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NO LAW

DEADWOOD AND THE STATE

MARK L. BERRETTINI

Deadwood's final episode of season 3 opens with a monologue from theatre operator Jack Langrishe (Brian Cox), a relative newcomer to the camp of Deadwood. Shown in a wide shot that spotlights him on the dark stage of his nascent theatre, Langrishe ostensibly speaks to one of his companions, the actress Claudia (Cynthia Ettinger), shown in one medium reverse-shot. Yet Langrishe also speaks and performs beyond the theatre to the residents of Deadwood and to the program's viewers

extradiagetically as he sums up the tense state of affairs within the camp:

This camp is in mortal danger. The man Hearst is a murderous engine. My friend Swearengen, aware their combat is unequal, feels the appeal of the gory finish. Others I've just come to know stand candidates in the elections whose results they know may be moot. What, one is disposed to ask, in fuck ought a theatre man to do?¹

Key Words: Deadwood, George Hearst, law, western film

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Langrishe rightly summarizes season 3 as a period dominated by the presence of the mining magnate George Hearst (Gerald McRaney), a ruthless, extremely wealthy man who first appears in *Deadwood* at the end of season 2 in "Boy-the-Earth-Talks-To," an episode that is named after Hearst's "Indian name."² Hearst is bent on what he names "consolidating purposes" within the camp, and his stated goal is to own all of the mine claims in the area and to make the camp into a company town.³ As Langrishe notes, his friend Al Swearengen (Ian McShane) and other camp dwellers actively oppose Hearst's attempts at consolidation, through the electoral process,

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the press, economic development within the camp, camp gossip, and violence.

In this article I examine the opposition to Hearst that Langrishe articulates and situate it within the program as a condition of the camp that develops throughout the three complete seasons of *Deadwood*.⁴ In seasons 2 and 3, Hearst's consolidation is represented as the work of an outsider and is seen as an interest that will diminish or annihilate the existing personal interests of camp dwellers. I consider how the tension between outsider consolidation and the "insider maintenance" of the camp is represented throughout the program, especially in relation to law and order and as a struggle over the role of the camp within the formation of the State.⁵

My thinking about the State and the related concepts of ideology and subjectivity is informed by Louis Althusser's well-known formulation of subjectivity and of the State.⁶ For Althusser, the repressive and the ideological apparatuses that constitute the State operate in concert to produce subjects: "you and I are always already subjects, and as such constantly practice the rituals of ideological recognition, which guarantee for us that we are indeed concrete, individual, distinguishable and (naturally) irreplaceable subjects."⁷ The problematic element of this process that Althusser attempts to address is that for the State, we *are* replaceable as subjects through the process of interpellation:

all ideology hails or interpellates concrete individuals as concrete subjects, . . . ideology "acts" or "functions" in such a way that it "recruits" subjects among the individuals (it recruits them all), or "transforms" the individuals into subjects (it transforms them all) by the very precise operation which I have called interpellation or hailing, and which can be imagined along the lines of the most commonplace everyday police (or other) hailing: "Hey, you there!"⁸

I propose that in *Deadwood*, we might view the attempted resistance to consolidation as an

attempted resistance to interpellation and to the production of subjects. The strategies and tactics that Langrishe outlines—combat and elections—might function as "anti-interpellation" even though these strategies and tactics also function within the formation of the State as repressive and ideological apparatuses, respectively. As depicted within *Deadwood*, anti-interpellation might lead to the creation of an alternative State (or an alternative to the State) and is the "rallying cry" of two characters: the camp cofounder, Gem Saloon owner, and crime boss Al Swearengen (mentioned by Langrishe), and the former Montana marshal, new hardware store owner, and reluctant sheriff Seth Bullock (Timothy Olyphant).

Langrishe's estimation of the situation within the camp is correct, but it is more accurate to note that Swearengen's and Bullock's opposition to consolidation and anti-interpellation techniques actually precede Hearst's and Langrishe's arrivals within the camp during seasons 2 and 3, respectively.⁹ For Bullock and Swearengen, interpellation and consolidation run up against their financial and personal interests within the camp. In Althusser's terms, Bullock's and Swearengen's actions indicate that they believe that they are concrete individuals and that their transformation into subjects will demolish their interests within the camp. As pioneers, Bullock and Swearengen oppose any outside elements that threaten their interests, of which Hearst is the most recent and most potent example.¹⁰

To better understand Swearengen's and Bullock's characters, I first sketch out the representation of *Deadwood* the camp's historical status—what HBO and the program's creators refer to as "the real *Deadwood*." I then discuss how *Deadwood*, as a Western, situates Swearengen's and Bullock's pioneering spirit in relation to ideologies of law and order and as anti-interpellation. The program represents cooperation between Bullock and Swearengen as the vanguard of the camp's opposition to consolidation and its attempts to enter the United States in a manner that will, for instance, maintain the individual

property rights that exist in the camp (a claim that overlooks the camp's illegal status within designated American Indian land). Finally, I will return to Hearst to offer a brief conclusion about consolidation as it relates to the establishment of the State.

