

UNIVERSITY OF OKLAHOMA

GRADUATE COLLEGE

DISCONTENT ON THE RANGE: UNCOVERING THE ORIGINS OF PUBLIC  
GRAZING LANDS POLITICS IN THE INTERMOUNTAIN WEST

A DISSERTATION

SUBMITTED TO THE GRADUATE FACULTY

in partial fulfillment of the requirements for the

Degree of

DOCTOR OF PHILOSOPHY

By

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Norman, Oklahoma

2014

DISCONTENT ON THE RANGE: UNCOVERING THE ORIGINS OF PUBLIC  
GRAZING LANDS POLITICS

A DISSERTATION APPROVED FOR THE  
DEPARTMENT OF HISTORY

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In Memory of Stuart J. Hilwig

## ACKNOWLEDGEMENTS

Rangelands and dissertations have much in common. Both require a significant amount of time to navigate. Both also have their fair share of dangers, whether they take the form of a rattlesnake, a split infinitive, or an ardent defender of a particular range claim. Surviving these hazards demands individuality and companionship. Writing a dissertation can be as lonely as traversing a sagebrush plain, but the process is full of watering holes, colleagues, and close friends that can help one stay on the trail.

Traveling across the western range requires money as well as water, and I am grateful to the financial support provided by the Department of History, Graduate College, and Graduate Student Senate at the University of Oklahoma. Grants and fellowships provided by the American Heritage Center at the University of Wyoming, the Charles Redd Center for Western Studies at Brigham Young University, the Oklahoma Chapter of the National Society of the Colonial Dames of America, and the Wyoming State Historical Society further sustained this project.

If the range is full of stories, as this dissertation suggests, than the research institutions and librarians who keep them are the region's most valuable resource. The American Heritage Center at the University of Wyoming became a second home for much of the summer of 2012 and in particular, I must thank Rick Ewig, Ginny Kilander, John Waggener, Rick Walters, and the Center's entire staff for their generosity, assistance, and hospitality. J. Wendel Cox, Bruce Hanson, and others deserve thanks for making the Denver Public Library's Western History and Genealogy Department among my favorite places to do research. Michael Maher and Heidi Englund of the Nevada Historical Society extended their library's hours for me during some crucial

days of my research of Senator Patrick McCarran's papers. Jacquelyn Sundstrand and her staff in the Special Collections and University Archives Department of the University of Nevada-Reno deserve special recognition for scanning the maps found in Chapter Four. Polly Armstrong of Stanford University Libraries helped me navigate Bernard DeVoto's papers. I must also thank the special collections staffs of the Stephen H. Hart Research Library at the Colorado History Center, Merrill-Cazier Library at Utah State University, and Stewart Library at Weber State University.

Although I am a historian, my roots are in the western range and I am grateful for the assistance from individuals who have made their living managing that landscape. Tristram Post, my former supervisor on the Rio Grande National Forest, exposed me to forest range management and encouraged me to think about its historical applications. Dario Archuleta, Guy Blackwolf, Gale Bustillos, Gary Snell, and Lisa Van Amberg contributed further to this atmosphere on the Rio Grande, as did Tom McClure, Linn Pettijohn, and many past and present employees of the White River National Forest. Special thanks also to Dave Bradford, Bob Mountain, and the entire Region 2 crowd at the annual meetings of the Society for Range Management. I hope this dissertation lives up to their expectations.

I also appreciate the assistance I have received from fellow scholars and scientists within academia. Numerous faculty of the University of Oklahoma have helped me in this project, whether it was in teaching me how to write, commenting on my dissertation, or needing a dog-sitter. Thank you to Paul Gilje, Richard Hamerla, Albert Hurtado, Cathy Kelly, Ben Keppel, Warren Metcalf, and Robert Rundstrum. Thanks also to Susan Edinger Marshall at Humboldt State University for serving as the

external member on my dissertation committee. I also appreciate the many range scientists and historians who have helped me, whether it was providing valuable comments or offering a place to stay while on the research trail (and sometimes both). Special thanks to Paul and Ellen Bonnifield, Mark Fiege, Kris Havstad, Robin Pinto, William Rowley, George Ruyle, Nathan Sayre, Jim Sherow, Jay Taylor, and Marsha Weisiger. Finally, just as every ranch needs a good foreman, every young scholar requires a mentor. I have been blessed to have had many during my educational career. Rich Loosbrock, Ed Crowther, John McDaniel, and the late Stuart Hilwig guided me as an undergraduate at Adams State College (now University). At the University of Oklahoma, Donald Pisani and Sterling Evans have shepherded this project from its origins to the pages presented here. I appreciate Don for pushing me to consider the political and legal implications of my research. I am grateful to Sterling for allowing me to continue pursuing my interests in range management and history, which occasionally required us to embark upon an epic western road trip or take a brief sojourn in search of tortas or chicken fried steaks. I appreciate both of them for their sound advice and good cheer and I look forward to our crossing paths again.

Close friends and family have sustained my work throughout. Special thanks to the Chigley Mansion cohort, especially Jeff Fortney, David Jonsson, Doug Miller, Bryan Reindfleisch, Rowan Steineker, Michele Stephens, Julie Stidolph, and Emily Wardrop. Brandi and Josh Hagemann (as well as puppies Ginger and Anabelle) deserve recognition for opening their house to me on many occasions and becoming close friends in the process. Meanwhile, the Big Bend gang—Matt Bahar and Dave

Beyreis—were the best friends a guy could have during graduate school. Happy trails to you all and may there be additional river float trips in our future!

Along with my friends, my family provided sound moral and financial support throughout my education. Sometimes they only got to see me if I needed a resting place during my research. Thank you to Mom, Dad and Julie, Tom, Heidi, Hallie, and Jim Jammer for all their love. And special thanks to Summer for giving me the extra push I needed at the end of the trail.



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## **ABSTRACT**

Recent conflicts between ranchers, environmentalists, and federal range management experts on western public lands are a product of different perceptions of the landscape that crystallized by the middle of the twentieth century. Western stockgrowers depend upon a variety of rangeland ecosystems during the year in order to sustain their animals. By moving livestock from lower to higher elevations throughout the region, however, they often cross several political boundaries. By the middle of the twentieth century, western rangelands lay under a variety of jurisdictions—private, state, and federal—and ranchers often combined lands from all three areas into a seasonal forage supply. Federal rangelands, especially those organized under the Taylor Grazing Act of 1934, played a crucial role in allowing stockgrowers to utilize western public lands for the purposes of livestock grazing. Thus, this dissertation examines the origins, implementation, and ramifications of a law that organized over 132 million acres of land into federal districts and leased an additional 11 million acres to individual ranchers in the American West under the impression that such areas were chiefly valuable for grazing.

Most Americans acknowledge that livestock have a place on federal rangelands in the West. Determining the proper place of stockgrowers in federal range management has been a constant matter of dispute, however. My work uncovers the origins of range science, details the implementation of the Taylor Grazing Act, and reveals the connections between public rangelands and the emergence of modern environmentalism. Chapters One through Three examine attempts by the range livestock industry and federal range management officials to regulate grazing on

western public rangelands prior to the Taylor Grazing Act in 1934. Chapter Four, which focuses exclusively on the passage of this law, points out that the perceived deterioration of western landscapes, combined with the economic crisis of the Great Depression, provided the necessary context to make federal grazing regulation a reality. Chapters Five through Seven, meanwhile, outline the difficulties of applying a philosophy known as “home rule on the range” to the lands that the Taylor Grazing Act incorporated into the national domain. Farrington R. Carpenter, a Colorado rancher and lawyer tasked with the implementation of this law, played a prominent role in this process and his experiences reveal how the federal grazing program expanded onto the western range with the assistance of local ranchers who used the act’s language to their advantage. Yet some ranchers remained unsatisfied by Carpenter’s efforts and, by 1946, spearheaded a movement to do away with the federal grazing program entirely and privatize all public lands, including those administered by the Taylor Grazing Act. Chapter Eight details their efforts. It also reveals how Bernard DeVoto came to write the article “The West Against Itself,” which exposed the range privatization scheme to a national audience in 1947. Upon the publication of his essays and the entry of a burgeoning environmental movement into public rangeland politics, an arena heretofore dominated by western ranchers and federal range management officials, the paradigm for all subsequent public rangeland controversies was established.

This dissertation examines each side involved with this process. Western ranchers, federal range scientists, and conservation organizations all brought their own perceptions and agendas to the western range. Thus, each group attempted to use the Taylor Grazing Act to their advantage. For western stockgrowers, the Taylor Grazing

Act provided an opportunity to transcend the differences that divided the industry at the local, state, and national levels. At the same time, the act exposed divisions within professional range management, which had profound implications for the relationships that federal agencies—most notably the U.S. Forest Service and the Division of Grazing (forerunner to the present-day Bureau of Land Management)—established with stockgrowers and conservationists. In turn, the implementation of the Taylor Grazing Act provided an opportunity for conservation organizations, most notably the Izaak Walton League of America, to participate in federal rangeland politics for the first time.

By critically examining the viewpoints of all three groups—western ranchers, federal range scientists, and conservation organizations—this dissertation uncovers a complicated process through which western rangelands once considered chiefly valuable for grazing and for the sole benefit of local ranchers became lands of many uses owned by all Americans, near and far. The Taylor Grazing Act played a pivotal role in this process. A close examination of its implementation provides much needed perspective on more recent disputes among federal land agencies, western states' rights activists, and environmentalists over the proper place of range science, ranchers, and livestock on public lands.

## **INTRODUCTION**

### **A RANGE OF STORIES**

The American West is full of stories. However, no facet of its history is more contested than that of the range livestock industry, as the following episodes show. On June 28, 1939, Secretary of the Interior Harold L. Ickes presented a gift to Representative Edward T. Taylor of Colorado. Along with a gavel made from walnut and a plate of New Mexico silver, the representative received a leather binder that featured the words “Hon. Edward T. Taylor, Author of the Taylor Grazing Act.”<sup>1</sup> It had been five years since the act’s passage, which by this point had organized over one hundred million acres of western rangeland into federal grazing districts. When Taylor opened the binder, he found the names of employees and associates of the Grazing Service, the agency tasked with its implementation. Featuring 1,070 signatures from stockgrowers and federal officials from 10 western states, the names simultaneously constituted a symbolic gesture to Taylor and recognized their work in “promoting the welfare of the West,” as Secretary Ickes wrote.<sup>2</sup>

This concept that the Taylor Grazing Act protected “the welfare of the West” implied that the region required saving in the first place. Indeed, the belief that the federal government had failed to regulate livestock grazing on the western public domain, or those lands that remained unclaimed for individual settlement under existing

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<sup>1</sup> The binder can be found within the Edward T. Taylor Collection, Stephen H. Hart Library and Research Center, History Colorado Center, Denver (hereafter, Taylor Collection), Box 2. In fact, Taylor received numerous gifts for his role in the passage of the Taylor Grazing Act, many of which came in the form of gavels (of which Taylor was a collector). For similar presentations, see Harold Ickes to Edward T. Taylor, July 6, 1939, in Taylor Collection, Box 1, Fol. 3, and Harold Ickes to Edward T. Taylor, May 10, 1940, in Taylor Collection, Box 1, Fol. 35. Taylor’s gavel collection is housed within the Material Culture Department of the History Colorado Center in Denver.

<sup>2</sup> Harold Ickes to Edward T. Taylor, June 28, 1939, in Taylor Collection, Box 2. For a similar interpretation of the Taylor Grazing Act, see Richard Lowitt, *The New Deal and the West*, 2<sup>nd</sup> ed. (Norman: University of Oklahoma Press, 1993), 65-66

homestead laws, influenced its passage in the first place. That the government was unable to monitor ranchers' activities on these lands prior to the Taylor Grazing Act, this narrative continued, represented a policy failure that encouraged rampant individualism among stockgrowers and resulted in the deterioration of western landscapes. "Nomadic graziers roamed at will, destroying feed and poaching water," agricultural economist Virgil Hurlburt once wrote. "The 'first come' was the 'first served.'"<sup>3</sup>

This perception of the public domain range as a great "commons" open to exploitation prior to the application of suitable environmental policies has persisted, perhaps most famously in Garrett Hardin's 1968 essay "The Tragedy of the Commons."<sup>4</sup> Competition among stockgrowers, each acting in accordance with their own economic interest, the argument continues, encouraged the placement of more and more livestock on the range, which contributed to overgrazing, which in turn resulted in increased soil erosion rates and the replacement of native forage with less nutritious invasive species or poisonous plants on the western range, which then contributed to decreased carrying capacities, declined land values and ruined ranchers. These trends destabilized the livestock industry, as increased competition for the range's dwindling forage resources encouraged conflict among ranchers. Thus, the Taylor Grazing Act assumed a difficult task of overturning over a half-century's worth of poor homesteading policies, individual rivalries among ranchers, and their detrimental ecological effects. As political scientist Phillip O. Foss wrote, federal homesteading laws that subdivided rangelands into small units rather than recognize their value for

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<sup>3</sup> Virgil Hurlburt, "The Taylor Grazing Act," *Journal of Land & Public Utility Economics* 11 (May 1935): 203.

<sup>4</sup> Garrett Hardin, "The Tragedy of the Commons," *Science* 162 (December 13, 1968): 1244.



livestock “forced overgrazing” upon stockgrowers and ultimately encouraged conflict, economic instability, and overgrazing, all of which had detrimental effects for the livestock industry as well as for the western environment.<sup>5</sup> Therefore, Taylor’s gift and the signatures within it implied that the Taylor Grazing Act had helped save the western range and placed it on the path towards rehabilitation.

A second ceremony that occurred five years later in Laramie, Wyoming, stood out in stark contrast to the narrative of range deterioration and federal salvation, however. On April 24, 1944, the Wyoming Stock Growers Association (WSGA)—one of the most politically influential livestock organizations in the entire West—announced the donation of its archival materials to the University of Wyoming. Described as “[t]he most precious heritage of Wyoming’s rangeland,” the association’s gift included approximately seventy years’ worth of material, including letters, meetings minutes and proceedings, diaries or other personal reminiscences, and photographs.<sup>6</sup> This collection presented an interpretation of the western range much different from the one written into the Taylor Grazing Act or the so-called “tragedy of the commons.” Rather than depict declension or competition, the WSGA’s materials espoused regional progress through individual initiative and industry cooperation.

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<sup>5</sup> Phillip O. Foss, *Politics and Grass: The Administration of Grazing on the Public Domain* (Seattle: University of Washington Press, 1960), 34.

<sup>6</sup> For Immediate Release,” April 24, 1944, in Wyoming Stockgrowers Association Records, American Heritage Center, University of Wyoming, Laramie (hereafter, WSGA Records), Box 42, Fol. 8. See also Russell Thorp to Robert Stahlhut, January 4, 1945, in *ibid.* The materials were preserved in a “Wyoming Stock Growers Room” within the university’s library. The American Heritage Center (the University’s special collections division) was established the next year and began cataloguing the WSGA’s materials. When the American Heritage Center relocated to its current location within the Centennial Complex in 1993, the Wyoming Stock Growers Room as well as the records of the Wyoming Stock Growers Association moved as well. By this point, the American Heritage Center had become the depository of other notable western livestock associations, including the Wyoming Wool Growers, the National Cattlemen’s Association, and the National Wool Growers Association, making it a premier place to study western history. For additional information on the research opportunities that the American Heritage Center offers, see “About the AHC,” <http://www.uwyo.edu/ahc/about/index.html> (last accessed March 23, 2014).

Similar to how the Taylor Grazing Act perhaps marked an end to the commons, however, the WSGA's donation appeared to mark the end of the first stage in the history of Wyoming's range livestock industry. The frontier period was over and many of the association's founding members had "passed the horizon to join the last Great Roundup," according to current president George Cross.<sup>7</sup> Members looked upon these individuals as key contributors to the development of the state. Thus, by donating its archival materials, the WSGA reinforced its perceived importance in Wyoming's evolution. "The pioneer days are now only an echo," the association stated, "In passing on their rich heritage of records, the cattlemen have hung their rifles on brackets and join in saying—'Cedant arma togae!' [or] 'Let arms yield to the gown.'"<sup>8</sup> Milward L. Simpson, president of the University's Board of Trustees (as well as a WSGA member and future Senator), reinforced this image by interpreting the association's donation as playing an essential role in his school's maturity as well, labeling the ceremony as "one of the most signal and outstanding contributions to the University of Wyoming that I have ever witnessed."<sup>9</sup>

Contemporary and subsequent chroniclers of the western livestock industry reinforced the narrative expressed during the WSGA's ceremony. Often writing on the behalf of stockgrowers' associations, authors such as Ora Brooks Peake, Agnes Wright Spring, and John Rolfe Burroughs described the early history of western ranching as a

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<sup>7</sup> Cross said this during the formal donation of the association's materials to the University of Wyoming, which took place during the WSGA's annual convention in Jackson on June 7, 1944. See WSGA Records, Box 42, Fol. 7.

<sup>8</sup> "For Immediate Release," April 24, 1944. This phrase was featured on Wyoming's Territorial Seal and remains engraved above the main entrance to the University of Wyoming's "Old Main" building.

<sup>9</sup> Milward Simpson to Russell Thorp, April 28, 1944, in WSGA Records, Box 42, Fol. 8. WSGA secretary Russell Thorp also referred to the donation as one of the association's "greatest achievements" in Russell Thorp to Albert H. Houser, August 13, 1946, in *ibid.*, Box 42, Fol. 7. Milward Simpson's son, Alan K. Simpson, also went on to become a notable Wyoming Senator.

colorful era, integral to the region's development rather than a period of political manipulation or environmental exploitation. They emphasized the initiative, ambition, and cooperation that existed among stockgrowers within their respective associations, often discounting periodic violence or the occasional resorting to "Judge Lynch" in the process.<sup>10</sup> The fact that ranchers utilized the forage found on rangelands, the region's most widespread natural resource, contributed further to their significance. In his history of the WSGA, for example, John Burroughs claimed that only when early settlers discovered "the virtue in grass" did they arrive "at a realistic understanding of Wyoming's true worth."<sup>11</sup> Ranchers did all of this on their own, the argument concluded, with little help from the federal government. While Harold Ickes insisted that the Taylor Grazing Act was necessary to protect the "welfare of the West," the pomp and circumstance that surrounded the WSGA's archival donation and its celebrated history suggested that perhaps the region was not in need of saving.

Compare these ceremonies with the third story given by western historian Bernard DeVoto in "The West Against Itself," which was part of a series of three articles published in *Harper's Magazine* between December 1946 and January 1947. DeVoto wrote in response to ranchers' proposals to privatize all federal rangelands in

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<sup>10</sup> Horace Curzon Plunkett to Harry E. Crain, May 11, 1915, in Donald I. Patterson, ed., *Letters from Old Friends and Members of the Wyoming Stockgrowers Association: Reminiscences of Pioneer Wyoming Cattle Barons in their Original Words* (1923; reprint, Cheyenne: Medicine Wheel Books, 2004), 74.

<sup>11</sup> John Rolfe Burroughs, *Guardian of the Grasslands: The First Hundred Years of the Wyoming Stock Growers Association* (Cheyenne: Pioneer Printing & Stationary Co., 1971), 8. See also Charles Ball, *Building the Beef Industry: A Century of Commitment* (Denver: National Cattlemen's Foundation, 1998), Charles Burmeister, "Six Decades of Rugged Individualism: The American National Cattlemen's Association, 1898-1955," *Agricultural History* 30 (October 1956): 143-50; Robert H. Fletcher, *Free Grass to Fences: The Montana Cattle Range Story* (New York: University Publishers, Inc., 1960), Dan Fulton, *Failure on the Plains: A Rancher's View of the Public Lands Problem* (Bozeman, MT: Big Sky Books, 1982); Ora Brooks Peake, *The Colorado Range Cattle Industry* (Glendale, CA: Arthur H. Clark Co., 1937); Robert K. Mortensen, *In the Cause of Progress: A History of the New Mexico Cattle Grower's Association* (Albuquerque: New Mexico Stockman, 1983); and Agnes Wright Spring, *Seventy Years: A Panoramic History of the Wyoming Stock Growers Association* (Cheyenne: Wyoming Stock Growers Association, 1942).

the American West. In addition, he pointed to the U.S. Forest Service, which managed the national forests in the region, as practicing the proper form of federal range administration. DeVoto challenged the narrative put forth by western livestock associations by insisting that the federal rangelands that some of their members depended upon belonged to all Americans and should be managed accordingly. The Taylor Grazing Act had helped facilitate this process, but DeVoto questioned its importance by noting the other range uses it left unmentioned, including wildlife habitat, outdoor recreation, and watershed protection—all of which Forest Service range managers acknowledged on the national forests. Thus, DeVoto framed the history of the western range up to that point as both a policy failure and as a product of the livestock associations' greed. Where the champions of the Taylor Grazing Act saw progress with its implementation or where leading members of the WSGA may have seen opportunity in the privatization of public rangelands, DeVoto saw only continued political manipulation or environmental deterioration, the ultimate results of which could return states like Wyoming "to the processes of geology," he wrote.<sup>12</sup>

The stories portrayed within Taylor's binder, the WSGA's ceremony, and DeVoto's writings portray three distinct understandings of western rangelands by the middle of the twentieth century. But it is important to note that none of them

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<sup>12</sup> Bernard DeVoto, "The Anxious West" (*Harper's Magazine*, December 1946), in Bernard DeVoto, *DeVoto's West: History, Conservation, and the Public Good*, ed. Edward K. Muller (Athens, OH: Swallow Press, 2005), 66. Diatribes against the western range livestock industry and federal range managers from contemporary environmentalists have reinforced DeVoto's declensionist narrative. For additional perspective on the conservationist opposition against ranchers' efforts to privatize western rangelands during the mid-twentieth century, see William Voigt, Jr., *Public Grazing Lands: Use and Misuse by Industry and Government* (New Brunswick: Rutgers University Press, 1976). Notable environmentalist attacks on western public lands grazing include Debra Donahue, *The Western Range Revisited: Removing Livestock from Public Lands to Conserve Native Biodiversity* (Norman: University of Oklahoma Press, 1999); Denzel and Nancy Ferguson, *Sacred Cows at the Public Trough* (Bend: OR: Maverick Publications, 1983); Lynn Jacobs, *Waste of the West: Public Lands Ranching* (Tucson, AZ: self-published, 1991); and *Welfare Ranching: The Subsidized Destruction of the American West*, ed. George Wuerthner and Mollie Matteson (Sausalito, CA: Foundation for Deep Ecology, 2002), esp. 33-38.

questioned whether livestock belonged on the landscape in the first place. Western ranchers depended upon a variety of rangeland ecosystems during the year in order to sustain their animals. By moving livestock from lower to higher elevations throughout the region, however, they often crossed several political boundaries. By the middle of the twentieth century, western rangelands lay under a variety of jurisdictions—private, state, and federal—and ranchers often combined lands from all three areas into a seasonal forage supply. Federal rangelands, including those organized under the Taylor Grazing Act, played a crucial role in this process. By the time DeVoto wrote “The West Against Itself,” the Grazing Service (later the Bureau of Land Management, or BLM) had organized over 132 million acres of land into grazing districts and leased an additional 11 million acres to individual ranchers in the West. Meanwhile, the U.S. Forest Service administered 136 million acres of national forests in the region, approximately 76.5 million of which were used by livestock during the summer months. These lands supported a significant number of animals for at least part of the year, including 11.3 million sheep and 3.7 million cattle, which led a House subcommittee to conclude that their “chief value” was their “use for grazing purposes.”<sup>13</sup>

These statistics caused most Americans to accept the importance of livestock on federal rangelands in the West. As this dissertation will show, however, determining the proper place of stockgrowers in federal range management was a constant matter of dispute. To paraphrase historian William Cronon, the West is “a place for stories.”<sup>14</sup> Only by uncovering those hidden within Taylor’s binder, the WSGA’s presentation, and

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<sup>13</sup> U.S. Congress, House, *Report of Hearings Before the Committee on Public Lands and the Subcommittee on Public Lands, House of Representatives, on Forest Service Policy and Public Lands Policy*, 80<sup>th</sup> Cong., 2d sess., 1948, H. Rept. 2456, 2. See also *ibid.*, 5-6 for area and grazing statistics.

<sup>14</sup> William Cronon, “A Place for Stories: Nature, History, and Narrative,” *Journal of American History* 78 (March 1992): 1347-76.

DeVoto's writings can we begin to uncover the history of the western range. Indeed, they encapsulate the region's history and can tell us much about its current state.

Therefore, this dissertation uncovers the origins of federal range management in the Intermountain West, details the implementation of the Taylor Grazing Act, and reveals the connections between public rangelands and the emergence of modern environmentalism. The names within Taylor's gift reflected the application of what he liked to call "home rule on the range," or close collaboration between federal officials and local stockgrowers to bring public domain grazing districts to their perceived highest use. Chapters One through Three show that the origins of this philosophy lay within initial attempts by the range livestock industry and federal range management officials to regulate grazing on the public domain. The perceived deterioration of western landscapes, combined with the economic crisis of the Great Depression, provided the necessary context to make federal grazing regulation a reality, as discussed in Chapter Four. Chapters Five through Seven, meanwhile, outline the difficulties of applying the "home rule" philosophy to rangelands that the Taylor Grazing Act incorporated into the national domain. Farrington R. Carpenter, a Colorado rancher and lawyer tasked with the implementation of the Taylor Grazing Act, played a prominent role in this part of the story and his experiences reveal how the federal grazing program expanded onto the western range with the assistance of local ranchers who used the act's language to their advantage. Indeed, by including the names of stockgrowers and officials who participated in this effort, Taylor's binder is evidence of the success of Carpenter's approach. Yet, for some ranchers (including leading members of the WSGA), this effort was not enough and, in 1946, they spearheaded a movement to do

away with the federal grazing program entirely and privatize all public lands, including those administered by the Taylor Grazing Act. Chapter Eight details their efforts. It also reveals how Bernard DeVoto came to write “The West Against Itself,” which exposed the range privatization scheme to a national audience. Upon the publication of his essays and the entry of a burgeoning environmental movement into public rangeland politics, an arena heretofore dominated by western ranchers and federal range management officials, the paradigm for all subsequent public rangeland controversies was established.

Until now, no one has examined each side involved with this process.<sup>15</sup> Yet western ranchers, federal range scientists, and conservation organizations all brought their own perceptions and agendas to the western range. The Taylor Grazing Act was undoubtedly a vehicle for state formation, where the federal government expanded its regulatory authority to western rangelands and its users, notably ranchers. Yet previous scholars have overlooked how each interest group tried to use the act to their advantage.<sup>16</sup> They have discounted the diversity within the western livestock industry

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<sup>15</sup> Therefore, my work is in response to calls for a greater investigation of public rangeland politics by western, environmental, and agricultural historians. For instance, see “Agricultural History Talks to Brian Q. Cannon,” *Agricultural History* 87 (Winter 2013): 34.

<sup>16</sup> Previous scholarship on the Taylor Grazing Act and public lands grazing typically fall into one of two categories. Early scholars, most notably E. Louise Peffer, interpreted the act as a watershed moment where the federal government formally “closed” the public domain and subjected it to expanding amounts of bureaucracy and expertise. See E. Louise Peffer, *The Closing of the Public Domain, 1900-50* (1951; reprint, New York: Arno Press, 1972). Subsequent land historians such as Paul Wallace Gates and William Robbins built upon this argument and framed the passage of the Taylor Grazing Act as part of a broader process through which Americans preferred public rather than private management of natural resources. See Paul Wallace Gates, *History of Public Land Law Development* (1968; reprint, New York: Arno Press, 1979) and Roy M. Robbins, *Our Landed Heritage: The Public Domain, 1776-1970*, 2<sup>nd</sup> ed. (Lincoln: University of Nebraska Press, 1976). Meanwhile, other historians, political scientists, and geographers have used the Taylor Grazing Act as a case study in interest-group capture. They maintain that organized ranchers, with close allies like Farrington Carpenter, manipulated the language of the Taylor Grazing Act to meet their interests, which hamstrung the work of the Grazing Service to the point stockgrowers effectively captured the agency and prevented it from making progress in range management on the public domain. See Foss, *Politics and Grass*, Wesley Calef, *Private Grazing and Public Lands* (Chicago: University of Chicago Press, 1960); George A. Gonzalez, “Ideas and State

that existed at the local, state, and national level and how it affected preliminary attempts to regulate grazing on the “commons.” They have also overlooked how federal officials applied the principles of range science to western rangelands. These individuals did not do so uniformly. Rather, Forest Service and Grazing Service personnel had different interpretations of range management, which had profound implications for the relationships these agencies established with stockgrowers and conservationists. Finally, the incorporation of this latter group into the narrative—best personified by Bernard DeVoto and members of the Izaak Walton League of America (IWLA)—provides an opportunity to move beyond the conventional western rancher/federal expert dichotomy prevalent within previous examinations of public lands grazing.

At its heart, the discontent on the range that emerged by the middle of the twentieth century was a product of different perceptions of the landscape, its proper use, and the role of stockgrowers in its management.<sup>17</sup> One can only gain a full appreciation of its significance by going to the western range itself and meeting some of the

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Capacity, or Business Dominance? A Historical Analysis of Grazing on the Public Grasslands,” *Studies in American Political Development* 15 (Fall 2001): 234-44; Grant McConnell, *Private Power and American Democracy* (New York: Vintage Books, 1966); and Michael M. Welsh, “Beyond Designed Capture: A Reanalysis of the Beginnings of Public Range Management, 1928-38,” *Social Science History* 26 (Summer 2002): 347-91. The perception that the U.S. Forest Service as a relatively independent agency within the Department of Agriculture with officials more experienced in range science contributed further to the perception of the Grazing Service as an inept, captured agency. For an overview of Forest Service range management, see William D. Rowley, *U.S. Forest Service Grazing and Rangelands: A History* (College Station: Texas A&M University Press, 1985). Most recently, historian Karen Merrill remains aloof from the capture debate by showing that organized ranchers and federal officials actually shared similar concepts of private property ownership and natural resource use on public rangelands. They wrote their shared conceptions into the Taylor Grazing Act, which formalized private grazing privileges on public lands under federal auspices. See Karen R Merrill, *Public Lands and Political Meaning: Ranchers, the Government, and the Property Between Them* (Berkeley: University of California Press, 2002). This dissertation builds upon Merrill’s work. Nevertheless, her argument is guilty of the general oversights mentioned above in regards to the relationships between western stockgrowers, federal range management experts, and conservationists.

<sup>17</sup> In this regard, my work also builds upon Karl Hess, Jr., *Visions Upon the Land: Man and Nature on the Western Range* (Washington: Island Press, 1992).



individuals who signed Taylor's binder, participated in the WSGA's celebration, or contributed to *Harper's Magazine*. By appreciating their stories, we can comprehend the complicated process through which rangelands once considered chiefly valuable for grazing and for the sole benefit of local ranchers became lands of many uses owned by all Americans, near and far. Doing so will also provide much needed perspective on more recent disputes among federal land agencies, western states' rights activists, and environmentalists over the proper place of range science, ranchers, and livestock on public lands.

## **CHAPTER ONE**

### **FINDING THE RANGE**

If the range is a place for stories, perhaps none is more common than the one that describes rampant individualism among stockgrowers and environmental deterioration on public domain rangelands during the late nineteenth and early twentieth centuries. With the history of the western livestock industry as either a subject of celebration or denigration during this period, most Americans still do not fully understand the variety of challenges stockgrowers faced when it came to utilizing the western range. Perhaps some glamor, romance, and legend were involved, but such qualities obscured the “business aspects of the ranching industry,” as historian Lewis Atherton once wrote.<sup>1</sup> In particular, historians and contemporary environmentalists have underappreciated the ecological diversity of western rangelands and the initial ways in which ranchers adapted to and profited from its use by livestock.<sup>2</sup> The public domain

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<sup>1</sup> As historian Lewis Atherton once wrote, “Glamor, romance, and legend tend to obscure [the] business aspects of the ranching industry.” Lewis Atherton, *The Cattle Kings* (1961; reprint, Lincoln: University of Nebraska Press, 1972), 151. Other notable histories—many of them now classics—that sought to examine the complexities of the range livestock industry include Ernest Staples Osgood, *The Day of the Cattleman* (Minneapolis: University of Minnesota Press, 1929), Terry G. Jordan, *North American Cattle-Ranching Frontiers: Origins, Diffusion, and Differentiation* (Albuquerque: University of New Mexico Press, 1993), and James A. Young and B. Abbott Sparks, *Cattle in the Cold Desert*, expanded ed. (Reno: University of Nevada Press, 2002). For an examination of western ranching by the middle of the twentieth century, refer to Marion Clawson, *The Western Range Livestock Industry* (New York: McGraw-Hill Book Company, 1950), 385. Another helpful examination of western ranching during this period is Mont H. Saunderson, *Western Stock Ranching* (Minneapolis: University of Minnesota Press, 1950).

<sup>2</sup> The following analysis builds upon the work of the following scholars. For those seeking to understand the intricacies of land policy, there are few better places to start than E. Louise Peffer, *The Closing of the Public Domain: Disposal and Reservation Policies, 1900-50* (1951; reprint, New York: Arno Press, 1972); Roy M. Robbins, *Our Landed Heritage: The Public Domain, 1776-1970*, 2<sup>nd</sup> ed. (Lincoln: University of Nebraska Press, 1976); Paul Wallace Gates, *History of Public Land Law Development* (1968; reprint, New York: Arno Press, 1979). For discussions of land, law, and the livestock industry, also refer to Valerie Weeks Scott, “The Range Cattle Industry: Its Effects on Western Land Law,” *Montana Law Review* 28 (Spring 1967): 155-83; Donald J. Pisani, *To Reclaim a Divided West: Water, Law, and Public Policy, 1848-1902* (Albuquerque: University of New Mexico Press, 1992); Karen R. Merrill, *Public Lands and Political Meaning: Ranchers, the Government, and the Property Between Them* (Berkeley: University of California Press, 2002); and the essays within William G. Robbins and James C. Foster, ed., *Land in the American West: Private Claims to the Common Good* (Seattle: University of Washington Press, 2000), esp. William D. Rowley, “From Open Range to Closed Range on the Public Lands, 96-118. Recent studies that examine the social complexities within the western range

played an integral role in the development of many ranching enterprises in the region. In addition, stockgrowers organized primarily in order to adjudicate the use of these lands among themselves. Through a combination of geography, economics, and politics, their efforts contributed to the assumption that much of the public domain range that remained in the West by the early twentieth century was chiefly valuable for grazing.

Words such as *distance*, *space*, or *void* might come to mind when one first comes upon the western range. For most travelers, the grasslands of western Kansas or the desert shrublands of the Great Basin are terrain they must endure in order to arrive at desired destinations in California, the Sierra Nevada or Rocky Mountains, or the lush landscapes east of the Mississippi River. One will not find NPR on the airwaves, but drivers might discover a local country music station on an AM frequency. Thus, perhaps writer Tom Groneberg puts it best when he describes western ranch country as “a place held together by its distance from things.”<sup>3</sup>

Despite its perceived emptiness, however, some people forge a living from the resources rangelands provide, namely forage. In doing so, they build upon a long history of humans and grass. *Homo sapiens* evolved on the African savanna, now classified as a type of rangeland. North America’s original human inhabitants also used the grasslands to great effect, utilizing animals such as the bison and range plants for a variety of purposes. Countless other species call rangelands home and, similarly, even

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livestock industry include Jacqueline M. Moore, *Cow Boys and Cattle Men: Class and Masculinities on the Texas Frontier, 1865-1900* (New York: New York University Press, 2010) and Daniel Justin Herman, *Hell on the Range: A Story of Honor, Conscience, and the American West* (New Haven: Yale University Press, 2010).

<sup>3</sup> Tom Groneberg, *The Secret Life of Cowboys* (Norman: University of Oklahoma Press, 2004), 47. Groneberg is discussing the ranching country of northwestern Montana in this particular passage.

humans who do not live near rangelands still find themselves drawn to the spaces and resources they provide. Most notably, domestic livestock transform forage into energy, protein, and other products for humans, which helps explain the current definition of a rangeland as “a large, open area of land over which livestock can wander and graze.”<sup>4</sup>

Rangelands constitute the most widespread (yet least populated) land type in the United States. One writer describes them as a place “so harsh and wild and distant that it must grow its own replacements, as it grows its own food, or it will die.”<sup>5</sup> Less dramatic—but just as important—is their present definition by the Natural Resources Conservation Service (NRCS) as a “land cover/use category on which the climax or potential plant cover is comprised principally of native grasses, grasslike plants, forbs, or shrubs suitable for grazing and browsing, and introduced forage species that are managed like rangeland.”<sup>6</sup> In other words, the NRCS classifies rangelands according to their ecological characteristics as well as their economic uses, namely livestock grazing. Therefore, grassland, savanna, tundra, wetlands, and desert qualify as rangeland. Certain shrub and forested communities such as chaparral or piñon-juniper do as well.

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<sup>4</sup> *Webster's New World College Dictionary*, 4<sup>th</sup> ed., s. v. “Rangeland”

<sup>5</sup> Judy Blunt, *Breaking Clean* (New York: Vintage Books, 2003). Blunt is describing her home ranch in the Missouri Breaks region of central Montana in this passage. Numerous other scholars, travelers, and residents have applied their own interpretations to life within western rangelands. The most notable nonfiction works include Elliot West, *The Way to the West: Essays on the Central Plains* (Albuquerque: University of New Mexico Press, 1995), esp. 3-12; Dan Flores, *The Natural West: Environmental History in the Great Plains and Rocky Mountains* (Norman: University of Oklahoma Press, 2001); Wallace Stegner, *The American West as Living Space* (Ann Arbor: University of Michigan Press, 1987); Walter Prescott Webb, *The Great Plains* (1931; reprint, Lincoln: University of Nebraska Press, 1981); Edward Everett Dale, *Cow Country* (Norman: University of Oklahoma Press, 1942); Paul F. Starrs, *Let the Cowboy Ride: Cattle Ranching in the American West* (Baltimore: Johns Hopkins University Press, 1998); William L. Fox, *The Void, the Grid, and the Sign: Traversing the Great Basin* (Reno: University of Nevada Press, 2000); Richard Manning, *Grassland: The History, Biology, Politics, and Promise of the American Prairie* (New York: Viking, 1995); and the essays within Richard L. Knight, Wendell C. Gilgert, and Ed Marston, ed., *Ranching West of the 100<sup>th</sup> Meridian: Culture, Ecology, Economics* (Washington, DC: Island Press, 2002). The western range has also provided the setting for great contemporary fiction, most notably John Nichols, *The Milagro Beanfield War* (1974; reprint, New York: Owl Books, 2000) and James Galvin, *Fencing the Sky* (New York: Picador, 2000).

<sup>6</sup> U.S. Department of Agriculture (hereafter USDA), NRCS, *National Resources Inventory: Rangeland Resource Assessment* (October 2010), <http://www.nrcs.usda.gov>, last accessed November 28, 2012.

Some statisticians also include other categories such as cropland or improved pasture when defining rangelands. With these factors in mind, then, it should come to no surprise that grazing lands constitute the most widespread form of land use in the United States, with over 775 million acres, or 32 percent of the Lower 48 states, devoted to that purpose as of 2007, the most recent year that such statistics are available.<sup>7</sup>

The majority of this amount rests west of the Mississippi River, most notably in the region known as the Intermountain West, or those lands comprising the Rocky Mountains, the Sierra Nevada, and everything in between. Pastures and open range utilized by livestock cover 371.8 million acres, or 68 percent, of this region, which includes all or part of the following states: Idaho, Montana, Oregon, Wyoming, California, Nevada, Utah, Colorado, Arizona, and New Mexico.<sup>8</sup> (See Figure 1.1) These lands offer other services and amenities besides grazing as well. Rangelands embrace all of the important watersheds of the region, from the Columbia to the Rio Grande. They provide essential open space and wildlife habitat. They offer ample room for outdoor recreation, including hiking, hunting, biking, and four wheeling. They preserve the remnants of our human ancestors, including pictographs, petroglyphs, medicine wheels, and the ruts from various western wagon trains. Finally, much of the nation's oil, coal, and natural gas necessary to fuel the modern economy lie underneath these lands. Therefore, one could argue that rangelands provide the foundations for

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<sup>7</sup> Cynthia Nickerson, et al., *Major Uses of Land in the United States, 2007* (Washington, DC: USDA Economic Research Service Economic Information Bulletin No. 89, 2011).

<sup>8</sup> These statistics omit Oregon and California, both of which Nickerson's report places within the "Pacific Region. These statistics also omit approximately 127 million acres of what Nickerson's report calls "grazed forestland," 68 million acres of which lie within the Intermountain West. Approximately 36 million acres of cropland pasture are also omitted from these statistics. See *ibid.*, 10, 22-24.

American—especially western—society by providing forage for livestock in addition to these other benefits.<sup>9</sup>

**Figure 1.1: Geography of the Intermountain West**



From: “Landforms of the Conterminous United States—A Digital Shaded-Relief Portrayal” (Map I-2206) by Gail Theilin and Richard Pike (1991). <http://pubs.usgs.gov/imap/i2206/>. Accessed May 2, 2014.

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<sup>9</sup> For the purposes of this study, *West* and *Intermountain West* are used interchangeably in reference to the lands and states mentioned above. In addition, given the nature of my sources and the scope of this vast region, it was impossible to closely examine the range livestock industry in every state. For instance, one will find little information on Arizona and New Mexico in this dissertation. In contrast, given the available primary source material and the focus of administrators, lawmakers, and conservation organizations during the implementation of federal grazing policies, my study focuses on the following states: Colorado, Montana, Nevada, Utah, and Wyoming.

The connection between cattle, sheep, and rangelands in the Intermountain West actually ties back to the early history of the United States. Livestock accompanied the first European settlers in North America because they were necessary for both subsistence and commercial purposes. Furthermore, as historian Virginia DeJohn Anderson notes, domestic animals served as “creatures of empire” for the English that transformed the environment, altered native life ways, and facilitated expansion into the interior.<sup>10</sup> Because settlers depended upon domestic livestock to transform plants into energy, protein, and commodities, they kept an eye out for suitable grazing lands. In 1626, Virginia’s governor reported that his colony contained “plentifull [sic] range for Cattle.”<sup>11</sup> By the first decade of the nineteenth century in central Ohio, English traveler Thomas Ashe described “meadows of great magnificence and extent” complete with “excellent water and a number of salt-licks” that American settlers utilized for a thriving cattle feeding industry.<sup>12</sup> Observers of grasslands in the eastern United States used the word *range* interchangeably with other monikers such as *prairie* or *meadow*

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<sup>10</sup> Virginia DeJohn Anderson, *Creatures of Empire: How Domestic Animals Transformed Early America* (New York: Oxford University Press, 2004). See also Percy Wells Bidwell and John I. Falconer, *History of Agriculture in the Northern United States, 1620-1860* (Washington, DC: Carnegie Institution of Washington, 1925), 18-32; Laurie Winn Carlson, *Cattle: An Informal Social History* (Chicago: Ivan R. Dee, 2001), 63-80; William Cronon, *Changes in the Land: Indians, Colonists, and the Ecology of New England* (New York: Hill and Wang, 1983), esp. 127-56; Brian Donahue, *The Great Meadow: Farmers and the Land in Colonial Concord* (New Haven: Yale University Press, 2004), esp. 22, 95-97, 121-27, 173-74, 208; Jordan, *North American Cattle-Ranching Frontiers*, 170-207; and Carolyn Merchant, *Ecological Revolutions: Nature, Gender, and Science in New England* (Chapel Hill: University of North Carolina Press, 1989), esp. 149-97.

<sup>11</sup> “Affairs in Virginia in 1626,” *Virginia Magazine of History and Biography* 2 (July 1894): 52. For more on the history of the word *rangeland* and previous examples of its use, refer to the *Concise Oxford English Dictionary*, 11<sup>th</sup> ed. s. v. “Range.”

<sup>12</sup> Thomas Ashe, *Travels in America* (London: 1806; reprint, Pittsburgh: Cramer and Spear, 1808), 181. For more information on Ohio’s livestock industry during the Early Republic, see Paul C. Henlein, *Cattle Kingdom in the Ohio Valley, 1783-1860* (Lexington: University of Kentucky Press, 1959). The memoirs of William Renick, whose family was among the region’s leading cattlemen of the period, also provide valuable insight to the development of the livestock industry in Ohio. See William Renick, *Memoirs, Correspondence, and Reminiscences of William Renick* (Circleville, OH: Union-Herald Book and Job Printing House, 1880).

when describing the landscape. Moreover, *pasture* implied improved, fenced grazing grounds or hay fields where European plants and forbs, including Kentucky bluegrass (*Poa pratensis*) and white clover (*Trifolium repens*), replaced or complemented the native forage base.<sup>13</sup> By using such labels, these individuals described vast expanses of grasslands but did not conclude that livestock grazing would remain its chief use. Rather, they assumed that corn cultivation, combined with the feeding of cattle and swine, comprised the highest use of such lands.

Thus, the modern definition of *rangeland*—with all its ecological and economic connotations in relation to livestock included—emerged only in the western United States during the second half of the nineteenth century. Western settlers viewed the lands before them in a way that contrasted starkly with how earlier settlers of eastern lands had viewed their land holdings. Westerners assumed that the lands further west were available for livestock grazing yet unsuitable for any other form of agricultural use because of the combination of aridity, soil conditions, and elevation. The common interpretation was that ranching should be relegated to lands often described as marginal, sparsely populated areas deemed unworthy for intensive agriculture, or what geographer Terry Jordan called “ecological refuge areas.”<sup>14</sup> Frontier scholars built upon

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<sup>13</sup> Early Ohio cattleman George Renick saw Kentucky bluegrass for the first time while surveying in central Ohio in 1797. His son, William, credited graziers in Ohio for transporting bluegrass seed to Kentucky, when in fact a variety of ecological factors played a role of transporting its seeds, including livestock, wildlife, winds, and humans. See Renick, *Memoirs, Correspondence, and Reminiscences*, 44-46. For more information on the effects of Kentucky bluegrass on the settlement of the United States, see Donald Worster, *The Wealth of Nature: Environmental History and the Ecological Imagination* (New York: Oxford University Press, 1993), 45-46 and Aldo Leopold, who, in his famous essay “The Land Ethic,” pondered the question of what if “some worthless sedge, shrub, or weed” spread into the Ohio River Valley rather than bluegrass in *A Sand County Almanac and Sketches Here and There* (1949; reprint; New York: Oxford University Press, 1968), 205. The majority of scientific names cited throughout this study come from USDA, Forest Service, *Range Plant Handbook* (1937; reprint, New York: Dover Publications, 1988). When necessary, I have included more recent scientific designations according to the NRCS Plants Database, which can be accessed online at <http://www.plants.usda.gov>.

<sup>14</sup> Jordan, *North American Cattle-Ranching Frontiers*, 13.



this argument by suggesting that ranching remained on the fringes of civilization because it depended on vast amounts of territory and was exploitative in its utilization of forage. It is important to remember, however, that rangelands constitute over half of the world's surface and that domestic livestock thrive in a variety of environments. Therefore, similar to other regions of the world that produce forage plants, ranching in the Intermountain West constituted an adaptive land use strategy.<sup>15</sup>

Because livestock were so important to American agriculture, stockgrowers constantly sought to procure enough grass for their animals. A reliable forage supply provided the foundation for what ranchers called “security of tenure,” or direct control of rangelands through private ownership.<sup>16</sup> More often than not, however, stockraisers grazed their animals on lands they did not own outright. This was not purely a western phenomenon. In Ohio during the 1820s, for example, travelers and newspaper editorials observed thousands of cattle grazing on the prairie, often “without any expense to the owners, other than a little salt and a few herdsmen.”<sup>17</sup> Sometimes ranchers leased land from an adjacent landowner. In the case of the Intermountain

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<sup>15</sup> Jordan, for example, referred to nineteenth-century American cattle ranching as “mobile, exploitative, diverse, and frequently ephemeral,” forced to remain on the periphery because of overgrazing or because residents discovered a more valuable use for the land. Jordan, *North American Cattle-Ranching Frontiers*, 13. Jordan was simply building upon the concept of the “cattlemen’s” or “rancher’s frontier” developed by earlier frontier scholars. See Frederick Jackson Turner, “The Significance of the Frontier in American History,” in *Does the Frontier Experience Make America Exceptional*, ed. Richard W. Etulain (Boston: Bedford/St. Martin’s, 1999), 18-43 and Ray Allen Billington and Martin Ridge, *Westward Expansion: A History of the American Frontier*, 5<sup>th</sup> ed. (New York: Macmillan Publishing, 1982), esp. 1-11, 611-28. See also Manning, *Grassland*, 2 and Calef, *Private Grazing and Public Lands*, 17.

<sup>16</sup> For a succinct description of security of tenure from a rancher’s perspective, refer to Fulton, *Failure on the Plains*, 22. Security of tenure depended upon direct control over the range itself, combined with a favorable tax structure and legal system that recognized that livestock grazing constituted the chief use of the land.

<sup>17</sup> *Western American* (Williamsburg, OH), June 3, 1815. See also James Flint, *Letters from America* (Edinburgh: W. & C. Tait, 1822) in Reuben Gold Thwaites, ed., *Early Western Travels, 1748-1846*, Vol. 9 (Cleveland: Arthur H. Clark Co., 1904), 119. For further context, see David L. Wheeler, “The Beef Cattle Industry in the Old Northwest, 1803-1860,” *Panhandle-Plains Historical Review* 47 (1974): 29-30 and Robert Leslie Jones, *History of Agriculture in Ohio to 1880* (Kent, OH: Kent State University Press, 1983), 83.

West, however, many stockgrowers depended upon unenclosed public domain lands. In doing so, they had to develop strategies to coordinate its use.

Commonly held principles regarding the distribution of grazing claims to unenclosed rangelands, or “commons,” went according to three “P’s”: *property*, *proximity*, and *prior use* (or *priority*). Access to the grazing commons went to established property owners who could show that their access to a public rangeland for part of the year complemented livestock use on their private holdings (*property*). Their base property had to be within a reasonable distance from the public land in question (*proximity*). Finally, property owners had to prove that their livestock had used the land in question prior to its organization into a commons (*prior use*). If an operation met all of these requirements, it could claim *preference* in the use of a grazing commons. These principles had been in existence in North America since the colonial period, even on the famed Boston Common.<sup>18</sup> They were also a product of the idea that the use of vacant or unenclosed lands should be free for those who chose to use them and the notion that local communities were in the best position to determine the highest use of the lands around them. Such responsibilities were an enormous burden, one that even Thomas Jefferson recognized as early as 1774. As he wrote, “From the nature and purpose of civil institutions, all the lands within the limits which any particular society has circumscribed around itself, are assumed by that society, and subject to their allotment only.” This process could take place in a town meeting or through the

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<sup>18</sup> For commentary on the adjudication of grazing privileges during the colonial period, see Anderson, *Creatures of Empire*, 159-61; Donahue, *The Great Meadow*, 96, 123, 278n73; and Jordan, *North American Cattle-Ranching Frontiers*, 42-55. The City of Boston reserved the right to charge for use of its Common. See “Voted, that whoever shall keep any cow . . . the Sum of Five Schillings and Six-pence *per Annum*,” Boston, MA, May 17, 1723. Farrington Carpenter, the first director of the Division of Grazing, liked to mention that the foundations for his efforts to regulate grazing on western public domain rangelands were laid with the Boston Common. See Farrington R. Carpenter, *Confessions of a Maverick: An Autobiography* (Denver: State Historical Society of Colorado, 1984), 159-60.

legislature. In the absence of these, however, Jefferson argued that the individual had the opportunity to “appropriate to himself such lands as he finds vacant, and occupancy will give him title.”<sup>19</sup> In other words, the management of livestock was a public affair, but the obligation to procure suitable forage or to prove one’s claim to the commons fell squarely upon the individual. The development of the range livestock industry in the Intermountain West, then, was part of a long historical process involving livestock and land use that included concepts of land appropriation, management, cooperation, and individualism that had evolved since the colonial period.

The florescence and sharp decline of the range cattle industry during the 1870s and 1880s perpetuated the commercial importance of livestock in American agriculture and exposed the need for adaptation as ranchers and their animals entered the Intermountain West. Texas stockgrowers depended upon vast amounts of open rangeland and the self-reliance of the famous longhorn breed in order to limit production costs and yield large numbers of grass-fattened beeves that could travel to the nearest railroad depot and ship eastward to the meatpacking factories of Chicago and beyond. Because of these qualities, the so-called “Anglo-Texan system” penetrated much of the American West following the Civil War, including the fringes of the Intermountain West in New Mexico, Colorado, Wyoming, and Montana territories. For example, cattle and sheep populations in Colorado Territory nearly doubled between 1871 and 1872, and Joseph L. Bailey, president-elect for the Colorado Stock Growers Association, claimed that its rangelands could support even more animals, perhaps even

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<sup>19</sup> Thomas Jefferson, *A Summary View of the Rights of British America* (July 1774), in *The Portable Thomas Jefferson*, ed. Merrill D. Peterson (New York: Penguin Books, 1977), 19.

“ten times the number of cattle now upon them.”<sup>20</sup> The Anglo-Texan system certainly facilitated a significant expansion in the number of livestock on the High Plains, but it had little staying power in the Intermountain West because of what geographer Terry Jordan called “ecological maladaptation.”<sup>21</sup> With its dependence upon free grass and self-reliant longhorns, the Texas system was ill suited in areas that featured significant variations in altitude and climate. Several livestock die-offs in the wake of dry summers and harsh winters, including in eastern Colorado in 1879-80, Utah between 1880 and 1882, and the notable “big die up” on the northern Plains in 1886-87 signaled the Texas system’s shortcomings and indicated that ranching success and stability required adaptation, especially in the Intermountain West.<sup>22</sup>

Stockgrowers in this region required enough forage to sustain their animals throughout the year. They needed to provide hay and, in some cases, shelter in order to make sure their sheep or cattle survived during the winter months. Ranchers also invested in improved breeds and better feeding practices in response to climate and changing consumer tastes. While certain cultural aspects of the Anglo-Texan system remained—such as in herding practices, language, and equipment—permanent adaptation to the dry basins and lush mountain valleys of the Intermountain West involved paying greater attention to the quality of livestock and the lands upon which they grazed. Ranchers, many of whom with Midwestern ties, integrated improved English breeds into their herds. Shorthorns, Durhams, and Herefords became favorites

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<sup>20</sup> *Proceedings of the Second Annual Meeting of the Colorado Stockgrowers Association* (Denver: Rocky Mountain News Stream Printing House, 1873), 7. Between 1871 and 1872, the cattle population in Colorado increased from 142,178 to 242,372, while the sheep population expanded from 184,577 to 266,015. For more information on the expansion of livestock numbers in the West, see Jordan, *North American Cattle-Ranching Frontiers*, 208-40.

<sup>21</sup> Jordan, *North American Cattle-Ranching Frontiers*, 236.

<sup>22</sup> *Ibid.*, 236-40.

among cattle operations, while woolgrowers came to prefer Merinos and Rambouillets. Stockgrowers focused on improving their animals through selective breeding and by registering their pedigrees with a respective breed association, many of which emerged by the end of the nineteenth century. Improved breeds such as Herefords and Merinos offered higher quality beef and wool for consumers and were better suited for climate fluctuations in the Intermountain West because of their size and weight. In addition to improved bloodlines, ranchers in the region adopted new feeding tactics. Many started to devote their private holdings to hay production during the summer months in order to ensure their stock's survival during the winter. Others focused on "finishing" livestock, or purchasing young range fed animals and fattening them on corn and other grains for several months prior to shipping them for slaughter.<sup>23</sup>

The most important adaptation to the Intermountain West was the seasonal movement of livestock from lower to higher elevations throughout the grazing season, or transhumance. Also referred to as "following the green," this strategy (which continues today) required a rancher to combine his use of private pasture and hay lands with dry, unirrigated low-elevation rangelands during the spring and fall seasons and alpine forest rangeland during the summer months.<sup>24</sup>

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<sup>23</sup> See *ibid.*, 231-36, 241-307; Will C. Barnes, *Western Grazing Grounds and Forest Ranges* (1913; reprint, New York: Arno Press, 1979), 92-97, 100-6; Clawson, *Western Range Livestock Industry*, 163-78; 208-40; and Young and Sparks, *Cattle in the Cold Desert*, 155-211.

<sup>24</sup> It is impossible to delve into the specifics of ranching and land use in every part of the Intermountain West. Numerous factors affect land use in the West, including the market, class of livestock, climate, and topography. Nonetheless, the following discussion is based partly on personal ranching experiences and observations while working for the U.S. Forest Service and Bureau of Land Management as a range technician in southern Colorado (Rio Grande National Forest and San Luis Valley Resource Conservation Area) between 2005 and 2009. For early 20<sup>th</sup> century commentary on the process of transhumance, consult the following: A. C. Esplin et al., *Sheep Ranching in Utah: Report of a Preliminary Economic Survey of the Ranch Situation as of 1925* (Logan, UT: Utah Agricultural Experiment Station Bulletin No. 204, 1928); Huber C. Hilton, "Sheep Range on Red Desert Used in Connection with That on National Forests," in *Yearbook of Agriculture, 1934* (Washington, DC: GPO, 1934): 317-19; and Barnes, *Western*

During the spring (March-April), ranchers kept their livestock on low-elevation pastures. Oftentimes these were private lands, but they could also utilize public domain rangelands situated in the foothills of the region's various mountain ranges and plateaus. They could do so because these areas were often the first to clear of snow and featured a vast array of forage, including buffalo bunchgrass (*Festuca scabrella*), Indian rice grass (*Oryzopsis hymenoides*), and numerous varieties of grama grass (*Bouteloua*), sacaton (*Sporobolus*), and wheatgrass (*Agropyron*). Most of these species do not provide much feed value when they ripen and produce seeds, but they offer excellent forage for sheep and cattle on spring ranges when they first emerge as green, tender shoots. In addition to providing new forage, spring ranges and pastures served as essential calving, lambing, and shearing grounds. Therefore, these areas had to be within a reasonable distance from home so ranchers and herders could keep a close eye on mothers and their newborns. These lands also had to provide shelter as well as plenty of water and food for the young animals. Wool shearing often took place after lambing (usually May) at small stations located on private land or at cooperative or company-owned plants established on the public domain. The marking, castrating, and docking of lambs took place in the late spring, as did the branding of calves. Overall, then, one could argue that spring constituted the most important season in a ranching operation. It allowed a rancher to take stock of winter losses. It also allowed new calves and lambs to come into the world, which required operators to take measures toward their protection and to brand and mark them, thus establishing ownership.

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*Grazing Grounds and Forest Ranges*, 38-77. For a more recent interpretation of transhumance, refer to Jordan, *North American Cattle-Ranching Frontiers*, 251, 262-64.

As spring turned into summer (May-June), ranchers trailed their animals to mountain ranges, much of which remained in the public domain during the late nineteenth century. They often started at lower elevations, but as winter snows receded, soil dried, and new green forage emerged, riders and herders gradually moved livestock to alpine meadows by July or August. Such places have been the most productive and sought after rangelands in the Intermountain West. There, livestock found several varieties of grama, muhly (*Muhlenbergia*), and fescue (*Festuca*). Bluegrasses (*Poa*), clover (*Trifolium*), sedges (*Carex*), and rush (*Juncus*) occupied riparian areas. Forbs and wildflowers such as lupine (*Lupinus*), goldenpea (*Thermopsis*), and cinquefoil (*Potentilla*) could also be in abundance, as were several browse species such as willows (*Salix*), scrub oak (*Quercus turbinella*), serviceberry (*Amelanchier*), and sage (*Artemisia*). Will C. Barnes recalled that cattle herds of approximately 500 were the maximum that riders could care for on the open range efficiently, while sheep operators often divided their herds into bands of between 1,500 and 2,500 animals prior to sending them to the mountains, the majority of which were arranged in cow/calf or ewe/lamb pairs.<sup>25</sup> Ultimately, topography and class of livestock ultimately dictated which mountain rangelands a rancher could utilize and how many animals he ran upon them. Land broken by canyons was impractical for herding sheep. Meanwhile, sheep could better utilize rangelands over 10,000 feet above sea level because cattle quickly developed respiratory troubles if they remained in high elevations for prolonged periods.

