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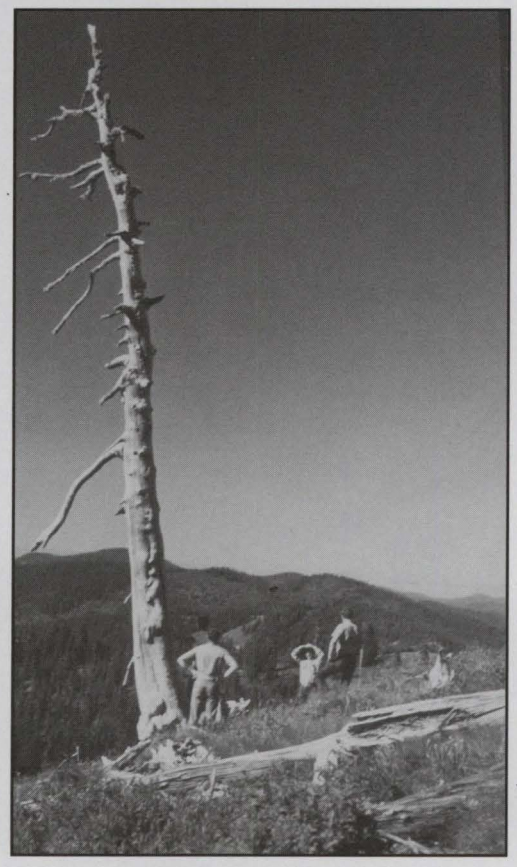

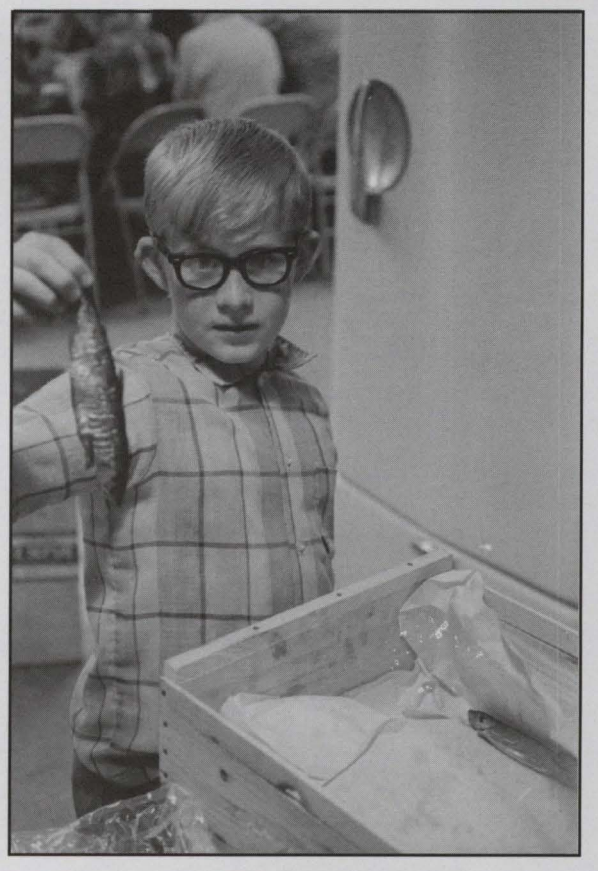

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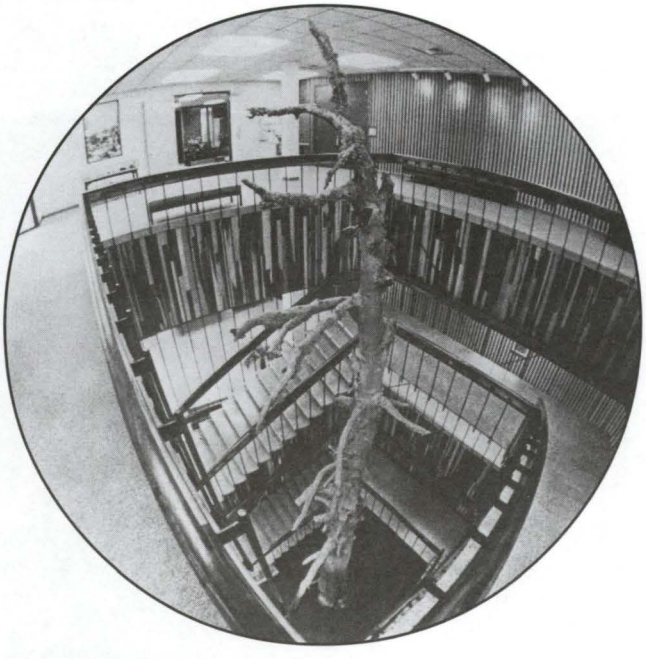
STORY OF THE SNAG

By James R. Fazio

When I returned to Colorado in the spring of 1973 after interviewing for a faculty position at the University of Idaho, I would tell others about a most striking feature I had seen in what might be my new professional home. It was a full-size snag adorning the entryway to the Forestry Building.



The snag as centerpiece of the lobby of the College of Natural Resources building. Photo was taken by Phil Feinstein for Idaho Forester, 1974.

The ancient tree stands 47 feet tall and is the centerpiece of the front lobby and all three floors of the building. Its base is surrounded by living ferns growing in real soil amid a scattering of rocks. The little outdoor scene is free of railings or glass enclosures, providing an intimate sense of nature right next to the high tech computer room and remote sensing laboratory. The building's staircase winds around the snag offering students, faculty, and visitors a bird's eye view of the tree's massive, grey trunk – complete with lichens and woodpecker holes – all the way up to its thin, weathered top.

Ten years after my first visit I was serving as associate dean in what was then the College of Forestry, Wildlife and Range Sciences. During my tenure in the position, it became one of my duties to plan for the celebration of the college's 75th anniversary. Dean John Ehrenreich wanted to take full advantage of the event to garner some good publicity for the college's five departments and in some way make a lasting contribution to students. The inevitable committee was formed to carry out the tasks and wrestle with details ranging from selecting a logo to hosting a 'birthday' party. And it did not take us long to agree that a fund-raiser should be part of the anniversary. But how could we make it special? How could we make it different from the usual annual appeals to our alumni and other friends of the college?

Our old snag was the answer. The snag was the distinctive feature of our building, the name of the student's newsletter, and always a source of excitement among visiting high school students that we hoped to recruit as freshmen. In short, it was something to which all of our constituents could relate. We could make it the heart of our fund-raising campaign.

A plan soon unfolded. We would ask Norah Tisdale to paint a picture of the snag in its native habitat. Norah held a Master of Arts degree from the University of Idaho and was the wife of Edwin Tisdale, professor emeritus of range management. She was a great outdoors person, too, and with only a little reluctance she accepted our invitation to do a rendering of the snag. The idea was to then have 975 18" x 24" limited edition prints made of the snag, numbered and autographed by Norah. For a gift of $75 dollars or more, a donor would receive a copy of the print – issued by number in order of when the gift was received. The goal was to raise $75,000 to endow a new 75th Anniversary Scholarship, with interest from the fund helping deserving students long into the future.

