

THE DARKER SIDE OF AMERICA'S WONDERLAND
A Study of the First Four Decades of
Yellowstone National Park, 1872 - 1916

By

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ABSTRACT

SARGENT, ELIZABETH The Darker Side of America's Wonderland: An
Examination of the First Four Decades of
Yellowstone National Park, 1872 – 1916

Those who first stumbled across the steaming, bubbling land of Northwestern Wyoming in 1860s and early 1870s described it as “Hell on Earth.” Over the course of a few decades, the land underwent a vast transformation, which replaced “Hell” with “Wonderland” in visitors’ minds. The year 1872 represents a turning point in environmental legislation and marks the conception of Yellowstone, America’s first national park. While creating a national park preserved, for the first time, the country’s natural wonders, the 1872 act included no direction for management, no allocation of funds for upkeep, and no system set in place to manage tourists. This thesis examines the darker past of America’s Wonderland, demonstrating that the vagueness of the original act affected the first four decades of Yellowstone’s history for the worse, which led to a multitude of problems that plagued the park from 1872 to 1916, when the National Park Service was established.

Through the examination of park superintendent reports, legislative acts, newspapers, and personal accounts, this thesis reveals the way political and commercial interests shaped Yellowstone’s first forty years. These documents tell of the difficulties of protecting a vast area with no laws and minimal funding. Poor management led to poaching, widespread vandalism and a lack of respect for park administration. Until the passage of the Lacy Act twenty-two years after the park’s creation Yellowstone lacked legal consequences for wrongdoers. Administration represents one of many areas in which the Department of the Interior failed in its understanding of a national park.

While the government saw worthlessness in Yellowstone, concessioners saw dollar signs. By obtaining leases, an individual or corporation could construct hotels, transportation companies, or simple stores. The Northern Pacific Railroad backed both hotel and transportation companies, which increased ticket sales for the railroad and tourist traffic for the companies in which the N.P.R. invested. Issues of monopolies, the exploitation of tourists, and even a railroad's proposal to enter the boundaries, plagued the park. The role of concessioners and the power of big business show the fluctuation between viewing the land within a national park as both worthless and valuable.

Concession development proved necessary to provide comforts expected by park tourists. By 1900, the tourist experience had evolved into one of group transportation to popular attractions and accommodations at the fancy hotels dotting the park. The work of concessioners and the testimony of visitors show that up until 1915 Yellowstone was not the 'people's park' but the park of the wealthy. Permitting automobiles in the park allowed for people of more modest means to visit Yellowstone. An over one hundred percent increase in tourists from 1914 to 1915 exemplifies the move from the park of the wealthy to a park for the people.

This thesis ends with the 1916 National Park Service Act, which created a bureau within the Department of the Interior to manage the nation's twelve national parks. The year 1916 marks the end of an era and the potential for the future of national park administration. Yellowstone served as a guinea pig for policy-makers and administrators, with trial and error as the primary resources. The creation of a National Park Service symbolized the Department of the Interior's understanding of the needs of national parks like Yellowstone. Wonderland could finally serve as a park for the people, in the way the 1872 act outlined.

Chapter 1 Introduction

Many believe [John] Colter to be the first Euro-American to venture into the future Yellowstone National Park. His accounts led Captain Clark to include on maps an area known for the next several decades as “Colter’s Hell.”¹

The hot springs, boiling mud pits and geysers that struck a mix of fear and curiosity into the eyes of men, like John Colter, became Yellowstone, America’s first National Park, on March 1, 1872.² The park’s daunting title of “Hell on Earth,” was quickly replaced by the name Wonderland and since its inception visitors have flocked from across the globe to experience the strange and beautiful attractions of the park. From 1872 until 1916 Yellowstone, and all other National Parks, remained under the control of the Department of the Interior. The first 44 years of Yellowstone’s existence involves a dark, largely unexplored past. During these years concessioners took advantage of political connections and legislation failed to both provide adequate protection and a system of management for the park. In 1916 the establishment of the National Park Service did not provide a miracle elixir, but it did attempt to bring organization to the chaos. Despite the success of creating landmark policies to protect the nation’s wilderness, irrefutable facts state that the Department of the Interior failed on multiple accounts to design a reasonable plan to organize the vast tract of public land.

America’s Early Playgrounds

While Yellowstone was the first National Park, it was not the first tract of land that people desired to protect. Due to the efforts of conservationists like John Muir, Congress established two state parks in California through the 1864 Yosemite Act. This act, signed by

¹ Mark Daniel Barringer, *Selling Yellowstone: Capitalism and the Construction of Nature*, (Lawrence, Kansas: University Press of Kansas, 2002), 11.

² John Colter was a member of the U.S. Army and separated himself from the other men. For more on John Colter see pages 10 – 11 of Mark Daniel Barringer’s *Selling Yellowstone*.

President Abraham Lincoln, “provided for the withdrawal of both the [Yosemite] valley and the Mariposa Grove of redwoods from the public domain and their presentation to California to be managed as a state reserve.”³ In 1890 Congress created Yosemite National Park as the third U.S. national park.

Before the California parks people had enjoyed the sights at Niagara Falls for over a century. Since no one owned the land surrounding the falls, concessioners had the opportunity to open stores, restaurants and hotels. Upon arrival tourists experienced the immediate bombardment of various concessioners attempting to convince visitors to eat at their restaurant, stay at their hotel or browse in their gift shop. Niagara, a magnificent series of falls that people across the globe traveled to see, felt more like an amusement park or a circus than a place of nature.⁴ Individuals, like Frederick Law Olmstead, believed that the “subordination of Niagara’s scenery to profit [was] a national disgrace.”⁵ Many Europeans such as Alexis de Toqueville viewed Niagara similarly to Olmstead and saw the carnival atmosphere to represent how Americans viewed nature.⁶

Far from the falls on the Canadian border individuals began a conservation movement. Spearheaded by men like John Muir, conservationists began the push for setting aside land for national enjoyment. These parks would not include hundreds of concessioners pressuring visitors to use their services, like those at Niagara. Instead the parks would be a haven away from crowded cities. Early Yellowstone did not have the theme-park feel of Niagara Falls but was it

³ Alfred Runte, “The National Park Idea: Origins and Paradox of the American Experience,” *Journal of Forest History* 21, no. 2 (April 1977), <http://www.jstor.org>, 71.

⁴ While it is difficult to find the number of visitors to Niagara in a given year, one, statistic helps to illustrate the mass of people who did see the falls. In 1859 20,000 people visited the Niagara Falls Museum. This is a large number for the 1850s and not everyone who visited the falls went to the museum.

Ginger Strand, *Inventing Niagara: Beauty, Power and Lies* (New York, New York: Simon & Schuster, 2008), 81.

², Strand, 71.

⁶ Runte, 66.

that different? The concessioners in both areas turned nature into a commodity. While one was an embarrassment the other was a source of national pride. Unlike Niagara, where limited space crowded the concessioners, the capitalist nature of those selling in Yellowstone, hidden by the vastness of the park, was less blatant. The northwestern corner of Wyoming also contained wonders unlike any in the world. A waterfall, covered with tourists and concessions gave off a cheap and uncultured vibe.

The Birth of the Nation's first National Park

March 1, 1872 marked the beginning of a new legacy in land management. Instead of private ownership, the government now controlled a massive section of the territory of Wyoming. The original act named Yellowstone for the ““benefit and enjoyment of the people.””⁷ In 1871, a group of geological surveyors under Ferdinand Hayden traveled to the future Yellowstone Park. Included in the expedition was painter Thomas Moran. While traveling Moran created “16 watercolor paintings...which in conjunction with Hayden’s official report...and the images of expedition photographer William Henry Jackson, convinced Congress to protect Yellowstone.”⁸ Many of Moran’s paintings exhibited the open skies and vast untouched territories, aligning with the ideals of Manifest Destiny.⁹ The paintings show a last frontier, or a place available for the taking. Believers in Manifest Destiny saw the images in Moran’s works as belonging to the United States through divine right.

⁷ Chris J. Magoc, *Yellowstone: The Creation and Selling of an American Landscape, 1870 – 1903* (Albuquerque, New Mexico: The University of New Mexico Press, 1999), 19.

⁸ Langdon Smith, “The Contested Landscape of Early Yellowstone,” *Journal of Cultural Geography* 22, no. 2 (Fall/Winter, 2004), search.ebscohost.com, 7.

⁹ Thomas Patin, “Exhibitions and Empire: National Parks and the Performance of Manifest Destiny,” *Journal of American Culture* 22, no. 1 (Spring, 1999), search.ebscohost.com, 44, the emptiness of the paintings suggests that no human had inhabited the land. It is common knowledge that Native Americans frequented the area.

The act setting apart such a huge area of land with the sole purpose of protecting the scenery and wildlife for the benefit of tourists was the first piece of legislature to turn private land into public land on a national scale. Although the creation of Yellowstone set a precedent for future parks, “there evolved in Congress a firm (if unwritten) policy that only worthless lands might qualify for park status.”¹⁰ Most of the land within Yellowstone has little value for development. Large mountainous regions, hot springs, fumaroles, mud pots and geysers dot the park, making it nearly impossible to market or sell the land. Policy makers viewed the land as worthless but corporations like railroads viewed a gold mine. A railroad to the national park would boost ticket sales and greatly increase revenues. The issue of defining worthless and valuable land continued throughout Yellowstone’s early history. While the accomplishment of vast land conservation is notable, the park, under the control of the Department of the Interior, lacked management structure for its first few decades.

Although, proponents of Yellowstone desired to create something different than the chaos of Niagara Falls, they did not have a clear vision of what that would be. While little development occurred in the first few years of the park’s existence, “park officials learned by trial and error, literally field testing the concept of a national park.”¹¹ The Department of the Interior allocated no funds to the park to pay a superintendent or make improvements until 1878. As the first National Park no precedent had been set for management or park set up, making every piece of legislation new. An interesting situation existed; the government owned the park lands and desired visitors to come and enjoy the sights yet did not appropriate money to create hotels, means of transportation or improve roads. Furthermore legislation failed to incorporate a system of laws, leaving Yellowstone without the ability to punish rule breakers until 1894.

¹⁰ Runte, 77, The idea of worthless land refers to agricultural development, mining and settlement. This way of judging land was common during the 1800s.

¹¹ Smith, 4.

The Darker Sides of America's Wonderland

The Department of the Interior awarded leases to certain concessioners to meet the needs of visitors. One corporation interested in establishing hotels within Yellowstone was the Northern Pacific Railroad. Yellowstone served two purposes for the Northern Pacific; it would both increase passengers and provide a new means of generating profit by having properties within the park. Before the railroad company received a lease for building it “initiated...the *Wonderland* series...guidebook” in 1878.¹² The guidebooks idealized Yellowstone in order to encourage visitors since numbers remained below 2,000 people a year before 1880. In 1881 the secretary of the interior gave the railroad a lease through the Yellowstone National Park Improvement Company (YNPIC).¹³ The YNPIC remained within the park until 1886 when the company went bankrupt.¹⁴ The Department of the Interior provided the YNPIC with the means to create a monopoly and although the company dissolved, the Northern Pacific did not loosen its grasp on Yellowstone.¹⁵ The YNPIC became the Yellowstone Park Association (YPA) and “the Northern Pacific...held seven hundred of one thousand shares of” the company.¹⁶ Accusations of monopolies and other abuses, including political corruption, followed railroad backed companies throughout Yellowstone's early history. While the YNPIC and the YPA were not the only

¹² Magoc, 35.

¹³ As of date little is known about the incomes of YNPIC and other concessioners but primary information in College Park, Maryland shows the financial statements of various concessioners. Hopefully these statements will provide enough information to create a chart for each concessioner from the park's inception to 1916.

¹⁴ Lee H. Whittlesey and Elizabeth A. Watry, *Images of America: Yellowstone National Park*, (Charleston, South Carolina: Arcadia Publishing, 2008), 35.

¹⁵ Railroad officials were highly connected in the federal government. Congress charged the YNPIC with corruption and acting illegally within the park. These issues will be further explained in the first chapter of the thesis.

¹⁶ Magoc, 76.

concessioners to gain leases from the Department of the Interior, they perfectly exhibit the consumer driven mindset that existed within the park.¹⁷

With a growing number of concessioners, competition increased. The Northern Pacific Railroad retained control in the park through Harry W. Child at the head of the Yellowstone Park Association. As Yellowstone improved the system of roads and facilities, along with the extension of railroads, tourism evolved from simply camping to staying in hotels and traveling to attractions by stagecoach. It is important to not that “during the last portion of the nineteenth century, Yellowstone tourism...was dependent on an upper-class clientele.”¹⁸ The park did not become available to a larger demographic until 1915 when legislation allowed for the admittance of cars. Concessioners constructed hotels and transportation routes to appeal to their wealthy clients. The high-class tourists reveal a flaw in Yellowstone’s existence: it was not the people’s park as stated in the original act. Yellowstone served as a Wonderland for the rich and famous.

The inability for park officials to punish rule breakers led to a multitude of problems not limited to vandalism, poaching and lack of structure. In Yellowstone, “abuse was rampant and no one was controlling it.”¹⁹ Even after the Department of the Interior assigned multiple superintendents to Yellowstone, visitors continued to ignore rules. While park officials struggled to prevent the destruction of wonders, they legally could not punish those who chose to ignore regulations.²⁰ Ejection from the park, the only consequence for stealing a piece of the mineral formations off of a geyser or killing a buffalo, deterred few. A bill passed in 1883 by Senator Vest proposed to bring the United States Army to the park to establish order and reprimand rule

¹⁷ A consumer driven mindset is similar to a capitalist mindset except within Yellowstone the visitors, or consumers, drive corporations, like the Northern Pacific Railroad, to obtain a lease.

¹⁸ Barringer, 58.

¹⁹ Whittlesey and Watry, 19.

²⁰ H. Duane Hampton, “The Army and the National Parks,” *The Magazine of Western History* 22 no. 3, (Summer, 1972), <http://www.jstor.com>, 69.

breakers. Troops did not arrived until 1886. Although the military contributed to combating civilian issues no legislation gave them permission to make arrests or hand out fines until the Lacey Act in 1894. Known as a “landmark...in the history of national park legislation...[the Lacey Act] placed Yellowstone within the United States judicial district of Wyoming for federal offenses.”²¹ Work done by the U.S. army vastly improved issues of concessioners and visitors taking advantage of natural resources but issues existed within the War Department. A concern of acting superintendents was the need for authority members with an understanding of forestry, a familiarization with the park and an enjoyment of policing the area. Furthermore, the frequent rotation of stationed men moved out those with experience and brought in unseasoned individuals. Problems with park management further exhibit the government’s inability to properly manage public lands. The army remained within Yellowstone until the National Park Service entered after 1916.

During the nineteenth century the majority of Americans lived along the eastern seaboard. Gazing Westward, those with an adventurous spirit, saw vast tracts of land, untouched and available for the taking. The ideology stems from Manifest Destiny, or the belief that it was the destiny, manifested by God, of all Americans to leave their homes on the east and travel to the empty and untouched west. This belief applied to both individuals searching for better economic opportunities and more broadly to expanding the United States as a nation.²² The numerous Native American tribes scattered across the North American continent created a problem for the proclamation of open land. Many different tribes traveled to lands now included in Yellowstone for game hunting and seasonal residence. In order to preserve the appearance of an unscathed wonderland, park administrators worked to remove Yellowstone’s Native

²¹ Hampton, 75.

²² For more information on American expansion from an individual and nationalistic perspective see: Walter Nugent, *Habits of Empire: A History of American Expansion*, (New York, New York: Alfred A. Knopf, 2008).

Americans. Ironically, officials “viewed any Indian presence in the park as a new and artificial intrusion.”²³ The elimination and relocation to reservations of the various Native American tribes reflects common practices of the nineteenth century and issues continued until at least the 1890s.

The first half a century of Yellowstone’s history was riddled with a dark past. Early concessioners utilized their influence within politics to create profit-generating monopolies. With little internal structure concessioners essentially controlled the park, easily corrupting superintendents. Both visitors and vendors took advantage of loose rules with no consequences. Issues existed, even with the introduction of a military presence, and continued until the establishment of the National Park Service in 1916. The treatment of Native Americans did not differ from removal policies of the nineteenth century. Fueled by railroad propaganda and the ideology of Manifest Destiny, most visitors truly believed that the land they walked upon had newly been discovered. Historians have challenged the manner in which Americans viewed national parks, Native Americans, and the American West.

Literature Review

Scholars only recently began investigating environmental history, especially topics regarding national parks. Although there has been work done before 1980, most focuses on park guides and basic park information, such as the wildlife or plant ecology of different areas.²⁴ The environmental movement of the 1990s and 2000s caused scholars in all fields of study to look at government owned land in new ways. Historians have begun looking into the details of Yellowstone with topics focusing on economics, the military and illegal activity. In the past parks like Yellowstone have been glorified for their preservation of America’s natural wonders.

²³ Jacoby, 88.

²⁴ For an example of an informational book see Robert Scharff’s 1966 *Yellowstone and Grand Teton National Parks*.

Considering the mindset of the environmental movement, however, it is not surprising that many contemporary works take a critical stance on Yellowstone's past.

Few articles written before 1950 touch on land conservation during the 1800s, rather, most focus on ecology or give information pertaining to certain parks. Walter H. Schoewe wrote an article in 1939 titled "Conservation of Our Natural Areas." The title is misleading since the essay only briefly highlights the history of conservation and national parks. Instead, its purpose is to criticize the National Park Service for not turning Rock City in Kansas into a national monument. In his brief discussion of national parks Schoewe explains, "areas were set aside motivated purely by the instinct to preserve or to prevent private exploitation."²⁵ Schoewe's writing idealizes the establishment of national parks by failing to discuss other influences that stimulated the passage of various park acts. His description of national parks illustrates that in the 1930s and 40s the study of environmental, economic and political history were not considered areas that deserved scholarly studies.

By the 1960s more works existed that discussed the politics connected with government land management, more specifically national parks.²⁶ H. Duane Hampton's 1966 (reprinted in 1972) article, "The Army and the National Parks" discusses the history and politics surrounding how the War Department involved itself in the management of national parks. Although Hampton's title alludes to a report on all parks, he focuses primarily on Yellowstone. He gives a valid analysis of the relationship between the War Department and the Department of the Interior, stating that in 1889 "relations...became strained with the Secretary of the Interior" and

²⁵ Walter H. Schoewe, "Conservation of Our Natural Areas," *Transactions of the Kansas Academy of Science* 42 (March 30 – April 1, 1939): 64, <http://www.jstor.com>.

²⁶ For another example of a 1960s article see Donald C. Swain's "The Passage of the National Park Service Act of 1916" written in 1966.

Captain Boutelle.²⁷ Hampton touches on the issues of a railroad monopoly within the park but fails to give an in-depth critique of the over thirty-year stint of the army within Yellowstone. Although Hampton's article includes valid arguments, he exhibits a clear personal bias towards the actions of the War Department. This is illustrated throughout the work and he wrote his doctoral dissertation on the importance of the military to the national parks. Political upheaval rocked the 1960s with events like the Vietnam War and the Civil Rights Movement. Due to the anti-war movement, it is not surprising that an expert on military history would choose to shed light on a positive aspect of the nation's armed forces. One can argue that occurrences in the 1960s sparked interest in the nation's political history.

The historiography on early Yellowstone changed towards the late 1970s and 1980s, reflecting the scholarly acceptance of historical research in alternative areas. Alfred Runte in his 1977 article, "The National Park Idea: Origins and Paradox of the American Experience," explores the issues surrounding European antiquity and the youth of the United States as a nation. He touches on topics like "the onslaught of commercialism...that robbed [Niagara Falls]... of its uniqueness" and the belief that the United States did not have a history of great literature and art.²⁸ Runte further discusses how national parks served as a way to compete with the centuries of history in Europe that showcase the greatness of European civilization.²⁹ The 1977 article hints at discussions left out of earlier works, that nationalism and national parks have a connection. Although Yellowstone is not the main topic of Runte's essay, his work exhibits an interesting take on American conservation. Another example of the changing focus of studies

²⁷ Hampton, 73.

²⁸ Runte, 67.

²⁹ It is important to note that individuals in the 1800s did not see the history of Native Americans or the ancient ruins, like the Chaco Canyon Pueblo dwellings, as pieces of antiquity to be proud of. For more about these dwellings and the people who inhabited them see Kendrick Frazier, *People of Chaco: A Canyon and its Culture*, (New York, New York: Norton, 1999).

concerning Yellowstone is Barbara H. Dittle and Joanne Mallmann's 1984 essay "Plain to Fancy: The Lake Hotel, 1889 – 1929." This work examines the changes that Yellowstone's luxury Lake Hotel underwent over a 40-year period. Dittle and Mallmann give an excellent summary on the different concessioners involved in the hotel business, including the Northern Pacific Railroad and its various influences within the park. The article contains valuable information and serves to exhibit the different forms the study of history took in the 1980s.

The 1990s and 2000s demonstrate a dramatic shift in Yellowstone historiography. During this time many scholars began investigating the darker past of the United States in areas like Indian Removal and the environment. Academics also looked at well known historical events through new lenses. These changes reflect both social movements, such as environmental consciousness, and the growing trend of exploring old history in new ways. Contemporary works on early Yellowstone include topics such as economic corruption, how Manifest Destiny intertwines with national parks and Indian Removal. Chris J. Magoc's 1999 *Yellowstone: The Creation and Selling of an American Landscape*, focuses on the period of 1870-1903. This crucial work discusses at length the commoditization of Yellowstone. He extensively examines the multiple concessioners that built up Yellowstone tourism. Magoc makes the bold statement that "even as American attitudes toward nature were quietly shifting in 1872, the establishment of Yellowstone Park was driven ultimately by the hinged forces of nationalism and good old-fashioned capitalism."³⁰ This interesting view, supported by valid sources, describes the influence of the Northern Pacific Railroad on the establishment of tourist attractions, the issues within the Department of the Interior and the changing policies surrounding private enterprise. He writes scathingly that "Wonderland had been incorporated into the market economy by way of the Northern Pacific Railroad's conquest of the greater extractive landscape," clearly

³⁰Magoc, 4.

demonstrating his view that capitalism not conservation built up the park.³¹ Although Magoc's work extends only until 1903, it is a goldmine of information.

