

From the Bullpen

"The People's Newspaper"

For People Who Want to Know the Real Truth



The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have little. --[Franklin D. Roosevelt](#)

Change will not come if we wait for some other person or some other time. We are the ones we've been waiting for. We are the change that we seek. --[Barack Obama](#)

It is amazing what you can accomplish if you don't care who gets the credit. --[Harry S. Truman](#)

It's all about pitching. --[David D. Ernst](#)

Ask not what your country can do for you; ask what you can do for your country. --[John F. Kennedy](#)

Most importantly I never sent classified material on my email and I never received any that was marked classified. --[Hillary Clinton](#)

Let me say something that may not be great politics. And that is that the American people are sick and tired of hearing about your damn emails. --[Bernie Sanders](#)

2017 Campaign

Edition No. 33

November 10, 2017

SANDHILLS SOLILOQUY

Last week I had to go to **Scottsbluff** for a day of depositions, and on Halloween I found myself heading west on Interstate 80 and eagerly anticipating the scenic drive on Highway 26 along Lake McConaughy. Only I got to daydreaming a bit, and before I knew it, I had missed the Ogallala exit, so I pulled out my well-worn Road Atlas and replotted my course. I decided to take the exit just past **Big Springs** and then head north on Highway 27 to **Oshkosh** as my course correction, where, by gosh [FN1] and by golly, I would be able to merge onto Highway 26 and head west from there to Scottsbluff. Spoiler alert: Highway 27 was closed.

Turning back to the trusty atlas, I saw that Highway 30 would take me west through **Chappell** [FN2] and then **Lodgepole** and finally **Sidney**, where I could then catch 385 north for a while until it led me to **Bridgeport**, at

which I would be able to catch Highway 92 west to Scottsbluff. It was a propitious bit of reconnoitering, if I do say so myself, since it allowed me to drive across a stretch of our enviable Sandhills landscape upon which I had not previously set my eyes. [FN3] The sweet siren song of the panhandle Sandhills was simply too alluring to resist.

I am pretty sure that my drive through Chappell was my first time in **Deuel County** [FN4], a small Sandhills county with a population of about 1,941. As the county seat, Chappell has a courthouse and several other public buildings, and--stop me if you've been there before--a quaint little downtown street which is well-kempt and of course features the local watering hole where the good citizens of Chappell can quench their thirst: Toots' Bar & Grill.



Toots' Bar & Grill, Chappell, NE

If only I could persuade one of the insurance companies for which I work to assign me to the next personal injury lawsuit filed in Deuel County--probably in about 2025 or so--I would love to try a jury trial in this wonderful little panhandle town. I'm not sure I even know anybody who has tried a case in Chappell, but I will bet that there are some great stories that could be told about the cases tried there.



Deuel County Courthouse, Chappell, NE

After passing through Chappell, the next little hamlet I encountered was Lodgepole, which, sadly, is all but dead. I'm sure at one time it was a bustling little burg, but there does not appear now to be a single place in town to spend your money.

A few miles further west on Highway 30 is Sidney, the county seat of **Cheyenne County**, and the place where one of my fraternity brothers grew up. He always loved talking about growing up in "God's country" in Sidney, but it's unclear to me now which god he prayed to. If the Cabela's headquarters there gets the plug pulled on it as is feared, it may soon be a ghost town.

From Sidney I headed north on Highway 385, a lovely if lonely, desolate stretch of highway that cuts a north-south swath through the Sandhills of Cheyenne and **Morrill Counties**, connecting the dots known as the villages of **Gurley** and **Dalton**. Both of these communities are so small that you will miss them if you blink, but to a thirsty farmer or cowpoke after a long day in the fields or on the ranch, there is welcome respite at the local adult beverage dispensaries known as the *Loading Chute Bar & Grill* in Gurley and *Big V's* in Dalton.



Loading Chute Bar & Grill, Gurley, NE



Big V's, Dalton, NE

After this rewarding drive, I made it to Scottsbluff just after dark and checked in to my hotel. The following morning, I woke up to see that my hotel room had a terrific view of the Scotts Bluff National Monument, which is truly one of the most remarkable natural formations in the Cornhusker State. Too bad they went and ruined it by giving it national monument protection and all, so it can't be developed into a multi-million-dollar club for rich Republican ranchers.



