Ready To Do the Difficult Work Ahead: The Legal Legacy of Senator Harry Reid

Robert Lemus
Sarah Voehl

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READY TO DO THE DIFFICULT WORK AHEAD: THE LEGAL LEGACY OF SENATOR HARRY REID

Nevada Law Journal Staff*

This White Paper examines the legal legacy of Harry Reid, who served Nevada in the Senate for thirty years and rose to the position of Majority Leader from 2007 to 2015. Senator Reid’s work on land and water policy, climate change, immigration, gaming, and labor deeply affected Nevada and the United States as a whole. Through his positions of leadership, he secured funding for critical infrastructure projects, protected public lands, championed renewable energy, passed the Affordable Care Act, fought for immigration reform, and advocated for labor and gaming issues. This paper concludes that Senator Reid’s legal legacy is a powerful example of what can be accomplished through dedication, hard work, and a commitment to public service. By examining his life and legal work, forward-thinking Nevadans can learn valuable lessons about how to create positive change in their communities.

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INTRODUCTION: A LIFE IN THE LAW

“I suspect Harry himself would not have wanted to sit through this thing. Harry did not like being the center of attention. It made him a little awkward. He was uncomfortable when people said too many nice things about him.”\(^1\)

Those were the words of President Barack Obama, delivering Senator Reid’s eulogy in Las Vegas, Nevada, on January 8, 2022.\(^2\) President Obama masterfully paid tribute to Senator Reid’s life and career that day, joking “Harry is going to have to suck it up. Because few people have done more for this state and this country . . .”\(^3\)

This article explores the legal and legislative legacy of Senator Harry Reid, and the sentiment of President Obama is well worth remembering. This piece provides an incomplete recap of just some of Senator Reid’s accomplishments, including the establishment of Great Basin National Park, keeping nuclear

\(^1\) Barack Obama, My Eulogy for Senator Harry Reid, MEDIUM (Jan. 8, 2022), https://barackobama.medium.com/my-eulogy-for-senator-harry-reid-edb37afbe779 [https://perma.cc/Y9TX-LXL7].


\(^3\) Obama, supra note 1.
waste out of Nevada, brokering landmark water deals for the Truckee and Walker Rivers, passing the Affordable Care Act, diversifying the courts, and being a stalwart champion of LGBTQ+ rights, gaming, labor, immigrants, the middle class, and all Nevadans.⁴

Central to the senator’s legacy, however, are those who carry on his life’s work. To add insight to the issues, the Nevada Law Journal interviewed people who knew and worked with the senator, including former Congresswoman Shelley Berkley, Nevada Treasurer Zach Conine, journalist Jon Ralston, Senator Reid’s long-time political director Megan Jones, and legislative advisor Kai Anderson.⁵ Also interviewed for this piece are Nevadans who—though not close to Senator Reid during his life—are working to build on the senator’s work, including Director of the UNLV Immigration Clinic Professor Michael Kagan and environmental advocates and experts John Hiatt, Kyle Roerink, and Roger Scholl.⁶

President Obama said of Senator Reid, “[i]n a battle between perfection and progress, Harry always chose progress.”⁷ That sentiment is at the heart of virtually everything Senator Reid did while serving the state of Nevada and is the central theme of this paper. Senator Reid has a powerful and long-lasting legacy, and forward-thinking Nevadans should be happy to carry his mantle.

Senator Reid’s humble beginnings are well known, with some even comparing Reid’s childhood in a Searchlight, Nevada, shack to Abraham Lincoln’s youth in a Kentucky log cabin.⁸ Any reader seeking to learn more about the hardscrabble years of young Harry Reid in Searchlight and Henderson can look to the senator’s 2008 autobiography.⁹ Readers with a little more patience might look to the upcoming book by Jon Ralston that promises to be the “definitive biography” of Senator Reid’s career.¹⁰

Harry Reid’s life in the law began when he moved to Washington, D.C., to attend the George Washington University Law School.¹¹ George Washington University honored Senator Reid with their “Monumental Alumni” award, one of only nine such recipients from the law school.¹² While attending law school

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⁴ See infra Parts II–IX.
⁵ See infra Parts I–IV, VI, VIII–XII.
⁶ See infra Parts I–V, VII.
⁷ Obama, supra note 1.
¹⁰ @RalstonReports, TWITTER (May 19, 2021, 6:15 AM), https://twitter.com/RalstonReports/status/1395005065660801027 [https://perma.cc/Y9UJ-BVRB].
¹¹ Reid with Warren, supra note 9, at 131.
full-time, Reid also took a full-time job as a Capitol Policeman to support himself and his young wife, Laura. Harry Reid’s path from an impoverished childhood in Searchlight to attending law school while working full-time is an inspiration to those who knew him. The story of Harry Reid’s professional life began in the law and continued in the law.

Before he was elected Senator, Reid served the state of Nevada in a variety of public roles, either making or enforcing the law. Reid’s first job out of law school was as the attorney for the city of Henderson—the first hometown lawyer to fill that role. His father-in-law lobbied the City Council to hire the young Reid, arguing “you’ve never had anyone from Henderson that’s ever gone to law school.” City attorney was a part-time job, so Reid also worked cases for a small firm in Las Vegas to make ends meet. Reid tried over a hundred cases before juries between 1964 when he entered the Nevada bar and 1982 when he stopped practicing law to go to Congress. He took pride in taking “the cases nobody would take,” including representing a cocktail waitress falsely accused of bouncing a check, an unlawfully evicted prostitute, and a young black man wrongly accused of armed robbery.

Reid’s first elected position was as a member of the Nevada Assembly in 1968. Assemblyman Reid introduced the first antipollution legislation in Nevada’s history and made overtures to protect the working and middle class in Nevada. Two years later at age thirty, Reid was elected as Nevada’s Lieutenant Governor; he remains the youngest ever to hold this position. Lieutenant Governor Reid worked closely with his best friend and mentor, Mike O’Callaghan, who was elected Nevada Governor the same year. During that four-year tenure, Reid first started dealing with gambling executives like eccentric billionaire Howard Hughes and other influential Nevada figures like flamboyant boxing promoter Don King.

After four years as Lieutenant Governor, Reid continued his career in public service by running for the U.S. Senate. This election is not the beginning

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13 Interview with Megan Jones, Special Assistant to the President and Director of Pub. Engagement, formerly Pol. Dir., Friends for Harry Reid, in Las Vegas, Nev. (Mar. 4, 2023) [hereinafter Jones Interview] (“I don’t think he ever thought he would be anything more than a capitol policemn who was putting himself through law school.”).
14 REID WITH WARREN, supra note 9, at 156.
15 Id.
16 Id.
17 Id. at 156–57.
18 Id. at 157–61.
20 REID WITH WARREN, supra note 9, at 219.
21 Grisham, supra note 19.
22 REID WITH WARREN, supra note 9, at 223.
23 Id. at 225–29.
24 Id. at 234.
of the Senator Reid story.\textsuperscript{25} The young candidate suspected his opponent had previously taken a bribe and demanded his opponent and his family disclose their financial information.\textsuperscript{26} This was a crucial error, as Reid was hurt by the image of going after his opponent’s family.\textsuperscript{27} Reid lost by 624 votes, even in a favorable post-Watergate political environment for Democrats.\textsuperscript{28} Reid followed up that electoral loss with another loss the following year, this time for Las Vegas Mayor.\textsuperscript{29}

Following those defeats, Reid’s political career might have been over if not for a lifeline from his friend and mentor, Governor O’Callaghan.\textsuperscript{30} In 1977, the Governor appointed Reid to Chairman of the Gaming Commission.\textsuperscript{31} During Reid’s time as Gaming Chairman, he took on the Las Vegas mob, wore a wire-tap for the FBI to bust a bribery attempt, and his wife had a bomb attached to her car.\textsuperscript{32} Reid’s time in this role helped transform Las Vegas from a city run by organized crime to one run by gaming industry pioneers like Sam Boyd, whom Reid called a “seismic figure.”\textsuperscript{33} Sam Boyd is also the father of the UNLV Boyd School of Law’s namesake, William S. Boyd.\textsuperscript{34}

After three adventurous years as Gaming Commission Chairman, Reid was finally elected to Congress in 1982, representing Nevada’s First District, where he served two terms.\textsuperscript{35} After four years in the House, Senator Reid won his Senate seat in 1986, where he would be reelected four times and represent the state of Nevada for thirty years.\textsuperscript{36}

Senator Reid was no stranger to close victories. One such race was the 1998 Nevada Senate race, described at the time as the “reelection fight of his life.”\textsuperscript{37} This race was against Las Vegas Republican Congressman, veterinarian


\textsuperscript{26} Reid with Warren, \textit{supra} note 9, at 234–35.

\textsuperscript{27} Id.


\textsuperscript{29} Reid with Warren, \textit{supra} note 9, at 234–35.

\textsuperscript{30} Id. at 236.

\textsuperscript{31} Grisham, \textit{supra} note 19.

\textsuperscript{32} Id.

\textsuperscript{33} Reid with Warren, \textit{supra} note 9, at 269.


\textsuperscript{36} Grisham, \textit{supra} note 19.

John Ensign. Senator Reid, of course, won this race, but only by the razor-thin margin of 428 votes—and that win was after a statewide recount. The 1998 race was the closest of Senator Reid’s career, and it lives on as evidence of the senator’s political toughness and his ability to build coalitions.

It was the lead-up to the 1998 race during which political operative Megan Jones began her decades-long association with Senator Reid, lasting until his retirement. In an interview with the Nevada Law Journal, Jones, most recently a Special Assistant in the Office of the Vice President, shared memories from the election night. The 1998 campaign was her first campaign as a professional, and Jones clearly remembers the “victory party” at the MGM Grand that dissolved when it became clear that, though Senator Reid led in votes, the result was well within the margin for a recount.

As the returns trickled in and election night transformed into election morning, sleep-deprived staff—with no work to do for the first time in months—understandably took refuge where they could. Jones grabbed a few minutes of sleep “on a couch in a random side ballroom” while waiting for further instructions from the then Nevada Secretary of State Dean Heller. Megan Jones, like anyone who worked with Senator Reid, had to develop the toughness and resourcefulness that he exuded throughout his public career.

Senator Reid’s opponent that night, John Ensign, went on to get elected Senator two short years later. Jones recalled how well Senators Reid and Ensign got along and how closely they worked together on passing public land bills that benefitted the state of Nevada. The most important of these bills is the landmark Southern Nevada Public Land Management Act, commonly known as SNPLMA, a bill coauthored by Senator Reid and then-Congressman

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38 Id.
40 Jones Interview, supra note 13.
43 Jones Interview, supra note 13.
44 Id.
45 Id.
47 Jones Interview, supra note 13.
Ensign. The work Senators Reid and Ensign did together was seen by one commenter as “a refreshing example of bipartisan cooperation.”

Jones looked back on the gut-wrenching race they ran against each other and remarked that Senators Reid and Ensign “got a lot of stuff done together, which I would’ve never thought watching and being a part of the 1998 race.” Senator Reid appreciated Ensign’s willingness to concede when the votes were final rather than engage in a prolonged and expensive series of recounts and lawsuits. In Senator Reid’s estimation, “Ensign was far too decent” to engage in that kind of behavior.

Reid’s ability to broker deals and work across the aisle made him a particularly effective politician. But Jones noted that Senator Reid’s success at cultivating relationships across the electoral aisle and at courting votes from Nevadans of all political leanings would be all but impossible in the modern ultra-partisan environment of today. Jones also shared nothing but positive things about Republican Secretary of State Dean Heller’s handling of the recount, noting his non-partisanship in the role. Notably, Heller would go on to serve alongside Harry Reid in the Senate, when he was appointed to replace Senator Ensign in 2011.

The optics of that night through the lens of history are not lost on Jones. Reid’s ability to build issue-based coalitions is especially salient when the need for action on issues like water and land use is becoming more urgent. When looking to the future, Jones commented, “I don’t know what’s going to happen, I’m nervous for this town for sure.” As this paper explores the legislative legacy of Senator Reid, perhaps his willingness to work with the people the voters elected rather than the people he might have wished were elected is a good place to start.

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50 Jones Interview, supra note 13.
51 REID WITH WARREN, supra note 9, at 276.
52 Id.
54 Jones Interview, supra note 13.
55 Id.
57 Jones Interview, supra note 13.
58 Id.
A. Wilderness Designations

When archivists reviewed Harry Reid’s Congressional papers, they discovered that more than half of Reid’s congressional work dealt with the environment.59 Reid’s determination to protect Nevada’s public lands originated from his discovery of the desert oasis of Piute Springs as a boy.60 His hometown of Searchlight had a “parched and forbidding” environment, so Reid escaped to the shade of Piute Springs to cool off in its pools of cattails and lily pads.61 On one of his trips to the Springs, Reid was horrified to see that his green and lush sanctuary had been vandalized and destroyed.62 From then on, he decided to use his political clout to preserve untouched areas for generations to come.63

At the same time, Harry Reid recognized Nevada’s rapid population growth and knew that he had to preserve the state’s pristine desert landscapes before they were destroyed.64 Nevada had less than 67,000 acres of protected wilderness when Reid took office in 1982, but that number soared to 3.4 million acres by the time he retired in 2017.65 Thanks to the legacy of Reid’s conservation work, the committed coalitions of advocates such as Friends of Nevada Wilderness, and the general disposition of Nevadans to value open spaces, Nevada now boasts seventy unique wilderness areas.66

Although Reid’s focus on preserving Nevada’s public lands is appreciated by many, his conservation work also made him a polarizing public figure.67 Reid’s wilderness bills put him at odds with ranchers and farmers, and the final language in his bills frustrated environmental groups who thought he made too

59 Daniel Rothberg, Reid on his Environmental Legacy, Compromise and a Biden Climate Agenda, NEV. INDEP., (Nov. 25, 2020, 2:00 AM), https://thenevadaindependent.com/article/reid-on-his-environmental-legacy-compromise-and-a-biden-climate-agenda [https://perma.cc/XU6L-5YGK].
61 1 Id.
62 2 Id.
67 Rothberg, supra note 59.
many compromises to allow for urban expansion and pipelines. But the reality of Nevada politics meant that Reid had to compromise with Republican colleagues to get any version of a conservation bill passed. These compromises often required a green light for development on public land near populated cities and towns in exchange for wilderness designations in other, more remote, areas. In Reid’s own words, “Legislation is the art of compromise.”

Roger Scholl formed Friends of Nevada Wilderness over forty years ago, making him an expert on wilderness lands in Nevada. During a telephone interview with the Nevada Law Journal, he explained that Nevada was the last western state to begin designating wilderness areas for conservation, even though it had millions of acres of pristine landscapes. When he heard that Harry Reid had been elected to Congress, Scholl jumped on the opportunity to lobby for wilderness designations in Nevada. The two men connected over their love of Nevada’s public lands. Scholl explained that he had a friendly relationship with the newly-elected congressman, who was only four years older than him. Scholl told Reid that huge areas of Nevada’s National Forests qualified as potential wilderness, but that they were tied up in National Environmental Policy Act (NEPA) lawsuits. Reid took up the issue and decided not only to pass wilderness bills, but to remove the legal cloud that hung over so much of the National Forest land.

