

A P P E N D I X

Section 2

Statements Obtained and Evidence
Collected during an Investigation
of the Rock Creek Fire from July
30 to August 2, 1939.

By

W. B. Rice, Associate Regional Forester,
Region 4.

List of Dead

Frank J. Vitale - CC-2 - 306405
189 Clifton Place, Brooklyn, N. Y.
(Found under ledges on north side of creek)
Mother - Jennie Vitale.

Walter James - CC-2 - 307095
162 Woodland Ave., Ridgewood, N. Y.
Mother - Anna James.

Frank W. Barker - CC-2 - 307001
1021 Remsen Ave., Brooklyn, N. Y.
Mother - Helen Kash.

George J. Kennedy - CC-2 - 284415
336 West 11th St., New York City.
(Broken ankle)
Mother - Bridget Kennedy.

Earnest R. Tippin - CC-9 - 259132
Oswego, Kansas
(Leader)
Father - Raymond Tippin.

Weather Records

The weather records at Orovada show .03 of an inch of precipitation on the day of the fire. This slight precipitation apparently occurred late in the afternoon. On the 29th there were a number of heavy showers with an aggregate of .35 inches of precipitation recorded at Orovada. Statements of witnesses are to the effect that this rainfall began about noon and continued as heavy showers during the afternoon. When I reached Orovada at ten o'clock on the morning of July 30th there was water still standing in the borrow pits along the highway.

Precipitation at Orovada

<u>May 1939</u>	<u>Inches</u>	
10	.68	
15	T	
19	T	
21	.13	
22	.01	
23	.03	
26	T	Total .85
<u>June 1939</u>	<u>Inches</u>	
5	T	
16	.45	
17	.05	
18	.01	
19	.01	
20-30	None	Total .52
<u>July 1939</u>	<u>Inches</u>	
1-27	None	
28	.03	
29	.35	Total .38
Normal annual precipitation	10.00	
Normal May	"	1.07
Normal June	"	.84
Normal July	"	.20

Statement of E. C. Studebaker,
storekeeper at Crovada, Nevada.

On being questioned Mr. Studebaker made the following statements:

That on July 28, 1939 a dry lightning storm passed over the Santa Rosa Mountains and that one clap of thunder was so unusually loud as to attract his attention. He looked out and saw a fire starting near the top of the ridge between Antelope Creek and Rock Creek on a small tributary of Antelope Creek. This was about 11:30 a.m. There was practically no wind and the fire seemed to be burning slowly. Mr. Studebaker immediately called the ranger station at Paradise and reported the fire to Mrs. Travis, wife of the district ranger. He then called Frank Gabica, living on a ranch about three-quarters of a mile east of Crovada. Gabica was already aware of the fire, and after talking it over both men decided that they would go. Shortly after, a road maintenance crew of two men came into lunch at Studebaker's, and as soon as the road men and Studebakers had eaten lunch, Studebaker and his brother and the two road maintenance men started to the fire. This was probably about 12:30 p.m. or one hour subsequent to the start. These men went in a car up Antelope Creek as far as possible and then took off on foot toward the fire up the ridge on the north side of Antelope Creek. Studebaker estimated that it was about two miles from the place where the car was left to the fire. While enroute to the fire they met Frank Gabica and his two boys from the ranch on their way to the fire on horseback, and the 7 men went on together. At the time of arrival, about 1:30 or 2:00 p.m., the size of the fire

was estimated to be somewhere between 20 and 25 acres and not burning very fast. All men had shovels and proceeded to dirt down the fire. This continued for about an hour. In the meantime, they had sighted a CCC crew coming up the mountain from the Rock Creek side. (They went into a draw between Rock Cr. and Antelope Cr. and probably were out of sight of the fire for a short time. W.B.R.) At this time a high wind developed, coming from the east and blowing downhill toward the valley. Studebaker described the wind as being of gale proportions. The fire immediately began to run down the mountain at a high rate of speed. The 7 men on the fire line were in no immediate danger since they could have easily gotten within the burned area, but Studebaker was worried about his car and Gabica about his ranch, and the men all decided to go out ahead of the fire and save their property. Studebaker saw the boys coming up a minute or two before he started to run, but did not see them afterwards. He thought they could tell the condition of the fire and was too far away to warn them anyway. Studebaker testified that they had to run as fast as they could to keep ahead of the fire and only beat it to the car by a narrow margin. Gabica who is a heavy man and was riding a tired horse was afraid to risk reaching the highway on horseback and turned his horse loose and got in the car with the other three men. (The horse that was turned loose later arrived at the ranch with his fetlocks gone and his tail half burned off.) Studebaker drove the car as fast as he could over the rough Antelope Creek road, and stated that he probably reached the highway about five minutes ahead of the fire. The two Gabica boys on horseback attempted to go around the head of the fire