Announcement of the scholarship drive would be made in a tabloid-size mail piece sent to the college's alumni. The four-page publication was to proclaim the anniversary celebration, show Norah's print, and explain the scholarship project. It would include a mail-in coupon, a chart showing the state's charitable tax deductions, and even a congratulatory letter from the White House, signed

by President Ronald Reagan. But the main feature was to be a story of the old snag and how it came to grace the foyer of the Forestry Building. I was to author that part of the publication.

The story was eventually written, but not before I learned a lesson about historical research. Even though it had been only 14 years from the time the snag was taken from its home in the mountains and placed in the new Forestry Building, it was extremely difficult to find people who had first-hand knowledge of the event. Some of the key players had passed away, memories of the details had faded, or recollections conflicted with others. Toughest of the challenges was to locate the exact place in the forest where the snag spent its life. I felt it was important to find the site not only so Norah Tisdale could paint the backdrop, but so I might be able to tell the story of the snag more completely. Here is what I eventually was able to piece together:

It took two days of searching, but on September 16, 1984, I looked across the open meadows of Freezeout Ridge and found in my field glasses what had to be the original site of our old snag. The foreground matched a photo I had seen, and the dips and rises of the distant hills looked right. It was more than a mile from the nearest place anyone had pointed to on a map, but searches of other sites had led only to disappointment. This time, the remnant of an old spur road to nowhere raised my hopes. My companions and I set off once again to see if we could match the spot with sketches made from the photo, hoping we might even find conclusive proof that this was, indeed, the original home of the college's stately symbol – the old whitebark pine snag.

The snag is a familiar scene to the students in the College of Natural Resources. Many pass it several times a day in the building's west foyer, and most forget it is even there, like a favorite painting on the wall. Visitors see it differently. Some are startled; some joke that foresters should be able to grow better trees; but none pass by without noticing. In truth, virtually all who see it admire the old snag and it may rank as the most unusual building decoration in the entire Northwest.

The story behind how the snag got there is sketchy at best and was almost forgotten before I began prodding the memories of the few people who remember the remarkable feat.

It all began with solicitation of ideas for the new Forestry Building back in the late sixties. Everyone wanted the building to be special, and architect Chet Shawver envisioned some kind of a multi-story 'centerpiece' inside the main entrance. But what should it be? The idea of a live tree or small forest was popular, although it didn't take the savvy of a forester to know this was asking for some really nasty maintenance problems. Someone then suggested a giant statue of Paul Bunyan, but that didn't get far either. Chet's vision was for something massive and related to forestry – like the trunk of an old tree – a dead tree. "'Dead tree' didn't sit well on the ears of foresters," joked Professor Fred Johnson in remembering that stage of the project, but it did spark the idea that finally came forth.

The whitebark pine snag, now in the College of Natural Resources Building, where it stood perhaps for centuries astride Freezeout Ridge less than a half-mile east of the trailhead to Grandmother and Grandfather Mountains. Courtesy of UI College of Natural Resources.

What about a snag? Certainly it would be long-lasting, maintenance-free, and appropriate. But it would also need to be tall and graceful, solid, and endowed with all the character that comes from standing through the ages on a high ridge in Idaho.

Frank Pitkin is attributed with first having the idea. Frank, or "Pit" as he was fondly known by students and other friends, was the faculty's representative during the building project. "The building was his pride and joy," someone recalled.

Pit and others searched the hills of north Idaho for *the* snag, but month after month passed with no luck. Ponderosa pines on Skyline Drive were inspected but proved too wide or too tall. A buckskin tamarack on Goat Mountain became a candidate, and so did some ancient redcedars on the Little North Fork of the Clearwater River. None looked quite right, some did not fit the space, and others were too inaccessible.

Finally, Pit and Dick Bingham, former project leader of the Forestry Sciences Lab in Moscow, looked at the scattered old snags atop Freezeout Ridge east of Clarkia. There were several that might do, but one close to the road on the southwest flank of Marks Butte was a weathered old giant that had all the right features. Here was *the* snag.

While a bulldozer provided by the Clearwater-Potlatch Timber Protective Association stabilized the base, volunteers secured chains before the trunk was sawed below soil level. Then the ancient giant was raised skyward and laid gently on the back of a logging truck. Courtesy of UI College of Natural Resources.

Bud Reggear, a consultant who assisted Pit in managing the school forest, was there the day that the snag was removed. It was 8:30 on a bright summer morning in 1970 when a crew gathered for the delicate operation. Time has obscured the details and lost some of the names, but we do know a few of the people who helped. There were, of course, Pit and Bud, and Bud's son, Bob Reggear. Alex Irby of the Clearwater-Potlatch Timber Protective Association was also there, and the late Harold West operated the association's bulldozer. Beyond that, the record is unclear and conflicting. Attention was obviously focused on the job at hand, not who was present.

The first obstacle the crew of volunteers encountered was access. An attempt to reach the snag without building a road proved impossible. So, a Cat loaned by the Timber Protective Association cut a spur into the hillside, subsequently bringing on the public wrath of a citizen in Lewiston who objected to the scar it would leave.

The short spur road allowed the Reggears to back up their big White Star logging rig to a spot just uphill from the snag. The dozer moved up to the base of the tree to stabilize it, then chains padded with canvas and suspended from the self-loader were secured around the base and a third of the way up the trunk.

Pit, with an eye for perfection, insisted on keeping the whole tree intact, including a large burl at its very base. "He insisted on taking that burl," Bud told me, "so we had to dig down about 18 inches all around the tree."

From an increment boring, the crew knew the old shag had a rotten core, at least in the butt log. "I was very, very skeptical about keeping that thing in one piece," Bud related, to this day a little amazed by it all. But when the saw cut the old snag free, it did hold together. It hung there, like something suspended in a puppet theater. Then it was ever so gently lifted and laid on the truck in a bed of small logs, foam rubber and bales of hay. Pieces of rubber protected the smooth trunk from

Bob Reggear slowly and carefully brought the snag out of the mountains. One motorist drove off the road gawking at the strange sight as the snag journeyed to Moscow. Courtesy of UI College of Natural Resources.

the tie-down chains, and by midafternoon that strange load began its slow journey to town.