Reid was motivated to move forward on a wilderness bill and asked Scholl if it was possible for him to physically see the proposed wilderness lands. Scholl moved quickly to make Reid’s wish come to life, and his contacts in Washington furnished a squadron of National Guard helicopters. Scholl filled these helicopters with interested politicians and staff, including Harry Reid, and took them on a four-day tour of potential wilderness areas. Friends of Nevada Wilderness created a proposal that included the designation of twenty-two unique wilderness areas, and the helicopters flew over each one. As a result of this experience, Reid created a bill to designate ten of the twenty-two areas. Every few years, Reid made modifications to his wilderness bill as he worked

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68 Id.
69 Id.
70 Id.
71 Telephone Interview with Roger Scholl, State Chair and Founding Board Member, Friends of Nevada Wilderness (Jan. 31, 2023) [hereinafter Scholl Interview].
72 Id.
73 Id.
74 Id.
75 Id.
77 Scholl Interview, supra note 71.
78 Id.
79 Id.
80 Id.
81 Id.
persistently to ensure its eventual passage.\textsuperscript{82} Finally, in 1989, President Bush signed Reid’s bill to designate almost 750,000 acres of wilderness.\textsuperscript{83}

Kai Anderson worked for Harry Reid from 1999–2005 and ended as his Deputy Chief of Staff for Policy. He focused on legislation relating to lands, energy, and the environment.\textsuperscript{84} In an interview with the Nevada Law Journal, Anderson explained that Reid successfully passed most of his wilderness bills while he was the Democratic Whip, the number two position in the Senate.\textsuperscript{85} When Anderson began working for Reid in 1999, Nevada had over 100 wilderness study areas identified for potential wilderness protection.\textsuperscript{86} Reid’s wilderness bills formally designated over half of these areas, which Anderson explained was a remarkable achievement. “When I first started working for him, Reid wanted them all done in one bill,” he laughed.\textsuperscript{87} “It was basically impossible, which I told him. Thankfully he shifted to going county by county.”\textsuperscript{88}

Kai Anderson described Reid’s work ethic and ability to collaborate with Nevada’s Congressional Republicans as the keys to designating this staggering amount of wilderness.\textsuperscript{89} “When I first started working for Reid, he was in his sixties, but he could still outwork anybody,” Anderson recalled. “Work ethic was his thing.” Anderson also observed that Reid’s strategy for public lands collaboration across the aisle has not often been replicated in other states. “If we had had two Democratic senators, it would have been much harder. The people on the right trusted (Senator) Ensign to take care of them, and the people on the left trusted Reid to take care of them. That dynamic meant that you could get some things done.” And even though none of his public lands bills ended up exactly how Reid would have wanted them, he was willing to take certain deals made by his Republican colleagues while planning to come back and get more wilderness protection done later.\textsuperscript{90} “Sometimes you have to give a little to get progress,” said Anderson.\textsuperscript{91}

Reid’s wilderness bills in Clark, Humboldt, Lincoln, and White Pine Counties exemplified this compromise. The bills disposed of some federal land by allowing certain areas to be sold for development, but also added wilderness

\textsuperscript{82} Id.
\textsuperscript{84} Telephone Interview with Kai Anderson, Chief Executive Officer, Cassidy and Associates (Mar. 16, 2023) [hereinafter Anderson Interview].
\textsuperscript{85} Id.
\textsuperscript{86} Id.
\textsuperscript{87} Id.
\textsuperscript{88} Id.
\textsuperscript{90} Id.
\textsuperscript{91} Id.
protection to other areas in the counties. Although the county-wide public lands bills were generally supported by the counties, the Lincoln County Lands Bill of 2004 was especially controversial. The Lincoln County bill created almost 770,000 acres of wilderness and was narrowly supported by its County Commission who voted for it three-to-two. As part of this bill, Reid faced pressure to bring water from Eastern Nevada into Southern Nevada to support its growing population. Reid ultimately allowed a right of way for the Las Vegas pipeline and broke from environmentalist groups.

John Hiatt, who sits on the Board of Directors for multiple non-profits in Nevada and has been working on conservation issues for almost forty years, agreed to a telephone interview with the Nevada Law Journal. Hiatt explained that Reid “played both ends against the middle” on the Lincoln County Lands Bill. Reid was under immense pressure to allow for the pipeline, so he approved it under the condition that the pipeline would be subject to NEPA. Even with this concession, however, a coalition of tribal nations, rural counties, ranchers, and environmentalists fought against the pipeline over fears that it would turn miles of streams and wetlands into dusty desert.

The Great Basin Water Network, the non-profit who spearheaded the fight, engaged in a series of legal battles over the pipeline and successfully argued that the Nevada State Engineer miscalculated the water levels located in the area to be drained. In March 2020, the Nevada District Court blocked the Southern Nevada Water Authority from pumping water from Eastern Nevada for a final time, ending a thirty-one year dispute. As Kyle Roerink, Executive Director of the Great Basin Water Network explained, it was because of the bill’s NEPA requirement that it ultimately lost in the courts.

The Black Rock Desert-High Rock Canyon wilderness area, introduced by Senator Richard Bryan and later passed by Senator Reid, proved controversial.

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93 Anderson Interview, supra note 84.
94 Id.
95 Id.
96 Id.
97 Telephone Interview with John Hiatt, Board of Directors, The Amargosa Conservancy (Jan. 26, 2023) [hereinafter Hiatt Interview].
98 Id.; Lisa W. Welch & Joanna Ender-Wada, Piping Water from Rural Counties to Fuel Growth in Las Vegas, Nevada: Water Transfer Risks in the Arid USA West, WATER ALTERNATIVES 10(2) 2017, at 427.
100 Id.
101 Id.
102 Telephone Interview with Kyle Roerink, Executive Director, Great Basin Water Network (Jan. 26, 2023) [hereinafter Roerink Interview].
with a different group: the sportsmen. Roger Scholl explained that Senator Reid was interested in protecting this area because his friend and debate coach was especially fond of it, and because it contained some of the best preserved wagon trails in the West. So in a somewhat controversial move, Senator Reid attached the wilderness bill to a must-pass National Defense Bill at the very last moment, which allowed the bill to pass without being subject to hearings in Congress. The bill designated ten wilderness study areas as protected wilderness and established their boundaries. However, the bill’s passage meant that the hunting and mining communities were denied access to roads to their hunting ranges and mines. So, Kai Anderson and Harry Reid traveled to Nevada to meet with the various stakeholders and come up with an agreement.

The 2002 Clark County Lands Bill also allowed the Bureau of Land Management (BLM) to sell off public lands around populated areas in Southern Nevada while simultaneously designating wilderness in more remote areas. Due to concern about possible fossils located in the disposal area, Reid added a provision to the bill that required the BLM to do a NEPA analysis before they could dispose of lands and sell them for development. According to Kai Anderson, Harry Reid was able to get the bill passed by compromising with Republicans and letting them dictate the total acreage as long as Reid could draw the final map. During the bill’s first hearing, both Senators Reid and Ensign urged the passage of the bill, which attempted to balance the needs for both conservation and development.

And even though Reid was not able to protect as many acres in Clark County as he had hoped, Senator Catherine Cortez Masto’s Southern Nevada Economic Development and Conservation Act would protect the areas that Reid was not able to get the first time. "If she gets her bill done, it would be

104 Scholl Interview, supra note 71.
105 Id.
107 KCET, supra note 64.
108 Id.
109 Anderson Interview, supra note 84.
111 See id.; Hiatt Interview, supra note 97.
112 Anderson Interview, supra note 84.
114 Anderson Interview, supra note 84.
the biggest conservation bill in Nevada history,” remarked Kai. Senator Cortez Masto’s bill would add to the disposal boundary under SNPLMA while designating additional lands for wilderness and conservation.

B. Great Basin National Park

Great Basin National Park exemplifies the magnificence and serenity of the West, and Harry Reid worked hard to ensure it would stay that way. Around 90,000 visitors travel to the park each year to walk among the ancient bristlecone pines, explore Lehman Caves, go backpacking, take a scenic drive, and relax in the campgrounds. Because Great Basin is a designated International Dark Sky Park, visitors can see five planets, satellites, the Andromeda Galaxy, and the Milky Way all with the naked eye.

The park’s inception began in the 1920s when President Harding established Lehman Caves National Monument. Although the original fifty-acre designation was relatively non-controversial, ranchers and mine owners fought back when Nevada Governor James Scrugham and State Senator Cada Boak proposed expanding its boundaries. After World War II, Senator Alan Bible proposed an investigative bill to create Great Basin National Park, but a Nevada Representative acting as an advocate for mining and ranching interests successfully fought back. Through the 1970s and 1980s, advocates for the park continued to promote the idea, but politics remained divided. Despite the political tensions, Representative Reid came to the aid of the park advocates.

Reid began his park advocacy while he was in the House of Representatives through his proposal of the Nevada Wilderness Protection Act of 1986. He called for 592,000 acres of wilderness and 174,000 acres of park land to be set aside. One of the areas included in that act was Wheeler Peak, the second

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120 Id. at 53.

121 Id.

122 Id. at 54.

123 Id.


125 Kopp, supra note 119, at 55.
highest point in Nevada, which captured the immense geographic and biological diversity Nevada has to offer.\textsuperscript{126} Protection for Wheeler Peak meant protection for the rare bristlecone pines, some of the oldest living organisms on Earth.\textsuperscript{127} In response to Reid’s Nevada Wilderness Protection Act, the rest of Nevada’s Congressional delegation—Senators Laxalt and Hecht along with Congresswoman Vucanovich—introduced their own bill for a smaller 44,000 acre park that allowed multiple land uses such as grazing and ranching.\textsuperscript{128}

Undeterred, Congressman Reid fought tenaciously for a larger park, and urged the senators to expand the boundaries in order to include the unique features of the park, such as the bristlecone pines.\textsuperscript{129} After countless communications and negotiation, Reid convinced the senators to create a larger 77,000 acre park, though it would still permit mining and livestock grazing.\textsuperscript{130} In an interview for KCET, Reid explained that he was willing to compromise because Laxalt could have just killed the bill completely.\textsuperscript{131} “Because of him, I made it smaller than it should have been. And I also allowed grazing on it.”\textsuperscript{132}

At the center of Nevada’s only National Park is a “compromise of multiple use.”\textsuperscript{133} Although rare in the National Park System, the final act mandated that Great Basin allow cattle and sheep grazing.\textsuperscript{134} This arrangement led to tensions between visitor park use and rancher park use.\textsuperscript{135} But just twelve years after opening the park, non-governmental organizations such as the Nature Conservancy won the fight to end cattle grazing in the park.\textsuperscript{136} Unfortunately, even though the cattle have been removed, the effects of multiple uses are still evident. Sheep continue to graze on park land, and nearby mining activity threatens the wildlife and water quality.\textsuperscript{137} The compromise is emblematic of land management and conservation in Nevada. Harry Reid recognized that to conserve the unique features of the park, he had to balance the contradictory interests of ranchers, hunters, environmentalists, and tourists.\textsuperscript{138}

\textsuperscript{128} Kopp, \textit{supra} note 119, at 54–55.
\textsuperscript{129} Id.
\textsuperscript{130} Id.
\textsuperscript{131} KCET, \textit{supra} note 64.
\textsuperscript{132} Id.
\textsuperscript{133} Kopp, \textit{supra} note 119, at 52.
\textsuperscript{134} Id.
\textsuperscript{135} Id. at 55–57.
\textsuperscript{136} Id. at 60–61.
\textsuperscript{137} Id. at 61.
\textsuperscript{138} Filbrun, \textit{supra} note 124.
C. Monument Designations

Harry Reid further played a central role in the designation of two large Monuments in Nevada: Gold Butte and Basin and Range. Both Monuments were designated by President Barack Obama towards the end of Harry Reid’s career, and together they protect almost one million acres of land.\(^\text{139}\)

In 2008, Congresswoman Shelley Berkley introduced legislation to protect Gold Butte as a National Conservation Area and wilderness.\(^\text{140}\) Senator Reid followed her lead in 2013 and 2015 and proposed legislation to protect Gold Butte as a National Conservation Area, but their bills were never passed.\(^\text{141}\) Around this time, rancher Cliven Bundy and anti-government militia had an armed standoff with federal law enforcement after government officials began rounding up his cattle that were illegally grazing on the future monument’s federal lands.\(^\text{142}\) So, in the last year of his term, Senator Reid held meetings to increase public support and asked President Obama to make the designation.\(^\text{143}\) Reid cited a damage report released by Friends by Gold Butte that laid out illegal invasions by off-road vehicles and illegal trenches dug through the delicate habitat.\(^\text{144}\) Reid’s persistence finally paid off in December 2016 when President Obama established the Monument.\(^\text{145}\)

Tucked between Lake Mead National Recreation Area and the Arizona border, Gold Butte National Monument covers almost 300,000 acres of remote desert landscape featuring deep red sandstone, carved rock art, rugged hiking trails, scenic drives, ghost towns, and winding canyons.\(^\text{146}\) The area is also sacred to the Moapa Band of Paiutes and the Las Vegas Paiute Tribe, and its designation protected thousands of petroglyphs and artifacts from ancient human societies living on the landscape 12,000 years ago.\(^\text{147}\) The Gold Butte National Monument also contains important habitat to many species of plants and wildlife, including the threatened desert tortoise.\(^\text{148}\) The Monument’s desert springs provide an essential water source, and its washes flow into the Virgin River and


\(^{140}\) H.R. 7132, 110th Cong. (2008).


\(^{142}\) Id.

\(^{143}\) Id.

\(^{144}\) Id.


\(^{146}\) Gold Butte National Monument, supra note 139.


\(^{148}\) Id.
Lake Mead. Gold Butte also serves as a corridor between Lake Mead and the Virgin Mountains for large and small mammals including desert bighorn sheep, mountain lions, and the desert kangaroo rat. In addition to providing crucial habitat to modern species, the area serves as an important paleontological site. Archeologists have found dinosaur tracks dating back to the Jurassic Period embedded in the Aztec Sandstone.

Harry Reid also advocated strongly for the creation of the Basin and Range National Monument. After unsuccessfully sponsoring legislation for two Congresses in a row, Harry Reid and Congresswoman Dina Titus held a public meeting in February 2015 to fight for the position that Basin and Range deserved permanent protection. With the help of President Obama, the Monument was designated under the Antiquities Act in July 2015. As Jon Ralston wrote for the Reno Gazette Journal, Reid’s “ability to persuade President Obama to designate a vast swath in southeastern Nevada as a national monument showcases his remarkable combination of savvy and grit that continues to drive his enemies batty.” The Monument’s designation garnered much pushback from Republicans and the Nye County Commissioners. Critics in rural Nevada accused the government of a “federal land grab.” Nevertheless, Reid believed that the pristine land was a prime candidate for the wilderness designation.

Basin and Range is composed of two basins, Coal Valley and Garden Valley, and bordered by mountain ranges. The 704,000-acre Monument, roughly twice the size of Los Angeles, is the largest site ever designated through presidential proclamation under the 1906 Antiquities Act. The designation

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149 Id.
150 Id.
151 Id.
152 Id.
154 Eilperin, supra note 153; Mascaro, supra note 53.
156 Eilperin, supra note 153.
158 Ralston, supra note 155.
159 Roemer, supra note 153.
preserved irreplaceable Native American rock art and protected both upper- and lower- elevation wildlife habitat. The Monument’s site between the Mojave Desert and the sagebrush steppe of the Great Basin Desert allows for habitat connectivity and migration corridors for a wide variety of animals. The new protections also assisted in the preservation of rare plants such as the endemic White River catseye, which can be found nowhere else. Additionally, Basin and Range is home to Michael Heizer’s City, a work of art loved by Senator Reid. Roughly the size of the National Mall, City is built into Garden Valley and combines modern architecture with ancient Mesoamerica aesthetic influences. In many respects, Basin and Range exemplifies the diversity of values and features, including historic and prehistoric structures and objects of historic and scientific interest, that the Monument designation process is intended to preserve.