in order to reach their ranch, but were unable to do so and had to retreat to the highway. The estimate of time from the blow-up of the fire until the men reached the highway is from 30 to 45 minutes. (During this period the fire travelled an airline distance of 3 miles.) As soon as he reached Orovada, Studebaker put in a call to the Paradise Camp for reinforcements. He also called the Quinn River Camp of the Division of Grazing and sent a messenger from McDermitt to the McDermitt Camp, also a Division of Grazing Camp.

After the big run of the fire the wind continued strong until about 7:30 and the fire continued to spread to the north and west.

Studebaker did not again go back to the fire and stated that during the afternoon somewhere between 150 and 200 ranchers from a radius of 25 miles or more came to the fire to help protect the property of their neighbors. These men when they arrived helped with the suppression work and also later to some extent in the hunt for the bodies of the boys who were burned. The fire came down the Antelope Creek side first and hit the highway on the south edge. The short middle drainage where the boys were killed burned out next and Rock Creek last.

Statement of Frank Gabica - Rancher near Crovada

Frank Gabica stated in effect that a dry lightning storm passed over the Santa Rosa Mountains about 11:30 a.m. on July 28, 1939. There was an especially loud clap of thunder that attracted his attention. His boy, possibly 9 or 10 years old, came into the house and told him that a fire had started up on the mountain. In questioning the boy he stated that his sister actually saw the lightning strike. Gabica and two boys from the ranch got horses and started up Rock Creek to the fire. On the way up they met Studebaker and his men who came from Crovada up the Antelope Creek ridge. From this point on, including the retreat to the highway, Gabica's statements correspond almost exactly to those of Studebaker.

Gabica stated that the fire came to his ranch first on the south side, coming around the point of the hill between Rock Creek and the unnamed dry wash where four of the boys were burned. It came down Rock Creek a few minutes later, possibly 10 minutes, and hit his ranch on the east side. (This bears out statements of other witnesses that the fire burned down Antelope Creek first, next down the dry wash between Antelope and Rock Creeks, and finally down main Rock Creek.)

Time of Calls

The time on telephone calls was checked with the telephone operator at Winnemucca. The toll ticket on the first call from Orovada to Ranger Travis indicates that this call was put in at 11:28 a.m. on July 28.

The calls for reinforcements from the Paradise, Quinn River, and McDermitt Camps are timed on the tickets at 3:50 p.m., July 28. Lt. Ford at the Paradise Camp insists that he is positive that they received their call for reinforcements at exactly 3:30 p.m. Since a number of calls were placed in quick succession, it is possible that the time on the toll tickets indicates the time of the last call and that the first call to the Paradise Camp may have been placed slightly earlier than the toll ticket indicates.

Statement of Ranger Travis

Ranger Travis stated that on the afternoon of July 28, 1939, he was on horseback in the head of the North Fork of the Little Humboldt River. About 5:00 p.m. he thought he saw smoke on the other side of the mountain in the direction of Rock Creek. He states that he was not certain whether it was smoke or a cloud, but went immediately to the nearest telephone at Martin Creek and called in about 6:30 and was informed of the fire. He left immediately by car and reached the Paradise Ranger Station, which is immediately adjacent to the Paradise CCC Camp, about 7:00 p.m. He talked for a few minutes with Superintendent Hardy of the Paradise Camp and then left by car for the fire, reaching there about 8:00 p.m.

Statement of L. M. Malsbury, Enrollee Camp Clerk

Malsbury stated that Ranger Travis' son came over to camp and reported the Rock Creek fire to him at about 11:45 a.m., July 28, 1939. It was nearly lunch time and the enrollees were getting ready to eat. He asked the cooks to hurry up lunch and got the men fed and went to get Timmons who had gone home for his own lunch. Malsbury met him coming back to camp about 12:20 p.m. and reported the fire to him.