In September or October, stockgrowers trailed their animals from the mountains to leased, private, or public domain lower-elevation rangelands, some of which had

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<sup>25</sup> Barnes, *Western Grazing Grounds*, 126, 157.

since recovered from spring grazing. Autumn meant taking stock of weight gains made during the summer months and preparing for the winter. Ranchers weaned calves and lambs from their mothers and started preparing for a new crop of animals. Bulls mingled with heifers during the late spring and early summer, so the fall season required cattle operators to check if their cows were pregnant. Meanwhile, sheep raisers turned rams out with ewes during the late fall or early winter.<sup>26</sup> Steers were shipped to the feedlots, while yearlings or dry cows could be sold to breeders and finishers. Sheepmen, meanwhile, worried about two crops—wool and lambs. Some woolgrowers sheared their sheep again in the fall while many others shipped their lambs or sold off older or dry ewes for mutton.<sup>27</sup>

Dry, low-elevation public domain rangelands, many of which featured a scattered collection of shrubs and bunchgrasses, played their most important role during the winter as grazing grounds for sheep. These places received most of their precipitation during the spring, which allowed range forage to develop and cure during the summer and fall. Cattle could not utilize the shrubs and grasses of the region effectively and could not survive without adequate water. In contrast, sheep preferred these plants, which included winterfat (*Eurotia lanata*), common sagebrush (*Artemisia tridentata*), shadscale (*Atriplex confertifolia*) and other shrubs. In addition, sheep ate cured bunchgrasses such as Indian rice grass, alkali sacaton (*Sporobolus airoides*), and salt grass (*Distichlis spicata*). Herders often provided mineral licks or cottonseed cake to supplement the native forage. Finally, use of these ranges by sheep always depended

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<sup>26</sup> Breeding seasons ultimately depended on when a rancher preferred to calve or lamb. A cow's gestation period is usually 9½ months; an ewe's is about 5 months.

<sup>27</sup> For more on the challenges that woolgrowers faced in raising two crops instead of one, refer to Barnes, *Western Grazing Grounds*, 144 and Clawson, *Western Range Livestock Industry*, 329-30.



on snow cover. Several inches hindered range use, but limited snow amounts encouraged better distribution among sheep because they could utilize it for drinking purposes, unlike cattle.<sup>28</sup>

Low-elevation winter ranges covered only part of the Intermountain West, however, and not everyone had the necessary access or animals capable of utilizing them. Thus, by the early twentieth century, hay production and feeding became important facets of many ranching operations. Ranchers used native hay meadows in some cases. They also introduced other plant species into their pastures, including clover, smooth brome (*Bromus inermis*) and alfalfa (*Medicago sativa*). Hay production was a significant investment because ranchers had to clear land in preparation for cultivation and, in some places, construct the necessary irrigation infrastructure to support it. They also had to devote significant amounts of time, money, and labor to grow and harvest hay during the summer months. Yet the benefits quickly outweighed the costs if a hay harvest ensured a steady amount of forage for livestock during the winter and allowed an operation to survive another year.<sup>29</sup>

By utilizing strategies associated with transhumance, ranching became a successful form of land use for many individuals in the Intermountain West by the end of the nineteenth century. Overall, stockraising required access to a variety of landscapes that provided palatable forage at different times of the year. Ranchers had to maintain fences, develop water sources, and construct other range improvements in order to facilitate animal distribution. Many also trailed their livestock over great

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<sup>28</sup> For a discussion of use of winter ranges during the early twentieth century, see Hilton, "Sheep Range on Red Desert," 317-19 and Barnes, *Western Grazing Grounds*, 62

<sup>29</sup> Clawson, *Western Range Livestock Industry*, 145-53 and Abbot and Sparks, *Cattle in the Cold Desert*, 155-79.

distances, even across state lines, to the point that many public domain rangelands such as the “Triangle” of northeastern Utah or the “Arizona Strip” north of the Grand Canyon featured stockgrowers from adjacent states.<sup>30</sup> These areas provided cheap feed that animals converted into meat and wool. In regards to beef, for example, the public domain provided feeders, or young animals (often 2 to 3 years old) that required finishing at a nearby feedlot before being slaughtered and shipped to market. Meanwhile, sheep raised on the public domain brought their own unique challenges. Wool was a nonperishable commodity, but it was subject to speculation and competition from imports, particularly from Australia and New Zealand, which constantly worried American woolgrowers. Moreover, while the value of beef cattle increased as the animal aged and fattened, the value of lambs decreased after the age of eight or nine months. These economic conditions required a delicate balancing act among woolgrowers as they determined the destiny of their lambs for meat or wool production.<sup>31</sup> Nevertheless, the decisions that cattle and sheep raisers made, combined with the rangelands they depended upon, provided the foundations for an important regional, rural livestock economy. In order to protect their interests amidst ever-changing ecological, economic, and political circumstances, ranchers quickly recognized the benefits of cooperation and organization through livestock associations.

Stockgrowers relied upon livestock associations to support their goals of ordered range use, improved bloodlines, and the production of marketable beef, wool, and other

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<sup>30</sup> See A. C. Esplin et al., *Sheep Ranching in Utah*, 14-18; Diane Abraham, “Bloody Grass: Western Colorado Range Wars, 188-1934,” *Journal of the Western Slope* 6 (Spring 1991): 1-23; Robert E. Kemper and Michael T. Madrid, “Arid Land Sheep Raising: The Ohaco Sheep Partnership,” *Journal of the West* 29 (October 1990): 13-21; and Virginia N. Price and John T. Darby, “Preston Nutter: Utah Cattleman, 1886-1936,” *Utah Historical Quarterly* 32 (Summer 1964): 232-51.

<sup>31</sup> See Barnes, *Western Grazing Grounds*, 140-44; Calef, *Private Grazing and Public Lands*, 19-20; and Clawson, *Western Range Livestock Industry*, 163-78, 230-32.

products. Such organizations needed to be strong enough to enforce certain customs or laws and confront problems associated with disease, rustlers, land use, and the market. These associations also played an essential role in determining who could join them and, in doing so, stand as a legitimate member of the cattle or sheep industry.<sup>32</sup>

The primary purpose of a western livestock association was to protect the interests of its members, promoting the industry as both a business and way of life in the process. Leading stockgrowers recognized the importance of acquiring sufficient land, labor, and capital in order to establish profitable ranching enterprises. Moreover, successful producers had to be flexible, innovative entrepreneurs on the “vanguard of change,” as historian Lewis Atherton once wrote.<sup>33</sup> Thus, they created livestock associations to protect their interests. The group’s annual meeting kept members informed on the latest issues. Ranchers also engaged with one another through social engagements or by becoming members of notable clubs such as the Cheyenne Club in Wyoming. As one Englishman reportedly expressed, “Cow punching, as seen from the veranda of the Cheyenne Club, was a most attractive proposition,” as the group featured the elite members of the Wyoming Stock Growers Association (WSGA) during the 1870s and 1880s.<sup>34</sup>

At the same time, however, members expected the association to protect their individualism. Stockgrowers’ organizations were not communal enterprises in which a

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<sup>32</sup> For more on the creation of livestock associations, see Burmeister, “Six Decades of Rugged Individualism,” 143-50; Osgood, *Day of the Cattleman*, 114-25; and Louis Pelzer, *The Cattlemen’s Frontier: A Record of the Trans-Mississippi Cattle Industry from Oxen Trains to Pooling Companies, 1850-1890* (1936; reprint, New York: Russell & Russell, 1969), 71-76.

<sup>33</sup> Lewis Atherton, *The Cattle Kings* (1961; reprint, Lincoln: University of Nebraska Press, 1972), 219.

<sup>34</sup> Quote from John B. Thomas to Harry E. Crain, March 12, 1915, in Patterson, ed., *Letters from Old Friends*, 114. See also *ibid.*, 64-68, 123-35 and Burroughs, *Guardian of the Grasslands*, 86-92. Other notable gathering places included the Montana Club in Helena and the Brown Palace Hotel in Denver, Colorado.

person relinquished his own goals and ambitions for the good of the industry. The plethora of rags-to-riches stories that circulated throughout the industry by the end of the nineteenth century, combined with emerging western literature such as Owen Wister's *The Virginian* (1902), reinforced these notions of individual initiative and improvement.<sup>35</sup> Such stories espoused the importance of property rights and the importance of paying attention to all facets of the industry, from production to marketing. Thus, while stockgrowers recognized the benefits of cooperation, the majority did not seek paternalism or communalism. Rather, as Lewis Atherton wrote, convenience, economy, and necessity played the most important roles in determining cooperation among western ranchers.<sup>36</sup> Similar to any other producers' group, the livestock association sought fair production and transportation rates for its products by soliciting assistance from other groups involved in the production process such as finishers, meatpackers, and the railroads. Association leaders also paid attention to the federal and state governments by securing favorable legislation but guarding against policies deemed unreasonable or restrictive. Finally, in regards to the Intermountain West, the livestock association represented individuals who utilized public domain rangelands and proposed solutions to promote the use of those lands by its members. In all, the sole purpose of a livestock association was to foster "Protection" and

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<sup>35</sup> Even Wister's main character displayed the qualities of improvement and entrepreneurship. To complete the evolution of his character from cowboy to cattleman, Wister had the unnamed "Virginian" purchase his own land, which included valuable coal seams that the nearby railroad could acquire. Finally, upon accompanying his sweetheart to Vermont, the Virginian reinforced Owen Wister's own sentiments about improvement on the western range by commenting upon the need for western ranchers to enclose the range and establish winter feeding operations in order to maintain improved bloodlines and produce marketable livestock. See Owen Wister, *The Virginian: A Horseman of the Plains*, Oxford World Classics ed. (New York: Oxford University Press, 1998).

<sup>36</sup> Atherton, *Cattle Kings*, 109. See also 30, 45, 56, 77, 102-27.

“Progress,” as stated in the seal of the National Wool Growers Association (NWGA), and advance the interests of all persons involved within the industry.<sup>37</sup>

Although these organizations portrayed themselves as acting on behalf of the entire industry, it is important to remember that they often comprised a select group of wealthy, influential stockraisers. Defining and organizing association membership was among their most important goals. Thus, the committees tasked with this responsibility essentially received the opportunity to determine who was a woolgrower or a cattleman and who was not. Furthermore, these committees decided whether one could be a member of their organization even if the individual did not engage directly in the livestock business. Thus, most associations recognized two different types of members. According to the by-laws of the Montana Wool Growers Association (MWGA), for example, an *active member* was defined as any individual directly engaged in the production of sheep in the state. This could include a person, firm, or corporation directly involved in sheep production as well as any stockholder in a corporation or partnership that ran sheep in Montana. *Associate members*, meanwhile, were individuals who were not engaged directly in the wool growing industry but interested in the welfare of the industry and the MWGA nonetheless. Both types of members paid dues and could vote in association elections.<sup>38</sup> In addition, most organizations had a membership category known as *complimentary* or *honorary* status, often bestowed upon

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<sup>37</sup> “Constitution and By-Laws of the National Wool Growers Association, as amended to January 22, 1966,” in National Wool Growers Association Records, American Heritage Center, University of Wyoming, Laramie (hereafter, NWGA Records), Box 6, Fol. “Constitutions and By-Laws”. See also the objectives of the Wyoming Stock Growers Association in “By-Laws of the Wyoming Stock Growers Association, Amended and Adopted, April 4, 1881,” in Wyoming Stock Growers Association Records, American Heritage Center, University of Wyoming, Laramie (hereafter, WSGA Records), Box 46, Fol. 11; and the objectives of the New Mexico Cattle and Horse (now Cattle) Growers Association in Mortensen, *In the Cause of Progress*, 7.

<sup>38</sup> “By-Laws of the Montana Wool Growers Association,” n.d. (ca. 1940), in NWGA Records, Box 6, Fol. “Constitutions and By-Laws”.

individuals who, in the words of the Oregon Wool Growers' Association, "rendered conspicuous service to the industry."<sup>39</sup> Members of other livestock associations, state or federal legislators, or even agricultural experts could receive such a distinction. Complimentary or honorary members did not pay dues and could not vote, but they received a voice in association affairs.

In order to promote harmony among large and small ranchers within the group, livestock associations assigned membership dues according to the size of one's operation. Minimum annual dues varied among state and local organizations, but by the early twentieth century, many of them adhered to a one-cent-per-head system, especially within the western sheep industry. For example, annual dues for the MWGA were a minimum of \$5.00, and those operators who owned more than 500 sheep were expected to pay for all adult sheep on a one-cent-per-head basis.<sup>40</sup> In contrast, the Montana Stock Growers Association charged ten dollars for annual dues upon its formal creation, while membership in the New Mexico Cattle Growers' Association cost five dollars and an additional assessment of three-and-a-half cents per adult animal owned.<sup>41</sup>

Similar fee structures linked state organizations to a national group such as the NWGA (formed in 1865) or the American National Live Stock Association (ANLSA, formed in 1898).<sup>42</sup> Ranchers faced a variety of challenges related to the production and

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<sup>39</sup> Oregon Wool Growers' Association, "Constitution and By-Laws," n.d., in NWGA Records, Box 6, Fol. "Constitutions and By-Laws".

<sup>40</sup> Likewise, dues for only wool growing members of the association were based on the annual amount of wool they produced, usually two mills per pound of all wool marketed (one mill being the equivalent of one-tenth of one cent). See "By-Laws of the Montana Wool Growers Association," n.d. (ca. 1940) and Oregon Wool Growers Association, "Constitution and By-Laws," n.d. in NWGA Records, Box 6, Fol. "Constitutions and By-Laws".

<sup>41</sup> See Fletcher, *Free Grass to Fences*, 79-81 and Mortensen, *Cause of Progress*, 9.

<sup>42</sup> The National Wool Growers Association was the first national livestock association formed in the United States. In 1989, it merged with the American Sheep Producers Council to create the American Sheep Industry Association. Meanwhile, by 1904, ANLSA divided into a National Livestock Association and an American Stock Growers Association, only to reorganize again as ANLSA in 1906 with

marketing of livestock. Leading figures in the industry constantly reminded their compatriots that only a national organization could look after their affairs and influence the policy debates associated with them. Thus, all the constitutions, by-laws, and membership requirements among respective cattle and sheep organizations not only promoted harmony among large and small operators but also organized the local, state, and national echelons of the livestock industry. The result was that, by the early twentieth century, a well-organized, hierarchical livestock industry comprised of local and national associations emerged. The industry sustained these connections through membership designations, dues, and elections. Representation at the national level was assured when state associations paid their assigned quota (often determined by the number of livestock in the state) to the national organization. Publications, which ranged from monthly typescript newsletters produced by local organizations to more sophisticated periodicals with photographs and advertisements such as *American Cattle Producer* (ANLSA) or *National Wool Grower* (NWGA) further maintained connections between individual ranchers and the national livestock industry.<sup>43</sup>

Despite the challenges of representing a far-flung industry, ANLSA, NWGA, and its state affiliates promoted cooperation within the ranching industry regardless of livestock type. Cattle- and woolgrowers diverged slightly when it came to the market, which meant that their respective associations had somewhat different relationships

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membership limited only to the growers and finishers of cattle and their state and local associations. In 1952, ANLSA changed its name to the American National Cattlemen's Association and, later to the National Cattlemen's Association. By the 1980s, the organization changed its name again to the National Cattlemen's Beef Association, which remains the name of the organization today.

<sup>43</sup> For commentary on the benefits of local stockgrowers joining a national association, see Gordon Griswold to "Woolgrowers of Nevada," n.d. (ca. January 1941), Gordon Griswold Collection, Special Collections, University of Nevada, Reno Libraries (hereafter Gordon Griswold Collection), Box 3, Fol. 20 and J. Sheehan (Secretary, NV Wool Growers) to Walter A. Holdt (Secretary, OR Wool Growers), August 18, 1941, Gordon Griswold Collection, Box 3, Fol. 21.

with government when it came to economic policies. Yet the perceived divide between cattle and sheep ranchers was not as stark as commonly believed. Prejudice sometimes informed one's personal view toward a cow or ewe and violence certainly occurred between competing stockgrowers, but such bias did not dominate the entire livestock industry or its politics. In fact, ANLSA and NWGA were quite similar when it came to politics and economics. When differences between leading members of the organized livestock industry emerged, they did so primarily because of different political philosophies and personalities rather than from the class of livestock they raised.<sup>44</sup> Both associations were concerned with the marketing and prices of products regardless of whether it was beef, lamb, or wool. Both also represented stockgrowers who utilized public rangelands. Therefore, every stockgrowers convention featured discussions on all facets of the livestock raising business—from production on the home ranch to the final product — regardless of whether only cattle or sheep growers attended the meeting. These groups talked constantly of unity and prominent beef producers and woolgrowers always crossed paths and presented at each other's annual meetings. Their discussions emphasized the need for all stockraisers to cooperate when working with government to establish fair prices for their products, equitable tariff and freight rates, protection from disease, and proper public grazing lands management.

Leaders within ANLSA and NWGA transcended and protected the concerns of their affiliates because they maintained close connections with all facets of the livestock

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<sup>44</sup> This is not to suggest that such prejudice toward cattle or sheep did not exist or was not widespread. Will C. Barnes, an Arizona cattleman and Forest Service range manager, once wrote, "Sheep are undoubtedly the least intelligent of all domestic animals," and at another point expressed, "From the days of Abraham the sheepman has been a nomad and the cattle-raiser a tiller of the soil." See Barnes, *Western Grazing Grounds*, 156, 215-16. Rather, I argue that such preconceptions did not define livestock politics to the point that it hindered cooperation between major organizations or that the class of livestock an association represented automatically determined its political stance.



production process. To assist them in their efforts, these individuals maintained cordial relations with agricultural departments at state universities throughout the West. The politician, particularly a state or federal legislator, served as another important agent for the industry. Yet the brunt of keeping an organization together and representing its interests in a unified fashion ultimately fell upon the association secretary.

Presidents and vice presidents of the livestock associations came and went, often serving only a one- or two-year term. Meanwhile, as the *Western Farm Life Annual Livestock Review* claimed, the secretary symbolized “the hub about which most successful livestock associations revolve[d] year in and year out.”<sup>45</sup> Official secretarial duties included issuing notices for all meetings, keeping the minutes, books, and records of the association, conducting correspondence, writing reports, and performing other duties as required by the livestock association leadership. In short, as the NWGA’s constitution and by-laws stated, the secretary was, “To devote all his time to the business and interests of the Association.”<sup>46</sup> Thus, secretaries and their staffs were the hardest working individuals within the western livestock industry and often provided the glue that held associations together.

These individuals encouraged stockgrowers to join their respective organization and reminded existing members to pay their dues. They organized annual conventions and other meetings of the association. They acted as important consultants between individual members and association leaders, mediating grievances if necessary. Most important, secretaries represented the public face of the livestock industry. They

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<sup>45</sup> “Mr. Secretary,” *Western Farm Life Annual Livestock Review* 5 (1945): 13.

<sup>46</sup> “Constitution and By-Laws of the National Wool Growers Association, as amended to January 22, 1966,” NWGA Records, Box 6, Fol. “Constitutions and By-Laws”. See also “By-Laws of the Montana Wool Growers Association,” n.d. (ca. 1940), NWGA Records, Box 6, Fol. “Constitutions and By-Laws”.

monitored legislative issues at the state and national levels and informed their constituents accordingly. By serving as the principal lobbyist for the industry, secretaries made sure that the issues that mattered most to stockgrowers were clear to their representatives in the state capitol or on Capitol Hill. Indeed, many secretaries, particularly those of ANLSA and NWGA, divided their time between the West and Washington, D.C., and western Congressmen knew that these individuals watched the legislative process closely and held them accountable for any misstep or blunder.

The versatility, tact, and attention to detail that made an effective secretary were the same qualities that made a successful stockgrower. Indeed, most association secretaries were experienced ranchers or feeders in their own right. J. B. Wilson, secretary of the Wyoming Wool Growers Association (WWGA) from 1918 to 1962, ran an extensive sheep raising operation near McKinley, Wyoming. Likewise, his counterpart in the WSGA, Russell Thorp, Jr., spent his entire life in the cattle business. Secretaries for the national associations, including F. E. Mollin of ANLSA and Fred R. Marshall and J. M. “Casey” Jones of NWGA, came from similar backgrounds.<sup>47</sup>

In all these cases, a secretarial appointment marked the culmination of one’s career within the livestock industry and, regardless of their background, association secretaries were entrepreneurs enmeshed within the various aspects of the industry. They were well familiar with the dilemmas associated with procuring sufficient land, labor, and equipment for ranching and feeding operations. Furthermore, they expressed concern toward improvement and sought cooperation with other livestock associations. Russell Thorp and J. B. Wilson kept in close contact regarding any matter that pertained

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<sup>47</sup> For background on these individuals, see Burmeister, “Six Decades of Rugged Individualism,” 145-46; Burroughs, *Guardian of the Grasslands*, 248-57; “Mr. Secretary,” 67, 70, 78-79, 104.

to the Wyoming livestock industry. Meanwhile, as secretaries of the national associations, F. E. Mollin and Fred Marshall maintained close connections with their colleagues at the state level and represented their industry by participating in other marketing or agricultural organizations across the country.<sup>48</sup>

The fact that these individuals devoted much of their lives to the position (often retiring only when old age, fatigue, and poor health set in) further reflected their dedication to the industry. Such long terms of service by many of these individuals fostered stability within their respective associations. They offered a familiar face that association presidents and executive committees could rely upon. Continuous service also allowed secretaries to establish personal relationships with lawmakers at the state or national level. Finally, as spokespersons for the industry, these individuals became recognizable foes to federal conservationists and critics of the western range livestock industry.<sup>49</sup>

With the assistance of key leaders and secretaries, western stockgrowers organized in order to secure their best interests when it came to the production and marketing of livestock. The geographic peculiarities of the Intermountain West and

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<sup>48</sup> In addition to his NWGA secretarial duties, for example, Fred Marshall helped organize the American Wool Council and was a charter member of the National Live Stock and Meat Board. Similarly, given his personal and associational interest in livestock transport, F. E. Mollin served on the steering committee of the National Highway Users Conference and on the board of directors of the National Council of Private Motor Truck Owners by 1945. For these and other positions held by livestock association secretaries, see “Mr. Secretary,” 67, 70, 71, 74, 78-79.

<sup>49</sup> For instance, F. E. Mollin served as executive secretary of ANLSA from 1929 to 1956 and was practically blind by the time of his resignation. Fred Marshall served the NWGA for 23 years before he resigned because of poor health in 1943. Casey Jones, who had assisted Marshall since 1940, assumed his responsibilities. Meanwhile, such continuity at the local level depended much on the association’s importance to the state economy. The associations of Wyoming and Montana stand out and the relatively long tenure of their secretaries promoted their stability and political influence. In Wyoming, Russell Thorp served the WSGA for almost 20 years (1930-1949) and J. B. Wilson worked for the WWGA for 44 years (1918-1962). Edwin A. Phillips, secretary of the Montana Stockgrowers Association, served his association as secretary for over 30 years, from 1921 to 1954. For more information on these individuals at the national and state level, see “Mr. Secretary,” 67, 70, 78-79; Burroughs, *Guardian of the Grasslands*, 382; and Fletcher, *Free Grass to Fences*, 162-63.

ranchers' adaptations through transhumance made the adjudication of public domain rangelands for the benefit of association members among their most important responsibilities. Such efforts built upon previous efforts to regulate grazing commons as well as the perception that western rangelands offered no agricultural use besides grazing. Thus, association members moved quickly to coordinate use of the public domain among themselves in an attempt to promote livestock grazing as the chief use of the range.

Initial attempts to do so took the form of association resolutions that designated the proper time for members to move their livestock on the public domain and its preferred composition. By the 1870s and 1880s, these efforts culminated with the creation of roundup districts, which facilitated the gathering and branding of unmarked livestock on the range in the spring and the shipping of surplus animals in the fall. In certain cases, territorial or state law reinforced these efforts and even mapped and numbered the respective roundup districts. Additional resolutions or laws dictated how members could manage their animals within the districts. Oftentimes, associations prohibited members from moving livestock on the public domain during certain times of the year. In 1881, for example, the Wyoming Stock Growers Association stipulated that no member could gather cattle on the open range between December 1 and the date of the annual spring roundup without informing his neighbors and providing them enough time to examine the animals before they were driven away.<sup>50</sup>

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<sup>50</sup> Wyoming Stock Growers Association, Resolutions, 1881, in WSGA Records, Box 46, Fol. 11. The Resolution was amended the following year to prohibit the working of cattle in general on the public domain from January 1 to the date of the annual spring roundup. See Wyoming Stock Growers Association, Standing Resolutions, 1882, in WSGA Records, Box 46, Fol. 11.

At every annual meeting, the association determined the date and place that each roundup commenced, its leader (or foreman), and the route the range riders would take. The association required roundup participants to return any livestock that had wandered into their territory from an adjacent district. Only the roundup foreman could carry a firearm. Procedure also dictated that the branding of unmarked cattle, or “mavericks,” could only take place during the spring and fall roundup under orders of the foreman.<sup>51</sup> Finally, associations issued resolutions or supported laws that sought to improve livestock breeds on the open range, as in the case of Wyoming, which required WSGA members to turn loose five purebred bulls, or bulls of “serviceable quality,” for every one hundred cows over the age of two each year.<sup>52</sup>

In order to gain greater security in the use of public domain rangelands, the livestock associations turned to the federal government and requested Congress to recognize their interpretations of range use. As early as 1878, the Colorado Stock Growers Association asked Congress to classify all remaining public domain lands as chiefly valuable for grazing and make them available for lease or sale.<sup>53</sup> In 1884, the National Cattle Growers’ Association (an early manifestation of ANLSA) urged Congress to enact a law that enabled western cattlemen to lease public domain lands on the premise that they were chiefly valuable for grazing.<sup>54</sup> Finally, amidst a drought in

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<sup>51</sup> See Wyoming Stock Growers Association, Resolutions, 1881; Wyoming Stock Growers Association, Standing Resolutions, 1882; and Wyoming Stock Growers Association, Important Resolutions, 1885, in WSGA Records, Box 46, Fol. 11. See also Robert S. Fletcher, *Organization of the Range Cattle Business in Eastern Montana* (Bozeman: Montana State College Agricultural Experiment Station Bulletin 265, 1932), 5-6.

<sup>52</sup> Wyoming Stock Growers Association, Resolutions, 1881, WSGA Records, Box 46, Fol. 11. Will C. Barnes commented on the futility of such a regulation, writing, “I am quite certain that the court records of every range state may be searched in vain for a single case where it has been enforced.” Barnes, *Western Grazing Grounds and Forest Ranges*, 179.

<sup>53</sup> Pisani, *To Reclaim a Divided West*, 295.

<sup>54</sup> Osgood, *Day of the Cattleman*, 200.

1886, pressure from homesteaders, and fears of overstocking on the open range, the WSGA resolved that it welcomed any federal legislation “which would lead to a fair and equitable adjustment” of the public domain range and “secure to all stockmen a legal tenure of the lands they use.”<sup>55</sup> Once again, however, such a request was based on the concept that association members should receive preference in range ownership.

Public domain rangeland reform along lines proposed by the livestock associations failed at this time for a variety of reasons. One was the fact that western stockgrowers could never come to a consensus regarding the distribution or leasing of western lands. Ranchers seldom agreed on terms to lease or sell public domain grazing lands. As a result, each state association put forth their own proposals, which sent mixed messages to representatives in Washington, D.C. For instance, while the WSGA supported some form of a leasing system in 1886, it opposed the sale of public domain grazing lands for even five cents per acre, as proposed by the neighboring Colorado Stock Growers Association, because it feared that state land taxes would infringe upon the possible profits of its members.<sup>56</sup> Furthermore, decisions in Congress and the U.S. Supreme Court kept public domain access open to farmers and stockraisers alike. In 1885, Congress passed the Unlawful Enclosures Act, which sought to prevent ranchers from closing off entire sections of the range by forbidding fence construction on the public domain. In 1890, the Supreme Court reinforced this law by striking down a Utah cattleman’s attempt to claim unenclosed public domain rangeland through the principles

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<sup>55</sup> Wyoming Stock Growers Association, Important Resolutions, 1886, WSGA Records, Box 46, Fol. 11.

<sup>56</sup> Pisani, *To Reclaim a Divided West*, 295.

of preference at the expense of a nearby sheep operation in the case *Buford v. Houtz*.<sup>57</sup> Such decisions regarding the adjudication of public domain rangelands were not to the liking of the livestock associations. The fact that the federal government provided few means to enforce its rulings, however, meant that public domain range administration continued to rest primarily in the hands of locals rather than the federal government.

Although access to the public domain range technically remained open to all, state livestock associations implemented several additional strategies to ensure that only their members could use it. They employed range riders, detectives, and brand inspectors. Violators of any measure regarding the grazing or gathering of livestock on the public domain could be subject to a punishment determined by the majority of association members during its annual meeting. One can also see elements of feudalism in these early attempts to regulate use of the western range. By the 1880s, for example, some Wyoming ranching syndicates allowed families to homestead on their public domain range claims even though such permission was unnecessary and illegal under existing federal land laws. In 1884, the EK Ranch, established by Sir Horace Curzon Plunkett (a member of the British Parliament), allowed Albert L. Brock of Missouri to homestead on part of its public domain range claim in Johnson County ten miles south of Buffalo, Wyoming. The Brock family was allowed to run one milk cow on the nearby public domain, but each year its calf received the EK brand, thus preventing the Brock's from entering the cattle business. In response, Brock raised sheep during his initial years in the territory. Following the breakup of Plunkett's syndicate after the drought and winter of 1886-87, the Brock family purchased a portion of the EK's

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<sup>57</sup>*Buford v. Houtz* 130 U.S. 320 (1890), in *Court Cases Related to Administration of the Range Resource on Lands Administered by the Forest Service* (Washington, D.C.: USDA, Forest Service, 1964), 1-8. See also Merrill, *Public Lands and Political Meaning*, 26-27.

holdings west of Kaycee and continued to run sheep for a while before converting to cattle. Upon doing so, Albert Brock became a member of the WSGA and his son, J. Elmer, went on to become a leading figure in the WSGA and ANLSA during the twentieth century.<sup>58</sup>

Outright intimidation, the forced removal of homesteaders or outside graziers, and violence also occurred on public domain grazing lands throughout the late nineteenth and early twentieth centuries. Stories of cowboys riding upon homesteads and convincing settlers to move by threatening violence were common. So were battles between cattlemen and sheepmen. Perhaps the best-known conflict between cattlemen and homesteaders occurred in 1892 in Wyoming during the infamous Johnson County War, which came in response to a rush of homesteaders into north-central Wyoming during the late 1880s and early 1890s (including the Brocks). Leading members of the WSGA were convinced that these settlers were stealing cattle from the organization, so they hired over twenty gunmen to kill a group of seventy men suspected of rustling from Johnson, Natrona, and Converse counties. The Union Pacific even provided special cars to transport the men from Cheyenne to Casper, from which they rode into Johnson County. The invaders killed approximately seven individuals before a collection of two to three hundred Johnson County residents besieged the invaders at a ranch outside of Buffalo. The U.S. Cavalry ultimately rescued the invaders, and while

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<sup>58</sup> John W. Davis, *Wyoming Range War: The Infamous Invasion of Johnson County* (Norman: University of Oklahoma Press, 2010), 37; Burroughs, *Guardian of the Grasslands*, 72, 155, 239-47; Dan Hanson, *Those "Rare Old Fair Old Golden Days"* (Kaycee, WY: Margaret Brock Hanson, 1996), 98; and Margaret Brock Hanson, ed., *Powder River Country: The Papers of J. Elmer Brock* (Kaycee, WY: self-published, 1981), 222-25, 403-4.



forty-four men were indicted for murder, the long trial that followed resulted in zero prosecutions.<sup>59</sup>

Unlike the events in Johnson County, the majority of violent episodes on the public domain were isolated instances. Similar to Johnson County, however, these cases often took place on the periphery of a particular rancher or association's influence. Locals often successfully mediated range disputes in certain areas among individuals they knew, but such disagreements were a different matter at the fringes of a particular ranching community or along territorial/state boundaries where several ranchers vied for the same land. In western Colorado, for example, local cattlemen tried to protect their range claims against Utah sheepmen who trailed their animals on the public domain in search of summer pasture. During one ten-year period—1893 to 1903—Colorado cattlemen were responsible for the deaths of approximately 50 herders and 25,000 sheep on the Western Slope and hostilities in the area persisted well into the twentieth century.<sup>60</sup> Meanwhile, the Sparks-Harrell (S&H) Ranch of northeastern Nevada hired a range rider named Jack “Diamondfield” Davis to prevent Utah and Idaho sheepmen from encroaching upon its public domain range claims and Davis spent six years in prison for allegedly killing two Utah herders in 1896. In 1898, the S&H moved quickly to protect their claims against the Sharp family of Vernon, Utah, who wanted to summer their sheep in the area. Cowboys scattered the sheep but, in retaliation, Sharp moved his flocks to S&H range claims in southern Idaho and

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<sup>59</sup> It is estimated that nine men in all died during the Johnson County War. The event is the subject of numerous books and several films. The best, most recent account is Davis, *Wyoming Range War*. For an examination of the invasion within the context of Wyoming land and reclamation politics, one must also refer to Pisani, *To Reclaim a Divided West*, 244-46. For an account of the invasion in support of the WSGA, look no further than Burroughs, *Guardian of the Grasslands*, 157-66. Finally, the film *Heaven's Gate*, directed by Michael Cimino, United Artists, 1980, is based loosely on the Johnson County War.

<sup>60</sup> Abraham, “Bloody Grass,” 3.

threatened cowboys in the area with violence if they tried to disperse his sheep again. Sharp kept his sheep there for the remainder of the summer grazing season, but never returned to the area.<sup>61</sup>

Roundup districts, calls for federal legislation, and violence on Intermountain rangelands during the late nineteenth century were ultimately a product of ecology, economics, and politics. The concept that the nation's remaining public domain rangelands were chiefly valuable for grazing resulted from ranchers' efforts to adjust herding strategies to the variety of environments the region provided in order to gain preference in range use and produce marketable livestock. Ranching was never a simple 160-acre, 640-acre, or even 2,560-acre job. Instead, many stockgrowers required range access for all times of the year—sometimes miles away from each other—in order for their operations to flourish. These facts had important ecological and political implications. The nature of the western range and the livestock industry dependent upon it ensured that a minority of the region's inhabitants utilized the majority of its land. These significant land holdings and claims, combined with the relative value of the use of that land to the regional economy at the time, guaranteed that ranchers and their organizations could exercise a significant amount of political influence even though they constituted a small part of the population. As agricultural economist and public lands expert Marion Clawson wrote in 1950, "The most important aspect of the range livestock industry is not economic but political."<sup>62</sup> Such influence stemmed from the strength of the livestock associations as well as from the prestige and

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<sup>61</sup> Young and Sparks, *Cattle in the Cold Desert*, 239-44 and Peterson, "Development of Utah Livestock Law," 204.

<sup>62</sup> Clawson, *Western Range Livestock Industry*, 11.

ambition of certain individuals within the industry.<sup>63</sup> In addition, if livestock grazing sustained a small but influential part of the regional populace, then it was not a stretch to consider that many rangelands in the Intermountain West—public domain or otherwise—were chiefly valuable for grazing.

Stockraisers were not the only individuals to reach such a conclusion, however. Scientists who attempted to understand how livestock grazing affected rangelands complemented how ranchers saw the landscape in many ways. Those individuals who ventured to study rangelands and the public domain had an enormous task before them. In comprehending how stockgrowers utilized these lands, forage conditions, and what types of improvements and infrastructure existed, early range surveyors had to determine exactly what these lands provided, assist the individuals already utilizing them, and propose suggestions for their improvement. Their efforts provided the foundations for the field of range science.

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<sup>63</sup> As Clawson went on to write, “Many of the oldest and best known families in each state of the range region are and always have been identified with range livestock production.” *Ibid.*, 12. Almost every western agricultural community featured a prominent ranching family. Examples include John Sparks of Nevada, the aforementioned Brock family as well as the Hyatts from Hyattville, Wyoming. One should also not forget the Charles Redd family from Utah, whose endowment helped establish the Charles Redd Center for Western Studies at Brigham Young University in Provo, Utah. Finally, one would be remiss to forget the string of notable legislators from Wyoming who came from ranching backgrounds, including Francis E. Warren, Joseph M. Carey and his son Robert, John B. Kendrick and his son Manville, Edward V. Roberston, Frank A. Barrett, and Clifford P. Hansen. For backgrounds on some of these individuals, refer to Young and Sparks, *Cattle in the Cold Desert* and Burroughs, *Guardian of the Grasslands*, esp. 278-79.

## **CHAPTER TWO**

### **A SCIENCE FOR THE RANGE**

Range management existed before range science. After all, as the previous chapter showed, farmers and ranchers had managed landscapes for the benefit of livestock in the United States since colonial times. Professional range management and ultimately range science, however, emerged only in the American West during the final decade of the nineteenth century along with other prominent conservation fields, notably forestry, at a time of perceived crisis in natural resource use. Early foresters worked under fears of timber famine, watershed deterioration, corporate domination of the lumber industry, and perceived wasteful cutting practices by companies and locals alike.<sup>1</sup> Likewise, by the 1890s, the first range researchers confronted a depressed western livestock industry that suffered from continued competition over the public domain, degrading rangelands, and droughts and harsh winters from the previous decade.<sup>2</sup>

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<sup>1</sup> See, for example, William G. Robbins, *Lumberjacks and Legislators: Political Economy of the U.S. Lumber Industry, 1890-1941* (College Station: Texas A&M University Press, 1982) and Donald J. Pisani, "Forests and Conservation, 1865-1900," in *Water, Land, and Law in the West: The Limits of Public Policy, 1850-1920* (Lawrence: University Press of Kansas, 1996), 124-40.

<sup>2</sup> While the historiography of the western livestock industry or other conservation fields such as forestry is vast, the amount of scholarship on the development of range science is quite small. That which does exist focuses overwhelmingly on the range management program developed by the Forest Service, overlooking the earlier work that took place on low-elevation public domain rangelands. The most important interpretation of conservation during this period remains Samuel P. Hays, *Conservation and the Gospel of Efficiency: The Progressive Conservation Movement* (1959; reprint, New York: Atheneum, 1974), esp. 49-65. See also William D. Rowley, *U.S. Forest Service Grazing and Rangelands: A History* (College Station: Texas A&M University Press 1985) and Thomas G. Alexander, "From Rule of Thumb to Scientific Range Management: The Case of the Intermountain Region of the Forest Service," *Western Historical Quarterly* 18 (October 1987): 409-428. For a discussion of the development of range science from some of its practitioners, see W. R. Chapline, "Range Research in the United States," *Herbage Reviews* 5 (March 1937): 1-13; Jerry L. Holecheck, "A Brief History of Range Management in the United States," *Rangelands* 3 (February 1981): 16-18; USDA, Forest Service, Division of Range Research, "The History of Western Range Research," *Agricultural History* 18 (July 1944): 127-43; and C. H. Wasser, "Early Development of Technical Range Management ca. 1895-1945," *Agricultural History* 51 (January 1977): 63-77.

The development of professional range management during the late nineteenth and early twentieth centuries involved the application of a scientific framework that justified a traditional land use at a time when many interest groups and government officials made similar adaptations to the modern industrial era.<sup>3</sup> Moreover, while recent scholars have uncovered global influences behind many reform movements of the time, including forest conservation, no such equivalent existed for range researchers.<sup>4</sup> Instead, they focused solely on western ranchers and the lands they depended upon. The first range investigators from the U.S. Department of Agriculture (USDA) rarely questioned the use of rangelands by livestock. They provided the foundations for professional range management by interpreting grazing from an administrative perspective, believing range conditions would improve if ranchers handled their livestock better and recognized exactly what types of forage their lands produced. By the second decade of the twentieth century, officials within the U.S. Forest Service, most notably Arthur W. Sampson, transformed this perspective into a science by blending nature study, plant

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<sup>3</sup> The traditional interpretation of this period in U.S. history has been that the 1890s ushered in a period of transformation, after which a “new social order” emerged that broke away from the nineteenth century and allowed the United States to enter the modern era. Chief among this interpretation include Samuel P. Hays, *The Response to Industrialism, 1885-1914* (Chicago: University of Chicago Press, 1957); Richard Hofstadter, *The Age of Reform: From Bryan to F.D.R.* (New York: Alfred A. Knopf, 1955); and Robert H. Wiebe, *The Search for Order, 1877-1920* (New York: Hill and Wang, 1967). However, my interpretation of range science builds upon recent scholarship that interprets the period as one of significant modification, in which interest groups and government adapted traditional state structures to meet the demands of the urban, industrial era. For example, see, Daniel P. Carpenter, *The Forging of Bureaucratic Autonomy: Reputations, Networks, and Policy Innovation in Executive Agencies, 1862-1928* (Princeton: Princeton University Press, 2001); Morton Keller, *Regulating a New Society: Public Policy and Social Change in America, 1900-1933* (Cambridge: Harvard University Press, 1994); Stephen Skowronek, *Building a New American State: The Expansion of National Administrative Capacities, 1877-1920* (New York: Cambridge University Press, 1982); and Shelton Stromquist, *Reinventing “The People”: The Progressive Movement, the Class Problem, and the Origins of Modern Liberalism* (Urbana: University of Illinois Press, 2006).

<sup>4</sup> See, for example, Daniel T. Rodgers, *Atlantic Crossings: Social Politics in a Progressive Age* (Cambridge: Belknap Press of Harvard University Press, 1998); Char Miller, *Gifford Pinchot and the Making of Modern Environmentalism* (Washington, DC: Island Press, 2001); and Paul Sutter, “What Can U.S. Environmental Historians Learn from Non U.S. Environmental Historiography?” *Environmental History* 8 (January 2003): 109-29.

ecology, and animal husbandry into a framework that legitimized livestock grazing as a primary use of the range, even within the forests of the region.

The Bureau of Animal Industry started investigating problems associated with winter storm losses as early as 1883, but these initial examinations focused primarily on livestock, the weather, and winter feeding. Meanwhile, those officials within the USDA who pioneered work in range research quickly realized that their focus should include the land as well as livestock. Staff from the Division of Botany took the first steps toward this gradual shift in focus. In 1886, Dr. George Vasey tried to draw attention to overstocking and forage deterioration to explain the causes of cattle losses in the West in addition to their lack of protection from winter storms.<sup>5</sup> Following Vasey's reports, the need to understand forage composition and livestock grazing on western rangelands grew so great that, by 1895, Congress granted the USDA an additional \$15,000 for range investigations. In response, the Department formed the Division of Agrostology. From this point until 1901, when it merged with the Division of Botany to form the Bureau of Plant Industry, the Division of Agrostology's primary purpose was to investigate and catalogue the nation's grasses, which made it "the first federal agency to deal directly with range management" according to range scientist C. H. Wasser.<sup>6</sup> By 1897, Secretary of Agriculture James S. Wilson authorized the Division to conduct forage surveys in the Southwest and establish experiment stations throughout the region, including one in Abilene, Texas, under the direction of H. L. Bentley. The Division hired few permanent personnel, instead preferring to utilize other USDA

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<sup>5</sup> George Vasey, *Report of Investigation of Grasses of Arid Districts of Kansas, Nebraska, and Colorado* (Washington, DC: USDA, Division of Botany Bulletin No. 1, 1886).

<sup>6</sup> Wasser, "Early Development of Technical Range Management," 65.

officials or scientists from various western colleges for seasonal work. Despite its limited manpower, however, the Division's research complemented the USDA's expansion of administrative authority and investigative capacities initiated under Secretary Wilson's watch.<sup>7</sup>

Seed dispersal constituted one important duty of the Division of Agrostology. Indeed, the Division distributed almost 10,000 seed packets between 1896 and 1899 alone, all in an effort to meet a growing need for useful plant species among farmers, ranchers, and communities. By partaking in seed dispersal efforts, the Division of Agrostology built upon the USDA tradition of providing America's agricultural producers with practical services. Yet Division participation in the seed program also helped initiate the transition in which the USDA and its agencies went from being a mere provider of seeds to embarking upon an all-out farmer education and service program.<sup>8</sup> The Division's effort to instruct ranchers about valuable grazing forage and provide seed samples reflected this trend. Such plant species had to display two characteristics. First, they had to be palatable for livestock, or be able to provide the

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<sup>7</sup> Unfortunately, because of its short existence as an independent agency, the Division of Agrostology could very well be among the most overlooked government initiatives in American history. See Hays, *Conservation and the Gospel of Efficiency*, 52-53. For more on its brief history and other early federal investigations of the western range from a range science perspective, see Wasser, "Early Development of Technical Range Management, 65-66 and Division of Range Research, "History of Western Range Research," 127-29. Early Agrostology officials also commented on the history of their work. See Jared G. Smith, *Grazing Problems in the Southwest and How to Meet Them* (Washington, DC: USDA Division of Agrostology Bulletin No. 16, 1899); 3-5; Cornelius L. Shear, *Field Work of the Division of Agrostology: A Review of the Work Done Since the Organization of the Division, July 1, 1895* (Washington, DC: USDA Division of Agrostology Bulletin No. 25, 1901), 9-10; and F. Lamson-Scribner, "Division of Agrostology," in *Yearbook of the USDA, 1897* (1898): 160-75.

<sup>8</sup> See Carpenter, *Forging of Bureaucratic Autonomy*, 212-54 and P. Beveridge Kennedy, *Cooperative Experiments with Grasses and Forage Plants* (Washington, DC: USDA Division of Agrostology Bulletin No. 22, 1900), 5-15. Between 1896 and 1899, the Division distributed 5,120 packages of seed (representing 251 varieties of grass and other forage species) to ranchers and farmers across the nation. In addition, the Division sent 2,927 packages to experiment stations and universities across the United States (33 stations, 2 universities, and the New York Botanical Gardens), and 1,110 packages to foreign countries, namely Australia and New Zealand. This distribution of does not include the larger consignments of seeds the Division sent to its own experiment stations in Walla Walla, WA, Abilene, TX, and Highmore, SD.

essential proteins, carbohydrates, and other necessary nutrients for an animal's survival. Species that received high marks among Division officials and its voluntary experimenters included western wheatgrass (*Pascopyrum smithii*) and slender wheatgrass (*Elymus trachycaulus*), side-oats grama (*Bouteloua curtipendula*) and blue grama (*Bouteloua gracilis*), and browse such as shadscale (*Atriplex confertifolia*) and winterfat (*Eurotia lanata*). Western ranchers had determined the forage value of many of these native species through trial and error. That the Division of Agrostology also recognized their importance and started initiating seed collection and distribution campaigns complemented stockgrowers' efforts to utilize the range.

The second important characteristic of a valuable plant species was whether it could be established easily through natural or artificial means. The Division of Agrostology made its most important contribution toward professional range management in this regard by applying expertise and experimentation in the study of nonnative forage species that the majority of western ranchers were unable to do on their own. USDA officials then distributed their findings to state agricultural stations and individuals eager to experiment with such plants on their own properties. The result was that the Division researched and disseminated several valuable nonnative forage species by 1900. The most important grass species were smooth brome (*Bromus inermis*), described by agrostologist P. Beveridge Kennedy as "the most suitable grass yet introduced for the dry regions of the West and Northwest," and Bermuda grass (*Cynodon dactylon*).<sup>9</sup> The Division also touted the success of several nonnative,

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<sup>9</sup> Kennedy, *Cooperative Experiments with Grasses and Forage Plants*, 21.



cultivable foodstuffs including foxtail millet (*Setaria italica*) and alfalfa (*Medicago sativa*), which livestock could utilize as supplemental fodder and forage.<sup>10</sup>

In addition to seed dispersal, the Division's other important role was investigative. Officials catalogued and collected plants, paying particular attention to those species that might be valuable for farmers or were palatable to livestock. Work at Division experiment stations such as the one at Abilene involved plant introductions, reseeding and cultivation techniques, and herding methods. Yet the most important aspect of the Division was its fieldwork. Since the demand for much of this work came from the Intermountain West, Division personnel focused their efforts on this region.<sup>11</sup>

Division surveys represented an attempt to standardize knowledge of the western range and its use by livestock. The first duty among agrostologists was to systematize the plant identification and naming process. When they received requests for assistance, agrostologists and other USDA officials often received conflicting reports on forage composition. Moreover, the same grass species could have several common names. Blue grama, for example, was also known in some locales as white, red, or purple grama. Hence the need for a trained scientist to uncover the characteristics that distinguished one species from another. As director Cornelius L. Shear wrote, "The grasses are so numerous and the characteristics distinguishing the species are in many cases so inconspicuous that only the trained agrostologist can distinguish them."<sup>12</sup> As if classifying and cataloguing was not enough, many agrostologists also tried to determine whether overgrazing was occurring. Overall,

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<sup>10</sup> For the entire review of the plants the Division experimented with and distributed by 1900, see *ibid.*, 15-86.

<sup>11</sup> Division fieldwork centered particularly on Montana, Wyoming, Colorado, Utah, Arizona, New Mexico, and Texas. See Shear, *Field Work of the Division of Agrostology*, 9-10, 27.

<sup>12</sup> *Ibid.*, 12. See also pp. 28-29.

these tasks required extensive fieldwork and a comprehensive examination of the landscape. They also required officials to interact with local people if they wanted to gain a sense of current grazing methods and previous range conditions.

The Division of Agrostology confronted all of these responsibilities with a remarkably small amount of manpower. Between 1895 and 1900, only 27 people conducted fieldwork for the Division and most of these individuals worked for an agricultural experiment station or another USDA bureau. Nonetheless, despite the lack of permanent staff, the Division conducted investigations in 32 states and territories by 1900, often in areas through which no one with a scientific interest in plants had visited before. Surveyors collected approximately 25,000 plant specimens. They also attempted to ascertain current public domain range conditions and observed local ranching practices. Most important, they published their findings. Such reports reviewed the forage composition of an area area, its current use by livestock, and if any deterioration had occurred. The authors of these reports also took the opportunity to offer suggestions on how to improve rangeland use and conditions. Within these early surveys and publications, then, lie the origins of professional range management in the western United States.<sup>13</sup>

Division of Agrostology reports on the public domain established the paradigm for all subsequent publications on the subject by describing a degraded landscape and suggesting strategies to improve its use. In 1898, H. L. Bentley of the Division's research station in Abilene authored the first of these narratives, titled *Cattle Ranges of the Southwest: A History of the Exhaustion of the Pasturage and Suggestions for its Restoration*. Rather than celebrate the first Texas cattlemen, Bentley criticized them for

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<sup>13</sup> For the summary of Division of Agrostology work up to 1900, see *ibid.*, 10-11, 55-63.

exploiting a virgin, bountiful landscape with no thought toward the consequences. As he wrote, “The idea that any of these grasses would ever become extinct, or that this golden period of fatness and plenty would come to an end, never entered the minds of those who were reaping the harvest.”<sup>14</sup>

A perceived decline in range carrying capacities informed much of Bentley’s analysis as well as those who followed him. He estimated that a Texas rancher required only 640 acres to support 500 cows immediately following the Civil War. By the middle of the 1890s, however, he suggested that the same individual needed 6,000 acres in order to provide for the same number of animals.<sup>15</sup> Other early federal range officials supported Bentley’s findings. Jared G. Smith, another Texas range official writing on the behalf of the Division of Agrostology, argued that the amount of livestock that the state’s rangelands could sustain had decreased by forty percent since 1883 because of “overstocking and bad management.”<sup>16</sup>

Informed by the assumption that grass was abundant across the West prior to the arrival of Americans and their livestock, these early reports either ignored the fact that wild animals, American Indians, and Mexicans had utilized western rangelands prior to Anglo settlement or suggested that their uses had a negligible impact on the land. Indeed, ranchers’ own memories formed part of Bentley’s understanding of early range conditions. One old-time Texas cowman told him that grasses ranged from one to three feet high across the Texas range and grew “as high as a cow’s back” in some places during the summer of 1867. This observation contributed to Bentley’s assumption that

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<sup>14</sup> H. L. Bentley, *Cattle Ranges of the Southwest: A History of the Exhaustion of the Pasturage and Suggestions for its Restoration* (Washington, DC: USDA Farmers’ Bulletin No. 72, 1898), 7.

<sup>15</sup> *Ibid.*, 7.

<sup>16</sup> Jared G. Smith, *Grazing Problems in the Southwest and How to Meet Them* (Washington, DC: USDA Division of Agrostology Bulletin No. 16, 1899), 3.

central Texas rangelands could have supported up to three hundred cattle per square mile at the time.<sup>17</sup> Meanwhile, Smith described a range in perfect balance with the free movement of bison and wild horses prior to the arrival of Anglo ranchers and went on to argue that such processes of “natural selection and survival of the fittest” provided for the development of the grasses that Texas stockgrowers later took advantage of.<sup>18</sup>

Such remarks simply reinforced perceptions of pre-settlement range conditions that many early western ranchers also believed in and wrote about in their own reminiscences. For instance, Thomas F. Durbin, a former cattleman and founding member of the Wyoming Stock Growers Association (WSGA), recalled that the territory’s abundant grasslands during the early 1870s had “the fattening qualities of corn.”<sup>19</sup> Reports of grass being as high as a cow’s back or even tall enough to conceal a man atop a horse were also common. Plant height does not necessarily correlate into positive nutritional value for livestock, but early ranchers and range researchers used such stories to emphasize the productivity of all western rangelands prior to widespread settlement.<sup>20</sup> Informed by such assumptions, Bentley, Smith, and other investigations had little choice but to conclude that rangelands had deteriorated at an alarming rate.

Yet investigators continued to find plenty of livestock on the landscape during their surveys. At one point during the summer of 1901, David Griffiths counted 73

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<sup>17</sup> Bentley, *Cattle Ranges of the Southwest*, 6-7.

<sup>18</sup> Smith, *Grazing Problems in the Southwest*, 7-10 (quote on p. 8).

<sup>19</sup> Thomas F. Durbin to H. E. Crain, April 12, 1915 in *Letters from Old Friends and Members of the Wyoming Stockgrowers Association: Reminiscences of Pioneer Wyoming Cattle Barons in their Original Words*, ed. Donald I. Patterson (1923; reprint, Cheyenne: Medicine Wheel Books, 2004), 23.

<sup>20</sup> By the second half of the twentieth century, examinations of pre-settlement range conditions suggested that grass was not as widespread as early ranchers and range scientists thought, especially in the Great Basin where sagebrush continued to dominate the landscape. See James A. Young and B. Abbott Sparks, *Cattle in the Cold Desert*, expanded ed. (Reno: University of Nevada Press, 2002), 19-36 and Thomas R. Vale, “Presettlement Vegetation in the Sagebrush-Grass Area of the Intermountain West,” *Journal of Range Management* 28 (January 1975): 32-36.

flocks of sheep in the Steins Mountains of southern Oregon and placed a conservative estimate of the area's stocking rate at 450 animals per square mile.<sup>21</sup> Other reports on public domain conditions in western states and territories brought back similar findings of overstocked ranges. In a 1904 publication on the rangelands of Arizona, for instance, Griffiths described a territory full of sheep, goats, and cattle. Of the 65 million acres of Arizona that he estimated were available for livestock grazing, the territory provided forage for over one million animal units, or one animal per 65 acres, a significant increase from the 229,062 animal units in the territory in 1880.<sup>22</sup>

Such reports went on to note that vegetation composition changed and often deteriorated because of too many livestock. In his study of Texas rangelands, Smith attributed overstocking to the disappearance of nutritious grass species and their replacement by less preferable, even thorny species such as mesquite (*Prosopis velutina*) or prickly pear (*Opuntia engelmani*).<sup>23</sup> During his survey of the northern Great Basin, Griffiths discovered some remnant stands of sheep fescue (*Festuca ovina*) but also noted that turf forming bluegrasses such as Wheeler bluegrass (*Poa nervosa*) were replacing the fescue, which altered the local ecology even though the range was still capable of providing forage. At other stages of his trip, Griffiths commented that “there was practically no more feed than on the floor of a corral.”<sup>24</sup> He also made sure to note that these trends frustrated local stockraisers. Cattlemen who owned private pastures at

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<sup>21</sup> Estimate according to an average flock size of 2,500 animals and an area of about 400 square miles. Even if one reduces to average flock size to 1,000 animals—or 73,000 sheep total, the stocking rate still amounts to 18 animals per square mile. See David Griffiths, *Forage Conditions on the Northern Border of the Great Basin* (Washington, DC: USDA Bureau of Plant Industry Bulletin No. 15, 1902), 30.

<sup>22</sup> David Griffiths, *Range Investigations in Arizona* (Washington, DC: USDA Bureau of Plant Industry Bulletin No. 67, 1904), 10. To determine stock numbers, Griffiths included sheep and goats at a 6:1 ratio in relation to a mature, 1,000-pound cow.

<sup>23</sup> Smith, *Grazing Problems in the Southwest*, 9-10.

<sup>24</sup> Griffiths, *Forage Conditions on the Northern Border of the Great Basin*, 28.

the base of the Steins Mountains were upset with having so many sheep nearby, while the herders for these animals commented that feed was getting difficult to find even at the highest elevations and debated whether to move their sheep to lower elevation public domain rangelands that they did not usually utilize until October.<sup>25</sup>

Informed by their assumptions of previous range conditions and their observations of its current use, early investigators concluded that rampant competition and overstocking were the primary causes behind deteriorated rangelands. While individuals such as Smith or Griffiths acknowledged that wild animals, drought, and soil erosion could influence vegetation growth, they did not believe such forces could alter the landscape to the extent that they now observed in parts of the West. Rather, they concluded that human actions and ignorance accelerated these natural processes to the detriment of the range.

Yet these investigators still faced a difficult task of quantifying the changes that they saw, which makes it worth pausing briefly to examine the variety of factors that influence vegetation change and what these individuals meant exactly when they referred to *deteriorated* or *overgrazed* rangelands. Plants change constantly in response to a variety of factors, yet such alterations do not always result in reductions in grazing productivity, habitat, or watershed protection. The movements and grazing habits of wild and domestic herbivores certainly influence forage composition. Range forage must also adapt to fire and changing climate. Plants tolerate all of these disturbances differently, and range scientists today define the point at which species respond to

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<sup>25</sup> Ibid., 22, 30.

change in a negative manner as a *threshold*.<sup>26</sup> How vegetation reacts to these changes depends upon a variety of factors, including species and growth type (annual, biennial, or perennial), soil, steepness of slope and its exposure, weather, and other natural forces—all of which either increase or decrease a plant’s stress level following a disturbance.<sup>27</sup>

A natural resource such as range forage becomes *deteriorated* when consumers increasingly struggle to extract it from the land and convert it into commodities. The role of livestock in this process remains contested, but put simply, an *overgrazed* landscape is but one form of range deterioration that results from two intertwined forces associated with ecology and livestock use. Change in vegetation composition constitutes the first important factor. As previously mentioned, however, an alteration in species type does not necessarily indicate a degraded landscape. Thus, continued range use by livestock contributes the second piece of the puzzle. Overgrazing occurs only when repeated livestock use alters plant life and soil stability and results in a notable decrease in stocking rates and animal productivity.<sup>28</sup>

Therefore, early range researchers concluded that the rangelands they surveyed were overgrazed because they determined that too many livestock and poor herding practices were the primary causes of deteriorated range conditions, overwhelming other

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<sup>26</sup> National Research Council, Committee on Rangeland Classification, *Rangeland Health: New Methods to Classify, Inventory, and Monitor Rangelands* (Washington, DC: National Academy Press, 1994), 8.

<sup>27</sup> Discussion informed by Daniel B. Botkin, *Discordant Harmonies: A New Ecology for the Twenty-First Century* (New York: Oxford University Press, 1990). Recent range management texts and papers have also paid greater attention to the inherent changeableness of nature, including Harold F. Heady and R. Dennis Child, *Rangeland Ecology and Management* (Boulder: Westview Press, 1994), esp. 13-14, 53, 189-93.

<sup>28</sup> National Research Council, *Rangeland Health*, 1; Heady and Child, *Rangeland Ecology and Management*, 285; Rodney K. Heitschmidt and Jerry W. Stuth, eds., *Grazing Management: An Ecological Perspective* (Portland, OR: Timber Press, 1991), 22-23, 114-15; and Allan D. Wilson and Neil D. Macleod, “Overgrazing: Present or absent?” *Journal of Range Management* 44, No. 5 (1991): 475-82.

natural factors such as fire, lack of precipitation, or soil type. This conclusion was informed partly by the assumption that western rangelands existed in a productive, balanced state prior to widespread settlement. Range investigators also reached this conclusion because they agreed that forage for livestock was the most important commodity that these lands provided. Hence their descriptions of valuable nutritious grasses, forbs, and shrubs replaced by less palatable or even poisonous plants. Such trends, they argued, hindered current and future animal productivity.

Early range bulletins noted that any solution to this perceived “range problem” in the western United States had to consider the twin facets of forage yield and livestock production. Indeed, agrostologist W. J. Spillman outlined the basic principles of professional range management in 1904 when he wrote that its goal was “to secure the largest amount of feed” from the range without causing “permanent injury to the food plants that furnish the covering of the soil.”<sup>29</sup> Individuals like Spillman promoted a variety of strategies, including revegetation, or the cultivation of valuable plant species on the western range, or the construction of improvements such as trails and water developments. Yet these tactics were only window dressing. The overwhelming majority of these reports argued that the heart of any management approach should focus on controlling stocking rates and the time that livestock grazed upon the range in order to protect and perpetuate the valuable forage base.

