HISTORY COLORADO | WINTER/SPRING 2024

THE COLORADO

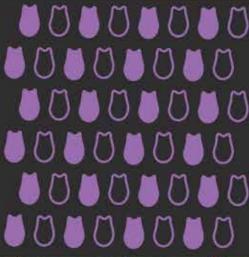
MAGAZINE





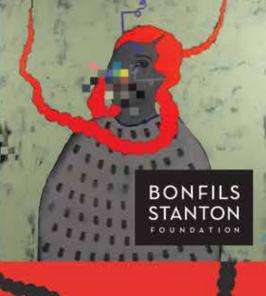
Stolen Votes / Land Imprisonment / Denver's Stonewall

BUT WE H A V E S O M E THING TO SAY



















FEB 29
TO
SEPT 15

OUR GRANDMOTHERS' WISDOM

or me, history is not so much about textbooks and timelines but about ancestors and grandmothers.

I have a photo in my kitchen of my Grandma Lena, her four sisters, and their mother. My great-grandmother Bettina Trapaglia, who became Bertha Masterstefano when she married and immigrated to America, worked in a lime quarry for Colorado Fuel & Iron and raised five daughters essentially on her own. Every day,



I look at their faces in the photo and they give me strength.

In my work at History Colorado, you can imagine that I spend a lot of time also thinking about our community grandmothers—not just about my own familial ancestors. For many of these women, our community grandmothers, we have had to reclaim their stories because documented history excluded, erased, and misremembered their lives.

I think often about Doña Bernarda Mejia Velasquez, a curandera and midwife who delivered over 3,000 babies in her lifetime. She came with her children to Salt Creek, Pueblo, Colorado, in 1912 from her homeland in Mexico, after serving as a medic for Pancho Villa's army during the Mexican Revolution. As a trusted healer, she worked alongside doctors and with traditional remedies. To support her family, Doña Bernarda became an entrepreneurial bootlegger and bread maker.

I also love the story of Marie L. Greenwood, who graduated third in her class at West High School in Denver and enrolled in Colorado State Teacher's College with an academic scholarship. Despite her academic excellence, she faced blatant racism in her education and noted, "I had graduated with an 'A' in student teaching, but since I was the 'wrong' color, I was not permitted to teach a single day in Colorado State College of Education."

In 1938, a few years after her probationary appointment as a teacher in Denver Public Schools, Greenwood became the first African American to receive tenure in the district. As she accomplished new firsts, her goal was to "keep the door open for others to come in."

As we acknowledge the immense strength and accomplishments of the women who came before us and who formed our state, it is important to ask ourselves: what kind of ancestor will I be? How are we using our strengths and contributions to build a just world for all who come after us?

Let's make the most of the opportunities that our grandmothers didn't have to open the doors for others today and in the future.

Dawn DiPrince President/CEO

Daun DiR

We acknowledge that the land currently known as Colorado has been the traditional homelands of Indigenous peoples since time immemorial. We are grateful to work in partnership with the forty-eight sovereign nations who continue to call this land home. Together, we plan exhibits; collect, preserve, and interpret artifacts; do archaeological work; and create educational programs to share the history of Colorado.



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SEE YOU ON SATURDAY

Join us every 2nd Saturday for family-friendly fun!

Watch veterinarians at work, explore virtual reality, dig into our rooftop greenhouses, play in our Kid's Mock Vet Clinic and Kid's Kitchen, take a cooking class, or listen to the scientific sounds of the South Platte River.

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CSU Spur is free and open to the public from 9 a.m. to 5 p.m. Monday-Friday and from 10 a.m. to 3 p.m. on the 2nd Saturday of each month.













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ABOVE Five members of the Denver band troop The Colorado Sweethearts show off their 1920s flapper style. These short hemlines and even shorter haircuts were unprecedented for women's fashion and symbolized a push forward for women's economic and social freedoms. History Colorado, 99.270.1242.25

COVER Soldiers begin their day of training by marching with their skis. History Colorado, 2023.70.10

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THE FORUM

WE LOVE HEARING FROM YOU. Drop us a line at publications@state.co.us

Praise for the 100th Anniversary Issue

Our last issue of The Colorado Magazine was a retrospective look at our publication's 100-year history and readers have been letting us know how much they enjoyed it!

Wow! What a great publication with its mix of new and reprinted articles. I especially enjoyed Jason Hanson's retrospective of 1923 and David Wetzel's profile of Leroy Hafen. This edition is definitely a keeper.

-Mark McGoff, via email

I am so very much impressed with this issue of the magazine. I read all the articles in detail and am grateful for all I'm learning about Colorado's history. Receiving this magazine is by itself worth my annual membership. Thank you for your incredible research and writing.

-Kathy Derrick, via email

I loved the 100th anniversary retrospective! It's so interesting to see where the magazine started versus what it's like today. What a great resource for generations of Colorado readers!

-Kathryn Becker, via email

A Correction

Our article "Bold Brushstrokes" (100th Anniversary Issue of *The Colorado Magazine*, 2023) incorrectly stated that women's suffrage was repealed in Wyoming. Wyoming was indeed the first territory to expand suffrage to women in 1869, and Utah Territory followed in 1870. But women's suffrage was rescinded in Utah and Washington Territories in 1887 before rights were ultimately secured by separate referendums across the country. Our apologies for the error.

No Love for Colorado Heritage?

The Colorado Magazine changed its name back from Colorado Heritage in 2020, and an astute reader was hoping to see more of a mention in the 100th anniversary issue.

I was hoping to enjoy the 100 years of *The Colorado Magazine* issue and was until it became apparent that you have something against *Colorado Heritage* magazine and seem to be embarrassed by your history. How do you basically ignore almost forty years of your publication? There's not even a mention of the name change. The *Heritage* that I know and remember would celebrate exhibits, collections, and of course Colorado history.

-Karyl Klein, via email

History Colorado replies: We decided not to dwell too much on the name change in order to emphasize the continuity of The Colorado Magazine's 100-year run. But of course, our publication went by Colorado Heritage for almost forty years! We're proud of all that work, and much of it is available online at History Colorado.org!

Alfred Packer's Proper Name

It's a common error that has continued in Colorado for years. His name is Alferd not Alfred Packer!

—Jeannie Sawicki, via email

History Colorado replies: Thank you for bringing this to our attention. There is much confusion surrounding the spelling of the Colorado Cannibal's name. Indeed, he sometimes spelled his names both ways on official documents. Several unsubstantiated accounts of the spelling mixup come down to us, but the most convincing story is that he adopted the "Alferd" spelling after it was misspelled in a tattoo on his arm.

Colorado's Premier Photographer

History Colorado suggested that John Fielder was Colorado's premier landscape photographer, but there was some disagreement on that point.

As much as I love John Fielder's work, I think William Henry Jackson might be Colorado's primer landscape photographer. And, I think Mr. Fielder would probably agree.

—John C. Van Bradt, via email

Weekly Digest Wows

History Colorado's Weekly Digest is our email newsletter, landing in mailboxes each Tuesday with a hearty dose of good cheer! Sign up at historycolorado.org/stay-in-touch.

I don't know how you do it, but I always look forward to your publication. It always has so much interesting information and so many things to do. It is amazing.

—Rita Rosson, via email

THE COLORADO MAGAZINI

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LAND IMPRISONMENT

Through her artwork, artivist (artist + activist) Danielle See Walker asks us to consider how Native American people are imprisoned within their own homelands.

BY FELICIA BARTLEY (PUEBLO OF ISLETA)

anielle SeeWalker (Standing Rock Sioux Tribe) is a Húnkpapha Lakhóta Denver-based artivist (artist + activist). Through her artwork, she reminds us that today, more than fifty-six million acres of Indian lands are held in trust by the US government. Trust status signals that the federal government holds legal title. While SeeWalker inherited tribal lands from her family, the United States is the legal owner. She receives intermittent checks from the Office of the Special Trustee under the Bureau of Trust Funds Administration. The checks are for various leases that the US Department of the Interior manages regardless of her consent in the matter. According to Danielle, the payouts she receives are "very small" and "insulting," so she doesn't cash the checks. Instead she embeds them into her artwork. She poignantly reminds us that the US government still holds Native peoples and their lands hostage.

Land | Hostage is the portrait of a man in a black-and-white-striped shirt, two white braids, and green hat. The portrait of a prisoner. Upon close inspection the man's braids are embedded with checks—uncashed government reservation checks directly addressed to Danielle SeeWalker from the Office of the Special Trustee. Danielle's dynamic colors and uncashed checks are intended to communicate an important message: Native American people are situated in the present, living colorful lives filled with complex histories and gleaming futures. And part of this complex history is land-based. In the painting's background, the letters L-A-N-D repeat at semi-regular intervals. L-A-N-D is a consistent anxiety of many Native American peoples, especially Lakota, Dakota, and Nakota, whose lives have been unequivocally altered by ceded and unceded territories states in United States treaties.

SeeWalker portrays the historic and ongoing harms of the reservation system for Native North American peoples. Indigenous peoples living under the reservation system in the late nineteenth century were prohibited from leaving reservation boundaries unless given permission from the US-appointed Indian Agent assigned to that specific reservation. US President Grover Cleveland appointed Lebbeus Foster "L.F." Spencer to serve as Indian Agent at the Rosebud Agency (the former name for reservation), located

in the southeast corner of present-day South Dakota, home to the Rosebud Sioux Tribe. History Colorado houses the Lebbeus Foster Spencer Collection in its archives, offering us a glimpse into this history.

Two items in particular illuminate how Native peoples' movements were policed. The first document is a small blank slip of paper. This slip of paper gave explicit permission to a Tribal citizen to travel outside of the reservation boundaries. This "permission slip" to leave the reservation also outlined the purpose of a Tribal citizen's travel abroad. Importantly, the slip needed an official signature from the Indian Agent. The implied need for such a pass is expressed in a letter from James McLaughlin (Indian Agent at Standing Rock) to the US Indian Agent at Rosebud Agency (after Spencer's retirement).

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Issuance pass to leave the reservation, 1880s. History Colorado, MSS.596



McLaughlin writes: "Will you please do me the kindness to immediately order back to this place any of my Indians who may be visiting your Agency, without passes."

Indigenous peoples' freedom of movement was effectively stripped away by paternalistic laws meant to control Native North American peoples, represented by the appointment of Indian Agents within Native North American land. These laws and attitudes continue to affect Indigenous peoples in our modern society. SeeWalker reminds us that Native North American people

have been and are prisoners on their own land. The insultingly small checks are meant to appease those whose lands are leased without their free, prior, and informed consent (FPIC).

Without FPIC, Native American peoples have no control over the use of their lands, and are now facing an increasingly distraught climate in which the freedom of movement is still restricted. Do Native Americans have the physical ability to leave their homelands behind when they are legally bound to one geographical location set by the United States government?

In the event of a major oil spill, what are Native peoples' options? Are they able to establish new homelands (or reservations), or is their only option to stay imprisoned in a land poisoned by another?

Felicia Bartley is the Assistant Curator of Indigenous Culture & Heritage at History Colorado. She is from the Pueblo of Isleta, NM of the Abeita family.