Statement of W. V. Timmons

Paradise, Nevada.
July 30, 1939

Employed as camp mechanic at Paradise Camp F-5, Company 1212.

Returning from lunch about 12:30 p.m. on Friday, July 28, 1939, was informed about fire by Camp Clerk Malsbury. Organized a crew of 22 men, recruited about as follows:

8 from Army overhead (Later determined to be 5 - WBR).
6 from Jack Abegglen's crew working for
Army on lavatory.
1 Camp Clerk
7 from shop and garage crew

Left for fire about 12:45. Travelled about 45 miles and arrived at end of road nearest fire at about 2:30.

Left truck at end of road and split crew, giving Leader Tippin 11 men. The fire seemed to be travelling north and east, so instructed Tippin to take his men to the south side and started with balance of crew to the north side which looked the most dangerous. Was still about 300 yards from the fire when the break came.

Up to this time the fire had appeared calm and burning to the north, and from the end of the road appeared to be 5 or 6 acres in size. A very light-wind was blowing up Rock Creek Canyon.

About 3 o'clock the wind reversed and blew down the canyon. Wind was high. Crew had some difficulty in keeping ahead of the fire to the top of the main ridge. On reaching the ridge worked the balance of the day on the east edge of the fire and returned to the truck about 11:15 p.m. At the time of leaving, the east side of the fire was either out or burning in the ledges. Learned of the accident from men on the trail when on the way back to the truck.

(Signed) Wilbur V. Timmons

Additional Statements - Timmons

Paradise, Nevada.
July 31, 1939

After Timmons' crew got quite a way up Rock Creek, perhaps half a mile or more, Timmons got uneasy about leaving the truck unguarded in the sagebrush and sent a boy back to move it back to the Gabica ranch. The boy got the truck stuck in an irrigation ditch, or rather a pipe line with a lot of breaks and holes in it, abandoned the truck and walked on down to the ranch. Truck caught fire later and burned about one-third of the underslung spare tire and about one-fourth of the floor boards over the spare tire. During the night, probably just before daylight Saturday a.m., Foremen Worthington and Abeglan took their trucks up and pulled it out.

(Signed) Wilbur V. Timmons

Statement of Wilbur V. Timmons, Mechanic,
Paradise Camp F-5, Company 1212, on
August 2, 1939.

On this day I took testimony from all of the surviving enrollees that went on first call to the Rock Creek fire, with the exception of Richard Powers whose testimony had previously been taken, both by myself and at the inquest. After cross-examining these boys, it was quite evident that the boys assigned by Timmons to Assistant Leader Tippin's crew were both brighter and more physically fit than the average of the boys which he took himself.

Since this was so outstandingly obvious, I called Timmons in and asked him if he had deliberately given Tippin the best men or whether it was an accident. Timmons said that it was entirely accidental since he had sorted out every other man for Tippin's crew as they got off the truck.

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Timmons stated that he knew men were already working on the fire when he arrived because he could see horses there and could also see that a part of the line had been extinguished.

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Statement of Richard Powers

Paradise, Nevada.
July 30, 1939

Left truck with crew of 11 men in charge of Leader Tippin. From place where truck stopped went across Rock Creek and into next draw and straight up draw toward fire. Got within about 200 yards of fire. High wind blowing downhill. Talking and did not notice immediately that fire had changed direction and was coming toward them. Started to walk back to get better view and pick place to start work. Tippin looked back and saw fire was coming fast and told boys to run. Four boys had already started to run, but slowed down on Tippin's order to save their breath. When finally gave order to run the four boys were in lead. These boys were: Wolansky, Abussleman, Romanouski, Solar. Started to run with James, Tippin a little ahead and Kennedy just behind. Vitale and Barker a little ahead of Tippin. Other four boys ahead of them. Did not know position of Stromick and Varga. Kennedy called for help. Tippin and James went back. Went down to Barker. Had to help to feet. Kept Barker and Vitale in front. Vitale kept going pretty good but had to help Barker. Barker got up but couldn't go very far. Barker was on knees last time seen. Went through pass about same time as Vitale, but Vitale went straight down to creek and I angle toward trucks. Lost Vitale. Got to creek and walked down creek to truck. Went to Gabica's ranch. Saw Tippin and James carrying Kennedy, before getting out of sight of them.