A work, published in 2002 by Mark Daniel Barringer entitled *Selling Yellowstone: Capitalism and the Construction of Nature*, includes information parallel to Magoc's, agreeing with Magoc's views on the Northern Pacific Railroad. This book focuses on a broad time period, roughly from 1870 to the mid 1960s. Barringer provides the reader with a study of how commercialization changed over time, especially the early years of the National Park Service. He writes, "The National Park Service, the first government agency with both the power and the interest to challenge concessioners as the preeminent force in Yellowstone affairs, altered the private park by forcing consolidation and eliminating competition," illustrating the evolution from the Department of the Interior to the National Park Service.³² Barringer also discusses other changes that occurred after 1916 such as the growing popularity of campgrounds, a switch in transportation from stagecoaches to automobiles and the impact World War I had on the park. While Magoc's work takes an extremely critical look at early consumerism within Yellowstone, Barringer takes a less biased approach to the economic history of the park.

Karl Jacoby's 2003 *Crimes Against Nature: Squatters, Poachers, Thieves and the Hidden History of American Conservation* examines the removal of Indians within Yellowstone and the role of the army. His work, similar to Magoc and Barringer's in nature, looks at the darker past of national and state parks. He attacks the policies surrounding the management of Yellowstone's Native Americans pointing out clear errors like "the setting aside of reservations may have helped set the stage for continued Indian incursions into Yellowstone...not only did reservations consolidate Indian bases of operation close to the park...[but also] left

³¹ Magoc, 77.

³² Barringer, 61.

the...inhabitants” hungry.³³ Jacoby shows the reader that the first few decades of Yellowstone included severe mismanagement, even after the introduction of the U.S. Army. He discusses at length the issues between the military and residents in towns surrounding the park, the corruption of men stationed there, and the difficulties in patrolling an area as large as Yellowstone. Interestingly, both Jacoby and Hampton come to the same conclusion, “the army would reshape federal conservation in its own image, turning a once inchoate venture into a well-organized bureaucracy,” revealing that in regards to the military, contemporary historians have not made any radical conclusions but do offer new information regarding its practices.³⁴

Thomas Patin’s 1999 “Exhibitions and Empire: National Parks and the Performance of Manifest Destiny” and Lynn Ross-Bryant’s “Sacred Sites: Nature and Nation in the U.S. National Parks” both exemplify the changing historiography of contemporary historians. Patin looks at “museological techniques in the presentation of nature in parks” and its connection with Manifest Destiny.³⁵ He focuses on all parks and discusses the importance of considering the impact of art and perceptions of parks. Ross-Bryant discusses, “the [significance of the] language of symbol, sacred site and pilgrimage...[in] both the formation of national identity and the attitude toward the natural world.”³⁶ While Patin and Ross-Bryant focus on different areas, their assessments of Native Americans in national parks are similar. Patin’s work reads “American Indian dwellings...were seen in the late nineteenth and early twentieth centuries as sufficient to make up for the lack of Greek or Roman Ruins in the New World.”³⁷ Ross-Bryant includes a similar argument but makes a distinct clarification. She notes “as each park was “discovered” by

³³ Jacoby, 87.

³⁴ Jacoby, 98.

³⁵ Patin, 41.

³⁶ Lynn Ross-Bryant’s “Sacred Sites: Nature and Nation in the U.S. National Parks,” *Journal of American Culture* 22, no. 1 (Spring, 1999): 32, search.ebscohost.com.

³⁷ Patin. 42.

the white man, Native Americans were expelled or hidden away, except when “authentic Indians” were brought before the white visitors to perform.”³⁸ The assessments of these two scholars allude to the eventual use of Native Americans and their belongings as exhibits within the various parks across the country.

Differing from many contemporary historians is Mary Shivers Culpin’s *A History of Concession Development in Yellowstone National Park, 1872 – 1966*, written in 2003.

Interestingly Culpin worked with the National Park Service in the publication of the book and the NPS Yellowstone website includes an electronic copy in its history section. While Culpin gives extensive information on the concessioners before and after the creation of the National Park Service, her writing exudes bias. Although it does present reliable information, a lack of a clear argument gives the impression of an informational pamphlet. Not only is the presentation bland but it lacks any real critique of early Yellowstone.

A journal article, written in 2004 by Langdon Smith, “The Contested Landscape of Early Yellowstone,” presents the most critical view of the first few decades of Yellowstone. Smith’s work investigates the Northern Pacific Railroad’s plan to build a line that crossed through Yellowstone National Park. He states that “without disputing the importance of Hetch Hetchy, my research suggests we must look at a case study two decades earlier...where the national parks movement was born.”³⁹ The article includes the local, national and political debates surrounding the proposed line. Leaders of the conservation movement, like George Grinnell, published numerous articles and succeeded in turning the Northern Pacific’s plans into a national issue. Smith’s article explicitly highlights the rampant economic and political corruption of the first few years of Yellowstone’s existence.

³⁸ Ross-Bryant, 52.

³⁹ Smith, 4. The building of the Hetch Hetchy dam in Yosemite created a reservoir within a national park. This incident is often cited as an environmental disaster.

Study Outline

While the opinions of scholars contribute to an understanding of the topic, primary sources supply the evidence upon which an argument rests. This thesis utilizes Newspaper articles, personal accounts, congressional documents, letters, pamphlets, and superintendent reports to analyze the first four decades of Yellowstone's history. These primary documents prove the existence of corruption within the park and the capitalist rather than conservationist purposes associated with the organization of the Department of the Interior.

Thousands of newspaper articles appeared between 1872 and 1916 on Yellowstone. George Bird Grinnell's *Forest and Stream*, a crucial source, gives a different perspective, due to the publication's focus on the natural world, compared to mainstream papers like the *New York Times*. Furthermore Grinnell took an interest in Yellowstone and closely followed issues relating to the park. The methods of change over time and comparing and contrasting the opinions of different regions of the country have been utilized. Close attention has been paid to the biases of different types of papers and journals. *Godey's Lady's Book* is more likely to present positive images of Yellowstone like the 1872 article "Playgrounds of America," than a local or conservationist backed paper.

Personal accounts ranging from the writings of Nathaniel Langford to Yellowstone visitor Stephen M. Dale provide insight that formal writing cannot. The experiences of visitors to Yellowstone have been compared and contrasted from 1872 to after 1916 and monitored for change over time. Personal accounts reveal the starkly different experiences of early visitors compared to those during later years. The writings of tourists, members of the army and others present important information to compare to superintendent reports. These personal accounts have been closely analyzed to avoid confusing personal bias with fact.

The various pieces of legislature that had a large impact on the park have been closely studied. These include, but are not limited to, the March 1, 1872 act to create Yellowstone National Park, the 1883 act that established the Army's presence within the park. The Lacey Act and the 1916 National Park Service Act. Between 1872 and 1916 Congress passed many acts pertaining to Yellowstone and other parks, many have been essential to see if park managers followed the acts and what loopholes, if any, exist within the documents. Both contemporary authors and primary sources, like newspapers, reference these acts. The comprehension of how policies evolved in the first half century of Yellowstone has been essential to understanding both the mindset of the various concessioners and the changing political atmospheres.

Finally, the most crucial documents include records obtained from the National Archives in College Park, Maryland and the reports of the various superintendents. In College Park documents including information on the allocation of funds, relations between concessioners, geological reports and lease data have proved to be important compliments to other sources. The information within the annual reports on Yellowstone provide in depth detail on tourists, concessioners, wildlife, rule breakers and even weather. Furthermore, the appendices often include letters between politicians and copies of legislation. These reports, for almost every year discussed in this thesis, have been dissected and compared to other sources, such as personal accounts and newspapers. They show, better than any other source, how legislative actions effect happenings within the park.

The Darker Side of America's Wonderland covers roughly forty years of Yellowstone's history, from 1872 until shortly after 1916. The chapters have been organized chronologically. The thesis is made up of five separate chapters, including the introduction and conclusion. Chapter two focuses on the period from the surveying expeditions of 1869 – 1871 until 1885.

This chapter shows the problems with the 1872 act, the slow manner in which the park was developed and examines the controversies surrounding early concessioners. The chapter comes to a close, appropriately, in the year before the introduction of the U.S. Army. Chapter three explores the time from 1886 until 1899. It highlights the evolution from civilian to military administration, the attempt for a railroad line to penetrate park borders, changes with concessioners and political action that affected the park. This chapter also includes an analysis of the Lacey Act in 1894. Arguably the most important piece of legislation in Yellowstone's history, the Lacey Act allowed for the punishment of rule breakers. The fourth chapter gives an analysis of Yellowstone from 1900 until the National Park Service Act was passed in 1916. By 1900 the park experience had undergone considerable change. Through personal accounts and superintendent reports, this chapter explores how the landscaping changes and concessioner organization altered the tourist experience. Furthermore, it follows lawsuits and issues between concessioners and culminates with the National Park Service Act. The passage of this act signifies the end of an era in Yellowstone's history. Finally, the concluding chapter summarizes the arguments discussed in the thesis as a whole. It begs the question of why many Americans identify Theodore Roosevelt as the man responsible for the establishment of national parks. The use of five chapters provides an effective backbone for the thesis.

National Parks protect the treasures of America. In the eyes of Europeans, the United States had neither ruins of a culturally rich past like those in Italy and Greece nor mountains like the Alps. National Parks showcase to the rest of the world that we too have something to cherish.⁴⁰ Growing up we learn of the Grand Canyon, the buffalo and geysers of Yellowstone and the wonders in California. Millions of people have visited these places and marveled at their beauty. What people do not learn are the darker sides of these wonderlands. The Department of

⁴⁰ *The National Parks: America's Best Idea.*

the Interior mismanaged Yellowstone and a lack of understanding of the purpose of a national park led to a multitude of problems. While this mismanagement improved over time, it did not see considerable improvement until after the creation of the National Park Service in 1916. The act illustrates, after over forty years, the government's acknowledgement that, like all the nation's institutions, national parks need management specific to its needs. A study of the Yellowstone's darker past brings to light the progression of this realization.

Chapter 2 The Creation of America's Wonderland: 1870 -1885

*The bill now before Congress has for its object the withdrawal from settlement, occupancy, or sale, under the laws of the United States, a tract of land fifty-five by sixty-five miles, about the sources of the Yellowstone and Missouri Rivers; and dedicates and sets it apart as a great national park or pleasure-ground for the benefit and enjoyment of the people.*⁴¹

The Yellowstone Park – February 27, 1872

Nathaniel Pitt Langford and General Henry D. Washburn traveled in 1870 with a group to survey and explore the wondrous Yellowstone valley.⁴² The party of fifteen spent the summer looking upon land without roads, houses or farms.⁴³ Instead, the terrain erupted, boiled and steamed. The Montanans noticed the gurgling streams of glacial water, emerald valleys painted with wildflowers and gaping canyons tearing through the earth. This place, different from any on Earth, filled with dangers and curiosities, remained one of the last frontiers of the West. Although the 1870 Washburn expedition was not the first or the last group to visit the region, their trip holds importance in the creation of the nation's pleasure ground. On this expedition the Yellowstone creation myth took place at camp one evening. It is said that as the group discussed the possibility of controlling a "tourist franchise...[Cornelius Hedges stated] "it ought to be set apart as a great National Park.""⁴⁴ This idea, like most myths, pleasantly rings in the ears but covers a darker reality. In fact, during the first twelve years, money would be made, Native Americans would be banned, tourists would flock and rules would be broken.

Setting Aside the Pleasuring Ground

⁴¹ *The Yellowstone Park. February 27, 1872. -- Laid on the table and ordered to be printed, Washington, D.C., 1872, 1, <http://infoweb.newsbank.com>.*

² Magoc, 2.

⁴³ Barringer, 13.

⁴⁴ Barringer, 12.

What caused these enlightened men, on a summer's night in 1870, to arrive at the conclusion of creating a national park? Generally, myths function to explain the inexplicable or simply to bend the truth. The difficulty lies in separating the legends from the truths. These early visitors had intentions that reached beyond the thrill of exploration. One in particular, Nathaniel Langford, a resident of Montana, had close ties to the powerhouse known as the Northern Pacific Railroad (N.P.R.). An article in the *Evening Bulletin* stated in 1872, "the principle object of Mr. Langford's explorations and survey was to determine the practicability for a wagon road and a railroad," explicitly stating a direct connection between the railroad and the man.⁴⁵ A national park symbolized dollar signs for the railroad company, as there was no other means of transportation to and from the Wyoming territory. Langford himself wrote in *Scribner's Monthly*

By means of the Northern Pacific Railroad, which will doubtless be completed within the next three years, the travelers will be able to make the trip to Montana from the Atlantic seaboard in three days, and thousands of tourists will be attracted to both Montana and Wyoming in order to behold with their own eyes the wonders here.⁴⁶

Langford's writing illustrates his clear connection with the N.P.R. and belief that Yellowstone, if made a national park, would create a lucrative tourist market. The 1870 group of Montanans entered the Yellowstone region to both satisfy their own curiosities and for the benefit of the N.P.R. With their wealth, prestige and Washburn's "government connections in Washington," the men chose to pursue their plan for a national park.⁴⁷ After the trip to the Yellowstone valley Langford, along with others, promoted the idea of setting aside land in Washington, arguably, for the benefit of the N.P.R.⁴⁸

⁴⁵ "Proposed Railroad to the Yellowstone," *Evening Bulletin*, November 10, 1872, San Francisco, California, <http://infoweb.newsbank.com>.

⁴⁶ N. P. Langford, "The Wonders of the Yellowstone," *Scribner's Monthly, an illustrated magazine for the people*, Volume 02 Issue 2 (June 1871): 128, <http://digital.library.cornell.edu:80/s/scmo/>.

⁴⁷ Barringer, 14.

⁴⁸ "A Great National Park," *Morning Oregonian*, January 19, 1872, 2, <http://infoweb.newsbank.com>

Another individual whose work aided in the creation of Yellowstone National Park was Dr. Ferdinand V. Hayden. In 1871, the scientist led the first United States Geological survey of the Yellowstone region. As an employee of the U.S. government, this trip was on behalf of government research to either legitimize or disprove earlier claims and to look for the possibilities of mines or other commodities. Hayden and his team brought home legitimate proof that the strange, hell-on-earth like occurrences given by accounts of earlier travelers, actually existed. While Hayden and his team identified and mapped, other members of the expedition documented the journey with paintings and photographs. One such artist, Thomas Moran, painted exquisite landscapes of the area showing vast open areas with nothing interrupting the view but the horizon line. Some, like Moran's "Grand Canyon of the Yellowstone," include images of people in the foreground, suggesting man's dominance over nature. His images, no doubt, sparked the interest of Congress in the Yellowstone region. In 1872 Congress purchased the famous work for \$10,000 and had it placed "in the Senate wing of the capital."⁴⁹ While Moran's paintings represented the awe and wonder of the Yellowstone, Hayden's work presented the hard evidence to make a case for a National Park.

Upon his return Hayden published a massive report on his findings in the West. It gives vivid descriptions of the various areas of the region, no doubt inspiring interest in the wonders he discussed.⁵⁰ Like Langford, Hayden also published a more informal report of his travels in *Scribner's Monthly*. He states his agreement with Langford's reporting of the area within the first page of the article. In his descriptions Hayden writes using the imagery of a trained author rather

⁴⁹ "Thomas Moran; Grand Canyon; Yellowstone; Congress; Senate," *Elevator*, January 23, 1872, <http://infoweb.newsbank.com>.

⁵⁰ F.V. Hayden, "Preliminary report of the United States Geological survey of Montana and portions of adjacent territories; being a fifth annual report of progress By United States geologist. Conducted under authority of the Secretary of the interior" Washington, Govt. print. Off, 1872, 81, <http://quod.lib.umich.edu/m/moagrp/>.

than the starkness of scientific reporting seen in other testimonies. He does not dispute the idea of tourism or the benefit of the proposed rail line, stating, “with a foresight worthy of commendation, two men have already preempted 320 acres of land...with the expectation that upon the completion of the Northern Pacific Railroad this will become a famous place of resort.”⁵¹ Hayden had no real ties to the N.P.R. and he concludes by endorsing the prospect of a national park. Hearing these words from a geologist no doubt further eased the minds of those voting on Yellowstone National Park.

The members of the expeditions to the Yellowstone found enough inspiration in the sites of the region to push for a national park. Due to the limited number of people who had visited the area, arguably, without the push from those on the 1870 and 1871 teams no interest in creating a park would have occurred. Both Hayden and Langford rallied for the passage of an act to create the park, yet their work alone did not bring the park into existence. The land was worthless. An article from the *New York Tribune*, published just weeks before the voting on the bill, explains that, “the entire tract which [the bill] is proposed to thus set aside is only about 60 miles square, and being 6,000 feet about the level of the sea, is worthless for agricultural purposes.”⁵² If the land inside Yellowstone National Park had minerals to mine, vast plains to farm or easy accessible waterways no park would exist today. While this statement of worthlessness appears harsh, it accurately portrays the mindset of the era. The creation of a park represented a responsible decision since the land had no purposeful function in regards to mining, agriculture or the creation of homesteads. Ironically, the worthless land turned a large profit for both the Northern Pacific Railroad and its companies in the park. The combined N.P.R. interest,

⁵¹ F. V. Hayden, “The Wonders of the West - II: More about the Yellowstone,” *Scribner's Monthly, an illustrated magazine for the people* Volume 03, Issue 4 (February 1872), 390 – 391, <http://dlxs2.library.cornell.edu:80/m/moa/>.

⁵² “Washington. Were the Mormon Trials Legally Conducted---Why Ex-Senator Warner Was Removed---Prospects of The,” *New York Tribune*, January 29, 1872, <http://infoweb.newsbank.com>.

geological proof, majestic images and agriculturally worthless land evidently provided the catalyst for the passage of the bill. On March 1, 1872 the signature of President Ulysses S. Grant officially designated Yellowstone as the United States' first national park.

Despite the questionable motives behind Yellowstone's creation, the public expressed excitement and pride over the new piece of legislation. As a young nation the U.S. often fell in the shadows of the Alps and the ruins of the Roman and Greek empires.⁵³ Before the idea of establishing a national park gained Congress' approval, the major tourist attraction of the nation, Niagara Falls, had the feel of a circus with multiple concessioners. While Niagara's power and beauty appealed to many, few Americans recognized it as a source of pride. The wonders offered by Yellowstone gave the nation's citizens something comparable to the marvels in Europe, which wealthy Americans had frequented. An article from *Godey's Lady's Book* in 1872 remarks "Yellowstone...a region where all the wonders of Iceland and Switzerland seem to exist, combined with others which are found nowhere else," expressing excitement over the new park.⁵⁴ Another article explains Yellowstone's mountains as "beautiful and striking in symmetry and grandeur...and some...who had visited Europe were struck with their resemblance to the Alps."⁵⁵ The headlines and articles tell of a population eager to see the curiosities awaiting in the brand new park. With anticipation boiling, like the multiple thermal features, the future tourists basked in the pride of America's natural, and nationally recognized, Wonderland.

The Act to Set Aside a Tract of Land...

⁵³ The United States has ancient ruins that are thousands of years old. At the time of the creation of Yellowstone these valuable parts of the nation's history were not considered a source of pride.

⁵⁴ "The Play Grounds of America," *Godey's Lady's Book* May, 1872, <http://www.accessible.com>.

⁵⁵ "The National Park," *The Cincinnati Commercial*, February 2, 1872, Page: 4, <http://infoweb.newsbank.com>.

The original act that created the first national park included holes and vagueness instead of clarity and direction.⁵⁶ With no precedent for a tract of land set aside on a national scale, one cannot expect a flawless document the first time. Furthermore both the organization of the U.S. government and its attitude towards land greatly differed in the nineteenth century compared to modern standards. Donald J. Pisani accurately describes this phenomenon in the introduction to his book, *Water, Land and Law in the West*. Pisani states,

They [his chapters] also reflect the weaknesses of public policy in the United States, including the American desire to develop the nation's latent wealth as rapidly as possible; the nation's aversion to planning; the tendency of federalism to disperse power through many levels of government; and the absence of a "career bureaucracy" in Washington capable of providing leadership or direction to natural resources.⁵⁷

Clearly the U.S. Government during the 1870s did not focus on land reform or what a national park means.⁵⁸ The aversion to planning, discussed by Pisani, exists within the original act. It clearly marks the boundaries of the park and states that the land cannot be sold and its purpose is to be "set apart as a public park or pleasuring-ground."⁵⁹ The second section places the Secretary of the Interior in charge of the park and places all management and rule making under his discretion. The act states that funds for the upkeep and management for Yellowstone come from leases to concessioners, not the government.⁶⁰ Not surprisingly, the act discusses the basic ideas of protecting the land and animals from harm or abuse. Finally, it includes an interesting sentence declaring, "all persons who shall locate or settle upon or occupy the same...[land as the

⁵⁶ See Appendix A for the Original Act.

⁵⁷ Donald J. Pisani, *Water, Land and Law in the West: The Limits of Public Policy, 1850 – 1920*, Lawrence , Kansas (The University Press of Kansas: 1996,) xi.

