let her go. Both men were worn out from the ordeal. As they headed back towards Apache, Don told Rob, "I sure do thank you for helping me out, pard. That would have been quite a job for one man."

Rob's reply? "Well that's what friends are for."

This is a true account as told by a neighbor when asked, "Just what kind of friend was Rob Krentz?"

The immigration versus secure border issue has gotten more press lately than a political love scandal. It seems

everybody has an opinion on the subject and most are quite vocal. But, you know what they say about opinions...

While this subject is not new by any stretch of the imagination, if you could point to one thing that has brought it to the forefront of political issues lately, it would have to be the murder of a southern Arizona rancher on his own property. On March 28, 2010, Rob Krentz became the poster child for the secure border issue. Unfortunately, it cost him his life.

At the time of this writing, Rob Krentz was probably the most widely known rancher in America, maybe the world. Just ask anyone, anywhere, to name an American rancher today and they will more than likely say Rob Krentz, or at least, "You know...that guy that got killed down along the border." As I read with interest all of the stories concerning the border and immigration, I started to wonder, "Just who was Rob Krentz?" I mean the *person* Rob Krentz, not the image or martyr that he has become for the secure border issue. I know several of the Krentz Ranch neighbors and when one of them approached me about doing a story on the subject, I readily agreed on the condition that it was with the Krentz family blessing and that it would be a story on the man himself, not the political issues. I am honored that they agreed, because now I feel as if I know who Rob Krentz really was. I only wish that I could have met him prior to March 28TH.

While interviewing several family members and neighbors of Rob's, I got a glowing report of a great man. Friend, family man, conservationist, good rancher and kind-hearted were all thrown about. Of course they wouldn't have bad things to tell me about one of their own, I thought, but you know what? I read articles and contacted several people who are on the other side of the political issue, if you will, and couldn't find one single person who had anything bad to say about Rob. Even the most adamant immigrant rights people had nothing bad to say about the person Rob Krentz was. All they could talk about was being against the reform issue. Amazing! Even the so-called enemy could not run down Rob's character. Here is why:

Rob Krentz was a man of values. From the time he was little, Rob's father, Bob Krentz, taught the importance of doing things the right way. And throughout his life, Rob worked on doing just that. He wouldn't cut corners – on a job or in life. Little things that some people don't think twice about, like moving cattle without the proper inspection papers or running red (illegal) diesel in his pickup truck were out of the question as far as Rob was concerned. You never cheat, not even one little bit, was what Rob lived by and he inspired friends and family in the same way.

To understand Rob, you need to know more about his family history. The Krentz family emigrated (legally) from Alsace-Lorraine (which once was a little country between Germany and France and now is part of France) around the turn of the last century. They were butchers by trade and first went to St. Louis. Family lore says that after

government regulations became too cumbersome there (even back then), the Krentz family headed west. Leaving St. Louis in 1902, they settled in Winslow, Arizona where they operated a butcher shop and a ranch, the Chevelon Creek Ranch south of Winslow. The family recorded one of the earliest brands in the state of Arizona, the 111 bar brand, which is owned by the Babbitt family today. In 1907, the family sought out new ventures in the border town of Douglas, which was booming at the time. The Krentz' bought the historic Tovrea Meat Market in Douglas and also the Spear E Ranch at the foot of the Chiricahua Mountains. In about 1918, the meat market was sold and they concentrated their efforts solely on ranching from then on.



photos courtesy Michelle Ratis Photography

Rob and Sue Krentz receiving their plaque for being inducted into the Arizona Farming and Ranching Hall of Fame

Eventually, the Krentz family bought up the little homesteads surrounding them. Back then, just about everyone in that country had a section or two of land that had been homesteaded. As people went broke or moved away, the Krentz family was in a position to buy out the smaller outfits and eventually put together one big ranch. Most of their pastures had been individual homesteads at one time and are named after the original homestead. Each has its own history.

The family was pioneers. They were the kind of people that settled and developed this country and made it safe for others to follow. They are the kind of family that should be considered the backbone of America. Surviving bad droughts, cyclical markets, government regulations and myriads of other issues made them into the strong ranching family that we have today. The Krentz Ranch has been there since before Arizona was a state. It has been there since long

Old Cowdogs

Western Silver of the Pacific Slope

before there was ever a United States Forest Service dictating rules to them. This is the background and legacy that Rob was born into.

When asked about some of Rob's other qualities, over and over again I am told about his willingness to help out. Rob's wife Sue says, "Most of the time when Rob left the house he would say, 'I am going to help (fill in the blank).'" Rob's neighbors all have great stories to tell about Rob going out of his way to help them out of a jam. Not only would he help a neighbor, Rob was kind to strangers as well, including the illegal immigrants that inundated his property. Rob was known to help out a thirsty, starving or wounded immigrant on more than one occasion. That may have been what got him killed. Rob's last radio transmission to his brother Phil was something like: "Going to help an illegal in distress." Rob and his dog Blue were found shot several hours later.

Rob's friends and family could not stress strongly enough that he loved to help people. "A friend in need..." was a real motto of Rob's. Rob was very active in the cattle growers' associations at the local and state levels. He worked with the Malpai Borderlands group trying to preserve ranching and wildlife habitat for future generations. He testified numerous times to congressional leaders about the issues facing the international border and always seemed to find the time to continue helping out where he could.

The Krentz family is well-known as good stewards of the lands that they control. They have been honored for practices such as their long gravity flow water pipeline that served cattle and wildlife across their large ranch. Rob and his family took such good care of their land that they were used as examples of range stewardship on numerous occasions, and, to top it off, the Krentz Ranch was inducted into the Arizona Farming and Ranching Hall of Fame in its inaugural year, 2008.

Rob was a favorite around brandings on the nearby ranches. He was nicknamed "Crunch," and everybody laughs as they recall the "Krentz Crunch" that Rob used on waspy calves. Rob was a large man physically and after watching an unruly yearling muck out younger or smaller cowhands, Rob would come running and put the Krentz Crunch on the offending animal. The move has been described as a cross between tackle football and wrestling. He loved to hunt, fish and do just about anything outdoors. He was a good roper, rancher, horseman, cowman, husband and father. Everybody I talked to had nothing but praise for Rob. He was easy to get along with. He was always positive. He was a genuine kind of person.

Rob loved life and would constantly tell his family, "We are so very blessed. We are blessed to live in this beautiful place." As one of Rob's friends put it, "Rob was one of the good guys. He was a giver." Rob Krentz was a true and kind Westerner. He will be missed.



Brade Loco Concho

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"The American West is not just a place,
but a validation of the blessing of freedom."

- Charles F. Lummis



The Tétons

Jay Dusard



The Cowboy Way

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COWMEN OF THE FLORIDA SCRUB: *Five Centuries and Holding Fast*

BY A. MORRISON MILLARD

38

Florida is often portrayed as the land of Disney World and resort hotels, retirement villas, golf courses and the coeds of Spring Break sizzling on the gorgeous white sands of the Gulf Coast. It is usually depicted with little regard for its history, apart from the old structures of Key West and St. Augustine. The only traditions many people see are the mermaids of Weeki Wachee, hurricane parties and Christmas boat parades. While many Americans visit Florida each year, few grasp the long history of the “Sunshine State” other than Hollywood images of pirates and Ponce de Leon. But, out back, beyond the veneer of tourist attractions and mini-malls, is an old and long-established world steeped in tradition. With a history going all the way back to the Conquistadors, cattlemen

and their families have worked these challenging lands for nearly five centuries. They did not come by their successes easily; their story is filled with hardships in ferocious subtropical heat, swarming clouds of mosquitoes and rugged swamplands.

Before Jamestown was founded in 1607 or the Pilgrims landed at Plymouth Bay in 1620, “Cowmen” were working Florida’s swamps, palmetto scrub and woodlands – its cattle industry was up and running, making it the oldest established business in North America. Cattle had been thriving in “La Florida” for nearly 100 years since their appearance with Ponce de Leon in 1521. It’s believed that when he was mortally wounded by Calusa tribesmen shortly after his arrival near the mouth of the Caloosahatchee, his

Andalusian cows and horses were left to wander off into the scrub. Later, in 1540, Don Diego Maldonado brought cattle and horses to the Pensacola Bay area to stock Hernando de Soto's continuing exploration of the Spanish territory. He did not find De Soto's expedition and many animals were abandoned or given to native tribes. Because Andalusians were a tough breed, they thrived and multiplied in the wilderness becoming large herds, loose and wild, roaming the Arcadian and Alachua Prairies. By the late 1500s, Franciscan friars founded Spanish missions near St. Augustine and westward to the panhandle where, by 1605, they established the first cattle ranch. Native Timucuan cattlemen and Spanish vaqueros hunted and herded scrub cows, supplying beef to the garrison at St. Augustine while exporting it to the islands.

Nearly a century later, when South Carolina Governor James Moore led British invasions into Spanish Florida with native Yamasee and Creek warriors, there were 34 ranches working 20,000 head. The Missions were destroyed – Timucuans and missionaries massacred or enslaved. Their livestock were left to roam wild until Creek and Seminole tribesmen began to herd them. Indeed, Seminoles ruled the industry in the 1700s. Not surprisingly, their leader was named "Cowkeeper" (1710-1783). Some of the earliest ranchers or "rancheros," were Black Seminole – free or runaway slaves who settled with the Seminole. By 1775, using cow dogs and Spanish horses, the Seminoles had some 10,000 head on Payne's prairie near modern-day Gainesville.

Twenty years before our American Revolution, the British gained control of Florida from the Spanish, in exchange for Havana, Cuba, and brought with them English Longhorn cattle. These bred with the wild Andalusians, resulting in "Piney Woods" and "Cracker" cattle. With their characteristic long horns for protection, large feet for maneuvering through the muck of wetlands and weighing about 600 lbs, they were highly resistant to heat, disease and parasites – ideal for subtropical Florida. Before long, grazing rights and ownership disputes between European Americans and Seminole tribesmen plagued the land. Those quarrels eventually sparked the first of the three Seminole wars. During the Second Seminole War (1835-1842), the U.S. military killed the tribe's cattle in an attempt to starve them out. Most were forced to leave their livestock or had them stolen from them as they fled south to the Everglades, or were relocated to reservations in Arkansas and Oklahoma.

The United States gained full possession of Florida in 1821. Cattle that were caught and branded numbered 118,000 by 1840 – 390,000 by 1860. Tampa mayor and shipper Captain James McKay, Sr. and "Big" Jake Summerlin – "King of the Crackers" negotiated cattle trade with Cuba and the business began to gain real success. By the time Florida seceded from the Union, it was second only to Texas in per capita value of livestock. Due to economic

reasons, some cowmen didn't sign on for the Rebel cause or support secession. When the war began, they would support the Confederacy by staying put and keeping indispensable industries running. It was far more profitable, however, to sell their "beeves" to Cuba for gold or to Union forces for U.S. currency than to supply the Confederate army in exchange for its disintegrating dollar. As the war progressed, some were pressed into service, but many were called back home to serve in Florida.

By 1864, Confederate troops were in serious danger of starving as witnessed by CS Army Major J.F. Cummings who wrote, "The army is today on half rations of beef, and I fear within a few days will have nothing but bread to eat. This is truly a dark hour with us..." (*The New York Times*) A battalion of "Cow Cavalry" was formed to drive Florida's cattle north, supplying General Lee with much needed meat, hides and tallow. Captains F.A. Hendry, John Thomas Lesley and others of "Munnerlyn's Brigade" who fought rustling by Union forces and deserters, rounded up and drove, all totaled, 300,000 head to the holding pens at Baldwin and on up to Georgia after the railroad tracks were destroyed. Not surprisingly, the cattle were likely to lose up to 150 lbs on those long drives, making for a stringy, lean and unsavory meat.

At that same time, Key West was occupied by Union forces and the waters off Florida were surrounded by U.S. ships. Severe economic hardship made it imperative for some cowmen to join forces with blockade runners like Captain McKay who successfully ran cattle out of Punta Rassa at the mouth of the Caloosahatchee. Aboard his



shallow draft boats – the *Salvor* and the *Scottish Chief* – he thwarted the blockade, sailing to Cuba for gold and supplies. Beef that had sold to the Confederacy for \$3-\$8 in script, now fetched \$30 in gold in Havana.

Post-war Reconstruction saw the beginning of many ranching operations that would become the state's oldest and largest businesses. F.A. Hendry and Jake Summerlin, now retired from the Cow Cavalry, and Dr. Howell T. Lykes, Jim Durrance, Ziba King and many others rose to success in the post-war era. Industry gold contributed greatly to recovery from post war depression. The cattle trade boomed with Cuba, Key West and Nassau and, from 1868 to 1878, over 1.6 million cattle were exported from Florida.

As the railroad grew in Florida, linking stockmen to northern markets and shipping routes, ranches sprang up and cow towns were born every bit as lawless and rowdy as any west of the Mississippi. In those days, it wasn't uncommon



for Cowmen to enter a bar on horseback. Livestock ownership was determined by brands and ear cropping patterns distinctive of each cattle operation, but brands could be altered, and often were. The open range made for ownership disputes, cattle rustling on a grand scale and range wars that led to rampant gunplay and “frontier justice” hangings. Gun fighting reached such epidemic heights that laws were passed to make it illegal to engage; however, laws needed enforcement by lawmen. Lynching was common and what lawmen there were tended to look the other way.

Rarely did Florida cowmen rope cows because to them the lasso was useless. It wasn't practical in amongst the Palmetto scrub and pines. So, whips about 12' to 18' long with short handles were used that made a loud cracking

sound. Many believe that the name “Cracker” came about because of the noise the cowmen made while driving cattle with their whips, and a code, like Morse code, was often used to send messages for miles across the prairie. It was rumored that Cracker cowman Jake Summerlin could “decapitate a snake or gut a hen with one crack of his whip.” (Burnett) Their cattle drives began in March and ran through August with several ranchers and hands starting the drive farthest from their final shipping port destination. Using “catch” dogs and whips, they flushed out and gathered all cattle from one area into cow camps that had log holding pens with crude shelters situated about a day's ride apart. At camp, the calves and wild cattle would be castrated and branded, then turned loose along with the cows and bulls. The steers would be pushed along while new cattle were rounded up into the next camp until they reached the railheads or docks with their collected steers.

The 1890s brought an era of prosperity, and Florida, exotic and beautiful, attracted tourists and land investors. The 1920s produced a land boom which quickly turned to a “bust” partly due to the extensive loss of lives in two disastrous hurricanes; Florida was thrown into a depression four years prior to the Great Depression of 1929. Cattle rustling again became an epidemic as a range cow could either feed a family or sell for about \$17 credit at the general store. Cowmen wouldn't shoot a man stealing to feed his family, but rustlers who stole for profit were often shot or hanged.

By the early 20TH century, few Seminole remained in the cattle business, mostly because their cattle posed a liability to their communities. Ranchers sometimes hired them since they were considered excellent cattlemen. Then, during the Dust Bowl era, things changed. Rescued Hereford from drought stricken Arizona were sent to the Reservations in Florida (along with the deadly screw worm), where they thrived in the tropical conditions under the care of the Seminole, who later became one of the nation's top beef producers. Since 1930, ranchers have cross-bred native scrub cattle with the Hereford, Indian Brahman, Angus, Shorthorn, Charolais and Limousin to create such breeds as the Braford and the Brangus.

The railroad, which eventually brought the cattle industry great prosperity, would ultimately bring its greatest challenge. After World War II, newcomers flocked to the state drawn by newly built resorts and attractions. The more they saw, the more they liked – the more they bought. Soon free ranging cattle were posing a threat to tourists motoring through the inland empire. One particular incident, where a tourist hit and killed a cow, caused the rancher to file suit against the motorist. But, the money coming into the state from post-war prosperity won out over the old established industry. When Governor Fuller Warren passed the Fence Law in 1949, the era of the open range was finished. It became clear that the state looked to tourism as their real “bread and butter.”

Florida cattle ranchers face a unique set of difficulties. Scraping out a living under searing heat and 100% humidity, in treacherous swamps and thick palmetto scrub, beleaguered by predators and vegetation alike, has always been a challenge to this determined breed. (There *are* benefits –it doesn't snow, for one. Ask a Cracker and you won't get many complaints. He or she will want to talk about the dogs, the horses, having to pick up that calf when it got tired or how pleased he is to have the whole family out there today.) In the 1950s, people began to arrive in Florida at the pace of 558 per day, and by the end of the 1980s – 874 daily. The development frenzy and pollution that followed took a devastating toll on livestock, wetlands and plant and wildlife habitats. Cattle lands preserve essential water and fragile wildlife domains as habitable areas disappear at an alarming rate and the aquifer is compromised by big land developers. For centuries, little was understood about the state's delicate ecosystem and today's ranchers are amongst the only true stewards of the land. Acreage used for cattle production is important for native grasses, wildlife habitat, carbon recovery and aquifer recharge since ranchers maintain swamps, rivers and lakes on lands that would not otherwise be protected.

At the close of the 20TH century, Florida cattlemen have become leaders in the creation of the agricultural industry Water Quality Best Management Practices. Much of Florida's valuable wetlands are preserved by ranchers who also watch closely the phosphate discharge attributed to fertilizers used in pasture grasses. Careful monitoring of phosphates into Lake Okeechobee is important to the health of the Everglades which are fed by the wetlands and waters of Okeechobee. Florida is second only to California in endangered species. Cattle ranches contain most of Florida's dwindling natural habitat and it is estimated that half of the 30 Florida panthers left in existence live on ranch lands, as do the migratory birds, wading birds and the frogs they feed on – all existing untouched for now.

According to the USDA, Florida ranks 12TH in the nation for beef cattle production – there are 1,730,000 head in the state, of which nearly 1,000,000 are brood cows. It's a cow-calf operation state where they produce hybrid calves, wean them and send them to feedlots in Texas, Oklahoma and Kansas for finishing. The annual economic impact of its beef cattle industry is nearly \$4 billion. As is the case with many ranches west of the Mississippi, the cattle industry is threatened because it sits on land that is now becoming more valuable than many ranching families can afford to hold onto.

Florida ranching families are a melting pot of

backgrounds: "Crackers," Scots, Seminoles, African-American and Latin American. Some of these families have worked their herds here for generations. Some may hold on for several more, working the cattle and the land. The greatest threat to Florida ranching is not from disease, or even natural disasters. It is from big development companies that are prepared to pay big money for land. Some vow to never sell out, but in the face of financial uncertainty and the difficulties faced by cattlemen today, it's easy to see how a rancher could agonize over an offer of millions of dollars for the land inherited from forefathers. The business is strong but tentative in the face of big payouts from developers who steadily foster the shrinkage of Florida ranchlands.

In this land of Disney, retirement villages and golf courses, the last remnants of this tough, resilient breed of ranchers five centuries old reflects the will of their ancestors. They stand in stark contrast to all that is new and fleeting in this



State of tropical dreams, and yet they still hold fast to a way of life built on hard work and tradition. There's no identity crisis here – despite the certain prospect of changing tides, these Florida cattlemen still know who they are.

For more information go to: www.floridacattlemen.org, www.floridamemory.com and www.flheritage.com

Much appreciation to the Florida Historical Society, The Florida Heritage Foundation, *Tequesta, Florida Historical Quarterly and Florida's Past: People and Events That Shaped the State* by Gene M. Burnett.

Special thank you to the Florida Department of Agriculture and Consumer Services – www.doacs.state.fl.us



RANCH LIVING

WITH THE A M A R X

Our Western culture is as authentically American as you can get: authentic as pulling a calf by flashlight with the cow snubbed to post; authentic as the wide open spaces that inspire dreams and fantastic art. We are entering an age where authentic has become profoundly important. In “Ranch Living,” I will introduce you to some fine artists and craftspeople that are as real as the West they live in. They are as passionate about their work as a rancher is about his best cow horse. Enjoy and have a beautiful, productive summer.



photo by Dewey Vanderhoff

Walks in Two Worlds



BROKEN CHINA, NOT BROKEN HEARTS



Broken china never looked so good! Jacquie Smiley searches the world over for pieces of broken china, beautiful buttons and artifacts to create her one-of-a-kind jewelry pieces. After spending a decade and a half on the east coast, she returned to her roots in Oklahoma and the region's Western

influence once again took hold of her soul. She started designing jewelry that paid homage to the cowboy lifestyle and Native American heritage of her home, like this Bronc Rider necklace, and she does custom designs, too. Do you have a broken plate you just can't give up? Call Jacquie. She can take the pieces and create an heirloom you can pass on for generations. www.westernvr.com or 580-379-9060

BIT BELT



Belts are fun. You can make or break an outfit with one. I love this one from Janet Strait. It is simple, straight forward and very Hermes' like. I like pieces that can go from day to night and there are no nylons involved. This belt is a perfect example. Wear it with jeans or khakis for a great daytime look; pair it with a tank dress and boots for a casual evening look. Janet makes them with lots of different bits and even one with a quick release clasp in case you are in the barn and need to use it as an alternate halter rope. Get one in black and one in brown; you'll be set to add a little equestrian elegance to your world. www.swashbucklersbelts.com or call her at 502-225-4684.



CONTEMPORARYWESTERNDDESIGN.COM

Have you ever had a dinner dilemma? I have. The kind where my mind just goes blank and I have not one creative bone in my body for cooking. Most of the time, ordering out is just not an option when you are on a ranch – too dang far. Next time you hit that wall, log onto www.contemporarywesterndesign.com and go to the Daily Dish. Heather Christensen is a wonderful cook and her recipes are there for you to use anytime. I've tried them and they are so good! Here is one of my favorites when prime rib is somewhere around:

Creamy Horseradish Sauce

1 C whipping cream
 1/2 C freshly ground pure horseradish
 1/3 C mayonnaise
 1 t dry mustard
 Generous dash of cayenne pepper

Whip cream with a mixer until it forms stiff peaks.
 Gently fold in remaining ingredients.
 May be stored in refrigerator for 3-4 days.



WILD SHUFFLE KEEPS EVERYONE ENTERTAINED!

Keep the kids, husband, neighbors and hands busy and out of your hair when you are cooking dinner with this awesome Western shuffleboard table by Drawknife Billiards. It is the perfect entertainment piece that will keep the competition high and everyone occupied for hours. And, it fits so well in your Western abode – this shuffleboard table is really a piece of rustic furniture. Call Drawknife Billiards at 800-320-0527 or www.drawknife.com.