(Signed) Richard Powers

Additional Statement of Richard Powers.

When the retreat started Powers was with Barker and Vitale. Vitale kept going on his own pretty well but Barker seemed to have trouble and kept falling down. Powers kept Barker ahead of him and pushed him along. Finally they both fell together and rolled. Powers got up and told Barker to follow him, but Barker did not keep up. He thought Barker was more scared than exhausted. (Testimony of other boys indicate that Barker may have been injured. W.B.R.) When Powers was some distance ahead Barker called for help, but the fire was so close he did not dare go back. Barker was on his knees in the bottom of the gulch.

Powers went through the saddle about 100 feet below Vitale. He called to Vitale to follow him, but Vitale either ignored him or did not hear. Powers knew he would make Rock Creek and thought him safe. Vitale went straight down to the creek while Powers angled along the side of the hill toward the truck.

Statement of Alexander Varga, Enrollee,
Paradise Camp F-5, Company No. 1212.

Paradise Valley, Nev.
July 31, 1939

Alexander Varga. I am 18 years old, enlisted Apr. 4, 1939. On Friday, July 28, at 1:15 I went with Mr. Timmons' crew to the fire in Rock Cr. We arrived at the fire at 2:30 or 3:00 p.m. We left the truck at the end of the road in Rock Cr. Mr. Timmons parked the truck off the road in a good place and facing the mountain. Mr. Timmons divided the crew at the truck. He sent Mr. Tippin, CCC Assistant Leader, with 11 men to the right and he took 10 men and went up the canyon. Mr. Tippin's crew was to work up the right side of the fire and Mr. Timmons' crew the left side.

We walked up the creek and on the trail through the pass to the right and southeast toward the fire. We rested about 3 times while we walked up toward the fire. We approached within 100 to 200 yards of the fire, and waited for 2 boys who were behind to come up. While we waited Mr. Tippin told us that we were getting to the danger line and we must not let the fire come up on us. We were walking over the ridge and down the other side away from the direct line of the fire. I started to run down the hill and John Stromick followed me. We ran down past the truck about 50 to 100' and crossed one ridge and climbed up on the next one. We then turned a little to the left and took an easier grade to the rocks. We then felt safe and took a rest. We were just above the Gabica ranch and on the west side of the rocky mountain on the north side of Rock Cr.

We waited there until the fire was nearly out at the base of this hill. This was about 6:00 p.m. or near sunset. We saw Mr.

Worthington's crew working on this fire line. We came down and went to the farm house. This was about 7 p.m.

The only members of Mr. Tippin's crew that we saw after starting to run were 3 or 4 boys who came off the hill S. of Rock Cr. and travelled N.E. toward the truck parked in Rock Cr.

I did not know a fire could be so bad and ran because I was scared. If Tippin, Barker, Kennedy, and James had made good time they could have reached safety.

(Signed) Alexander Varga.

Statements Concerning Frank J. Vitale

Truck Driver Allen with whom I rode from Winnemucca to Orvada on Sunday, July 30, stated that he thought Vitale was under age and doubted that he was more than 16 years old.

Enrollee Powers, who is only 17 himself, said that Vitale was immature and kiddish acting. He said that he was not old enough to have to shave.

Educational Adviser Mitchell told me on Sunday, July 30, that Vitale was almost helpless without glasses.

It was established by inquiry that Vitale's glasses were broken and that he did not have them at the time that he was sent to the fire. It is possible that poor vision caused by lack of glasses, together with the fact that visibility must have been extremely low due to smoke, added to the boy's confusion during his retreat.

It seems more probable, however, that he thought he would be safer in climbing to the rock ledges on the north side of the creek than by trying to go down the creek to the Gabica ranch.

Statement of Dr. Grover, Camp Doctor,
Paradise Camp F-5, Company No. 1212.

At the inquest which was held at Orovada on July 31, 1939, I inquired of Dr. Grover relative to Kennedy's alleged accident at the time of retreat. Dr. Grover informed me that Kennedy had suffered a compound fracture of the left ankle so that the foot was nearly turned back up.