Though the designations of both Gold Butte and Basin and Range National Monuments are sufficiently durable icons of Reid’s conservation legacy, Reid’s impact on the conservation movement in Nevada and in the American West is still unfolding. Coalitions consisting of nonprofit organizations, tribal nations, and community stakeholders continue to appeal to Congress and the current presidential administration to designate additional national Monuments of significant cultural, historic, and biodiversity value. The Biden administration has to date designated three new national Monuments through presidential proclamation, one of which is the Avi Kwa Ame (Spirit Mountain) monument in southern Nevada. Though Monument designations are always the result of diverse and devoted coalitions, congressional champions such as Harry Reid are critical to the successful preservation of lands in their state for the public of the present and future.
II. LAND USE

A. Yucca Mountain

Of all the actions Harry Reid took to protect Nevada’s lands, one of his most well-known fights was against the nuclear industry, who aimed to bury high-level nuclear waste at Yucca Mountain. The conflict began with the passage of The Nuclear Waste Policy Act in 1982. The initial 1982 bill laid out procedures by which the government would evaluate a variety of storage repositories for nuclear waste. Congress quickly ran out of patience for the scientific process and expressed concern that analyzing multiple locations would be too expensive, so it passed an amendment in 1987, the “The Screw Nevada Bill,” to bypass those requirements and choose Yucca Mountain as the preferred location. The fight was dropped in Reid’s lap when he was a rookie freshman senator.

Congress’s decision to amend the Act and designate Yucca Mountain was the result of the physical location of the mountain, as well as the political climate. Congress considered Yucca Mountain to be a suitable site to dump nuclear waste because it was situated near the Nevada Test Site, where the government’s early nuclear testing occurred, and was not located in close proximity to any major population centers. When Reid went to the Senate, Nevada was still seen as a wasteland. But Reid was determined to change this misconception about his home state, “[w]e want people to think of Nevada as something more than a place to set off bombs and store nuclear waste.”

On the political side, Congress was deciding among three locations, Texas, Washington, and Nevada, which meant there were two senior democrats against one freshman from Nevada. That was not a scientific process. That was Tom Foley, Representative from Washington, taking care of Hanford, and...

168 KCET, supra note 64.
169 Senator Harry Reid, Nevada Gets the Shaft, 3 J. ENVTL. L. & Lit. 1, 3 (1988).
173 Id.; KCET, supra note 64.
174 KCET, supra note 64.
175 Id.
176 Anderson Interview, supra note 84.
Jim Wright, taking care of Texas,” commented Kai Anderson in the KCET documentary.\textsuperscript{177} Through an effort conducted by Nevada Nuclear Waste Office to analyze the potential impacts of waste storage failure and the hydrologic contamination of the Amargosa River watershed, Reid was equipped with ample scientific backing to illustrate the deep flaws in Yucca Mountain as a potential nuclear waste repository.\textsuperscript{178} The Office identified serious problems with the storage of nuclear waste in Yucca Mountain, including scientific and geographic findings on fault activity, volcanism, groundwater travel time, and potential nuclear waste vectors that could have catastrophic effects on the human and biological communities that depend on the flow of groundwater for survival.\textsuperscript{179} These findings rendered Reid confident that Nevada would not have been chosen as a potential storage site if the location selection process was fair.\textsuperscript{180}

Workers began drilling a starter tunnel into Yucca Mountain, but President Bill Clinton and Vice President Al Gore came to the rescue of the freshman senator and promised to veto the bill.\textsuperscript{181} Their opposition bought Reid time to become a leader in Congress.\textsuperscript{182} As Reid rose in power, he used his position on the Senate Appropriations Committee to starve the project of funding.\textsuperscript{183} He also fought against Yucca Mountain provisions in spending bills and worked to appoint opponents of the project to the Nuclear Regulatory Commission.\textsuperscript{184} But not everyone in Nevada was against Yucca Mountain. In fact, many counties, including Yucca Mountain’s home county Nye, were for it.\textsuperscript{185}

The nuclear industry spent three decades underestimating Harry Reid.\textsuperscript{186} As Kai Anderson put it, “the nuclear industry accidentally picked a fight with the wrong guy. And then continued to pick it for three decades.”\textsuperscript{187} Anderson joked that the fight against Yucca Mountain was like playing a baseball game where you never get to hit. “It’s hard to win if you can’t score runs and you’re

\begin{itemize}
  \item \textsuperscript{177} KCET, supra note 64; Hanford is a nuclear production site located in Washington State, \textit{See Hanford Site, U.S. Dep’r ENERGY}, https://www.hanford.gov/ [https://perma.cc/FA4A-CF4Q] (last visited Apr. 18, 2023).
  \item \textsuperscript{178} Reid, supra note 169 at 3.
  \item \textsuperscript{179} Id.
  \item \textsuperscript{180} Id.
  \item \textsuperscript{181} KCET, supra note 64; Rogers & Tetrault, supra note 172.
  \item \textsuperscript{182} KCET, supra note 64.
  \item \textsuperscript{185} Mascaro, supra note 53; Roerink Interview, supra note 102.
  \item \textsuperscript{186} KCET, supra note 64.
  \item \textsuperscript{187} Anderson Interview, supra note 84.
\end{itemize}
always on defense. Winning on Yucca meant not losing.”188 Anderson also pointed out that all of Nevada’s Congressional Representatives, regardless of political party, have stayed united in their opposition to Yucca Mountain.189 “It’s a pretty cool solidarity success story,” he commented in the interview.190 Congresswoman Shelley Berkley agreed.191 “I thought that after Harry Reid left, we would definitely get Yucca Mountain. Even though all of us fought it over the years, the fact of the matter is that he stopped it. The fact that it isn’t here yet is a tribute to Harry Reid.”192

If one were to travel to Yucca Mountain now, they would see rusted equipment in an abandoned tunnel.193 In an interview with KCET, Harry Reid commented that because there’s nothing left, new construction would have to start all over.194 And even if the nail hasn’t officially been pounded in the coffin of the project, Congress has not provided funding for Yucca Mountain for over ten years, and Congressional leadership would almost certainly not allow a vote on the issue.195

B. Against Mining Law Reform Efforts

Reid’s prioritization of public lands conservation is at odds with his resistance to reform of the Mining Law passed in 1872.196 “There have been very few people seen as great environmentalists who are also seen as protectors of an industry that received significant criticism for defiling the environment,” Jon Ralston said in an interview.197 The 150-year-old mining law regulates the mining of valuable minerals on federal lands.198 It allows citizens to explore public

190 Anderson Interview, supra note 84.
191 Interview with Shelley Berkley, Senior Vice President, Touro University, formerly Congresswoman from Nev. First Dist., in Henderson, Nev. (Feb. 7, 2023) [hereinafter Berkley Interview].
192 Id.
194 KCET, supra note 64.
197 Telephone Interview with Jon Ralston, Chief Executive Officer, The Nev. Indep. (Mar. 8, 2023) [hereinafter Ralston Interview].
lands for minerals and, if they are discovered, establish a property right to the land. The purpose of the law was to promote mineral exploration and development, offer title to existing mines, and to “help settle the West.” It enshrined mining as the “highest and best use” of federal land. Miners do not pay royalties on the minerals taken from federal lands, and it’s estimated that the law has allowed miners to remove over $400 billion worth of minerals and gold without paying anything in federal royalties. Worse yet, it’s not just United States citizens and firms who are profiting off the antiquated law. In 1994, the United States handed over more than $10 billion in gold to a Canadian company for less than $10,000. According to Cathy Carlson, policy advisor at Earthworks, “[i]t’s a legacy of the nineteenth century that doesn’t make any sense in the twenty-first century.”

This dichotomy in Reid’s priorities has been explained in many different ways. In 2009, Reid wrote that he opposed mining law reform to protect Nevadans’ mining jobs. “It is the number one industry in rural Nevada and it has always played a central role in our state’s economy,” Reid wrote. He explained that he fought mining reform efforts that he saw as hurting rural Nevada. Nevada’s rural communities were generally not fans of Reid, but he “did well enough in rural areas to win very close races,” so his stance on mining may have been good politics. Reid’s upbringing in a mining town may have also played a part in influencing his stance on reform, and his father was a hard rock miner. His close-knit circle also included friends in the mining industry, such as Michael Brown, an executive with Barrick.

Regardless of Reid’s reasoning for opposing mining law reform, his stance appears to be the same one that Nevada leadership will hold for the foreseeable future. Harry Reid’s successor, Senator Catherine Cortez Masto, followed

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199 Id.
200 Id.
201 Id.
204 Harkinson, supra note 202.
206 Id.
207 Id.
208 Ralston Interview, supra note 197; Mascaro, supra note 53.
209 REID WITH WARREN, supra note 9, at 27.
Reid’s example with a recent vote against mining reform.211 Moving forward, however, many agree that the Mining Law of 1872 is in desperate need of reform. The devastating environmental result of mining includes deforestation, erosion, soil and water contamination, and an increase in noise, dust, and emissions.212 Research has also illustrated that mining has negative effects on human health and living standards.213 However, the current presidential administration has acknowledged these impacts and is working on a more sustainable solution. In May 2022, the 150th Anniversary of the 1872 Mining Law, a coalition from the Biden administration, states, tribes, the mining industry, and environmental representatives, met to discuss changes to ensure production meets environmental standards, includes consultations with communities and tribes, and reduces the time and risk of mine permitting.214

With the Biden administration’s current priority of transitioning the U.S. energy and transportation economy to be powered by renewable energy and electric vehicles, Reid’s legacy on mining and the environment gains yet another wrinkle of complexity.215 By containing some of the richest deposits of nickel, cobalt, graphite, lithium, and other rare earth minerals essential to the construction of electric vehicles and batteries, the nation’s eyes are on Nevada to provide the means to create a more sustainable future for generations to come. In a recent report, the Department of Energy emphasized the importance of federal support for “environmentally sustainable and next-generation” extraction methods.216 The question remains as to how those coming after Reid will weigh the impacts of this extraction on Nevada’s pristine public lands against the promise of achieving a greater good in the face of climate change.

C. Fought Coal and Promoted Renewables

Harry Reid was very proud of his advocacy for renewable energy and used his position as the most powerful Democratic member of the Senate to bring

213 Id.
216 Id.
development and investment to Nevada while promoting clean energy. During his time in office, Reid fought coal, blocked several votes on the Keystone XL pipeline, obtained funding for renewable energy sources, and supported wind and solar farms. ‘He became an evangelist for renewable energy and for crushing NV Energy’s dependance on coal plants,’’ Jon Ralston told us in an interview. Congresswoman Shelley Berkley also noted that Harry Reid worked hard to provide tax incentives for those purchasing energy efficient cars and appliances.

One of Reid’s most notable coal plant fights occurred near Moapa when he, with the help of the Nevada state legislature, killed the Reid Gardner Coal Power Plant. The plant supplied forty percent of the power for Las Vegas, but it became a notorious polluter that caused health problems for the residents of the nearby Moapa River Indian Reservation. ‘I made up my mind I was going to get rid of coal in Nevada,’’ said Reid in an interview with KCET.

When NV Energy wanted to build new coal plants, Reid called the supporting hedge fund and told them to back off. Reid’s fight against coal was supported by the state legislature, which passed a law that essentially ended NV Energy’s reliance on coal. The bill mandated that no new coal plants would be built, and existing plants be sunssetted.

Reid worked to replace Nevada’s coal power with renewable energy sources. In his book The Good Fight, Reid wrote, “I have worked hard to advance the cause of American energy independence by promoting the renewable

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219 Ralston Interview, supra note 197.


221 KCET, supra note 64.

222 Id.

223 Id.


energy sources of the future.” After the recession, Reid fought for the passage of the American Reinvestment and Recovery Act and the Energy Improvement and Extension Act, which led to thousands of new clean energy jobs in Nevada.

Senator Reid also facilitated an agreement between NV Energy and LS Power to build a transmission line for renewable energy that would connect northern and southern Nevada’s power grids. Since 2000, Reid secured over $100 million for Nevada projects to advance the nation’s renewable energy capabilities.

The Moapa Band of Paiute, who fought for the end of the coal plant making their community ill, joined the green energy initiative and built their own solar power plant. Behind the scenes, Reid supported the infrastructure that would assist the state’s transition to clean energy. Reid called the mayor of Los Angeles to persuade him to buy the solar energy created by the Moapa Solar Plant, and the Los Angeles City Council approved the deal. The Moapa is the first large-scale solar plant to receive approval on tribal land in North America. The construction alone provided 115 jobs to tribal members, and now generates enough solar power to serve about 111,000 homes.

Reid’s plan to make Nevada a leader in clean energy is coming to fruition. In 2021, Nevada ranked sixth in the nation for total electrical generation from solar. Renewable energy supplied thirty-three percent of Nevada’s total electricity generation. Nevada also hosts a new hybrid geothermal-solar power plant which combines geothermal power with solar photovoltaic technology. By 2030, half of Nevada’s electricity will be generated from renewable sources.

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227 REID WITH WARREN, supra note 9, at 275.
228 Fighting for Clean Energy Jobs in Nevada, UNIV. OF NEV., LAS VEGAS, https://digitalsscholarship.unlv.edu/cgi/viewcontent.cgi?filename=0&article=1027&context=nces&type=additional (last visited Apr. 28, 2023).
229 Id.
231 Id.
232 KCET, supra note 64.
235 Id.
237 Id.
238 Id.
The push to place solar and wind farms in the desert is, however, putting rare species and ecosystems at risk.\textsuperscript{240} For example, solar energy plants threaten the existence of the desert tortoise, the rare three-corner milkvetch herb, and a flower called the white-margined beardless.\textsuperscript{241} “There’s a potential renewable energy extinction crisis going on in Nevada, and these little creatures and plants are at the forefront,” explained Patrick Donnelly, the Great Basin Director for the Center for Biological Diversity.\textsuperscript{242} Opponents of solar construction on intact desert ecosystems suggest solar installations on shaded structures covering parking spots in cities.\textsuperscript{243} Another alternative is agrophotovoltaics, which combines photovoltaic power and crop growth on the same fields, and would provide agricultural benefits such as reducing the drought stress of the crops.\textsuperscript{244} Analysis done by scientists at the U.S. Energy Department’s Argonne National Laboratory has shown that the U.S. has enough already-developed land that solar could be built onto, to provide enough solar power.\textsuperscript{245} “The disturbed land is there. It’s just a matter of convincing the industry [to use it],” says Lee Walston, ecologist at Argonne.\textsuperscript{246}

As with the mining of rare minerals, the central question as to how Reid’s environmental ethos in weighing the imminent need for renewable energy development against the impacts of the industrial solar to Nevada’s public lands and wildlife will inform current and future decision making remains unanswered. Currently, the Bureau of Land Management is undertaking an expansive planning process across the American West to identify lands where renewable energy is suitable, where it should be prioritized, and where it should be excluded.\textsuperscript{247} Whereas other states have existing plans to inform this process, such as the Desert Renewable Energy Conservation Plan which effectively zones the California Desert to balance conservation and energy goals, Nevada currently lacks an equivalent plan that is robustly informed by the communities, tribal nations, and stakeholder groups.\textsuperscript{248} The future of Nevada’s public lands may well depend on whether a champion of Reid’s caliber will emerge to balance these oppositional environmental paradigms.

\textsuperscript{240} Id.
\textsuperscript{241} Id.
\textsuperscript{242} Id.
\textsuperscript{243} Id.
\textsuperscript{244} Id.; Agrovoltaic Energy, When Agriculture and Renewables Go Hand in Hand, IBERDROLA, https://www.iberdrola.com/innovation/agrovoltaics (last visited Apr. 28, 2023).
\textsuperscript{245} Id.
\textsuperscript{246} Id.
D. Population Growth

During Reid’s time in federal politics, Nevada’s population exploded. When Reid entered Congress as a freshman representative, Las Vegas had about 505,000 residents.\(^{249}\) By the time he retired, that number had grown to 2.4 million.\(^{250}\) The rapid growth created a new tension between conservation priorities and the use of natural resources to support Nevada’s increasing population.\(^{251}\) Because the Las Vegas Valley is surrounded by public land, the city was running out of room for residential housing.

