



Vol. 91, No. 1 Winter/Spring, 2023

About the Covers

Katherine Fletcher's Graduation Dress

TERESA TEIXEIRA GREENE

V

One Mission, Two Pathways: Annette Parmelee and Lucy Daniels
in the Campaign for Woman Suffrage

MARILYN S. BLACKWELL

1

Renewal of Burlington in the Suburban Age

BRENDAN S. KELEHER

31

Book Reviews

- MARK EDWARD LENDER, *Fort Ticonderoga, The Last Campaigns:
The War in the North, 1777-1783.*
- JASON BARNEY, *Northern Vermont in the Revolutionary War.* Ennis Duling 81
- GLENN FAY JR., *Hidden History of Burlington, Vermont.* Sarah L. Dopp 85
- E. JOHN B. ALLEN, *Traveling the Old Ski Tracks
of New England.* Blake Harrison 88
- PATRICK LEAHY, *The Road Taken: A Memoir.* Chris Graff 91
- DEAN B. PINELES, *A Judge's Odyssey: From Vermont, Russia,
Kazakhstan, and Georgia, Then On to War Crimes and
Organ Trafficking in Kosovo.* Mark Oettinger 93
- MARK BENNETT, ET AL, EDS., *The Most Costly Journey: Stories
of Migrant Farmworkers in Vermont, Drawn by
New England Cartoonists.* Jill Mudgett 96
- DON HOOPER AND BILL MARES, *I Could Hardly Keep from Laughing:
An Illustrated Collection of Vermont Humor.* Mark Hudson 98

More About Vermont History

Compiled by KATE PHILLIPS

101

BOOK REVIEWS



Fort Ticonderoga, The Last Campaigns: The War in the North, 1777–1783

By Mark Edward Lender (Yardley, PA: Westholme Publishing, 2022, pp. 235, \$30).

Northern Vermont in the Revolutionary War

By Jason Barney (Charleston, SC: The History Press, 2022, pp. 173, paper \$21.99).

From the capture of Fort Ticonderoga at the start of the Revolutionary War through the American colonies' unsuccessful invasion of Canada and years of British invasions and raids, the struggle for Lake Champlain tied the Vermont frontier to national and world events. Two new books from historians with different backgrounds and interests offer readers contrasting perspectives on the war in the north. One writer considers Fort Ticonderoga from the lofty viewpoint of military and political leaders; the other tells a story that is rooted in the local history of northern Vermont.

Mark Edward Lender, author of *Fort Ticonderoga, The Last Campaigns*, is professor emeritus of history at Kean University in Union, New Jersey, and the author of *Cabal!: The Plot against General Washington* (2019) and co-author of *Fatal Sunday: George Washington, the Monmouth Campaign, and the Politics of Battle* (2016) and *A Respectable Army: The Military Origins of the Republic, 1763–1789* (1982). He wrote this book at the invitation of the Fort Ticonderoga Museum as part of a proposed trilogy on the fort.

In his preface, Lender writes, “During the turmoil of the American Revolution, no single fortification in North America was the focus of more military concern; no other military post loomed so large in the public imagination” (p. x). He touches on the French and Indian War

and the campaigns of 1775 and 1776, but concentrates on later years. Burgoyne's invasion in 1777 and the American counterattack that fall take up more than half the book. Two chapters and an epilogue cover the years from 1778 to the end of the war and beyond. Lender comments that many of the later military operations and political controversies are "little known but to specialist historians" (p. x). These events—British Major Christopher Carleton's raids in the Champlain Valley in 1778 and 1780, Colonel Barry St. Leger's raid in 1781, and Vermont's controversial negotiations with the British in Canada—are essential to understanding Vermont's strategic role and significance during the war.

Fort Ticonderoga is illustrated by carefully chosen historic maps and portraits. The bibliography and notes are extensive. Lender has an appealing writing style that is both scholarly and conversational.

His account of Ticonderoga focuses on the concerns of generals and politicians, their plans, rivalries, and blunders. He writes, "As a military narrative, the history of operations and attendant political implications will take center stage" (p. x). His profiles of leading figures—Philip Schuyler, Horatio Gates, Anthony Wayne, Arthur St. Clair, John Burgoyne, Frederick Haldimand, and others—are engaging. The year-long dispute between Schuyler and Gates may leave a reader wondering how the young nation ever achieved independence.

Lender reviews the controversies that have amused armchair strategists for more than two centuries. Did the Americans' failure to fortify Mount Defiance, a mountain southwest of the fort that rises 750 feet above the lake, doom Ticonderoga? Who among the Americans understood the threat of British cannons on Mount Defiance and who was to blame for not acting?

Fort Ticonderoga introduces the northern campaigns for readers who have always thought of the Revolutionary War in terms of events around Boston, then in the Mid-Atlantic states, and finally in the South, ending at Yorktown. But readers with a deeper interest may be disappointed. While Lender is an authority on the war as seen by military and political leaders, he does not appear to be altogether at home with the events, people, geography, and climate of the North. The voices of the men who built and manned the fortifications are largely absent.

Lender argues that the winter of 1776–1777 at Ticonderoga was relatively mild and the living conditions were better than those endured by the Continental Army at Valley Forge in 1777–1778 or at Morristown during the severe winter of 1779–1780. "The troops at Ticonderoga were fortunate in comparison," he writes (p. 24). However, at Ticonderoga, 250 miles north of Morristown, the quarter-mile narrows froze in early December, which was a bitter cold month. Colonel Joseph Wood of the

3rd Pennsylvania Regiment quartered at Ticonderoga wrote to financier Robert Morris in mid-December, "It was never half so cold in [Philadelphia] as this day. I had three men froze to Death last night, in there [sic] Tents. Colo Wayn [sic] four." (The letter is in the collection of the Fort Ticonderoga Museum.) In January, men paraded on the ice for hours at a time until, as one lieutenant wrote, "we liked to have perished." They spent the winter felling trees for firewood and sometimes burned fortifications and huts from the summer. Well into March, men worked on the ice building a bridge; the narrows were not free of ice until April. More importantly, any superficial comparison minimizes the hardships at all the winter encampments.