RING 'EM IN STYLE

I always wished I had something that represented my love of the West on the dinner table without being too kitsch. Loriece Boatright is a jeweler who makes equestrian jewelry and silverware. Ladies, this is the real stuff!! These pewter horseshoe and nail napkin rings are so elegant and stylish, yet they are



as at home on a rustic pine table as they are on an elegant cherry one. Enjoy Loriece's website at www.loriece.com and discover the many equestrian pieces that she creates all from precious metals and stones. Her jewelry is world class and her tableware is imaginative and tasteful. If you like horses, she also has a line of giftware that will knock your socks off. She can always customize something for you, so don't be afraid to ask. Loriece can be reached at 586-498-7165.



WHAT ARE YOU DOING IN SEPTEMBER?

Come to Cody, Wyoming and discover the Western arts. Style West is a market of fine Western design: furniture, clothing, jewelry and home



accessories. It runs September 23-25. Masterful creations from some of the genre's best show in this hometown venue that boasts "Interlude" fashion shows twice daily. Right along side Style West is a new show created by Thea Marx to showcase the talents of the women who are making their mark in the world of

Western design. Women Who Design the West is a workshop that has women saddle makers, furniture makers, fashion designers, jewelry makers, silversmiths and boot makers working side by side, sharing ideas and learning from each other. You are welcome to watch and enjoy their work. You might even find something you can't live without. For more information, go to www.contemporarywesterndesign.com or call 307-587-8008.



LIGHT MY WORLD

A flicker of light can change the ambiance of an entire room. One of Dave LaMure Jr.'s lamps can change the course of a whole conversation. Dave is a master raku artist whose vessels are coveted by collectors worldwide. His "Wild" lamp is a raku piece created to honor the horses that are so important to the West. You can almost feel their pounding hooves as they race ahead of the storm, lightning strikes illuminating the night and flashes of color blooming from the heavens. As you can imagine, one of these pieces does not happen overnight, the process is intense. I highly recommend that you go to Dave's website, www.davelamurejr.com, and watch HGTV's coverage of him as one of their modern masters. It is definitely worth it.



ARTIST PROFILE

Heidi Harner

“Why I paint what I paint: Horses are beautiful in their line, form and movement; dogs bring much joy to our lives, and when I paint landscapes outside on location, I feel I am nearest to God than most other times.” Heidi Harner

The plains of North Dakota inspired Heidi Harner’s appreciation of wide open spaces. Her love of animals she attributes to her mother who was instrumental in establishing their local Humane Society in Minot. Heidi melded the two with a lifelong interest in art. She first studied watercolor, then found her niche in oil. She enjoys both prairie air and studio painting. Her favorite subjects are landscapes, especially scenes of North Dakota, nature in general, farm animals, dogs and horses.

Horses have become a driving force in her art. She spends as much time as possible on the Nokota Horse Conservancy in south central North Dakota. There she studies the horses, how they interact, their surroundings and



everything she can possibly learn from them. She spends hours on the prairie capturing their movements in the different light on canvas with oil. When she can’t be there in person, she uses the many photographs she takes to work from in her studio.

Heidi has a Bachelor of Fine Arts from Purdue University in Indiana and uses her experiences as a professional art conservation framer to help refine her natural abilities as an artist. She is an associate member of the Women Artists of the West (www.waow.org) and has been featured in a number of publications including, *Horses in Art Magazine* and GaWaNi Pony Boy’s book *Of Women and Horses: More Reflections of the Magical Bond*, published by Bowtie Press, 2005. Her work can be seen online at Dakota Rocks Studio or ContemporaryWesternDesign.com. If you are in Indiana, make sure to see her work in person at the CCA Gallery in Zionsville. Sign up for her newsletter so you know when new work is available at www.heidiharnerart.com or call her at 765-471-9899.



SOUTH DAKOTA STOCKGROWERS ASSOCIATION



The South Dakota Stockgrowers Association
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visit www.southdakotastockgrowers.org



Photo courtesy R-CALF USA member Debra Cockrell

R-CALF USA

works to ensure that
our children,
their children,
and their children's children
retain the opportunity
to remain independent and profitable
U.S. stockgrowers,
providing safe and plentiful protein
to a hungry nation.

Please join.
www.r-calfusa.com

Why We Should Make Every Effort to Prevent Foot-and-Mouth Disease

By R. M. Thornsberry, D.V.M.

While foot-and-mouth disease (FMD) is primarily an economically devastating disease of domestic livestock, studies demonstrate it also threatens wildlife. North American wildlife – including deer, feral pigs (the most susceptible species), armadillos, bison, moose, antelope, peccaries, musk ox, caribou, sheep and elk – are susceptible to FMD. Wildlife scientists are concerned about this potential threat.

In domestic livestock, FMD is a highly infectious and extremely difficult-to-control viral disease of cloven-hoofed cattle, sheep, goats and swine. Most infected animals recover, but are debilitated resulting in severe losses of meat and milk. Routine livestock movements can rapidly spread the disease, making early detection crucial. Left unchecked, the economic impact of FMD could reach billions of dollars in the first year. Because FMD can easily be confused with several diseases, lab confirmation is required before a diagnosis is made. FMD is not known to cause serious illness in humans.

Wildlife disease specialists at the United States Geographical Survey National Wildlife Health Center monitor outbreaks around the world and interact with the U.S. Department of Agriculture (USDA) and the Interior Department to provide information on disease status and risks and assist in developing FMD prevention and contingency plans. Livestock and wildlife can spread the disease to each other. In some FMD-affected countries, wild ungulates (wildlife with hooves) have been shown to harbor and spread the virus to livestock, despite vaccination and control efforts. In other cases, FMD was successfully eradicated from livestock without involving wildlife. However, most free-living North American wildlife have had no previous virus exposure, and there is very little information available about their vulnerability.

USDA has documented the effects of the disease in white-tailed deer, but, based on information from other countries, it is probable FMD will affect other susceptible North American species quite differently. Domestic animals, wildlife, people and materials that are infected or have had contact with infected animals can spread FMD. Direct contact is the most probable method of infection because infected animals produce a great amount of saliva containing the virus. Bedding, hay and other feed

sources – including raw or improperly cooked garbage containing infected meat or animal products – can also be a source of the virus to susceptible animals. People, contaminated clothes and footwear, as well as equipment (including vehicles) can also spread FMD. The virus can persist in contaminated fodder and the environment (soil, water, leaf litter) for up to one month, depending on conditions. Cool and moist conditions favor the virus, while hot temperatures, direct sunlight and dry conditions are unfavorable.

The virus can be killed by easily obtained solutions such as bleach, acetic acid (vinegar) and hydrogen peroxide. All FMD vaccines are made from killed virus and provide only short-term protection. Animals must be re-vaccinated about every six months. In addition, FMD has seven serotypes and over 60 subtypes. No current single vaccine is effective against all the variants, and the subtype can change during an outbreak, necessitating a change in vaccine and leaving animals vaccinated against a different subtype vulnerable to the new viral strain. Vaccinated animals get a much milder version of the disease and may become a source of infection for other animals. Vaccination against one type or strain of FMD virus does not confer protection against other types or strains.

Each state is developing its own FMD emergency response plan so there will be differences in the treatment of wildlife from state-to-state. Federal land management agencies will also enact their own plans, although efforts are underway to standardize the response. In some instances, wildlife may be targeted for disease control efforts.

The danger to U.S. wildlife is heightened today under USDA's proposal to "regionalize" a state in Brazil, freeing that FMD-affected country to export raw meat from species susceptible to FMD and live animals to the United States.

In discussions with the Missouri Department of Conservation, the impact of white tailed deer hunting in Missouri is \$1.1 billion annually. The number of deer hunting permits issued in 2009 was over 1.2 million and they generated over \$14 million in revenues for the state. Missouri is just one of the many major deer hunting destinations that also have major livestock production. Other such states include Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio and Pennsylvania.

Couple that with hunting opportunities in Western and

High Plains states, the income generated by contract hunting, hunting leases and guided hunts, one realizes the economic impact of wildlife susceptible to FMD is simply overwhelming. Ranchers and farmers cannot begin to contemplate the inability to clean up or eradicate the FMD virus in a country where wildlife could continue to re-infect livestock.

Raw meat has been a primary source of FMD infection when brought from an affected country. The 2001 FMD outbreak in England was traced to the illegal importation of raw pork from China. Nearly all the rest of the world is affected by FMD except North America, Australia and New Zealand. Some central European and Scandinavian countries are currently FMD-free, but FMD is found in Russia, the Middle East, including Israel, and nearly every country in Africa and Asia. The recent outbreak in South Korea has been traced to an individual who recently traveled to China where livestock operations were visited without the necessary disinfection precautions. In the very recent FMD outbreaks in Japan, nearly 86,000 head of livestock (as of press time) have been destroyed during the control operations implemented there.

FMD infection does not usually kill animals, although hogs can succumb to secondary bacterial infections. Animals can live with FMD and still function as a viable population, especially with vaccination. Once cattle are infected and recover, individual cattle can become carriers of the FMD virus for up to two years, sporadically shedding the virus and causing new outbreaks in other susceptible animals or species.

Once FMD is established in a population of livestock and wildlife, it is a very difficult process to control and eliminate from a country. The U.S. and Canada invested millions of taxpayer dollars to control FMD around the turn of the last century, and have effectively kept FMD out of this country by the implementation of severe import restrictions on FMD-affected countries. Many FMD-affected countries have not invested the time or money necessary to eradicate the disease from their herds.

To facilitate trade in the face of disease threats, the World Organization for Animal Health (OIE) has asked FMD-free countries to develop methods and procedures whereby a country *with* FMD can regionalize a portion of itself and proclaim that particular area FMD-free. Under OIE's proposal, the original FMD-free country can no longer impose import restrictions on the carved-out portion of the country *with* FMD and must allow affected countries to export raw meat and live animals into the FMD-free country. This process is supposed to be voluntary for the FMD-free country, but USDA has decided

to cave in to OIE's "suggestion" and is now making plans to begin accepting raw meat and live animals from a particular state in Brazil.

Because the U.S. has moved in this direction, contingency plans for FMD vaccination have been put in place, and U.S. veterinarians are required to undergo re-accreditation, meaning all veterinarians must now take short courses related to foreign animal disease recognition and FMD outbreak containment procedures. This is to prepare the U.S. for what officials call the inevitable FMD outbreak, which now is more likely due to USDA's efforts to facilitate free trade by relaxing U.S. disease import restrictions.

Can you imagine: 1) the devastating impact of an FMD outbreak in central Kansas or the Texas Panhandle, or the deep wooded areas of southern Missouri and northern Arkansas? 2) the economic impact caused by the practice of depopulating all livestock and wildlife in a seven-mile circle around each problem location? 3) the initial economic impact for a farmer or rancher who would be ordered to kill all their livestock and the long-term impact created by the requirement that cloven-hoofed animals cannot be returned to the property for two or three years following the depopulation? 4) the impact for farmers and ranchers who are ordered to burn all wooden structures and fences at each problem location? Farmers and ranchers would have to say goodbye to that old heirloom barn and those working corrals.

In England, 80-some livestock producers committed suicide following the 2001 FMD outbreak. Entire fortunes were wiped out while an entire generation's worth of genetic advancement was rubbed out in a single day. Imagine that you have worked for 40 or 50 years to develop a genetic line of purebred cattle, only to have the government come to your farm to kill, burn and bury that lifetime's worth of work. No amount of money or indemnity can replace a lifetime's worth of genetic improvement and advancement. Japanese and South Korean cattle producers are going through this situation right now.

We cannot expect to control every possible source for FMD introduction into the U.S., but we can certainly minimize the potential of introduction by strengthening and maintaining strict border restrictions for countries known to be affected by this disease. R-CALF USA is aggressively urging Congress and USDA to strengthen our defenses against FMD, and farmers, ranchers, sportsmen, wildlife enthusiasts and consumers all are encouraged to help us by writing letters to Congress and USDA urging them to strengthen U.S. border protections to keep FMD *out* of the United States.

We are R-CALF – Dr. Taylor Haynes

Dr. Taylor Haynes isn't a fourth or fifth generation rancher. He's not even a second generation rancher. Although his family has been involved in agriculture for four generations, Dr. Haynes was the first to decide he would try his hand at raising cattle. His passion for the cattle business and future generations of ranchers would no doubt rival that of any rancher with generations of cowpunching in his lineage.

"We must regain and preserve a vibrant free-enterprise, providing the opportunity for financially successful careers producing beef," he said. "Also, we must continue to produce the highest quality beef in the world and then continue to communicate to the consumer the advantages of freshness and wholesomeness of USA raised beef."

"CONSUMERS AND PRODUCERS ARE 'THE CATTLE INDUSTRY' FROM 'PASTURE TO PLATE.'"

– Dr. Taylor Haynes

Dr. Haynes joined R-CALF USA because he recognized a few years ago that the membership-driven organization consistently championed the issues critical to the survival of the family ranch and cattle farms. "U.S. cattle producers grow cattle under the strictest environmental and animal health standards in the world. However, we are being

subverted by an abusive monopoly. *Cattle and processed beef are being imported from countries with practices we have either abandoned or outlawed.* This abusive system threatens to destroy the U.S. cattle industry, the largest sector of the U.S. agricultural economy," he said. "It is very important for consumers to understand this so they will understand what a healthy U.S. beef cattle industry means to their wholesome safe beef supply."

Dr. Haynes continues to work within R-CALF USA and the Independent Cattlemen of Wyoming to shape his own future and that of producers and consumers nationwide. "The collapse of the cattle cycle has made market planning and marketing more difficult. As R-CALF USA continues to press for the United States Department of Justice and USDA to enforce the existing laws such as the Packers and Stockyards Act and the U.S. Trade Representative to balance tariffs and import quotas, the future continues to look brighter," he said.

Dr. Haynes believes consumers and producers alike can benefit from membership in R-CALF USA.



The neighbors helping with sorting



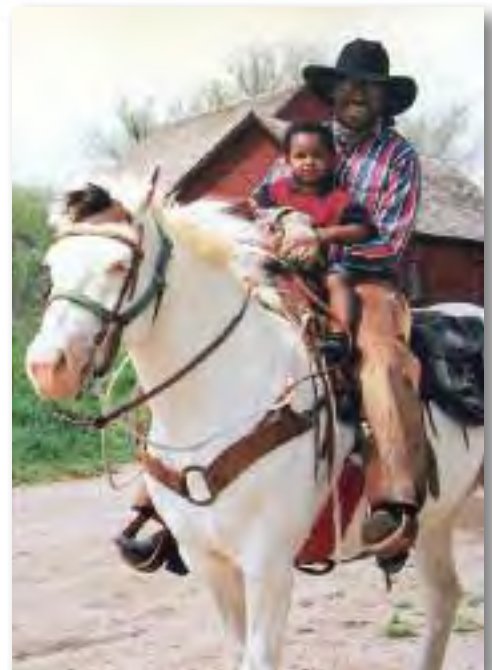
Dr. Haynes and daughter Eni branding



The Haynes hiking in the mountains



Taylor III and sister Eni enjoying winter



Grandson Idris gets his first ride

R-CALF USA Director publishes, *Whitey on the Ranch*, – a children’s book about a ranch pick-up truck.

R-CALF USA Region V Director Stayton Weldon has authored a new children’s book titled *Whitey on the Ranch*, a tale of both harrowing and heroic adventures on a ranch from the point of view of a white, 1997 ¾-ton heavy-duty GMC truck who names his owner “Brilliant” at the start of the book, then “Somewhat Brilliant” and then to “Average Intelligence” by the middle of story, and then renames him “Moron” before the conclusion of this delightful tale.

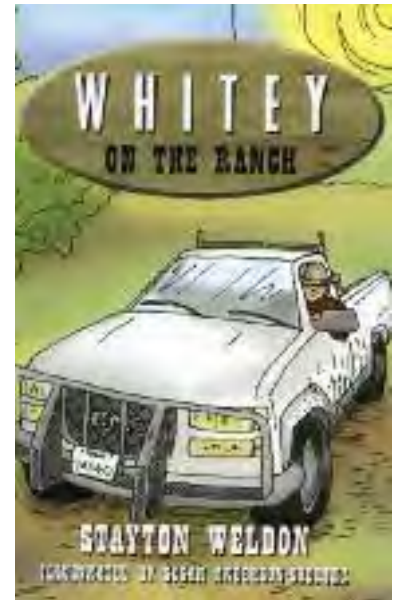
Whitey, who’s always dreamed of living on a ranch, is purchased brand new and, before he tackles the tough tasks of traveling across “ditches, ruts, ravines, mud, sand, brush, trees and other things,” he’s outfitted with 12-ply “macho tires,” “purses” (aka toolboxes) and a two-inch round “belly button” so he’ll be able “to pull a contraption known as a ‘goose neck trailer.’”

On the ranch and off, Whitey’s escapades continue. His journey on Interstate 45 and Texas’ Gulf Coast are especially memorable, as is his exploit in trying to rejoin a calf with its mother, during which Whitey comes face-to-face with turtles, frogs and water bugs.

Weldon said he told some stories about the truck to some different people, who then encouraged him to write about

it. He is going to donate ten percent of the proceeds to R-CALF USA.

“I finally started writing down notes, and one day I just sat down and compiled the notes into a story for my grandchildren, and, just for the fun of it, I let some highly educated people – an English teacher, a librarian, people of this type – read it, and they all told me to publish it,” he said. “The people around here know me, and not in their wildest imagination can they believe that I wrote a book, but it’s been very popular, so far.” Weldon has already held numerous book-signings. The publisher is AuthorHouse, and the book is now available through Barnes & Noble, as well as Amazon.com.



The Most Important Day in the History of Our U.S. Cattle Industry

For the first time, the U.S. Attorney General and the U.S. Secretary of Agriculture will jointly hold a public hearing for the purpose of reviewing corporate concentration in the livestock industry and determining what, if anything, must be done to restore a competitive marketplace for independent U.S. cattle ranchers. The eight-hour hearing will begin at about 8:00 a.m., August 27, 2010, on the campus of Colorado State University in Fort Collins, Colorado.

This eight-hour hearing will be a once-in-a-lifetime opportunity to have the greatest impact on the future direction of the U.S. cattle industry and all we have to do is to be there! When thousands of America’s cattle farmers and ranchers, rural business owners and concerned citizens from across the United States show up, all holding a simple sign and demanding, “Fix Our Cattle Markets,” we will send the strongest possible message that ever could be sent to Washington, D.C.

This hearing is being held in large part due to R-CALF USA’s successful efforts in Washington, D.C. We have demonstrated America is losing its ranchers as Washington has not properly enforced U.S. antitrust laws, thus allowing industrialized beef packers to capture control over our nation’s cattle markets. The fact that such a high-level hearing has now been scheduled suggests Washington is beginning to listen. The question that will be before the U.S. Attorney General and the

U.S. Secretary of Agriculture at the hearing will be whether there is sufficient support to fix the problem from among the men and women who want to preserve a viable and competitive U.S. cattle industry in the United States.

It is absolutely critical that *every* U.S. cattle producer, *every* main street business owner who services the cattle industry, and *every* consumer that wants their beef produced by independent ranchers must be in Fort Collins, Colorado, on August 27. When the U.S. Attorney General and the U.S. Secretary of Agriculture, and all the national media that follow their every move, look out across a gathering of 25,000 concerned U.S. citizens, all calling for Washington, D.C., to fix our broken U.S. cattle markets, they will draw only one conclusion – Rural America wants Washington to take steps to preserve open and competitive markets for the U.S. cattle industry.

R-CALF USA urges every reader to make plans to be on the campus of Colorado State University at 8:00 a.m., August 27, in Fort Collins, Colorado. Your attendance will change the course of history by leading the U.S. cattle industry away from its present course of more-and-more corporate consolidation and towards a more open and competitive industry. With your participation, August 27, 2010, will be the most important day in the history of the U.S. cattle industry. We’ll see you there!

THE McCAY RANCH



The McCay Ranch near the Sangre de Cristo Mountains

Making a go and passing it on with a little help from FFA

BY DARRELL ARNOLD

It's a disturbing sign of our times that most family ranches are unable to continue to exist without some source of outside income. For most small operators that means that somebody in the family has to have a "job in town." That's how it is for the Justin McCay family in southern Colorado. "This ranching is a way of life," says Justin. "I wouldn't trade it for anything. I work outside of this ranch all winter and Tracy, my wife, works at her job. It seems there are very few people who just ranch or farm, and the ones that do most likely had the ranch or farm handed down to them through the family. And now, even they are getting pushed to go find jobs, too. I know lifetime ranchers

who have done nothing else their entire lives, and now they are working at outside jobs to make ends meet."

The McCay Ranch is a small, two-family, dry-land outfit that produces income in two ways. They have a small herd of mother cows that produces a calf crop every year, and they lease outside land for hay production. "I grew up in western Colorado, mostly in the Four Corners area around Cortez," says Justin. "We farmed and ranched over there, raising cattle and growing beans and hay. After high school, I joined the Air Force. I was just finishing up eight years of active service when my dad, P.R. McCay, called me and asked me if I'd like to partner with him, my sister and brother-in-law



Harvesting is a big part of the McCay's income

on a ranch in southeastern Colorado. He had been doing the ranching for a big outfit between Durango and Cortez and decided it was time to quit ranching for other people. He took his Social Security and started looking for a place. He found this land and decided to work for himself. That's when he called us kids and got us involved in it."

That was 18 years ago and the McCays have been their own ranch bosses ever since. P.R. McCay passed away in 2000, but his son and daughter and their families have carried on.

"We started buying equipment and putting up hay," says Justin. "I knew we all couldn't make a living at it so I started working at winter jobs and then farmed and ranched in the summers. I'm still doing that today. All winter, I drive a propane truck and deliver propane. Tracy is a school teacher. In the summers, we irrigate and cut hay."

Tracy McCay wasn't born into agriculture like her husband. She says, "I was born and raised in Mulvane, Kansas, a little bit south of Wichita. It's a farming center of about 3,000 people in the middle of wheat and hay country. I was a real town kid." She tells me with a grin, "I met Justin through some high school friends who were bull riders and rodeoing with Justin."