Congress’s first solution to this problem, the Santini-Burton Act, set up a land swap to allow the federal government to acquire sensitive lands in the Lake Tahoe region in exchange for selling federal land around the Las Vegas Valley to developers.\(^{252}\) This process, however, became corrupt.\(^{253}\) Reid recognized this inequity and set about fixing it.\(^{254}\) He understood that the Las Vegas area needed land to provide housing for the city’s growing population, but also wanted a process that would further the interests of conservation.

In an effort to balance these two competing priorities, Harry Reid worked with Las Vegas Congressman John Ensign to shepherd the passage of the Southern Nevada Public Land Management Act (“SNPLMA”) in 1998.\(^{255}\) Instead of swapping lands, the federal lands around Las Vegas would be auctioned to the highest bidder.\(^{256}\) SNPLMA allows the BLM to sell public lands around Las Vegas and use the revenue to fund, primarily, conservation projects in the state.\(^{257}\) This unique legislation allows the money from Nevada land to stay in Nevada rather than go to a federal treasury.\(^{258}\) There are currently 67,920 acres within the disposal boundary, with about 27,000 acres still up for disposal.\(^{259}\) The boundary, however, has been modified several times.\(^{260}\)

\(^{249}\) Rothberg, supra note 59.

\(^{250}\) Id.

\(^{251}\) Id.


\(^{253}\) KCET, supra note 64.

\(^{254}\) Id.

\(^{255}\) Id.

\(^{256}\) Id.


\(^{258}\) Id.


\(^{260}\) Southern Nevada Public Lands Management Act, supra note 268.
As of December 31, 2022, the sale of federal lands through SNPLMA has allocated $221 million to the State of Nevada Education Fund, $435 million to the Southern Nevada Water Authority, and $3.7 billion to the SNPLMA Special Account.\textsuperscript{261} The SNPLMA Special Account funds projects including the acquisition of environmentally sensitive land, capital improvements at areas such as Lake Mead National Recreation Area, Red Rock Canyon National Conservation Area, and Great Basin National Park, conservation initiatives, the Multi-Species Habitat Conservation Plan, Parks, Trails, Wildfire Prevention, and Lake Tahoe Restoration.\textsuperscript{262} SNPLMA also funds environmental research. For example, John Hiatt explained, SNPLMA provided $500,000 to do spring surveys and evaluate water quality in Clark County.\textsuperscript{263} This survey was a multi-year project, providing crucial water data for Southern Nevada.\textsuperscript{264} Hiatt also explained that Reid had the foresight to ensure that SNPLMA funds could not be used to pay federal employees.\textsuperscript{265}

Megan Jones stated that much of the development around Las Vegas that we see today would not have been possible without SNPLMA.\textsuperscript{266} “We would have nothing if we didn’t have SNPLMA. SNPLMA is the biggest earmark in the history of earmarks.”\textsuperscript{267} In an interview, she recalled that Reid was very aware of the number of people moving to Nevada and wanted to build the infrastructure for them to stay.\textsuperscript{268}

However, while SNPLMA has done great things for conservation causes in the state, it has also contributed to urban sprawl, which harms the state’s ability to tackle its current climate change crisis.\textsuperscript{269} Patrick Donnelly, Great Basin Director for the Center for Biological Diversity, told the Los Angeles Times that he was concerned about sprawling development.\textsuperscript{270} Suburban sprawl can exacerbate the climate crisis by leading to more driving and emissions, rather than focusing on infill development within the city’s current borders.\textsuperscript{271}

SNPLMA, while imperfect, was a remarkably innovative way to balance the two competing interests of urban development and public lands conservation. The tension between these two sets of values will only continue to grow as more and more people recognize what Nevada has to offer, increasing the need for new homes and development. Harry Reid’s legacy SNPLMA program should continue to be developed and improved as a tool to ensure that Nevada
remains a sought-after place to live for both its metropolitan development and protected public lands.

III. WATER POLICY

A. Pyramid Lake and the Truckee River Operating Agreement

Harry Reid also cared deeply about the preservation of Nevada’s water and desert terminus lakes. In his book The Good Fight, Reid explained that “[i]n the whole world, there are only twenty-one desert terminus lakes. Only two are in the United States, and they are in Nevada—Pyramid Lake and Walker Lake.”272 Reid’s 2002 Desert Terminal Lakes Program preserved several endangered Nevada lakes by appropriating $200 million to the Bureau of Reclamation to provide water to Pyramid Lake, Summit Lake, and Walker Lake.273 Building on that momentum seven years later, Congress provided additional grant funding in 2009 for the Walker Basin Restoration Program to restore Walker Lake through the purchase of water rights.274

According to Jon Ralston, Reid’s true pride and joy was negotiating the Truckee River Settlement.275 “The negotiations took decades and he had to thread so many needles to get that done,” said Ralston.276 “He made some enemies too, including farmers in rural Nevada. Considering all the parties who had an interest in the river, it was a huge legislative accomplishment.”277 Kai Anderson recalled that Harry Reid wasn’t concerned about the politics of getting involved in the water fight, he was simply concerned with doing what was right.278 “He never would have done Walker Lake or the Truckee River Operating Agreement if he was driven by polls. Because neither of those things was remotely popular.”279

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272 Reid with Warren, supra note 9, at 274.
275 Ralston Interview, supra note 197.
276 Id.
277 Id.
278 Anderson Interview, supra note 84.
279 Id.
The conflict over water use in the Truckee and Carson Rivers can be traced back to the Newlands Project. The goal of the project was to use the water to irrigate nearly half of a million acres of land in primarily Washoe and Churchill counties, but never irrigated more than 73,000 acres. The Newlands Project diverted the Truckee River towards the Lahontan Reservoir by means of the Derby Dam and the Truckee Canal. The terminus of the Truckee River is the beautiful Pyramid Lake.

Pyramid Lake is home to the rare Lahontan cutthroat trout and the prehistoric cui-ui fish. Pyramid Lake and the Stillwater Marshes sit in the Lahontan Valley, the aboriginal home of at least two tribes: the Pyramid Lake Paiute and the Fallon Shoshones. The lake provided the Paiute with its “principal source of livelihood” as the tribe lived on the lakeshores and fished for the cui-ui and the Lahontan cutthroat trout. But the diversion of water for Fallon and the Truckee Irrigation District led to a decreased water flow to the lake that threatened the lives of the lake’s aquatic populations. This canal system “had the effect of making fish native to the Lake endangered protected species, and . . . unsettled the erosion and salinity balance of the Lake to a point where the continued utility of the Lake as a useful body of water [was] a hazard.”

In the 1960s, the Pyramid Lake Paiute Tribe, environmentalists, farmers, and other water users engaged in legal battles over who had the right to use the water from the rivers. The tribes used the Endangered Species Act to protect the endangered fish in Pyramid Lake. And because California and Nevada shared the rivers, the conflicts went on for years. By the 1980s, Reno was growing and running out of water, so Senator Paul Laxalt tried to push through a Nevada-California compact that would have divided the Truckee River water even further. The compact would have extinguished the possibility that the Pyramid Lake Paiute Tribe could claim more water from the river.

Senator Reid saw an urgent need to resolve the conflict and went to the aid of the tribes, even though it was politically unpopular for him to do so. After

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280 LEAH J. WILDS, WATER POLITICS IN NORTHERN NEVADA, Introduction (2010).
281 Id.
283 Id. at 149.
284 Id.
285 Id.
287 Id.
289 WILDS, supra note 280, at Introduction.
290 KCET, supra note 64.
291 WILDS, supra note 280, at Introduction.
292 KCET, supra note 64.
293 Id.
294 Hiatt Interview, supra note 97.
many conversations and negotiations, Reid came up with a preliminary settlement agreement between the tribes and the power company. When a settlement was reached among Nevada, California, the Federal Government, Truckee Meadows Water Authority, and the Pyramid Lake Paiute Tribe, Senator Reid incorporated it into Public Law 101-618 and Congress passed it in 1980. After more than seventeen years of negotiation, the Truckee River Operating Agreement was signed in September 2008. Implementation began in 2015.

This landmark water use agreement brought an end to decades of uncertainty and allocated ninety percent of the river’s water to Nevada. It also tripled drought storage for Reno and Sparks, provided funding to the Fallon and Pyramid tribes for economic development and ended all ongoing litigation. The final implementation of the agreement required both the Pyramid Lake Paiute Tribe and the Truckee-Carson Irrigation District to withdraw several claims filed in federal court.

Despite all the benefits of the agreement, Reid still made enemies in rural Nevada. Farmers in the Truckee River Basin were angry to receive less water in the final bill. Because the water district allowed the Fish and Wildlife Service to buy water rights, many farmers had no choice but to sell. Although angering farmers in rural Nevada, the agreement is largely applauded as one of Reid’s most important accomplishments for the future of water use in Nevada.

The Truckee River Operating Agreement stated that water could not be used for new growth in times of drought and included numerous protections for the lakes, wetlands, and wildlife. The agreement further contained provisions demonstrating the importance of environmental values in water reallocation. For example, it provided more water for Pyramid Lake and directed the Secretary of the Interior to acquire an average of 25,000 acres of wetland habitat in the Lahontan Valley. This authority included the acquisition of water

295 KCET, supra note 64.
296 WILDS, supra note 280, at Introduction.
298 Id.
299 Id.
301 SETTLEMENT ACT sec. 210(a)(1)(A)–(E).
302 Roth, supra note 160.
303 Id.
304 KCET, supra note 64.
305 Id.
307 SETTLEMENT ACT sec. 206(a)(1).
The agreement also included economic resources to restore the fish populations of cui-ui and threatened Lahontan Cutthroat Trout, including $25 million to create the Pyramid Lake Paiute Fisheries Fund, and authorizing the Secretary of the Interior to acquire water rights to assist with conservation. Those carrying on Reid’s legacy can refer to this hard-fought agreement as a blueprint for solving future water controversies in the West.

B. Walker Lake

Similar to Pyramid Lake, Walker Lake is at the natural terminus of a river whose water was captured and stored for irrigation. Unlike the Newlands Project, however, water diversion from the Walker River was privately funded. As the agriculture in Walker Basin grew, farmers captured and stored an increasing amount of water. By the middle of the twentieth century, the lake level had dropped by 145 feet. By 2007, it decreased another 145 feet. These lowering water levels—and the resultant increased salinity—severely threatened both the life in the lake and the lake itself.

Competition over the use of Walker River led to decades of legal fights among agricultural interests, tribes, and environmental interests. Concerned about the quality of Walker Lake, Senator Reid’s advocacy led to the passage of the Energy and Water Development Appropriations Act in 2005. The new law provided $70 million dollars for the Walker Basin Project and purchased water for delivery to Walker Lake in a manner that would improve the ecological health of the river as well as enhance the area’s economy. Thanks to Senator Reid’s efforts, Walker Lake is well on its way back. Jeff Bryant, the executive director of the Walker Basin Conservancy, called it “one of the great restoration stories of the West.”

308 Id.
309 Id. at 208(a)(2)(A)-(D) and 207(b).
310 WILDS, supra note 280, at Introduction.
311 Id.
312 Id.
313 Id.
314 Id.
315 Id.
316 Id.
317 Id.
318 Id.
320 Id.
C. The Future of Nevada Water Policy

These two stories exemplify the need for cooperation to ensure that our state’s most precious resource, water, can be shared in a sustainable way.\(^{321}\) Growth in the West is happening at an unprecedented rate at the same time that water is becoming more and more scarce.\(^{322}\) Fights over water in the West have seven states locked in a dispute over how to allocate water in the Colorado River Basin.\(^{323}\) And just like thirty years ago, the federal government will have to make a decision on how to allocate the cuts among a river’s water users.\(^{324}\)

Leif Reid, son of Harry Reid, argues that congressional intervention, like that used in the Truckee-Carson River Settlement, is a highly effective tool for solving complicated interstate water disputes.\(^{325}\) As he explains in his opening paragraph, the continued growth of the West will come down to its ability to cooperate in the allocation of its water resources.\(^{326}\) The article reasons that congressional intervention is the best solution because courts often lack the technical expertise needed to render an informed judgment, compact agreements take a long time, and the resulting agreement is often left incomplete.\(^{327}\)

When asked about the biggest issue facing our state currently, Nevada State Treasurer Zach Conine said without hesitation, “[w]ater issues and Nevada’s ability to re-negotiate the Colorado River Compact.”\(^{328}\) He explained that the Compact, which was created in 1922, divided up the river’s water at a time when the states, and the climate, looked much different.\(^{329}\) Nevertheless, he argues, Nevada has done a great job at keeping its water use to a low level.\(^{330}\) “We as Nevadans have done work to create technologies and [make] decisions like getting rid of ornamental turf. We are doing all the hard work . . . and I think most Nevadans would agree that we need those other states to step up.”\(^{331}\)

Megan Jones, former policy advisor to Senator Reid, agrees. “We’ve done everything that we can do as a state. Allocation was given to us when we were a baby. We need to be treated fairly in the process and unless and until California comes to the table, it is in the federal government’s hands.”\(^{332}\) When asked about the Colorado River Basin in a presentation given at the law school, John

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\(^{321}\) WILDS, supra note 280, at Introduction.
\(^{322}\) Reid, supra note 282, at 146.
\(^{324}\) Id.
\(^{325}\) Id. at 146.
\(^{326}\) Id. at 146.
\(^{327}\) Id. at 175.
\(^{328}\) Telephone interview with Treasurer Zach Conine, Nev. State Treasurer (Feb. 24, 2023) [hereinafter Conine Interview].
\(^{329}\) Id.
\(^{330}\) Id.
\(^{331}\) Id.
\(^{332}\) Jones Interview, supra note 13.
Leshy, former General Counsel for the U.S. Department of the Interior, pointed out that about eighty percent of the water in the Colorado River basin is used by agriculture.\textsuperscript{333} Much of that allocation, he pointed out, is used by a low-value crop: alfalfa.\textsuperscript{334} “The solution is fairly obvious,” Leshy said. “We need to reduce the amount of that low value crop. We are in a crisis now in the basin, and the politics are beginning to grapple with that.”\textsuperscript{335}

Congresswoman Shelley Berkley credits Pat Mulroy from the Southern Nevada Water Authority with Nevada’s smart water conservation policies.\textsuperscript{336} “Thanks to Pat Mulroy, we are very careful with our water resources. Harry and Pat Mulroy worked very closely when she ran the Southern Nevada Water Authority. The fact that we’ve been able to grow the way we have, is due in large part to her knowledge on water conservation.”\textsuperscript{337} Congresswoman Berkley also agrees that increased federal intervention is the best solution to our current water crisis.\textsuperscript{338} “A lack of water resources could have a very detrimental effect on growth and development of Southern Nevada,” she remarked.\textsuperscript{339}

IV. CLIMATE CHANGE

Towards the end of his time in the Senate, Reid became a strong voice in the fight against climate change.\textsuperscript{340} In an interview with the Nevada Law Journal, Congresswoman Shelley Berkley noted that Reid’s Clean Energy Summit, which was the first environmental conference in Southern Nevada, has been well attended since its very first year.\textsuperscript{341} Reflecting on his career, Reid told the Nevada Independent that rather than enact some master plan, he just did the work required of him as the senator for a state dealing with rapid population growth where the federal government managed almost eighty-five percent of

\textsuperscript{333} John Leshy, Professor of Law, UC Law SF College of the Law, Faculty Enrichment Presentation: Our Common Ground (Mar. 2, 2023).
\textsuperscript{334} Id.; “Agricultural water use makes up nearly 80% of total water consumption in the Colorado River basin, with roughly half of that going toward the production of alfalfa hay, according to a 2020 study.” Jessica Fu, \textit{It’s the Thirstiest Crop in the US South-West. Will the Drought put Alfalfa Farmers out of Business?}, \textit{THE GUARDIAN} (Sep. 12, 2022, 6:00 AM).
\textsuperscript{335} Id.
\textsuperscript{336} Berkley Interview, supra note 191.
\textsuperscript{337} Id.
\textsuperscript{338} Id.
\textsuperscript{339} Id.
\textsuperscript{341} Berkley Interview, supra note 191; see also Energy (Renewable) and Power (Harry Reid’s) at the Clean Energy Summit, \textit{NEV. PUBLIC RADIO} (Aug. 25, 2015, 5:18 PM), https://knpr.org/2015-08-25/energy-renewable-and-power-harry-reids-at-the-clean-energy-summit [https://perma.cc/ZE9N-GA89] (explaining that while the summit was not always a big deal, it became national when Reid and his staff got involved).
the land. “Climate change started affecting [Nevada] some time ago, and I’m glad that I was vigilant and did what I could to protect it,” said Reid.