Lender restricts most of his account to the Ticonderoga side of the lake, and his acknowledgment of the extensive fortifications in Vermont contains some inaccuracies. He introduces military engineer Jeduthan Baldwin but pays little attention to Baldwin's journal. As a result, a reader might conclude that Baldwin's work on Lake Champlain began in the late winter of 1777 with the building of a fort on Mount Independence on the Vermont side of the lake where previously there were "artillery positions on the mountain" (pp. 36–37). In fact, Baldwin supervised projects on both sides of the lake starting in July 1776. Throughout the summer and fall, Mount Independence was the site of an enormous, fortified encampment. The greatest concentration of cannons on either side of the lake was the shore-level Grand Battery on the Mount. Construction of a major fort began on October 1 under Baldwin's supervision; troops were quartered in the fort's barracks over the winter. Baldwin left on furlough in early December and returned on February 24, 1777, riding across frozen Lake George in a "Very great Snowstorm."

This reviewer is on the board of the Mount Independence Coalition, the friends group that supports the Vermont state historic site in Orwell, but my criticism goes beyond objecting when I see Mount Independence slighted. There can be debate about the relative strength and importance of Ticonderoga and Mount Independence, but without question they were bound together. To understand events on either side of the lake, one must understand both sides.

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Vermont has a long tradition of thoughtfully written local history. Today your nearby bookstore or even pharmacy may have a selection of attractive books on popular Vermont topics. The quality of research can vary, and some would benefit from an old-fashioned editor, but they appeal to a continuing interest in the history of our towns and state.

Northern Vermont in the Revolutionary War by Jason Barney is solid

local history that upends the traditional narrative of viewing events from southern Lake Champlain. Barney writes in his introduction, “Contrary to what most people think, a lot of history unfolded up here in our little corner of the world, and surprisingly, not much is known about it” (p. 13). He is right on both counts.

Barney, who lives in St. Albans, is an award-winning high school teacher, and in addition to being a historian, he is a self-proclaimed “science-fiction nerd.” In his acknowledgments, he thanks “friends and colleagues at Missisquoi Valley Union High School for tolerating my attempts to associate everything with local history” (p. 9). He has written two other books—*Northern Vermont in the War of 1812* (2019) and *The Hidden History of Franklin County, Vermont* (2021), both published by The History Press. In the summer of 2021, he was co-director of a National Endowment for the Humanities-funded course for teachers from across the country, “Freedom and Unity: The Struggle for Independence on the Vermont Frontier,” which was sponsored by the Vermont Archaeological Society. (Disclosure: this reviewer was a presenter.)

Barney’s text is accompanied by charming illustrations, simple maps, and aerial photographs. His bibliography and notes are good guides for anyone wanting to learn more about the Revolution on Lake Champlain.

In a history of the war centered in the north, Canada is only a few miles away, not a distant, foreign province. Spies, raiding parties, armies, and war vessels regularly pass through the Champlain Islands. French Canadians and Abenakis are neighbors. Swanton—then known as Prattsburgh—is the only settlement in this northern wilderness. It is a center of the timber and fur trades and home to Simon Metcalf, a larger-than-life frontiersman and businessman with a New York land grant.

Barney makes a convincing case that Metcalf, who is unnoticed in many histories of Vermont, deserves a prominent place among early settlers. Metcalf helped determine the border between New York (and consequently the future state of Vermont) and Canada. He was involved in early efforts to cut a road from Newbury on the Connecticut River to Missisquoi Bay. Never completed, the road later came to be known as the Bayley-Hazen Military Road. Metcalf’s sawmill was an important industry early in the war, helping to supply Americans besieging St. Jean on the Richelieu River. He submitted a bill to Congress for \$750, which appears to have gone unpaid. After the American defeat in Canada, Metcalf was crushed between the warring sides. His sawmill was burned in the summer of 1776, almost certainly by American rangers, although details are confusing. British authorities took him into custody, and after his release, he needed their permission to restart his enterprises. In September 1781, he was seized by both American scouts and

the British. After the war, he was dispossessed of his property by Ebenezer Allen on orders from Vermont, which refused to recognize New York holdings.

Barney tells his story well, providing a wider and accurate context for local events. His narrative could be improved by quotes from journals and letters, which can have an immediacy that cannot be matched by the words of any historian. And Barney has more research to do on Simon Metcalf. Was he a mistreated American patriot, a potential Loyalist all along, an opportunist, a tragic figure? Barney's notes reveal that a short journal and many letters from Metcalf survive, at least one to his wife Catherine written under the most trying circumstances. To take the measure of the man, we need to hear his actual words, not just summaries of content. This research is challenging and may not lead to a best-selling book, but it could be a case in which local history enriches our understanding of state and national events. *Northern Vermont in the Revolutionary War* is a good beginning.

Barney enjoys sharing his research with his students. He writes, "I don't expect my interest in Simon Metcalf's sawmill to compete with the latest TikTok video, but I try. I continue to build positive relationships with students and find time to do worthy research" (p. 141).

