

by Guy Rocha, former Nevada State Archivist

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Congress created National Statuary Hall in the same year Nevada became a state, 1864, and authorized each state to submit two statues. Today there are finally two statues submitted by Nevada standing in the U.S. Capitol. On March 9, 2005, a statue of native daughter Sarah Winnemucca (1844-1891), a Northern Paiute Indian activist, was dedicated in Statuary Hall.

The other statue is of controversial native son, U.S. Senator Patrick Anthony McCarran (1876-1954), a Cold War warrior, zealous anti-Communist, and colleague of Senator Joe McCarthy. The seven-foot, bronze figure depicts McCarran in flowing judicial robes, with a faint smile, standing upon the inscription: LAWYER JUDGE SENATOR A TRUE AMERICAN. Nevada, after five years of effort, gave the statue of Senator McCarran sculpted by Yolanda Jacobsen Sheppard to the Statuary Hall collection in 1960.

Surprisingly, the biographical sketch of Senator Pat McCarran listed on the National Statuary Hall website makes numerous claims about McCarran's life and political career that are clearly untrue.

Born on August 8, 1876 in Reno, Pat McCarran became the first native-born Nevadan to be elected U.S. Senator. He attended Reno High School and was valedictorian of a class of sixteen in 1897. The Statuary Hall website biography erroneously states McCarran graduated from the University of Nevada in 1901. A Senate document entitled *Statue of Patrick Anthony McCarran-Presented in the Rotunda United States Capitol* (1960) claimed "he was a University of Nevada graduate where he excelled as an athlete, debater, and orator." The earliest source identified with the claim was from the *Official Congressional Directory* published in 1953, a year before McCarran's death in Hawthorne, Nevada. The senator was credited with an "A. B., University of Nevada, 1901." All the Congressional Directory listings between 1933, when McCarran first took office, and 1952 make no mention of receiving an undergraduate degree.

McCarran did attend then-Nevada State University in Reno until the spring of his senior year. However, he failed to graduate due to dropping grades coupled with his elderly father's injury and McCarran's taking over active operation of the family ranch. According to UNR history professor Jerome Edwards, in his biography *Pat McCarran: Political Boss of Nevada* (1982), "when the time came for the class of 1901 to graduate, he took his mother to see the twenty-six other members of the class receive their diplomas: she sat in the auditorium with him and cried."

The congressional directories from 1933 to 1954 also stated McCarran had earned an M.A. degree from the University of Nevada. The 1953 *Official Congressional Directory* claimed the degree was conferred in 1915 while McCarran was serving as a Nevada Supreme Court Justice. According to the Board of Regents' meeting minutes for May 11-12, 1915, he was actually granted an honorary Master of Arts degree from Nevada's lone university. Interestingly enough, the Regents' meeting minutes note that he did not receive the diploma for the honorary M.A. until 1931.

The errors associated with Patrick McCarran's education could be viewed as minor, although numerous writers have relied on the *Congressional Directory* for biographical information. Renowned New York City journalist A.J. Liebling, in writing articles on McCarran and Pyramid Lake for *The New Yorker* in 1955,

wrote that "I looked in the Congressional Directory... [and McCarran] had taken his A.B. at the University of Nevada in 1901..." The University of Nevada Press published the essays as a book in 2000 entitled

*A Reporter At Large, Dateline: Pyramid Lake, Nevada.*

Of much greater importance is the false assertion on the Statuary Hall website that as "a champion of the working class, he sponsored the country's first law limiting the working day to eight hours" during his one term as a Silver-Democratic State Assemblyman from Washoe County in 1903. "He ran on a platform that urged passage of an eight-hour-working-day law, to apply to the mines, mills, and smelters of the state," wrote Professor Edwards. "Such an eight-hour law was to be extended to 'other classes of labor so far as it can be made to apply'."

True to his word, Patrick McCarran voted for the Assembly bill providing for the 8-hour day in underground mines, smelters, and ore reductions works. Governor John Sparks, who supported an eight-hour day in his first legislative message, signed the bill into law on February 23, 1903. However, the freshman legislator did not sponsor the bill. Veteran Lincoln County Democrat James A. Denton of Caliente sponsored it. In addition, the bill was certainly not the country's first law limiting the working day in mines and mills to eight hours, contrary to McCarran's assertion on the final day of a Senate Internal Security Subcommittee hearing in Salt Lake City in October 1952 where he called for a perjury investigation of mining labor leaders believed to be Communists.

The Senate document associated with the McCarran statue dedication in 1960 went so far as to state that "he sponsored and fought through passage in Nevada the country's first law limiting a man's hours of work to an 8-hour day-an act whose constitutionality was challenged through to the U.S. Supreme Court, and there upheld."

The truth is the Nevada law dictating an eight-hour day in the mining industry was never appealed to the U.S. Supreme Court. A case on appeal, supported by the Western Federation of Miners, was heard in the Nevada Supreme Court in 1904. The Supreme Court, *In re Boyce*, overruled a district court judgment that had overturned the 1903 law. McCarran, admitted to the Nevada Bar in 1905, was not associated with the case.

In fact, the State of Utah in its inaugural legislative session passed the first eight-hour day law pertaining to underground mines, smelters, and ore reduction works in 1896. This law was appealed all the way to the U.S. Supreme Court, *Holden v. Hardy*, in 1898. The court upheld the

law and the landmark ruling served as the basis for the passage of other eight-hour laws in the mining West including Montana (1901) and Arizona (1903).

In the final analysis, Nevada's eight-hour law was not the first in the nation, McCarran didn't sponsor Nevada's law, and Nevada's law was not appealed to the U.S. Supreme Court.

We may never know why the bogus claims were made in federal publications regarding McCarran's education and political career. We do know people in leaving their mark in the world sometimes claim more for themselves in the way of accomplishments than the record supports, or others, out of devotion, make inflated claims on behalf of those near and dear to them. Such appears to be the case with Patrick Anthony McCarran whose statue resides in the nation's capitol.

Photo: ACCEPTANCE OF THE STATUE OF PATRICK ANTHONY MCCARRAN PRESENTED BY THE STATE OF NEVADA, Senate Document No. 68, 86th Congress 1st Session (1960).

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