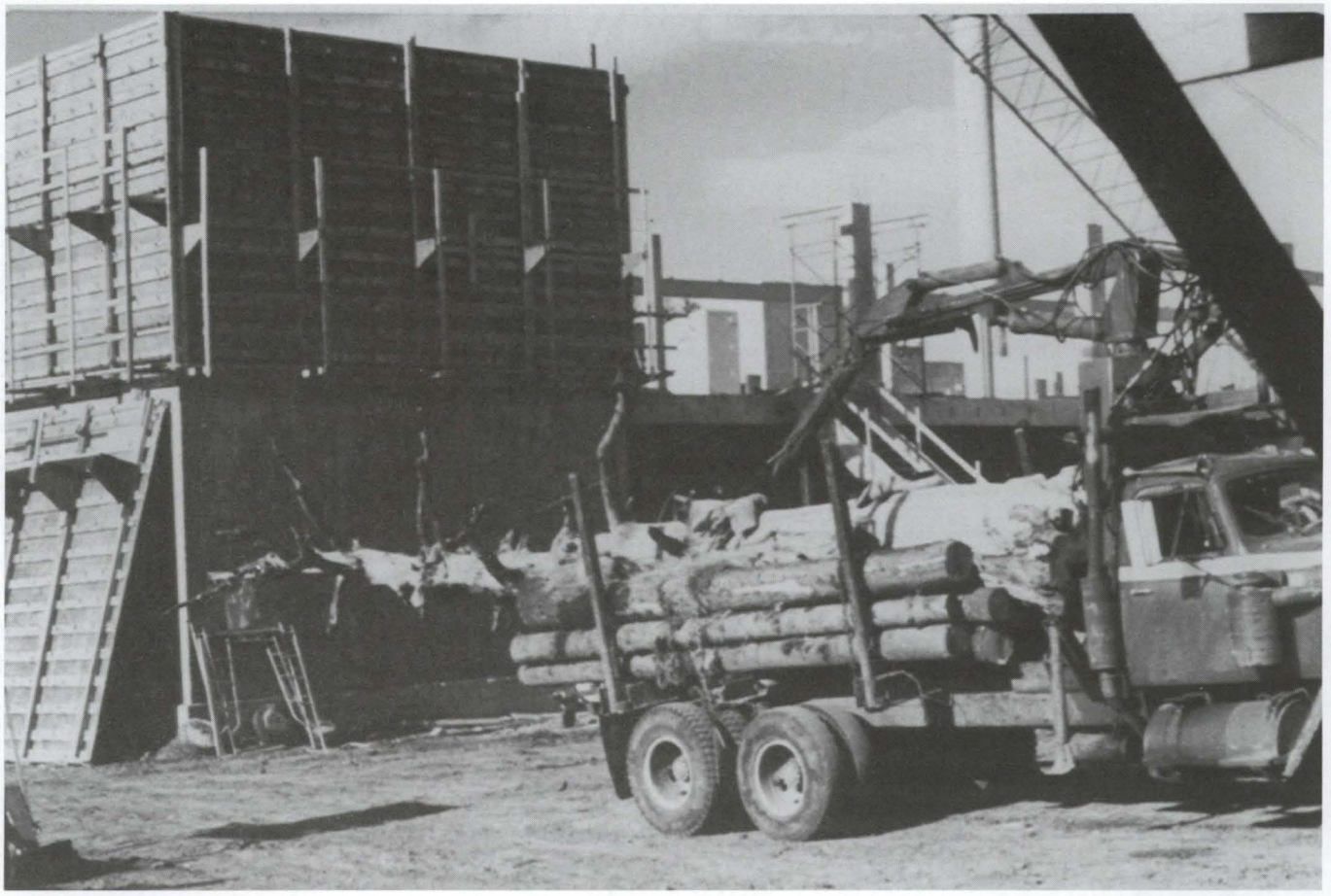
Young Bob Reggear piloted the truck down the mountain roads, but the strain was so great that he asked his dad to take over when they reached the highway at Clarkia. Pit, following behind, once told me that his heart jumped into his throat at each bump. It was indeed just short of a miracle that the old brittle top withstood the bouncing and swaying without snapping off. Along the road, startled motorists slowed down to stare. One even drove into the ditch. Other loggers, amazed at the sight, had a heyday kidding the Reggears about their knowledge of logging.

The snag arrived just after the building foundations and some of the framing was completed. Workers crawled into the 27-inch base of the tree and scraped out its rotted insides, then a construction crane again raised the snag skyward and eased it down through what would soon be the roof. Cement was forced into the hollowed trunk to a height of six feet and steel rods were inserted, then imbedded into a 10-foot deep concrete foundation. The snag was home.

On Freezeout Ridge, no trace can be found of the hole dug that summer day. The road scar is there, but seeds of Douglas-firs and white pines found it to be a good nursery. A piece of old tire used as chain padding was the only other evidence we found of the drama. Logs visible in photos of that day are a little more rotted and hold back the residues of a more recent event – the blanketing of ash from Mount St. Helens.

As I sat at the site, I felt grateful for the foresight and determination of Frank Pitkin and the many others who gave us the snag. They gave us far more than a decoration, for their gift was a bit of nature's eternal cycle frozen in time and made part of our lives.

James Fazio, in addition to serving on the faculty of the College of Natural Resources, is a member of the Idaho Governor's Lewis & Clark Trail Committee and the author of Across the Snowy Ranges: The Lewis and Clark Expedition in Idaho and Western Montana.



It was nothing short of a miracle that the snag made it intact to the site of the Forestry Building seen under construction in the background. A crane then lifted the old tree over the walls and lowered it to its new home in the west foyer of the building. Courtesy of UI College of Natural Resources.

CORRECTION

Susan, daughter of Bill and McGee Parish, and Bill, son of Richard and Mary Jean Ross, stand next to the tree Susan's parent planted on the lot of their University Heights home; it was the neighborhood's first tree. Circa 1950. Courtesy of Bill and McGee Parish.

The photograph at left is a correction of the one published in the Volume 31 edition of the *Latah Legacy* in *From the Ground Up: A History of the Founding of the University Heights Neighborhood.* Not only were the children incorrectly identified, but also the orientation of the original photo was incorrect. Susan should be on the left, rather than on the right, as in the original photograph. The author of the article accepts full responsibility for the errors and sincerely apologizes.

For those wishing to revisit the University Heights neighborhood, look for the January 2005 edition of IDAHO magazine. Included in the issue is an abridged version of *From the Ground Up.*

REMEMBERING MOSCOW WILDLIFE ASSOCIATION (1953-CIRCA 1978)

By Malcolm Furniss

In the early 1950s, several outdoor cronies would gather at a local donut shop in Moscow and swap stories. I know this because, like me, one of them owned a horse. He was John Milton. We met upon my arrival here in 1963. I had two horses that needed pasture, and my inquiry led immediately to John. My ponies were soon in pasture, and we remained friends until his death in 1992.

John Milton with whitefish, Lochsa River, January 1976. Courtesy of author.