Justin pitches in, "I was stationed in Kansas at McConnell Air Force Base, working full-time as a mechanic on B-1 bombers. I joined the Central Plains Rodeo Association, and, on weekends, I was rodeoing everywhere from Tulsa, Oklahoma all the way up to Valentine, Nebraska."

The couple met in 1989 and married in 1991. Their daughter Samantha was born while Justin was still in Kansas on active duty. "That's when Dad called to have us come look at the land he had found," Justin explains. "I finished up my active duty tour and then moved out here to the town of

La Veta where we lived for a year until we bought this place."

During average to good years, when there has been adequate moisture for irrigation, the McCays have done pretty well with their hay business. "There's so much hay that needs to be cut in this country that we can't really keep up with it all. That's because everyone wants it cut at the same time. In this country, we usually get one good crop in the early summer and a second, late summer cutting that's so-so - maybe a third or a quarter as much as the first cutting."

The market for most of their hay lies north of them in semi-rural areas that have been subdivided and sold to backyard horse owners. "Our hay goes to Castle Rock, Calhan, Kiowa, Elizabeth and Franktown. The hay we sell is a high-quality grass/alfalfa mix that is good for horses, and we can sell it

easily to horse owners because we are putting it up in small bales that they can handle. We keep the lower quality hay to winter feed to our own cows," Justin explains.

The biggest factor that limits the McCay's hay business is the dry years that come along all too often for struggling ranchers. "As far as the cattle go," says Justin, "our biggest difficulty is trying to find a place to go with our cattle for pasture. If we had the pasture where we could have 200 or 300 head of cattle, the ranch would provide for these two families. But we're so boxed in that all we can run is 53 mother cows. At the end of the year, those 53 calves sell for \$500. \$26,000. But, you divide that by two families and take all your bills out of it and we have a firm grip on an empty sack. Then we look at the hay business, and it did well, but



Justin McCay during his bull-riding era

then repairs, parts, fuel prices and equipment replacement take a big chunk of that money.”

The reason the McCays are “boxed in” is because, like so much rural land, the scenic ranchlands in their part of Colorado have been subdivided into small ranchettes. “We’re bounded by state trust land on the west side, by the Majors Ranch subdivision on the south side and by the Faris Black Hills subdivision on the north and east,” explains Justin.

The real payoff is that ranch life is a wholesome way of living that is good for the raising of children. Justin and Tracy have three children: Samantha (16), Ashley (12) and Calvin (6). Besides ranching together, one thing that really ties Justin and Samantha together is that both of them have strong ties to FFA. In days gone by, FFA stood for Future Farmers of America, but, today, because the organization encompasses more than just farm kids, FFA just stands for FFA. It is a club that teaches useful, and even necessary, skills to rural kids, most of whom are involved in agriculture.

“When I was in high school,” says Justin, “I was involved in farming. I took Vo-Ag (Vocational Agriculture) classes like welding and small engine repair. FFA was actually a club. You didn’t have to be in the club to be in Vo-Ag, but you had to be in Vo-Ag classes to be in FFA. Most Vo-Ag students did join FFA because the two went hand-in-hand. We also learned livestock production, animal science, record keeping, fruit and vegetable production and parliamentary procedure. The FFA kids went out and did a lot of things for the benefit of the people in the area. We surveyed land, did land classifications, did tractor work and built storage sheds. I worked in the local Co-Op as my senior project, doing sales and stocking and so forth, and I use all of that knowledge today.



The McCay family with a 4-H project rabbit. Justin and Samantha in their FFA jackets.

“Besides what I use on the ranch,” continues Justin, “I am, today, the president of the Huerfano County Fair Board. We take care of the rodeo grounds, the sale barn and the meeting haul, and we conduct the 4-H Fair, sale and rodeo every August. The way I run meetings is the same parliamentary procedure I learned in FFA when I was 16-years-old. It has really helped me.”

Daughter Samantha, like most rural kids, is very active in all aspects of high school life. Besides her academics, she plays volleyball and basketball and runs track. FFA also takes a big part of Samantha’s time. “We’ve been doing livestock judging,” says Samantha. “They trained us in Red Cross safety training, and soon we’ll start doing welding. At the beginning of the year, we learned about all the breeds of cattle, sheep and pigs. It helps to be around the livestock every day.” On top of all that, last year Samantha got to attend the National FFA Convention in Indianapolis, Indiana. Samantha elaborates, “We have club projects,



The McCay family – Justin, Calvin, Samantha, Tracy and Ashley



Ashley, Samantha and Calvin with their 4-H lambs

like selling fruit, which helps us raise money for meals. The club paid for our meals out of those accounts. We had to pay our own way for the trip.”

Justin laughs, “Samantha will tell you that the letters FFA don’t stand for anything anymore, but I think they stand for ‘Father Farms Alone.’ The kids are always gone somewhere.”

Samantha looks at her dad with laughing eyes and says, “FFA has taught me leadership, parliamentary procedure, how to run meetings, public speaking. I was Creed Speaker last year. We have an FFA creed, a five-paragraph creed, and that’s what I do. I just got Secretary this year, so there’s a chance I’ll be club president sometime.”

Tracy speaks highly of her daughter. “One of the things Samantha has gotten from FFA – and 4-H contributes to it because of raising her animals – is responsibility. She can participate in sports, she can participate in her FFA activities, but she’s still got homework she has to do every night. She takes a lot of pride in accomplishing her homework. She wants to succeed in that aspect. She sets

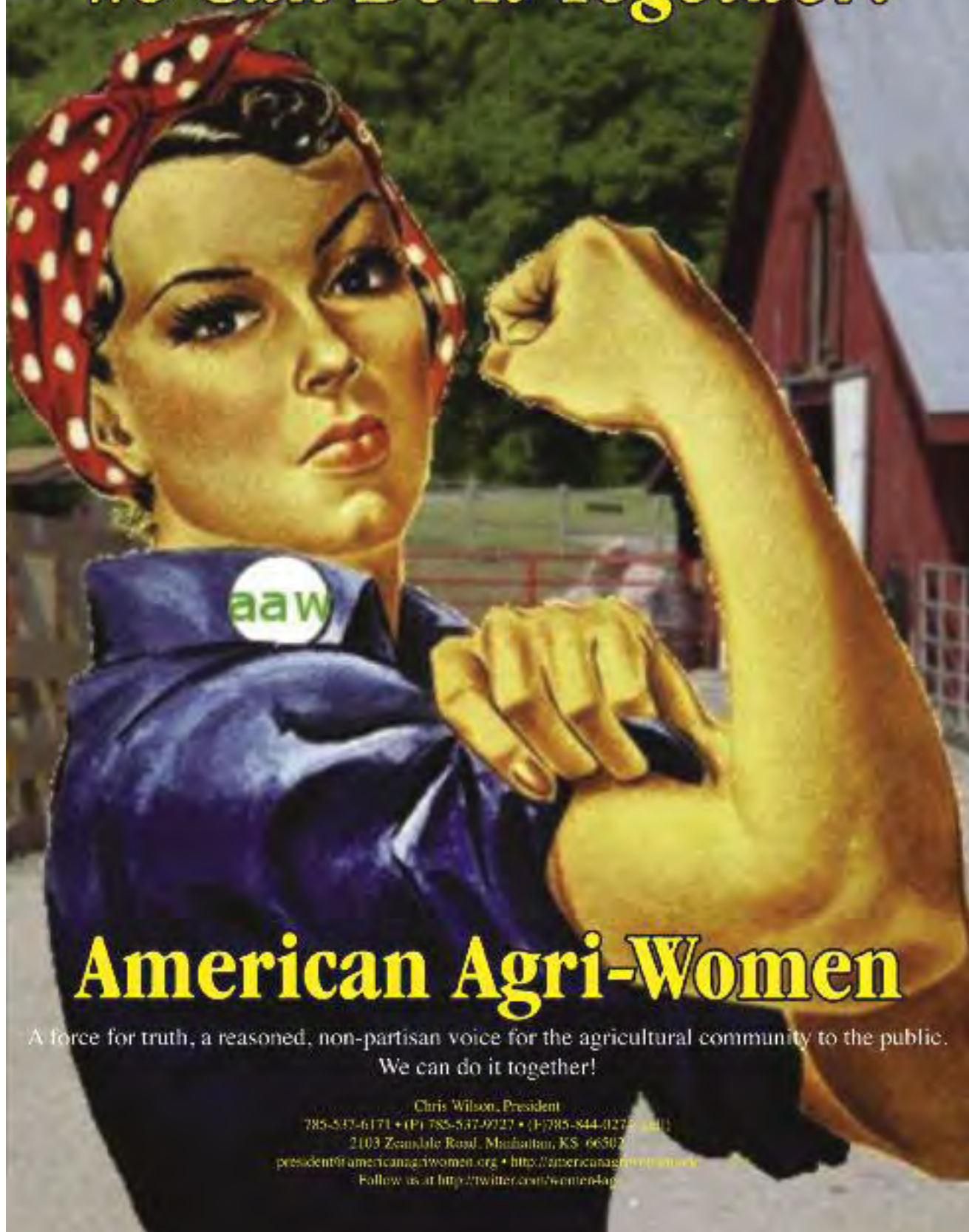
goals and has good ideas about what she wants to do. There aren’t many 16-year-olds these days who can say they’ve bought their own pickup truck and can pay their own way in that aspect. FFA has helped her a lot with that. We’re helping her with insurance, but she’ll work that off this summer.”

Justin states, “FFA deals with reality. Samantha has a cow-calf project so, if she loses a calf, it’s a dead loss. Literally. Samantha will carry this project on and, by the time she’s out of school, she’ll be able to make a wise decision on whether agriculture is a business she might be interested in, or will she need to pursue other interests. There are still a lot of people out here who are trying hard, working hard to keep agriculture and ranching alive and I am pleased to see my kids trying as hard as they are.”

Tracy adds, “My hope is that, someday, one of the three of our children will want to take over what’s left of whatever we’ve built here. FFA will help them make that decision.”



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The National FFA Organization, formerly known as the Future Farmers of America, is a national youth organization of 506,199 student members – all preparing for leadership and careers in the science, business and technology of agriculture – as part of 7,429 local FFA chapters in all 50 states, Puerto Rico and the Virgin Islands. The National FFA Organization changed to its present name in 1988 in recognition of the growth and diversity of agriculture and agricultural education. The FFA mission is to make a positive difference in the lives of students by developing their potential for **premier leadership, personal growth and career success** through agricultural education. The National FFA Organization operates under a Federal Charter granted by the 81ST Congress of the United States, and is an integral part of public instruction in agriculture. The U.S. Department of Education provides leadership and helps set direction for FFA as a service to state and local agricultural education programs. Visit www.ffa.org for more information.

The Crème of the Crop

At FFA, being the best is standard operation procedure for our 7,429 chapters. But each year, four chapters go above and beyond expectations to actively implement the organization's mission and strategies. These chapters are recognized as **Models of Innovation** winners. Based on their Program of Activities (POA)—an annual roadmap that helps chart the year's events—local FFA chapters are recognized for meeting “quality standards” in one of three divisions: student development; chapter development and community development. One outstanding middle school chapter is also recognized.

The following is an excerpt from the organization's *2009-2010 Chapter Innovator's Guide*, which highlights each winning chapter and serves as a POA blueprint for other chapters. Stories by Matthew Gonzales

To read the entire guide, visit http://www.ffa.org/documents/nca_cig.pdf.

Bringing Home the Bacon – Big Time

With the annual Crossbred Classic, Clinton Central FFA has taken fundraising to remarkable heights

At first glance, there's nothing “big” about Clinton Central Junior Senior High School. Modestly tucked away among the cornfields of northern Indiana, and with an enrollment of roughly 500 students, Clinton Central is a typically small, rural Midwestern school. But there's nothing typical – or small, for that matter – about the accomplishments of its FFA chapter during the 2008-09 school year.

Like every school, Clinton Central struggled during the 2008 economic crisis. But it enjoyed one advantage most schools lack: an FFA chapter with an annual event that raises big money. “We have tight budgets at the school, without a doubt,” FFA advisor Roger Carr said. “If it wasn't for the Crossbred Classic, we wouldn't have the things we have today.”

The Crossbred Classic was started in 2001 by two former Clinton Central FFA members, Ned Smith and Dean Walker. Over the years, it has become something of a national sensation. The 2008 event featured 135 boars and 119 gilts from 25 different states, and brought in a whopping sum of \$468,350.

Roughly 50 Clinton Central FFA members help run the event, held in Indianapolis, Ind., during the final weekend of the Indiana State Fair. They spend the first day weighing and paint-branding hogs, scanning them for backfat and loin eye. On the day of the show, they work the ring, passing out ribbons, taking pictures of winners and entering data into computers. Clinton Central FFA did a number of extraordinary things with its share of the proceeds from the 2008 Crossbred Classic. Every FFA member received a free membership, and the school's agriculture department was able to purchase a \$5,000 aquaculture unit. They also gave \$17,043 to various youth animal organizations and donated \$5,000 to two Indiana scholarship funds. In the end, more

than \$32,000 in proceeds from the Crossbred Classic provided funds to the Clinton Central FFA as well as other youth animal organizations throughout Indiana.

A priceless payoff

The Crossbred Classic is more than just a cash cow for

Clinton Central's FFA chapter. It's a great learning opportunity, and gives FFA members a chance to meet people in the livestock industry from all across the United States. The connections they make there often lead to bigger and better things down the road.

“With the Crossbred Classic, we're surrounded by some of the best swine people in the country,” Carr said. “It gives the kids an extraordinary chance to meet people in the industry.”

“You have to be on top of things during this event,” Kayla Mosson, a Clinton Central senior, added. “You have to speak to people from all over the country and associate with people of all different ages.”

Additionally, the Crossbred Classic gives people from around the country an up-close look at the big things being accomplished by a small, unassuming rural Indiana high school. According to Mosson, that may be the most satisfying part of the event. “If you talk to anyone from around the country, they know our school,” she said. “Clinton Central may be a tiny school surrounded by cornfields, but they know us, and I'm glad to be a part of that.” Mosson, who plans to attend Purdue University and Ivy Tech next year to study agricultural education, says she'll remember her involvement in the Crossbred Classic long after she's moved on from high school. And so, probably, will her future colleagues. “When I get to Purdue, or get a job afterward, I'll probably run into people I met at the Crossbred Classic. It's that big.”





Food for the S.O.U.L.

A livestock show for students with disabilities provides Noble FFA members with new friends – and a new outlook on life.

On any given day, life's little difficulties can cause frustration and disappointment. Keeping perspective is a constant challenge – but it's one that Noble FFA members now handle better than ever.

Why?

It started with their decision to host the first-ever Special Olympics Unified Livestock Show at Noble High School in Noble, Okla. Chapter president Maverick Squires said the idea for the event came after attending a hog jackpot, where Noble FFA members watched as a student with disabilities exhibited swine.

"He didn't care what place he got," Squires recalled. "He was just excited to be in the limelight." Armed with inspiration, the members of Noble FFA set about organizing a livestock show for Noble High School students with disabilities.

The Special Olympics Unified Livestock Show, or S.O.U.L.S., was designed exclusively for students with disabilities, eliminating the disadvantages such students often face in open competition. "We talked about how the kids really enjoy showing, but they have to compete against kids who have the skills and knowledge to win all these shows," advisor Michael Gustafson said. "So we decided to take it to a separate arena, where they could compete against one another."

For many members, it was their first experience working closely with people with disabilities. But not for Squires, whose mother had been involved with the Special Olympics while teaching at another Oklahoma school.

"Ever since I was in middle school, I would take the time to go see the students with disabilities on daily basis," Squires said.

"I would always try to talk to them in the hallway for a few minutes, or even a few seconds. It makes a big difference to them."

A change of hearts

Noble FFA's initial goal was to get at least 50 percent of



the school's developmentally disabled students to participate in S.O.U.L.S.

So they were thrilled when 100 percent signed on for the event. On the day of the show, contestants were divided into two categories. Five showed goats, while the other six showed pigs. Along the way, FFA members helped them prepare their animals for the show and assisted them as they walked their livestock.

Three teachers, four administrators, and seven special needs assistants helped with the event. Noble Public Schools Superintendent Greg Kausbaum acted as judge, handing out blue ribbons to all participants. In the end, S.O.U.L.S. was unforgettable for everyone involved. But Gustafson says it provided truly priceless experience for its participants and the FFA members who organized it for them.

"It gave the students with disabilities an opportunity to be a part of something they had never done before," he said. "And it gave my kids something they'd never experienced before, too. They got a lot of value out of being able to assist the disabled students, and those kids were able to add another skill to the repertoire of things they want to do."

Squires agreed, calling the event "one of the most memorable experiences I'll ever have in the local show barn." "It brought joy to all of us, and brought tears of joy to more than just me," he said, adding that participating in the event gave him and his FFA colleagues a new appreciation for "the finer things in life."

"We can get up on our own. We don't need an aid to brush our teeth. We don't even think about it. After that day, I think a lot of the members in our chapter realized there are a lot of things we could be doing to help others in the world. We could maybe even expand this event to be district-wide, statewide or even make it national. That's what changed. We became more aware of what we can do for the community and for others."



Documenting Progress

Eager to share the success of a program for students with disabilities, Ponchatoula FFA put together a moving documentary film.

During the 2007-08 school year, Ponchatoula FFA in Louisiana launched a program that paired traditional students with students with disabilities. Together, the pairs worked with therapy dogs. The program was a major success, and led to the launching of The Special Treats Company, a dog treat business that thrived under the students' guidance. For Ponchatoula FFA, the big question for 2008-09 was: How can we continue to build on this wonderful foundation?



When Ponchatoula FFA helped launch the inclusive classroom model that led to the Special Treats Company, they started a revolution in the way traditional students and students with disabilities interacted at their school. Before, an invisible social barrier stood between the groups. But as they began to work together daily in class, attitudes gradually shifted. Before long, that barrier broke down completely, and students with disabilities blossomed in wholly new ways.

Ponchatoula FFA knew they had accomplished something special, and they wanted to share their story with as many people as possible. But how? The answer came in the form of a question: Why don't we make a movie?

Alice DuBois, advisor to Ponchatoula FFA, said the documentary was born of FFA members' desire to improve on what had been already accomplished with the Special Treats Company.

"Here they were, thinking, 'How do we make this better?' And the answer was to film a documentary, and share it with other schools and show them these kids can be active and have their own SAE [supervised agricultural experience program]."

The students planned the documentary themselves, "from procurement and implementation to reporting," DuBois said.

"They took advantage of an opportunity to look at a problem and figure out how to not only keep doing what they were doing, but how to make it better."

A genuinely moving picture

FFA members not only laid the ground work for The Special Treats Company documentary; they filmed and edited it, too. The finished product clocks in at a little less than half an hour, but it packs an emotional wallop.

Chronicling both traditional and developmentally disabled Ponchatoula agriculture students as they wash and brush dogs, mix dough to make treats, and laugh and work together, it conveys the impact the program has made more powerfully than words ever could. One particularly moving scene features a wheelchair-bound female student smiling as she pets a small dog. According to Alice DuBois, prior to the program, the student had never flashed so much as a grin.

According to senior Kendra Keeng, vice president of the Ponchatoula FFA chapter, such moments aren't uncommon in the classroom these days. She recalled one classmate who helped a developmentally disabled student make dough every day. The student would sit silently as his partner counted out cups of flour. And then one day, without warning, the disabled student began counting with him.

It's these moments, Keeng says, that Ponchatoula FFA wants to share with as many people as possible. "We want to let our community and the world know what's going on," she said. "And we want to let other schools know so they can include these students, so they aren't by themselves in a classroom."

Tess Morse, who serves as Ponchatoula FFA president and the state president of Louisiana FFA, said that although making the documentary was fun, its purpose is a serious matter.

"The problem is, too often, these students are treated as if they are invisible," she said. "There is a huge need for programs to include these students. That's why we wanted to tell our story."

So far, the strategy is working. "We have already had several chapters contact us," Morse said. "They are starting their own programs. I hope more chapters get more involved with students with disabilities after watching our documentary. I hope it raises the bar for everyone. That's what it's all about – innovation."



Planting Seeds of Success

From studying ecosystems to stepping up recruitment efforts, Hinson Middle School is proving FFA can make a splash in any community.

The mangrove plants that grow along the shoreline in Volusia County, Fla., provide a habitat for countless species of birds, fish and other types of wildlife. But in recent years, as the mangroves have gradually diminished, so has the safety of the animals that depend on them for life-giving resources.



In an effort to save the mangroves – and the wildlife they nourish – David C. Hinson Middle School FFA worked with the Volusia County Environmental Agency on a mangrove restoration project hosted by the Marine Discovery Center in New Smyrna Beach, Fla.

At the root of the problem was a fast-growing species known as Brazilian pepper. In recent years, the invasive plant had taken root in the area and threatened to overtake the indigenous mangroves. The goal was to replant new mangroves in a way that would prevent the Brazilian pepper from taking hold.

Hinson Middle School FFA members planted and raised their mangroves at the Hinson Land Lab, caring for them until they were ready for replanting. Along the way, they used inquiry-based learning to simulate optimal growing conditions. Then, on April 22, 2009, the FFA members headed out to the Halifax River with shovels in hand.

Hinson FFA members enjoyed the opportunity to get their hands dirty. And they learned valuable lessons about the fragile ecosystem in which the native mangroves live. According to advisor Kathy Weaver, the project will be of great value as the members move forward in their FFA careers. “It’s going to make a big impact, because it’s a project that’s very attuned to the environmental facts of the world we live in.”

Eighth-grade FFA member Catherine Baker agreed. “It was really fun, because people from Environmental Service Agency taught us how to plant them and where to put them in relation to the waterline,” she said. “Also, it was on Earth Day. I’m going to remember that for a long time.”

Inquiring minds

The inquiry-based approach used in the mangrove planting project was something members explored in further detail when participating in the PlantingScience.org online community. Through the website, students were able to interact with botany and biology professors from colleges throughout the country. The professors provided the students with valuable feedback, offering help as they worked on agricultural science experiments.