Scotts Bluff National Monument

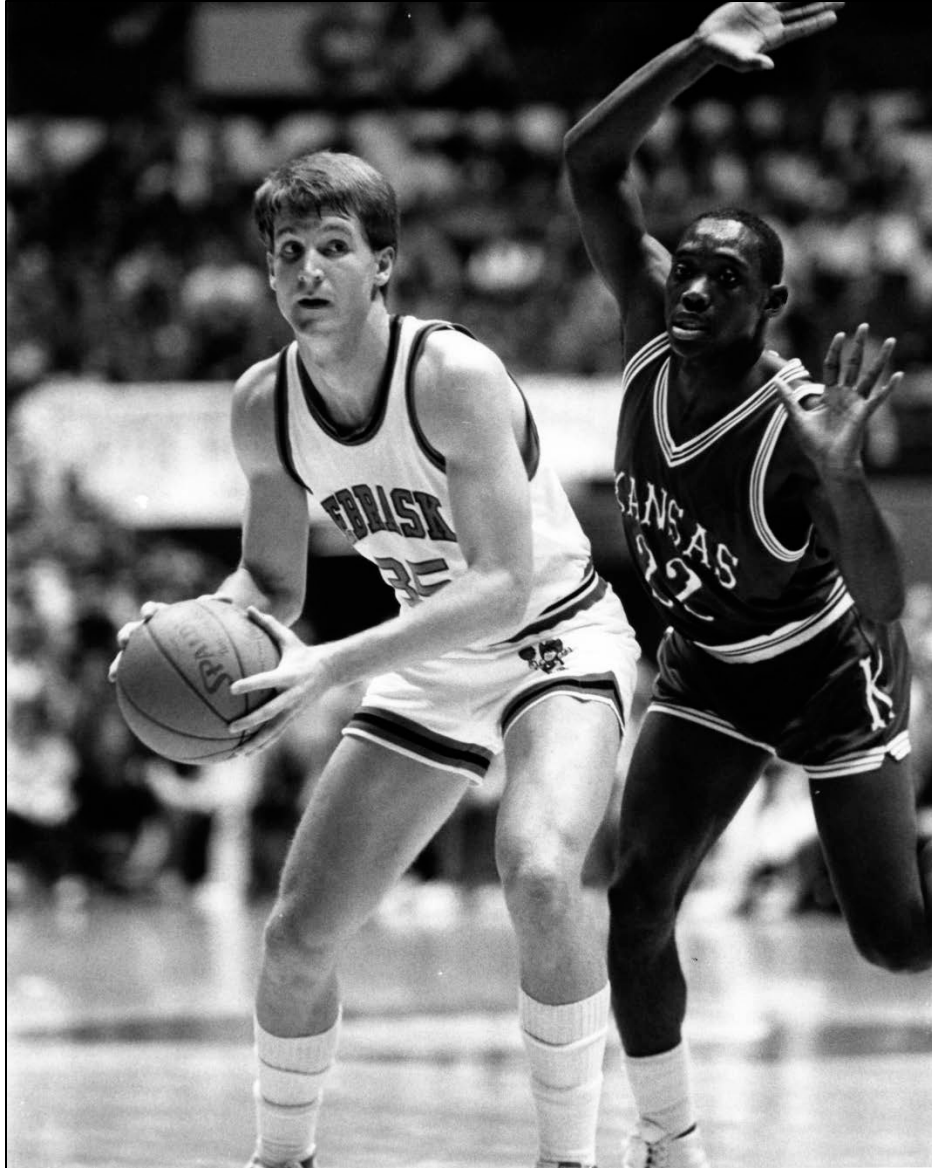
After spending a couple of days in Scottsbluff, I realized that, due to some poor planning, I then faced a 10-hour road trip from Scottsbluff to **Lawrence, Kansas**, for Father's Weekend at the Tri-Delta Sorority. Too bad I didn't take a closer look at the maps before embarking on this journey, because if I had, I would have seen that there is no easy way to get from Point A to Point B. Undaunted, I decided to set out to see a few more parts of our great state that I had not seen before, so I headed south on Highway 71 toward **Kimball** [FN5], traveling through the fifth least populous county in Nebraska, **Banner County**, population 690. The county seat of Banner County--and, apparently, the only incorporated town--is **Harrisburg**, population allegedly 100, which consists of a bank, a very small post office, and a courthouse which more closely resembles a doublewide trailer than an actual courthouse.