The relevance here is that John and four of those cronies thought it time to broaden the group. Aided by fellow outdoorsman and lawyer (later judge) Tom (Thomas H.) Felton, the Moscow Wildlife Association (MWA) was incorporated in 1953. (Since meeting of MWA ceased circa 1978, an un-related organization, Latah Wildlife Association, has appeared. Its meetings are different from those described here and are directed toward projects. Its social highlight is a winter wild game banquet and auction that is well-attended and which generates considerable money for projects.) This account preserves my own recollections of MWA and the background of those times. It was in many ways a much simpler time and yet a time when far-reaching events were taking place affecting the rivers, lakes, and wildland of northern Idaho. Kokanee in Lake Pend Oreille went from abundance to scarcity; the North Fork of the Clearwater River was plugged-up, ending steelhead runs and the river log drives; and more dams were being proposed at Asotin on the Snake River and at Lenore and Penny Cliffs on the Clearwater River. Wilderness legislation was pending and sections of the Salmon and Clearwater rivers were being proposed for inclusion in the National Wild & Scenic Rivers Act by Idaho's Senator Frank Church.

So, what was simpler? Well, you could catch 15 trout of any size or kind almost anywhere in the state and make a meal of them. No need for catch-and-release, and none of today's confusing regulations that must be kept in hand not just between rivers but on sections of just one river. Goats and bighorn sheep seasons were open to all, whereas now permits are issued by lottery at ever higher odds against being drawn. Any elk, female or male, was legal game, and you could hunt with bow in an early season and a rifle later. And those are just for starters.

MWA was a one-size-fits-all gathering. True, a lot of us were a fur-and-feathers bunch, but you could fit in whatever your interests, age, sex or occupation. Programs were entertaining and informative. And, how every family member relished the annual "blueback" feed consisting of smoked kokanee!

This account is based mainly on my own recollections supplemented with what I have been able to gather from the ranks thinned by those

having moved away into anonymity and the passing of many in the intervening years. I came on the scene in 1963 as mentioned and was a MWA member throughout most of its remaining existence, although toward the end - sometime about 1978 - interest in the Association had ebbed, and my recollections are dim regarding its demise. I am an avid photographer and process my black and white film in my basement darkroom. So, it was natural for me to photograph people and activities at meetings. I used Tri-X film exposed only by room light, avoiding the intimidation of subjects that flash does. It was while working on my photo files and memorabilia that the MWA material brought this article to mind. I hope that it comes in time for many of that era to recall the activities depicted. There is no other way of going back!

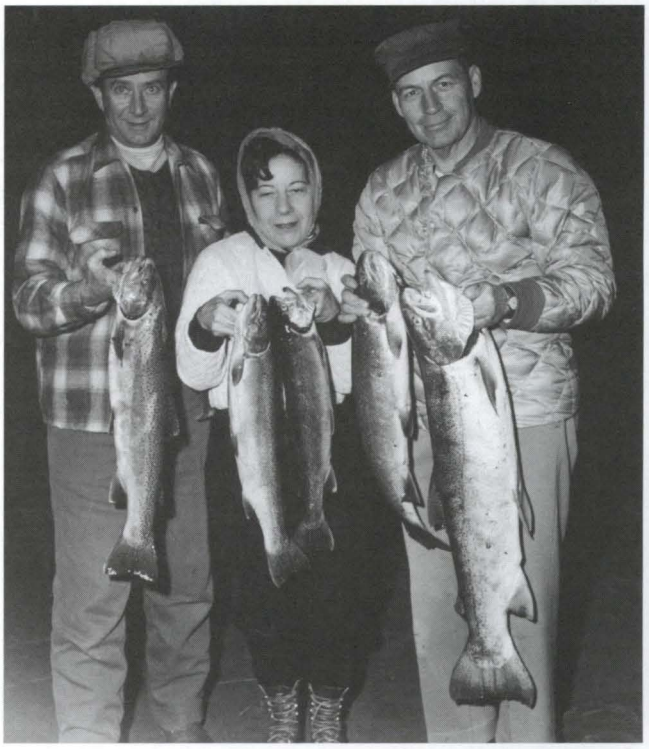
GENESIS

I found the Articles of Incorporation at the Latah County Courthouse. It was dated June 23, 1953. Temporary Directors were John Milton, C.E. Jenks, Walter J. Harris, F.C. Hann, and Tom Felton. Felton was an attorney and no doubt provided the legal input. Directors were to be elected at the first meeting to be held at the Legion Hall on September 22. The primary "objects and purposes" for which the corporation was formed were listed in Article 1. Summarized, the idea was to promote public interest in the values and management of resources affecting wildlife; to educate children in such matters; and to be involved with regulations pertaining to fish and game.

It is apparent to me, however, that they had a broader view than just hunting and fishing. "Wildlife" meant any critter and included plants as well.

TOM FELTON

Tom (Thomas H.) Felton graduated from Lewiston High School and the College of Law, University of Idaho (1936). He began practicing law in Moscow from 1937 and later became District 2 Judge there. He died at Moscow on November 20, 1973. In all of my discussions with those who knew him, he was remembered as genuine, unaffected, very sociable guy who spent every moment possible fishing (particularly steelhead) and hunting birds with his pointers. His prominence and devotion to these sports led to his being



Tom Felton, right, and Martin and Mrs. Huff. Courtesy of Michael Felton, Sr.

appointed Idaho Fish and Game Commissioner for Region 2 (Clearwater Region) circa 1969. William Durbon, Moscow optometrist, finished the last two years of Tom's term when Felton was appointed District 2 Judge by Governor Robert Smylie in 1963, presumably creating a possible conflict of interest. He served two, four-year terms as judge. Durbon credits Felton with getting Spring Valley Reservoir started. It was finished during Durbon's term, and although some of Tom's razzing friends referred to it as "Felton's Folly," it became a very popular fishing and picnicking place.

Len Bielenberg, Tom's law partner, recounted that Dr. Robert Strobel, also of Moscow, fished with Tom above Clarkston on the Snake River. Felton kept his boat at DeChennes Marina in Clarkston, and Bielenberg shared it. Strobel hooked a steelhead and, as they were distracted playing it, the boat veered across the river to near the Washington shore whereupon the fish was boated. A Conservation Officer came along just then and ticketed him for not having a Washington license. At that time the middle of the river was as far as you could fish with a license of only one or the other state. Felton was adamant and succeeded afterward in getting the fishing regulations changed

so that you can fish anywhere in the river with either state's license (but still can't land fish from shore of the other state).