“These professors guided the kids through the scientific process,” Weaver said. “The kids would run ideas by the professors, and the professors would respond with thoughts and opinions, and that was really neat – a really big deal for the students.”

Located in Daytona Beach, a city most famous for motorsports and tourism, David C. Hinson Middle School doesn’t fit the profile for a school with an exemplary FFA program. Yet, it is. And its success can be credited to its willingness to branch out into untraditional areas.

“Around here, FFA is kind of an enigma,” Weaver said. “Not everybody understands it, and therefore kids often gravitate more toward band and orchestra.”

In an effort to create a better understanding of FFA among incoming middle school students, members collaborated on an educational video and brochure to educate local elementary schools on what FFA is all about. Among other things, the video demonstrated that FFA involves far more than just farming and livestock.

The movie was shown at various schools, and was screened when elementary schools visited Hinson. “It made an impact on the elementary students,” Weaver said. “It got them excited about the neat things that go on here.”

“It was an important project,” Catherine Baker added. “Because FFA isn’t what everybody necessarily thinks it is. We do more community service projects, and things like that. It showed that people don’t have to live on a farm to be in FFA.”



LIMITS OF CONGRESSIONAL POWERS, PART 1

BY DANIEL MARTINEZ

A good student of the Constitution and constitutional law should be at least aware of not only those cases upholding certain powers of Congress, but also those describing the limits of Congressional and state powers. The following identifies many of those cases and provides links to some of these U.S. Supreme Court cases, making your research a little easier. It's all out there; one simply must look for it:

(1) **New York ex rel. Cutler v. Dibble**, 21 How. (62 U.S.) 366, 370 (1859):

Purchaser of Indian lands removed from possession pursuant to state law protecting Indians. Court held state law valid:

“The power of a state to make such regulations to preserve the peace of the community is absolute, and has never been surrendered.”

(2) **License Tax Cases**, 72 U.S. (5 Wall.) 462 (1866) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=72&page=462>):

Several states criminally punished transactions in liquors and lotteries, probably either with or without license. Congress then enacted certain internal revenue acts which licensed liquor sales and lotteries. Defendants, conducting illegal state businesses in these fields, did not obtain federal licenses and were indicted; they defended by arguing that Congress can't legalize by license an illegal state activity. The Court held that the licenses did not permit conduct of such business, but were merely taxes:

“But very different considerations apply to the internal commerce or domestic trade of the states. Over this commerce and trade Congress has no power of regulation nor any direct control. This power belongs exclusively to the states. No interference by Congress with the business of citizens transacted within a state is warranted by the Constitution, except such as is strictly incidental to the exercise of powers clearly granted to the legislature. The power to authorize a business within a state is plainly repugnant to the exclusive power of the state over the same subject...Congress cannot authorize a trade or business within a state in order to tax it,” *Id.*, at 470-71.

“But it is not necessary to regard these laws as giving such authority. So far as they relate to trade within state limits, they give none and can give none,” *Id.*, at 471.

“There would be great force in it if the licenses were regarded as giving authority, for then there would be a direct conflict between national and state legislation on a subject which the Constitution places under the exclusive control of the states,” *Id.*, at 472.

(3) **United States v. DeWitt**, 76 U.S. (9 Wall.) 41, 45 (1870) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=76&page=41>):

Federal revenue act made it illegal to sell illuminating oil of certain flammability and defendant was indicted for violating this law in Detroit. Court held defendant could not be prosecuted:

“As a police regulation, relating exclusively to the internal trade of the States, it can only have effect where the legislative authority of Congress excludes, territorially, all state legislation, as, for example, in the District of Columbia. Within state limits, it can have no constitutional operation.” See also **Matter of Heff**, 197 U.S. 488 (1905), overruled, **United States v. Nice**, 241 U.S. 591 (1916).

Other authorities re absence of federal police power:

Slaughter House Cases, 83 U.S. 36, 63, 64 (1873) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=83&page=36>):

“No direct general power over these objects is granted to Congress; and consequently they remain subject to state legislation.”

“[A]s a police regulation the power to make such a law belonged to the states, and did not belong to Congress.”

Wilkerson v. Rahrer, 140 U.S. 545, 554, 11 S.Ct. 865, 866 (1891) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=140&page=545>):

The police power “is a power originally and always belonging to the states, not surrendered to them by the general government, nor directly restrained by the constitution of the United States, and essentially exclusive.”

Union National Bank v. Brown, 101 Ky. 354, 41 S.W.273 (1897):

“On the contrary, it may be considered as having been authoritatively settled that the national government cannot exercise police powers for the protection of the inhabitants of a state.” See also **John Woods & Sons v. Carl**, 75 Ark. 328, 87 S.W. 621, 623 (1905), affirmed 27 S.Ct. 99: quoted **Brown**. See **Southern Express Co. v. Whittle**, 194 Ala. 406, 69 So.2d 652, 655 (1915).

Shealey v. Southern Ry. Co., 127 S.C. 15, 120 S.E. 561, 562 (1924):

“The police power under the American constitutional system has been left to the states. It has always belonged to them and was not surrendered by them to the general government, nor directly restrained by the constitution of the United States...Congress has no general power to enact police regulations operative within the territorial limits of a state.”

McInerney v. Ervin, 46 So.2d 458, 463 (Fla. 1950):

“The Federal Government has no general police power and that of the states is beyond the reach of Congress, except

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in rare cases where the people in whom it inheres have released it by the terms of the Federal Constitution.”

(4) **United States v. Fox**, 94 U.S. 315, 320-21 (1877) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=94&page=315>):

State law, by construction, did not provide for bequest of land by will to the U.S.; here, this was attempted by will of decedent challenged by his heirs. The Court held this bequest invalid:

“The power of the State to regulate the tenure of real property within her limits, and the modes of its acquisition and transfer, and the rules of its descent, and the extent to which a testamentary disposition of it may be exercised by its owners, is undoubted. It is an established principle of law, everywhere recognized, arising from the necessity of the case, that the disposition of immovable property, whether by deed, descent or any other mode, is exclusively subject to the government within whose jurisdiction the property is situated...The power of the State in this respect follows from her sovereignty within her limits, as to all matters over which jurisdiction has not been expressly or by necessary implication transferred to the Federal Government. The title and modes of disposition of real property within the State, whether inter vivos or testamentary, are not matters placed under the control of federal authority. Such control would be foreign to the purposes for which the Federal Government was created, and would seriously embarrass the landed interests of the State.”

See also **Thurlow v. Massachusetts**, 5 How. 504, 588 (1847):

“The States, resting upon their original basis of sovereignty, subject only to the exceptions stated, exercise their powers over everything connected with their social and internal condition. A State regulates its domestic commerce, contracts, the transmission of estates, real and personal, and acts upon all internal matters which relate to its moral and political welfare. Over these subjects the federal government has no power. They appertain to the State sovereignty as exclusively as powers exclusively delegated appertain to the general government.”

“The police power, which is exclusive in the States, is alone competent to the correction of these great evils,” *Id.*, at 632. See also **Parker v. Brown**, 317 U.S. 341, 359, 360, 63 S.Ct. 307 (1943); **Sturges v. Crowninshield**, 17 U.S. 122, 192, 193 (1819); and **Ex Parte Guerra**, 110 A. 224, 226 (Vt. 1920).

(5) **United States v. Fox**, 95 U.S. 670, 672 (1878):

Federal law made penal fraud on creditors occurring within three months of filing bankruptcy petition; defendant charged with violating this law, but the Court held it void:

“But an act committed within a State, whether for a good or a bad purpose, or whether with an honest or a criminal intent, cannot be made an offense against the United States, unless it have some relation to the execution of a power of Congress, or to some matter within the jurisdiction of the

United States. An act not having any such relation is one in respect to which the State can alone legislate.”

(6) **Patterson v. Kentucky**, 97 U.S. 501 (1879) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=97&page=501>):

Henry DeWitt, of **U.S. v. DeWitt** fame, held patent for heating oil, and assigned it to Patterson, who was prosecuted for violating state law. Patterson claimed that the U.S. patent made heating oil valid in state. In affirming Patterson’s conviction, court held that holder of patent acquired no superior rights under state law, and use of patented product in violation of state law could be punished by the state.

(7) **United States v. Steffens (The Trade-Mark Cases)**, 100 U.S. 82, 96-97 (1879) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=100&page=82>):

Revised statutes provided procedure to protect, by registration, trademarks; later act attached criminal penalties. Individuals were indicted for violating trade-mark law, and they argued that these criminal penalties were unconstitutional. The Court, in dismissing indictments, held that Congress had no such express powers over trademarks, and act was unconstitutional. It also noted that this law, not statutorily connected to interstate commerce, could not be valid on this grounds:

“If it is not so limited, it is in excess of the power of Congress. If its main purpose be to establish a regulation applicable to all trade; to commerce at all points, especially if it is apparent that it is designed to govern the commerce wholly between citizens of the same State, it is obviously the exercise of a power not confided to Congress.” However, valid with a treaty; see **Rossman v. Garnier**, 211 F. 401 (8th Cir. 1914).

(8) Civil rights:

(a) **United States v. Reese**, 92 U.S. 214 (1876): prosecution against election official for denying receipt of vote; held statute was overbroad.

(b) **United States v. Cruikshank**, 92 U.S. 542 (1876): statute like current 42 U.S.C., §1985(3) subject of prosecution; held indictment was defective.

(c) **United States v. Harris**, 106 U.S. 629, 1 S.Ct. 601 (1883) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=106&page=629>): statute like current 42 U.S.C., §1985(3) held unconstitutional because it encompassed people and not solely the state.

(d) **The Civil Rights Cases**, 109 U.S. 3, 3 S.Ct. 18 (1883) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=109&page=3>): statute like current 42 U.S.C., §2000a held unconstitutional (relating to public accommodations).

(e) **Baldwin v. Franks**, 120 U.S. 678, 7 S.Ct. 656 (1887) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=120&page=678>): Chinese immigrants run out of Nicolaus, CA, by California citizens, who were indicted for violating civil rights. Habe action instituted,

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and Court held that the federal penal provisions did not operate “within a state,” 120 U.S., at 689. (like 42 U.S.C., §1985(3)).

(f) **James v. Bowman**, 190 U.S. 127 (1903): an act which was not valid under 15TH Amendment.

(g) **Butts v. Merchants & Miners Transportation Co.**, 230 U.S. 126, 33 S.Ct. 964 (1913) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=230&page=126>): act was not even applicable within U.S. jurisdiction (public accommodations).

(h) **Hurd v. Hodge**, 334 U.S. 24, 68 S.Ct. 847 (1948) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=334&page=24>): act can apply in DC.

(i) Note: Employers’ liability act valid in DC and territories: **Hyde v. Southern R. Co.**, 31 App.D.C. 466 (1908); **El Paso & N.E. Ry. v. Gutierrez**, 215 U.S. 87 (1909)

(<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=CASE&court=US&vol=215&page=87>).

(9) Domestic relations:

De La Rama v. De La Rama, 201 U.S. 303, 26 S.Ct. 485 (1906): Appeal from Philippines divorce action. Court stated: “It has been a long established rule that the courts of the United States have no jurisdiction upon the subject of divorce...” Id., at 307.

“But the general rule above stated has no application to the jurisdiction of the territorial courts, or of the appellate jurisdiction of this court over those courts,” Id., at 308.

“[T]hat Congress, having entire dominion and sovereignty over territories, has full legislative power over all subjects upon which the legislature of a state might legislate within the state,” Id., at 308.

Ex parte Burrus, 136 U.S. 586, 593-94, 10 S.Ct. 850 (1890) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=CASE&court=US&vol=136&page=586>): Custody dispute over child in U.S. district court; here, Court held:

“The whole subject of the domestic relations of husband and wife, parent and child, belongs to the laws of the states, and not to the laws of the United States.” See also **Sweigart v. State**, 213 Ind. 157, 12 N.E.2d 134 (1938); **McCarty v. Hollis**, 120 F.2d 540, 542 (10TH Cir. 1941); **Ainscow v. Alexander**, 39 A.2d 54 (Del. 1944); **David-Zieseniss v. Zieseniss**, 129 N.Y.S.2d 649, 652 (1954); **Morris v. Morris**, 273 F.2d 678, 682 (7TH Cir. 1960); **Collins v. Oklahoma Tax Commission**, 446 P.2d 290, 294 (Okl. 1968); **Shiffman v. Askew**, 359 F.Supp. 1225 (M.D.Fla. 1973), aff’d, **Makres v. Askew**, 500 F.2d 577 (5TH Cir. 1974); **United States v. White**, 545 F.2d 1129 (8TH Cir. 1976); **Weber v. Weber**, 200 Neb. 659, 265 N.W.2d 436, 440 (1978); **Cady v. Cady**, 224 Kan. 339, 581 P.2d 358, 360 (1978).

Ellis v. Davis, 109 U.S. 485, 3 S.Ct. 327 (1883): Federal courts have no probate jurisdiction.

(10) **Reagan v. Mercantile Trust Co.**, 154 U.S. 413, 14 S.Ct. 1060 (1894) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=154&page=413>):

A railroad created by federal law was subject to state law, especially since act of Congress did not express such an exemption.

(11) **Adair v. United States**, 208 U.S. 161, 28 S.Ct. 277 (1908) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=208&page=161>): Union case involving right to contract. Held, U.S. cannot make it a crime to discharge employee.

(12) **Keller v. United States**, 213 U.S. 138, 29 S.Ct. 470 (1909) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=213&page=138>): Federal law made penal the use of immigrant women for immoral purposes for three years after entry; Keller was indicted and convicted of this, but Court reversed. It was held that this was an act within the police power of the states, and Congress could not legislate in this manner.

“[T]here is in the Constitution no grant to Congress of the police power,” Id., at 148. However, such a law is valid if based upon a treaty; see **United States v. Portale**, 235 U.S. 27, 35 S.Ct. 1 (1914) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=235&page=27>).

(13) **Coyle v. Smith**, 221 U.S. 559, 31 S.Ct. 688 (1911) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=221&page=559>):

Oklahoma legislature decided to change capital from Guthrie to Oklahoma City; suit brought to challenge this on grounds state act violated act admitting Oklahoma into Union. Court held Congress had no power to control such a matter after admission of state into Union.

(14) **Hammer v. Dagenhart**, 247 U.S. 251, 272, 38 S.Ct. 529 (1918) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=247&page=251>):

Court found federal law designed to regulate interstate commerce in products made by child labor as unconstitutional, holding that Congress under the interstate commerce clause cannot regulate production of goods before they enter such commerce.

“Over interstate transportation, or its incidents, the regulatory power of Congress is ample, but the production of articles, intended for interstate commerce, is a matter of local regulation.” Overruled by **United States v. Darby**, 312 U.S. 100, 116, 61 S.Ct. 451 (1941).

(15) **Bailey v. Drexel Furniture Co.**, 259 U.S. 20, 38, 42 S.Ct. 449 (1922) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=259&page=20>):

Federal child labor tax law was challenged; Drexel made furniture in North Carolina, and was hit with tax of large amount for employing a boy under 14 years of age. The Court held the act unconstitutional as a mere attempt to circumvent *Hammer* via a penalty under the guise of a tax:

“Grant the validity of this law, and all that Congress would need to do, hereafter, in seeking to take over to its

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control any one of the great number of subjects of public interest, jurisdiction of which the states have never parted with, and which are reserved to them by the Tenth Amendment, would be to enact a detailed measure of complete regulation of the subject and enforce it by a so-called tax upon departures from it. To give such magic to the word 'tax' would be to break down all constitutional limitation of the powers of Congress and completely wipe out the sovereignty of the states."

(16) **Hill v. Wallace**, 259 U.S. 44, 42 S.Ct. 453 (1922) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=259&page=44>):

Federal law, Future Trading Act, attacked as unconstitutional by members of Board of Trade in Chicago; the law was a detailed regulation of trade on exchanges combined with a tax. Court held act invalid as beyond Congressional powers, the subject being within province of the states.

(17) **United Mine Workers of America v. Coronado Coal Co.**, 259 U.S. 344, 407, 42 S.Ct. 570 (1922):

Suit by coal company against United Mine Workers of America for coal field strike which destroyed its business; suit based on anti-trust theory involving restraint on interstate commerce. From verdict in favor of coal company, Court reversed, holding there was no interstate commerce:

"Coal mining is not interstate commerce, and the power of Congress does not extend to its regulations as such." See second case: **Coronado Coal Co. v. U.M.W. of America**, 268 U.S. 295, 45 S.Ct. 551 (1925). See also **Hume-Sinclair Coal Mining Co. v. Nee**, 12 F.Supp. 801 (W.D.Mo. 1935).

(18) **United Leather Workers' International Union v. Herkert & Meisel Trunk Co.**, 265 U.S. 457, 44 S.Ct. 623 (1924):

Companies engaged in making leather goods sold in interstate commerce were subjected to a strike, and they sued under Anti-Trust Act. Court held suit could not be maintained because there was no provable, direct restraint on such commerce.

(19) **Linder v. United States**, 268 U.S. 5, 18, 45 S.Ct. 446 (1925) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=268&page=5>):

Doctor indicted and convicted of dispensing drugs contrary to federal narcotics laws which were revenue measures. Court held his conviction void and said:

"Obviously, direct control of medical practice in the states is beyond the power of the federal government." See also **Young v. United States**, 315 U.S. 257, 62 S.Ct. 510 (1942) (involved insular possession of Hawaii); and **F.T.C. v. Simeon Management Corp.**, 391 F.Supp. 697 (N.D.Cal. 1975), affirmed at 532 F.2d 708 (9TH Cir. 1976). **United States v. Anthony**, 15 F.Supp. 553, 555 (S.D.Cal. 1936); **United States v. Evers**, 453 F.Supp. 1141, 1150 (M.D.Ala. 1978); **Ghadiali v. Delaware State Medical Society**, 48 F.Supp. 789

(D.Del. 1943) (practice of medicine is a state concern).

(20) **Industrial Ass'n of San Francisco v. United States**, 268 U.S. 64, 82, 45 S.Ct. 403 (1925):

Builders association in San Francisco was plagued by union difficulties and devised the "American plan," which the government contended violated federal anti-trust law. But, Court held there was no violation "for building is as essentially local as mining, manufacturing or growing crops."

(21) **Indian Motorcycle Co. v. United States**, 283 U.S. 570, 51 S.Ct. 601 (1931) (<http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=us&vol=283&invol=570>):

Motorcycle manufacturer sold vehicle to city government and U.S. sought to collect sales tax. Court held that tax on sales to state and local government could not be imposed by the U.S.

(22) **Levering v. Garrigues Co.**, 289 U.S., 103, 53 S.Ct. 549 (1933):

Company engaged in erection of steel for buildings in NYC sued union under anti-trust laws for restraining interstate commerce. Court held that such commerce was not involved in case and dismissed suit.

(23) **Railroad Retirement Board v. Alton R. Co.**, 295 U.S. 330, 368, 55 S.Ct. 758, 771 (1935) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=295&page=330>):

Congress set up retirement system for carriers subject to I.C.C., and carriers challenged act as unconstitutional. Court agreed and held act violated due process and was not a regulation of interstate commerce:

"The catalogue of means and actions which might be imposed upon an employer in any business, tending to the satisfaction and comfort of his employees, seems endless. Provision for free medical attendance and nursing, for clothing, for food, for housing, for the education of children, and a hundred other matters might with equal propriety be proposed as tending to relieve the employee of mental strain and worry. Can it fairly be said that the power of Congress to regulate interstate commerce extends to the prescription of any or all of these things? Is it not apparent that they are really and essentially related solely to the social welfare of the worker, and therefore remote from any regulation of commerce as such? **We think the answer is plain. These matters obviously lie outside the orbit of congressional power.**"

Cases after passage of SS Act in Aug, 1935, a mere three months after this case: **Davis v. Boston & M. R. Co.**, 89 F.2d 368 (1ST Cir. 1937); **Charles C. Steward Mach. Co. v. Davis**, 89 F.2d 207 (5TH Cir. 1937), aff'd 301 U.S. 548, 57 S.Ct. 883 (1937); **Helvering v. Davis**, 301 U.S. 619, 57 S.Ct. 904 (1937) (insular possessions basis: see **Cincinnati Soap Co. v. United States**, 301 U.S. 308, 57 S.Ct. 764 (1937) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=301&page=308>)).

See for requirement to get a SSN: 42 U.S.C., §405(c)(2)(B), and 20 CFR §404.1003-05, .1041.

(24) **Panama Refining Co. v. Ryan**, 293 U.S. 388, 55 S.Ct. 241 (1935):

N.I.R.A. applied to petroleum production. Court found act permitted President unbridled legislative authority and his executive orders found void on principles of delegation of legislative powers grounds.

(25) **Louisville Joint Stock Land Bank v. Radford**, 295 U.S. 555, 55 S.Ct. 854 (1935)

(<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=295&page=555>):

Bankruptcy law favored farmers over secured mortgage holders; held this law deprived creditors of property in violation of the 5TH (takings by legislation).

(26) **A.L.A. Schecter Poultry Corp. v. United States**, 295 U.S. 495, 546, 55 S.Ct. 837 (1935)

(<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=295&page=495>):

NIRA permitted “codes” to be promulgated by industry groups, which “codes” had effect of law. Schecter officials indicted for violating “code” for acts occurring inside NYC. Court held NIRA unconstitutional on delegation of powers grounds and found the acts in question not a part of interstate commerce. Congress has no power over local wages and hours of work:

“If the commerce clause were construed to reach all enterprises and transactions which could be said to have an indirect effect upon interstate commerce, the federal authority would embrace practically all the activities of the people, and the authority of the state over its domestic concerns would exist only by sufferance of the federal government. Indeed, on such a theory, even the development of the state’s commercial facilities would be subject to federal control.”

(27) **Hopkins Fed. S & L. Assn. v. Cleary**, 296 U.S. 315, 56 S.Ct. 235 (1935) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=296&page=315>):

Court held that federal act permitting state financial institutions to become federal was inoperative if state objected to change of institution from state to federally chartered.

(28) **United States v. Butler**, 297 U.S. 1, 56 S.Ct. 312 (1936) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=297&page=1>):

Congress can’t regulate agricultural production in the states:

“It is a statutory plan to regulate and control agricultural production, a matter beyond the powers delegated to the federal government. The tax, the appropriation of the funds raised, and the direction for their disbursement, are but parts of the plan. They are but means to an unconstitutional

end,” Id., at 68.