Thus, the first important element of professional range management focused on animal husbandry, or the actual handling of livestock, because most of these investigators believed that range deterioration resulted primarily from the ways humans

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<sup>29</sup> W. J. Spillman, “Preface,” in Griffiths, *Range Investigations in Arizona*, 5. The phrase “range problem” also comes from *ibid*, p. 5.



handled their cattle and sheep rather than from the animals themselves. David Griffiths reflected these sentiments during his sojourn through the northern Great Basin, used predominantly by sheep. He interpreted sheep grazing on the public domain from a management perspective by arguing that overgrazing resulted from poor strategies utilized by herders. He noted that they gathered their sheep too closely and allowed them to bed down in the same place for extended periods, which subjected plants to repeated grazing and trampling. He suggested that if herders scattered their sheep in small flocks and moved them continuously across the landscape, they could prevent further range deterioration and even facilitate its improvement.<sup>30</sup> By advocating active herd management, researchers such as Griffiths challenged the opinion that *rest*, or the prevention of grazing on part of the land for an extended period, was the best way to rehabilitate western rangelands. H. L. Bentley admitted that rest could help restore the range, but he went on to argue that “something more must be done to bring [the land] back to its original capacity for supporting stock, if, indeed, that is now possible.”<sup>31</sup> The challenge that confronted the first professional range managers lay in developing methods that kept livestock on the landscape, did not close significant portions of the range for extended periods, and produced immediate results in forage or livestock productivity.

In order to fulfill their obligations to animal husbandry, individuals such as Jared Smith proposed the following strategies. To improve their operations, ranchers could adopt practical measures such as keeping a close eye on their stocking rates and implementing a system of *pasture rotation* on their private holdings. Smith pushed

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<sup>30</sup> Griffiths, *Forage Conditions on the Northern Border of the Great Basin*, 22, 29, 56.

<sup>31</sup> Bentley, *Cattle Ranges of the Southwest*, 10.

rotation because it would not take a rangeland completely out of production for an prolonged time. As he wrote, “Complete resting of a pasture is really a more expensive means of improving the pasturage than many would suppose,” because range improvement would be slow and the stock raiser would have to find another place to keep his animals in the meantime. In contrast, rotation, or grazing only certain pastures for a specific time while allowing others to rest, could keep livestock on the land and maintain or improve the forage resource at the same time if implemented correctly.<sup>32</sup>

Officials also argued that ranchers needed to construct range improvements. Infrastructure such as roads, trails, fences, and corrals could better facilitate the movement of livestock and promote more uniform range use. They encouraged ranchers to eliminate predators and varmints from the range. They promoted soil erosion control through the construction of earthen embankments to fill gullies. They also urged ranchers to develop all possible water sources on the range by digging wells, constructing troughs or small reservoirs, and utilizing natural springs and seeps. Sufficient fluids were just as important as plentiful forage to produce of marketable livestock and, as Will C. Barnes argued, “No stock range can be properly utilized if there is an uneven distribution of water.”<sup>33</sup> Ultimately, by urging ranchers to adopt certain herding techniques and building the necessary improvements, the first professional range managers expressed faith that western rangelands could return to their former glory. “There is little doubt that under proper care the ranges may be

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<sup>32</sup> Smith, *Grazing Problems in the Southwest and How to Meet Them*, 21-22.

<sup>33</sup> Will C. Barnes, *Stock-Watering Places on Western Grazing Lands* (Washington, DC: USDA Farmers’ Bulletin No. 592, 1914), 1. See also Griffiths, *Range Investigations in Arizona*, 44-45. For a discussion of the complicity between the western livestock industry and the Bureau of Biological Survey’s Division of Predator and Rodent Control (PARC) in the early twentieth century, see Thomas R. Dunlap, *Saving America’s Wildlife: Ecology and the American Mind, 1850-1990* (Princeton: Princeton University Press, 1988), esp. 39-40, 48-61 and Donald Worster, *Nature’s Economy: A History of Ecological Ideas*, 2<sup>nd</sup> ed. (New York: Cambridge University Press, 1994), 258-65.

restored to their old values, and the restoration need not be an expensive or a difficult operation,” Barnes wrote. He went on to suggest that Mother Nature could accomplish the rest, writing, “All that Nature asks is time to heal up and cover over the scars left by man’s misuse of her bounty.”<sup>34</sup>

The second important element of professional range management pertained to understanding the forage resource itself to determine the proper class and number of livestock the landscape could sustain, or its carrying capacity. Professional range managers and western ranchers agreed upon simple definitions of this notion, such as the one provided by R. L. Hensel of the Santa Rita Experimental Range (Arizona) in 1917: “Carrying capacity may be roughly defined as being the number of stock that a range can carry without any depreciation in [the] amount of forage.”<sup>35</sup> Certain improvements such as fences, trails, and water developments could increase range carrying capacities by encouraging better livestock distribution. But only the type of vegetation on the landscape, combined with altitude, soil, and climate, best determined which class of livestock was suited to use the range and for how long.

To do so, professional range managers diverged from the traditional manner in which stockgrowers determined carrying capacity. Most early western ranchers simply placed livestock on the range and determined its carrying capacity and condition by judging the state of their animals. Fat, healthy livestock implied good rangeland and actual vegetation composition mattered little if it produced desired results. Instead of looking at the cow (or ewe) to determine carrying capacity, however, professional range

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<sup>34</sup> Will C. Barnes, *Western Grazing Grounds and Forest Ranges* (1913; reprint, New York: Arno Press, 1979), 235.

<sup>35</sup> R. L. Hensel, “Carrying Capacity of Ranges in the United States,” *Ames Forester* 5 (1917): 45. See also Nathan F. Sayre, “The Genesis, History, and Limits of Carrying Capacity,” *Annals of the Association of American Geographers* 98, No. 1 (2008): 120-34.

managers focused on the forage itself. In order to arrive at an estimate in this manner, investigators such as Griffiths first determined the total vegetation density of a particular area and then the percentage of each major plant species in terms of ground actually covered, or the *cover index*. Second, they settled upon a *value index*, or the palatability of each species in the survey area. By combining the two indexes, professional range managers could determine the land's *forage acre factor*, or an estimate of the land's productivity per acre, and, from there, establish a carrying capacity estimate and suitable stocking rate.

To accomplish this task, managers had two basic strategies at their disposal. They could determine vegetation type, cover, and value by sight through an ocular examination and establish carrying capacity in that manner. In fact, given the enormous amount of territory to cover and the lack of manpower, many initial range carrying capacity estimates were conducted this way. Yet managers could also assess carrying capacity after collecting data from specifically marked plots deemed representative of an entire rangeland. This strategy was much more time consuming and it required the necessary amount of land and funding to do the work. Such a survey of the Santa Rita Experimental Range in 1903, for example, required David Griffiths and his assistants to establish 28 3x7-foot plots. During the spring and fall, they pulled all the plants from them (excluding seedlings). Then, they counted, cleaned, dried, and weighed their specimens. From this data, Griffiths was able to clarify the exact forage composition of the experimental range and its estimated carrying capacity for livestock.<sup>36</sup>

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<sup>36</sup> He came up with a range productivity average of 270 pounds per acre for the spring, 799 pounds per acre in the summer, and 1,069 pounds per acre for the entire year. Griffiths, *Range Investigations in Arizona*, 24-30.

This survey constituted an initial attempt of apply the scientific method to comprehend forage composition, but variations among plants and growing conditions complicated efforts to determine carrying capacity. Griffiths' own data reinforced this phenomenon, with one test plot producing 537 pounds of vegetation (dry weight) while another nearby yielded only 15 pounds.<sup>37</sup> Such results would make it difficult to arrive at carrying capacity estimates throughout the Intermountain West where, as Griffiths wrote, "the seasons, the altitude, the slope, and the rainfall are so variable."<sup>38</sup> For these reasons, he admitted that managers would have to make a "liberal deduction" from their findings when deciding range carrying capacities.<sup>39</sup>

Nevertheless, in keeping with their faith in the benefits of proper range management, many investigators concluded their reports by suggesting that their proposed strategies would promote improvement, especially on low-elevation public domain rangelands. Indeed, early researchers and their supervisors hoped that these reports would convince department heads and politicians of the need to implement a range management program on the public domain. Jared Smith lamented that no law recognized "the existence of pasture lands" and fostered their management for grazing purposes.<sup>40</sup> Likewise, agrostologist F. Lamson-Scribner commented that David Griffiths' examination of northern Great Basin rangelands revealed "the pressing need

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<sup>37</sup> Ibid., 30-32.

<sup>38</sup> Ibid., 32.

<sup>39</sup> His conclusions regarding Arizona's range carrying capacity were as follows: He started with a round number of 350 pounds per acre for forage value. Then, taking his findings on the Santa Rita into account, combined with estimates of the amount of feed required per animal unit (noting that the average 1,000 pound animal requires 18 pounds of cured hay, for example), Griffiths settled upon the number of 176 pounds of dry feed per acre and a carrying capacity of fifty acres per animal unit. He ultimately concluded that Arizona's range carrying capacity range from one animal unit per fifty acres to one animal unit per one hundred acres, while the average total amount of dry feed available within the state amounted to 150 to 200 pounds per acre. See *ibid.*, 30, 60.

<sup>40</sup> Smith, *Grazing Problems in the Southwest and How to Meet Them*, 44.

of reform in range management.”<sup>41</sup> Yet exactly what such a management program looked like and who should take the lead in its administration remained a matter of debate. Smith encouraged passage of federal legislation that recognized public domain rangelands as chiefly valuable for grazing and distributed them among ranchers. Smith’s suggestion was in the minority among USDA officials, however, especially when it came to those portions of the western range recently organized into forest reserves.

The creation of federal forest reserves in the Intermountain West after 1891 and their ultimate transfer to the U.S. Forest Service within the USDA in 1905 ensured that federal agricultural officials would continue to play an active role in the development of professional range management. Furthermore, given the priorities in watershed protection and timber production dictated by the so-called “Organic Act” of 1897, the forest reserve program allowed the field to evolve and develop a scientific framework within a forestry context.<sup>42</sup>

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<sup>41</sup> F. Lamson-Schribner, “Preface,” in Griffiths, *Forage Conditions on the Northern Border of the Great Basin*, 3.

<sup>42</sup> For examinations of early Forest Service personnel and the challenges they faced, consult, Rowley, *U.S. Forest Service Grazing and Rangelands*, esp. 84-85; Roberts, *Hoof Prints on Forest Ranges*, esp. 55-56, 66-67, Hal K. Rothman, *I’ll Never Fight Fire with My Bare Hands Again”: Recollections of the First Forest Rangers of the Inland Northwest* (Lawrence: University Press of Kansas, 1994), esp. 11; and Harold K. Steen, *The U.S. Forest Service: A History* (Durham: Forest History Society in association with University of Washington Press, 2004), esp. 83. The early history of the Forest Service and its rangers is also rich with oral histories, personal reminiscences, biographies, and stories. Among the best include Elers Koch, *Forty Years a Forester, 1903-1943* (Missoula: Mountain Press Publishing Company, 1998); Len Shoemaker, *Saga of a Forest Ranger: A Biography of William R. Kreutzer, Forest Ranger No. 1, and a Historical Account of the U.S. Forest Service in Colorado* (Boulder: University of Colorado Press, 1958); Edwin A. Tucker and George Fitzpatrick, *Men Who Matched the Mountains: The Forest Service in the Southwest* (Albuquerque: US Forest Service, 1972); Gilbert W. Davies and Florice M. Frank, eds., *Forest Service Memories: Past Lives and Times in the United States Forest Service* (Hat Creek, CA: HiStory ink Books, 1997); R. T. King, *The Free Life of a Ranger: Archie Murchie in the U.S. Forest Service, 1929-1965* (Reno: University of Nevada Oral History Program, 1991); and Norman Maclean, “USFS 1919: The Ranger, the Cook, and a Hole in the Sky,” in *A River Runs Through It and Other Stories*, 25<sup>th</sup> anniversary ed. (Chicago: University of Chicago Press, 2001), 125-217.

Federal law originally prohibited livestock within the forest reserves for fears of the effects of overgrazing on timber and watersheds, including flooding. In addition to providing essential forage for livestock during the summer, western mountain ranges provided much of the water that residents required for irrigation agriculture and consumption. Living at the base of a watershed also brought the risk of flashfloods, however, which often occurred after a short, intense thunderstorm dropped a large quantity of precipitation in the mountains above. If the rain fell at a rate greater than the soil could absorb it, loose material trickled down the drainage channel and sometimes became a mudflow that could transport large boulders, timber, and other objects to towns and farms below in a matter of minutes. Ultimately, four factors influenced the development of a mudflow: the rate of precipitation, natural susceptibility to soil erosion, slope, and watershed cover. Humans could only influence the latter, and if citizens deemed that there was not sufficient vegetation on nearby watersheds, they were quick to point to overgrazing as a possible cause of flashfloods, as the residents of Manti, Utah, did shortly after a mudflow inundated part of their town in July 1890.<sup>43</sup>

Nevertheless, just as town occupants depended upon a stable watershed, ranchers relied on the forage it provided. Disputes between the two groups regarding the possible compatibility of livestock grazing and watershed protection prompted several USDA investigations, including one that brought Gifford Pinchot, then in the Bureau of Forestry, in contact with Albert F. Potter, a leading member and secretary of

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<sup>43</sup> Ralf R. Woolley, *Cloudburst Floods in Utah, 1850-1938* (Washington, DC: United States Department of the Interior, Geological Survey, Water-Supply Paper 994, 1946), 10-11. For more on the debate between flooding and grazing in the Intermountain West, particularly in Utah, see idem., 56-57, 87-120; Andrew M. Honker, "'Been Grazed Almost to Extinction': The Environment, Human Action, and Utah Flooding, 1900-1940," *Utah Historical Quarterly* 67 (January 1999): 23-47 and Thomas G. Alexander, *The Rise of Multiple-Use Management in the Intermountain West: A History of Region 4 of the Forest Service* (USDA, Forest Service, 1987), 88-92, 104-6.

the Arizona Wool Growers Association. In 1899, Potter came to Washington, D.C., to plead his organization's case against the recent closure of Black Mesa Forest Reserve from sheep grazing. In an effort to develop a uniform solution for the forest grazing question, Pinchot, Potter, and two other individuals embarked upon a three-week pack trip across the Arizona range and into parts of western New Mexico during the summer of 1900. The journey did not alter Pinchot's bias against sheep completely, as he later remarked that he saw several instances of forest rangeland overgrazed by the animals. Yet the trip confirmed Pinchot's suspicion that, "Great stretches of open forest contain much feed that should not be wasted, provided the ranges are not overstocked and provided again (and this is of the first importance) that when reproduction of the forest is needed, grazing stops." His conclusion, then, reinforced the utilitarian perspective of his range management colleagues within the Department of Agriculture. "To regulate grazing is usually far better than to forbid it altogether," he wrote.<sup>44</sup>

Thus, Pinchot began looking for an individual capable of implementing a grazing program on forest rangelands even though the forest reserve program remained under the jurisdiction of the Interior Department. Meanwhile, Potter sold his sheep operation in the fall of 1900 for lack of adequate winter feed and traveled extensively through the rangelands of the Pacific Northwest the next summer. In the fall of 1901, he returned to Arizona and considered reentering the sheep business but instead accepted Pinchot's offer to become head of a new Grazing Division within the Bureau

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<sup>44</sup> Gifford Pinchot, *Breaking New Ground* (1947; reprint, Washington, D.C.: Island Press, 1974), 179-81. Black Mesa Forest Reserve is now divided among the Sitgreaves, Tonto, Apache, and Coconino national forests. For more on the Pinchot-Potter investigation, see Rowley, *U.S. Forest Service Grazing and Rangelands*, 38-39; Roberts, *Hoof Prints on Forest Ranges*, 27-30; and David A. Prevedel and Curtis M. Johnson, *Beginnings of Range Management: Albert F. Potter, First Chief of Grazing, U.S. Forest Service, and a Photographic Comparison of his 1902 Forest Reserve Survey in Utah with Conditions 100 Years Later* (Ogden, UT: USDA, Forest Service, 2005), 5-7.



of Forestry. Upon the transfer of the forest reserves to the Department of Agriculture and the creation of the Forest Service in 1905, Potter became assistant forester and chief of the agency's Grazing Branch. With Potter at the helm and the personnel he recruited into the agency, including his former partner Will C. Barnes, the Forest Service incorporated individuals well familiar with the western range livestock industry, which led forest ranger Elers Koch to comment, "No longer could the stockmen say the bureau men were only theorists who knew nothing of western ways."<sup>45</sup>

The Forest Service program merged stockgrower's notions of preference in range use (which still revolved around the principles of property, proximity, and priority) with USDA regulations that designated grazing's proper place in relation with other forest uses. All ranchers now had to file a permit before they could graze livestock on the national forests. Any American citizen could apply for one, but preference went to those who lived on or near the national forest range, could prove that they had always used that land for livestock grazing, and could demonstrate that access to that range was vital to their year-round operation. Moreover, Pinchot's famous "Use Book," or *The Use of the National Forest Reserves* (1905) made it clear that smaller operators would receive first choice in permit distribution and be exempt from stock reductions if officials deemed them necessary to protect the forest range. He also reminded stockgrowers that forest range use had to be in conjunction with all other amenities provided by timberlands, noting that the Forest Service would only allow use "of the forage crop...as fully as the proper care and protection of the forests and the water

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<sup>45</sup> Koch, *Forty Years a Forester*, 44. See also Rowley, *U.S. Forest Service Grazing and Rangelands*, 39, 58.

supply permits.”<sup>46</sup> In stark contrast to lower-elevation public domain lands, the “Use Book” emphasized that forest rangelands were not chiefly valuable for grazing. Nor would ranchers have primary say in its use. Rather, Pinchot noted that forest supervisors and their staffs, as agents for the Secretary of Agriculture, had the authority to make any necessary changes in the number of livestock grazed or their handling in the interest of forest protection, even the complete exclusion of stock if necessary.

Nowhere was this last point more clear than with the suggested grazing fee to utilize forest rangelands, which received the most criticism from western ranchers. Pinchot emphasized that it was a reasonable fee: 20 to 35 cents per head of cattle aged over 6 months and 5 to 8 cents for sheep, paid in advance. He also noted that fees would be determined on a local basis rather than universally and were subject to change according to market conditions. The proposal marked the first time that the federal government assumed the responsibility of charging ranchers for the use of public rangelands.<sup>47</sup>

In response, stockgrowers and other western opponents to federal conservation helped arrange a public lands convention in Denver, Colorado, to criticize the grazing fee and other resource conservation measures implemented by President Theodore Roosevelt’s administration. On June 19, 1907, hundreds of delegates assembled in Denver, the majority of which from Colorado, Wyoming, and Montana. Federal

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<sup>46</sup> Gifford Pinchot, *The Use of the National Forest Reserves: Regulations and Instructions* (Washington, DC: USDA, Forest Service, 1905), 20. See also Roberts, *Hoof Prints on Forest Ranges*, 44 and Rowley, *U.S. Forest Service Grazing and Rangelands*, 58-59.

<sup>47</sup> Pinchot, *Use of the National Forest Reserves*, 21, 29-31. The Forest Service also charged an additional two cents per head of adult sheep and goats that entered the national forests for lambing or kidding. The Forest Service also reserved the right to charge a permittee four cents per acre in addition to the regular grazing fee for the construction of any corrals or enclosures that encompassed more than 320 acres. Only up to six animals used for domestic purposes, such as milk cows or draft horses, could graze upon the national forests free of charge.

conservation officials also attended and addressed the convention, including Pinchot, Secretary of the Interior James R. Garfield, and Frederick H. Newell of the Reclamation Service. The convention did little besides provide an opportunity for individuals to air their grievances. Senator Henry M. Teller of Colorado, who chaired the spectacle, deliberately chose subjects and speakers who opposed the Roosevelt administration and Forest Service policy, while individuals like Pinchot received little time to defend their methods. The most important resolution passed by the convention called for the abolition of the permit and fee system on the national forests, but overall the convention accomplished nothing towards preventing the implementation of professional range management on the national forests.<sup>48</sup>

Court decisions regarding forest range management supported the agency's program even further, particularly those that resolved *Light v. U.S.* and *U.S. v. Grimaud* in favor of the Forest Service. Fred Light, a cattle rancher in Colorado, was indicted for refusing to pay the required grazing fee before moving his cattle onto the Holy Cross National Forest, while Pierre Grimaud and J. P. Carajous of California were prosecuted for moving sheep onto the Sierra National Forest without obtaining a permit. The decisions, given by Associate Justice Joseph Lamar of the U.S. Supreme Court on May 1, 1911, reinforced Pinchot's interpretation of the national forests and livestock's place within them. The Forest Service, Lamar concluded, represented the authority of the Secretary of Agriculture as conferred by Congress. As a result, it could enforce any

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<sup>48</sup> For more information on the Public Lands Convention and the fallout, one should first refer to G. Michael McCarthy, *Hour of Trial: The Conservation Conflict in Colorado and the West, 1891-1907* (Norman: University of Oklahoma Press, 1977), 200-35, although his assertion that the convention was a watershed that marked the high-point of anti-conservation sentiment in the West (particularly Colorado) is an overstatement. See also Robbins, *Our Landed Heritage*, 351-54; Rowley, *U.S. Forest Service Grazing and Rangelands*, 66-68; and Steen, *U.S. Forest Service*, 99-100

rules or regulations deemed necessary to conserve national forest resources, including a permit and fee system for range use.<sup>49</sup>

Pinchot and Potter's efforts, combined with the Court's rulings, provided sufficient legal foundations for federal range management on the national forests. Yet the last stage in the evolution of professional range management involved the development of a scientific framework that validated grazing within the agency's emphasis on forestry and watersheds. Arthur W. Sampson and a small group of Forest Service range researchers played an important role in this transition. They approached the forest "range problem" under the assumption that livestock grazing constituted an important land use. In order to reconcile grazing with demands for timber production and watershed protection, these individuals combined their own findings (often informed by conclusions from earlier agronomists) with the latest theories in plant ecology, thus establishing modern range science.

In 1907, the Forest Service sent Arthur Sampson and James T. Jardine to Oregon's Willowa Mountains to experiment with methods in which livestock grazing could accompany timber production and watershed protection. By 1913, Sampson released some of his initial findings in a USDA bulletin titled *Range Improvement by Deferred and Rotation Grazing*. Similar to Jared Smith in Texas and other advocates of pasture rotation, Sampson recognized that solving the "range problem" required developing a grazing system that conformed to a plant's growth requirements and promoted maximum utilization of the available forage by livestock. He built upon Smith's recommendation for pasture rotation by combining it with plant ecology,

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<sup>49</sup> *United States v. Grimaud*, 220 U.S. 506 (1911) and *Light v. United States* 220 U.S. 523 (1911) in *Court Cases Related to Administration of the Range Resource on Lands Administered by the Forest Service* (Washington, DC: USDA, Forest Service, 1964), 9-18, 98-105.

arguing that livestock grazing should accommodate to the four basic phases of the plant life cycle: initial foliage growth, maturity, seed dispersal, and seedling establishment. By recognizing that success of the plant life cycle depended much on its roots, Sampson's focus on soil as well as grass further distinguished his approach. Foliage must be able to store enough nutrients in its roots during the growing season in order to sustain growth and produce seed. Those seeds had to reach maturity in order to ensure the survival of the species. Most important, any grazing system had to facilitate the distribution and establishment of those seeds within the same soil. Thus, Sampson wrote, "[T]he most effective system of range management from the standpoint of the vegetation alone will be one that interferes least with the growth of the plant up to the time of seed maturity, and then aids in planting the seed."<sup>50</sup>

The solution was *deferred grazing* (or *rotation grazing*), which called for protecting certain portions of the forest range from livestock until all plants had matured. Cattle or sheep could then utilize the area for a short time before moving on to another portion of the range. He also called for the complete protection of select portions of the range from livestock grazing during certain years in order to facilitate forage growth and development even further. According to Sampson, these strategies encouraged seed distribution and establishment while also making sure that excessive grazing did not eliminate desired plants. Thus, Sampson encouraged the Forest Service to apply a grazing system that alternated the use of forest rangelands according to season or from year to year in a manner similar to crop rotation among farmers.

Moreover, Sampson's recommendations provided a scientific framework for

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<sup>50</sup> Arthur W. Sampson, *Range Improvement by Deferred and Rotation Grazing* (Washington, DC: USDA Bulletin No. 34, 1913), 8. See also idem., 2-4, 14 and Wasser, "Early Development of Technical Range Management," 67-68.

transhumance. Range rotation on the national forests continued to revolve around elevation in addition to the plant life cycle, with the utilization of lower elevation ranges first and preventing use of alpine forage until the late summer when plants matured and were able to produce seed.<sup>51</sup>

Put simply, deferred grazing promised the best of both worlds by providing a strategy that protected timber and watersheds and kept livestock on the range. It also offered an alternative to yearlong grazing of the same range, which could result in deterioration, and yearlong protection from livestock, which wasted valuable feed. Sampson even associated the potential benefits of his strategy with fire protection, noting that grazing could lessen the fire potential of forest rangelands by getting rid of plant material that could accumulate over the course of a growing season. Such an assertion was no accident in the wake of the devastating fires of 1910, which burned five million acres of the national forests (three million in Idaho and Montana alone).<sup>52</sup> Finally, Sampson emphasized that deferred grazing, in combination with professional management, would result in “no material injury to forest reproduction or the cover on watersheds.”<sup>53</sup> This strategy—one also advocated by many of his colleagues within the Forest Service—provided the means through which the agency could account for stockgrowers’ interests in the national forests, thus meeting Gifford Pinchot’s dictum of providing the “greatest good of the greatest number.”<sup>54</sup>

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<sup>51</sup> Sampson, *Range Improvement*, 2-4, 11-12, 14. See also Wasser, “Early Development of Technical Range Management,” 67-68.

<sup>52</sup> For more on the fires of 1910, see Stephen J. Pyne, *Fire in America: A Cultural History of Wildland and Rural Fire* (Princeton: Princeton University Press, 1982), 239-52 and Timothy Egan, *The Big Burn: Teddy Roosevelt and the Fire that Saved America* (Boston: Houghton Mifflin Harcourt, 2009).

<sup>53</sup> Sampson, *Range Improvement*, 13.

<sup>54</sup> This immortal phrase came from a February 1, 1905 letter regarding the purpose of the national forests for Secretary of Agriculture James Wilson written by Gifford Pinchot. For a reprint, see Pinchot, *Breaking New Ground*, 261-62.

Sampson reinforced his ideas about forest range use by adopting current theories of plant ecology, particularly the principles of succession and climax developed by Charles E. Bessey and Frederic E. Clements on the Great Plains. The theory of plant succession explained the life cycle of an entire grassland ecosystem. While it recognized that vegetation composition constantly changed, succession theory postulated that plant communities lived and died within several predictable stages by suggesting that all plant life was organized into larger vegetation formations, or superorganisms, each of which developed toward its most productive climax state. Clements deemed that geography and climate were the primary determinants of plant composition and he argued that all plant communities progressed toward a climax state if left undisturbed.<sup>55</sup>

Observers could chart this progress by using quadrats and transects. A unit quadrat was one square meter (or approximately ten square feet), within which a scientist could collect and inventory plant material. Meanwhile, a transect resembled an elongated quadrat that could be up to one hundred meters in length (approximately 328 feet) and allowed an individual to examine a series of plant communities within a particular area. In order to understand the forage composition of entire grasslands, Clements advocated placing several quadrats or transects on representative sites within the same area.<sup>56</sup>

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<sup>55</sup> Frederic E. Clements, *Plant Succession: An Analysis of the Development of Vegetation* (Washington, DC: Carnegie Institution of Washington Publication No. 242, 1916), 3-7; Ronald C. Tobey, *Saving the Prairies: The Life Cycle of the Founding School of American Plant Ecology, 1895-1950* (Berkeley: University of California Press, 1981), 78-109; and Worster, *Nature's Economy*, 205-20.

<sup>56</sup> For his research in Nebraska, Clements and his assistants settled upon the five-meter square plot after they discovered they could collect the sufficient amount of vegetation within that plot during a single day's work. Clements also noted that, depending on the terrain and the research goal, quadrats could range from five to one thousand square meters. Clements, *Plant Succession*, 421-42 and Tobey, *Saving the Prairies*, 48-75.

The quadrat system had revolutionary implications for plant ecology and range management because it provided a standard method through which scientists could count the various plants on the range. As historian Ronald Tobey wrote, quadrats and transects “made possible the intensive examination of the plant habitat.”<sup>57</sup> Within the one meter square of a quadrat or along the measuring tape of a transect, an individual could catalogue, chart, and record vegetation and, from there, infer conditions for the entire area in question. Through repeated study of the same plots, one could even detect a subtle change in plant composition that might indicate the transition from one stage to another.

Sampson was a student of Bessey and Clements while at the University of Nebraska, so it should come as no surprise that he applied their ideas to forest range research when he entered the Forest Service in 1907.<sup>58</sup> He made two key contributions. First, he proposed that land managers could use the basic concept behind plant succession—that vegetation communities matured through predictable stages—to determine if range conditions were improving or worsening. One could discover these trends by paying attention to *indicator plant species*, which was another strategy espoused by Clements. As Clements wrote, “Every plant is a measure of the conditions under which it grows. To this extent it is an index of soil and climate, and consequently an indicator of the behavior of other plants and of animals in the same spot.”<sup>59</sup> Thus, Sampson urged Forest Service officials to keep an eye open for plants that might signify

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<sup>57</sup> Tobey, *Saving the Prairies*, 71.

<sup>58</sup> While continuing his work for the Forest Service, Sampson went on to receive a Master’s degree from Johns Hopkins and completed his doctoral work at George Washington University in 1917, focusing on plant ecology and climatology. “Obituary: Arthur W. Sampson,” *Journal of Range Management* 20 (March 1967): 103.

<sup>59</sup> Frederic E. Clements, *Plant Indicators: The Relation of Plant Communities to Process and Practice* (Washington, DC: Carnegie Institution of Washington Publication No. 290, 1920), 3.

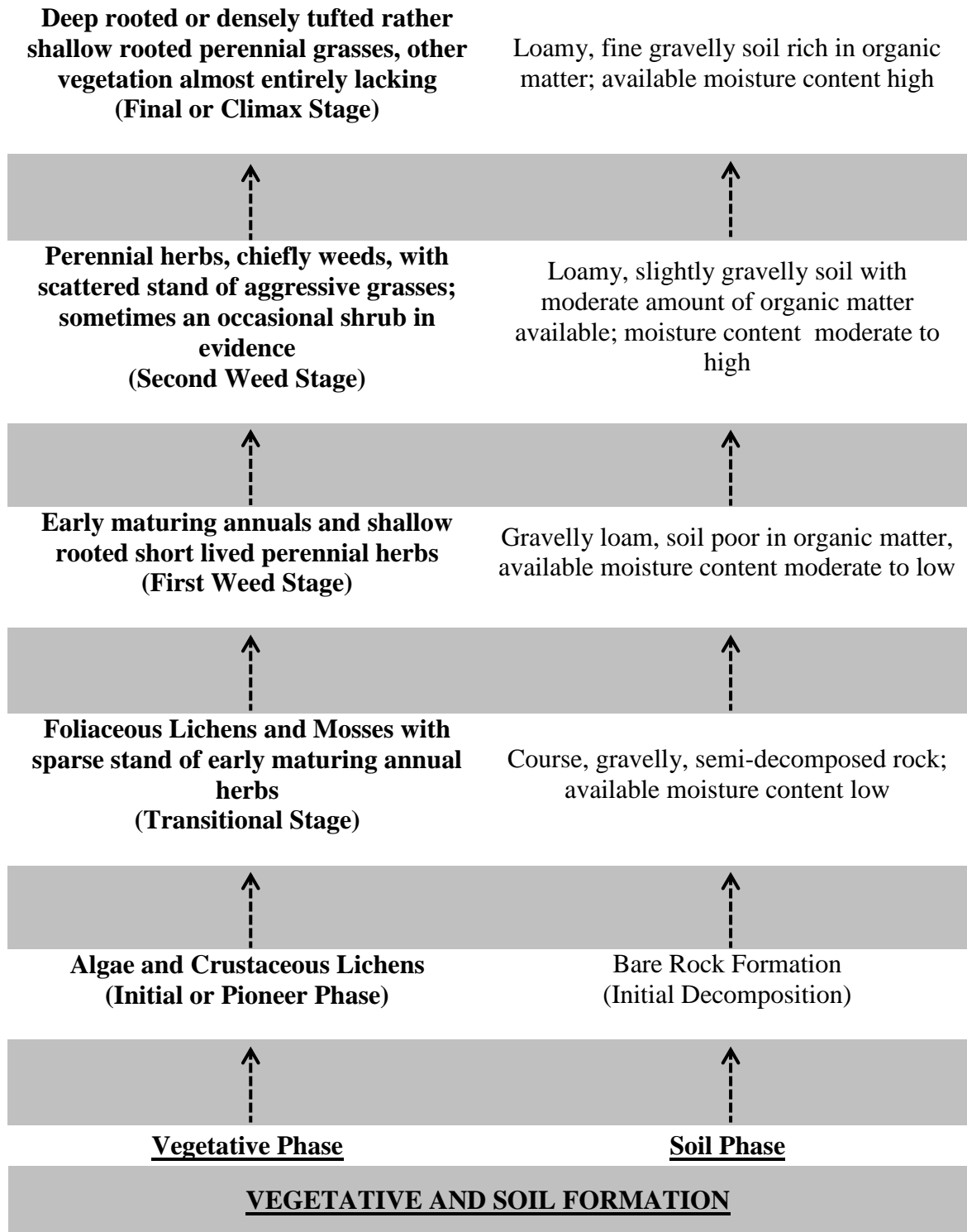


range deterioration, particularly annual weeds, grasses, and shrubs that provided little nutritional value to livestock. Mustards, cheatgrass, and snakeweed were commonly cited examples. The presence of dead or dying shrubs and young trees such as oak brush and willows might also reveal that most of the palatable ground cover was gone and that animals were increasingly relying upon browse species for sustenance. Observing soil conditions, including instances of bare soil or erosion, could further help an individual determine range productivity and succession. Ultimately, the use of indicators reinforced Sampson's point that federal range professionals and ranchers needed to look at the land rather than livestock in order to determine whether range conditions were improving or declining. Such knowledge allowed a person to grasp whether the range was progressing toward a climax state comprised of perennial grasses and forbs or regressing toward a scattered collection of annuals and bare soil.<sup>60</sup> (See Figure 2.1)

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<sup>60</sup> Arthur W. Sampson, *Plant Succession in Relation to Range Management* (Washington, DC: USDA Bulletin No. 791, 1919), 5, 54-55 and James T. Jardine and Mark Anderson, *Range Management on the National Forests* (Washington, DC: USDA Bulletin No. 790, 1919), 17-18.

**Figure 2.1: Sampson's Chart of Plant Succession**



From: Arthur W. Sampson, *Plant Succession in Relation to Range Management* (Washington, DC: USDA Bulletin No. 791, 1919), 4.

Sampson's second contribution to range science was his ability to blend plant succession with grazing by arguing that humans should use livestock as tools to influence vegetation composition and soil integrity. Succession charted the proper path of plant and soil development. Rangelands in their climax state produced abundant forage and featured extensive root systems that absorbed moisture and held soil in place. Range deterioration through overgrazing compromised both facets of this relationship by replacing desirable, oftentimes perennial plant species with less desirable or unpalatable vegetation that decreased grazing productivity, root composition, and soil stability. Sampson argued that federal officials had to understand these processes on their respective forest rangelands in order to determine its most valuable stage for livestock grazing. They could do this by dividing the range into various community types described by their most dominant species, or *consociations*. In his research on the Manti National Forest in Utah, for example, Sampson designated a *wheat-grass consociation*, comprised primarily of perennial wheatgrasses such as slender and bluebunch, as that forest rangeland's climax state. Yet Sampson and other range management officials recognized that a forest rangeland in its climax state might not be the most productive for livestock grazing. Instead, its *second weed stage* may be the most valuable because it featured a variety of grasses, forbs, and shrubs. Sampson's *porcupine grass-yellow brush consociation*, which he believed resulted from rampant overgrazing of the wheatgrass climax community, marked this stage on the Manti and it featured a variety of plants. Grasses included porcupine grass (*Stipa minor*), Sandberg's bluegrass (*Poa sandbergii*), mountain brome (*Bromus marginatus*), and remnant wheatgrass stands. Several forbs, including western yarrow (*Achillea*

*lanulosa*) and locoweed (*Astragalus spp.*), as well as browse such as yellow brush (or rabbitbrush, *Chrysothamnus spp.*) also appeared. Greater plant diversity meant that both cattle and sheep could graze the range. Sheep, which had a wider palate, could also utilize a rangeland in its *first weed stage*, such as Sampson's *foxglove-sweet sage-yarrow consociation*, which comprised primarily of *Penstemon* species (foxglove), winterfat (sweet sage), and various browse. Any lower stages of succession such as the *pioneer* or *transition phase* were deemed unfit for livestock use.<sup>61</sup>

Such applications of Clementsian theory to the realities of western ranching had profound implications for range science. Sampson never departed from the faith that rangelands moved inexorably toward their climax state if no disturbances occurred. However, unlike Clements, he recognized the likelihood of disturbance, particularly in the form of livestock, and accounted for the possibility for regression as well as progression. Most important, while he realized that overgrazing could cause a range to decline from one stage to another, he also believed that livestock could be used in a positive manner that benefitted plant succession and maximized range productivity. Maintaining this balance required an emerging corps of range scientists who could adopt the necessary tools to know the landscape, namely the quadrat system, and uncover trends of range improvement or decline. They could then have livestock use correspond with range forage composition. The most productive rangeland for cattle and horses may be a grass climax community such as Sampson's wheat-grass consociation while sheep and goats could utilize forest meadows that provided a wide

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<sup>61</sup> Sampson's "ruderal-early weed consociation," for example, comprised primarily of species such as lambsquarter (*Chenopodium album*) or tansy mustards (*Sophia spp.*), each of which feature a shallow root system incapable of keeping soil erosion in check by themselves. Sampson, *Plant Succession in Relation to Range Management*, 7-54.

variety of grasses, forbs, or shrubs. Overall, preserving a balance between the two extremes of overgrazing and undergrazing involved what Sampson called “judicious grazing,” which required the adoption of modern animal husbandry practices while adhering to the scientific framework of plant succession.<sup>62</sup>

The Forest Service enticed ranchers with its grazing program by offering expertise, money and materials, but their use of the range was ultimately supposed to be the product of an intense scientific process. Agency officials emphasized that any decision that pertained to range use and livestock distribution had to be made according to the best interest of the landscape rather than the individual rancher. Thus, the Forest Service created standard regulations for forest range use. It established *on* and *off dates*, or the designated days when stockgrowers could enter the national forests in the early summer and leave in the fall. It mandated certain practices such as the *bedding out* system for sheep, which prohibited herders from utilizing the same bedding grounds for more than three nights. It also assisted ranchers in moving their livestock by developing water sources or building fences and trails. Such strategies, according to Forest Service range officials, could simultaneously maintain or improve range conditions and allow ranchers maximum utilization of forage to produce marketable livestock, all without compromising timber production or watershed protection.<sup>63</sup>

How the agency cooperated with local ranchers further reinforced its professional scientific approach. Implementation of range management protocols required a series of negotiations between forest officials and stockgrowers that were

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<sup>62</sup> Ibid., 64. The above analysis of Sampson’s work is also informed by Nathan Sayre, “Historical Roots of the Rangeland Conflict: Overcoming Structural & Intellectual Anachronisms” (paper presented at the 65<sup>th</sup> Annual Meeting of the Society for Range Management, Spokane, WA, January 31, 2012).

<sup>63</sup> For a succinct overview of this approach, see James T. Jardine and Mark Anderson, *Range Management on the National Forests* (Washington, DC: USDA Bulletin No. 790, 1919).

often fraught with tension. To promote amicable relations between the agency and organized stockgrowers, the Forest Service encouraged ranchers to establish local advisory boards that could consult with the forest ranger on range management decisions. The agency was not obliged to recognize a local board or association, however. Nor did they have any decision-making powers. Moreover, the Forest Service did not encourage ranchers to accompany officials during range inspections for the value of their input. Instead, a stockraiser's participation during these trips could make them more receptive toward a particular management decisions. As forest range managers James T. Jardine and Mark Anderson wrote, upon knowing of such inspection work or even accompanying officials on a range ride, ranchers would "be better prepared to receive whatever recommendations or plans result from the inspection."<sup>64</sup> Such language reinforced the perception among leading forest officials that all range management decisions were to be informed by science and come from the top down.

Thus, the significance of Sampson and other early Forest Service range scientists lay in their ability to apply a scientific framework to the handling of livestock on western rangelands. Animal husbandry merged with Clementsian science. Transhumance and rotation grazing fused with plant ecology. As a result, range science emerged as a distinct discipline practiced exclusively on the national forests. In a sense, Sampson did for forest rangelands what silviculturalists did for trees or what Aldo Leopold did for wildlife by articulating a tree or game crop—the notion that plant and animal populations grew at a predictable rate and that humans could harvest surplus amounts for the betterment of that population. The notion that nature was inherently

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<sup>64</sup> Ibid., 81. See also 44-46.

balanced and, if left undisturbed, worked toward a state of perpetual abundance provided the foundations for these concepts. They developed in reaction to traditional land use strategies, often deemed wasteful. They also reflected the optimism that scientific land management would produce material benefits for humans. In this case, Forest Service range management could create a reliable and improved forage supply for ranchers on national forest rangelands that sustained local communities and produced marketable livestock.<sup>65</sup>

Will C. Barnes, who was among the first Forest Service range managers, once commented in his memoirs, “[T]he grazing-men of the Forest Service were the shock troops who won the West for forestry.”<sup>66</sup> Pinchot and Potter contributed to the policy framework, but credit should ultimately go to the first range scientists. This was no small feat because they had to frame their strategies within a scientific framework while simultaneously cater to ranchers’ demands for a reliable forage supply. By framing range use within plant ecology in a manner that supported national forest management goals, Forest Service range research met the concerns of supervisors such as Pinchot, Potter, and subsequent chief foresters and grazing officers. For example, Sampson’s porcupine grass-yellow brush consociation on the Manti National Forest provided a valuable forage crop above ground while its roots maintained soil stability and watershed integrity underneath, thus satisfying his superiors, local ranchers, and concerned residents all at once.

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<sup>65</sup> Botkin, *Discordant Harmonies*, 80-84. See also Aldo Leopold, *Game Management* (1933; reprint, New York: Charles Scribner’s Sons, 1948).

<sup>66</sup> Will C. Barnes, *Apaches and Longhorns: The Reminiscences of Will C. Barnes* (Los Angeles: Ward Ritchie Press, 1941), 202.

Yet range management on the national forests remained as much an art as it did a science and it applied to only a select portion of the western range at this time. Scientific principles, indicator species, and the quadrat reinforced the optimism that one could understand rangeland dynamics in a manner that placed livestock grazing in harmony with other land uses. Meanwhile, the art of range management remained rooted in principles associated with animal husbandry, or handling livestock in a manner that produced valuable commodities as well as kept the range in an optimal grazing condition. When combined, professional range management contributed to the establishment of a grazing program on the national forests. Yet vast portions of public domain rangeland remained contested among stockgrowers and range scientists alike.



### **CHAPTER THREE** **CONFRONTING THE GRID**

John Wesley Powell used one word to describe the forage he saw during his explorations and surveys of the Colorado Plateau during the 1870s: “scanty.” Yet such a label did not mean that he believed the western range could not be useful for livestock. Powell became a renowned authority of the Intermountain West after successive sojourns down the Colorado River in 1869 and 1871-72 and the publication of his travels in *Explorations of the Colorado River of the West and Its Tributaries* (1875). Three years later, Powell tried to alert Congress to the difficulties associated with irrigation farming and ranching in the West in his *Report on the Lands of the Arid Region of the United States* (1878). He observed “a scanty growth of grasses” on most of the rangelands of the region, where one could find a collection of bunchgrasses, forbs, shrubs, and bare soil rather than a “continuous turf” of green forage.<sup>1</sup> Clearly these were not the prairies that Powell had grown up with in Wisconsin, Ohio, and Illinois. Nonetheless, he agreed with local ranchers when he recognized that most western rangelands provided valuable forage for livestock, sparse as it may have been. Moreover, Powell understood the principles of transhumance, or that the land’s ability to sustain grazing animals correlated to season and elevation. Therefore, even after Powell mentioned the Southwestern deserts “as to be of no value” for livestock grazing, he still concluded that much of the Intermountain West contained “vast areas of valuable pasturage land bearing nutritious but scanty grass.”<sup>2</sup>

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<sup>1</sup> John Wesley Powell, *Report on the Lands of the Arid Region of the United States, with a More Detailed Account of the Lands of Utah* (1878; reprint, Boston: Harvard Common Press, 1983), 19, 107-8.

<sup>2</sup> *Ibid.*, 20. Powell described many of the native plant species in the Intermountain West, particularly Utah. Notable grasses included alkali sacaton (*Sporobolus airoides*) and tufted hairgrass (*Deschampsia caespitosa*). Shrubs included what Powell called greasewood, which was likely a referral to creosote (*Covilez tridentate*) and saltbush (*Atriplex*). See 107-10.

According to Powell and many observers who followed, the public domain “range problem” stemmed not from the fact that the Intermountain West comprised of marginal or submarginal land but rather from the inability to organize the region to promote its perceived chief agricultural use—livestock grazing—in an equitable manner among the ranchers who already lived there. Stockgrowers required the necessary amount of land and water to sustain their operations throughout the year and they needed the legal means to acquire both. Use of the western range first required a base of operations, including irrigable land for crops. Access to surrounding public domain lands for spring, summer, or winter range also depended upon the development of all of the region’s water sources, including seeps, springs, and wells.

The crux of this dilemma was twofold: whether the initiative for such range organization efforts came from local people or federal officials and whether they would take place on an individual or cooperative basis. Powell’s travels across the Colorado Plateau helped initiate a series of debates among stockgrowers, politicians (some of whom were ranchers themselves), and federal conservationists over the best means to organize public domain rangelands that resisted homesteading under traditional land laws. Alongside proposals in favor of direct private ownership, leasing, or the establishment of federal grazing reserves, a new idea gradually gained traction in certain parts of the American West: the grazing district, or the cooperative organization of sections of the public domain for grazing purposes only.

Powell argued for the federal government to devise a strategy that would provide for the development of ranching homesteads and the organization of

surrounding rangelands for livestock grazing purposes. His “pasturage district” proposal—the first that articulated the application of the grazing district idea to Intermountain rangelands—encouraged groups of nine or more to settle on those portions of the public domain deemed chiefly valuable “for pasturage purposes only.”<sup>3</sup> Each individual could claim up to 2,560 acres of grazing land, 20 of which must have direct water access for irrigation, for their home ranch. In order to provide everyone with water, Powell proposed that property boundaries conform to topography rather than to the grid survey system that had been in place since the Land Ordinance of 1785. In addition to their own ranches, individuals could use surrounding grazing lands in common with other district members. According to Powell, such cooperation would promote fairness on the western range and prevent any individual from gaining excessive control of the land’s “natural privileges,” which included water and minerals as well as grass.<sup>4</sup> In contrast to the roundup districts created by Wyoming or Montana stockgrowers at around the same time, which focused primarily on livestock ownership and distribution on the open range (see Chapter 1), the pasturage district idea promoted the fair allocation of land use and access to water rights. By first encouraging the establishment of a base of operations with a reliable water supply and then providing a strategy through which ranchers could secure access to surrounding public domain rangelands for much of the year, Powell’s writings illuminated the necessary ingredients for a successful grazing district.<sup>5</sup>

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<sup>3</sup> John Wesley Powell, “A Bill to authorize the organization of pasturage districts by homestead settlements on the public lands which are of value for pasturage purposes only,” in *ibid.*, 33.

<sup>4</sup> To promote this cooperation even further, Powell suggested that the homes within the district be grouped together as close as possible in order to facilitate community development. *Ibid.*, 28-29.

<sup>5</sup> The existing historiography on John Wesley Powell focuses primarily on his ideas about water and his cooperative irrigation district proposal rather than on his views toward rangelands. See Wallace Stegner, *Beyond the Hundredth Meridian: John Wesley Powell and the Second Opening of the West* (1954; reprint;

Because of Powell's *Report on the Lands of the Arid Region*, Congress took up the question of range allocation for the first time in 1879 by authorizing a Public Lands Commission, of which Powell was a member. At a time when local livestock associations were just emerging and much of the West remained in territorial status, the Commission conducted inquiries and heard from a variety of constituents, including surveyors, miners, prominent ranchers, and farmers. The Commission did little in regards to Powell's proposals regarding water and the grid by ignoring his suggestions for the creation of cooperative irrigation districts and the reorganization of land survey markers according to topography. Yet the influence of Powell and the stockgrowers who responded to the Commission's questions shone through in regards to rangelands. For the first time in American history, the Commission called for the creation of a "pasturage lands" classification and recognized that significant portions of the Intermountain West produced "scant but nutritious grasses...[where] flocks of sheep, herds of cattle, and bands of horses are pastured thereon."<sup>6</sup> It proposed that an individual to claim up to 2,560 acres of rangeland for ranching purposes (initially for as much as \$1.25 an acre and declining thereafter for any lands that remained unsold) but did not authorize the formation of grazing districts.<sup>7</sup> The Commission's recommendations never made it out of committee, however, because the majority of congressmen, boosters, and settlers remained satisfied with current land laws that divided the West into small homesteads rather than large ranching estates or grazing

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New York: Penguin Books, 1992); Donald Worster, *A River Running West: The Life of John Wesley Powell* (New York: Oxford University Press, 2001); and T. H. Watkins, "Introduction," in Powell, *Report on the Lands of the Arid Region*, xi-xx.

<sup>6</sup> United States, Public Lands Commission, *Report of the Public Lands Commission created by the Act of March 3, 1879, Relating to Public Lands in the Western Portion of the United States and to the Operation of Existing Land Laws* (1880; reprint, New York: Arno Press, 1972), xxi.

<sup>7</sup> *Ibid.*, lxxv-lxxvi.

commons. Some worried that a pasturage classification would confine sections of the public domain to livestock indefinitely. Nor did the organized livestock industry respond enthusiastically to the Commission's proposals. In November 1879, the overwhelming majority of members within the Wyoming Stock Growers' Association opposed the individual sale or leasing of rangelands in large tracts and did not consider the possibility of creating grazing districts on parts of the public domain. Instead, the association indicated that it would only consider rangeland reform if it promised a low purchase price (five cents per acre), a reasonable payment schedule, and, most important, that purchases were limited "exclusively to actual occupants of the land," or to ranchers who already lived in the region.<sup>8</sup> Thus, the grid remained in place in the wake of the first Public Lands Commission and large swaths of public domain range remained available for free use among stockgrowers.

Yet the public domain "range problem" persisted into the twentieth century. The ranchers and federal scientists who confronted it arrived at a similar conclusion by agreeing that livestock grazing constituted the primary use of much of the remaining public domain range in the Intermountain West. They identified the most valuable forage plants in the region and recognized that vegetation change or continued conflict over open access to the public domain by a continuous parade of graziers would contribute to declines in range and livestock productivity. Most important, ranchers worked among themselves and often listened to range management professionals who proposed strategies that might better coordinate use of the public domain. The grazing

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<sup>8</sup> "Testimony of Wyoming Stock Growers' Association, of Wyoming Territory," November 22, 1879, in *ibid.*, 546. See also Stegner, *Beyond the Hundredth Meridian*, 211, 219-31 and Worster, *A River Running West*, 354-60, 366-67, 376-79.

district idea remained one subject of conversation, especially in 1905 when a second Public Lands Commission comprised of W. A. Richards of the General Land Office (GLO), Frederick H. Newell of the Reclamation Service, and Gifford Pinchot of the Bureau of Forestry (later Forest Service) published its findings.

Informed on grazing matters primarily by the findings of prominent Arizona rancher-turned-forester Albert Potter and botanist Frederick Coville of the U.S. Department of Agriculture (USDA), the Commission recommended the creation of “certain grazing districts or reserves” on the public domain.<sup>9</sup> Rather than give local settlers the opportunity to create them, however, the Commission gave such responsibilities to the President, which at the time would have greatly expanded Theodore Roosevelt’s executive power concerning conservation matters at a time when he already held the authority to create forest reserves, wildlife refuges, and, upon passage of the Antiquities Act in 1906, national monuments.<sup>10</sup> Furthermore, it tasked the USDA with the duty of administering these districts upon their creation, which was not a surprise given the presence of Pinchot on the Commission, Potter and Coville’s assistance, and the Department’s prior experience in investigating public domain rangelands. Such work, the Commission proposed, would include determining carrying capacity, developing regulations, appointing officials, and collecting “a moderate fee” for use of the district.<sup>11</sup>

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<sup>9</sup> U.S. Congress, Senate, Doc. 189, *Report of the Public Lands Commission with Appendix* (58<sup>th</sup> Cong., 3d sess., 1905), xxi.

<sup>10</sup> Indeed, the lack of significant public domain range reform during Roosevelt’s administration might be the single glaring omission within what was otherwise a stellar conservationist presidency. For a celebratory account of Theodore Roosevelt and conservation, see Douglas Brinkley, *The Wilderness Warrior: Theodore Roosevelt and the Crusade for America* (New York: Harper Perennial, 2010).

<sup>11</sup> *Report of Public Lands Commission* (1905), xxii.

Overall, the 1905 Commission reflected faith in the classification and distribution of the public domain range according to its perceived chief use. It also expressed the hope that, with the cooperation of local ranchers, these principles could help reduce forage deterioration and competition on the public domain. Finally, the 1905 Commission conceived a greater role for the federal government, namely the executive and the USDA, in public domain range improvement.

The Commission also supported the grazing district idea because it promised flexibility. By this time, both Potter and Coville appreciated the diversity within the western range livestock industry and the landscape it depended upon. Moreover, Commission members could not break free completely from the hope that settlers could permanently acquire most of the remaining public domain through existing or revised land laws. President Roosevelt made this sentiment clear when he decreed that the chief purpose of the Commission was “to effect the largest practical disposition of the public lands to actual settlers who would build permanent homes upon them. . . .”<sup>12</sup> Indeed, the Commission opposed organizing federal grazing districts across the entire remaining public domain for this reason, refusing to devote certain parts of the public domain to livestock permanently. Instead, it advocated a “gradual application to each locality of a form of control specifically suited to that locality,” whether by creating a grazing district through executive order or encouraging the organization of the range through other means.<sup>13</sup>

A closer examination of Potter and Coville’s contributions to the Commission’s report provides a glimpse of the challenges involved with establishing a region-wide

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<sup>12</sup> *Ibid.*, iii.

<sup>13</sup> *Ibid.*, xxii.

federal grazing program for the public domain in the early twentieth century. Both individuals approached the subject confident that livestock grazing was the chief use of much of the remaining public domain and that better management could improve it. They also agreed that the classification and organization of public domain rangelands should come from the President and USDA. Therefore, they suggested that access to the grazing districts among ranchers be on a permit basis that ranged from five to ten years with the possibility of renewal. Preference in the use of a grazing district would go to established livestock raising operations that could prove their use of the range prior to its organization as a grazing district and that these lands played an integral role in their annual operations. Yet Potter and Coville also had to address administrative matters as they considered the validity of the grazing district idea. They considered two questions in particular. First, would federal officials, local stockgrowers, or a combination of the two groups manage the new grazing districts? Second, how much should the federal government charge for their use and what would it do with the monies received?<sup>14</sup>

In answer to the first question, both individuals agreed that “a practical stockman” (Potter’s words) should administer each public domain grazing district. Coville provided details on how such an individual should look and who should assist him. Because of differences among western stockgrowers, the environments in which they lived, and the flexibility necessary to accommodate both factors when supervising the districts, he argued that federal officials would have to exercise discretion without fear of constant oversight from superiors. These individuals had to be cool and

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<sup>14</sup> The Forest Service reprinted Potter and Colville’s proposals in a separate bulletin titled *Grazing on the Public Lands: Extract from the Report of the Public Lands Commission* (Washington, DC: USDA, Forest Service, Bulletin No. 62, 1905).



collected. Moreover, Coville wrote, they “should have a thorough knowledge of the live-stock industry of the western United States, preferably such a knowledge as is derived from actual former experience as a stock raiser.”<sup>15</sup> Potential grazing administrators had to have connections with the livestock associations, be able to sell the program to the industry, and recruit certain ranchers to assist them. As seen in Chapter Two, Potter and the Forest Service followed this approach to help garner support for its range management program on the national forests. Yet more was at work than simply gaining the livestock industry’s seal of approval. Matters of governance and finance also had to be considered. As Coville suggested, this approach ensured that the number of district personnel remained small and focused primarily on managing the public domain for the benefit of local ranchers.

In addition to personnel was the issue of grazing fees. Neither Potter nor Coville questioned whether the federal government had the authority to charge for the use of public lands by stockgrowers. Coville went on to provide the details for what the Commission called a “moderate fee” by suggesting one of “not less than 5 cents per head per season for [sheep and goats] or 25 cents for [cattle and horses]” on the federal grazing districts.<sup>16</sup> Where the two range management professionals expressed a slight difference of opinion, however, pertained to how much the federal government should spend to administer the grazing program and whether the fees should cover only administrative costs or produce a profit. Potter suggested the creation of a permanent \$500,000 appropriation to assist in the creation and administration of the districts. The grazing fees collected would assist in this process, but Potter argued that any excess

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<sup>15</sup> Ibid., 64.

<sup>16</sup> Ibid., 67

funds could be spent for education purposes or internal improvements in the states in which the districts were located.<sup>17</sup> Meanwhile, Coville stressed that grazing fees should not raise revenue or require perpetual federal funding. After a one-time Congressional appropriation, he suggested that the money received from permittees could cover “the cost of administration of the system, including the cost of classification and appraisal.”<sup>18</sup> Any surplus should be spent on district improvements. In other words, Coville’s argument proposed that ranchers should see a direct return of their investment rather than see their fees support a grazing bureaucracy or fill federal coffers.

Potter and Coville effectively outlined the federal grazing district idea in their contributions to the *Report of the Public Lands Commission* (1905). Reflecting the work currently underway in range management, the Commission concluded that livestock grazing was the chief agricultural use for much of the remaining public domain in the West, an area that at the time comprised more than three hundred million acres. The grazing district idea also promised flexibility in two respects. First, by organizing grazing privileges according to preference, district organization could conform to specific local traditions or community needs. Second, the creation of grazing districts on only certain parts of the public domain would not prevent the settlement and development of other sections for farming or other purposes.

These recommendations diverged from Powell in several key respects, however. There was no support for a complete overhaul of the grid survey system and its reorganization according to topography. Rather, similar to the one before it, the 1905 Commission focused on revising existing land laws to meet the terrain and potential use

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<sup>17</sup> Ibid., 30.

<sup>18</sup> Ibid., 67.

of the western public domain. Unlike its predecessor, though, it supported a greater role for the federal government in administering and distributing remaining public domain lands. In other words, the creation of grazing districts could facilitate the expansion of administrative capacities rather than support organic, local democracy and cooperation as Powell had hoped.

Nevertheless, the contributions to the 1905 *Report of the Public Lands Commission* still revealed traditional reluctance toward granting ranchers significant portions of the public domain. Large ranches quickly raised fears of baronial estates and land monopoly that the grid survey and homestead systems sought to avoid. Furthermore, while members of the Commission reached the conclusion that livestock grazing was perhaps the chief use of much of the remaining public domain, they continued to cling to hopes that other agricultural land uses could be discovered. In addition to these long-established aversions, Potter and Coville uncovered more dilemmas associated with administration, permits, and fees that hindered further comprehensive public domain range reform. If Congress or the executive decided upon the creation of a federal grazing district, an agreement had to be made in regards to who would administer it. Range reformers and ranchers also had to decide upon term permits and their distribution. And perhaps the thorniest question of all pertained to costs, namely how much the federal government was willing to pay and grazing fee amounts. Conventional reluctance toward closing the public domain to a select group of users certainly prevented comprehensive range reform, as it had in the late nineteenth century. Yet the 1905 Commission report also revealed that the federal government had to address significant administrative hurdles if it decided to confront the public domain

“range problem” through the creation of grazing districts. To use a well-worn phrase, the devil lay in the details.

While the 1905 Public Lands Commission combined with the implementation of a grazing program on the national forests to facilitate further debate over the future of western ranching on public lands, it produced few tangible results toward the creation of a federal grazing district and permit program for the public domain. Instead, the issue of leasing the public domain to individuals for grazing purposes persisted within the public lands committees of the House and Senate. Indeed, by 1926, one staff member for the Senate Committee on Public Lands and Surveys counted 65 public domain grazing bills that had reached that group since the end of the nineteenth century, none of them reported on favorably.<sup>19</sup> Western livestock associations and their representatives found it difficult to present a united front in support of any of these measures. Meanwhile, some railroads such as the Southern Pacific quietly favored public domain range reform in the early twentieth century but at the same time did not want to prevent stockgrowers, homesteaders, or immigrants from purchasing leases or using existing land laws to settle on or near their lands.<sup>20</sup> Congressional bias toward farming, land ownership, and unfamiliarity with the geographic realities of ranching in the Intermountain West further complemented the arguments that associated land monopoly with leasing territory to ranchers. The perception that stock raising over vast expanses of rangeland was a transitory phase of frontier development remained popular well into

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<sup>19</sup> Karen R. Merrill, *Public Lands and Political Meaning: Ranchers, the Government, and the Property Between Them* (Berkeley: University of California Press, 2002), 221n23.