Statement of Paul L. Travis, District
Ranger, Santa Rosa Division, Toiyabe
National Forest, Nevada.

Paradise Valley, Nev.
July 31, 1939.

Mr. Wilbur Timmons has had the following fire training:
Three years at fire training school at Paradise Valley, Nev. He
has worked on 10 fires. He worked as a laborer on 1 fire, as fore-
man under me on 7 fires, and in charge of the job on 2 fires. This
experience was from 1934 to 1939.

His handling of fire crews has been very good.

(Signed) Paul L. Travis.

(Timmons began work in the CCC's in May, 1935 at the Lamoille Camp.
He was transferred to the Paradise Camp in November 1935, and has been
continuously employed there since that time. W.B.R.)

Statement of Paul L. Travis, District
Ranger, Santa Rosa Division, Toiyabe
National Forest, Nevada.

Paradise Valley, Nev.
July 31, 1939

Mr. Earnest Tippin was enrolled in Co. 1212, Camp F-5, on July 17, 1938. He re-enlisted in this Co. 1/1/39 and 7/1/39. He held the rating of Assistant Leader and was classified as a Project Assistant.

He attended 1 fire training school at Paradise Valley in 1939 and worked under Mr. Timmons on the Cottonwood Cr. fire this year.

We are not sure as to whether he fought fire in 1938. He and Mr. Timmons knew the Rock Cr. range well as Mr. Timmons had fought fire there with me, and Mr. Tippin had fished Rock Cr.

He is rated by Superintendent Hardy and his foreman as among the best 1/2 dozen men in Camp F-5. He showed marked ability as an enrollee leader and it was planned to give him a leader's rating with the arrival of the replacements. This proposal was recommended by Camp Blacksmith Murphy. (Concurred in by Camp Sup't. and Commander. W.B.R.)

Mr. Tippin had complete charge of the blacksmith shop and directed the work of five enrollees for part of each month as the blacksmith was not a full time employee. He operated the picture machine for the Army and one or two nights per week he was entrusted to take the picture machine to the spike camp and drive the truck.

Physically he was one of the best men in camp.

(Signed) Paul L. Travis.

Statement of Paul L. Travis, District
Ranger, Santa Rosa Division, Toiyabe
National Forest, Nevada.

Paradise Valley, Nev.
July 31, 1939

The boys who went to the fire all had fire training or previous experience. All enrollees this spring were given fire training.

Of the boys lost, Barker, James, and Vitale, had 3 mo. service. Kennedy had 6 mo. and Project Assistant Tippin had 1 year. All had attended fire training school and some had fire experience.

(Signed) Paul L. Travis.

Investigation of Training.

In an interview with Mr. Timmons he stated to me that he had been on leave at the time fire training was given and did not have positive knowledge as to what boys might have been in attendance at the training camp, but that he had been told that all of the boys that were in camp at that time had received fire training. He had no reason to doubt that all of the boys which he took from camp had received the required training. This statement is borne out by the fact that he refused to take any of the new group of enrollees received at the camp on July 25, particularly on account of the fact that he knew personally that these boys had not been trained. It was my understanding that Lt. Ford, who was Acting Camp Commander on July 28, tried to get Timmons to take some of the new replacements instead of men from the Army overhead in the kitchen.

In order to assure myself that all boys who went on fire duty had been properly trained, I made some inquiries from persons who should have been in a position to know.

Ranger Travis stated that he understood the entire camp was turned out for fire training. He stated that the leaders went through the camp to see that all men were turned out. He did not know whether an actual check was made by roll call. Other members of the camp overhead who were contacted on this subject made essentially the same statement.

On interviewing Foreman Jack Abeggan, who was Acting Camp Superintendent at the time the training was given, he stated that he had consulted previously with the Camp Commander and that the Camp Comman-

der agreed to turn out the entire camp for training. I asked him if he made a roll call to assure himself that all men were present, or to be able to pick up later any enrollees who might be absent and arrange for their training at another time. He stated that no such roll call was taken. Later in the investigation Abeglan admitted that he sent five of his trucks in charge of a leader and four other men in addition to the truck drivers, making 10 men in all, to Winnemucca to unload a car of lumber. He stated that this action was taken because the day of fire training seemed to be a good time to get the lumber unloaded since all boys would be in camp and the trucks would not be needed for transportation to the job. I asked him if arrangements were made to give these boys the required training at a later date, and he said that no such arrangements were made.