THE CAMP: REPRESENTING "THE REAL DEADWOOD"

In "The Real Deadwood" documentary included on *Deadwood*, the Complete First Season DVD collection, series creator David Milch says:

Deadwood was a place created by a series of accidents. A kind of original sin—the appropriation of what belonged to one people by another people—was enacted with no pretense at all. . . . They were an outlaw community, and they knew it. . . . Not only was there an absence of law, there was a premium on the continued absence of law. Economic forces organized the settlement.¹¹

Milch's sense that "economic forces organized the settlement" explains much about his representational vision of the camp for the program, as does his sense that the "original sin [of the] outlaw community" was the open theft of land. As many critics have noted, *Deadwood's* mise-en-scène is best described as extremely dark, with the camp itself defined by the large amounts of mud, blood, and human and non-human animal excretions that fill its cramped streets. With this visual palette in place, the program's "dark" narrative focus is upon the 1876 establishment of an illegal gold mining camp of non-American Indians—whites of various ethnic backgrounds, with some African Americans, Mexicans, and Chinese—in the Black Hills. In fiction and in history, the camp is a territorial violation of the 1868 Fort Laramie Treaty between the U.S. government and the Sioux Nation, also known as the related Lakota, Dakota, and Nakota tribes. The treaty created the Great Sioux Reservation

and associated lands, and stipulated "that no white person or persons shall be permitted to settle upon or occupy any portion of . . . Indian Territory; or without the consent of the Indians, first had and obtained, to pass through the same."¹² The gold-seeking territorial violation—Milch's economic forces and appropriation of what belonged to one people—is the result of widely publicized claims of large gold strikes in the Black Hills, an area virtually at the center of the treaty territory and sacred to the tribes.

Before Milch's vision of the camp is shown in the program, however, viewers hear about the camp's existence within a conversation that opens the program's first episode. The episode opens at night in "Montana Territory, May 1876" outside a jail (the territorial location and the date are shown in a subtitle). The camera cuts from a wide, panning shot of building exteriors and an empty street to the interior of a jail where Bullock, in his first appearance, is shown writing in what viewers learn is a journal. Almost as soon as the scene opens, the only prisoner (James Parks) in the jail, shown behind bars across the room from Bullock, starts a conversation about traveling to Deadwood. Extreme chiaroscuro lighting and a shot/reverse-shot pattern depict the conversation, during which viewers learn that Bullock is the marshal in this part of the Montana Territory, but only for a few more hours. He plans to leave his post and travel to Deadwood to open a hardware store with Star, his current law-enforcement partner. After this aspect of Bullock's character is established, the prisoner, shown in a close-up, says, "No law at all in Deadwood. Is that true?" Bullock responds with the fragment "being on Indian land."

The prisoner then suggests that Bullock free him so that they might travel together to Deadwood and rob "two scores" that the prisoner knows about on the road to the camp, a request that Bullock denies. Soon after, a lynch mob arrives outside the jail and forces Bullock to make a unilateral decision: he hangs the prisoner off the front porch of the jail, as he