<sup>20</sup> Richard J. Orsi, *Sunset Limited: The Southern Pacific Railroad and the Development of the American West* (Berkeley: University of California Press, 2005), 395-97.

the early twentieth century. Policymakers also hesitated to permit grazing leases on unclassified, potentially choice farming or mineral lands. Finally, Congress continued to reject calls for leasing because while the Constitution granted that body the authority to accept and dispose of the public lands to private ownership, it mentioned nothing about leasing.<sup>21</sup>

Ultimately, any proposal that provided for the use of large tracts of public domain by livestock had to balance Congressional desires of keeping the territory open for individual homesteading with a growing perception that much of the public domain might not be developed for agricultural purposes unless it was distributed in larger amounts. The development of professional range management rested upon the assumption that rangelands were *chiefly* valuable for grazing. Interestingly enough, this notion developed alongside federal land proposals that promoted increased settlement of the West under the realization that remaining public domain lands might have no other agricultural use *besides* livestock grazing.

In facing this conundrum, Congress succeeded only in gradually increasing the amount of land an individual could homestead. The most notable of these measures included the Kinkaid Act (1904), which allowed settlers up to 640 acres within the Sand Hills of western Nebraska; the Enlarged Homestead Act (1909), designed specifically to encourage the expansion of dryland farming in the West by providing free entry to 320

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<sup>21</sup> For an overview of the tensions between leasing the natural resources of the public domain or distributing them to private ownership in the early twentieth century and the constitutional ramifications, refer to the following: Richard N. L. Andrews, *Managing the Environment, Managing Ourselves: A History of American Environmental Policy*, 2<sup>nd</sup> ed. (New Haven: Yale University Press, 2006), 58-62; Paul Wallace Gates, *History of Public Land Law Development* (1968; reprint, New York: Arno Press, 1979), 495-29; Benjamin Horace Hibbard, *A History of the Public Land Policies* (1924; reprint, Madison: University of Wisconsin Press, 1965), 479-83; E. Louise Peffer, *The Closing of the Public Domain: Disposal and Reservation Policies, 1900-1950* (1951; reprint, New York: Arno Press, 1972), 110-33; and Roy M. Robbins, *Our Landed Heritage: The Public Domain, 1776-1970*, 2<sup>nd</sup> ed. (Lincoln: University of Nebraska Press, 1976), 343-97.

acres of public domain; and the Stock-Raising Homestead Act (1916), which granted settlers 640 acres on remaining public domain lands designated “chiefly valuable for grazing and raising forage crops,” the first time such language appeared in approved federal legislation.<sup>22</sup> These laws represented the attempt to discover the magic number in terms of the acreage required to establish a successful agricultural operation in the West while still adhering to the grid system. They also encouraged the creation of small ranching operations that correlated range use with irrigation agriculture, purebred stock, winter feeding, and fattening. Finally, they signaled continued faith in the democratic promise of individual land ownership, or that everyone should receive an equal opportunity to acquire a share of the public domain even though success in that endeavor was not guaranteed.<sup>23</sup>

Oftentimes, these measures divided rangelands into small parcels or allowed established ranchers to expand their operations. The Kinkaid Act, for example, actually contributed to ranch reconstitution once dry farming proved impractical in the Sand Hills. Many farmers either abandoned their claims or sold out to stockgrowers who sought to expand and stabilize their own operations. Indeed, by 1928, the average size of a ranch in the heart of Sand Hills country was 6,681 acres, evidence that the Kinkaid Act ultimately contributed to the very process of land consolidation that Congress originally hoped to prevent but in a manner that benefitted ranchers in the area.<sup>24</sup>

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<sup>22</sup> “An Act to provide for stock-raising homesteads, and for other purposes,” Public Law 290, *U.S. Statutes at Large* 39, Part 1 (1917): 862.

<sup>23</sup> Karen Merrill suggests that that passage of these laws, especially the Stock Raising Homestead Act, also reflected Congress’s growing acceptance of ranching as a legitimate occupation for settlers on the public domain as well as the organized livestock industry’s increased affiliation with homesteading. See Merrill, *Public Lands and Political Meaning*, 43-45, 51-57. See also Peffer, *Closing of the Public Domain*, 134-68.

<sup>24</sup> See Gates, *History of Public Land Law Development*, 498-501 and Paul F. Starrs, *Let the Cowboy Ride: Cattle Ranching in the American West* (Baltimore: Johns Hopkins University Press, 1998), 125-40.

Stockgrowers in Montana and elsewhere in the West used land laws to stabilize or expand their operations as well. One example involves Dan Fulton, who went on to become an active member within the Montana and national livestock associations as well as a founding member of the Society for Range Management in 1948. Fulton's father, William, emigrated from Scotland and arrived in eastern Montana in 1890 to receive work as a herder for some of the wool growing operations in the region. He saved his wages and bought interest in a nearby ranch. He ultimately filed a claim under the original Homestead Act to establish his own ranching headquarters and bought 40 sections, or over 25,000 acres, from the Northern Pacific Railroad. Shortly after passage of the Enlarged Homestead Act, he filed another claim in order to build corrals and establish sheep shearing operations.<sup>25</sup>

The combination of granting larger portions of the public domain to settlers, intensive herd and pasture management, and the proliferation of improved livestock breeds contributed to a general decline in both remaining public domain and animal populations in the West. That Congress expanded the amount of land that could be acquired from 160 to 640 acres revealed that federal public domain policy gradually adapted to western geography. Moreover, these laws worked well in transferring land ownership to individuals. In 1905, the amount of homestead entries in Nebraska tripled from their 1903 levels because of the Kinkaid Act and much of the remaining public domain in the western portion of the state was acquired by 1920. Indeed, the peak decade for entries on the public domain came during the 1910s. In 1910, the first year of the Enlarged Homestead Act, 98,598 entries were filed on over 18 million acres.

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<sup>25</sup> Dan Fulton, *Failure on the Plains: A Rancher's View of the Public Lands Problem* (Bozeman: Big Sky Books, 1982), 36-41, 75-78.

Meanwhile, the peak year for entries filed under the Stock-Raising Homestead Act came in 1921, with 25,653 entries for over 10 million acres. Thus, these measures were quite effective in perpetuating the American tradition of transferring public domain lands to private ownership and ranchers took advantage of them.<sup>26</sup>

As grazing bills pertaining to the public domain languished in Congress, western states and territories assumed the burden of regulating livestock on lands not yet homesteaded. As seen in Chapter One with the roundup districts, some laws built upon resolutions passed by livestock associations and left their implementation to these groups. Mormon Utah, though, was the first western territory to pass legislation that attempted to control grazing on the public domain and, as historian Donald Worster points out, John Wesley Powell looked to Utah for inspiration for his irrigation and pasturage district proposals.<sup>27</sup> In 1854, Utah's territorial legislature passed the Herdsman Act, which licensed professional herdsmen and provided county judges the authority to designate the location and size of herding grounds. In 1865, it passed the Surplus Stock Act, which granted local communities the authority to determine whether residents could use the lands immediately surrounding their towns in common for all

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<sup>26</sup> Annual entries under the Stock-Raising Homestead Act averaged around 5,000 until passage of the Taylor Grazing Act. See Gates, *History of Public Land Law Development*, 496-498, 504, 517-19. Gates also argues that this legislation was quite effective and allowed for the rapid acquisition of the High Plains in "Homesteading in the High Plains," *Agricultural History* 51 (January 1977): 109-33. For commentary on the decline in livestock populations in the West during this period, see Will C. Barnes and James T. Jardine, *Livestock Production in the Eleven Far Western Range States* (Washington, DC: USDA Report No. 110, 1916), 6-10.

<sup>27</sup> Worster, *River Running West*, 351-54.



draft and dairy stock. All livestock not required for daily use were to use rangelands further out of town.<sup>28</sup>

What distinguished state grazing measures of the early twentieth century from their nineteenth-century predecessors, however, was their attempt to associate public domain use with the principles of preference in order to stabilize existing ranching operations. In other words, rather than organize the range according to livestock movements or brands, they adjudicated grazing privileges according to the amount of land a rancher already owned, its proximity to the public domain in question, and his prior use of that range. These regulations recognized that access to the public domain for parts of the year were essential for many established ranching operations and that most of them would be unable to acquire those lands on their own through existing public land laws. As seen in Utah, some provided individual communities with the discretion to utilize nearby public rangelands as they saw fit. Other states organized use of public domain rangelands according to water rights. Finally, in those states that witnessed persistent conflict between sheep and cattle, laws divided the public domain into separate grazing grounds and into distinct spring, summer, fall, and winter ranges.

One Colorado law—the Reese-Oldland Act (1929)—exemplified these trends. Representatives and ranchers from public domain range districts often sponsored these measures, in this case Claude H. Reese and R. Oldland of northwestern Colorado (from the neighboring towns of Rifle and Meeker, respectively). Moreover, the primary goal for statutes such as Reese-Oldland was to coordinate use of public domain rangelands by ranchers who already lived in the area. Distribution of grazing privileges went

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<sup>28</sup> Levi S. Peterson, “The Development of Utah Livestock Law, 1848-1896,” *Utah Historical Quarterly* 32 (Summer 1964): 200-1.

according to the principles of base property, proximity, and priority in an attempt to relegate use of the public domain to local residents. In Colorado's case under Reese-Oldland, those who made prior, continuous use of the public domain by cattle or sheep and who also had sufficient commensurate property helped determine which Coloradans received public domain grazing privileges.<sup>29</sup>

Most important, these laws made clear that the courts would recognize one's "preferred right" to the public domain according to the principles of property, proximity, and priority, which also meant that court-appointed officials would resolve any disputes over range use. According to Reese-Oldland, for example, the district court was to assign three referees to resolve any conflict. Since tensions between cattlemen and sheepmen were behind the majority of clashes in Colorado, the review board comprised of one cattle and one sheep representative from the vicinity of the disputed claim. These two were then to agree upon a disinterested party to act as the third referee. If they could not come to an agreement, the court made the decision for them. Judges and court-appointed arbiters determined the boundaries of range claims as well as the number of livestock one could graze on the public domain. Approved claims were filed with the County Clerk and Recorder. Then the county sheriff posted notices that described the boundaries of each range claim, the season in which ranchers could utilize their claim, and the class, breeds, and number of animals they could graze. Once official, it became illegal for any person acting on his own or on behalf of another to trail or graze stock on someone else's range claim. In Colorado's case, violators were

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<sup>29</sup> "An Act Relating to Livestock and the Regulation and Use of the Public Domain Range and Providing a Method to Adjudicate Disputes and Providing Penalties for the Violation of this Act," Ch. 125, *Laws Passed at the Twenty-seventh Session of the General Assembly of the State of Colorado* (1929), § 1 & 3.

guilty of a misdemeanor and could face a fine (often no more than \$1,000) or imprisonment (often up to 6 months).<sup>30</sup>

These statutes were ripe with contradictions, however. Foremost, stockgrowers and state legislatures tried to regulate lands over which they had no jurisdiction. The western states relinquished all unclaimed, public domain lands to the federal government upon achieving statehood. Furthermore, in addition to granting Congress the authority to dispose of the public lands in whichever way it deemed fit, the principle of federal supremacy (Article 6) stipulated that federal laws that pertained to the public domain trumped those of the states if they conflicted and so long as federal statute did not violate the Constitution. In order to avoid this legal conflict, most state measures regarding the public domain contained clauses stating the courts or stockgrowers could not prevent the acquisition of public land through pre-existing federal laws. Nor did these laws allow for the fencing of public domain land, since that would be in clear violation of the Unlawful Enclosures Act of 1885 (see Chapter One). Finally, these statutes could not prohibit the free transit of goods and people across the public domain and state boundaries because doing so would be in clear violation of Congressional authority to regulate interstate commerce (Article 1). The states thus had little recourse when trying to prevent livestock from traveling across state lines to different portions of the public domain range. As a result, stockgrowers and the states could place little muscle behind their measures regarding grazing on the public domain unless they found some support from federal law.<sup>31</sup>

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<sup>30</sup> Ibid., § 3 & 4.

<sup>31</sup> Andrews, *Managing the Environment, Managing Ourselves*, 59-62.

Nor did these measures foster an equitable division of the land among graziers. Instead, they facilitated the accumulation of large range claims that federal lawmakers feared most. Having the district court recognize an individual's commensurate property, proximity, and prior use of the public domain only reinforced the status quo and allowed for little redistribution of grazing privileges among local users or newcomers. Thus, large ranching operations stayed large and small operations stayed small for the most part. While local stockgrowers received some legal recourse for challenging other ranchers who encroached upon their range claim under a measure such as Reese-Oldland, a litany of continuous court battles was the only result because the states could not hinder the free movement of livestock, goods, and people across the public domain or they would violate federal law. This made a rancher unable to prevent someone from claiming a section of the public domain for another purpose even if he deemed the area chiefly valuable for grazing and had long relied upon it for his operations.

One place hundreds of miles to the north of Colorado—southeastern Montana—exemplified the twin processes of distributing the range in large amounts and the continued struggle to regulate livestock grazing on those sections of public domain that remained unclaimed for settlement. When traveling south of Miles City, two streams will come into view—Mizpah and Pumpkin creeks—the waters from which ultimately flow into the Yellowstone and Missouri rivers. During the 1880s, the area marked the end of the Long Drive from Texas that featured cattle with brands such as XIT and LO. Flocks of sheep moved across the landscape shortly thereafter and, like all places within

the western range, Mizpah-Pumpkin had its fair share of stories of grass that grew “to the height of a cowboy’s stirrups” prior to widespread competition and overgrazing.<sup>32</sup> By 1926, however, Mizpah-Pumpkin demonstrated the shortcomings associated with dividing, privatizing, and plowing up western rangelands rather than grazing them. By this point, the region featured a complicated property regime comprised of private homesteads, many of which lay abandoned, unsold railroad grants, and scattered sections of state land and public domain. Robert H. Fletcher, historian of the Montana Stockgrowers Association, labeled the area a “balled up mess” where “over 100,000 acres of grazed-off, plowed-up, wind-blown land that had once been blanketed with good native grass...was now taken over by sagebrush and prairie dog towns.”<sup>33</sup> Yet these 100,000 acres situated between Mizpah and Pumpkin creeks became the site for what historian Paul Wallace Gates called a “modest experiment” in range management with profound implications for the future of livestock grazing on the public domain.<sup>34</sup>

What became known as the Mizpah-Pumpkin Creek Grazing District faced the same hurdles that confronted earlier range allocation efforts, most notably the grid and Congressional reluctance with leasing. Yet it was the manner in which the Mizpah-Pumpkin district was created in 1928 that gave it the potential to stand out as a viable

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<sup>32</sup> James Allan Muhn, “The Mizpah-Pumpkin Creek Grazing District: Its History and Influence on the Enactment of a Public Lands Grazing Policy, 1926-1934” (M.A. thesis, Montana State University, 1987), 31. The following analysis builds upon Muhn’s work, which remains the only detailed examination of Mizpah-Pumpkin, by placing it within the context of a much broader history of ranchers’ efforts in confronting the grid. For more information on the area’s early history, see Robert H. Fletcher, *Free Grass to Fences: The Montana Cattle Range Story* (New York: University Publishers, Inc., 1960), 52-55; Fulton, *Failure on the Plains*, 21-22.

<sup>33</sup> Fletcher, *Free Grass to Fences*, 160.

<sup>34</sup> Gates, *History of Public Land Law Development*, 608. Mizpah-Pumpkin receives mention in several other standard public land histories as a precursor to the Taylor Grazing Act of 1934. See Samuel Trask Dana and Sally K. Fairfax, *Forest and Range Policy: Its Development in the United States*, 2<sup>nd</sup> ed. (New York: McGraw Hill, 1980), 159-60; Phillip O. Foss, *Politics and Grass: The Administration of Grazing on the Public Domain* (Seattle: University of Washington Press, 1960), 48-50; James Muhn and Hanson R. Stuart, *Opportunity and Challenge: The Story of BLM* (Washington, DC: U.S. Department of the Interior, Bureau of Land Management, 1988), 36-37; and Robbins, *Our Landed Heritage*, 412.

solution to the public domain “range problem.” Its organization and the federal government’s willingness to lease the public domain within the district for grazing purposes was a testament to the diverse coalition of supporters it garnered at the local, state, and federal levels. Finally, the most important reason behind its formation lay in the fact that district management lay in the hands of local ranchers, in cooperation with trusted agricultural officials, all of whom believed that livestock grazing constituted the chief use of the land for the benefit of stockgrowers already in the area.

Prior to the grazing district came the homesteaders, however. Three factors accounted for the homestead boom that occurred in eastern Montana during the early twentieth century. First, the promotion of dry farming by agricultural scientists and boosters, who preached that deep plowing and intensive cultivation would conserve the necessary moisture within the soil to make agriculture possible on the High Plains without the use of irrigation. Second, the dry farmer required more acreage than the standard 160-acre homestead could provide in order to allow for summer fallowing and account for lower yields per acre. The Enlarged Homestead Act of 1909 acknowledged this concern. Finally, the homestead boom in eastern Montana would never have taken place to the extent that it did without the railroads. James J. Hill’s Northern Pacific still had over thirteen million acres of its federal land grant available for settlement and the Chicago, Milwaukee, and St. Paul (or Milwaukee Road), while not having a land grant, still sought to expand its lines through Montana and to the Pacific. Both railroads enticed homesteaders to settle near their lines. Unfortunately, what followed was a pattern that mirrored those of other agricultural frontiers in the western United States

and reinforced what Montana historian K. Ross Toole believed to be the state's traditional economic cycle of "exploitation, overexpansion, boom, and bust."<sup>35</sup>

The railroads utilized a wide-reaching propaganda campaign to entice Americans as well as European immigrants to establish their own dry farms in eastern Montana. They offered land at reasonable rates or settlers could file a claim on the public domain through the Enlarged Homestead Act. James Hill's lines offered immigrants, particularly Germans and Scandinavians, discounted trans-Atlantic rates and cheap freight rates so a family could bring all their belongings. As a result, the land office in Great Falls, Montana, processed up to 1,500 claims a month in 1910 alone.<sup>36</sup>

The Enlarged Homestead Act, favorable rains, and high wheat prices upon the outbreak of the First World War sustained a dry farming boom for a time in the area, but settlers soon confronted drought and a saturated market upon war's end. Although many people tried to stay on their land and adapt, 20,000 farms were in foreclosure by 1925 and southeast Montana experienced a steady decline in population and agricultural productivity as homesteaders departed, claims lay abandoned, and the railroads struggled to sell remaining lands or encourage traffic.<sup>37</sup>

Local ranchers, meanwhile, derisively referred to the incoming settlers as "honyockers." According to Montana historian Michael P. Malone, the term was a slur

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<sup>35</sup> K. Ross Toole, *Montana: An Uncommon Land* (Norman: University of Oklahoma Press, 1959), 5. See also August Derleth, *The Milwaukee Road: Its First Hundred Years* (New York: Creative Age Press, 1948), 167-91 and Michael P. Malone, Richard B. Roeder, and William L. Lang, *Montana: A History of Two Centuries*, rev. ed. (Seattle: University of Washington Press, 1991), 236-41. The story of the homesteading boom, its aftermath, and the people who remain is also described in Jonathan Raban, *Bad Land: An American Romance* (New York: Vintage Books, 1997).

<sup>36</sup> Malone, *Montana*, 241-42.

<sup>37</sup> *Ibid.*, 248-53, 280-85; Raban, *Bad Land*, 234-69; and Toole, *Montana*, 235-38. What occurred in Montana reflected struggles nationwide in rural America during the "Roaring Twenties." See David B. Danbom, *Born in the Country: A History of Rural America*, 2<sup>nd</sup> ed. (Baltimore: Johns Hopkins University Press, 2006), 144-48, 187-97.

that derived from the corruption of a German expression meaning “chicken chaser” and, by referring to the new arrivals in this way, residents assumed the newcomers were “stupid and undesirable.”<sup>38</sup> Joseph Kinsey Howard reinforced these prejudices in his 1943 history *Montana: High, Wide, and Handsome*, in which he referred to the majority of these settlers as misfits or dupes who were unprepared for the High Plains environment and became “the Joad[s] of a quarter century ago” as a result.<sup>39</sup> Howard’s interpretation derived primarily from local stockgrowers who had little sympathy for settlers who, to them, failed to realize that livestock grazing was the best use of the range. Dan Fulton, who grew up during the dry farming boom and bust, later used it as further proof of land policies that “legitimized the farmer-trespassers on the public domain” and provided no opportunity for ranchers to place rangelands to their chief use.<sup>40</sup> In regards to referring to the new homesteaders as “honyockers,” meanwhile, Fulton wrote, “There may have been a little bit of pity [involved], but never condemnation of character, except, of course, to ask what damn fool would try to farm on land that wasn’t suited to farming?”<sup>41</sup> Despite Fulton’s seemingly good intentions, such an assertion did question an individual’s wisdom or character and, when writing this, perhaps Fulton forgot that his own father used the exact same land laws to expand and stabilize the family’s ranching operations. In short, how one responded to the homestead boom depended much on one’s perspective toward range use.

Subsequent attempts to organize the Mizpah-Pumpkin Creek Grazing District, which started in the summer of 1926, comprised of cooperative efforts among local

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<sup>38</sup> Malone, *Montana*, 242-43.

<sup>39</sup> Joseph Kinsey Howard, *Montana: High, Wide, and Handsome* (New Haven: Yale University Press, 1943), 178. Howard went on to suggest that “honyocker” derived from “hunyak,” a term used to refer to the Slavic peoples who migrated to the upper Midwest. See *ibid.*, 180-81.

<sup>40</sup> Fulton, *Failure on the Plains*, 25.

<sup>41</sup> *Ibid.*, 56. See also Fletcher, *Free Grass to Fences*, 149.



ranchers, key agricultural officials, and Forest Service personnel. Each worked under the assumption that livestock grazing was the chief use of the landscape rather than dry farming. Each also had their own reasons for getting behind the project.

By all accounts, Evan Hall provided the necessary inspiration for the idea. In May 1926, the same Milwaukee Road that had once encouraged the dry farming boom in eastern Montana hired Hall as an agricultural agent. According to historian James Muhn, Hall featured “a persuasive style of leadership, an infectious sense of enthusiasm, and a genuine desire to assist farmers and stockmen in helping themselves,” which were necessary traits for a successful agricultural agent.<sup>42</sup> Many railroads such as the Milwaukee Road hired agricultural experts and boosters to encourage settlement along their lines, but Hall had a particularly difficult job because his new employer had just emerged from bankruptcy. The road’s expansion to the Pacific cost much more than originally estimated and, by 1925, the railroad was unable to pay its debt to investors, fell into receivership, and reorganized the next year.<sup>43</sup>

Nic Monte, a local cattle rancher, was another notable figure behind the district’s creation. Monte’s base of operations lay southeast of Miles City near Pumpkin Creek. He controlled more than 4,000 acres through purchase and lease, but Monte and his neighbors also depended on access to nearby public domain and unfenced railroad lands situated within a complex grid of fenced homesteads,

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<sup>42</sup> Hall graduated from North Dakota Agricultural College (now North Dakota State University) in 1909 and started his career in agricultural extension at the Fort Berthold Indian Reservation, located in the western part of the state. He had other stops in the Dakotas and in Wyoming before catching on with the Chicago, Milwaukee, and St. Paul. See Muhn, “Mizpah-Pumpkin Creek Grazing District,” 30.

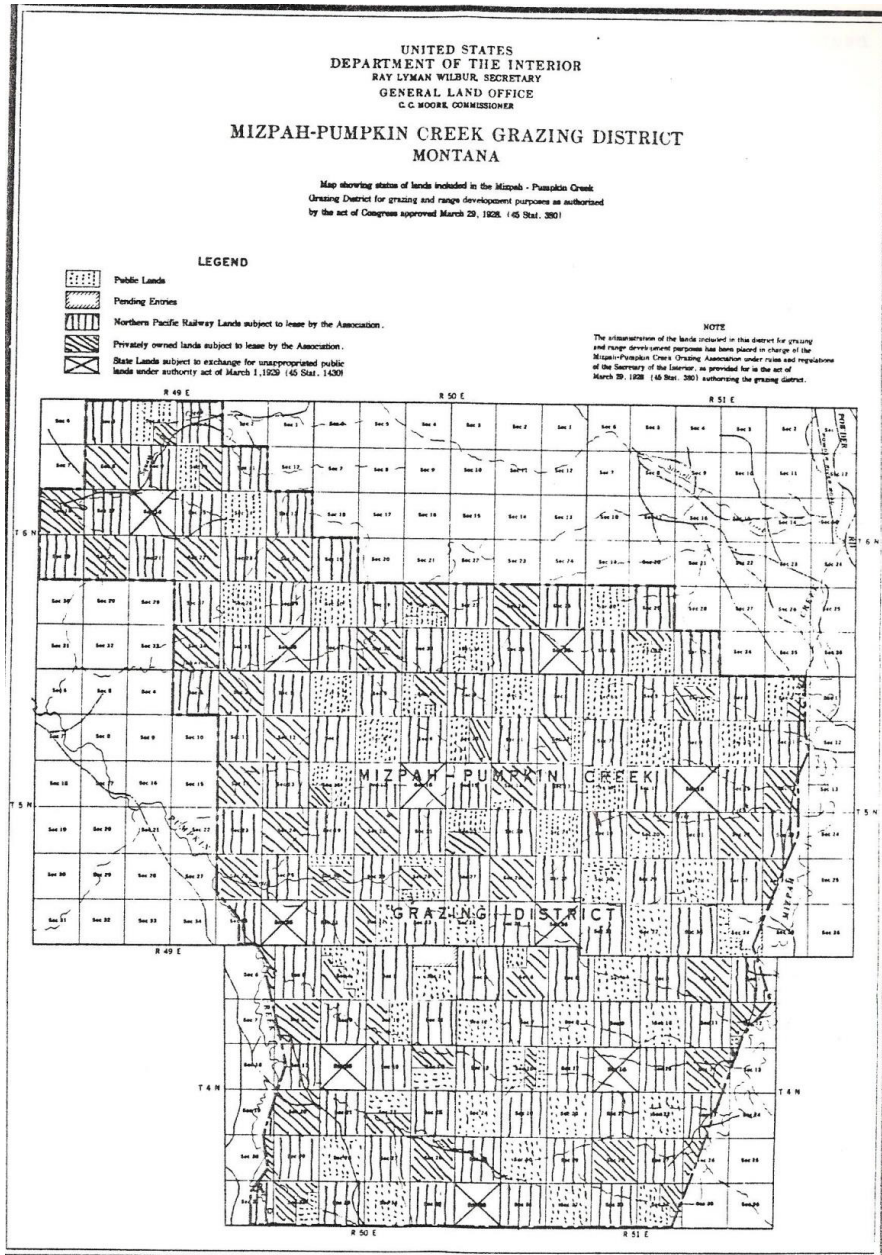
<sup>43</sup> The maximum estimate for construction to the West Coast had been \$60 million, but actual cost came out to almost \$257 million because of unexpected construction expenses, increased maintenance expenditures, and land payments. Derleth, *Milwaukee Road*, 198-225. For more on the relationship between railroads and agriculture, see Orsi, *Sunset Limited*, 279-345. For more on agricultural extension, see Wayne D. Rasmussen, *Taking the University to the People: Seventy-five Years of Cooperative Extension* (Ames: Iowa State University Press, 1989).

abandoned claims, and state sections. Overall, of the 108,804 acres ultimately included in the Mizpah-Pumpkin Creek Grazing District, 41 percent belonged to the Northern Pacific, 21 percent to private landowners (90 percent of which were abandoned), 6 percent to the State of Montana, and 25 percent to the federal government as public domain. Adjacent ranchers such as Monte owned only 7 percent, or approximately 8,000 acres of the land incorporated in the district, as seen on Map 3.1.<sup>44</sup>

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<sup>44</sup> See Muhn, "Mizpah-Pumpkin Creek Grazing District," 31-32 and U.S. Congress, House, *Agreement Between Montana and Private Owners of Lands for Grazing, Etc.*, 70<sup>th</sup> Cong., 1<sup>st</sup> sess., 1928, H. Rept. 320, 2.

**Figure 3.1: Map of Mizpah-Pumpkin Creek Grazing District, Montana, 1928**



From: James Allan Muhn, "The Mizpah-Pumpkin Creek Grazing District: Its History and Influence on the Enactment of a Public Lands Grazing Policy, 1926-1934" (M.A. thesis, Montana State University, 1987), 33.

To assist in their range organization efforts, Hall, Monte, and other ranchers solicited Paul Lewis, agricultural extension agent for Custer County (in which the lands were located), and Alva A. Simpson, supervisor of the nearby Custer National Forest.

According to James Muhn, Evan Hall envisioned the administration of a potential grazing district along lines similar to the national forests. Apparently, so did Nic Monte and his fellow stockgrowers when, on December 1, 1926, sixteen of them petitioned Congress for the creation of a “grazing reserve” on lands situated between Mizpah and Pumpkin creeks “under the same terms and management as is now in force in administering the Custer National Forest.”<sup>45</sup> Montana representative Scott Leavitt, a former Forest Service employee, introduced a bill on their behalf later that month.<sup>46</sup>

Leavitt’s proposal inevitably became embroiled within the same public rangeland politics that had killed earlier grazing bills, but Mizpah-Pumpkin was different for two reasons. First, the bill came at a time when leadership within the Department of the Interior admitted the failure of homestead measures in the region and expressed its willingness to try an alternative. Second, the proposal to create Mizpah-Pumpkin came immediately after a controversy between the Forest Service, Congress, and organized forest permittees over a proposed increase in grazing fees that limited support for the expansion of Forest Service authority to the public domain but reinvigorated support for the direct leasing of these rangelands to ranchers from the Department of the Interior. Through it all, the coalition of local ranchers and their allies continued to apply pressure on their political delegation to push their grazing bill

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<sup>45</sup> “Petition for the Creation of a Grazing District...”, December 1, 1926, in *Agreement between Montana and Private Owners of Land*, 2. See also Muhn, “Mizpah-Pumpkin Creek Grazing District,” 35. For more on the role of Paul Lewis in the creation of the Mizpah-Pumpkin grazing district, see Merrill G. Burlingame, “National Contributions of the Montana Extension Service, 1893-1930,” *Agricultural History* 51 (January 1977): 241-42.

<sup>46</sup> Leavitt worked in the Forest Service from 1907 until 1917, when he was first elected to Congress. He returned to the Forest Service from 1935 to 1941. *Biographical Directory of the United States Congress*, s.v. “Leavitt, Scott,” <http://bioguide.congress.gov/scripts/biodisplay.pl?index=L000184> (accessed April 22, 2013). See also Muhn, “Mizpah-Pumpkin Creek Grazing District,” 35-36 and Fletcher, *Free Grass to Fences*, 160-61.

through Congress, which further sustained the effort to create the Mizpah-Pumpkin Creek Grazing District.

Officials within the Departments of Agriculture and Interior had debated over the proper place of natural resource conservation within American government, including public domain rangelands, since the late nineteenth century. Forest Service and other USDA officials emphasized that livestock grazing on western rangelands was an agricultural process and, therefore, a responsibility of their department. The crux of the public domain “range problem” from their perspective lay in organizing the land according to its best agricultural use. Gifford Pinchot argued for government regulation of the public domain until it could be transferred to the hands of small ranchers and farmers.<sup>47</sup> Potter, Coville, and Will C. Barnes were among the USDA officials who supported the creation of grazing districts to ensure the equitable, ordered use of remaining public domain lands among established stockgrowers. In the meantime, they continued to express alarm over rangeland degradation, most notably in *The Story of the Range* (1926), in which Barnes described unregulated grazing on the public domain as “a shining example of our national trait of spoliation and destruction wherever our natural resources have been involved” and as “a monument to our lack of foresight and happy-go-lucky methods of managing these resources.”<sup>48</sup> He went on to justify USDA administration over the public domain because of its prior experience in national forest range management and close ties with the organized livestock industry. Most important, Barnes based his argument on the concept that the administration of grazing

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<sup>47</sup> Gifford Pinchot, *The Fight for Conservation* (New York: Doubleday, Page & Company, 1910), 10-14.

<sup>48</sup> Will C. Barnes, *The Story of the Range* (Washington: Government Printing Office, 1926), 15.

on the public domain fit firmly within the USDA's mission to provide information and services to all of the nation's agricultural producers.<sup>49</sup>

Meanwhile, the offices within the Department of the Interior interpreted the public domain "range problem" from an administrative and distributive perspective. The General Land Office, created in 1812 and placed under the Department of the Interior upon its organization in 1849, bore the brunt of this task. Its network of districts, offices, clerks, and examiners surveyed the public lands of the United States and facilitated their disposal to private ownership according to existing land laws. The U.S. Geological Survey, created in 1879 after the first Public Lands Commission, further institutionalized this process through mapping, land classification, and irrigation surveys. As mentioned earlier, the process was highly successful in getting land and natural resources into the hands of those who wanted to develop and profit from them, including ranchers. By the turn of the century, scholars recognized the effect that the public domain had on facilitating American democracy, individualism, and competition. Yet these same forces could hinder cooperation and restraint in land use. "Two processes...have been at work" in regards to the settlement of the public domain, Columbia University sociologist Robert Tudor Hill wrote in 1910, "one making for the perpetuation and strengthening of the democratic ideal; the other strongly tending to cut under it and in many cases vitiating its effects."<sup>50</sup>

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<sup>49</sup> Ibid., 57-59. Of course, these suggestions built upon the *Report of the Public Lands Commission* (1905), xx-xxiii in addition to earlier assertions made by the author in Will C. Barnes, *Western Grazing Grounds and Forest Ranges* (1913; reprint, New York: Arno Press, 1979), 238, 377-79.

<sup>50</sup> Robert Tudor Hill, *The Public Domain and Democracy: A Study of Social, Economic and Political Problems in the United States in relation to Western Development* (New York: Columbia University, 1910), 7. See also Andrews, *Managing the Environment, Managing Ourselves*, 76-77, 94-97 and Merrill, *Public Lands and Political Meaning*, 72-75.

The tensions between private good, social welfare, and the proper role of government to balance them in regards to the distribution of the public domain peaked by the mid-1920s as the amount of land open to settlement dwindled and its best use remained unclear. The collapse of the dry farming boom, hard times in the agricultural sector, and inconclusive results from the Stock-Raising Homestead Act prompted the Department of the Interior to reconsider its land policies. In 1926, the same year of the initial Mizpah-Pumpkin proposal, Hubert Work, Secretary of the Interior under President Calvin Coolidge, and his assistants admitted the failure of expanded settlement measures before the Senate Committee on Public Lands and Surveys and suggested that the Department lease public domain rangelands instead.<sup>51</sup> One could argue that with this admission the Interior Department finally realized that livestock grazing would be the chief use of much of the nation's remaining public domain. Yet the Stock-Raising Homestead Act recognized this perception to a certain extent and even the Enlarged Homestead Act provided the opportunity for the expansion of ranching operations or the creation of new ones. Thus, the Department's statement featured another important realization that western states and local ranchers already confronted—that remaining public domain rangelands should be organized for established stockraisers rather than remain open for continued settlement or subdivision. Therefore, leasing grazing lands to individual ranchers reemerged as a viable alternative.<sup>52</sup>

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<sup>51</sup> U.S. Congress, Senate, *Grazing Facilities on Public Lands: Hearings Before the Committee on Public Lands and Surveys* (69<sup>th</sup> Cong., 1<sup>st</sup> sess., 1926), 15-19, 29-82.

<sup>52</sup> For a more detailed account of the historiography revolving around this debate, see Merrill, *Public Lands and Political Meaning*, 75-76.

Growing tensions between western ranchers and the Forest Service further stimulated support for leasing and continued administration of the public domain by the Department of the Interior. Barnes's *The Story of the Range* certainly contributed to the conflict. For instance, a Wyoming rancher named Percy Shallenberger referred to the bulletin as "the most complete, pretentious, and expensive piece of literature yet put out by the Forestry Bureau" and hoped his representatives would prevent the Forest Service from acquiring oversight of the public domain range.<sup>53</sup> Yet the agency's proposal to increase grazing fees, scheduled to take effect on January 1, 1925, was the primary reason behind the controversy. An investigation by the Senate Committee on Public Lands and Surveys chaired by Robert Stanfield of Oregon (a forest permittee himself) stymied the proposed increase. The Forest Service made other concessions to the stockgrowers who utilized national forest rangelands, which included making the ten-year permit cycle permanent and requiring officials to consult with local grazing associations on all forest matters.

In January 1926, Stanfield introduced a comprehensive public lands grazing bill that would have made livestock grazing an official use of the national forests (a status heretofore reserved only for watershed protection and timber production) and formalize the status of local grazing advisory boards within national forest management. Most important, the bill proposed the creation of grazing districts on public domain rangelands and their administration by local users under the supervision of the General Land Office rather than the USDA. Both secretaries expressed their opposition to certain parts of Stanfield's bill and offered amendments. Secretary Work in particular

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<sup>53</sup> Percy Shallenberger to Francis E. Warren, John B. Kendrick, and Charles E. Winter, n.d. (ca. 1926-27), in John B. Kendrick Papers, Box 62, Fol. "Public Lands Bills," American Heritage Center, University of Wyoming, Laramie.



believed that the administration of grazing districts would be too expensive and place an unnecessary burden on the General Land Office. Conservation organizations closely allied with the Forest Service, namely the Society of American Foresters and the American Forestry Association, organized publication and letter writing campaigns opposed to granting stockgrowers further concessions on the national forests, which historian E. Louise Peffer suggests further alienated organized rancher support of Forest Service administration. Stanfield's bill received the distinction of being the first public lands grazing bill to reach the floor of either house of Congress in a quarter century. Nevertheless, it did not pass the Senate.<sup>54</sup>

The Mizpah-Pumpkin proposal did not escape these debates regarding the jurisdictional fate of public domain rangelands initially, especially in the Senate. Leavitt's bill passed the House in January 1927, but it quickly died in the Senate Committee on Public Lands and Surveys. Stanfield had since departed, but other key members such as Thomas Walsh of Montana and Charles E. Winter of Wyoming came out in support of ceding remaining public domain lands to the respective states rather than leasing. Walsh was convinced of the district's potential only after holding a hearing in Miles City in September 1927. A hearing by Leavitt a month later gained further evidence in favor of the district's creation and he reintroduced his bill that December with only a few minor modifications regarding the district's boundaries. This time, with Walsh's support, the bill found no trouble in the Senate and quickly passed Congress. Secretary Work stated no objection to the bill, although he stated his preference for "the enactment of a general statute governing grazing use of the public

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<sup>54</sup> Merrill, *Public Lands and Political Meaning*, 89-92; Peffer, *Closing of the Public Domain*, 184-99, Robbins, *Our Landed Heritage*, 411; and William D. Rowley *U.S. Forest Service Grazing and Rangelands: A History* (College Station: Texas A&M University Press, 1985), 124-34.

lands rather than special bills covering limited areas.”<sup>55</sup> On March 29, 1928, President Calvin Coolidge’s signature on a bill no longer than a paragraph marked the creation of the nation’s first grazing district. Shortly thereafter, the General Land Office withdrew all the public domain within the district from settlement—approximately 27,000 acres in all—and made it available for lease to local ranchers “for grazing and range development purposes only.”<sup>56</sup>

Responsibility for range management within the district fell immediately upon Nic Monte and the seventeen other stockgrowers who originally comprised the Mizpah-Pumpkin Creek Grazing Association. Their challenge lay in allocating range use in an equitable manner among members while simultaneously eliminating competitive bidding or use of the land by outsiders. The association also had to negotiate grazing leases with the railroad, private landowners, and the State of Montana. Finally, stockgrowers had to develop a range management program. They accomplished all this on their own with the help of agricultural agents and the Forest Service.

Administration of the district reinforced the principles of preference, local livestock, and traditional organizational strategies. Only those ranchers who owned land within or adjacent to the district qualified for membership and the association focused primarily on cattle. The group created a constitution, by-laws, and elected officers, but all members were consulted in matters pertaining to range management.

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<sup>55</sup> Hubert Work to N. J. Sinnott, December 16, 1927, in *Agreement Between Montana and Private Owners*, 2-3.

<sup>56</sup> “An Act Authorizing the Secretary of the Interior to enter into a cooperative agreement or agreements with the State of Montana...,” Public Law No. 210, *U.S. Statutes at Large* 45, Part 1 (Dec. 1927-March 1929), 381. For the legislative debate, see Muhn, “Mizpah-Pumpkin Creek Grazing District,” 37-43. The General Land Office did not cancel mineral rights in the district. The federal grazing lease, which was finalized in 1932, amounted to twenty dollars per section per year and could be renewed after ten years.

Overall, as one observer commented, Mizpah-Pumpkin was “a cooperative organization, managed by its members for their mutual benefit.”<sup>57</sup>

The district’s organization also reflected the livestock industry’s tendency to reach out for expertise when it suited its best interests, in this case keeping the range chiefly valuable for grazing. Thus, while Mizpah-Pumpkin ranchers may have been among those stockgrowers who criticized Forest Service efforts to expand its administration to the public domain range, they still took advantage of agency personnel who conducted reconnaissance or offered suggestions for implementing a permit and fee system on the district. Meanwhile, with the help of Hall, Lewis, and the General Land Office, the association negotiated leases with the Northern Pacific Railroad, absentee landowners scattered from New York City to California, and the State of Montana for use of their lands within the district.<sup>58</sup>

Day-to-day management fell upon association members. They fenced off district boundaries. All unnecessary fencing within the district was torn down and the association utilized the land in common rather than in individual allotments. Membership fees were assessed in proportion with the number of livestock each individual grazed on the district. Grazing fees were initially set at \$1.50 per animal unit for the season. Informed by Forest Service range reconnaissance, the association

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<sup>57</sup> R. B. Tootell, *Grazing Districts: Their Nature and Possibilities in Range Land Utilization* (Bozeman: Montana Extension Service Bulletin No. 127, 1932), 5. The district originally included a couple of sheep outfits as well, but the last of them sold out in 1931.

<sup>58</sup> The Northern Pacific was particularly enthusiastic about leasing lands to the association, but made sure to do so on favorable terms. Everyone involved finally agreed on the compromise that since about forty percent of the district comprised of railroad lands, the Northern Pacific could ship forty percent of the association’s livestock at rates equal to those offered by the railroad’s competitors, most notably the Milwaukee Road. See Muhn, “Mizpah-Pumpkin Creek Grazing District,” 56-65. The federal government and Montana also came to an agreement for the exchange of state lands within the district for federal sections located elsewhere. See “An Act to authorize the Secretary of the Interior to exchange certain lands within the State of Montana,” Public Law No. 880, *U.S. Statutes at Large* 45 (1929) 1430-31.

allowed for 3,040 cattle, 1,500 sheep, and 100 horses (3,465 animal units) for an 8-month grazing season starting in the spring of 1929.<sup>59</sup> A rider hired by the association maintained fences, moved stock, exterminated prairie dogs, and watched for trespassing animals. A reservoir committee required each member to develop one water hole a year for every one hundred animals on the district, which resulted in sixty such improvements by 1932. Meanwhile, the money received from membership and grazing fees paid for everything from purebred Hereford bulls to lease installments, all of which significantly reduced the cost burdens of individual ranchers and provided members the security of tenure they desired when it came to utilizing this particular portion of the public domain range.<sup>60</sup>

The establishment of the Mizpah-Pumpkin Creek Grazing District exhibited the potential for a successful adaptation to the grid primarily because it featured all of the elements necessary for a permanent solution to the public domain “range problem,” namely the unique blend of local, state, and federal participants involved. Nic Monte and other ranchers in the area faced the same problem that all stockgrowers in the region had confronted since the late nineteenth century—the need to acquire the sufficient amount of land to sustain a profitable, yearlong livestock operation. The confines of the grid system, the variety of jurisdictions that overlay it, and the difficult economic and environmental conditions they faced combined with their relationship

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<sup>59</sup> Animal unit (AU) estimates are based on 1 AU per mature cow or horse and 1 AU for every five mature sheep. The average herd size for all members was less than 200 AUs. The average size for a cattle permit for the initial grazing season was 200 head, plus a few horses, whereas a sheep permit amounted to about 500 animals. As Muhn emphasizes, the majority of those who joined the association were small operators with 100 to 500 head of cattle. Some members had fewer than 100 animals. Muhn, “Mizpah-Pumpkin Creek Grazing District,” 52.

<sup>60</sup> Tootell, *Grazing Districts*, 5-8; Muhn, “Mizpah-Pumpkin Creek Grazing District,” 66-67; Fletcher, *Free Grass to Fences*, 161; Howard, *Montana*, 295-300.

with key allies such as Evan Hall and Paul Lewis to create circumstances that were favorable for experimentation and range reform. Solicitation of the U.S. Forest Service reflected ranchers' recognition of the positive aspects of professional range management. The response of Alva Simpson and his staff revealed their agency's desire to find a solution to public domain land use problems and their faith in the benefits of range science. Finally, use of Representative Scott Leavitt and persistent pressure on the rest of Montana's congressional delegation, accompanied by the admitted failure of the homesteading program by the Department of the Interior, contributed to the legislative opening necessary at the federal level to implement the designs of the Mizpah-Pumpkin Creek Grazing Association.

Most important from the perspective of the local stockgrowers, the enabling legislation authorized cooperation through all possible branches of government for the sole purpose of administering the Mizpah-Pumpkin range for livestock grazing. Such flexibility allowed the association to implement the latest in range research with the help of the Forest Service as well as utilize the expertise of the General Land Office when negotiating leases with the federal government, the Northern Pacific, and private landowners. It also allowed the group to validate strategies long recognized by the Montana Stockgrowers Association but heretofore difficult to enforce on sections of the public domain, including determining the proper ratio of purebred bulls to heifers and charging an individual for trespass.<sup>61</sup> In the process, by removing most fences, utilizing the land in common, and including the majority of members in the decision making

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<sup>61</sup> For example, one of the first resolutions passed by the Montana Stockgrowers Association shortly after its creation in 1885 was for members to provide at least eight "serviceable bulls" for every hundred cows on the open range, an approach that could not be enforced on sections of the public domain in southeast Montana until the creation of Mizpah-Pumpkin. See Robert S. Fletcher, *Organization of the Range Cattle Business in Eastern Montana* (Bozeman: Montana State College Agricultural Experiment Station Bulletin No. 265, 1932), 38.

process, the Mizpah-Pumpkin Creek Grazing Association created a cooperative, viable adaptation to the grid system in a manner that placed certain rangelands under its perceived chief use—livestock grazing.

Furthermore, the district's creation quickly paid off. In 1930, significant rainfall failed to materialize and drought set in by the next grazing season. Yet the association's conservative stocking rate and the fact that many of the reservoirs it built still had water contributed to reports that district lands had twenty percent more forage than adjacent pastures. Neighbors sold off most of their livestock by the middle of 1931 for lack of adequate grass. Not so for Mizpah-Pumpkin, however. According to William S. Wade, a GLO official who worked with the association, spring calves weighed an average of 450 pounds and breeding stock were able to remain in the district for the entire grazing season. Nor was the association in debt, which was important during a time of growing depression as well as drought. By November 1931, the association still had over one thousand dollars in its treasury. Costs of administration by the Department of the Interior, meanwhile, amounted to less than two hundred dollars. To Wade, who spoke before the National Wool Growers Association in January 1932, Mizpah-Pumpkin demonstrated "that the livestock producers are able of conducting their own business, and administrating the range allotted to them under long term lease, without intense supervision."<sup>62</sup>

The grazing district idea was also applied to other situations. In March 1931, Congress withdrew over 500,000 acres of public domain to create the Owens River-Mono Basin Reserve to protect the Owens Valley watershed, which provided much of

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<sup>62</sup> William S. Wade, "Use of Public Lands by Grazing Association Under Control of Interior Department," *National Wool Grower* 22 (March 1932): 31.

the water for Los Angeles, California. The reserve accounted for livestock grazing in the area (mostly sheep) and outdoor recreation as well as watershed protection. Unlike Mizpah-Pumpkin, GLO regulations distributed grazing privileges within the reserve on an individual basis. The Department of the Interior also encouraged local ranchers to organize into an advisory board that could assist in the implementation of a range management program. While federal officials made clear that protecting Los Angeles's water supply was the top priority for the reserve, managing the range for watershed protection, livestock grazing, and outdoor recreation were not seen as incompatible goals within a grazing district setup.<sup>63</sup>

In Montana, meanwhile, agricultural extension bulletins emphasized the success of Mizpah-Pumpkin and encouraged other ranchers in the state to organize their own districts. State law facilitated these efforts by providing for the incorporation of cooperative grazing associations and allowing the creation of districts on any combination of county, state, and other lands under the auspices of a Montana Grazing Commission. Thirteen such associations were in operation by May 1936 and those groups who wanted to include sections of the public domain into their districts simply petitioned the President to withdraw those lands from entry via executive order.<sup>64</sup>

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<sup>63</sup> "An Act Withdrawing certain public lands from settlement...for the protection of the watershed supplying water to the city of Los Angeles and other cities and towns in the State of California," Public Law 864, *U.S. Statutes at Large* 46 (1931): 1530-48 and *Regulations Governing the Recreational and Grazing Use of Certain Lands in California* (U.S. Department of the Interior, GLO, Circular No. 1247, 1931).

<sup>64</sup> See Muhn, "Mizpah-Pumpkin Creek Grazing District," 80-81; Tootell, *Grazing Districts*, 9-22; and Mont H. Saunderson and Nic W. Monte, *Grazing Districts in Montana: Their Purpose and Organization Procedure* (Bozeman: Montana Agricultural Experiment Station Bulletin No. 326, 1936), esp. 5-6. For commentary on grazing districts established on the Northern Plains since this time, see Janell Nelson, "Home on the Plains: Grazing Associations and Family Farmers in Northern Colorado" (paper presented at the Annual Meeting of the Agricultural History Society, Banff, AB, June 13, 2013).

The success of Mizpah-Pumpkin, combined with the creation of a few other districts, did not make the passage of comprehensive federal range reform a fait accompli, however. Grazing districts received no mention in the conservation presses. Furthermore, Mizpah-Pumpkin received little commentary during deliberations over the fate of the public domain range that culminated with the passage of the Taylor Grazing Act in 1934. Until the depression and drought deepened, the approach found only limited support within the western livestock industry. Indeed, when Mizpah-Pumpkin or other district organization efforts were discussed, they were portrayed primarily to celebrate the industry's tendency to look inward or to key allies when searching for solutions to problems it faced. As *The Producer*, organ of the American National Live Stock Association reported in February 1931, "[Mizpah-Pumpkin] is an outstanding example of how stockmen can help themselves, and proves that they are capable of managing their own business."<sup>65</sup>

Nevertheless, initial attempts by the states to organize the public domain and the successful application of the grazing district idea at Mizpah-Pumpkin provides further evidence that many individuals were willing to experiment with land use reform and planning prior to the Great Depression and the New Deal.<sup>66</sup> A few writers publicized

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<sup>65</sup> "Mizpah-Pumpkin Creek Grazing District," *The Producer* 12 (February 1931): 8. This interpretation runs counter to the conventional narrative that Mizpah-Pumpkin provided a model upon which the Taylor Grazing Act was based. Joseph Kinsey Howard, for example, argued that Mizpah-Pumpkin "changed the nation's livestock practice" in *Montana: High, Wide, and Handsome*, 300. See also Burlingame, "National Contributions of the Montana Extension Service, 1893-1930," 241-42; Foss, *Politics and Grass*, 50; Gates, *History of Public Land Law Development*, 607; Muhn, "Mizpah-Pumpkin Creek Grazing District," 98-99; Peffer, *Closing of the Public Domain*, 214; and Michael M. Welsh "Beyond Designed Capture: A Reanalysis of the Beginnings of Public Range Management, 1928-1938." *Social Science History* 26 (Summer 2002): 365-66.

<sup>66</sup> See also Sara M. Gregg, *Managing the Mountains: Land Use Planning, the New Deal and the Creation of a Federal Landscape in Appalachia* (New Haven: Yale University Press, 2010), esp. 11-101; Sarah T. Phillips, *This Land, This Nation: Conservation, Rural America, and the New Deal* (New York: Cambridge University Press, 2007), esp. 36-46; and Paul S. Sutter, *Driven Wild: How the Fight against*



the work started on Mizpah-Pumpkin and presented the grazing district idea as a viable alternative for organizing the vast expanses of public domain rangelands interspersed with private or state holdings throughout the Great Plains and Intermountain West.<sup>67</sup> John Wesley Powell was no longer a part of this equation, however, despite historians' attempts to trace his "pasturage district" proposal into Mizpah-Pumpkin or the Taylor Grazing Act.<sup>68</sup> There is no evidence that Evan Hall, Nic Monte, or other stockgrowers had Powell in mind when they embarked upon their project. Instead, supporters of the grazing district approach touted the economic benefits and potential for range improvement. They recognized that organizing similar districts on portions of the public domain would require federal assistance. Nevertheless, given the flexibility granted to Mizpah-Pumpkin ranchers, they expressed the hope that any subsequent solution for organizing the public domain range promoted the same localism and limited federal oversight. In that regard, the grazing district idea influenced deliberations over the Taylor Grazing Act all too well.

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*Automobiles Launched the Modern Wilderness Movement* (Seattle: University of Washington Press, 2002).

<sup>67</sup> Saunderson and Monte, *Grazing Districts in Montana*; Tootell, *Grazing Districts*; and Stanley W. Voelker, *Legal Provisions for Cooperative Grazing Associations in the Northern Great Plains States* (Lincoln: USDA, Bureau of Agricultural Economics, Division of Land Economics, Northern Great Plains Region, Research memorandum No. 15, 1943).

<sup>68</sup> See, for example, Stegner, *Beyond the Hundredth Meridian*, 417n5.

## **CHAPTER FOUR**

### **THE NATIONAL DOMAIN**

The Taylor Grazing Act of 1934 established a political partnership for range use and revealed that the public domain “range problem” had become a national concern. Its primary purpose, “To stop injury to the public grazing lands,” reflected the perception that overgrazing and soil erosion on the public domain had regional and perhaps even national ramifications. The act’s second objective, to provide for the “orderly use, improvement, and development” of the public domain range, suggested the hope that professional management and cooperation with local land users could rehabilitate the landscape. Third, that the act was “to stabilize the livestock industry dependent upon the public range” indicated that grazing remained the primary use for much of the remaining public domain lands; that its administration should benefit established operations rather than new settlers; and that its regulation could help restore the region’s livestock economy as well as its environment. In less than forty words, then, the preamble to the Taylor Grazing Act outlined the past history, current use, and future purpose of public domain rangelands, merging a narrative of declension, a hope for restoration, and an insistence that rangelands were chiefly valuable for grazing into a single piece of federal legislation.<sup>1</sup>

On the one hand, the Taylor Grazing Act expanded federal conservation responsibilities on the public domain. By pointing to its potential for land classification and planning, some scholars have argued that the act stood out as one of many instances where conservation constituted an important part of New Deal political reform.<sup>2</sup> Upon

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<sup>1</sup> *Taylor Grazing Act*, Public Law 482, *U.S. Statutes at Large* 48 (1934), 1269.

<sup>2</sup> Sara M. Gregg, *Managing the Mountains: Land Use Planning, the New Deal, and the Creation of a Federal Landscape in Appalachia* (New Haven: Yale University Press, 2010), esp. 105-212; Richard

its passage, the Department of the Interior formally assumed the responsibility of organizing public domain rangelands for grazing purposes, issuing regulations necessary for its administration, and acting on the behalf of the federal government and the public trust in the process. On the other hand, the Taylor Grazing Act was a resource distribution measure, which required granting certain concessions to local stockgrowers. Foremost among these was allocating grazing privileges according to ranchers' principles of preference and requiring federal officials to cooperate with graziers in all administrative matters. Thus, while the Taylor Grazing Act incorporated vast portions of the western range into a new national domain, it simultaneously protected local interests on those lands by stipulating exactly how far federal conservation could go.

Later scholars interpreted this compromise as a classic case where the federal government yielded to the demands of a specific special-interest group, in this case organized ranchers.<sup>3</sup> However, the majority of individuals who participated in the act's passage and its subsequent implementation did not interpret such concessions between the national and local domain as contradictory. As historian Karen Merrill writes, the

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Lowitt, *The New Deal and the West*, 2<sup>nd</sup> ed. (Norman: University of Oklahoma Press, 1993); Sarah T. Phillips, *This Land, This Nation: Conservation, Rural America, and the New Deal* (New York: Cambridge University Press, 2007); Donald Worster, *Dust Bowl: The Southern Plains in the 1930s*, 25<sup>th</sup> anniversary ed. (New York: Oxford University Press, 2004), esp. 182-230. For an examination of the relationship between New Deal conservation and modern environmentalism, see Neil M. Maher, *Nature's New Deal: The Civilian Conservation Corps and the Roots of the American Environmental Movement* (New York: Oxford University Press, 2008). Other works that examine the relationship between the Taylor Grazing Act and state expansion include Paul Wallace Gates, *History of Public Land Law Development* (1968; reprint, New York: Arno Press, 1979), 610-15; E. Louise Peffer, *The Closing of the Public Domain, 1900-50* (1951; reprint, New York: Arno Press, 1972), esp. 214-24; and Roy M. Robbins, *Our Landed Heritage: The Public Domain, 1776-1970*, 2<sup>nd</sup> ed. (Lincoln: University of Nebraska Press, 1976), esp. 423.

<sup>3</sup> See Wesley Calef, *Private Grazing and Public Lands: Studies of the Local Management of the Taylor Grazing Act* (Chicago: University of Chicago Press, 1960); Phillip O. Foss, *Politics and Grass: The Administration of Grazing on the Public Domain* (Seattle: University of Washington Press, 1960); and George A. Gonzalez, "Ideas and State Capacity, or Business Dominance? A Historical Analysis of Grazing on the Public Grasslands," *Studies in American Political Development* 15 (Fall 2001): 234-44.

Taylor Grazing Act guaranteed that the public domain range remained “property to be negotiated.”<sup>4</sup> The history of the livestock industry and professional range management up to this point ensured that these groups played the most prominent role in the act’s passage. The economic and environmental crises of the Great Depression, combined with President Franklin Roosevelt’s New Deal, expanded the debate over the public domain “range problem.” The negotiations that followed determined the political parameters within which the science and art of federal range management could take place on the public domain.

