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NATIONAL PARK SERVICE
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THE EVOLUTION OF THE NATIONAL PARK SYSTEM OF THE UNITED STATES

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Chapter One

INTRODUCTORY

With the establishment of the Yellowstone National Park in 1872, the United States Government initiated a process which has had an unexpected development in vesting in the Federal Government the function of maintaining for its citizens an extensive system of national recreation grounds. When the process was in its incipiency, the creation of parks had little significance for the ordinary Congressman or for the public. Here and there a small group arose prompted by an unselfish scientific or esthetic motive to recommend earnestly the establishment of a "national park" in some far off inaccessible and little known region of the West. Few Congressmen comprehended the import of this new invention, of which indeed the advocates had but a vague and ill-defined conception, beyond that they were being petitioned to reserve from the seemingly inexhaustible public domain certain lands which were reputed to have no value for agricultural, mining, or industrial purposes, an action which it was averred involved no expense to the Government. The person living in Illinois or Massachusetts in this early period and reading the extravagant descriptions of the wonders of the Yellowstone or of the unparalleled grandeur of the Yosemite Valley undoubtedly felt gratified to hear that his country contained such remarkable scenery and possibly experienced a longing someday to visit the area described. But the likelihood of his ever placing a foot within a national park or in any way having his life affected by the existence of a national park system must have appeared to him as remote as we of today consider the probability of a visit to the upper Congo, or its affect upon our life.

From many and varied experiences, with an utter lack of direction until recent years, the ideal of a park system maintained for the benefit and enjoyment of the people slowly emerged from a hazy concept and took form as a tangible reality. Fundamentals of administration originated from the pragmatic solution of urgent problems pressing upon the management of each park, and were later systematized by a collective study of all the parks. The fundamental value and expediency of maintaining a system of national parks were challenged on numerous occasions by antagonistic local and commercial interests as well as by unconvinced skeptics, and it was only through successfully encountering each attack in turn that a clear definition of a national park evolved. Through forty years of fortuitous and checkered development the national park system persistently grew until within the past decade, when changed conditions in American life made for a great increase in travel within the United States, it assumed a prominent role in the life of the nation, affecting not only the million tourists who annually visited the parks but also the public in general.

The passing of the frontier, the growth of cities, and the increased complexity and strenuousness of industrial relations in the past generation

compelled a readjustment in the life of American society. The recuperating influences of open country and frontier life were denied the majority of persons at a time when the need for recreation was becoming more urgent. New outlets for popular recreation and rest were sought, one of which has been the creation of public parks. Localities, states, and the United States have established "breathing places" for their inhabitants and travel has been encouraged as the proper mode of spending the "annual vacation" now considered a necessity to everyman. In 1921, a national conference on state and local parks was held under the auspices of the Governor of Iowa and the Secretary of the Interior which forcibly demonstrated that a vast and growing system of national, state, and local parks was being maintained in the United States to provide places of recreation for the public and to secure "the best development of patriotism, of efficient manhood and womanhood, and of business and civic life in the United States."[1]

The greatest and most extensive of these parks, those which have a national attraction, have been established as national parks and are administered through a bureau of the Interior Department. The nineteen national parks and the twenty-four national monuments under the direction of the National Park Service contain many of the choicest examples of natural beauty in the United States. To create and promote travel to this system, the Government has undertaken an aggressive policy of publicity. Within the past decade conditions in American society have so developed as to increase greatly the amount of travel within the United States with the result that in 1920 and 1921 slightly over one million persons annually visited the national parks. The necessity for securing new outlets of recreation created the demand for recreational travel. The "See America First" movement emphasized the patriotic and commercial advantages of developing the national park system. Factors of equal importance in stimulating travel to the parks were the development of the automobile as a means of popular tourist travel and the closure of European resorts to American travel during the war period.[2]

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[1] Resolutions of the conference, Report of the Director of the National Park Service, 1921, 32.

[2] The statements of fact and conclusions in this introduction are based upon the discussion in the body of the thesis.

Chapter Two

THE CREATION OF THE YELLOWSTONE NATIONAL PARK

In the year 1869 the region which three years later was to be set aside as the Yellowstone National Park was virtually an unknown wilderness. Since 1807 a legend of mythical stories existed as "camp fire jests" concerning the "hoodoo region" of the upper Yellowstone River to indicate that occasionally an unsuspecting trader or trapper had penetrated the region and had carried away with him fantastic and exaggerated romances of his experiences.[1] The rumored existence of the strange phenomena of around the headwaters of the Yellowstone current in the Northwest during the period of the fur trade was based upon the stories of these men who accidentally stumbled into the secluded basin.

The fur trade in upper Louisiana assumed large proportions immediately after the Lewis and Clark expedition and for forty years flourished as the chief occupation of the Northwest.[2] The traders and trappers penetrated the innermost recesses of the country, following rivers to their sources and crossing mountain ranges. So relentless and thorough was their exploration that one authority feels confident in asserting that "no feature of western geography was ever discovered by government

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1/ There is no evidence that would lead one to believe that white men visited the upper Yellowstone basin before 1807. Neither the Spanish nor the French in their occupation of the region west of the Mississippi have left records which even vaguely suggest an acquaintance of the Yellowstone wonders, although the former from their missions in California, Nootka Sound, and Texas, probably sent expeditions to the lower parts of rivers having their sources in the park area, and the activities of the French fur traders extended far up the Missouri and into the Rockies. R. G. Thwaites, Original Journal of the Lewis and Clark Expedition, 1, xix, xxvii; Ibid., Rocky Mountain Explorations, 34; H. M. Chittenden, The Yellowstone National Park, 4. H. H. Bancroft, History of Wyoming, 672.

From the Indians, the pioneers, as they entered the upper Missouri country, received little information concerning the headwaters of the Yellowstone. The Indians made little use of the park area because in the early years it was a relatively poor game country, was for many months each year inaccessible, and was apart from the main Indian trails. Consequently, their knowledge of the region was meagre and unreliable, consisting mainly of vague references to "burning mountains." Chittenden, The Yellowstone National Park, ch. II; Peter Koch, Magazine of American History, XI, 497; Doane, Sen. Exec. Doc. 51, 41 Cong., 3 Sess., 26.

2/ Bancroft, History of Wyoming, 677-678; Chittenden, The American Fur Trade of the Far West, I, viii.

exploration after 1840."3/ No records were kept by the fur traders; they were not concerned with scenery, and frequently self-interest would influence them to keep secret their knowledge of geography.4/ By the time of the Mexican War the fur trade in the Northwest had ceased to be profitable on the large scale on which it had been conducted.5/ The traders and trappers no longer frequented the streams and forests, and with them disappeared the knowledge they had acquired except where retained in fanciful "border legends," a mixture of fact and imagination. Yet there is no doubting the fact that the headwaters of the Missouri, the Yellowstone, the Madison and Gallatin were thoroughly combed over by these men in their search for furs, and in the process the wonders of the Yellowstone were first made known.6/

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3/ H. M. Chittenden, Ibid., I, ix.

4/ Norris, Report of the Superintendent of the Yellowstone National Park, Dept. of the Int. Repts., 1881, II, 787.

5/ Chittenden, The American Fur Trade, I, vii.

6/ In 1807, John Colter, a former member of the Lewis and Clark expedition entered the present park area. On his return to St. Louis, he convinced Clark of the truth of his narrative. The latter incorporated Colter's information in the official map of the Lewis and Clark expedition he was then preparing. Consequently, the map shows a line labelled "Colter's Route in 1807." The Yellowstone River is shown taking its source in a large body of water named "Lake Eustis." "Hot Springs" and "Brimstone" are also designated in the park area. Little credence, however, was given to Colter's narrative. He was considered a confirmed prevaricator and soon disappeared from view, his name surviving in the jest of "Colter's Hell." Our knowledge of Colter comes mainly from Bradbury's account in his Travels, Thwaites, Early Western Travels, vol. V, 42-47. See also, Thwaites, Journal of Lewis and Clark, V, 262 n; Paul Allen, History of the Lewis and Clark Expedition, map; Bancroft, History of Wyoming, 677; Chittenden, The Fur Trade, 712-716; Ibid., The Yellowstone National Park, 26.
Colter was the first white man to leave a known record of his visit to the upper Yellowstone region. After him traders frequently passed through the basin until the waning of the fur trade. In 1819, "J.O.R." left his initials upon a pine tree and part of his camping outfit within the park area. (Norris, Dept. of Int. Repts., 1881, II, 784.) In 1827, Niles' Register printed a description of the hot springs, the first known printed record. (Niles' Register, vol. 33, pp. 90-91, Oct. 6, 1827.) A visit to the geysers by an employee of the American Fur Company was recounted by the Nauvoo, Illinois, Wasp in 1834. (Chittenden, The Yellowstone National Park, 38-45.) A noticeable statement of this author was that he had the testimony of "more than twenty men who declared that they had seen the geysers." In 1829, Joseph Meek saw the boiling hot springs and was reminded of Pittsburgh. (F.F. Victor, The River of the West, written in 1869 and published in 1871 is an account of Meek's experiences.) In 1830, James Bridger made his first acquaintance with the region he was later to make notorious with his "romances." (Thwaites, Western Travels XXVII, 299 n.) If these men reached the basin and left records of the fact, it is to be expected that others living in a similar life, pursuing a similar end, and roving over the same country should have penetrated the region.

The visits of the fur traders to the upper Yellowstone basin were unproductive of results insofar as the ultimate discover of the region was concerned. The knowledge accruing from them was hopelessly mixed with fanciful imagery, seldom preserved in written form and only locally known.7/ The first effort to ascertain scientifically the basis of the rumored existence of the Yellowstone wonderland came in 1859 when a governmental expedition under the command of Captain W. F. Raynolds endeavored to penetrate the region.8/ Although completely encircling the area later to be dedicated as the national park, the expedition was unable to penetrate it and, for knowledge of the region, Raynolds was forced to rely upon the description given by his guide, Jim Bridger. In his report, Raynolds incorporated this information, and it may be considered illustrative of the knowledge of the upper Yellowstone as it then stood, known only to a few survivors of the preceding period.

> "Beyond these is the valley of the Upper Yellowstone, which is as yet a terra incognita . . . . . We were compelled to content ourselves with listening to marvellous tales of burning plains, immense lakes, and boiling springs, without being able to verify these wonders. I know of but two white men who claim to have visited this part of the Yellowstone valley — James Bridger and Robert Meldrum. The narratives of both of these men are very remarkable, and

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7/ James Bridger best represents the authors of the border legends. A famous trader, hunter and guide, his activity extended over a span of fifty years. He visited the upper Yellowstone as early as 1830, and from that date until his death in 1881 he related his colorful, fantastic and unbelievable stories of the wonderland of the Yellowstone. The essence of truth in his accounts, his knowledge of geography was unexcelled, was discarded by his hearers along with reckless exagerration. He was unable to secure publication of his stories because no editor would compromise the reputation of his journal by printing "Jim Bridger's Lies." Thwaites, Western Travels, XXVII, 299n; F. V. Hayden, Sixth Annual Report of the United States Geological Survey of the Territories, 2; Norris, Dept. of Int. Repts., 1878, I, 989; Chittenden, The Yellowstone National Park, 47-49.

8/ The attempt to verify the character of the upper Yellowstone basin, however, was only a minor and subsidiary purpose of the expedition, the chief object of which was to investigate the upper Missouri and its branches to ascertain the character of the Indians, the possibilities for agriculture and mining, and the facilities and obstacles in the way of settlement or military occupation. Raynolds' official report, Sen. Exec. Doc. 77, 40 Cong., 1 Sess. 4. Owing to Raynolds' activity in the Civil War, he was unable to prepare his report until 1868, a date too late to have any effect upon the final discovery of the wonderland.

Bridger in one of his recitals, describes an immense boiling spring that is the very counterpart of the geysers of Iceland . . . . . I have little doubt that he spoke of what he had actually seen."9/

In the early sixties gold was discovered in Montana and streams of prospectors poured into the territory. These men like the early traders were seeking wealth from nature, and in much the same way they roved over the vast expanse of country disregarding natural beauty as they followed the rivers to their sources. Inevitably they stumbled into the Yellowstone wonderland, and although they paid slight notice to the scenic splendors unavoidably they referred to the geysers, and hot springs on returning to the settlements.10/ Stories of the wonderland were again rumored from mouth to mouth and here and there a newspaper carried the account of the experience of some party in the region.11/ Each year brought the confirmation or an extension of a preceding account and the skepticism born of exposure to the "border legends" was replaced gradually by curiosity. A recrudescence in popular interest concerning the rumored wonderland occurred and this time led to the ultimate discovery of the region. A fur trader or a prospector would not be attracted to an area barren of furs or gold however beautiful it might be, but with the permanent settlement of the country surrounding the upper Yellowstone basin a group of men could be found in whom a scientific or esthetic curiosity was strong enough to lead to the organization of expeditions of exploration with the sole objective of penetrating the wonderland, determining its actual character, and recording and publishing the knowledge acquired.12/

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9/Raynolds' report, Sen. Exec. Doc.,77,40 cong. 1 sess., 10.

10/The most notable of the recorded visits to the park area in this period was the one made by De Lacy in 1863. His journal first appeared in the Proceedings of the Montana Historical Society,I,100-127. Important recorded visits were made in 1864, 1866, and two in 1867.Norris, Dept. of Int. Repts. 1881, II, 787ff; Raftery, Sen.Ex.Doc., 752 60 cong. 2 sess., 7; Hayden, Sixth Annual Report,244n.

11/Chittenden, The Yellowstone National Park,67.

12/Norris, Dept. of Int. Repts., 1881, II, 787; N. P. Langford,Scribner's Monthly Magazine, II, 114, May, 1871.

When such an expedition had attained its objective one might say that the Yellowstone wonderland had actually been discovered, not before.

In 1867 and 1868 expeditions were planned to explore the upper Yellowstone but they failed to materialize.13/
Finally in 1869 three men ascended the Yellowstone River with the fixed purpose of satisfying their curiosity in regard to the upper basin. For a month they sojourned in the region and then returned to Helena, relating their experience only to a small group of friends for they were fearful of risking their reputation by giving their story to the public. The written report of this expedition was not published in time or in sufficient quantity to have any direct effect in disseminating knowledge concerning the Yellowstone or in causing the passage of the act of dedication. Among the men who heard the personal narrative, however, were several influential residents of Montana by whom plans for a larger and more exhaustive exploration were formulated.14/

The Washburn-Doane expedition of 1870 marks the end of sixty years of rumored misinformation concerning the wonders of the Yellowstone. "I had indulged, for several years, a great curiosity to see the upper valley of the Yellowstone," wrote Langford, one of the organizers of the expedition. "The stories told by trappers and mountaineers of the natural phenomena of that region were so strange and marvelous that, as long ago as 1866, I first contemplated the possibility of exploring it. During the past year, meeting with several gentlemen who expressed like curiosity, we determined to make the journey in the months of August and September."15/The party was composed of nine men who selected Washburn as their leader. Privately organized to satisfy their curiosity concerning the character of the upper Yellowstone basin, the party applied to General Hancock for a military escort.16/ Hancock himself was greatly interested in the undertaking and complied with the request, dispatching Lieutenant Doane with five cavalrymen to accompany the expedition.17/Leaving Fort Ellis on August 22, 1870, the party ascended the Yellowstone River, passed around two sides of the lake, and down a branch of the Madison to the main stream, having circled through the park area.18/

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13/ Chittenden, The Yellowstone National Park, 70.
14/ Folsom, one of the members of the expedition of 1869, prepared an article which was rejected by the editor of Harper's Weekly, because of its "audacious imaginings." The article was published by the Western Monthly, July, 1871, after the editor had censored some of the most interesting parts. The edition was destroyed in the main by the Chicago fire of 1871, Langford preserving a copy. Raftery, Sen. Exec.Doc., 75, 60 cong. 2 sess., 7-8
15/ Langford, Scribner's Monthly Magazine, II, 1, May, 1871.
16/ Ibid., 2-3.
17/ Doane's official report, Sen. Exec.Doc.,51, 41 cong. 3 sess.1.
18/ Ibid., 37.

This expedition marks the final "discovery" of the area which was to be dedicated as the Yellowstone National Park. The adequate and comprehensive description made by the several members of the party in magazine and newspaper articles focussed the attention of the country upon the Yellowstone wonderland.19/In his concise and splendid account Doane submitted the first governmental report containing maps and descriptive data of the region.20/Langford lectured at Helena, Minneapolis, New York, and Washington.21/Almost overnight the long neglected valley of the upper Yellowstone became a cynosure of public notice. A direct result was the organization of two government expeditions in the following year to secure official and scientific information. Under orders from General Sheridan a party of Army engineers made a reconnaissance of the sources of the Yellowstone.22/ Of greater importance was the geological survey of the same year by Professor F. V. Hayden.23/

Few new discoveries were made by the Hayden expedition of 1871, but the systematic surveys and accurate charts for the first time accurately established the true location and nature of the lakes, river systems, mountain ranges, and natural phenomena.24/ While extensive collections of great scientific value were made, it was also Hayden's purpose to describe his work in a popular style that would attract the interest of the ordinary citizen.25/The photographs,data,and specimens which Hayden collected and enthusiastically exhibited became a prominent factory in creating a sentiment favorable to the passage of the National Park Act.

In urging the creation of the Yellowstone National Park, the work centered around two groups. In Montana a local interest was aroused through the efforts of members of the expedition of 1870 and W. H. Clagett, the territorial delegate to Congress. Of this group Langford was especially active in writing and lecturing. At the same time Hayden was busily engaged in disseminating the vast amount of information he had collected.He enlisted the aid of the Secretary of the Interior and the Congressional leaders and overlooked no means by which pressure could be brought to bear upon the members of Congress.26/

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19/ Langford published an account in Scribner's Monthly, II May and June, 1871, Everts in Ibid. III, November, 1871, and Walter Trumbul in Overland Monthly, VI, 431-489, June, 1871.
20/ Doane's Report, Sen. Exec. Doc., 51, 41 cong. 3 sess.
21/ Chittenden, The Yellowstone National Park, 81.
22/ Barlow-Heap expedition,report, Sen. Exec. Doc.,66, 42 cong.2 sess.
23/ Hayden was formany years prominent in thegeological exploration of the West,and came into close contact with the history of the Yellowstone. As far back as 1856 he had listened to Bridger's narratives of the "unknown but marvelous region of the Yellowstone Basin." In 1859 he acted as geologist of the Raynolds' expedition. Hayden, Fifth Annual Report of the U. S. Geol. Survey of the Territories, 7.
24/ The work just cited is Hayden's official report of this expedition.
25/ Ibid., 4.
26/ Hayden, Twelfth Annual Report, xxii-xix.

He collaborated with Clagett and Langford in drawing up the bill and prepared the report of the house committee on public lands in which the principal arguments were stated.27/ He exhibited his pictures and specimens in the lobbies of Congress and put all his personal knowledge behind the bill. Four hundred copies of Scribner's Monthly Magazine containing Langford's articles were purchased and placed upon the desks of the members of Congress on the days when the bill was considered.28/ "Perhaps no measure ever offered to the attention of Congress had been better illustrated by photographs, maps, and arguments than the park bill."29/

It is not to be supposed that the passage of the Yellowstone Act caused a flurry either in Washington or in the country at large. Outside the small group of advocates an attitude of indifference prevailed. On December 18, 1871 a bill to set aside a certain tract of land lying near the headwaters of the Yellowstone as a public park was introduced in the two houses of Congress,30/and referred to the committees on public land which later reported the bill favorably for passage.31/The report of the house committee contained the main arguments in behalf of the bill. It stated that the entire area of the proposed park was not susceptible to agricultural, grazing, or mineral use. It described the natural beauty of the region and stressed the necessity of immediately reserving the land from sale in order to prevent the private possession of the land by individuals who would charge a fee for the sight of wonders "which ought to be as free as the air or water."32/ Especially, in the report and the unimportant debate in Congress, it was urged that no legitimate interest would be harmed by the establishment of the national park and that the government would be involved in no expense.33/

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27/House report, 26, 42 cong. 2 sess., 1.
28/Chittenden, The Yellowstone National Park, 92.
29/Raftery, Sen. Exec. Doc., 752, 60 cong. 2 sess., 13.
30/Congressional Globe, 42 cong. 2 sess., 159, 199.
31/Ibid., 484
32/House report, 26, 42 cong. 2 sess., 1.
33/Ibid.; Congressional Globe, 42 cong. 2 sess., 520,697,1243.