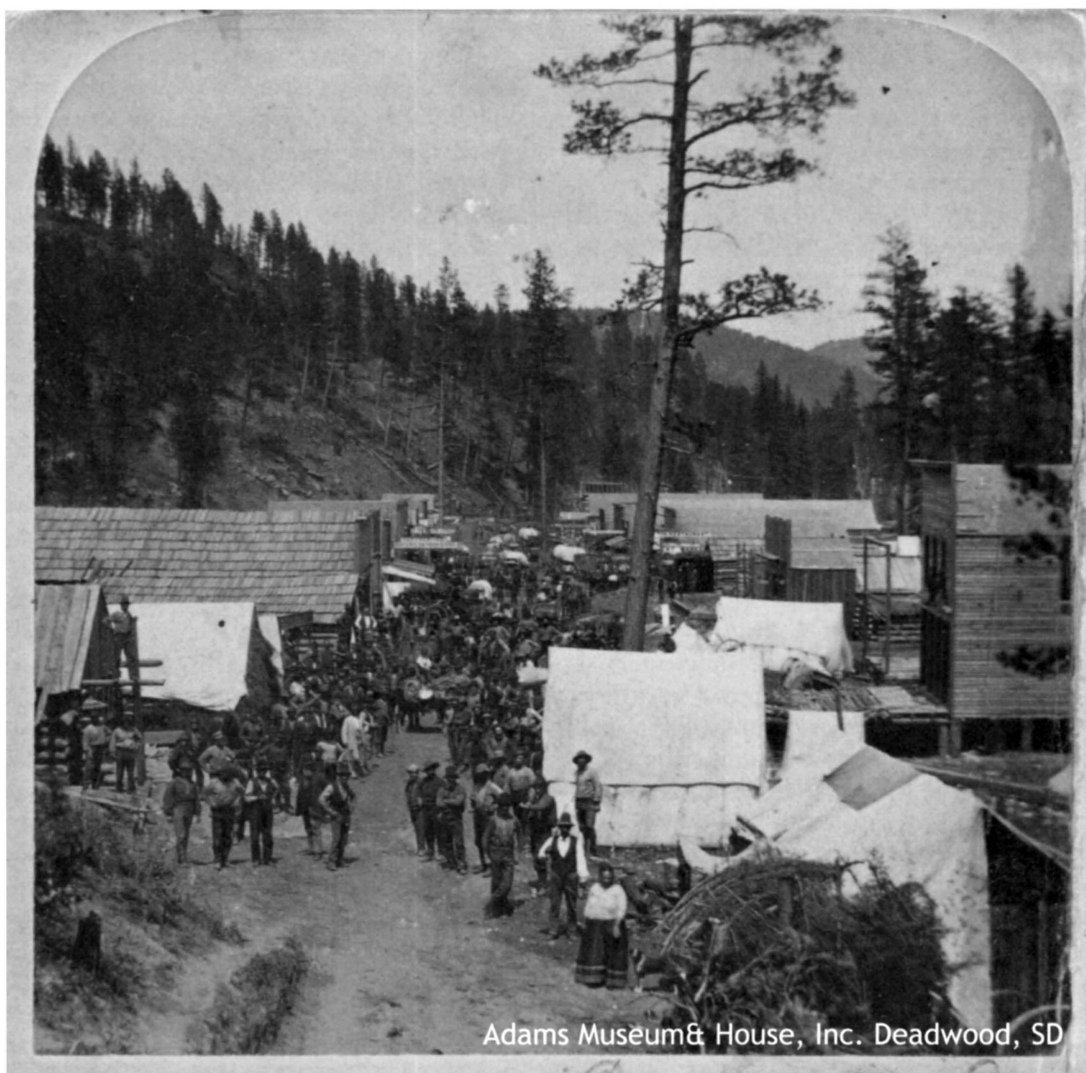


FIG. 1. *Deadwood Camp*. Courtesy of Adams Museum, Deadwood, SD. [97-119]

says, "under color of law," before the mob can kill him. Bullock then turns over his badge and a letter dictated by the condemned man to a member of the mob before he and Star immediately set out for Deadwood in a covered wagon, guns drawn on the mob.¹³

What this opening sequence establishes about Bullock's relationship to the law and about the camp's legal status is vital to the program's development. The camp is a space

where jailer and jailed might become partners or where a sheriff might overlook the past crimes of his condemned prisoner. Also, the camp is a locale that attracts both criminal and law enforcer with prospects for a better future, even if for Bullock the law enforcer, this future is created within an illegal context. For Bullock, it seems that in this sequence and in the program the ideology and the enforcement of the law is contextual. With no law at all

and without the State, Bullock will function as a hardware store owner in the future, but before that time within his current territorial and professional boundaries, he will function as a Montana marshal until all of his duties are fulfilled because he believes in the spirit and in the force of the law.

It is from this characterization of Bullock and this introduction of the unseen camp that the program fades to black and then fades from black into shots of a wagon train in the hills outside Deadwood, a location and time indicated by the subtitle "The Black Hills, July 1876." In a series of shots, a stalled wagon train is shown in the hills above the camp, before a wide shot of the wagon train pans right to an eventual stop on the first image of the camp, shown in the valley below.¹⁴ This wide shot then cuts to shots of Bullock driving a wagon into the camp and completes the story event that has been introduced in the Montana sequence.¹⁵

The date and the location of this new sequence closely follow Custer's defeat at Little Bighorn on June 24, 1876, an event that is mentioned by Swearingen and others in season 1 as the challenging background for the current status of the camp and for questions about its future. Will the U.S. government break the Fort Laramie Treaty to allow white settlement within a new treaty? Will the federal government uphold the Fort Laramie Treaty and once again throw out all non-American Indians? (This is, as Swearingen notes later in the program, the second attempt at a camp; the U.S. Army removed Swearingen and others from the first encampment.) Will the tribes themselves drive out the non-American Indians? These questions are answered historically in favor of the white settlers, but the program uses them to create a kind of narrative suspense over its three seasons and to offer even more questions about the (fictional) camp and its inhabitants. What will happen to the camp's inhabitants in light of the very real sense that the camp will be disbanded or will be taken over by outsiders? Swearingen, Bullock, and others might want to chart their own futures in Deadwood to avoid

the economic forces and the consolidation that define the territorial United States, but how will this happen? Will no law at all aid or deter their goals? In the program, Swearingen's and Bullock's words and actions indicate that they surmise that the continuation of no law at all as a foundational ideology for the camp is unlikely. Since organized economic forces cannot pass up the gold and therefore cannot allow the camp to remain outside the State with unending lawlessness, Bullock and Swearingen's shared anticipatory fears focus on how the arrival of the law—or more precisely, the State in the form of the United States—will impact their personal economic interests. What complicates Swearingen's and Bullock's fears about the arrival of law or of the State is that while they share an opposition to outside influence and consolidation, they are opposed to each other in ideological terms, according to Western genre convention and by virtue of their subject positions as a crime boss and as a former law enforcer.

THE WESTERN AND THE COMPLICATION OF LAW AND ORDER

The classical Western representation of the "inevitable" settling of the frontier and the triumph of law and order over criminality are two generic conventions of the Western that are alluded to within *Deadwood*. In "The Horse Doesn't Get a Credit": The Foregrounding of Generic Syntax in *Deadwood's* Opening Credits," Amanda Klein writes:

[*Deadwood's*] opening sequence . . . efficiently establishes the central syntax of the Western genre, namely the archetypal struggle between civilization and savagery. . . . [T]he Western . . . revolves around a binary opposition [between] the establishment of law, order, and democratic regulation in order to build a stable society [and] the anarchy, independence, and freedom associated with America's frontier days. . . . [T]he Western resolves its central conflict through the violent elimination of one side of this

binary, [and] it is almost always the savage side of the conflict, typically embodied in the character(s) of an outlaw, a hostile Indian tribe, or an entire depraved community, which must be eliminated in order to make way for the establishment of social order.¹⁶

The elimination of the savage side and the establishment of social order clearly motivate Bullock within his Montana introduction, a sequence which, like the opening credits sequence analyzed by Klein, suggests what might develop within the program: Bullock becomes a "town tamer" sheriff in the camp and vanquishes Swearingen and his minions. This type of character arc also seems possible because Bullock is introduced within in the initial position of so many classic, law-abiding Western heroes. He is the former lawman heading into or operating within outlaw territory, but still committed to the ideals of justice.