⁵⁸ While a critique of Yellowstone policies is acceptable, historians have the gift of 20-20 hindsight making it easy to be overly critical. The purpose of this paragraph is to help the reader to understand the very different political standards of the late 19th and early 20th centuries.

⁵⁹ National Park Service, *Yellowstone Act 1872, AN ACT TO SET APART A CERTAIN TRACT OF LAND LYING NEAR THE HEADWATERS OF THE YELLOWSTONE RIVER AS A PUBLIC PARK*, Approved March 1, 1872, http://www.nps.gov/history/history/online_books/anps/anps_1c.htm.

⁶⁰ *Yellowstone Act 1872*, http://www.nps.gov/history/history/online_books/anps/anps_1c.htm

park] shall be considered trespassers and removed therefrom.”⁶¹ This seemingly vague statement provides a loophole for the Native Americans, many of whom used the parkland as a seasonal residence and hunting ground.

Less than 10 years after Yellowstone’s creation, policy makers banned Native Americans from entering the boundaries of the park. In essence, the act designates one person in control of the park, allocates no funds for its management and upkeep, establishes no rules and regulations and provides opportunities for concessioners, like the Northern Pacific Railroad, to obtain leases for development. Considering the role of politics at the time, this act was not only acceptable but also, in all probability, considered a triumph for conservationists across the nation. Excitement over the passing of the act is seen in a *New York Times* article, which states, “it is a satisfaction to know that the Yellowstone Park bill has passed the House.”⁶² Despite national pleasure, the holes in this first act allowed for the problems that plagued the park during the first fifteen years of its existence due to a lack of an organizational plan for park management.

Early Management

For the first two months after President Grant signed the 1872 act Secretary of the Interior Columbus Delano remained the only individual in charge of Yellowstone National Park. In May of 1872 the secretary appointed Nathaniel P. Langford as park superintendent.⁶³ The park superintendent had the ability, like the secretary, to approve or deny leases and make recommendations for park improvements. While Langford clearly had ties to the N.P.R., during his time as superintendent, he did not take action to set up the railroad with a lease for hotel building. His support for a railroad stemmed from the actual inability for tourists to reach Yellowstone. Langford’s time as superintendent clearly exhibited the inability for the

⁶¹ *Yellowstone Act 1872*, http://www.nps.gov/history/history/online_books/anps/anps_1c.htm.

⁶² “The Yellowstone Park Bill,” *The New York Times*, February 29, 1872, <http://proquest.umi.com>.

⁶³ Reference Appendix B for a list of the park’s superintendents

Department of the Interior to understand the meaning of a national park. A document titled “Appropriations for Yellowstone National Park” shows the amount of money allocated per year towards the park. An asterisk on the bottom of the page reads “from March 1. 1872 up to June 30, 1878 no appropriations for park were made by Congress.”⁶⁴ No appropriations translates to no salary for Langford and no park improvements since no leases were signed. Since the superintendent’s position was, essentially, voluntary he rarely visited the region. Langford did appeal to Congress and the Secretary of the Interior for funds to make park improvements but his pleas never received approval.⁶⁵ At the time two hotels and one toll bridge existed within Yellowstone, but the government received no income from the three since none of these businesses had leases. The superintendent’s infrequent visits prevented him from effectively doing his job. He did not attempt to remove the established hotels and bridge nor did he grant any leases. From 1872 to 1877, Langford’s time as superintendent, due to no funds little activity occurred and very few tourists visited.

Various personal accounts illustrate the lack of infrastructure and accommodations during these first five years. With no real hotels tourists stayed in tents and traveled mainly by horse. One such visitor, Thomas E. Sherman wrote in 1877, “there is no highway into Wonderland, and the visitor... must bear the fatigues of rough riding, and trust his baggage to the mercy of a pack animal.”⁶⁶ Sherman’s travel account illustrates the challenging conditions for tourists during the

⁶⁴ “Appropriations for Yellowstone National Park,” Included in printed *Laws and Regulations*, 1908, RG 79 Records of the Secretary of the Interior in Relation to National Parks, National Archives II, College Park, MD, 21.

⁶⁵ “The Yellowstone National Park,” *Morning Oregonian*, April 24, 1873, <http://infoweb.newsbank.com>.

⁶⁶ Thomas Ewing Sherman, 1877, Whittlesey, Lee H. and Elizabeth A. Watry ed., *Ho! For Wonderland: Travelers’ Accounts of Yellowstone, 1872 – 1914*, (Albuquerque, New Mexico: University of New Mexico Press, 2009), 41.

early years. The lack of roads and management, due to an absence of funding, show the Secretary to the Interior's inability to grasp the idea of a national park.⁶⁷

Conflicts with Native Americans

During these same years, the United States Army fought in the Great Sioux War from 1876 to 1877. Since the 1830s with the Indian Removal Act, the government began driving Native Americans off their land to accommodate white settlers heading west. It was “manifest destiny,” the divine right of Americans to claim the empty, “free” land that stretched across the continent for thousands of miles.⁶⁸ Historian Jerome A. Greene states that war originated from “the non-agency Sioux – those who continued to reside in the Yellowstone country – who influenced their reservation kinsmen to oppose the sale of the Black Hills...[the army had to] force the dissidents onto the reservation where they might be more effectively controlled.”⁶⁹ The conflict centered in and around the Dakotan Black Hills where miners prospected for gold on Indian Territory. When the U.S. attempted to purchase the land, and opposition arose from the Native American side the government sent the Army to bring those challenging the sale of the hills onto reservations. This short war included atrocities committed by both sides and ended with the eventual sale of the Black Hills.

Although the battles of the Sioux War ensued mainly in Montana and did not impact the national park, it displays the situation with Indian Removal in the western territories. A separate, but similar, removal conflict between General Howard and Chief Joseph of the Nez Perce directly impacted tourists visiting Yellowstone National Park in an event known as the

⁶⁷ For another example of early visitors see the writing of Granville Stuart, pages 7 – 28 in *Ho! For Wonderland*.

⁶⁸ To read more on the issues of the “free” that was actually inhabited by Native Americans see Walter Nugent's *Habits of Empire*.

⁶⁹ Jerome A. Greene, *Yellowstone Command: Colonel Nelson A. Miles and the Great Sioux War, 1876 – 1877* (Lincoln, Nebraska: The University of Nebraska Press, 1991), 8.

Yellowstone Massacre.⁷⁰ In general, tourists and policy makers had similar attitudes towards the Native Americans that visited the park; ignorance, fear and a general threat. Most believed that Indians feared the thermal features due to superstition.⁷¹ Inversely, the hot pools and geysers provided a luscious feeding ground for animals and many Native Americans had no fear of these wonders.⁷² Karl Jacoby writes “The vision of nature that the park’s backers sought to enact – nature as pre - human wilderness – was predicated on eliminating any Indian presence from the Yellowstone landscape,”⁷³ expressing the desire to exhibit Yellowstone as a last frontier, empty of any previous inhabitants. The Yellowstone Massacre provided the catalyst that led to the banning of Native Americans from the park itself.

In August of 1877 a group of Montana citizens visited Yellowstone and enjoyed the various sights. Unfortunately for the tourists, the Great Sioux War had only officially ended in April of that year and the Nez Perce continued to battle General Howard, making Yellowstone in the center of a dangerous area. A small group of Nez Perce rode through the park that August and crossed paths with the tourists. Newspaper articles from the *Philadelphia Inquirer* reporting on the incident state, “the Indians spared Carpenter and his two sisters...but shot down all other members of the party, who made no resistance.”⁷⁴ Ironically this one act of violence helped to deem it acceptable to ban all Native Americans from the park, yet the U.S. government and military had spent decades killing and relocating native peoples and seizing Indian land.

⁷⁰ For more information on the conflict between the Nez Perce and the U.S. Army see Elliot West’s *The Last Indian War: The Nez Perce Story*, (New York, New York: Oxford University Press, 2009).

⁷¹ Thomas Sherman, HO! For Wonderland, 49.

⁷² Karl Jacoby, *Crimes Against Nature: Squatters, Poachers, Thieves and the Hidden History of American Conservation*, (Berkeley, California: University of California Press, 2003), 85.

⁷³ Jacoby, 87.

⁷⁴ “The Indian Troubles. Resume of Recent Events. National Park Massacres,” *The Philadelphia Inquirer*; August 29, 1877, <http://infoweb.newsbank.com>.

The second park superintendent, ushered in after Langford in 1877, Philetus W. Norris expressed anger towards this event in his 1880 annual report. He writes “the Nez Percés are not wanting in courage chivalry or capacity and that they are foemen not unworthy not the noted military officers...who have battled against them,” expressing to the Secretary of the Interior his view of the event in 1877.⁷⁵ His discussion of other tribes, like the “Sheepaters,” brings one to the conclusion that Norris had negative feelings toward Native Americans in general. Within the first page of this same report Superintendent Norris reveals, “I obtained...a solemn promise from all these Indians to abide by the terms of their treaty in Washington, and also, that there after they would not enter the Park beyond Heart Lake, thus averting in future all danger of conflict between these tribes and laborers or tourists,” thus officially banning all Native Americans from entering Yellowstone.⁷⁶ By doing so, Superintendent Norris secured the empty wilderness portrayed by artists and supporters back in 1872.

Norris

Despite banning all Indians from the park, Philetus Norris made great strides in the development and management of Yellowstone in regards to creating roads and tourist accommodations. He took on the task of creating a system of roads to increase tourism by making the features more accessible. In February of 1878 Norris wrote the Secretary asking for \$15,000 to improve the park with more roads and facilities.⁷⁷ His letter expresses a clear dedication to protecting the various wonders and wildlife. A document of government

⁷⁵ Report of the Secretary of the Interior; being part of the message and documents communicated to the two Houses of Congress at the beginning of the third session of the Forty-sixth Congress. In three volumes. Volume II, 1881, Washington D.C., 603, <http://infoweb.newsbank.com>.

⁷⁶ Report of the Secretary of the Interior, 1881, 573.

⁷⁷“ Yellowstone National Park. Letter from the Secretary of the Interior, in regard to the better protection of the national park from injury. April 11, 1878. -- Recommended to the Committee on the Public Lands and ordered to be printed,” Washington, D.C. 2 <http://infoweb.newsbank.com>

appropriations for Yellowstone shows that on June 20, 1878 Norris received money for improvements but only \$10,000, \$5,000, less than he asked for.⁷⁸ The superintendent also received a compensation of \$1,500 on July 5th of that same year.⁷⁹ Evidently Norris had an understanding of what changes had to be made and the tools he required to accomplish those goals. Norris' 1880 report to the Secretary of the Interior illustrates a frustration towards the government concerning park improvements.

Hence it is not what Congress has done, but what it so long neglected to do; not the dedication of a lofty mountain-girt lava region destitute of valuable minerals, isolated for scientists and a national health and pleasure for our people; but rather the failure to make moderate appropriations for its protection and improvement until leases could be made to assist in rendering it self-sustaining, which compelled its first superintendent, N. P. Langford, to abandon all efforts for its protection.⁸⁰

This complaint attacks Congress for its failure to protect the park, as it promised to do in the original 1872 act. In this passage Norris hints that, while yes, a park was created, Congress solely drew boundaries without considering the needs of an area the size of Yellowstone. Despite the funds received in 1878, \$5,000 less than asked for, the passage expresses the necessity of more money to accomplish the needs of the park. Furthermore, the discussion on Langford proves that a lack of pay creates no incentive. A personal account of a woman who traveled through Yellowstone in 1880 agrees with Norris' displeasure over the status of the park. She believed that "the increase of hotel facilities near the park, of extended stagelines and mail stations...will make a trip such as the one herein described much more enjoyable and feasible."⁸¹ Norris' complaint and the tourist's brief comment indisputably reveal the continuation of problems with the U.S. government's idea of park management.

⁷⁸ "Appropriations for Yellowstone National Park," 21.

⁷⁹ *Civil Superintendents of the Yellowstone National Park, 1872 – 1886 and 1907 – 1908*, RG 79 Records of the Secretary of the Interior in Relation to National Parks, National Archives II, College Park, MD.

⁸⁰ "Report of the Secretary of the Interior" 1880, 602.

⁸¹ L.D. Wickes, *Ho! For Wonderland*, 73.

Another major issue that faced the park was the failure to follow rules and regulations. Since the original act of 1872 no new developments had occurred in the arena of rule breaking and following. The sheer size of the national park made patrolling for poachers and squatters difficult and nearly impossible.⁸² Furthermore, ejection from the park, the lone punishment for breaking a rule gave little incentive to follow any of the regulations. While the document states that one may not make a profit off of wildlife, those same ‘protected’ animals could be hunted for food. On her travels through the Yellowstone valley in 1880 Mrs. L. D. Wickes had the privilege of having elk meat from Superintendent Norris.⁸³ She also expressed enjoyment that “without regulations, exorbitant charges or policemen, we climbed from point to point,” revealing that rules were viewed as guidelines.⁸⁴ For Wickes, a lack of rules and regulations offered a freedom not available in other parts of the country. She could go and do as she pleased without consequences. Superintendent Norris alludes to the attitudes of tourists in his 1881 report by stating, “neither me nor others are as well satisfied with the season’s protection of...objects of natural interest from vandalism.”⁸⁵ Although Wickes enjoyed the “freedom” without regulations the wonders at Yellowstone would face destruction.⁸⁶

A common activity for tourists included chipping off pieces of geyser formations and writing names in the soft sulfur surrounding and inside many of the thermal features. Park policy strictly prohibited these activities yet, visitors continuously performing them further illustrates a

⁸² Nothing within the 1872 act gives any instruction concerning the patrolling of the park. In Fact, according to the document, the Secretary of the Interior is the only individual mentioned in regards to management. This presents issues for protecting wildlife in remote areas.

⁸³ Although Norris did not live permanently in Wyoming, he visited much more often than Langford, L.D. Wickes, *Ho! For Wonderland.*, 66.

⁸⁴ L.D. Wickes, *Ho! For Wonderland*, 66.

⁸⁵ Report of the Secretary of the Interior; being part of the message and documents communicated to the two Houses of Congress at the beginning of the first session of the Forty-seventh Congress. In four volumes. Volume II, 1882, Washington D.C., 775, <http://infoweb.newsbank.com>

⁸⁶ For another example of vandalism or rule breaking during this period see pages 87 and 90 of William Hardman’s 1883 trip to Yellowstone in *Ho! For Wonderland*. On these pages he discusses throwing articles into geysers and hunting, respectively.

lack of incentive to follow the rules. Interestingly, even Superintendent Norris “chiseled away a half-ton geyser cone specimen for exhibition at the Smithsonian Museum in Washington D.C.” paralleling others who abused park property.⁸⁷ Although it appears ironic that the superintendent would vandalize the park he protects, collecting specimens for a museum was not considered the same as writing a name in the sulfur. The treatment of the geyser formations, hot springs, wildlife and even plant life further stress the need for a way to protect the wonders and punish wrongdoers.

Throughout Norris’ time as superintendent he and the Secretary of the Interior received several requests for a lease ranging from hotels to sawmills. These leases served two functions; they brought in revenue for the upkeep of the park and provided facilities for tourists. In the annual report for the year of 1881, Norris notes that “temporary leases have been made for sites of the hotels at the Forks of the Fire Holes and at the Mammoth Hot Springs, for which as well as for 3 additional sites for hotels, for both of the sanitariums, and for the steamboat wharf.”⁸⁸ A lack of permanent leases translated into rough development, no major improvements and transportation by horse. As Superintendent, Norris championed the roads, making it easier to travel to each of the major areas of sight seeing. He also pushed for more funds, and by 1882, the end of his term, the Department of the Interior allocated \$15,000 per year to protect and manage the park. These two accomplishments highlight his dedication to his job as superintendent. Despite his own stint at vandalism and banning Native Americans from the park, Philetus Norris had a successful run as superintendent. His unfortunate removal as secretary in 1882, involved no fault of his own but the power of big business and the corruption of politicians. With a new

⁸⁷Magoc, 96.

⁸⁸ “Report of the Secretary of the Interior; being part of the message and documents communicated to the two Houses of Congress at the beginning of the first session of the Forty-seventh Congress. In four volumes,” Volume II, Washington, D.C., 1882, 817, <http://infoweb.newsbank.com>.

superintendent and the reintroduction of the Northern Pacific Railroad into park business, Yellowstone National Park began its transformation into Wonderland.

Conger

In 1881 two events occurred that created major changes within the park: the assassination of James Garfield and the near completion of a Northern Pacific rail line only a few miles from the boundary. As the new President, Chester Arthur brought in a new Secretary to the Interior, Henry M. Teller, “who was favorably disposed to the interests of the Northern Pacific.”⁸⁹ Early in '82, Patrick H. Conger replaced Norris as superintendent, also a supporter of the railroad.⁹⁰ This changeover highlights how connections linked politics with private enterprise. The railroad received its first lease in the park, through the newly formed Yellowstone Park Improvement Company (YPIC), after this changeover. The majority of the tourists visiting the park before 1882 resided in parts of Montana, with only a few willing to make the long stage ride from other parts of the country. This new line provided the means to easily transport Europeans, New Yorkers and others to Yellowstone. A railroad financed tourism company provided all of the comforts for the N.P.R. passengers. On September 1, 1882 members of the Improvement Company signed an agreement with the acting Secretary of the Interior Merritt Joslyn stating the party,

Shall have use of arable land within the park...have and enjoy the free use of the water of the park for supplying the hotel and other buildings...provide and equip such lines of stages and such other livery accommodations as may be deemed necessary...for the comfortable and expeditious conveyance to and from the boundaries of the park...[the ability] to place upon the waters of the park yachts and other sail-boats.⁹¹

⁸⁹ Magoc, 44.

⁹⁰ Magoc, 44.

⁹¹ “In the Senate of the United States. January 5, 1883. -- Ordered to be printed. Mr. Vest, from the Committee on Territories, submitted the following report. (To accompany Bill S. 2317.) The Committee on Territories, to whom was referred the annexed letter (see Appendix A) from the Secretary of the Interior, "transmitting, in

The lease also allocated seven tracts of land for the YPIC and in combination with the agreement essentially created a monopoly. Additionally, the company obtained the right to exploit the land and water.⁹² By the end of 1882 Yellowstone National Park had experienced a corporate takeover.

Problems with the YPIC

An article written in *Harper's Weekly* in January of '83 discusses a letter written to the Missouri Senator George Vest from the Montana Governor. The letter, apparently, alludes to "a company of speculators [the YPIC]...which has applied to Congress for a lease of the whole domain. The object of these persons is to...make the largest...amount of money."⁹³ Senator Vest gave a report to the Senate in January of 1883 in which he condemned the current lease of the YPIC. He stated "nor does it seem right that the exclusive privilege keeping hotels in the Park, or furnishing transportation to visitors and tourists, should be given to any parties," clearly showing the monopolistic nature of the improvement company.⁹⁴ Vest also expressed anger over the hunting of game within the park and called for an extension of the borders and the introduction of punishments for rule breaking. In his report for the 1882 season Conger touches on problems of vandalism and rule breaking but does not mention leases.⁹⁵ The anger of individuals like Senator Vest resulted in an act on March 3, 1883 that all leases must be 10 acres or less, cannot

answer to a Senate resolution, copies of agreements with certain parties for privileges in Yellowstone Park," beg leave to submit the following report..." Washington D.C., 1883, 6-9, <http://infoweb.newsbank.com>.

⁹² While it seems like a breach of the original act, the lease technically breaks no rules. Nothing in the act says anything against using arable land or water.

⁹³ "The Yellowstone Park," *Harpers Weekly*, January 20, 1883, <http://app.harpreek.com>.

⁹⁴ In the Senate of the United States. January 5, 1883. -- Ordered to be printed. Mr. Vest, from the Committee on Territories, submitted the following report, 2, <http://infoweb.newsbank.com>.

⁹⁵ Report of the Secretary of the Interior; being part of the message and documents communicated to the two Houses of Congress at the beginning of the second session of the Forty-seventh Congress. In four volumes. Volume II, Washington, D.C., 1883, 1001, <http://infoweb.newsbank.com>

exceed 10 years and more than 10 acres cannot be leased to one corporation.⁹⁶ Further the act changed the rules regarding the killing of animals prohibiting “absolutely the killing of any game in the Park.”⁹⁷ By 1884, a number of separate leases were issued by the Secretary of the Interior including the Marshall Hotel and the studio of photographer F. Jay Haynes.⁹⁸

The annual report for 1883 communicated positive news concerning the activities of the year - in August a railroad finally came to completion, the number of tourists increased, roads were improved and a real hotel grew at Mammoth Hot Springs. British tourist William Hardman wrote of his trip that same year, “the hotel at the Mammoth Hot Springs erected by the Yellowstone Park Improvement company...was simply the most remarkable product of civilization,” expressing his joy over the partially completed building.⁹⁹ Superintendent Conger wrote of an improving park but lacked any real criticism of the YPIC leases. He insists that his research shows no corruption or problems with the YPIC.¹⁰⁰ Considering the superintendent’s sympathy towards the Northern Pacific he, may have chosen to not include lease information. Superintendent Conger lost his job, due to Secretary Teller’s accusations of “Hobart [a N.P.R. manager] violating park rules and Conger of not enforcing them.”¹⁰¹ Conger’s connection to a N.P.R. representative illustrates why he would chose to exclude the lease issues from his annual report. Robert E. Carpenter replaced Conger and served from August 4, 1884 to May 29, 1885.