While the bill was pending in Congress the principal objection raised against its passage was that annual appropriations would be required for its care and improvement. Hayden said that he was compelled to give a distinct pledge that he would not apply for an appropriation for several years at least. "Had not Congress been assured that no demands would be made for annual appropriations,"he stated, "it is very doubtful whether the bill would have ever become a law."34/But one man, Senator Cole, of California, spoke against the bill on principle. "I cannot see," he maintained, "how the natural curiosities can be interfered with if the settlers are allowed to approach them . . . . . I do not see the reason or propriety of setting apart a large tract of land of that kind . . . for a public park. There is an abundance of public park ground in the Rocky Mountains that will never be occupied. It is all one great park, and never can be anything else."35/

The bill passed the Senate in January, the House in February, and on March the first became law with the signature of the President. 36/ As finally passed the act provided that a tract of land in the territories of Montana and Wyoming, with boundaries defined in the act, should be "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." The exclusive control of the park was vested in the Secretary of the Interior whose duty it was "to make and publish such rules and regulations as he may deem necessary and proper for the care andmanagement of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber,mineral deposits,natural curiosities, or wonders within the said park, and their retention in their natural condition." Under certain conditions the Secretary was authorized to grant leases for building purposes within the park. All revenues derived from this or any other source connected with the park were to be expended under his direction for the management and improvement of the park. 37/ This act became the model of all subsequent national park acts of dedication.

While the discovery of the Yellowstone was received with widespread interest, its establishment as a national park was not the result of a popular demand but was brought about through the activity of a small group of interested and public spirited men. The popular mind entertained a feeling of pride because the United States contained the "most remarkable region in the world,"38/but felt no tangible concern over its disposal for the problems involved could not be comprehended except through a more intimate acquaintance of the park than was then possible except to a very few.

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34/ Hayden, House Exec. Doc.,75, 45 cong. 2 sess., 3.
35/ Congressional Globe, 42 cong. 2 sess., 520.
36/ Ibid., 697, 1243.
37/ Statutes at Large of the United States, XVII, 32.
38/ New York Tribune, January 23, 1871, as quoted by Chittenden, The Yellowstone National Park, 91.

Certain ends were considered as realized, however, by the men who had secured the establishment of the park. Hayden's determined and energetic efforts seemed to have been prompted primarily by his conception of the park's value to science. After the passage of the act he wrote, "The act should cause universal joy throughout the land. This noble deed may be regardedas a tributefrom our legislators to science, and the gratitude of the Nation and of the men of science in all parts of the world is due them for the magnificent donation."39/Doane considered it a country for sightseers without parallel, but mainly emphasized its importance as a field for scientific research describing it as "probably the greatest laboratory that nature furnishes on the surface of the globe."40/Everts stressed the esthetic significance of its "sublime, grand, and novel scenery."41/Langford, however, looked upon the park from the point of view of tourist travel and termed it the Mecca of the traveler.42/The act itself happily dedicated the region as "a public park or pleasuring ground for the benefit and enjoyment of the people," and this ideal, impossible of immediate realization, has gradually evolved as the all-embracing principle of park administration.43/

The expectation of Congress that the park would be self-supporting was based upon the extravagant statements of the advocates of the park act. In their enthusiasm the explorers were led to overestimate the park's power to attract tourist travel and to minimize the obstacles in the way of such travel.44/ Much was built upon the supposition that the Northern Pacific railroad would be extended through Montana within a few years. This would have brought the park within forty miles of the main line and Hayden averred that the officers of the road assured him that a narrow gauge branch would at once be extended to the park.45/This enthusiasm was reflectedin a large number of applications for leases made to the Secretary of the Interior.46/It was commonly held that the holding of concessionsin the park would be profitable because of the amount of travel expected, and that from these leases the Secretary of the Interior would derive a revenue sufficient to manage the park. Congress would not thereforebe required to makeappropriations for the maintenance of the park; all that would be necessary was a declaration that the park was public property and a provision for its general supervision.47/Within a few years disillusionment followed, and it was realized that instead of creating a national park used and enjoyed by the people the act of 1872 had merely initiated a process of development.

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39/ Hayden, Fifth Annual Report, 162.
40/ Doane, Sen. Exec. Doc., 51, 41 cong. 3 sess., 37.
41/ Everts, Scribner's Monthly Magazine, III, 17.
42/ Langford, Ibid., II, 128.
43/ Supra, 17.
44/ Langford, Scribner's Monthly, II, 128.
45/ Hayden, House Exec. Doc., 75, 45 cong. 2 sess., 3.
46/ Ibid., 3.
47/ Scribner's Monthly, II, 128; Ibid., III, 17, 396; Sen. Exec. Doc., 51, 41 cong. 3 sess., 37.

Chapter Three

THE FORMATIVE PERIOD IN THE YELLOWSTONE

I

The extravagant expectations of the sponsors of the Yellowstone Act in regard to the amount of travel to the region had influenced them in planning the development of the park to rely greatly upon the role to be played by private enterprise. It was expected that the Government would not be involved beyond preventing private occupancy and exerting a general supervision over the park management, especially over the granting of privileges to concessionaires by whom it was thought the needed improvements would be made. The modest scale of activity upon which the Government first proceeded is reflected in the instructions issued by the Secretary of the Interior to the first superintendent. It was not the desire of the department, the instructions read, to make any effort at beautification or adornment but merely to preserve from spoliation or injury the natural curiosities of the region.1/ No appropriation was provided for the salary or expenses of the superintendent.2/

Working without park policy or personal escort, without salary or funds, the functions of the superintendent were narrowly circumscribed within the bounds of his own initiative and physical strength. His activities were limited to making "rapid reviews" of the park, revealing what he could of new discovery and offering suggestions for rules and regulations for its future management.3/ In the absence of an administrative force preservation of the park from spoliation rested upon the attitude of the tourist, the hunter, and inhabitants of the adjacent country, to whose public sentiment the superintendent appealed, if he were energetic, to frown upon the careless, wasteful, and destructive forces that were despoiling the forests, natural curiosities, and the game.4/ The superintendent was neither obligated nor expected to make a prolonged sojourn in the park or even to reside in the western country. In his absence no trace of governmental authority existed in an area nearly as large as the State of Connecticut; nothing to indicate that a national park had been created by an act of Congress.

Whether or not the park would develop into a frequented place of popular resort depended upon its accessibility from the East. The ordinary tourist could not, and had no desire to, travel under conditions similar to those which had confronted the expeditions of exploration. Yet in this way alone a tour of the park could be made in these early years. "The park is at present accessible only by means of saddle and pack trains, a mode of travel attended with many privations and inconveniences," wrote Langford in 1873 in his first report as superintendent. His optimism of a few years previous was now tempered as he now

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1/ Sen. Exec. Doc., 35, 42 cong. 3 sess., 1.
2/ Ibid., 1.
3/ Norris, House Exec. Doc., 1 pt. 5, 45 cong. 2 sess., 840.
4/ Infra. 25-26.

perceived that unless good wagon roads were constructed the park would "remain unvisited except by the few who were willing to endure the privations and exposure incident to horseback travel."5/ The nearest railway connection was five hundred miles distant and not until 1884 was it possible to reach the park by rail.6/ In the intervening years the traveler was compelled to travel many miles in coaches and on horseback, modes which were expensive, inconvenient, and subject to irksome delays.7/ No roads of any sort were constructed within the park before 1879 and not until 1883 was a system of road building begun.8/ As for accommodations, the first hotel was not completed until 1885 and no public means of transportation were at the disposal of the tourist.9/ Under such conditions the possibility of ordinary tourist travel was precluded. Consequently, it was unremunerative to conduct concessions in the park. No leases were granted and the expected source of revenue for park protection and improvement was found to be barren. As this became apparent Congress was petitioned to appropriate funds without which the park would remain a tractless wilderness.10/

/Experience in the park soon demonstrated the helplessness of the Department of the Interior to prevent deliberate or careless spoliation within the park. The rules and regulations which the Secretary of the Interior was authorized and directed to issue under the act of 1872 were meaningless.11/ From the beginning their significance was nullified because no penalties were attached to their infraction, and an offender could be punished only be ejection from the park.12/ Nor could the ordinary criminal law be enforced. Since the act of 1872 in no way defined the relations of the federal and territorial governments within the reservation, there was some confusion in regard to the proper jurisdiction over offenses committed in the park.13/

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5/ Langford, Sen. Exec. Doc., 35, 42 cong. 3 sess., 2
6/ Dept. of Int. Repts., 1880, I, 64; Ibid., 1882, I, xivi.
7/ Ibid., 1880, II, 618.
8/ Chief engineer's report, U. S. Army, War Dept. Repts., 1893, II, pt. vi, 4391.
9/ Sen. Exec. Doc., 47, pt. 3, 48 cong. 1 sess., 2, 41; Dept. of Int. Repts., 1889, I, civ.
10/ Ibid., 1873, I, xxviii; 1877, I, li, 842-845; House, Exec. Doc., 20, 42 cong. 3 sess., 1; Sen. Exec. Doc., 35, 42 cong. 3 sess., 3.
11/ Supra, 17.
12/ Dept. of Int. Repts., 1880, I, 61; Ibid., 1881, II, 771; Ibid., 1882 II, 1001; Ibid., 1883, lxlix.
13/ Infra. 45 ff.

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The territorial courts were reluctant to exercise a questionable jurisdiction and there were no federal courts in the vicinity./ 14/Physical conditions also prevented an effective enforcement. The nearest law officers were so remote that recourse to them for apprehension or conviction of offenders was practically useless.15/ The inadequacy of the superintendent's force precluded any positive enforcement of protective and regulatory measures. 16/The civil and military officers of the government in Montana and Wyoming territories gave uniform testimony of the necessity of some action for the protection of the park.17/ These appeals influenced Carl Schurz, the newly appointed Secretary of the Interior, in 1877 to appoint a new superintendent, and the next year Congress placed at his disposal an appropriation of $10,000, the beginning of annual appropriations./18/Even with the better protection thus provided the superintendent's power still was limited to warning, admonishing and entreating the tourists and hunters who saw fit to disregard his orders.19/ In 1882 a new superintendent was appointed who, lacking the interest and zeal that had been the redeeming features of the administration of his two predecessors, permitted conditions in the park to reach the lowest ebb of undisciplined vandalism.20/Senator Dawes remarked that the park had become the prey of selfish persons who in many ways were expropriating it to enrich themselves. 21/ With gloomy solicitude certain friends of the park concluded that unless vigorous steps were taken by the Government the forces of destruction would work unchecked until the game was extinct, the forests demolished, and the beauty of the natural curiosities irreparably marred.22/

For ten years the park had remained virtually unnoticed. The expectation had been that the region could develop and serve the purposes of its dedication with little trouble or expense to the Government. The decade had fully demonstrated the fallacy of this view, and experience had made evident that if the park were to be made available for public use, if it were to be preserved intact as a remnant of the passing West, Congress must concern itself with practical measures for its protection and development.

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14 /Dept. of Int. Repts., 1868, I, cxii.
15 /Ibid., 1883, II, 590-591; Ibid., 1883, I, xlix.
16 /Ibid., 1878, I, 992; Ibid., 1880, I, 662; Sen. Exec. Doc., 147, 43 cong. 1 sess. 1.
17 /Ibid., 3-5; Dept. of Int. Repts., 1878, I, 922.
18 /Ibid., 1878, I, 994.
19 /Ibid., 1882, II, 1001.
20 /Sen. Exec. Doc., 752, 60 cong. 2 sess., 17; Congressional Record, 47 cong. 2 sess., 2835.
21 /Ibid., 2835.
22 /Sen. Exec. Doc., 147, 43rd cong. 1 sess., 4; Dept. of Int. Repts., 1877, I, 842, 845; Ibid., 1877, I, 842, 845; Ibid., 1880, I, 66; Ibid., 1882, II, 1001.

As Senator Dawes stated, the alternative was the park maintained as a permanent reservation for the benefit and enjoyment of the people or its gradual wasting away and disappearance among the public lands.23/The question was again raised whether or not the Government should own a national park and as it was now apparent that the project would both be expensive and require constant attention the issue clarified and an opposition developed denying the propriety and the advisability of maintaining a national park.

Some felt that the benefits derived from the park were far below the cost and trouble it created."The best thing the Government could do with the Yellowstone National Park is to survey it and sell it as other public lands are sold," said Senator Ingalls of Kansas, who felt that the park was rapidly becoming an incubus involving endless trouble and greatly increasing expense.24/He was supported by his colleague,Senator Plumb, who claimed that the "whole area, however useful it might be, is not compensation for the outlay"needed for its maintenance.25/A senator from South Carolinacharacterizedthe park as a very expensive luxury,26/ which according to a Mississippi Senator was enjoyed by an exceedingly small proportion of the population.27/ Senator Teller, who as Secretary of the Interior in the Arthur administration had been in charge of the park, in 1886 stated on the floor of the Senate that he doubted the advisability of keeping the park for the few people who visited it. He believed that the best policy would be to abandon control over the park except at the small points surrounding the places of curiosity.28/

Another phase of the opposition was in protest to the assumption by the Federal Government of the function of maintaining a park. What was the necessity of the United States of entering "the show business," queried Senator Ingalls. He would be pleased to see the whole thing left to private enterprise. It would be "safer that way, and the interest of the public would be better preserved and we should have easier and better and surer access and less encroaching demands upon the Treasury of the United States."29/When appropriations were asked for the protection of the game, Senator Berry of Arkansas answered that he did not believe the Government should engage in "the raising of wild animals." If the region was valued either as a park or for settlement he would sell it to the highest bidder and "put the money into the Treasury of the United States to belong to the whole people."30/

To the ordinary member of Congress the park was of importance only in a local way. A particular Congressman or group might be concerned in the region from a scientific or esthetic interest but Congress as a whole knew little and cared less about the park and would consider measures relating to it only when the calendar was cleared of bills of general interest.31/

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23/Congressional Record, 47 cong. 2 Sess., 3264.
24/Ibid., 3488; Ibid., 48 cong. 1 sess., 1611.
25/Ibid., 49 cong. 2 sess., 7844
26/Butler, Ibid., 49 cong. 2 sess., 1147
27/George, Ibid., 49 cong. 2 sess., 1150
28/Ibid., 49 cong. 2 sess., 7844.
29/Ibid., 47 cong. 2 sess., 3488; Ibid., 48 cong. 1 sess., 1611.
30/Ibid., 52 cong. 1 sess., 4125.
31/Edmunds, Ibid., 47 cong. 2 sess., 2835, 870.

This indifference was almost as destructive as open hostility. The ordinary member was not particularly concerned in the region, few of his constituents had been there, and no public sentiment exerted an influence over him. "There are no votes in the Yellowstone Park for the Republican or the Democratic party," complained an ardent friend of the park. "The result is that outside of those who are aesthetic and sentimental, as we are told, in regard to the reservation, there seem to be few persons who care anything about it."32/

As a group these men were honest and sincere in their opposition, their opinions arising from a political philosophy that had long been prevalent in American history. An opposition of another sort developed from certain individuals who found their interests circumvented by the existence of the park or its proposed development. It was said that the park was in danger of being demolished by the multitude of interests that were encroaching upon it, demanding that either the park be given up or its form so changed as to make possible the realization of their personal projects.33/

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32/Vest, Ibid., 52 cong. 1 sess., 4121. Few Congressmen, even those who were tolerant of the park and were ready to grant a moderate appropriation, were able to appreciate its needs or to conceive of its potentialities. "We should not, "maintained a member of the House, "lease any portion of this park to any individual, but keep it at all times open for the enjoyment of the public. It is not necessary, as has been said, that great hotels should be erected there for the enjoyment of the public. People can go there and camp out; they delight in doing so; it is the very thing that visitors would enjoy."
Cobb, of Indiana, Ibid.,47 cong. 2 sess., 3193. Others thought it unnecessary, even unwise, to improve the park lest its natural charm would be destroyed. House Report, 1076, 49 cong. 1 sess., liv.

33/Congressional Record, 49 cong. 1 sess., 7841, 7843

The granting of these claims or the permission to engage in a certain business within the park would result in seriously lessening its value to the public at large. The issue was one between public welfare on one hand and private and local interests on the other. The two were conflicting and one must be given preeminence over the other for they could not exist together.

Strongest and most persistent of all the efforts of private enterprise to dismember the park were the constantly recurrent attempts to secure from Congress the privilege of projecting a railroad through the park. The danger, appearing so great in this period when no awakened public sentiment protected the public welfare, evoked a united opposition from the friends of the park. They argued that if it still were the intention of the Government to retain the park as far as possible in its natural condition the proposed entrance of a railroad would be a virtual nullification.34/ The park administrators and those who were endeavoring to secure remedial legislation in Congress considered the issue a vital one and felt that if a railroad were chartered the significance of the act of dedication would be repudiated.35/

The railroad interests minimized the danger to game and timber involved in the proposed projection through a portion of the park which they characterized as uninteresting and seldom visited.36/ The heart of the project consisted in a "persistent and unscrupulous" lobby which was endeavoring to secure a charter which could be sold to an established railway company.37/ This lobby, which had been operating for some time for the purpose of securing favorable legislation concerning the public domain, had sufficient strength to pass repeatedly in the house a bill chartering the railway. In the Senate, however, a small group of ardent advocates of a better Yellowstone vigorously opposed and each time defeated the measure.38/

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34/ Sen. Exec. Doc., 51, 49 cong. 1 sess., 7.
35/ Congressional Record, 48 cong. 1 sess., 4547-4548, especially the statements of Vest, Dawes, Call and Garland. "A railroad through the park," said the Secretary of the Interior, "would lead to its early destruction for all the purposes for which it was originally intended."
Dept. of Int. Repts., 1889, I, civ.
36/ Congressional Record, 49 cong. 2 sess., 94.
37/ Ibid., 52 cong. 1 sess., 4120-4121; Ibid., 51 cong. 1 sess., 10696.
38/ Ibid.; Dept. of Int. Repts., 1889, I, civ; Ibid., 1890, I, cxiv.

The Senate group was in turn blocked in their efforts to pass remedial legislation by the railroad strength in the House. Not until 1894 was the deadlock broken.

Local interests frequently tended in the early years to be contrary to the public welfare in the park. Mines had been discovered near Cooke City just beyond the northeastern boundary of the park, and the region gave promise of developing into an important center. Dissatisfied with hauling their ore in wagons over rough mountain roads the inhabitants of Cooke City asked for a railroad. The best route, and at first considered the only route, by which the region could be connected by rail with the outside markets ran through a corner of the Yellowstone Park.Consequently, the people of the district felt aggrieved when Congress refused to charter a railroad through the park, claiming that their future was being handicapped by an insistence upon what seemed to be of insignificant importance.39/The Senators from the newly admitted States of Montana and Wyoming voiced this local interest and the situation was one in which men from other sections defended the broader significance of the park against those whose immediately local interest was clouding the importance of the park in the future development of the section.40/

II

While the existence of the Yellowstone was thus threatened, an administrative policy was being laboriously evolved. By the time it was practicable to consider the advisability of granting leases41/ the Department of the Interior had decided"to grant no titles to any portion of the soil, nor licenses to persons or companies for toll roads or bridges, but rather to make and manage all the improvements of a general nature . . . . leaving to private enterprise those of a local or private nature."42/

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39/Congressional Record, 49 cong. 2 sess., 94; Dept. of Int. Repts., 1892, I, cxxx.