Two clear cinematic forerunners for Bullock are Wyatt Earp (Henry Fonda) in *My Darling Clementine* and Will Kane (Gary Cooper) in *High Noon*. Earp, himself a former marshal, is introduced within *My Darling Clementine* by way of his initial refusal to take up law enforcement in the lawless town of Tombstone, while Kane is introduced just as he is married and just before he relinquishes his law enforcement position in anticipation of leaving the town that he has tamed. After their introductions, both characters quickly return to law enforcement because they cannot ignore their calling and their central participation within the struggle for justice. Earp's reluctance to become a marshal in Tombstone is overcome by personal interests when his brother is murdered, and he has to—or wants to—bring the killers to justice, while Kane learns about the impending arrival of a gang leader that he had sent to prison and therefore stays on as marshal despite the protests of the townspeople.¹⁷

Given the generic terms noted by Klein and demonstrated in these films, it stands to reason that Bullock's introduction within *Deadwood* indicates that his character will

develop in a fashion similar to that of Earp and Kane. His Montana introduction and the prospect of law coming to the camp, however, do not motivate Bullock to take up his old profession of law enforcement through much of the program's first season. Instead, the season depicts Bullock's hesitance to become involved in many aspects of the camp's civic life, the law included, so as to focus on his personal-private business. As such, the topic of law enforcement in relation to Bullock remains spectral throughout most of the season until a crucial conversation between Bullock and Swearingen occurs in episode 11 of season 1.¹⁸

This conversation scene takes place in Swearingen's office above the Gem Saloon, with Bullock killing time so that Star can have consensual sex with prostitute Trixie (Paula Malcolmson) in their hardware store. When he arrives at the Gem, Bullock finds that Con Stapleton (Peter Jason), a buffoonish criminal resident of the camp, has been sworn in as sheriff (Bullock does not know that Stapleton wants the position so that he can take bribes). This creation of and appointment to the position of sheriff runs counter to the agreement that Bullock, Swearingen, and other camp leaders made when they formed the "ad hoc municipal organization," which was formed in "No Other Sons or Daughters," episode 9, season 1.¹⁹ Tom Nuttall (Leon Rippey), another saloon operator and broker of the sheriff deal, tells Bullock that the position was "reconsidered as inevitable," so Bullock goes upstairs to Swearingen's office to register his displeasure. Before Bullock arrives in the office, the program cuts to Swearingen, who stands on his outdoor balcony surveying the camp, his standard location within the program. In this instance, Swearingen watches the increasingly deteriorating Reverend Smith (Ray McKinnon), who most likely has a brain tumor and has progressing dementia, as the reverend looks at the genitals of an oxen team and preaches about circumcision and the transgression of the law. After Swearingen returns to the interior of his office, Bullock enters and asks, "Why'd you let Stapleton have a badge?" The question reveals that he knows the sheriff deal is



FIG. 2. Seth Bullock (Timothy Olyphant), Sheriff of Deadwood, with Al Swearengen (Ian McShane), owner of the Gem Saloon. From *Deadwood*, season 3, episode 30, "A Rich Find." Courtesy of Home Box Office, Inc. (HBO). Photo by Doug Hyun/HBO.

the result of Swearengen's actions, not one made by the municipal organization. Swearengen calms Bullock by stating that it is a "ceremonial position" to comfort Nuttall, but Bullock notes Stapleton "ain't right for the camp" and that he will not make the camp safe for women and children (Bullock has made plans to bring his wife and child to Deadwood). He sums up, "That job shouldn't go to a shitheel," to which Swearengen retorts, "Oh, where my feelings would be it should go to a shitheel as it's shitheel work." After Bullock answers, "It doesn't have to be," Swearengen half-mockingly says, "No? Mr. Bullock, would you sit down a second? I want to tell you something about the law. Please."

Swearengen ushers Bullock to a chair near his desk, shown in a medium two shot that remains as Swearengen details two related matters. The first is a recap about the formation

of the municipal organization, but the second matter is about a side deal of sorts that Bullock does not know about: Swearengen has agreed to pay Magistrate Claggett a personal bribe of \$5,000 in order to suppress an arrest warrant for Swearengen on murder charges. The warrant has arrived in Yankton from Chicago (the magistrate is Yankton's "representative" to Deadwood), and Swearengen readily admits that he killed a Chicago police officer just before he set out for Deadwood. Having followed through on the deal, Swearengen reports that Claggett has not kept up his end of the bribe and now demands more money. Swearengen concludes, "I give you the law," as the program cuts from the medium two shot of Bullock and Swearengen to a shot/reverse-shot pattern of close-ups of them, which starts with a shot of Bullock's response: "It doesn't have to be like that." Swearengen's demeanor changes

at this remark, as he squints at Bullock and becomes serious: "Now, if you were fucking sheriff, and you said 'do this, do that,' I'd consider it 'cuz you're not a fucking whore." Bullock begs off with a claim of "personal responsibilities," but Swearengen persists, "I'd follow your career 'cuz you're one of those pains-in-the-balls who thinks the law can be honest." Bullock again says he doesn't want the position, and as he leaves the office, Swearengen says that he thinks Bullock would "be alright as sheriff."²⁰