Land | Hostage by Danielle SeeWalker (Standing Rock Sioux Tribe), 2023. Acrylic, aerosol, oil stick, uncashed government checks on canvas. Courtesy of Danielle Seewalker

Winks Panorama Lodge

A FAMILY HISTORY OF COLORADO'S NEW NATIONAL HISTORIC LANDMARK

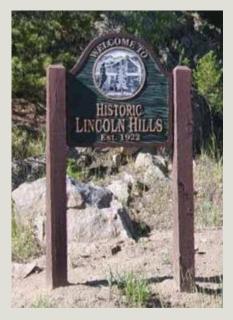
BY GARY M. JACKSON

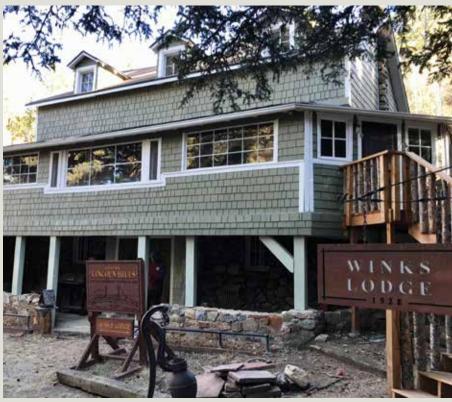
n December 13, 2023, US Secretary of the Interior Deb Haaland signed the documents designating Winks Panorama Lodge, the crown jewel of Lincoln Hills, a National Historic Landmark. In announcing the designation, the Department of the Interior explained that the "designation reflects the importance of the site in sharing America's rich history and extraordinary natural features." Chuck Sams, director of the National Park Service, which administers the National Historic Landmark program, added that the new recognition of the site's significance in American history will "further illustrate and expand our country's collective heritage and splendor."

The designation of Winks Panorama Lodge is like a dream come true for me and members of my family. We have been traveling the winding roads of Coal Creek Canyon on a weekly basis from Memorial Day to Labor Day since I was a little boy. My mother, Nancelia Scott Jackson, has been making the round trip to our family cabin in Lincoln Hills, one mile up the road from Winks Panorama Lodge, since my grandfather built our family cabin in 1926 when she was two years old. The designation is significant because Lincoln Hills—which stands as a testament to the courage and perseverance of Black families who resisted racist oppression by creating a recreational place of their own in the Colorado mountains—is an important and often overlooked part

- ▲ LEFT Gary Jackson walking down Winks Way. Photo courtesy of Gary Jackson
- ▲ RIGHT A posted sign at the section of South Beaver Creek Road and Pactolus Lake Road welcoming people to Lincoln Hills. Courtesy of Gary Jackson
- ▶ Winks Lodge in 2021. Photo by Jason L. Hanson







of the American Black experience. The story of Winks Panorama Lodge is one of joy and ingenuity. While much of the Black experience during the Jim Crow era was painful and often deadly, Winks Panorama Lodge was a Black oasis in a welcoming Gilpin County, Colorado.

CREATING LINCOLN HILLS

Lincoln Hills was a mountain resort and Black safe haven created in 1922 by two developers, E.C. Regnier and Roger Ewalt. Through their corporation, the Lincoln Hills Country Club Development, they purchased more than 100 acres of property and subdivided it into approximately 1700 lots to create a mountain resort and cabin ownership opportunity for African Americans. Lincoln Hills sits forty miles west of Denver, situated between the towns of Pinecliffe and Nederland. Winks Panorama, which included a six-bedroom lodge, Winks Tavern, and ten freestand-

ing cabins, was built by Obrey "Winks" Wendell Hamlet and opened for business in 1928. It was the central gathering point at Lincoln Hills and hosted some of the great luminaries of the day such as Duke Ellington, Count Basie, Lena Horne, Langston Hughes, Zora Neale Hurston, and Whitney Young.

Black people came to Lincoln Hills from all regions of the nation. The 1700 lots were for sale for between fifty and one hundred dollars each. Two of Denver's Black Churches, Zion Baptist and Shorter Community AME, were prime promoters to their parishioners to buy lots and would have gatherings in Lincoln Hills for their congregations on holidays. Those who did not travel by car would arrive by train ("The Dinky"), which had a stop right after the bridge crossing on South Beaver Creek Road for passengers to embark or exit. Lincoln Hills became the epicenter of Black recreation in the West during

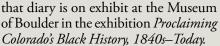
segregation and it was the only one of its kind west of the Mississippi River from 1922 to 1965.

Lincoln Hills was also home to a camp of the Phillis Wheatley branch of the YWCA called Camp Nizhoni, after a Diné word for "beautiful." Created as a response to Jim Crow laws and segregationist policies that barred Black girls from attending white camps, its administration building and bunk house offered Black girls outdoor recreational opportunities from 1925 to 1945. My mother, Nancelia Scott Jackson, was fifteen years old in 1939 when she rode the Dinky train to Lincoln Hills for a week at camp. While there she made daily entries in her diary on the joy of spending a week camping with Black girls from across the nation. Starting in 2023 and running through most of 2025,

Great-Grandpa William Pitts, back row far right, with his family in South Boulder Creek.







Lincoln Hills and Winks Panorama thrived until 1965, despite the Ku Klux Klan's efforts in Colorado and throughout the nation, the economic hardships of the Great Depression, the degrading intent of racist Jim Crow policies, and the racial discrimination that was part of everyday life in America. Because Lincoln Hills was described in publications such as The Negro Motorist Green Book, which cataloged safe destinations for Black travellers throughout the country, as well as Black national newspapers, and Black magazines like *Ebony* and *Jet*, it became known for its independence, self-reliance, and safe haven for Black people.

A flier from those days proclaimed it "Lincoln Hills: The Beautiful," and painted one of the best pictures of the place in words: "Nestled within the grandeur of the everlasting hills, bathed in perpetual sunshine and fragrant with the odors of wildflowers and the health-giving pine forests, we are building a place that will attract thousands of people and at the same time show our genius and constructive ability."

The lure of this idyllic scene attracted Black families from Colorado and throughout the country to purchase lots at Lincoln Hills, and the community thrived for decades, all the while with Winks Panorama at its center.

But in 1965, Winks Hamlet died and his wife, Melba Hamlet, decided to sell the Panorama. The sale was an acknowledgement that the year-round upkeep was too much for one person,



A family tradition to hike to the top; family members between four and eighty have made the climb and observed the vista. Courtesy of Gary Jackson

but also that with the passage of Civil Rights legislation, Black families had new opportunities to seek out recreation in mountain communities throughout Colorado where they had previously been unwelcome. The property was sold several more times over the ensuing decades, and while our family continued to visit our cabin regularly, Winks Panorama was no longer the vibrant heart of Lincoln Hills.

BLACK UTOPIA OF THE WEST

Like my mother, I've been going to Lincoln Hills all my life, spending summer weekends with family at the cabin my great-grandfather built. But I was twenty when Melba Hamlet sold Winks Panorama, too young to have joined my relatives when they went over to Winks Tavern for a drink during our visits. I did not start visiting Winks Panorama until 2007, when I was selected to be a member of the James P. Beckwourth Mountain Club board.

James Beckwourth, a formerly enslaved man, became an American fur trapper, western trailblazer, and scout for the Army cavalry. Among his many lasting contributions to history, he was one of the founders of Pueblo, Colorado. The club named in his honor was a group of urban people of color who gathered to recreate in the Colorado mountains. In addition, they provided education to children about natural resources and Black achievements in Colorado. The club purchased Winks Panorama with a Colorado Historical Foundation Grant and served as stewards of the lodge from 2007 to 2012, engaging in restoration work, historical reenactment events, tours with History Colorado members, and community engagements with Gilpin County residents and officials. For the members of the club, those gatherings at the Panorama were reminiscent of the glory days of Winks Panorama when it was the Black utopia of the West.

The club sold Winks Panorama to Robert Smith in 2012. Smith, a lifelong Coloradan and Lincoln Hills Cares Foundation cofounder, is a businessman and philanthropist who has invested his time and resources in organizations that preserve Black culture and history throughout the United States. The foundation, under the leadership of Dr. Jeanette Patterson, is working to honor the past of Lincoln Hills. According to the foundation, since 2016 it has reached more than 103,000 youth, facilitated more than 10,000 hours of curriculum instruction and partnered with more than seventy-five organizations. Equally important is its ongoing restoration of the Camp Nizhoni structures and Winks Panorama and Tavern.

The designation of Lincoln Hills's lodge as a federal historic landmark is the culmination of an American Black history story of perseverance and survival against all odds. This designation is an American dream come true for my great-grandfather, William Pitts, who came to Colorado in 1919. The son of an enslaved woman and a slave master in Missouri, he learned to read and write and became a skilled carpenter. Pitts built his family cabin on the northern border of Lincoln Hills, thus becoming the gateway cabin into Lincoln Hills. Our family later named it the Zephyr View cabin because of the passenger

train that traverses the canyon on its way to and from California. In 2020 the Gilpin County Historic Preservation Commission issued a report that traced the history of Lincoln Hills in the process of evaluating the landmark status of Zephyr View. That history places the Pitts/Scott/Jackson family in the middle of the narrative of Black history in Gilpin County and the West, and the Zephyr View cabin was designated a historic building by Gilpin County on November 17, 2020.

family cabin was a precursor to the federal recognition of adding Winks Panorama to the National Register of Historic Places last year. Both designations underscore the significance of Black mobility, leisure, and resistance in spite of the systemic oppression that occurred during the period of Jim Crow laws, KKK threats, and segregation. Winks Panorama demonstrates that in the face of this racism, and due to the ingenuity and courage of Obrey Wendell "Winks"

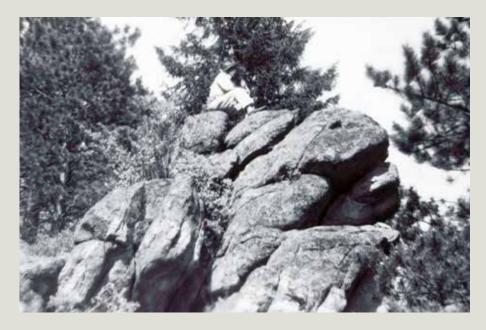
The historic designation of our

Hamlet, Winks Panorama prevailed, and his efforts are now nationally recognized.

I believe that Dr. Martin Luther King Jr. is smiling because of this designation. In his famous I Have a Dream speech, Dr. King spoke of the mountains of the Colorado Rockies. "Let freedom ring from the snow-capped Rockies of Colorado...Let freedom ring from every hill and molehill of Mississippi and every mountainside." Dr. King loved invoking Colorado and his speech speaks to the mountains that Black people have to climb, enduring pain and difficulty in order to reach a glorious summit. That summit is Winks Panorama. 🕻

Hon. Gary M. Jackson grew up in Denver and has lived in the North Cherry Creek Area for seventy-seven years. His celebrated legal career spans five decades, and in his retirement years he is actively involved in historical presentations surrounding the 100-year anniversary of Lincoln Hills.

- Grandpa Paris Monroe Scott on a rock above Zephyr View cabin. Courtesy of Reggie Belton and Gary Jackson
- ▼ LEFT to RIGHT Art Scott, 85; Nancelia Scott Jackson, 99; Cousin Geraldine Morgan, 104; and Warren Scott, 91 on deck at Zephyr View cabin. Courtesy of Gary Jackson





Stolen Votes and Silenced Voices

More than 100 years ago, an unflattering political cartoon in the *Rocky Mountain*News tested the limits of the First Amendment and Americans' confidence in their elections.