40/Congressional Record, 52 cong. 2 sess., 4822 ff; Ibid., 49 cong. 2 sess., 94, 150.

41/Prior to September,1882 it had not been found practicable to grant leases of any sort, although several informal permits of occupancy had been granted. Dept. of Int. Repts., 1880, II, 606-607; Ibid., 1882, I, xliv.

42/Ibid.,1881,II,817. Langford, reflecting the opinions of the park founders,seemed to have had no objection to vesting in individuals semi-proprietary rights over the objects of curiosity. Sen. Exec. Doc., 147, 43 cong. 1 sess., 6.

In 1882 the Secretary of the Interior stated that the Department had adopted the policy of giving an exclusive privilege of conducting the hotel business to one large association with "sufficient capital to enable them to provide first class hotel accommodations,"feeling that the public interest would thus best be subserved.43/ He further stated that he would entertain no application for the leasing of more than twenty acres in one tract.44/

In 1882 an agreement was made with certain individuals by which they were given an exclusive privilege of erecting hotels, furnishing transportation and other accommodations to visitors in the park,and in which it was provided that upon the presentation of surveys and plats of the locations desired, a lease for ten years would be granted "for such parcels or quantity of land as may, in the discretion of the Secretary of the Interior, be necessary for the purposes of this agreement and not incompatible with the interests of the Government and the objects for which said park was established."45/ In accordance with this agreement it was proposed to grant a lease which specified that around each of the geyser basins, the waterfalls of the Yellowstone, and the lake, the company should be given control over 640 acres, in all control over 4400 acres of the choicest locations in the park.46/The lessees agreed to build hotels of such design and dimensions and at such points as were approved by the Department and to exact no charge greater than those set forth in a schedule approved by the Secretary.47/

Conditions in regard to the game and the natural curiosities had evoked no widespread comment,but the probability that such a lease was to be effected aroused a storm of protest. The bugaboo of monopoly was raised and the tourist was pictured as being crushed by its extortion and arrogance. The press was outspoken in condemnation of the lease and several legislatures passed resolutions of censure.48/In the Senate a resolution was passed directing the committee on territories to investigate conditions in the park and requesting from the Secretary all papers in regard to leases.49/The Interior Department bowed before the storm and Teller, who had been absent when the agreement was signed,on his return to Washington repudiated the agreement which had not been finally entered into in the form of a lease.50/Congress then proceeded to legislate on the subject.

The Senate Committee reported five principles which should govern the granting of leases. In the first place,no land around the natural curiosities should be leased or placed under private control.Secondly, the amount of ground leased should be no greater than that absolutely required by the nature of the concession. Thirdly, no exclusive privilege should be granted for "the principle is wrong . . . . and odious to the entire people of the country."

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43/Dept. of Int. Repts., 1882,I,xlvi.
44/Ibid.;Congressional Record, 47 cong. 2 sess, 3269.
45/Sen. Exec. Doc., 10, 47 cong. 2 sess.,2. This document contains a copy of the agreement and the proposed lease.
46/Sen. Exec. Doc. 46, 47 cong. 1 sess., 1; Congressional Record, 47 cong. 2 sess., 3270.
47/Dept. of Int. Repts.,1882,I,xlvi.
48/Congressional Record, 47 cong. 2 sess., 1942
49/Ibid., 195
50/Sen. Exec. Doc.,10, 47 cong. 2 sess., 3.

In the fourth place, the concessionaires should be so regulated as to insure the comfort of the visitors and to prevent extortion. And lastly "nothing but absolute necessity should permit the great national park to be used for money making by private persons."51/

In the sundry civil act of 1883, Congress attempted to give legislative form to these principles. The grant of any exclusive privilege was forbidden, the amount of land that could be leased in one tract was limited to ten acres, no lease was to exceed ten years, and land within one quarter of a mile of any object of interest could not be included in a lease.52/ The object of these measures, according to the author, was to safeguard the public welfare against the encroachment of private enterprise. This was to be obtained by prohibiting monopoly and forcing competition among the concessionaires. 53/

The Interior Department, realizing that if hotels were to be constructed special inducements and privileges must be given to those willing to assume the risk, believed that adequate service should be obtained only by granting an exclusive privilege to any large company capable of making the necessary investment.54/The obvious meaning of the legislation of 1883 was evaded, and virtually an exclusive privilege was granted when six days after the passage of the sundry civil act the Yellowstone National Park Improvement Company was granted a lease in which the ten acres permitted by law were divided in seven parcels, one at each of the seven places of interest where it was planned to construct a hotel. 55/Inasmuch as the improvement company had control of the only locations where it was desirable to build hotels and as the Secretary intended to issue no duplicating leases it was apparent that competition was not to exist in the park. Teller was sincere in thus defeating the intention of Congress, considering it desirable "that no greater number of persons be permitted to engage in business enterprises in the park than is necessary to properly provide for visitors at reasonable charges."56/

The period immediately following was one of greatest inefficiency in the management of the park.57/

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51/Sen. Report, 911, 47 cong. 2 sess., 2-3
52/U.S. Stat. L.,XXII, 626.
53/Vest, Congressional Record, 49 cong. 1 sess., 7845.
54/Teller, Dept. of the Int. Repts., 1882,I,xlvi.
55/A copy of the lease is included in Sen.Exec.Doc., 47,pt.3, 48 cong. 1 sess., 41.
56/Ibid., 2.
57/Infra, 40.

This was reflected in an almost complete absence of regulation over the leaseholders. The improvement company became bankrupt in an effort to construct an elaborate hotel and its property and lease were sold to a new company, the Yellowstone Park Association, by order of the Wyoming territorial court.58/ Several other leases whose provisions were confused and frequently conflicting were issued.59/ Owing to the neglect of the park superintendent to enforce the regulations none of the concessionaires had fully complied with the terms of their leases.60/ In this deplorable but instructive experience it was demonstrated that little improvement in accommodations would be accomplished as long as concessions were looked upon as governed by the same principles that ruled in ordinary private business.

The increased efficiency of the military administration after 1886 made possible a reorganization of concessions. In 1889 the Yellowstone National Park Association, all other rights being extinguished, was given a lease of the hotel and transportation privileges in the park. While a clause in the lease stated that no exclusive privilege was granted, for all purposes the company was protected from competition.61/ The transportation service was at first considered an adjunct of the hotel business, but in 1891, the right of the hotel association to carry passengers expired and a newly organized transportation company was granted a concession to carry tourists over the park roads.62/

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58/ Congressional Record, 49 cong. 1 sess., 7845; Dept. of the Int. Rept., 1889, I, civ.

59/ Dept. of the Int. Repts.,1884,I,xxxv; Ibid., 1886,I,74; Sen. Exec. Doc., 51, 49 cong. 1 sess., 9.

60/ Secretary Lamar, Dept. of the Int. Repts. 1885, I, 72-73

61/ Copy of the lease given in Dept. of the Int. Repts.,1889,I,clxiii.

62/ While individuals were licensed to conduct camping parties through the park, the transportation company was alone permitted to carry passengers from the hotels. Its terminus was the main entrance, the Northern Pacific station, and from this point it had virtually an exclusive privilege to carry passengers to the hotels. Beginning about 1893 another company was permitted to carry passengers from the Union Pacific station at the western station. Dept. of Int. Repts., 1892,III,648; Ibid.,1893,III, 619; Ibid., 1894,III,665; 1895, III, 827

A stricter oversight over the service and rates was exercised by the Department, and conditions gradually improved.63/ In 1894 the superintendent wrote that "the benefits to the traveling public of a series of hotels under the same management must be apparent to all. No monopoly is created when every charge is regulated by the Department."64/ In the same year Congress tacitly accepted this principle by increasing the amount of land that could be leased to one company from ten to twenty acres, thus permitting the extension of the plants of both the hotel and the transportation companies.65/

The policy in regard to leases had been well established and in theory was to undergo no marked change in subsequent years. Resting upon the fundamental basis that the Government was to part with no title to any land within the reservation, private enterprise was permitted to serve those needs of the tourist which varied more or less with the individual. Improvements of a general nature were to be undertaken by the Government so that those features which vitally affected the tourist's enjoyment of the Park should remain free from private control. Nor were the lessees permitted to consider their concessions as purely private in nature. The sole explanation of private enterprise in the Park was that it enabled the tourist to enjoy better his sojourn and, to guard the public welfare, the concessionaires were subjected to the closest supervision from the administrative officers. As a further recognition of the public character of the service, competition was removed and in its place was substituted more or less exclusive privilege under proper regulation. This policy was extended and grew in scope as additional parks were added to the National Park System.

In 1886 the administration of the Park by a civilian force had apparently failed. Since 1878 Congress had made available annual appropriations for protection and improvement.66/ For several years after 1878 the superintendent had but one assistant and a game-keeper to enforce the rules and regulations issued by the Secretary.67/

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63/ Ibid., 1890, I, cxix; III, 619; Ibid., 1891, I, cxxxviii; Ibid., 1894, I, xliii.
64/ Anderson, Ibid., 1893, III, 614.
65/ Sundry civil act of 1894. U.S.Stat.L. XXVIII,
66/ From 1883 to 1886 the annual appropriations were $40,000. Prior to 1883, $10,000 or $15,000 annually was appropriated. Dept. of the Int. Repts., 1917, I, 991.
67/ Ibid., 1880, II, 618; 1881, II, 760, 771-772, 807.

The obvious incapacity of such a force to cope with the situation led to the legislation of 1883. In that year the sundry civil act increased the appropriation to $40,000 and provided for a force consisting of a superintendent and ten assistants, all of whom were required to reside permanently within the park. An additional clause, inserted for emergencies, authorized and directed the Secretary of War, upon the request of the Secretary of the Interior, to detail troops to the Yellowstone National Park to eject trespassers or intruders.68/ The administration of the park by the new force proved inefficient and unreliable. The Governor of Montana territory stated that the appointment of the nine additional men had not checked the continuous slaughter of the game. The park force he characterized as being about as "useful in protecting game . . . . as a Sioux Indian would be in charge of a locomotive."69/ Lamar, on assuming the Office of the Secretary of the Interior, recognized the deplorable condition and attributed it to the neglect of the superintendent.70/ The new superintendent whom he appointed, a vigorous and conscientious man, reported that he found the stock belonging to the Government "in a worn-out condition, poor in flesh, stiff, and scarcely fit for service." The discipline of the force, he stated, was bad and without leadership. "The game in the park had been shot with impunity and marketed at the hotels without any interference on the part of the officers whose sworn duty it was to protect and prevent its destruction."71/ It was useless to place the blame on insufficient appropriations. There was a general feeling in Congress that appropriations for the Yellowstone were quite liberal, and larger sums could not be secured.72/

The collapse of the management of the park from 1882 to 1885 recalled the suggestion made by General Sheridan that troops alone were properly fitted to cope with the situation in the Yellowstone.73/

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68/ U.S.Stat.L., XXII, 626. Senator Vest, author of this legislation, said that the use of troops was contemplated only in emergencies, and that "it was never intended that the Secretary of War should put a cordon of troops around the park." Congressional Record, 49 cong. 1 sess. 7841. For the debate on the bill see Ibid., 47 cong. 2 sess., 3482 ff.

69/ J.S.Crosby, Report of the Governor of Montana Territory, Dept. of the Int. Repts., 1884, II, 562.

70/ Ibid., 1885, I, 72.

71/ D. W. Wear, Ibid., 1885, II, 873.

72/ House Report, 1076, 49 cong. 1 sess., liv.

73/ Ibid.; Congressional Record, 47 cong. 2 sess, 2836.

It was pointed out that in the vicinity of the park there were five thousand soldiers, many of whom were unemployed because of the idleness of the Indians. It would be economy to assign a detachment for duty in the park.74/A feeling of resentment toward the Interior Department also existed among some Congressmen who witnessed the subversion of the intended meaning of the legislation of 1883 in regard to leases.75/Moreover there was a growing conviction that the lawlessness of certain inhabitants of the country surrounding the park and their antagonism towards it, which resulted at times in a virtual invasion, precluded an effective administration by a civilian force.76/ Congress in 1886 partly because of these reasons and partly from an open hostility to the park,77/refused to renew the appropriation to the Interior Department for the management of the park, thus forcing the Secretary of the Interior to apply to the Secretary of War for troops under the act of 1883.78/The officer in command of the troops became the "acting superintendent"and reported to and enforced the regulations of the Secretary of the Interior. His appointment and removal, however,were controlled by the Secretary of War, and the stationing of troops in the park conformed to the exigencies of the War Department.79/

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74/ Ibid.,49 cong. 1 sess., 7844, 7841.
75/ Ibid.,48 cong. 1 sess., 4549.
76/ House Doc.,174, 65 cong. 1 sess., 3; Dept. of the Int. Repts., 1897, III, 781.
77/ The refusal of Congress to appropriate for the management of the park was very largely the result of open hostility to its existence. It was in the House, where the railroad lobby had greatest influence,that the discontinuance of appropriations was proposed and insisted upon. In the Senate where an attitude of friendliness existed the appropriation was at first granted and only surrendered in the face of the House insistence. Senators Vest, Teller, and Beck considered the action of the House aimed at the destruction of the park. Congressional Record, 49 cong. 1 sess., 7841, 7842, 7844.
78/ Ibid., 7841, 7844.
79/ Dept. of the Int. Repts.,1886,I,75.

The change thus brought about marked a turning point in the park's development. The insincerity and indecision of the previous administration was supplanted by a firm and certain application of the full extent of the authority vested in the superintendent. The first Army superintendent marked his assumption to office by a vigorous demonstration of his intention to enforce the regulations by ejecting several squatters who had been living in the park for some time.80/ The administration of the reservation was soon recognized as zealous, energetic, and efficient.81/Conditions thoroughly adjusted themselves to the military management and the system after having been extended to several other parks was continued in the Yellowstone until 1918 when greatly altered conditions necessitated a return to civilian control.82/

Actual enforcement of the rules and regulations could not be realized until the legislation relating to the park had been so amended as to provide for the infliction of penalties for their infraction, and obedience to them and to the ordinary criminal law could not be secured until a legal machinery had been established and the intention of Congress in regard to jurisdiction over the reservation determined. As the slowly increasing travel to the park made some legal protection indispensable and as the means of enforcement became available in the improving management, the absence of an enforceable legal code grew increasingly anomalous.83/The first effort to solve this vexing problem was made not by Congress but by the territorial government of Wyoming and introduced the question of the relation of the Federal and territorial, future state, governments as to jurisdiction over the reservation.

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80/Dept. of the Int. Repts., 1886,II,1074

81/Ibid.,1887,I,71.

82/At first there was some reluctance on the part of the Interior Department to consider the use of troops as permanent. For several years there was some uncertainty but Congress showed no intention of changing a system that was cheap and efficient. By the nineties the Secretaries of the Interior were ready to acquiesce in the arrangement, realizing the force of argument of expediency. Dept. of Int. Repts., 1887,I,71; Ibid., 1889. I, ci; Ibid., 1890,I,cxvi;Infra,ch. V.

83/The only penalty which the park superintendent was authorized to inflict upon violators of the rules and regulations was ejection from the park. Dept. of the Int. Repts.,1889,I,cii. The criminal law was not effectively enforced because the nearest courts were several hundred miles distant and also because the territorial courts doubted their authority over the park area. Ibid., 1888,I,cxii. Poaching was an evil impossible to prevent under the existing legislation. The trouble increased as the game in the surrounding country became scarce and the superintendent reported that there had settled around the park's borders "a population whose sole subsistence is derived from hunting and trapping "the animals of the park. Dept. of the Int. Repts., 1892, III, 651; Ibid.,1891,III,645. Great trouble was given by tourists who insisted upon collecting specimens and carving their "unlovely names upon everything that is beautiful within their reach." Ibid.,1890,III,359; Ibid.,1891,III,644.For the frame of mind of the average tourist see Outing Magazine,XVIII,193.

The act of 1872 contained no statement divesting the organized territories in which portions of the park was situated of civil and criminal jurisdiction over the reservation, and inasmuch as no precedent applied to the case the intention of Congress on the matter was not clear.84/On March 6, 1884 the Wyoming territorial legislature passed an act extending its jurisdiction over the portion of the national park lying within Wyoming. The act provided for voting precincts within the park, for the election of justices of the peace and constables, extended the laws of Wyoming over the Wyoming portion of the reservation and defined trespass and acts of vandalism as misdemeanors to which penalties were attached.85/The legislature appropriated $8,000 "to carry this law into effect and to assist and aid the Government of the United States in keeping and maintaining the park as a place of resort."86/For two seasons justices of the peace, appointed under this act, held court within the park, trying offenders and punishing violations of the act.87/Many of the provisions of the act were commendable and identical with contemporary recommendations of the park officials, and the motive, no doubt, was in the interest of the park's betterment. The question immediately arose, however, as to the validity of the legislation.88/The problem never came before a court for settlement inasmuch as the Wyoming Legislature repealed all laws referring to the reservation on pressure from Washington.89/The incident revealed, nevertheless, the legal complication which needed definition.

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84/U.S.Stat. L.,XVII, 32; Sen. Rept., 295,53 cong. 2 sess., 1.

85/Text of the Wyoming Act, Sen. Rept., 51, 49 cong. 1 sess. 191.

86/Dept. of the Int. Repts., 1889,II, ciii.

87/Ibid.,1885,II,1208. Gov. F. E. Warren, of Wyoming.

88/Congress had by the act of 1872, it seemed, taken control over the reservation from the territorial governments and placed it in the hands of the Secretary of the Interior who was given exclusive authority to issue rules and regulations for the park's management and protection. U. S. Stat. L., XVII, 32. In several respects the Wyoming law was contrary to the rules issued by the Secretary. Sen. Exec. Doc., 51, 49 cong. 1 sess., 3.

89/Dept. of the Int. Repts., 1886,II, 1018.The incident also illustrates the tendency in certain circles to consider the park as a local concern. A House committee reported that "the Governor and other officers and the people of Wyoming take special pride in the park, and when Wyoming shall become a State, the policy of placing the park under the control of the State . . . will certainly arrest attention. Under the local government of the State the administration of the affairs of the park would be found the most economical and efficient and most in harmony with our system of Government." House Rept.,1076, 49 cong. 1 sess., Liv.

In 1890 the three territories in which portions of the park were situated were admitted to the Union as States. In the acts admitting Montana and Idaho no mention was made of the jurisdiction over the reservation, but in the second section of the act admitting Wyoming jurisdiction over the park was defined. The act stated that the United States retained full power over the Yellowstone National Park and that exclusive legislation, control, and jurisdiction were to be exercised by Congress.90/

Four years later Congress provided the park with a legal code and machinery for its enforcement. The act of 1894 made the reservation a part of the United States judicial district of Wyoming, and the United States district and circuit courts of that district were given jurisdiction over all offenses committed in the park. If any offense were committed there not specifically provided for by any law of the United States or by the regulations of the Interior Department the offender was subject to the same punishment that was provided for by the laws of the State of Wyoming in force at the time. The United States District Court of Wyoming was authorized to appoint a commissioner who was to reside in the park, hearing and acting upon all violations of this act or of the rules and regulations of the Secretary of the Interior, subject to the review of the United States Circuit Court for Wyoming. The commissioner was also given authority to issue processes for the arrest of persons charged with the commission of felony within the park and to convey them to the United States district court for Wyoming. In addition, the act defined infractions of the rules and regulations of the Secretary of the Interior and the destruction of the game, birds, timber, or natural curiosities as misdemeanors and attached thereto penalties consisting in fines and terms of imprisonment.91/This act has been the model of subsequent acts for other parks. With its passage the basic legislation for the Yellowstone was complete.