⁹⁶ “Letter from the Secretary of the Interior, transmitting, in answer to Senate resolution of May 28, 1884, certain correspondence relative to the management of the Yellowstone National Park by its superintendent” Washington, D.C., July 5, 1884, 2, <http://infoweb.newsbank.com>.

⁹⁷ “Lease of Yellowstone Park,” Letter from the Secretary of the Interior, transmitting, in answer to a resolution of the House of Representatives dated March 22, a copy of all leases made by him for the use and occupation of the Yellowstone Park. April 19, 1884. -- Referred to the Committee on the Public Lands and ordered to be printed, Washington, D.C., 1884, 2, <http://infoweb.newsbank.com>

⁹⁸ Mary Shivers Culpin, *A History of Concession Development in Yellowstone National Park, 1872 – 1966* (Yellowstone National Park, WY: National Park Service, Yellowstone Center for Resources, 2003), 25, <http://www.nps.gov/yell/historyculture/concessiondevel.htm>.

⁹⁹ Hardman, *Ho! For Wonderland*, 81.

¹⁰⁰ “Report of the Secretary of the Interior”, 1884, 490, <http://infoweb.newsbank.com>.

¹⁰¹ Magoc, 75.

The lease and agreement of the YPIC represents political debauchery but the railroad, unlike the government, released an exceptional advertising campaign that successfully increased the number of tourists.¹⁰² Although the motivation for this campaign originated from a desire to generate profits, it fulfilled one of the purposes of Yellowstone by bringing visitors to see the sights worthy of protection. Pamphlets put out by the railroad included detailed images, photographs and stories on the various features of what they called, Wonderland. Some conveniently included information on The Mammoth Hotel, good transportation companies and boating – all of which have connections to the N.P.R.¹⁰³ Wonderland quickly became an identifying name, with mysterious and exciting connotations, for the young park. The annual report of 1883 explains that “visitors to the Park this season have been largely in excess of the number of last year:” an increase arguably due to the involvement of the railroad.¹⁰⁴ While the boost in numbers of tourists was positive, the exploitation of the land to for a profit was not.

The Turmoil of 1885 - 1886

The Yellowstone Park Improvement Company did not make the profits they had hoped the monopoly would generate. The loss of their exclusive rights contributed to the bankruptcy of the company. An 1884 article in the *New York Times* reveals the group’s poor fiscal condition. In September of ’84 with a debt of \$75,000 (total of \$85,000 by the company’s dissolution) and an

¹⁰² While there is no data to back this up, most likely due to poor book keeping, the quote from Conger’s report for the 1883 year shows an increase in tourists from the previous year.

¹⁰³ *Northern Pacific R.R. The Wonderland Route to the Pacific Coast Alice’s Adventures in Wonderland* 1885, RG 79, Records of the Secretary of the Interior, Internal Relation to National Parks, National Archives II, College Park, MD. For an example of an 1884 pamphlet see page 38 of Chris Magoc’s *Yellowstone*. Magoc states, “by the early 1880s, Yellowstone had become a symbol of good takes, the themes of its commodification established.” Magoc, 49.

¹⁰⁴ “Report of the Secretary of the Interior; being part of the message and documents communicated to the two Houses of Congress at the beginning of the first session of the Forty-eighth Congress. In four volumes.” Volume II, Washington, D.C., 1884, 491, <http://infoweb.newsbank.com>.

unfinished hotel, the future looked grim for the company.¹⁰⁵ Superintendent Carpenter, in a uniquely corrupt fashion “joined forces with members of the Improvement Company and lobbied in Washington for legislation that would open vast tracts of land in Yellowstone for private development.”¹⁰⁶ Carpenter’s interest in aiding the Improvement Company stemmed from a personal desire to make money.¹⁰⁷ The lobbying gained no traction and by 1885 the YPIC, officially bankrupt, transformed into the Yellowstone Park Association.¹⁰⁸ The N.P.R. “held 700 of 1000 shares” of the new association, continuing its hold on the park.¹⁰⁹ Carpenter was fired, due to his incompetence, and replaced by the last civilian superintendent David Wear in the spring of 1885.

Wear’s 1885, four-page annual report portrays a negative image of the park and its management. He touches on issues like wildlife, the upkeep of roads and hotel conditions but his main point of contention involves management. He laments,

The force of assistant superintendents [10 were appointed as part of the '83 act] is not sufficient to protect the game and many objects of interest in the Park; hence many acts of vandalism occur...[additionally,]I would most earnestly call your attention to the entire inadequacy of the laws to provide punishment for violations of the regulations for the protection of the Park.¹¹⁰

Wear’s remarks appropriately encapsulate the first era in Yellowstone’s history. While definite improvements occurred, many of the same problems from the 1870s continued to plague the park

¹⁰⁵ “Yellowstone Park Affairs; Probable Second Collapse of Uncle Rufus Hatch’s Hotel Scheme,” *New York Times*, Sep 7, 1884, <http://proquest.umi.com>.

¹⁰⁶ H. Duane Hampton, “The Army and the National Parks,” *Forest History* 10, no. 3 Oct. (1966):. 70, <http://www.Jstor.com>.

¹⁰⁷ For more on this see H. Duane Hampton’s article “The Army and the National Parks.”

¹⁰⁸ The N.P.R. continued their advertisements to Yellowstone well into the 20th century and remained a player within park companies until 1909. Even if they did not benefit financially from the hotel and transportation companies it is to their benefit to advertise Yellowstone to boost ticket sales.

¹⁰⁹ Magoc, 76.

¹¹⁰ “Report of the Secretary of the Interior; being part of the message and documents communicated to the two Houses of Congress at the beginning of the first session of the Forty-ninth Congress,” Washington D.C., 1886, 874 – 875, <http://infoweb.newsbank.com>

more than a decade later, supporting the argument that the government failed to administer a national park.

Aware of continued problems within the park, as outlined in Wear's report, Secretary Lamar sent Special Agent William Hallett Phillips "to investigate the state of affairs in the park in 1885."¹¹¹ Phillip's report, written after Wear's, highlights many of the same issues discussed by the superintendent. Phillips reveals how "necessary it is for Congress to provide some judicial machinery for the Park, and not leave the public at the mercy of ignorant or unscrupulous men," directly accusing the government of poor management.¹¹² He continues with a critique, similar to that of Lamar, of the rules and suggests a new set of park regulations. The Special Agent also discusses a proposition to run a new rail line to Cook City that would cut through a part of Yellowstone: Phillips deemed this plan detrimental to the natural wonders with park boundaries. Up until this point all hotel leases "included, incidentally, the right to erect and keep stores and livery stables, and the right to transport passengers through the Park," therefore granting an advantage and possible monopoly to a group with multiple leases.¹¹³ The report cautioned against keeping hotel leases this way since it does foster monopolistic tendencies. Although the leases were reformed in 1883, no limitations were set regarding one entity owning both a hotel and transportation companies. Finally, he gives an overview of all current leases and pending leases and questions the legitimacy of said leases. The report by Superintendent Wear and Special Agent Phillips make evident the slow progress from the original act to the year-end in 1885.¹¹⁴

¹¹¹Culpin, *A History of Concession Development in Yellowstone National Park*, 29.

¹¹²"Letter from the Acting Secretary of the Interior, transmitting, in response to Senate resolution January 12, 1886, report of W.H. Phillips on the Yellowstone Park. February 1, 1886. -- Referred to the Committee on Territories and ordered to be printed," Washington, D.C., February 1, 1886, 4, <http://infoweb.newsbank.com>.

¹¹³ "Letter from the Acting Secretary of the Interior," February 1, 1886, 8, <http://infoweb.newsbank.com>.

¹¹⁴ See Appendix C for a list of leases in Yellowstone by the end of 1885.

The year 1872 marked a turning point in American conservation with the creation of the Yellowstone National Park. This setting aside of this tract of land, containing various wildlife, numerous thermal features mountains and canyons, was, unquestionably, a successful act made by Congress. While the citizens of the United States felt pride over their new park, railroad executives saw dollar signs hidden in the various wonders scattered across the land. With corruptible politicians in the pocket of the Northern Pacific Railroad, the corporation easily gained exclusive rights to hotel and transportation. A little known war and massacre secured the exclusion of Native Americans from the boundaries, making Yellowstone the empty landscape described by early policy makers. The end of Wear's term as superintendent in 1886 marked the end of the first chapter in Yellowstone history. Despite the darker past of the early years, it is unwise to view the park with overly judgmental eyes. Like a captain sailing without a compass, those involved in the park's management had no means with which to navigate the waters of administering a national park.

Chapter 3 The Formative Years, 1886 - 1899

*The park is national, not less in fact than in name. The whole nation is benefited by the possession and maintenance of such a region of natural wonders and beauties set apart for a public pleasing ground. It is a possession of permanent value from which future generations as well as the present one, will receive benefit.*¹¹⁵

July 1, 1886 front page article on Yellowstone - *Forest and Stream*

The clicking of wagon wheels and horse hooves stirs lingering wildlife as stagecoaches rush the wide-eyed tourists to the various attractions of the nation's public pleasing ground. Visitors crouch to etch initials in the soft minerals of hot springs and toss kerchiefs into geysers, eagerly awaiting the eruption tossing the cloth sky high. Others chip at mineral formations or grab wildflowers, searching for the perfect keepsake to take home. With each act of vandalism the enthusiastic visitors slowly destroy the park for future generations. As the sun sets below the horizon, painting the sky in reds, blues and purples, the tourists lazily climb the steps of the veranda at the Mammoth Hot Springs Hotel, thinking, just another day in wonderland. The scene differed from that of the early explorers just fifteen years before. Dirt roads weaved through the park creating the grand loop and extending travel by coach. Hotels and outbuildings dotted the landscape around the main attractions. A railroad station made Yellowstone more accessible to tourists from across the country and the globe. New developments and improvements, meant to benefit the whole nation, functioned as a façade, covering a multitude of problems.

The years from 1886 to 1900 were defining ones for the national park. In 1886 the War Department gained control of the administration of the park and civilians within the park's boundaries would remain visitors until the National Park Service took over after 1916. Early on, the stationed men faced almost identical administrative problems as the Secretaries of the

¹¹⁵ "The National Park Railroad Job," *Forest and Stream*, July 1, 1886, N.Y. State Public Library.

Interior and park superintendents of Yellowstone's first fifteen years. Issues of law enforcement plagued the superintendent and military personnel until the Lacey Act of 1894. A controversial proposal, by the N.P.C., to lay tracks through a corner of Yellowstone began in 1883 and the conflict continued until 1894. The Railroad continued its prominent presence through the newly reformed Yellowstone Park Association, and later transportation company. The chaos of concessioners, railroads and law enforcement failed to settle until the late 1890s.

A Changing Administration in Yellowstone

The original 1872 act placed one superintendent in charge of the massive tract of land in Wyoming territory. This unpaid title, until 1878, produced both inefficient and unreliable results for park management. The easily corruptible position had neither the power nor jurisdiction to prosecute lawbreakers. Provoked by the monopolistic tendencies of the Yellowstone Park Improvement Company, in 1883 Senator George Vest of Missouri proposed a number of suggestions to the senate for improving the state of the park. Included in his proposition was a reorganization of Yellowstone management. Vest suggested, "the employment of one or two companies of cavalry, or mounted police...[and] extending the area of the Park...[,],placing it within the criminal jurisdiction of the Territorial courts of Montana Territory...[, and] creating a police jurisdiction within the park."¹¹⁶ While Schyler Crosby, the governor of Montana and Inspector General D.B. Sacket supported Vest's push to establish a military presence for law enforcement, the March 3, 1883 Act sent only army engineers to the park for work on roads, leaving civilians in control.¹¹⁷ The 1883 report to the Secretary of the Interior by Superintendent

¹¹⁶ In the Senate of the United States. January 5, 1883. -- Ordered to be printed. Mr. Vest, from the Committee on Territories, submitted the following report, (To accompany Bill S. 2317,) Washington, D.C., 5 <http://infoweb.newsbank.com>.

¹¹⁷ Letter from the Secretary of the Interior, transmitting, in response to Senate resolution of December 4, 1883, copies of all papers and correspondence relating to the Yellowstone National Park since last session of Congress. January 10, 1884, Washington, D.C., 35, <http://infoweb.newsbank.com>.

Conger states “dividing the responsibility for the protection and improvement of the Park between two departments of the Government...[is] unwise”¹¹⁸ While it is difficult to decipher the reasoning behind Conger’s recommendation, sources indicate that the Secretary of the Interior did not want to share in the responsibility of managing Yellowstone.¹¹⁹ Furthermore, “Congress threatened to cut off funding for park administration because of perceived incompetence,” forcing the Secretary of the Interior to allow the switch from civilian to military management.¹²⁰ Until 1916 responsibilities for managing Yellowstone’s resources fell to the War Department and the Secretary of the Interior. Interestingly, many newspapers covered the March 3, 1883 bill but hardly any reported the 1886 switch from civilian to military rule within the park.¹²¹

The change in administration also altered where the funding for Yellowstone’s management originated. A document outlining all of the appropriations for the park reveals an interesting change for the allocation of funds. Up until 1888 the appropriations came from the Secretary of the Interior.¹²² After that date all money is indicated as coming from the Secretary of War (the Secretary of the Interior designated money for the park two times in 1902). A possible reason for the change in department could be due to the switch from civil to military control within Yellowstone.

¹¹⁸ Report of the Secretary of the Interior; being part of the message and documents communicated to the two Houses of Congress at the beginning of the first session of the Forty-eighth Congress In four volumes, Volume II, Washington, D.C., 1883, 489, <http://infoweb.newsbank.com>.

¹¹⁹ See H. Duane Hampton’s “The Army and the National Parks” page 71 for more information on this.

¹²⁰ Magoc, 63. Due to a lack of availability of primary sources, it is very difficult to judge the relationship between the Department of the Interior and the War Department.

¹²¹ An example of an article from 1883 is “Washington Claims of Great Britain in the Case of Sheridan,” *The New York Herald*, March 11, 1883, <http://infoweb.newsbank.com>. While the title seems misleading, within the article appears detailed information regarding the March 3, 1883 bill. No articles available for viewing cover the change in administration.

“Appropriations for Yellowstone National Park,” Included in printed *Laws and Regulations*, 1908, RG 79 Records of the Secretary of the Interior in Relation to National Parks, National Archives II, College Park, MD, 21

On August 17, 1886 Captain Moses Harris replaced Wear as acting superintendent.¹²³ Largely successful at managing the park, Harris remained in the position until 1889. A little less than two months after his appointment, the Secretary of the Interior required him to publish a report on the conditions of Yellowstone National Park in October of 1886. The contents of his report included familiar issues and recommendations. Beginning with Superintendent Norris in 1880, most reports complained about law breaking and issues in management. Harris wrote of combating multiple fires from both illegal hunters and Native Americans. Furthermore, Harris reported, “it may be said, without exaggeration that not one of the notable geyser formations in the Park has escaped mutilation or defacement.”¹²⁴ The vandalism of attractions makes evident the continued lack of action taken by the Secretary of the Interior to protect the park.

In regards to rules and regulations, Harris called for their publication and mass distribution to tourists. He lamented that “the necessity of a form of government for the National park is becoming, year by year, more urgent, as the number of visitors to the Park increases”¹²⁵ Harris’ concern over the need for a better structured park administration aligns with previous reports on the difficulty of managing Yellowstone. The paragraph on wildlife expressed little need for concern, yet the account of a winter tourist in 1886 contradicts the words of the captain. An unknown visitor wrote “it is a blessing that there are a few regulations now being enforced to spare what few game animals we yet have left” in the park.¹²⁶ While this anonymous writer suggests a lack of wildlife, he did write during the winter months when some herds migrate down to the Teton region and elsewhere. The Captain reported lease issues with Charles Gibson,

¹²³ From 1886 until 1916, the time of the Army’s administration, all superintendents were referred to as acting.
¹²⁴ Report of the Secretary of the Interior; being part of the message and documents communicated to the two Houses of Congress at the beginning of the second session of the Forty-ninth Congress. In five volumes. Volume II, 1887, Washington, D.C., 1076, <http://infoweb.newsbank.com>.

¹²⁵ “Report of the Secretary of the Interior, 1887,” 1079, <http://infoweb.newsbank.com>.

¹²⁶ Correspondent, *Philadelphia Times*, 1886 *Ho! For Wonderland*, 117. By regulations, this writer means the park was patrolled by stationed men yet the only penalty for poaching was expulsion from the park.

a member of the Yellowstone Park Association (YPA). This group would soon control a majority of the hotel and transportation leases within Yellowstone. Harris' report, reeking of frustration, shows the lack of authority, which made the job of superintendent increasingly difficult.

A Railroad Through the Park

The year 1886 included both a change in park administration and the re-emergence of railroad power.¹²⁷ Again, the concept of worthless and valuable land caused conflict between conservationists and capitalists. An argument for the creation of Yellowstone was the fact that the land within the proposed park boundaries had little economic worth, as in it could not be commoditized. Mines found in Cooke City, Montana began making a notable profit from the silver, gold and other minerals in 1883. An unfortunate situation existed for the mine owners since "the expense of transportation is so great that they [the mines] must be abandoned if greater facilities be not supplied."¹²⁸ The solution to the transportation problem required a right of way, to build a railroad through a corner of the park" this was proposed by the Cinnabar and Clark's Fork Railroad Company and supported by the N.P.R. A bill in 1885 legitimized the railroad's argument since it said railroads could ask for a right of way through public lands.¹²⁹ Technically, Yellowstone falls under the category of public lands since the government owns it. With no precedent, the bill begs the question: should a national park be treated differently than public lands that the government held without Congressional designation of its purposes or status? A bill was proposed in 1886 for this right of way.

¹²⁷ Although the railroad began searching for a way to build a railroad from Cinnabar to Cooke City in 1883, it does not become a major issue until 1886.

¹²⁸ Cinnabar and Clark's Fork Railroad Company. February 23, 1886. -- Committed to the Committee of the Whole House on the State of the Union and ordered to be printed, Washington, D.C. , <http://infoweb.newsbank.com>

¹²⁹ Cinnabar and Clark's Fork Railroad Company. February 23, 1886, 4, <http://infoweb.newsbank.com>.

Many conservationists expressed outrage over the bill, especially George Bird Grinnell, the editor of the magazine *Forest and Stream*. Grinnell had an interest in Yellowstone and published many front cover articles on the park in the weekly magazine. The railroad issue caused him to print an abundance of damning articles concerning the bill. *Forest and Stream* praises Senator Vest for arguing, “the construction of the road...would be the destruction of the Yellowstone.”¹³⁰ Many different individuals argued against the railroad. Special Agent Phillips wrote, “the granting of the desired right to run the railroad through the Park would be most detrimental to its interests,” expressing a similar position to that of Senator Vest.¹³¹ An 1886 article published in the *New York Herald* condemned the possibility of a railroad in a national park. It reads, “the danger arising from forest fires would be very great and the large game would disappear as it has everywhere else with the appearance of railways.”¹³² The varied and passionate responses given concerning the rail line illustrate the damage it would bring to the park.

Those in favor of the line argued that no other possibility existed for a different route and the line was of great importance to the mines. A department, known as the Committee on Railroads, existed from 1873 to 1921 and handled issues relating to railroads, commented on the proposed line.¹³³ The Committee on Railroads wrote,

It appears that the portion of the Park through which the railroad would pass contains no object of public interest to attract the attention of tourists, and that the preservation of the timber and game of the Park is more hindered and the game

¹³⁰ “The Park Railroad Job,” *Forest and Stream*, June, 24, 1886, N.Y. State Public Library.

¹³¹ In the Senate of the United States. May 5, 1886. -- Ordered to be printed. Mr. Butler, from the Committee on Territories, submitted the following report, Washington, D.C., 19, <http://infoweb.newsbank.com>.

¹³² “The National Park. Threatened Invasion by the Clark’s Fork Railroad,” *New York Herald*, May 29, 1886, <http://infoweb.newsbank.com>.

¹³³ Guide to the Records of the U.S. Senate at the National Archives (Record Group 46,) Chapter 7. Records of the Committee on Commerce and Related Committees, 1816 - 1968, Records of the Committee on Railroads, 1873- 1921,” <http://www.archives.gov/legislative/guide/senate/chapter-07-railroads.html>.

more extensively depredated upon the present and increasing travel upon the wagon road than it would be under the operation of the proposed railroad.¹³⁴

The argument presented by the committee, utilizes an interesting two-part rhetoric to argue on behalf of the railroad. Their first point, the infrequent tourist visitation to the area, puts forward the idea of worthless versus valuable land, revealing an intriguing dichotomy. To the railroad and mine owners, the tract within Yellowstone holds great value, yet to tourists, the committee argues, it holds none. The second point claims that a wagon road, instead of a locomotive, would produce more damage due to an increase in travel. Thus, their argument claims that it would be better for Yellowstone and conservation if a line passed through the park.

The varying opinions of politicians, conservationists and people eager to reap the benefits of the Cooke City mines exemplify the charged atmosphere of Washington during the summer and fall of 1886. The October 29 issue of *Forest and Stream* reported that, for the moment, “the friends of the...RR. scheme seem to have abandoned the idea of a railroad,”¹³⁵ The battle for a railroad went through four attempts and this article refers to a time between political debates. Although the conflict appeared to have been resolved, the issue of a railroad through the park continued until 1894.

Until 1886, besides poachers selling game, no corporation had attempted to utilize park lands for a purpose unrelated to tourism or Yellowstone’s upkeep. Although the Yellowstone Park Improvement Company obtained a hotel and transportation monopoly for monetary benefits, the underlying drive was tourism. Commodities, from the Cooke City mines, drove the push for the right of way. The 1886 railroad dilemma further confirms the problem of a lack of precedent in the realm of national parks. Despite the uncharted waters, the railroad debacle

¹³⁴ In the Senate of the United States. May 5, 1886, 1, <http://infoweb.newsbank.com>.