ENNIS DULING

Ennis Duling of East Poultney has written on the American Revolution for Vermont History, Historical New Hampshire, and the Journal of the American Revolution. He is the author of Thirteen Charges Against Benedict Arnold: The Accusations of Colonel John Brown Prior to the Act of Treason (2021) and an editor of Strong Ground: Mount Independence and the American Revolution (2017).

Hidden History of Burlington, Vermont

By Glenn Fay Jr. (Charleston, SC: The History Press, 2022, pp. xvi, 175, paper, \$21.99).

One is struck by the title "Hidden History." Readers of the book will, of course, come with varied levels of knowledge of Burlington history. This reader has been avidly soaking up this history for seventy-five years, through family lore and intentional study. Therefore, I was eager to learn fresh nuggets of information. I was not disappointed. It has been a mystery to many why there has never really been a systematic and comprehensive treatment of the history of Vermont's largest city. Abby Maria Hemenway's volumes (1863–65) and William S. Rann's Chitten-

den County tome (1886) provide valuable early accounts of the eighteenth and nineteenth centuries. The Chittenden County Historical Society partly addressed the need for a more contemporary update when it launched its first of three volumes of the *Historic Guides to Burlington Neighborhoods* in 1990. These wove many of the facts into accounts of the built environment. But, by their nature, they treated only selected buildings in selected neighborhoods. Vincent Feeney's *Burlington: A History of Vermont's Queen City* (2015) gives a broader overview of the principal threads of Burlington history in his 230-page text. Now, we may add to our resources Fay's interesting stories and bibliography. Unfortunately, the first thing I noticed about this attractive book was that Melinda Moulton, the writer of the foreword, was named "Melina" both on the front cover and the title page. Don't miss Melinda's (with the "d") opening remarks, which contain one of the most interesting "hidden histories" of all. I won't spoil it for you.

Fay's book includes thirty-one creatively titled short chapters, which are arranged in seven parts. In part 3, "Tickets to Ride," I learned more than I'd known about how horse boats (ferries) actually worked, with their treadmill wheels operated by two to six horses and the connected gears that activated the paddlewheels. The Lake Champlain Maritime Museum has researched and educated widely on these and other types of nineteenth-century vessels discovered at the bottom of the lake. The boats, though physically hidden, form an account widely shared with the public by now, as are the stories of the *General Butler*'s dramatic wreck on the Burlington breakwater, the sinking of the *O J Walker*, and the burning of the last trolley car. However, Fay does recount a fascinating story that was new to me, of local Captain Elisha Goodsell, who refitted William Randolph Hearst's luxury yacht *Oneida* for use as a lake ferry. It was ultimately removed from the harbor in the 1930s after becoming an eyesore for some years.

A novel concept is proposed in chapter 8 (borrowed from historian Hugo M. Cazon). This involves the famous ravine that cut across the city diagonally down the hill. The idea that this natural geographical feature served as a barrier to uphill development and thus contributed to the social divisions between those living and working by the waterside and those able to afford grander mansions in the vicinity of the University of Vermont, was a new but logical thought. After its use as a sewer and a railroad bed, the ravine was filled up with refuse and leveled, allowing for the development of roads and housing to climb the hill. The working classes began to construct modern homes as they climbed both the social ladder and the natural elevation, though vestiges of the ravine remain. Another new fact for me was that Burlington was known as

Deerfield in the 1760s when New York, New Hampshire, and Yankees were vying for the area called the Grants. Fay's account of this time of settlement in Burlington following 1763, and the players involved, is a clear and useful summary of a complicated episode.

There are sections of the book (especially part 4, "Architectural Riches") that didn't quite pass the "hidden history" test for me, and I suspect others. Chapter 17 ("The Greek Temple") discusses Timothy Follett's monumental home, built by Ammi B. Young of Vermont State House fame, which still dominates lower College Street and is associated with the Pomerleau family, well known for real estate and philanthropy in today's Burlington. The best known of the University of Vermont's historic buildings—Old Mill, Billings Library, Williams Science Hall, Grasse Mount, and the original Mary Fletcher Hospital—are always included in historic overviews of Burlington history but are hardly "hidden." The tragic stories of the cathedral fires of the early 1970s, though now fifty years old, may not need to be repeated. A better case for inclusion can be made for the Edward Wells House, which survived its fraternity phase to become the stunning new UVM Foundation headquarters. Similarly, the Richardson Building at the top of Church Street (the "French Chateau" of chapter 16) is physically prominent, but its story is less so.

Here and there I discovered some startling errors and omissions. UVM President Buckham (p. 44) is Matthew not Paul. The old Court House is not on Church Street (p. 33, caption). It is on Main Street, though at the corner with Church. I was sorry that Fay didn't take up the perennial question of the naming of Burlington as the "Queen City" (p. 54). Chapter 19 on Billings Library ("UVM's Jewel") inexplicably ends with reference to the Student Center phase of the 1960s rather than noting the 2018 transformation of the jewel back into a library and related uses, indeed a source of much of the author's material. When referring to the closure of the modern Catholic Cathedral of the Immaculate Conception, it would have been desirable to note the distinctive landscape plan created by Charlotte's Dan Kiley of international reputation. Part 6 ("Welcome to the Wards") covered the areas on the edges of the city yet didn't mention the ward system itself or how it has changed over time. Chapter 24 ("Burlington Bay") rightly lauds the Main Street Landing project but omits other aspects of the lakeside redevelopment or the ideas of Mayor Bernie Sanders, whose actions paved the way for what has transpired there.