BY DAVID HOSANSKY

ike many Coloradans in the aftermath of disputed elections in 1904, Thomas Patterson was thoroughly fed up with the state's political system. While there wasn't much he could do about it, he was the publisher of Denver's *Rocky Mountain News* and could at least make his voice heard. So, on June 25, 1905, he printed a remarkably biting cartoon on the front page of his newspaper.

The cartoon was captioned "The Great Judicial Slaughter House and Mausoleum," and it depicted five justices on the Colorado Supreme Court beheading Democratic officials. In a particularly personal touch, it singled out Chief Justice William Gabbert as

"The Lord High Executioner" because of his role in enabling Republicans to throw out election returns. Just in case the message wasn't obvious, the *News* ran a banner headline across the top of page one, proclaiming, "If the Republican Party has overlooked anything from the Supreme Court it will now please proceed to ask for it."

The cartoon, along with a parade of articles over the following few days assailing the state's highest court, launched one of the more significant free speech cases in US history. Patterson knew he could face prosecution because the First Amendment at the time failed to protect publishers and editors who criticized judges. But the





publisher—a pugnacious Democrat who was also serving a term in the US Senate—believed newspapers had the right to take on those in power as long as they printed the truth.

The ensuing case, *Patterson v. Colorado*, would eventually wind up in the US Supreme Court. It would have national ramifications the following decade, influencing legal battles over free speech that erupted when the federal government cracked down on civil liberties during World War I.

- ▲ Thomas Patterson, publisher of the *Denver Rocky Mountain News*, was cited for contempt for criticizing the Colorado Supreme Court. Courtesy of the Library of Congress
- ◀ Colorado Supreme Court justices were outraged by the front page of the *Denver Rocky Mountain News* on June 25, 1905, which among other inflammatory content featured this political cartoon depicting them as a board of executioners. History Colorado, MSS.1881.B48.FF11.6

A DISPUTED ELECTION

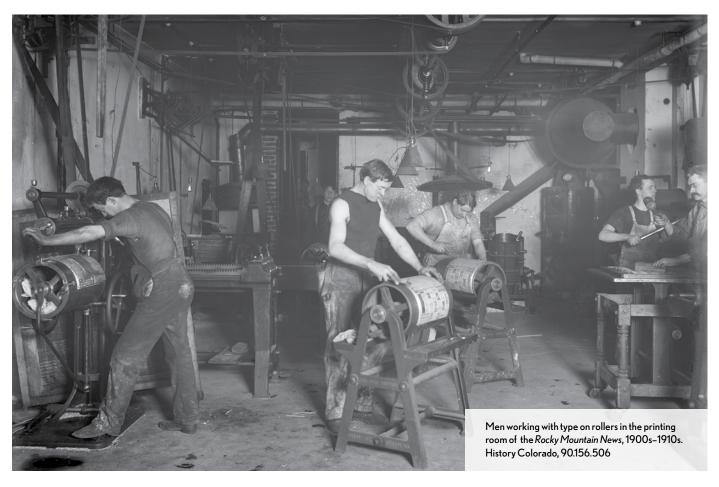
Patterson's outrage at Colorado's political leaders stemmed from the election for governor in 1904. It was a time of widespread violence in the state's gold and coal mines, and Republican incumbent Governor James A. Peabody drew support from corporate leaders because he repeatedly invoked martial law to crush union activity. The initial ballot count, however, seemed to show that the pro-labor Democratic challenger, Alva Adams, won by about 10,000 votes. Democrats across the state were ecstatic. "Colorado repudiates Peabodyism and Militarism," blared an all-caps headline in Boulder's Daily Camera on the day after the election.

But the celebrations proved premature. Reports of widespread election fraud soon circulated. As disputes broke out over how to tally the votes, Peabody and his business allies held two ace cards: a sympathetic Colorado Supreme Court and a Republican-dominated State Board of Canyassers. Both produced critical rulings in the weeks after Election Day that overturned apparent Democratic victories in state legislative races and handed complete control of the Colorado General Assembly to Republicans. Patterson fumed. The *Rocky Mountain News* assailed Republicans for engaging in a blatant attempt to steal the election, alleging that "step by step the conspirators have boldly and ruthlessly pressed toward their goal until nothing remains but the actual consummation of the crime."

Undeterred, the General Assembly launched an investigation into allegations of ballot tampering. After uncovering evidence of substantial fraud by both parties, state legislators decided that neither Peabody nor Adams could be declared the victor. Instead, they unexpectedly tapped the Republican lieutenant governor, Jesse McDonald, to be governor. (The high-stakes negotiations gave Colorado the distinction of technically having three governors in one day: Adams, Peabody, and McDonald.)

Democrats got more bad news when the Colorado Supreme Court subsequently threw out the results of local elections in Denver.

Democrats got more bad news when the Colorado Supreme Court subsequently threw out the results of local elections in Denver. This enabled Republicans to take over political offices that had been occupied by Democrats, all of which proved too much for Patterson. The *Rocky Mountain News* as well as Patterson's other newspaper, the *Denver Times*, ran one article after another lambasting the justices and suggesting they were under the thumb of corporate interests, including utilities that wanted to extend lucrative franchise agreements



with Denver, as well as railroads and mining operations trying to win legal battles against their labor opponents.

When two competing Denver newspapers editorialized that Patterson should be fined or imprisoned for his attacks on the judiciary, the publisher responded with a ringing defense of press freedom. Essentially daring the justices to come after him, Patterson proclaimed in a *Denver Times* column that the newspaper "can as well be edited with its editor behind the bars."

A PUBLISHER IN CONTEMPT

Less than a week after Patterson's newspapers began aiming their fire at the justices, Colorado Attorney General Nathan Miller filed a motion with the court asking that it find the publisher in contempt. Miller argued that the cartoon and articles, which he inserted into his motion, threatened to "impede and corrupt the due administration of justice."

Patterson deftly retaliated by publishing Miller's motion in the *Rocky Mountain News*, thereby reprinting the very materials that Miller found objectionable. But the justices were not amused. Within hours of receiving the attorney general's motion, they served Patterson with a citation and scheduled a hearing to determine whether the publisher should be held in contempt.

Patterson was a lawyer, and he knew he faced long odds. The Colorado Supreme Court had repeatedly charged newspaper

Patterson's
lawyers argued
that the Colorado
Constitution gave
newspapers full
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government officials
as long as they
printed the truth.

publishers and editors with contempt for criticizing judicial proceedings on the ground that such press coverage could interfere with the administration of justice. Less than a decade prior to Patterson's case, the court had upheld a prison sentence against a newspaper publisher for writing a series of articles attacking a local judge. In a case against another publisher, the justices declared, "It is a public wrong—a crime against the state—to undertake by libel or slander to impair confidence in the administration of justice."

Nevertheless, Patterson's lawyers argued that the Colorado Constitution gave newspapers full license to criticize government officials as long as they printed the truth. And the publisher's brief, like a good investigative article, also exposed the underhanded and corrupt efforts to overturn the gubernatorial election and the elections of local Denver officials.

The brief alleged that corporate agents had funneled hundreds of thousands of dollars to Peabody's campaign. The agents had also set up secret negotiations between Colorado Supreme Court justices and Peabody over nominating two new justices to the court right before the governor left office. Railroad representatives went so far as to take a carriage after midnight to the house of one of the nominees and confer with him for about two hours before signing off on legislative confirmation. As for the court's decision to overturn the Denver elections, Patterson's brief warned that it would potentially undercut home rule in Denver and block voters from deciding whether to renew the franchises of local utilities.

Patterson's newspapers, in the view of his lawyers, had done nothing more than to print the facts. "To state the truth," the brief concluded, "is not and cannot be a criminal contempt of this honorable court."

On the morning of November 28, 1905, the Colorado Supreme Court held a hearing into the matter, giving each side one hour to argue its case. The courtroom was so packed with state and local political officials, business executives, and labor leaders that many spectators had to stand even after bailiffs brought in extra chairs. Despite the drama, the justices needed little time to reach a decision. On the following afternoon, Chief Justice Gabbert announced that Patterson was guilty of

The staff of the *Rocky Mountain News* in the early 1900s. History Colorado, 20031199

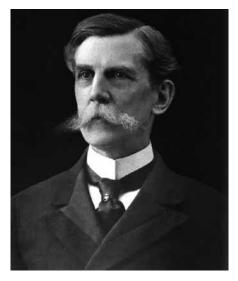


criminal contempt. He fined the publisher \$1,000—no small sum at a time when an average worker's weekly earnings amounted to little more than \$11.

Far from being chastened, however, Patterson told the court that he had an obligation to print the truth. He pledged to appeal his case to the US Supreme Court. When the justices filed out, the publisher found himself receiving effusive praise in the courtroom, with many spectators-including politicians in both parties, as well as the reporters covering the hearing lining up to shake his hand. Coloradans and residents of other states wrote Patterson by the hundreds to laud his stand against the court, with their letters quoted prominently in the Rocky Mountain News. "It is a hopeful sign that there are still men of influence and ability who are willing to risk imprisonment and other humiliation in exposure of official Infamy," wrote one resident of Cripple Creek.

Despite such enthusiasm, Patterson's odds before the US Supreme Court seemed no better than in the state court. The nation's highest tribunal had rarely weighed in on First Amendment cases and never directly addressed the question of whether a newspaper could be penalized for factual content. But the justices had made it clear that they favored restrictions on harmful speech. Just a few years before the Patterson case, the Court had upheld the deportation of an English-born anarchist who planned a series of speeches calling for a general strike. The government, Chief Justice Melville Fuller wrote in that case, had the right to exercise its "power of self-preservation."

Patterson appeared before the US Supreme Court in March 1907 to argue his case in person. He contended that no one could be punished in the United States for telling the truth, and he warned that a republican form of government could not exist if newspapers were prohibited from publishing the facts. Two representatives from the Colorado Attorney



United States Supreme Court Justice Oliver Wendell Holmes Jr., who wrote the majority opinion in *Patterson v. Colorado*. Photo from Wikipedia

General's office focused on a single argument: The case was purely a state matter and not one in which the federal courts had jurisdiction.

The court readily disposed of *Patterson v. Colorado*, issuing its seven-to-two ruling a little more than a month after it had heard the argument. Justice Oliver Wendell Holmes Jr., in an opinion that ran to fewer than a dozen paragraphs, agreed with the Colorado Attorney General's office that this was a state matter and not one for the federal courts to decide. This wasn't surprising—according to legal thinkers of the

time, the First Amendment protected citizens from sanctions by the federal government. It wasn't for several more years that the Supreme Court began ruling that it applied also to state and local governments. But Justice Holmes went one step further, taking issue with Patterson's claim that he had the right to publish the truth. Drawing on legal precedents from eighteenth-century England, Holmes concluded that constitutional press protections primarily meant that the government could not stop a newspaper before it went to press. Once an article was published, however, the government could punish the newspaper for printing material deemed contrary to the public welfare.

For Patterson, the ruling marked the end of his legal journey. He lobbed one final broadside in the *Rocky Mountain News*, writing, "I am not now and never will be ashamed of printing only the truth about public officials, whether they be judges or governors or legislatures. The truth only offends those whom it hurts." He then paid his \$1,000 fine, plus another \$424.40 in court costs, stepped back from the legal fray, and died less than a decade later. But the Supreme Court ruling

Rocky Mountain News employees at work in the newspaper's art office, January 1902. History Colorado, 90.156.72



had established a precedent for weak press protections and the case of *Patterson v. Colorado* would help enable an historic crackdown on free speech.