¹³⁵ “Notes from the National Park,” *Forest and Stream*, October 28, 1886, N.Y. State Library.

blatantly exemplifies the nation's attitude towards public land: save it if it's worthless and exploit it if it can be sold.

Conflicts with Management

While sharing responsibilities between the War Department and the Secretary of the Interior seems risky for effectively managing the park, it remained that way until after the passage of the 1916 National Park Service Act. Captain Harris' 1887 report to the Secretary of the Interior introduces some new problems for park management including a robbery and the close vicinity of towns like Gardiner to the park's boundaries. In a letter to the acting Secretary of the Interior, Hon. H. L. Muldrow that on the 4th of July "one of the stages of the Yellowstone Park Association was stopped about 1 mile from the town of Gardiner...and the passengers robbed of money to the amount of \$16."¹³⁶ *Forest and Stream* also covered the robbery in a November issue, asserting that because, "there are no laws nor courts for the government of the park" the known convict, William James, simply had to leave the park.¹³⁷ Superintendent Harris suspected James came from Gardiner and wrote unflattering details about those who lived in the small town. A letter from 1888 reveals that James and his cohort were charged with the robbery and sentenced to a year in jail because they technically committed the crime outside of the park.¹³⁸ Assuming that law enforcement within the park did not exist, James may have believed that he was inside the boundaries, and therefore his crime would go unpunished. Nonetheless, Harris appeared optimistic about the army's ability to patrol "with the maximum strength

¹³⁶ Report of the Secretary of the Interior; being part of the message and documents communicated to the two Houses of Congress at the beginning of the first session of the Fiftieth Congress. In five volumes. Volume II, 1887, Washington, D.C., 1314, <http://infoweb.newsbank.com>.

¹³⁷ "Park Notes," *Forest and Stream*, November 10, 1887, N.Y. State Library.

¹³⁸ Report of the Secretary of the Interior; being part of the message and documents communicated to the two Houses of Congress at the beginning of the second session of the Fiftieth Congress. In six volumes. Volume III, 1888, Washington, D.C., 643, <http://infoweb.newsbank.com>

of...three commissioned officers and sixty-four enlisted men.”¹³⁹ While not every man arrived in Yellowstone, the bodies available to Harris far surpassed the number of administrators in previous years. This early mishap in park management, including law enforcement issues, and the border town was merely a prelude to future trouble.

Despite the stage robbery, tourists continued to flock to the park. Henry Zenas Osborne visited Yellowstone during the summer of 1888. His enthusiastic account of his time within the park provides insight into the continued problem of vandalism and the growing Y.P.A. Osborne also discusses the rules and regulations and illustrates the many times visitors, including himself, broke those rules.¹⁴⁰ Osborne’s attention to detail explains the different options for travel to and tourism within Yellowstone. He exclaims,

The Northern Pacific Railroad Company sells tickets from St. Paul, Minneapolis and other eastern termini...and from [Washington Territory] to and through the park and return for \$110. This includes railroad fares...meals in dining cars, stage transportation through the park, and accommodations for five days in Park Association hotels.¹⁴¹

Osborne’s description of the deal through the railroad shows the development of the partnership between the two companies. The \$110 purchase grants transportation and hotel rights exclusively to the Y.P.A. This ‘deal’ sounds similar to a partial monopoly. Captain Harris expressed worries about the connection between the railroad and the Y.P.A. He wrote, “the records of the office afford no further information as to who the stockholders of the company are...it is understood...that a majority of the stockholders are gentlemen connected with the Northern Pacific Railroad.”¹⁴² The information put forth by Osborne and Harris resurfaces the theory that

¹³⁹ Report of the Secretary of the Interior; being part of the message and documents communicated to the two Houses of Congress at the beginning of the first session of the Fiftieth Congress. In five volumes. Volume II, 1887, 1299.

¹⁴⁰ Osborne, *Ho! For Wonderland*, 133, 141, 142, 144.

¹⁴¹ H. Z. Osborne, “A Midsummer Ramble,” *Ho! For Wonderland*, 126.

¹⁴² “Report of the Secretary of the Interior,” 1888, 635.

the park served as both a pleasing ground for tourists and, under the surface, as a money maker for concessioners.

In Superintendent Harris' last year the Yellowstone Park Association was forced to abandon their 1883 lease. A reorganized lease gave the association six tracts of land between one and three acres, a much smaller amount than before.¹⁴³ This change for the Y.P.A. shows an attempt by the acting superintendent and the Secretary of the Interior to limit the control of one corporation within the park. Although other hotel and transportation companies existed in the park, the Y.P.A. had more capital and more building sites. Harris gave a scathing review of park government by attacking the original park act.¹⁴⁴ By 1890 the responsibilities of the superintendent and his assistants far outweighed their power, making it nearly impossible to adequately manage the large area. Park visitors and trespassers, like all Americans, lived in an incentive driven society: hard work eventually leads to better pay, more money affords new luxuries and abiding by the laws avoids fines and jail time. These incentives change when one stepped across the boundary of Yellowstone National Park. It was a haven for those who enjoy stealing, poaching and breaking the rules due to the "assured immunity from punishment."¹⁴⁵ Furthermore, as border towns like Gardiner grew in size the inhabitants became more of a liability to park authorities. Outsiders viewed those living in Gardiner, as "probably not conspicuous for religious tendencies as two dance halls and four houses of ill fame"¹⁴⁶ existed within the town.¹⁴⁶ These descriptions allude to the rough individuals who chose make Gardiner their home. The inability for park authorities to reprimand law breakers, more than the

¹⁴³ "Report of the Secretary of the Interior; being part of the message and documents communicated to the two Houses of Congress at the beginning of the first session of the Fifty-first Congress. In five volumes. Volume III," 1889, Washington, D.C., 131, <http://infoweb.newsbank.com>.

¹⁴⁴ "Report of the Secretary of the Interior, 1889" 132 – 133, <http://infoweb.newsbank.com>.

¹⁴⁵ In the Senate of the United States. January 20, 1890. -- Ordered to be printed. Mr. Manderson, from the Committee on Territories, Washington, D.C., 3, <http://infoweb.newsbank.com>.

¹⁴⁶ Magoc, 64.

commoditization of the attractions, indisputably proves the lack of attention given to Yellowstone's issues by the country's policy makers.

Captain F.A. Boutelle replaced Harris as acting Superintendent in June of 1889. He recommended some interesting changes for the park and revealed a strained relationship with the Secretary of the Interior. A series of forest fires started by both visitors and trespassers caused Boutelle to petition the Secretary of the Interior for organized campgrounds with fire pits and a makeshift fire cart made from "two tanks and...draught animals for the transportation of water."¹⁴⁷ He also expressed anger over a lease given by the Secretary for an elevator to the bottom of the Grand Canyon. He states "the lease was not referred to me...[and] it is impossible to put an elevator to reach the bottom of the canon without...destroying the view from the head of the great falls."¹⁴⁸ Boutelle's displeasure over the Secretary's approval of the elevator suggests a lack of communication between the two men. Boutelle's strained relationship caused him to admit that he "shall for many reasons be glad when...[his] relief comes."¹⁴⁹

The Return of the Railway Debate

The battle between Yellowstone supporters and railroad executives returned to the political arena in 1888. *Forest and Stream* reported in January of that year that the push for a new right of way for a railroad to Cooke City but the motives had changed. According to the magazine the successful mining town of a few years prior had a population of "only fifteen to twenty people."¹⁵⁰ The lack of a mining incentive suggests the drive for a railroad originated from tourism. Due to the clear lack of management of the park Grinnell began a petition, printed

¹⁴⁷ Report of the Secretary of the Interior; being part of the message and documents communicated to the two Houses of Congress at the beginning of the second session of the Fifty-first Congress. In five volumes. Volume III. 1890, Washington, D.C. 353 <http://infoweb.newsbank.com>.

¹⁴⁸ Report of the Secretary of the Interior, 1890, 359.

¹⁴⁹ Hampton, 74.

¹⁵⁰ "Park Matters in Congress," *Forest and Stream*, January 12, 1888.

in the magazine on March 3, 1888, that “urged [members of Congress] to use every possible effort to secure the Yellowstone Park proper protection and an adequate form of government.”¹⁵¹

Grinnell circulated his petition and published the names of those who signed in *Forest and Stream*. By targeting Congress, the pamphlet serves as an early form of lobbying, or attempting to sway the opinions of politicians. Through this strategy, *Forest and Stream* made the Yellowstone issue known to a larger portion of the voting population.

In February of 1891 the 4th railroad bill sat in the Senate for a right of way for a railroad from Cinnabar to Cooke City. In an attempt to get the right of way for the railroad to Cooke City, the senate proposed to change the boundaries of the park. Altering the boundary would “restore 120 sections of the park...to be open to settlement and the construction of railways.”¹⁵² The Bill suggests removing land protected by the original 1872 act.

As the debate became a national issue, a larger number of newspaper articles reported on the conflict between the park and railroad. Articles, many with titles like “Save the Yellowstone Park,” attacked the proposed bill. A *New York Herald – Tribune* headline, “The Yellowstone Park in Danger” expressed concern over “the miserable waste which is likely to follow the construction of a railroad through this noble reservation.”¹⁵³ The situation within the park rendered cause for concern. *Harper’s Weekly*, in an attempt to gain public awareness about the joint bill, asks those who are concerned about the park to share their opinions with their representatives:

The friends of the park in Congress should keep a sharp lookout that neither of the bills is rushed through at the last moment, or at any other time; and the friends of the park in private life should remind their Congressmen that this park is the

¹⁵¹ “The Protection of the Yellowstone National Park,” *Forest and Stream*, March 8, 1888. N.Y State Public Library.

¹⁵² Boundaries of Yellowstone National Park. June 3, 1892. Washington D.C., <http://infoweb.newsbank.com>

¹⁵³ “The Yellowstone Park In Danger,” *New York Herald – Tribune*, April 25, 1890, <http://infoweb.newsbank.com>.

property of the who people and should not be encroached upon for the benefit of private speculators and their selfish plans.¹⁵⁴

By appealing to the people of the United States the newspapers and magazines attempt to rehash the feelings of national pride concerning the park. Those opposed to the line through park lands cleverly appealed to the “friends” or “supporters” of Yellowstone, since it belongs to everyone. Similarly, *Forest and Stream* put out a pamphlet for the people to see the discrepancies in the claims of the supporters of the line to Cooke City.

The park superintendent added his weight to the debate as well. From 1891 to 1897 Captain George S. Anderson served as ‘acting’ Superintendent to Yellowstone. In his 1893 report Anderson firmly rejected the legitimacy of the bill and showed concern for the precedent it may set since “it opens the door to further dismemberment” of the park.¹⁵⁵

Another argument of those opposed to the rail line concerned environmental hazards. Wyoming’s desert like climate of hot, dry days and cool nights makes it a perfect environment for forest fires. The publishers of *Forest and Stream*, Superintendent Anderson and other conservationists worried that a locomotive would lead to an increase in forest fires.¹⁵⁶ In response, railroad backers proposed electric roads, as to lessen the chance of fire. Superintendent Anderson took a poll of tourists during the 1893 year and found that “a majority of 6 to 1 [were] against an electric road.”¹⁵⁷ Despite the evidence against the electric railroad, another group petitioned for a steam railroad. Again acting superintendent Anderson staunchly opposed the steam version claiming, “there is no use for such a railroad at present, nor will there be for years

¹⁵⁴ “The Yellowstone National Park,” *Harper’s Weekly*, February 25, 1893. <http://app.harppweek.com>.

¹⁵⁵ Report of the Secretary of the Interior; being part of the message and documents communicated to the two Houses of Congress at the beginning of the second session of the Fifty-third Congress. In five volumes. Volume III, 1883, 616 <http://infoweb.newsbank.com>.

¹⁵⁶ “The Menace to Yellowstone Park,” *Forest and Stream*, January 5, 1893. N.Y. State Public Library.

¹⁵⁷ “Electric railroad in Yellowstone National Park,” August 7, 1894, Washington D.C., 2, <http://infoweb.newsbank.com>.

to come.”¹⁵⁸ The economically driven railroad, if built, would have set a poor precedent for future national parks.

Despite the concerns of magazines, newspaper articles the acting superintendent, and environmental hazards, the bill came close to passing. The increase of press by papers other than *Forest and Stream* indicates a change in motive for the railroad. Earlier, lobbyists argued that the lucrative Cooke City mines provided reason for a line running through a corner of the park. By 1894, due to the need for a change in strategy, tourism drove the backers of the bill. It would revolutionize Yellowstone tourism since

Instead of carrying 20 to 25 passengers per day for three months of the year into the midst of these wonders...[a railroad would] provide for the carrying of from 1000 to 2000 per day into it, and at one-third the present expense, and for nine to twelve months in the year.¹⁵⁹

The push for a new railroad included many contradictions. While an increase in tourist volume furthers the purpose of the park, both the park government and the facilities could never handle such a large flow of people. Furthermore, the lack of punishment for breaking the rules and regulations would lead to an inability to protect the attractions, wildlife, timber or even the tourists themselves. The most startling contradiction was the idea of taking a train through lands designated as a national park, protected lands. Placing a railroad within the park’s boundaries undermines the purpose of the original 1872 act.

Congress voted against the various railroad proposals, protecting it from abuse. Instead, “a measure was passed...to set apart by proclamation certain lands for forest reserves.”¹⁶⁰ The failure for the railroad bill to pass protected the park from abuses by corporations and destruction to the flora and fauna. Despite the important precedent of rejecting the influence of corporations,

¹⁵⁸ “Steam railroad in Yellowstone National Park,” August 7, 1894, Washington, D.C., 2, <http://infoweb.newsbank.com>

¹⁵⁹ “The Railroad to the Park,” *The Idaho Register*, February 16, 1894, <http://infoweb.newsbank.com>.

¹⁶⁰ “Yellowstone Park,” *New York Herald – Tribune*, May 15, 1894, <http://infoweb.newsbank.com>

not all national parks received the same treatment.¹⁶¹ While the prevention of a line through the park shows forward progression in regards to environmental politics, the widespread response from newspapers and the public, no doubt, impacted the decision in Congress. Arguably, if few contested the line the bill would have passed.¹⁶²

The Lacey Act

1894 was a watershed year for Yellowstone National Park. Not only did Congress block the building of a railroad through the park but legislation, known as the Lacey Act, passed creating penalties for breaking the rules and not following regulations.¹⁶³ In almost every annual report the acting superintendent called for means to punish tourists who choose to break laws and not follow regulations. In creating the park, legislators simply overlooked laws as an issue. Without consequences, people had been robbed, poachers killed wildlife and visitors destroyed wonders. For a nation so reliant upon its system of law and order the creation of a tourist destination sans protection appears ludicrous.¹⁶⁴

The rampant killing of buffalo and other game within the park spurred the 1894 piece of legislation, known as the Lacey Act. Buffalo heads and skins brought in high prices and with the only punishment ejection, poachers eagerly went after the animal. When park officials caught a poacher with “five freshly killed buffalo[.]...Captain Anderson recommen[d]ed this be made a case of direct appeal to congress to pass a law to punish poachers.”¹⁶⁵ Mr. John F. Lacey

¹⁶¹ In Yosemite National Park a 1913 act placed a dam across a river flooding the Hetch Hetchy Valley to bring water to San Francisco. For more information on Hetch Hetchy see page 3 of Langdon Smith’s “The Contested Landscape of Early Yellowstone

¹⁶² Magoc, 132.

¹⁶³ See Appendix D for the Lacey Act.

¹⁶⁴ In the Senate of the United States. April 3, 1894. -- Ordered to be printed. Mr. Carey, from the Committee on Territories, submitted the following report: (To accompany S. 166,) Washington, D.C., 1, <http://infoweb.newsbank.com>. When Wyoming was made a state in 1890, Yellowstone was removed from its jurisdiction and kept the park under the responsibility of the U.S. government.

¹⁶⁵ “Poacher Captured. One of the Most Important Arrests Yet Made in the Yellowstone Park,” *Idaho Daily Statesman*, March 28, 1894, <http://infoweb.newsbank.com>.

spearheaded the need for protection of the park's wonders in the House of Representatives.¹⁶⁶ *Forest and Stream* published a number of articles expressing hope over the proposed bill with articles titled "A Step Forward" and "Protection for the Park." Many other newspapers released similar headlines. On May 7, 1894 the Lacey Act passed, providing a long awaited protection for Yellowstone. Although park administrators often criticized the inability to punish lawbreakers, it took catching a poacher in the act to bring the issue into the political arena. The piece of legislation placed the park within the Jurisdiction of the state of Wyoming and a "commissioner, who shall reside in said park...shall have power...to try the person so charged and if found guilty, to impose the punishment."¹⁶⁷ This act, besides the National Park Service act of 1916, represents the first time the U.S. Government expressed an understanding of the needs of national parks.

A number of indicators show that the act led to significant improvements for the management of Yellowstone. All of Acting Superintendent Anderson's reports before 1894 express a desperate need for protective legislation. His report written in 1895 gladly maintains, "the act of May 7, 1894 seems to have had a most healthy effect upon the poachers who surround and prey upon the Park."¹⁶⁸ The report of the following year, Anderson's last, included similar observations and contained no grumbling about the vandalism of attractions. In June of 1897, Colonel Young replaced Anderson for a brief time and noted the increasing wildlife and made no

¹⁶⁶ "A step Foreword," *Forest and Stream*, April 21, 1894, N.Y. State Public Library.

¹⁶⁷ "The Lacey Act of 1894," May 7, 1894 http://www.nps.gov/yell/planyourvisit/upload/lacey_act.pdf.

¹⁶⁸ Report of the Secretary of the Interior; being part of the message and documents communicated to the two Houses of Congress at the beginning of the first session of the Fifty-fourth Congress. In five volumes. Volume III, 1895, Washington, D.C., 829, , <http://infoweb.newsbank.com>.

mention of vandalism. All of the annual reports from park superintendents between 1895 and 1900 concur, showing the importance and significance of the Lacey Act.¹⁶⁹

The words of the superintendents alone do not prove the effectiveness of the new system of protection within Yellowstone. Before 1894 almost all personal accounts either discussed or admitted participation in vandalizing geysers and hot springs. By 1896, many visitors did not mention the defacing of park attractions. In his travel memoir from 1898 John Atwood wrote about “a collection of government buildings...this is the headquarters of the United States troop kept always in the park to protect the game from destruction, and the works of nature from vandalism.”¹⁷⁰ This seemingly innocent observation differs from earlier accounts, showing positive opinions of the armed forces. One can infer that some visitors still chipped off parts of mineral formations or quickly scribbled their initials when soldier’s eyes were trained elsewhere, but by 1899 it appears that the mass vandalism had come to an end. Furthermore, *Forest and Stream*, the magazine that often criticized the management and happenings on the ground in Yellowstone, chose to publish copies of acting superintendent reports or tourist experiences. The reports of the multiple acting superintendents, personal accounts and the lack of criticism by *Forest and Stream* provide ample evidence to support the improvement of conditions with the park.

Despite the improvements, problems with the border towns remained. A serious case of robbery occurred on the 16th of August in 1897 when “six of the Yellowstone Park Transportation Company’s coaches and one United States Dougherty spring wagon were held up

¹⁶⁹ To view Acting Superintendent Young, Erwin and Wilder’s reports see Report to the Secretary of the Interior, 1895 – 1900 from the U.S. Congressional Serial Set, <http://infoweb.newsbank.com>.

¹⁷⁰ John H. Atwood, “Yellowstone Park in 1898,” *Ho! For Wonderland*, 201.

by two masked and well armed highwaymen and the occupants robbed of over \$500.”¹⁷¹ The soldiers found and arrested the offenders. While incidents of robbery were not new to the park, the 1897 scene involved a spoil of greater value. Furthermore

A certain sentiment of hostility toward the park and of antagonism toward the efforts of the authorities to protect the wild animals from destruction had existed and continues to exist among the ranchers and the people of the settlements near the park boundaries.¹⁷²

The Lacey Act effectively curbed many issues with tourists but reports from the superintendents reveal that after 1894 the main offenders, in regard to the protection of the park, were locals. Before 1894, due to the inability of park officials to punish offenders, one can infer that locals hunted and stole firewood with little care.¹⁷³ The new ability for a commissioner to assign penalties no doubt heard with dissatisfied ears by locals. The new ability to protect the park resulted in monumental, if sometimes unwelcome, change for those who frequented the park. A new challenge awaited both the park and national governments as to how to preserve Yellowstone from non-tourists.

Changes for the Y.P.A.

In 1889 the Yellowstone Park Association, the group that controlled both hotels and transportation companies within the park, lost the right to conduct transportation. Their lease was given to a Mr. S. S. Huntley to conduct transportation not connected to the Y.P.A.¹⁷⁴ While this loss appears unfortunate to the Y.P.A., they continued to hold exclusive rights to hotels in the park for years. The Y.P.A. did receive a new hotel lease in 1894. The alteration of the allowed

¹⁷¹ Annual reports of the Department of the Interior for the fiscal year ended June 30, 1897, Washington, D.C., 779, <http://infoweb.newsbank.com>.

¹⁷² Annual reports of the Department of the Interior for the fiscal year ended June 30, 1897, Washington, D.C., 781, <http://infoweb.newsbank.com>.

¹⁷³ Karl Jacoby, *Crimes Against Nature: Squatters, Poachers, Thieves and the Hidden History of American Conservation* (Berkeley, California: University of California Press, 2003).