It was a treat to find a full description of Churchill's Battery and its role in the War of 1812. The map of the layout of the military base is helpful in visualizing the area of Battery Park and adjoining streets over

200 years ago. Another enhanced story is revealed in chapter 22 (“Down by the River”). Users of the Burlington Bike Path will know about Charlie’s Boat House, but perhaps not about the colorful and checkered saga of the Riverside Hotel in the same area. Similarly, it was welcome to find more information and a good photo of the Poor Farm in chapter 31 (“Sheltering in Place”).

Readers will be glad to find a chapter devoted to “Twelve Millennia of Human History,” which gives a brief taste of the Native American story in Burlington, a story still hidden from too many, though gradually being revealed. On the other hand, I was disappointed to find only cursory mention of the most hidden history of all, that of Black people in Burlington. On page 137 two sentences refer to the lack of African American laborers among the lakefront immigrant workers, but there are so many more stories emerging or waiting to be brought out of hiding and into print.

There is much to enjoy in this excellent book. Whether the reader finds new stories within these pages or old favorites, this volume is a “must have” to be added to your bookshelf of Burlington history books. One hopes that Glen Fay is gathering more tales for a second volume. The writing is engaging, and the book is enhanced by wonderful illustrations.

SARAH L. DOPP

Sarah L. Dopp has been on the board of the Vermont Historical Society, now as honorary trustee, since 1991. She is active in the Chittenden County Historical Society.

Traveling the Old Ski Tracks of New England

By E. John B. Allen (Amherst, MA: University of Massachusetts Press, 2022, pp. viii, 298, paper, \$24.95).

One does not have to dig deeply into literature on the history of skiing in North America to come across the work of E. John B. Allen. His latest book, *Traveling the Old Ski Tracks of New England*, draws on his long career of research and writing, providing what feels like a capstone to his many previous publications on regional ski history. Allen’s book is loaded with detail. It pays close attention to people and place. And it offers insights into its subject that only decades of research, as well as decades of collecting by archival institutions such as the New England Ski Museum, can provide.

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Traveling the Old Ski Tracks of New England is divided into an introduction and fifteen chapters organized by region, topic, and personality. Some chapters focus on individual states and subregions within New England, others on aspects of ski history such as technology, and others on noteworthy individuals. Vermont readers may be particularly interested in a suite of three chapters focusing on the state. Brattleboro, Manchester, Woodstock, and Stowe all receive direct attention in these chapters, though some of the trends associated with each of these places apply to broader experiences in other towns as well.

Collectively, many of these chapters cover what may feel like familiar terrain to readers with an interest in ski history—thanks in no small measure to Allen’s own extensive contribution to the field. A few of the book’s chapters, however, do stand out above the rest. One deftly connects events in prewar Nazi history to the development of skiing in North America through the story of legendary instructor Hannes Schneider’s move from Austria to North Conway, New Hampshire, in 1939. Another explores the history of ski industry advertising and marketing, tracing economic trends in equipment, transportation, and resort development. A third chronicles the rise of regional museums and archives devoted to the history of skiing in New England.

Traveling the Old Ski Tracks of New England can at times feel like a nostalgic, celebratory tour through New England’s mid-twentieth-century prominence in American skiing—as Allen notes, a time before western American resorts overtook New England’s centrality to the sport. The bulk of its attention is devoted to the decades prior to roughly 1970. That emphasis may be implied by the use of the word “old” in the title, though we never quite get a full sense of the parameters or significance of that term. Consequently, readers might get the impression that little of interest has happened since then, beyond perhaps the rise of snowboarding, which Allen alludes to, but does not engage.

This points to a broader lack of cohesion in the book. The chapters can feel a bit disjointed, even as they occasionally overlap. There are threads, for sure—big personalities, European connections, breakthrough historical moments—but none of these emerge as a unifying narrative that could tie the book together and extend its historiographical significance. As a result, the book can feel like ski history told in the service of skiers and skiing, rather than as a means for exploring larger historical patterns that transcend the sport itself. It can feel at times like it is written only for those who have already developed an interest in the topic, thereby limiting the market in which its ideas can circulate. The book makes no attempt to engage with or draw upon insights from relevant secondary literature beyond those produced by Allen himself (in

fact, some of the chapters have appeared in very close form elsewhere in the past), and in this respect it will be of less interest to academic audiences than it will be to skiers who enjoy reading history.

A net effect of this is to make the book feel a bit dated relative to cultural ideas and trends that unquestionably intersect with skiing, both as it was, and as it is today. All research and writing ages as new lines of inquiry and new generational approaches rightly take center stage. But in one particular case, this poses an awkward problem for this book and for at least some of its potential audience: its engagement with the subject of race. In his introduction, Allen acknowledges the sport's historical lack of racial diversity and its association with white privilege. That acknowledgment, however, falls flat when Allen argues essentially that the sport has no racial history because of its "background of 100 percent whiteness (p. 8)"—its exclusive association with white European ancestry. Setting aside the fact that a lack of racial diversity does not automatically mean the lack of a racialized history, there is, at the very least, an opportunity in the sport's whiteness to examine the racial dimensions of whiteness itself. How did skiing's association with a particular strand of whiteness shape not only the sport itself, but broader societal notions about race? Whose notions of whiteness were privileged within skiing, and whose were not? There are many opportunities throughout to engage even the most basic questions such as these, yet the book fails to deliver. In fact, in a particularly jarring moment, Allen comments on the difference between Scandinavian immigrants and the "physical and political odor of Italian and Balkan immigrants (p. 216)" without providing any context for such a choice of words. As any writer among us knows, such choices run the risk of losing the reader's confidence.