“And contracts for the reduction of acreage and the control of production are outside the range of that power,” Id., at 73.

“The expressions of the framers of the Constitution...will be searched in vain for any suggestion that there exists in the clause under discussion or elsewhere in the Constitution, the authority whereby every provision and every fair implication from that instrument may be subverted, the independence of the individual states obliterated, and the United States converted into a central government exercising uncontrolled police power in every state of the Union, superseding all local control or regulation of the affairs or concerns of the states,” Id., at 77.

Other cases regarding interstate commerce powers of Congress: **Coe v. Errol**, 116 U.S. 517, 6 S.Ct. 475 (1886); **Chicago, Milwaukee & St.P. Ry. Co. v. Iowa**, 233 U.S. 334, 34 S.Ct. 592 (1914); **McCluskey v. Marysville & Northern Ry. Co.**, 243 U.S. 36, 37 S.Ct. 374 (1917); **Southern Pac. Co. v. Arizona**, 249 U.S. 472, 477, 39 S.Ct. 313 (1919); **Atlantic Coast Line R.Co. v. Standard Oil Co. of Kentucky**, 275 U.S. 257, 48 S.Ct. 107 (1927); and **United States v. Yellow Cab**, 332 U.S. 218, 67 S.Ct. 1560 (1947). But see **Wickard v. Filburn**, 317 U.S. 111 (1942) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=us&vol=317&invol=111>), where the Court allowed for total control over a farmer’s production of his domestic crop; this is an extremely important case regarding the interstate commerce powers of Congress.

(29) **Carter v. Carter Coal Co.**, 298 U.S. 238, 303, 56 S.Ct. 855 (1936) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=298&page=238>):

Bituminous Coal Conservation act imposed tax with a drawback provision conditioned upon compliance with a code regarding prices, labor and other regulations. Court held recitals in act were not the law, that tax was really a penalty, act violated reserved powers of the state, act was not regulation of interstate commerce, and act violated delegation of powers principles:

“One who produces or manufactures a commodity, subsequently sold and shipped by him in interstate commerce, whether such sale and shipment were originally intended or not, has engaged in two distinct and separate activities. So far as he produces or manufactures a commodity, his business is purely local. So far as he sells and ships, or contracts to sell and ship, the commodity to customers in another state, he engages in interstate commerce. In respect to the former, he is subject only to regulation by the state; in respect to the latter, to regulation only by the federal government.”

(30) **Ashton v. Cameron County Water Improvement Dist.**, 298 U.S. 513, 56 S.Ct. 892 (1936) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=298&page=513>):

State governments and their political subdivisions can’t

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use bankruptcy.

NOTE: A popular argument in movement circles contends that this whole nation was placed into bankruptcy in 1930 and Roosevelt devised a plan to get judicial approval of the “bankruptcy” via the decision in the 1938 Erie Railroad case. But how can such a legal theory fly in view of the decision in this case?

(31) **Chicago Title & Trust Co. v. Forty-One Thirty-Six Wilcox Bldg. Corp.**, 302 U.S. 120, 58 S.Ct. 125 (1937) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=302&page=120>):

The creation and dissolution of state corporations is a matter solely within province of states.

(32) **United States v. Burnison**, 339 U.S. 87, 70 S.Ct. 503 (1950) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=339&page=87>):

Testator made devise to U.S. through will, but Cal. S.Ct. held devise invalid and contrary to state law. Court affirmed.

(33) **Florida Lime and Avocado Growers, Inc. v. Paul**, 373 U.S. 132, 144, 83 S.Ct. 1210 (1963) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=373&page=132>):

Federal avocado standards less stringent than California standards were challenged, but Court upheld validity of state laws regarding avocados. Court stated that preparation of foodstuffs for market has always been a matter of local concern:

“Specifically, the supervision of the readying of foodstuffs for market has always been deemed a matter of peculiarly local concern.”

(34) **Oregon v. Mitchell**, 400 U.S. 112, 91 S.Ct. 260 (1970) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=400&page=112>):

Federal voting rights act setting forth qualifications for voters in federal elections could not be applied to state elections.

(35) Drug and related cases:

(a) In **United States v. Jin Fuey Moy**, 241 U.S. 394, 36 S.Ct. 658 (1916) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=241&page=394>), the Court had before it the validity of this act which operated within the jurisdiction of the state, and it held that dismissal of the indictment was mandated because the act invaded the jurisdiction of the state and Congress simply lacked the constitutional power to penalize mere possession of opium within state jurisdiction.

(b) In **United States v. Ah Hung**, 243 F. 762, 764 (E.D.N.Y. 1917), it was stated: “Mere possession of an article injurious to health would not render a person liable to a United States statute unless some constitutional basis for the statute gives the United States the right to regulate upon the subject.”

(c) In **Nigro v. United States**, 276 U.S. 332, 341, 48 S.Ct. 388 (1928), defendant was prosecuted, and in discussing the issue, court stated:

“In interpreting the act, we must assume that it is a taxing measure, for otherwise it would be no law at all. If it is a mere act for the purpose of regulating and restraining the purchase of the opiate and other drugs, it is beyond the power of Congress, and must be regarded as invalid.”

(d) In **United States v. Five Gambling Devices**, 346 U.S. 441, 74 S.Ct. 190 (1953)

(<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=346&page=441>), seizure of devices without any proof of interstate transport held invalid.

(e) **United States v. Contrades**, 196 F.Supp. 803, 811 (D. Hawaii 1961): The drug laws “have been bottomed on the taxing power of Congress or on the power to regulate foreign and interstate commerce.”

(f) **Turner v. United States**, 396 U.S. 398 (1970): presumption of importation of coke unconst.; mere possession.

NOTE: Please see **the memo regarding treaties**

(<http://www.famguardian.org/Subjects/LawAndGovt/Articles/Treaties.htm>) which explains that the constitutional foundation for federal drug laws is the drug treaties.

(36) Practice of law is a state matter: **Nicklaus v. Simmons**, 196 F.Supp. 691 (D.Neb. 1961); **In re Battelle Memorial Institute**, 172 N.E.2d 917, 919 (Ohio 1961); **Ginsburg v. Kovrak**, 392 Pa. 143, 139 A.2d 889 (1958); **DePass v. B. Harris Wool Co.**, 346 Mo. 1038, 144 S.W.2d 146 (1940); **Baird v. Koerner**, 279 F.2d 623 (9th Cir. 1960); **Schwartz v. Bd. of Examiners**, 353 U.S. 238: practice of law is occupation of common right.

(37) State controls pleadings, evidence and process in its courts: **People ex rel Gilbert v. Babb**, 415 Ill. 349, 114 N.E.2d 358 (1953); **Edmonds v. State**, 201 Ga. 108, 39 S.E.2d 24, 38 (1946); **Wade v. Foss**, 96 Me. 230, 52 A. 640 (1902); **Central of Georgia Ry. Co. v. Jones**, 152 Ga. 92, 108 S.E. 618 (1921); **Breen v. Iowa Central Ry. Co.**, 184 Iowa 1200, 168 N.W. 901 (1918); 28 Ga. App. 258, 110 SE 914; 137 P.2d 1; 122 P.2d 655; 21 NYS2d 791 (1940). Deeds: **Sowell v. Rankin**, 120 Miss. 458, 82 So. 317 (1919); **People v. Kelley**, 122 P.2d 655, 659 (Cal.App. 1942).

(38) Education is a state matter: **State ex rel Steidle v. Faust**, 55 Ohio App. 370, 9 N.E.2d 912, 914 (1937); **Steier v. N.Y. State Education Comm.**, 271 F.2d 13, 17 (2ND Cir. 1959).

(39) State controls fisheries:

(a) **McCready v. Virginia**, 94 U.S. 391, 394, 395 (1877) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=94&page=391>):

“[T]he States own the tidewaters themselves and the fish in them, so far as they are capable of ownership while running.”

“The title thus held is subject to the paramount right of navigation, the regulation of which, in respect to foreign and interstate commerce, has been granted to the United States. There has been, however, no such grant of power

over the fisheries. These remain under the exclusive control of the State..."

See also **Corfield v. Coryell**, 6 Fed Cas. 546, No. 3230 (E.D.Pa. 1823); **Manchester v. Massachusetts**, 139 U.S. 240, 11 S.Ct. 559 (1891) (wherein there is note of U.S. fisheries commissioner being connected with treaties); and **United States v. Alaska Packers**, 79 F. 152 (D.Wash. 1897). See 43 USC §1311.

(b) And wildlife:

United States v. Shauver, 214 F. 154, 160 (E.D.Ark. 1914):

"The court is unable to find any provision in the Constitution authorizing Congress, either expressly or by necessary implication, to protect or regulate the shooting of migratory wild game in a state, and is therefore forced to the conclusion that the act is unconstitutional."

United States v. McCullagh, 221 F. 288, 293 (D.Kan. 1915):

"[T]he exclusive title and power to control the taking and ultimate disposition of the wild game of this country resides in the state, to be parted with and exercised by the state for the common good of all the people of the state, as in its wisdom may seem best." See also **Clajon Production Corp. v. Petera**, 854 F.Supp. 843 (D.Wyo. 1994): "ownership" of game.

(40) Insane persons are a state matter: **Shapley v. Cohoon**, 258 F. 752 (D.Mass. 1981); **Dixon v. Steele**, 104 F.Supp. 904 (W.D.Mo. 1951); **Fahey v. United States**, 153 F.Supp. 878 (S.D.N.Y. 1957); **Edwards v. Steele**, 112 F.Supp. 382 (W.D.Mo. 1952).

(41) State prisons: **Rose v. Haskins**, 388 F.2d 91 (6th Cir. 1968); **Siegel v. Ragen**, 180 F.2d 785 (7th Cir. 1950):

"The Government of the United States is not concerned with, nor has it power to control or regulate the internal discipline of the penal institutions of its constituent states. All such powers are reserved to the individual states," 180 F.2d, at 788.

"The 14th Amendment does not empower Congress to legislate on matters within the domain of the states' powers, nor to legislate against the wrongs and personal actions of individuals within the state nor to regulate and control the conduct of private individuals," 180 F.2d, at 789.

(42) Traffic & licensing: **Oklahoma v. Willingham**, 143 F.Supp. 445 (E.D.Ok. 1956) (mail carrier removal); **United States v. Best**, 573 F.2d 1095 (9th Cir. 1978).

(43) Obscenity: **McGuire v. State**, 489 So.2d 729 (Fla. 1986) (nudity); **United States v. Hicks**, 256 F. 707 (W.D.Ky. 1919) (bawdy house).

(44) Food products: **United States v. Carolene Products Co.**, 7 F.Supp. 500 (S.D.Ill. 1934) (filled milk); **United States v. Greenwood Dairy Farms**, 8 F.Supp. 398 (S.D.Ind.

1934) (milk); **United States v. Seven Oaks Dairy Co.**, 10 F.Supp. 995 (D.Mass. 1935) (milk); **Stout v. Pratt**, 12 F.Supp. 864 (W.D.Mo. 1935) (flour).

(45) Employment relations: **Ferrer v. Fronton Exhibition Co.**, 188 F.2d 954 (5th Cir. 1951) (Jai-alai players); **Love v. Chandler**, 124 F.2d 785.

(46) Occupations: **Martineau v. Ghezzi**, 389 F.Supp. 187 (N.D.N.Y. 1974) (beauty shops); **State v. Rosenthal**, 93 Nev. 36, 559 P.2d 830, 836 (1977) (gambling).

(47) Lands: **Franklin Township v. Tugwell**, 85 F.2d 208 (D.C.Cir. 1936) (low income housing is state matter); **United States v. Jeffers**, 90 F.Supp. 356 (D.Or. 1950); **United States v. Certain Lands in Louisville, Kentucky**, 78 F.2d 684 (6th Cir. 1935); **Washington Water Power Co. v. City of Coeur D'Alene**, 9 F.Supp. 263 (D.Idaho 1934); **Missouri Public Service Co. v. City of Concordia**, 8 F.Supp. 1.

(48) New federalism: **Blatchford v. Native Village of Noatak & Circle Village**, 501 U.S. 775, 111 S.Ct. 2578 (1991) (<http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=US&vol=501&invol=775>): state sovereignty and 11th Amendment.

New York v. United States, 505 U.S. 144, 112 S.Ct. 2408 (1992) (<http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?navby=case&court=US&vol=505&invol=144>): new federalism.

Gregory v. Ashcroft, 501 U.S. 452, 111 S.Ct. 2395 (1991) (<http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=US&vol=501&invol=452>): authority of states.

(49) Speech: **United States v. Ballard**, 322 U.S. 78, 86, 64 S.Ct. 882, 886 (1944) (<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=322&page=78>): "Heresy trials are foreign to our Constitution."

(50) Tax on exports void: **Fairbanks v. United States**, 181 U.S. 283 (1901); **United States v. Hvoslef**, 237 U.S. 1 (1915); **Thames & Mersey Marine Ins. Co. v. United States**, 237 U.S. 19 (1915). See also **United States Shoe Corp. v. United States**, 907 F.Supp. 408 (Ct.Int.Trade 1995), affirmed at 114 F.3d 1564 (Fed.Cir. 1997): harbor maintenance tax is unconstitutional.

(51) Separation of powers: **Plaut v. Spendthrift Farms**, ___ U.S. ___ (1995) (<http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=US&vol=000&invol=U10298>): Based upon principles of separation of powers, Congress cannot enact law which essentially reviews decisions of the courts.

End Part 1. In the Fall issue, we will continue with Part 2 – Limits of Congressional Powers.



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THE LIVING WORDS of the CONSTITUTION

PART 11

NICOLE KREBS

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

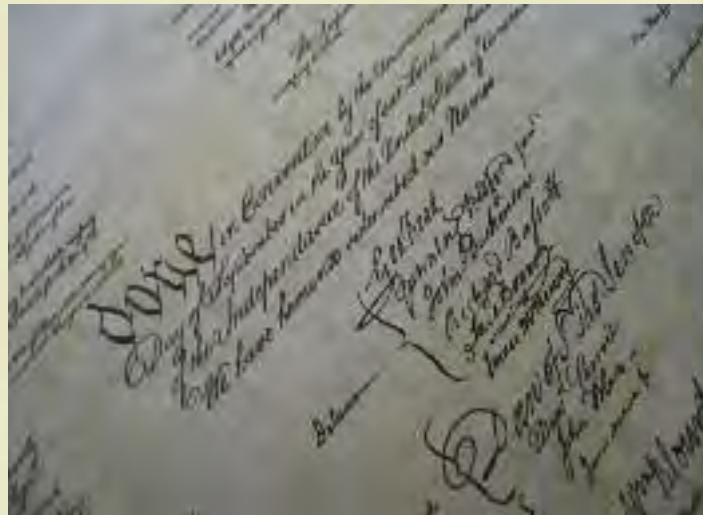
— Constitution of the United States

Like most of the Bill of Rights, the Fourth Amendment has its origins in seventeenth- and eighteenth-century English common law. Unlike the rest of the Bill of Rights, the Fourth Amendment’s origins can be traced precisely – it arose out of a strong public reaction to three cases from the 1760s, two decided in England and one in the colonies.

([http://law.jrank.org/Search and Seizure](http://law.jrank.org/Search%20and%20Seizure) - *The Fourth Amendment: Origins, Text, And History*)

In 1603, a “civil case of execution of process” was heard in England. **Semayne’s Case** recognized the homeowner’s right “to defend his house against unlawful entry even by the King’s agents.” At the same time, it “recognized the authority of the appropriate officers to break and enter upon notice in order to arrest or to execute the King’s process.” (*Constitution of the United States of America: Analysis and Interpretation*, 2002)

Another English case, and perhaps the most famous, was



Entick v. Carrington.

This case was “one of a series of civil actions against state officers who, pursuant to general warrants, had raided many homes and other places in search of materials connected with John Wilkes’ [controversial] pamphlets attacking not only governmental policies but the King himself.”

(www.findlaw.com)

An associate of Wilkes, Entick “sued

because agents had forcibly broken into his house, broken into locked desks and boxes, and seized many printed charts, pamphlets and the like. ... [T]he court declared the warrant and the behavior it authorized subversive ‘of all the comforts of society,’ and the issuance of a warrant for the seizure of all of a person’s papers rather than only those alleged to be criminal in nature ‘contrary to the genius of the law of England.’ Besides its general character, said the court, the warrant was bad because it was not issued on a showing of probable cause and no record was required to be made of what had been seized. **Entick v. Carrington**, the Supreme

Court has said, is a 'great judgment,' 'one of the landmarks of English liberty,' 'one of the permanent monuments of the British Constitution,' and a guide to an understanding of what the Framers meant in writing the Fourth Amendment." (*Constitution of the United States of America: Analysis and Interpretation*, 2002)

"Every man's house is his castle." During Parliament in 1763, William Pitt declared: "The poorest man may in his cottage bid defiance to all the force of the crown. It may be frail – its roof may shake – the wind may blow through it – the storm may enter, the rain may enter – but the King of England cannot enter – all his force dares not cross the threshold of the ruined tenement."

In the colonies, smuggling was one of the main motives behind the "necessity for protection against unreasonable searches and seizures." In order to enforce revenue laws, English authorities used "writs of assistance, which were general warrants authorizing the bearer to enter any house or other place to search for and seize 'prohibited and uncustomed' goods, and commanding all subjects to assist in these endeavors. The writs, once issued, remained in force throughout the lifetime of the sovereign and six months thereafter." (www.findlaw.com)

The case that the Founding Fathers would have been most familiar was the case of James Otis. "Otis defended several colonial smugglers against seizures made through the use of 'writs of assistance,' which permitted the customs agents to search any place in which smuggled goods might be concealed, even if there was no particular suspicion the goods were there. Though Otis lost the case, no less an authority than John Adams saw the dispute as the spark of the American Revolution: "Then and there was the child "Independence" born." (*The Heritage Guide to the Constitution*)

Many feel that Amendment IV originated from the Magna Carta. Article 38 of that document reads: "In future no official shall place a man on trial upon his own unsupported statement, without producing credible witnesses to the truth of it."

The Rights of the Colonists and a List of Infringements and Violations of Rights, 1772, also elaborated on the freedom from unreasonable searches and seizures. Samuel Adams took the lead on the drafting of that document.

The history of the Fourth Amendment, like the rest of the Bill of Rights, is rich. It's history and language can be traced back to the Magna Carta of 1215.

*In the next issue of **The Cowboy Way**, we will continue the discussion on the Fourth Amendment.*



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Guy de Galard (*The Bradford Brinton Memorial and Museum*) has had a passion for horses and the American West. Born in Paris, France, Guy began riding at age 6. Guy first heard about Wyoming while reading *My Friend Flicka*, at age 10. A self-taught photographer, Guy first took up photography while attending business school in Paris. After his move to the United States 23 years ago, Guy started to portray what naturally inspired him the most: horses and cowboys. Guy's writings and images have appeared in *Western Horseman, Cowboys & Indians, Range, The American Quarter Horse Journal*, as well as French and Italian Western lifestyle magazines.



Dan Gagliasso (*Ten Western Films You Should See*) is an award winning documentary film director/ producer and screenwriter. He recently optioned his true-life adventure script, *Lawyers; Guns & Money*, to New York City based producers, No Ego Production. A past recipient of the Western Writers of America Spur Award, he rode bulls on the amateur rodeo circuit during his college years.

Long time western writer **Darrell Arnold** (*The McCay Ranch, Sons Of The San Joaquin*) published *Cowboy* magazine for fifteen years from his home ranch in La Veta, Colorado. Before that he spent five years as the Associate Editor at *Western Horseman*. Darrell has written several books including *Tales From Cowboy Country* and *Cowboy Kind*.



photo courtesy Darrell Arnold



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Jim Arndt: Images from the Southwest



“The King of the Cowboys” at the Roy Rogers Museum in Apple Valley, California, photographed in 1998, the year Roy “went on up the trail.”



It's a Good Day to Be Me, 1996



Monument Valley Storm, 1993



Nathalie and Her Umbrella, 1998





Canyon de Chelly Shade, 1991



Old Friends, 2000



Going Home, 1994

JIM ARNDT, PHOTOGRAPHER

Jim Arndt is a nationally recognized advertising and editorial photographer based in Santa Fe, New Mexico. His client list includes Wrangler, Chevrolet, Marlboro, *Paris Match* and Harley-Davidson. He is the recipient of over 500 photography awards and was named *Adweek* National Photographer of the year, *Adweek* "Creative All Star" photographer and was one of *American Photographer's* top photographers.

His work has been exhibited in galleries in Minneapolis, Santa Fe and Taos, New Mexico and Austin, Texas. In addition, Jim has taught at the Minneapolis College of Art and Design and the Santa Fe Photographic Workshops.

He has also achieved acclaim for his work in many books including *The Art of the Boot*, *The Cowboy Boot Book*, *100 Years of Western Wear*, *Cowboy Boots*, *Art of the Cross* and his Cowboy Boot calendars – among others. Contact Jim at arndtphoto@mac.com.