Despite local efforts such as Mizpah-Pumpkin, varying range conditions, complex geographies, and complicated property regimes continued to hinder comprehensive public domain range reform. Any attempts to organize the public domain had to confront the vast tracts of unclassified or unsurveyed lands that remained throughout the Intermountain West, including in a state such as Nevada. Reformers also had to devise ways in which stockgrowers could formalize their claims to isolated sections of public domain located adjacent to their home ranches or railroad leases. For example, Figure 4.1 shows the lands owned and leased by Nevada’s farmers and ranchers in 1926. Those areas in the lighter shade of gray and white represent the state’s remaining public domain, much of which was used by livestock. Further complicating things was the fact that there were more claims to the public domain than there was rangeland to go around, especially on low-elevation spring or winter grazing

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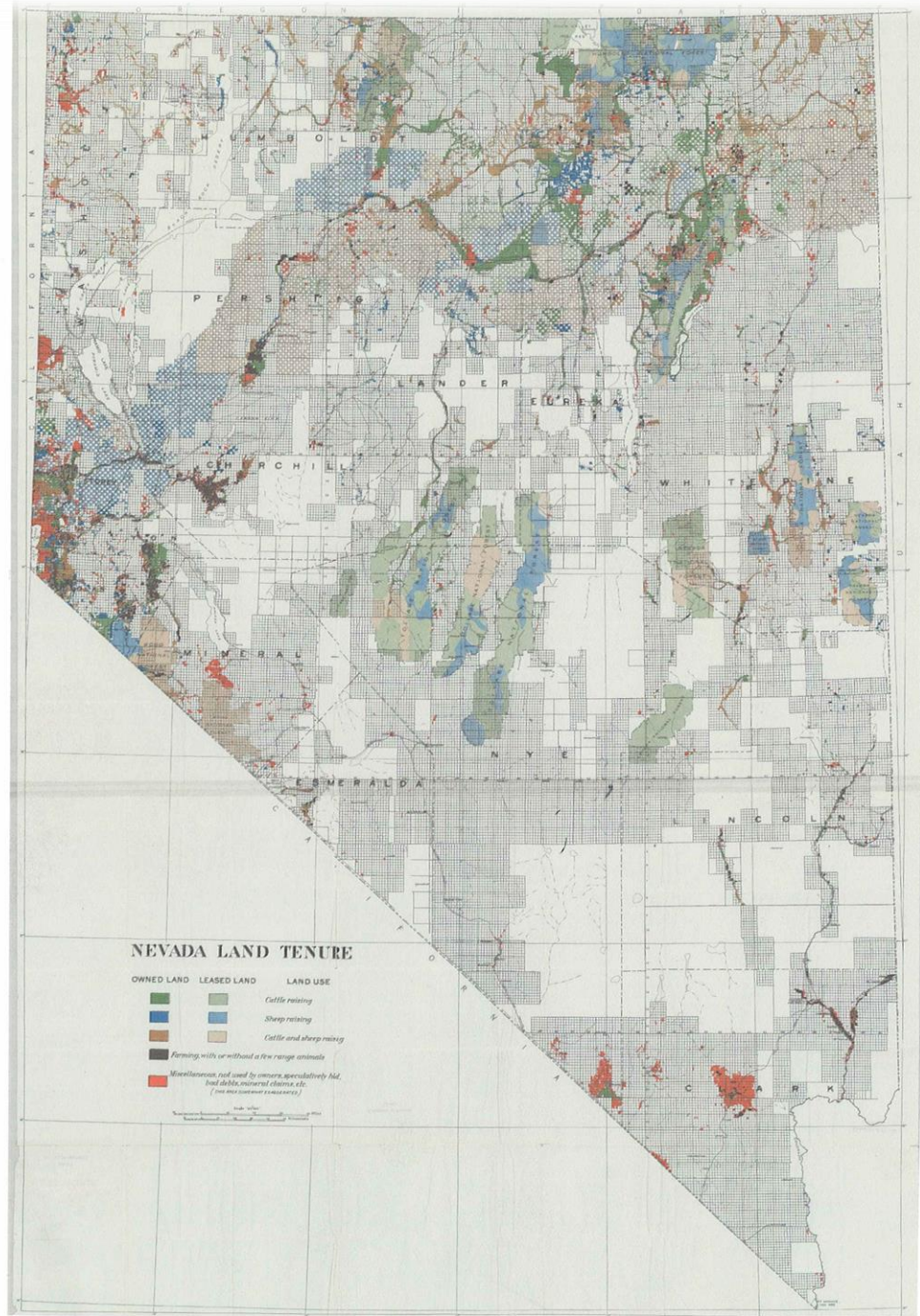
<sup>4</sup> Karen R Merrill, *Public Lands and Political Meaning: Ranchers, the Government, and the Property Between Them* (Berkeley: University of California Press, 2002), xv. Another recent work that comments on the complexities involved with the passage of the Taylor Grazing Act and its implementation is Marsha Weisiger, *Dreaming of Sheep in Navajo Country* (Seattle: University of Washington Press, 2009), esp. 181-91, 242-43.

grounds, as seen in Figure 4.2.<sup>5</sup> Thus, gaining secure access to the public domain range remained a chaotic and confusing affair, especially to the outside eye. Many claims overlapped each other and often depended on local use agreements, geography, and existing survey markers.

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<sup>5</sup> For instance, grazing claim No. 178 (located in Elko County) overlapped with claims Nos. 59, 73, 115, 116, 117, and 128.

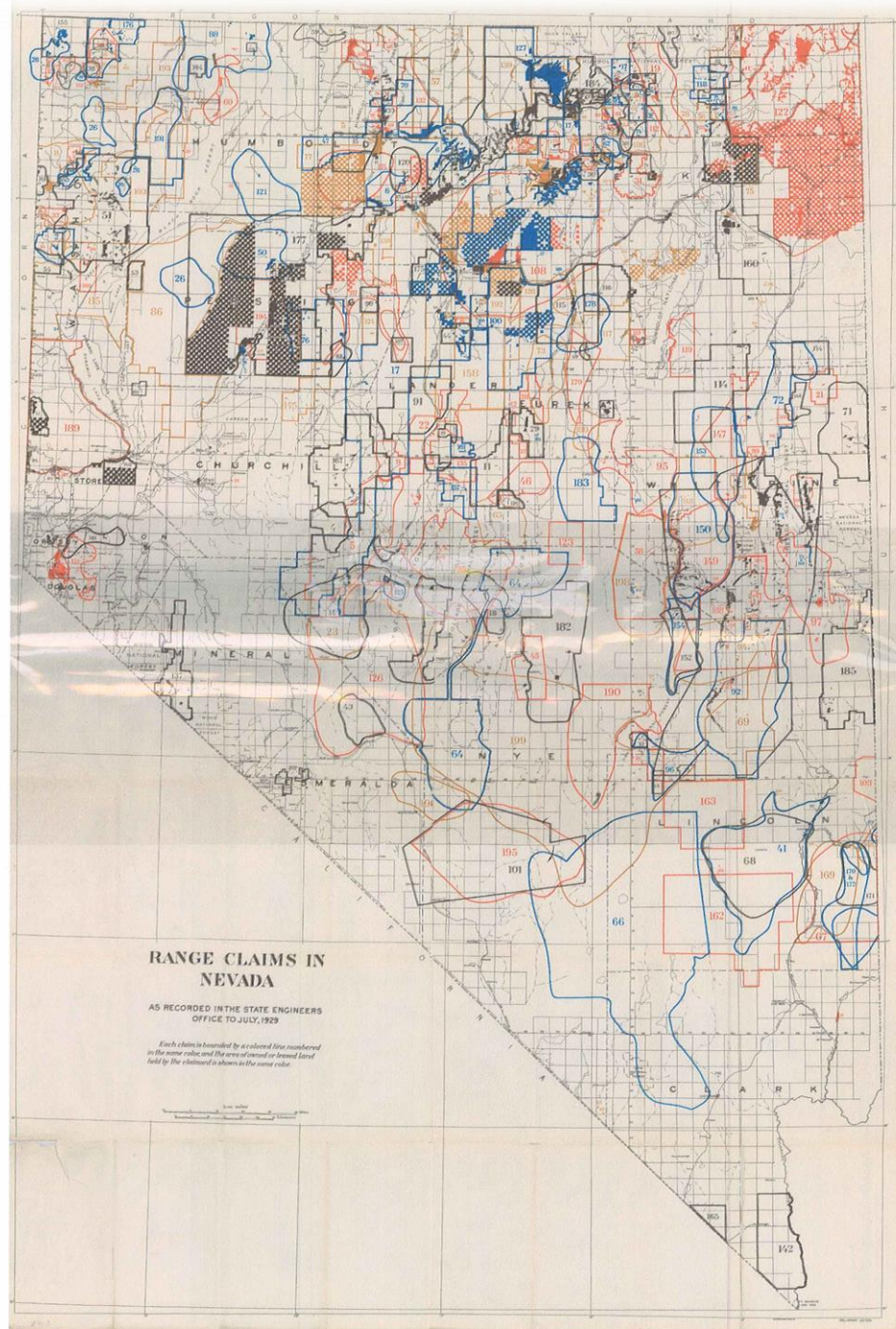
**Figure 4.1: Land Tenure in Nevada, 1926**



From: E. O. Wooton, *The Public Domain of Nevada and Factors Affecting its Use* (Washington, DC: USDA, Technical Bulletin No. 301, 1932). Courtesy of Special Collections, University of Nevada-Reno Libraries, Reno.



**Figure 4.2: Nevada Range Claims, 1929**



From: E. O. Wooton, *The Public Domain of Nevada and Factors Affecting its Use* (Washington, DC: USDA Technical Bulletin No. 301, 1932). Courtesy of Special Collections, University of Nevada-Reno Libraries, Reno.

Historian E. Louise Peffer once wrote that these lands constituted the “remnants” of America’s public domain system, but, as these maps show, they were vast in area and varied in use and productivity.<sup>6</sup> By the early 1930s, the Intermountain West contained over 170 million acres of public domain, 47 million of which remained unsurveyed. The General Land Office (GLO) classified at least 113 million acres as useful for grazing but estimated that much of this amount could sustain no more than eight animal units (AUs) per square mile for the entire year, which made them too poor to qualify for entry under the Stock-Raising Homestead Act of 1916. Therefore, the GLO concluded that remaining public domain rangelands in the Intermountain West had an annual carrying capacity of 161,796 AUs, which converted to 161,796 cow-calf or 808,980 ewe-lamb pairs.<sup>7</sup> (See Tables 4.1 and 4.2)

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<sup>6</sup> Peffer, *Closing of the Public Domain*, 169.

<sup>7</sup> U.S. Department of the Interior, General Land Office, *Vacant Public Lands on July 1, 1933* (Washington, DC: Circular No. 1306, 1933) and U.S. Congress, Senate, Committee on Public Lands and Surveys, *To Provide for the Orderly Use, Improvement, and Development of the Public Range: Hearings on H.R. 6462* (73d Cong., 2d sess., 1934, (hereafter, U.S. Congress, Senate, *Hearings on H.R. 6462*), 49-50.



**Table 4.1: Unreserved Public Domain in the Intermountain West and Amount Classified as Partially Useful for Livestock Grazing, July 1, 1933**

State	Total unreserved public domain (acres)	Amount classified as at least partially useful for grazing (acres) <sup>8</sup>
Arizona	13,203,600	----- <sup>9</sup>
California	16,576,463	2,297,343
Colorado	7,545,773	7,466,809
Idaho	10,510,421	7,944,201
Montana	6,176,931	6,149,617
Nevada	51,270,277	33,886,250
New Mexico	13,078,285	10,363,596
Oregon	13,012,158	12,973,422
Utah	25,011,021	19,900,701
Wyoming	14,327,035	12,324,035
<b>TOTAL<sup>10</sup></b>	<b>170,711,953</b>	<b>113,305,974</b>

From: U.S Department of the Interior, General Land Office, *Vacant Public Lands on July 1, 1933* (Washington, DC: Circular No. 1306, 1933).

<sup>8</sup> In addition to grazing, officials of the General Land Office generally described the character of the public domain according to the follow categories: Rough, Mountainous, Hilly, Desert, Mineral, Agricultural (or Farming), and Timber—often using several of these terms at the same time to describe the public domain that remained within a particular county. At very few points did the bulletin list livestock grazing as the chief potential use of the remaining public domain. Finally, only GLO officials in Utah designated some of its public domain grazing lands according to season (spring, summer, winter).

<sup>9</sup> Grazing was not mentioned in characterizations of Arizona’s remaining public domain. Instead, it was described as desert, mountainous, arid, rough, or rolling.

<sup>10</sup> The total refers only to those states in which grazing districts were created under the Taylor Grazing Act. Therefore, the total does not include remaining public domain in Alabama, Alaska, Arkansas, Florida, Kansas, Louisiana, Michigan, Nebraska, North Dakota, Oklahoma, South Dakota, Washington, and Wisconsin.

**Table 4.2: Unreserved Public Domain in the Intermountain West and its Estimated Carrying Capacity, July 1933**

State	Public Domain Partially Useful for Grazing (acres)	Estimated carrying capacities (year-round) <sup>11</sup>			
		Less than 8 AUs per square mile (640 acres)	8 to 15 AUs	15 or more	Total
Arizona	-----	8,480	3,914	652	13,046
California	2,297,343	10,200	3,400	-----	13,600
Colorado	7,466,809	600	5,400	-----	6,000
Idaho	7,944,201	3,600	5,400	-----	9,000
Montana	6,149,617	-----	37	3,663	3,700
Nevada	33,886,250	35,890	15,380	-----	51,270
New Mexico	10,363,596	1,884	8,216	2,500	12,600
Oregon	12,973,422	1,170	9,945	585	11,700
Utah	19,900,701	16,175	7,465	1,240	24,880
Wyoming	12,324,035	6,900	7,800	1,300	16,000
<b>TOTAL</b>	<b>113,305,974</b>	<b>84,899</b>	<b>66,957</b>	<b>9,940</b>	<b>161,796</b>
<b>Stock-raising classification<sup>12</sup></b>		Too poor	Too poor	Too poor in part	

From: U.S. Department of the Interior, General Land Office, *Vacant Public Lands on July 1, 1933* (Washington, DC: Circular No. 1306, 1933) and U.S. Congress, Senate, Committee on Public Lands and Surveys, *To Provide for the Orderly Use, Improvement, and Development of the Public Range: Hearings on H.R. 6462* (73d Cong., 2d sess., 1934), 49-50.

Yet these estimates did not approach the reality in terms of actual use. By 1931, over one million sheep still moved across the public domain in search of winter range. Another 628,000 did so during the spring. Likewise, almost 28,000 cattle moved across state lines in the spring or winter in search of forage.<sup>13</sup> These lands continued to epitomize John Wesley Powell’s observation of offering “nutritious but scanty grass,”

<sup>11</sup> Carrying capacities were sometimes also presented in estimated lease values according to the bases of less than one cent per acre (eight AUs or less), one-to-two cents per acre (eight to fifteen AUs), and two to three cents per acre (fifteen AUs or more), respectively. Keep in mind these are estimated annual carrying capacities and not based on any particular season.

<sup>12</sup> According to regulations, the USGS classified as too poor for designation under the Stock-Raising Homestead Act of 1916 any land that had a carrying capacity of less than 25 AUs per square mile for the entire year. Hence, the overwhelming majority of remaining public land then under consideration for the Taylor Grazing Act was deemed “too poor” even for the establishment of new stock-raising homesteads.

<sup>13</sup> William Peterson, “Land Utilization in the Western Range Country,” in *Proceedings of the National Conference on Land Utilization* (Chicago: November 19-21, 1931), 46.

in addition to some forbs and shrubs.<sup>14</sup> But varying estimates regarding range productivity and actual use made it difficult for GLO officials and ranchers to come to an agreement on the land's monetary value and proper means of disposal. The GLO proposed leasing remaining public domain rangelands at rates between one and three cents an acre. In contrast, some ranchers and their representatives argued that it was impossible to calculate acceptable lease values because forage amounts varied from year to year or they insisted that such vegetation had no value whatsoever until their livestock transformed it into meat or other commodities.<sup>15</sup>

Thus, GLO officials and range management specialists could offer all the recommendations they wanted, but any comprehensive solution to the public domain "range problem" required support from local ranchers because they used the most land in the region. In the case of Nevada, for example, 923 ranchers, or one-sixth of the state's landowners, used the majority of the state's surface area for range livestock production. Stockgrowers owned approximately three-quarters of the state's private land, half of which was under irrigation. They owned practically all of the railroad leases. Approximately 500 ranchers had access to over 95 percent of the national forests in the state. Finally, at least 164 operations competed over approximately 45 million acres of the public domain (63 percent of Nevada's surface area), 34 million acres of which the GLO had classified as at least partially useful for livestock grazing.<sup>16</sup>

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<sup>14</sup> John Wesley Powell, *Report on the Lands of the Arid Region of the United States, with a More Detailed Account of the Lands of Utah* (1878; reprint, Boston: Harvard Common Press, 1983), 20.

<sup>15</sup> See Merrill, *Public Lands and Political Meaning*, 108-9.

<sup>16</sup> See E. O. Wooton, *The Public Domain of Nevada and Factors Affecting Its Use* (Washington, DC: USDA Technical Bulletin No. 301, 1932), 29-30, 40-43. Nevada's state engineer office recorded 199 claims to the public domain by the summer of 1929. One must assume that numerous other claims to the public domain range went unrecorded, particularly those claims by ranchers from out-of-state. Nonetheless, by removing the duplicates, those claimants who did not own or lease Nevada rangeland, and the acreage of claims that overlapped (20 million acres in all), one comes up the 164 operations and

The nature of public domain range use and its relationship with the western livestock industry in a state like Nevada had important political consequences. A minority of the region's inhabitants utilized the majority of its surface area, extracting a significant amount of economic value from it in the process. Even during the depths of the Great Depression in 1932, Herman Stabler of the U.S. Geological Survey (USGS) declared that the public domain range produced at least ten million dollars' worth of forage every year.<sup>17</sup> Large landholdings, combined with the importance of the livestock industry to the region's economy, guaranteed that ranchers and their organizations would continue to exercise a significant amount of political influence even though they constituted a minority in the population. Other residents in the region recognized this reality, including sportsmen who desired to preserve wildlife populations on the public domain. As New Mexico conservationist J. Stokley Ligon wrote, "To attempt to exclude livestock from extensive areas [for the benefit of wildlife] would be to break faith with good friends whose trust we have won and threaten or possibly destroy local cooperation so essential to the game interests."<sup>18</sup> Therefore, the success of public domain range reform depended primarily on a small number of the region's inhabitants,

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45 million acres figures. If one leaves in the overlapping acreage, then these operations claimed just over 65 million acres of Nevada rangeland, or 92.5 percent of the state. Of the 164 operations represented in Map 2, 149 qualified for the category of range stockman—91 of which raised only cattle, 28 sheep, and 30 both cattle and sheep. Of the 91 cattle operations, 40 also had national forest grazing permits (for 15,013 cattle in all) in 1926. Eight of the 28 sheep raisers had forest permits (72,297 sheep). Last, of the 30 producers who raised both livestock classes, 13 held cattle grazing permits and 12 sheep grazing permits (10, 725 cattle and 111,602 sheep).

<sup>17</sup> Herman Stabler, "The Value and Best Use of the Public Domain Lands," in *Proceedings of the 68<sup>th</sup> Annual Convention, National Wool Growers Association* (Portland, OR: December 8-10, 1932), 200 in National Wool Growers Association Records, American Heritage Center, University of Wyoming, Laramie (hereafter, NWGA Records), Box 413. Stabler, who was chief of the Conservation branch within the Geological Survey, went on to state that such public domain rangelands were of particular importance to the stockgrowers of Nevada, New Mexico, and Utah.

<sup>18</sup> J. Stokley Ligon, "The Taylor Grazing Act and Wild Life Administration," unpublished manuscript, n.d. (ca. 1934), in J. Stokley Ligon Papers, Conservation Collection, Denver Public Library, Box 1, Fol. 13.

the support of their associations, and the solicitation of their representatives in Congress.

A failed attempt by President Herbert Hoover to cede remaining public domain grazing lands to the respective states reinforced both the political importance of stockgrowers as well as growing support for federal range management. Hoover expressed an interest in the natural world and, with a background in engineering, agreed with Progressive conservationist notions associated with the wise development of natural resources. Yet he disagreed with the centralizing impulses that he believed characterized federal conservation efforts up to that point. Therefore, his interest in the public domain stemmed primarily from administrative and bureaucratic concerns. His desire to have the western states assume responsibility over remaining public domain lands reflected his support for associationalism, or using government to empower local communities and the states with minimal federal oversight, thus replacing the possibility of centralized regulation with a voluntary, decentralized system suited to local circumstances that could still draw upon federal expertise when necessary.

Although there is no evidence that Hoover was aware of Mizpah-Pumpkin, the grazing district idea reveals that Hoover was not naïve in his thinking. By allowing local communities and the states to organize public domain rangelands as they saw fit, he believed, cession could foster government reorganization, reduce expenses, and limit bureaucratization. The Committee on the Conservation and Administration of the Public Domain, which quickly took up the name of its chairman, former Interior Secretary James R. Garfield, submitted recommendations along these lines to President

Hoover in January 1931. By March, they were made public and under Congressional consideration.<sup>19</sup>

The Garfield Commission concluded that livestock grazing would likely remain the chief use for much of the public domain, and while it weighed the merits of creating federal grazing districts, it ultimately proposed the following. The commission called for the immediate classification and federal acquisition of public domain lands deemed essential for national defense, timber, watershed protection, national park or monument status, or wildlife preservation. The states would acquire the remaining surface areas, or those lands deemed “valuable chiefly for the production of forage,” while mineral rights remained with the federal government. The western states were required to develop range management programs within ten years and if a state failed to do so, the President had the authority to create federal grazing districts within its boundaries. To facilitate this entire process, the Commission proposed the creation of five-person land classification boards in each western state. Within one year and under the authority of the Secretary of the Interior, these boards were to examine the possibility of adding public domain lands to the national forests, returning portions of the national forests back to the public domain, and setting aside lands for national defense, reclamation, or other purposes.<sup>20</sup>

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<sup>19</sup> For more information on Hoover, conservation, and government, see Kendrick A. Clements, *Hoover, Conservation, and Consumerism: Engineering the Good Life* (Lawrence: University Press of Kansas, 2000), esp. 1-8, 148-68; Gates, *History of Public Land Law Development*, 524-27; Barry D. Karl, *The Uneasy State: The United States from 1915-1945* (Chicago: University of Chicago Press, 1983), 80-101; and Donald C. Swain, *Federal Conservation Policy, 1921-1933* (Berkeley: University of California Press, 1963), 161-66. See also “Hoover’s Coordination Plan,” and Arthur Krock, “Hoover Asks Power to Unite Bureaus; Democrats Opposed,” *New York Times*, February 18, 1932; and “Hoover Seeks Authority to Slash Bureau Costs,” *Los Angeles Times*, February 18, 1932.

<sup>20</sup> The composition of the boards would be as follows: one individual appointed by the President, one by the U.S. Department of Agriculture, one by the Department of the Interior, and two by the respective state. All final decisions rested with the Secretary of the Interior. *Report of the Committee on the*

By proposing the cession of public domain grazing lands, the Hoover administration and most members of the Garfield Commission challenged the notion of whether range management could only be a federal endeavor.<sup>21</sup> Support for their plan fell along divided lines in the West for a variety of reasons, however. Previous examinations of the Garfield Commission have emphasized western demands for the transfer of subsurface rights as well as surface rights to the public domain as the primary reason behind the cession proposal's failure.<sup>22</sup> Meanwhile, a discussion among members of the Wyoming Wool Growers Association (WWGA) in August 1931 illustrated the divisions within the livestock industry toward the Garfield Commission's recommendations. Some argued for the immediate cession of both surface and mineral rights to the public domain. Indeed, one year earlier, members applauded president Thomas Cooper when he said, "I want to see every acre of land in the State of Wyoming in the ownership of the people of the State of Wyoming."<sup>23</sup> Others suggested doing nothing, believing that the current uproar over the public domain initiated by the Hoover administration would gradually fade away. Ultimately, however, Wyoming

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*Conservation and Administration of the Public Domain* (Washington, DC: Government Printing Office, 1931), 2-8, 12-16.

<sup>21</sup> See for example, Arthur M. Hyde, "The Year in Agriculture: The Secretary's Report to the President," in *Yearbook of Agriculture, 1932* (Washington, DC: Government Printing Office, 1932), 37; Ray Lyman Wilbur in *New York Times*, January 1, 1932; Francis Cushman Wilson, "The Problem of the Public Domain," *The Saturday Evening Post* 204 (January 23, 1932): 21, 36, 38, 40.

<sup>22</sup> See Peffer, *Closing of the Public Domain*, 207-9 and Clements, *Hoover, Conservation, and Consumerism*, 155-63. For examples of the western response to the Garfield Commission, see "Two States in Fight on Land Plan," *Los Angeles Times*, March 25, 1932 and "West Fighting U.S. Public Lands Plan," *Washington Post*, March 27, 1932.

<sup>23</sup> *Proceedings of the 27<sup>th</sup> Annual Convention of the Wyoming Wool Growers Association* (Buffalo, WY, July 15-17, 1930), 22 in Wyoming Wool Growers Association Records, American Heritage Center, University of Wyoming, Laramie (hereafter WWGA Records), Box 4. In advocating this position, such individuals had the support of state officials in Cheyenne as well as from the state's entire Congressional delegation. In 1927, the Wyoming state legislature set aside \$10,000 to defray any potential expenses involved with the transfer of all public lands from the federal government to the state. See "Memorial to Congress relating to the delivery to the State of all unappropriated public lands" and "Appropriation for effecting delivery of public land to the state," (1927), in U.S. Congress, Senate, *Hearings on H.R. 6462*, 144-48.

sheepmen agreed on only two points, both of which had little to do with the issue of subsurface rights. First, they did not desire the extension of federal range management to the public domain, especially by the Forest Service. Second, they wanted to maintain preference in the use of public domain rangelands. Ranchers feared that the Garfield Commission's proposals would usurp local management efforts and promote land sales to the highest bidder. After all, the Commission suggested auctioning public domain lands upon their transfer to the states, but provided few other specifics.<sup>24</sup> Thus, although the livestock associations sympathized with the basic principles behind cession, they continued to argue that varying range and industry conditions required the distribution of the public domain to adhere to local customs well defined in relation to the federal government.<sup>25</sup>

The proposed cession of public domain rangelands also received national attention among conservationists. Chief Forester William Greeley's refusal to sign the Commission's final report (the only member to do so) on the behalf of the Forest Service ignited the conservationist opposition. The cession debate also received commentary in several newspapers and prominent liberal periodicals such as *The New Republic* and *Harper's Magazine*.<sup>26</sup> Their opposition centered primarily on the possible

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<sup>24</sup> *Report of the Committee on the Conservation and Administration of the Public Domain*, 6.

<sup>25</sup> *Proceedings of the 28<sup>th</sup> Annual Convention of the Wyoming Wool Growers Association* (Rawlins, August 6-8, 1931), 40-59, 77-113, WWGA Records, Box 4. Wyoming Senator John B. Kendrick also made his sentiment toward cession clear in an address before the Wyoming Stock Growers Association. See *Proceedings of the 59<sup>th</sup> Annual Meeting of the Wyoming Stock Growers Association* (Lander, June 2-3, 1931), 120 in Wyoming Stock Growers Association Records, American Heritage Center, University of Wyoming, Laramie (hereafter WSGA Records), Box 83. For more on the western livestock industry's response to the cession proposal, see Robert H. Fletcher, *Free Grass to Fences: The Montana Cattle Range Story* (New York: University Publishers, Inc., 1960), 163-64.

<sup>26</sup> See "Flinging Away an Empire," *The New Republic* 70 (February 24, 1932): 32-33; Ward Shepard, "The Handout Magnificent," *Harper's Magazine* 163 (October 1931): 594-602; Joseph Conrad Fehr, "The Public Domain," *The Commonweal* 15 (February 10, 1932): 399-401 and "A Threat to the National Forests," *The New Republic* 71 (June 1, 1932): 59-61. See also "Association Draws Public Land Policy," *Washington Post*, February 21, 1932; "Greeley Airs Lands View," *Los Angeles Times*, March 22, 1932;



effects cession might have on national forest management. Moreover, their arguments for expanded federal administration over the western range reflected the development of range science and increased awareness toward soil erosion. In particular, the assertion that all western rangelands played an important role in watershed protection, not just those already in the national forests, provided an opportunity for the public domain “range problem” to become a national concern.

Those individuals who were critical of the cession proposal struggled in meshing the Hoover administration’s concept of conservation with their own. To individuals such as Ward Shepard, author of “The Handout Magnificent” in *Harper’s*, conservation implied wise use, natural resource development, and public ownership. Passing the public domain to the states and private individuals, the argument continued, meant the absence of administration or regulation.<sup>27</sup> Those who opposed cession also worried that the actions of the proposed five-person land classification boards would restrict or even eliminate preexisting federal conservation initiatives, including those of the Forest Service. William Greeley was critical of the fact that the Commission did not consider expanding national forest administration to more sections of the public domain, which led other critics to conclude that the Commission “was stacked” against those in favor of federal conservation from the beginning.<sup>28</sup> They feared that similar sentiments would influence the land classification boards. The possible result could be “a good old-fashioned land grab,” as Shepard wrote, or a “gigantic land grab” according to Charles Lathrop Pack of the American Tree Association, in which special interests

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“The Public Domain,” *New York Times*, April 3, 1932. For more on the public’s response to the cession proposal, see Peffer, *Closing of the Public Domain*, 205-9.

<sup>27</sup> Shepard, “Handout Magnificent,” 596; “Threat to the National Forests,” 59; and “This Week,” *The New Republic* 66 (March 18, 1931): 110.

<sup>28</sup> Shepard, “Handout Magnificent,” 598.

divided the national forests and other sections of the public domain among themselves.<sup>29</sup>

Accounts of degraded public domain lands and their perceived importance for watershed protection sustained these arguments in favor of federal range conservation. Hugh Hammond Bennett, often referred to as the “father of soil conservation,” argued that soil erosion “accelerated by the intervention of man’s agricultural and livestock operations” affected up to ninety percent of the western range.<sup>30</sup> In *The Commonwealth*, Joseph Conrad Fehr complemented this claim by writing that overgrazing on the public domain had reduced its carrying capacity by as much as fifty percent.<sup>31</sup> Rather than discuss overgrazing’s effects on livestock, conservationists and columnists focused on the soil. They had good reason to do so, as flashfloods continued to affect the Intermountain West. Indeed, Utah newspapers reported five hundred damaging floods within the state by the late 1930s. The majority of them occurred along the Wasatch Range, where over seventy-five percent of the state’s population lived.<sup>32</sup> Writers concluded that overgrazing remained one of the primary causes behind this flooding. For this reason, *The New Republic* promoted watershed protection as a “higher function” of the range and argued in favor of federal regulation in order to save towns from further inundation.<sup>33</sup> Critics worried that the proposed land classification boards

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<sup>29</sup> Ibid., 602 and Charles Lathrop Pack, “A Big Land Grab,” *Washington Post*, April 2, 1932. See also “A Threat to the National Forests,” 59-60.

<sup>30</sup> Hugh H. Bennett, “Soil Erosion Problem Under Investigation in National Control Program,” in *Yearbook of Agriculture, 1932* (Washington, DC: Government Printing Office, 1932), 345-46. For more on Bennett and his role in soil conservation, see Swain, *Federal Conservation Policy*, 144-59.

<sup>31</sup> Fehr, “The Public Domain,” 400. See also Shepard, “Handout Magnificent,” 596-97.

<sup>32</sup> Ralf R. Woolley, *Cloudburst Floods in Utah, 1850-1938* (Washington, DC: United States Department of the Interior, Geological Survey, Water-Supply Paper 994, 1946): 56-57, 87-120.

<sup>33</sup> “Flinging Away an Empire,” 32.

would unwittingly transfer such lands to private ownership, unaware of their importance in preventing soil erosion.<sup>34</sup>

These arguments in favor of watershed protection reflected the growing influence of Forest Service range research. In fact, journalists and conservationists turned to that agency when they argued that only federal regulation could improve range conditions for livestock and watersheds alike. Ward Shepard, author of “The Handout Magnificent,” was a former Forest Service employee and had recently published a report on the subject for the Department of Agriculture (USDA).<sup>35</sup> Meanwhile, in his article on public domain range conditions, Joseph Conrad Fehr looked to Forest Service range experiment stations as evidence of the benefits of professional range management. Such places, he argued, proved “conclusively that regulated grazing is not detrimental to the land” while “overgrazing is not only detrimental to the land but destroys the forage.”<sup>36</sup>

This commentary would not have been possible without the continued development of forest range science. A steady stream of appropriations and federal measures such as the McSweeney-McNary Forest Research Act of 1928 consolidated Forest Service research under a system of twelve regional forest and range experiment stations that continued to investigate forage conditions, herd management, reseeding techniques, and soil erosion. The development of range management curriculums at several western colleges further contributed to range research by bringing new students

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<sup>34</sup> Shepard, “Handout Magnificent,” 595. Weisiger, *Dreaming of Sheep in Navajo Country*, 31-60 also comments on the overgrazing debate during the 1930s within the context of conservationist efforts to reduce livestock numbers on the Navajo Indian Reservation. See also Sam Stalcup, “Public Interest, Private Land: A History of Soil Conservation in the United States, 1890-1940,” (Ph.D. diss, University of Oklahoma, 2014), esp. 171-80.

<sup>35</sup> Ward Shepard, *Forests and Floods* (Washington, DC: USDA Circular No. 19, 1928).

<sup>36</sup> Fehr, “Public Domain,” 400.

into the profession, including many from farming and ranching backgrounds. In 1916, Montana State College (now University) in Bozeman became the first institution of American higher education to offer a bachelor's degree in range management. In 1922, Arthur Sampson left the Forest Service for the University of California-Berkeley, where he created a range management program within the forestry department. One year later, he published *Range and Pasture Management*, the first textbook for the field, in which he provided the basic outline for a range management curriculum.<sup>37</sup> His program focused primarily on botany and animal husbandry, but it also commented on forestry and watershed protection. Students were expected to take a range management course if they sought a career in the Forest Service. Likewise, those who wanted to specialize in grazing within the agency still had to take the necessary forestry courses. Upon entering the national forest system, range management students worked to balance grazing with watershed protection and timber production.<sup>38</sup>

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<sup>37</sup> Sampson's creation of a range management curriculum answered the concerns of several early Forest Service range officials. See, for example, Will C. Barnes, *Western Grazing Grounds and Forest Ranges* (1913; reprint, New York: Arno Press, 1979), 15-19. Indeed, Sampson went on to write two more books during the decade. Known together as his range management trilogy, the texts include Arthur W. Sampson, *Range and Pasture Management* (New York: John Wiley & Sons, 1923); Sampson, *Native American Forage Plants* (New York: John Wiley & Sons, 1924); and Sampson, *Livestock Husbandry on Range and Pasture* (New York: John Wiley & Sons, 1928).

<sup>38</sup> Harold K. Steen, *The U.S. Forest Service: A History*, centennial ed. (Durham, NC: Forest History Society in association with University of Washington Press, 2004), 131-41; 103-44; William D. Rowley, *U.S. Forest Service Grazing and Rangelands: A History* (College Station: Texas A&M University Press, 1985), 167-70; W. R. Chapline, "Range Research in the United States," *Herbage Reviews* 5 (March 1937): 5-12 ; C. H. Wasser, "Early Development of Technical Range Management, ca. 1895-1945," *Agricultural History* 51 (January 1977): 73-74; and Division of Range Research, Forest Service, "The History of Western Range Research," *Agricultural History* 18 (July 1944): 131-42. Other colleges and universities that created range management programs during this time include the University of Nebraska, Fort Hays State College (Kansas), Utah State Agricultural College (now University), the University of Arizona, and the University of Idaho. See Thomas E. Bedell, ed., *The Educational History of Range Management in North America* (Denver: Society for Range Management, 1999). R. T. King, *The Free Life of a Ranger: Archie Murchie in the U.S. Forest Service, 1929-1965* (Reno: University of Nevada Oral History Program, 1991), 9-12 provides some insight on the options for a student entering the range management profession in the Forest Service.

Forest Service range research also commented on the flashflood issue. Given the relationship between professional range management and forestry, many of its practitioners continued to examine vegetation cover, grazing, and run-off to see if any correlation between overgrazing and soil erosion existed. Agency reports on the subject concluded that different watershed conditions, partially influenced by grazing practices and forage quality, accounted for the variations in flooding within Intermountain watersheds. They acknowledged that steep and rocky slopes that lacked sufficient vegetation provided a potential source for flashfloods with the right rainfall conditions. The reports also pointed out that watersheds with healthy stands of trees, brush, and grass prevented excessive soil erosion. Yet they also noted that some of the most critical areas for flashflood prevention were those affected by poor herding practices on forest rangelands. While they admitted that flooding was not completely preventable, they did argue that better range management practices—including rotation grazing, check dams, fire prevention, and revegetation—could mitigate its effects. For these reasons, the Forest Service proposed expanding its administration to almost 190 million acres of the public domain.<sup>39</sup>

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<sup>39</sup> *Report of the Committee on the Conservation and Administration of the Public Domain*, 21-22. A sample of these reports includes Robert V. R. Reynolds, *Grazing and Floods: A Study of Conditions in the Manti National Forest, Utah* (Washington, DC: USDA, Forest Service, Bulletin No. 91, 1911); J. H. Paul and F. S. Baker, *The Floods of 1923 in Northern Utah* (Salt Lake City: Bulletin of the University of Utah 15, 1925); George Stewart, "Who Should Control the Public Domain?" *American Forests and Forest Life* 36 (March 1930): 156-60, 166; Special Flood Commission Appointed by Governor George H. Dern, *Torrential Floods in Northern Utah, 1930* (Logan: Utah State Agricultural Experiment Station Circular No. 92, 1931); C[larence] L. Forsling, "Erosion on Uncultivated Lands in the Intermountain Region," *The Scientific Monthly* 34 (April 1932): 311-21; Walt L. Dutton, "Erosion Control Proves Successful on Ranges in Southeast Oregon," in *Yearbook of Agriculture, 1932* (Washington, DC: Government Printing Office, 1932), 187-89; and Reed W. Bailey, C[larence] L. Forsling, and R. Becraft, *Floods and Accelerated Erosion in Northern Utah* (Washington, DC: USDA Misc. Publication No. 196, 1934). For more context on grazing and flooding in the Intermountain West, see Andrew M. Honker, "'Been Grazed Almost to Extinction': The Environment, Human Action, and Utah Flooding, 1900-1940," *Utah Historical Quarterly* 67 (January 1999): 23-47 and Thomas G. Alexander, *The Rise of Multiple-Use*

These concerns toward watershed protection merged with those related to drought, desertification, and agricultural overproduction as the Great Depression deepened, convincing many of the need to conceive a greater role for the federal government in rehabilitating degraded landscapes and organizing them according to their chief use as a means to alleviate rural poverty. In November 1931, such sentiments crystallized during a National Conference on Land Utilization in Chicago, Illinois. Approximately three hundred delegates attended, representing colleges and universities, the USDA, and various agricultural organizations. Their proposals defied the Hoover administration and the Garfield Commission. “Recommendation No. 1” proposed the organization of public domain rangelands in a manner similar to that of the national forests. “Recommendation No. 2” called for the federal administration of all lands deemed chiefly valuable for watershed protection. In short, the delegates concluded that the problems posed by overgrazing, overcultivation, and soil erosion called for a broader program of land classification, public ownership, and greater regulation of homestead entries.<sup>40</sup>

In their support of the national domain, however, advocates for land use planning expressed a lack of faith in local people. Those who bore the brunt of this criticism sought to counter it at every turn, often by using their own statistics or experts. In an attempt to disprove notions that overgrazing was destroying Wyoming’s rangelands, J. B. Wilson of the WWGA noted that the state’s livestock population

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*Management in the Intermountain West: A History of Region 4 of the Forest Service* (USDA, Forest Service, 1987), 88-92, 104-6.

<sup>40</sup> “A National Land-Utilization Program,” in *Proceedings of National Conference on Land Utilization*, 240-41. See also Gregg, *Managing the Mountains*, 76-101 and Phillips, *This Land, This Nation*, 36-46. Lewis C. Gray also summarized the need for a federal land utilization program in “Land-Utilization Problem, Intensified by Depression, Demands National Policy,” in *Yearbook of Agriculture, 1932* (Washington, DC: Government Printing Office, 1932), 457-60. Worster, *Dust Bowl*, 182-92 examines the potential of the land utilization program on the Southern Plains.

actually increased between 1904 and 1932 from 3.1 to 3.5 million animals.<sup>41</sup> Others emphasized climate's role in changing range conditions rather than overgrazing. Finally, some insisted that no significant change in public domain range conditions had occurred. For example, shortly after publication of *The Story of the Range* by Will C. Barnes in 1926 (see Chapter Three), the WWGA requested Aven Nelson, a botany professor at the University of Wyoming, to reexamine forage conditions in the Red Desert, a region in southwestern Wyoming that he had first surveyed in 1897 on behalf of the Division of Agrostology. Barnes described significant range deterioration and proposed the extension of federal grazing regulations to the area. In contrast to Barnes and much to the delight of the WWGA, however, Nelson discovered no significant change in forage conditions or composition from his initial investigation. For this reason, he recommended against the expansion of Forest Service range management to the area.<sup>42</sup>

Nelson's report reinforced those by certain USGS officials who downplayed accounts of public domain range deterioration or its potential value for watershed protection. In a paper before the American Society of Engineers in July 1932, Herman Stabler and two other individuals argued that watershed protection did not constitute a major value for much of the public domain range that remained in the Intermountain West because of its sparse vegetation, relatively low elevation, and varying rainfall—all of which limited the opportunity to contain run-off. Thus, they insisted that the

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<sup>41</sup> From 469,632 cattle to 650,151 and from 2,631,468 sheep to 2,803,986 between 1904 and 1932. U.S. Congress, Senate, *Hearings on H.R. 6462*, 121.

<sup>42</sup> Aven Nelson, "The Forage of the Red Desert," in U.S. Congress, Senate, *Hearings on H.R. 6462*, 117-121. For original, see "The Forage of the Red Desert," 1926, in Aven Nelson Papers, American Heritage Center, University of Wyoming, Laramie, Box 11, Fol. 6. Compare with Will C. Barnes, *The Story of the Range* (Washington, DC: Government Printing Office, 1926), 19-22. Nor did Nelson call for federal regulation during his initial investigation of the area. See Aven Nelson, *The Red Desert of Wyoming and Its Forage Resources* (Washington, DC: USDA Division of Agrostology Bulletin No. 13, 1898).

attempts among foresters to include these areas to the national forests were groundless and suggested that basic range management practices utilized by ranchers would prevent excessive erosion. At all times, they concluded, concern toward watershed protection “must be considered as a corollary of range management for maximum utility of the natural vegetation” on the public domain.<sup>43</sup>

Thus, the immediate origins of the Taylor Grazing Act lay amidst the political failure of the Garfield Commission and a national debate over the nature and chief use of public domain rangelands. Don Colton of Utah, the leading Republican member of the House Committee on Public Lands at the time, recognized this context. Colton was a rancher and lawyer from Vernal, and his own Uintah County still contained approximately 1.4 million acres of public domain, much of which local stockgrowers used for grazing. He had advocated for some form of a range leasing program on behalf of his constituents since 1928 and supported the creation of the Mizpah-Pumpkin Creek Grazing District. Thus, when Colton approached President Hoover on April 4, 1932, to tell him that the Garfield Commission’s proposals lacked sufficient support to pass Congress, he was quick to offer an alternative. On April 10, he discussed the merits of a federal grazing bill for the public domain in *The New York Times*, insisting that stabilizing the livestock industry dependent upon it and implementing watershed protection measures to improve it would be mutually beneficial. Officials from the Departments of the Interior and Agriculture created a bill and, on May 4, Colton

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<sup>43</sup> Quoted in U.S. Congress, Senate, *Hearings on H.R. 6462*, 136.



introduced it to the House. Both department secretaries lent their support, as did former Commission chairman James Garfield.<sup>44</sup>

In an attempt to foster compromise with those who still sympathized with cession, the House Public Lands Committee added another provision to Colton's bill, Section 13, which allowed the states to choose whether they wanted federal grazing districts within their boundaries. Moreover, the section continued, the states retained the ability to appoint representatives with whom the Interior Department would work with to implement the grazing program if they chose to accept federal districts. Colton agreed to the alteration and hoped for a positive reaction among the states. With the assistance of John Evans of Montana (chairman of the House committee) and Burton French of Idaho, Colton's bill became the first federal grazing measure to get through either chamber of Congress, passing the House on February 7, 1933.<sup>45</sup>

Upon finding success in the House, however, this initial Congressional battle over federal range reform ended almost shortly after it began. The conflict revolved around Section 13 when the bill reached the Senate Committee on Public Lands and Surveys. President Hoover's Agriculture and Interior secretaries recommended that the committee strike the section from the bill, but one wonders about how much weight their recommendations carried given Franklin Delano Roosevelt's pending inauguration. Meanwhile, certain committee members retained their hopes for cession

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<sup>44</sup> *Congressional Record*, 72d Cong., 1<sup>st</sup> sess., 1932, 75, pt. 9: 9537. See also "Hoover Advised Garfield Bill Lacks Approval," *Los Angeles Times*, April 5, 1932 and Don B. Colton, "Control of the Public Domain: A National or State Function?," *New York Times*, April 10, 1932. For more information on Colton, see *Biographical Directory of the United States Congress*, s.v. "Colton, Don Byron," <http://bioguide.congress.gov/scripts/biodisplay.pl?index=C000652> (accessed May 29, 2013); Clements, *Hoover, Conservation, and Consumerism*, 165-66; and James Muhn, "The Mizpah-Pumpkin Creek Grazing District: Its History and Influence on the Enactment of a Public Grazing Policy, 1926-1934" (M. A. thesis, Montana State University, 1987), 42. For Uintah County's public domain statistics, see GLO, *Vacant Public Lands on July 1, 1933*, 10.

<sup>45</sup> *Congressional Record*, 72d Cong., 2d sess., 1933, 76, pt. 4: 3562-69.

and the eventual privatization of public domain rangelands and opposed Colton's bill for those reasons. Past and current members of the House supported their resistance. In a letter to Senator John Kendrick, for example, former Wyoming representative Charles E. Winter referred to the Colton bill as an "imminent danger" that would place the western states "in perpetual bondage, their people the subjects of tributes and the victims of a bar to state freedom and sovereignty."<sup>46</sup> Winters had recently published a book titled *Four Hundred Million Acres: The Public Lands and Resources*, in which he argued in favor of cession and stated it was time for the federal government "to get out of the land business."<sup>47</sup> The majority of Senate committee members shared Winters' sentiments and Colton's bill died as a result.

Edward T. Taylor, who had represented western Colorado since 1909, spoke in support of Colton's bill before the Senate committee. When Colton lost his bid for reelection, Taylor reintroduced his bill in the next session with no modifications. It had the support of the new president, Franklin Roosevelt. His Secretary of Agriculture, Henry A. Wallace, endorsed it as well and argued for the administration of the public domain range under a multiple-use framework that recognized watershed protection, livestock grazing, outdoor recreation, and wildlife.<sup>48</sup> Interior Secretary Harold L. Ickes embraced the extension of federal grazing regulations to the public domain as well. At this time, Wallace and Ickes avoided the issue of which department should take the lead

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<sup>46</sup> Charles E. Winter to John B. Kendrick, July 11, 1932, in John B. Kendrick Papers, American Heritage Center, University of Wyoming, Laramie (hereafter, Kendrick Papers), Box 62, Fol. "Public Domain, 72<sup>nd</sup> Congress". See also U.S. Congress, Senate, Committee on Public Lands and Surveys, *Public Grazing Lands: Hearings on H.R. 11816* (72d Cong., 2d sess., 1933) (hereafter, U.S. Congress, Senate, *Hearings on H.R. 11816*), 4-7, 29-34.

<sup>47</sup> Charles E. Winter, *Four Hundred Million Acres: The Public Lands and Resources* (Casper, WY: Overland Publishing Company, 1932), 132.

<sup>48</sup> Henry A. Wallace to Rene L. DeRouen, "Report on H.R. 2835," June 5, 1933, in U.S. Congress, House, *To Provide for the Orderly Use, Improvement, and Development of the Public Range: Hearings on H.R. 2835* (73d Cong., 1<sup>st</sup> sess., 1933), 7-9 (hereafter *Hearings on H.R. 2835*).

in implementing a federal grazing program. Yet both individuals were ardent New Dealers who were concerned with the nation's demoralization as the Great Depression continued. Ickes in particular believed that a concerted conservation and public works program could uplift American spirits, assist the economic recovery, and develop the nation's natural resources.<sup>49</sup>

Meanwhile, Taylor's defense of the federal grazing bill revealed his awareness toward the difficulties that his ranching constituents faced on the Western Slope of Colorado, which still featured almost six million acres of public domain rangeland.<sup>50</sup> Taylor interpreted federal conservation in relation to governance, or establishing the proper balance between public oversight and local initiative. Although he periodically portrayed himself as acting on behalf of the administration when he defended his bill, he was also mindful of the competition and even violence that persisted on the range. For example, the Utah Sheep War, which was a series of episodes that involved the murder of herders and the clubbing of their sheep at the hands of northwest Colorado cattlemen (see Chapter One), continued into the 1920s. Thus, Taylor's faith in the grazing bill rested primarily on its potential to save Colorado ranchers from "the nomadic sheepman," or woolgrowers from Utah, Wyoming, or elsewhere who crossed state lines in search of forage. "At the present time," he told the House Committee on Public Lands, an "army of nomadic herds of stock" who paid nothing to use the public

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<sup>49</sup> See Harold Ickes to Franklin D. Roosevelt, April 27, 1933, in Edgar B. Nixon, ed., *Franklin D. Roosevelt and Conservation, 1911-1945*, Vol. 1 (Washington, DC: Government Printing Office, 1957), 160 and Harold L. Ickes to René L. DeRouen, May 22, 1933, in *Hearings on H.R. 2835*, 4-5. For more information on Ickes, see T. H. Watkins, *Righteous Pilgrim: The Life and Times of Harold L. Ickes, 1874-1952* (New York: Henry Holt and Company, 1990).

<sup>50</sup> GLO, *Vacant Public Lands on July 1, 1933*, 4. Statistic includes only those counties that went on to contain at least part of a grazing district under the Taylor Grazing Act of 1934.

domain were robbing local ranchers out of “house and home.”<sup>51</sup> According to Taylor, use of the public domain range should benefit those closest to it and he argued that local users required federal assistance in order to regulate the trailing of livestock across state boundaries.

Unlike its predecessor, however, the first version of Taylor’s grazing bill failed to make it out of the House because of continued opposition to Section 13. Different conceptions of property and land use lay at the heart of the disagreement—particularly over who owned the public domain, who should take the lead in its administration, and which uses it should account for. Advocates of Section 13 believed it would require cooperation between the federal government and the states in managing the grazing districts. Meanwhile, Taylor expressed his opposition to this provision, as did Ickes and Wallace, who believed it enabled the states to override the implementation of any grazing regulations on the public domain; territory they argued lay under federal jurisdiction.<sup>52</sup>

Continued economic hardship during the Great Depression within the livestock industry created the potential to break the political stalemate over federal grazing reform, however. Livestock prices had declined dramatically by the early 1930s. After experiencing a slight increase during the 1920s, the average value of cattle plummeted from \$58.49 in 1929 to \$17.29 in 1934. Sheep markets experienced a similar decline

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<sup>51</sup> U.S. Congress, House, *Hearings on H.R. 2835*, 14. See also John Rolfe Burroughs, *Where the Old West Stayed Young* (New York: William Morrow and Company, 1962), 338-50 and Paul Bonnifield, “It is a Hard Country Along the Green River,” *Journal of the West* 29 (October 1990): 61-66.

<sup>52</sup> For example, see U.S. Congress, Senate, *Hearings on H.R. 11816*, 28-29 and U.S. Congress, House, *Hearings on H.R. 2835*, 17. See also Merrill, *Public Lands and Political Meaning*, 140-41.

from \$11.12 to \$4.01 during the same period.<sup>53</sup> Stockgrowers quickly recognized that they had fallen upon hard times, but they did not turn immediately to the federal government for assistance. Rather, many touted the importance of individualism and cooperation through their associations. In 1931, Clyde B. Stevens of the Denver Live Stock Exchange mentioned that falling prices and underconsumption had placed the cattle industry “in the most deplorable situation it has faced in a long time.” Nonetheless, he sounded much like President Hoover when he believed the industry would emerge out of the economic crisis “sooner or later” and that Americans could not “be legislated out of it.”<sup>54</sup> J. Elmer Brock, president of the Wyoming Stock Growers Association (WSGA) by 1931, also believed that the depression was a natural process that would benefit the industry by sorting out the best operators from those who were “unfit” to remain in the business. Government intervention, according to Brock, would only prolong “the agony” of those unable to carry on and place “an added burden” on everyone else.<sup>55</sup> Meanwhile, R. P. Heren of the Montana Stock Growers Association told Wyoming ranchers to turn inward: “Seek ways and means thru [sic] your association to protect and safeguard your interests, see that your laws are enforced, [and] that new laws put on your statures are beneficial and not detrimental to the business you are engaged in.”<sup>56</sup>

Such sentiments persisted even as conditions within the industry worsened further and the Roosevelt administration responded with the Agricultural Adjustment

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<sup>53</sup> Gates, *History of Public Land Law Development*, 607.

<sup>54</sup> Wyoming Stock Growers Association, *Proceedings of 59<sup>th</sup> Annual Meeting* (Lander, June 2-3, 1931), 41, 43, in WSGA Records, Box 83.

<sup>55</sup> *Ibid.*, 16.

<sup>56</sup> *Ibid.*, 107.

Administration (AAA).<sup>57</sup> The WSGA declared that the programs introduced by the New Deal were “repugnant to this Association” and resolved that they “would reduce the United States in a short time to the condition of a third rate power.”<sup>58</sup> Many of the livestock associations wanted to stimulate the consumption of their products rather than limit production. They also worried about the potential consequences that New Deal agricultural legislation might have on one’s independence. Dan D. Casement, a stock farmer near Manhattan, Kansas, reflected these sentiments in an article titled “A Farmer Pleads for Freedom,” which appeared in *Nation’s Business* in May 1934. Casement mentioned the economic consequences of AAA price-support loans to prevent overproduction and noted some of the more outstanding episodes that accompanied the program’s implementation, such as the slaughtering of pigs that might have gone on to feed the unemployed. Yet more alarming to Casement, Brock, and like-minded ranchers were the social implications of AAA, particularly how marketing agreements and loans could create unnecessary burdens upon an individual operation and promote government dependence. As Casement wrote, it was better to recognize that “individual initiative, industry, thrift, patience, the slow passing of time, and the sure operation of fundamental laws” provided the cure for all farmers’ ills rather than federal legislation.<sup>59</sup>

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<sup>57</sup> “Cattlemen not Aided by New Deal so far, says Live Stock Head,” *Chicago Daily Tribune*, January 12, 1934. For more on the AAA and rural programs during the New Deal, see Phillips, *This Land, This Nation*, 75-80 and David B. Danbom, *Born in the Country: A History of Rural America*, 2<sup>nd</sup> ed. (Baltimore: Johns Hopkins University Press, 2006), 197-223.

<sup>58</sup> Wyoming Stock Growers Association, *Proceedings of 61<sup>st</sup> Annual Meeting* (Laramie, June 6-7, 1933), 184-85, in WSGA Records, Box 83.

<sup>59</sup> Dan D. Casement, “A Farmer Pleads for Freedom,” *Nation’s Business* 22 (May 1934): 101. For more on Casement’s background, see Dan Dillon Casement, *The Abbreviated Autobiography of a Joyous Pagan* (Manhattan, KS: self-published, 1944) and Daniel T. T. Gresham, “Progressive Reactionary: Dan Casement and the Taylor Grazing Act” (paper presented at the Annual Meeting of the Agricultural History Society, Banff, AB, June 13, 2013).

Other ranchers reconsidered the position of their associations as the depression deepened, however. One such individual was Farrington R. Carpenter, who in an address before the American National Live Stock Association (ANLSA) in January 1934 argued that the Great Depression was unlike anything the livestock industry had ever seen before and that it had better adapt as a result. Carpenter, who was a lifelong Republican, later admitted that some of his friends thought he “had gone haywire” upon coming out in support of the New Deal.<sup>60</sup> He had not “gone haywire,” however. He was only challenging the definition of the depression as a temporary phenomenon and the industry’s desire to turn inward. He suggested that members’ belief that stock prices would eventually rise was a “mocking hope.”<sup>61</sup> Therefore, he urged ANLSA to list beef as a commodity under the AAA, through which it could organize and receive a better return for its products. Rather than focus on AAA’s attempts to curb overproduction, Carpenter pointed out that the program provided for the creation of a licensed marketing agreement between the association and the federal government, thus stabilizing the industry.

In short, Carpenter defined the Great Depression differently than some of the leading members of ANLSA. He saw it as an unprecedented crisis that challenged the very foundations of his industry. Yet, through the AAA, Carpenter saw the New Deal’s response to the depression as an opportunity that would “make the raising of cattle worthy of the name ‘an industry,’ which presupposes organization, class-consciousness,

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<sup>60</sup> Farrington R. Carpenter, *Confessions of a Maverick: An Autobiography* (Denver: State Historical Society of Colorado, 1984), 152.

<sup>61</sup> Farrington R. Carpenter, “Today’s Challenge to the Cattle Industry,” *The Producer* 15 (February 1934): 27.

and reasonable control of its members.”<sup>62</sup> Shortly after his address, Carpenter went to Washington, D.C., to lobby for the inclusion of beef under the AAA on the behalf of western Colorado stockgrowers.<sup>63</sup>

While the livestock associations grappled with the Great Depression, key figures within the Roosevelt administration continued to push for a federal grazing bill and wrapped their efforts within the framework of New Deal conservation. While forces in favor of cession never went away entirely, they could no longer mobilize presidential support behind them. In July 1933, following indecision on the part of the House Public Lands Committee regarding Taylor’s bill, Roosevelt authorized Harold Ickes to remove fences from the public domain in Arizona and New Mexico. The President also used executive authority to create two grazing districts in Montana and another near Don Colton’s home in Uintah County, Utah. Ickes supported Roosevelt’s actions, writing, “Pending action on the Taylor bill, withdrawals of this character will be resorted to when found necessary, largely upon application of local users of the range.”<sup>64</sup>

An interview of Harold Ickes that appeared in *The Saturday Evening Post* on December 23, 1933, further revealed the administration’s designs for the public domain. The title said it all—“The National Domain and the New Deal”—and the article

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<sup>62</sup> Carpenter, “Today’s Challenge to the Cattle Industry,” 30.

<sup>63</sup> Carpenter, *Confessions of a Maverick*, 146-49.

<sup>64</sup> Homer S. Cummings to Cordell Hull, February 3, 1934, in *Franklin D. Roosevelt and Conservation, 1911-1945*, vol. 1, ed. Edgar B. Nixon (Washington, D.C.: Government Printing Office, 1957), 253n4. See also Harold Ickes, *The Secret Diary of Harold L. Ickes: The First Thousand Days, 1933-1936* (New York: Simon and Schuster, 1953), 66 and Gates, *History of Public Land Law Development*, 610. Henry Gerber and the Southern Oregon Grazing Association were also petitioning for the creation of a grazing district in southeast Oregon while Congress considered the Taylor bill. See Stephen Dow Beckham, “Twilight of the Open Range: The Taylor Grazing Act and the Formation of the Bonanza Grazing District,” *Journal of the Shaw Historical Library* 18 (2004): 87-88.



indicated that Taylor's grazing bill dovetailed nicely with a federal conservation and natural resource development program whose sole purpose was to facilitate national recovery from the Great Depression. Ickes slighted local and state efforts to regulate the public domain range, although he used reports from Mizpah-Pumpkin to his advantage by commenting on its decentralized approach and the fact that other livestock associations were organizing similar grazing districts. Nonetheless, Ickes also referred to Mizpah-Pumpkin as "piecemeal," arguing, "[I]t would be wiser to deal at one swoop with the whole public domain by giving this department authority to regulate grazing on it, which, as a matter of fact, should have been done many years ago."<sup>65</sup> Thus, he mentioned Taylor's grazing bill, labeled Section 13 as its only "serious defect," noted that it would be "punctually reintroduced" when Congress reassembled, and urged his "fellow citizens to support it."<sup>66</sup> On January 5, 1934, Taylor reintroduced the bill. Section 13 was gone and Taylor had the Ickes interview reprinted in the *Congressional Record*.<sup>67</sup> The President lent his full support to the measure by the end of February.<sup>68</sup>

Support for the local domain died hard, however. The cessionist cause took a significant hit upon Senator John Kendrick's passing on November 3, 1933. Nonetheless, shortly after the Ickes interview, Charles Winter published a "call to action" in opposition against what he called the "Federal Control Land Act" in the

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<sup>65</sup> Marquis James, "The National Domain and the New Deal: An Interview with Harold L. Ickes, Secretary of the Interior," *The Saturday Evening Post* 26 (December 23, 1933): 11. See also Muhn, "Mizpah-Pumpkin Creek Grazing District," 89.

<sup>66</sup> James, "The National Domain and the New Deal," 55.

<sup>67</sup> *Congressional Record*, 73d Cong., 2d sess., 1934, 78, pt. 1: 161-63.

<sup>68</sup> Franklin D. Roosevelt to Harold L. Ickes, February 21, 1934, in Nixon, *Franklin D. Roosevelt and Conservation*, 258. The letter, submitted to the House committee, authorized Ickes and Wallace to support the bill on his behalf. See also Ickes, *Secret Diary: First Thousand Days*, 143.

*Casper Tribune-Herald*.<sup>69</sup> Three cession bills were introduced during the same session that Taylor reintroduced his grazing bill.<sup>70</sup> ANLSA continued to resolve in favor of cession as well as for the federal government to withdraw all remaining public domain lands from entry because they were “adapted only to the raising of livestock.”<sup>71</sup> Meanwhile, the National Wool Growers Association (NWGA) mentioned its support for any measure that provided greater control over the public domain range, including federal regulation, but on the condition that the western states retained the option to adopt or reject the measure.<sup>72</sup>

Meanwhile, Taylor’s renewed defense of his bill reflected a grasp of the broader relationship between grazing and soil erosion on the public domain. Much of his support for federal grazing reform continued to center on the hope of providing stability to public domain range users according to their principles of preference. “Otherwise,” he said, “there would be no permanence to the business.”<sup>73</sup> Yet his remarks by the spring of 1934 also included an understanding of the watershed protection debate.

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<sup>69</sup> Charles E. Winter, “Winter Argues Rights of Public Land States in Challenging Policies of Secretary Ickes,” *Casper Tribune-Herald* (WY), December 31, 1933, in *Congressional Record*, 73d Cong., 2d sess., 1934, 78, pt. 1: 1049-51.