PROSECUTION OF ANTI-WAR DISSIDENTS

The early years of the twentieth century represent a low point in First Amendment protections, and Patterson v. Colorado was one of many court cases that, from our modern point of view, produced alarming rulings limiting Americans' right to free speech. A decade after Patterson argued his case before the Supreme Court, the United States entered World War I in 1917, and President Woodrow Wilson signed the Espionage Act making it illegal to denounce the war effort. Among the many people ensnared by that law was a Denver resident, Perley Doe, who had moved from Boston to get treatment for tuberculosis. But instead of regaining his health, he became the first

person in Colorado to be prosecuted for speaking out against the nation's involvement in World War I. His crime: mailing letters to professors, ministers, and officials in Washington, DC, that questioned whether the war was justified.

Doe was convicted in Denver's federal court in February 1918 and sentenced to fifteen months in prison. After the clerk of the court read the guilty verdicts, the ailing man tottered out of the courtroom, supported by his wife, and fainted just outside the courtroom door. A number of spectators, including members of the jury that had just convicted him, rushed to his aid. When Doe regained consciousness, he became hysterical. "How can twelve men agree on such a verdict?" he asked. Doe was one of more than 2,000 people who faced prosecution for opposing the war. They included such public figures as Eugene V. Debs, a socialist who had run for president four times, as well as a number of lesser-known people who

merely happened to voice impolitic opinions. In one particularly infamous case, prosecutors won a ten-year prison sentence against a Hollywood producer, Robert Goldstein, whose only crime was promoting a movie about the American Revolution that portrayed British Redcoats in an unflattering light. This, prosecutors contended, was illegal when the current-day British were important World War I allies.

The wartime fervor became so intense that it cut short the career of one of Patterson's proteges. Edward Keating had worked as managing editor of the *Rocky Mountain News* before winning election to Congress. But when he voted against declaring war on Germany, his Colorado constituents voted him out of office.

"Teamwork Builds Ships." The Committee for Public Information worked to whip up support for World War I. Photo from the Library of Congress





But in late 1919, a year after the end of the war, Holmes had a notable change of heart. In a case involving four Russian Jewish immigrants who opposed Wilson's policies, the justice mounted a ringing defense of the importance of freedom of speech. He likened free expression to a marketplace in which it was essential to allow ideas to compete for acceptance. "We should be eternally vigilant against attempts to check the expression of opinions that we loathe" unless they present an

Holmes failed to persuade a majority of his brethren, who upheld the Espionage Act convictions. Over time, however, his expansive view of the First Amendment would gain wide acceptance, leading to our modern understanding of free speech. The Supreme Court eventually determined that newspapers could criticize the courts and enjoy broad protection against reprisal. The justices even gave constitutional protection to the most objectionable and hateful speech.

imminent threat to the country, he wrote.

In recent years, Colorado has again found itself on the front lines of the nation's free speech battles—though the



▲ The 1917 Espionage Act raised concerns about a crackdown on basic liberties, as shown in this political cartoon. Courtesy of the Library of Congress, LOT 3563-64

■ Spectators congratulated Thomas Patterson after he defended himself before the Colorado Supreme Court. *Rocky Mountain News*, November 30, 1905. Colorado Historic Newspapers Collection

disputes, involving gay marriage, would be unrecognizable to Patterson. The US Supreme Court in 2018, in a controversial ruling, sided with a Lakewood baker who cited the First Amendment in refusing to create a custom wedding cake celebrating the marriage of a gay couple. Earlier this year, the justices again took an expansive view of the First Amendment, backing a Denver-area graphic designer who claimed that freedom of speech gave her the right to refuse to create websites for a same-sex couple.

Patterson v. Colorado has long been superseded by more forward-looking interpretations of free speech. But as demonstrated by the latest cases involving same-sex couples, the legal appeals by Colorado residents continue to shape the nation's understanding of the First Amendment.

David Hosansky is a historian and science writer. His master's thesis focused on *Patterson v. Colorado*.

first Espionage Act cases reached the US Supreme Court in early 1919, Holmes wrote a trio of opinions that sided with prosecutors. Although his legal reasoning began to edge away from his ruling in the Patterson case, Holmes maintained his view that the First Amendment offered only limited protection to those speaking

out against government policies.

But another former News editor,

George Creel, saw his career take off

during World War I. He headed up the

Committee on Public Information, a

national propaganda office created by Wilson to rally Americans behind the war.

The office dispatched tens of thousands

of "four-minute men" to movie theaters,

churches, schools, and labor halls to give

four-minute speeches promoting the war

effort while launching incendiary attacks

eral judges and juries found it virtually

impossible to acquit those charged with

disloyalty. Several judges cited Patterson

v. Colorado among other precedents in

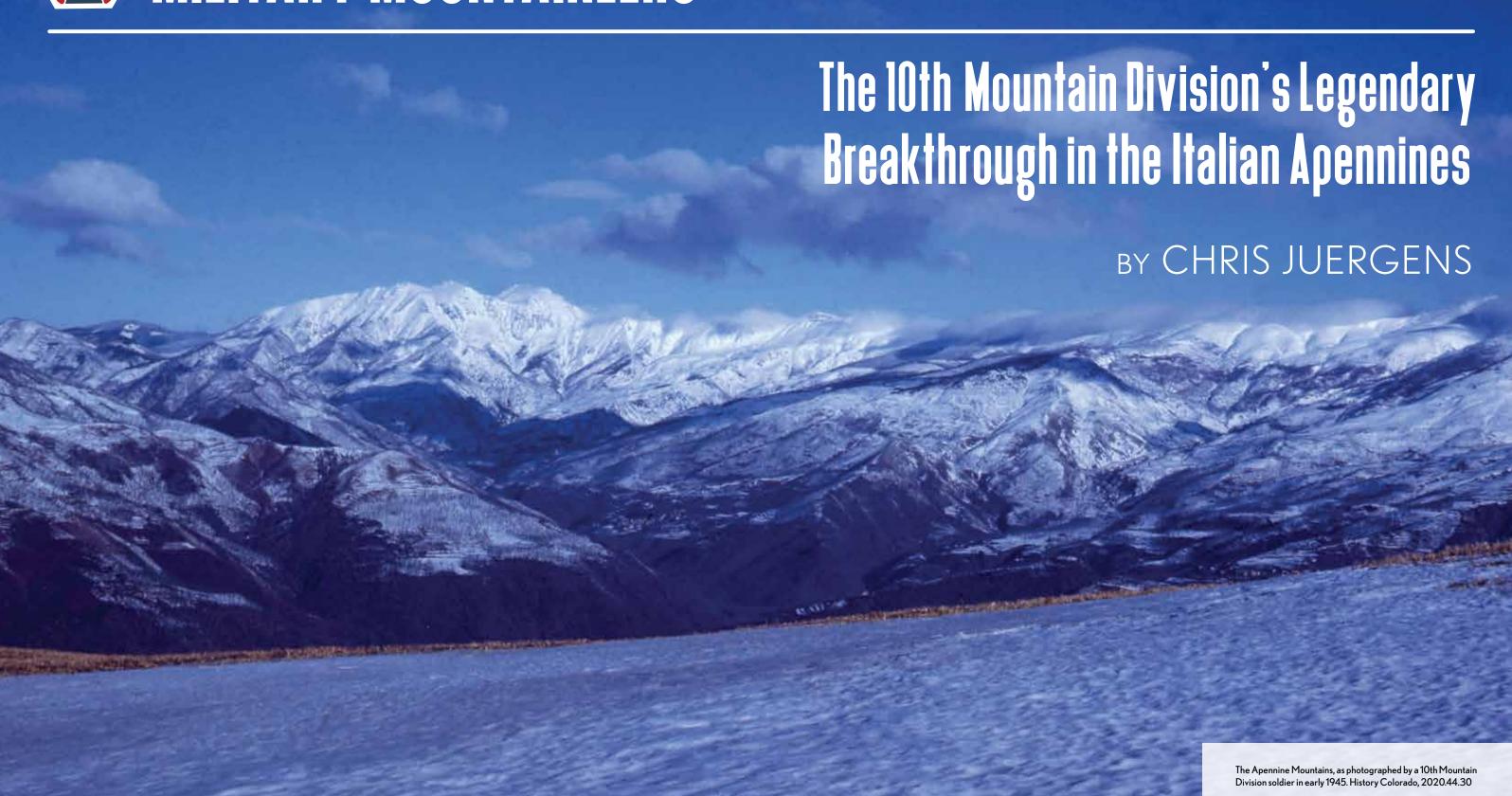
upholding the Wilson administration's

restrictions on free speech. When the

In such a charged atmosphere, fed-

on anyone who questioned the war.





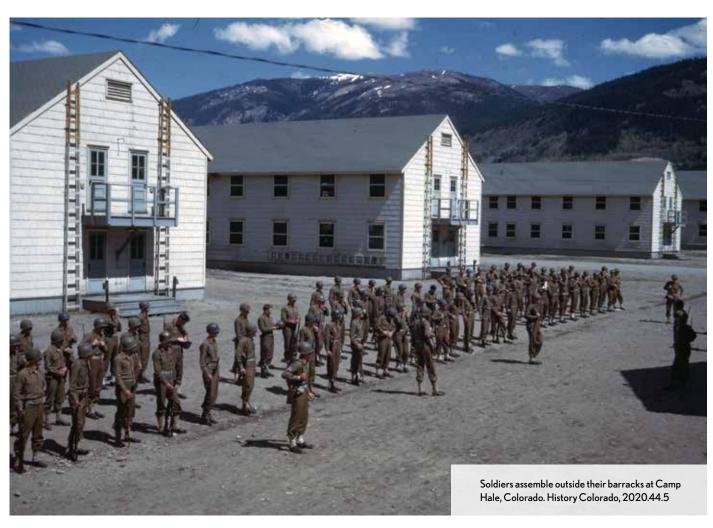
The Allies were closing in on Nazi Germany in April of 1945.

oldiers on the Western Front had fought all the way across France, reached German soil, and were beginning to encircle the German Army. In the East, the Red Army was launching major offensives against both Vienna and Berlin. In northern Italy, where fascist dictator Benito Mussolini had been reduced to the figurehead of a German puppet state, the Allies had assembled a multinational force to punch through the last defensive line south of the Po River with the aim of liberating the entire Italian peninsula.

Progress in Italy had been slow since the Allies' landings in 1943; the German defenders used the Apennine Mountains to their advantage, digging prepared positions to stall the Allied advance. But a specially trained force of mountaineers and skiers had broken the stalemate in February and were awaiting the next offensive. After five long weeks in their foxholes, the soldiers of the 10th Mountain Division finally received the order they had been waiting for: Operation Grapeshot was a go.

Over a million Allied soldiers spanning Italy would launch an allout assault on the last line of German defense. For the soldiers of the 10th, the coming offensive would be the final push out of the Apennine Mountains. Victory would mean that the end of the war was in sight. Dan Kennerly, a machine-gunner in the division's 85th Mountain Infantry Regiment, noted in his diary that this would be... "the last big effort. The war will soon be over...They are slipping the leash of the mighty Tenth. We can go as far and as fast as our abilities will take us.... In a few days we will be in the Alps drinking beer and chasing beautiful blonde Fräuleins."