The sheriff conversation between Bullock and Swearengen is their eighth meeting in season 1, including meetings that have involved Star and/or other characters, such as the formation of the municipal organization. These previous meetings have anticipated the sheriff conversation since questions about law enforcement within the camp previously have been raised and since the meetings have traced a gradual détente that develops between Bullock and Swearengen. Crucial to this development is their fifth meeting, their first quasi-congenial interaction since they don't threaten each other, during which Bullock and Swearengen discuss a possible new federal treaty with the American Indians that will replace the Fort Laramie Treaty to make the Black Hills a part of U.S. territory. Bullock remarks that "before you know it, we'll have law here and every other fucking thing," while Swearengen suggests that the two of them will need to "paddle in the same direction" to protect their established interests.²¹ In addition, before Swearengen and Bullock discuss the law and the proper role of a sheriff, Swearengen has told others within the camp that if the treaty comes, Bullock will make a "perfect front man," and he has taken to calling Bullock "your holiness."²² What is not clear is why Swearengen wants to paddle with Bullock as sheriff? Is it that Bullock will be a good front man, so that we might interpret Swearengen's discussion of Bullock as sheriff to be misdirection, or does Swearengen actually believe in some kind of legitimate execution of the law, which is impossible with corrupt figures like the magistrate and Stapleton but is possible with pains-in-the-balls such as Bullock?

The interpretation of Swearengen's motives is complicated in the final episode of season 1, "Sold Under Sin," when Bullock does become sheriff. Before this change of heart is shown, a scene occurs in which Swearengen refuses to pay the additional bribe to the magistrate and instead bribes the magistrate's employee Silas Adams (Titus Welliver) to slit the magistrate's throat during a meeting in Swearengen's office. Swearengen then is able to retrieve the warrant from the dead magistrate's pocket after the murder, and soon after, he and Bullock have a follow-up meeting of sorts, again in the office above the Gem. Bullock enters the office and notes the bloodstain on the floor—he does not know about the murder of the magistrate—but mostly ignores it to instead proclaim, "I'll be the fucking sheriff" (earlier in the episode, Bullock has exposed Stapleton as corrupt and has single-handedly deposed him as sheriff).²³ Swearengen supports this decision, instructs Bullock about the placement of the sheriff star on his chest "above the tit," and then toasts Bullock with "huzzah" as they drink together. Swearengen then asks that on his way out of the office, Bullock ignore the bloodstain that has appeared "mysteriously" on the office floor.

The irony of the bloodstain rests not just in the new sheriff ignoring it, but also in the fact that it is the blood of Magistrate Claggett, recently murdered in the space where the new sheriff has been installed. Another irony that we might consider is that largely personal factors have influenced Bullock's decision to resume his public law enforcement career, a decision that has the unilateral backing of crime boss Swearengen, not the municipal organization meant to represent the public. The personal elements that provoke Bullock's sense of professional duty are not notable within the Western (again, Bullock resembles Earp in *My Darling Clementine*), but the involvement of Swearengen in Bullock's decision is. Unlike other Western villains, Swearengen sanctions Bullock as sheriff, perhaps because he wants Bullock as a perfect front man, but also perhaps because Swearengen recognizes the possibilities of having Bullock as a legitimate sheriff.²⁴

In his pursuit of law and order, Sheriff Bullock will not give into corruption and might then favor the established individuals within the camp over outsiders. Here we do not see the clear success of law over criminality present in so many Westerns, but rather the operation of law *alongside* criminality to resist consolidation, outsiders, and interpellation. As Klein summarizes:

Deadwood's . . . opening credits foreground [the] opposition between civilization and savagery precisely because these concepts do not appear as oppositions within the series itself. . . . Simply put, *Deadwood* is different from its televisual and even its filmic predecessors because it does not work to disavow what the viewer knows to be true—that the differences between civilization and savagery, which the Western labors to establish, are nonexistent. . . . *Deadwood* implies not only that our present civilization was built on a foundation of savagery, but also that there was never a difference between the two in the first place.²⁵

Over the course of its three seasons, *Deadwood* offers the consistent representation that is articulated by Klein, civilization built upon savagery, but this does not mean that Swearingen and Bullock do not have conflicts. “A Lie Agreed Upon, Part One,” the opening episode of season 2, depicts a savage fight between the two men that starts in Swearingen’s office, spills over the rail of his second-floor balcony, and ends in the street when Swearingen stops short of slitting Bullock’s throat, “unmanned” by the sight of Bullock newly arrived son (Josh Eriksson). But this is a conflict over an insult, not over law enforcement—from his perch on the balcony of the Gem, Swearingen sees Bullock in the street below and “calls him out” with a public insult about Bullock’s secret affair with Alma Garret (at the end of season 1, while on the Gem Balcony, Swearingen lets Bullock know that he is aware of the affair). To maintain the personal nature of the conflict, Bullock removes his badge and his gun before

he attacks Swearingen, so again, Bullock’s motivation comes from the personal, similar to his decision to become sheriff.²⁶ From this conflict, Swearingen and Bullock rather quickly repair their relationship so that throughout seasons 2 and 3 they might jointly oppose Hearst.