¹⁷⁴ Report of the Secretary of the Interior; being part of the message and documents communicated to the two Houses of Congress at the beginning of the second session of the Fifty-second Congress. In five volumes. Volume III, 1891, Washington, D.C., 648, , <http://infoweb.newsbank.com>.

leases changed the acreage from 10 to 20 per company.¹⁷⁵ Issues with acreage had occurred since the granting of the first leases in the early 1880s. If a group, like the N.P.R. obtained large tracts of land, the company would have added benefits compared to others. By limiting the numbers of acres, the government attempted to curb competition. The Northern Pacific Railroad, a large stockholder in the Y.P.A., caused problems for the company in 1896 when the railroad expressed “a position of not needing to make a profit on the hotels as long as they made a profit” off ticket sales to the park.¹⁷⁶ Most superintendents reported satisfactory hotel accommodations and transportation but some personal accounts say otherwise. An interview of Judge Lambert Tree, published in *The Philadelphia Inquirer*, reveals a man who enjoyed his time in the park, viewing the various attractions but had an unpleasant time in the hotels and in regards to stage transportation.¹⁷⁷ He lamented, “I do not think it is too strong to say that at certain points on the route travelers are treated more like cattle than civilized people,” indicating a clear issue within the park.¹⁷⁸

By 1899 multiple transportation companies had leases within Yellowstone and W.W. Wylie opened his own tent camping accommodations and transportation company. Wylie’s operation was one of the first to compete against the Y.P.A. for accommodations. Most of the visitors to the ‘people’s park’ came from the upper echelons of society in both the United States and Europe. A combination of the difficulty of travel and high hotel prices resulted in a very expensive trip to Yellowstone. Wylie offered cheaper accommodations by offering platform tents

¹⁷⁵ Leases in the Yellowstone National Park. February 8, 1894, Washington, D.C., 2, <http://infoweb.newsbank.com>.

¹⁷⁶ Mary Shivers Culpin,. *A History of Concession Development in Yellowstone National Park, 1872 – 1966*. Yellowstone National Park, WY: National Park Service, Yellowstone Center for Resources, 2003, 43, <http://www.nps.gov/yell/historyculture/concessiondevel.htm>

¹⁷⁷ “A Queer Sort of Pleasure Park Visitors to the Yellowstone Park Treated like Cattle,” *The Philadelphia Inquirer*, August 10, 1890, <http://infoweb.newsbank.com>.

¹⁷⁸ “A Queer Sort of Pleasure Park Visitors to the Yellowstone Park Treated like Cattle,” <http://infoweb.newsbank.com>.

in the place of hotels. An article in *Forest and Stream* addresses a controversial aspect of Wylie's lease. The headline announces,

It will be remembered that the Secretary John W. Noble took away transportation rights from the hotel company on the grounds that a single corporation should not carry on both kinds of business. Now Wylie is given protection and authority to do both without incurring any expense for permanent structures.¹⁷⁹

Wylie's camping and transportation scheme presents an interesting conflict. It is important to note that *Forest and Stream* writes for a 'sporting' or wealthier audience and did not favor the type of accommodation Wylie offered.¹⁸⁰ Despite a possible bias the magazine presents a worthy point. The leasing debacle indicates a discrepancy, by the Secretary of the Interior, in the methods that leases were awarded.

Great changes occurred between the years 1886 and 1899. Most notably, civilian rule came to a close in 1886. While the Superintendents were addressed as 'acting,' a possible attempt by the Secretary of the Interior to retain full control, the War Department ran the government of the park until the Park Service took over in 1916. After decades of superintendents watching visitors destroy thermal features and poaching animals, Mr. Lacey introduced an act that altered park management forever. The Lacey Act of 1894, arguably the most important piece of legislation in the early history of the park, made the protection of Yellowstone and its resources possible. Finally, the rejection of a bill permitting a railroad to run through the park completed the trifecta of positive change during the period. Despite the growth new problems arose with neighboring towns and leases. While the general attitude towards land

¹⁷⁹ "Nuisances in Yellowstone Park," *Forest and Stream*, February 5, 1898. N.Y. State Public Library. The expenses refer to having to construct an entire hotel. Wylie used easily platform tents which were easy to assemble. At this juncture the government profited off the lease only, like paying a rent.

¹⁸⁰ *Forest and Stream* wrote for a class who enjoyed the sporting life, a class of people who could afford to stay in a Y.P.A. hotel. Not to say that members of the lower class did not read the magazine but usually the those interested in sport hunting and sailing belonged to a certain demographic,

conservation remained one of value judgment, the changes reveal a better understanding of the meaning of a national park.

Chapter 4

Recognition of the Purpose of A National Park, 1900 – 1916

Perhaps one of the greatest wonders of the Park is that the impersonal thing, called the Government, has succeeded in keeping itself out of sight and establishing a spirit in the Park so that every one who enters has a genuine community feeling of ownership..¹⁸¹

- Written by tourist Elbert Hubbard in 1914

By 1900 Yellowstone had evolved into a highly popular tourist destination for individuals across the country and globe. Ironically, the land set aside for the people emphasized tourism for the prosperous. A feeling of national ownership and pride fell to only those who could afford transportation to and accommodations within the park. The world-class luxury hotels of Harry Childs, the new president of the Yellowstone Park Association, attracted those of the upper echelons of society. The wealthy travelers relaxed on wide verandas and indulged in fine fares at tables overlooking the quiet outdoors. While the worlds wealthiest stayed in Park Association hotels, bringing in thousands of dollars each season, middle-class visitors made use of the various campsites around the park. This strange dichotomy of wealth as a prerequisite to visit the people's park plagued the era from 1900 to 1916. As the park entered its fourth decade many changes occurred to manicure and beautify the land within its boundaries. In an era of the emergence of museums, many treated Yellowstone as an outdoor Smithsonian or New York City's Metropolitan Museum of Art. The physical modifications to Yellowstone both met the needs of tourists and also illustrated man's ability to control the viewing of nature.

Despite the shaped lawns and high-class tourists, not all remained blissful in Wonderland. Competition grew between concessioners due to the high profits produced by park tourism. Harry Child also developed a strained relationship with Frank Jay Haynes, a photographer turned

¹⁸¹ Elbert Hubbard and Alice Hubbard, "A Little Journey to the Yellowstone," *Ho! For Wonderland.*, 262.

concessioner, and eventually lost his position as majority shareholder in the hotel company. Furthermore, the Northern Pacific Railroad continued to have a hold on the hotel and, in 1901, regained ownership of a transportation company. With tourism at new heights during this period, the N.P.R. no doubt benefited from the pre-packaged deals for rail tickets, transportation and lodging. As in earlier years, political connections aided certain concessioners in renewing leases and gaining new ones. Significant challenges arose for the stationed men in Yellowstone. With time, the responsibilities of the military switched from patrolling to babysitting tourists. Early into the 20th century both the War Department and many park supporters desired to return to a civilian administration. After forty-four years of national parks in the United States, the National Park Service Act was passed in 1916. This passing of this act shows the first time the U.S. Government addressed the needs of national parks in full.

The turn of the century saw major changes for United States politics. The Progressive Era brought prohibition and curbed monopolies with antitrust measures. Although the anti-trust law was passed in the 1890s it had no real affect until the 20th century. In his article, “Negotiated Meanings and State Transformation: The Trust Issue in the Progressive Era,” W. Lawrence Neuman writes, “in 1900 the trust was a dying – if not dead – form of business organization, but people used “trust” interchangeably with “monopoly” as terms for the modern corporation,” illustrating that the antitrust law targeted big businesses.¹⁸² Newspaper articles indicate that the law targeted corporations attempting to corner a market by limiting supply. One headline discusses the Standard Oil Company and states “the court will take testimony to prove that the

¹⁸² W. Lawrence Neuman, , “Negotiated Meanings and State Transformation: The Trust Issue in the Progressive Era,” *Social Problems*, 45, No. 3 (August 1998): 315, <http://www.jstor.org>.

Standard Oil Company is a trust [or monopoly].”¹⁸³ Railroads and other companies dealing in commodities met consequences due to the antitrust law.

Interestingly, within Yellowstone the Y.P.A. controlled a hotel monopoly and, with the help of the N.P.R., gained exclusive rights for transportation when a passenger purchased an all-inclusive package. The situation clearly breached the terms laid out in the original 1890 act.¹⁸⁴ While the government searched for ‘trusts’ across the nation, those within the park remained intact. In fact, “there was much discussion of the benefits of regulated monopolies [within Yellowstone] as opposed to a more competitive system.”¹⁸⁵ As with the issue of punishments for law breaking, the failure to break up the monopolies in Yellowstone isolated the park from the rest of the nation.

Shaping the Yellowstone Experience

The time spent traveling through Yellowstone by 1900 differed considerably compared to a trip during the early years. Luxury hotels sat at the most desirable sites within close range of the main attractions. Diners could eat ice cream and fresh vegetables in the middle of Wyoming, far from civilization.¹⁸⁶ Improvements in roads and a line to Gardiner made transportation easier and more reliable. The introduction of campsites provided a less expensive option for tourists,

¹⁸³ “Anti-Trust Law Valid: Standard Oil Company to be Prosecuted in Nebraska,” *The St. Louis Republic*, May 17, 1900, <http://infoweb.newsbank.com>.

¹⁸⁴ “The act of July 2, 1890 entitled, An act to protect trade and commerce against unlawful restrains an monopolies” from Reply of the Attorney-General dated January 3, 1903, to a communication dated December 20, 1902, from “The Hon. George F. Hoar, Chairman of the Committee on the Judiciary, United States Senate. Sherman anti-trust law, and list of decisions relating thereto. Also an address delivered by Attorney-General Philander C. Knox on the commerce clause of the constitution and the trust, at Pittsburg, Pa., October 14, 1902. January 6, 1903,” Washington D.C., <http://infoweb.newsbank.com>.

¹⁸⁵ Mary Shivers Culpin, *A History of Concession Development in Yellowstone National Park, 1872 – 1966*, <http://www.nps.gov/yell/historyculture/concessiondevel.htm>.

¹⁸⁶ See Elbert and Alice Hubbard’s 1914 account in *Ho! For Wonderland*, where they discuss cuisine on page 306.

but even those who chose to experience camp life belonged to the nation's higher classes.¹⁸⁷ In addition to better accommodations, posting better signs, planting grass and highlighting specific destinations made the experience more similar to a museum and less like living the outdoors. Just as a tourist would walk from exhibit to exhibit, visitors in Yellowstone traveled by carriage from wonder to wonder. Few ventured into the wilderness without a guide. The changes brought to Yellowstone left many visitors with a feeling of national pride, that the park truly belonged to everyone. But did Yellowstone actually belong to everyone? The commoditization of national park tourism drove prices up to make more money, making it impossible for all to enjoy the park.

Personal accounts from 1900 to 1916 reveal a different experience from that of earlier travelers. The time spent in the park was more designed and structured, yet done so in a way that a visitor did not realize it, leaving him or her with a sense of a unique and special experience. Myra Emmons traveled to Yellowstone in 1901 and her account illustrates the pre-packaged way in which many saw the various attractions. She writes, "at each important point of interest commodious hotels and lunch stations have been built...and as a matter of convenience...the traveler pays his bills for the entire trip in advance, and the company does the rest."¹⁸⁸ The stages that rounded the great loop, stopping at all the main attractions, functioned similarly to a modern day tour bus. Individuals do not dictate the places stopped at or viewed but the feeling is intensely personal. Although pre-packaged, the experience left those like Myra with memories "never to be shared with another unless he also can say, "I...saw these things."¹⁸⁹ Twelve years

¹⁸⁷ A 1906 advertisement for Wylie Camping shows a six day trip, "including transportation, board and lodging as \$ 35.00" *Wylie Permanent Camping Company: Schedule of Prices for Services Rendered and Accommodations Furnished in Yellowstone National Park*, July 21, 1906, RG 79 Records of the Secretary of the Interior in Relation to National Parks, National Archives II, College Park, MD.

¹⁸⁸ Myra Emmons, "From New York to Heaven," *Ho! For Wonderland*, 242 – 243.

¹⁸⁹ Myra Emmons, 248.

later Fred E. Ellsworth reveals a similar experience to Myra's. He exclaims, "there are many pictures, photographs, and paintings of the Grand Canyon of the Yellowstone, but not one of them that we have ever seen gives any conception...of this most wonderful natural phenomenon."¹⁹⁰ Both Myra and Fred show that being at the park was a distinguishing experience, one that could not be captured through art or words. The crafted trips produced the same experience for each tourist, yet the feelings the visitors left with were intensely personal.¹⁹¹

Elbert and Alice Hubbard visited Yellowstone in 1914 and the excitement they felt concerning their travels highlights the irony of the national park during its formative years. The couple stayed at the hotels dotted across the park, marveling over their lavishness and excellent meals. Elbert devoted a few paragraphs to praise the government for Yellowstone's creation.

With proud words he wrote,

The general Government assumed the responsibility of putting this Park in condition so that its wonders might be enjoyed comfortably by any traveler who might wish to enter it. Now it belongs to you and me! Perhaps one of the greatest wonders of the Park is that the ...Government has succeeded in...establishing a sprit in the Park so that everyone who enters has a genuine community feeling of ownership.¹⁹²

This account includes an interesting perception on the viewing of nature. Their first misconception is that the government put together accommodations; the concessioners hold all responsibility for the upkeep of all lodging, excluding campsites. Furthermore, the couple asserts that, in order to view the park's wonders, visitors require comforts from home. These claims suggest a change in the way high-class sightseers viewed the tourist experience. The Hubbards' nationalist enthusiasm is a far cry from reality. Technically the park belongs to every taxpayer but a small percentage of the nation's population had the financial mobility to reach the corner of

¹⁹⁰ Fred W. Ellsworth, "Through Yellowstone Park with the American Institute of Banking" 299.

¹⁹¹ For a similar account, see Stephen M. Dale pages 276 to 291 in *Ho! For Wonderland*.

¹⁹² Elbert and Alice Hubbard, "A Little Journey to the Yellowstone," *Ho! For Wonderland*, 306.

northwestern Wyoming, especially in an era before an interstate highway system was developed.¹⁹³

Reverend Cornelius H. Patton traveled by horse, exploring areas largely unknown and slept under the stars. His account includes interesting commentary on the type of individual who frequented the first national park. The tourists were split between those who viewed the wonders from a stagecoach and spent the evenings in hotels or platform tents and the few bold enough to travel by horse and make use of the various campsites. Patton remarks about the “swell-folks who make ludicrous remarks about them [the campers] as they roll by in the fine coaches of the transportation company.”¹⁹⁴ By 1900 “roughing it” no longer applied to the Yellowstone experience. Very few tourists traveled through the park on horse, making their own camps, as Patton did. Mark Daniel Barringer writes, “even those who attempted to travel in the old style, with personal conveyances and private campsites, usually ended up in one of the permanent camps.”¹⁹⁵ Due to the infrequent sighting of those like Patton, it is no surprise that wealthier tourists would look down on simple campers. His account clearly illustrates the reality of those who visited Yellowstone in the early years of its existence and the fact that ownership belonged to only those of substantial means.

Adding to the testimony of numerous visitors, reports from the acting superintendents from 1900 to 1916 show the many improvements made to appease tourists. These testimonies compliment the experiences of the travelers, adding to their pre-packaged journeys and nationalistic feelings. While some of the changes to Yellowstone were necessary, others were

¹⁹³ Mark Barringer discusses the way concessioners shaped park tourism to meet the needs of the wealthy visitors on page 58 of *Selling Yellowstone*. While one may argue that the same can be said today, the difference is an extreme one. With the introduction of RVs and better cars a much larger percentage of the population from a more diverse social strata have the ability to enjoy the park.

¹⁹⁴ Cornelius H. Patton, “Touring the Yellowstone on Horseback,” *Ho! For Wonderland*, 267.

¹⁹⁵ Barringer, 58.

clearly meant to enhance the ‘grand tour’ of those from across the country and the globe. The various augmentations reflect what Thomas Patin calls a “museological...presentation of nature in national parks” or the shaping and refining of the landscape.¹⁹⁶ Although the first few decades of Yellowstone’s history saw changes, the period from 1900 to 1916 brought transformations that met Patin’s museum-like descriptions. As early as 1901 Acting Superintendent Pitcher noted that a new reservoir would bring water for the “irrigation and beautifying of all the plateau upon which the post and hotels are located.”¹⁹⁷ The plateau at Mammoth Hot Springs appears in multiple reports, suggesting the importance of appearance for visitors. In 1903 a description of “the new ...cement sidewalks about these springs [at Mammoth]..., and [the] fair crop of grass...[that] has been grown on...the plateau,” speaks of taming of a wild landscape.¹⁹⁸ Across the park, better roads created swifter transportation, sidewalks directed the tourist flow at attractions, and pretty lawns brought refreshment to the dry, desert like climate. These changes exemplify a packaging of the tourist experience.

One act stands out as an attempt to make an exhibit out of the Yellowstone Grand Canyon. In many respects organizing pathways and railings serve as a form of protection for the tourists, since a misstep can send an unsuspecting viewer tumbling down the cliffs surrounding the canyon. In 1905 “a platform and guard rail was built at the brink of the Lower Fall...and an inclined stairway built for...tourists in descending the canyon.”¹⁹⁹ Similarly, fences and guard rails appeared in the geyser basin and other areas. These both protected and limited those visiting Yellowstone. For the Grand Canyon, a platform served to provide a window to the magnificent

¹⁹⁶ Patin, 47.

¹⁹⁷ : Annual reports of the Department of the Interior for the fiscal year ended June 30, 1901. Miscellaneous reports, Washington, D.C., 532, <http://infoweb.newsbank.com>.

¹⁹⁸ Annual reports of the Department of the Interior for the fiscal year ended June 30, 1903. Miscellaneous reports, Washington, D.C, 501, <http://infoweb.newsbank.com>.

¹⁹⁹ Annual reports of the Department of the Interior for the fiscal year ended June 30, 1905. Report of the Secretary of the Interior and bureau officers, etc., Washington, D.C., 161, <http://infoweb.newsbank.com>.

lower waterfall, yet also restricted the location individuals could view the falls. Many of these kinds of changes occurred between 1900 and 1909 and by the end of the first decade of the 20th century Yellowstone resembled an outdoor museum. Acting Superintendent Brett illustrates the predetermined park tourism when he writes, “the road over Mount Washburn [might be added as]...part of the regular tour of the park.”²⁰⁰ The park tour excited visitors, but subtly removed the individual experience, seen through the Patton’s trip, from coming to Yellowstone.²⁰¹

Most visitors felt a communal ownership of the park and greatly enjoyed sightseeing from a coach but some tourists expressed a dislike of the changes sprouting up across Yellowstone. Charles Montgomery Skinner visited the park in 1901. As a writer he provides a colorful perspective of Yellowstone that differs from most visitor accounts. Skinner begins by writing, “”looking over the railroad books...with their pictures of hotels and fine roads and stages and [the] rest of the outfit, I wonder if there is anything of wildness left in the West.”²⁰² This statement drastically contradicts the feelings of most in regard to the railroad pamphlets. The tourist books show the best of both worlds: the beautiful wilderness and modern comforts. Despite his wariness, Skinner found his wilderness among the tourist traps. However, he did note that “there are many tourists...who see the dollars in a neglected water power before they see the beauty in it.”²⁰³ This observation reveals, even in the minds of tourists, the constant classification of valuable versus worthless land. The writer’s judgmental attitude reveals, if anything, a unique perspective not usually seen in the script of Yellowstone tourists.

²⁰⁰ Reports of the Department of the Interior for the fiscal year ended June 30, 1911. Administrative reports. In two volumes. Volume I. Secretary of the Interior. Bureaus, except Office of Indian Affairs. Eleemosynary institutions. National parks and reservations, Washington, D.C., 567. <http://infoweb.newsbank.com>.

²⁰¹ It is important to note that at this time that Yellowstone was not viewed by the majority of tourists as commercial or structured. It still made people feel like they had traveled to a different world.

²⁰² Charles Montgomery Skinner, “Yellowstone Park: A Land of Enchantment that Even Caucasian Savages cannot Spoil,” *Ho For Wonderland*, 251.

²⁰³ Skinner, 253.

While the travel experiences of park visitors and surface changes appear insignificant, the two contribute to a larger reality. The people's park served only a select few, leaving the promise of national ownership in the hands of only the country's wealthiest. Additionally, the various observation points and lawns beautified Yellowstone just as the marble hallways did to the Smithsonian. Much of the false sense of nationalism stemmed from the leases to concessioners that implemented these "improvements." The Department of the Interior desired to have one main company in charge of hotels yet Harry Child and his railroad-backed company failed to provide cheaper accommodations. Furthermore, the 'improvements' across the park exemplify the money to be made from tourism. By packaging trips, hotel and transportation companies provided tourists with a false sense of seeing the 'West.' Although the land within the park was deemed worthless, concessioners made a pretty penny off of grand views and green lawns.

The Battle of The Concessioners

Yellowstone's concessioners experienced significant evolution from 1872 to 1900. By the early 1900s, the hotels of the Yellowstone Park Association had steam heat, electric lighting, world class dining, a telegraph line and luxurious sitting rooms. Transportation companies carried tourists swiftly around the park and to and from the railroad stations. A steamboat company even navigated across the wide Yellowstone Lake. A tourist had the ability to send a letter and purchase goods at general stores. The park included all the trappings of comfort for the high-class visitors. By 1900 the major concessioners were the Yellowstone Park Association, Monida & Yellowstone Stage Company, Wylie's Camping and Yellowstone National Park Transportation Company. Over the course of sixteen years, the concessioners experienced ownership and name changes and ran into multiple controversies.