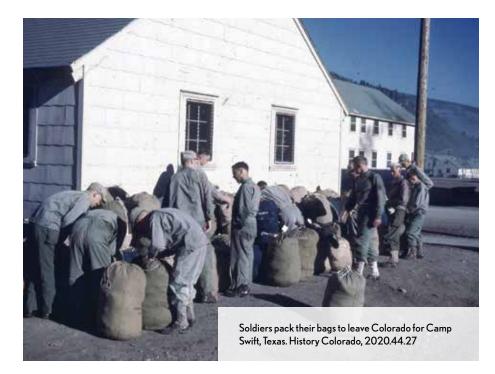
Little did he know that the 10th Mountain Division was about to face its deadliest days.



CREATING MOUNTAIN TROOPS

As war erupted in Europe in the fall of 1939, Chief of Staff General George C. Marshall was tasked with modernizing and expanding the US Army in the face of possible American entry into the conflict. Several early campaigns showcased the outsized impact of mountainand winter-warfare units in challenging environments. In 1940 alone, headlines were replete with the exploits of military mountaineers and skiers: Finnish ski troops held off the invading Red Army for months in the Russo-Finnish Winter War, German mountain troops secured the Norwegian port of Narvik against tremendous odds, and Greek mountain battalions ground an Italian offensive to a halt. Aside from a handful of ski patrols conducted by National Guard units, the US Army had never developed any ski or mountain troops. Though Marshall and others knew this shortcoming had to be addressed, it was a daunting challenge to develop the equipment, skills, tactics, and doctrine essential to mountain and ski warfare. Fatefully, an offer of help from the National Ski Patrol arrived at just the right time.

Like many Americans, Charles Minot "Minnie" Dole was inspired by the performance of the Finnish ski troops. As the recent founder of the National Ski Patrol, Dole knew he was well-positioned to connect with the country's most experienced skiers. In a unique agreement with the US Army, the National Ski Patrol became an official recruiting agency for a new unit of ski troops, utilizing its networks of ski patrols across the country to reach skiers of military age. The initial recruits, organized as a battalion at Fort Lewis, Washington, began developing the doctrine and requisite equipment for operating in mountainous terrain. By modifying existing outdoor equipment and working from translated European military manuals, the battalion developed the tools and skills of military skiing and mountaineering.



Over the next several months, the Army prepared to expand the initial battalion to divisional strength, and designated a remote valley in Colorado's Rocky Mountains as its new home. In November 1942, the newly constructed Camp Hale (named for Spanish-American War hero and Denver resident Irving Hale) was ready to serve as the training grounds for America's ski troops. The Fort Lewis battalion grew to become the 87th Mountain Infantry Regiment (MIR), and two more regiments, the 85th and 86th, were raised to flesh out the division's infantry complement. With an additional three field artillery battalions and various divisional support units, the ski troops reached a strength of just over 13,000 men by the summer of 1943.

Activated in July 1943 as the 10th Light Division (Alpine), the unit's unique designation led to considerable hesitation among theater commanders to request it for duty on their respective fronts. Its "light" and "alpine" designations, meant to reflect its operational flexibility, stemmed from its lighter (and fewer) artillery batteries, its mountain and skiing equipment, and its complement of pack mules. Theater commanders preferred to request regular infantry

divisions, which had more personnel, bigger supporting artillery, and none of the encumbering tools (or mules) essential to mountain warfare. Aside from one temporary assignment for the 87th MIR—selected to help recapture the Alaskan island of Kiska—the war was threatening to pass by the soldiers at Camp Hale. Without an assignment, the 10th continued its training in the Colorado Rockies for another year before it relocated to Camp Swift, Texas in preparation for flatland training and a large field exercise. Rumors flew that the division would be broken up to replace losses other units suffered in the D-Day landings and in the Normandy campaign during the summer and fall of 1944. For a tense five months, it appeared the Army's development of mountain troops had been an expensive failed experiment—then came a fateful request from a forgotten theater.

HURRY UP AND WAIT

With public attention focused on the dynamic island-hopping campaign against Japan and the steady progress against Nazi Germany in France, more than a million Allied troops fought in another theater that had slipped from the headlines: Italy. After successful landings

in Sicily and the Italian mainland in 1943—and the controversial capture of Rome in June 1944—the Allied campaign ground to a halt in Italy's Apennine Mountains, as German defenders used this challenging topography to their defensive advantage. Adverse weather, combined with this unforgiving mountainous terrain, had shattered several attempts to break through what was termed the "Gothic Line," a makeshift German defensive line that ran from coast to coast. The commander of the American Fifth Army, Lieutenant General Lucian Truscott, was concerned not only about the lack of progress being made in Italy, but its negative impact on morale.

It is not hard to maintain morale when troops are advancing and winning victories.... The end of December found the Fifth Army about as it had been at the end of October—when some confidence existed that the end of the war was in sight.... Now those who had suffered the rigors of a campaign in the mountains the previous winter could only look to another winter campaign in higher and more rugged mountains under worse conditions of cold, rain, and snow. It was not a pleasing prospect.

For both the sake of the mission and morale, a breakthrough was needed.

Allied forces in Italy included the Brazilian Expeditionary Force, a Polish corps, numerous British Commonwealth forces, the 442nd Regimental Combat Team comprised of Japanese Americans, and an assortment of American infantry and armored troops. General Mark Clark, the American commander of the 15th Army Group to which all these units belonged, had been told not to expect any reinforcements as new divisions were more badly needed in other theaters. It was much to his surprise, then, that he received a call from General Marshall in the late fall of 1944 about the 10th division at Camp Swift: "[Marshall] had offered it to other theaters, but because it had special equipment instead of the regular infantry equipment, other commanders had turned it down. Later, in a conversation with Marshall, one of the commanders indicated that there had been a mistake in regard to the message of refusal and that he would like to have the division. 'You're too late,' Marshall told him. 'I asked Clark if he wanted it, and almost before I could turn around I got a message back saying to start it moving.' "

Finally, after months in the Texan summer heat, the men of the 10th were to become mountain soldiers again. As they prepared for transfer to Italy, the division was rechristened to the iconic name by which we know it today: the 10th Mountain Division.

Though the 10th was unquestionably an elite division with years of advanced training under its belt, it was untested under fire. Major General George Price Hays, a veteran artillery commander and First World War recipient of the Medal of Honor, was chosen to lead the division, partly due to his recent combat leadership experience and partly because the incumbent commander, Major General Lloyd Jones, had fallen seriously ill with bronchitis. Hays's first introduction to the division was anything but a glowing review: "[General John Lucas] told me that his staff had inspected the 10th and that there was some ill feeling and discontent in the Division....He said I had two good Colonels of Infantry and one not so good. I asked him who he had in case I wanted to replace one of my Colonels. He said no one. I said then I better do with what I have."

In Hays's estimation, part of the problem lay with Jones's illness; Jones presumably had been unable to prop up waning morale due to his prolonged absence. The primary problem was surely the rumor that the division was to be broken up after spending years training as an elite force. Tellingly, morale recovered quickly once the division was headed for Italy.

Hays was satisfied by the look and conduct of both his men and their offi-

cers, and assured them all that he would make it his policy to "make everyone as comfortable and to have as good a time as possible as long as we accomplished our missions." General Truscott later remarked about Hays that he was "one of the ablest battle leaders" he ever knew and that he "fitted the Division like a well-worn and well-loved glove."

ARRIVING IN ITALY

Perhaps unsurprisingly, German perspectives on the Italian theater mirrored the Allies' own: The front was of tertiary importance to strategic planners concerned about other theaters, and the only reason to keep fighting there was to tie up enemy forces. German theater commander Field Marshal Albert Kesselring had a sober view of his prospects in central Italy, and repeatedly requested permission to withdraw to prepared defensive lines farther north. Hitler steadfastly refused. Though the inevitability of piecemeal German withdrawal was seemingly clear, his default defensive plan was to fight for every last inch of territory. Even so, German morale was surprisingly high. They were, after all, the final barrier between the Allies and their hometowns in Austria and Germany, and thus knew they had to hold out as long as possible.

While still adhering to orders to hold every feasible position, Kesselring prepared for a fighting retreat. Units were instructed especially in techniques aimed at containing any Allied armored breakthroughs before they could become catastrophic. To reorganize and redeploy men separated from their units in the chaos of a major offensive, divisions organized collection points to maintain as much combat effectiveness as possible. Of growing concern were anti-German partisans who posed a threat to supply and communication lines, and who constantly harassed troops across occupied northern Italy. German intelligence soon verified that Field Marshal Alexander ordered this increase in activity in preparation for new offensive actions in the spring.

Meanwhile, breakthroughs in other theaters motivated German High Command to shift divisions away from Italy. Kesselring, aware of the pressures elsewhere, offered to draw down to an even smaller force if it meant shoring up defenses in France and the East. But Hitler still considered it essential to hold northern Italy. In addition to satisfying his default "not one inch back" defensive plan, keeping troops in Italy was meant to secure some limited arms and food production facilities left to the Germans in the Po River valley. Allied commanders believed a general German withdrawal from Italy was a possibility, and thus ordered the parallel transfer of five British divisions to reinforce Field Marshal Montgomery's force in France.

While the 10th was embarking on trains headed for the East Coast to board transports bound for Naples, Hays made his way to Italy by plane to consult with his new superiors and await his men. In a meeting with General Truscott, he learned that the 10th was to take Mount Belvedere, an imposing mountain that the Allies had failed to capture in three separate offensive operations the preceding autumn. When Hays asked Truscott who would

"share the bullets" during the attack, the latter responded "no one;" the 10th would be on its own.

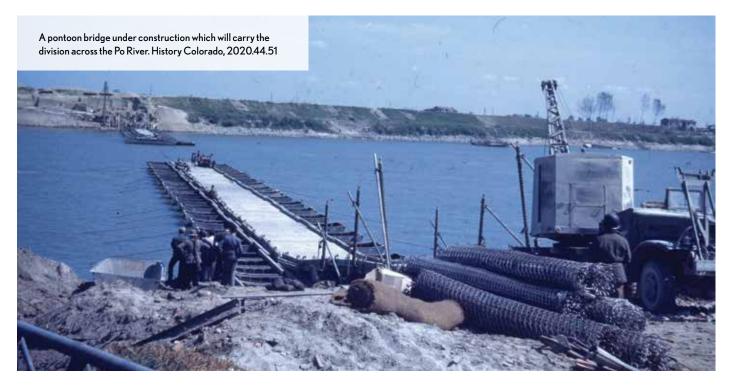
Upon the division's arrival in Italy, it was assigned to hold an area near Monte Belvedere, but without immediate offensive action. This was by Hays's personal request, to acclimate the 10th to frontline service in a quiet sector and give him a chance to get to know his division—before their baptism by fire. The pause also gave Hays and his staff time to make their own assessments of the terrain and the impending assault. They would hold this position into early February, at which point planning for the offensive began in earnest. Occasional patrols skirmished with their counterparts on the German side during this time, and the division began suffering its first combat casualties.