THE MURDEROUS ENGINE AND THE FORMATION OF THE STATE

Once Swearingen and Bullock begin to paddle together, no law at all is no longer an ideological element of the camp or a generic element of the program that needs to be eradicated in favor of law and order, as is suggested by *Deadwood's* opening credits, by the beginning Montana sequence of its opening episode, and by many of its Western predecessors. Instead, no law at all is a divide for Bullock and Swearingen to bridge in an attempt to create a suitable socioeconomic structure within the camp—the actual foundation that allows a crime boss and a sheriff to work with each other as partners. Yet this is not to suggest that the program represents the camp as a utopia (or a dystopia) where criminal and law enforcer are able to work out easy agreements that avoid violence. Since Bullock and Swearingen fear the repressive apparatuses of the United States, they try to avoid violence, especially in the course of law enforcement, since such violence might suggest the beginning of a new State that could, for instance, challenge the authority of the United States. Thus, they attempt to lead the camp primarily through the *contradictory* function of ideological apparatuses in the service of anti-interpellation—the organization and support of a municipality that at first does not include a sheriff position; the promotion of and participation in territorial elections that are sanctioned by the United States; the creation of a public health institution during the smallpox outbreak; and the active participation in and support of a school, newspaper, bank, and religious ceremonies within the camp.²⁷ We might consider these practices in Althusser’s terms, whereby Swearingen and

Bullock attempt to avoid repressive apparatuses by, in fact, acting as interpellated subjects: when “subjects ‘work,’ they ‘work by themselves’ in the vast majority of cases, with the exception of the ‘bad subjects’ who on occasion provoke the intervention of one of the detachments of the (repressive) State apparatus.”²⁸ Bullock, Swearengen, and the camp dwellers generally function as “good” subjects (and notably, as subjects, not individuals, since their actions to organize the camp are social and public), at least until their actions collide with Hearst’s consolidation.

Hearst’s employee Francis Wolcott (Garret Dillahunt) advances consolidation within the camp long before Hearst himself arrives within the camp at the end of season 2. Much like Swearengen and Bullock, Wolcott avoids violence when possible in order to pursue ideological support for his economic agenda. Wolcott purchases other miners’ claims in the accepted financial manner of the times and attempts to influence the public through conversation, his “refined” appearance and manner, and the information and rumor that he wants placed in the newspaper.²⁹ When Hearst arrives, he acts in a fashion similar to Wolcott and begins to participate in a few social niceties so as to appear to be a member of the community. Hearst’s actions quickly fail, however, because his reputation and his violent practices elsewhere are too well known within the camp. No one in *Deadwood* believes that his arrival or his consolidation will benefit them, and they correctly anticipate that his agenda will involve violent conflict. When most of the camp rejects Hearst—he appears to tear up about this rejection in “Unauthorized Cinnamon”—he is encouraged to live up to his reputation and decides not only to consolidate holdings but also to destroy the camp.³⁰

To advance consolidation and destruction, Hearst is backed up by the repressive apparatuses of the State such as the army, as well as less official repressive forces such the Pinkertons and his unseen corporate organization throughout season 3. On his own or through his subordinates, Hearst kills union

organizers and rivals, coerces people to sell their holdings, threatens violence against Bullock and Alma Garret, has unknown assailants shoot at Garret while she walks in the street, chops off one of Swearengen’s fingers during a dispute, and finally, rigs the territorial elections through Pinkerton intimidation and through payment to federal soldiers for votes.³¹ The elections coincide with Hearst’s consolidation of the major holdings within the camp, and while the season ends before official election results are in, the victory looks assured enough for Hearst that he is able to leave the camp for good.³² Just as Bullock and Swearengen fear, Hearst’s actions (aided by interpellation) annihilate their projects in favor of his own interests and of the State. Where no law at all allowed for cooperation between criminal and lawman, it also allows for a more elaborate and an ultimately successful cooperation between the criminal Hearst and the State. To extend Langrishe’s description as a conclusion, it is worth noting that if Hearst is a murderous engine, then as such, he is just the beginning of the train.

NOTES

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1. “Tell Him Something Pretty,” *Deadwood*, episode 36, season 3, first broadcast August 27, 2006, by HBO, directed by Mark Tinker.

2. “Boy-the-Earth-Talks-To,” *Deadwood*, The Complete Second Season DVD, directed by Ed Bianchi (New York: HBO Video, 2006).

3. “I Am Not the Man You Take Me For,” *Deadwood*, episode 26, season 3, first broadcast June 18, 2006, by HBO, directed by David Attias, written by David Milch and Regina Corrado.

4. Press coverage reports that *Deadwood* will conclude with two two-hour final episodes on HBO, but that series creator David Milch had intended to produce a fourth complete twelve-episode season of the program. See Jesse McKinley, “‘Deadwood’ Gets a New Lease on Life,” *New York Times*, June 11, 2006, <http://www.nytimes.com/2006/06/11/arts/television/11mcki.html?ex=1307678400&en=ccfdb8f73d9b0afei=5088partner=rssnytemc=rss&pagewanted=all> (accessed January 17, 2007).