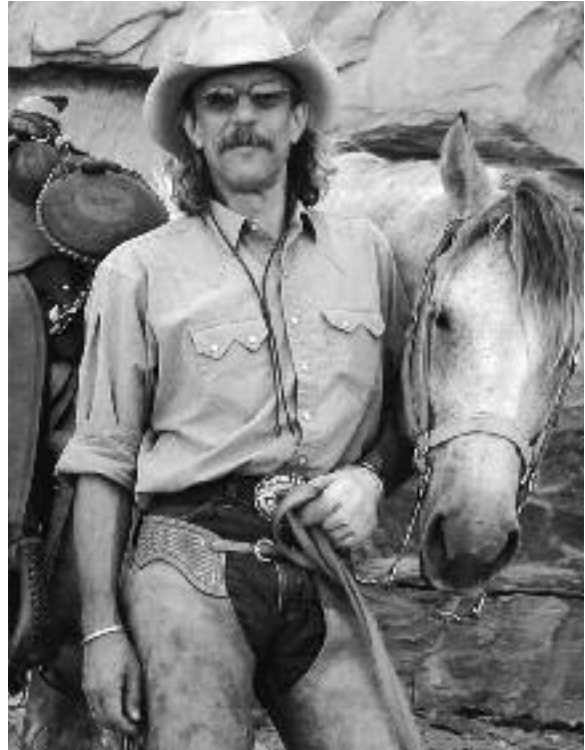


Photo of Jim Arndt by Nathalie Kent



A LAND OF LIMITED SUPREMACY

BY MARILYN FISHER



*“This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the **supreme Law of the Land**; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.”*

— Article VI, Clause 2

The “supreme law of the land” does not mean unlimited federal powers as some constitutional renegades might have you believe. Nowhere in the words of the Supremacy Clause does it say that the federal government is supreme in power over the States. John C. Calhoun said of the federal system, “It is federal because it is the government of states united in political union. It is federal, not ‘national’ because it is the government of a community of States.” Framers Alexander Hamilton believed this clause simply states that the Constitution and the laws made in pursuance of it are supreme and cannot be controlled by any other law. The laws of Congress are restricted, and, if they waiver from their restrictions, they’re no longer supreme. And, in the same way, the States have certain independent powers in which they are considered supreme. The limited and enumerated powers are essential to the make up of the Constitution, a basic compact between the States. In no way does the Clause expand

federal power, but actually restricts it since such power cannot exist outside of the boundaries of its enumerated powers. The Constitution doesn’t grant the federal government the power above the States. The States created the federal system in the first place and they actually possess the power to amend or abolish the federal government at any time since they have the rights to control it.

When federal government presses “supremacy” and the several states claim their reserved powers, then rightfully there’s conflict. Early in our nation’s founding, the Framers of the Constitution sought ways to reduce any conflicts that may arise between federal and local governments by drafting Article VI, Clause 2, or the Supremacy Clause, to provide guidelines for settling the dispute. The text in Article XIII of the Articles of Confederation provided that “every state shall abide by the determinations of the United States in congress assembled, on all questions which by this confederation are submitted to them.” To clarify this idea

of supremacy, federal laws and statutes are considered “the supreme law of the land” only if, as the Clause states, they are made in pursuance of the laws of Constitution.

The phrase “the supreme law of the land” also means there are limits to the scope of power the federal government can exercise in making treaties. When it enacts treaties according to the Constitution, they become supreme; however, if those treaties fall outside the scope of its enumerated powers, they’re ineffective because the federal government does not exist outside of its delegated powers. Essentially, it cannot bind American citizens, their individual rights or their property through a treaty. It’s clear that some Americans are not clear on basics of government and the Constitution, or that the States are sovereign nations. Some incorrectly believe that the federal government is supreme above all States and that the Constitution gathered the States together into a single nation under federal control. They don’t understand what their Constitutional rights are, yet they demand their State leaders react to current issues that actually endanger the State’s rights, thereby blocking the ability of the States to protect the individual rights of the people.

Though the federal government can try to prohibit states from interfering with federal operations, Congress may not base its power to protect federal operations on the Supremacy Clause alone. Through its enumerated powers, Congress may “preempt” or try to override state law. When a state law stands as an obstacle to the accomplishment and execution of the objectives of Congress, it reaches for the Preemption Clause. However, for the Clause to be constitutional, it must be deemed necessary and proper for the promotion of some enumerated federal power. According to the Necessary and Proper Clause, this means “*To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.*” Through the Necessary and Proper Clause, the federal government can attempt to wrestle away state powers if those powers “interfere” with operations assumed to be its own.

Though the U.S. Supreme Court is called upon to determine if there is a conflict between state and federal laws, the federal judiciary does not have the power to interpret, or re-interpret the Constitution. As Supreme Court Chief Justice John Marshall once explained, “The [federal] judicial power cannot extend to political

compacts.” The Constitution was written as “a compact between the several States.” The federal government is not a party, but the result of the compact between the States, and it lacks the authority to define the powers delegated to it by the States. Only the individual States possess that power. The question now is: What is the role of the federal judiciary in deciding cases of federal legislation and the Constitution? Essentially speaking, the process is as follows.

The judiciary must lay the article of the Constitution that is being referenced next to the statute that is being challenged and determine whether the statute matches with the article. It must thoroughly examine statute to be sure that it falls within the scope of enumerated powers of the federal government.

In **Gregory vs. Ashcroft** (501 U.S. 452, 1991), the State of Missouri had a state constitutional principle that provides for the mandatory retirement of judges when they reach age 70. While the federal Age Discrimination Employment Act bars employers from discharging an individual over the age

of 40 for reasons of age, the Act excludes any person elected to public office “or any appointee on the policymaking level.” Missouri judges are appointed by the Governor and then re-elected. The State argued that judges were either elected or appointed and therefore exempt by State law and simple statutory construction. It would be a definite intrusion into state power if the federal government were allowed to regulate the ages of public officials in this case. The Court ultimately decided in favor of Missouri. Another case, **United States vs. Lopez** (514 U.S. 549, 1995) – the first US Supreme Court case since the New Deal to set limits to Congress’ power under the Commerce Clause of the Constitution – dealt with a high school student in San Antonio, Texas who brought a concealed weapon to school. He was charged with violation of the federal Gun-Free School Zones Act of 1990. Lopez’s stand was that the Act was unconstitutional as it was beyond the power of Congress to legislate control over public schools. The first trial court denied the motion, ruling that it was indeed a constitutional exercise of Congress’ powers to regulate activities of “interstate commerce.” Lopez was convicted, but appealed to the Fifth Circuit Court of Appeals claiming that his situation exceeded Congress’ power to legislate under the Commerce Clause. The Court of Appeals agreed and reversed his conviction, holding that the former conviction was invalid and beyond the power of Congress under the Commerce Clause. The federal government then appealed to the U.S. Supreme Court to

TO CLARIFY THIS IDEA OF SUPREMACY, FEDERAL LAWS AND STATUTES ARE CONSIDERED “THE SUPREME LAW OF THE LAND” ONLY IF, AS THE CLAUSE STATES, THEY ARE MADE IN PURSUANCE OF THE LAWS OF CONSTITUTION.”

— THE SUPREMACY CLAUSE

Federalism in the 1980s



Ronald Reagan recognized the challenges to the Constitution in 1981 when he spoke on restoring the Constitution saying:

“This nation has never fully debated the fact that over the past forty years Federalism – one of the underlying principles of our Constitution – has nearly disappeared as a guiding force in American politics and government. The principles of Federalism are outlined in the Federalist Papers of Hamilton, Madison and Jay. The Founding Fathers saw the federal system as constructed something like a masonry wall. The states are the bricks, and the national government is the mortar. For the structure to stand plumb with the Constitution there must be a proper mix of brick and mortar. Unfortunately over the years, many people have come increasingly to believe that Washington is the whole wall – a wall that, incidentally, leans, sags and bulges under its own weight. With the help of [all] Americans and with the help of the states, one of our next goals is to renew the concept of Federalism. Today the federal government takes too many taxes from the people, too much authority from the states and too much liberty with the Constitution. Our intention, again, is to renew the meaning of the Constitution. Our aim is to rescue from arbitrary authority the rights of the people. Together then, let us restore constitutional government. Let us renew and enrich the power and the purpose of states and local communities and let us return to the people those rights and duties that are justly theirs.”

hear the case, convinced that this was a valid exercise of the Congressional Commerce Clause. The federal government tried to reason that the matter affected interstate commerce because possession of a firearm in an educational environment would likely lead to violence that would affect the general economic condition and raise insurance costs, inhibit education and limit the public’s willingness to travel in the area. The Court held in a 5-4 decision that, while Congress has lawmaking power under the Commerce Clause, the power was limited and did not extend to the regulation of the carrying of handguns, especially when there was no proof that “carrying” affected the economy of the area. The Court rightly posed the question: “What would prevent the federal government from then regulating any activity that might lead to violent crime whether connected to interstate commerce or not because it imposed social costs?” And, “What would prevent Congress from regulating any activity that might bear on a person’s economic productivity?”

State sovereignty is a term heard often these days when discussing the state of the Union. In keeping with the perfect plan of the Constitution, local governments must exercise their reserved powers and protect the constitutional rights of the people. The 13 original colonies were determined not to leave the federal government to its own devices when it came to defining sovereignty. The 10TH Amendment states, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” This amendment guarantees to the States their ability to exercise their powers based on the sovereignty of the people to self-govern and exists to prevent the federal government from encroaching upon the States through non-delegated powers. Unlike the federal government, State governments claim broad general powers and this amendment is a textual reaffirmation of the scheme of enumerated powers – a codification of the principles of limited federal power. The Framers were mistrusting of a central federal government, yet they realized the necessity of placing some authority independent of the states in what would become the federal system. In principle, the 10TH Amendment reflects and reinforces the underpinning of our original Constitution – that is, that federal government possesses only those powers granted to it –reaffirming the planned role of the federal system. The amendment warns against interpreting the other amendments in the Bill of Rights to give powers to the federal government that were not granted by the original document. The Constitution is a system of checks and balances constructed to oversee a government with limited and enumerated powers, and it’s the 10TH Amendment that provides the reassurance against any force that may try to change the original plan wherein the states have authority over their citizens.

Each state, as a sovereign nation, exercises its legislative powers and bill of rights to protect its citizens against government overreach, having the same jurisdiction over all persons and things within its territorial limits as does any foreign nation where jurisdiction is neither surrendered nor restrained by the Constitution. States are increasingly embroiled in conflict with the federal government over hot button issues affecting them, such as the federally created

national health care bill, illegal immigration issues, firearms regulations and other concerns. While Congress tries to force its agenda on the states, most aware, educated citizens know that what is happening is unconstitutional and they are demanding answers. An offshoot of this new awareness is a modern day movement called the “Tenthers” made up of citizens who are demanding the federal government be accountable to the principles of the 10TH Amendment. They see forced health care legislation as unconstitutional and argue that the Constitution never explicitly gives the federal government the right to regulate health care, posing the question, “Why is this power not left to the states?”

Citizens in states like Arizona are challenging the constitutionality of the federal government’s supremacy over issues such as health care coverage. The future of the national health care bill in Arizona is pending on a statewide vote in November as state representatives have proposed a state constitutional amendment to ban the national bill altogether within the State. They are not alone as several other states seem to be falling in step with them and have to date passed their sovereignty resolutions under the 10TH Amendment. At the heart of this conflict is the federal government’s stand that “the powers reserved to the states” as written can be overridden by Congress through the power of the Supremacy Clause. Arizona’s stand reaffirms that because Congress passes a bill that does not mean that it is the supreme law of the land, unless it is written in strict pursuit of constitutional law. In the Arizona case, it is a push back against unconstitutional federal laws and regulations. The principle behind this movement is known as “nullification,” or when a state “nullifies” a federal law proclaiming that the law in question is void and inoperative, or “non-effective,” within the boundaries of that state; or in other words, it is not considered a law within that state.

Florida is also making its sovereign voice heard and plans to pass a bill that backs its Attorney General’s lawsuit challenging the national healthcare overhaul. The state Legislature has already voted to put a related state constitutional amendment on the November ballot. The amendment would bar Floridians from being forced to obtain health insurance coverage required by the new federal law. Though some legal experts warn that, due to the power of the Supremacy Clause, the federal law may override the state’s arguments since the sovereign power of the states is diminished to the extent of the powers granted to the federal government in the Constitution. Actually,

“THE SPEAKER OF THE HOUSE AND HER LIEUTENANTS ARE TEMPORARY CUSTODIANS OF CONGRESSIONAL AUTHORITY. [THEY] ARE NOT EMPOWERED TO DO PERMANENT VIOLENCE TO OUR CONSTITUTION.”

— MARK LEVIN

the federal government cannot constitutionally mandate individual citizens to purchase health care coverage – it is not within its enumerated powers to do so.

In the midst of the backlash against the national health care bill, the Landmark Legal Foundation has prepared a lawsuit to be filed in federal court rightfully challenging the constitutionality of the bill. Landmark Legal’s constitutional attorney Mark R. Levin remarked of the federal government’s health care bill procedures: “Such a brazen violation of the core functions of Congress simply cannot be ignored...the Constitution is clear respecting the manner in which a bill becomes law...The Speaker of the House and her lieutenants are temporary custodians of congressional authority. [They] are not empowered to do permanent violence to our Constitution.” As public outrage flares against the unpopular bill, similar lawsuits against the federal government will most likely follow.

As these constitutional battles rage, we are reminded that powers neither given to the federal government nor prohibited to the states in the Constitution are reserved to the States, or to *the people*. Our federal government is one of limited powers and it is our duty as citizens to remind it of that fact. One of the best tools we have as sovereign individuals is our right to vote and alter the course of our destiny. Since the moment the Founders conceived of this plan for independence from tyranny, the foremost principle was limited government. It was for the preservation of this principle that the Founders sacrificed their lives, honors and fortunes. They realized the need to create a government small enough that individuals were in control of their own affairs – life, liberty and the pursuit of happiness. It’s all there in the Constitution, read it and rest assured it is your best protection.



Resources

- The Constitution of the United States
- The Heritage Guide to the Constitution* – Edwin Meese and David Forte
- The Federalist Papers* – Alexander Hamilton, James Madison, John Jay
- Restoring the Constitution* – Ronald Reagan, 1981
- www.Thepriceofliberty.org
- www.TheTenthAmendmentCenter.com
- www.Law.umck.edu
- www.TenthAmendmentNH.org
- www.LandmarkLegal.org

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THE BRADFORD BRINTON MEMORIAL AND MUSEUM

This historic ranch turned museum is an authentic piece of Wyoming history and offers exquisite art in an ideal setting

BY GUY DE GALARD

The town of Sheridan, Wyoming was born during the cattle boom of the 1880s and was brought to life by aristocratic British cattle barons such as the Moncreiffe brothers. William and Malcolm Moncreiffe were born in Perth, Scotland. William in 1863, Malcolm in 1866. The Moncreiffe presence in the West began in 1883 when Malcolm, the sixth son of the Baron of Moncreiffe, left home at seventeen and, upon the advice of a friend, set out for America. After first going to Miles City, Montana, he eventually settled near present-day Gillette, Wyoming where he went into the cattle business.

William graduated from Cambridge University in 1885. Three years later, he embarked on a trip around the world and decided to visit his brother at his ranch. William then headed west to the small settlement of Big Horn, located outside of Sheridan, where his friend and fellow countryman Oliver Henry Wallop had purchased the homestead of Big Horn founder Oliver Perry Hanna.

Flanked to the west by the majestic Big Horn Mountains, the rich grasslands around Big Horn offered some of the finest grazing in the American West. Enchanted by this rolling, scenic foothill country nestled along Little Goose Creek at the base of the Big Horns, William purchased land near Wallop in 1892, built an expansive ranch house and settled down to raise cattle on his Quarter Circle A Ranch. The property was originally homesteaded by the Clark family in 1882 and then sold to Mr. Becker who in turn sold it to Moncreiffe. The Quarter Circle A brand was originally registered by William Moncreiffe and was the second brand registered in the state of Wyoming.

The area is steeped in Western lore. The fertile pastures and ranch lands where cattle and horses now graze were once dangerous and untamed country, home to the Sioux, Cheyenne and Arapaho. The area has remained practically unchanged since Indian chiefs Red Cloud, Crazy Horse and Dull Knife fought battles to





Playing polo on the Quarter Circle A, early last century

keep the white man from precious hunting grounds. The famous Bozeman Trail, a shortcut through eastern Wyoming from the main overland trail to the rich gold fields of Montana, cut through the last hunting grounds of the Northern Plains Indians. The military occupation of the region ultimately resulted in the Indian Wars on the Northern Plains. The trail, known as the “Bloody Bozeman,” was the scene of so many battles that the army forbade convoys of less than 100 wagons to take it. Following the Laramie Treaty of 1868, the three forts that were built along the Bozeman Trail to ensure the safe passage of the travelers were eventually ordered abandoned, leading to the closure of the trail. It was used again in 1876 by the forces of General George Crook on their way to engage the Lakota and Cheyenne at the Battle of the Rosebud. According to historians, General Crook crossed the Little Goose Creek on his way to join Custer in 1876 by using an old ford located in a small field adjacent to the property’s gate entrance. Items indicating the encampment of the army along the banks of Little Goose Creek have also been found.

During the heyday of cattle ranching in Wyoming,

thousands of horses were raised on the open range around settlements like Big Horn and Sheridan. Horses were mainstays of frontier life. Wallop and the Moncreiffe brothers had a passion for polo. In 1898, Malcolm Moncreiffe was out riding with his brother William when he spotted a perfectly flat area. The pasture was part of a ranch owned by J.C. Barr who told Moncreiffe that if he cleared it of sagebrush, he could use it for anything he wanted. The men started playing polo on the property that ultimately became the Brinton Ranch. Soon, Malcolm started a training school for polo horses on William’s Quarter Circle A Ranch. Both the Wallops and the Moncreiffes contributed to the development of polo in the Big Horn area. They were the beginning of what turned out to be one

of the finest breeding areas for polo ponies in America. Their legacy can still be seen today around Big Horn and Sheridan where cowboys have been known to ride herd in English saddles, working cattle with bamboo mallets in place of ropes. In an old photo album belonging to William Moncreiffe, with dates from 1895 through 1906, there are some wonderful photos of polo on the Quarter Circle A Ranch with players riding in Western saddles, wearing caps or cowboy hats instead of helmets, some donning chaps and all wearing different kinds of boots.

In 1899, the Moncreiffe brothers, Oliver Henry Wallop and fellow polo player Robert H. Walsh joined forces and significantly expanded their horse business by selling horses



Bradford Brinton (1880-1936)



Today, some of the pastures are leased to the nearby Flying H Polo Club for its horses.



The Memorial and Museum today



to the British Army for use in the Boer War in South Africa (1899-1902). The four men scoured the West all the way to Nevada and Oregon to find suitable mounts for the British Cavalry. The selection took place on the

“proving grounds” located on the Quarter Circle A Ranch. A rider had to be able to ride the horse across the polo field to prove him good for the cavalry. Raised on the open range or in rough mountainous terrain, their stamina and heart set them apart from the other cavalry mounts. A letter from a British officer to his commander testified to the tough nature of these horses: “My men would rather face Boer machine gun fire than get on any more of those brons.” During the three years of the operation, the partners

collected, sold and shipped over twenty thousand horses, turning the Big Horn area into a massive horse market. This episode was used as part of the plot of the 2006 Emmy-winning miniseries *Broken Trail*, starring Robert Duvall and Thomas Haden Church. Meanwhile, even though most of the horses were intended for the British cavalry, Malcolm also had riders on the lookout for horses that



The Little Goose Creek Lodge was built in 1927 and was used by Brinton for entertaining



One of the buildings houses the Hall of the Native American, an extensive collection



The main ranch house boasts a collection of over 3000 books

might make good polo ponies. These mounts could then be sold for an even better price.

By the mid 1920s, the area along Little Goose Creek had grown into a colony of wealthy horsemen living on estates that revolved around horse breeding operations. In 1923, William Moncreiffe sold the Quarter Circle A headquarters with one section of ranch land (640 acres) to Bradford Brinton, a Chicago businessman. Mr. and Mrs. William Moncreiffe retired to the South of France after selling the ranch, returning briefly during World War II. William died in California in 1944 and his wife died in France in 1957.

Bradford Brinton was born in 1880 in Tuscola, Illinois and was the son of a prosperous family. His father owned a farm machinery company. Bradford attended Yale University and graduated in 1904 from the Sheffield School of Engineering. After graduation, he joined his father in the farm implement business. In 1916, he served under General Pershing who had ventured into Mexico to capture revolutionary leader Pancho Villa after his violent raid on Columbus, New Mexico. He then served in France during World War I in 1918.

After Brinton purchased the Quarter Circle A in 1923, he bought an additional 2,200 acres. He continued to use



When Ropes Go Wrong by Charles Russell

the ranch as a vacation home and as a repository for the bulk of his exquisite collection of Western art, including works by Russell, Remington, Borein, Frank Tenney Johnson, rare books and Native American artifacts. In 1927, he added on to the Main House, built the horse barn across the creek and the Little Goose Creek Lodge, a log cabin that he used for entertaining. Over the years, Brinton met local artist Bill Gollings and became good friends with California Western artist Ed Borein. Until his death in 1936, Brinton collected one of every etching Borein made. Today, they are all part of the museum's collection, along with some personal letters, illustrated and written by Borein.

Upon Bradford's death in 1936, his sister Helen inherited the ranch. She kept her brother's collection intact, even purchasing art and objects from Mr. Brinton's New York City Park Avenue apartment that complemented the collection already housed in Big Horn. After Helen's death in 1960, the Bradford Brinton Memorial and Museum was



Pack Outfit by Bill Gollings

established in 1961 through her will and named after her brother Bradford. Today, the tastefully restored building boasts, in a wonderfully local setting, a collection that will fully satisfy Western art junkies – over 3000 books, 200 Boreins, nine Remingtons and eleven Russells. Every year, 10,000 visitors experience some of the Old West's elegance and history with a unique glimpse into the lifestyle of a gentleman's working ranch of the 1920s and 30s. Hence, the Bradford Brinton Memorial and Museum is more than merely a memorial to one individual, it is a memorial to Western art and culture as well as an elegant display of Wyoming's colorful ranching history, which can be experienced and enjoyed in its original context.

For more information on this wonderful, local museum, please visit www.bradfordbrintonmemorial.com.





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SONS OF THE SAN JOAQUIN



photos by Richard Swanson

From left: Fiddler Richard Chon, Lon Hannah, Jack Hannah and Joe Hannah

Singers, teachers and American citizens

BY DARRELL ARNOLD

92

*The bell still tolls for those daring souls
Who died to make us free,
And our freedoms ripped from the tyrant's grip
To secure our liberty.*

*How can one afford not to trust the Lord
And fight for a better day?
Let us pledge our all to the patriot's call.
Stand up for the USA.*

"All Hail to the Pioneer"

That's the third verse of a new song the Sons of the San Joaquin will soon be recording, and it reflects their ardent patriotism. The songwriter is Jack Hannah and he, along with his brother Joe and Joe's son Lon, make up this legendary Western-music trio, a trio that is arguably the class act of all contemporary Western harmony groups. The genetically enhanced blending of their beautiful individual voices creates unmatched harmonies.