In the sundry Civil Act of 1883, Congress transferred the improvement work in the Yellowstone National Park to the Corps of Engineers, United States Army.92/A systematic project for the construction of roads was adopted and gradually completed.93/The capable work of several engineers, especially the work of Captain H. M. Chittenden, makes it possible to characterize the improvement work in the park as one of the brightest aspects of the formative period. The use of Army engineers secured for the park a degree of skilled and technical direction that would have been impossible to have attained from the slender resources of the Interior Department.94/

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90/ U. S. Stat. L., XXVI,222

91/ U. S. Stat. L., XXVIII, 73. For the opposition to this bill and the difficulty with which it passed see Dept. of the Int. Repts., 1889,I,civ; Ibid.,1890,I, cxix; Ibid.,1891,I,cxxxvii; House Rept., 658, 53 cong. 1 sess., 1; Sen. Rept.,295,53 cong. 2 sess., 2.

92/ U. S. Stat. L., XXII, 626.

93/ The reports of the engineers stationed in the park are included in the annual reports of the chief of engineers to the Secretary of War. The reports for the first five years were not printed. After 1891 they are comprehensive. See especially, Chief Engineer's report, War Dept. Reports, 1895,II, pt. vi, 4391ff; Ibid., 1894,II,pt. vi,3440.

94/ For an altered situation in later years see Infra. ch.V.

Through this critical and formative period of the park's history it was zealously protected by a small group of friends who had faith that the park would some day repay the cost and trouble it was then exacting. This group consisted of the park officials, a number of scientists and nature lovers, best typified by John Muir,95/and several staunch defenders in Congress chief among whom were Senators Vest and Dawes. Until an enlightened public learned to defend its interests in the park this group was virtually its sole protector. What these men said in defense of the park gives one the best indication of the role the park was expected to play in the Nation's life.

One of the most difficult things to impress upon the public was to consider the Yellowstone as a national park worthy of national concern. The action of the Wyoming legislature in 1884 implied the ultimate supplanting of the Federal Government by the State Government as the owner of the park.96/Senator Edmunds considered the park as possessing importance only in a local way and to those interested in art and science. 97/The exponents of a national park found it necessary,therefore, to stress its importance to all the people and to every section.98/

The recreational feature of the park's function had not as yet become prominent. The dominant idea in reference to the maintenance of the reservation in the formative period was "the preservation of the wilderness of forests, geysers, mountains . . . and game . . . in as nearly a natural condition . . . . as possible, with a view of holding for the benefit of those who come after us something of the original 'Wild West,'"99/

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95/ See articles by John Muir of the Yellowstone in the Nation,LXXXIV, 294, April, 1902; Harper's Weekly, XLI, 565, June, 1897; Atlantic Monthly, LXXXI, 509, April, 1898.

96/ See footnote 89 of this chapter.

97/ Congressional Record, 47 con. 2 sess., 2835.

98/ "I ask each Senator to think of this as a matter not local at all in its character, but important and interesting to all the people of every State in the whole Union." Vest.Ibid., 870. See also Sen. Exec. Doc.,51, 49 cong. 1 sess., 3, 9.

99/ Secy. Lamar, 1886, House Rept., 1586, 53 cong. 2 sess., 3.

The idea of conservation of forests entered so strongly into the question of park functions at this time as to obscure the recreational features. A committee of the House reported in 1886 that in its opinion the only important duty in the park was to protect the forests from fire and axes.100/Senator Manderson,of Nebraska, stated that even if the park cost a quarter of a million annually it would be money well spent. Not for the purpose of recreation, he hastened to add, "but for the greater and broader purpose of the preservation of these great forests."101/An agent of the Interior Department declared that the two great objects of Congress in creating the park were the preservation of the forests and the game.102/The head of the United States Geological Survey also considered conservation of forests the object of greatest importance in the maintenance of the Yellowstone.103/Undoubtedly, such considerations had great weight in securing money and remedial legislation for the park.

Yet at times those who conceived of the park as serving the needs of the public and playing a positive role in the Nation's life stood on the merits of the park in a purely utilitarian way. "I am not ashamed," stated Vest, "to say that I think its existence answers a purpose in our national life. There should be to a Nation that will have a hundred million or a hundred and fifty million of people a park like this as a great breathing place for the national lungs, as a place to which every American citizen can resort."104/Senator Bates asserted that just because some persons desired to get to the Cooke City mining camp that was no reason why "we shall give up the principle that this park was to be kept sacred and held apart for the people of the country who may wish to go there" and enjoy nature.105/

Senator Call seemed to have grasped the spirit of the later park policy. He was willing to improve the park "for the benefit and amusement of the American people now and in future generations.I look forward to the day when cheap transportation and wiser economies will enable the great majority of the American people to visit the great natural curiosity, and I take pleasure in doing anything . . to advance that object and preserve this park for their amusement and pleasure." 106/

The park, said Senator Dawes, "must be kept . . . .
Such a magnificent natural wonder as that is worth more than dollars and cents; and the longer we keep this wonder the more we shall esteem and prize it. It has got to go through a season of hostile attack; but if we can survive these attacks a few years there will be nobody in either branch of Congress who will not gather around it a solicitude and a care that is commensurate with that wonder."107/That there was much truth in Dawe's prediction was indicated when in 1895 the house committee on public lands, which previously had countenanced the attempts of railroad interests to secure a charter through the park, reported:

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100/ Ibid., 3.
101/ Congressional Record, 49 cong. 2 sess., 1147.
102/ Sen. Exec. Doc., 51, 49 cong., sess., 7.
103/ Congressional Record, 49 cong. 2 sess., 1144.
104/ Ibid., 47 cong. 2 sess., 3488; Ibid., 52 cong. 1 sess., 4124.
105/ Ibid., 52 cong. 1 sess., 4124.
106/ Ibid., 49 cong. 2 sess., 1145.
107/ Ibid., 49 cong. 1 sess., 7843.

"It seems to be thought in many quarters sufficient justification for partially throwing open the park, or for allowing other invasions of it, that some private interest, perhaps important in itself, can be subserved by the proposed privilege. But your committee think that the park is far more important than any measure which has hitherto been brought to their attention as demanding a diminution of it or other encroachment upon it. The experiment . . . . . has proven entirely successful in the past: and the park can accomplish its full purpose in the future if it shall remain unaffected by adverse legislation."108/

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108/ House Rept., 1763, 53 cong, 3 sess., 2.

Chapter Four

THE EXTENSION OF THE NATIONAL PARK SYSTEM

In the years following the creation of the Yellowstone National Park, Congress was asked to bestow upon like areas in other parts of the country a similar status. In the eighties the Hot Springs of Arkansas, reserved from sale since 1832, attracted sufficient notice to cause their subsequent development as a national reservation. A decade later the movement of creating national parks received great impetus with the establishment of three parks in California. After 1890 the National Park System steadily expanded so that in 1910 it included twelve parks. While in each of these the problems confronting the administration were in the main similar to problems being solved in the other parks, each new park was the product of special circumstances and in its development made a unique contribution to national park policy. The purpose of this chapter is to discuss each park only as problems peculiarly its own affected the evolution of park policy.

I

By an act of April 20, 1832, Congress reserved for future disposal by the United States the Salt Springs in the territory of Arkansas, together with the four sections of land surrounding the springs. To this end the land was declared not liable to be entered, located or appropriated for any purpose whatever. The act sought merely to withdraw the land from sale so that at some later date Congress might be free to dispose of the springs. No hint is given of an intention to develop the reservation for the benefit of the public.1/

The medicinal properties of the springs became widely known and as soon as the public survey of the region was completed in 1938 settlers attempted to enter the lands around and including the springs, claiming that they had acquired preemption rights prior to the act reserving them.2/ Competition among the settlers for the best locations was keen, and the consequent contention resulted in bitter strife and conflicting claims. Vexatious litigation arose and was permitted to continue for over thirty years.3/By 1870 many disputes of long standing existed between the various claimants, between the Government and the settlers, and some doubt was raised concerning even the Government's title to the reservation.4/ Neglect of duty on the part of certain Government surveyors, and carelessness on the part of certain officials of the land office had been

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1/U.S.Stat.L., IV, 505; Congressional Debates, XVIII, pt. iii, Appendix, 5

2/Applications for patents to the land embracing the spring had been made before 1832, but were denied on the ground that the Indian title had not been extinguished and because the public survey had not been completed. Report of the Hot Springs Commission, Dept. of the Int. Repts., 1877 1,810; Rept. of the Director of the Nat'l Park Service, 1921, 140.

3/Rept. of the Hot Springs Commission, Dept. of Int. Repts. 1877, I,811.

4/Congressional Globe, 41 cong. 2 sess., 349.

the cause of much of the confusion and had influenced the settlers to consider their claims as having some valid basis.5/On the land surrounding the springs numerous improvements had been made, hotels and bath houses had been constructed, and the commercial value of the hot springs was being exploited by individuals who had endeavored in no way to reach an understanding with the Government.6/To make the situation more anomalous a city of four thousand permanent inhabitants, with a city government established under the laws of Arkansas, had grown upon the 2,560 acres of the original reservation.7/ This state of affairs had developed without interference by the Federal Government in whom the title supposedly inhered.8/ No other set of facts so well testify to the absence of any declared intention on the part of Congress to develop the region for public use.

To end the confusion and pave the way for the disposal of the springs whose value was now realized, the act of June 11, 1870 authorized "any person claiming title, either legal or equitable, to the whole or any part of the four sections of land known as the Hot Springs Reservation . . . . . to prosecute to final decision any suit that may be necessary to settle the same." 9/ After six years of litigation the title of the United States to all the land was upheld.10/ A receiver was appointed to take charge of the property for the United States and in the eleven months he held office collected $33,774 from the settlers on the reservation, an indication of the financial importance of the springs.11/

In 1877 a commission was appointed to prepare a plan for the final disposal of the property and to decide upon the relative merits of the various claimants.12/ The act of June 16, 1880 actually created the Hot Springs reservation. This act provided that approximately nine hundred acres, consisting of the hot springs and the mountains, were forever reserved from sale and dedicated for public use as a park. The remainder of the 2,500 acres of the original reservation was to be disposed of either by sale or by gift. The streets, courts, and alleys, and certain lots for schools were ceded to the city of Hot Springs. The lots which the commission had awarded to the settlers were to be sold to them at forty per cent of the original appraisement. The lots not awarded to claimants or otherwise disposed of by law were to be sold at public auction and the moneys received were to be held as a special fund for the improvement and care of the permanent reservation.13/

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5/ Congressional Record, 46 cong. 2 sess. 1665.
6/ Ibid., 1665; Dept. of the Int. Repts., 1879, I, 52; Congressional Globe, 41 cong. 2 sess., 2910, 2930.
7/ Hot Springs Commission, Dept. of the Int. Repts., 1877,I,811; Ibid., 1878, I, 797.
8/ Ibid., 1877, I, 810.
9/ U.S. Stat. L., XVI, 149
10/Dept. of the Int. Repts., 1877, I, 811; Ibid., 1879, I, 53.
11/Ibid., 1877, I, 811.
12/U.S. Stat. L., XIX, 377.
13/U.S.Stat. L., XXI, 288. By 1884, 250 lots had been sold at public auction and 300 remained in the possession of the United States. Dept. of the Int. Repts., 1884, II, 645. The government lots have been sold as conditions warranted and in 1921 but a few scattered lots remained unsold. Rept. of the Director of the Nat. Park Service, 1921, 141.

Since its establishment the Hot Springs National Park14/has presented no serious problem of administration. The sale of lots provided a sum with which improvement work could be started and the large patronage the park has enjoyed has resulted in its being, except for an occasional extraordinary improvement, self-supporting.15/ In 1904 travel to the park exceeded for the first time one hundred thousand persons,16/ and it continued to increase. The chief concern of the administrative officers has been the proper regulation of the hotel and bath house concessionaires. In this respect a rigid supervision over the rates, services, and equipment of the lessees has been maintained.17/The fact that a city was permitted to grow upon the original reservation apart from the jurisdiction of the Federal Government has been regretted on several occasions as it has been found that the immediate proximity of a city government independent of the Federal Government diminishes the power of the superintendent to enforce his regulations18/

II

The experience of the State administration of the Yosemite Valleyhad great significance in establishing the expediency of the national ownership of a system of parks when such parks were of national importance. By an act approved June 30, 1864, the United States Government granted to the state of California the Yosemite Valley and a grove of big trees known as the Mariposa Big Tree Grove, stipulating that "the State shall accept this grant upon the expressed condition that the premises shall be held for public use, resort, and recreation, and shall be inalienable for all time." The valley and grove were to be administered by the governor through a body of commissioners appointed by him, and servingwithout compensation.19/

The State legislature having accepted the trust, the governor took possession of the Valley and appointed a board of commissioners. Actual management of the park was exercised by a resident and salaried guardian subject to the board which devoted itself to formation of policy.20/

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14/ The Park was officially known as the Hot Springs reservation until the sundry civil act of 1921 changed its name to Hot Springs National Park. U.S. Stat. L., XLI, 1407.

15/ Dept. of the Int.Repts.,1893,III,577; 1889,I,xciv;1880,I,64; 1891,I, cxxxii; 1897, I, xciii; 1906,I,696; 1900,I,555; 1917,I,1003; Dir. of Nat. Park Service, 1921, 142.

16/ Dept. of the Int. Repts., 1904, I, 317.

17/ U.S.Stat.L., XIX, 378; Ibid., XX, 258; Ibid., XXVI, 842; Dept.of the Int. Repts., 1894, III, 616.

18/ Ibid., 1906, I,706; Proceedings of the (First) National Park Conference, 160.

19/ U.S.Stat.L.,XXIII,325; Congressional Globe, 38 cong.1 sess., 2300, 3389, 3444.

20/ Sen. Exec. Doc., 22, 53 cong. 1 sess., 1.

From the outset the public interest in the park was endangered by the pretentious claims of a private nature.21/By 1890 it was so commonly asserted that the Yosemite Valley had been to a great extent surrendered to private interests that Congress passed a resolution directing the Secretary of the Interior to investigate the matter and to ascertain to what extent the terms of the act of 1864 had been fulfilled or violated.22/In the next few years several reports were made containing evidence to indicate that there had been a general and indiscriminate destruction of timber in the State park, that well over one half of the valley had been fenced in thus confining travel to narrow limits, that the pasturing of sheep had been permitted to such an extent that much of the rare plant life was destroyed, and that the management had fallen into the hands of a monopoly.23/ Secretary Noble, who directed the investigation authorized by Congress, considered it "incontestably shown that under State control the Yosemite Valley has been managed with an eye to profit and speculation and not in line of preserving the scenic and botanic wonders of the place for the benefit of the people of the nation."24/

The management of the park in the later years of State control, however, showed an improvement. The commissioners were feeling more confident of their power to resist the pressure of local and private encroachments.25/In 1885, 1886, and 1887, the State legislature appropriated funds for the purchase of toll roads in the Valley, thus removing an especially odious feature of private control.26/ It is possible that State control would have continued and finally adjusted itself to serve efficiently the public welfare had not the creation of the Yosemite National Park and the growth of national interest in the Valley presented an altered aspect to the problem.

In 1890, Congress motivated chiefly by the idea of conservation passed an act reserving from sale an area containing originally about 1500 square miles which came to be known as the Yosemite National Park because it completely encircled the Yosemite State park.27/Thus was created a "wheel within a wheel" and inevitably friction resulted between the two managements, especially in those matters, such as the shooting of game, where the rules of the Interior Department differed from the rules of the State commission.28/ The Federal Government was especially

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21/ The Yosemite Guide Book, a contemporary publication of the State Geological Survey; Sen. Exec. Doc. 22, 53 cong. 2 sess., 2; Sen. Exec. Doc., 67, 53 cong. 2 sess., 1.
22/ Congressional Record, 51 cong. 1 sess., 10297.
23/ Sen. Exec. Doc., 22, 53 cong. 2 sess., 2-5.
24/ Ibid., 6; Sen. Exec. Doc., 67, 53 cong. 2 sess., 1.
25/ Sen. Report, 3623, 59 cong. 1 sess., 1.
26/ House Report, 559, 55 cong. 2 sess.,3; Congressional Record,59 cong. 1 sess., 8144.
27/ Infra, ch. iv, pt. iii.
28/ Congressional Record, 59 cong. 1 sess.,8144; Dept.of the Int. Repts. 1906, I, 654.

hampered in managing the great tract of land which formed the national park because the state park was the natural base of the entire region and the Federal officers could not maintain a permanent camp and base of supplies in the valley because of the State control.29/ In a petition to Congress, the Sierra Club, a group of nature lovers who steadfastly espoused the ideal of a better and greater Yosemite, concluded that the Federal Government would always be hampered in its administration as long as the valley was under separate control.30/

In 1864, California was so remote that national tourist travel to the Yosemite was an impossibility, but in the forty years that followed connecting links with the East had been constructed and the intervening wilderness had been settled. The writings of John Muir in the Atlantic Monthly pictured the beauty of the Yosemite Valley, and by 1905 the Park's reputation had become national.31/ President Roosevelt voiced the national concern in the Valley when he expressed an opinion that the Yosemite should become a part of the national park system.32/ "The past has demonstrated that the Yosemite is of national character," reported a committee of the Sierra Club, "and every citizen of the United States is vitally interested in its welfare."33/The editor of the Oakland Enquirer wrote that the "Yosemite Valley really belongs to the United States. It should be looked upon as a possession of all the people."34/

The failure of the State to develop the resources of the Yosemite Valley to the extent demanded by national tourist travel was contrasted with the successful administration of the Yellowstone under national control. The state was unable to appropriate out of the funds at its disposal an amount adequate for the necessary improvement and protection.35/ This was forcibly demonstrated in the summer of 1903 when the State Commissioners, by reason of congested conditions in accomodations, were compelled to notify the transportation companies to discontinue bringing tourists into the Valley.36/ At the same time Congress showed an unwillingness to make appropriations for the Yosemite National Park as long as "the heart of the region" remained in the possession of the State.37/ Once the Valley was receded to the United States, stated the Sacramento

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29/ Sierra Club report, Congressional Record, 59 cong. 1 sess., 8146.
30/ Ibid., 8146.
31/ John Muir published a series of six articles in the Atlantic Monthly, between November, 1898 and April 1901, vol. 83, 617-631,751-760;vol. 84, 145-152, vol. 85, 493-507; vol. 86, 167-179; vol. 87, 556-565.
32/ Senate Report, 3623, 59 cong. 1 sess., 3.
33/ Congressional Record, 59 cong. 1 sess., 8147.
34/ Oakland Enquirer, July 28, 1904, as inserted in Ibid., 8147.
35/ Sen. Rept., 3623, 59 cong. 1 sess., 2; Congressional Record, 59cong. 1 sess., 8147.
36/ Dept. of the Int. Repts., 1905, I, 175.
37/ Ibid., 1904, I, 388; Congressional Record, 59 cong. 1 sess., 8146.