Observations like this run the risk criticizing Allen for not producing a book that I, personally, may have wanted to read. They risk of criticizing his book for what it is not, rather than evaluating it for what it is. Where this book succeeds is in its tremendous ability to chronicle rather than to interpret. And naturally, there is always value in that, both for researchers and for casual readers. But we live in a moment when many of those who are charting the future of skiing will be looking for critical, demanding historical narratives to help redefine a sport that, in fact, has never ceased to change. The sport is in their hands, and they are going to want to make new tracks over the old.

BLAKE HARRISON

Blake Harrison has worked for decades in a mix of skiing, agriculture, and academics in New England, and is the co-editor of A Landscape History of New England (2011).

The Road Taken: A Memoir

By Patrick Leahy (New York: Simon & Schuster, 2022, pp. ix, 465, \$30.00).

United States Senator Patrick J. Leahy is a historian's dream. Through his half century on center stage, Leahy was keenly aware that he was a witness to and participant in a sea change in America. During this whirlwind, without fail, Leahy would pause and either dictate or write real-time memories of his conversations and his personal impressions.

The result is a colorful and detailed memoir, *The Road Taken*. His in-the-moment dictation and journals allowed him to reconstruct events with clarity, regardless of whether they happened in 1975 or 2022. That discipline was a blessing just by the sheer magnitude of Leahy's experiences. He served with more than 400 senators and nine presidents. His tenure stretched from Watergate and Vietnam to the Reagan Revolution, the Gulf War, 9/11, the Iraq and Afghan wars, Donald Trump, and January 6. Personal computers, the internet, and globalization all arrived during the half century Leahy served.

Leahy takes the reader through his first days in Washington—"I had a surge of imposter syndrome" (p. 63)—when he wandered lost through the basement catacombs of the Senate complex and stood in awe of giants who were now his colleagues in the Senate, like Ted Kennedy, Barry Goldwater, and Hubert Humphrey. "Where would I fit in a freshman class that included the first American to orbit Earth, an Arkansas governor who knocked off the legendary J. William Fulbright, and George McGovern's famous campaign manager who palled around with Warren Beatty?" (p. 72).

He did fit in—and outlasted them all. That he did last so long is in fact pretty remarkable. His 1974 election was an upset—"I won, much to the shock of the political establishment in Vermont, which didn't see a thirty-three-year-old, a Catholic, or a Democrat on the fast track to the Senate. I was all three" (p. 1)—as he became the first Democrat from Vermont to win a seat in the US Senate.

When he retired in 2023, Leahy was the state's longest-serving senator. In the Senate he was the third longest-serving member of all time. Twice he served as president pro tempore, a position that put him third in line to the presidency. He chaired three Senate committees, including the Senate Appropriations Committee, long considered the most powerful committee in the body.

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Most Vermonters are familiar with the broad-brush basics of the Leahy story, which paint him as a liberal who championed farming, the environment, and the economy and who brought billions of dollars into Vermont through his chairmanship of the Senate Appropriations Committee. As a senior member of the Senate Judiciary Committee, his fights over nominations to the US Supreme Court are also well known.

The Road Taken details a much more nuanced picture, describing a deeper and broader impact in areas like civil rights, voting rights, and privacy issues. What emerges from the memoir is Leahy's keen eye to identify meaningful issues and a willingness to dedicate years, even decades, to making progress on those issues.

That is especially true in the area of foreign policy, where he left such an imprint that several laws actually bear his name, most notably the Leahy Law, which prohibits military assistance to foreign forces that violate human rights. The Patrick J. Leahy War Victims Fund, enacted in 1989, provides financial and medical assistance to civilian victims of war. His decades-long advocacy led to an international treaty to ban landmines and restoration of relations with Cuba and Vietnam.

None of these achievements came easily. The challenges and obstacles were many—"The easiest action in the federal government is to do nothing" (p. 215)—and Leahy only succeeded because he took the long view and thought big but started small, slowly and methodically building bipartisan partnerships.

His secret weapon in several of these successes was his wife, Marcelle, who emerges from this memoir as an equal partner in Leahy's campaigns and Senate career, especially in his foreign travels. "I'll talk with you instead, Señora Marcelle. You're a nurse and a humanitarian," Leahy quotes Fidel Castro (p. 252).

The book's most gripping passages concern 9/11, the anthrax attacks, and January 6. Each deeply rattled Leahy and prompted him to question the future of the country. "How the hell did we get here? And how do we get back to a time in America when beautiful mornings in Vermont can be taken for granted once again?" (p. 278).

Leahy closed out his forty-eight years in the Senate at the pinnacle of power. However, his memoir starkly shows that his happiest days in the Senate were decades ago—when senators talked to each other and, more importantly, listened to each other. "Yes, the Senate is a broken place" (p. 441) he writes about the partisanship and division in the chamber today, contrasting it with the bipartisanship he witnessed as a junior senator.

What's most remarkable about Leahy's incredible journey is that he ends his time in the Senate with the unbridled optimism with which he

started, hoping, he says, “that someday after I’ve gone, the Senate will come back together and be the conscience of the nation” (p. 442).

CHRIS GRAFF

Chris Graff is a journalist who worked for the Associated Press for twenty-eight years. He is the author of Dateline Vermont: Covering and Uncovering the Newsworthy Stories that Shaped a State and Influenced a Nation (2006).

A Judge’s Odyssey: From Vermont, Russia, Kazakhstan, and Georgia, Then On to War Crimes and Organ Trafficking in Kosovo

By Dean B. Pineles (Montpelier, VT: Rootstock Publishing, 2022, pp. xvi, 276, paper, \$18.99).

My first memories of Judge Pineles are from the mid-1980s. He was a new judge, and I was a new lawyer. As a young trial lawyer working in a small Burlington law firm, I handled a fair volume of criminal and family cases. New judges are often assigned to Burlington, where the pace is fast, the cases are diverse, and there are experienced judges to mentor the newer ones. It was in this milieu that Judge Pineles and I became professionally acquainted.