Banner County Courthouse, Harrisburg, NE

I can't even imagine the last time they actually held a jury trial in that building.

After successfully traversing Banner County, it was on to **Kimball** in **Kimball County**, and from there I caught the interstate and took it east to **Ogallala** and then turned south on Highway 71 toward **Grant**, Nebraska, [FN6] home of former Husker hoopster 6-foot-9 Bill Jackman [FN7], who unfortunately never experienced the thrill of being covered by a certain former Florence hoopster, whose name need not be mentioned here.



Bill Jackman on the hardcourt against KU

From Grant, my drive continued east and then south on 71 until I reached **Imperial**, the county seat of **Chase County**. I popped in to the Chase County Courthouse to take a quick gander, since I figured that I am unlikely to ever pass this way again, and found that court was in session. A nice-looking courthouse



Chase County Courthouse, Imperial, NE

which has been kept up well by the good citizens of Imperial, which appears to be a pride-filled community.

BENKELMAN OR BUST

From Imperial, I continued south into the far southwest corner of Nebraska, **Dundy County**, which allowed me to get a glimpse of its heralded county seat, the infamous village of **Benkelman**. For those of you who have not heard this story, two of our beloved league members made a memorable trip there for a job interview way back in the fall of 1982, during our senior year of law school. Let me see if I can remember how this goes.



Dundy County Courthouse, Benkelman, NE

As we all began our senior year of law school, those of us who had not yet lined up law jobs upon graduation began going through interviews at the law school and at hosted events in Lincoln and elsewhere. Having not yet se-

cured said gainful employment, two UNL Class of '83 law school classmates (*Rich Drew* and *Mick Pirnies*) signed up for job interviews with a law firm [FN8] in the remote outpost known as Benkelman, some 4-1/2 hours away by car from the Star City. Apparently the only two law students who showed any interest in this loudly-knocking opportunity, Drew and Pirnies somehow decided to carpool together to Benkelman to explore this potential job offer. Apparently, Jim Vitek was unavailable. Although they didn't know each other well at the time, by the time they reached Benkelman Big Guy and the later-nicknamed Magpie were fast friends, albeit fierce competitors for this plum position in the charming township of Benkelman.

If you've ever been to Benkelman--and believe me, there's no reason that you would want or need to be there--you would understand exactly why our two heroes rebuffed the generous offer of \$12,000 per annum [FN9] to be a cub lawyer at this decrepit law firm, and why the disenchanted duo concluded their interviews as swiftly as possible, so as to be able to hotfoot it over to Jerry's Grocery to pick up a case of barley for the long ride home.

I have probably missed a few details, and so I will leave it to Big Guy to fill in the gaps as he sees necessary, but I think that it is important to point out that it was only on the long drive home from Benkelman--perhaps braced by having several ales on board--that Big Guy was able to break the news to Magpie that his actual name is *Rick Drews*, and not *Rich Drew*; and that it was later on during this same junket that Magpie first confessed his unrequited affection for Shelley Smith. A memorable trip indeed.

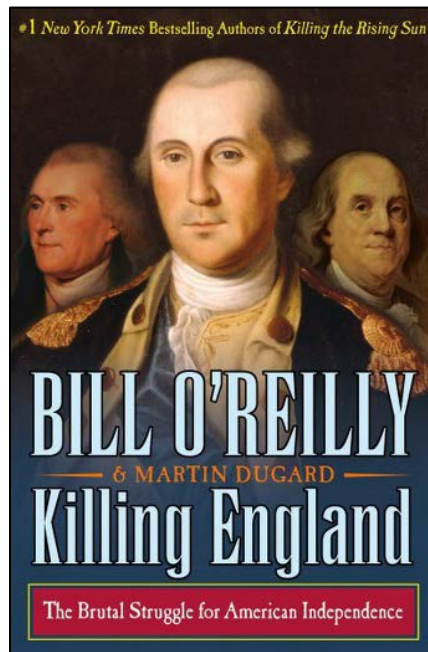
End of story. [FN10]