Union, the salutary results attained in the Yellowstone would be suplicated in the Yosemite.38/ John Muir heartily sponsored the recession because he believed the national ownership and control would insure greater appropriations for roads, trails, and expert work on the Valley floor, thus increasing the facilitating travel.39/ To those who advanced the argument of State pride as a reason for retaining the existing arrangement it was stated that the development of the Park through national ownership would bring increased tourist travel to California and thus best promote the State's interest.40/

A strong sentiment in favor of the recession prevailed in California. The Sierra Club, presided over by John Muir, the Native Sons, chambers of commerce, and the press, each representing a somewhat different point of view, united to secure the passage of the act of recession.41/ In Congress, Senator Perkins, of California, stated that "the joint California delegation, the legislature of California, and every Californian I know of is in favor of the proposed recession to the General Government." 42/ A feeble opposition to accepting the recession was raised by some Congressmen on the ground of the added expense involved to the Federal Government.43/

The act receding to the United States the Yosemite Valley and the Mariposa Big Tree grove was approved by the Governor of California on March 3, 1905. A section of the act forever released the State of California from further cost of maintaining the premises, "the same to be held for all time by the United States of America for public use, resort and recreation, and imposing upon the United States of America the cost of maintaining the same as a national park."44/ June 11, 1906 the President approved a joint resolution of Congress accepting the regrant and establishing it as a part of the Yosemite National Park.45/

III

The primary object in creating the three national parks in the state of California in 1890 was the conservation of forests. On September 25, 1890, Congress set aside a tract in the state of California as a forest reservation, to which the Secretary of the Interior later gave the name of Sequoia National Park.46/ A week later, on the last day of the session, this act was modified and two other tracts were designated as forest reservations.47/ To one, a small tract near the Sequoia, consisting

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38/ Sacramento Union, April 22, 1902, as inserted in Ibid., 8147.
39/ Ibid., 8146.
40/ Congressional Record, 59 cong. 1 sess., 8146.
41/ Ibid., 8146-8147.
42/ Ibid., 8144.
43/ Ibid., 8144.
44/ Text of California act, Dept. of the Int. Repts. 1905, I, 173.
45/ U.S. Stat. L., XXXIV, 831.
46/ Ibid., XXVI, 478,; Dept. of the Int. Repts., 1890, I, cxxiii.
47/ U.S. Stat. L., XXVI, 650.

of but four square miles, was given the name of General Grant National Park.48/The other, an enormous area comprising approximately 1500 square miles in its original form was known as the Yosemite National Park because it completely surrounded the State park. 49/ In neither the act of September 25th, nor in that of October 1st, setting aside these tracts can the term "park" be found.50/ In Congress the second bill was defined as one "creating a forest reserve in the state of California, recommended by the California delegation, the governor of the State, and the Interior Department."51/

Yet, each of these regions possessed a peculiar attraction distinguishing it from other forest lands. The big tree groves in the Sequoia and General Grant National Parks were described as "the last remains of a gigantic creation which has now mostly disappeared from the face of the globe," 52/ while the importance of preserving the "original beauty" of the Yosemite was stressed.53/Especially significant in making it possible to consider these forest reservations as national parks was the language of the two acts in which provisions for the management, protection, and control were identical to the language of the Yellowstone Act of 1872.54/

In the year following the creation of the three California parks, the idea of forest conservation was isolated from the purely park functions. By an act approved March 3, 1891, the president was authorized to set aside any portion of the public domain bearing forests which he deemed essential to the preservation of timber and the regulation of the flow of important rivers.55/ Thus a sharp distinction between forest reservations and national parks was established. The former could be created, terminated, or changed in boundaries by mere executive proclamation, and the secretary in charge of the reservation was allowed a wide latitude in granting privileges on the reserved lands. The object of the reserve was the protection of timber and its existence was not to impede the development of the natural resources or to prevent the indulgence of private interests. The national park, on the other hand, was a specific statutory creation. No change in its boundaries or in its administration could be made, no privilege could be granted without authorization by an act of Congress. A park contained some great natural attraction which was to be developed at governmental expense for public use to the exclusion of all private interests.56/ Conservation of forests as

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48/ Dept. of the Int. Repts., 1890, I, cxxv.
49/ Ibid., 1890, I, cxxv.
50/ U.S. Stat. L., XXVI, 478, 650.
51/ Congressional Record, 51 cong. 1 sess., 10752.
52/ California Academy of sciences, Dept. of the Int. Repts., 1890, I, Appendix, E.
53/ Congressional Record, 51 cong. 1 sess., 10752.
54/ U.S. Stat. L., XVII, 32; Ibid., XXVI, 478, 650.
55/ U.S. Stat. L. XXVI, 1095.
56/ Dept. of the Int. Repts., 1916, I. 754; Sen. Doc. 54, 58 cong. 3 sess. 5

a function of national parks gradually declined as forest reserves were created for the specific purpose of saving the forests. It can not be recognized as a factor in the establishment of such parks as Glacier in 1910 and Rocky Mountain in 1915.57/

IV

A serious problem arose in the Yosemite National Park over the presence of many acres of patented land within its boundaries. The act creating the park had been introduced, committed, reported, and passed in both houses of Congress in one day, October 1, 1890, the last day of the session.58/ Consequently the boundaries had been determined arbitrarily, without previous examination, and without giving the persons holding land within them intimation of the passage of the bill or an opportunity to present their claims in a committee hearing.59/Congress itself had no idea that the boundaries of the reservation as defined in the act of 1890 contained approximately 55,000 acres of patented land and about one hundred gold mines and mining claims of proved value.60/

The existence of these large holdings proved an obstacle to the efficient administration of the Park. At the same time, the establishment of a national park preventing the normal development of the land placed a burden upon the persons holding title to lands within the reservation, and wishing to use their property for private ends. Basing his opinions upon the reports of the superintendent the Secretary of the Interior wrote that "as long as private interests are permitted to remain within the reservation, just so long will there be trouble and annoyance to the Department in its protection." 61/ The patented lands, reported a House committee of investigation, embraced the finest timber within the park and "to permit them to be cleared of timber now would be an irretrievable injury and defeat the very object" of the act of dedication.62/ In the meantime, the holders of the patents were deprived of the free use of their property, its value was unfavorably affected, and the uncertainty of governmental action operated as an additional hardship.63/ The mining claims, it was recognized, must be excluded from the park as it was "against public policy for the Government to assume title to these claims and lock them up in the national park."64/

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57/ Congressional Record, 61 cong. 2 sess., 958-960; 1639-1641, 4640; Ibid., 7315-7318; Senate Report, 580, 60 cong. 1 sess., 1; House report, 2100, 60 cong. 2 sess., 1.
58/ Congressional Record, 51 cong. 1 sess., 10751, 10740, 10774; House Report, 1485, 1485, 53 cong. 1 sess., 1.
59/ Ibid., 1; House Report, 1547, 55 cong. 2 sess., 1.
60/ Dept. of the Int. Repts., 1891, III, 664; Ibid., 1898, I, civ; House Report, 1576, 58 cong., 2 sess., 2.
61/ Secy Bliss, Dept. of the Int. Repts., 1898, I, civ.
62/ House Report, 1547, 55 cong. 2 sess., 2.
63/ House Report, 2165, 57 cong. 1 sess., 2.
64/ Dept. of the Int. Repts., 1892, III, 666.

The plan of altering the boundaries of the park so as to exclude the portion containing the mining claims and much of the patented land had early been suggested.65/ Finally in 1904 Congress authorized the appointment of a committee to investigate conditions in the park. The Yosemite commission, adopting the principle that the existence of private property in a national park was anomalous and detrimental to public interest, recommended the readjustment of the boundaries to exclude all the mining claims and the greater part of the patented land, as long as this could be accomplished without injury to the features of the park worthy of preservation.66/ By the act of February 7, 1905 and the joint resolution of June 11, 1906, the boundaries of the park were redrawn according to this recommendation, 542 square miles, containing the mining section and most of the patented lands being excluded.67/ 16,000 acres in the park remained in private ownership, but the policy of extinguishing all private claims within the national parks had been established and the Government proceeded to regain gradually possession of the remainder.68/

V

In 1912, a member of the House committee on appropriations remarked that it was "a very serious question as to how far we should go in the development of the various parks that we have. Every time there is discovered in any of the estates any property that, by any stretch of the imagination, can be thought to be desirable for a national park and therefore maintained at national expense, local pressure is brought to bear to induce Congress to appropriate, first money for the purchase, and afterwards for the maintenance of it as a national park."69/ Twelve national parks had already been established and in the current session of Congress the establishment of five new parks was proposed.70/ Each park was asking increased appropriations from two to five times greater than the customary allotment.71/ Much of the dissatisfaction arose from the lack of a definite policy in studying potential park areas.

Throughout this period, there had been little centralized direction in the formation of the park system.72/Proposals for the creation of new

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65/ Ibid., 1891, III, 664.
66/ Sen. Exec. Doc., 34, 58 cong. 3 sess., 4.
67/ U.S.Stat.L., XXXIII, 702; Ibid., XXXIV, 831.
68/ Dept. of the Int. Repts., 1906, I, 207. For the later extinction of private claims in the national parks see Infra, ch. V.
69/ Sherley, of Kentucky, Congressional Record, 62 cong. 2 sess., 8191. Sherley was mistaken in implying that Congress had ever appropriated for the purchase of a park.
70/ Congressional Record, 62 cong. 2 sess., Index, 363.
71/ Debate on sundry civil bill, Ibid., 8191 ff.
72/ Proceedings of the (First) National Park Conference, 3.

parks rested not in the hands of a specified person or bureau but resulted from a fortuitous advocacy arising from local or group interests. In the majority of cases the parks established deserved the national park status and were valuable additions to the system. Mount Rainier National Park, created in 1899; Crater Lake, in 1902; Mesa Verde, in 1906, and Glacier, in 1910, contained scenic wonders which when made accessible and advertised would attract tourist travel from all sections of the country.73/ Yet in each case the factor mainly responsible for the establishment of the Park was not a national agency but a local sentiment of the inhabitants of the State, naturalists or scientists who had made an acquaintance with the region, or as in the case of the Glacier National Park a railroad interested in the development of the region.74/ In this hit and miss policy, areas equally worthy of national park status were sometimes overlooked.75/

The danger of this irresponsible and undirected policy consisted in the extremes to which it ran. Without responsible direction, the establishment of parks and the efforts to secure appropriations for them in several instances deteriorated into a scramble for federal appropriations. An illustration of the selfish attitude which characterized the conception of a national park held by some localities was given in 1910 when the entire Oklahoma delegation vigorously opposed a proposal to cede the Platt National Park 76/ to the state of Oklahoma, frankly admitting that they considered the park as one means of securing their share of the federal appropriations.77/ The effect of local sentiment ran to ridiculous extremes when in 1904 one and a half square miles in North Dakota containing "woods, a stream, and a lake," was created as Sullys National Park and given the same status as the Yosemite and the Yellowstone.78/ In 1921, the Director of the National Park Service recommended that this Park "in name only" be abolished.79/ Doubtlessly the reservation will in

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73/ U.S. Stat.L., XXX, 993; Ibid., XXXII, 202; Ibid., XXXIV, 616; Ibid., XXXVI, 354.

74/ Sen. Exec. Doc., 247, 53 cong. 2 sess., 6; John Muir Atlantic Monthly, vol. 81, 26; House Report, 615, 55 cong. 2 sess., 1-3; House Reports, 3703, 58 cong. 3 sess., 1; Congressional Record, 57 cong. 1 sess., 4449; House Report, 2300, 55 cong. 3 sess., 1; M. Grant, Early History of Glacier National Park 8-9; L. W. Hill, Proceedings of the First National Park Conference, 4-5.

75/ The outstanding example was the Grand Canyon which did not become a national park until 1919.

76/ The Platt National Park, first known as Sulphur Springs, was created in 1902 and 1904. U.S. Stat. L., XXXII, 641; Ibid., XXXIII, 220.

77/ Congressional Record, 61 cong. 2 sess., 7318-7322. The efforts of the Oklahoma delegation to secure appropriations for this Park remained a standing jest in Congress. Ibid., 61 cong. 3 sess., 3370,3373, 3374; Ibid., 62 cong. 2sess.8204ff; Ibid., 62cong.3sess.,3548ff; Ibid., 63 cong. 1 sess. 4508ff; Ibid., 66 cong. 2 sess., 6823.

78/ U.S. Stat. L., XXXIII, 322, 323, 2338.

79/ S. T. Mather, Rept. of the Dir'tor of the Nat.Park Service, 1921,84.

time be deprived of its national park status and transferred to the Department of Agriculture to be administered as a game preserve. The Wind Cave National Park, a small area in South Dakota created in 1903 to preserve the Wind Cave, had more justification for its establishment. But it was described together with the Platt and Sullys Hill National Parks by the Secretary of the Interior in 1910 as "local parks having no sufficient national characteristics to warrant their development as national parks."80/

The cause of the unwillingness of the committee on appropriations to increase the appropriations for the national parks, as reflected in the quotation above, consisted in this malarrangement in which funds might be wasted on comparatively insignificant parks while the more important ones were starved. Progress in the extension of the National Park System could not come until the function of examining and advocating the establishment of new parks was vested in a federal agency.

VI

By an act approved June 8, 1906 the President was authorized in his discretion to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of interest that were situated upon lands owned or controlled by the United States Government to be national monuments, and might reserve as a part thereof parcels of land, the limits of which in all cases should be confined to the smallest area compatible with the proper care and management of the object to be protected. Supervision over the monument was vested in the hands of the Secretary of the Department of the Government having jurisdiction over the lands in which the protected objects were situated.81/

In 1921 the Secretary of the Interior administered twenty-four national monuments. In size, they ranged from the Katmai National Monument in Alaska, containing over one million acres and larger than any of the national parks with the exceptions of the Yellowstone and Mount

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80/ Ballinger, Dept. of the Int. Repts., 1910, I, 55.

81/ U.S. Stat. L., XXXIV, 225; The Secretary of the Interior was thus given jurisdiction over all the monuments created from the public domain, the Secretary of Agriculture those created in forest reservations, and the Secretary of War those situated in Military or Indian reservations. In 1921 twenty-four national monuments were administered by the Interior Department, ten by the Department of Agriculture, and two by the War Department. Rept. of the Dir'tor of Nat. Park Service, 1921, 128-130. Such a division was made for economy and facility of administration. Since the establishment of the National Park Service, it has been urged that the monuments would be better developed for tourist travel, if they were all transferred to the Interior Department, Ibid., 1920, 89.

McKinley, to small tracts of not more than ten acres protecting the ruins of some early mission. Many of the monuments were established to preserve the ruins of structures that have historic and prehistoric associations,82/ or to mark the scene of an important event of history,83/ while still others have been created for their scientific interest. 84/ Another group owe their existence to the fact that they contain natural phenomena of beauty and interest.85/ Of this latter group several, and especially the Katmai National Monument containing the Valley of the Ten Thousand Smokes, can be looked upon only as embryonic national parks, to be created as such when travel to them is sufficiently large to warrant the expense involved in developing a national park. For the present, the status of national monument gives a degree of protection, which otherwise would be impossible. Three of the present national parks were first established and administered as national monuments.86/ The act of 1906 has introduced into the National Park System an element of flexibility, permitting the protection and development of objects two small, or too local, or not yet ready to be elevated to the status of a national park.

In actual practice, a distinction between national parks and monuments could not always be easily comprehended. Though the Grant Canyon remained a national monument until 1919, it could scarcely be considered as on a lower plane than the Yellowstone or the Yosemite, and when compared to such parks as Wind Cave, Sully's Hill and Platt National Parks the distinction lost all significance.87/ Generally speaking, however, the monuments were smaller than the parks and made a narrower appeal to tourist travel, and consequently did not receive the consideration accorded to the latter. The great distinction was the fact that the national park was created by a specific act of Congress, whereas, a monument could be established by presidential proclamation.

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82/ Such are Montezuma, Casa Grande, Gran Quivira, and Tumacacori. The report of the director of the National Park Service for 1920, 156-166, 319-330, gives a full description of the monument system.

83/ Such are Verendrye and Sitka. See footnote 82.

84/ Such are Petrified Forest, Dinosaur, as well as the monuments of archeological value. See footnote 82.

85/ Such are Colorado, Katmai, Natural Bridges, Pinnacles, see footnote, 82.

86/ Grant Canyon, Lafayette (Mount Desert Island), and Zion National Parks were first established as national monuments. Ibid., 1921, 127

87/ CF. Dept. of Int. Repts., 1916, I, 753; Ibid. 1917, I, 786-787.

Chapter Five

THE ESTABLISHMENT OF THE NATIONAL PARK SERVICE AND THE CRYSTALIZATION OF ADMINISTRATIVE POLICY.

I

While this rapid extension of the National Park System had taken place there had been no corresponding unification or systemizing of the administration over the parks as a whole. "They have grown up like Topsy," commented the Secretary of the Interior in 1911, "and no one has been particularly concerned with them." 1/ Except in the case of the Yellowstone no complete and comprehensive plan for roads, trails, hotel accommodations, and transportation had been formulated, but in each park a more or less fortuitous development had been permitted. 2/ Consequently in different parks varying methods had been adopted determined by the chance conditions prevailing at the time of the park's establishment. The supervision of the Yosemite, Sequoia, and General Grant National Parks had been patterned after the Yellowstone system of military control. 3/ Yet in other matters, road construction and regulation of leases, there was little similarity of management. In 1911 in the Yellowstone, for example, a ten year lease was given to the operator of a permanent camping company, whereas in the Yosemite a one year lease only was granted for the same concession. 4/ Supervision was often divided even within the same park. In the Yellowstone all appropriations for improvements were expended by an officer of the Engineer Corps of the United States Army who was completely independent of the Interior Department or the park superintendent, the management and protection was in the hands of an Army officer appointed by the Secretary of War, and "exclusive control" over the park was vested in the Secretary of the Interior. 5/ The Yellowstone method of road construction had been extended to Crater Lake and Mount Rainier National Parks, although in these reservations the superintendents were civil officers appointed by the Secretary of the Interior. 6/ In many of the parks the administration was embarrassed by the presence of privately owned land, but in the absence of correlation that was felt so keenly from 1910 to 1915 a uniform method of acquiring title to such land could not be planned. 7/ As for

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1/ W. L. Fisher, Proceedings of the First National Park Conference. 3.
2/ Ballinger, Dept. of the Int. Repts., 1910, I, 57.
3/ U.S.Stat.L. XXXI, 618; Dept. of the Int. Repts., 1891, I cxxxix; Ibid., 1898, I, cii.
4/ Proceedings of the First National Park Conference, 58.
5/ Ibid., 8. Supra, ch. ii, pt. ii.
6/ Dept. of the Int. Repts., 1902, I, 142; Ibid., 1906, I, 678; Ibid., 1909, I, 430, 461; Ibid., 1911, I, 655; Ibid., 1904, I, 204.
7/ Ibid., 1910, I, 58.

appropriations there had been little co-ordination but each individual park secured from Congress that amount of appropriations and degree of attention that local influence was able to obtain in that body.8/ Each of the parks had problems common to the others. Repetition of failures might be prevented and successful policies extended by an application to the system as a whole of the lessons acquired from experience in the administration of the older parks.9/ It was consequently not a problem of establishing new policy but the synthesizing and systemizing of method and the eradication of needless confusion.

Before the creation of the National Park Service the Interior Department contained no specific machinery for the management of the parks. It had been the practice to refer all matters relating to them to the same officials in the Office of the Secretary, usually the chief clerk's force.10/ Here also was assigned supervision over miscellaneous reservations, eleemosynary institutions, and matters concerning the city of Washington, and it was only to be expected that the broader aspects of park development, especially those requiring technical skill, would be neglected owing to the absence of specialized study.11/ The routine duties were performed but if further development of the parks was to be accomplished it was felt by those responsible for their administration and many men in Congress that a new arrangement must be made.12/ Added to this was a growing conviction that travel to the parks had not increased in the decade before 1911 at a satisfactory rate and that a central bureau was necessary to stimulate popular interest in and use of the National Park System.13/

The National Park Conference held in September of 1911 was the first positive step toward unity of administration. "The purpose of the conference was to consider all questions that arise in the administration of these reservations in order that the Department might be able to make such changes in the regulations and to foster such development as might be for the best interest of the public."14/ Attending the conference were the principal officers of the Interior Department concerned in the park system, including the Secretary and the Assistant Secretary, representatives of every important concessionaire and of the railroads interested in park travel, the park superintendents and members of several civic and recreational organizations.15/ Practically every phase of park administration was discussed. The concensus of opinion was strongly in favor of establishing a bureau of national parks and adopting an aggressive policy of publicity.16/ In this conference, a second held in

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8/ Proceedings of the Second National Park Conference, 8-9.
9/ Ibid., 9; Dept. of the Int. Repts., 1911, I, 17.
10/ Ibid., 17.
11/ Ibid., 1916,I,85-86; Proceedings of the Second National Park Conference, 9.
12/ House Report, 700, 64 cong. 1 sess., 2.
13/ Proceedings of the First National Park Conference, 3.
14/ Ibid., 1.
15/ Ibid., 1-2.
16/ Ibid., 6,7,8,11,12,103,111,126.