Hays and his staff soon determined that the key to capturing Monte Belvedere and the reason prior attempts had failed was a ridge running to its west, soon code-named Riva Ridge. Considered unclimbable from the steep side facing the Allies, it was home to a series of lightly-defended German observation bunkers with excellent sightlines on the approaches to Monte Belvedere. From this vantage point, observers had

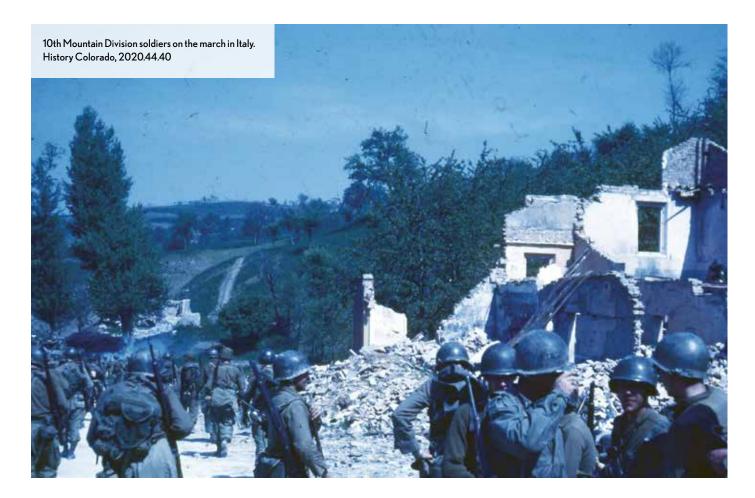
called in devastatingly accurate artillery and mortar fire on the assaulting Allied troops in previous attempts to capture the mountain. Hays decided that taking the ridge and these bunkers would be critical to the success of any further action.

The element of surprise would be paramount. The Germans would not expect an attack on the ridge, as no Allied troops previously in the area had had the necessary skills or equipment for such a daring assault. Nevertheless, the Germans had well-established routes on the back side of the ridge, which meant they would have a much easier time reinforcing and counter-attacking once they realized the 10th's daring plan.

On the night of February 18, soldiers of the 86th MIR assembled at their staging areas at the base of Riva Ridge. Under cover of darkness, they made their way to four routes previously identified by their best climbers (a fifth route was abandoned when it was found to be too treacherous). The surprise was complete—they captured the top of the ridge with only a single casualty, securing the observation bunkers that had been so critical in the defense of Monte Belvedere. With these in hand, the soldiers of the 85th and 87th successfully assaulted Monte Belve-







dere the following night. Over the next week, both positions held against repeated German counterattacks, and the 10th had successfully punched a hole in the German Gothic Line. The division had been bloodied in the intense fighting, but performed remarkably well, and demonstrated that their training gave them the upper hand in this mountainous terrain.

Accolades for the soldiers and commanders of the 10th poured in from all sides: from Truscott, that "the 10th Mountain Division in its first operation has been an inspiration to the entire Fifth Army," from Clark, that the victory "speaks more eloquently than words of the efficiency of your pre-battle training and the spirit of officers and men," and from Field Marshal Harold Alexander, the Supreme Allied Commander in the Mediterranean, the "heartiest congratulations...for a very well-planned and well-executed operation." In 10th Mountain Division lore, these dramatic victories at Riva Ridge and Monte Belvedere are legendary. Their names even grace

ski runs at Colorado's Vail Ski Resort, founded after the war by a trio of 10th veterans, and the thoroughbred "Riva Ridge" won the 1972 Kentucky Derby and Belmont Stakes. It was an astounding victory and one for which no other division in the US Army possessed the skills or equipment. But as intense as the fighting had been for the 10th, it was only the beginning of their harrowing campaign through the Apennines.

Hays urged Truscott to build on the momentum gained at Monte Belvedere by pursuing the enemy and denying the Germans the chance to fortify their next defensive lines further. His request was refused, as other elements of Fifth Army were not yet ready to participate in a follow-up attack. This decision, Hays believed, made his division's task more difficult and "caused us a good many more casualties." Even some of the soldiers, who were rotated to the local rest center and given the chance to bathe and refresh themselves during this time, were irritated by the delay—or, more precisely,

the mandatory training and seemingly endless hours in fox holes that would fill their schedules for the next several weeks. At the same time, elements of the 10th conducted limited objective assaults to secure another line of heights to prepare for the upcoming offensive. Referred to as the March Offensive, these short-but-intense attacks captured various heights, including Monte della Spe, which would become a jumping off point for the 85th MIR in the next offensive.

The time of relative quiet along the 10th's front also gave occasion to at least one unusual display of humanity. Observers from the German 114th Jäger Division reported on March 11 of an impromptu and unapproved cease fire. Several Americans had descended from Monte Belvedere under a Red Cross flag and were met by a German soldier holding a similar flag. The German was seemingly a medic who chose to ignore orders from his regimental leadership to attack allied soldiers. When a German lieutenant, seeing his men ignoring the

order to attack, attempted to end the ceasefire on his own, he was disarmed by his own men. Before either side was able to resume hostilities, a growing number of Americans and Germans had met in the valley, shaken hands, and transported away some of their dead who had been left behind after previous engagements.

In early March, Kesselring informed his division commanders that the probing attacks of the preceding weeks and days were the lead-up to an upcoming largescale offensive across the line. He emphasized the importance of holding (and, if neutralized, retaking) prepared positions, because their abandonment would mean a difficult and dangerous retreat over the open ground of the Po River valley. Morale, which had still been high earlier in the year, was starting to wane, as the losses in February and March and increasingly troubling news from the Western and Eastern Fronts dogged soldiers and officers alike.

THE SPRING OFFENSIVE

Preparations were underway for Operation Grapeshot by early April, 1945: the drive north towards Bologna and the Po River valley. What would become known as the Spring Offensive was a general advance for the entire Allied front line cutting across northern Italy. The British Eighth Army would launch their eastern push on April 9, with diversionary attacks and preparatory bombardments in the days before, while the American Fifth Army was to begin their assault on April 12. Part of IV Corps, the 10th Mountain Division was on the left flank, with the Brazilian Expeditionary Force to its left and the American 1st Armored Division to its right. Unsurprisingly, the 10th was assigned the most mountainous section of the line and was tasked with capturing a series of heights (and nearby towns) that would help secure a highway running north towards Bologna.

The 10th's main objectives lay to the east, which Hays assigned to the 86th and 87th Mountain Infantry Regiments.

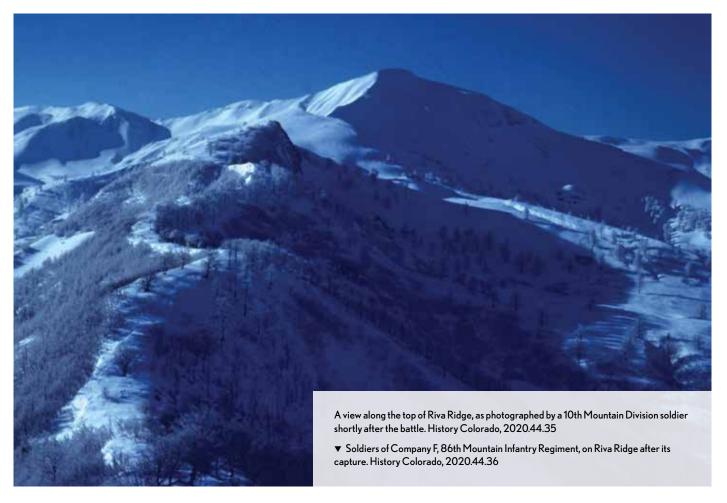
Concerned about a flank exposed to a possible counterattack, he instructed the 85th to push north across a valley to capture hills 909 and 913, which would preclude any counteroffensive action.

The men of the 85th knew they would bear the brunt of the fighting. Every guiding precept of the successful February assaults was abandoned for this new offensive: It would be launched midmorning, rather than at night, and an opening artillery barrage and air attack would soften the enemy positions at the cost of the element of surprise. Worse still, poor weather delayed the attack by two days, though preparatory artillery barrages had still been fired since April 10; there was thus no doubt the German defenders knew what was coming—and soon.

Excessive fog grounded support aircraft on the mornings of April 12 and 13. The morning of April 14 did not look any more promising. Truscott waited alongside a battery of telephones for reports from the airfields:









"Still fogged in. More coffee....Still fogged in....More coffee..." until the fog started to clear from the ends of runways and "flight after flight is reported airborne....We cheer." The attack was on. Dan Kennerly in the 85th's reserves had a "grandstand view" of the opening act of the Spring Offensive for 10th Mountain Division, as sortie after sortie of aircraft dropped their payloads and the artillery chimed in: "The noise is deafening. The gran-

deur of the moment is overwhelming.... The smoke and dust rise several hundred feet in the air and is billowing out in all directions. It looks like a huge fog bank.... Now the whole area is obscured. We can see only a few hundred feet to our front."

Just as the fog was beginning to clear from the valley, it was replaced by the dust and smoke of the overwhelming opening barrage. By 9:45, the fire lifted and the troops were moving out. The 3rd Battalion of the 85th launched their attack on Hill 913. Initially they advanced without much resistance, as the dust and remaining fog obscured them from enemy spotters. Once they broke through the haze, however, mortar fire began raining down on the advancing troops. A group of soldiers from Company L reached the top of Hill 913 but were forced to withdraw due to continued friendly bombardment of the position.

Small groups continued to hold the position throughout the late morning but clearing the enemy proved difficult and costly. German snipers, who had been bypassed in the opening assault, now started picking off soldiers one by one. Company I suffered heavy casualties, including amongst its officers. Lieutenant Keith Kvam, the weapons

- ◀ Soldiers of Company K, 87th Mountain Infantry Regiment, advance under fire. Denver Public Library, TMD351-2019-228
- ▼ "Jerry droppings." Abandoned German equipment photographed by Ralph Hulbert of the 86th Mountain Infantry Regiment. History Colorado, 2020.44.56





platoon leader, stepped on a landmine, while Lieutenant John Mitchell, a rifle platoon leader, was killed by an enemy sniper. Later senator and presidential candidate Lieutenant Bob Dole was so seriously wounded by enemy fire that he was at first presumed a lost cause by the soldier who found him. As Dole would later recount at 10th Mountain Division reunions, the soldier administered morphine he had taken from a killed medic and used Dole's blood to draw a large letter "M" on his forehead to ensure he would not be given a second, potentially-fatal dose. Against all odds, Dole survived, but suffered from the results of his wounds for the rest of his life.

By 12:30, Company I had suffered so many losses that the battalion commander ordered Company K to assist. Snipers, landmines, and mortars continued to take their toll, as more men and officers of Companies K, L, and M were killed or wounded in their attempts to secure the hill. Finally, at 2:30 in the afternoon, the hilltop was secured. As the minefields continued to hold up supporting armor elements, 3rd Battalion clung to the hill, unable to push the advance further. They dug in for the night. Murray Mondschein, a medic with the 85th, later wrote home that "913 made Belvedere look like kindergarten."

Things were not faring better on Hill 909. The 85th's 2nd Battalion launched their attack at the same time as the 3rd, and quickly ran into heavy resistance. Unlike Hill 913, which was primarily plagued by indirect fire and snipers, the men at Hill 909 were in direct contact with the enemy, trading heavy machine gun and small arms fire as they advanced. A young soldier from Norwalk, Connecticut, Private First Class John Magrath, volunteered to act as a scout against the entrenched Germans. He single-handedly captured a machine-gun nest and used the captured gun to neutralize two more. He then volunteered again for the dangerous task of assessing friendly casualties

and was killed in action. He would later be awarded the Congressional Medal of Honor for his heroism, the only soldier of the 10th Mountain Division recognized this way during World War II. Through the remaining daylight, the battalion fought its way up Hill 909 and dug in to prepare for a long night.