GAME SEVEN LETDOWN

Although I was pulling for Kershaw and the Dodgers to win the Fall Classic, I am fine with the Astros winning their first championship in 57 years of competition, dating back to their entrance into the National League as the Colt 45's in 1962. However, I was not okay with the Game Seven letdown, since it had all the makings of a barnburner and seemed likely to give the 2016 World Series a run for its money as one of the greatest of all time. Who would have thought that Yu Darvish, after his impressive comeback from Tommy John surgery, would get lit up in the first few innings and take all of the starch out of the Trolley Dodgers.

While it's hard enough to see any baseball season officially end after the completion of the World Series, it's even more painful when the final game ends up being not much of a game at all, like this year's Game Seven. Let the countdown begin: Only 95 days from today until Pitchers and Catchers Report.

BOOK REPORT: KILLING ENGLAND



I just finished the latest in the *Killing* series by Bill O'Reilly [FN11] and Martin Dugard. I didn't enjoy it quite as much as *Killing Lincoln* or *Killing Kennedy*, but it is a thoroughly readable and enjoyable retelling of the Revolutionary War from the viewpoint of the rebel colonists. As with all the *Killing* books, there are some great tidbits of "new" historical data that add to an already compelling saga, such as some fascinating detail about how Thomas Jefferson moved his family, slaves, and property away from his mountaintop retreat at Monticello and then took leave of his beloved estate mere minutes before it was captured by the British, leading one to wonder how history might have been different if the Redcoats had been just a bit faster on the ball and had captured and hanged as a traitor our future third president and one of America's greatest historical figures.

Other Fun Info from KE:

- The Guns of Ticonderoga--you have to read about this one for yourself--in fact, you should google it;
- The Battle of Yorktown--effectively, the end of the war; and
- George's Bad Teeth, to-wit:

Washington's other cause of personal pain is not so easily hidden: he has almost no teeth. The general blames a childhood habit of cracking wal-

nuts with his molars for the dentures he now wears. The false teeth are made of hippopotamus ivory held in his mouth by strands of gold wire affixed to his few remaining real teeth. Thus, Washington smiles little, and lives with the constant pain of inflamed gums from the ill-fitting dentures. He grumbles about the way the fake teeth make his lips puff outward, and he is obsessed with all manner of dental gadgetry--spending a regular portion of his income on teeth scrapers, tooth powder, dental files, and medication to ease the pain.

His stoic countenance has added to the heroic stature in which his soldiers view him. In his refusal to smile or unduly celebrate, they see a brave and humble leader.

LIFE IS ABOUT CHOICES

While down in Lawrence for Father's Weekend with Savannah this past Saturday, she and I went on a KU campus tour which took us past the law school, which reminded me of the ten-day trial school I attended there way back in 1985, where I met and trial-teamed up with good old boy Jim Smith, a Little Rock, Arkansas, lawyer who was in the Rose Law Firm with Hilary Clinton. But that's another story. The point of *this* one is that I told Savannah that I likely would have gone to law school at KU if I had spent a little bit of time there *before* making the decision to go to law school at UN in Lincoln instead of KU in Lawrence. [FN12]

Later, with lots of windshield time on my hands, I got to thinking about how life would have been different if I *had* gone to Kansas University for law school instead of UNL. For one, I likely would never have met Big Guy, Shamu, PAwesome, Magpie or McJester, and with the possible exception of Big Guy, it is extremely doubtful that any of the other four out of this quintet would now or ever have been blessed with these terrific nicknames. And while some or probably even most of the HSL Baker's Dozen would have participated in some baseball fantasy or rotisserie league at some point of time in our adult lives, there likely would not have been a *Hot Stove League*, and it is unlikely that any of us would have participated in the same fantasy league together for 25 or more years. (I'm not taking credit for this, you understand--it was Big Guy's idea, not mine.)