To a young lawyer, Judge Pineles exuded an air of mystery from the bench. He resembles a clean-shaven Abe Lincoln. He speaks sparingly in court, and his body language never gives anything away. He is the paradigmatic tabula rasa, the “blank slate,” on which the opposing lawyers “write” the story of the case by introducing testimonial, documentary, and demonstrative evidence. When a judge concludes that a party has met its burden of proof, the judge finds the facts, applies the law, issues a decision, and moves on to the next in an endless procession of cases. On the other hand, if the judge concludes that a party has failed to meet its burden of proof, the claim is dismissed. That is, after all, the judge’s role, at least in a “common law” judicial system.

Judge Pineles graduated from Boston University Law School in 1968. He then spent three years in the military, two years with the US Department of Justice in Washington DC, three years as an assistant attorney general for the Vermont Department of Social Welfare, and three reportedly unfulfilling years in a Stowe private practice. Then, intent upon returning to public service, he got a master’s degree in public administration (MPA) degree from Harvard’s Kennedy School

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in 1979, followed by two years as deputy commissioner and general counsel of the Vermont Department of Health. In 1981, Governor Richard Snelling named him commissioner of labor and industry. A year later, Snelling named him governor's legal counsel, and two years after that, in 1984, Snelling nominated him for the Vermont trial bench, a position that he would occupy for twenty-one years, until his "retirement" in 2005. In over forty years of practicing law, I have never heard a critical word spoken about him.

For a certain generation of Vermont legal professionals, the 1984 events in Island Pond were a defining event. Unquestionably, the lives of those who were personally involved were changed forever. The prevailing zeitgeist was that the raid had been an overreach by a heavy-handed government. Because the author (Attorney Pineles at the time) was Governor Snelling's legal counsel, he acquired the reputation, in some circles, of having "authorized" the raid. Anyone who knows state government at a policy level understands the fallacy in that narrative, but Island Pond particularly dominated Judge Pineles' judicial confirmation process. Ultimately, his nomination was approved, after a litany of luminaries testified in his support in the legislature. To this day, Island Pond remains a delicate subject that I have never raised with him, so for me, the seven pages of the book that he devotes to the issue were like discovering a time capsule. My views of those long-past events have become much better informed as a result, and his recounting of the events is, in itself, a contribution to Vermont's historical record.

Judge Pineles' law jobs, government jobs, and judicial career spanned thirty-seven years. During the last decade of his judicial service, he became involved in the Vermont Karelia Rule of Law Project, which evolved into the Russian American Rule of Law Consortium, a collective of eleven US states paired with eleven Russian sister-states, all with the goal of advancing the rule of law. This pro bono work typically involved an annual ten-day trip to Russia for legal workshops, teaching, institutional support, and social interaction, and it clearly ignited a passion in Judge Pineles.

Following his "retirement" from the bench in 2005, Judge Pineles took on more extended rule of law assignments in Kazakhstan (2006) and Georgia (2008–09). He then served as a war crimes judge with the European Union Rule of Law Mission in Kosovo (EULEX) from 2011–13. His full-time "rule of law period" therefore lasted only seven years. Yet, 80 percent of the book is devoted to the last 20 percent of his career. Judge Pineles repeatedly cautions that the path to the rule of law is not linear. He recounts many setbacks and frustrations, but the profound fulfillment that he evidently experienced in this work shines

through every page. For me, the book is a parable about a common law judge who learns to be a civil law judge. Parables offer lessons, and one that I take away is that the pursuit of justice is a fraught process, regardless of the juridical, historical, or geographical context. We must, however, never stop trying.

I was unnerved to see Judge Pineles openly frustrated over prosecutions foundering for lack of the necessary proof. In the common law system, in the absence of proof to the pertinent standard, the party with the burden of proof simply loses. The model common law judge is disinterested—outcome-agnostic if you will. The civil law judge, on the other hand, has a duty to see that justice is done. In Kosovo, Judge Pineles heard horrific war crimes cases and not infrequently met with obstruction of justice. His cases were also subject to a highly activist degree of appellate review. Common law court proceedings and civil law court proceedings are fundamentally different in a number of respects, and for a legal professional (whether judge or lawyer) to effectively inhabit both worlds is quite a feat.

Judge Pineles comments on the relative merits of common law versus civil law in the latter parts of the book. He certainly slipped smoothly “into character” in Kosovo. A similar thing happened to me when I was teaching law school as a Fulbright Scholar in Russia in 1995. I quickly became comfortable in the civil law setting, and my Russian colleagues reported to me that they had stopped thinking of me as a different species of legal professional. One of my fond memories of that time was when the Karelian minister of justice apologized to me, after the fact, for not introducing me at a seminar as one of the Americans. He explained that he had become accustomed to thinking of me as a local.

It is fascinating to have gotten to know the “adversarial/common law Judge Pineles,” and then to have watched him develop a second judicial persona: the “inquisitorial/civil law Judge Pineles.” Inherently, there is no reason why a judge cannot function in both roles, as the context may require, but I have spent a career studying comparative legal systems, and I have not previously come across the judicial equivalent of a “switch hitter.” Judge Pineles is proof that they do exist, and I predict that they will become more common over time. Without question, at this particular epoch of legal history, we are experiencing a convergence of civil and common law systems. Jurisprudence, like everything else in modern society, is becoming more universalized through the ubiquity of instant information.