Bielenberg also recounted that Tom Felton had two shorthair pointers and would tell his buddies, "Everything I have is for sale except my dogs." As his health declined, he chose to give them to Tim Papineau, young son of Jim Papineau who was one of Tom's hunting friends. Tim Papineau had started hunting with Tom when he was hardly old enough to legally carry a gun in the field. It came about because Tom had more time to hunt than partners available. Jim was busy as a butcher at the Modern Way grocery and couldn't devote much time to accompany his young son. So Jim suggested that Tom take Tim under his wing. At first, Tim would fire too quickly at a flushed bird, missing every shot. Soon, Tom said, "Here, take just one shell." Then, as Tim improved, shells were added one-at-a-time. Eventually, Tim's shooting improved to where he might drop five consecutive birds from a covey, out-shooting his now vexed mentor!

According to Bielenberg, Felton was responsible for introducing chukar into Idaho. Durbon recounts that Felton had Idaho Fish and Game provide boxed chukars to be released so photographers of the TV program, *American Sportsman*, could show celebrities shooting them in Hells Canyon. Phil Harris was one of the celebrities. Curt Goudy was narrator. It is still claimed that a lot of birds were released before a couple of chukars were bagged for the cameramen to record. Felton was said to be a bit disgusted and disinclined to repeat a similar episode.

Tom's son, Michael Felton, Sr. of Buhl, recounted that when Tom was being introduced to new hunting acquaintances, he didn't want to be referred to as "Judge Felton." "Introduce me as just plain Tom," he would say to them. So, buddies – being what they are–– henceforth addressed mail to him as Just Plain Tom, Moscow, Idaho. The postmaster was tipped to the scheme and played along, delivering them routinely.

Elwood Bizeau with shovel and Mike O'Keefe participating in habitat planting. Courtesy of author.

PROJECTS

MWA was noted for its meeting-related programs, less so for work projects. However, there were two projects in which I participated. They were in the spring of 1969, the year that I was President. First of these was a "habitat planting" on Elvin Lindsay's property west of Paradise Ridge. Participants were members and leaders of Scout Troop 346. They planted 500 seedling trees. On another occasion, several MWA members teamed-up to construct picnic tables at the brand-new Spring Valley Reservoir east of Troy. Unfortunately, vandals destroyed our work soon after. I had been instrumental in seeking to involve the Association members in projects of this kind, but this last experience dulled my pick. The Spring Valley disaster left a feeling like I suppose you feel when you are robbed. After that, I don't remember there being any similar work projects.

At least during the period, 1961 - 1968, MWA sponsored annual essay contests in Latah County schools on the subject of wildlife conservation. My folder has a clipping from the *Idahonian*, March 10, 1961, with a photo of then MWA President, Bill Durbon, presenting $10 awards to Moscow

Constructing a table at Spring Valley Reservoir, 1969. Courtesy of author.

High School sophomores Robert Farnam and Pat Mann. A third winner, Sandra Falls, had meanwhile moved to Chehalis, Washington. They were students of Mrs. Pauline Whitehead's English class. As an aside, the caption noted that, on Tuesday night (March 14), the Association will host Cecil Rhode who will show a movie he made in Alaska entitled "Alaska Afield" to be shown in the High School auditorium.

A December 1968 clipping shows MWA member and Palouse District Ranger, John Johnson, presenting $5 checks to "junior division" winners from Elk River: Cheryl Pfiester and Nora Kreisher, with instructor Andre Moslee looking on. Theme was "Wildlife's Vanishing Habitat." Fifteen entries were received, 12 coming from Elk River. Judges were Orin Fink, Moscow rancher; Howard Alden, University of Idaho School of Forestry; and Johnson. There were no entries in the senior division. The last year's winner was Kathy Brown, whose entry went on to take second place in the state-wide contest sponsored by Idaho Fish and Game (IFG) and Idaho Wildlife Federation of which MWA was a member.

PROGRAMS

Smoked Blueback (Kokanee) Feed. One of my fondest memories, and doubtless that of any surviving participant, concerns the annual blueback feed. Each year, Virgil Phillips, owner of a sheet metal shop on the Troy Highway, volunteered to travel to Sandpoint to buy enough smoked kokanee to guarantee three fish for each person attending. Having come from Boise, it was my first taste of this morsel. The meat comes free easily from the skin and backbone, and no other smoked fish can compare with its rich flavor. Virgil was a quiet person, and my only recollection of him is in this regard. The crowd surely took a moment to acknowledge his part in these delightfully sociable evenings characterized by the presence of spouses and their enthusiastic children.

At the time, Lake Pend Oreille had a commercial fishery for kokanee. The daily limit was several hundred fish, caught by hand lines. They were smoked and sold at a shop located just before the causeway south of Sandpoint. Sadly, the kokanee population crashed about 1972, in large part due to the well-intended, but disastrous, release of Mysis shrimp intended to spur growth of Kamloops trout that fed on them. As I understand

MWA annual smoked blueback (kokanee) feed was a time of festivity for all family members. The fish were caught commercially in Lake Pend Oreille until the population crashed in the early 1970s. Identifiable are: (A) George Hatley, (B) Ernest Bunch, (C) Harris Slutz, and (D) Orin Fink. Courtesy of author.

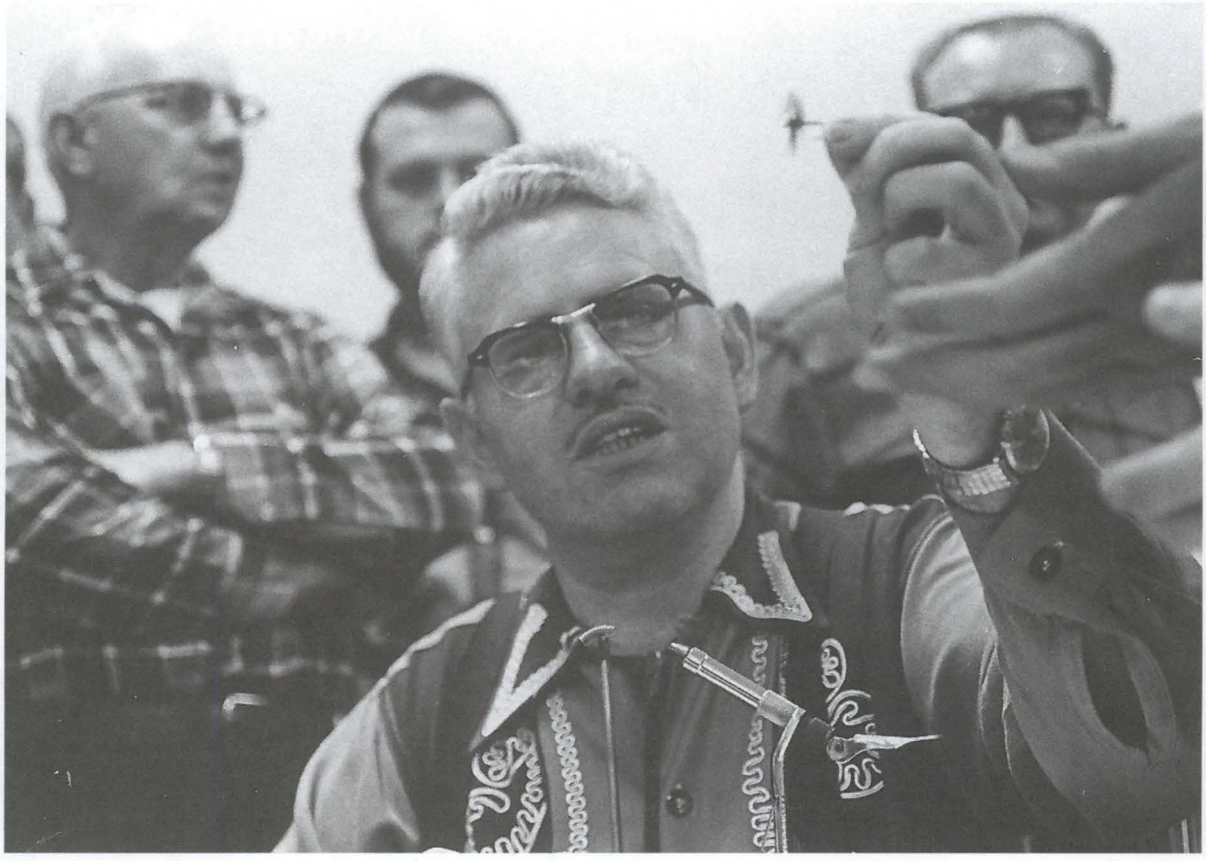
it, the Mysis shrimp in Lake Pend Oreille ate the microscopic zooplankton on which kokanee depended, disrupting the food chain and causing many to starve.