<sup>70</sup> Ickes made his opposition to these proposals clear to Senator Robert F. Wagner, chair of the Senate Committee on Public Lands and Surveys. Harold L. Ickes to Robert F. Wagner, February 23, 1934, in Joseph C. O’Mahoney Papers, American Heritage Center, University of Wyoming, Laramie (hereafter, O’Mahoney Papers), Box 235, Fol: “Legislation, 1934—Public Lands Return to States”. On January 18, 1934, Senator John E. Erikson (MT) introduced S. 2395, which proposed the cession of public lands to the respective states, including mineral rights. Representative Roy E. Ayers presented the same bill to the House on January 25 (H.R. 7351). Senator Joseph C. O’Mahoney (WY), who replaced Kendrick, introduced a similar bill on January 22 (S. 2430). *Congressional Record*, 73d Cong., 2d sess., 1934, 78, pt. 1: 850, 1047 and *ibid*, pt. 2: 1376. Finally, Kendrick’s death was so significant that even Harold Ickes noted its ramifications for the federal grazing bill in his diary. Ickes, *Secret Diary: First Thousand Days*, 49.

<sup>71</sup> American National Live Stock Association, Resolution No. 14, “Disposition of Public Domain” and Resolution No. 15, “Withdrawal of Public Domain from Homestead Entry,” in U.S. Congress, Senate, *Hearings on H.R. 6462*, 190-91. J. Elmer Brock claimed authorship of Resolution No. 14. See U.S. Congress, House, *Hearings on H.R. 6462*, 192.

<sup>72</sup> “Report of the Committee on Public Lands and Forest Grazing,” in *The Platform and Program of the National Wool Growers Association, Sixty-Ninth Annual Convention* (Salt Lake City, January 16-18, 1934), 13-14, in NWGA Records, Box 413.

<sup>73</sup> U.S. Congress, House, *Hearings on H.R. 6462*, 70.

These statements led subsequent historians to suggest that Taylor's support of the grazing bill symbolized a full-scale conversion to federal conservation.<sup>74</sup> But they also may have reflected a political strategy that sought to gain greater western and national support within Congress. Taylor emphasized his previous opposition to the creation of the first forest reserves, at one point telling the House committee, "We thoroughly believed that the Government was brazenly robbing us of one of our greatest western birthrights."<sup>75</sup> He also compared the conditions of national forest rangelands to those of the surrounding public domain and associated the better forage on the forests as a reflection of better management. He claimed that he could tell "within a mile" whether he was inside a national forest based on range conditions alone.<sup>76</sup> At one point, he even asserted that the main purpose of his bill was to establish the same range management policies on the public domain currently in place on the national forests.<sup>77</sup>

Two ranchers from western Colorado accompanied Taylor to indicate their support of his bill. Dan H. Hughes, representing the Colorado Wool Growers' Association, commented on the need to implement a grazing program on the public domain immediately.<sup>78</sup> Farrington Carpenter also made an appearance after previously lobbying for placing beef as a commodity subject to regulation under the AAA. He said all the right things on behalf of Taylor's bill. He indicated the need for federal regulation, primarily in controlling the movement of livestock across state boundaries. Carpenter had firsthand experience with this, having recently defended northwestern

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<sup>74</sup> See, for example, Peffer, *Closing of the Public Domain*, 215-18.

<sup>75</sup> U.S. Congress, House, *Hearings on H.R. 6462*, 70.

<sup>76</sup> *Ibid.*, 31

<sup>77</sup> *Ibid.*, 68-69.

<sup>78</sup> Hughes even suggested that the Forest Service was capable of administering the program. *Ibid.*, 93-96.

Colorado cattlemen against encroachment from Utah woolgrowers.<sup>79</sup> He also emphasized that the federal government had to account for local and state interests when regulating the range, proposing what he called “systematized control.”<sup>80</sup> He recognized that land administration differed from state to state, as did the livestock industry. Much like Taylor, then, he believed that federal conservation policy should be flexible in its implementation, benefit local land users, and promote natural resource development.

After eight days of hearings, the House Committee on Public Lands reported favorably on the grazing bill with only minor modifications. On April 11, the bill passed the House with a vote of 265 to 92 (with 73 abstaining). Among the ten states ultimately affected by the Taylor Grazing Act, 21 of its representatives voted for it and 13 against.<sup>81</sup> Senate deliberations were scheduled to begin on April 20. In the interim, the administration continued to throw its weight in support of the measure, with President Roosevelt writing to Senator Robert F. Wagner of New York, chair of the Senate Committee on Public Lands and Surveys, that the Taylor bill “embodies a principle which has my hearty approval” and asking for the Senate’s support.<sup>82</sup>

A vocal but divided western livestock industry mobilized as well. F. E. Mollin, executive secretary of ANLSA, commented to Senator Wagner that a “considerable

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<sup>79</sup> Carpenter, *Confessions of a Maverick*, 129-36.

<sup>80</sup> U.S. Congress, House, *Hearings on H.R.6462*, 145.

<sup>81</sup> Two western representatives abstained. The lone representatives from Wyoming, Nevada, and Arizona voted against the bill. Representatives from New Mexico, Colorado, Utah, and Montana voted unanimously for the bill. The two representatives from Idaho split over the bill, while slight majorities in Oregon and California voted for the bill. *Congressional Record*, 73d Cong., 2d sess., 1934, 78, pt. 6: 6414. The most significant modification pertained to grazing fees receipts for grazing on Indian lands ceded to the United States. See U.S. Congress, House, Rept. No. 903, *To Provide For the Orderly Use, Improvement, and Development of the Public Range* (73d Cong., 2d sess., 1934).

<sup>82</sup> Franklin D. Roosevelt to Robert F. Wagner, April 18, 1934, in *FDR and Conservation*, vol. 1, 272-73. At one point, Roosevelt even met with a group of western Senators in an attempt to convince them of the bill’s merits. See Franklin D. Roosevelt, Press Conference, May 23, 1934, in *ibid.*, 280.

difference of opinion” existed among western cattlemen towards the bill and, for that reason, was satisfied with having the state associations present their respective positions on the bill rather than have a representative from the national association speak on their behalf.<sup>83</sup> Meanwhile, the NWGA did not retreat from its original position of supporting some sort of public domain grazing regulation.<sup>84</sup> Various spokespersons for the state cattle and sheep associations used an opportunity before the House or Senate committees to express their stance on the bill, often to point out its potential shortcomings. Many expressed the fear that the bill would either usurp local measures already in place to organize public domain rangelands or prevent future settlement and privatization. Others cited poor experiences or unmet expectations with the Forest Service and feared that the creation of new grazing districts by the Department of the Interior would produce similar results.<sup>85</sup>

The headlines of *Wyoming Wool Grower*, the monthly publication of the WWGA, epitomized the reaction among many stockgrowers to the 1934 federal grazing debate. Days before hearings on the Taylor bill commenced in the House, it declared, “Wyoming Stockmen Do Not Favor Taylor Bill.” Yet leading stockgrowers and their Congressmen recognized that the full weight of the Roosevelt administration was behind the measure. Thus, on April 11, the same day the bill passed the House, *Wyoming Wool Grower* announced, “Make the Taylor Bill More Satisfactory,” and added an important subtitle: “Measure Will Probably Pass Congress and We Should Strive to Improve It.” As secretary J. B. Wilson wrote, “[I]t seems to me that we should

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<sup>83</sup> F. E. Mollin to Robert F. Wagner, April 21, 1934, in U.S. Congress, Senate, *Hearings on H.R. 6462*, 190.

<sup>84</sup> U.S. Congress, Senate, *Hearings on H.R. 6462*, 188.

<sup>85</sup> See, for example, U.S. Congress, House, *Hearings on H.R. 6462*, 111; U.S. Congress, Senate, *Hearings on H.R. 6462*, 9-10, 122, 129, 137-40; and Graham Sanford, “The Taylor Grazing Bill,” *Reno Evening Gazette*, April 14, 1934, in *Congressional Record*, 73d Cong., 2d sess., 1934, pt. 7: 7383.

endeavor to amend the Taylor bill to make it more satisfactory than it is at present, so that in case it is enacted our interests will be protected.”<sup>86</sup> To do so, spokespersons for the industry worked with members of the Senate Committee on Public Lands and Surveys, the legislative body most attuned to their interests. With Kendrick gone and Wagner now committee chair, the federal grazing bill had its best opportunity to pass the Senate. Yet the livestock industry still found itself well represented. Nine of the committee’s fourteen members came from western states ultimately affected by the Taylor Grazing Act, including Henry F. Ashurst of Arizona, Key Pittman of Nevada, and Robert Carey and Joseph C. O’Mahoney of Wyoming. Other western Senators, most notably Patrick McCarran of Nevada, were present for part of the Senate committee hearings. These individuals stood poised to amend the bill or, as McCarran said, “take the poison out of it,” which meant reasserting local interests over the national domain.<sup>87</sup>

Foremost among these changes was adding language to sustain the hope for the eventual privatization of public domain rangelands as well as establishing an acreage limitation for the creation of grazing districts. The committee altered the bill’s opening sentence to read that its primary purpose was “to promote the highest use of the public lands pending its final disposal.” In addition, it restricted the Secretary of the Interior’s ability to create grazing districts to eighty million acres, or just less than half of the nation’s remaining public domain.<sup>88</sup> Key Pittman and others argued that the Taylor bill required such “sound safeguards” in order to prevent Harold Ickes from creating

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<sup>86</sup> “Make the Taylor Bill More Satisfactory,” *Wyoming Wool Grower* 7 (April 11, 1934): 1. See also “Wyoming Stockmen Do Not Favor Taylor Bill,” *Wyoming Wool Grower* 7 (February 14, 1934): 1-2 and *Elko Independent*, April 6, 1934.

<sup>87</sup> *Elko Independent*, May 23, 1934.

<sup>88</sup> *Taylor Grazing Act*, § 1.

grazing districts wherever he saw fit.<sup>89</sup> Senator Alva B. Adams of Colorado also justified the acreage limitation as an attempt to establish “compact grazing areas” over only those contiguous portions of the public domain range.<sup>90</sup> Even the bill’s namesake supported these concessions, which reflected his optimism toward the eventual cession of public rangelands once the Great Depression faded and range conditions improved. “I have always been wanting these lands conveyed to our States,” Taylor told the Senate committee, “But it is a condition and not a theory that confronts us here.” He continued, “This bill isn’t going to interfere at all with the Congress giving the land to the States if they ever saw fit to do so.”<sup>91</sup> In fact, Taylor sounded much like Senator Carey, who conceded that public domain range conditions warranted some form of regulation, but at the same time, remarked that the bill “must not be taken as the final settlement of the public-land question.”<sup>92</sup>

Stockgrowers received additional concessions in the administration and distribution of public domain grazing lands. Senator McCarran added an amendment that protected ranchers from arbitrary acts on the part of the Department of the Interior, such as a permit reduction or revocation, without prior notification and if such an action had a negative effect on the economic value of the ranching operation.<sup>93</sup> Western Senators also responded to ranchers’ desires to purchase or lease those public domain lands not organized into grazing districts by inserting Sections 14 and 15 into the Taylor bill. The former granted local stockgrowers preference to purchase up to 760 acres of

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<sup>89</sup> U.S. Congress, Senate, *Hearings on H.R. 6462*, 133. The original Taylor bill provided no such limit.

<sup>90</sup> *Congressional Record*, 73d Cong., 2d sess., 1934, 78, pt. 10, 11139. See also *ibid.*, pt. 6: 6358 and *ibid.*, pt. 10, 11140.

<sup>91</sup> U.S. Congress, Senate, *Hearings on H.R. 6462*, 45.

<sup>92</sup> *Congressional Record*, 73d Cong., 2d sess., 1934, 78, pt. 10: 11144.

<sup>93</sup> *Taylor Grazing Act*, § 3. See also *Congressional Record*, 73d Cong., 2d sess., 1934, Vol. 78, pt. 10: 11151-55 and *Humboldt Star*, June 13, 1934.

isolated tracts of the public domain. The latter section allowed ranchers to lease 640 or more acres of public domain rangeland that lay adjacent to their private holdings directly from the Secretary of the Interior.<sup>94</sup>

Any grazing program also had to resolve the issue of charging fees for use of the public domain and, more importantly, how the federal government would distribute and spend those funds. Some stockmen wanted a stipulation that required the Department of the Interior to adjust grazing fees annually in relation to changes in livestock prices and operating costs, or the fair-market approach, which the Forest Service adopted in 1925. Meanwhile, the NWGA suggested that the federal government refrain from charging stockgrowers for up to five years, during which an investigation in cooperation with ranchers could take place to determine a proper fee. Similar to the NWGA's proposal, the Taylor bill gave the Secretary of the Interior authority to charge a "reasonable" grazing fee, which postponed the issue for future consideration upon its implementation. Yet western legislators also made it clear that grazing fee receipts would benefit local district users and the states in which they were located. Twenty-five percent of the money received from grazing fees were to be spent on range improvements. Fifty percent of the money received was to return to the county (or counties) in which the district was located. Anything less, according to Robert Carey, and the federal government would be "taking away from the State the opportunity to increase its taxable wealth."<sup>95</sup>

The Senate Committee on Public Lands and Surveys also responded to the growing concern toward wildlife management on the public domain by making sure it

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<sup>94</sup> *Taylor Grazing Act*, § 14 & 15. The original Taylor bill authorized the sale of only 160-acre tracts at public auction.

<sup>95</sup> U.S. Congress, Senate, *Hearings on H.R. 6462*, 103. See also *Taylor Grazing Act*, § 10.



remained a state responsibility. Taylor's bill originally made no mention of wildlife. Nonetheless, collaboration among the New Mexico cattle and sheep associations with the Southwest Conservation League forced legislators to consider its place on the public domain. In a concession to the livestock organizations, the coalition endorsed the Taylor bill on the condition that it would not prevent the eventual cession of the public domain to the states. To gain the support of sportsmen, meanwhile, New Mexico stockmen expressed their willingness to cooperate with wildlife interests in the creation and management of the grazing districts. Therefore, in addition to protecting access to the public domain by ranchers, western Senators made sure that the Taylor bill did not exclude hunting and fishing on the grazing districts. The committee also added language to encourage cooperation between stockmen, state land officials, and state game and fish departments in the management of the grazing districts. The approach came to be known as the "New Mexico plan" in recognition of the coalition of stockgrowers and conservationists from that state who proposed it.<sup>96</sup> Yet the limited provisions regarding wildlife revealed potential difficulties that involved balancing the demands of local ranchers with others who desired access to the public domain. The Senate committee's acknowledgement of wildlife came on the condition that its management would remain a local concern rather than a federal one, which meant that stockgrowers retained the political advantage.

All of these concessions in the administration of public domain grazing lands reflected Robert Carey's insistence that the Senate committee make sure "that [the

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<sup>96</sup> See U. S. Congress, House, *Hearings on H.R. 6462*, 201-2 for the resolution of New Mexico stockgrowers and conservationists. For the Senate committee's revisions, see U.S. Congress, Senate, *Hearings on H.R. 6462*, 72-73, 215; *Congressional Record*, 73d Cong., 2d sess., 1934, 78, pt. 10: 11150; and *Taylor Grazing Act*, § 1 & 9. See also Robert K. Mortensen, *In the Cause of Progress: A History of the New Mexico Cattle Growers' Association* (Albuquerque: New Mexico Stockman, 1983), 85.

Taylor bill] was in the best possible form to protect the present users of the Public Domain.”<sup>97</sup> One final amendment—Section 16—embodied these efforts. Added by Senator McCarran, it reinforced the committee’s efforts to reassert the local domain over the national. While it did not give states the opportunity to reject grazing districts within their boundaries, Section 16 stipulated that their creation would not infringe upon state laws or local customs regarding public domain range use. It therefore protected water rights or other privileges a rancher had already acquired in conjunction with their use of the public domain, potentially strengthening their range claims through preference.<sup>98</sup>

On June 12, the Senate passed the Taylor bill with its amendments, but it remained under dispute. Federalism, or determining the proper balance between the national and state governments over the administration of the public domain range, lay at the heart of a disagreement between members of the House and Senate as well as between leading figures from the Agriculture and Interior departments. Immediately after the Senate passed the Taylor bill, the House Committee on Public Lands expressed its opposition to the amendments made by the Senate committee, particularly Section 16. Upon hearing this, Senator O’Mahoney moved that the Senate insist upon its amendments and agreed to a conference with certain members of the House committee. The Senate refused to budge from its provisions. The House was unable to remove them, but it did add language that reemphasized federal supremacy, stating that nothing within the Taylor bill could be interpreted as “limiting or restricting the power and

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<sup>97</sup> Robert D. Carey to Russell Thorp, May 31, 1934, in Wyoming Stock Growers Association, *Proceedings of 62<sup>nd</sup> Annual Meeting* (Douglas, June 5-6, 1934), WSGA Records, Box 83.

<sup>98</sup> See *Congressional Record*, 73d Cong., 2d sess., 1934, Vol. 78, pt. 10: 11162 and *Taylor Grazing Act*, § 16.

authority of the United States.”<sup>99</sup> The federal government would recognize preexisting claims, traditions, or administrative measures on the western range, but none of them could obstruct “Federal jurisdiction or authority.”<sup>100</sup> With both chambers now in agreement, Taylor’s bill made its way to President Roosevelt’s desk.

Yet another controversy emerged just as soon as the previous one had ended. This one had little to do with ranchers and everything to do with bureaucratic rivalry and different interpretations of conservation on the national domain. In short, the spirit of cooperation that spokesmen for the USDA (namely the Forest Service) had expressed toward Ickes, the Department of the Interior, and its administration of the public domain dissipated as the Senate committee considered and passed Taylor’s grazing bill. Chief Forester Ferdinand Silcox expressed reservations toward any provision that safeguarded water rights or other claims to the public domain that local laws already recognized, fearing that the creation of a vested interest on the national domain would, “At its best...[open] the door to endless controversies, misunderstandings, and footless litigation.”<sup>101</sup> The American Forestry Association declared similar sentiments, worrying that Section 16 would grant control of the public domain to the states, “tie the hands of the Secretary [of the Interior] in regulating grazing on the public lands,” and “defeat the main purpose of the bill,” which it interpreted as rehabilitating the range for watershed protection as well as livestock grazing.<sup>102</sup>

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<sup>99</sup> *Congressional Record*, 73d Cong., 2d sess., 1934, Vol. 78, pt. 11: 12168. Conferees on behalf of the Senate included Alva Adams, Joseph O’Mahoney, and Gerald P. Nye of North Dakota, while House members included Rene L. DeRouen of Louisiana, Dennis Chavez, J. W. Robinson of Utah, Harry L. Englebright, and George W. Edmonds of Pennsylvania.

<sup>100</sup> U.S. Congress, House, Rept. No. 2050, *To Stop Injury to the Public Grazing Lands by Preventing Overgrazing and Soil Deterioration, Etc.* (73d Cong., 2d sess., 1934), 4.

<sup>101</sup> U.S. Congress, Senate, *Hearings on H.R. 6462*, 57.

<sup>102</sup> Ovid Butler to Franklin D. Roosevelt, June 14, 1934, in *FDR and Conservation*, vol. 1, 293-94.

Once the Taylor bill awaited the President's signature, Silcox worked up the chain of command and sent a letter to Secretary Wallace. The letter provided twelve reasons why Roosevelt should withhold his approval of the bill and it effectively outlined the major tenets around which the coming rangeland conflict revolved—whether the western range would remain a collection of various local domains or become a national concern and whether its management should account for one or many uses. The central fear embedded within Silcox's letter was that the Taylor bill as amended granted ranchers a vested right to run their livestock on public rangelands, thus abrogating national conservation principles for local administration. Once the federal government retreated from its administrative responsibilities, Silcox wrote, no portion of it could "be recovered without a bitterly fought contest." He went on to criticize the 80-million-acre-limitation, commenting that the Taylor bill would not go far enough to provide for the conservation of the entire public domain range. He condemned those provisions that allowed ranchers to purchase or lease isolated tracts of the public domain. Finally, he focused on the potential ramifications of the bill's "pending final disposal" clause, suggesting that any grazing district it created could be temporary if ranchers or their representatives renewed their push for cession or privatization.<sup>103</sup>

Henry Wallace and Harold Ickes also had different opinions toward whether President Roosevelt should sign the Taylor bill. Both secretaries referred to the public domain as an "empire" that required federal administration, but they continued to differ on the best means to do so. Ickes recommended that Roosevelt approve the bill,

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<sup>103</sup> Ferdinand A. Silcox to Henry A. Wallace, June 21, 1934, in *ibid.*, 308-13.

referring to it as “probably the most liberal grazing measure securable at this time.”<sup>104</sup> He even suggested that the President couple the grazing bill with the transfer of the Forest Service to the Department of the Interior in order to assure inter-agency cooperation in its implementation. Meanwhile, Wallace accompanied Silcox’s letter with one of his own to Roosevelt in which he echoed the concerns of his Chief Forester by writing, “An empire of 173 million acres should not be disposed of in language of doubtful meaning. It should be conserved by a law expressed in direct, specific, and unequivocal terms. This is not a measure of that kind.”<sup>105</sup>

Wallace’s statement depended upon one’s perspective, however, because western ranchers and their representatives ultimately supported the Taylor bill because of its specific language regarding the relationship between the national and local domain. J. B. Wilson spoke for the majority of western stockmen who grazed livestock on the public domain when he said, “[E]verything possible should be definitely written into the [Taylor] bill. Secretaries of departments and administrative offices come and go. However, if these matters are covered in the statute they cannot be changed by administrative order.”<sup>106</sup> From their standpoint, the bill’s greatest strength lay in its details. The federal government would take the lead in the organization and distribution of public domain grazing lands. Yet stipulations that provided for the cooperation between the Interior Department and local livestock associations encouraged flexibility and allowed range management to adapt to a variety of circumstances. Hence the argument among western Senators that their amendments achieved the proper balance between national and local interests or, as Senator O’Mahoney put it, maintained “the

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<sup>104</sup> Harold L. Ickes to Franklin D. Roosevelt, June 26, 1934, in *ibid.*, 306.

<sup>105</sup> Henry A. Wallace to Franklin D. Roosevelt, June 27, 1934, in *ibid.*, 308.

<sup>106</sup> U.S. Congress, Senate, *Hearings on H.R. 6462*, 125.

respective jurisdictions of the Federal and State governments.”<sup>107</sup> Those who held out the hope for the eventual cession or privatization of the entire public domain, meanwhile, could label the Taylor bill as the “next best thing.”<sup>108</sup>

Any opposition to the Taylor bill as amended ultimately went for naught when Attorney General Homer S. Cummings notified President Roosevelt that he could not veto the bill on grounds of unconstitutionality. Cummings examined the protests from USDA officials, but believed that their objections were “not such as to render the Act invalid.”<sup>109</sup> Unlike Silcox, Cummings did not believe that the bill restricted federal authority. The bill protected personal rights such as hunting and fishing on the public lands. State laws regarding the distribution and policing of the public domain were accounted for, as was federal supremacy upon the establishment of grazing districts. Thus, on June 28, 1934, Roosevelt signed the Taylor bill into law. Upon doing so, he commented that the federal government had taken “a great forward step in the interests of conservation” not only to the benefit of the livestock industry and local land users “but also to the Nation as a whole.”<sup>110</sup>

Immediate reactions to the Taylor Grazing Act ranged from cautious optimism to outright skepticism. Harold Ickes was perhaps the most hopeful, suggesting that the new act was “a start toward preserving and redeeming” public domain rangelands.<sup>111</sup>

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<sup>107</sup> Joseph C. O’Mahoney to Franklin D. Roosevelt, June 19, 1934, in *Roosevelt and Conservation*, vol. 1, 296.

<sup>108</sup> Statement from Representative (and rancher) Roy E. Ayers of Montana. See *Congressional Record*, 73d Cong., 2d sess., 1934, 78, pt. 6, 6358. See also Howland J. Smith’s (of the Arizona Cattle Growers’ Association) remarks before the Senate committee in U.S. Congress, Senate, *Hearings on H.R. 6462*, 171.

<sup>109</sup> Homer S. Cummings to Franklin D. Roosevelt, June 25, 1934, in *FDR and Conservation*, vol. 1, 299-301.

<sup>110</sup> Franklin D. Roosevelt, Statement upon Signing the Taylor Grazing Act, June 28, 1934, in *ibid.*, 314.

<sup>111</sup> Ickes, *Secret Diary: The First Thousand Days*, 172-73.

Yet those interested in other uses of the range, including members of the Wyoming Division of the Izaak Walton League of America, expressed skepticism because of the act's token support for wildlife management and the likelihood that it would remain subordinate to livestock grazing.<sup>112</sup> Those who remained unconvinced of the act's potential were fearful that the accommodations written to placate western stockgrowers would limit the ability of the federal government to work with conflicting interests over the management of public grazing lands. As Silcox had written to Wallace, "New equities will legally be established, new State powers created, [and] new obstacles will arise to defeat or retard the [grazing] program which the President is to propose."<sup>113</sup>

Silcox's comment struck at the heart of a fundamental tension written into the Taylor Grazing Act—balancing federal regulation of the public domain, which implied applying the principles of professional range management, with distributing range access among stockraisers who already used the land and desired a stable, profitable operation. The act thus created a political framework within which the long struggled over determining the proper use and distribution of the public domain range continued to take place. For the time being, federal officials and organized ranchers would be the primary groups involved with the act's implementation and the public domain range remained chiefly valuable for grazing. Yet both groups would have to decide which stockgrowers would gain access to the grazing districts and which would not. Concerns toward watershed protection or wildlife also would not go away. Ultimately, by bestowing responsibilities upon the Department of the Interior and the livestock

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<sup>112</sup> Minutes of the Tenth Annual Convention, Wyoming Division, Izaak Walton League of America (Laramie, June 27-28, 1934), in Izaak Walton League of America, Wyoming Division, Records, American Heritage Center, University of Wyoming, Laramie, Box 2.

<sup>113</sup> Silcox to Wallace, June 21, 1934, in Nixon, ed., *FDR and Conservation*, vol. 1, 311.

associations to resolve these issues, the Taylor Grazing Act ensured that politics intertwined with the science and art of public domain range management.



## **CHAPTER FIVE**

### **NEW DEAL CATTLEMAN**

If the passage of the Taylor Grazing Act officially enmeshed the federal government in the business of stockraising on rangelands previously subject to local land use agreements and customs, its implementation required the expertise of a mediator with the following qualities: ambition to create a federal range conservation program on the public domain, familiarity with the economic and geographic challenges associated with ranching, and connections within the western livestock industry to draw others to his cause. This individual had to appreciate ranchers' desires for independence when addressing their needs for federal assistance on the public domain. He also had to confront traditional distrust toward federal experts.

Farrington (Ferry) R. Carpenter assumed the burden of mediating between the demands for national range conservation and the preservation of traditional range uses. As a rancher and lawyer from Hayden, Colorado, Carpenter knew the difficulties that local stockgrowers experienced in utilizing public domain rangelands. He had also already indicated his support for federal oversight of the public domain. Indeed, perhaps more than any other person, Carpenter recognized the stakes involved as the demands of the national domain imposed themselves upon the strategies that ranchers had employed on the public domain up to that point. Therefore, his primary goal was to have the new federal range law recognize private range claims on the public domain.<sup>1</sup>

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<sup>1</sup> Such tension between national concerns and local demands fits within the paradigm of the “formal” versus “informal” order that observers such as Bruce Yandle use to explain conflicts between the public interest and private property rights. In the case of the Taylor Grazing Act, the “formal order”—the statute, Division of Grazing, and professional range management—could impose itself on the variety of “informal orders” that stockgrowers had organized to regulate public domain range use prior to 1934. See Bruce Yandle, “Property Rights, Freedom, and Evolving Social Order,” in *Land in the American West: Private Claims and the Common Good*, ed. William G. Robbins and James C. Foster (Seattle: University of Washington Press, 2000), 40-41. Recent analyses of natural resource conflicts, including

In doing so, Carpenter occupied a difficult position. On the one hand, he was an agent of the New Deal (specifically the Department of the Interior), which brought with it the requirement to act in the public's best interest when managing western rangelands. On the other hand, Carpenter remained a representative of the livestock industry. Thus, in addition to the grazing district idea, Carpenter proposed the creation of advisory boards as a means for ranchers to reconcile federal dictates with local interests. He believed that including local land users in the governing process was the best way to achieve range rehabilitation and industry stabilization. This strategy actually mirrored other New Deal programs that sought local cooperation in land and agricultural reform, including the creation of soil conservation districts in the wake of the Dust Bowl. Indeed, similar to how the soil conservation districts maintained a "narrow view of the land" rather than wholesale reform (in the words of historian Donald Worster), Carpenter's methods reflected a desire to keep rangelands chiefly valuable for grazing for the benefit of local ranchers.<sup>2</sup>

Subsequent observers have either celebrated Carpenter's administration as one of the "great conservation sagas of the twentieth century" (according to his son,

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those surrounding rangelands, interpret tensions between private use and public good as an inherent product of environmental policy. See Daniel W. Bromley, "Private Property and the Public Interest: Land in the American Idea" and William D. Rowley, "From Open Range to Closed Range on the Public Lands," in *ibid.*, 23-36, 96-118. See also Richard N. L. Andrews, *Managing the Environment, Managing Ourselves: A History of American Environmental Policy*, 2<sup>nd</sup> ed. (New Haven: Yale University Press, 2006), 1-11 and Karen R. Merrill, *Public Lands and Political Meaning: Ranchers, the Government, and the Property between Them* (Berkeley: University of California Press, 2002), esp. 146-60.

<sup>2</sup> Donald Worster, *Dust Bowl: The Southern Plains in the 1930s*, 25<sup>th</sup> anniversary ed. (New York: Oxford University Press, 2004), 220. For Worster's analysis of New Deal conservation on the southern Plains, see *ibid.*, 198-230. For more information on New Deal agriculture and land reform policies, see Clayton R. Koppes, "Environmental Policy and American Liberalism: The Department of the Interior, 1933-1953," *Environmental Review* 7 (Spring 1983): 19-24; Sarah T. Phillips, *This Land, This Nation: Conservation, Rural America, and the New Deal* (New York: Cambridge University Press, 2007), 107-48 and Sara M. Gregg, *Managing the Mountains: Land Use Planning, the New Deal, and the Creation of a Federal Landscape in Appalachia* (New Haven: Yale University Press, 2010), 175-212. The standard work on New Deal reforms in the American West remains Richard Lowitt, *The New Deal and the West*, 2<sup>nd</sup> ed. (Norman: University of Oklahoma Press, 1993).

Edward) or condemned it for subjecting the Division of Grazing (later the Grazing Service) to capture by the organized livestock industry.<sup>3</sup> These interpretations more often reveal an author's personal position in the rangeland conflict or their devotion to a particular theory in political science rather than provide an adequate understanding of Carpenter himself, however. Farrington Carpenter had his own reasons for the strategies he tried, which stemmed as much from his personal ranching experiences and views toward professional range management as they did from political ambition or limited manpower and funds. The advisory board, with the Division of Grazing as arbiter, conformed to language within the Taylor Grazing Act that allowed for local ranchers, their representatives, and the federal government to negotiate over the use of the public domain range. Whether Carpenter's approach facilitated the capture of the Division of Grazing by the organized livestock industry is irrelevant. Both Division personnel and western ranchers believed livestock grazing remained the chief use of the range and the Taylor Grazing Act formalized their assumptions. Thus, a close

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<sup>3</sup> Edward F. Carpenter, *America's First Grazier: The Biography of Farrington Carpenter; Cattleman, Lawyer, Administrator, Politician, Educator* (Fort Collins, CO: Vestige Press, 2004), 21. Other positive accounts of Carpenter's implementation of the Taylor Grazing Act include Stephen Dow Beckham, "Twilight of the Open Range: The Taylor Grazing Act and the Formation of the Bonanza Grazing District," *Journal of the Shaw Historical Library* 18 (2004): 91-93; Carpenter, *Confessions of a Maverick*, 151-74 and idem., "Establishing Management under the Taylor Grazing Act," *Rangelands* 3 (June 1981): 105-15; George U. Hubbard, "Butting Heads: Farrington Carpenter's Dramatic Role in the Taylor Grazing Act of 1934," *Colorado Heritage* (May/June 2010): 22-31; Marvin Klemme, *Home Rule on the Range: Early Days of the Grazing Service* (New York: Vantage Press, 1984), and John D. McGowen, *Cowboy Joe, Administrator* (Laramie, WY: University of Wyoming Publications 11, No. 5, 1944): 87-89. More scholars have accused Carpenter for facilitating the capture of federal range reform by organized ranchers. Most scholars, including Wesley Calef, *Private Grazing and Public Lands* (Chicago: University of Chicago Press, 1960), esp. 49-90; Phillip O. Foss, *Politics and Grass: The Administration of Grazing on the Public Domain* (Seattle: University of Washington Press, 1960), esp. 73-88; Grant McConnell, *Private Power and American Democracy* (New York: Vintage Press, 1966), 200-11; and George A. Gonzalez, "Ideas and State Capacity, or Business Dominance? A Historical Analysis of Grazing on the Public Grasslands," *Studies in American Political Development* 15 (Fall 2001): 234-44, place much of the blame for this process on the language of the Taylor Grazing Act and the activities of organized stockgrowers. More recently, Michael M. Welsh, "Beyond Designed Capture: A Reanalysis of the Beginnings of Public Range Management, 1928-38," *Social Science History* 26 (Summer 2002): 347-91, blames Carpenter for this process.

examination of Carpenter's implementation of the Taylor Grazing Act reveals that the state expanded into the western range with the assistance of local ranchers who adapted federal range conservation initiatives to specific circumstances with the assistance of Division personnel, association spokesmen, and federal representatives. A New Deal cattleman such as Carpenter appreciated this process and it worked beyond his expectations.<sup>4</sup>

After President Roosevelt signed the Taylor Grazing Act into law on June 28, 1934, the question became how the Department of the Interior could rehabilitate the public domain range and stabilize the ranching operations upon it on a proposed annual budget of \$150,000. Most important, the Department had to determine who would lead its grazing program. While Congress deliberated over the Taylor bill, Secretary Ickes combed through the hearing transcripts in search of a potential candidate—someone who was familiar with the western range livestock industry and supportive of federal regulation. Farrington Carpenter's testimony before the House Committee on Public Lands caught his eye.

Meanwhile, Carpenter had returned to his ranch and practice in Hayden. In early June, he attended the annual meeting of the Wyoming Stock Growers Association (WSGA) on behalf of the American National Live Stock Association (ANLSA) to

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<sup>4</sup> This interpretation runs counter to the popular assumption that the federal government imposed itself upon the West through its natural resource policies and fostered dependency, as seen in Richard White, *"It's Your Misfortune and None of My Own": A New History of the American West* (Norman: University of Oklahoma Press, 1991). Other work that stresses the importance of federalism in environmental policy include Karen R. Merrill, "In Search of the 'Federal Presence' in the American West," *Western Historical Quarterly* 30 (Winter 1999): 449-73 and Donald J. Pisani, "The Many Faces of Conservation: Natural Resources and the American State, 1900-1940," in *Taking Stock: American Government in the Twentieth Century*, ed. Morton Keller and R. Shep Melnick (New York: Woodrow Wilson Center Press and Cambridge University Press, 1999): 123-55.

promote the beef commodity-purchasing program recently established under the Agricultural Adjustment Administration (AAA). Similar to his address before ANLSA that January (see Chapter Four), Carpenter declared that falling prices, lapsed loan payments, and competition on the public domain range had transformed “the rugged individualist” into a “tattered individualist.”<sup>5</sup> In July, Oscar L. Chapman, a fellow Coloradan and assistant secretary of the Department of the Interior, asked Carpenter to accompany him to a stockgrowers’ meeting in Salt Lake City. While there, Chapman indicated that Secretary Ickes was interested in interviewing him for the job of administering the new Taylor Grazing Act. Thus, Farrington Carpenter went back to Washington, D.C.

The initial encounter between the self-labeled “maverick” (Carpenter) and “curmudgeon” (Ickes) was uneventful for the most part.<sup>6</sup> Ickes asked Carpenter only for reasons why he could not serve as director of the Division of Grazing. Carpenter replied with three: 1) he was a Republican; 2) he had no desire to create an agency similar to the Forest Service for the public domain; and 3) he worried that woolgrowers

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<sup>5</sup> Wyoming Stock Growers Association, *Proceedings of 62<sup>nd</sup> Annual Meeting* (Douglas: June 5-6, 1934), 109, in Wyoming Stock Growers Association Records, American Heritage Center, University of Wyoming, Laramie (hereafter, WSGA Records), Box 83. Carpenter also applauded Secretary of Agriculture Wallace’s speech before the same group even though it contained the following criticism: “For the last five years you have been definitely overstocking your ranges, and you glory in your shame.” *Ibid.*, 30. The WSGA did not buy what Wallace and Carpenter were selling. The organization resolved in opposition to the Taylor bill despite the modifications made by their representatives in the Senate. Furthermore, while it favored the passage of a fair marketing agreement for beef, the WSGA opposed any crop, acreage, or licensing system (including a processing tax) that might restrict “the free operation of the livestock business.” *Ibid.*, 140. See also Farrington R. Carpenter, *Confession of a Maverick: An Autobiography* (Denver: State Historical Society of Colorado, 1984), 152-55.

<sup>6</sup> Throughout his autobiography, Carpenter affectionately referred to himself as a “maverick,” or an innovator free of ambition or ideology who sought new, practical strategies that benefitted the most people within his industry. See Carpenter, *Confessions of a Maverick*, esp. vii-ix. Prior to the interview with Ickes, Edward Taylor reportedly told Carpenter to watch his step, calling Ickes “an S.O.B. in some ways” and “no ordinary politician.” *Ibid.*, 156. Meanwhile, Ickes often referred to himself as a “curmudgeon.” See Harold L. Ickes, *The Autobiography of a Curmudgeon* (1943; reprint, Chicago: Quadrangle Books, 1969), esp. 1-4. For more information on Harold Ickes and the Taylor Grazing Act, including a pessimistic interpretation of Carpenter and the act itself, see T. H. Watkins, *Righteous Pilgrim: The Life and Times of Harold L. Ickes* (New York: Holt, 1990), 479-82.

might oppose his appointment because of his past work on the behalf of northwestern Colorado cattle associations to prevent sheep trailing across state lines. According to Carpenter's reminiscences, Ickes was not concerned with any of these reasons. He did not mind that Carpenter was a Republican. After all, Ickes prided himself of being an Independent.<sup>7</sup> The Secretary also eased Carpenter's fears toward centralization by reiterating his belief that the Division of Grazing would be a small agency with limited appropriations. Ickes even called Wilson McCarthy, an attorney for the National Wool Growers Association (NWGA) who had sparred with Carpenter on several cattle-sheep lawsuits in the past, and asked whether he believed Carpenter would be fair in dealing with sheepmen on the public domain. McCarthy replied in the affirmative. Indeed, the only condition that Ickes gave to Carpenter was that he not say anything negative about the New Deal. With that clear, Carpenter got the job. There is no evidence that Ickes interviewed other potential candidates. Nor did the national livestock associations bring forth their own recommendations for the position.<sup>8</sup>

Upon becoming head of the Division of Grazing, Carpenter's top challenges pertained to logistics and science. For one thing, Carpenter needed maps as well as manpower. The General Land Office (GLO) did not have a comprehensive map of the remaining public domain in the United States, with clerks telling Carpenter that he would have to rely on the smaller maps of individual townships from the local land offices. He also had to gather the necessary federal expertise to help him implement the Taylor Grazing Act. The men that Ickes assigned to Carpenter's division reflected the

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<sup>7</sup> See Harold L. Ickes, *The Secret Diary of Harold L. Ickes: The First Thousand Days, 1933-1936* (New York: Simon and Schuster, 1953), 569.

<sup>8</sup> See Carpenter, *Confessions of a Maverick*, 156-57 and Jerry O'Callaghan, "Historical Interview with Farrington R. Carpenter," October 17, 1971 (transcript), 4, in Farrington R. Carpenter Papers, Western History Collection, Denver Public Library (hereafter, Carpenter Papers), Box 9.

Department's need to ascertain exactly what the public domain had to offer in terms of forage, water, and other resources as well as the fact that the U.S. Department of Agriculture (USDA) remained the leader in federal range management and research.

Carpenter approached Rexford Tugwell, an undersecretary within the department and later head of the Resettlement Administration, who loaned him two Forest Service officials on a temporary detail: Ernest Winkler, chief of the agency's Range Management and Wildlife Division in Washington, D.C., and Edward M. Kavanaugh, who oversaw forest range management activities in Oregon and Washington. Meanwhile, the first official members that the Department of the Interior assigned to the Division of Grazing numbered twenty in all, including four individuals who transferred from the Forest Service, eight from the GLO, and eight more from the U.S. Geological Survey (USGS).

The background of many of these individuals reflected Carpenter's desire to combine technical expertise with practical experience in grazing management. Many came from ranching or surveying backgrounds rather than range science or forestry. Marvin Klemme was perhaps one of the exceptions, having graduated from Yale's School of Forestry and worked for the Forest Service prior to joining the Division. Yet even he had grown up on a ranch in western Oklahoma. Carpenter recognized that he could benefit from including Forest Service personnel like Klemme to assist him in creating protocols similar to those already in place on the national forests. He also needed individuals from the GLO and USGS to assist the Division in surveying, mapmaking, and investigating range claims. Thus, Carpenter's corps included other individuals such as Charles F. Moore, who had spent much of his youth working on

various ranches before joining the GLO as a surveyor prior to his transfer to the Division of Grazing. Even those Division employees who had no prior ranching experience had long confronted the public domain “range problem” as civil servants. Luster R. Brooks and Warren R. Sholes, for example, had worked for the GLO classifying lands and investigating mineral entries on the public domain prior to joining the Division. Indeed, Carpenter immediately set Sholes to work preparing maps of the public domain after his transfer.<sup>9</sup> Overall, such personnel reflected Carpenter’s desire for subordinates who combined their technical expertise of western land issues with “practical range experience,” allowing them to relate to stockgrowers as westerners rather than as career bureaucrats or scientists.<sup>10</sup>

The original makeup of the Division of Grazing also reinforced Carpenter’s efforts to distinguish the production of livestock on the western range, or “grazery,” from national forest range management. He used this term (and subsequently referred to his field personnel as “graziers”) because he focused primarily on the ability of livestock to transform forage into meat and other commodities rather than understand the interrelationships between grazing, plant growth, and soil erosion, which had long interested forest range researchers. This perspective complemented his understanding of the Taylor Grazing Act. Carpenter always preferred the term “land use” rather than “conservation,” believing that too often federal conservation efforts (including Forest Service range management) expanded the size of the federal bureaucracy and locked up

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<sup>9</sup> Carpenter, *Confessions of a Maverick*, 158-59; Foss, *Politics and Grass*, 79; and Klemme, *Home Rule on the Range*, 24-27. See also “Biographical Date on Luster R. Brooks,” July 13, 1970; “Biographical Data on Charles Francis Moore,” June 1, 1971; and Warren R. Sholes, “The Taylor Grazing Districts—1934-1940: My Recollections,” in Carpenter Papers, Box 1.

<sup>10</sup> U.S. Department of the Interior, Division of Grazing, “Transcript of Proceedings, Boise, Idaho” (December 17, 1934), 55, in Carpenter Papers, Box 1. According to John McGowen, Carpenter’s corps comprised of “men who have bowed legs from riding horseback rather than round shoulders from leaning over a desk.” McGowen, *Cowboy Joe, Administrator*, 88.



natural resources to the detriment of local users. He once even remarked to ranchers in Billings, Montana, that he shuddered whenever he had say “conservation.”<sup>11</sup>

Land use, in contrast, suggested giving stockgrowers the opportunity to rehabilitate the range and stabilize their industry among themselves, thus allowing conservation to “take on a new, western, and stockman’s connotation.”<sup>12</sup> If the Taylor Grazing Act recognized grazing as the primary land use, then Carpenter argued that the livestock industry deserved a government division devoted to the marketable production of cattle and sheep on those lands. He therefore believed he had an opportunity to decentralize administration and foster cooperation on the public domain range among private ranchers, the states, and the federal government. This “split control” approach would give ranchers primary say in determining management strategies. In doing so, he wrote, “The West will participate in the development of the science of graziery, and the East will be interested spectators.”<sup>13</sup> Graziery, then, embodied Carpenter’s ideas about governing as well as his hope to break range management free from its forestry context.

Carpenter still had to sell this approach to western stockgrowers, but the job suited him well. Most ranchers recognized his background and public speaking skills regardless of whether they liked the man. In typical stockman’s dialect, for example, Fred A. Ellenwood (president of NWGA in 1935) believed that Carpenter could

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<sup>11</sup> U.S. Department of the Interior, Division of Grazing, “Transcript of Proceedings, Billings, Montana (December 7, 1934), 31, in Carpenter Papers, Box 1. As he told ranchers in Boise, “[Conservation] is tintured too much with the thought of locking things up and putting the ‘don’t touch’ sign on them.” In “Transcript of Proceedings, Boise,” 36.

<sup>12</sup> U.S. Department of the Interior, Division of Grazing, “Transcript of Proceedings, Grand Junction, Colorado” (September 17, 1934), 3, in Carpenter Papers, Box 1.

<sup>13</sup> Farrington R. Carpenter, “Graziery a Science,” *Utah Juniper* 6 (1935): 8. Carpenter went on to emphasize the “split control” method during his initial meetings with stockgrowers. See, for example, “Transcript of Proceedings, Boise,” 60-61.

convince an ewe that a cactus was alfalfa through words alone.<sup>14</sup> Such language aside, Carpenter undoubtedly understood the difficulties that a federal official faced when addressing a group of stockgrowers, having long been involved in livestock association politics and recently advocating on the behalf of New Deal programs before them. Carpenter and other Division personnel made sure to call attention to their own ranching background and experience in dealing with western land problems. They did not mention their connections to federal range science (if they had any). Furthermore, even though a New Deal administration had passed the Taylor Grazing Act, Carpenter used his graziery concept to prove that he was not a New Dealer. He seldom criticized New Deal programs in public, but he was weary toward centralization and made sure to tell ranchers that the Taylor Grazing Act provided the mechanisms to structure a federal grazing program to their liking.<sup>15</sup>

In order to sell these ideas to western stockgrowers, Carpenter embarked upon a daunting travel schedule following his appointment as director of the Division of Grazing. The first meeting he conducted to decide upon the creation of a grazing district occurred in Grand Junction, Colorado, on September 17, 1934. From there he put a new Ford convertible roadster to the test: Bakersfield, California, on September 30; Salt Lake City, Utah, on October 22; Malta, Montana, on December 4; and many

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<sup>14</sup> National Wool Growers Association (hereafter, NWGA), *Proceedings of the 70<sup>th</sup> Annual Convention* (Phoenix: January 29-31, 1935), 51, in National Wool Growers Association Records, American Heritage Center, University of Wyoming, Laramie (hereafter, NWGA Records), Box 413.

<sup>15</sup> For a typical address that Carpenter gave to assembled stockgrowers during the early stages of the Taylor Grazing Act, see Wyoming Wool Growers Association (hereafter, WWGA), *Proceedings of the 31<sup>st</sup> Annual Convention of the Wyoming Wool Growers Association* (Laramie: July 30-August 1, 1935), 127-42, in Wyoming Wool Growers Collection, American Heritage Center, University of Wyoming, Laramie (hereafter, WWGA Collection), Box 5.

towns in between. His initial round of travels culminated in late January 1935 with a presentation before the NWGA.<sup>16</sup>

Ranchers came from all over to hear Carpenter speak about the Taylor Grazing Act. Prior to the first meeting in Grand Junction, for example, Carpenter envisioned the creation of only one grazing district of about three million acres in the area. Yet his office received over 700 applications from ranchers who wished to run their livestock in the proposed district. When the Grand Junction meeting was announced, ranchers from across western Colorado and eastern Utah descended upon the town, with some camping on its outskirts. On September 17, approximately 900 people assembled at the assigned place, cattlemen on one side and sheepmen on the other. Legend has it that Carpenter requested audience members to remove their side arms. Edward Taylor, meanwhile, mentioned that he hoped the district creation process would be “handled fairly, earnestly, and honestly” and endorsed Carpenter as “one of our kind of people,” namely, a westerner.<sup>17</sup>

Carpenter used these meetings to reiterate the same message he had used since first coming out in support of the AAA—that the status quo could not continue given the nature of the Great Depression and the current economic state of the western livestock industry. As he told ranchers in Billings, the Taylor Grazing Act provided the

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<sup>16</sup> NWGA, *Proceedings of the 70<sup>th</sup> Annual Convention*, 51-69. Carpenter also met privately with members of the NWGA Committee on Public Lands and Forest Grazing for to-and-a-half hours during the convention. See “Committee on Public Lands and Forest Grazing Meeting,” transcript, January 29, 1935, in *ibid.* Carpenter’s address before the entire group was also reprinted as Farrington R. Carpenter, “Administration of the Taylor Grazing Act,” *National Wool Grower* 25 (March 1935): 11-13. Ernest Winkler and Edward Kavanaugh accompanied Carpenter to most of these meetings. H. E. “Jack” Dennis, Carpenter’s secretary, transcribed the meeting proceedings. Dennis went on record the proceedings for several meetings of the American National Live Stock Association. For more on Carpenter’s travels, see Carpenter, *America’s First Grazier*, 111-12 and Farrington R. Carpenter, “Range Stockmen Meet the Government,” *Denver Westerners Monthly Roundup* 23 (October 1967): 8-14.

<sup>17</sup> “Transcript of Proceedings, Grand Junction,” 4-5. See also Carpenter, *America’s First Grazier*, 105, 110 and Carpenter, *Confessions of a Maverick*, 163-66.

tools for them to partake in “an experimental program” that could improve range conditions and recognize one’s claim to the public domain.<sup>18</sup> In other words, Carpenter suggested that ranchers and their representatives would be able to use the Taylor Act to modify and formalize preexisting grazing arrangements. He reminded his audiences that the act allowed his Division to cooperate with local stockgrowers’ associations and that he would work with them as they molded the act to fit local needs. In Carpenter’s eyes, the greatest potential for success in a federal range management program lay in providing for local cooperation and recognizing livestock grazing as the chief agricultural use of the public domain range.<sup>19</sup>

Carpenter quickly used the livestock association apparatus to ensure the success of his program. For example, he solicited the support of key industry leaders such as Julian Terrett, president of the Montana Stockgrowers Association (and Carpenter’s second-in-command by February 1936) and prior champions of the grazing district approach such as Nic Monte of Mizpah-Pumpkin fame (who joined the Division of Grazing by the fall of 1937).<sup>20</sup> Carpenter occasionally utilized more direct tactics as well, including making western Colorado cattlemen and sheepmen sit next to each other

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<sup>18</sup> “Transcript of Proceedings, Billings,” 3.

<sup>19</sup> See, for example, U.S. Department of the Interior, Division of Grazing, “Transcript of Proceedings, Malta, Montana” (December 4, 1934), 43-44 and idem., “Transcript of Proceedings, Reno, Nevada” (January 24, 1935), 12-13, in Carpenter Papers, Box 1. Sections 2, 4, and 9 of the Taylor Grazing Act explicitly allowed the federal government to cooperate with local livestock associations and other groups on the grazing districts. See *Taylor Grazing Act*, Public Law 482, *U.S. Statutes at Large* 48 (1934), 1270-71, 1273. That Carpenter used this language (especially Section 9) to justify his creation of grazing advisory boards is evidence to Michael Welsh that Carpenter was the chief culprit behind the livestock industry’s “capture” of federal range management on the public domain. See Welsh, “Beyond Designed Capture,” 370-71.

<sup>20</sup> Terrett, for example, fit the moniker of having “practical range experience” perfectly by growing up on and running the family ranch near Brandenburg, Montana, in addition to active service within the Montana Stockgrowers Association and ANLSA. For more on Terrett’s background, see “Sub-Chief of Grazing Service Saw Livestock Growth in Early Years on Father’s Montana Stock Ranch,” *Ogden Standard-Examiner*, September 19, 1941, and Dan Fulton, *Failure on the Plains: A Rancher’s View of the Public Lands Problem* (Bozeman: Big Sky Books, 1982), 133.

at dinner to hash out their differences or giving Wyoming stockmen an ultimatum that they support his approach or face the prospect of having an eastern bureaucrat enforce the Taylor Grazing Act without their insight.<sup>21</sup>

With key allies in hand, Carpenter encouraged his audiences to consider which parts of the public domain they wanted organized into grazing districts and which sections should remain available for lease or sale. In other words, Carpenter presented these meetings as an opportunity for ranchers to claim as much of the public domain range as they could. He encouraged stockgrowers to vote on the initial decision of whether they desired a grazing district, with anyone who was an American citizen and had run livestock on the public domain in the past eligible to give their opinion. After the initial vote, which was usually in favor of a district's creation, the process became much more restrictive. Carpenter worked with leading members of the cattle and sheep associations to organize a state advisory committee comprised of ten members from each group. This committee determined the number of districts to be created within the state and their boundaries. These groups could have considered other matters, including determining proper stocking rates and charging fees. In the name of expediency, however, Carpenter postponed a serious discussion of these issues. His primary goal was to create grazing districts and provide range access to stockgrowers for the coming grazing season.

Elections for members of a local advisory board occurred within ninety days after the creation of a grazing district. In an attempt to make sure that the voice of

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<sup>21</sup> "Oh boy," Carpenter later remarked, "I threatened those fellows and they didn't dare leave the room," voting unanimously to create a grazing district in Wyoming. O'Callaghan, "Historical Interview with Farrington R. Carpenter," 15. Carpenter told several versions of these stories in his reminiscences as examples of his informal approach and practicality when implementing the Taylor Act. See *ibid.*, 12-15; Carpenter, "Establishing Management under the Taylor Grazing Act," 108; and *idem.*, "Range Stockmen Meet the Government," 10-12.

smaller operators were heard, Carpenter organized the elections according to the principle of one person, one vote. Incorporated grazing associations and ranches received only one vote regardless of the number of shareholders or employees. Such a stipulation did not prevent several members of an association from running for a board position, however. Individuals who owned land or water rights near or within the district or had customarily ran livestock within its proposed boundaries could also vote. Advisory board candidates had to meet similar qualifications, and Division personnel made it clear that they preferred to work with ranchers who had experience in running livestock on the public domain. Electors chose only those candidates who represented their preferred class of livestock and each board featured an equal number of representatives from the cattle and sheep industries. Following the establishment of a grazing district and its advisory board, voting privileges were restricted to only those who gained the privilege to run livestock within the district.<sup>22</sup>

These boards bore primary responsibility in shaping the terms for range use within a district. Each one accepted applications for a one-year grazing license, which further reinforced Carpenter's desire for a rapid implementation of the Taylor Grazing Act and his philosophy that it should benefit those ranchers who already used the public domain. The principles of preference (property, proximity, and priority) informed each of the board's decisions, which Carpenter proposed in the following order:

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<sup>22</sup> The voting process was formalized in *Rules Providing for Special Elections for District Advisors to Assist in Management of Grazing Districts* (U.S. Department of the Interior, Division of Grazing, Circular No. 1, April 23, 1935). See also Thomas E. Buckman, *Setting Up Taylor Grazing Districts in Nevada* (Reno: University of Nevada Agricultural Extension Service Bulletin No. 77, 1937), 52-54.

- Class 1: applicants with dependent commensurate property and prior use
- Class 2: applicants who could prove prior use but did not have sufficient commensurate property
- Class 3: applicants with dependent commensurate property but no prior use.<sup>23</sup>

Board members were not required to conduct range or property surveys prior to the issuance of grazing licenses. Instead, they were allowed to recommend stocking rates for the 1935 grazing season “until a use equal to the 1934 use of the range” was reached.<sup>24</sup>

Any successful application for a grazing license had to meet the following qualifications. Each individual had to be fully engaged in the ranching business, meaning their annual income derived primarily from livestock. Each applicant had to describe their base property, including the number of acres owned/leased, its estimated forage value, current number of livestock, and water rights (if any). Successful applicants also had to display dependence, or that the success of their annual operation depended upon access to the public domain for part of the year. Finally, applicants had to convince the board of their prior use of the public domain and their proximity to it, which often went according to Carpenter’s suggestion that privileges go to the “‘Nearest’ first, ‘nearer’ second,” and everyone else third.<sup>25</sup>

Division officials worked only to encourage Carpenter’s democratic experiment during these initial organization efforts. With a small amount of personnel and an enormous amount of territory to cover, Carpenter suggested that his administration would be “circulatory, motorized and moving from one committee to the other

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<sup>23</sup> *Rules for the Guidance of District Advisors in Recommending the Issuance of Grazing Licenses* (U.S. Department of the Interior, Division of Grazing, Circular No. 2, May 31, 1935), 2.

<sup>24</sup> *Rules for the Guidance of District Advisors*, 2.

<sup>25</sup> “Transcript of Proceedings, Billings,” 80.

constantly.”<sup>26</sup> Indeed, Division officials had an enormous amount of ground to cover. For example, Marvin Klemme and Gerald Kerr undertook the task of organizing grazing districts in western Utah and northern Arizona. The amount ultimately under their responsibility constituted five grazing districts and 25 million acres—an area greater than the state of Indiana.<sup>27</sup> Moreover, Carpenter emphasized that his men would act as arbiters—not meddlers—who would simply preside over advisory board meetings and hear its recommendations. “[D]o not think some fine looking boy with a uniform and highly shined puttees is going to tell you where to turn out when the snow goes off and when to get off,” he told the Montana state grazing committee.<sup>28</sup> Such a statement suggested that Division personnel would work only in the interest of graziery, common sense, and the stockman.

The activities of the first grazing advisory boards reveal that Carpenter’s strategies formalized preexisting hierarchies and relationships within the western range livestock industry. This phenomenon most often occurred during elections and the distribution of grazing privileges. Those ranchers who were alert, politically conscious, and large-scale tended to gain positions on the state committees and district advisory boards. Julian Terrett’s name appeared on the membership roll of the first Montana State Advisory Committee. William B. Wright (president of the Nevada State Cattle Association) and prominent woolgrowers such as Allan G. McBride and Gordon Griswold put their names on the ballot in Nevada. Leading Idaho woolgrowers such as Merle Drake and S. W. McClure did the same. Indeed, smaller operators who attended

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<sup>26</sup> “Transcript of Proceedings, Malta,” 21.

<sup>27</sup> Klemme, *Home Rule on the Range*, 27-28 and “Status of Grazing Districts, June 1938,” in *The Taylor Grazing Act: 50 Years of Progress, 1934-1984* (Boise: Bureau of Land Management, 1984), 75.

<sup>28</sup> “Transcript of Proceedings, Malta,” 21.



the meeting in Boise to establish the state advisory committee complained that larger outfits dominated the nomination process.<sup>29</sup> The majority of these individuals were active in livestock association politics at the local, state, or national level.

Once elected, advisory board members acted as representatives of their industry and agents for the federal government. They represented local stockgrowers and their associations when making recommendations for range use. Board members also served as federal officials when doing so and received sufficient reimbursement from the Division to the amount of five dollars per day and five cents per mile when travelling to district meetings. Division personnel were present at every meeting, but grazing license applicants had to convince the advisory board if they wished to graze livestock within a particular district. Applicants stated the class and number of livestock they wished to run on the public domain; when, where, and how long they wished to do so; their prior use of the range in question; and the location and extent of their base property. Perhaps most important, the applicant had to prove that his annual operations depended upon access to the public domain. As geographer Wesley Calef commented, a rancher's ability to speak "persuasively, confidently, and (perhaps) cleverly" were important qualities during these deliberations.<sup>30</sup> Any personal relationship with a board member, the local livestock association, or a federal representative provided additional credibility for an applicant.

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<sup>29</sup> "Grazing Meeting Report," *Idaho Wool Growers Bulletin*, December 26, 1934, in *Taylor Grazing Act: 50 Years of Progress*, 95. For the original members of the state advisory committees, see "Transcript of Proceedings, Billings," 47-48; "Transcript of Proceedings, Boise," 117, 119; "Transcript of Proceedings, Reno," 54-55; and U.S. Department of the Interior, Division of Grazing, "Transcript of Proceedings, Bakersfield, California" (January 17, 1935), 99-101 in Carpenter Papers, Box 1. Marvin Klemme mentioned this trend during the organization of Arizona Grazing District No. 1 in Klemme, *Home Rule on the Range*, 28-31. See also Calef, *Private Grazing and Public Lands*, 62-70.

<sup>30</sup> Calef, *Private Grazing and Public Lands*, 65.