After his retirement from the Senate, Reid encouraged lawmakers to abolish the Senate filibuster so that they could more easily pass bills to remedy the effects of climate change. “There’s nothing that affects my children, grandchildren, and their children, right now, more than climate,” Reid said in a 2019 interview. In an article he wrote for the Salt Lake Tribune, Reid explained that if greenhouse emissions continued at their current rate, the earth’s atmosphere temperature would increase three degrees by the time his grandchildren are in their forties. Although three degrees may not sound like a lot, climate scientists predict this increase will lead to droughts, food shortages, wildlife habitat loss, more severe wildfires, diminished coral reefs, and the displacement of hundreds of millions of people from their homes.

Environmental groups also saw Reid’s retirement as a major loss for the climate change movement. For example, the Chair of California Democratic party’s environment caucus complimented Reid for providing “tremendous leadership in making Nevada a leader on solar, geothermal and wind.” Additionally, Mike Brune, the executive director of the Sierra Club, commended Reid for showing “tenacious leadership to protect our air, water and climate,” during his time in office. Reid was also a vocal critic of the fossil fuel industry’s actions to spread doubt about climate science and called out the Koch brothers as “one of the main causes” of climate change.

As Harry Reid’s years in public office stretched on, his votes on Capitol Hill became more and more aligned with pro-environmental causes. The League of Conservation Voters, a grassroots non-profit fighting for environmental justice, gives ratings to politicians to indicate how often their votes are “pro-environment.” The League gave Harry Reid an eighty-two percent overall lifetime score, and his scores reflect that he voted increasingly more pro-

342 Rothberg, supra note 59.
343 Id.
345 Nilsen, supra note 344.
346 Harry Reid, We All Must Face the Threat of Climate Change, Salt Lake Trib. (July 7, 2019, 7:16 AM), https://www.sltrib.com/opinion/commentary/2019/07/07/harry-reid-we-all-must/ [https://perma.cc/Z656-6XEC].
348 Bagley, supra note 218.
349 Id.
350 Id.
351 Id.
environment as his career progressed. In fact, Reid was given a 100 percent rating for seven of his ten last years in office.

In May of 2021, Harry Reid appeared on MSNBC to urge Congress to pass President Biden’s infrastructure bill. “The number one issue facing America today, no matter the age group, is climate change. And [Biden’s] bill dealing with infrastructure is taking a whack at climate change in a big bold way.” Biden’s Infrastructure Investment and Jobs Act passed on November 5, 2021—about two months before Reid’s passing. That bill included $50 billion to fight climate change disasters but did little to curb emissions. Senator Reid would have been even more thrilled to learn about the passing of the Inflation Reduction Act on August 16, 2022. The Inflation Reduction Act is the most significant action ever taken by Congress to fight climate change and move toward a cleaner future. The Act provides funding for clean energy growth, power infrastructure, electric vehicle charging stations, and climate resilience. The Act includes $369 billion to bring America closer to its goal of cutting climate pollution in half from 2005 levels by 2030.

V. Health Care

A. How Leader Reid Got the Affordable Care Act Passed

Senator Reid’s health care legacy is certainly grounded squarely in the Affordable Care Act, which was passed and signed into law while the senator was

353 Id.
355 Id.
357 Id.
359 Id.
serving as Majority Leader.\textsuperscript{362} The Center for American Progress named the Affordable Care Act as one of the top ten acts of Congress that helped the American middle-class.\textsuperscript{363} By their estimation, the Affordable Care Act exists in the same company as such powerful and historic legislation as the Social Security Act, the National Labor Relations Act, the G.I. Bill, and the Civil Rights Act.\textsuperscript{364}

Although the Affordable Care Act—also known as the “ACA” or Obamacare—may be controversial, the result of improving Americans’ access to health coverage is undeniable.\textsuperscript{365} In particular, the Medicaid expansion increased access to health care, improved health outcomes, led to greater financial security, and invoked a stronger response to the COVID-19 pandemic than the previous health care scheme.\textsuperscript{366} Additionally, thanks to the Affordable Care Act, coverage cannot be denied for preexisting health conditions, no time limit exists on care, more screenings are covered, and prescription drugs cost less.\textsuperscript{367} The rate of Americans without health insurance is at an all-time low at eight percent, and over forty million Americans get their health coverage from Medicaid or the ACA Marketplace, a record high.\textsuperscript{368}

The Nevada Law Journal sat down with the incomparable Jon Ralston, who is writing the definitive biography on Senator Reid, to discuss a variety of topics, including the passage of the Affordable Care Act.\textsuperscript{369} The veteran journalist got right to the point and called Leader Reid’s handling of the Affordable Care Act’s passage, “some of the most incredible horse trading and cajoling and coaxing and deal making that has ever been seen in the US Senate.”\textsuperscript{370} This

\begin{itemize}
\item \textsuperscript{364} Id.
\item \textsuperscript{367} Roland, supra note 365.
\item \textsuperscript{369} Ralston Interview, supra note 197.
\item \textsuperscript{370} Id.
\end{itemize}
“horse trading” included sweetheart deals with fence-sitting Democrats in swing states like Senators Mary Landreau of Louisiana and Ben Nelson of Nebraska. Ralston jokingly called it “legalized bribery,” and referred to the media monikers given to the sweetheart deals of the time, the “Louisiana Purchase” and the “Cornhusker Kickback.” Ralston made it clear that Leader Reid saw it as his responsibility—rather than President Obama’s—to whip up the votes necessary to pass. Of course, Leader Reid was able to get the support of all 58 Democrats and two Independents in the Senate in order to achieve the sixty votes needed to defeat a filibuster.

Although Senator Landrieu got her Louisiana Purchase and Senator Nelson got his Cornhusker Kickback, both of their Senate careers ended shortly after their votes in favor of the Affordable Care Act. Senator Landrieu lost her next election bid and Senator Nelson retired rather than face a tough race, both seeing their home state poll numbers dip following passage of the bill, and both being replaced by Republicans who opposed the Affordable Care Act.

Notably, like Senators Landrieu and Nelson, Leader Reid represented a swing state himself. Senator Reid, however, won his next reelection contest the very next year. Though admitting that some political luck was involved, Ralston thinks Senator Reid made the right strategic decision by leaning into defending the Affordable Care Act to Nevada voters rather than running away from it. Ralston suggested that some members of his campaign may have advised Senator Reid to try to create distance between himself and the Affordable Care Act.

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371 Id.
372 Id.
373 Id.
379 Ralston Interview, supra note 197.
Care Act. Ralston surmised, however, that stance would have amounted to lying to the voters, something Reid was unwilling to do.

The Nevada Law Journal also had the pleasure of sitting down with former Congresswoman Shelley Berkley, a lifelong friend of Senator Reid who also served with him in Congress. Berkley’s interest in politics began in earnest while she was student body president at UNLV and Reid visited campus along with Mike O’Callaghan as part of their campaign for Lieutenant Governor and Governor. Berkley first met Harry Reid in 1968, however, when she was a senior at Valley High School and Reid was running for Nevada Assembly along with future Nevada Governor and Senator, Richard Bryan. Berkley fondly recalled that she canvassed for both Reid and Bryan in 1968, and thirty years later in 1998 when she first ran for Congress, both Senators Reid and Bryan in turn canvassed for her.

While representing Nevada’s First District, Congresswoman Berkley was a cosponsor of the House version of the Affordable Care Act. In addition to Congresswoman Berkley, Congresswoman Titus, then representing Nevada’s Third District, was also a cosponsor—meaning all of Nevada’s Congressional Democrats were co-sponsors of what would become the Affordable Care Act. According to Congresswoman Berkley, Senator Reid would not have it any other way, “it wasn’t even negotiable.” Senator Reid clearly knew how important the Affordable Care Act was not only to the legacies of himself and President Obama, but also to the state of Nevada.

Despite the pressure from both her home-state Leader Reid and Speaker Pelosi, who Berkley calls “just as tough as Harry Reid,” Congresswoman Berkley wanted more from the initial passage of the Affordable Care Act. In particular, she did not want to pass the bill without a provision for graduate medical education, which she still believes is crucial to quality accessible health care for the additional thirty million Americans that would be covered by the new law. This provision was included in the House bill she cosponsored, but was removed in the compromise Senate version. Ultimately, after pressure from Speaker Pelosi, a call from President Obama, and a visit from a persistent

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380 Id.
381 Id.
382 Berkley Interview, supra note 191.
383 Id.
384 Id.
385 Id.
387 Id.
388 Berkley Interview, supra note 191.
389 Id.
391 Berkley Interview, supra note 191.
Treasury Secretary Timothy Geithner—who may have refused to leave Berkley’s office until she agreed—Congresswoman Berkley decided to vote yes on the Senate version and hope to revise and expand the bill in future years. Berkley is certain that the multilateral pressure she faced was orchestrated by Leader Reid himself. To Berkley, he was the linchpin that made the Affordable Care Act happen: “without Harry Reid in the Senate, I am quite confident that this legislation would not have gotten through.”

B. What’s Next for Health Care in Rural America

To Congresswoman Berkley, the legacy of the Affordable Care Act is not only its resiliency against the attempts to defeat or repeal it, but also delivering the initial promise to build on it. In her opinion, federal funding of graduate medical education is still the greatest lost opportunity of the Affordable Care Act. Berkley is married to a doctor and is a Senior Vice President at Touro University in Henderson, Nevada, which specializes in health care education, making Berkley especially qualified to discuss the need for funding graduate medical education. Berkley is particularly concerned with the shortage of physicians practicing in Nevada. She is certain that improved funding for graduate medical education will not only lead to better access to health care nationwide, but will resolve the promise of health care in Senator Reid’s home state as well.

Senator Reid himself believed addressing the urgent need for more doctors was a key next step in his health care legacy. The senator was specifically concerned with the lack of doctors available to staff rural hospitals, especially in the remote parts of Nevada. Rural hospitals are, in fact, closing at an alarming rate. Since 2005, nearly 200 rural hospitals have either closed or converted to limited-services facilities, with at least 65 closing in the last five years.
years.\textsuperscript{403} Two of these hospitals were located in rural Nevada: one in Tonopah and the other in Owyhee, on the Duck River Reservation.\textsuperscript{404}

There was a shortage of qualified health care professionals before the passage of the Affordable Care Act.\textsuperscript{405} The increased health care coverage, however, certainly intensified the existing problem.\textsuperscript{406} The solution offered by Senator Reid and Congresswoman Berkley seems so simple it just might work—make it easier for people to go to medical school, and more people will go to medical school, leading to more doctors.\textsuperscript{407} Recent studies support this solution, proposing expansion of residency programs, student loan forgiveness, and incentives for practicing in primary care as methods of addressing the physician shortage.\textsuperscript{408}

The lack of health care professionals and services in rural America is leading to a health care shortage in these areas, even among people who are covered.\textsuperscript{409} In a 2019 poll, as many as one in four rural Americans could not get health care when it was needed.\textsuperscript{410} Notably, that poll was before the COVID-19 pandemic.\textsuperscript{411} Rural America was hit particularly hard by the COVID-19 pandemic, with higher rates of fatality, fewer intensive care unit beds per capita, longer travel distances to care facilities, and lower vaccination rates.\textsuperscript{412} While twenty percent of Americans live in rural areas, only twelve percent of doctors practice in rural communities.\textsuperscript{413}

\begin{footnotesize}
\textsuperscript{403} Id.
\textsuperscript{406} Id.
\textsuperscript{407} See supra Part VI.
\textsuperscript{410} Id.
\textsuperscript{411} See id.
\textsuperscript{413} Id.
\end{footnotesize}
A recent bipartisan Senate bill might begin to bridge the rural health care gap.\textsuperscript{414} Democrat Senator Jon Tester of Montana and Republican Senator John Barrasso of Wyoming jointly introduced the Rural Physician Workforce Production Act that would incentivize urban hospitals to rotate residents to rural hospitals and create a payment initiative to help rural hospitals attract residents.\textsuperscript{415} Although this lands short of the graduate medical funding solution Congresswoman Berkley advocates for, this bipartisan bill is an active example of the legacy of Senator Reid in action.

C. Senator Reid’s Health Care Legacy

To consider the legacy of the Affordable Care Act, it is worthwhile to revisit Congresswoman Berkley sentiments. Berkley indicated that the law was merely a first step rather than an ultimate health care scheme, because “we always anticipated making changes once it was passed.”\textsuperscript{416} The Speaker of the House who passed the Affordable Care Act, Speaker Nancy Pelosi, has stated that the law “could be a path to Medicare for All.”\textsuperscript{417} Speaker Pelosi, however, has also stated that she favors using the Affordable Care Act framework to continue to improve health care outcomes rather than replacing it with a new law.\textsuperscript{418}

Senator Reid acknowledged that the Affordable Care Act was a “step in the right direction.”\textsuperscript{419} The senator made clear that there was a significant number of advocates in the Senate for a single-payer or public option in the original Affordable Care Act; but the path to sixty votes was through improving the traditional insurance-based system, which is what passed.\textsuperscript{420} Nevertheless, when asked in an interview whether the Affordable Care Act might be a path towards a single-payer system, Senator Reid responded “yes, yes. Absolutely yes.”\textsuperscript{421}

Perhaps the health care legacy of Senator Reid is to deliver a version of the Affordable Care Act he may have wanted to pass in the first place, one with a


\textsuperscript{415} Id.

\textsuperscript{416} Id.


\textsuperscript{420} Id.

\textsuperscript{421} Id.
single-payer system.\textsuperscript{422} Unlike the current health insurance system, a single-payer system is one in which a single agency would negotiate and deliver all health care funding.\textsuperscript{423} Under this plan, there would be no premiums, doctors and patients would be able to make health care decisions unburdened by health care coverage, and an estimated half-trillion dollars in national health care savings would be achieved by replacing the current profit-based model with one that focuses on public health outcomes.\textsuperscript{424}

Health care think tanks have presented a litany of options for reforming and improving the American health care system.\textsuperscript{425} These options range from minor enhancements of the current system, to comprehensive health care for all U.S. residents including coverage of medical, dental, vision, and with no cost-sharing.\textsuperscript{426} The transition to single-payer is alive and well in the form of proposals for Medicare for All.\textsuperscript{427} Of the twenty-seven Democrats who ran for that party’s nomination for President in 2020, ten backed a form of Medicare for All.\textsuperscript{428} Notably, the eventual nominee and winner of the Presidential election, President Biden, was not a proponent of Medicare for All during his campaign, but did support expansion of coverage.\textsuperscript{429} Nevertheless, since taking office President Biden achieved a historic $35 per month cap on insulin prices.\textsuperscript{430} With nearly 27 million Americans diagnosed with diabetes, this price cap is a significant health care achievement in its own right.\textsuperscript{431}

New Medicare for All laws have been proposed in both chambers of Congress in the last several sessions.\textsuperscript{432} One such proposal was the Medicare for All

\footnotesize{\begin{itemize}
  \item \textsuperscript{422} See e.g., Adam Gaffney et al., Moving Forward from the Affordable Care Act to a Single-Payer System, 106 AM. J. PUB. HEALTH 987, 987–88 (2016).
  \item \textsuperscript{424} Id.
  \item \textsuperscript{426} Id.
  \item \textsuperscript{428} Alice M. Ollstein, Medicare for All, POLITICO (Feb. 19, 2020), https://www.politico.com/2020-election/candidates-views-on-the-issues/health-care/medicare-for-all/ [https://perma.cc/EFL4-PEQ4].
  \item \textsuperscript{429} Id.
  \item \textsuperscript{430} Fact Sheet: President Biden’s Cap on the Cost of Insulin Could Benefit Millions of Americans in All 50 States, WHITE HOUSE (Mar. 2, 2023), https://www.whitehouse.gov/briefing-room/statements-releases/2023/03/02/fact-sheet-president-bidens-cap-on-the-cost-of-insulin-could-benefit-millions-of-americans-in-all-50-states/ [https://perma.cc/MH9B-V8JD].
  \item \textsuperscript{431} Id.
\end{itemize}}
Act of 2021, introduced by Democrats Pramila Jayapal of Washington and Debbie Dingell of Michigan and co-sponsored by over half of the House Democratic Caucus. In the other chamber, Independent Senator Bernie Sanders introduced a Medicare for All Act of 2022 with fourteen Democratic co-sponsors.