In 1901 newspaper headlines proclaimed that the Northern Pacific Railroad chose to sell the Yellowstone Park Association and relinquish its involvement in the park. An article titled, “Disposes of Its Hotels,” reads, “The department of the interior has consented to the sale of the Yellowstone National Park Property Owned by the Northern Pacific to the Yellowstone Park Transportation Company.”²⁰⁴ Other papers printed almost identical pieces. These titles present misleading information since the Northern Pacific did not actually relinquish its involvement in the park. The group that bought the Yellowstone Park Association also owned the Yellowstone National Park Transportation Company. This sale placed Harry Child in a position to accumulate a large amount of wealth as an owner of two successful companies.²⁰⁵ Although the two companies switched hands, the Northern Pacific retained its involvement until 1909. Before the sale of the Y.P.A., the Railroad had contracted with Child’s transportation company to take its passengers to the Y.P.A. hotels. Due to a rift in interests between the railroad and Y.P.A. stockholders, “the [N.P.R. was] in need of a strong administrator...[(Child) and] turned to its transportation contractors [who]...purchased the YPA with a loan from the railroad.”²⁰⁶ Interestingly, the way in which the sale occurred does not appear in the 1901, 1902 or 1903 report of the Acting Superintendent nor do any newspapers reveal the actual ramifications of the Y.P.A. purchase. Possibly, this was an attempt to remove any speculation of a monopoly, considering the antitrust law, or the railroad desired to appear uninvolved in park business; in either case, the public seemed largely unaware of the ramifications of this purchase.

²⁰⁴ Disposes of its Hotels, Northern Pacific Sells Its Yellowstone Park Property,” *Aberdeen Daily News*, April 8, 1901. <http://infoweb.newsbank.com>.

²⁰⁵ Documents show that Child owned the majority of shares in both the Yellowstone Park Association and the transportation company. Source: “Memorandum,” Records of the Office of the Secretary of the Interior Relating to National Parks, RG 79, Yellowstone Folder, Box 3, Entry 4, Archives II, College Park Maryland.

²⁰⁶ Mark Daniel Barringer, *Selling Yellowstone: Capitalism and the Construction of Nature*, 39.

In 1889 the Northern Pacific lost its transportation lease due to the government's concern over one corporation controlling both the hotels and means of transport. At that time, *Forest and Stream* expressed anger that William Wylie's camping company secured a monopoly over conveying and housing tourists. By 1905 the Northern Pacific had completed a line to Gardiner, a town very close to the edge of the park, and sold all-inclusive tickets. These included a round trip railway ticket and accommodations and transportation within the park, a perfect, pre-paid Yellowstone vacation. Those who bought the all-inclusive packages had to stay at Park Association hotels and use the Yellowstone Park Transportation Company for stage travel. Both of these companies were funded by the N.P.R. and owned by Harry Child. These tickets eliminated competition since those who purchased them could not choose where to stay or which carriage to take. From 1900 to 1905 the Yellowstone Park Transportation Company saw an increase from 2,664 passengers carried in a season to 10, 881, tripling the flow in traffic.²⁰⁷ Such a large increase no doubt sparked a conflict between Child's corporation and Wylie's less prosperous park monopoly.

By permitting one hotel company to reign over Yellowstone, the Department of the Interior attempted to lessen competition between concessioners. Yet the granting of one monopoly furthered rivalries in the park, especially between Wylie and Child. In 1905 William Wylie, who had at one time been accused of monopolistic practices, filed a complaint to the Interstate Commerce Commission stating,

The railway company admittedly controls both the transportation company and the association and directs their policy and operations. [And] this arrangement is at variance with, and to some extent at least subversive of, the policy of the

²⁰⁷ "Memorandum," Records of the Office of the Secretary of the Interior Relating to National Parks, RG 79, Yellowstone Folder, Box 3 , Entry 4, Archives II, College Park Maryland. The referral to exclusive privileges is in relation to when the Y.P.A. lost its transportation privileges in 1889 due to the company's exclusive right to both hotels and transportation within the park.

Government which has taken great pains to prevent the exercise of any exclusive privileges within the park.²⁰⁸

This case illustrates the control the Northern Pacific Railroad continued to have over happenings within the park and how it cornered the market through the pre-packaged tickets. Newspaper articles followed Wylie's complaint to the commission. They report that the results of the objection to the railroad's agreement favored Wiley. One article from the *Anaconda Standard* reveals, "that it is the duty the...railway company to so conduct...its operations...to afford such...passengers full and equal opportunity...to select the stage line or other agency they may desire to use for touring the park."²⁰⁹ Interestingly, the Acting Superintendent's reports for the 1905 or 1906 fiscal years fail to mention any conflict surrounding the complaint. Although the Northern Pacific Railroad no longer sold the all-inclusive tickets, due to the Wylie lawsuit, its companies in Yellowstone continued to flourish and reel in profits.

The Wylie – Child Commerce Commission dispute highlights an inconsistency in the Department of the Interior's granting of leases and regulation of monopolies. Furthermore, the lack of response in the reports of the acting superintendents suggests either a miscommunication between the War Department and the Department of the Interior or, possibly, the power of political connections. Railroads represented some of the most influential corporations in the United States with deep and close relationships with politicians. Despite William Wylie's victory over the Northern Pacific and Harry Child, his company was sold to A. W. Miles in 1906.²¹⁰ The only indication of this transaction in the 1906 annual report of the acting superintendent occurs

²⁰⁸ "Before the Interstate Commerce Commission No 800," RG 79, Records of the Office of the Secretary of the Interior Relating to National Parks, Box no. 86. Archives II, College Park MD, 148 - 153.

²⁰⁹ "Mr. Wylie is Sustained: The Interstate Commerce Commission Decides his Recent Complaint in His Favor," *Anaconda Standard*, July 14, 1905, <http://infoweb.newsbank.com>.

²¹⁰ Culpin, *A History of Concession Development*, 50. Note: Miles kept the name Wylie's to not confuse visitors.

in a small paragraph describing a 10-year lease for the Wylie Permanent Camping Company on March 12, then run by Miles.²¹¹

From 1907 to 1910 the reports made by the acting superintendent fail to include information concerning accommodations within Yellowstone National Park. The information given regarding transportation shows that the three main competitors remained The Yellowstone National Park Transportation Company, Monida & Yellowstone Stage Company and Wylie's Permanent Camping Company. Earlier reports gave thorough information concerning all aspects of the park, including the various options for accommodations. Although the reports, strangely, fail to incorporate the hotel and camping businesses, 1909 proved to be a monumental year for Child, Haynes and the Yellowstone Park Association. A 1909 letter from the Department of the Interior, concerning Child's application for rebuilding hotels, states "Mr. Child told me that he was in control of the Wylie Camping Company."²¹² While the most profitable investments originated from wealthy clients, investing in the camping business secured an income for Child from the less well-off. Additionally, scholar Mark Barringer exposes an interesting detail concerning competition within Yellowstone,

The Union Pacific backed Haynes in a bid to operate competing hotels within the park, a move, that, if successful, would inflict serious financial trauma on Child...to maintain his exclusive hold on park hotels, Child agreed to sell Haynes half his interest, or one-third of the camping company.²¹³

Due to the Department of the Interior's attitude towards hotels in the park, it is doubtful that the Union Pacific Railroad's plan would come to fruition.²¹⁴

²¹¹ Annual reports of the Department of the Interior for the fiscal year ended June 30, 1906. Report of the Secretary of the Interior and bureau officers, etc, Washington, D.C., 186 <http://infoweb.newsbank.com>.

²¹² "Memorandum; Yellowstone Park Concession," March 5, 1909, RG 79, , Records of the Office of the Secretary of the Interior Relating to National Parks, Box no. 86. Archives II, College Park MD, 2.

²¹³ Mark Barringer, *Selling Yellowstone*, 53.

²¹⁴ While it is doubtful that the Union Pacific was attempting to replace the Northern Pacific as a major player in the park, the U.P.R. clearly saw an economic opportunity for investment.

The Department of the Interior's 1909 tax plan presented a change for concessioners within Yellowstone. Secretary Ballinger toured Yellowstone and Yosemite parks in 1909 and resolved to "impose upon all the concessionaries...a franchise or use tax, based upon their gross earnings for the enlargement of the maintenance fund."²¹⁵ High taxes create a difficult growing environment for businesses, but no taxes, especially in a national park, is a utopian ideal. For decades the Department of the Interior allocated insignificant funds to Yellowstone, relying on mainly the concessioners to finance the upkeep of the park. The tax plan represents one of the positive changes proposed during the period from 1900 to 1916. In 1911, the report of Acting Superintendent Brett records the taxes paid for the year 1910 – 1911. It shows nine leases and shows The Yellowstone Park Hotel Company (the re-named Y.P.A.) as the most profitable with a total of \$585.00 owed for the season.²¹⁶ Reports from the acting superintendent failed to include details of the actions of the concessioners, leaving much a mystery.

In 1913 F. J. Haynes lost his lease for transportation due to a charge of "violating...[the] contract with the government by giving a rebate...on each tourist to the Oregon Short Line railway."²¹⁷ Despite this loss Haynes opened The Yellowstone-Western Stage Company,

The year 1915 brought private automobiles to Yellowstone. While this change ended an era of tourism dominated by the upper echelons of society. Newspapers praised the admittance of and then success of automobiles within Yellowstone.²¹⁸ Allowing for private transportation through automobiles brought the park closer to the words in the original 1872 document. The

²¹⁵ "Ballinger Advocates Lease of Power Sites and U.S. Fund for Retirement of Clerks," *Trenton Evening Times*, November 29, 1909. <http://infoweb.newsbank.com>.

²¹⁶ Reports of the Department of the Interior for the fiscal year ended June 30, 1911. Administrative reports. In two volumes. Volume I. Secretary of the Interior. Bureaus, except Office of Indian Affairs. Eleemosynary institutions. National parks and reservations, Washington, D.C., 579 – 580, <http://infoweb.newsbank.com>.

²¹⁷ "Haynes Loses Park Contract. Best Known Man In Yellowstone Park Forced to Give up Concession" *The Idaho Register*, August 26, 1913. <http://infoweb.newsbank.com>.

²¹⁸ "Seeing Yellow Stone by Motor First Season Has Proven Success of Auto Schedule in National Park," *Daily Tulsa World*, October 10, 1915. <http://infoweb.newsbank.com>.

reports of acting superintendents for the years 1914 to 1915 show an increase of 20,250 to 51,895 visitors in just one year.²¹⁹ This, over one hundred percent increase, shows that allowing automobiles in the park opened Yellowstone to a much larger group of people. Although many Americans did not have automobiles in 1915, by simply allowing them, the Department of the Interior provided an option for a more individual and less expensive experience.

1916 ended an interesting era for Yellowstone's concessioners. Harry Child rose to the top of the Northern Pacific Railroad's hotel and transportation empire and profited off of the upper and middle class tourists to the park. The Government implemented regulations concerning tickets, taxes and automobiles that changed Wonderland for the better. The actions taken by the Government during this period illustrate an understanding by the Secretary of the Interior, on the meaning of a national park. These changes brought the Yellowstone closer to its original purpose: to exist as a park for the people.

The Army's Grand Finale

Since the War Department assumed control of park management in 1886 and the government established the Lacey Act the role of the U.S. Cavalry brought positive change within Yellowstone. Few tourists chipped away at geyser formations and poaching declined. The military men stationed in Yellowstone spent their time chasing down those involved in stage robberies and patrolling the major tourist destinations. Nevertheless, the reports of the acting superintendents call into question whether policing the national park fits within the duties of a member of the army. Furthermore, citizens and policy makers began suggesting the possibility of

²¹⁹ Reports of the Department of the Interior for the fiscal year ended June 30, 1914. Administrative reports in 2 volumes. Volume I. Secretary of the Interior. Bureaus, except for Office of Indian Affairs. Eleemosynary institutions. National parks and reservations, Washington, D.C., 694. <http://infoweb.newsbank.com>. Reports of the Department of the Interior for the fiscal year ended June 30, 1915. Administrative reports in 2 volumes. Volume I. Secretary of the Interior. Bureaus, except Office of Indian Affairs. Eleemosynary institutions. National parks and reservations, Washington, D.C., 872, <http://infoweb.newsbank.com>.

a government bureau devoted to national parks. The 1916 National Park Act officially relieved the War Department of its national park duties and returned civilians to Yellowstone.

From 1900 to 1916 only four acting superintendents served the park. In such a large area of land, the way in which the troops patrolled differed considerably from the lessons in military training. Those assigned to patrolling worked in small groups and covered the most remote areas of the park. A 1904 article published in the *Charlotte Daily Observer* provides insight into the responsibilities of a serviceman during the winter months. Walter Doby explains that “it is in the winter lawlessness can best be conducted, and it is during this time that the greatest vigilance must be exercised,” showing the most difficult problems occur when the park is at its emptiness.²²⁰ Doby’s testimony gives a unique perspective of the duties of a soldier in the winter, largely searching for poachers, since few articles comment on the work done by the military.

No issues concerning patrolling or law breaking appear until 1907. The lack of problems from 1900 to 1906 suggests that the situation in Yellowstone was a calm one. An interesting change occurred in 1907 with the reinstatement of General S.B. M. Young as Superintendent. He had retired from the military and therefore represented the only civilian superintendent during the period from 1886 to 1916.²²¹ Young’s 1907 report as superintendent called for a return to civilian administration. He cites multiple reasons for removing the military presence including,

The troop organization is largely demoralized by subdividing the men into small parties...every man should be an experienced woodsman, a speedy traveler on skis, an expert trailer, a good packer...well informed in the history of the park...he should also be qualified to pass a reasonable examination in zoology and ornithology...it requires a year for new troops...to become familiar with all

²²⁰ Walter Doby, “Life at the Army Post. Yellowstone National Park,” *Charlotte Daily Observer*, February 20, 1904, <http://infoweb.newsbank.com>.

²²¹ Kiki Leigh Ridell and Mary Shivers Culpin, *Managing the Matchless Wonders: A history of Administrative Development in Yellowstone National Park, 1872 – 1965*, 51, <http://www.nps.gov/yell/historyculture/admindevel.htm>.

the duties required of them, and during that year many of the enlistments expire...[finally,] the protection of the park...should be under one head.²²²

Young's concern over the continued use of the Armed Forces within the park outlines what characteristics he believes should be required of a person patrolling the park. Understanding the topography of Yellowstone and having basic forestry skills top the superintendent's necessary traits. Furthermore, the coming and going of stationed men prevents individuals from developing the skills necessary to succeed in the position.

Newspapers confirm Young's criticism of the servicemen within Yellowstone. A *St. Albans Daily Messenger* from 1908 reads, "the majority of the officers are indifferent and appear to resent being required to subserve both the military interests and the interest of the park on their small salary."²²³ Despite Young's careful warnings, Major H.C. Benson replaced him in November 1908, continuing the army's administration of Yellowstone.

Highway robberies were not new to the park since a number of stages had been raided in the past, yet the climbing number of tourists each year also translated into an increase in theft. In August of 1908 a hold-up set a new record for law breaking. Acting Superintendent Young reported that one man robbed 16 coaches by ordering "a young man from the box seat and ma[king] him carry a sack alongside the coach – into which passengers were commanded to deposit their money and jewelry."²²⁴ Headlines screamed in outrage over the 120 people mugged

²²² Reports of the Department of the Interior for the fiscal year ended June 30, 1907. Administrative reports in 2 volumes. Volume I. Secretary of the Interior. Bureaus, except Office of Indian Affairs. Eleemosynary institutions. National parks and reservations, Washington D.C., 553 – 554, <http://infoweb.newsbank.com>.

²²³ "Army Officers Indifferent, General Young Favors Civil Guard for Yellowstone National Park," *St. Albans Daily Messenger*, February 7, 1908. <http://infoweb.newsbank.com>

²²⁴ Reports of the Department of the Interior for the fiscal year ended June 30, 1908. Administrative reports (in two volumes). Volume I. Secretary of the Interior; Bureaus, except Office of Indian Affairs; Eleemosynary institutions; National parks and reservations, Washington, D.C., 411, <http://infoweb.newsbank.com>.

in one day. The *Anaconda Standard* informed readers that those robbed felt “there has been a neglect of duty on the part of...the guardians of the park.”²²⁵

Despite small issues like poaching no other conflicts, with stages, occurred until July of 1914. This time the robbery involved “fifteen coaches...and the passengers [were] made to get down and fall in line and deposit their money in a sack... [There was a reported] loss of \$915.55 in cash and about \$130 worth of Jewelry.”²²⁶ Just under one year later, a highwayman stopped five vehicles. While this unfortunate event caused displeasure, “the total amount secure...[was] less than \$200,” a much smaller quantity than earlier encounters.²²⁷ While the army cannot take full responsibility for these three incidents, they do highlight the difficulties of patrolling such a large area.

Other than Young, no superintendents made outright criticisms of the system that assigned soldiers to patrol Yellowstone. Although the administration did not express a clear need for a change to civilian patrol, others across the nation did. A short article from 1911 in the *Evening Telegram* discusses the results that would occur from a bureau of national parks. If such an office were established, “it is said it would not be necessary to call upon the other departments for aid,” suggesting the end of the involvement of the War Department.²²⁸ In September of the same year, the superintendents of all national parks met in Yellowstone for the first national park conference. They discussed “Secretary Fisher’s plan to place the reservations in charge of a

²²⁵ “Army of Tourists in National Park Robbed by one Man; Hundred and Twenty Men and Women,” *The Anaconda Standard*, August 25, 1908, <http://infoweb.newsbank.com>

²²⁶ Reports of the Department of the Interior for the fiscal year ended June 30, 1914. Administrative reports in 2 volumes. Volume I. Secretary of the Interior. Bureaus, except for Office of Indian Affairs. Eleemosynary institutions. National parks and reservations. Washington, D.C., 706, <http://infoweb.newsbank.com>

²²⁷ Reports of the Department of the Interior for the fiscal year ended June 30, 1915. I. Secretary of the Interior. Bureaus, except Office of Indian Affairs. Eleemosynary institutions. National parks and reservations, Washington, D.C., 888, <http://infoweb.newsbank.com>.

²²⁸ “Bureau of Parks The Latest Plan,” *The Evening Telegram*, August 7, 1911, <http://infoweb.newsbank.com>.

separate bureau.”²²⁹ In 1912 President Taft published his recommendations for the year one of which involved the national parks. He called for “the establishment of a bureau of national parks...[which would be] essential to the proper management of these wonders.”²³⁰ The article gives no information regarding a plan for the bureau or how critics received the idea. The talk of a bureau or other government office to administer the various national parks cumulated in 1916 with the passage of the National Park Service Act.

By 1915 politicians had begun the debate over a national park bureau. Most uniformly agreed that a separate entity would exponentially improve the administration and organization of the nations fourteen national parks. Acting Superintendent Lloyd Brett gave a recommendation in 1915 that a “definite period of time [concerning keeping or removing the armed services should be established] by the department...[since it] is essential to a stable and progressive administration.”²³¹ It was widely accepted that “a director and his corps of assistants...would make such a continuous and consistent administration of the parks by men especially equipped for that duty,” and could bring positive change to parks like Yellowstone.²³² Additionally, Canada had already created a similar service for their national parks and The United States disliked lagging behind other countries.²³³ On August 25, 1916 President Woodrow Wilson signed the National Park Service Act, bringing all parks under one administration.²³⁴ Although part still part of the Department of the Interior, a separate director and staff had the ability to

²²⁹ “Conference About National Parks,” *The Evening News*, September 11, 1911, <http://infoweb.newsbank.com..>

²³⁰ “Takes up Needs of Territory of Alaska President Taft in Message to Congress Recommends some Reforms,” *The Idaho Weekly Statesman*, February 3, 1912, <http://infoweb.newsbank.com>.

²³¹ Report of The Secretary of the Interior, 1915, 894, <http://infoweb.newsbank.com>.

²³² “Need for National Park Service,” *The Lexington Herald*, April 11, 1916, <http://infoweb.newsbank.com>.

²³³ “Need For National Park Service,” <http://infoweb.newsbank.com..>

²³⁴ For further information on the passage of this act see Donald C. Swan’s article “The Passage of the National Park Service Act of 1916.”

reorganize and effectively manage all of the national parks.²³⁵ The establishment of the National Park Service closes this chapter on Yellowstone's early history.

The period of 1900 to 1916 included the calmest, least dramatic or controversial years of Yellowstone's early history. For tourists, the experience had undergone considerable change with the museum-like improvements. Set up as a park for the people, Yellowstone failed in this regard since it functioned to serve only the wealthiest of the nation. Different regulations passed that suggested a change in the government's attitude towards the meaning of a national park. One may see the passing of the National Park Service Act as anticlimactic or just another manner in which the government meddles in business it cannot understand. I would disagree. Although the garrison of troops remained in Yellowstone until 1918 and no immediate changes occurred, the power of potential furthers the significance of the act. For the first time in Yellowstone's history, the park was given the potential to do as the 1872 act stated: exist for the "benefit and enjoyment of the people."²³⁶

²³⁵ "The National Park Service Organic Act," *August 25, 1916*, <http://www.nps.gov/legacy/organic-act.htm>.

²³⁶ *The Yellowstone Park. February 27, 1872. -- Laid on the table and ordered to be printed*, Washington, D.C., 1872, 1 <http://infoweb.newsbank.com>.