Fly Tying Classes. I have been an avid fisherman since early boyhood, having grown-up in the northern Appalachian Mountains where streams were only a bike-ride away. However, I had never caught a trout before moving to California. Then I became interested in fly-fishing and enrolled in an evening adult education class in fly tying, and I have derived much enjoyment from what I learned. So, it seemed fitting for MWA to conduct a fly tying class, particularly because there was none available in Moscow and because I had several members to assist as instructors. The first class was in spring of 1970 in the conference room of the Forestry Sciences Laboratory on Main Street. Instructors, beside myself, included Ron Hicks, Kent Ball, and Steve Lichtenberger who were University of Idaho students, and Dick Lyle. The idea for this endeavor dated to my inviting Lafe Karr, a Moscow commercial fly tier, to present a demonstration at our meeting on April 16, 1969.

Falconer Morley Nelson. The December 1969 program featured world-famous falconer, Morlan W. "Morley" Nelson of Boise, co-hosted by the University of Idaho Cooperative Wildlife Research Unit. His letter of November 15, 1969, to me makes note of his son, Tim, having been killed in a car accident. Yet, he is willing to come and suggests that I confer with Maurice Hornocker of the University of Idaho Cooperative Wildlife Research Unit to see if an official visit can be arranged (whereby he will do it for travel expenses only). He has "a film of falconry with eagles, falcons, etc." and will try flying a falcon at the meeting, which was held in Borah Theater. My wife Irene and I had the pleasure of his company for dinner at our home, and I photographed him holding the prairie falcon in our basement. His subsequent role in establishing the Snake River Birds of Prey National Conservation Area south of Boise is well-known from TV coverage.

According to an article in the *Idahonian*, he had trained falcons for various movies including Disney's *The Vanishing Prairie*, Paramount's *The Day of the Eagle* and educational movies: *Modern Falconry* and *Nature's Birds of Prey*. He had

Ron Hicks, University of Idaho Fisheries student, demonstrates typing a pheasant nymph during a MWA-sponsored course presented in 1970. Courtesy of author.



Commercial tier, Lafe Karr, displays a fly tied at a meeting in 1969. Courtesy of author.

studied and photographed gyrfalcons on Alaska's North Slope and in 1965 participated in a falconry hunt in Kuwait and Saudi Arabia at the invitation of a sheikh. During the latter, he filmed *Twentieth Century Falconer*. I note on the Internet that a book was published in 2002: *Cool North Wind: Morley Nelson's Life with Birds of Prey* by Stephen Stuebner.

Ee-Da-How Bow Hunters. In 1969, members of this group demonstrated their marksmanship with long-limbed target bows in the Latah County Grain Growers auditorium on west Sixth Street, the usual site of MWA meetings. Hunting bows are typically shorter and require more pulling power. Participants included Larry Nirk of Nirk Archery Co., Potlatch; Jim Papineau; and John Thol. Larry and I made three trips to Alaska. In 1976, I accompanied him on a successful caribou bow hunt on the Canning River in the Brooks Range. But he liked to fish just as much as bow hunt.

In April 1969, I attended a meeting of the IFG Commission in Boise at which hunting seasons were being considered. I was there representing MWA to request a late season (December) deer bow hunt in Unit 8 (Latah County). In the process, I learned that special interest groups are very jealous of their territory. A prominent member of Ee-Da-How, not mentioned here, called me a "parasite" because I was not a member of his group. However, I must have had similar company because the Commission created the requested

Morley Nelson and prairie falcon at author's residence, December 1969. Courtesy of author.

Jim Papineau of Ee-Da-How bow hunters demonstrates at a February 1969 meeting. Courtesy of author.

season, and it continued for many years. Looking back, I can see that splintering into interest groups was underway and may have contributed to the demise of MWA a decade later.

Trophy Contests. Like the blueback feed, the annual trophy contest drew much participation and interest. Often, entrants and winners were the sons of an older member. Examples were Rick Furniss (mule deer, 1968), Lance Asherin (pheasant tail, 1976), Tim Papineau (whitetail 1975), Stan Slutz (mule deer 1976), and others. Helen Matoon (whitetail 1972) was the only woman entrant that I recall.

Chairmen of the Big Game Committee who organized these contests included Bill Durbon and Randy Byers. Durbon was an expert small-bore rifle marksman who competed in events throughout the region, compiling 600 wins over the years. He told me that he guided Frank Church for steelhead at Cherry Lane on the Clearwater River during hearings in Lewiston on Wild and

Larry Nirk explains differences between target and hunting bows. Courtesy of author.

Bill Durbon, right, receives the 1969 Member of the Year award from Everett Hagen. Both men were two-term presidents of MWA. Courtesy of author.

Mike Sizelov, left, with mule deer being congratulated by Bill Durbon, chair of the MWA Big Game Committee, 1974. Courtesy of author.

Scenic River legislation. He said that Church displayed the fish there to help get his point across. Byers was an expert archer and became an official in the Pope & Young Club (bow hunting equivalent of Boone & Crocket) and an official scorer of trophies taken with a bow.

CONCLUSION.