"When we were kids," says Joe, "the only movies our dad would let us watch were Roy Rogers' movies, movies that included the Sons of the Pioneers. We got hooked on the Sons of the Pioneers music. Our dad would teach us their songs. He would take the melodies, and Jack and I would harmonize with him, with Jack singing baritone and me singing tenor.

"For a lot of years, the three of us were a trio around the

communities of Visalia and Fresno, California, where we lived and worked. We'd sing at churches and service clubs."

Finally, Lon Hannah approached his dad and Uncle Jack and asked if he could join them in singing for his grandfather's birthday celebration. Jack and Joe were surprised by the request. Joe says, "We told him, 'You don't know this music,' and Lon answered, 'I've been listening to it for 25 years. I ought to know it.'"

That was the beginning of the Sons of the San Joaquin. Lon loved the music, and he was serious about the trio going professional, so Jack and Joe gave him his head and let him run. There is plenty more to the story of Lon's struggles to get the group really going, but, suffice it to say, their first big break came when they performed at the Cowboy Poetry Gathering in Elko, Nevada in 1989 – the big crowd loved them. And since those early days, the Sons of the San Joaquin have garnered a wagonload of music awards from the Western Music Association, the Academy of Western Artists and the Western Heritage Museum/Cowboy Hall of Fame in Oklahoma City. They've also been recognized by the Walk of Western Stars in Santa Clarita, California, the City of Clovis Hall of Fame, the American Cowboy Culture Award, California State University, Fresno and the Fresno Advertising Federation (a complete listing of their many awards can be seen at www.thesons.com).

Despite all their accomplishments as Western singers, the Hannahs are even prouder of their other careers as teachers in the California school system. "I don't think anything I've ever done in my life equates to my teaching career," says Jack. "God guided me. I was called to the teaching profession. I taught for 17 years and was a counselor for 13 years. I coached baseball and was the California Coach of the Year in 1980. In coaching, you teach character, but you have to set the example yourself. I wanted to make a positive contribution to the lives of those young men and women. I know I did that because so many of my former students have told me so."

Joe, too, was a coach of several junior high sports, and he also taught history and vocal music for 21 years. It isn't easy to attract boys to glee clubs or the men's chorus, but the fathers and uncles of many of Joe's students knew of his past history as a highly recruited high-school football player and his subsequent 13-year career as a professional baseball player in the Chicago Cubs organization.

"Once they saw that it was manly to be a singer of choral music, like I was," says Joe, "they came in droves. At one point, in the junior high where I taught, I had 70 boys in one class and 45 in another. That was unheard of in California schools, and I don't think it's been done since I left. That's my claim to fame as an educator."

Jack was a pro-baseball player for eight years with the Milwaukee Braves and the California Angels. He says, "It broke my heart to have to give up pro ball (due to an injury), but when I got into the school system, I realized how



The "Sons" are in demand all over the West

JACK HANNAH'S Viewpoint:



Most Americans do not want cradle-to-grave support. It seems, right now, it is NOT government of the people, by the people, for the people. We saw that in the passage of the medical bill, a bill passed against the will of most American people. Yet, many on the left and in the media are vilifying their fellow Americans – people who care about their country and their government and want to have a part in saying what their government should be. That's what our Founding Fathers provided for. The Tea Party protests this year just augment and amplify how dire the situation has become. These are people who believe in small government, a strong military, lower taxes, strengthening the private sector and enabling the small businessman who is the backbone of our nation.

Yet these views are seemingly considered sinister in the mainline media.

If unchecked, I believe we're headed toward what has been said is a European-style socialism. France, England, Spain – bigger government with that so-called cradle-to-the-grave care. I don't believe that's what Americans want and it's up to us to fix it.

JOE HANNAH'S Viewpoint

(Joe served in the U.S. Army just after the Korean Conflict)



As long as America is strong and has a vital, entrepreneurial economy – the people are not going to want to give up the prosperous lifestyle we enjoy. So, in order to make the people willing to accept a more socialist government, I believe the socialists first have to ruin our economy. In my estimation, they are now doing exactly that. We think they don't know what they're doing and they're just screwing up. I believe they don't want America to succeed. They want American citizens to be on the same economic level, making people lazy by just letting them continue to draw unemployment with no end in sight. A lot of the people who weren't making a lot of money anyway will think, "Well, heck fire, I'm gonna make \$300 a week without working, so why work?" If they can accomplish everything they want, with their takeover of health care, business, banking and the environmental, so that more and more people are supported by government paychecks or programs, then they'll have all Americans dependent, in one way or another, on the government. A government that will have complete control of virtually every aspect of people's lives. Well, not on my watch.

important I could be in those students' lives. I wanted to be a model for those students. I also ran the Fellowship of Christian Athletes program for 17 years. Those years of teaching were the hardest thing I ever did, but they were also the most rewarding thing I ever did."

As for Lon, he became a second-grade teacher in the Visalia School District. He says, "I taught second graders for four years until we went full-time in the band. Then I went to a half-time position and a guy named Bill Thornberry filled in for me for half the shows on the road.

"Today, I have a full-time position teaching vocal music and music appreciation to fourth, fifth and sixth graders, but they let me take off to go to our performances. I don't get paid for the days I'm gone, but they don't yell at me either. I truly love both jobs."

All three of these educators/entertainers know that the future of America depends on the strength, character, determination, intelligence and wisdom of the generations that will follow, and they are deeply concerned about the perilous path down which America seems to be headed. "When I was in the eighth grade," says Joe, "you had to pass a course on the Constitution of the United States before you could move on to high school. I don't think very many schools teach that anymore. I love my country, and my heroes are the Founding Fathers. A lot of our young people haven't been taught anything about them." Joe is aware that the left will fight for what they want, and he knows they have infiltrated America's school systems. He says, "A teacher has a chance to mold the minds of children. There are pockets in a lot of the rural areas where teachers are more apt to be concerned about teaching the right things, but, gosh, in some of the big cities, they have too many problem kids who keep them from being able to do what they need to do. The teacher is always handling a discipline problem."

"The thing is," he adds, "the school systems are not educating our children like they should be, and the universities are educating them the wrong way. Where's a kid going to learn to love this country? The kids that love America are the ones who go into military service to protect our country. Those young people get taught a little bit of history while they're in there."

Lon agrees. "When you delete the true founding of our nation from our children's educations, they have no foundation on which to judge politicians by. I think that's how the politicians on the left want it to be. They want to re-teach all of this stuff in a way that either denigrates our Founders or, at the very least, doesn't tell the true story of the founding. That way, they can propagate judicial doctrines of the separation of church and state – make it mean what they've made it mean, which is you can't have any public display of religion.



Lon Hannah talking with Scott O'Malley (left) of the Western Jubilee Recording Company and Mike Wolking (right) lead singer with Sons and Brothers

That is not what the Founders intended.”

He explains, “Even Jefferson and Franklin, who didn’t believe in the supernatural aspects of what’s in the Bible, went along with the idea that the nation needed to be founded on certain principles. Among those was that government does not confer rights on individuals. God does. Thus, government has no right to take rights away. If government can convince people that their rights stem from government, then the government can capriciously change its mind at any point and redo the contract. They can then claim that they are still being constitutional.”



The Sons of the San Joaquin playing with Sons and Brothers, a local group out of Westcliffe, Colorado

In recent months, there has been talk of the Sons of the San Joaquin recording a patriotic album. Upon reflection, however, it becomes apparent that the songs they have been singing for years are about as patriotically American as music can get. Lon says, in Uncle Jack’s song “Horses and Cattle and Coyotes,” he has a verse that goes:

*I honor the flag of my country,
And true to her colors I’ll stay.
I’ll ride for the brand of this wonderful land,
And thank the Good Lord every day,
And thank the good Lord every day.*

“Western music,” says Jack, “celebrates the contribution made by the man on horseback. To me, the cowboy epitomizes the traits and characteristics of those pioneering souls who established this wonderful country. The cowboy is strong, self-assured, self-reliant, independent, hard-working, honest, honorable and faithful to both God and his country. The cowboy loves his freedom as much as anything else. He is not looking for a handout. He does not want his government to take care of him. He wants his government to get out of his way and let him live his own life. The cowboy takes pride in standing on his own two feet and building a life for himself and his family. He stands up against tyranny, and he fights for truth and justice.”

Joe concurs. “Our music is about the West, in particular, the land, the cowboy and the joys and challenges of the cowboy life. It is a celebration of the American spirit.”

For more information about Sons of the San Joaquin music, go to www.thesons.com, or contact Western Jubilee Recording Company, P.O. Box 9187, Colorado Springs, CO 80903; 800-707-2353; www.westernjubilee.com.



LON HANNAH’S Viewpoint

*(Lon served in the United States
Marine Corps)*



Most Americans, especially conservatives, have been going about their lives, building a future for their children, and have been asleep, thinking that our leaders must have the best interest of our nation at heart. Well, many of them don’t. They want to change the nation into something it was never intended to be. It’s absolutely horrifying.

The thing I’m encouraged by is that people are not asleep at the wheel anymore. They’re paying attention. Even if we get some victories, I pray that they never take their eye off the ball again.



Ten Western Films You Should See

BY DAN GAGLIASSO



96

Hondo publicity photo

John Wayne as Hondo Lane

It has been said that America's two greatest contributions to world art and culture are jazz and the Western film. For many years, until revisionist history appeared on the scene, the West and the Western defined America in positive terms for the rest of the world. Western Americans were strong and resourceful, courageous, fair, decent and hard working.

Several years ago, I was standing behind the chutes at the Cody Night Rodeo with one of the rodeo committee members when we overheard two young bull riders talking about John Wayne's 1972 film *The Cowboys*, a film that had just played on cable television a few nights before. It's a film that, in no small part, is famous for Wayne actually being killed on-screen after beating the hell out of a murderous rustler leader while defending his very young trail hands.

"Two bad they had to kill the Duke off like that," the one nineteen-year-old hand offered up. To which his fellow bull rider replied, "Maybe, but you know he did the right thing. He reminded me of my dad and grandpa, that's how they would handle that kind of deal." It's unfortunate you won't hear that kind of sentiment in many places.

Between the 1903 debut of *The Great Train Robbery* and next year's release of the Western/Science-Fiction hybrid *Cowboys & Aliens*, there have been well over 10,000 Western films made and released. Most were quickie "B" movies made on shoe-string budgets, but perhaps some 2,000 Westerns actually qualify as full blown "A" list films with good production values and well-known stars. That doesn't even include the far more numerous Westerns that lit up television screens for over twenty straight years.

As president of CBS, our own editor's father John Reynolds was responsible for hundreds of hours of top quality Western programming, including some of the best of the 1960s Western series like *Rawhide*, *Guns, Smokey and Have Gun - Will Travel*. The heroes didn't have to be squeaky clean, the situations didn't have to be black and white, but, in the end, there was a moral to the story and the best TV Westerners reacted to the circumstances that they either created or were thrust into with courage, daring and honor.

The best Western films always emphasize those qualities, "You're only as good as your word," "stand up for the weak," "don't pick a fight, but don't back away from one either" and "any job worth doing is worth doing well." The following is not a list of the greatest Westerns ever made, though all are indeed fine films and many would make such a list. This is a list of Western films that represent values well beyond being simple shoot 'em ups, the kind of values and philosophies that PARAGON Foundation and *The Cowboy Way* stand for. The films are not in any order of importance, but they all have great things to say about our common Western experience and the values we share as Westerners.

SHANE 1953 DVD

This film is the ultimate "small settlers verses big ranchers" Western with a tired and reluctant hero who can't stand by and watch while decent people are preyed upon by the stronger and unscrupulous. In the end, the settlers win out because Shane is willing to risk all to stand up for them, his personal integrity won't allow otherwise.



There's also a positive 2ND Amendment message in the film when Alan Ladd's Shane explains to Jean Arthur, "A gun is a tool, Marion. It's only as good or as bad as the man using it."

The scene where Shane helps Van Heflin hack out a particularly stubborn tree stump as payment for his dinner is a tribute to the simple hard work that it took to settle the land. It also represents a time and place where you didn't expect a handout, but repaid a kindness with some sweat and muscle.

If the film has an incredibly authentic look and feel, you can chalk that up to Charlie Russell's protégé, artist Joe De Yong, who was director George Steven's right hand man throughout the filming.

THE ALAMO 1960 DVD

This was John Wayne's personal tribute to the heroes who died, to a man defending the Alamo against Saddam Hussein-like Mexican dictator Santa Anna's troops in 1836. The story meant so much to him that he produced, directed, starred in and helped finance the then twelve million dollar budgeted epic.

The more current, politically correct version (2004) may be more accurate in uniforms and some other technical historical facts, but Wayne's version, despite historical inaccuracies, better captures the true spirit of the people and times. There is indeed a price to be paid for freedom, sometimes even the ultimate price.



The political messages are straight up, but still very much part of the 1836 Texas Revolution experience as Wayne's Davy Crockett tells Lawrence Harvey's William Barrett Travis, "Republic. I like the sound of the word. It means people can live free, talk free, go or come, buy or sell, be drunk or sober, however they choose." The great Texas historian Lon Tinkle described that era in Western American history as a time when a man could take his rifle, mount a good horse and ride as far as he damn well pleased. Wayne's *The Alamo* captures that true spirit of independence and determination.

BITE THE BULLET 1975
DVD



It's 1905 and a group of disparate riders take part in a grueling horseback endurance race across Colorado and New Mexico. Gene Hackman and James Coburn play two former Roosevelt Rough Riders, each with different reasons for wanting to win. They compete against a high-priced horse owned by a newspaper magnate, a woman,

a vaquero, an Englishman and even an old cowhand played wonderfully by Ben Johnson.

Hackman has a powerful scene where he relates his experiences in Cuba atop his nervous horse. "We came out

of the jungle and there it was – San Juan Hill. There was only one horse and one rider – that was Colonel Teddy. He went chargin' up that damn hill and they shot his glasses off. He put on another pair and they nipped him in the elbow, and he said, 'Follow me!' And we did, 'cause we was too damned ashamed not to."

Johnson's death scene is a classic; as he realizes his heart is giving out, he tells Hackman with regret, "God, what ain't I tried. Pony express rider, Overland Stage driver, lawman, gambler, riverman, rancher, rodeo hand, barman, spittoon man... old man. Never much to remember." He never realizes he is the history of the West.

A respectful comradery develops between all of the competitors. In the end, with a large amount of money at stake that both men sorely need, horses frothing, riders exhausted, the two former Rough Riders cross the finish line together, neither trying to gain advantage over the other to share the "glory" or the prize money, and, above all else, staying true to their "forged under fire" friendship. During the cynical 1970s, it was a surprise ending that still bodes well today.

RIDE THE HIGH COUNTRY 1962
DVD

Sam Peckinpah's first great film featured true Westerner Joel McCrea as a former lawman and Randolph Scott as his amoral friend who has a temporary lapse of honor. McCrea is the moral centerpiece of the film as he relates several times with great power and dignity that "I just want to enter my house justified."



Hired to guard a pack train of gold out of the Sierra's, the two aging lawmen have a parting of the ways when Scott turns temporary thief and tries to make off with the gold. But, when the chips are down and a gang of mountain outlaws pin down McCrea, Randolph Scott rides into the fray to back up his old friend he has only recently so egregiously disappointed. The shootout, despite any lack of overly excessive bloodletting, is still one of the most realistic ever filmed. No Hollywood quick-draw phony heroics, but a

stand up and slug it out with lead gunfight against crazed evil. The film has been described as both the end of the old-style Western and the beginning of the new Western.

LONESOME DOVE 1988
DVD



One of the greatest Westerns ever made was built around the lessons of life exemplified by Woodrow Call and Gus McCrea on a grueling 1,500-mile trail drive from Texas to Montana. Despite their own human frailties, their trials are met with courage and dignity, even through great tragedy.

One of the most telling scenes is Robert Duvall and Tommy Lee Jones' hanging of their friend Jake Spoon, played by the late Robert Urich. Having fallen in with very bad sorts to "get across the territories," and not having the inner strength to stand up to evil, Jake spares his friends the responsibility for his death by spurring his own horse from beneath him, winding up on the end of a justified hangman's noose.

Duvall's Gus may be a slick-fork philosopher and Dutch-oven baker, but he's always the first to grab his Colt's Dragoon and ride to the defense of the defenseless. Jones' Call has a great scene where he rides down an Army scout who is brutalizing Ricky Schroeder, the son that he refuses to officially recognize as his own. Gus has to rope Call to stop him from beating the scout to death with a pair of blacksmith tongs and, when Jones' character snaps out of his rage, he merely looks at the gathered crowd and says matter-of-factly, "I can't stand rude behavior. I won't tolerate it in a man."

Like real life cattleman Charles Goodnight, Call lives up to his death bed promise to Gus to bring his body back from Montana to Texas to bury his friend in his favorite spot.

THE COWBOYS 1972
DVD

When John Wayne's adult ranch hands run off to a gold strike just before his big drive to market, he's compelled to take on a group of underage "cowhands" to handle the herd. This is really a story about fathers and sons, regaining

lost opportunities, taking on responsibilities and handing down what it truly means to be a man, all learned while trailing a herd from Bozeman to Belle Fouche in 1877. John Wayne's standing up to the head rustler to protect his young "hands," even though he knows it will mean his own death, is a powerful statement on standing up to evil. He



refuses to give in an inch of dignified pride forcing the rustler chieftain to shoot him in the back. In the wake of Wayne's death, young Bobby Carradine steps up into the leadership role. When someone asks, "What do we do now?" He straps on his Colt and says firmly, "We're gonna get the herd back and drive 'em on to Belle Fouche."

At the time, anti-gun liberals were agahst at how the young "cowboys," aged ten to fifteen, use disguise and ambush to eventually kill every one of the murderous rustlers and avenge Wayne's murder. Wayne writes his own epitaph earlier in the film when the herd passes the exposed remains of Custer's dead at the Little Bighorn. One of his "hands" remarks with distaste, "They didn't even take the time to bury them right." To which Wayne remarks matter-of-factly, "It's not how you're buried, it's how they remember you."

McCLINTOCK 1963
DVD

On the surface, this rollicking comedy is a Western version of Shakespeare's *The Taming of the Shrew*, but underneath are strong themes of fair play, sane conservation, family loyalties and making it on your own, your own way.

At one point, John Wayne's McClintock takes his daughter, fresh from finishing school back east, on an early morning ride explaining to her that most of their sprawling ranch won't be left to her and whomever she marries. Instead, it will be set aside for a park so people in the future can see what the land was like before "civilization" moved in. Ever her father's daughter, Stephanie Powers understands and is not dismayed in the least.

The second film in an unofficial trilogy that started with Wayne's *Hondo* (see below) and ended with *Big*



Jake in 1971, *McClintock* offers far more than the raucous, misunderstood marriage between Wayne and Maureen O'Hara, though their marital confrontations are witty, Western and sexy, in a clean cut kind of way, with a depth of real humanity. At one point, the local Jewish mercantile owner Jake Birnbaum tells about the first

time he ever saw O'Hara's Katherine Gilhooley McClintock. She came into his trading post years before while Wayne was off chasing Indians and reluctantly offered up her father's Civil War Medal of Honor for a can of much needed condensed milk for her recently born baby daughter. Wayne's "G. W." is firm but charitable to a group of know-nothing squatter farmers, but has no time for the idiot territorial governor who is chasing his estranged wife, O'Hara. This is a hugely entertaining film that deserves a second look.

THE MAGNIFICENT SEVEN 1960

DVD



Loosely based on Kurosowa's *The Seven Samurai*, this is the greatest 1960s pulp "guy" Western ever made, yet there is much more to it than mere macho strutting. Yul Brenner is the leader of seven troubled, weary gunfighters who agree to take on Eli Wallach's gang of Mexican cut-throats for a poor group of isolated

villagers. The real core of the film is how these cynical tough guys warm to the simple and without guile villagers, teaching them to stand up for themselves in the face of evil, while the villagers unknowingly renew the gunfighter's faith in mankind.

At one point, Charles Bronson's Bernardo, part Mexican himself, tells a group of hero worshiping young peasant boys that their fathers are the ones with real courage, that their fathers' responsibilities for them are like a huge rock that threatens to crush them. Yet their fathers take on this responsibility because they love them.

Steve McQueen is first rate as the likable but deadly Vin who announces to Wallach's bandit leader Caldera, "We deal in lead, friend." The opening burial scene, where a group of racist vigilantes try to stop the burial of an old Indian in Boot Hill, is a classic as Brenner and McQueen ride shotgun on the hearse for fair play and just for the hell of it.

When the villagers have a momentary lapse of courage causing the capture and banishment of the seven mercenaries, it's James Coburn's quiet but deadly Britt who starts the ball rolling towards its inevitable conclusion, "Nobody hands me my guns and tells me to ride. Nobody."

COMES A HORSEMAN

1979

DVD

An unusual film set in the post-World War II 1940s West that pits small ranchers James Caan, then a real-life card carrying Rodeo Cowboys Association team roper, and Jane Fonda against big landowner Jason Robards. Robards' Ewing will do anything to gobble up the oil rich lands around him. I can overlook



Jane Fonda's presence in the film if only because of Richard Farnsworth's excellent portrayal of an old waddie cowhand who has known Fonda's Ella forever. Farnsworth's quiet dignity and incredible death soliloquy earned him his first Academy Award nomination for Best Supporting Actor.

Burgeoning themes of land rights, mineral rights and hanging on to a lifestyle that is more important than just money are a big part of the story line. Cavanaugh is excellent as a *Shane*-like World War II vet who really wants some peace and quiet in his life and to just get back to doing what he's good at, being a cowhand. The former Bronx-raised actor took to horses and the West just fine and he sits a 1940's saddle with grace and courage.

For anyone who has ever lived in a small community with an unscrupulous and wealthy family who control much of the local business and resources, this is a film that will strike a cord.

HONDO 1953
DVD

Loosely based on a Louis L'Amour short story, John Wayne's favorite screenwriter James Edward Grant really created and fleshed out the story and character of Army dispatch rider Hondo Lane. The idea of standing by your word, even if it means your own possible destruction, is a strong theme throughout this excellent film. The storyline takes place during the Apache wars of the 1870s and the rugged but proud depiction of Victorio's Apache warriors rings true, as well as Wayne's truthful dealing with them.