On being questioned, Ranger Travis stated that 7 untrained men from new recruits which came in on July 25 were sent to the fire with either the second or third call men. He stated that the reason for doing this was that urgent calls were coming from ranchers who feared that their property was in danger and wished to muster all available help. The 7 men taken were ones who stated that they had had previous fire training and experience. The balance of the new men, numbering some 55, were not taken to the fire because they did not certify to having had previous training and experience.

(In this connection it might also be noted that men employed in the protection of ranch property from the approach of sagebrush fires are in a much less dangerous position than men who might be fighting the fire at some other point, and this was probably also taken into consideration. These men whom Travis expected to use for

the protection of ranch property from destruction of fences, haystacks, etc., would necessarily at all times be close to a safe line of retreat to green irrigated fields and could not conceivably be in any particular danger. W.B.R.)

Captain Seitz, Commander of the Paradise Camp, questioned whether all of the men sent out on the first call had had fire training in spite of the positive statements of the camp overhead. In order to settle the question all survivors of Timmons' full crew, 19 in all, were rounded up and questioned. 17 boys certified that they had attended fire training at the Paradise Camp last May. One boy stated that he had not attended the May training, but that he had previously received fire training on two different occasions. One boy who was on the kitchen crew at the time of training stated that he had not attended but had watched from the kitchen.

Each of the 19 boys was asked if he could state positively whether Tippin, James, Vitale, Barker, or Kennedy attended training, and it was definitely established that all had had fire training.

Statement of Wilbur V. Timmons, Mechanic,
Paradise Camp F-5, Company 1212, on
July 31, 1939.

I asked Wilbur V. Timmons if he was familiar with chapter 12, section 1, numbered paragraph 3 of the 1938 edition of CCC Safety Regulations which reads as follows:

"No enrollee shall be sent to fires except under supervision of a foreman who has been given all practicable instructions in fire safety and is judged to be capable of remembering at all times that his first responsibility is the safety of the enrollees in his charge."

Timmons informed me that he was familiar with this paragraph in the safety regulations. I asked him if he considered splitting his crew and sending part of the boys to a position where he could not give them immediate supervision a violation of this regulation. He replied that he did not consider that he was violating the regulation, even if some of the men were too far away to be under his immediate and direct supervision. He stated that regardless of the fact that he had split his crew, he still felt responsible for their safety on the fire.

(It does not appear that this regulation necessarily requires that all men under the supervision of a foreman must be kept at all times within reach of his voice. If such was intended by the regulation, some qualifying words such as "direct" or "immediate" would have been inserted. Additional evidence of intent is the fact that fire fighting would be impractical under such a rule. W.B.R.)

Discrepancies as to Numbers of Men on First Truck.

While it has no particular bearing on the events which lead up to the death of the 5 enrollees, there was an unusual circumstance connected with the checking of the men on the first truck, resulting in conflicting testimony which probably should be explained.

When Timmons rounded up the men for the first crew their names were recorded by the camp clerk, and after the men were seated in the truck Timmons himself checked the number by having the men call off in numerical order. Both the list held by the camp clerk and the check-off on the truck showed that Timmons had 22 men besides himself. This number figures in the testimony in a number of places, and it was not discovered until the last hour or so of my investigation that there were actually 24 enrollees on the truck instead of 22.

Evidently 2 boys (Blando and Wilson) got on the truck who were not on the camp clerk's list and did not answer on the check-off.

After leaving the truck at the scene of the fire, 2 of the boys in Timmons' crew (Tucceri and Nelson) gradually fell behind the rest of the boys. When they saw the rest of the crew retreating they went back to Rock Creek, crossed the creek and went up the mountain to north of Rock Creek, got up in some rock ledges and spent the entire afternoon watching the fire. Timmons checked his men, according to his statements, by the number which he supposed that he had in his crew and naturally thought that he had accounted for all the men that left on the truck.

Apparently the reason that Timmons did not discover this discrepancy when the crew was divided was because he counted out the men who went with Tippin and assumed that he had the balance of the 22 men

which he checked on the truck when he left camp.