Chapter 5 Conclusion, In Darkness There is Light

In dedicating the gateway to Yellowstone in 1903, President Roosevelt said that the “essential feature” of the National Parks was their “essential democracy” in that the parks persevered wilderness and scenery for “for the people as a whole.”²³⁷

- Theodore Roosevelt

In a little over four decades ‘hell on earth’ blossomed into a thriving destination, considered by many to include the greatest wonders the world has to offer. As the creation myth explains, after exploring the vast Yellowstone region, a group of men returned to civilization with a glorious idea, to create a national park. Reality tells a different tale; a combination of artwork tugging at national sentiments of manifest destiny and the interest of a powerful railroad’s lobbying attracted the interest of legislators. The ‘worthless’ land within the proposed boundaries encouraged policy makers to go ahead with plans for a national park. The year 1872 marked the creation of a sanctuary for the people, as well as a new commercial venture with the potential for significant financial gain for the Northern Pacific Railroad and its various corporations. The first four decades of Yellowstone’s history illustrate that, for many reasons, the park did not serve the people as a whole.

The words used to set aside the land left gaping holes in the act, leaving much for concessioners to exploit and little to no power for the park’s administration. It provided no pay for the superintendent, no funds for the upkeep of park-lands and little instruction in regards to concessioners and their plans for development. Yellowstone’s controversial history partially originates from the ambiguous 1872 act. Essentially, crossing the boundaries brought an

²³⁷ Theodore Roosevelt Association: Conservationist Life of Theodore Roosevelt, “How Theodore Roosevelt Added to the National Park System,” <http://www.theodoreroosevelt.org/life/conNatPark.htm>.

individual into a place with no laws, no management and endless wilderness. This paved the way for the poaching of animals, destruction of the natural attractions and exploitation of the land by concessioners.

During the park's first forty years, Native Americans found themselves permanently removed from park boundaries, a railroad line came perilously close to cutting across protected lands, and concessioner monopolies found fertile soil from which to grow. These negative aspects illustrate a lack of understanding in regards to the meaning of a national park on the part of the Department of the Interior. One cannot just draw lines on a map and expect the land to care for itself. Many of the darker sides to "Wonderland" resulted from attitudes about conservation and political corruption that dominated the politics and economy of the "Gilded Age." It took five years to allocate funds, fourteen to provide a form of organized administration, over twenty to make crimes punishable and over forty to introduce a government bureau dedicated to national parks.

A series of reforms, mainly during the period from 1900 to 1916, slowly brought Yellowstone closer to its original purpose. Even as commercial interests, at times, jeopardized Yellowstone's resources, those interests made the park accessible to an increasing number of visitors. Hotel mogul and railroad ally, Harry Child, prospered from the affluent American and European tourists who desired the luxuries of home while enjoying the wild, wild West. Transportation companies carted their gaping passengers from popular site to site, discretely replacing the uniquely, individual experience enjoyed by early visitors and creating a generic experience for tourists. Improvements of lawns, railways, and pathways trimmed out the wild and produced an outdoor museum. A seemingly insignificant change, the admittance of

automobiles in 1915, increased attendance at Yellowstone by more than one hundred percent.²³⁸

Although the entire nation could not visit Wonderland, a greater variety in demographic had the ability to enter the park in their own automobiles. Personal vehicles furthered the return to the individual experience. A simple change in the rules reversed the trend of making Yellowstone exclusive and put potential back into the government carrying through the intentions of the original act.

The year 1916 marked the creation of the National Park Service and brought the era from 1872 to 1915 to a close. During the forty odd years of Yellowstone's existence eleven other parks and multiple landmarks dotted the nation. Incredibly, President Theodore Roosevelt established five of the twelve parks, quite a success for the conservationist. There is no doubt that Roosevelt influenced environmental policy for the better, but why do people automatically think "Teddy Roosevelt" when the words "national park" are uttered? When Yellowstone was created the twenty-something future president was far from Washington, D.C. Clearly, Roosevelt had little, if any, involvement in the park idea and did not even visit Wonderland until 1890.

Looking into the nation's obsession with linking Theodore Roosevelt to national parks does not serve to undermine his role in the park movement. His Antiquities Act of 1906, for national monuments, and delight "to be able, with the stroke of a pen,...designate certain federal tracts as game reserves," clearly highlight the President's dedication to conservation.²³⁹

Furthermore, Theodore Roosevelt pushed through many progressive pieces of legislation and helped to pave the way for the construction of the Panama Canal. But he did not conjure up the idea for national parks. As an avid sportsman, Roosevelt differed from men like John Muir, an

²³⁸ From 1914 to 1915 the tourists increased from 20, 250 to 51, 895 – over a 100% increase. Source: Culpin, Mary Shivers. *A History of Concession Development in Yellowstone National Park, 1872 – 1966*. Yellowstone National Park, WY: National Park Service, Yellowstone Center for Resources, 2003, 58. <http://www.nps.gov/yell/historyculture/concessiondevel.htm>.

²³⁹ H. W. Brands, *T. R. The Last Romantic* (New York, NY: Basic Books, 1997), 623.

ardent preservationist. While Roosevelt greatly believed in protecting the country's various natural wonders for the future, "he was hardly a preservationist."²⁴⁰ One would not find Roosevelt wandering through a forest with a long beard, admiring every tree, flower and blade of grass. He valued a good hunt as much as he cared for conserving land within a national park.

Today, a google search of 'Theodore Roosevelt and national parks' brings up a slue of articles and websites devoted to the 26th president's various accomplishments relating to conservation, including one hit on the National Park Service website. An article in the *New York Times* from 1989 states, "gone are public figures like Teddy Roosevelt, who gave us a system of national parks," showing the accepted belief of the former president's role in national parks.²⁴¹ It appears that we have a misinformed population. Although people may have the wrong idea, there is much to give the impression that Roosevelt did, in fact, have a role in the national park idea. As president, Teddy created an astounding number of national parks and introduced the idea of recognizing landmarks as monuments. His face is forever carved into the side of Mt. Rushmore, there is a Theodore Roosevelt National Park and "two of his homes are part of the National Park Service."²⁴² Clearly a man whose profile will forever stare down on visitors had a major role in the national park story.

Having the jovial president with his familiar round-rimmed spectacles as the face of national parks raises questions as to why one may want the citizenry to believe Roosevelt began the movement. As a young nation, the United States lacked the ruins of antiquity that formed the basis of western civilization and the snow-capped Alps, until the establishment of Yellowstone National Park. Finally America had an ancient expanse of land that rivaled the most well known

²⁴⁰ Brands, 622.

²⁴¹ Michael F. Bennet, "U.S. Leaders: No Vision, Al Expediency," *The New York Times*, October 1, 1989, <http://proquest.umi.com>.

²⁴² "Theodore Roosevelt and Conservation," <http://www.nps.gov/thro/historyculture/theodore-roosevelt-and-conservation.htm>.

mountains in Europe. Without the push from the Northern Pacific Railroad and Tomas Moran's landscapes, no park act would have passed. The motivations towards the creation of Yellowstone would not inspire feelings of national pride for many twenty-first century Americans. With Theodore Roosevelt, the conservationist, as the as the deliverer of parks, Yellowstone's darker past falls into the pages of forgotten history.

Why tell the dark tales of Yellowstone's early history? Why expose the skeletons in the park's closet? Simply, to show that in darkness there is light. The history of the first four decades of Yellowstone, exemplifies both the failure of the Department of the Interior to understand the meaning of land conservation and the importance of precedent. In 1872 the concept of a reservation set aside for the people was a revolutionary one. With no standard to follow, policy makers neglected to include terms within the original act that had significant ramifications for the future of Yellowstone. The tract of land in the northwestern corner of Wyoming served as the proverbial guinea pig, to experiment with permanent federal ownership of public land and learn how to manage its resources. Although the 1916 National Park Service Act brought few immediate changes to Yellowstone, its significance resides in its symbolism. The National Park Service allowed for the potential of a brighter future for all national parks, making a guinea pig no longer necessary.

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Appendix

Appendix A:

**YELLOWSTONE ACT, 1872 AN ACT TO SET APART A CERTAIN TRACT
OF LAND LYING NEAR THE HEADWATERS OF THE YELLOWSTONE RIVER
AS A PUBLIC PARK, Approved March 1, 1872 (17 Stat. 32)**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the tract of land in the Territories of Montana and Wyoming, lying near the headwaters of the Yellowstone River, and described as follows, to wit, commencing at the junction of Gardiner's river with the Yellowstone river, and running east to the meridian passing ten miles to the eastward of the most eastern point of Yellowstone lake; thence south along said meridian to the parallel of latitude passing ten miles south of the most southern point of Yellowstone lake; thence west along said parallel to the meridian passing fifteen miles west of the most western point of Madison lake; thence north along said meridian to the latitude of the junction of Yellowstone and Gardiner's rivers; thence east to the place of beginning, is hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park or pleasuring-ground for the benefit and enjoyment of the people; and all persons who shall locate or settle upon or occupy the same, or any part thereof, except as hereinafter provided, shall be considered trespassers and removed therefrom. (U.S.C., title 16, sec. 21.)

SEC 2. That said public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation, from injury or spoliation, of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition. The Secretary may in his discretion, grant leases for building purposes for terms not exceeding ten years, of small parcels of ground, at such places in said park as shall require the erection of buildings for the accommodation of visitors; all of the proceeds of said leases, and all other revenues that may be derived from any source connected with said park, to be expended under his direction in the management of the same, and the construction of roads and bridle-paths therein. He shall provide against the wanton destruction of the fish and game found within said park, and against their capture or destruction for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same after the passage of this act to be removed therefrom, and generally shall be authorized to take all such measures as shall be necessary or proper to fully carry out the objects and purposes of this act. (U.S.C., title 16, sec. 22.)

Source: National Park Service. *Yellowstone Act 1872*. AN ACT TO SET APART A CERTAIN TRACT OF LAND LYING NEAR THE HEADWATERS OF THE YELLOWSTONE RIVER AS A PUBLIC PARK. Approved March 1, 1872.
http://www.nps.gov/history/online_books/anps/anps_1c.htm.

Appendix B:

Civil Superintendents of the Yellowstone National Park

N.P. Langford	May 10, 1872 to Apr. 18, 1877
Philetus W. Norris	Apr. 18, 1877 to Feb. 2, 1882
Patrick H. Conger	Feb. 2, 1882 to July 28, 1884
Robert E. Carpenter	Aug. 4, 1884 to May 29, 1885
David W. Wear	May 29, 1885 to Aug. 1, 1886
General S.B. M Young U.S.A. Retired	May 14, 1907 to Nov. 28, 1908

Army Officers Detailed For Duty As Acting Superintendents

Capt. Moses Harris	Aug. 17, 1886 to May 31, 1889
Capt. F.A. Boutelle	June 1, 1889 to Feb 14, 1891
Capt Geo. Anderson	Feb, 15, 1891 to June 22, 1897
Col. S.M.B. Young	June 23, 1897 to Nov 15, 1897
Capt. James B. Erwin	Nov. 16, 1897 to March, 1899
Capt W.E. Wilder	March, 1899 to June 22, 1899
Capt. Oscar J. Brown	June 23, 2899 to July 23, 1900
Capt Geo. W. Goode	July 24, 1900 to May 7, 1901
Capt. John Pitcher	May 8, 1901 to May 13, 1907
Maj, H.C Benson	Nov. 28, 1908 to Sept. 29, 1910
Maj. L. M. Brett	Sept 29, 1910 to the end

Source: *Civil Superintendents of the Yellowstone National Park, 1872 – 1886 and 1907 – 1908*,
RG 79 Records of the Secretary of the Interior in Relation to National Parks,
National Archives II, College Park, MD

Appendix C:

Current “Legal” Leases According the Agent Phillips, September 12, 1885

Mammoth Hot Springs	– under the Yellowstone Park Improvement Company, Hotel and Bath house
Henderson’s lease	– at Mammoth Hot Springs, proposed Hotel
J.A. Clark’s lease	- at Mammoth Hot Springs, small boarding house and bathhouse
Hayne’s lease	- A photography studio
Norris Geysers Basin	- Under the Yellowstone Park Improvement Company, Tents but May not be a legitimate lease
Marshall’s lease	- At Lower Geysers Basin, Hotel and Out Buildings
Lower Geysers Basin	- Under the YPIC, small buildings for a hotel, old lease
Upper Geysers Basin	- Under YPIC, Hotel near Old Faithful
Grand Canyon	- Under the YPIC, Tents on land not leased
James S. Brisbin	- ability to put a Steamer in Yellowstone Lake, no steamer built
Mrs. E. M’Gowan	- right to a telegraph line, never completed

Source: “Letter from the Acting Secretary of the Interior, transmitting, in response to Senate resolution January 12, 1886, report of W.H. Phillips on the Yellowstone Park. February 1, 1886. -- Referred to the Committee on Territories and ordered to be printed,” Washington, D.C., February 1, 1886, <http://infoweb.newsbank.com>.

Appendix D:

The Lacey Act of 1894
(*U.S., Statutes at Large, vol.28, p.73*)
CHAP. 72.

—An Act to protect the birds and animals in Yellowstone National park, and to punish crimes in said park, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Yellowstone National Park, as its boundaries are now defined, or as they may be hereafter defined or extended, shall be under the sole and exclusive jurisdiction of the United States; and that all the laws applicable to places under the sole and exclusive jurisdiction of the United States shall have force and effect in said park: *Provided, however,* that nothing in this Act shall be construed to forbid the service in the park of any civil or criminal process of any court having jurisdiction in the States of Idaho, Montana, and Wyoming. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the state of Wyoming.

SEC. 2. That said park, for all the purposes of this Act, shall constitute a part of the United States judicial district of Wyoming, and the district and circuit courts of the United States in and for said district shall have jurisdiction of all offenses committed within said park.

SEC. 3. That if any offense shall be committed in said Yellowstone National Park, which offense is not prohibited or the punishment is not specially provided for by any law of the United States or by any regulation of the Secretary of the Interior, the offender shall be subject to the same punishment as the laws of the State of Wyoming in force at the time of the commission of the offense may provide for a like offense in the said State; and no subsequent repeal of any such law of the State of Wyoming shall affect any prosecution for said offense committed within said park.

SEC. 4. That all hunting, or the killing or wounding, or capturing at any time of any bird or wild animal, except dangerous animals, when it is necessary to prevent them from destroying human life or inflicting an injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park by means of seines, nets, traps, or by use of drugs or any explosive substances or compounds, or in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. That the Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonderful objects within said park; and for the protection of the animals and birds in the park, from capture or destruction, or to prevent their being frightened or driven from the park; and he shall make rules governing the taking of fish from the streams or lakes in the park. Possession within said park of the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this Act. Any person or persons, or stage or express company or railway company, receiving for transportation any of the said animals, birds, or fish so killed, taken or caught shall be deemed guilty of a misdemeanor, and shall be fined for every such offense not exceeding three hundred dollars. Any person found guilty of violating any of the provisions of this Act or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to

the management and care of the park, or for the protection of the property therein, for the preservation from injury or spoilage of timber, mineral deposits, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds and fish in the said park, shall be deemed guilty of a misdemeanor, and shall be subjected to a fine of not more than one thousand dollars or imprisonment not exceeding two years, or both, and be adjudged to pay all costs of the proceedings.

That all guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said park limits when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or wild animals shall be forfeited to the United States, and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of this Act, and upon conviction under this Act of such person or persons using said guns, traps, teams, horses, or other means of transportation such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided in this Act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

SEC.5. That the United States circuit court in said district shall appoint a commissioner, who shall reside in said park, who shall have jurisdiction to hear and act upon all complaints made, of any and all violations of the law, or of the rules and regulations made by the Secretary of the Interior for the government of the park, and for the protection of the animals, birds, and fish and objects of interest therein, and, for other purposes authorized by this Act. Such commissioner shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with the violation of the rules and regulations, or with the violation of any provisions of this Act prescribed for the government of said park, and to try the person so charged, and if found guilty, to impose the punishment and adjudge the forfeiture prescribed. In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States district court for the district of Wyoming, said appeal to be governed by the laws of the State of Wyoming providing for appeals in cases of misdemeanor from justices of the peace to the district court of said State; but the United States circuit court in said district may prescribe rules of procedure and practice for said commissioner in the trial of cases and for appeal to said United States district court. Said commissioner shall also have power to issue process as herein before provided for the arrest of any person charged with the commission of any felony within the park, and to summarily hear the evidence introduced, and, if he shall determine that probable cause is shown for holding the person so charged for the trial, shall cause such person to be safely conveyed to a secure place for confinement, within the jurisdiction of the United States district court in the said State of Wyoming, and shall certify a transcript of the record of his proceedings and the testimony in the case to the said court, which court shall have jurisdiction of the case: *Provided*, that the said commissioner shall grant bail in all casesailable under the laws of the United States or of said State. All process issued by the commissioner shall be directed to the marshal of the United States for the district of Wyoming; but nothing herein contained shall be construed as preventing the arrest by any officer of the Government or employee of the United States in the park without process of any person taken in the act of violating the law or any regulation of the Secretary of the Interior: *Provided*, that the said commissioner shall only exercise such authority and powers as are conferred in this Act.

SEC. 6. That the marshal of the United States for the district of Wyoming may appoint one or more deputy marshals for said park, who shall reside in said park, and the said United States

district and circuit courts shall hold one session of said courts annually at the town of Sheridan in the State of Wyoming, and may also hold other sessions at any other place in said State of Wyoming or in said National Park at such dates as the said courts may order.

SEC. 7. That the said commissioner provided for in this Act shall, in addition to the fees allowed by law to commissioners of the circuit courts of the United States, be paid an annual salary of one thousand dollars, payable quarterly, and the marshal of the United States and his deputies, and the attorney of the United States and his assistants in said district, shall be paid the same compensation and fees as are now provided by law for like services in said district.

SEC. 8. That all costs and expenses arising in cases under this Act, and properly chargeable to the United States, shall be certified, approved, and paid as like costs and expenses in the courts of the United States are certified, approved, and paid under the laws of the United States.

SEC. 9. That the Secretary of the Interior shall cause to be erected in the Park a suitable building to be used as a jail, and also having in said building an office for the use of the commissioner, the cost of such building not to exceed five thousand dollars, to be paid out of any moneys in the Treasury not otherwise appropriated upon the certificate of the Secretary as a voucher there for.

SEC. 10. That this Act shall not be construed to repeal existing laws conferring upon the Secretary of the Interior and the Secretary of War certain powers with reference to the protection, improvement, and control of the said Yellowstone National Park.

Approved, May 7, 1894.

Source:

“The Lacey Act of 1894.” May 7, 1894. http://www.nps.gov/yell/planyourvisit/upload/lacey_act.pdf

Appendix E:

ACT TO ESTABLISH A NATIONAL PARK SERVICE (ORGANIC ACT), 1916

AN ACT TO ESTABLISH A NATIONAL PARK SERVICE, AND FOR OTHER PURPOSES, Approved August 25, 1916 (39 Stat. 535)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby created in the Department of the Interior a service to be called the National Park Service, which shall be under the charge of a director, who shall be appointed by the Secretary and who shall receive a salary of \$4,500 per annum. There shall also be appointed by the Secretary the following assistants and other employees at the salaries designated: One assistant director, at \$2,500 per annum; one chief clerk, at \$2,000 per annum; one draftsman, at \$1,800 per annum; one messenger, at \$600 per annum; and, in addition thereto, such other employees as the Secretary of the Interior shall deem necessary: *Provided,* That not more than \$8,100 annually shall be expended for salaries of experts, assistants, and employees within the District of Columbia not herein specifically enumerated unless previously authorized by law. The service thus established shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations. (U.S.C., title 16, sec. 1.)

SEC. 2. That the director shall, under the direction of the Secretary of the Interior, have the supervision, management, and control of the several national parks and national monuments which are now under the jurisdiction of the Department of the Interior, and of the Hot Springs Reservation in the State of Arkansas, and of such other national parks and reservations of like character as may be hereafter created by Congress: *Provided,* That in the supervision, management, and control of national monuments contiguous to national forests the Secretary of Agriculture may cooperate with said National Park Service to such extent as may be requested by the Secretary of the Interior (U.S.C., title 16, sec. 2.)

SEC. 3. That the Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park Service, and any violations of any of the rules and regulations authorized by this Act shall be punished as provided for in section fifty of the Act entitled "An Act to codify and amend the penal laws of the United States," approved March fourth, nineteen hundred and nine, as amended by section six of the Act of June twenty-fifth, nineteen hundred and ten (Thirty-sixth United States Statutes at Large, page eight hundred and fifty-seven). He may also, upon terms and conditions to be fixed by him, sell or dispose of timber in those cases where in his judgment the cutting of such timber is required in order to control the attacks of insects or diseases or otherwise conserve the scenery or the natural or historic objects in any such park, monument, or reservation. He may also provide in his discretion for the destruction of such animals and of such plant life as may be detrimental to the use of any of said parks, monuments, or reservations. He may also grant privileges, leases, and permits for the use of land for the accommodation of visitors in the various parks, monuments, or

other reservations herein provided for, but for periods not exceeding twenty years; and no natural curiosities, wonders, or objects of interest shall be leased, rented, or granted to anyone on such terms as to interfere with free access to them by the public: *Provided, however,* That the Secretary of the Interior may, under such rules and regulations and on such terms as he may prescribe, grant the privilege to graze live stock within any national park, monument, or reservation herein referred to when in his judgment such use is not detrimental to the primary purpose for which such park, monument, or reservation was created, except that this provision shall not apply to the Yellowstone National Park. (U.S.C., title 16, sec. 3.)

SEC. 4. That nothing in this Act contained shall affect or modify the provisions of the Act approved February fifteenth, nineteen hundred and one, entitled "An Act relating to rights of way through certain parks, reservations, and other public lands." (U.S.C., title 16, sec. 4.)

Source: "The National Park Service Organic Act," *August 25, 1916*,
<http://www.nps.gov/legacy/organic-act.htm>.