The unexpected holdups on 909 and 913 had implications for progress made by the 86th and 87th MIR's, which depended on a secure flank to proceed to their easterly objectives. The 87th was pinned down near the town of Torre Iussi, where they met unexpectedly heavy resistance. Hays ordered elements to bypass the town and flank the defenders, giving the others the chance to proceed to one of their main objects, the massif of Rocca di Roffeno. Both regiments were forced to dig in for the night as the 85th had, short of their planned objectives and anxious about possible counterattacks.

The soldiers of the 10th expanded the footholds gained on April 14 the following day, fighting off fierce resistance to secure their objectives and clear lanes for a general northern advance. Truscott seized the opportunity and directed 1st Armored to punch through the openings created by the 10th. With troops now advancing all along the line, German resistance began to crumble into a general retreat towards the Po River. It was the beginning of the end.

Contemporary observers and generations since have marveled at the doggedness of German defense this late in the war—and in Italy, of all places, which seemed so relatively remote in comparison to the Eastern and Western Fronts advancing on Germany itself. In addition to the factors identified by Kesselring earlier, some captured intelligence offered additional clues. Among some prisoners taken from the 775th Infanterie Regiment (334th Infanterie Division), interrogators found a diary revealing that the defenders had been told an attack from the 10th Mountain Division was imminent and that they

would take no prisoners. Their fear was further confirmed by Kennerly, who received the hesitant surrender of a German on April 15. The soldier had waited in a bunker with his severely wounded comrade for more than a day before daring to surrender to the first American he spotted without a weapon—Kennerly was carrying supplies at the time.

THE AFTERMATH

The fighting during those brutal days of April pushed the German defenders out of their last prepared positions south of the Po River. From there, it was a chase to the river and beyond. The 10th Mountain Division advanced with speed, soon reaching Lake Garda. Even this close to the end, tragedy struck daily, as the division continued to suffer casualties until the Germans laid down their arms. On April 30, just two days before the end of fighting in Italy, an errant German shell exploded among some gathered officers and senior non-commissioned officers, killing the legendary founder of the US Army Rangers, William Darby. Darby had replaced Robinson Duff as the Assistant Division Commander just a week before. Finally, on May 2, a broadcast authorized by Generaloberst Heinrich von Vietinghoff informed German defenders that an unconditional surrender had been signed and would take effect at 2:00 that afternoon. Though Clark credited his Army Group for militarily defeating the Germans in Italy, this capitulation was ultimately arranged by clandestine negotiations in Switzerland between a high-ranking SS general and Allen Dulles of the Office of Strategic Services, a precursor of the CIA. The fighting in Italy had been brought to an end a full week before the rest of Europe.

Thousands of German prisoners of war started pouring into allied hands. Among them were the dozens of generals who had commanded the fighting retreats of the 10th and 14th Armies. Clark was eager to learn what he could

from these leaders and had them gathered in a villa, "wired for sound from top to bottom." To encourage uncareful conversation, cases of whisky were delivered to the villa with the desired effect. Amid grumbling about Hitler's micromanagement and astonishment at his suicide, the generals "showed amazement at the offensive power in the mountains developed by the American divisions, particularly the 10th Mountain Division."

The soldiers of the 10th had cause to celebrate. In an episode remembered fondly in numerous memoirs, they even stumbled on the necessary supplies to commemorate the end of the fighting in Italy: "A detachment of the Fifth Army passing through Bolzano, [Heinrich] von Vietinghoff's headquarters, found carefully stored away in a deep cavern thousands of cases of fine French champagnes and liqueurs. Each bottle was carefully stamped in German: 'STOCKS RESERVED FOR GERMAN ARMED FORCES ONLY.' You can imagine how much attention we paid to that. The wines were distributed to the men of the Fifth Army, and few needed any water for the next couple of weeks."

The soldiers were intent on enjoying peace while it lasted; many suspected they were bound for the Pacific for the impending invasion of Japan. After some occupation duty, including a blocking action in eastern Italy to forestall any invasion from Tito's Yugoslavian partisans, the division embarked on transports headed for the American East Coast. En route, they received word of the atomic bombs dropped on Hiroshima and Nagasaki; they would not be heading to the Pacific after all.

In just over three months of combat, 999 men of the 10th Mountain Division were killed in action. More than 4000 were wounded. They had helped punch a hole through the last German lines of defense in Italy and perhaps contributed to the early end to the fighting in that forgotten theater, but at tremendous cost. The three opening days of the Spring Offensive in April were the most devastating: 286 killed in action, 1047 wounded, and three taken prisoner by the enemy, accounting for roughly 30 percent of the division's total casualties on campaign in 1945. From the spectacular double victories at Riva Ridge and Mount Belvedere to

the harrowing March and Spring Offensives, the 10th Mountain Division's fateful fight in the Apennine Mountains had brought movement back into the Allies' campaign in Italy, breaking through the German defenses and bringing an earlier end to the fighting. Though Italy is often overlooked in general histories of the war, the soldiers of the 10th Mountain Division were vital in the effort to defeat German and Italian fascism, and still loom as larger-than-life heroes in the Italian mountain towns they liberated. \square

Dr. Chris Juergens is History Colorado's Head of Curatorial Services and Anschutz Curator of Military History, where he oversees our extensive military holdings. On the side, he is also an Adjunct Professor of Strategy & Policy at the United States Naval War College.

A 10th Mountain Division soldier examines a captured German MG-42 machine gun in March, 1945. Denver Public Library, TMD351-2019-395





Denver's Stonewall

How a revolutionary city council meeting in 1973 sparked Colorado's movement for LGBTQ+ rights.

BY AARON B. MARCUS

n the evening of October 23, 1973, members of the Gay Coalition of Denver (GCD) and more than 300 of their friends and allies packed into the evening's Denver City Council meeting. The purpose of their so-called revolt was to encourage the repeal of four laws police were using as legal justifications for harassing the gay community. Charges such as loitering and cross-dressing provided cover for discriminatory treatment, while solicitation charges and laws against perceived sexual deviance had long been selectively enforced against Denver's LGBTQ+ communities.

The meeting got off to a rough start. The city council president, Robert Koch, did not want to hear from the gathered group, but after other members of the council expressed interest in what the GCD and its supporters had to say, Koch relented and allowed thirty minutes for the group to make their statements. Applause greeted the first speaker to address the council, marking the first time in the evening Koch threatened to remove members of the public or terminate the hearing because of what he considered ongoing disruptions of the proceedings. Removal, everyone knew, meant being taken by police to waiting buses, followed by arrest, and a ride to the station.

For the next half-hour, speakers addressed the assembled councilmen. Their determination to assert their full and equal civil rights were part of a larger movement across the United States aimed at confronting unjust laws targeting LGBTQ+ communities. Though the Stonewall Uprising in New York City just a few years earlier is often credited as the spark that ignited the national gay rights movements of the 1970s, Denver's own Stonewall moment at that city council meeting in 1973 marked the beginning of a still-ongoing era of change for Colorado and its capital city.

FEAR AND PERSECUTION

Though it's never been easy for gay or non-binary Americans to be open about their identity, the years following World War II were perhaps some of the most difficult.

Against the backdrop of the Cold War, the United States government considered LGBTQ+ people a threat to American national interests and set out to rid government agencies of employees hiding who they were. The justification, so the thinking went, was that anyone with that big of a secret could be blackmailed into spying for the enemies of the United States. Senator Joseph McCarthy, his chief counsel Roy Cohn, and FBI Director J. Edgar Hoover sought out public servants thought to be harboring a secret private life. Known today as the Lavender Scare, it was a time of disregard for civil rights, and the government opened

numerous investigations for homosexuality, or what they termed sexual perversion at the time.

By June 1969, with the Vietnam War dragging on, and civil rights at the forefront of the zeitgeist, a police raid on the Stonewall Inn in New York City lit the fuse of the modern gay rights movement. Fed up with unjust legal codes outlawing homosexuality and constant harassment, the Stonewall Uprising started a riot in response to a New York City police raid on the well-known bar. The ensuing uprising lasted days, and was the culmination of decades of repression and frustration. Stonewall is famous as the spark that thrust LGBTQ+ rights into mainstream consciousness because it inspired activists around the country to confront discriminatory and selective law enforcement targeting LGBTQ+ communities.

DENVER'S GAY RIGHTS MOVEMENT

In Stonewall's wake, the LGBTQ+ populations of cities across the US, including Denver, took up the banner of a national fight for LGBTQ+ rights. It was a time of rising consciousness and confidence for Denver's gay communities. In 1972 Big Mama Rag began publishing their feminist newspaper, and Phil Price started OUT FRONT Magazine in 1976—still one of the longest-running LGBTQ+ publications



in the country—to bring attention to police harassment and violence against the gay community. Two bookstores also opened during this time, Category Six Books and Woman to Woman Feminist Bookcenter.

By 1972, collective action was taking off, and five people set out to change the course of LGBTQ+ rights in Denver. Gerald "Jerry" Gerash, Lynn Tamlin, Mary Sassatelli, Jane Dundee, and Terry Mangan formed the Gay Coalition of Denver (GCD) to fight back against police harassment of the gay community. Little did these individuals know at the time, the formation of the GCD would lead to the revolt on Denver City Council—Colorado's Stonewall—one of the most pivotal events in the fight for Colorado LGBTQ+ rights.

The GCD was more than a grassroots organization. It also became a

its building so the GCD could host an event they called "Approaching Lavender," a coffee house that screened movies and hosted poetry readings and other events. Long before The Center on Colfax became the hub for the LGBTQ+ community in Denver, the GCD provided a similar function by offering services such as doctor referrals, counseling, and even a hotline for people to call with any type of question. The GCD empowered a community to speak up and let their voices be heard.

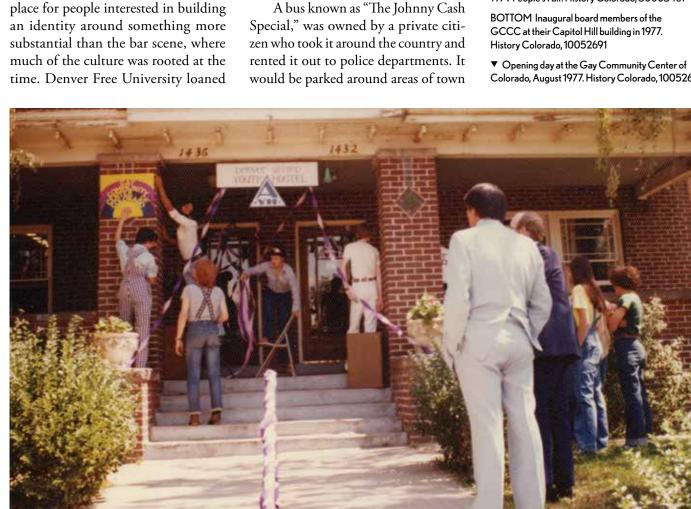
Despite the GCD's efforts, the LGBTQ+ community of Denver still felt like an underground movement, and many feared being outed if arrested by the police. Being outed in this manner often led to disownment by family and friends or losing one's job or home. This was also the era during which the Denver Police Department started a campaign to entrap gay men.

A bus known as "The Johnny Cash

where gay men gathered. Plainclothes police officers would then entice men into the bus with the promise of seeing a Johnny Cash show. Once inside the bus, the police would say or do something that would lead to entrapment and arrest on obscenity charges. When the bus was full, the now-trapped men would be taken to the police station and booked on various charges. In a recent interview, Jerry Gerash wondered aloud about why the police decided to lure in gay men with Johnny Cash tickets. Were gay men really into Johnny Cash in the 1970s? Jerry didn't really have an answer, but chalked it up to how out of touch the police were with the gay community at the time.