In a similar vein, if I had attended KU Law School instead of UNL, I would not have become a lawyer in the law firm formerly known as Gaines, Otis,

Haggart, Mullen & Carta, since I interviewed with that firm while a senior in law school. Who knows, maybe I would have been competing with Big Guy and Magpie for a spot in beautiful Benkelman. Moreover, if not for that judicious decision made way back in the first half of 1980, I would not likely have met either of my two wives, since I was introduced to my children's mother by the late wife of my partner Denny Hogan, and then met my current and hopefully final spouse because our sons attended Mount Michael Benedictine High School together. And probably I would never have met our addled colleague Foster if not for that fateful decision, since it was one of my law partners who recommended that I look for a home in the Pepperwood subdivision, where Big Johnny eventually darkened my doorstep with his bloodshot-eyed countenance and basement shrine to himself back in the fall of 1986 or so. Oh, well, I guess everything happens for a reason, good and bad. The bottom line, as fate would have it, is I am darned lucky that I ended up going to law school at good old NU. Fate has been very good.

THEY CALL HIM/IT *SEAWORTHY*

For any of you who have not yet seen it, our brother BT recently sported a Fuller-brush-like mustache on his happy mug, and then decided to capture it for the ages before shaving it off. For reasons known only to him, BT named his late mustache "Seaworthy." Here he and it are, in all their glory:



This remarkable selfie of BT simply cries out for a captioning contest. For those of you who have actually made it this far into *FTB*, please post your captions on our league Message Board **no later than next Friday**, November 17, 2017. The winning caption will be announced in the next issue of *The Bullpen*.

That's all for this issue, amigos. Get busy with those captions!

Skipper

FN1: Bad pun, I know. I can't help it. I am the son of Jack Ormond Ernst, who was the Crown Prince of bad punsters.

FN2: The name *Chappell* reminded me of the character *Billy Chapel*, played by Kevin Costner in the movie *For Love of the Game*, which I rewatched over the weekend, probably the first time I've seen it in at least a dozen years. While neither the movie nor Costner were in any danger of being nominated for an Oscar for this movie, for a baseball traditionalist, this is actually a pretty darned enjoyable movie. I'd have to say that for the dual category of Baseball Movie and Love Story, *For Love of the Game* has to rank right up at the top.

FN3: Or wheels.

FN4:

County History

Deuel County, Where Wheat is King

Deuel County, in the southwestern part of the Nebraska panhandle, has its beginnings centered around the Union Pacific Railroad. The name Deuel comes from a Union Pacific Railroad official by the name of Harry Porter Deuel. Deuel County's borders have changed dramatically over the years, it was originally part of Cheyenne County, but an election in 1889 formed Deuel County. During another election, this time in 1909, the northern three-fourths of the county became what is today Garden County.

On June 29, 1867 the Union Pacific Railroad began operation through Big Springs, which is named for the natural springs in the area that played a major component in the pioneering of the Union Pacific Railroad. The natural springs were used for the steam engines, but over time as the engines got larger the springs could not keep up. In 1907 a well was dug and water tank was erected in what is now Railroad Park.

The railroad also went through Chappell in these days. Charles Henry Chappell, an Illinois railroad man, was responsible for building the train depot in present day Chappell. When lumber, rails, and other supplies were sent from Omaha to this area, the instructions would simply read, "Send this to Chappell." This is how Chappell acquired its name.

Deuel County wasn't completely free from trouble in these days. The Sam Bass Gang robbed the Union Pacific Express Train No. 4 at Big Springs on September 18, 1877. \$60,000 in gold coin was taken. They then robbed the coach passengers of their money and jewelry. After this they held up the depot agent, John Barnhart, who was forced to destroy his telegraph instruments so he was unable to send a message for help. The robbers finally extinguished the fire in the train's engine, and headed off. The next morning word of the robbery was received in Omaha and the gang was chased by law officials. Three of the outlaws were killed and two others were never captured. Sam Bass remained free until a new gang member set him up in Texas where he was killed.

In Deuel County's first official election on January 15, 1889, R. Lisco was named Sheriff and B.G. Hoover was named County Commissioner. The next big decision was to determine which town would serve as the county seat. The January 15 election named Big Springs as the county seat, but it only served as county seat for one day. The towns of Big Springs, Chappell, and Froid each wanted to serve as county seat and a fierce battle began. A special election was held on February 12, 1889. Amazingly, after the ballots were counted, Big Springs had received 5608 votes, Chappell received 3288 votes, and Froid received 292 votes. Many charges and allegations arose as Big Springs had only 200 legal voters and Chappell had only 275 legal voters. What is believed to have happened is that Chappell voters heard Big Springs had a vote of 3000, so they decided that they would surpass that number and stop. Big Springs, however, didn't stop. The register charged election officials in Big Springs with inserting 1300 Ballots printed in Ogallala after the polls had closed.