My purpose here has been more of reminiscence rather than an exhaustive historical record of MWA. Further effort would doubtless be more frustrating than rewarding because many people involved have moved to other places or have died. Perhaps it is sufficient to make available this scattering of photos and the accompanying narrative for others to conjure up their own memories of that period. I hope you have enjoyed it!

Mal Furniss is a forest entomologist with many outdoor interests. He lives on a parcel adjacent to Moscow where all plant and animal life are allowed the freedom that he enjoys. An inveterate story-teller, his writings include aspects of local history based on his experiences since moving here in 1963 and articles relating to the history of western forest entomology.

Tim Papineau and whitetail deer, 1975. Courtesy of author.

Doyle Andregg and Best of Show elk, 1976. Courtesy of author.

Vic Hager and turkey, 1975. Courtesy of author.

MALMÉDY MASSACRE AND BURTON ELLIS

By Robert Gibson and Russell Miller

Editor's Note: This article was prepared for the second annual International Law Symposium of the University of Idaho College of Law, held in Coeur d'Alene, Idaho, in the spring of 2004. Ellis was not only a graduate of the University of Idaho and the UI College of Law, he was a native of Latah County. Photographs are courtesy of the University of Idaho College of Law from a donation made to the College by Ellis's estate.

Colonel Burton F. Ellis left an indelible mark on international law and post-conflict justice. In the years immediately following World War II, the Idaho College of Law alumnus served as a prosecutor in the cases of over 1,600 accused war criminals whose trials were held in Dachau, Germany. Most notable among those cases, in which Colonel Ellis was the Chief Prosecutor, involved the German perpetrators of what came to be known as the "Malmédy Massacre."

Colonel Burton F. Ellis.

The trial condemned 73 officers and enlisted men of Hitler's Waffen-SS unit for the slaughter of over 70 surrendered American soldiers. The American prisoners of war had allegedly been herded together in an open field outside the small town of Malmédy, Belgium, and deliberately mowed down by machine-gun and small arms fire. With intense pressure from the United States to identify, prosecute, and convict those responsible for the atrocity, it appears that the prosecution team resorted to dubious methods in garnering evidence and admissions from the accused. Although convictions were established for all of the accused, Congressional hearings and a petition to the U.S. Supreme Court eventually compelled military review boards to overturn all of the convictions based on the questionable tactics of the prosecution team. Joachim Peiper, the charismatic field commander of the convicted Waffen-SS group, was the last to be pardoned in December of 1956.

Burton Ellis was born on September 13, 1903, in Troy, Idaho. Shortly after his birth, his family moved to Spokane, Washington where his father worked with the railroad as an engineer. When Ellis was eight-years-old, the family moved to Iowa to escape the "big city" lifestyle of Spokane. In Iowa, Burton attended a one-room schoolhouse where he absorbed the lessons of his elder classmates, enabling him to take and pass a high school entrance exam at the age of eleven. The land boom in the West lured the Ellis family back to Idaho in 1918. Upon his return to his native Idaho, the 15-year-old Ellis was a freshly-minted high school graduate.

Humphrey, Idaho is located in the high country of the continental divide on the Idaho side of the Idaho/Montana border. The Ellis family took up ranching on their return to Idaho, and Burton quickly realized that he wanted nothing to do with the lifestyle. After a year of ranching, he spent a year working on road construction for a western entrance to Yellowstone National Park. Still desperate to avoid having to return to the family

ranch, Ellis secured an appointment to attend West Point, but the initial physical examination exposed an irregular heartbeat, and he was denied admission. Higher education still held the allure of escaping the ranch, so on his seventeenth birthday, in 1920, he enrolled at the University of Idaho.

At registration, new students were required to put the first four letters of their hometown on their registration form; hence, Burton acquired the lifelong moniker "Hump" or "Humpy." "Hump" Ellis would attend the university sporadically during the following decade, often taking a few years off at a time to work in the oil fields of southern California and return to the ranch in Humphrey to help harvest the hay crop. In 1929, he received his bachelor's degree from Idaho in Political Science, and in 1933, he received his Juris Doctorate from the Idaho College of Law.

Ellis returned to the oil fields around Long Beach, California, where his experience and knowledge of the oil rigs assured him of work even amidst the Depression. While searching for a job on the oil rigs, Ellis was directed to the Texaco headquarters and hired immediately to handle the company's gas tax problems. While working there, he became the company's miscellaneous excise tax expert, and was transferred to Texaco's main office in New York City in 1938. From there, he volunteered for the Army to become a commissioned officer in 1942. Upon commissioning, Lieutenant Ellis was tasked to serve as an instructor to new officers in the subject of military law. He was then sent to India where he began his experiences as a trial lawyer, serving both as a defense and prosecuting attorney for military personnel.

Near the end of the war, the destinies of Ellis, now wearing the rank of Lieutenant Colonel, and 74 of Hitler's Waffen-SS troops would begin to converge. While Ellis was enrolling in the Judge Advocate General Advanced Course at the University of Michigan, the bodies of the massacred U.S. soldiers were being uncovered in an open pasture near Malmédy.

The massacre had occurred on December 17, 1944, during Germany's last major offensive of the war. The Germans were pushing hard toward Antwerp, Belgium, in an attempt to split the Allied forces that were gaining strength and coordination since their landing on Normandy about six months

Sepp Dietrich, former commanding general of the Sixth Panzer Army, in the Dachau courtroom. He was convicted and sentenced to life imprisonment.

prior. This last offensive effort of Germany is now known as the'"Battle of the Bulge," and it required a fast attack by the Germans to assure its effectiveness. Hence, prisoners of war posed a logistical dilemma for units whose orders were to advance quickly.