Although these acts have not yet become law, they are a strong indicator that the Affordable Care Act has merely set the stage for the improvement of American health care options. Notably, the path to Medicare for All may not be through Congress at all. Over one hundred local city and municipal governments—including Denver, Colorado; Gainesville, Florida; and Kent, Ohio—have passed resolutions supporting a nationwide universal health care program. In Congress and even in the grassroots, the push for single-payer is strong, and the health care legacy of Senator Reid lives on.

VI. IMMIGRATION

A. Congressman Reid the Immigration Hawk

Senator Reid’s views on immigration shifted dramatically over the course of his decades of public service. When Harry Reid first arrived in Congress, he could rightly be seen as an “immigration hawk.” His early-career anti-immigrant record included voting against President Ronald Reagan’s amnesty bill in 1986 and introducing a highly anti-immigrant Immigration Stabilization Act in 1993. Senator Reid contemporaneously authored an L.A. Times article warning that “[u]nlimited new arrivals pressuring [American infrastructure] systems threaten to overwhelm them.” The Immigration Stabilization Act

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436 Id.

437 Id.

438 Id.

was, by Senator Reid’s estimation, a “low point” in his career, and the “biggest mistake [he] ever made.”

In the weeks and months following Senator Reid’s introduction of that bill, he gained a new perspective by discussing the issue further with his family and constituents. Mrs. Reid’s parents were Jewish immigrants from Russia; and when Mrs. Reid reminded the senator of her family’s history, his mind became more open to reconsideration. The next step in Senator Reid’s evolution on the issue of immigration came at a town hall meeting in Las Vegas shortly after introducing the bill. At that town hall event, the local Hispanic community, including many of Senator Reid’s close friends, reached out to Senator Reid, and changed his mind for the rest of his life. In the years and decades that followed, the senator did everything in his power to “undo” his self-described “embarrassment.”

By the end of Senator Reid’s career, he was remembered for his work supporting America’s immigrants, and several immigration advocacy groups lauded his record. The National Immigration Law Center considered him “a steadfast champion for all families, regardless of where they came from.” The We Are Home Campaign called the senator “a long-time champion on the issue” of immigration reform. America’s Voice stated, “[w]hen it comes to immigration reform, Senator Harry Reid has been a remarkable and tireless champion.” Based on the sentiments of these immigrant rights and immigration reform groups, Senator Reid’s immigration legacy should be remembered for his decades of work as an advocate for immigrants, not his “biggest mistake” from decades earlier.

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443 Id.
444 Id.
446 Id.
447 See infra Part VII.
451 See supra Part VII.
B. Senator Reid the Steadfast Champion for Immigrants

If introduction of the Immigration Stabilization Act in 1993 was the “low point” of Senator Reid’s career, introduction of the DREAM Act in 2010 may very well be the high point.452 The DREAM Act would have created a pathway for citizenship for undocumented residents of “good moral character” who were less than the age of thirty and arrived in the U.S before they were sixteen years old.453 Additionally, applicants would have to satisfy an education or military requirement.454 The young immigrants who would be affected by this act became known as “DREAMers.”455

It is notable that siding with undocumented people in 2010 was seen as an act of political suicide in a swing state like Nevada.456 White House Chief of Staff Rahm Emanuel once called immigration the “third rail of American politics.”457 The senator’s political advisers warned him, “[d]o not touch the DREAM Act with a ten-foot pole.”458 Of course, Leader Reid boldly brought the DREAM Act to a vote, both in 2010 and in 2013, deciding he “might as well give [his supporters] a reason to vote for me.”459 Reid won reelection in 2010 with unprecedented levels of Latino support, confounding expectations and befuddling so-called political experts.460

Leader Reid’s first attempt at passing the DREAM Act did not get out of the Senate.461 Fifty-five Senators voted in favor and forty-one against, but the bill died because it failed to reach the sixty-vote threshold needed to overcome the filibuster.462 Key provisions of the DREAM Act were later included in the comprehensive 2013 immigration reform bill, the Security, Economic Oppor-

453 Id.
454 Id.
456 José Parra, Reid’s Steady Moral Compass Was Also Good Politics, NEV. INDEP. (Jan. 12, 2022, 2:00 AM), https://thenevadaindependent.com/article/reids-steady-moral-compass-was-also-good-politics [https://perma.cc/9UD4-FHZK].
458 Id.
459 Parra, supra note 456.
462 Id.
tunity, and Immigration Modernization Act. This bill passed the Senate with bipartisan support, with sixty-eight votes in favor.

The passage of the bill in the Senate was a wish come true for DREAMers. Their hopes of legal status and citizenship inside the country they grew up in were now seemingly within reach. One Nevadan DREAMer, Astrid Silva, shed tears in the Senate gallery as Senator Reid’s guest while the passing votes were cast. Silva, who was also in the Senate gallery for the failed 2010 vote, became friends with Senator Reid after sending him handwritten letters detailing the life of undocumented Nevadans like herself and her father.

Democratic House Minority Leader Nancy Pelosi immediately signaled a willingness to work with Republicans to pass an immigration bill in the lower chamber. Sadly, the hopes of DREAMers like Astrid Silva were dashed when Speaker of the House John Boehner opted to not bring the immigration bill for a vote in the House, effectively killing the DREAM Act. Instead of embarking on her path to American citizenship, Silva remains one of the most visible DREAMers in the nation over a decade later. Silva even delivered the 2017 Spanish language response to the State of the Union Address. Like around 13,000 other Nevadan DREAMers, however, her future status in America remains in limbo.

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464 Id.
466 Id.
472 Id.; Alejandra Marquez-Janse, 10 Years After DACA Was Announced, Dreamers Remain in Limbo, CAP. RADIO NEWS (June 19, 2022),
Ultimately, Senator Reid could not get the DREAM Act, or any other substantial immigration reform bill, passed into law.\footnote{473} In fact, the most recent major piece of immigration law passed was the 1986 bill that then-Congressman Reid would come to regret voting against.\footnote{474} Despite its failure to become law, the DREAM Act’s passage in the Senate was seen as a “high-water mark” for some immigration activists.\footnote{475} It served as a lodestone for the immigration reform movement, and activists like Astrid Silva and others rallied around the DREAMers, ready to do whatever work came next.\footnote{476}

What came next was not legislative action but executive action from President Obama in the form of a new policy of Deferred Action for Childhood Arrivals, or DACA.\footnote{477} Under DACA, the U.S. Citizenship and Immigration Services allows eligible people to register for and receive consideration for prosecutorial discretion, deferring their removal for two years at a time.\footnote{478} The guidelines for eligible people are very similar to the DREAM Act guidelines, requiring no criminal behavior and either enrollment in school or military service.\footnote{479} Like those who would have been eligible for the DREAM Act, the approximately 800,000 DACA-eligible young people living in America are similarly known as “DREAMers.”\footnote{480} DACA recipients do not have a legal status and may not apply for citizenship, but they may legally work, drive, and even get a Social Security Number.\footnote{481}

One Nevadan who is intimately familiar with navigating the law under DACA is Director of the UNLV Immigration Clinic Michael Kagan.\footnote{482} The Nevada Law Journal sat down with Professor Kagan, who is also one of the


\footnote{476}Id.


\footnote{479}Id.


\footnote{481}Id.

most-cited immigration law scholars, to discuss the present and future of immigration in America.\textsuperscript{483} Professor Kagan met Senator Reid while Reid was a Distinguished Fellow at Boyd School of Law.\textsuperscript{484}

Although Professor Kagan had only met Senator Reid a couple of times, they did notable work together on a panel hosted by Reid about Muslims in America, comprised of national experts including Kagan.\textsuperscript{485} Professor Kagan recalled a meeting with Senator Reid during the preparation for this panel.\textsuperscript{486} Professor Kagan was ostensibly called to Reid’s second floor office at the Law School to exchange opinions, but in reality, Reid told Kagan exactly what the Professor’s role would be on the panel.\textsuperscript{487} Of course, Professor Kagan participated in the panel, because, as the Professor put it, “nobody said no to Harry Reid.”\textsuperscript{488} Professor Kagan also mentioned one meeting with Senator Reid outside of the Law School.\textsuperscript{489} While the Professor’s parents were visiting Southern Nevada, they ate at Rachel’s Kitchen in Henderson, and got the “thrill of standing behind the senator in line.”\textsuperscript{490} Coming to Henderson and seeing Harry Reid was getting to “see one of the local sights.”\textsuperscript{491}

Professor Kagan lauded DACA for its immediate effect, because “it’s obvious that since 2012 when DACA was established, hundreds of thousands of people’s lives have been better.”\textsuperscript{492} Nevertheless, Kagan recognized the impermanent nature of DACA and the “considerable anxiety” DREAMers endure while trying to live their lives.\textsuperscript{493} As Director of the UNLV Immigration Clinic, Kagan operates within the realities of DACA and the rest of the immigration system on a constant basis.\textsuperscript{494} The future of DACA has been uncertain since a federal judge suspended new applicants in 2021.\textsuperscript{495} Professor Kagan expressed

\textsuperscript{483} Id.
\textsuperscript{486} Kagan Interview, supra note 485.
\textsuperscript{487} Id.
\textsuperscript{488} Id.
\textsuperscript{489} Id.
\textsuperscript{490} Id.
\textsuperscript{491} Id.
\textsuperscript{492} Id.
\textsuperscript{493} Id.
\textsuperscript{494} Id.; Michael Kagan Bio, supra note 482.
significant concern over the “zombie” status of the program and worries about what comes next for the hundreds of thousands of DREAMers.\footnote{Kagan Interview, supra note 485.} Kagan pointed out that many DREAMers are leaving the program, some for positive reasons, but many for reasons like expense or the program’s uncertainty.\footnote{Id.; Filing Fees, U.S. CITIZENSHIP IMMIGR. SERV., https://www.uscis.gov/forms/filing-fees [https://perma.cc/PTS4-6DE5].} Professor Kagan pointed out that the renewal fee, almost $500 paid every two years, is the same as a rent or car payment.\footnote{Muzaffar Chishti & Julia Gelatt, At Its 10th Anniversary, DACA Faces a Tenuous Future Despite Societal Benefits, MIGRATION POL’Y INST. (June 9, 2022), https://www.migrationpolicy.org/article/daca-10th-anniversary [https://perma.cc/7SXN-Q52P].} In fact, of the over 800,000 DREAMers who entered the program, only a little over 600,000 remained at DACA’s 10-year anniversary.\footnote{Id.} This is troubling, as DACA provides benefits to the lives of not only recipients but American society at large.\footnote{Jie Zong et al., A Profile of Current DACA Recipients by Education, Industry, and Occupation, MIGRATION POL’Y INST. (Nov. 2017), https://www.migrationpolicy.org/sites/default/files/publications/DACA-Recipients-Work-Education-Nov2017-FS-FINAL.pdf [https://perma.cc/U5FU-NHJV].} The vast majority of DACA recipients are either employed or in college, and employed recipients work in fields especially supportive of Nevada’s economy, including hospitality, retail, construction, education and health care.\footnote{Kagan Interview, supra note 485.}

To Professor Kagan, modern immigration reform is hindered more by political will than public support.\footnote{Id.} Kagan pointed out that “there is overwhelming support for giving the people who have DACA today a path to citizenship,” and “it’s actually relatively hard to find issues in America today that have that level of support.”\footnote{Kagan Interview, supra note 485.} A 2020 Pew Research poll supports this, indicating that 74 percent of Americans support permanent legal status for DREAMers, including 91 percent of Democrats and 54 percent of Republicans.\footnote{Jens Manuel Krogstad, Americans Broadly Support Legal Status for Immigrants Brought to the U.S. Illegally as Children, PEW RSCH. CTR. (June 17, 2020), https://www.pewresearch.org/fact-tank/2020/06/17/americans-broadly-support-legal-status-for-immigrants-brought-to-the-u-s-illegally-as-children/ [https://perma.cc/SSH7-219H].} A 2021 survey showed 69 percent support a conditional pathway to citizenship, including 86 percent of Democrats and 51 percent among Republicans.\footnote{Joseph Guzman, Majority of Americans Back Path to Citizenship for Undocumented Immigrants, New Poll Finds, THE HILL (Feb. 4, 2021), https://thehill.com/changing-america/respect/537370-majority-of-americans-back-path-to-citizenship-for-undocumented [https://perma.cc/DHX7-N89J].} Another 2021 poll,
consisting entirely of registered voters in Texas, found that 63 percent would continue the DACA program, with 87 percent of Texas Democrats in favor and a plurality of Texas Republicans in favor.\(^{506}\) Public polling agrees with Professor Kagan’s expert opinion: Americans of both parties support DREAMers.

While political inaction may be the biggest barrier to immigration reform, America has a much longer nonpartisan history of supporting immigrants. Although Professor Kagan expressed cynicism when it came to manifesting public support into modern political action, he did offer a glimmer of optimism when discussing that part of our past.\(^{507}\) In particular, he found inspiration in President Reagan’s farewell address, known as the City on a Hill speech, calling it “the most beautiful modern speech about immigrants of any President.”\(^{508}\) From President Reagan’s 1989 speech, “...any person with the courage, with the desire to tear up their roots, to strive for freedom, to attempt and dare to live in a strange and foreign place, to travel halfway across the world was welcome here.”\(^{509}\)

C. The Need for Immigration Reform in 2023 and Beyond

Immigration and the treatment of undocumented individuals remain critical issues in Senator Reid’s home state. Former Clark County Sheriff and current Nevada Governor Joe Lombardo boasted about deporting 10,000 individuals during his time as Sheriff.\(^{510}\) Professor Kagan has criticized the Las Vegas Metropolitan Police Department (Metro) for coordinating with Immigration and Customs Enforcement (ICE) in the past, particularly in their recent lack of transparency and recordkeeping.\(^{511}\) Although Metro publicly ended their official collaboration with ICE in 2019, the organization continued to inform federal agents of the time and place of an immigrant’s release from custody, rather than officially transferring custody.\(^{512}\) The off-books information exchange policy was official policy until at least 2021, but some Nevada lawmakers ques-
tioned whether it continues to this day, and have been dissatisfied with Metro’s response. This conflict among undocumented residents, local and federal enforcement agencies, and legislative action taking place in Nevada is emblematic of the crucial need for immigration reform on the federal level.

Perhaps the best next step for immigration reform is to attempt to do exactly what Senator Reid could not—pass the DREAM Act. Earlier this year, the DREAM Act of 2023 was introduced in the Senate, with bipartisan sponsorship from Democrat Senator Dick Durban of Illinois and Republican Senator Lindsey Graham of South Carolina. DACA was always meant to be a stop-gap measure, and in 2017 the previous presidential administration attempted to end the program, with the Supreme Court ultimately keeping the program alive. Although that attempt was unsuccessful, the program was suspended by a federal judge in 2021 and remains in the midst of a lengthy court battle. After over a decade without legal status, DREAMers want to stop dreaming and finally get a path to the full rights of American citizenship. Time is running out for the over 2 million young people living in America who were brought here as minors. Legislative action is vitally needed and the DREAM Act of 2023 would give them the help Senator Reid tried so desperately to deliver over a decade ago.