 $TOP\ The\ Gay\ Community\ Center\ of\ Colorado$ (GCCC) hosts a booth hosts a booth at Denver's 1979 People's Fair. History Colorado, 30003461

Colorado, August 1977. History Colorado, 10052685





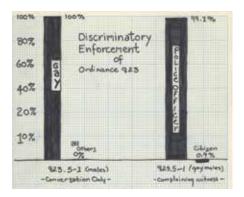


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The Johnny Cash Special was an extreme example of the lengths police departments would go to as they targeted LGBTQ+ people, and the GCD seized on such unjust practices. They brought a civil lawsuit, Gay Coalition of Denver v. Denver, against the City of Denver to gain access to police records that clearly showed alarming statistics confirming that Denver's police were targeting the gay community, and only the gay community, under these ordinances. The suit was, in many ways, the event that opened the floodgates of activism in Denver, and it helped set the stage for the GCD takeover of the city council meeting in October, 1973.

DENVER'S STONEWALL MOMENT

More than thirty people were lined up to address the city council. Lynn Tamlin was first at the microphone. He was addressing police treatment of the gay community which catalyzed the formation of the GCD. Terry Mangan then stood to take the podium, giving a speech on the need to better define the term "lewd" and how "straight" men were no different than gay men and shouldn't be targeted for prejudicial treatment under



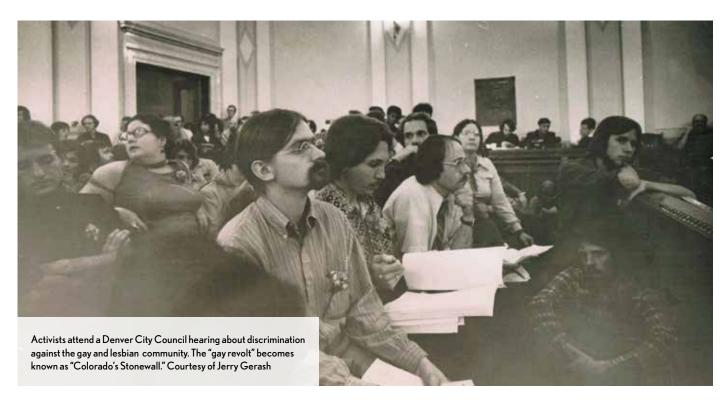
The graph presented at the "GAY REVOLT" Denver City Council meeting shows that 100 percent of the gay men arrested were apprehended for simply engaging in conversation, and 99.1 percent of the complaining witnesses were vice-cops. History Colorado, MSS.1151

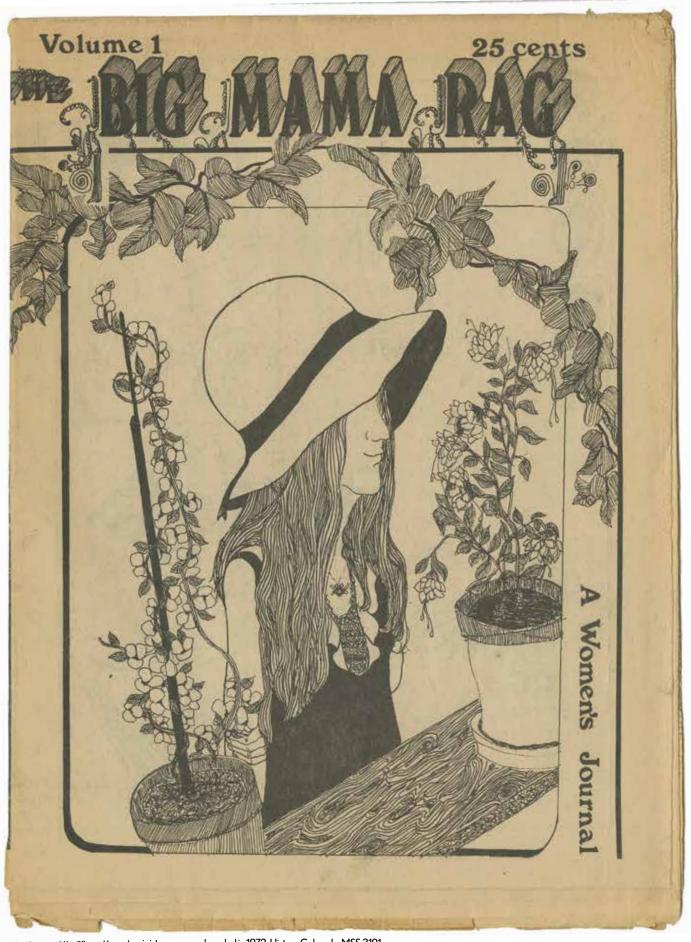
the law. He asked the council how many men had spent time at a bar talking to a woman with the intent of getting her to go out or go home with him, confirming for many the double standard under which Denver's gay men had been living for decades.

The fifth speaker to take the podium that evening was GCD's Jerry Gerash himself. Gerash was well-known as a practicing attorney who did a lot of pro bono work for people treated unfairly by the police. Later, in talking about his speech, Jerry admitted that he almost ruined the whole night

for everyone. He explained that he had prepared slides to support the statistics of the police targeting the gay community and decided to begin his speech by announcing that he had a very obscene slide that would help make his point. President Roberts was ready to shut down the meeting, as no "obscene" slides would be shown. (Jerry admits that it was a bad joke, as the slide he was talking about merely showed data supporting the claim that gay men were by far more likely to be the targets of police action compared to heterosexual men.) However, Councilman Irving Hook spoke up and said he wished to see the slides, enabling Jerry to make his case. A more relaxed feeling settled over the council, and council members began to listen—really listen—in order to understand what the GCD and their supporters were telling them.

After Jerry's time at the podium, the remaining speakers were permitted to deliver their remarks—in their entirety—pushing the meeting well into the early morning. One person who addressed the council was Dr. Lester Tobias, a psychiatrist who spoke to the fact that homosexuals are not different from heterosexuals and that





rırst ıssue ot *Big Mama Kag*, a teminist newspaper founded in 1972. History Colorado, MSS 3191



homosexuality should not be considered a disorder, as it had been diagnosed for decades. Minds were changed and laws were overturned within a month. All four laws used against the gay community were struck down and could no longer be used as legal justifications for harassing the gay community. Though the fight is still ongoing to ensure LGBTQ+ people have full and equal access to their civil rights, the City Council Uprising of 1973 opened the door to more forceful assertions of equity under the law.

Onward

The legacy of the GCD and their actions that night still reverberate in Denver.

For one thing, the night they took over the city council meeting was the first time a group of LGBTQ+ individuals convinced a city to repeal laws that were being used to discriminate, putting Denver and Colorado at the forefront of the movement for LGBTQ+ rights. Supporters felt empowered and emboldened. In a serendipitous moment following the meeting, Jerry Gerash met a man who had come into town from San Francisco just to be there for the hearing. He was so impressed with how the GCD had organized and conducted themselves

that he handed Jerry what he called a "stack of greenbacks" to continue the fight. That gift became the seed money to start the Gay Community Center of Colorado (GCCC), now known as The Center on Colfax.

More unintended outcomes grew from this pivotal event in LGBTQ+ history. Politicians running for office started looking to the GCD for support and endorsement, an indication of the rising political clout of the LGBTQ+ community. To help support the GCCC and keep up the momentum, Jerry created yet another group: Unity, an "organization of organizations." He was unsure how well this would go over, as dues were involved to help fund the community gathering place. He was shocked and grateful that eighteen gay-supported businesses joined the new organization—and the membership kept growing each year. By the time the GCCC opened in August 1977, Unity had thirty-six members.

The Denver Police Department (DPD) has also undergone changes as a result of the GCD and Jerry Gerash's activism. The DPD is only one of three agencies in the country, and the only one in Colorado, to be certified by Out To Protect, an organization committed to creating greater awareness and support

for LGBTQ+ professionals working on or pursuing a career in law enforcement. The DPD is also one of the very few agencies with dedicated bias-motivated crime detectives.

October 23, 2023, marked the fiftieth anniversary of Colorado's Stonewall moment. In recognition of the anniversary, video of the fateful meeting has been added to History Colorado's You-Tube channel. The film was in storage for fifty years, part of a larger unprocessed collection. As History Colorado's curator for LGBTQ+ history, it's my job to dig through the boxes, so when I saw the date on a set of film reels that had been lost to history, I knew exactly how precious they were. Thanks to the efforts of History Colorado staff and volunteers, the film is now digitized, ready for everyone to experience this very important moment for Colorado's LGBTQ+ community, perhaps for the first time in fifty momentous and change-filled years. C

Aaron B. Marcus is an Emmy-winning researcher and lifelong Coloradan. His full-time post as the Gill Foundation Associate Curator of LGBTQ History is made possible by the Gill Foundation.



ART THAT SPEAKS

Danielle See Walker (Standing Rock Sioux Tribe) is an Emmy award-winning artist on the cutting edge of art and activism, whose latest exhibition, *But We Have Something to Say,* at the History Colorado Center is just one of many projects dedicated to sharing contemporary Native American art and stories.





How did you become an artist?

I've always created art. I only started showing publicly in 2020, so to most people I'm probably considered an emerging artist. I come from a family of strong creatives, including my father, and his siblings who practiced traditional arts. I've always been around art, and I've always been a creative person.

What is the message of your art, and what makes it unique?

It's really all about storytelling from an Indigenous perspective. Historically, it's always been a non-Native person telling our stories for us, so I'm giving this narrative a fresh perspective, and not just on one particular topic. My art relates to Native American cultures, communities, and events—not just historical events, but contemporary events as well.

What artistic styles and mediums do you use to bring these stories to life?

I work in a lot of different mediums, including acrylic paint, oil paint, beads, leathers, and quill work. I like to experiment and put different mediums together. My style varies—my new exhibition at History

Colorado is very expressionistic, but I wouldn't put myself into one category. I like to consider myself a traditional artist, because many of the mediums I work in, like bead work and quill work, are ancient arts; but I bring them into a very contemporary perspective.

What can you tell us about your activism?

I think my whole existence is a very political one, and I think all Native Americans can say that. I was taught from a very young age that if I don't speak up, nobody is going to do that for me. In my young adulthood, I realized that I need to do what I can do. I began working locally in the communities to which I belong, and that has led me to working with legislators in the state capitol building. My artwork is connected to my activism. It speaks to who we are as a people, my own experiences, and the stories others have told me. It's all a circle, it all flows together. The beauty of art is that with it I can tap into audiences I might not otherwise be able to reach.

Where can people go to see more of your art?

In addition to the exhibition at the History Colorado Center, which will be on display until December, I'm involved in a lot of projects. I like to curate exhibitions to show and uplift other Indigenous artists. I'll be curating a big show at the State Capitol, which will run from November 2024 through February 2025, and will feature all contemporary Indigenous artists. The best way to see my art and to tap into projects I'm involved in is to follow me on Instagram or visit my website.

Danielle SeeWalker can be found on Instagram at @seewalker_art, or online at www.seewalker.com

■ More than 400 people attend the opening ceremony for SeeWalker's exhibition But We Have Something to Say at the History Colorado Center in February 2024. Photo by Act One Photography



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