The love story between Wayne and a deserted ranch woman with a young son, played by Geraldine Page, is human and down-to-earth. When she tells Hondo that she is fully aware that she is a homely woman, Wayne's response is, "Being pretty isn't much. I know a lot of pretty people I wouldn't trust with a busted nickel-plated watch."

Late in the film, with the Apaches on the warpath,

Hondo's fellow scout and best friend Ward Bond guides a badly mauled cavalry patrol and seriously wounded lieutenant into Page's ranch. Wayne briefly helps with the injured officer as Bond responds, "He'll make out. Don't know much. Led us into an ambush. But I ain't ashamed of him no how. Bullet holes are in the front of him." As Wayne glances down at what is obviously a West Point ring on the ailing young officer's finger, he says, "Partly they learn, partly they die. But I gotta float my stick same as you, I never saw one of 'em I had to be ashamed of." This is still a fitting tribute to the young professional officers who lead troops in Iraq and Afghanistan today.



Editor's Note:

There are certainly many Westerns that could be added to this list. We want to know which Westerns you feel exemplify the best of the genre concerning solid values. Please email your thoughts to me at wcreynolds@mac.com. All of these DVDs are available through sources like amazon.com.



Photo courtesy William C. Reynolds Collection

Artist Joe De Yong created this drawing for the film *Shane*. Directed by George Stevens, *Shane* had a sense of authenticity that was enhanced by the screenplay of writer A.B. Guthrie Jr. who also wrote *The Big Sky*.



PARADISE RANCH

A Little Bit of Heaven in Wyoming

Horses, horses and more horses are part of the Paradise Ranch experience. Bottom – The ranch offers a tremendous kid’s program, designed to reconnect kids with animals and the outdoors.

BY MARK BEDOR

Editor’s note: Our intrepid contributor Mark Bedor is always up for the challenge of helping our readers find a great guest ranch experience. Once again, he took one for the team. Here he tells us of his visit to Paradise Ranch nestled in Wyoming’s Big Horn Mountains. Tough duty.

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It’s a moment I may never forget – a quiet late afternoon, high in Wyoming’s Big Horn Mountains. And there, in the middle of a pristine lake, stands a giant moose munching on an early evening meal of some aquatic treat. I wanted to capture this rare sight so I zoomed in with my camera lens as far as it would go. The moose turned his head and looked right at me. With a good hundred yards between us, the big guy apparently decided my clicking camera wasn’t too much of a nuisance and stuck his head back in the water to continue his dinner.

With such a cool experience now preserved, I walked back to camp to share



my good fortune with my new friends. We’ve just known each other for a short time, but, on this three day pack trip with the Paradise Guest Ranch, it doesn’t take long to make friends, or memories, that will stay with you forever.

I’m not the only one to feel this way. Sixty years ago a newlywed couple rode up here to camp at Frying Pan Lake. Now, at the age of 88, the memories that bride made on that adventure in the Big Horns are some of the happiest times of a long and fruitful life. “She loves her kids and grandchildren and all that,” says Tom Kenney of his mother, “but when she’s

remembering her life... these are her favorite days... the days she spent up here with my father.”

Tom, 50-something, is making a pilgrimage of sorts to the place that meant so much to his mother – and also to do some serious fly-fishing with a couple of buddies. It’s a fourteen mile horseback ride from the ranch to this base camp that Paradise maintains for the summer, giving its guests an adventurous option.

This adventure is one that a Florida family has been enjoying for years. Dave and Theresa are here from Orlando with their two teens, 17-year-old Nicole and 14-year-old Michael. They love to camp, fish and ride and today has been perfect for all three. We saddled up in the morning and rode out of camp to another breathtaking spot known as Cloud Peak Lake. Cloud Peak is aptly named. Giant and jagged, it reaches into the sky and abruptly swoops down to the water’s edge, a magnificent backdrop to a day of casting, catch and release.

I’m a rookie at this fly-fishing, but I’m in the right place to learn. Paradise Ranch co-owner Clay Miller is serving as my very genial guide, showing me the finer points of spotting the trout in the clear water, then casting, hooking and releasing these mountain fish. Clay is an old pro at guiding. Fishing is big at Paradise, which has three full-time fishing guides on its staff. “They get as much fun out of teaching people to fish as they do fishin’ themselves,” smiles Clay. “It’s awesome!”

Matt is one of those guides and he gave me a few pointers. He got hooked on fishing in his native Minnesota, but was soon lured from bobbers to casting flies. “Now I pretty much fly-fish for everything – all sorts of species and salt water. It’s just fun!” he reveals. “You never know what you’re gonna get.”

One thing you’re guaranteed to get fishing here is a spectacular view – and good company. Oh, and we caught plenty of fish. Michael was reeling in one after another. We kept a few to savor as trout hors d’oeuvres in the dining tent before the main course of grilled steak – even a little bottle of red wine! We were really roughin’ it.

The next day it was back to the ranch. The good part for me? It was only Wednesday! I was splitting the



Family rides are safe and fun

week between the high-country camp and the main ranch. But, as I rode out that morning, I felt incredibly refreshed, as if I’d already had a full vacation. “I was just thinkin’ that last night,” agreed Tom’s friend Brian. “It feels great!”

As great as those few days were, I was just getting started. I’d only had a small taste of the ranch when I arrived Sunday. That night I knew I was in for a good time as Clay exceeded introductions in the rustic social center of Paradise known as the French Creek Saloon. The good-natured Clay, who always seems to be smiling, sets the tone for the ranch and the week. He breaks the ice for new arrivals by putting everybody at ease and creating an atmosphere where friendships can form in an instant and last forever. I discovered that most of the guests have been coming for years. Tom Kenney can get a little carried away when he



“Give a man a fish, feed him for a day. Teach a man to fish, feed him for a lifetime,” is Paradise Ranch’s philosophy on fly-fishing

explains why he loves this place. “My wife, for the last few years, after I get done, just says, ‘Tom! Shut up! Quit the sales job!’” he laughs. The couple will be back for their ninth visit together later in the season.

There are lots of reasons to keep coming back. Riding is a big one. Just ask Alex, here for the 17TH year in a row with her two teenage daughters. The family owns fourteen horses back home in Connecticut where they ride English, train hard and jump fences. They ride Western here. And with 1.3 million acres of National Forest, ranch country and other terrain, the horseback opportunities are virtually unlimited. Alex says it’s as if Paradise Ranch really is paradise. “For kids, especially,” she shares. “My daughter, Maddie, she’s free when she’s here. There’s no one breathing down her neck in terms of how she should ride. And she just has so much fun. It’s the same thing with me. I can just ride! And that’s fun.”

I rode one day with Alex and our wrangler Seth. Just the three of us. We set our own pace on a day-long ride that was another one of those memories you won’t soon forget. This part of Wyoming is so vast and unspoiled. Pulling up to gaze at some antelope, Seth told us about the day he loped alongside a herd of those fast moving animals. “We were running right beside ‘em. They’d pick up speed and we’d pick up speed!” He beamed, “It was really cool!”

Pete and Leanne are not experienced riders, but they had great fun team penning and spending time in the saddle with their young children, Brooke and Evan. “I can’t speak to it from an experienced rider’s standpoint,” Pete said of their week at Paradise, “but from a family that wants to come from the east coast to the West and experience the riding, the terrain and the lifestyle... and not go crazy trying to take care of a six- and an eight-year-old all the time... I think it’s outstanding! So you get family time and your (own) time....” That’s because the kids that come here spend their time in the Paradise children’s program. The young women who run it grew up in the program as children who came here as guests with their parents. The day-time program includes fun in the pool and all kinds of activities to keep the young ones occupied and happy throughout the day. “Parents just don’t need to worry,” says staffer Charlotte Callinan. “They can have a vacation with their kids but without their kids during the day. It’s quite good!”

Paradise offers adult-only weeks, but, in summer, this is a family place. While my wife and I don’t have children, we love kids. They add an energy and a sense of life to the ranch that is just fun! And it’s great to watch them go all out in the weekly talent show or the kid’s rodeo and put their heart and soul into learning to ride. And a week in the saddle can make a huge difference to a young rider. “What I love to see



Team sorting and penning are offered in the ranch’s rodeo arena

is, at the beginning of the week, these little kids are so timid,” observes Alex. “By the end of the week, they’re running barrels, they’re runnin’ poles in the rodeo... and they’re just having a blast! Just havin’ a blast!”

It all happens on one of the most unique ranch properties in the West. Paradise is an island of 160-acres of private land in a picturesque valley, set fourteen miles inside a National Forest and surrounded by well over one million acres. Originally the place was a cavalry post; an officer named Col. Norman Meldrum bought the land when the military pulled out in 1892. “One-hundred-fifteen years ago, it was recognized as an incredibly unique piece of property,” explains Clay’s partner Kevin McMahon. “It was such a temperate climate, and had so much sun. So, when Col. Meldrum first brought his friends up, they said, ‘You ought to charge for this because it’s absolute paradise!’ And that’s where the name came from.”

Towering Cloud Peak, two miles west of Paradise, diverts fierce Wyoming storms to the north and south, creating a relatively balmy micro-climate in the valley where the ranch lies. And it is quite a spot.

On my last night, I ran outside of the French Creek Saloon to try and see the wandering moose someone had just spotted. The moose was gone, but, for just a moment as the last rays of daylight faded away, I stood and gazed at the beauty of this place. The foothills of the Big Horns. The warm glow of the lights in the ranch cabins nestled in the valley hillside. The quiet and peace of the wilderness like the evening I saw that moose at Frying Pan Lake. Easy to see why people never forget this place called Paradise.

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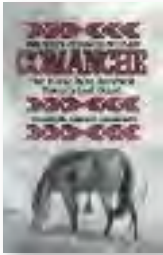
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RECOMMENDED READING

*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.*

His Very Silence Speaks: Comanche

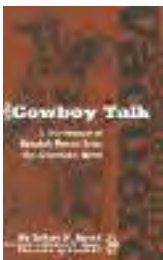
Elizabeth Atwood Lawrence
Wayne State University Press



One of the great horse stories of the West, Captain Miles W. Keogh's mount Comanche was the legendary sole survivor of Custer's Last Stand. In exploring the deeper meaning of the Comanche saga, *His Very Silence Speaks* addresses larger issues such as the human relationship to animals and nature and cross-cultural differences in the ways animals are perceived. The author illuminates Comanche's significance through the many symbolic roles he has assumed at different times in history and for various groups of people – thus revealing much about the ways in which legends develop. A compelling read.

Cowboy Talk A Dictionary of Spanish Terms from the American West

Robert N. Smead
www.oupres.com



Vocabulero Vaquero/Cowboy Talk is the first book to assemble a complete listing of Spanish-language terms that pertain to two important activities in the American West: ranching and cowboying. This book is wonderfully deep in its research, so if you need to know where the word "hoosgow" came from or just what exactly is a

"shotgun cavy," this is the book for you. We guarantee you will sound pretty punchy – or "plenty forked" – when you finish this informative little volume. The Spanish portion is equally enlightening as you will find terms you use everyday – along with their origins.

Grand Theft and Petty Larceny: Property Rights in America

Mark L. Pollot
Pacific Research Center

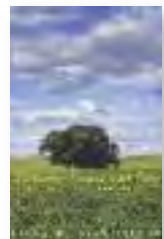


This book comes recommended by our own Daniel Martinez, PARAGON's resident constitutional scholar. Mr. Pollot looks at how government is taking property at an alarming rate and paying no compensation to landowners. He pays particular attention to regulatory confiscation, procedural delays and environmental concerns. This is a critical book at this time in our history when it appears the government has a different agenda than that of the people who elected it. It is a constitutional truth that property rights are fundamental rights and this book is a welcome step for all citizens toward resuscitating the status of economic rights during this challenging time.

Between Grass and Sky

Linda M. Hasselstrom
www.nvbooks.nevada.edu

The ever-eloquent Linda Hasselstrom has written a number of books on the experience of ranching from a woman's perspective. This book's essay reflects the essence of the rancher's toil and of the dignity of the animals she tends. While her knowledge of ranching and understanding of the natural are evident, her honesty, sense



of humor and joy of storytelling make this a read both delightful and wise. Ms. Hasselstrom celebrates those who have worked on the land for multiple generations. This book is for everyone who cares about the Western landscape and the people who thrive and toil on it.



One Man's Opinion about Spade Bits and How They Work

Dick Deller and Merrilee Morrel
Self-Published



This lovely little volume was written and self-published by bridleman Dick Deller and Merrilee Morrel – the daughter of horseman Richie Morgan. The book is a celebration of the passion many people have for the spade bit and the kinds of horses who carry them. A tradition of the California school of horsemanship, finished spade bit horses were, and are, considered the epitome of using horses. The only problem with the book is that it was printed in a very small edition so it may be tough to find, but it is worth the search. All aspects of spade bits and their care and fabrication are discussed. The book is fully illustrated with photos from Richie Morgan's bit collection – one of the finest ever assembled.

Buckaroo: Visions and Voices of the American Cowboy

Edited by Hal Canon and Thomas West
Callaway Editions – Simon and Schuster



Another unique volume on the Buckaroo culture is this 1993 book/sound volume, which is also available through the Western Folklife Center. Hal Cannon and Thomas West, neither a stranger to the “big out there,” created a book with a CD. It is a full-color compilation of poems, songs, stories and pictures drawn from many timeless

Western sources – including JB Allen, Don Edwards, RW Hampton, Sunny Hancock, Linda Hasselstrom, Teresa Jordan, Wallace McRae, Waddie Mitchell and Ian Tyson, among others. The volume features photographs by Kurt Markus and watercolors by William Matthews. It's a full evening and a half.

How to Castrate a Bull

Dave Hitz
www.joseybass.com



Filled with colorful examples and anecdotes, Dave Hitz's autobiographical book, *How to Castrate a Bull*, is a story for anyone interested in understanding business, the reasons why companies succeed and fail and how powerful lessons often come from strange and unexpected places – even from the open range. Before his career in Silicon Valley, Dave worked as a cowboy, where he gained valuable management experience by working with cattle. As a founder of NetApp, a data storage and management firm that began as an idea scribbled on a placemat, Dave Hitz describes how his business went from an idea to a multi-billion dollar reality.

Buckaroo! The Hispanic Heritage of the High Desert

Robert Boyd
The High Desert Museum – Bend, Oregon

This 38-page booklet was the companion catalog to the “Buckaroo: The Hispanic Heritage of the High Desert” exhibit produced by the very cool High Desert Museum in Bend, Oregon. It is one of the most comprehensive and beautifully crafted treatments on the subject ever produced and it is beautifully illustrated with photographs by both Kurt Markus and Jay Dusard.



“During the era from 1780 to 1850, the Spanish vaquero became famous throughout the world for his marvelous horsemanship, his handling of the wild cattle and his use of the long *reata* and *dalla vuelta* system. This started a style that became traditional throughout California, Nevada and eastern Oregon, gradually spreading into Montana and other regions of the country.” – Luis Ortega, from his book, *California Hackamore*, 1948.

This is a must for every student of the vaquero culture. It's available through the Western Folklife Center in Elko, Nevada. www.westernfolklife.org



Some cowboy poems and writings that have come our way



J Parson is one of the good ones. The lyrics of his songs are pertinent to the values and experiences that we present in *The Cowboy Way*.

“I try to convey my thoughts through my writings based on personal experiences and those of others I respect. Sometimes they don’t necessarily send the message that the skies are forever blue and the grass is always green, but I hope the readers can relate. I think it’s important to those who are living the life and fighting the battles to know that they are not alone.”

We thank J Parson for sending along these words.

Learn more about J Parson at his website www.jparson.com.

JUNIOR SOLD HIS SADDLE

Junior sold his saddle
He wondered what he’d kept it for.
He said it didn’t matter
He never rode it anymore.

Been three years last September
Since he had owned a cow
And his good horse died last winter
So he didn’t need it now.

He’d followed his dad’s tradition
On the homestead and permits
But when they cut his last allotment
He just couldn’t make a go of it.

Now the dust blows through the homestead
And there’s weeds in the corral
Since Junior sold his saddle
And gave up and moved to town.

Junior sold his saddle
He wondered what he’d kept it for
Said it didn’t matter
He never rode it anymore

Now the dust blows through the homestead
And there’s weeds in the corral
Since Junior sold his saddle
And gave up and moved to town.

He’d bought it from a maker
Who was hurtin’ for some cash
And it wasn’t new or fancy
But it was sure nuff built to last

And he rode it proud and often
And it always served him good
And it never sored his horses
The way them store boughts could.

Well he never thought he’d trade it
But the world around him changed
So for sake of wife and family
He gave his home up on the range.

Though he said it didn’t matter
In his eye a tear was found
When Junior sold his saddle
And gave up and moved to town.

Junior sold his saddle
He wondered what he’d kept it for
Said it didn’t matter
He never rode it anymore
Now the dust blows through the homestead
And there’s weeds in the corral
Since Junior sold his saddle
And gave up and moved to town.

Junior sold his saddle
And gave up and moved to town.

J Parson 2004

MY OLD FRIEND

The light from this old fire
Starts me to thinkin’
‘Bout all the times I’ve seen
In days gone by.

Scenes from the past
Fill my memory
And they come to life
As I close my eyes.

There’s the misty sunlight
Shinin’ on the hillside
Where the feed is high
And the cattle like to graze.

And there’s me and my old friends
Ridin’ the circle
And the stories shared
At the end of the day.

Well you know it couldn’t a been
Any better
Though there were times
It was tough back then.

For the good times
Were the best I remember.
And I see them in the memory
Of my Old friend.

Now the embers of the fire
Are barely showin’
But they warm the heart
Long past the glow.

And I find a certain strength
When I remember
My Old Friend I’ve known
From long ago.

Well you know it couldn’t a been
Any better
Though there were times
It was tough back then.

For the good times
Were the best I remember.
And I see them in the memory
Of my Old Friend.
Adios Amigo, My Old Friend.

J Parson 2007

SONG OF THE LAST
REAL COWBOY

The morning chill surrounds him,
As he rides into the breeze,
Headin' out to meet another day.
Through the shallows of the river,
And the shadows of the trees,
He's quiet as he moves along his way.

His eyes are a reflection
Of the times that he has seen,
A window to the secrets of his soul,
And his greatest joy is livin'
The life that he has chose,
And the quiet tune he sings is soft and low.

It's the song of the last real cowboy.
The last of a fast dyin' breed.
Hats off to the last real cowboy,
And long may your spirit be free.

He was just a young boy,
When the West was growin' old,
But he rode the trails, and
Learned the ways of old.
And he came to ride the rank ones,
And to read the cattle right, and
Live the song that tells us of his life.

Now his days are gettin' shorter,
His trail is nearly rode,
And he looks back at the life he lived so well.
And he wonders who among us
Will choose to learn the tune, and
Sing the song he taught us all to tell.

It's the song of the last real cowboy.
The last of a fast dyin' breed.
Hats off to the last real cowboy,
And long may your spirit be free.
Long may your spirit be free.

J Parson 2003

THE OPEN RANGE COWBOY

His horses and cattle,
His boots and his saddle,
Are no longer welcome
In the modern day West.
And he can't understand
Why they're takin' the land,
From the people
Who handled it the best.

To the West came the Pilgrims
Like God's chosen children,
To rescue the country
For the good of us all.
Self righteous do gooders,
And political fooler's
They decided the Cowboy
Should fall.

So they might rearrange him,
But they damn sure won't change him.
He's an open range cowboy
That's what he will stay.
He's walkin' the line,
Like a throw back in time,
Somewhere between livin'
And fadin' away.

With all of his might
He put up the good fight,
But they wouldn't give up
Till he was gone.
But there's no need of cryin'
'Bout a way of life dyin'
So he packed up his pride
And moved on.

Now the Cowboy don't exist
On the endangered list,
But it could be
That this is the end.
For the times have turned strange,
And his home on the range
Has gone back to the wolves
And the wind.

So they might rearrange him,
But they damn sure won't change him.
He's an open range cowboy
That's what he will stay.
He's walkin' the line,
Like a throw back in time,
Somewhere between livin'
And fadin' away.

They might beat him down,
But he'll still be around.
He's an open range cowboy
That's what he will stay.
He's walkin' the line,
Like a throw back in time,
Somewhere between livin'
And fadin' away.

J Parson 2004





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From John & Elizabeth Collins of Hope, NM
From Bill & Linda Taylor of Pinon, NM
From Mary Pat & Emmett Jones of Alamogordo, NM
From Aubrey & Betty Jo Dunn of Marble Falls, TX

In Memory of Fritz Jones of Dell City, Texas

From John & Elizabeth Collins of Hope, NM
From Mary Pat & Emmett Jones of Alamogordo, NM

In Memory of Martha Jones of Dell City, Texas

From Mary Pat & Emmett Jones of Alamogordo, NM

In Memory of John Robert Prude of Ft. Davis, Texas

From John Luedecke of Alpine, TX

In Memory of Donnie Snow of Dell City, Texas

From Jim & Martha Coody of Barry, TX
From Jane & Jonna Lou Schafer of Dell City, TX

In Memory of Betty Stoots of Tularosa, New Mexico

From Sassy Tinling of Alamogordo, NM
From Jane & Jonna Lou Schafer of Dell City, TX
From Eduardo & Barbara Barraza of Tularosa, NM
From Charles & Thelma Coody of Kerens, TX
From Edward & Nancy Collins of Wilmington, DE
From Jim & Martha Coody of Barry, TX

In Memory of Harvey Nunn

From Brownfield Family of El Paso, TX

In Memory of Marguerite Benedict of Deming, New Mexico

From Terrell Shelley of Cliff, NM

In Memory of Frank Galey of Moose Wyoming

From employees and dudes, White Grass Ranch



OUT THERE



photo by Mary Williams Hyde

We received so many wonderful emails and comments about our Spring cover, which featured young Randi Johnson, we thought we would show our “cover girl” one more time. The daughter of Warren and Sherri Johnson of Adin, California, Randi was just 13-years-old at the time the photograph was taken. Randi is the real deal.

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