1912, and a third held in 1915, it was shown that the great majority of those interested in the park from the point of view of public welfare, park administration, and business investment were desirous of reform.17/

Steps were also taken within the department to bring about more efficient administration. In 1914 a general superintendent for all the parks and monuments under the Department of the Interior was appointed.18/ During 1915 and 1916, Stephen T. Mather, the assistant Secretary of the Interior was given direct administrative supervision over the reservation.19/ Finally on August 25, 1916, the act to establish a National Park Service, which had been before Congress since 1911, was signed by the President. The act created in the Department of the Interior a National Park Service and vested in it supervision, management, and control over the national parks, including the Hot Springs Reservation, and the national monuments administered by the Interior Department. The Secretary of the Interior was authorized to appoint a director, assistant director, chief clerk, and other employees of the Service. The act also authorized the Secretary to make rules and regulations for the use and management of the parks and prescribed penalties for the infraction of such rules and regulations. A uniform provision in regard to the granting of leases was also included.20/

The organization of this bureau in 1921 consisted of the director, assistant director, chief clerk, and editor, with offices in Washington, and a field service of a general field assistant to the director, a division of civil engineering, and a division of landscape engineering. Over each of the national parks was placed a superintendent, and over the more important monuments a custodian.21/ With this organization the Secretary of the Interior and the director of the service, S. T. Mather, undertook to solve the problems which had called for the creation of the bureau. The work fell in three parts, co-ordination of administrative policy, improvement of the service of the concessionaires, and the assumption of an aggressive campaign of publicity.

II

Inasmuch as private holdings in the parks seriously hampered the administration the National Park Service has endeavored to eliminate as far as practicable private titles in the parks either by purchase through congressional appropriations or by the acceptance of donations. 22/ While Congress has on occasions made appropriations for the purchase of lands in the national parks, notably the fifty thousand dollars

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17/ Proceedings of the Second and Third National Park Conferences.
18/ Dept. of the Int. Repts., 1914, I, 88.
19/ Ibid., 1917, I, 75.
20/ U.S.Stat.L., XXXIX, 535.
21/ Rept. of the Dir'tor of the Nat'l Park Service, 1921, 131.
22/ Ibid., Dept. of the Int. Repts., 1918, I, 1075.

appropriated in 1916 for the purchase of private holdings in Sequoia National Park,23/ chief reliance has been placed upon acquisition by donation.24/ From time to time Congress authorized the acceptance of gifts to individual parks and in 1920 authorized the Secretary of the Interior "to accept patented lands, rights of way over patented lands, or other lands, building or other property within the national parks and national monuments, and moneys which may be donated for the purpose of the national park and monument system."25/ Since that date numerous gifts have been reported and the private holdings within the park are gradually decreasing and will in time be completely extinguished.26/

With but one exception, Lafayette, the national parks have been created from the public domain, the land being owned and controlled by the government. Congress has never been willing to purchase land upon which to establish a national park.27/ This fact has defeated many proposals for the creation of national parks east of the Mississippi River where the land has passed into private possession and where the creation of a park would entail a large initial expenditure and compel the readjustment of established industry.28/ The aim of the National Park Service to round out the System by incorporating in it additional scenic areas of national importance can be realized then only by an extension of the policy of accepting donations.29/ In 1919 the Lafayette National Park was created by Congress from land donated by private subscription, thus becoming not only the first national park east of the Mississippi but also the only park not created from the public domain. 30/

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23/ Ibid, 1917, I, 849; Rept. of the Dir'tor of the Nat'l Park Service, 1921, 207.
24/ Dept. of the Int. Repts., 1918, I, 834; Ibid., 1917, I, 849.
25/ U.S.Stat.L., XL, 917.
26/ Rept. of the Dir'tor of the Nat'l Park Service, 1920,80; Ibid., 1921, 15-16.
27/ Dept. of the Int. Repts., 1918, I, 839.
28/ The proposed park in the Minnesota pine forests is illustrative of this point. Review of Reviews, XX, 700.
29/ Dept. of the Int. Repts. 1918, I, 839.
30/ In 1903 an association formed by Mr. George B. Dorr, of Boston, and President Charles W. Eliot, of Harvard, was incorporated under the laws of Maine with the object of raising, holding, and appropriating for public use such lands upon Mt. Desert Island which by reason of historic interest or scenic beauty were suited for a public park. By 1916 the association had secured title to and consolidated a large tract on the island and offered it to the President as a national monument. On July 8, 1916 the President, having accepted the gift, proclaimed the area as a national monument. In 1919 Congress created it a national park with the name of Lafayette National Park. U. S. Stat. L., XXXIX, 1785; Ibid., XL, 1178; House Rept., 932, 65 cong. 3 sess., 1; Muir Woods National Monument, California, was also a gift to the government, Report of the Dir'tor of the Nat'l Park Service, 1921, 129.

Title to the land did not in all instances give to the federal government legal jurisdiction over the parks. The power to exercise exclusive legislation, control, and jurisdiction over a national park was vested in Congress only if such authority had been reserved from the territorial stage or had been expressly ceded by the state and accepted by the United States. The Yellowstone, Hot Springs, and Platt National Parks were situated at the time of their creation in territories over which the United States had complete authority. In the acts admitting Wyoming and Oklahoma to the Union specific provisions were included retaining for the United States exclusive jurisdiction, legislation, and control over the Yellowstone and Platt National Parks respectively.31/ Congress neglected to make a similar provision in the act admitting Arkansas and authority over the Hot Springs Reservation passed to the state.32/ Congress exercises exclusive authority over the parks in Hawaii and Alaska because the territories themselves are directly under congressional control. The other parks have been established within state boundaries and were therefore subject to the legal jurisdiction of the state government.

Consequently two governments exercised authority in most of the national parks. The result tended towards friction and inefficiency.33/ The state had power to enforce criminal and civil law, yet seldom provided the means of policing the park, while the federal government could attach no penalties to the infraction of the rules and regulations of the Interior Department and could not define certain acts of spoliation as misdemeanors.34/ To escape the situation the Interior Department endeavored to secure from the states cession of authority in order that it alone should have exclusive control in the national parks.35/

The states in which national parks were situated were requested to cede jurisdiction over the parks to the United States. Washington, Arkansas, Montana, Oregon, and California have ceded jurisdiction to the United States over Mount Rainier, Hot Springs, Glacier, Crater Lake, Yosemite, Sequoia, and General Grant National Parks.36/ The United States thus acquired jurisdiction over nine of the greater national parks. Colorado, Arizona, and Utah were being urged in 1921 to follow the example of the other states and when the United States secures control over the four important parks in those states the aim of the

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31/ Yellowstone, U.S.Stat.L.XXVI, 222; Ibid., XXVIII, 78; Supra, 44-47. Platt, U.S.Stat.L., XXXIV, 267, 272.
32/ House Report, 743, 66 cong. 2 sess., 3.
33/ Dept. of the Int. Repts. 1913, I, 89-90; Ibid., 1910, I, 59. Ibid., 1903, I, 524; Congressional Record, 66 cong. 2 sess. 5209.
34/ Dept. of the Int. Repts., 1913, I, 89-90.
35/ Ibid., 1918, I, 1075.
36/ U.S.Stat.L., XXXIX, 243; Ibid., XXXIII, 187; Ibid., XXXVIII, 699; Ibid., XXXIX, 52; Ibid., XLI, 731; House Report, 1978, 61 cong. 3 sess., 1; Dept. of the Int. Repts., 1903, I, 482; Ibid., 1911, 680-681; Ibid., 1919, I, 1220.

National Park Service to exclude all other control in the national parks will be accomplished.37/

The abolition of the joint supervision of the War and Interior Departments in some of the parks was a phase of this general movement towards uniformity through the National Park Service. No objection was raised against the efficiency of the military regime for the results attained by the Army officers in the management of the Yellowstone, Yosemite, Sequoia, and General Grant National Parks, and the road construction by Army engineers in the Yellowstone, Crater Lake, and Mount Rainier National Parks, vindicated the action of Congress in assigning these duties to the War Department at a time when the Interior Department was unable to discharge them.38/ But the situation had changed. The park forces were no longer called upon to repel invasions by a lawless population who resented the curtailment of the free use of the park land.39/ Rather their duties consisted primarily in preventing forest fires, handling tourists, and checking automobiles. In addition the creation of the National Park Service made it possible to secure within the bureau technical skill and specialization for problems of improvement and construction work.

To both Departments, the divided control was unsatisfactory. The National Park Service was finding its program of formulating a comprehensive policy for the park system blocked by its lack of control over those parks in which it shared the management or road construction with the War Department.40/ Secretary of War, Garrison, objected to "the pernicious system whereby millions of dollars ostensibly appropriated for the Army have been and are still at an ever increasing rate being diverted from their proper function of increasing the military strength of the Nation and devoted to the maintenance" of the National Parks.41/ To this was added the objection that park duty for enlisted men in the Army was detrimental to discipline and rendered the men unfit as a fighting force.42/ The decisive factor was the demonstration in successful policing made by the ranger forces in the newer parks. By 1914 it was generally admitted that "civilian rangers selected because of their special ability to perform their duties, whose pay is liberal . . . . , and who can be legally vested with police power to enforce the

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37/ The acts of the state legislatures ceding jurisdiction have reserved for the state the right to serve processes within the park in all civil or criminal cases arising in the state outside of the park boundaries, and also the privilege of taxing private property within the park. Sen. Rept., 590, 66 cong. 2 sess., 1; U.S. Stat. L., XLI, 731.

38/ Ballinger, Dept. of the Int. Repts., 1909, I, 40; Chittenden, The Yellowstone National Park, 115; Senate Report, 212, 61 cong. 2 sess., 1; Dept. of the Int. Repts., 1913 I, 693, 699.

39/ House Doc't. 174, 65 cong. 1 sess., 3.

40/ Rept. of the Dir. of Nat. Park Service, Dept. of the Int. Repts., 1917, I, 814-815; Ibid., 1918, I, 843-844.

41/ House Doc't. 174, 65 cong. 1 sess., 2.

42/ Ibid., 4; Dept. of Int. Repts., 1911, I, 610; Ibid., 1907, I, 553.

law and regulations, would be far superior in efficiency to soldiers who are possessed of no special fitness for the work, whose continuance in the Service is, as a rule, temporary and brief, and who cannot under the law be vested with police power."[43] Like many other aspects of the evolution of the National Park System the use of troops in the National Parks was a matter of convenience and expediency and lasted until the growth of the System made it imperative that a more stable arrangement be established.

In the season of 1914 the detachments of troops in the California parks were superseded by ranger forces.[44] The sundry civil act of July 1, 1918 terminated the joint control in the Yellowstone by placing the National Park Service in complete control of the administration, protection, and improvement.[45] A force of one chief ranger, four assistant chief rangers, twenty five rangers of the first class employed permanently to protect the timber and game, twenty five temporary rangers employed in the summer months as traffic officers and automobile checkers, was placed at the disposal of a civilian superintendent.[46] Finally by the sundry civil act of July 19, 1919, the appropriation for road construction in Crater Lake National Park was transferred to the engineer division of the National Park Service.[47] The Interior Department had now gained complete control and the Director of the Park Service, S. T. Mather, stated, "All phases of park activity are now harmonized throughout the System and it is particularly gratifying that we at last have the opportunity to plan future progress in all of the parks in accordance with a uniform policy."[48]

Among the factors recognized as controlling the amount of tourist travel to the national parks was the character of the services rendered by the concessionaires. Adequate and comfortable accommodations were essential, and a prerequisite of the bureau's policy of promoting travel to the Park System was consequently a reorganization and systemization of the concessions. While the general policy of granting leases as worked out in the Yellowstone[49] was followed in the other parks, in actual practice confusion and lack of coordination was common.[50] Even in the Yellowstone where conditions favored a more definite arrangement

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43/ Secy of War, Ballinger, House Doc. 174, 65 cong.1, sess.4.
44/ Dept. of the Int. Repts., 1914, I, 88; Ibid., 1915, I, 912.
45/ U.S.Stat.L., XL, 153.
46/ Dept. of the Int. Repts., 1918, I, 843.
47/ U.S.Stat.L., XLI, 204.
48/ Dept. of the Int. Repts., 1919, I, 996.
49/ Supra, 33-40.
50/ Supra, 77-78.

the attempt of the Interior Department to entrust to single companies exclusive privileges had fallen short of realization. In 1917 two large transportation companies and three permanent camping companies were competing for the privilege of carrying tourists over the park roads with the result that service was both unsatisfactory and inadequate.51/ At this time it became necessary to motorize all transportation service in the park, and in the necessary reorganization the National Park Service was confronted with the problem of "regulated monopoly" or free competition in park concessions. It was finally decided to grant but a single transportation privilege, the decision being based upon the expected economy and better service of such an arrangement, a realization that service in a national park was in the nature of a public utility, and the increased facility to the Department in regulating a single company.52/ A thoroughgoing reorganization of the entire concession system followed. A single hotel company, a single permanent camp company without transportation privileges, and a single motor transport line were established as three "government-regulated public utility monopolies."53/ The policy governing this reorganization applies to all the parks and it is the basis of the efforts of the Park Service to improve the tourist accommodations in the national parks.

The four sources of revenue in the national parks are taxes on concessions, fees from the sale of water, electricity, telephone service, and other public utilities, fees from the sale of dead timber, stone, hides of predatory animals, and fees from automobile and motorcycle permits.54/ In the fiscal year ending June 30, 1921, the total revenues from the park system amounted to $391,966, while the appropriations had been $1,058,969.55/ Within the preceding five years the revenues had more than doubled, increasing by $210,000, while the appropriations had increased thirty per cent, or by $275,000.56/ The increase in park revenues has been in large part due to the rapid growth in receipts collected from automobile permits.57/ In 1914 the redeipts from automobiles were $14,992, and those from other sources amounted to $86,000. In 1918 the former stood at $89,000, and the latter at $127,000. In 1921 the fees from automobiles were $210,000 as compared to

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51/ Dept. of the Int. Repts., 1917, I, 811.
52/ Ibid., 812.
53/ Ibid., 813.
54/ Ibid., 804.
55/ Rept. of the Dir'tor of the Nat'l Park Service, 1921,287.
56/ Ibid., 287.
57/ What automobile revenues can mean to one park is shown by the figures for the Yellowstone for 1921:

Automobile and motorcycle permits . . .	$95,210.02
Collected from concessions.	60,966.69
Other sources	2,630.13
Total . .	158,806.84

Ibid., 187.

$182,000 from concessions and all other sources.58/

The motor fee is the clearest example of compelling those who use the parks to contribute directly for their upkeep.59/ The expressed policy of the Interior Department, however, is away from any direct charge upon the use of the parks, and towards a gradual reduction in the motor fee as the volume of motor travel increases.60/ In the light of this policy and in view of the increasing appropriations it does not seem that the parks will in the near future, if ever, be self-supporting in the sense that the revenues will be equal to the amounts expended in the management and protection.61/ According to the policy as defined by Secretary Lane, the parks are primarily for public use, and while all concessions should yield a revenue to the federal government, no burden should be imposed upon the person wishing to visit the parks.62/ The system is not to be considered as a money making proposition or expected even to defray the expenses involved in its maintenance. Ultimately the expenditures for natural park purposes is to be justified solely in terms of the contribution which the national parks make in the life of the Nation.

Under the organic acts creating most of the parks the Secretary of the Interior was authorized to expend the revenues accruing from concessions for purposes only in the park earning the revenue. Thus in addition to and independent of the congressional appropriations each park had a fund for its own use derived from the revenues earned in that park. Revenues of one park could not be expended in another. This proved a clumsy method, not at all providing funds according to the needs of the respective parks, and consequently the system was abolished by Congress in the sundry civil act of 1917. The act provided that after July 1, 1918 the revenues derived from national parks were no longer to be expended for national park purposes, but were to be covered into the Treasury of the United States to the credit of miscellaneous receipts Henceforth all expenditures were to be authorized solely by Congressional appropriation and the Secretary of the Interior was directed to submit estimates required for the National Park Service and for each national

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58/ Ibid., 281, 287; Dept. of the Int. Repts., 1914, I, 123.
59/ Ibid., 1917, I, 803.
60/ Ibid., 1918, I, 1076.
61/ Ibid., 1917, I, 806.
62/ Ibid., 1918, 1076.

park. Congress would then appropriate the amounts it considered necessary, specifying the amount allotted for the National Park Service, each national park separately, and to the monuments as a unit.63/ In practice Congress has taken into consideration the revenues turned into the Treasury by the National Park System, increasing the appropriations accordingly.64/

It is the aim of the National Park Service to include in the National Park System all areas which contain "Scenery of supreme and distinctive quality or some natural feature so extraordinary or unique as to be of national interest and importance."65/ Consequently the Park Service has assumed the initiative in studying out new park projects and recommending to Congress the creation of new parks. Zion Canyon was first given the status of a national monument and protected until the development of southern Utah made the region accessible. By that time the National Park Service was ready with plans for its development and urged Congress to advance the region to the status of a national park.66/ Similarly the Lafayette National Park was not the result of chance but was carefully prepared for national park status.67/ Mount Mc Kinley Park was added to the System to include one of the most imposing mountain peaks on the continent.68/ The Grand Canyon was created a national park in 1919 after having been a national monument in order that the region might be properly developed, more effectively administered, and adequately protected."69/ Though local pride remains a strong factor in the establishment of national parks the national welfare seems adequately represented through the National Park Service.70/

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63/ U.S.Stat.L., XL, 153.
64/ Dept. of the Int. Repts., 1917, I, 82; Ibid., 1921, 287.
65/ Ibid., 1918, I, 1076.
66/ U.S.Stat.L., XXXVI, 2498; Ibid., XL,1760;Ibid.,XLI,356;Sen.Rept. 22, 66 cong. 1 sess., 1.
67/ House Rept., 932, 65 cong. 3 sess., 3.
68/ U.S.Stat.L., XXXIX, 938; Congressional Record, 64 cong. 2 sess., 3629; Dept.of the Int. Repts., 1917, I, 864.
69/ Ibid., 1919, I, 136; Sen. Rept., 1082, 64 cong. 2 sess., 1. U.S.Stat.L., XL, 1175.
70/ The National Park Service has been fortunate in having throughout its administration the unselfish and energetic leadership of Stephen T. Mather. First coming into contact with the work as the Assistant Secretary of the Interior he became the Director of the National Park Service upon its establishment in 1916. In every phase of park activity the enthusiasm of the Director is met and he has succeeded. in winning for the system and himself the friendship and support of Congressmen, public associations, and many individuals. Congressional Record, 64 cong. 2 sess., 4410; Ibid., 66 cong, 1 sess., 1487.