5. Consolidation in *Deadwood* might be understood to resemble Alan Trachtenberg's well-known use of the term "incorporation," starting with his book *The Incorporation of America: Culture and Society in the Gilded Age* (New York: Hill and Wang, 1982). In a 2003 essay-reflection, Trachtenberg writes that his book and his use of the term incorporation is an attempt to bring together

several stories into a single narrative of change: colonization of the West, standardization of time, accelerated mechanization of the means of production and the circulation of goods, the rise of metropolis, of department stores, railroad terminals, and tall office buildings. Less tangible but no less material manifestations included new class formations and antagonisms, extreme polarization of the propertied and the propertyless, a changing middle group increasingly comprised of managers, office workers, and professionals—and not least, altered meanings of keywords such as *land*, *work*, *city*, *civic*, and *incorporation* itself [whereby] incorporation refers to an emergent form of ownership and control of private enterprise in which power is distributed inwardly along hierarchical lines and outwardly in new social configurations and cultural perspectives. [The focus of the book is] not only on change but on conflict and contradiction, tensions generated by the incorporation process among interested sectors of the society. Conflict to the degree of state-organized violence accompanied incorporation at virtually every stage: westward expansion and colonization on the graves of murdered, dispersed, and extinguished native societies; class-warfare in battles between workers and federal troops in the great railroad strikes of 1877 and 1894 ("The Incorporation of America Today," *American Literary History* 15, no. 4 [2003]: 760).

I thank the anonymous reader(s) at *Great Plains Quarterly* for suggesting this connection.

6. Louis Althusser, "Ideology and Ideological State Apparatuses (Notes towards an Investigation)," in *Lenin and Philosophy and Other Essays*, trans. Ben Brewster (New York: Monthly Review Press, 1971), 127-86.

7. *Ibid.*, 172-73.

8. *Ibid.*, 173-74.

9. "Boy-the-Earth-Talks-To," *Deadwood*, The Complete Second Season DVD; and "True Colors," episode 27, season 3, *Deadwood*, first broadcast June 25, 2006, by HBO, directed by Gregg Fienberg, written by Regina Corrado and Ted Mann.

10. Swearingen's and Bullock's opposition to consolidation and outside interference in camp affairs appears as a portion of *Deadwood's* narrative from

episode 1, season 1, on, and even defines the first few unpleasant meetings between the men. Swearingen first scrutinizes Bullock and his partner Sol Star (John Hawkes) as outsiders because he fears that the new arrivals might start an operation that competes with his gambling saloon-brothel. Added to this is the coincidence of Star and Bullock's arrival with that of Wild Bill Hickok (Keith Carradine), and the subsequent friendship that develops between them, which Swearingen interprets to mean that Hickok is their silent partner. In episode 2, season 1, "Deep Water," Star and Bullock meet Swearingen on two occasions in the barroom of the Gem Saloon (their first meetings) where they try to purchase the lot that they rent from him, but Swearingen will not sell because he does not trust them. Both meetings end with Bullock and Swearingen nearly coming to blows, and it is only in episode 3, "Reconnoitering the Rim," that Swearingen sells to Star and Bullock, after the arrival of Cy Tolliver (Powers Boothe). Tolliver is a new competitor since he secretly bought another property in the camp upon which he will open the "upscale" Bella Union Saloon. The opening episode of season 2, "A Lie Agreed Upon, Part 1," includes a scene in which Swearingen, seeing the construction of telegraph poles near the camp, notes in disgust that the camp will soon have "messages from invisible sources" or disembodied outsiders. "Deadwood," directed by Walter Hill; "Deep Water," directed by Davis Guggenheim, written by Malcolm Macrury; and "Reconnoitering the Rim," directed by Davis Guggenheim, written by Jody Worth, all from *Deadwood*, The Complete First Season DVD (New York: HBO Video, 2004); and "A Lie Agreed Upon, Part 1," *Deadwood*, The Complete Second Season DVD, directed by Ed Bianchi.

11. "The Real Deadwood," *Deadwood*, The Complete First Season DVD, directed and produced by Michael Schwarz, Kikim Media (New York: HBO Video, 2004).

12. PBS, New Perspectives on the West, Archives of the West, Fort Laramie Treaty, 1868, <http://www.pbs.org/weta/thewest/resources/archives/four/ftlaram.htm> (accessed January 5, 2007). Lakota, Dakota, and Nakota are the self-identified names of affiliated tribes and bands known as the Sioux. There is some debate about the use of the term Sioux since its origins probably come from derivations of French and Eastern American Indian terms for "snake" or "enemies." Sioux Nation is the term in use within the historical context of the Fort Laramie Treaty, and the lands designated as Indian Territory or as reservations include portions of present-day Montana, Wyoming, and the Dakotas.

13. "Deadwood," *Deadwood*, The Complete First Season DVD.

14. This shot of the wagon train and the camp seem to be from the point of view Calamity Jane

(Robin Wiegert). She is introduced in this wagon train scene and is its featured character, yelling at other members of the train to move a wreck that has stopped travel and asking her partner and hero Hickok if he needs whiskey for his hangover. "Deadwood," *Deadwood*, The Complete First Season DVD.