I am puzzled that so many who advance public international law are enamored of criminal prosecution. I believe that war criminals and those

who perpetrate genocide and crimes against humanity deserve just punishment. That said, I also believe that the alleviation of widespread real-time human rights violations is a better investment of resources than the prosecution of individual despots—often in absentia. Judge Pineles points out that the EULEX court system in Kosovo was less successful in obtaining convictions of Kosovar war criminals than of Serbian war criminals. As a result, a Kosovo Specialty Chambers and Specialist Prosecutor’s Office was created in The Hague for the express purpose of seeking convictions of the Kosovar war criminals who are perceived to have escaped justice at the hands of EULEX. Judge Pineles understandably calls into question the mission of a court that is expressly created to prosecute the war crimes of only one side of a war in which war crimes are acknowledged to have been committed by both sides.

Judge Pineles’ *Odyssey* chronicles an eclectic cross section of history and geography, and it affords insight into many aspects of the study of comparative judicial systems. The author is an historical figure in his own right, and an important contributor to the rule of law worldwide. He has been a role model for countless Vermont lawyers and judges and has made an outsized impact across diverse legal systems whose differences his book helps us better understand. The arc of global jurisprudence bends toward commonality, and Judge Pineles’ *Odyssey* helps illuminate the path.

MARK OETTINGER

Mark Oettinger is an attorney in Burlington, Vermont, who did extensive rule of law work in the former Soviet Union in the 1990s and 2000s. He co-founded the Russian-American Rule of Law Consortium, and in the process, got to bring Judge Pineles to Russia for the first time.

The Most Costly Journey: Stories of Migrant Farmworkers in Vermont, Drawn by New England Cartoonists

Edited by Marek Bennett, et al. (Middlebury, VT: Open Door Clinic 2021, Vermont Reads 2022 Special Edition, pp. xix, 226; paper, free).

The 2022 graphic novel-format book, *The Most Costly Journey (El Viaje Mas Caro)* is the product of a collaborative effort of Vermont cartoonists, migrant dairy workers, translators, academics, and Vermont humanities organizations. Each of the nineteen chapters in the book tells the true story of a Mexican or Guatemalan person working on a Vermont

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dairy farm. Each story is told by a worker (given a pseudonym here to protect their identity) who was interviewed by a Vermonter; interviews were then translated into English and accompanied by a cartoonist's visual portrayal of the story.

While each chapter tells an individual story, they share common themes of the dangerous journey across the US/Mexico border, the hard adjustment to Vermont (the weather, the language barrier, the specifics of dairying), and the near-constant loneliness and isolation felt by dairy workers who long for family members back home. Gregorio's story, "It's Worth It," illustrated by cartoonist Kevin Kite, is one example: Gregorio and his uncle dodge snakes by night and border patrol by day and eventually reach New York and then Vermont, where the money Gregorio sends home enables his family to buy land and build a house in Mexico. But while grateful for the income, Gregorio is isolated in Vermont, where he has worked throughout the last years of his childhood, and plans to return home within a few years. "Algo Adentro/Something Inside," the story of the "Migrant of Hidalgo," illustrated by Marek Bennett, reminds us that plans to go home often get postponed indefinitely because of the dangers of return travel, so it's not uncommon for dairy workers to spend a decade in Vermont when they had planned to stay for only a year or two.

Vermont readers who are familiar with the issues faced by migrant workers in the state may recognize the parts of the stories set in Vermont. Migrant workers experience loneliness but also take English-language courses taught by students at Middlebury College ("Algo Adentro"), access medical care from the Open Door Clinic and the University of Vermont Extension Bridges to Health ("One Suffers to Provide for the Family"), give birth in Vermont ("It Wasn't Our Plan"), and experience everything from cruelty to kindness from white Vermonters and farm employers. "The School of Life," illustrated by Michelle Sayles, tells the story of Ponciano, who wanted to save money for college in Mexico but along the way found solidarity and organizing via the watchdog and advocacy organization, Migrant Justice in Vermont. Part of that organizing was around the desire for making Vermont driver's licenses accessible to migrant workers, an issue in the chapter "Now That I Have My License," which Bennett also illustrates.

Middlebury author Julia Alvarez, who wrote the foreword for this book, touched on these themes in her 2010 young adult (YA) novel *Return to Sender*; and Vermont journalists and documentarians (*Under the Cloak of Darkness*, 2012) have similarly covered these issues over the years. Perhaps less familiar to Vermont readers are the specifics of crime in Mexico, the border crossing journey—snakes, dehydration, or as-

sault—and the common problem of the inability to return across the border. Due to physical isolation, cell phones make frequent appearances in chapters such as “Suffering to Come Here” by Rubén, illustrated by Teppi Zuppo, and “In Your Hands” by Jesús, illustrated by John Carvajal, in which Jesús makes daily calls to the family he has not seen in twelve years.

The Open Door Clinic in Middlebury first published this anthology in 2021; it was reprinted in 2022 as a special edition for Vermont Humanities’ statewide Vermont Reads program. The graphic novel is the perfect genre for the statewide program, which aims to get as many Vermonters as possible reading and discussing the same book, because the genre’s appeal cuts across generations, making it an effective way to reach all kinds of readers. Previous Vermont Reads selections have tended to be YA titles that present serious subjects in accessible ways. Readers may recall the 2019 Vermont Reads selection *March: Book One*, which tells the story of John Lewis’s early civil rights activism through a graphic novel format.

Graphic novels have exploded in popularity in recent years. Writing in the Afterword to *The Most Costly Journey*, anthropologists Teresa Mares (UVM) and Andy Kolovos (Vermont Folklife Center) cite the mass appeal of “the complex alchemy of juxtaposed words and images” (p. 204) and see the graphic novel as a format uniquely suited to sharing widely the voices of Vermont’s migrant workers. *The Most Costly Journey* is a model of collaboration and a fine example of the potential of graphic novels to contribute to conversations on contemporary social issues.