Chapter Six

AGGRESSIVE SPIRIT OF THE NEW POLICY

The "See America First" movement became prominent in the latter part of the first decade of this century as an outgrowth of the realization that the ordinary American planning a recreational tour considered Europe as the normal objective of his travels. Unquestionably western United States offered in beauty, variety, and uniqueness of its scenery attractions as strong as those of Europe. Yet but a very small proportion of the American public had ever entered a national park, whereas annually large numbers were making a tour of Europe. In searching for an explanation of this situation the men interested in increasing the amount of travel to the national parks discovered the obvious fact that barriers in the form of poor roads, inadequate and primitive accommodations, and a general lack of information concerning the Park System were greater by far than the two thousand miles of water that lay between the United States and the "widely heralded beauty spots of Europe."1/ "The scenic and historic interests in Europe are not the only magnets which have attracted our population and wealth," commented a writer in the Outlook. "No matter where you drive in Switzerland England, France, or Italy, you can depend, not only upon efficient highways, but also upon a comfortable inn, a clean bed, and a palatable cuisine -- things which the American traveler for health, recreation, and pleasure has long since learned, to his regret, are only too rare in many sections of the United States." 2/ Dusty roads might seem but a slight drawback when geysers and waterfalls and remarkable mountain vistas were to be seen but they had a great influence in discouraging travel to the Yosemite and the Yellowstone. 3/

For years it has been conventional to consider the national parks as heritages for the future rather than recreational centers for present enjoyment. Congress has been willing to appropriate amounts sufficient only for the protection and preservation of the System and for a modest development. There had been little conception of a positive policy of publicity. With something of a shock the American public realized that it was traveling quite extensively in Europe.4/ The railroads, Interior Department, and others who were interested in diverting a portion of this travel to the West, came to look upon the National Park System as a core of a great potential American tourist system. The time had come when the parks could be made to play a prominent role in American life. Simultaneously with this awakening the automobile effected a revolution in popular travel making possible an unthought of increase in touring within the United States. The "See America" movement, recruiting

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1/ H. B. Joy, Outlook, vol. 115, 741, April 25, 1917.
2/ Ibid., 741.
3/ Proceedings of the First National Park Conference 6-7, 12-13.
4/ Ibid., passim.

its strength from both patriotic and commercial motives, and the development of the automobile, coinciding in time, came to a head within the past decade and made possible the sudden blossoming of the National Park System as recreational centers of the nation. At the same time the war in Europe closed the European countries to American travel and brought great prosperity to the United States. The removal of European competition had important effects upon the amount of travel in the United States, but the wide use of the National Park System had origins in conditions earlier and quite removed from the European war.

Improved transportation facilities, a constructive campaign of park publicity, and provision of adequate and comfortable accommodations within the parks were recognized as three essential factors in the policy to increase tourist travel to the parks. In the preceding chapter the reorganization of the concession system has been described. The National Park Service also initiated a policy of aggressive advertising and co-operated with the railroads and highway associations to improve the means of transportation.

On two occasions within the first decade of this century the importance of publicity as a factor in park travel was demonstrated. In 1905 the Lewis and Clark exposition was held in Portland, Oregon, and the railroads in advertising the exposition included "stop overs" in the Yellowstone as an added inducement for making the trip to the western coast. The result was that whereas only 13,000 persons visited the park in 1904 and 17,000 were to visit it in 1906, 26,000 persons visited the park in the exposition year. 5/ In 1919, the year of the Alaska-Pacific-Yukon exposition in Seattle, 32,000 persons visited the Yellowstone as contrasted with 19,000 in each of the years preceding and following.6/ The fact was that there was very little popular knowledge concerning the character or the attractions of the national parks. This was reflected in the travel figures. Excluding the Hot Springs whose 125,000 annual average was more than half the total for all the parks, travel to the national parks was small and was not showing a satisfactory increase. 7/ Excluding the Hot Springs, travel to the parks amounted to 70,000 in 1908, 86,000 in 1909, 78,000 in 1910, 93,000 in 1911, 94,000 in 1912, 116,000 in 1913, and 110,000 in 1914. 8/ When from these figures is made the further subtraction of the thirty thousand annual travel to Platt National Park, which was entirely local in nature coming from the adjacent city of Sulphur, Oklahoma, one can readily understand the congressional attitude of hostility to increased appropriations for parks which were visited by "a very insignificant number of the people of America." 9/

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5/ Dept. of the Int. Reports, 1904, I, 362; Ibid., 1905, I,671; Ibid., 1906, I, 634.
6/ Ibid., 1908, I, 403; Ibid., 1909, I, 404; Ibid., 1910, I, 60
7/ Realization of this fact was a reason for calling the first national park conference in 1911. Proceedings, 3.
8/ Report of the Dir. of the Nat. Park Service. 1920, 350.
9/ Sherley, of Kentucky, in a typical protest against increased appropriations, Congressional Record, 62 Cong. 2 sess., 8191.

The Department of the Interior presented a proposed program of publicity at the National Parks conference held in 1911. The Department planned to send out news items and specially prepared articles to newspapers and magazines in order to make "the people realize there are such things as National Parks," and to arouse a popular interest in them for after all "the continued development of the parks must necessarily depend upon the interest of the public."10/ The Department also intended to issue handbooks giving detailed information concerning not only what was to be seen in the parks but also methods of reaching them, details of transportation, hotel reservations, and other such matters which previously had been left to the tourist's own initiative for solution.11/ A third phase of the work was to consist in dissemination of photographs, lantern slides, and moving pictures.12/ Owing to lack of funds it was not possible to place this program into effect but by 1915 the outline of an aggressive policy had been laid and when the Park Service was established in the next year, one of its important tasks was that of finding ways and means of realizing it.13/

The public, as it found itself more and more in a position to travel, evinced a keener interest in the parks and demanded more information concerning them. As early as 1910 the Secretary of the Interior reported a demand for literature concerning the parks.14/ The condition of travel in Europe after 1914 and the Panama-Pacific exposition of 1915 gave a great impetus to the growing demand.15/ The willingness of the newspapers to accept items concerning the parks reflected the public interest.16/ Altogether the public was in a mood receptive for the propaganda which the National Park Service was about to disseminate.

By cooperation with the railroads the Interior Department was able in 1916 to publish the first large collection of illustrated booklets known as the National Park Portfolio "which became so well advertised and known all over the country that, although an edition of 275,000 was printed it was not possible to supply the demand."17/ In 1917 the National Park Service disseminated over 128,000 circulars of the parks,

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10/ Proceedings of the First National Park Conference, 104.
11/ Ibid., 105-106.
12/ Ibid., 107.
13/ Dept. of the Interior Reports, 1915, I, 25-26, 843.
14/ Ibid., 1910, I, 54-55.
15/ Ibid., 1915, I, 117.
16/ Ibid., 1917, I, 77.
17/ National Park Portfolio, 2; "Forty three thousand dollars were contributed by the railroads toward the cost of issuing these portfolios and this represented only a small part of the contributing railroads' expense in advertising the national parks." Mather, development of the National Parks, 4. (Pamphlet of the Interior Department.)

83,000 automobile guide maps, and 117,000 copies of "Glimpses of our National Parks." In the same year 348,000 feet of motion picture film were circulated free of charge to universities, colleges, schools, churches, commercial organizations, and outing clubs.18/ In addition the press and magazines were kept in constant supply of news items and descriptive articles. In the three years 1917, 1918, and 1919, the magazines of this country published annually approximately three hundred and fifty articles on the National Parks.19/

The railroads reaching the various parks conducted an even more extensive advertisement, and with them the Park Service heartily cooperated. The forty three thousand dollars which the railroads contributed to the cost of publishing the National Parks Portfolio in 1916 was only a small part in their total expense in advertising the parks reached by their respective lines.20/ The Chicago, Burlington, and Quincy railroad advertised a "three national part trip" between the Rocky Mountain, Yellowstone, and Glacier National Parks, and ran an auto bus line from its terminus at Cody, Wyoming, into the Yellowstone.21/ The Southern Pacific lines encouraged interpark travel between the California parks and Crater Lake National Park.22/ The Chicago and Northwestern, and the Union Pacific had a "two national parks in two weeks" trip and other roads conducted similar campaigns to attract tourists to the parks. 23/

The cooperation between the National Park Service and the railroads assumed such large proportions that the Director of the Park Service advised the establishment of a touring division in the Service with "authority to exploit . . . . the natural features of national interest and importance to the end that hundreds of millions of dollars may be expended in this country, instead of going abroad." 24 In 1916 the United States railroad administration established in Chicago a bureau of service, national parks and monuments, to serve as "the point of contact between the Railroad Administration and the Bureau of National Parks, the concessionaires, and others interested in the promotion of travel.25/

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18/ Dept. of the Interior Reports, 1917, I, 792-793.
19/ Ibid., 794, 1017-1030; 1918, 1051-1063; 1919, 1247-1261.
20/ See footnote 17 of this chapter.
21/ Dept. of the Interior Reports, 1917, I, 799.
22/ Ibid., 1917, I, 799.
23/ Ibid.
24/ Mather, Ibid., 1918, I, 821.
25/ Ibid., 815.

After the signing of the armistice a deliberate policy of intensive park advertisement was adopted.26/ In the first nine months of 1919 the railroad bureau of service distributed through one hundred and nine consolidated ticket offices, two hundred and five tourist agencies, and one hundred and thirty seven railroads in all parts of the United States and Canada, booklets and descriptive folders of the National Parks totaling 1,748,740 copies.27/ In addition the railroad bureau distributed 165,000 copies of the publications of the Park Service and two hundred thousand copies of old issues of individual railroads,and continued the periodical and newspaper advertisements.28/ With the return of the railroads to private ownership the work lost much of its centralized direction, but the roads continued to advertise the parks touched by their systems and several established National Park Service bureaus.29/

Cooperation with chambers of commerce, tourist bureaus, automobile clubs, and local agencies "for the purpose of spreading information about our National Parks and facilitating their use and enjoyment"was another aspect of the aggressive attitude of the park service.30/ This especially manifested itself in automobile touring. Throughoutt the West free automobile camps were established and maintained by cities and civic organizations for the comfort of the motor tourist.31/ Automobile clubs, highway associations, and other organizations interested in good roads secured the improvement of roads in the park states and conducted the work of signing the roads leading to the parks.32/ In 1916 a National Park-to-Park Highway Association was organized by private individuals interested in increasing travel to "the permanent expositions of the West," with the object of designating and promoting an interpark road system.33/ The park-to-park highway was dedicated in 1920.34/ The National Parks Highway Association, the Lincoln Highway Association, the National Old Trails Association, and the Glacier-Yellowstone Bee Line Highway Association were other important associations whose programs for road construction were significant in their results upon the national parks. 35/ The gradual improvement of highways by localities, states, and the Federal Government established motor travel to the Park System on a permanent basis and influenced profoundly the development of the parks as pleasuring grounds.

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26/ Ibid., 816; Ibid., 1919, I, 926.
27/ Report of the Director of the National Park Service, 1920, 71.
28/ Ibid., 71.
29/ Ibid., 20-21, 71.
30/ Dept. of the Interior Reports, 1918, I, 1076.
31/ Ibid., 1917, I, 800-801.
32/ Ibid., 801.
33/ Ibid., 801-802.
34/ Report of the Director of the National Park Service, 1920, 37-38.
35/ Dept. of the Interior Reports, 1918, I, 818-819.

The development of the automobile has been an important factor in revolutionizing the public's attitude towards the National Parks. The rapid progress of the automobile industry in the United States and the wide popular ownership of automobiles has produced a demand for hard surface roads, and as these roads have been provided motor touring within the United States has grown remarkably in the past decade.36/ "The motor car," states the president of the Lincoln Highway Association, has made it possible for the universal longing of the American people to travel to be more widely indulged." 37/

Automobiles were first admitted to a national park in 1908 when one hundred and seventeen automobiles were permitted under strict regulations to use the roads of Mount Rainier National Park.38/ Gradually as the roads could be made safe for motor travel automobiles were admitted to other parks. By 1916 they were permitted in all the parks and soon came to assume the greater portion of the travel.39/ Of the fifty-eight thousand tourists visiting the Yosemite in 1919, forty-three thousand came in autos, three thousand by auto stage, one thousand by wagon, and eleven thousand by railroad.40/ In the same year fifteen thousand out of 16,645 in Crater Lake, twenty-four thousand out of thirty-four thousand in Sequoia, were by automobile. 41/ In 1921 fifty-seven thousand out of eighty-one thousand persons entering the Yellowstone and sixty-four thousand out of ninety-one thousand entering the Yosemite came by private automobile.42/ As is to be expected the railroad travel represents primarily travel from the East, whereas the auto travel is mainly from nearby states. Thus in 1921, 1,513 tousists from New York State entered the Yellowstone by rail and 573 by auto; from Montana 10,346 by auto and 429 by rail; from Illinois 2,400 by rail and 1,486 by auto; from California 1,217 by rail and 3,378 by auto. 43/

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36/ In 1914 the states' registration of motor vehicles numbered 1,711,339; in 1920, 9,211,295. In 1920 there was one car for every eleven persons in the United States. National Automobile Chamber of Commerce, The Automobile Industry, 1920, p. 30; Ibid., 1921, 30, 34-37.
37/ H. B. Joy, Outlook, vol. 115, 740, April 25, 1917.
38/ Dept. of the Interior Reports, 1908, I, 470, 477-478.
39/ Ibid., 1916, I, 763.
40/ Ibid., 1919, I, 1105
41/ Ibid., 1115, 1131.
42/ Report of the Director of the National Park Service, 1921, 156, 198.
43/ Ibid., 158-159.

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"In the last analysis," commented Mather in 1920, "travel is the deciding factor as to whether or not the parks are measuring up to the high standard that has been set for them and all that is being said about them as the great recreational grounds of the American people." 44/ The culmination of the factors discussed in the first part of this chapter meant a sudden expansion in the popular use of the national parks resulting in establishing the recreational use of the parks in a prominence it had never before attained.

Including the Hot Springs Reservation travel to the Park System had slowly increased until by 1913 it reached 251,703. 45/ The next year due to a temporary business depression the total slumped to 235,000. 46/ 1915 was the first great year enjoyed by the park system. In this year the exposition held on the Pacific coast influenced travel to the parks and 335,000 persons visited the National Park System. 47/The great scenic parks chiefly benefitted by this increase, doubling and tripling their annual average for the preceeding five years,while the Hot Springs Reservation showed a decrease of twenty thousand.48/ The increase for this year was expected as a logical consequence of the expositions, and few persons expected to see the total maintained. Yet the travel figures for 1916 showed a seven per cent increase over 1915 and in 1917 an even greater increase than that of 1915 over 1914 placed the total at 488,000. 49/ It is significant to note that the increase of 132,000 made in 1917 more than equalled the total travel to all the parks,the Hot Springs being excluded, in any year prior to 1915. 50/ The development of motor touring and the absence of European travel seem to be mainly responsible for this increase.

In 1918 there was a falling off in park travel owing to the restrictions and discouragement to travel for recreational purposes.51/ Especially was this true in the parks further removed from centers of population and to a greater degree dependent upon the railroads. Thus, in the Yellowstone only 3,026 persons entered the park by rail as compared with 13,500 in 1917, whereas, the decrease in motor travel was only eighteen per cent. 52/ In the Pacific coast parks there was an actual increase in motor travel which tended to balance the fall in railroad travel, the

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44/ Ibid., 1920, 13.
45/ Dept. of the Interior Reports, 1913, I, 86.
46/ Ibid., 1914, I, 83.
47/ Ibid., 1915, I, 117.
48/ Ibid., 1915, I, 117.
49/ Ibid., 1916, I, 87-88; Ibid, 1917, I, 880.
50/ Ibid.; Rept. of the Dir. of the Nat. Park Service, 1920, 350.
51/ Dept. of the Interior Reports, 1918, I, 817.
52/ Ibid., 1918, I, 845.

Yosemite, for example, suffering a loss of only one thousand. 53/ Consequently in spite of war restrictions the total decrease was small. The total was only thirty-seven thousand less than in 1917 and still exceeded that of 1916 by over one hundred thousand. 54/ Automobile travel was showing promise of rapid growth that was to be chiefly responsible for the great increases of the next few years,

The armistice signed, the public in a holiday mood and enjoying a period of prosperity, the railroads and automobile and civic associations eager to cooperate with the Park Service there was no serious obstacle in the way of a rapid expansion in tourist travel in the United States. In 1919 seven hundred and fifty-five thousand persons visited the parks and fifty-five thousand the monuments, an increase of sixty-seven per cent over 1918, and fifty-four per cent over 1917. 55/ The rapid increase continued through 1920, the total for the first time exceeding one million persons. 56/ "In no sense can we view this travel as abnormal merely the peak year in American travel for which there was no other outlet." 57/ The figures for 1921 reveal that while the momentum of the increase had slackened the total would not only be maintained but substantially increased. In this year one million one hundred and seventy-one thousand persons visited the National Park System. 58/ The figures for 1921 were noteworthy in that they indicate that the financial depression and economic retrenchment through which the country was passing and the high passenger rates were not factors strong enough to prevent the increased popular use of the parks.

The increased travel has resulted in a greater popular concern in the National Park System. "The parks are beginning to measure up to the great national use for which they were created," the Director of the Park Service wrote in 1921. "The people have learned to love these national areas as their very own; national assets in which every individual of every State in the Union has an inalienable right of possession. 59/ This popular concern is manifested in a keener interest for the public welfare in the parks. In 1919 the proposal to create the Roosevelt-Sequoia National Park received, according to the report of the committee itself, petitions and solicitations from every part of the country. "No one bill that has ever been before the (House)Committee on Public Lands in recent years has received such uniform interest." 60/ In 1920 and 1921 strenuous efforts were again exerted by local and private interests to utilize portions of the parks for commercial purposes. This recent attempt was defeated by an aroused and keenly interested public. 61/

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53/ Ibid, 1918, I, 817
54/ Report of the Director of the National Park Service, 1920, 350.
55/ Dept. of the Interior Reports, 1919, I, 127-128, 929
56/ Report of the Director of the National Park Service, 1920, 350-351.
57/ Mather, Ibid., 15.
58/ Ibid., 1921, 280-281.
59/ Ibid., 1921, 11-12.
60/ House Report, 1062, 65 Cong. 3 sess., 1.
61/ Report of the Director of the National Park Service. 1911, 12, 16-23.

Chapter Seven

FUNCTIONS OF THE NATIONAL PARK SYSTEM

Fifty years have elapsed since the Yellowstone National Park was established and the development of the Hot Springs Reservation as a public health resort was begun. The process which was then initiated on so modest a scale has shown a hardihood in spite of neglect and opposition and a capacity for growth that has led to its persistent extension until at present the National Park System into which it has evolved contains the rarest places of grandeur and beauty in the country. In an atmosphere which recognized all other interests, local, private, and commercial, as of greater importance than the preservation of portions of the public domain as recreation grounds and natural museums the first national park was created. The first appropriations for its protection and management were granted with reluctance and diffidence. Step by step correct policy was evolved largely by the indirect method of following blind leads. The conception of the national parks as public pleasuring grounds for the benefit and enjoyment of the people slowly emerged and recruited strength so that ultimately it assumed precedence over conflicting local and private interests.

In the formative period the definition of park functions as consisting in providing recreational centers for the nation was too impotent an argument to stand alone as a justification of the growing system. A glance at the travel figures would easily disprove the assertion and in the absence of a public consciousness of the significance of the nation's natural scenery the deep rooted opposition to any extension of governmental activity in the field of park administration was difficult to overcome. Consequently, the belabored advocates of a park system bolstered their position by recruiting the support which came from the arguments of forest conservation and regulation of the flow of rivers. But resort to subsidiary and non-fundamental explanations was only temporary and lost its effectiveness when a differentiation between national forests and national parks was made.

The growing complexity of the park system, increased the cost of its maintenance, and the multiplication of governmental activities in its administration made it imperative that the functions of the system be defined. Did the advantages accruing from it warrant the expense and effort of its development? Were the benefits local and individual in nature or was there an advantage to the nation in maintaining a park system? It was necessary both to explain and to justify the federal activity in the field of park administration and to establish the value of the parks to the individual tourist and to the nation. In addition to this normal requirement for a definition of park functions, the nature of the public welfare rights in the national parks needed determining. This was especially necessary because on the ground of public interest the normal development of private enterprise was prohibited in the parks and to a certain extent in the adjoining regions which ordinarily would have used the park areas for irrigation and water power projects. Originating in attempts of private parties to escape the restrictions enforced by the establishment of a national park, proposals antagonistic

to the public concern have always been a factor with which the park administration was forced to contend.1/ To withstand these encroachments by private and local interests as well as to organize a public sentiment in promoting the upbuilding of the park system from the public point of view, a carefully defined conception of the functions of the National Park System was essential.