Statements Relative to Taking Army Overhead to the Fire.

Some question was raised by the Army concerning the authority of the Forest Service to take Army overhead out as firefighters. The implication was that boys had been taken from the kitchen force to the fire without Army consent. I immediately contacted Timmons, and he told me that he had asked and received permission to take these boys from the Kitchen from Lt. Ford who was at that time Acting Camp Commander.

I also interviewed Lt. Ford who verified Timmons' statement, and said that he had been consulted and had given his permission for a part of the kitchen help to go to the fire.

Subsequent Action on Fire.

According to testimony the 7 local men got back to the highway about 3:40 or 3:45 in the afternoon and at 3:50 began putting in calls for additional help. The Paradise Camp was the first call and they responded with 40 men that reached the scene of the fire about 6:00 p.m. The Division of Grazing camps at Quinn River and McDermitt were also called and reached the fire about 1/2 hour behind the boys from the Paradise Camp. The exact number of men sent from these two camps is not definitely known. About 5:00 or 5:30 p.m. an Army chaplain took it upon himself independently to call the Golgonda Camp of the Division of Grazing, and this camp also responded by sending men to the fire. When the men from these three camps came in Ranger Travis had not yet arrived, Timmons was on the mountain with his men, and unfortunately nobody was present to take general charge and organize their efforts. From statements made to me, however, it appears that these various camps chose their own sections of the line and went to work, the Quinn River boys on the west side, the Paradise boys on the north side around the Gabica ranch, and the Golgonda Camp on the south side. Most of the boys from the McDermitt Camp and part of the boys from the Paradise Camp immediately started looking for the bodies.

When Ranger Travis arrived about 8:00 p.m. he put in another call for men from the Paradise Camp and 52 men were sent from the Martin Creek spike camp. These boys arrived at Orovada about 2:00 a.m. on July 29.

I did not go to any particular pains to check the action on the fire after the arrival of the second call men since it has no bearing

on the case in hand, and it appeared that by the time they reached there the fire was quieting down and no difficulty was experienced in extinguishing it.

Action of the Division of Grazing.

The Forest Service and the Division of Grazing have a very good cooperative fire agreement, outlining in considerable detail the functions and responsibilities of these agencies in case of fire when one agency calls upon the other for assistance. In this instance the Forest Service called for help from Division of Grazing camps, and I wish to record here that the response was prompt and that the men in charge of the DG crews carried out their part of the cooperative agreement to the letter. They are, of course, in no way responsible for the fire or for any action taken.

Editorial in Humboldt Star.

The Humboldt Star, published in Winnemucca, Nevada, carried the following editorial in their issue of Monday, July 31, 1939:

"Why These Deaths?

"WHY--is the uppermost question in the minds of more than 500 Civilian Conservation corps enrollees of Camp Paradise, Camp Golconda, Camp Quinn River and Camp McDermitt, scores of officers of the United States army, division of grazing and forestry service together with thousands upon thousands of interested persons throughout Nevada and the entire nation in groping for a feasible solution or definite answer in attempting to uncover WHY five CCC youths lost their lives in a brush fire in northern Humboldt county Friday night.

"With damage in the fire, which swept 8,000 acres of land, utterly not worth mention, compared to the lives of the five youths, who had everything to live for, it is more than a tragic pitiful story but should serve as a grim reminder and impetus in the future for all possible steps, whatever they may be, to halt further catastrophes in cases where circumstances are more or less similar to the Humboldt county disaster. In this particular fire, death to the five boys was accidental, perhaps, and then again was it? The Star does not have and will not attempt to lay blame for this and all we can hope to do is to give the truest and most comprehensive story made available to us.

"Already countless charges are being hurled at officers, enrollees, ranchers and others interested. Word battles will continue. Government investigations will continue. Some cause may be reached

and the blame may fall upon some one or group. We do not know.

"All we can hope to do is to have those five boys serve as martyrs to prevent further catastrophes. Government investigators will probe every corner to uncover information of why the five lost their lives. Surely this will go towards preventing future catastrophes among the nation's CCC camps.

"Many men distinguished themselves for their valor during the trying Friday night and Saturday night. Pushing aside the grim thoughts of the five men burning to death in the fire with the parting thought, perhaps your deaths will not be vain, we wish to take this opportunity to extend heartfelt thanks to countless persons rendering service during the catastrophe.