15. Ibid.

16. Amanda Ann Klein, "'The Horse Doesn't Get a Credit': The Foregrounding of Generic Syntax in *Deadwood's* Opening Credits," in *Reading Deadwood: A Western to Swear By*, ed. David Lavery (New York: I. B. Tauris and Co., 2006), 95-96. Of the revisionist Western, Klein rightly notes:

Of course, many Westerns, particularly those released in the 1960s and the 1970s when the concepts of "civilization" and "progress" began to lose their sparkle . . . also lament [the] transformation of wilderness into garden. However, even these Westerns, which are nostalgic for the disappearance of the American frontier, admit that its eradication is/was inevitable and necessary. (96)

17. *My Darling Clementine*, DVD, directed by John Ford (1946; Beverly Hills, CA: Twentieth Century Fox Home Entertainment, 2003); *High Noon*, DVD, directed by Fred Zinnemann (1952; Santa Monica, CA: Republic Entertainment/Artisan Home Entertainment, 2002). Wyatt Earp (Gale Harold) appears as a character in season 3 of *Deadwood* when he briefly pursues what proves to be a worthless timber claim before he leaves the camp. "Leviathan Smiles," episode 32, season 3, first broadcast July 30, 2006, by HBO, directed by Ed Bianchi and written by Kem Nunn; and "Amateur Night," episode 33, season 3, first broadcast August 13, 2006, by HBO, directed by Adam Davidson, written by Nick Towne and Zack Whedon.

18. "Jewel's Boot Is Made for Walking," *Deadwood*, The Complete First Season DVD, directed by Steve Shill, written by Ricky Jay. Bullock does have moments of pursuing a kind of vigilante justice in season 1, but in the aftermath of these occasions he seems frightened of becoming an official lawman and actively avoids any logical advancement of law enforcement.

19. "No Other Sons or Daughters," *Deadwood*, The Complete First Season DVD, directed by Ed Bianchi, written by George Putnam. In this earlier episode, Magistrate Claggett (Marshall Bell) meets with Swearengen to inform him about the possible new treaty and the subsequent annexation of the camp into U.S. territory. For the current camp dwellers to have property rights against the Fort Laramie Treaty, the magistrate recommends the creation of an "ad hoc municipal organization" so

that government officials recognize Deadwood as existing once the organization bribes said government officials into doing so. Swearengen calls a meeting—he runs it, he says, because he "has the bribe list"—to make up titles and to appoint people into temporary positions. Later in this episode, Bullock explains to Star that he volunteered to be health commissioner as a way to avoid being sheriff, only to discover at the end of the meeting that the group did not create the sheriff position (this portion of the meeting is not shown, only recounted).

20. "Jewel's Boot Is Made For Walking."

21. "Suffer the Little Children," *Deadwood*, The Complete First Season DVD, directed by Daniel Minahan, written by Elizabeth Sarnoff.

22. "Suffer the Little Children"; "Bullock Returns to the Camp," *Deadwood*, The Complete First Season DVD, directed by Michael Engler, written by Jody Worth.

23. Bullock's family is going to arrive in the camp, yet another personal element that encourages him to become sheriff is his belief that if he is sheriff, he will be able to protect Alma Garret (Molly Parker), his new mistress, from retribution from her shady father (William Russ) or from the family of her dead husband (Timothy Omundson). "Sold Under Sin," *Deadwood*, The Complete First Season DVD, directed by Davis Guggenheim, written by Ted Mann.

24. One classical Western that might serve as a background for Swearengen here is *Destry Rides Again*, VHS, directed by George Marshall (1939; Universal City, CA: MCA Home Video, 1993). Much of this film depicts a crime boss (Brian Donlevy) installing sheriffs who will go along with his plans or be murdered if they attempt to enact legitimate law enforcement. Unlike *Deadwood*, the conclusion of the film rights this wrong through the actions of honest lawman Thomas Jefferson Destry Jr. (Jimmy Stewart) and represents the triumph of law and order over criminal behavior.

25. Klein, "'The Horse Doesn't Get a Credit,'" 98-99. Brad Benz has pointed out to me that since Bullock generally does "paddle" with Swearengen, especially during seasons 2 and 3, Bullock in effect reverses his refusal to participate in criminality at the outset of the program when he does not release his Montana prisoner in order to participate in the robberies that are proposed by the prisoner.

26. "A Lie Agreed Upon, Part 1."

27. These ideological practices are represented throughout the three seasons of *Deadwood*.

28. Althusser, "Ideology and Ideological State Apparatuses," 181.

29. Wolcott attempts to maintain a calm, refined appearance within the camp even though his compulsion is to abuse and to murder prostitutes, which

he does under the name "Mr. W." When he kills three prostitutes in "Something Very Expensive," Tolliver helps cover it up, (The Complete Second Season DVD, written and directed by Steve Shill). In "Boy-the-Earth-Talks-To," Tolliver reveals what has occurred to Hearst, and Hearst severs his relationship with Wolcott. In response, Wolcott hangs himself.

30. "Unauthorized Cinnamon," *Deadwood*, episode 31, season 3, first broadcast July, 23, 2006, by HBO, directed by Mark Tinker, written by Regina Corrado.

31. Hearst has organizers and rivals killed throughout seasons 2 and 3; the other events occur, respectively, in "True Colors"; "A Constant Throb," *Deadwood*, episode 34, season 3, first broadcast August 13, 2006, by HBO, directed by Mark Tinker, written by W. Earl Brown; "I Am Not the Man You Take Me For"; and "Tell Him Something Pretty." Althusser notes that "the material existence of the ideology in an apparatus and its practices does not have the same modality as the material existence of a paving stone or a rifle" ("Ideology and Ideological State Apparatuses," 166).

32. "Tell Him Something Pretty."