The controversy went to the courts and a judge ordered county offices to remain in Chappell for the time being. In April of 1894 the battle continued in court with documented bitter and physical fights breaking out in the court room. On May 7, 1894 Judge Silas Holcombe ruled that, "The Board of County Commissioners of Deuel County, Nebraska are hereby authorized and directed to call a new and special election for the permanent location of the County Seat in and for Deuel County Nebraska as required by law in all respects as though the paid special election on said 12 day of February 1889, had never occurred or taken place."

It took two elections that year before a majority vote was cast. On June 23, 1894 Chappell was declared the winner with 437 votes as Big Springs only received 344 votes. On August 11, 1894 the Board of Commissioners officially declared Chappell as the County Seat of Deuel County.

In 1915 the present-day courthouse was built. The 60x70 foot building has two floors in addition to the basement. The basement houses the Sheriff's office, jail, surveyor's office, maintenance rooms, as well as two storage vaults. The first floor is occupied by the County Commissioners, Clerk, Assessor, Treasurer, and vaults for those offices. The second floor is mainly used for the District Court.

The first county fairs were held in Big Springs from 1889 up until 1932. After that year the county fair was moved to Chappell, where it is still held every August.

Big Springs and Chappell both have their own high schools. Big Springs is consolidated with Brule to form South Platte, a class D-2 school, and Chappell is a D-1 school. The schools are highly successful in both academics and sports. There is always a strong competition going on for the "Deuel County Championship" in sports.

The county has grown over the years; Chappell now has a population of 983, Big Springs has 418, and there are approximately 500 more people living outside the city limits. 37 of these people are county employees. In November of 2002 the largest flag in the state of Nebraska was officially dedicated. The large flag was painted on the side of Farmer's Elevator and can be seen from Interstate-80, and is something that all residents of Deuel County are proud of.



Largest flag in the state of Nebraska, at least up until 2002

Deuel County continues to be a prosperous farming area. Crops such as wheat, corn, millet, sunflowers, milo, and oats are grown throughout the county. The larger ranches also grow alfalfa for their animals. Deuel County has rightfully taken on the motto: "Deuel County, Where Wheat is King."

FN5: Which of course reminds me of Hank Kimball, the befuddled county agent on one of the best shows of all time, *Green Acres*.



FN6: Grant is the county seat of **Perkins County**, where I tried a personal injury case about 6 or 7 years ago, *Estate of Myrtie Kurkowski v. Perkins County Hospital District*, in one of the first civil trials that the Perkins County Courthouse had seen in many, many moons.

FN7: The term "firm" is being generous. At that point in time, I think it was just one crusty old barrister who was desperate to find a successor for his

one-man law practice.

FN8: Bill Jackman led Grant to two Class C basketball titles and played on three Class C-2 state championship football teams. He signed with Duke University in Coach Mike Krzyzewski's second recruiting class which finished as NCAA runner-up in 1986. After a freshman year, which saw him guarding players like North Carolina's Michael Jordan, Jackman transferred to Nebraska to finish his career and be closer to home.

FN9: Which was about 50% of what was being offered as a starting wage by Lincoln and Omaha law firms for that graduating class. But of course, Messrs. *Drew* and *Pirnies* were advised as part of the old boy's sales pitch that \$12,000 would buy them the nicest house in town, and he wasn't lying.

FN10: Which is possibly my favorite line among scores of great lines in *Fargo*, as uttered by the old dude in the snorkel coat as he is being interviewed about his encounter with Steve Buscemi. Click the link below.



<https://youtu.be/3wbmzamKkuQ>

FN11: The guy may be a total scumbag, but he sure can write--or more aptly, his writing partner sure can write.

FN12: The only thing that really held me back from being a Jayhawk-trained lawyer was the difference between in-state tuition in Lincoln and out-of-state tuition at Lawrence, which was sizeable.