VII. GAMING

A. Nevada Gaming Commission Chair Reid

The topic of Harry Reid and the gaming industry could easily be the inspiration for additional academic study or a thrilling Hollywood movie. Prior to becoming Senator, Harry Reid spent five years in the late 1970s as the Chair-

516 Jordan, supra note 495.
519 See supra Part VII.
man of the Nevada Gaming Commission.\textsuperscript{520} Reid chaired the Commission during pivotal years for gaming in Nevada, where casinos were still run by organized crime; and then-Chairman Reid had to face down notorious mobsters like Tony Spilotro and Lefty Rosenthal.\textsuperscript{521} An attempt was even made on Chairman Reid’s life while serving in that role.\textsuperscript{522}

In a well-circulated story from his time as Chairman, Reid agreed to wear a wire as part of an FBI bribery sting operation.\textsuperscript{523} When the bribe was offered, Reid became furious that anyone would dare to brie him and instead of using the agreed-upon phrase that would send the FBI in, Reid called the brie a “son of a bitch” and started choking him.\textsuperscript{524} The FBI made their arrest, but only after peeling Chairman Reid off the man that disrespected his honest reputation.\textsuperscript{525} The exploits of “Harry Reid vs. the mob” were thrilling enough to inspire a scene in the blockbuster film Casino.\textsuperscript{526} Certainly other media is better suited for expanding on this exciting chapter of Senator Reid’s life, but this backstory is useful and entertaining as framing for the rest of Senator’s Reid’s legacy in the gaming industry.

B. Senator Reid the Ultimate Gaming Champion

Senator Reid was called the “ultimate gaming champion” by no less than American Gaming Association President Bill Miller.\textsuperscript{527} Senator Reid was inducted into The Gaming Hall of Fame as an Industry Leader in 2001, calling him “a voice in Nevada and on Capitol Hill for the hundreds of thousands of people whose jobs are supported by gaming entertainment, and for communities where gaming entertainment provides a strong economic foundation.”\textsuperscript{528} Senator Reid’s work on Capitol Hill was much more as a protectorion than as


\textsuperscript{521} Reid with Warren, supra note 9, at 243–56.


\textsuperscript{524} Id.

\textsuperscript{525} Id.


\textsuperscript{528} The Gaming Hall of Fame: Harry Reid, UNLV CTR. GAMING RSCH. (Dec. 6, 2022), https://gaming.library.unlv.edu/hof/2001_reid.html [https://perma.cc/68AY-GHMW].
an activist, often blocking or curtailing legislation that might have had a negative effect on the Nevada gaming industry. This protectionist work included protecting NCAA betting in Nevada and opposing online poker and sports gambling, including daily fantasy sports.

With rapid adoption of gaming nationwide, Nevada’s place in the current landscape of gaming might be cloudy to some. In the late twentieth century, legalized gambling was limited to Nevada, Atlantic City, riverboats, Native American reservations, and horse and dog tracks. Although Senator Reid’s protectionist reputation on the topic of gambling is well-earned, the senator softened his stance on protectionism as new information became available—a theme in his career. Once a leading opponent of online gambling, Senator Reid created legislation to legalize, regulate, and tax internet-based poker. Unfortunately, the bill did not pass because some Senators were suspicious that the bill was a ploy to protect Nevada’s gambling interests at the expense of other states.

In the 2010s, the Department of Justice began to strip away the tools for protectionism of Nevada’s gambling industry. Prior to 2010, internet gambling was regulated by the Wire Act. In 2011, however, the Department of Justice reinterpreted the Wire Act, finding that it applied only to “sports-related gambling activities,” and that other online gambling such as lotteries and poker were at the states’ discretion. The Wire Act was passed in 1961—long before lawmakers considered the influence of the internet—and remains the framework by which the Department of Justice must interpret internet gambling. There have been calls for a modern Wire Act that takes into greater consideration

530 Id.
534 Id.
537 Id.
539 Id. at 109.
tion the needs of the states and regulators as well as the technological realities of living in the internet age. Perhaps the next steps of internet gaming legislation is what Senator Reid proposed: legalize, regulate, and tax.

C. Las Vegas Remains the Gold Standard in Gaming

The Nevada Law Journal sat down with second-term Nevada State Treasurer and Boyd School of Law graduate Zach Conine to discuss Senator Reid’s legacy in Nevada, specifically in the gaming industry. Treasurer Conine was eager to share the story of how Harry Reid first suggested he run for the position of Nevada Treasurer. Treasurer Conine recalled that at the time of his first candidacy for that role, his wife, Layke Martin, was a Dean at Boyd School of Law. Dean Layke Martin worked closely with then-retired Senator Reid who was serving as a Distinguished Fellow in Law and Policy. Senator Reid took Dean Layke Martin aside at an event they were both attending and mentioned to her that, he’d been thinking about it, and her husband Zach Conine would make a good treasurer. When Dean Layke Martin told Zach that Senator Reid had plans for him, they were both incredulous—Conine had previously run for a state assembly seat and his local small business was growing, but he had no elected experience and was relatively unknown politically.

Nevertheless, Senator Harry Reid wanted to speak with Zach Conine, so of course he and his wife went to see Senator Reid that very weekend. Whatever Senator Reid said, it was persuasive. As Conine put it, “we left the re, and I was the candidate for Treasurer.” Zach Conine was elected Treasurer in 2018 and reelected in 2022, proving that Nevada voters agree with Senator Reid’s choice in Treasurer.

The story doesn’t stop there, however. Treasurer Conine mused that whenever he would show up in a headline, such as passing a bill in the legislature or improving Nevada’s credit rating, Senator Reid would send a brief note or text message congratulating him and reaffirming the senator’s faith in the Treasurer. Of course, the message would also recall how good an idea it was for the

\cite{540} Id. at 122–23.
\cite{541} Conine Interview, supra note 328.
\cite{542} Id.
\cite{543} Id.
\cite{544} Id.; Granger, supra note 484.
\cite{545} Conine Interview, supra note 328.
\cite{546} Id.
\cite{547} Id.
\cite{548} Id.

\cite{550} Conine Interview, supra note 328.
Treasurer to run for that role—along with a subtle reminder of who suggested it in the first place.\textsuperscript{551}

Treasurer Conine, who had a career in gaming prior to politics, recognizes the changing landscape of gaming nationally, but has a clear vision of optimism when it comes to Nevada remaining the leader in worldwide gaming.\textsuperscript{552} Although admitting that other markets might be “nipping at our heels a little bit,” especially in sports betting, his optimism stems from the knowledge that the Las Vegas gaming industry is “by far the best game in town.”\textsuperscript{553} The Treasurer went on to emphatically call Las Vegas the worldwide “gold standard.”\textsuperscript{554}

Treasurer Conine’s enthusiastic optimism for the Las Vegas gaming market is supported by the state of the industry. Las Vegas has more hotel rooms than any other American city, and possibly the world, though the number worldwide is disputed.\textsuperscript{555} Las Vegas is cited by virtually all travel and industry sources as the biggest and best gambling destination in the world.\textsuperscript{556} Perhaps most significant to Treasurer Conine and other Nevada residents, tourism and gaming numbers remain exceptionally strong, with 38.8 million visitors in 2022 and an all-time high $14.8 billion in casino revenue that same year.\textsuperscript{557} Anyone wishing to join the chorus of optimism for the future of Nevada gaming can do so not merely from a place of hope, but also armed with the knowledge that the infrastructure is in place, we have the support of industry insiders, and most importantly the tourists still love flocking here.

The political and business reality of Senator Reid’s time in the Senate often tied the best interests of the gaming industry to the best interests of Nevada as a

\textsuperscript{551} Id.
\textsuperscript{553} Conine Interview, supra note 328.
\textsuperscript{554} Id.
whole.558 At the time of Senator Reid’s retirement, one Caesars executive said plainly, “we’ve had a friend in Harry Reid.”559 Perhaps the gaming industry legacy of Senator Reid is not in protectionism, but as Treasurer Conine alluded to, in preserving Nevada as the gold standard and laboratory of innovation within the gaming industry.560 Nevada’s current Chief Executive, Governor Joe Lombardo, has shown a commitment to keeping Nevada at the cutting edge of the gaming industry, calling for a more streamlined testing and approval process as a major part of his inaugural State of the State speech.561 No expectation exists that Nevada lawmakers from either party will cease to be cheerleaders and advocates for our state’s largest industry. As long as Nevada continues to be the standard bearer for gaming, the legacy of Senator Harry Reid will remain strong in the state.

VIII. LABOR

Senator Reid managed to build a political alliance that was often backed by gaming executives and shareholders, but there should be no mistake—Senator Harry Reid’s political power in Nevada, and in America, came from his relationship with labor. Megan Jones commented on the senator’s ability to be good for both the bosses and the workers because both groups felt like Senator Reid’s seniority in the Senate gave them the best national voice.562 Most importantly for a campaign operative like Jones, that broad appeal led to a broad voting coalition in Nevada not solely dependent on the turnout of a single group.563

A paper cannot be written on Harry Reid without mentioning the tremendously successful nearly half-century alliance between the senator and labor unions in Nevada, specifically the Culinary Union.564 Former Congresswoman Berkley, whose father was a member of Culinary Union, believed Senator Reid was such a stalwart supporter of labor and the working Nevadan because he came from such meager beginnings.565 The Culinary Union has remained “a


559 Id.

560 Conine Interview, supra note 328.


562 Jones Interview, supra note 13.

563 Id.


565 Berkley Interview, supra note 191.
key cog in the [Reid] machine, even in the 2022 election cycle.”\(^{566}\) The “Reid Machine” is a coalition of left-leaning special interest groups, the Nevada State Democratic Party, and organized labor—most importantly, the Culinary Workers Union Local 226 (“the Culinary Union”).\(^{567}\) The alliance between Senator Reid and labor in Nevada has certainly tipped the scales in countless state elections, even continuing to 2022 and possibly beyond.\(^{568}\)

Following his passing in late 2021, the Culinary Union put out a statement lauding Senator Reid’s labor achievements.\(^{569}\) They called Senator Reid “a true champion of working families in Nevada” who “always stood in solidarity with workers.”\(^{570}\) The Culinary Union also pointed out how Senator Reid was essential to the expansion of the Culinary Academy of Las Vegas and the way those training programs created opportunity for Culinary employees, especially “Black and brown workers.”\(^{571}\) The statement also proudly recalled the work Senator Reid did with the labor union to advance the cause of “comprehensive worker-centered immigration reform.”\(^{572}\) The alliance of the “Reid Machine” and the unions was a winning combination, where Senator Reid got a reliable bloc of voter turnout and the union got a steadfast ally at the highest level of Congress.

This alliance continues to reap rewards in a very Harry Reid way—the Nevada caucus. In the presidential selection process, states that hold their primaries and caucuses in the earlier stages have significantly more influence on the outcome than states with later contests, with one study indicating up to five times the influence.\(^{573}\) The traditional first state, Iowa, has an outsized effect on national politics in the form of the “ethanol pledge.”\(^{574}\) Presidential candidates regularly vow to continue national investment in corn-based ethanol, a boon to the Iowa economy.\(^{575}\) Nevada was once a later caucus state but Senator Reid saw the opportunity to push Nevada issues to the forefront of American politics. He and organized labor joined forces to lobby for Nevada to become an

\(^{566}\) Jon Ralston, *In Election ’22, the Reid Machine Showed it is Very Much Alive*, NEV. INDEP. (Nov. 20, 2022, 2:00 AM), https://thenevadaindependent.com/article/in-election-22-the-reid-machine-showed-it-is-very-much-alive [https://perma.cc/8ZFP-7JUB].


\(^{568}\) Ralston, supra note 566.


\(^{570}\) Id.

\(^{571}\) Id.

\(^{572}\) Id.


\(^{575}\) See id.

While talking to the Nevada Law Journal, Jon Ralston surmised that the “ethanol issue” in Nevada is Yucca Mountain; however, the positive effect on labor cannot be ignored.\footnote{Judy Woodruff, Early Caucus Dates Bring Nevada into Focus for 2008 Election, PBS NEWS HOUR (Nov. 12, 2007), https://www.pbs.org/newshour/show/early-caucus-dates-bring-nevada-into-focus-for-2008-election [https://perma.cc/C5LM-2XH4].} Ralston—who once jokingly declared himself the biggest winner of the early caucus as the state’s face of political journalism—pointed out that any Democratic candidate in Nevada must spend time with the unions and walk picket lines with workers to show their labor bona fides.\footnote{Ralston Interview, supra note 197.}

Conversely, according to Ralston, the unions still have the political power in the state to turn the tide of an election, especially a partisan one like the caucus.\footnote{Ralston Interview, supra note 197.}

Ralston was also quick to point out that the early caucus would only benefit Senator Reid’s reelection chances as a way to register and increase engagement among voters in his party.\footnote{Id.} The numbers clearly support that savvy political maneuver, as merely 9,000 Democrats participated in the 2004 Nevada caucus, when it was a later state.\footnote{Id.} Shockingly, 117,000 Democrats took part in 2008, the first year Nevada was moved up to third in the presidential picking order.\footnote{Woodruff, supra note 577.} Turnout remains sky high among members of Senator Reid’s party, with 105,000 Democrats voting in the 2020 caucus.\footnote{Id.}

Perhaps the most fitting legacy of Senator Reid is the mutually beneficial relationship between political and labor interests brought together by the early Nevada caucus. Ralston coined the hashtag #WeMatter to describe the Nevada caucus, highlighting the way Nevada went from a nonentity to a must-visit state for presidential hopefuls.\footnote{Ralston Interview, supra note 197.} This #WeMatter mentality is also emblematic of the labor unions that fought hard to get the early caucus. Senator Reid’s legacy is safely served when national politicians must confront Nevada issues and labor issues. Thanks to Senator Reid’s #WeMatter caucus, #NevadansMatter and #UnionsMatter more than ever.\footnote{Jon Ralston, It’s Time to Make Nevada Matter Even More, NEV. INDEP. (Feb. 2, 2021, 2:42 AM), https://thenevadaindependent.com/article/its-time-to-make-nevada-matter-even-more [https://perma.cc/9GKY-BGEX].}

IX. DIVERSITY IN THE NEVADA JUDICIARY

When Harry Reid swore his oath of office and became Senator Reid in 1987, the federal bench for the District of Nevada had yet to see a non-white or non-male judge.\textsuperscript{586} When Senator Reid left office in 2017, the District of Nevada had seen amazingly qualified and diverse candidates appointed by presidents of both parties. Judge Johnnie Rawlinson, confirmed in 1998, was both the first African American and first woman to join the District of Nevada bench.\textsuperscript{587} As senior senator, Senator Reid nominated Judge Rawlinson to President Bill Clinton, who appointed her prior to her Senate confirmation in record time.\textsuperscript{588} Senator Reid also nominated Judge Rawlinson to the Ninth Circuit, where she became the first African American woman to sit on that court as well.\textsuperscript{589} Judge Rawlinson broke both the gender and color barrier at the federal court of Nevada, and her distinguished legal career was well rewarded by Senator Reid’s nomination.