Carpenter's decision to distribute the decision making process among the grazing advisory boards allowed for the stipulations of the Taylor Grazing Act to conform to local customs. The creation of a grazing district did not mean an immediate reduction in range carrying capacities. Instead, advisory boards took Carpenter's advice to heart and made range use in 1935 equal to that of the year before. The grazing advisory boards also received wide latitude in determining property requirements, establishing dependency, and deciding upon priority dates. Most boards classified land within the district as spring, fall, or winter range and adjudicated licenses and timing accordingly. License lengths ranged from seventy-five days to seven months. Priority, or the required time an applicant had to use his base property in conjunction with the public domain prior to passage of the Taylor Act, varied widely from half a year in New Mexico, eight consecutive years in Nevada, and even ten years on one Utah grazing district.<sup>31</sup>

Many advisory boards also altered Carpenter's suggestions for license classifications in an attempt to make sure that access to the public domain was limited to local ranchers they preferred. To prevent range access from nonresident ranching operations, they classified those individuals who claimed prior use of the public domain but lacked sufficient private holdings in the vicinity as Class 3 applicants rather than Class 2 (as Carpenter had proposed). An individual who received such a classification was the least likely to receive a license. Moreover, board regulations made clear that if

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<sup>31</sup> For example, compare the Division of Grazing's *Rules for the Guidance of District Advisors* with the "Rules for Issuing 1936 Licenses in Wyoming District No. 1," attached to a letter from J. B. Wilson to Joseph C. O'Mahoney, April 29, 1936, in Joseph C. O'Mahoney Papers, American Heritage Center, University of Wyoming, Laramie (hereafter O'MahoneyPapers), Box 257, Fol. "Taylor Grazing Act, 1934-1936." See also Buckman, *Setting Up Taylor Grazing Districts in Nevada*, 54-55; Foss, *Politics and Grass*, 64-65; "Transcript of Proceedings, Malta," 73-80 and Second Annual Conference of District Advisors of the Division of Grazing, "Program" (Salt Lake City: December 9-11, 1936), Exhibit 3.

it determined that a reduction in livestock use was required, the burden would fall first on operations with a Class 3 license. Most boards also sought to charge a fee to those individuals who wished to trail livestock across a particular district.<sup>32</sup>

These tactics reinforced the belief among organized ranchers that use of public domain rangelands should be distributed among those who were best able to operate a profitable stockraising enterprise. Agricultural economics was the primary influence behind their approach, not range science. As Carpenter told a group of Montana ranchers in the small town of Malta, “When range rights are tied to the land it becomes valuable.”<sup>33</sup> Many stockgrowers agreed with him. In contrast to comments on behalf of the national domain made by New Dealers such as Rexford Tugwell, who implied that only federal experts could ensure proper land utilization, it was ranchers on the grazing advisory boards—with Carpenter’s support—who determined exactly how public domain range use supplemented their private operations.<sup>34</sup>

This approach produced immediate results in addition to public support from the national livestock associations and several state groups.<sup>35</sup> By May 31, 1935, Carpenter’s suggestions for district creation, advisory board elections, the issuance of grazing licenses, and other rules for range use—all of which done in consultation with

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<sup>32</sup> For instance, Wyoming Grazing District No. 1, charged one cent for cattle/horses and one cent per five sheep to those who wished to trail across the district. See “Rules for Issuing 1936 Licenses in Wyoming District No. 1.” See also Klemme, *Home Rule on the Range*, 35-36. For more on the Division’s attempts to regulate livestock movements, see Lee Perry, “Memorandum to all Sheep Operators in Nevada Grazing District Number 1,” June 15, 1939 and the attached “Application for Trailing License” in Gordon Griswold Collection, Special Collections, University of Nevada, Reno Libraries (hereafter, Griswold Collection), Box 2, Fol. 20.

<sup>33</sup> U.S. Department of the Interior, Division of Grazing, “Transcript of Proceedings, Malta, Montana” (December 4, 1934), 22, in Carpenter Papers, Box 1.

<sup>34</sup> For instance, Carpenter’s methods contrasted significantly from those of Rexford Tugwell’s Resettlement Administration. See Rexford G. Tugwell, “Our New National Domain,” *Scribner’s Magazine* 99 (March 1936): 164-68.

<sup>35</sup> For example, see, “Report of the Committee on Public Lands,” in NWGA, *Proceedings of the 70<sup>th</sup> Annual Convention*, 9-11.

assembled stockgrowers—received the approval of Secretary Ickes.<sup>36</sup> On June 28, one year after passage of the act that bore his name, Edward Taylor started an annual tradition of addressing the House of Representatives on the progress made by the federal grazing program.<sup>37</sup> By the end of the year, Carpenter’s administration ran up against the eighty-million-acre limitation of the Taylor Grazing Act by establishing 34 grazing districts that encompassed 76.4 million acres of public domain in the Intermountain West.<sup>38</sup> (See Figure 5.1) Thirty districts were in operation by the fall of 1935 and they had received over 16,000 grazing license applications. After reviewing recommendations from the 483 stockmen who sat on the district advisory boards, the Division of Grazing issued over 14,500 licenses, which provided for approximately 8 million livestock in all, including 1.5 cattle and 6.2 million sheep.<sup>39</sup>

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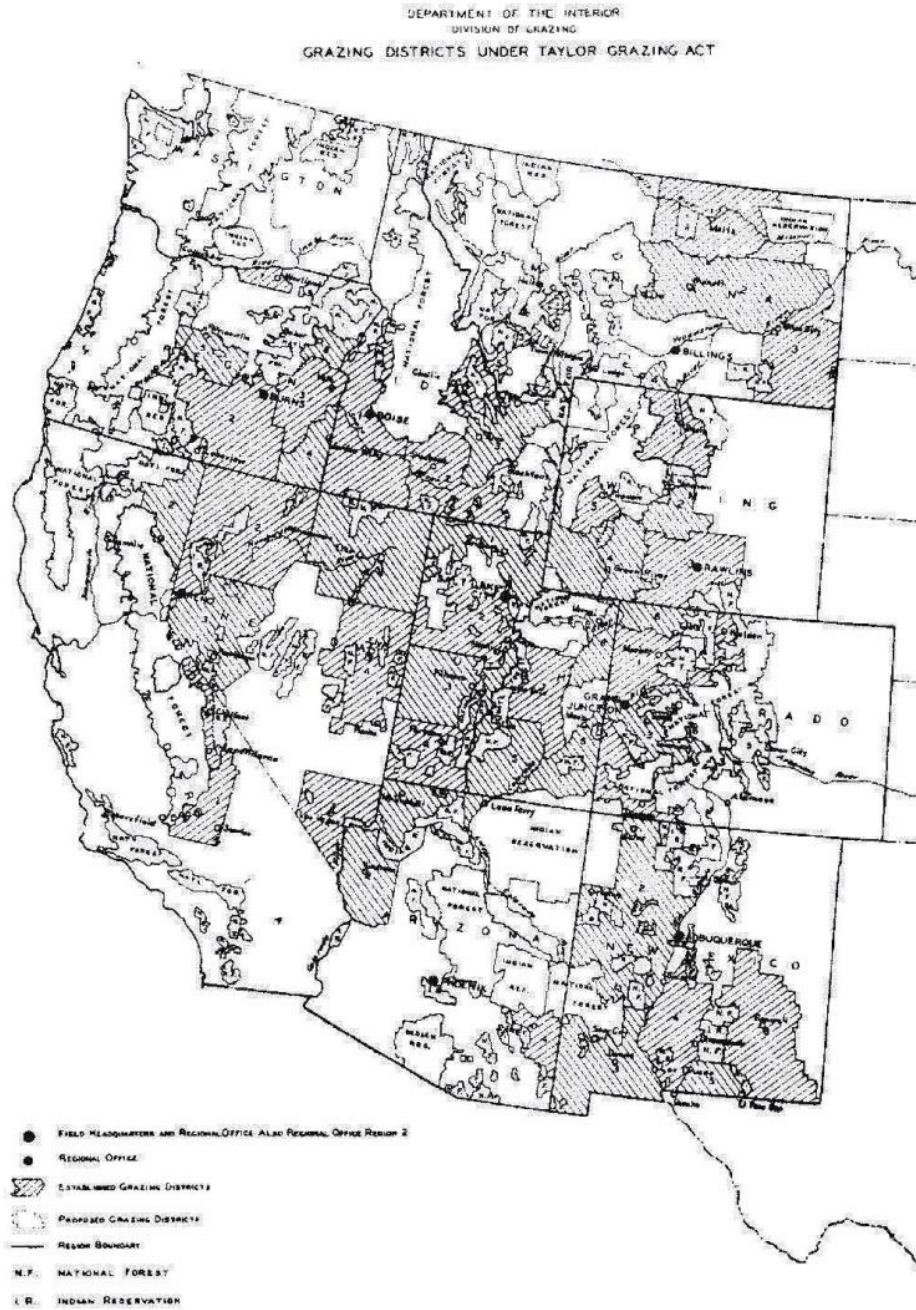
<sup>36</sup> *Rules Providing for Special Elections for District Advisors and Rules for the Guidance of District Advisors*. Both circulars were later organized under *Rules for Administration of Grazing Districts* (U.S. Department of the Interior, Division of Grazing, March 2, 1936).

<sup>37</sup> *Congressional Record*, 74<sup>th</sup> Cong., 1<sup>st</sup> sess., 79, pt. 9, 10393-97

<sup>38</sup> When one takes into account state and private lands also incorporated into the grazing districts, this amount increases to a total gross acreage of over 181 million acres. See “Status of Grazing Districts” in *Taylor Grazing Act: 50 Years of Progress*, 75.

<sup>39</sup> Farrington R. Carpenter to all District Advisors, September 25, 1935 and attached press release, in Griswold Collection, Box 2, Fol. 17 and Second Annual Conference of District Advisors, “Program,” Exhibit 2. See also Buckman, *Setting Up Taylor Grazing Districts in Nevada*, 11

**Figure 5.1: Grazing Districts Established Under the Taylor Grazing Act, 1936**



From: Farrington R. Carpenter Papers, Western History Collection, Western History and Genealogy Department, Denver Public Library, Box 1.

Supporters of the grazing district approach emphasized that few individuals filed for an appeal if the board rejected their application. Only 250 of the original applicants officially protested a board's decision. Of that amount, only 51 appealed to Secretary Ickes. Thomas Buckman, who observed the creation of Nevada's first grazing districts, commented that the small number of rejected applications and overall lack of appeals was proof that the grazing advisory boards were fair and "indicative of what can be accomplished by [the] cooperation of stockmen with the Federal Government in the management of western grazing lands."<sup>40</sup>

In fact, this phenomenon reflected organized ranchers' efforts to formalize claims to the public domain that already existed. Carpenter's understandings of graziery and land use complemented ranchers' efforts to maintain preference in the use of the public domain range and keep it chiefly valuable for grazing. As a result, the advisory boards accounted for as many range claims as they could—for small and large operators alike. Of the almost 10,500 grazing licenses distributed to cattlemen in 1935, over half went to owners of less than fifty head and another forty percent went to owners of between fifty and five hundred cattle. Only six percent of these licenses went to large-scale cattle raising operations with over one thousand head. Meanwhile, of the approximately 4,500 licenses distributed to sheepmen, over one-third went to operators with less than five hundred head and another third to owners of between five hundred and two thousand sheep. The remainder (just over one thousand licenses) went to large-scale operations with over two thousand animals.<sup>41</sup>

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<sup>40</sup> Buckman, *Setting Up Taylor Grazing Districts in Nevada*, 114-115.

<sup>41</sup> Carpenter to all District Advisors and attached press release, September 25, 1935.

These statistics were a result of Carpenter's efforts to give western stockmen "a chance to hew things out for themselves."<sup>42</sup> His "split control" method, which divided administrative responsibilities among local advisory boards, state committees, and the Division of Grazing allowed federal officials to cover a significant chunk of territory and contributed to the rapid implementation of the Taylor Grazing Act that provided for eight million livestock and over fourteen thousand range users in 1935 alone. This faith in local self-government stemmed as much from Carpenter's understanding of the chief use of rangelands and his ranching background as it did from the Division's limited manpower or appropriations. The idyllic picture of local grazing advisory boards reviewing applications and determining regulations with the help of government officials fell firmly within the American political tradition of federalism. Whether the advisory board approach and concerns for local conditions would infringe upon the public good, however, was a question that Carpenter did not consider. Moreover, he was vague as to when the local boards would recognize that they overstepped their bounds. As this statement to the Montana state grazing committee shows, Carpenter assigned the advisory boards a rather ambiguous role in regards to their proper relationship to the state: "Nothing you do is final. Your duties are advisory only; but we expect to lean on you very considerably, and to what extent will depend on the amount and the quality of the work we get."<sup>43</sup> But how heavily would the Division lean upon the boards and how much leeway would they receive in return? Would other perspectives in the rangeland debate be heard? The answers to those questions lay in the day-to-day activities of advisory board members and in the other tactics that

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<sup>42</sup> "Transcript of Proceedings, Billings," 25.

<sup>43</sup> "Transcript of Proceedings, Malta," 78.

organized stockgrowers utilized to reinforce their claims to the public domain. The underlying motive remained the same in all these cases: to keep the range chiefly valuable for grazing and maintain preference in its use.

The activities of Nevada woolgrower Gordon Griswold during the initial implementation of the Taylor Grazing Act helps reveal the difficult position that advisory board members occupied. Griswold was among the original members of the advisory board for Nevada's Grazing District No. 1, which stretched across eight million acres of public domain in the northeast corner of the state. He was involved in deliberations that distributed 397 licenses for the 1935 season that provided for 171,000 cattle, 14,000 horses, and 441,000 sheep.<sup>44</sup> Griswold himself was an ideal candidate for the advisory board because he was a prominent local rancher and had a stake in administering public domain rangelands according to the principles of preference. He oversaw an operation that featured over 10,000 sheep and depended upon access to the public domain for much of the year, maintaining close connections to eastern wool merchants in the process. By 1937, for example, he used District No. 1 rangeland for 7,700 sheep from April 1 to May 31; 1,000 sheep from June 1 to August 31; and 2,150 sheep from September 1 to October 31.<sup>45</sup> Griswold therefore had his own economic concerns to take into account when he assisted in district administration. Upon attending an advisory board meeting, however, Griswold became a federal employee

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<sup>44</sup> Carpenter to all District Advisors and attached press release, September 25, 1935.

<sup>45</sup> See U.S. Department of the Interior, Division of Grazing, Application for Grazing Lease, Griswold Livestock Company, 1936 and U.S. Department of the Interior, Division of Grazing, Notice to Applicant for Grazing License, Griswold Livestock Co., Elko, NV, May 13, 1937, in Griswold Collection, Box 1, Fol. 2. In addition to supplying his own wool to eastern merchants (particularly in Boston), Griswold served as a procuring agent to obtain more western wool on their behalf. For a small sample, see Agreement, Gordon Griswold and Eisemann Brothers (Boston, MA), December 22, 1934, and Agreement, Gordon Griswold and Stressenger & Nilsson (Boston, MA), December 30, 1937, in *ibid.*, Box 1, Fol. 1. For more correspondence and account statements between Griswold and eastern wool buyers, see *ibid.*, Box 2, Fols. 1-10.



and was reimbursed as such. Indeed, for Griswold, conducting business on behalf of the grazing district sometimes required traveling to the Division's field headquarters in Salt Lake City, Utah, as well as to the district office in Elko, Nevada.<sup>46</sup>

Advisory board members such as Griswold served as an extension to the Division of Grazing's range management program in almost every way. They could call attention to the district or regional office if they discovered livestock trespassing on the newly created grazing district. They could even hand out trespass notifications themselves to those individuals who were using the range but had not applied for a license.<sup>47</sup>

Federal officials even solicited board members to advise them in locating camps for the Civilian Conservation Corps (CCC). Indeed, the first grazing districts benefitted from the CCC immensely and the Division had 45 camps at its disposal by November 1935. But, as the supervisor for all emergency conservation work in Nevada wrote to local stockgrowers (including Griswold), "We do not know the local situation. You do."<sup>48</sup> Board members and federal officials therefore collaborated over determining the location of CCC camps and the type of work they conducted. By the end of the year, CCC workers had developed numerous springs, constructed check dams to stem soil

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<sup>46</sup> The first advisory board members went through procedures familiar to many government officials today when claiming reimbursement for mileage and other travel costs. For instance, see Farrington R. Carpenter, Memorandum for District Advisors, February 10, 1936; Depue Falk to Gordon Griswold, February 4, 1936; E. H. Frenzell to Gordon Griswold, April 14, 1936; and E. H. Frenzell to Gordon Griswold, May 4, 1936 in Griswold Collection, Box 2, Fol. 18; and U.S. Department of the Interior, Office of the Secretary, "Authorization of Field Work, Mr. Gordon Griswold," January 4, 1936 in *ibid.*, Box. 2, Fol. 19.

<sup>47</sup> See E. H. Frenzell to Gordon Griswold, April 2, 1936, Griswold Collection, Box 2, Fol. 17, which pertains to a trespass case reported to the Division by Griswold.

<sup>48</sup> Chester R. Hunt to Those Desiring Additional Grazing Camps in this Area, n.d. (ca. 1935), in Griswold Collection, Box 2, Fol. 17.

erosion, cleared thousands of acres from varmints and poisonous plants, and built hundreds of miles of roads and fences—all necessary range improvements.<sup>49</sup>

Surveying and mapmaking constituted the most important work of the CCC on the public domain during these early stages. With Carpenter's support and the help of individuals on loan from the General Land Office, the Division recruited CCC men who wanted instruction in map making and range survey techniques. It established drafting schools in Albuquerque, Reno, and Salt Lake City to start the necessary map-making work. Other young men received instruction in plant identification and survey techniques at the various CCC camps prior to conducting the all-important range and property surveys on the grazing districts.<sup>50</sup>

By investigating range claims and conditions on the public domain, CCC survey groups helped complete a process first initiated by investigators from the Division of Agrostology. Nonetheless, the process was still slow; its methods having changed little since the late nineteenth century. Utilizing the quadrat system, CCC crews (often with the assistance of a Division official or an advisory board member) crept across the

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<sup>49</sup> A large amount of literature surrounds the Civilian Conservation Corps, with the most recent interpretations of the program focusing on how it contributed to the rise of modern environmentalism and outdoor recreation. See, for example, Neil M. Maher, *Nature's New Deal: The Civilian Conservation Corps and the Roots of the American Environmental Movement* (New York: Oxford University Press, 2008) and Paul S. Sutter, *Driven Wild: How the Fight against Automobiles Launched the Modern Wilderness Movement* (Seattle: University of Washington Press, 2002), esp. 48-50, 137. As Harold Steen indicates, the U.S. Forest Service administered nearly half of the CCC projects in the nation. The Soil Conservation Service and National Park Service also administered numerous camps. See Harold K. Steen, *The U.S. Forest Service: A History*, centennial ed. (Durham and Seattle: Forest History Society in association with the University of Washington Press, 2004), 215. CCC work on the western range remains overlooked for the most part and deserves more research. For a basic start, see Wayne K. Hinton and Elizabeth A. Green, *With Picks, Shovels, and Hope: The CCC and Its Legacy on the Colorado Plateau* (Missoula, MT: Mountain Press Publishing, 2008), 36-37, 129-35. For more information on the work of the CCC in Nevada, where the Division of Grazing operated the most camps in the state, see Renée Corona Kolvet and Victoria Ford, *The Civilian Conservation Corps in Nevada: From Boys to Men* (Reno: University of Nevada Press, 2006), 53-69. When examining the effects of the CCC on the West, one must also not forget Lowitt, *The New Deal and the West*, esp. 67-68 in regards to its relationship with the Taylor Grazing Act.

<sup>50</sup> See Carpenter, *America's First Grazier*, 117-19.

public domain and determined vegetation and soil types. The Division of Grazing then used this data and the maps that crews produced in order to determine carrying capacities, display the properties owned by their permittees, and plan future range improvement projects. Results were slow in coming. By November 1936, private property surveys had been completed on only three districts (all in Utah) and only two districts (one in Arizona and one in New Mexico) featured completed range surveys. Estimated dates for the conclusion of additional range survey projects were in January 1940 at the earliest. Regardless of the time it took to complete its projects, the primary goal of the CCC on the public domain remained improving range productivity for livestock.<sup>51</sup>

In addition to utilizing a New Deal relief program such as the CCC to their advantage, western ranchers moved quickly to secure preference in the use of isolated, intermittent sections of public domain available for lease according to Section 15 of the Taylor Grazing Act. The act stipulated that the Secretary of the Interior (and ultimately the GLO) would determine the distribution of these leases. Therefore, rather than go through Carpenter's office, stockgrowers utilized connections with federal representatives in order to get a favorable response for their lease requests. Many

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<sup>51</sup> For the status of Division property and range surveys, see Second Annual Conference of District Advisors, "Program," Exhibit #5. For more information on the survey work conducted by the CCC, see Buckman, *Setting Up Taylor Grazing Districts*, 111; John Gustafson, *As I Remember...* (Laredo, TX: 1992), 32-33, in Special Collections, University of Nevada-Reno Libraries, Reno, NV, Call # 92-10, which describes the experiences of a local grazer who oversaw CCC survey work in Nevada; and Rhonda Skaggs et al., "Vegetation Maps at the Passage of the Taylor Grazing Act (1934): A Baseline to Evaluate Rangeland Change After a Regime Shift," *Rangelands* 33 (February 2011): 13-19, which describes the range survey work conducted in southern New Mexico, the maps that were produced, and their value for current land managers today. CCC crews also played instrumental roles in helping ranchers clear snow on the range after blizzards so they could feed their livestock. For an example of such work done in Utah after a snowstorm in February 1937, see F. D. Riggle, Narrative Report, February 16, 1937; M. P. Greaves, Narrative Report of Emergency Work, n.d. (ca. February 1935); and R. G. Parmelee to D. D. McKay, February 19, 1937, in W.P.A. History of Grazing Collection, Special Collections and Archives, Merrill Library, Utah State University, Logan, Box 6, Fol. 3.

ranchers were eager to formalize their claims to these sections, many of which lay adjacent to their private holdings. “Please try and get some action on Section Fifteen of [the] Taylor Grazing Bill before you leave,” Frank Long of Buffalo, Wyoming, wrote to Senator Joseph O’Mahoney in August 1935.<sup>52</sup> The matter was of primary importance because of transient livestock grazing operations, or “range pirates,” who continued to access these sections even after the passage of the Taylor Grazing Act, “mooching off the legitimate ranchers” in the process according to George Snodgrass of Casper, Wyoming.<sup>53</sup>

Stockgrowers like Long and Snodgrass insisted on the right to lease these tracts of public domain rather than their competitors because of their understandings of preference. They were particularly worried that distant landowners might be able to obtain a Section 15 lease. They also wanted their leases to last for ten years with the possibility of renewal, which would stabilize their annual operations and enhance their likelihood of receiving bank loans. For these reasons, then, one can understand why Curtis Templin of the Swan Company complained of “a great injustice” if his operations were unable to lease the isolated tracts of public domain in southeastern Wyoming that it already claimed through preference.<sup>54</sup> Therefore, they supported O’Mahoney’s efforts to implement Section 15 in a manner that would, as Templin wrote, “give the Secretary less power and your rancher friends more protection.”<sup>55</sup>

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<sup>52</sup> Frank E. Long to Joseph C. O’Mahoney, August 28, 1935, in O’Mahoney Papers, Box 257, Fol. “Legislation, 1934-1935: Taylor Grazing Act (Amendment H.R. 3019)”.

<sup>53</sup> George H. Snodgrass to Joseph C. O’Mahoney, May 25, 1935, in *ibid.*

<sup>54</sup> Curtis Templin to Joseph C. O’Mahoney, May 25, 1935, in *ibid.*

<sup>55</sup> Curtis Templin to Joseph C. O’Mahoney, April 10, 1935, in *ibid.* O’Mahoney’s papers contain a multitude of letters from Wyoming ranchers who were concerned with the implementation of the Taylor Grazing Act, particularly Section 15. For a small sample, refer to Bard Ferrall to Joseph C. O’Mahoney, May 3, 1936, in *ibid.*, Fol. “Taylor Grazing Act, 1934-1936”; A. J. Carlson to Joseph C. O’Mahoney,

The leasing of Section 15 lands further reveals how the national domain and private ranching operations intertwined and how local ranchers used the Taylor Grazing Act to formalize preexisting claims to public rangelands. Nor did ranchers always need Farrington Carpenter to accomplish this goal. In regards to Section 15, for instance, Senator O'Mahoney worked behind the scenes and introduced an amendment to the Taylor Grazing Act that required the GLO to revise its leasing regulations by granting preference to nearby landowners in obtaining ten-year leases to isolated sections of the public domain, effectively preventing anyone else from accessing those lands. The Division of Grazing retained oversight of these sections, which included the opportunity to inspect them upon hearing of a lease application or a request for renewal. State game regulations determined whether people could hunt or fish on leased grazing lands. Overall, however, access to Section 15 lands proved difficult for the public and Division of Grazing personnel alike because, first, one had to locate the land in question on a map and, second, one often had to obtain permission to cross private property in order to access it. Ranchers such as Frank Long, George Snodgrass, and Curtis Templin had always seen these sections of public domain as extensions of their private operations. Section 15 of the Taylor Grazing Act provided an opportunity to validate their assumptions, often at the expense of others interested in the range.<sup>56</sup>

For instance, conservation organizations found it just as difficult to access the grazing advisory board apparatus as a hunter would in gaining entry to a Section 15

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March 16, 1937, and William Kyne to Joseph C. O'Mahoney, March 31, 1937, in *ibid.*, Fol."Taylor Grazing Act, General File, 1937."

<sup>56</sup> *Regulations Covering the Leasing of Public Lands for the Grazing of Livestock Under the Act of June 28, 1934* (U.S. Department of the Interior, General Land Office, Circular No. 1401, rev., April 30, 1937). See also Mike Mackey, "Wyoming Stock Growers and the Taylor Grazing Act," *Journal of the West* 35 (July 1996): 22-23. There is much debate over whether Section 15 grazing leases constitute private or public land. For instance, see Calef, *Private Grazing and Public Lands*, 161-64.

claim, discovering that they could do so only on ranchers' terms. Nonetheless, they tried to hold stockgrowers, Farrington Carpenter, and western Senators accountable for incorporating other voices in public domain range management. Their primary concern was having the federal government maintain a place for wildlife on the public domain. *Nature Magazine* reminded its readers that the Taylor Grazing Act made "specific references to wildlife" several times.<sup>57</sup> Likewise, S. Barry Locke, conservation director for the Izaak Walton League of America (IWLA), wrote to Senator O'Mahoney, "Wildlife is a most important resource on [the public domain] and deserves to be given specific recognition among the objectives of the [Taylor Grazing] Act."<sup>58</sup> Local conservation advocates, especially sportsmen, also recognized the potential of public domain range administration in managing game populations. The Wyoming Division of the IWLA, for example, asked Senator O'Mahoney to keep wildlife in mind during his attempts to revise the Taylor Grazing Act and proposed that wildlife preservation become a stated objective of the act.<sup>59</sup> O'Mahoney failed to respond to such requests with the same zeal as he did with his ranching constituents, however.

Stymied at the federal level, conservationists focused on gaining a foothold within the local advisory boards. Their efforts were sporadic and brought only mixed success, which was a result of a continued lack of interest in the public domain by much

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<sup>57</sup> "Wildlife on the Public Domain," *Nature Magazine* 25 (April 1935): 198-99.

<sup>58</sup> S. B. Locke to Joseph C. O'Mahoney, May 21, 1936, in O'Mahoney Papers, Box 257, Fol. "Taylor Grazing Act, 1934-1936". See also Locke to O'Mahoney, May 24, 1935, and Charles J. Curran to O'Mahoney, May 30, 1935 in *ibid.*, Box 257, Fol. "Legislation, 1934-1935: Taylor Grazing Act (Amendment H.R. 3019)".

<sup>59</sup> For example, see, the presidential address of Dr. John W. Scott in Wyoming Division, Izaak Walton League of America, "Proceedings of the Eleventh Annual Convention" (Laramie: June 24-25, 1935), in Izaak Walton League of America, Wyoming Division, Records, American Heritage Center, University of Wyoming, Laramie (hereafter IWLA, Wyoming Division Records), Box 2.

of the conservation community and ranchers' efforts to keep the range chiefly valuable for grazing.

Farrington Carpenter epitomized the sentiments that many ranchers held toward wildlife and public access to the range, namely that livestock grazing should remain the priority. He challenged the small (but growing) concept that range management on the public domain was for the benefit of all Americans, similar to the administration of the national forests and parks. He countered such sentiment by advocating for the local domain, or by suggesting that livestock grazing should remain the chief use of the range because of its economic contribution and because the majority of Americans lived nowhere near the public domain. For similar reasons, Carpenter argued that wildlife should not infringe upon range use by livestock. "We are all interested in [the] preservation of wild life, and there is a rightful place for it," he said before ranchers in Boise, "However, as members of an industry which furnishes meat to the armies in time[s] of need, [stockgrowers] are a material factor and should come strongly into the picture," suggesting that livestock contributed more to the economy than outdoor recreation.<sup>60</sup>

Therefore, the extent to which the advisory boards took into account wildlife or other uses of the public domain varied considerably, which conformed to Carpenter's "split control" approach but did not guarantee the potential for multiple use. Most boards issued resolutions similar to Nevada Grazing District No. 1, which stated that wildlife would receive "due consideration" in range management matters but little

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<sup>60</sup> "Transcript of Proceedings, Boise," Carpenter Papers, Box 1. See also "Transcript of Proceedings, Bakersfield," Carpenter Papers, Box 1.

else.<sup>61</sup> Other stockgrowers such as J. B. Wilson in Wyoming indicated that they welcomed conservationists to sit in on advisory board meetings. Such individuals would not have the ability to vote on board decisions, however.<sup>62</sup> These sentiments revealed that while ranchers recognized their role in wildlife conservation on the range, they believed that such management should occur on their terms.

Only in New Mexico did any initial efforts take place to balance livestock with other uses of the public domain. Such work was a product of the same cooperation between the state livestock associations and groups like the Southwest Conservation League that convinced legislators to incorporate wildlife into the Taylor Grazing Act in the first place. In addition to regularly elected advisors chosen by stockgrowers, each district in the state selected an advisor who represented wildlife and outdoor recreation. This individual, nominated by the land use committee of the New Mexico State Planning Board, did not have to be a rancher. Moreover, New Mexico's grazing advisory boards considered wildlife when determining stocking rates, assisted in organizing wildlife refuges, and complied with (and helped enforce) all state and federal game laws.<sup>63</sup> The model was clearly a compromise, as livestock grazing remained the overwhelming focus on the New Mexico districts and others that applied the model. Nonetheless, C. M. Botts of the Southwest Conservation League defended the plan because it simultaneously allowed a rancher to "conserve in his own interest" and gave

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<sup>61</sup> Quoted in Buckman, *Setting Up Taylor Grazing Districts in Nevada*, 112.

<sup>62</sup> WWGA, *Proceedings of the 31<sup>st</sup> Annual Convention*, 173-74, in WWGA Records, Box 5.

<sup>63</sup> The Division of Grazing recognized the "New Mexico plan" with its own circular. See *Special Rules for Grazing Districts in New Mexico* (U.S. Department of the Interior, Division of Grazing, Circular No. 3, August 7, 1935). See also Robert K. Mortensen, *In the Cause of Progress: A History of the New Mexico Cattle Growers' Association* (Albuquerque: New Mexico Stockman, 1983), 85.



conservationists the chance to determine which portions of the public domain might be more valuable for wildlife than for livestock.<sup>64</sup>

Botts went on to comment on an important fact that helps explain the overall subordination of wildlife and other uses on the public domain in favor of livestock grazing during this time. “The truth is that the future of our wildlife lies in the hand of him who occupies the land, aided by such encouragement and cooperation as the conservation organizations can give him,” he wrote to Arthur H. Carhart, a fellow conservationist who resided in Colorado.<sup>65</sup> Yet the Taylor Grazing Act did not compel ranchers or Farrington Carpenter to recognize such “encouragement and cooperation.” Botts may have been optimistic, but others were not. Virgil Bennington of the Washington State Game and Fish Commission complained that stockgrowers had “made the wildlife interests suck the hind tit [for] so long they’ve got us thinking we’re not entitled to anything else.”<sup>66</sup> Even Carhart complained when the Division of Grazing did not consult any state game and fish interests while it established grazing districts in Colorado.<sup>67</sup>

The overwhelming majority of ranchers responded in one of two ways when they confronted the possibility of dealing with a competing use for the public domain. Many stockgrowers reflected Farrington Carpenter’s sentiments by opposing the establishment of wildlife refuges on the public domain on the basis that they would

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<sup>64</sup> C. M. Botts to Arthur H. Carhart, December 27, 1935, in Arthur H. Carhart Papers, Conservation Collection, Denver Public Library (hereafter Carhart Papers), Box 7, Fol. 8.

<sup>65</sup> Botts to Carhart, December 27, 1935, in Carhart Papers, Box 7, Fol. 8.

<sup>66</sup> Arthur Carhart repeated Bennington’s statement in Arthur H. Carhart to Virgil Bennington, December 19, 1935, in Carhart Papers, Box 7, Fol. 8.

<sup>67</sup> See *ibid.* and Arthur H. Carhart to Ira N. Gabrielson December 19, 1935, in Carhart Papers, Box 7, Fol. 8. For more on Carhart’s response to the Taylor Grazing Act, see Tom Wolf, *Arthur Carhart: Wilderness Prophet* (Boulder: University Press of Colorado, 2008), 140.

hinder their operations and hurt the economy.<sup>68</sup> If outright opposition did not work or was no longer an option, however, ranchers sought either compensation or guaranteed grazing access to part of the public domain even after its designation as a wildlife refuge or national monument. Such was the case with the Malheur National Wildlife Refuge in southeast Oregon and Organ Pipe Cactus National Monument in southern Arizona. In the case of the former, the Bureau of Biological Survey (later the Fish and Wildlife Service) permitted livestock grazing within the refuge to continue after its expansion in 1935. Meanwhile, in Organ Pipe, the Robert Gray family solicited the help of Senator Carl Hayden (who was also a member of the Arizona Cattle Growers Association) to obtain a lifetime grazing permit for up to 1,500 cattle within the monument following its creation in 1937.<sup>69</sup>

The above episodes show how the Taylor Grazing Act complemented ranchers' efforts to distribute public domain rangelands among themselves in a manner far beyond what Carpenter could have anticipated. His concept of "split control" centered primarily on the organization of district advisory boards and their cooperation with Division personnel. Yet many stockgrowers interpreted Carpenter's approach as an

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<sup>68</sup> For a sample of such opposition in Wyoming, see J. B. Wilson to Joseph C. O'Mahoney, June 14, 1936 and J. B. Wilson to Farrington R. Carpenter, June 14, 1936, in O'Mahoney Papers, Box 257, Fol. "Taylor Grazing Act, 1934-1936".

<sup>69</sup> For more on grazing within Malheur National Wildlife Refuge, see Klemme, *Home Rule on the Range*, 110-13. In the early 1970s, Daniel and Nancy Ferguson worked at a field station near the refuge, observed a correlation between the decline in waterfowl populations and an increase in cattle numbers (ultimately referring to the refuge as a "gigantic cow pasture") and began work on their anti-grazing treatise *Sacred Cows at the Public Trough* (Bend, OR: Maverick Publications, 1983), 1. For Organ Pipe Cactus National Monument, see Robin L. Pinto "Grazing and the National Park Service: Range History in Organ Pipe Cactus National Monument" (paper presented at the 65<sup>th</sup> Annual Meeting of the Society For Range Management, Spokane, WA, January 31, 2012). For more information on the history of livestock grazing within the national parks, refer to Mark Fiege, "Parks and Pastoralism: A Preliminary Administrative History of Livestock Grazing in the National Parks" (manuscript in possession of the author).

opportunity to continue using relationships and avenues long open to them, namely the livestock association and western politician. In turn, western legislators' attempts to amend the Taylor Grazing Act and revise Division protocols in response to demands from their ranching constituents complemented Carpenter's efforts further. Everyone involved—notably stockgrowers—worked to keep the public domain range chiefly valuable for grazing. After all, Carpenter allowed ranchers to assemble, vote whether they wanted a grazing district in their area, designate its boundaries, and determine their representatives on an advisory board. Even some Forest Service employees were optimistic about this process, Edward Kavanaugh chief among them. By the time his detail with the Division of Grazing ended, Kavanaugh hoped that Carpenter's experiment would "prove conclusively that given the opportunity the Western stockman will prove to be as constructive along conservation lines as anyone else."<sup>70</sup>

The fact that other livestock owners during this period did not have such benevolent experiences with the federal government makes Farrington Carpenter's approach even more striking. In the South, for example, poor farmers continued to find themselves marginalized when they encountered state and federal efforts to eradicate the cattle tick and modernize the region's livestock industry. As historian Claire Strom indicates, tick removal efforts privileged commercial producers and limited economic opportunities for those who had only a few head of livestock.<sup>71</sup> Meanwhile, in Arizona and New Mexico, the Navajos experienced trouble when range and soil scientists

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<sup>70</sup> Ed Kavanaugh, "Benefits of Grazing Control on the Public Lands," n.d. (ca. 1935), 7-8, in Carpenter Papers, Box 1. Other commentators such as John McGowen of the University of Wyoming referred to Carpenter's approach as an example of American democracy at its finest. "It is a picturesque sight to see a group of rugged livestock men voting for their own administrators who must be elected from among their own number," he wrote, "a sight, we would judge, that is not altogether different from the town meeting in a New England Colony." See McGowen, *Cowboy Joe, Administrator*, 87-88.

<sup>71</sup> Claire Strom, *Making Catfish Bait Out of Government Boys: The Fight Against Cattle Ticks and the Transformation of the Yeoman South* (Athens: University of Georgia Press, 2009).

entered their reservation convinced that too many sheep and goats were the cause of range deterioration in the area. There was a large number of sheep on the reservation, perhaps as many as 1.3 million by 1930. But, as historian Marsha Weisiger argues, when officials implemented a stock reduction program, they ignored the concerns of Navajo herders (especially women) and their perceptions of the landscape, which prevented the creation of a durable range conservation program on the reservation.<sup>72</sup> Both Southern yeomen and Navajo herders resisted the challenges they faced by petitioning or sometimes resorting to violence, but their concerns were largely ignored. Meanwhile, Carpenter's approach helped strengthen the relationship that many members of the livestock associations already had with the state—one quite different from that of poor Southern farmers or the Navajos.

Yet even the actions of the advisory boards privileged certain stockgrowers over others. Basque, Greek, and Mexican herders whom western politicians and ranchers referred to as “tramp sheepmen” or “range pirates” were marginalized following the Taylor Grazing Act by stockgrowers who used the measure to prevent them access to the public domain. Put plainly, local ranchers often applied the “tramp sheepmen” label to anyone who did not look like them with a flock of sheep. For instance, George Snodgrass of Casper (who raised sheep as well as cattle) referred to such people as “a bunch of ignorant foreigners [who] should be pushing a wheelbarrow with the directions on it” rather than be raising livestock.<sup>73</sup> Carpenter originally allowed these individuals an opportunity to vote and apply for a grazing license as long as they were

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<sup>72</sup> Marsha Weisiger, *Dreaming of Sheep in Navajo Country* (Seattle: University of Washington Press, 2009).

<sup>73</sup> George Snodgrass to Joseph C. O'Mahoney, May 25, 1935, in O'Mahoney Papers, Box 257, Fol. “Legislation, 1934-1935: Taylor Grazing Act (Amendment H.R. 3019)”.

an American citizen and could prove prior use of the public domain. By determining grazing privileges according to the principles of preference, however, the Division of Grazing forced many of these operations to reorganize or go out of business.<sup>74</sup>

The experiences of transient sheepmen beg the question of whether Carpenter's "split control" approach contributed to equal opportunity on the public domain or perpetuated the status quo. Carpenter appreciated the valuable experiences of range cattlemen and sheepmen. Perhaps he even agreed with Bernard DeVoto who, in his essay "The West: A Plundered Province," which had appeared in *Harper's Magazine* in August 1934, described a western rancher as "a tough, tenacious, overworked, and cynical person, with no more romance to him than the greasewood and alkali in which he labors."<sup>75</sup> A native of Ogden, Utah, and regular contributor to *Harper's* by this point in his writing career, DeVoto believed that the West was rich in natural resources despite the region's aridity. It was in dire need of assistance, however, as railroads, eastern finance capitalism, advertising, and cultural biases in favor of farming exploited the landscape and duped settlers into living on lands unsuitable for cultivation, effectively plundering the region and transforming its inhabitants into paupers rather than rugged individuals. Yet, like John Wesley Powell before him, DeVoto ended his essay by referencing one land use strategy that represented adaptation to the region's

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<sup>74</sup> Some Division of Grazing personnel such as Marvin Klemme shared in these sentiments against the transient sheep industry. See Klemme, *Home Rule on the Range*, 82-85. For more information on Basque resistance to the Taylor Grazing Act, see Kevin D. Hatfield, "'We Were Not Tramp Sheepmen': Joe Odiaga and Acculturation, Resistance, and Identity in the Bizkaian Basque Community, 1890-1946," *Nevada Historical Quarterly* 52 (Winter 2009): 292-312 and Robert K. Kemper and Michael T. Madrid, "Arid Land Sheep Raising: The Ohaco Sheep Partnership," *Journal of the West* 29 (October 1990): 13-21. Navajo herders were also marginalized in their attempt to legitimize claims on public domain rangelands situated outside of their reservation. See Weisiger, *Dreaming of Sheep in Navajo Country*, 143-50, 176-78; 185-89.

<sup>75</sup> Bernard DeVoto, "The West: A Plundered Province," (*Harper's Magazine*, August 1934) in *DeVoto's West: History, Conservation, and the Public Good*, ed. Edward K. Muller (Athens, OH: Swallow Press/Ohio University Press, 2005), 48.

extremes—livestock grazing. Such adjustments that recognized the limits of the landscape, facilitated in part by New Deal conservation measures, were the most important lesson that the West could provide to the rest of the nation. The West may have become a “plundered province,” but DeVoto left his readers with the hope that westerners remained capable of helping their region recover from its previous excesses.

Thus, despite its shortcomings, Farrington Carpenter’s faith in ranchers’ abilities to govern their own affairs with the assistance of the federal government was perhaps one of the strategies DeVoto had in mind. Carpenter hoped that the organization of grazing advisory boards would allow range users to elect “the most knowledgeable and progressive stockmen” among them and he succeeded in gaining the support (or at least the ear) of leading stockgrowers, including many who had long been active in western range politics.<sup>76</sup> As this chapter has shown, advisory board elections oftentimes resulted in the selection of an area’s most influential ranchers, not necessarily “the most knowledgeable and progressive” ones as Carpenter had hoped. Nevertheless, the fact that these board members issued over 14,500 licenses for the first grazing season shows that the implementers and beneficiaries of the Taylor Grazing Act believed that its primary purpose was to distribute rangelands among established ranchers and formalize claims to the public domain that already existed. With Carpenter’s encouragement, ranchers took it upon themselves to guarantee their access to the public domain, whether it was in the form of a grazing license, a Section 15 lease, or a lifetime grazing permit within a national monument. To do so, ranchers utilized Carpenter’s advisory boards in addition to paths that had always been open to them, namely the livestock association and federal legislators. Carpenter’s strength as an administrator lay in

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<sup>76</sup> Carpenter, *Confessions of a Maverick*, 162.

recognizing these avenues and utilizing them to assist him in the implementation of the federal grazing program rather than usurping them.

Nonetheless, important challenges remained for Carpenter's administration. Standardizing grazing regulations and ensuring their enforcement on the districts was foremost among them. Division personnel waited patiently for property and range survey data, from which they could start the transition toward a more permanent permit and fee system. To do so, district advisors across the western range would have to agree upon standard property requirements and priority dates. The fact that such regulations still varied according to district frustrated someone like J. B. Wilson of the WWGA, who complained to Senator O'Mahoney, "As a matter of fact, the Division of Grazing have been so intent on putting the Grazing Act into operation immediately that they have gone ahead without sufficient information and have caused some severe dislocations in the livestock industry."<sup>77</sup> Wilson exaggerated his suspicions. Nevertheless, if a rancher faced such uncertainty, his relationship with the livestock association or a federal representative was more important than ever. Thus, as Carpenter set about implementing the next phase of his efforts, he quickly discovered his Division besieged on all sides—by a Secretary of the Interior who became increasingly skeptical of his ability to administer a New Deal conservation program; by Forest Service range managers and a growing chorus of conservationists critical of his "graziery" philosophy; and, most important, the western range livestock industry and its Congressional supporters who paid attention to his actions, listened to complaints from

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<sup>77</sup> J. B. Wilson to Joseph C. O'Mahoney, April 29, 1936, in O'Mahoney Papers, Box 257, Fol. "Taylor Grazing Act, 1934-1936".

constituents, and would not refrain from amending the Taylor Grazing Act or investigating the Division if they deemed it necessary.



## **CHAPTER SIX** **GRAZIERY UNDER FIRE**

Home, home rule on the range,  
Where the sheep and the Herefords now stay,  
Where seldom is heard a discouraging word,  
And the stockmen have something to say.<sup>1</sup>

Farrington Carpenter read these words on December 9, 1936, during the Second Annual District Advisor's Conference in Salt Lake City, Utah, in order to celebrate the progress that his administration had already achieved with the assistance of western stockgrowers. The average lifespan of a grazing district by this point was less than eighteen months, during which time Carpenter's philosophies of graziery and "split control" contributed to the distribution of almost 18,000 licenses for 7.5 million livestock during the 1936 grazing seasons.<sup>2</sup> Yet standardization was the primary issue that district advisors still confronted. Various districts continued to differ in their recommendations regarding preference in the distribution of grazing privileges. Little uniformity also existed when it came to range surveys. In most districts, such work had yet to take place or federal officials and western ranchers differed over conclusions regarding carrying capacities.

Thus, the most important challenge that remained for Carpenter's administration was creating a term permit system based upon uniform principles of preference that

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<sup>1</sup> U.S. Department of the Interior, Division of Grazing, *Transcript of Proceedings, Second Annual District Advisor's Conference* (Salt Lake City, UT: December 9-11, 1936), in Farrington R. Carpenter Papers, Box 1, Western History Collection, Denver Public Library (hereafter Carpenter Papers). Edward Taylor penned this variation of the popular folk song "Home on the Range" and used it during one of his annual addresses on the federal grazing program before the House of Representatives as well. See "Our New National Public Land Policy," extension of remarks of Hon. Edward T. Taylor of Colorado in the House of Representatives, August 16, 1937, in *Congressional Record*, 75<sup>th</sup> Cong., 1<sup>st</sup> sess., 1937, 81, pt. 10: 2105.

<sup>2</sup> "Summary of Grazing Licenses Issued by the Division of Grazing, Department of the Interior, for Year 1936," in *Program of the Second Annual Conference of District Advisors of the Division of Grazing* (Salt Lake City, UT: 9-11, 1936), Carpenter Papers, Box 1.

remained flexible enough to benefit its constituents and rigid enough to stand up against any challenge posed by disgruntled stockgrowers, conservationists, and federal scientists. Throughout this process, which lasted until his removal in the fall of 1938, Carpenter continued to act as a mediator between stockgrowers and the federal government. Nevertheless, other individuals and agencies challenged the environmental and political manifestations of graziery. Carpenter's political views and emphasis on land use guaranteed a place for the advisory boards within his administration, who continued to don their twin hats as industry spokesmen and federal liaisons. But Secretary of the Interior Harold Ickes and Forest Service range managers were concerned with public domain range conditions, its equitable distribution among stockgrowers, and its proper place within the federal conservation bureaucracy. Marginalized or excluded ranchers challenged the advisory board set-up as well. Meanwhile, individuals who benefitted from Carpenter's approach worked with their associations and western representatives to protect their own interests and formalize them by amending the Taylor Grazing Act.

Ultimately, Carpenter's rhyme was a façade. A variety of discouraging words remained on the western range, all of which placed graziery under fire shortly after its implementation on the public domain range. Stockmen had different opinions regarding management approaches and distributing grazing privileges. Other individuals and groups from within and outside the federal bureaucracy also grew increasingly concerned with the possibility that Carpenter listened only to the advisory boards when administering public domain rangelands.

Farrington Carpenter continued to confront detractors and skeptical western ranchers who used a variety of phrases to criticize the New Deal and protect their own interests in the wake of an expanding federal range management program. In August 1935, the *Chicago Daily Tribune* suggested that the federal government enacted the Taylor Grazing Act to control range users, thus reviving “feudal land tenure in the operation of its land policy” and subjecting local people “to the whim of the New Deal as overlord.”<sup>3</sup> Statements such as these remained in the minority, however, because even the most vocal opponents of the federal grazing program appreciated Carpenter’s efforts to ensure that the scenario described by the Chicago newspaper did not occur. Instead, most stockgrowers worried more about the Director’s superiors, particularly Secretary Ickes, or the possibility that the Forest Service would usurp his program in some way. An address by J. B. Wilson before the Wyoming Wool Growers Association (WWGA) during the summer of 1935 summarized these sentiments nicely. Wilson admired Carpenter’s optimism, but he expected the worst from other people in the nation’s capital when he expressed the fear that Carpenter’s rivals would ultimately assume responsibility and run the range as they saw fit after the Director had expended so much energy implementing the Taylor Grazing Act in a manner that he and many western stockgrowers preferred.<sup>4</sup>

As mentioned in the previous chapter, Carpenter’s methods allowed ranchers to organize public domain range use among themselves with tacit approval from the Division. Once provided a taste of this approach, however, stockgrowers and their

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<sup>3</sup> “New Deal Land Policy Proves Unjust to Many,” *Chicago Daily Tribune*, August 22, 1935.

<sup>4</sup> *Proceedings of the 31<sup>st</sup> Annual Convention of the Wyoming Wool Growers Association* (Laramie: July 30-August 1, 1935), 149, in Wyoming Wool Growers Collection, American Heritage Center, University of Wyoming, Laramie (hereafter, WWGA Collection), Box 5.

representatives worked to protect these efforts by amending the Taylor Grazing Act and defining graziery by law rather than by Division regulations alone. “If local self-government is to be the policy,” the National Wool Growers Association (NWGA) declared in January 1936, “let us define it in the law so that the boards that we elect may be free from bureaucratic domination.”<sup>5</sup> William B. Wright, an advisory board member and leading figure in Nevada’s State Cattle Association, expressed similar statements during the Second Annual District Advisor’s Conference, saying that it would be only “a matter of time” before the advisory board set-up was “controlled entirely by departmental regulations” if Carpenter’s administration drifted from the language of the Taylor Grazing Act in any way.<sup>6</sup>

To prevent such a prospect from occurring, ranchers continued to utilize the routes long available to them—associations and federal representatives—in order to delineate advisory board responsibilities in relation to the federal government. Such efforts included expanding the act’s acreage limitation in order to account for those stockgrowers left out of the district creation process.<sup>7</sup> Western Senators quickly introduced other amendments that sought to protect their constituents from “the uncertain whims of a bureau bound to no definite policy,” as William Wright wrote to Senator Patrick McCarran of Nevada.<sup>8</sup> These included proposals to make the Director

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<sup>5</sup> *Platform and Program of the National Wool Growers Association, Seventy-first Annual Convention* (Salt Lake City, January 22-24, 1936), 11, National Wool Growers Association Records, American Heritage Center, University of Wyoming, Laramie (hereafter NWGA Records), Box 413.

<sup>6</sup> “Transcript of Proceedings, Second Annual District Advisor’s Conference,” 73.

<sup>7</sup> This effort focused primarily on Nevada, where stockgrowers had petitioned for the creation of as many as eleven districts but had received only two by the end of 1935, which left the fate of almost 48 million acres of public domain in the state still unclear. See Thomas E. Buckman, *Setting Up Taylor Grazing Districts in Nevada* (Reno: University of Nevada Agricultural Extension Service Bulletin No.77, 1937), 9, 37 and Leisl Ann Carr Childers, “The Size of the Risk: An Environmental History of the Nuclear Great Basin” (PhD diss., University of Nevada, Las Vegas, 2011), 186-89.

<sup>8</sup> William B. Wright to Patrick A. McCarran, May 31, 1935, in Gordon Griswold Collection, Special Collections, University of Nevada, Reno Libraries (hereafter, Griswold Collection), Box 1, Fol. 2.

of the Division of Grazing a presidential appointment subject to Senate confirmation and requiring the Department of the Interior and Civil Service Commission to account for an individual's "practical range experience" in the West when considering applications for grazier positions. Carpenter agreed with these recommendations, but they stemmed primarily from western ranchers and Senators' opinions that the Taylor Grazing Act provided an opportunity to write their interpretations of range use and preference into law, thus giving "the Western states a permanent statutory string on the administration of grazing," as Senator Joseph O'Mahoney of Wyoming wrote.<sup>9</sup>

These attempts to write graziery into law occurred alongside Carpenter's initial district organization efforts. However, Secretaries Ickes and Henry Wallace convinced President Roosevelt to veto the proposed amendments in September 1935. Ickes in particular expressed concern toward a provision that required the exchange of state-owned lands within the districts for public domain sections of equal value, no matter the potential effects on district administration or consolidation.<sup>10</sup> Efforts to amend the Taylor Grazing Act stalled temporarily as a result. In the meantime, tensions between Carpenter and Ickes combined with a growing conflict over the proper place of graziery within the federal bureaucracy to place the Director's efforts under significant scrutiny.

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<sup>9</sup> Joseph C. O'Mahoney to J. B. Wilson, July 7, 1936, in Joseph C. O'Mahoney Papers, American Heritage Center, University of Wyoming, Laramie (hereafter, O'Mahoney Papers), Box 257, Fol. "Taylor Grazing Act, 1934-1936." For Carpenter's comments on these proposed amendments, see U.S. Department of the Interior, Division of Grazing, "Transcript of Proceedings, Denver, Colorado (February 13, 1935), in Carpenter Papers, Box 1. For opposition to O'Mahoney's proposed amendments from the Civil Service Commission, see Harry B. Mitchell to Robert F. Wagner, July 11, 1935, in O'Mahoney Papers, Box 257, Fol. "Legislation, 1934-1935: Taylor Grazing Act (Amendment H.R. 3019). For more on how Wyoming ranchers and Senator O'Mahoney influenced the implementation of the Taylor Grazing Act, see Mike Mackey, "Wyoming Stockgrowers and the Taylor Grazing Act," *Journal of the West* 35 (July 1996): 18-25.

<sup>10</sup> Statement by Roosevelt on His Veto of an Amendment to the Taylor Grazing Act, September 5, 1935, and Harold L. Ickes to Franklin D. Roosevelt, August 26, 1935, in *Franklin D. Roosevelt and Conservation, 1911-1945*, Vol. 1, ed. Edgar B. Nixon (Washington, D.C.: Government Printing Office, 1957), 420-26.

This battle stemmed in large part from growing distrust between Farrington Carpenter and Harold Ickes. Carpenter always remembered Edward Taylor's accusations that Ickes was "no ordinary politician" who might use the federal grazing program to advance his own agenda at the expense of western ranchers.<sup>11</sup> Meanwhile, Ickes first noted his frustration with Carpenter on November 23, 1934, when Carpenter mentioned to the press that the Secretary planned to withdraw all public domain lands from settlement to facilitate the creation of grazing districts before Ickes had the opportunity to discuss the matter with President Roosevelt. Nor was the Secretary convinced when Carpenter's excuse was that he believed his comments would remain off the record. Upset that Carpenter undermined his administration by failing to recognize proper channels and the chain of command, Ickes noted that he "raised particular hell" and confessed that he "wouldn't have cared much" if Carpenter had offered his resignation.<sup>12</sup> Instead, Carpenter assured Ickes that such a mistake would not happen again and he kept his job. Nevertheless, Ickes never completely trusted Carpenter again.

Different interpretations of range use and the proper role of the state in conservation policy compounded the distrust and personality differences between the two men. Grazieri as Carpenter defined it focused first on the livestock industry, then the landscape upon which it depended. In contrast, Ickes concentrated on range conditions, its equitable distribution among stockgrowers, and its potential multiple

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<sup>11</sup> Farrington R. Carpenter, *Confessions of a Maverick: An Autobiography* (Denver: State Historical Society of Colorado, 1984), 156.

<sup>12</sup> Harold L. Ickes, *The Secret Diary of Harold L. Ickes: The First Thousand Days, 1933-1936* (New York: Simon and Schuster, 1953), 230. President Roosevelt issued an executive order withdrawing all western public domain lands from entry to facilitate the creation of grazing districts on November 26, 1934. See Paul Wallace Gates, *History of Public Land Law Development* (1968; reprint, New York: Arno Press, 1979), 612.

uses. In other words, while Carpenter saw the Taylor Grazing Act as a means to achieve industry stabilization, from which range improvement logically followed, Ickes interpreted its primary purpose as fostering public domain range rehabilitation as well as its just administration, with the stabilization of the livestock industry being just one of many benefits. These different interpretations of graziery pertained to governance as well. Carpenter used the term to imply local administration, with the federal government as only an interested spectator. Conversely, Ickes conceived the Division of Grazing as an integral part of his plans to make Washington, D.C., and his department the center of all national efforts to preserve, distribute, and wisely manage natural resources, including the western range.<sup>13</sup>

These conflicting understandings coalesced around Carpenter's grazing advisory boards and the case of Joseph F. Livingston. Livingston and his associates originally grazed up to 13,000 sheep on 21,000 acres of private pasture and public domain range in Utah, but they were among the numerous stockgrowers hit hard by the Great Depression. Their experiences were aggravated further when disease killed off almost half of their herd. Therefore, by the fall of 1932, Livingston sold all of his land and moved to northwest Colorado with his remaining animals, which numbered around 6,250 sheep. In a sense, drought, depression, and disease had caused Livingston to become a "range pirate" that many western Colorado stockgrowers despised. He

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<sup>13</sup> Ickes made such sentiments clear even while Congress deliberated over Taylor's grazing bill in 1934, at one point telling the Senate Committee on Public Lands and Surveys that the federal government must assume the responsibility for administering grazing on the public domain and that such efforts dovetailed nicely with other New Deal conservation and agriculture initiatives. See U.S. Congress, Senate, Committee on Public Lands and Surveys, *To Provide for the Orderly Use, Improvement, and Development of the Public Range: Hearings on H.R. 6462* (73d Cong., 2d sess., 1934), 5-6. For more information on the role of Harold Ickes during the New Deal conservation movement, see T. H. Watkins, *Righteous Pilgrim: The Life and Times of Harold L. Ickes, 1874-1952* (New York: Henry Holt and Company, 1990), 447-591.

wintered his sheep on the public domain and, by the spring of 1933, started acquiring ranchlands and more animals near Craig, Colorado, including just over 1,600 acres of land previously owned by Farrington Carpenter and another individual named A. B. Pleasant.<sup>14</sup>

Livingston hoped that the Taylor Grazing Act would stabilize his operations by guaranteeing access to a portion of the public domain in northwest Colorado, but the local advisory board thought otherwise. By the time of the creation of Colorado Grazing District No. 6 in the summer of 1935, Livingston had used a portion of the district in conjunction with his private lands as winter range for up to 5,000 sheep for two consecutive seasons. He had also successfully applied for a summer grazing permit for those animals on the nearby White River National Forest. Thus, on June 28, 1935, Livingston filed a grazing license application for his entire herd—up to 9,000 sheep and 20 horses—for the 1935-36 winter grazing season. Yet the district advisory board rejected his application on grounds of “insufficient priority.”<sup>15</sup> Board members ruled that applicants who claimed the public domain through prior use had to prove continued use of the range in question in combination with private lands for a “reasonable number of years” before 1933, even though they did not clarify exactly what they meant by that phrase.<sup>16</sup> Facing the prospect of being shut out from the public domain range during the winter, Livingston appealed to Carpenter. In September 1935, though, the Director respected the board’s decision and denied Livingston the opportunity to graze any sheep

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<sup>14</sup> This background information regarding Livingston’s operations prior to the passage of the Taylor Grazing Act comes from the decisions made by Department of Interior officials regarding his appeals for range access in 1936 and 1937. See Joseph F. Livingston et al., Appellant, Decided April 9, 1936, and Joseph F. Livingston, Winifred Brown Livingston, and Glade Cook, Appellants, Decided March 29, 1937, in *Interior Grazing Decisions* (Washington, D.C.: Government Printing Office, 1959), 1, 11.

<sup>15</sup> Livingston et al., Appellant, Decided April 9, 1936 in *ibid.*, 2.

<sup>16</sup> *Ibid.*, 2.



on the district despite his presence in the area since 1932.<sup>17</sup> The case would not stop here, as Livingston appealed Carpenter's decision in the hopes of gaining a hearing with Interior Department officials. In the meantime, he ran his sheep on the public domain during the winter of 1935-36 in defiance of the Taylor Grazing Act.<sup>18</sup>

Carpenter saw the result of cases such as Livingston's as tangible benefits of home rule on the range, but Secretary Ickes looked upon them with increased consternation and ultimately as grounds for Carpenter's termination. Ickes made his frustrations known to Carpenter on October 31, 1935, with an eleven-page letter that criticized him for relying "upon a skeleton staff, plus the advisory committees" for the work accomplished up to that point.<sup>19</sup> While the grievances of Livingston or other range users were not explicit in the Secretary's letter, they were certainly present in his disapproval of Carpenter's confidence in ranchers' recommendations when determining grazing privileges. Ickes acknowledged that the Taylor Grazing Act permitted cooperation with local stockgrowers, but he insisted that Carpenter's implementation of the act divested administrative authority from the Department of the Interior to the district advisory boards, which, according to Ickes, went beyond the law's original intent and allowed ranchers' personal biases and economic interests to intertwine with federal policy. The Secretary's letter affixed the blame for this phenomenon on Carpenter and expressed concern toward the possibility that graziery encouraged stockgrowers' personal interests to infringe upon federal administrative authority and

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<sup>17</sup> Carpenter's decision regarding Livingston's case is quoted in full in *ibid.*, 3.