Historically the first and still remaining a prime motive in the establishment of national parks is the intention to preserve in their natural condition remnants of the fast disappearing primeval beauty of the continent for the enjoyment of future generations. As the frontier advanced in waves across the continent and the unoccupied area rapidly grew smaller and finally disappeared, the scenery of certain portions of the public domain was found to be of especial grandeur, uniqueness, and beauty. Should these areas be left to private occupancy, denuded of timber, despoiled of game, pastured by herds of sheep, and the natural wonders expropriated for private gain, their beauty much derogated by unchecked private use? Or should the best examples of natural beauty be recognized as constituting areas in which the public welfare was predominant, reserved from ordinary development, and dedicated in a peculiar sense for public use and preservation for future enjoyment? Many potential park areas disappeared before the pioneer's advance long before the issue was ever recognized. But this very fact strengthened the determination that in the West, where the choicest scenery existed, the rarest places of grandeur and beauty should be preserved. John Muir lamented on many occasions the fact that the continent's outer beauty was fast passing away and urged that at least small portions of it be set aside as a sacred trust for the future.2/

The potential park sites constituted a portion of the public domain and consequently the first step in their disposal was taken by Congress. It was not at all clear whether the function of preserving these scenic areas should properly be entrusted to the federal or to the state governments. At first an effort was made to secure the development of the Yosemite Valley through state ownership and management but the state administration proved unsatisfactory mainly because the

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1/ For the past two years persistent attempts have been made by organized business interests to secure privileges for irrigation and power projects within the national parks, again demonstrating the conflict between national and local, public and private, interests in the parks. Report of the Director of the Nat'l Park Service, 1920, 20-36; Ibid., 1921, 16-22. Chief among the public associations defending the parks is the National Parks Association, with offices in Washington. Among its objects are the promotion of public interest in the parks, protecting the system from invasions of commercial interests, stimulating travel, and upbuilding the system. The War on the National Parks, a series of pamphlets published by the association is illustrative of its methods.

2/ Atlantic Monthly, Vol. 81, 17.

state government was unable to grasp, and could not appropriate funds sufficient to realize, the deeper significance of the public welfare demanded by an interest in the Valley that soon became national in scope. If the state of California in those early years could not administer satisfactorily the trust of preserving the Yosemite it became quite apparent that less developed states and certainly territories were not the proper guardians for the parks. It was but logical that in 1872 when the Yellowstone National Park was established that the Federal Government itself accepted the responsibility of its protection and improvement. The precedent thus established was adhered to. In each of the acts creating national parks and in the act establishing the National Park Service the United States government pledged itself to conserve the scenic, natural, and historic objects in the parks and to provide for "the enjoyment of the same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations." 3/

The conflict between public welfare and private interests became apparent as soon as the parks were established. Sheep grazers, hunters and trappers, miners and ranchers who had long ranged at will over the Western country were slow in learning that a certain area could have a peculiar sanctity which protected it from ordinary expropriation. The early tourists were unable to comprehend that rights of prospective visitors not yet born were as much to be considered as their own. Railroad corporations, promotors of irrigation and water power projects were surprised to find that an intangible public interest was given precedence over the demands of the immediate locality. As each instructive incident occurred the function of the national parks as inviolable museums of natural beauty became firmly fixed as a prominent argument for the maintenance of the National Park System.

The importance given to the preservation of the park areas is illustrated by the definition given to the National Parks by the National Park Association. "National Parks are national museums," a pamphlet of the association reads. "Their purpose is to preserve, forever, in their original untouched condition, certain . . . examples of the American Wilderness of the pioneer and frontiersman; of the works and processes of nature undistorted by men's hands; of our native animals living in their natural homes of their ancestors."4/ The zeal exhibited in the care of the animal herds of Mount McKinley and Yellowstona National Parks —— " all that is left of that vast heritage of wild life which the march of civilization and the ruthlessness of former generations have elsewhere destroyed"5/ —— and the prominence of the argument of conservation wherever efforts to dismember a park are made, 6/

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3/ Act of August 25, 1916. U.S. Stat. L. XXXIX, 535.
4/ The War on the National Parks, March, 1922. A pamphlet of the National Park Association.
5/ Dept. of Int. Repts., 1918, I, 826.
6. See footnote one.

reveal clearly the determination of the park service to maintain the system in absolutely unimpaired form for the use of future generations as well as those of our own time."7/ In his report for 1921 the Director of the National Park Service stated that he had "considered every activity of the Service subordinate to the duties imposed upon it to preserve the parks for posterity in essentially their natural state."8/

The revolution in the popular attitude towards the parks effected in the past decade by the development of the automobile and the closure of Europe for tourist travel shows itself in the enormous increase in the use of the parks. For many years the development of the park system was retarded because the public was not visiting the parks in numbers sufficient to warrant a large expenditure. Appropriations were made large enough only to protect the parks from spoiliation and to permit a moderate improvement. Then came the stimulus to "see America first" made the more opportune by the removal of European competition and the advent of the automobile as a means of popular tourist travel. The result was that in seven years travel to the national parks increased from two hundred and fifty thousand visitors annually to over one million.9/ With this extension in the use of the park system its influence in the life of the nation was greatly augmented.

The recreational value of the national parks has been enhanced in proportion to the increase in the opportunities of the ordinary person of reaching them.10/ With the growth of cities, the more compact settlement of the country, and the disappearance of the frontier, restrictive bounds were placed upon the expansive spirit of the American public. New outlets were necessary, one of which has been found in the establishment of parks, local, state, and national, as "breathing places" for the nation's lungs. In his writings and activities John Muir best exemplified this tendency towards outdoor recreation. In 1898 he wrote "Thousands of nerve-shaken, over-civilized people are beginning to find out that going to the mountains is going home; that wildness is a necessity; and that mountain parks and reservations are useful not only as fountains of timber and irrigating rivers, but as fountains of life."11/ In the creation of the Rocky Mountain National Park in 1915 the popular need of recreation was stressed and the proposed park was described as another "public recreation grounds out of doors" which would prove "a Godsend to the public's health and shattered nerves."12/ Theodore Roosevelt in 1918 advocated the creation of the Sieur de Monts (Lafayette) National Park because it would "give a healthy playground to multitudes of hard-working men and women who need such a playground."13/

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7/ Dept. of Int. Repts., 1918, I, 826.
8/ Mather, Rept. of the Dir. of National Park Service, 1921, 17
9/ Supra, 101-103.
10/ Dept. of Int. Repts., 1918, I, 1075; Ibid., 1919, I,127.
11/ John Muir, Atlantic Monthly, vol. 81, 15.
12/ Taylor of Colorado, Congressional Record, 63 cong., 3 sess. 1790.
13/ House Report, 932, 65 cong. 3 sess. 3

The interests of the nation are varied and to conform to diversities in tastes the National Park Service endeavors to promote use of the parks in as many ways as possible. The scientific use of the parks is encouraged. The Mesa Verde National Park and several of the monuments were established to preserve the ruins of prehistoric and archeological ruins and in these reservations the scientific activities are the most prominent.14/ The Yosemite, Glacier, Yellowstone, Mount Rainier, Sequoia as well as several other National Parks are great natural laboratories in which scientific investigations are conducted.15/ Educational work has been introduced to acquaint the ordinary tourist with the animal, plant, and bird life of the parks. In the Yosemite a free nature guide service is maintained and in several of the other parks museums are being established.16/ The activity of the federal government in maintaining a system of parks for the recreation, health, and instruction of its citizens is complementary to the work of states and localities. Together an extensive work is carried on to provide places of recreation for the public and to secure "the best development of patriotism, of efficient manhood, and of business and civic life in the United States."17/

The "See America First" movement, originating in an effort to divert to American scenic areas a portion of the travel from the United States to Europe and culminating in a period of successful realization when the war of 1914 prevented a continuance of tourist travel in Europe, has both its economic and patriotic aspects. As early as 1892 the argument was used in Congress that by developing the national parks travel to the West could be placed on a competitive basis with Europe, thus redounding to the advantage financially of the United States. 18/ After 1914 Europe being closed many Americans for the first time crossed the continent and realized the character of American scenery. Forcibly confronted with the sudden increase of tourist travel within the United States the government was virtually compelled to endeavor to make its scenic domain as available to its citizens as the European countries had made theirs.19/ The National Park System acquired a new significance as

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14/ Rep. of the Dir. of Nat'l Park Service, 1920, 56.
15/ Dept. of Int. Repts., 1917, I, 828, 923, 958; Ibid., 1919, I, 943.
16/ Rep. of the Dir. of the Nat'l Park Service, 1920, 59, 253-256.
17/ Ibid., 1921, 32-33; supra, 3
18/ Senator Vest, Congressional Record, 52 cong. 1 sess. 4124.
19/ National Parks Portfolio, 3

it became the center of a great American Touring system. 20/

The West has had plenty of opportunity of realizing the value of the national parks in an economic sense. Mather described them as "the great lodestones of the West . . . attracting visitors as do nothing else. Every visitor is a potential settler, a possible investor . , . and a source of business." 21/ An argument used in the establishment of the Rocky Mountain "ational Park is typical of the assertions of the financial value of the parks. The author of the bill stated that "the American people have never yet capitalized our scenery as we should. We receive comparatively little for it, while Switzerland derives from $10,000 to $40,000 per square mile for scenery that is not the equa l of ours." 22/ Mather frequently asserted that "we should develop this industry (of tourist travel) as other countries are doing, into one of our biggest economic assets," and advocated the creation of a national touring bureau to give "protection" to resorts in this country from foreign competition. 23/

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20/ The effect upon the travel to the national parks of the reopening of tourist travel to Europe cannot be determined at this date, May, 1922). Undoubtedly the season of 1922 will see a large number of American tourists in Europe, the number probably equalling if not exceeding the annual average of the period before 1914. European countries are making preparations for this travel and the Atlantic steamship lines are advertising extensively. On the other hand it is possible for both Europe and the national parks to enjoy increases in American tourist travel inasmuch as the two are only in a partial sense competitors. It seems unlikely, even in face of a large movement of American travel to Europe, that the National Park System will suffer a decreased patronage unless adverse economic conditions seriously affect the situation. During the seven years European resorts were closed the tourist travel within the United States thoroughly adjusted itself and the National Parks enjoyed wide publicity. The chief obstacles hindering Western travel before 1914 were poor roads, poor accommodations, and lack of publicity. These obstacles have in part been removed and the West, fully cognizant of the value of tourist travel, will make strenuous efforts to maintain the "industry." Of great importance also if the development of the automobile which by making possible an increase in popular touring, has introduced a new factor and seems to have established a permanent source of national park patronage. When one understands that sixty-five per cent of the travel to the national parks is by automobile the significance of the automobile becomes apparent. See footnote 29.

21/ Rept. of the Dir. of Nat'l Park Service, 1920, 14.
22/ Taylor of Colorado, Congressional Record, 63 Cong. 3 sess. 1791.
23/ Dept. of Int. Repts. 1918, I, 821; Ibid., 1919, 927; Rept. of the Dir. of "Nat'l" Park Service, 1920, 72-74; Ibid., 1921, 31.

The advantages accruing to the Western states from tourist travel are not measured primarily in terms of the money spent by the tourist on his visit through the section, although this is by no means inconsiderable.24/ The parks are looked upon as agencies which, by attracting large numbers of visitors, give the West a wide publicity and so promote settlement and investment. This is well expressed in an argument for the creation of a national park in Idaho. "The creation of the park," read the house report on the bill, "will be of great value to the State of Idaho in serving to attract people from all parts of the country into her borders, and thus enable them to become conversant with the vast resources of the State."25/ One of the reasons for creating the Mount McKinley National Park was to stimulate travel by sightseers and tourists to Alaska who in turn would become investors, publicity agents, and perhaps settlers.26/ The state of Colorado was anxious to secure the establishment of the Rocky Mountain National Park; the state legislature, both political parties, the city of Denver, the Denver real estate exchange, and various commercial organizations supported the proposal.27/ Few of these organizations expected direct financial benefit from the tourist travel stimulated by a national park within the state. They all expected, however, to be indirectly benefited by the salutary effect tourist travel would have upon the development of the state. If one conceives of the development of the West as national in importance the relation of the park system in that development has a national significance.

The more important aspect of the "See America First" movement is its influence upon national citizenship. Of far greater consequence to the nation is the intercourse of visitors from every section stimulated by the attractions of the park system. The tourists "are impressed with the fact that there is no essential difference between the man from California and the man from Maine, the man from Florida and the man from Montana; that they are all Americans, each doing his share in the upbuilding of the Nation . . . ; that modern means of transportation have annihilated the distances between the states."28/ A study of the travel figures for 1921 will illustrate the extent of the intersectional travel engendered by the National Park System. Of the 81,651 tourists visiting the Yellowstone National Park, 20,467 came from the three adjacent states of Montana, Idaho, and Wyoming, the remainder coming from every state in the United States, several territories, and thirteen foreign countries. The region west of the Mississippi exclusive of the three states mentioned was represented by 25,600 persons,

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24/ Estimated in 1920 at $100,000,000. Ibid., 1920, 14.
25/ House Report, 1356, 64 cong. 2 sess. 2.
26/ Senate Report, 440, 64 cong. 1.sess. 1; House Report, 1273, 64 cong. 2 sess. 1.
27/ Congressional Record, 63 cong. 3 sess. 1789.
28/ Mather, Rept of the Dir. of Nat'l Park Service, 1921, 13.

the area comprising Illinois, Minnesota, Ohio, Wisconsin, Michigan, and Indiana, by 11,214, New York, New Jersey, and Pennsylvania by 3,995, and the Southern states east of the Mississippi by 2,001, and New England by 721.29/

The influence of the national park in stimulating an intersectional travel that tends to broaden the point of view of the American people and to upbuild a national unity is possibly the greatest contribution made by the National Park System in the life of the nation. There is an attraction in thinking of the United States Government reserving and making accessible for its citizens the choicest places of beauty and grandeur in the country, of encouraging its people to visit them, and then in turn being strengthened by the better and broader spirit of Americanism which such a system engenders. As yet, however, it must be recognized that the results of such a possibility lie mainly in the future. The movement of travel from New England and the Atlantic Coast to other sections of the United States is comparatively small.

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29/ Inasmuch as approximately 10,000 tourists were unclassified the totals would be more accurate if increased by ten per cent. Rep of the Dir of Nat'l Park Service, 1921, 158-159, 280. These figures throw some light upon the effects of European competition. It will be noted that travel to the National Parks from the Atlantic Coast, the region most attracted to Europe, is slight. On the other hand in those sections where European competition will be very small the National Park System draws its greatest numbers.

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The earliest legislation relating to the National Park System is the act of April 20, 1832, reserving the Hot Springs of Arkansas from sale. After 1872 a steadily increasing amount of national park legislation is to be found in the Statutes. This legislation can be grouped into two classes: first, specific acts relating to a single object, such as an act creating a national park, the act establishing the National Park Service, the Yellowstone act of 1894, or the act of 1906 providing for the establishment of national monuments, and second, the sundry civil appropriation acts which not only make appropriations for the national parks but include a wide range of legislation in regard to leases, management, road construction, etc.

II Records of Debates in Congress.

(Congressional Debates.) Register of Debates in Congress. Vol. VIII, Washington, 1833.

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Congressional Globe, containing the Debates and Proceedings.

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Containing the accounts of the passage of the act granting the Yosemite Valley to the State of California and the act creating the Yellowstone National Park.

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Vol. LXII (in part) in pamphlet form, (to May, 1922)

Of the bills relating to the national parks which were discussed in Congress the more important in evoking opinions were the sundry civil appropriation bills, and to a lesser extent the acts creating the various parks. The record from 1883 to 1894 in the controversy over appropriations and remedial legislation for the Yellowstone, from 1905 to 1906 on the Yosemite recession, and from 1910 to date on the general subject of park appropriations and new parks contains the fullest discussion. While references to the parks for the other years is more scrappy important items are to be found which could not be overlooked.

III Congressional Documents.

Beginning with the Raynolds' report in 1869 (Sen. Exec. Doc., 77, 40 Cong. 1 sess.) and the Doane report of 1871 (Sen. Exec. Doc., 51, 41 Cong. 3 sess.), a great number of congressional documents relating to the national parks have been published. The reports of the House and Senate Committees are important sources for information concerning the creation of the parks, administrative changes, improvement work, and in general give a fuller account of the legislative history of the parks. The executive documents, prepared mainly by or under the direction of the Secretary of the Interior, contain material in regard to the park administration, and the recommendations and opinions of the executive officers concerning proposed legislation. The more important documents have been cited in the footnotes. References to the others can be easily found by using the indexes to public documents listed by Channing, Hart, and Turner, Guide to the Study and Reading of American History, 37.

IV Department of the Interior Reports.

The reports of the Department of the Interior are both extensive and invaluable in a study of the administrative history of the National Park System. These reports can be divided into several groups according to the author.

Annual Report of the Secretary of the Interior. 1872-1921.

The Secretary of the Interior in his annual report summarized the work of the various phases of his

administration. The summary of the national parks was based upon the reports of the park superintendents. Yet frequently the Secretary gave an opinion peculiarly his own on some subject.

Annual Reports of the Superintendents, Supervisors, Custodians, etc. of the various parks and monuments. 1872-1921.

After 1917 these reports were combined in the more important report of the Director of the National Park Service and consequently lose much of their unique value. But before a central administration of the park system was established the reports of the park superintendents form the chief source of the knowledge of the development of the system. Indeed for the greater part they form the basis for the administrative history. From 1872 to 1878 these reports were included in the Interior Department Reports, Vol. I., from 1879 to 1887, Ibid., Vol. II., from 1888 to 1896, Ibid., Vol. III, from 1897 to 1821, Annual Reports of the Department of the Interior, Administrative Reports, Vol. (or Pt.) I. In the footnotes of this paper the references have been uniformly Dept. of Int. Repts. year, vol. and page.

Annual Reports of the Director of the National Park Service.

1917-1921. Since the organization of the National Park Service in 1916-1917, the reports of its directors have been the most comprehensive and valuable source of knowledge concerning the National Park System. In the preparation of this thesis the reports for 1920 and 1921, due to their recent date, have been used in pamphlet form and are so quoted. Their authenticity however is by no means lessened by this fact.

V Magazines

A vast amount of magazine material on the national parks has been published. Most of this being descriptive and narrative and popularly written is of little value in a consideration of the administrative history. Yet a small percentage of this material is indispensable in this study, showing as it does the development of a popular interest

in the parks and the work of a group of naturalists and public spirited men in behalf of the system. As has been described the sources for the discovery and creation of the Yellowstone were in an important part magazine material. (See footnote 19, Chapter II.) Some of the articles have been referred to in the footnotes. Others can be found in the several bibliographies prepared by the Interior Department. In 1911, the Department published a List of Magazine Articles on National Parks, Reservations and Monuments, including all articles printed up to December 31, 1910. The critical student as well as the nature lover will find the articles by John Muir of greatest value and interest. In 1917, 1918, and 1919, the annual reports of the Director of the National Park Service included bibliographies of books and magazine articles on national parks, covering together the period from September 1, 1916, to September 30, 1919. (Department of Interior Reports, 1917, I, 1017-1030; Ibid., 1918, I, 1051-1063; Ibid., 1919, I, 1247-1261.) The descriptive pamphlets of each national park, published by the Interior Department, in a less satisfactory way lists the magazine articles on that particular park.

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