Senator Reid continued to diversify Nevada’s federal bench throughout his career. Before he was Governor Brian Sandoval, President George W. Bush appointed Judge Sandoval as the first Hispanic judge to the Nevada federal bench.\textsuperscript{590} When Judge Sandoval left the bench, Senator Reid nominated Judge Gloria Navarro, who became the first Hispanic woman at the federal District of Nevada.\textsuperscript{591} In 2012, President Obama appointed Judge Miranda Du to the bench in Nevada at Senator Reid’s nomination, making her the first Asian American judge on that bench.\textsuperscript{592} In 2014, the Nevada bench saw its first African American male judge, Judge Richard Boulware, again at the nomination of Senator Reid.\textsuperscript{593} Each of these jurists are eminently qualified and have served

\textsuperscript{587} Id.
\textsuperscript{589} Id.; Black History Month: More Nevada “Firsts,” supra note 586.
the state of Nevada and the federal judiciary extremely well; certainly, they deserve full credit for their laudable accomplishments. Nevertheless, some credit must be given to Senator Reid, who left the Senate with the Nevada bench no less qualified, but much more diverse and representative of his state, than when he arrived.

Jon Ralston shared that Senator Reid was particularly proud of his hand in diversifying the Nevada federal bench. Ralston said Senator Reid “was sincerely dedicated to changing what he thought was a very white bench into one that more reflected what the state and the country looked like.” Although much of Senator Reid’s legal legacy can be seen in politics or legislation, perhaps the most visible and obvious effect Senator Reid had on the law in Nevada is his incredibly talented and diverse nominations for the federal bench here.

The commitment to diversity that Senator Reid espoused in his home state of Nevada was writ large across the federal judiciary when analyzing the appointments made while President Obama was in office and Senator Reid was Majority Leader. Leader Reid made the bold and still-controversial decision to enact the “nuclear option,” which changed the threshold for confirming federal district and circuit court judges to overcome a filibuster from sixty to a simple majority. The effect was almost immediate and within a year the federal bench was the most diverse in history.

This sea change of the literal face of the judiciary is certainly directly due to Leader Reid’s brave decision to invoke the nuclear option. Diversity can be both a means and an end, as having judges demographically similar to the people they are serving is a worthy goal. Research indicates a more diverse bench is not only more representative of the American people, but it may also lead to a more politically independent judiciary. Although other presidents—including Presidents Carter, Clinton, and G.W. Bush—shared the stated goal of improving diversity on the federal bench, President Obama, without question,

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594 Ralston Interview, supra note 197.
595 Id.
597 Id.
598 Id.
was the most effective. A more diverse judiciary in Nevada and nationwide is not merely a more representative one—it is a more effective one. Whatever else Senator Reid’s legal legacy might be, this bold action to increase judicial diversity might be the most visible and effective example.

X. EVOLVING POSITIONS

A. Senator Reid’s Intellectual Flexibility

Nevada Treasurer Zach Conine reflected on Senator Reid’s “intellectual flexibility” and how the senator’s positions evolved throughout his decades in public service. The treasurer framed it with his own insight as an elected official, describing the opportunity to meet constituents with unique experiences which causes elected officials to “consider the universe in a different way.” When faced with new information that challenges their opinions, people must decide whether to change their positions to take that information into account, or to keep their old position despite the new information. For many who are not in public eye the choice to change beliefs when faced with new information is a difficult one. For politicians, it can end your career if you get tagged as a “flip flopper.” Yet, Treasurer Conine recognized that keeping a belief for the purpose of political expediency is dishonest to constituents and, even if one might avoid being called a flip flopper, that kind of politician is “certainly not an effective leader of people” or an “effective policy maker.”

One such issue where Senator Reid changed positions was the legal use of marijuana. In the early 2000s, Senator Reid was an opponent of any form of marijuana use, believing that it was a gateway drug. By 2014, the senator acknowledged that his position had changed and the medical benefits of marijuana were clear. Senator Reid learned new facts and sought more research

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603 Id.

604 Id.

605 Id.


608 Conine Interview, supra note 328.


610 Id.

611 Id.
to inform his opinion on the issue. Notably, in 2016, Nevada voters approved a ballot initiative allowing recreational marijuana use statewide, becoming the fifth state to do so. Marijuana sales have become a significant source of tax revenue in Nevada as well, generating over $150 million in fiscal year 2022 alone.

### B. Leader Reid and Gun Control

Another of Senator Reid’s most well-known ideological shifts was on the issue of firearms. In 2010, Senator Reid attended the opening of “the largest and most advanced shooting range in the world,” located in Southern Nevada. Senator Reid gave a brief speech calling back to his time as a Capitol Police Officer and Gaming Commission Chair, when he “had a lot of bad people after [him]” and “carried a gun everywhere [he] went.” The senator secured federal funding for this project and shared the stage that day with National Rifle Association Vice President Wayne LaPierre, who called Reid a “true champion of the Second Amendment back in Washington, D.C.” Senator Reid carried a safe “B” rating from the National Rifle Association and received a $4,000 campaign contribution in 2010, a key reelection year for the senator.

Things between the senator and the National Rifle Association took a turn for the worse shortly after that friendly celebration. First, the National Rifle Association declined to endorse Senator Reid in his 2010 reelection bid. Although they did not endorse his challenger, they did give her an “A-” rating. Some argue that this broken alliance was more about a shift in the National Ri-

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616 Senator Harry Reid, *Reid Attends Opening of Clark County Shooting Park*, YOUTUBE (Apr. 1, 2010), https://www.youtube.com/watch?v=flbzbFbKxK0 [https://perma.cc/7XES-DELZ].

617 Id.


622 Id.
fle Association than a shift in Senator Reid. For example the group once supported background checks for purchases, but by 2010 they did not. Nevertheless, Senator Reid won reelection in 2010 while defending his record as a gun owners’ rights advocate, even without the National Rifle Association’s backing.

If Senator Reid’s position on gun control had not changed by 2010, in late 2012 he got the new information that would change his mind forever. On December 14, 2012, a gunman, armed with a .22 caliber Savage Mark II rifle, took the lives of six adults and twenty children at Sandy Hook Elementary School in Connecticut. Less than a week later, Senator Reid was ready to engage in “a thoughtful debate about how to change laws.”

These bills were just the first in a long line of failed pieces of gun control legislation that followed in the years after the Sandy Hook Massacre and for the remainder of Senator Reid’s career. These failed pieces of Senate legislation include multiple proposals to prohibit individuals under a domestic violence restraining order from possessing firearms, a proposal to prohibit people on the federal terrorism watchlist from buying guns, a proposal to increase penalties for firearms traffickers, and a reintroduced background check bill.
Not a single major piece of federal gun control legislation was passed in the decade following the Sandy Hook Massacre. In a career marked by spectacular success against insurmountable odds, passage of sensible gun control legislation stands alongside immigration reform as Senator Reid’s greatest pieces of work left undone. This changed in the wake of another massacre, this one in Uvalde, Texas, in 2022 where nineteen children and two teachers were murdered by a gunman. Later that year, President Biden signed into law a bipartisan bill that was the first significant gun safety legislation in three decades. Senator Reid, it seems, decided enough was enough and changed his position on sensible gun control a decade ago. In the words of President Biden, perhaps other legislators are beginning to say they have had “more than enough.”

C. Senator Reid, Champion for LGBTQ+ Equality

One final, lasting example of Harry Reid’s willingness to rethink his position is on LGBTQ+ issues. Early in his political career, likely motivated by his Mormon beliefs, Senator Reid voted in favor of both Nevada’s constitutional amendment banning gay marriage and the federal Defense of Marriage Act, recognizing marriage between opposite sexes only. Later in his career, however, citing conversations with his family, Senator Reid reconsidered that issue.

Far from his early career beliefs, the matured Senator Reid led on the issues of equality. In 2010, Leader Reid was a key proponent of the successful repeal of the “don’t ask, don’t tell” policy, which prohibited military members

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633 See supra Part VII.
636 Id.
637 Id.
638 Id.
639 Id.
from serving while openly gay.\textsuperscript{641} By 2012, he stated that “people should be able to marry whomever they want, and it’s no business of mine if two men or two women want to get married.”\textsuperscript{642}

Senator Reid’s mind may have been changed when a family member came out to him as gay in 2013.\textsuperscript{643} Mere months after that information became public, Senator Reid co-sponsored the Employment Non-Discrimination Act, which would have banned gender identity or sexual orientation-based discrimination.\textsuperscript{644} Senator Reid even acknowledged that if marriage equality was on the ballot in Nevada, he would personally vote in favor of it.\textsuperscript{645}

In 2015, the Supreme Court of the United States ruled in \textit{Obergefell v. Hodges} that marriage was a constitutional right to all Americans, regardless of whom they happen to love.\textsuperscript{646} This holding made constitutional bans like the one in Nevada moot.\textsuperscript{647} It is worth mentioning that two of the five majority Justices in that opinion were Sonia Sotomayor and Elena Kagan.\textsuperscript{648} These Justices were nominated by President Obama and confirmed by the Senate with Leader Reid’s support.\textsuperscript{649}

In 2020, Senator Reid and every other Nevada voter got the opportunity to include the protection of marriage equality in the state constitution.\textsuperscript{650} This ballot initiative was passed with overwhelming support, making Nevada the first such state to enshrine such language in its constitution.\textsuperscript{651} Despite his early-career activity against marriage equality, at the time of his passing, the Human

\textsuperscript{642} Canham, supra note 637.
\textsuperscript{645} Canham, supra note 637.
\textsuperscript{647} Id.
\textsuperscript{648} Toobin, supra note 599.
\textsuperscript{649} Id.
\textsuperscript{651} Id.
Rights Campaign—a leading LGBTQ+ advocacy organization—called Senator Reid a “champion of LGBTQ+ equality.”

It would be short-sighted to consider a snapshot of Senator Reid’s political positions at any given time in his life or career and consider that the litmus test for honoring his legacy. Instead, the authors suggest that Senator Reid formed the best opinions and positions he could, based on the information he had and the people he represented.

On some issues—like keeping nuclear waste out of Nevada, protecting public lands, and supporting labor unions—the Senator was unwavering throughout his career. On other issues—like immigration, marijuana, and LGBTQ+ equality—Senator Reid adjusted his position over the course of his life. Senator Reid’s willingness to meet new people, listen to their stories, and continue to learn about the issues affecting his constituents is a key part of his legacy. Senator Reid did more than listen though; he became a better person, a better leader, and crafted better legislation thanks to his unrelenting curiosity and good faith willingness to improve. That intellectual honesty, with both himself and his voters, is at the heart of Senator Reid’s legal and legislative legacy.

CONCLUSION: WE MUST ALL BE “READY TO DO THE DIFFICULT WORK AHEAD”

Senator Reid’s longtime political advisor Megan Jones praised his vision. She marveled at his ability to come from the humblest beginnings imaginable in Searchlight yet somehow seeing a pathway before himself that led to being Senate Majority Leader. Jones drew a direct analogy to the growth of the Las Vegas Valley and the state of Nevada over the Senator’s life, remarking that when she was growing up in Las Vegas in the 1980s, much of what we see in the valley did not exist.

Jones alluded to the rapid growth of state population, infrastructure, and services including the 215 beltway, UNLV’s Boyd School of Law, Nevada State College, the Harry Reid Technology Park, the expansion of Harry Reid Airport, extraordinary water deals for both the Truckee River and Walker Lake, the countless parks and trails that exist on public lands, and limitless other ways in which Assemblyman Reid, Lieutenant Governor Reid, Representative Reid, Senator Reid, and Majority Leader Reid’s vision helped Nevada grow to the state it is today.

653 See supra Parts III, IX.
654 See supra Parts VII, XI.
655 Jones Interview, supra note 13.
656 Id.
657 Id.
658 Id.
This article is far too brief and far too limited in scope to fully encompass the breadth of Senator Reid’s career. There are many aspects of his legacy that deserve in-depth academic study that space simply does not allow here. Among those topics are his deep support of Israel and American Jews. Former Congresswoman Shelley Berkley, who serves as co-chair of the Jewish Federations of North America’s security and antisemitism committee, called Senator Reid “always very, very pro-Israel.” In his post-Senate work, while at Boyd School of Law, Reid hosted a panel on the troubling rise of Anti-Semitism in America. Reid believed “[c]ombating Anti-Semitism, injustice and hate is one of the most important causes of our time.”

Also underserved in this piece is the importance Senator Reid had in shaping President Obama’s legacy. Majority Leader Reid was one of the early supporters of then-first-term Senator Obama’s Presidential run in 2008. Senator Reid was Majority Leader for the first six years of President Obama’s eight years in the White House and Minority leader for the remaining two. Reid was necessarily involved in every major piece of legislation passed in this era, including not only the Affordable Care Act, monument designations like Gold Butte, and other laws explored in this article, but also landmark achievements like the $800 billion 2009 stimulus, the Lily Ledbetter Fair Pay Act, and the Dodd-Frank banking reforms. Also worth mentioning is Senator Reid’s hand in the Senate confirmation of two Supreme Court Justices, the Honorable Justices Sonia Sotomayor and Elena Kagan. There are more than enough landmark legislative achievements to fill another article on the legal legacy of Senator Harry Reid.

At Senator Reid’s funeral in 2022, Former President Obama, President Biden, Former House Speaker Pelosi, and Senate Majority Leader Schumer

660 Marc Rod, Shelley Berkley Sounds the Alarm on Antisemitism Across the Political Spectrum, JEWISH INSIDER (May 7, 2021), https://jewishinsider.com/2021/05/shelley-berkley-jfna-antisemitism-touro/ [https://perma.cc/7W92-ETNU]; Berkley Interview, supra note 191.
662 Id.
666 Toobin, supra note 599.
spoke fondly of his accomplishments for the American people.667 In his eulogy, President Obama noted that “Few people have done more for this state, this country, as this driven, brilliant, sometimes irascible, deeply good man from Searchlight, Nevada.”668 President Biden remarked that Reid led not just by speaking, but by listening, and shared that he had no doubt “Harry Reid will be considered one of the greatest Senate majority leaders in United States history.”669

Harry Reid was one of the rare political figures that became a true icon in their home state—he was the type of leader that caused some Nevadans to toast to his memory after his passing.670 As Kai Anderson and John Hiatt explained, Harry Reid was not afraid to take on a politically unpopular challenge if he believed it was the right thing to do.671 The Democratic heavyweight did not hesitate to push for legislation he believed in, but knew when he needed to make a deal to get some version of his bill passed.672

“I’m ready to do the difficult work ahead.”673 Senate Majority Leader Harry Reid spoke these words at the 2012 Democratic National Convention, two months before the critical November election.674 Although many prognosticators favored President Obama’s reelection odds, such notable organizations as CNN, Slate, and the Washington Post predicted his opponent would prevail.675 Control of the Senate was similarly seen as a tough fight.676 Leader Reid not only spoke directly to his party, but also to all Americans, when he said that

668 Obama, supra note 1.
670 Victoria Saha, Henderson Community Mourns Late Senator Harry Reid, 8 NEWS NOW (Dec. 28, 2021, 11:15 PM), https://www.8newsnow.com/news/local-news/henderson-community-mourns-late-senator-harry-reid/ [https://perma.cc/TX3X-MBCK] (the Nevadan who happened to be toasting in the cited article was coauthor RJ Lemus, who visited Johnny Mac’s in Henderson with friends to remember Senator Reid and was interviewed by a reporter.).
671 See supra Part II.
672 See supra Parts II–XI.
674 Id.
“hard times have hardened [America’s] resolve,” and however the election turned out, Senator Reid was “ready to do the difficult work ahead.”677 Ultimately, American voters chose to reelect President Obama and return Leader Reid’s majority to the Senate in 2012.678

That convention speech alone likely did little to convince Americans to vote for Leader Reid’s party, as it was Harry Reid’s lifetime of actual hard work—not his hard work rhetoric—that got him elected to five terms in the Senate. Senator Reid was always ready to do the difficult work for Nevadans and for all Americans. Now, looking to America’s future, those inspired to carry on the legacy of the “deeply good man from Searchlight” must all be as ready, as Harry Reid was, to do the difficult work ahead.

677 Harry Reid DNC speech, supra note 673.