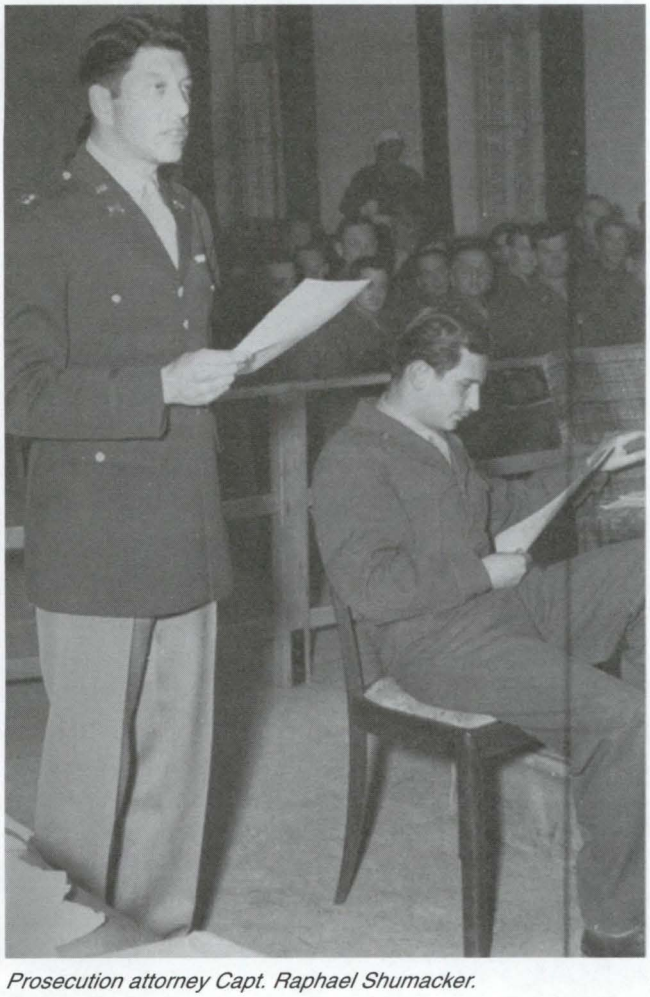
With this context in mind, several competing theories have arisen concerning the massacre. One posits that the orders given to the lead units were to "take no prisoners." Another theory holds that the prisoners were being shuttled to the rear of the advancing German column, and that a chaotic, tense scene led to a regrettable accident of war. In any case, there is no doubt that after the assembly of Americans was shot *en masse*, individual German executioners walked among the dead and dying and shot at point blank range those who showed any signs of life. Seventeen Americans survived the massacre, either by feigning death or escaping into the nearby woods. Several survivors returned to Dachau to testify at the trial against those accused of firing the shots. (After its liberation on April 29, 1945, by troops of the U.S. Forty-Fifth Infantry Division, Concentration Camp Dachau served as "an

internment center for suspects and witnesses in war crimes cases and as the site of war crimes trials" until the end of 1947, according to James J. Weingartner in his definitive study of the Massacre, *Crossroads of Death*.)

On May 1, 1945, about a week before the war in Europe officially ended, Lt. Col. Ellis reported to the War Crimes Group in Europe where he was initially assigned to the investigation section. Shortly thereafter, he was named Chief of War Crimes Investigations, holding that billet for approximately one year. Toward the end of 1945, Lt. Col. Ellis was named the Chief of Operations and placed in charge of trials and investigations. As the Chief of Operations, Lt. Col. Ellis supervised the assembling of the alleged perpetrators of the Malmédy Massacre and the gathering of evidence.

Later, Ellis would admit that "all the legitimate tricks, ruses, and stratagems known to investigators were employed – stool pigeons, witnesses who were not *bona fide*." Ellis also admitted the use of "mock trials," wherein an accused would be brought into a darkened room where men posing as judges would be sitting behind a table. Centered on the table would be a black cloth with a crucifix on it, all of which was flanked by two candles, providing the only light in the room. There would be a "prosecutor" and a "defense counsel," and the""mock trial" would use false evidence, false testimony and threats in order to secure confessions from the prisoners. In February 1946, Ellis specifically requested and was appointed Chief Prosecutor of the trial.

The trial began on May 16, 1946. The accused were tied together, with numbers hanging from their necks to identify them. As accused war criminals, as distinct from the status of "prisoners of war," the typical due process rights designed to protect the integrity of pre-trial investigations and admissible evidence gained by coercion and duress pursuant to the "mock trials" were introduced to preclude evidence offered by the prosecution team. Ellis admitted to the court in his opening statement that "mock trials" had been used to gain confessions, although he denied the allegations of physical abuse and torture.The court allowed the evidence. In all, 73 of the 74 accused were convicted. (The seventy-fourth was extradited to France, tried there with the same



Prosecution attorney Capt. Raphael Shumacker.

Willis Everett, chief defense counsel, was, according to historian Weingartner, "horrified by his assignment." (Crossroads of Death, p. 96)

Defendants of the Malmédy Massacre trial, officially designated U.S. vs. Valentin, Bersin, et al., the name of the 25-year-old "ex-tank-commander in the Second Platoon, First Company, First Battalion, First SS Panzer Regiment, being alphabetically first on the list of seventy-four officers and men of the Waffen-SS" whom the U.S. government charged with "violations of the laws and usages of war." (Crossroads of Death, 97)

evidence, and acquitted.) After the trial, Ellis resumed his position as Chief of Operations at Dachau.

Almost immediately after the trial, and in the years that followed, the Chief of the Defense Team, Colonel Willis Everett, brought a quixotic series of protests. Everett's tenacity in challenging the methods used by the prosecution eventually spawned a Senate investigation at which Senator Joe McCarthy of Wisconsin played a dramatic, if not decisive role, and a petition to the U.S. Supreme Court. In response to Everett's campaign for justice, and partially due to the desire to see stability in West Germany in the emerging Cold War, military review boards eventually pardoned all of those convicted for the massacre. Oddly, it must also be noted that despite the pardon of the Germans, Ellis and the prosecution team were fully exonerated by the Senate investigation.

Although the record indicates that Burton Ellis and the prosecution team abused their prerogative, there are important lessons to be learned from the choice to pursue justice in this manner. Preeminent Malmédy author and historian James Weingartner notes: "Burton Ellis did his duty in an atmosphere approaching hysteria with personnel ill-suited to the task assigned him and according to legal standards which had received the highest sanction. His career and reputation suffered when those standards rightly came under attack." (James J. Weingartner, *Crossroads of Death*, p. 260, University of California Press 1979).

Burton Ellis retired from the Army as a Colonel in 1958. He continued to practice law in Merced, California, where he and his wife Dee also maintained a 170-acre almond orchard. Colonel Ellis died on December 29, 2000, preceded in death by his wife on May 23, 1998. In both his successes and his shortcomings, Burton Ellis left an important legacy to the Idaho College of Law and to the international legal community at large, which again finds itself on the verge of prosecuting alleged war criminals.

That legacy is best articulated by the Chief Prosecutor at Nuremberg, Supreme Court Justice Robert Jackson in his address to the Washington

Meeting of the American Society of International Law on April 13, 1945:

> Farcical judicial trials conducted by us will destroy confidence in the judicial process as quickly as those conducted by any other people...[A]ll experience teaches us that there are certain things you cannot do under the guise of judicial trial. Courts try cases, but cases also try courts. You must put no man on trial before anything that is called a court...under the forms of judicial proceedings if you are not willing to see him freed if not proven guilty. If you are determined to execute a man in any case, there is no occasion for a trial; the world yields no respect to courts that are organized merely to convict.

Robert Gibson will graduate from the UI College of Law in May 2005. Russell Miller is on the faculty of the College; his teaching and scholarly research focuses on constitutional law, comparative constitutional law, criminal procedure and public international law.

The Malmédy judges. Brig. Gen. Josiah T. Dalbey and Col. Abraham H. Rosenfeld, fourth and fifth from the left.

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The Mysterious William J. McConnell by Mary Reed

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