JILL MUDGETT

Jill Mudgett does public history volunteer work in her community and has an interest in Vermont people and environments.

I Could Hardly Keep from Laughing: An Illustrated Collection of Vermont Humor

By Don Hooper and Bill Mares (Montpelier, VT: Rootstock Publishing, 2021, pp. 188, paper \$24.99).

Stop me if you have heard this one. A moose, a dairy farmer, and a flatlander walk into a general store . . . While replete with jokes and humorous stories, *I Could Hardly Keep from Laughing* offers more than that. It is a lighthearted study of what has made Vermonters laugh over the years and in doing so, highlights the ways the state perceives its idio-

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syncretasies. The first chapter provides a sweeping outline of Vermont humor, drawing significantly from Robert C. Davis's undated manuscript, *Vermont Laughter*. The authors, Don Hooper and Bill Mares, define the state's humor in many ways, perhaps most aptly as: "a humor of scarcity and a joy in small things" (p. 9).

The next four chapters examine topical humor, including farming, visitors from out of state, flatlanders, and politics. Here we meet fictional archetypes, like Ira the Village Imbecile, and real people like Middlebury professor David Smith, whose classroom schtick became a traveling comedy act with "fairly unique insights into simple situations" (p. 50). This analysis helps to define not simply what makes Vermonters laugh but also speaks to Vermonters' self-identity and the things they believe make them unique.

"A Yard Sale of Vermont Humorists" takes a different course, with short essays, including one on "fishing like a Vermonter" that was drawn from a parody of *Vermont Life* magazine. While this chapter includes some familiar contemporary literary figures like Willem Lange, David Budbill, and Peter Gilbert, it is not clear how it contributes to the book's overall purpose. Far from being exemplars of Vermont humor, these pieces are mostly observations about life in Vermont or a recounting of events from its past.

A similar issue can be taken with the chapter "Vermont vs. New Hampshire." Beyond the observation that each state "considers its neighbor as a sort of upside-down version of itself" (p. 130), this chapter fails to follow through on the many possibilities for extracting humor from Vermont's neighborly contest for superiority with New Hampshire. As with the "Yard Sale," this chapter offers mostly commentary about life in Vermont, with passing remarks about Hampsherite opinions of it.

The book's best content is found in chapters 7 ("Alternative Universes") and 10 ("Improv and Sketch Comedy"). "Alternative Universes" profiles two individuals and two groups that are part of Vermont's contemporary traditions of humor. The Northeast Kingdom's Norman Lewis and his alter-ego Danny Gore shared amusing commentary from the perspective of the residents of Avery's Gore. As with other comedic Vermonters, he used a perennial gubernatorial campaign as a forum for spreading his unique wit and wisdom, ultimately declaring himself governor on the State House steps after fifteen unsuccessful runs—a prophetic act of art imitating life.

Hooper and Mares also chronicle the career of Rusty DeWees, best known to New Englanders as The Logger. Describing the Logger as a "witty, scatological French-Canadian lumberjack" (p. 119), the book lacks content from his act, though it does feature Rusty's tips for joke tell-

ing, including the essential reminder: “you are not funny, the joke is” (p.122).

From the fictitious village of Woodchuck, Vermont, comes the Ground Hog Opry, a humorous parody of the Grand Ole Opry. The brainchild of George Woodard (a.k.a. Roland Uphill) and Al Boright (Neal Down), the GHO presented a uniquely Vermont brand of variety show replete with skits, fake newscasts, and hilarious ads from the likes of Woodchuck Yankee Exempt Estates and Flatlander-Repellent Breath Mints.

Hardwick’s Vermont Vaudeville is given equal time in the book. With the clever motto “Laugh Locally,” Vaudeville sought to “disrupt the mundane, defy the logical, and relish in the absurd” (p. 123). Though the book is thorough in describing the inner workings and intentions of Vermont Vaudeville, it fails to deliver on humorous content from the group.

Chapter 10, “Improv and Sketch Comedy,” describes the stand-up comedy scene that is alive and well in Vermont today. Short sketches of comics Josie Leavitt, Kathleen Kanz, Nathan Hartwick, Natalie Miller, and Richard Bowen provide not only personal details but plenty of laughs. Most memorable, however, is the section about Tina Friml, a Saint Michael’s College graduate whose life with cerebral palsy is central to her comedy. Friml’s comedy is about people’s reactions to her disability, “putting a mirror up to the audience, and showing them what I see” (p. 168).

The book is illustrated with Don Hooper’s quirky cartoons, which he describes as a “goofy attempt to lighten heavy topics” (p.180). For a book on Vermont humor, the drawings are a visual companion to the text that usually make the point.

I Could Hardly Keep from Laughing is a fun read that says a lot about how Vermonters see themselves by describing what they think is funny. At times it misses the mark, and the chapters are disjointed. Jokes attributed to Vermont are sometimes standard lines that could apply to nearly any place in the US. Despite these limitations, Hooper and Mares deserve our thanks for assembling this collection. Perhaps it will inspire Vermonters to engage with the many comedy venues in the state and support organizations that celebrate the state’s sense of humor. Above all else, Rusty DeWees’s “Joke Tips” are a must read for any Vermonter who aspires to share their humor with others.

MARK HUDSON

Mark Hudson is Executive Director of Tudor Place Historic House & Garden in Washington, DC. He served as Executive Director of the Vermont Historical Society from 2009 to 2015.