"America should be proud of its CCC, although innumerable blasts are hurled at them--some founded but the greater number groundless. Humboldt county can doff its hats and say "We thank you from the bottom of our hearts", to the CCC boys alive and only pour out our meager condolence for the five who lost their lives.

"United States Senator Robert Reynolds of North Carolina has received favorable reception for his bill intended to make the CCC a permanent feature of American life. If this is to be done, further study of methods and action must be taken to prevent what appears to be needless deaths.

"Humboldt county is proud of the boys, who started under the handicap of countless nicknames, and the spruce-green uniforms to be issued next fall will make the average American even prouder of the CCC lads."

Mr. Headley and myself called on Mrs. Stitser, publisher of the

Humboldt Star, and thanked her for their very considerate treatment of the accident.

Administrative Action Taken.

At the time of the fire Supervisor McQueen was in San Francisco receiving medical attention and did not reach the fire until Monday, July 31. During his absence I took the following administrative action:

1. I instructed Ranger Travis and Camp Superintendent Hardy that if more fires occurred, to call for volunteers from the camp and not to make any attempt to force the boys to assume fire duty. If this made it necessary to hire more outside help to be paid from FF, well and good. The boys in this camp are from the second corps area and are mostly southern Europeans. They are naturally emotional and at that time were extremely jittery. Any attempt to force fire duty could easily have serious consequences.

2. With the approval of Captain Seitz, the Camp Commander, I instructed Superintendent Hardy to announce that there would be no work performed on Monday, July 31, and that the day should be set aside as a day of respect for the boys who lost their lives in the Rock Creek fire. Commander Seitz and Educational Adviser Mitchell agreed to make short talks to the boys after breakfast. In addition to this, memorial services were arranged at Winnemucca on the evening of July 31. About an hour before the boys were shipped, they were brought to the front of the church and an open air memorial service was conducted by the Army chaplain.

3. A druggist in Winnemucca, I believe by the name of Black, I was informed sent about 1,000 sandwiches to the CCC boys on the Rock Creek fire. Apparently he did not desire any pay for this, but I instructed Travis that he should settle with Black for the cost.

I also instructed Travis to pay Mrs. Studebaker for her time and supplies in furnishing coffee to all comers on the night of July 28, and also to settle for the time of the 7-man crew who took the initial action on the fire. I was informed later by Mr. Travis that two of these seven men refused to take payment either for their services or for the use of their horses, but that payment would be made to the other five.

Statement by Mr. Headley after Untangling the Discrepancy
in Number of Men who Went to the Fire.

The camp list of men who went totals 23 including Timmons.

The camp list does not include Blando and Wilson who were in Timmons' crew.

Timmons did not count the number of men after leaving camp. He was therefore under the impression that he had a total of 23 men including himself.

When he brought 8 men besides himself down off the line that night, he therefore had no reason to think any men were missing out of his crew because he had left Kinn at the creek on the way up and presumed he had gone on back; and had sent Petrasek back to extricate the truck. He therefore knew of the whereabouts of 10 men besides himself which is the number he thought he had. This explains why he was not concerned about the absence of 2 of the men who went north of the creek to the rocks.

UNITED STATES DEPARTMENT OF AGRICULTURE

Forest Service

Toiyabe National Forest

O
Fire - Toiyabe
Antelope Cr., 7/28/39

Paradise Valley, Nev.
Aug. 5, 1939

Mr. William B. Rice,
Assistant Regional Forester,
Ogden, Utah.

Dear Mr. Rice:

Reference is made to the enclosed memo which you gave me.

Superintendent Jennay of the Golconda Camp had 75 men. No hours were given but I believe they were out about 10 hours. From two persons I heard that they did very good work on the south end of the fire. They had a dangerous location.

Superintendent Agee of the Quinn River Camp reported 100 men for 10 hours.

Superintendent Condrey of the McDermitt Camp reported 112 men on the first call, about 6 hours, and 150 men from 7 a.m. to 4 p.m. Saturday. This last crew was not fighting fire. Quinn River also had men over on Saturday for the search.

Very sincerely yours,

(Signed) Paul L. Travis,
Forest Ranger.