<sup>18</sup> It is unknown at this point whether Livingston received any penalty for doing so.

<sup>19</sup> Harold Ickes to Farrington Carpenter, October 31, 1935, in Carpenter Papers, Box 1.

the public good. For these reasons, Ickes accompanied his letter with word of Carpenter's removal as Director of the Division of Grazing.<sup>20</sup>

Carpenter did not give up easily, however. After meeting with the Secretary, he went to Edward Taylor's office. As Carpenter remembered it, Taylor called President Roosevelt and told him that he could not let Secretary Ickes "fire the boy I picked for my Taylor Grazing Act job."<sup>21</sup> With Taylor's assistance, along with continued support from the organized livestock industry and western Senators, Carpenter was reinstated a few days later.

Carpenter went on to defend himself and the advisory boards in a forty-two page letter to his superior. At its heart, his rebuttal revealed that the two men still differed significantly in their perceptions of range use and federal conservation. He argued that the success of the federal grazing program depended primarily on "the cooperation of the stockmen affected" and that the Taylor Grazing Act offered the potential "to demonstrate that a proper balance between local control and Federal supervision was possible...." For example, Carpenter framed the one man, one vote policy used to determine board membership as providing the rancher "an opportunity to protect himself" and make his interests heard, regardless of whether he was a large or small operator. Furthermore, Carpenter reminded Ickes that the majority of the law's beneficiaries supported his approach. "Even though you may disapprove of all my work and policies," he wrote, "I trust you will not lightly decline the

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<sup>20</sup> Carpenter later bragged that this constituted the first of three attempts by Secretary Ickes to fire him. See Farrington R. Carpenter, "Range Stockmen Meet the Government," *Denver Westerners Monthly Roundup* 23 (October 1967): 22.

<sup>21</sup> Carpenter, *Confessions of a Maverick*, 168.

proffered cooperation of the stockmen” and, using the Secretary’s words, maintained that board members desired to remain ““advisors and recommendors’ only”” and not usurp the Department’s authority on the national domain.<sup>22</sup> In short, Carpenter’s letter reiterated his belief that the Taylor Grazing Act provided the necessary justification to legitimize his efforts on behalf of industry stabilization, range rehabilitation, and federalism.

These differences regarding graziery and split control went on to influence how Ickes and Carpenter characterized each other throughout the time they worked together. Despite Carpenter’s eastern pedigree, which included graduating from Princeton University and Harvard Law School, Ickes never got over the fact that Carpenter looked “like a typical cow man” whose approach benefitted a select group of stockgrowers.<sup>23</sup> In turn, Carpenter saw Ickes as a typical easterner who did not know which end of a cow got up first and as a politician who desired to use the Division of Grazing as a means to further his own personal and departmental ambitions. He particularly feared that Secretary Ickes wanted to use the Division of Grazing and his advisory boards as “an instrument of political patronage.”<sup>24</sup>

Yet Ickes had every right to remove Carpenter in the fall of 1935. Carpenter had only received a temporary, one-year appointment from the Civil Service Commission that had already been extended by sixty days by the time of the imbroglio. However, Carpenter’s own ambition, combined with support from Taylor and key portions of the western livestock industry, successfully

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<sup>22</sup> Farrington Carpenter to Harold Ickes, November 8, 1935, Carpenter Papers, Box 1.

<sup>23</sup> Ickes, *Secret Diary: First Thousand Days*, 229.

<sup>24</sup> Carpenter, *Confessions of a Maverick*, 172.

countered Ickes. Thus, one wonders what the Secretary felt in December 1935 when he notified advisory board members that he retained Carpenter's services and that the federal grazing program would continue under his watch.

Nevertheless, he still took the opportunity to argue that members possessed only an advisory position on the district boards. "They do not possess administrative authority under the law nor can I delegate it," he wrote.<sup>25</sup> Carpenter held on to his job for now, but the Secretary's insistence on limiting the influence of the advisory boards revealed that the fundamental differences between the two men were not resolved.

In addition to his personal troubles with Secretary Ickes, Farrington Carpenter quickly discovered that he had stepped in the middle of a clash between the Departments of Agriculture and Interior over the proper place of public lands and forestry (including forest range management) within the federal conservation bureaucracy. As seen in Chapter Three, jurisdictional disputes between the two departments long preceded Carpenter's arrival in Washington, D.C, but the Great Depression, New Deal, and personalities much larger than his own heightened the debate. The U.S. Forest Service stood at the center of the controversy, which Ickes desired to have transferred to his jurisdiction as he sought to transform the Department of the Interior into a new Department of Conservation that oversaw all federal natural resource management and preservation efforts.<sup>26</sup>

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<sup>25</sup> Harold Ickes to Griswold Livestock Co., December 14, 1935, in Griswold Collection, Box 2, Fol. 19.

<sup>26</sup> For a general overview of executive reorganization efforts during the New Deal, see Richard Polenberg, *Reorganizing Roosevelt's Government: The Controversy over Executive Reorganization, 1936-1939* (Cambridge: Harvard University Press, 1966). For more specific looks at conservation reorganization, see E. Louise Peffer, *The Closing of the Public Domain: Disposal and Reservation Policies, 1900-1950* (1951; reprint, New York: Arno Press, 1972), 232-46 and Karen R. Merrill, *Public*

Carpenter's Division of Grazing could not escape the debate over conservation reorganization unscathed. Although consolidating federal range management under a single agency was not a high priority for Secretary Ickes, the different interpretations of the Taylor Grazing Act held by Agriculture and Interior Department officials merged with the reorganization debate and, as a result, damaged the relationship among the leading administrators of the public domain and forest grazing programs. In order to defend its place within the Department of Agriculture, the Forest Service utilized the decades of range research it had accumulated to challenge graziery and Carpenter's optimism that his methods would improve western rangelands. These efforts deepened the divide between the two agencies and their perceptions of the landscape. In addition, they reinforced the negative perceptions toward Carpenter's agency held by a growing number of conservationists.

Indeed, those few individuals and groups who were not involved with ranching on the public domain but paid attention to its management maintained a pessimistic interpretation of the Taylor Grazing Act. In particular, members of the Izaak Walton League of America and other wildlife conservation groups at the local and state levels continued to worry whether deer, antelope, and other game animals would receive a fair place on the range. In collaboration with state foresters and game management officials, they advocated for multiple-use. Most acknowledged that livestock grazing would likely remain the primary use for much of the landscape. Unlike Carpenter's notions of graziery, however, they argued that Division of Grazing personnel should

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*Lands and Political Meaning: Ranchers, the Government, and the Property Between Them* (Berkeley: University of California Press, 2002), 160-68.

correlate range use by livestock with watershed protection or fish and game management, all the while maintaining that such uses did not have to be mutually exclusive. Some scientists such as D. Irvin Rasumussen of the Wildlife Management Department at Utah State Agricultural College argued for reserving certain sections of the public domain range for purposes of scientific study.<sup>27</sup> Other conservationists such as J. Stokley Ligon of New Mexico pointed out that range management, soil conservation, and predator control would benefit stockgrowers and “wildlifers” alike.<sup>28</sup>

Yet a minority of conservationists expressed no hope for compromise with stockgrowers on the public domain range whatsoever. Contributors to the “Conservation” section of *Nature Magazine*’s April 1935 issue, for instance, expressed little optimism that ranchers would cooperate with conservationists to provide a place for wildlife or other interests on the public domain as they moved to protect their own range claims. They found this a disconcerting proposition given deteriorating trends on the landscape that, in their eyes, required “the total elimination of grazing until Nature has had an opportunity to catch up.”<sup>29</sup> This statement, perhaps the first to advocate the reduction or outright removal of livestock from public rangelands for ecological purposes, represented an attempt by a small number of individuals and groups to convince the American people of their stake in the management of the public domain range in a manner similar to national forests and parks. The Taylor Grazing Act took preliminary steps toward opening access to the public domain by accounting for wildlife and sportsmen. But, when *Nature Magazine* concluded by stating that “the future of our

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<sup>27</sup> D. Irvin Rasmussen, “Wildlife and the Public Domain,” *Utah Juniper* 6 (1935): 20-22.

<sup>28</sup> J. Stokley Ligon, “Game Management on the Public Domain,” unpublished manuscript, 1937, in J. Stokley Ligon Papers, Conservation Collection, Denver Public Library, Box 1, Fol. 13.

<sup>29</sup> “Public Lands, Wasted and Almost Destroyed through Many Generations,” *Nature Magazine* 25 (April 1935): 198.

public lands needs to go much further than the Taylor Grazing Act,” it encouraged range managers to account for other uses in addition to or in lieu of livestock grazing.<sup>30</sup> Such arguments complemented those from Harold Ickes or forest range management officials, but they became increasingly incompatible with Carpenter’s notions of graziery and many ranchers’ perceptions of the landscape.

Different perceptions regarding range use and its proper management went on to affect relations between organized stockgrowers, the Forest Service, and the Division of Grazing. By 1935, ten-year permits that the Forest Service had distributed among forest graziers a decade earlier were about to expire. In line with other New Deal impulses that sought the equitable distribution of natural resources, the agency decided to reduce the number of livestock on the national forests and redistribute forest grazing privileges among a greater number of smaller agricultural operations, including some who had been previously denied access, rather than simply renew permits for current range users. This reduction and redistribution proposal encountered resistance among ranchers who wanted their original permits extended. To no surprise, they mobilized when Chief Forester Ferdinand Silcox announced that the Forest Service would only issue one-year grazing permits for 1935 in preparation for readjusting range carrying capacities and national forest access.<sup>31</sup>

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<sup>30</sup> Ibid., 198. Historian Paul Sutter has also recognized and briefly mentioned the recreational and wilderness potential of public domain rangelands in *Driven Wild: How the Fight against Automobiles Launched the Modern Wilderness Movement* (Seattle: University of Washington Press, 2002), 51, 252.

<sup>31</sup> William D. Rowley, *U.S. Forest Service Grazing and Rangelands: A History* (College Station: Texas A&M University Press, 1985), 153. Perhaps the best-known instance of the New Deal’s attempt to foster equitable natural resource use was Secretary Ickes’s efforts to reinstitute the acreage-limitation clause of the Newlands Act of 1902 and limit the distribution of water from Bureau of Reclamation projects to only 160 acres per individual landowner. See Clayton R. Koppes, “Public Water, Private Land: Origins of the Acreage Limitation Controversy, 1933-1953,” *Pacific Historical Review* 47 (November 1978): 607-36. For initial stockgrower opposition to Silcox’s proposals, see NWGA, “Report of Committee on Forest Grazing,” in *Resolutions and Committee Reports adopted at the Seventieth Annual Convention of the National Wool Growers Association* (Phoenix: January 29-31, 1935), 11-12, NWGA Records, Box 413.

The January 1936 annual convention of the American National Live Stock Association (ANLSA) revealed that ranchers were able to distinguish graziery from forest range management as they sought to protect preexisting claims to the public lands. Moreover, statements before the organization by Chief Forester Silcox and Farrington Carpenter displayed how representatives from both agencies attempted to distinguish their approach from the other. Silcox spoke first and addressed the association's concerns toward the permit renewal process and livestock reductions for watershed protection and range redistribution purposes. He asked existing forest permittees to show sympathy toward those who still desired access to forest rangelands. Redistributing grazing privileges and reducing stocking rates, Silcox suggested, would help sustain local communities and the forest resources they depended upon. Meanwhile, Carpenter followed the Chief Forester's address by repeating his support for home rule on the public domain range. "Remember the Taylor [Grazing] Act is a co-ordinating, supervising and appellate authority," he said. "It wants you to set your own districts, organize them with local committees to supervise, and it will settle the complaints that you can not settle yourselves."<sup>32</sup> The Director did not use his time before ANLSA to criticize Forest Service range management. Nevertheless, his address offered an alternative to Silcox's approach; one suggesting that ranchers should have primary say in range management matters on public lands.

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<sup>32</sup> American National Live Stock Association (hereafter, ANLSA), *Proceedings of the 39<sup>th</sup> Annual Convention* (Phoenix: January 7-9, 1936), 123, in National Cattlemen's Association Records, American Heritage Center, University of Wyoming, Laramie (hereafter, NCA Records), Box 502. For Silcox's address, see *idem.*, 96-111.



Although similar in their views on how access to the western range could sustain local communities and provide for the national livestock economy, Carpenter and Silcox expressed different means to achieve those ends. Carpenter insisted that the principles associated with home rule and split control sustained by the Taylor Grazing Act provided ranchers channels through which they could organize rangelands for their benefit. In contrast, Silcox highlighted his agency's desire to incorporate all interests when considering range access, even if one had no prior claim to the land. Moreover, unlike Carpenter, Silcox emphasized that the Forest Service would make all the final decisions regarding livestock reductions and permit redistribution even though it appreciated the input received from organized stockgrowers.

ANLSA's leaders caught these distinctions between the two agency's approaches to range management. As a result, Carpenter garnered their continued confidence and they commended him for his role in the organization of the grazing districts. Silcox and the Forest Service did not receive similar support. Instead, ANLSA insisted that the agency immediately reissue ten-year permits, stop reducing livestock numbers for redistribution purposes, and provide for "closer personal contact and co-operation" between forest personnel and permittees in a manner similar to the Division of Grazing so "a more friendly and beneficial feeling may be built up to the mutual benefit of each."<sup>33</sup>

One month later, a Joint Forest Committee, which comprised of members from ANLSA and NWGA, repeated this opposition to any revision or redistribution of the term permit system on forest rangelands. Despite Silcox's

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<sup>33</sup> Ibid., 326-27.

plea, the committee showed little sympathy toward those individuals who failed to establish priority on forest ranges and argued that any redistribution of grazing privileges—to which it referred to as “rights” according to the principles of preference—depreciated the value of range improvements and private lands of current forest users. The committee therefore requested the Forest Service to issue ten-year permits to every permittee for their present number of livestock, with no reductions for the 1936 grazing season. Any subsequent reductions for distribution purposes could amount to no more than ten percent of a rancher’s permitted number of livestock, with no decrease of more than five percent in one year.<sup>34</sup>

In response, the Forest Service issued a compromise by the end of February 1936. Silcox restated the differences between forest range management and graziery by noting that grass was “one of many National Forest resources” and that its management had to account for “the greatest good to the greatest number of people in the long run.”<sup>35</sup> Nonetheless, the agency relented to stockgrower pressure and issued ten-year permits in time for the summer grazing season. Any livestock reductions for watershed protection or range rehabilitation purposes would not exceed thirty percent of a rancher’s permitted number of livestock, or fifteen percent in any one year, until 1940. After that point, the Forest Service retained its authority to continue reducing stocking rates if range conditions deteriorated. Meanwhile, reductions for distribution

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<sup>34</sup> Statement of Position of the Joint Forest Committee of the American National Live Stock and National Wool Grower Associations, February 1936, NCA Records, Box 290, Fol. 8.

<sup>35</sup> U.S. Department of Agriculture, Press Release, “Grazing Policy for Ten Years Outlined by Forest Service,” February 20, 1936, NCA Records, Box 368, Fol. 18.

purposes assumed the lowest priority and could amount to no more than five percent in any one year. Finally, in direct reply to ANLSA's resolution a month earlier, Silcox reassured stockgrowers that the Forest Service would consider their views before finalizing any range management plan.

Blame for the failure of the Forest Service's range redistribution proposal should not rest entirely on the possibility that organized stockgrowers were able to play the two federal range management agencies off each other. After all, this was not the first time the Forest Service had been forced to compromise with western ranchers. Nevertheless, its significance lies in the fact that professional range managers, conservationists, and ranchers alike recognized the differences between the Forest Service and Division of Grazing. Historian William Rowley suggests that Silcox's compromise on stock reductions was partially an attempt to improve his agency's image in comparison to the Division of Grazing, and his insistence that the Forest Service would seek insight from forest permittees prior to any decision supports Rowley's assertion.<sup>36</sup>

Moreover, while Carpenter did not desire to involve his Division in the conservation reorganization or forest grazing controversies, he continued to play upon the perceived rivalry with the Forest Service and ranchers' previous experiences with that agency. When addressing the stock reduction issue, Carpenter reassured advisory board members that any cuts would be temporary and that his primary goal was to increase cattle and sheep numbers on the public domain. Nor did he insist upon using the Taylor Grazing Act to redistribute

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<sup>36</sup> Rowley, *U.S. Forest Service Grazing and Rangelands*, 153-54.

access to the public domain. Instead, Carpenter referred to term permits as a “marriage ceremony” that permanently linked public domain rangelands to private ranching operations that already claimed them through preference.<sup>37</sup>

Carpenter’s statements regarding stock reductions or term permits contributed to continued suspicion towards graziery among leading Forest Service officials. Such concerns combined with the conservation reorganization fight to provide an opportunity for the Forest Service to issue the first comprehensive report on western range conditions in the United States in the twentieth century. It constituted the agency’s best attempt to discredit graziery. It also polarized the burgeoning rangeland conflict among federal range managers, ranchers, and those interested in other potential range uses.

On April 24, 1936, Senator George Norris of Nebraska introduced a resolution calling for the Department of Agriculture to produce a document that provided “information on the original present condition of the [western] range resource” as well as “recommendations as to constructive measures” that might facilitate its proper management and rehabilitation.<sup>38</sup> The Forest Service had been preparing such a report since 1932 and Secretary Wallace had ordered its completion by August 1935. Thus, on April 28, 1936, a mere four days after the Senate approved Norris’s resolution, the agency submitted a 620-page treatise titled *A Report on the Western Range—A Great but Neglected Natural Resource* on the department’s behalf. *The Western Range* represented the Forest Service’s official response to the Taylor Grazing Act, Farrington Carpenter, and Harold Ickes. It marked the culmination of about fifty years of range research and reaffirmed the importance of the Department of Agriculture in that role.

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<sup>37</sup> *Transcript of Proceedings, Second Annual District Advisor’s Conference*, 28.

<sup>38</sup> *Congressional Record*, 74<sup>th</sup> Cong., 2d sess., 1936, 80, pt. 6, 6070-71.

Yet the report was more a political and public relations document than an objective, scientific one. As regional forester S. B. Show wrote, its goals were twofold: first, to articulate the importance of rangelands as “a great natural resource and an integral part of western agriculture” to federal representatives and the public; and second, “to stimulate the action required for their conservation so that they will make their full contribution to western and national welfare.”<sup>39</sup> In both regards, the report emphasized the importance of professional range management and research to American farmers and ranchers in order to legitimize its place within the Department of Agriculture rather than Interior. Forest Service officials who contributed to the report also used it as an opportunity to promote their own work and undermine graziery and traditional methods practiced by western stockgrowers.

*The Western Range* built upon paradigms already put in place by earlier range management reports, but the officials behind its recommendations hoped they would have wider policy applications given the context of the New Deal. Similar to its predecessors, *The Western Range* started with a story of declension and ended with one of redemption. Of the 728 million acres that the report classified as rangeland in the American West, it estimated that 589 million acres were in stages of extreme or severe soil erosion, including 98 percent of the public domain administered by the Taylor Grazing Act. The Forest Service went on to suggest that much of this erosion contributed to significant silt accumulation and flooding within western watersheds.<sup>40</sup> Forest Service officials blamed settlers and ranchers who plowed up or overgrazed the

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<sup>39</sup> S. B. Show, letter, n.d., in author’s possession. See also Steen, *U.S. Forest Service*, 206-8; Rowley, *U.S. Forest Service Grazing and Rangelands*, 155-56.

<sup>40</sup> U.S. Congress, Senate, *The Western Range*, S. Doc. 199, 74<sup>th</sup> Cong., 2d sess., 1936, 22-25, 306-38.

range for these trends and feared the elimination of the western range livestock industry and farming in the region if such practices continued.<sup>41</sup>

If there was one beacon of hope, however, it was national forest range management. In addition to associate chief forester Earle H. Clapp, the report's leading authors represented a "who's who" in Forest Service range management and research. Alva A. Simpson, the forest ranger who supported the Mizpah-Pumpkin project and was assisting with the Plains Shelterbelt program by 1936, helped write a couple of chapters. Other notable contributors included Reed W. Bailey of the Intermountain Forest and Range Experiment Station in Utah; W. R. Chapline, chief of the agency's Division of Range Research; Clarence L. Forsling of the Appalachian Forest Experiment Station in North Carolina; and Lyle F. Watts of the Northern Rocky Mountain Forest and Range Experiment Station in Montana. With such authorities, the report concluded that national forest range management had resulted in a nineteen percent increase in carrying capacity since 1910 and, overall, that seventy percent of the rangelands under its administration were in or near a climax state, in contrast to only thirty-three percent of the grazing districts. Clapp pointed to these results as a product of the "scientific training" of Forest Service range managers as well as their "practical experience" working with range users in balancing livestock grazing with timber production, watershed protection, wildlife, and outdoor recreation.<sup>42</sup>

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<sup>41</sup> For instance, see *ibid.*, 67. This tale of declension complemented the conclusions made by other New Deal agricultural committees or agencies at the time tasked with uncovering the causes of the Dust Bowl of the Great Plains and ameliorating its effects, most notably the Great Plains Committee's *The Future of the Great Plains* (1936) and the Farm Security Administration film *The Plow That Broke the Plains* (1936). For an excellent interpretation of how New Deal declensionist claims influenced how subsequent generations of historians have interpreted the environmental crises of the 1930s, refer to William Cronon, "A Place for Stories: Nature, History, and Narrative," *Journal of American History* 78 (March 1992): 1347-76.

<sup>42</sup> *The Western Range*, 34.

Despite the length of the report, however, it provided precious little scientific evidence as to how it arrived at its conclusions regarding range improvement, especially when in comparison with the public domain or private pastures. Its failure to do so reveals that contributors to *The Western Range* sought to discredit the Taylor Grazing Act and the Department of the Interior. The report repeated Chief Forester Silcox's original fear toward the "pending final disposal" clause in Section 1 of the Taylor Grazing Act, believing it implied a "transitional status" to the measure that discouraged the creation of a permanent federal range conservation program on the public domain.<sup>43</sup> By pointing out that the act's implementation under Carpenter accounted little for wildlife, recreation, and watershed protection, the report criticized the first element of graziery for ignoring other potential uses of the range and focusing only on livestock. Moreover, much like Harold Ickes, the report condemned graziery's second element—split control—for distributing range claims only to "favorably situated stockmen" regardless of whether it adversely affected other ranchers or nearby communities.<sup>44</sup> Unlike Carpenter, *The Western Range* criticized stockgrowers for focusing only on the economic benefits of rangelands for livestock and their unwillingness to account for other land uses or range science. In addition, it attempted to prove that the Division of Grazing was incapable of improving the public domain and stood out as a competitor that forest permittees could use to hinder the application of national forest range protocols.

Therefore, the report offered a solution that challenged both Farrington Carpenter and Harold Ickes by proposing the reorganization of all federal range

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<sup>43</sup> Ibid., 33. See also *ibid.*, 286-94.

<sup>44</sup> Ibid., 291.

management activities within the Department of Agriculture. The management of range and forest lands was “agriculture pure and simple” according to Earle Clapp.<sup>45</sup> Such a statement mirrored the jurisdictional dispute between the two departments during the 1920s, but the attempt to distinguish forest range management from grazing added a new element to this feud. Clapp and other contributors elaborated on how range managers should consider the interrelationship between livestock grazing, plants, soil, water, and climate. They also emphasized the importance to protect watersheds for local farmers and ranchers as well as for citizens who lived in towns or cities miles downstream. In short, all of the report’s contributors agreed when Clapp asserted that forest and range management dealt “with the economic and social as well as the biological problems of land use in all their phases.”<sup>46</sup>

To do so, the report continued, range managers required contact with other federal and state departments that confronted similar matters. “What is needed,” Clarence Forsling wrote, “is a well-planned, closely knit, positive administration with adequate technical skill which will give full consideration to the broader community, State, and interstate public interest as well as to the local livestock industry.”<sup>47</sup> The Department of Agriculture had fostered such connections since the late nineteenth century and they shone through in *The Western Range* when the report acknowledged contributions from sister bureaus and the network of agricultural experiment stations throughout the region. Therefore, Earle Clapp concluded, “The Department of Agriculture is...the logical and, in fact, the only well-equipped department for the

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<sup>45</sup> Ibid., 53.

<sup>46</sup> Ibid., 53.

<sup>47</sup> Ibid., 294.



administration of federally owned range and forest lands.”<sup>48</sup> The report did not propose abolishing the Division of Grazing and uniting all range management activities under the Forest Service. Nevertheless, it made clear that Farrington Carpenter’s philosophy of graziery must succumb to the principles developed under the auspices of forest range management.<sup>49</sup>

Harold Ickes and western ranchers criticized the conclusions drawn by *The Western Range* in similar ways but for their own reasons. Unaware that Forest Service officials had already been at work compiling the report, both wondered where its funding came from and criticized the use of federal money to finance such a study that placed stockgrowers in a negative light and, according to Ickes, constituted “a thinly veiled attack on a sister department.”<sup>50</sup> Stockgrowers and the Secretary also wondered why the Senate authorized such a study and, more specifically, pointed to the four-day difference between Norris’ resolution and the Forest Service’s reply. Ranchers such as S. W. McClure of Idaho guessed that a study of such scope would have taken years to accomplish, neglecting the decades of research and data the Forest Service had already accumulated by 1936.<sup>51</sup> Meanwhile, Ickes correctly assumed that the report had already been completed and even accused Henry Wallace for having his department request Senator Norris to introduce the resolution.

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<sup>48</sup> Ibid., p. 53.

<sup>49</sup> This proposed reorganization of federal range management was an integral part of a much broader proposal that suggested that the Department of Agriculture could administer all conservation activities associated with soil, plants, water, and animals while the Department of the Interior manage minerals, national parks, irrigation projects, and clerical responsibilities associated with land administration and distribution. See *ibid.*, 52-53, 467-73

<sup>50</sup> Harold L. Ickes to Henry A. Wallace, August 19, 1936, in *FDR and Conservation*, Vol. 1, 554.

<sup>51</sup> *Proceedings of the 32<sup>nd</sup> Annual Convention of the Wyoming Wool Growers Association* (Sheridan: July 29-30, 1936), 67-68, WWGA Collection, Box 5.

For Secretary Ickes, publication of *The Western Range* reinforced his perception of the Forest Service as “a tight little organization that does a lot of lobbying” and a “lawless organization” that disregarded President Roosevelt’s orders against speaking out against conservation reorganization by recommending a program of its own.<sup>52</sup> Ickes also chafed at the fact that the Forest Service did not consult his Department during the report’s creation, which Wallace defended by reminding him that the agency remained the best qualified to speak on any rangeland issue by having “the largest group of men with training and experience in range management. . . .”<sup>53</sup> In all, while Ickes insisted that the Forest Service should stick with forestry and relinquish its authority on other matters, including grazing, such a request was impossible given the agency’s perception of the range and its role in watershed protection. Such different views of the landscape and its proper place within the federal bureaucracy allowed the mutual distrust between the Forest Service and the Department of Interior to continue.

Spokespersons for western ranchers such as S. W. McClure also criticized the report’s call for expanded federal range management under the Department of Agriculture. Rather than looking at the issue from Ickes’s bureaucratic perspective, however, stockgrowers focused on the fact that *The Western Range* justified greater centralization by fixing much of the blame for current range conditions on ranchers themselves. They focused particularly on Earle Clapp’s criticism of ranchers’ “incorrigible optimism” that the rains would eventually come or the markets would improve rather than accept the possibility that drought and depression could be

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<sup>52</sup> Ickes, *Secret Diary: First Thousand Days*, 258-59, 599.

<sup>53</sup> Henry A. Wallace to Harold L. Ickes, November 13, 1936, in *FDR and Conservation*, Vol. 1, 606. Despite their alleged friendship, *The Western Range* added to the conservation reorganization controversy that contributed to persistent tensions and even heated arguments between the two men. For one such case, see Harold L. Ickes, *The Secret Diary of Harold Ickes: The Inside Struggle, 1936-1939* (New York: Simon and Schuster, 1954), 38-45. See also Polenberg, *Reorganizing Roosevelt’s Government*, 100-5.

permanent on the western range.<sup>54</sup> One of Farrington Carpenter's strengths as an administrator was his ability to harness that optimism and suggest how ranchers could use New Deal programs to stabilize their industry before the drought and Great Depression rendered them obsolete. Likewise, McClure believed that this same optimism would continue to take Americans "to a place where no other people will ever attain" and if people lost it, he continued, "[W]e shall have lost everything in life that is worth having."<sup>55</sup> This assertion epitomized the disconnect that existed between individuals like McClure, who believed that the current economic and environmental crisis would eventually pass, and federal agricultural officials (including those behind *The Western Range*) who argued that only the federal government could facilitate the necessary cooperation, land use planning, and redistribution necessary to pull rural America from the clutches of the Depression.<sup>56</sup>

Publication of *The Western Range*, the conservation reorganization fight, and other threats to Carpenter's administration pushed district advisory board members, livestock association leaders, and western politicians to defend grazing through legal means. Similar to how Ickes referred to the Forest Service as a "lawless organization," many western ranchers and representatives interpreted the permit redistribution fight and criticism toward the industry and Division of Grazing in *The Western Range* as evidence of agency attempts to usurp their grazing privileges on public rangelands.

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<sup>54</sup> *The Western Range*, 1.

<sup>55</sup> *Proceedings of the 32<sup>nd</sup> Annual Convention of the Wyoming Wool Growers Association*, 77.

<sup>56</sup> For a sample of stockgrowers' responses to *The Western Range* and the New Deal, see President Charles E. Collins's address before ANLSA (read by F. E. Mollin) in *Proceedings of the 39<sup>th</sup> Annual Convention of the American National Livestock Association* (Phoenix: January 7-9, 1936), 20-29, NCA Records, Box 502; "Cattleman Rap Political Use of Drouth Tragedy," *Chicago Daily Tribune*, September 1, 1936; and "Report of Committee on Forest Grazing" in *The Platform and Program of the National Wool Growers Association, Seventy-second Annual Convention* (Albuquerque: January 26-28, 1937), 13, NWGA Records, Box 414.

Ranchers were not necessarily opposed to money spent for range improvement purposes, but many remained unwilling to see New Deal agricultural reforms become permanent fixtures that affected individual production and association affairs. In regards to the public domain, those sentiments redoubled western Senators' efforts to amend the Taylor Grazing Act. In July 1936, for example, Joseph O'Mahoney remarked that he had read enough of *The Western Range* to convince him that "immediate action on the amendments to the Taylor Grazing Act [was] of real importance."<sup>57</sup> Thus, Senators O'Mahoney and McCarran continued to push for their amendments that, in addition to expanding the acreage-limitation to 142 million acres, granted adjacent landowners preference to lease rangelands according to Section 15 of the act, made Carpenter's position a presidential appointment, and required the Civil Service Commission to consider a Division employee's previous experiences in the western range livestock industry. Secretary Ickes continued to object to several of the amendments on grounds that they catered to those stockgrowers who had "no wish or desire" to protect the range or consider its equitable distribution but instead sought to perpetuate "their own selfish objectives."<sup>58</sup> The Senate committee included a few minor modifications to assuage the Secretary's concerns, particularly by restating that these amendments would not interfere with the federal administration of the grazing districts. By doing so, and despite continued reluctance by Ickes and Secretary Wallace, the

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<sup>57</sup> Joseph C. O'Mahoney to J. B. Wilson, July 7, 1936, in O'Mahoney Papers ,Box 257, Fol. "Taylor Grazing Act," 1934-1936".

<sup>58</sup> Harold L. Ickes to Robert F. Wagner, June 4, 1936, in *ibid.*

Attorney General found no legal reason for President Roosevelt to repeat his veto and he signed the amendments into law on June 26, 1936.<sup>59</sup>

The foundation for these amendments remained ranchers' efforts to have their notions of land use and preference written into the Taylor Grazing Act, despite actions already taken by the Division of Grazing toward that end. Once again, J. B. Wilson stated this strategy best when he wrote to Senator O'Mahoney, "Rules and regulations...change as administrative officers change, but it is difficult to change statutes."<sup>60</sup> The law continued to matter to western stockgrowers, and the amendment process revealed how advisory board members and association spokesmen used the Taylor Grazing Act and applied certain revisions when necessary to designate the proper place of the federal bureaucracy in relation to local needs within Carpenter's split control approach.

Even with these amendments, however, the Division of Grazing still faced significant challenges from western ranchers as it sought to administer the range on their behalf. In particular, trouble continued to come from those stockgrowers frustrated with an unequal distribution of grazing privileges even as the total acreage under the Division's jurisdiction expanded. Many boards continued to rely on their own customs or biases when offering recommendations for licenses, often in order to keep nonresident stockgrowers or recent arrivals off the grazing districts. With the assistance of the advisory board of Oregon Grazing District No. 3, for example, the Division of Grazing indicted Joe Odiago of Boise, Idaho, for violating the Taylor Grazing Act after

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<sup>59</sup> To amend the Act entitled "An act to stop injury to the public grazing lands..." Public No. 827, *U.S. Statutes at Large* 49, Pt. 1 (1935-36): 1976-78.

<sup>60</sup> J. B. Wilson to Joseph C. O'Mahoney, July 1, 1936, in O'Mahoney Papers, Box 257, Fol. "Taylor Grazing Act, 1934-1936".

he moved 1,100 sheep onto the district without a license in 1936. This episode marked the first time that the Division successfully prosecuted a trespass case.<sup>61</sup>

The Odiago case also revealed that the Division of Grazing continued to face conflicts between large and small operators or sheep and cattle raisers, especially when district administration appeared to favor large ranchers over small ones or one class of livestock over the other. One such problem emerged in southwest Wyoming on Grazing District No. 4 shortly after its creation in October 1936. Local cattlemen, many of whom self-professed “small home owner ranchers,” were particularly frustrated that a group of woolgrowers known as the Rock Springs Grazing Association received the majority of use privileges in their area, which it used in conjunction with leased sections of Union Pacific railroad land. The association, which numbered only around ten members, dominated range use in the district for that first season by receiving grazing privileges for 245,000 sheep and 500 horses, which it used to augment its already substantial operations.<sup>62</sup>

This situation once again revealed how local stockgrowers used the principles of graziery to modify and formalize preexisting claims to the public domain, which could work to the benefit of well-organized and large-scale ranchers. Moreover, that local cattlemen appealed to Senator O’Mahoney, who approached Carpenter on their behalf, showed that stockmen continued to hold the Director accountable by applying pressure on his administration through their representatives. In response, however, Carpenter

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<sup>61</sup> See Kevin D. Hatfield, “‘We Were Not Tramp Sheepmen:’ Joe Odiaga and Acculturation, Resistance, and Identity in the Bizkaian Basque Community, 1890-1946,” *Nevada Historical Quarterly* 52 (Winter 2009): 292-93, 298-306 and Marvin Klemme, *Home Rule on the Range: Early Days of the Grazing Service* (New York: Vantage Press, 1984), 92-100.

<sup>62</sup> See William B. Logan et al. to Farrington R. Carpenter, January 14, 1937, in O’Mahoney Papers, Box 257, Fol. “Taylor Grazing Act, General File, 1937” and Wesley Calef, *Private Grazing and Public Lands: Studies of the Local Management of the Taylor Grazing Act* (Chicago: University of Chicago Press, 1960), 207.

stressed only patience to the aggrieved cattlemen. He wrote to the Senator, “I am asking their forbearance in the matter to let us see how the boards as constituted work, and I have every confidence that they will do a successful job,” suggesting that the cattlemen would receive an opportunity to elect new board members in upcoming elections.<sup>63</sup> History proved otherwise. The composition of the grazing advisory board changed only slightly during the decade and sheep continued to dominate range use within the district. By 1940, the district advisory board had distributed 433 grazing permits for 488,145 sheep, in contrast to only 30,329 cattle. Moreover, by the time geographer Wesley Calef observed operations on the district during the 1950s, the president of the Rock Springs Association was also the president of the district advisory board and four of the six sheep representatives on the board were association shareholders.<sup>64</sup>

Although Carpenter did not know how the situation on Wyoming Grazing District No. 4 would ultimately turn out, the manner in which he handled these cases continued to annoy Secretary Ickes. In addition to the Rock Springs matter, numerous rulings on appeals cases made by Carpenter and other Interior Department officials, most notably assistant secretary T. A. Walters, sustained the original recommendations made by the advisory boards. Many decisions amounted to two or three paragraphs in length and were upheld on grounds that the Division had created new rules since the aggrieved stockgrowers filed their appeals, which rendered their complaints moot. Nor

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<sup>63</sup> Farrington R. Carpenter to Joseph C. O’Mahoney, January 28, 1937, in O’Mahoney Papers, Box 257, Fol. “Taylor Grazing Act, General File, 1937”.

<sup>64</sup> See Department of the Interior, Grazing Service, “Wyoming, Region 10,” July 1940, in Carpenter Papers, Box 1 and Calef, *Private Grazing and Public Lands*, 206.

did the decisions examine the possible validity of the appellants' claims.<sup>65</sup> By the spring of 1937, Ickes had enough. He determined "that Carpenter and Walters have been more or less playing a game of their own in respect to grazing" and, on March 26, noted the creation of his own Advisory Committee on Grazing "to keep a closer watch and a better control" over the Division of Grazing.<sup>66</sup> Three days after Ickes mentioned the committee's creation, Joseph Livingston's case entered the fray once more and the Secretary offered a ruling that reinforced his own interpretation of the proper role of the advisory boards on the national domain.

The Secretary's decision simultaneously modified Carpenter's original decision regarding Livingston's appeal and reminded the Division that it could not base decisions solely on local customs. Unlike previous decisions on stockgrowers' appeals, Ickes discussed Livingston's operations prior to the Taylor Grazing Act at length. Moreover, he found no evidence that Livingston had violated the Reese-Oldland Act of 1929—the lone statute in Colorado that regulated public domain range use prior to 1934 (see Chapter Three). After this long examination of Livingston's prior experiences on the public domain, Ickes criticized the Division of Grazing for using a local custom determined by the advisory board to decide upon Livingston's case rather than relying on state or federal law. Moreover, Ickes reminded the Division that the "rule" decided upon by the board to determine priority was "but a recommendation" that the agency was not obliged to follow. Since no statute supported the board's recommendation, Ickes ruled that the Division should not have rejected Livingston's entire application. Indeed, the Secretary's new committee discovered evidence to prove a connection

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<sup>65</sup> These appeals pertained to stockgrowers from Oregon, New Mexico, Arizona, and Colorado. See *Interior Grazing Decisions*, 5-10.

<sup>66</sup> Ickes, *Secret Diary: The Inside Struggle*, 101.



between some of Livingston's base properties and the public domain prior to June 28, 1934, including the land he purchased from Farrington Carpenter. Therefore, Ickes modified Carpenter's original decision by granting district access to those animals tied to Livingston's properties used in connection with the public domain prior to 1934. Such privileges ultimately amounted to 5,000 sheep when Livingston resubmitted his application, which Ickes insisted must be decided upon "without prejudice" and consistent with the facts as well as statutes "then in force."<sup>67</sup>

Joseph Livingston never gained access to the public domain to the extent he desired or previously enjoyed. He filed one more appeal requesting district access for his entire herd of 9,000 sheep, but was denied primarily because he could not demonstrate the validity of his range claims beyond what Secretary Ickes and the advisory board already recognized.<sup>68</sup> Therefore, on the one hand, Livingston's prior experiences on the western range were a casualty of its consolidation under the national domain. On the other hand, the Secretary's decision on his behalf, which provided for about half his herd, reflected Ickes' concern for due process and an equitable distribution of the range among large and small stockgrowers. Ickes acknowledged a place for the advisory boards, but his decision regarding Livingston's operations reaffirmed his insistence that the grazing advisory boards could not issue regulations on their own. Nor could Division officials blindly follow them.

*The Federal Range Code*, issued in two installments during the spring and summer of 1938, formalized these tensions between Carpenter, Ickes, and the local and

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<sup>67</sup> Joseph F. Livingston, Winifred Brown Livingston, and Glade Cook, Appellants, Decided March 29, 1937, in *Interior Grazing Decisions*, 10-14.

<sup>68</sup> Joseph F. Livingston and Glade Cook, Appellants, Decided December 18, 1939, in *Interior Grazing Decisions*, 141-48. Secretary Ickes offered the decision regarding this appeal as well.

national domains that their personalities epitomized. Most significant, the *Range Code* announced the distribution of ten-year grazing permits within the districts. Any one-year licenses previously issued to stockraisers would be valid only through the 1938-39 winter grazing season and none would be available after July 1, 1939. Permit distribution went according to the animal-unit-month (AUM) fee and class structure already in place in most grazing districts. Fees amounted to five cents per AUM for cattle and one cent for sheep. Meanwhile, the allocation of grazing privileges continued to go according to the hierarchy of Class 1, 2, and 3 permits, in which the former met all the qualifications associated with base property, proximity, and priority, and therefore retained first right to the range.<sup>69</sup>

The *Range Code* also clearly defined the composition and responsibilities of the advisory boards in the administration of the public domain range. Section 12 formalized the board creation process and the duties of its members upon their election by fellow stockgrowers, which remained the ability to “advise or make recommendations” to Division personnel on decisions regarding permit applications, carrying capacity estimates, proper grazing seasons, and range improvements.<sup>70</sup> In addition, the *Range Code* provided the opportunity for local grazing associations to supplement the advisory boards and Division of Grazing by allowing these bodies to enter into cooperative agreements with one another in order to lease state, county, or private grazing lands within or adjacent to the districts as well as contribute money and manpower for range improvement purposes. In accordance to the principles of range administration by law, an amendment that corresponded to these principles was also

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<sup>69</sup> U.S. Department of the Interior, Division of Grazing, *The Federal Range Code*, approved March 16 and June 22, 1938, § 1-4, 6.

<sup>70</sup> *Federal Range Code*, § 12.

added to the Taylor Grazing Act in June 1938.<sup>71</sup> Finally, the *Range Code*'s "Special Rules" section retained the ability of local administrators to propose any modifications to administration within a particular district that could further consolidate the range for livestock grazing.<sup>72</sup>

*The Federal Range Code* therefore reinforced the interpretation of the Taylor Grazing Act held by the majority involved with its implementation who believed that the public domain was chiefly valuable for grazing and that its management should primarily benefit livestock over other potential land uses. A deliberate and rigid screening process provided range access to a select group of stockgrowers. The Division maintained supervisory control by overseeing permit distribution, fee collection, and the appeal process. Day-to-day affairs remained in the hands of a small group of regional and district graziers with the assistance of local boards and grazing associations, all of whose responsibilities the *Range Code* clearly outlined.

*The Federal Range Code* failed to save Farrington Carpenter's government job, however. On March 15, 1938—one day before he approved the first part of the *Range Code*—Secretary Ickes asked Bradley B. Smith of the Division of Investigations to determine once again whether small ranchers received a "fair deal" under Carpenter's watch.<sup>73</sup> The resulting saga constituted the final stage of the tumultuous relationship between the two men that culminated with Carpenter's firing. Ickes and Carpenter continued to differ was in regards to the proper relationship between government supervision and local land users. That Ickes ordered the investigation also reveals that

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<sup>71</sup> *Federal Range Code*, § 13 and "An act to provide for the leasing of State, county, and privately owned lands for the purpose of furthering the orderly use, improvement, and development of grazing districts," Public No. 708, *U.S. Statutes at Large* 52 (1938): 1033. See also Klemme, *Home Rule on the Range*, 155-57.

<sup>72</sup> *Federal Range Code*, § 15.

<sup>73</sup> Harold Ickes to B. B. Smith, March 15, 1938, in Carpenter Papers, Box 1.

the fundamental difference between the two men in regards to the distribution of grazing privileges and the proper role of the district advisory boards was never resolved. Ickes's understanding of the national domain continued to run counter to Carpenter's notions of graziery and split control. Other matters, such as Ickes's losing battle to gain jurisdiction of the Forest Service and an interview of Carpenter in the March 5, 1938, issue of *Collier's* that celebrated the Director's hobby of "picking off bureaucrats," soured their relationship as well and contributed further to the Secretary's effort to determine once and for all whether he needed to remove Carpenter from his position.<sup>74</sup>

What the Division of Investigations discovered only reinforced the Secretary's suspicions. Examiners determined that the majority of permit applicants and range users within the districts were small operators (classified as having less than 200 cattle or 1,000 sheep), but they concluded that Carpenter's implementation of the Taylor Grazing Act adversely affected their operations. The investigation did not find any deliberate efforts on the part of Division personnel or the advisory boards to do so. Rather, it attributed this phenomenon to what Ickes already criticized and feared most—insufficient knowledge on the part of federal graziers and too much reliance on advisory board recommendations—which investigators determined resulted in the improper application of Division regulations or hurried actions by officials "without due deliberation and without analyzing the facts and information" necessary.<sup>75</sup>

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<sup>74</sup> Robert McCormick, "Capitol Cowboy: Farrington Carpenter, whose job is supervising government grazing lands and whose hobby is picking off bureaucrats," *Collier's* 101, March 5, 1938, 38, 48. See also Watkins, *Righteous Pilgrim*, 586-88 and Carpenter, *Confessions of a Maverick*, 173.

<sup>75</sup> W. H. Burnett, Carl Lausen, N. F. Waddell, and J. H. Favorite to Bradley B. Smith, July 20, 1938, in Carpenter Papers, Box 1. The investigation determined that of the 17,589 grazing permit applications by July 1938, 12,850 (73%) were from small operators, 3,488 (20%) from medium operators, and 1,251 (7%) from large operators. See B. B. Smith to Harold Ickes, July 22, 1938, in *ibid.*

The investigation went on to question the principles of property and priority that the Division of Grazing applied to determine grazing privileges. These notions restricted operators to the number of livestock that they could prove utilized a portion of the public domain in connection with their private property for a necessary period prior to 1934. Examiners overlooked the fact that these principles negatively affected large operators such as Joseph Livingston as well as smaller ranchers. Nevertheless, such a conclusion revealed the disconnect that existed between leading Interior Department officials and advisory board members. The investigation expressed alarm over a process that members of the latter group desired most—the elimination of those ranchers who did not own the sufficient private property or livestock in connection with the public domain in order to sustain a yearlong, profitable stockraising enterprise.

Because of these different interpretations regarding proper access to the national domain, the Division of Investigations concluded that the district advisory boards manipulated federal range administration to further their own interests at the expense of other ranchers or land users. Examiners acknowledged that assistance from the boards was necessary during the federal grazing program's early stages, when the Division had few personnel and faced the daunting task of organizing grazing districts and garnering the support of western stockmen. But they questioned continued reliance on the advisory boards. They described advisory board meetings—what Carpenter saw as the greatest example of home rule on the range—as long, drawn out, and ultimately inefficient sessions hurriedly conducted because of the numerous matters to discuss and the fact that board members also had personal responsibilities to attend to. Furthermore, each board member was familiar with only a small group of constituents,

which led investigators to conclude that they were incapable of providing valuable advice to the entire board when it issued recommendations regarding permit applications or matters that pertained to other sections of the grazing district. To ameliorate the situation, investigators recommended the creation of an administration that gave the Division of Grazing greater independence by granting federal graziers the authority to issue, revoke, or amend grazing permits without consulting the advisory boards.<sup>76</sup>

Harold Ickes was not in Washington, D.C. on the day that Bradley Smith submitted his division's findings, which was significant because it was the same day that acting secretary Ebert K. Burlew approved the second half of *The Federal Range Code* on Ickes's behalf. Nevertheless, Ickes digested the report's conclusions and ultimately determined that it provided sufficient grounds for Carpenter's removal. By early November, he asked for Carpenter's resignation. Carpenter refused until the Secretary assured him of a letter stating that his services as Director of the Division of Grazing had been satisfactory. "You'll wait a hell of a long time for that," Ickes replied.<sup>77</sup> By November 8, however, assistant secretary Burlew called Carpenter to notify him that he now had such a letter that, in part, noted his "energy and peculiar qualifications" that allowed the Department of the Interior "to set up [an] effective form of cooperative organization" on the public domain range.<sup>78</sup>

Ickes concluded his letter by suggesting he did not anticipate any major changes to the policies that Carpenter implemented, but, according to the latter's autobiography, the two men did not depart amicably. Upon submitting his letter of resignation and

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<sup>76</sup> Burnett et al. to Bradley B. Smith, July 20, 1938, in Carpenter Papers, Box 1.

<sup>77</sup> Carpenter, *Confessions of a Maverick*, 174.

<sup>78</sup> Harold Ickes to Farrington Carpenter, November 8, 1938, in Carpenter Papers, Box 1.

saying goodbye to Ickes, the Secretary told Carpenter, “Now I’ll put those advisory boards in their proper place,” and shouted, “You’re out of a job! You’re out of a job!” as Carpenter walked out of his office.<sup>79</sup> Thus, four years after assuming the challenge of implementing a federal range management program on the public domain, the same principles of graziery and split control that garnered him significant support from pockets of the western range livestock but subjected him to widespread criticism from elsewhere finally resulted in Carpenter’s removal. He later recalled that he “did not look back” upon leaving the Secretary’s office.<sup>80</sup> He did not have to. The future of graziery on the public domain was assured.

Despite his firing, Carpenter was a much more effective government official than either he or Ickes ever would have admitted. Indeed, it is worth comparing his experiences with those of former Chief Forester Gifford Pinchot even though almost thirty years separated their respective removals from office. They shared an ability to create a government organization with loyal subordinates and constituents, each of whom regulated and utilized a vast portion of the American West. Moreover, there are many commonalities between Pinchot’s firing in 1910, which followed his public attacks on Interior Secretary Richard Ballinger and President William Howard Taft, and Carpenter’s forced resignation in 1938. In both cases, prominent assistants portrayed themselves as in complete shock upon hearing of their removal. Marvin Klemme of the

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<sup>79</sup> Carpenter, *Confessions of a Maverick*, 174

<sup>80</sup> *Ibid.*, 174. His oldest son, Edward, remarked that his father walked out of the Secretary’s office as “a free man” upon his resignation. Carpenter, *America’s First Grazer*, 125. Overall, the Carpenter family remained bitter toward Harold Ickes and often portrayed Farrington as a victim of a government conspiracy that was a product of the Secretary’s own political ambitions and desire to consolidate all federal conservation activities or the possibility that other Interior Department officials coveted Carpenter’s post and worked actively to undermine him. See *idem.*, 115, 122.

Division of Grazing, for example, referred to Ickes' actions as coming "[l]ike a bolt out of the sky" to the original members of the Division of Grazing.<sup>81</sup> Yet Carpenter's firing should not have come as a complete surprise. Carpenter suspected that Ickes was looking for the sufficient excuse and evidence to remove him. Even more, quite similar to Pinchot's private and public criticism of Richard Ballinger and the Taft administration, Carpenter's actions left Ickes with plenty of opportunities to do so. His attempts to distinguish his approach from other New Deal conservation measures caused him to make occasional statements that Ickes interpreted as insubordination.<sup>82</sup> Carpenter also knew of the investigation into his Division's affairs in 1938, as did other staff members such as Klemme, who complained of Division of Investigation agents, or "D. I. men," who reported "[e]very little grievance" about the decisions made by advisory board members or federal graziers to the Secretary's office.<sup>83</sup> Such a remark further revealed the disconnect that existed between graziery and Secretary Ickes. While Ickes saw the investigation as a necessary process to ensure the equitable application of the Taylor Grazing Act, most Division officials and advisory board members saw it as unnecessary oversight and an infringement upon home rule on the range.

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<sup>81</sup> Klemme, *Home Rule on the Range*, 196. For a review of the Pinchot-Ballinger controversy, see Samuel P. Hays, *Conservation and the Gospel of Efficiency: The Progressive Conservation Movement* (1959; reprint, New York: Atheneum, 1974), 165-74; James L. Penick, *Progressive Politics and Conservation: The Ballinger-Pinchot Affair* (Chicago: University of Chicago Press, 1968), and Gifford Pinchot, *Breaking New Ground* (1947; reprint, Washington, D.C.: Island Press, 1974), 391-458.

<sup>82</sup> In Bakersfield, California, for example, he criticized the Tennessee Valley Authority and remarked that "most westerners some way or other can handle things better than these [federal] bureaus." See U.S. Department of the Interior, Division of Grazing, "Transcript of Proceedings, Bakersfield, California" (January 17, 1935), 26, Carpenter Papers, Box 1. Meanwhile, in Reno, Nevada, he referred to Washington, D.C., as "the big county seat down on the Potomac." See Carpenter, *Confessions of a Maverick*, 168 and McCormick, "Capitol Cowboy," 48.

<sup>83</sup> Klemme, *Home Rule on the Range*, 192.



Moreover, much like Pinchot, Carpenter played the role of martyr quite well by interpreting his removal as necessary to remind others of the importance of his cause. For example, upon his firing by Taft, Pinchot reassured his staff that the primary purpose of the Forest Service remained “serving the people of the United States” rather than a select group, department, or presidential administration.<sup>84</sup> Likewise, Carpenter used his removal to reiterate the importance of his work on behalf of graziery. He worried that his departure from government service would mark the end of his efforts “to put democratic procedures into the Taylor Grazing Act” if Secretary Ickes followed through on his threat to put the advisory boards “in their proper place.”<sup>85</sup> Thus, Carpenter appealed to Division officials and all advisory board members of the importance of split control and that their work should stand out as a model for proper governance as well as provide forage for livestock. “We have learned that the governed and the governing can have the same goal and work hand in hand together,” he wrote in December 1938. “That way is as great a safeguard to our liberty as free speech or the right to assemble and I trust you will watch it as vigilantly.”<sup>86</sup>

The immediate future of rangeland politics revealed that many of Carpenter’s subordinates and board members took these words to heart. His forced resignation worried leading graziers and ranchers who benefited the most from his program, which had profound consequences as Secretary Ickes sought to restrict the influence of the advisory boards and grant greater independence to the Division of Grazing. On November 10, 1938, Ickes introduced Richard H. Rutledge as head of a soon-to-be

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<sup>84</sup> Pinchot, *Breaking New Ground*, 454.

<sup>85</sup> Carpenter, *Confessions of a Maverick*, 174.

<sup>86</sup> Farrington Carpenter to all District Advisors, December 25, 1938, in Carpenter Papers, Box 1. See also John D. McGowen, *Cowboy Joe, Administrator* (Laramie: University of Wyoming Publications 11, No. 5, 1944), 89.

reorganized Grazing Service. That the Secretary's announcement occurred so soon after Carpenter's resignation contributed to rumors that Ickes had found a potential replacement well before he parted ways with Carpenter.<sup>87</sup> Furthermore, Rutledge transferred from the Forest Service, which appealed to Ickes because of the agency's past history in range management and the perception that it was immune from the pressure from stockgrowers that he believed plagued the Division of Grazing. Not everyone in the Division welcomed the change. Marvin Klemme grew so frustrated that he resigned from the Grazing Service by March 1940 and later criticized Rutledge for setting the public domain grazing program "back three to five years" because of his "archaic leadership" and attempt to distinguish himself from Carpenter.<sup>88</sup> Rutledge would also have to gain the support of the stockgrowers who benefitted from Carpenter's approach, many of whom agreed with *American Cattle Producer* when it referred to his forced removal as "a great injustice" against the industry.<sup>89</sup> Indeed, both Secretary Ickes and Richard Rutledge soon discovered that any attempt to undo Carpenter's work required more than a simple change in leadership.

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<sup>87</sup> For instance, Marvin Klemme reminisced that Harold Ickes spent part of his western tour of Public Works Administration projects in October 1938 looking for a possible replacement for Carpenter and approached Edward Kavanaugh, who recommended Rutledge. Klemme, *Home Rule on the Range*, 197.

<sup>88</sup> *Ibid.*, 198.

<sup>89</sup> Quoted in Dan Fulton, *Failure on the Plains: A Rancher's View of the Public Lands Problem* (Bozeman: Big Sky Books, 1982), 134.

## **CHAPTER SEVEN**

### **GRAZIERY TRIUMPHANT**

One year after Farrington Carpenter's departure from Washington, D.C., the *Chicago Daily Tribune* labeled the United States as "the world's largest landed proprietor" because it administered approximately 400 million acres within its borders. The Forest Service managed 38 percent of this amount; the Grazing Service, 28 percent.<sup>1</sup> That two federal range management agencies oversaw much of the nation's public land by 1939 was a testament to the importance of rangelands as a geographic classification. This statistic also indicated the importance of rangelands as a political entity and ensured that any subsequent debates over its proper management would be a political contest. As the 1940s began, however, stockgrowers had the upper hand in this debate because of the advisory board approach and its various supporters, including association spokespersons, state legislatures, and federal representatives such as Senator Patrick A. McCarran of Nevada.

As previous scholars have noted, Farrington Carpenter's forced resignation in 1938, combined with attempts to raise the public domain grazing fee and expand the influence of the Grazing Service by the directors who followed, prompted a backlash among western ranchers. Starting in 1941, Senator McCarran initiated an investigation of the Grazing Service on their behalf. The so-called "McCarran hearings" spanned four-and-a-half years, took place in at least eighteen different communities across the Intermountain West (as well as in Washington, D.C.), and spawned over six thousand pages of official testimony and four reports. Historians and political scientists have correctly interpreted the hearings as a prime example of the close relationship between

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<sup>1</sup> "Federal Lands Make Up Fifth of Total Area," *Chicago Daily Tribune*, September 17, 1939.

livestock associations and politicians who kept a close eye on federal range administration. Up to this point, however, these scholars have overlooked the correspondence between stockgrowers and Senator McCarran's office, which epitomized the relationship that the livestock associations and western politicians experienced during this time. In turn, these letters reveal that previous scholars have overemphasized the hearings' effects on range use and governance. Contrary to historian E. Louise Peffer's assertion, Senator McCarran's efforts did not "force a reinterpretation of land policy more in accordance with the wishes of the using interests [stockgrowers]." <sup>2</sup> Rather, the hearings marked the culmination of organizational, political, and ecological trends that had been in the making since the late nineteenth century and had only been formalized recently by Farrington Carpenter's implementation of the Taylor Grazing Act.

When interpreted in this light, assertions that the McCarran hearings fostered a "reinterpretation" of the political relationship between range users and managers fall short. Grazieri continued to provide the paradigm within which ranchers and federal grazing officials interacted with each other. It informed stockgrowers' resistance against certain Grazing Service initiatives such as a proposed increase in grazing fees.

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<sup>2</sup> E. Louise Peffer, *The Closing of the Public Domain: Disposal and Reservation Policies, 1900-50* (1951; reprint, New York: Arno Press, 1972), 248. For other standard overviews of Senator McCarran's investigation, see Paul Wallace Gates, *History of Public Land Law Development* (1968; reprint, New York: Arno Press, 1972), 618-22; Phillip O. Foss, *Politics and Grass: The Administration of Grazing on the Public Domain* (Seattle: University of Washington Press, 1960), 171-86; and Roy M. Robbins, *Our Landed Heritage: The Public Domain, 1776-1970*, 2<sup>nd</sup> ed. (Lincoln: University of Nebraska Press, 1976), 428-29. William Voigt, Jr., who was an active member of the Izaak Walton League of America during this period, provides a detailed account of the McCarran hearings from a conservationist perspective. See *Public Grazing Lands: Use and Misuse by Industry and Government* (New Brunswick: Rutgers University Press, 1976), 263-89. Debra L. Donahue shares Voigt's negative perception of Senator McCarran in *The Western Range Revisited: Removing Livestock from Public Lands to Conserve Native Biodiversity* (Norman: University of Oklahoma Press, 1999), esp. 69. For an analysis of the McCarran hearings from a Forest Service perspective, see William D. Rowley, *U.S. Forest Service Grazing and Rangelands: A History* (College Station: Texas A&M University Press, 1985), 173-77.

The increasing conservative climate on Capitol Hill during the later years of President Franklin Roosevelt's administration certainly supported these efforts.<sup>3</sup> Yet Farrington Carpenter's original implementation of the Taylor Grazing Act remained the reference point throughout. Thus, contrary to historian Karen Merrill's claim, little "renegotiation" took place during this period because the model had already been set.<sup>4</sup> Graziery—with all its political and ecological connotations—remained the desired approach on the public domain range by the majority of those involved with its management.

The 1939 annual convention of the American National Live Stock Association (ANLSA) in San Francisco, California, was the first event that revealed that a new year, new name, and new administrator were not enough if Harold Ickes hoped to replace Farrington Carpenter's conception of graziery with his own understanding of the national domain. Defining the proper relationship between the district advisory boards and the federal government was among the most important topics of discussion, as Senator McCarran had recently introduced an amendment to the Taylor Grazing Act that required the Interior Secretary to recognize and consult with the advisory boards as

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<sup>3</sup> For a general discussion of the political backlash against President Roosevelt's New Deal during this period, see Alan Brinkley, *The End of Reform: New Deal Liberalism in Recession and War* (New York: Vintage Books, 1996) and James T. Patterson, *Congressional Conservatism and the New Deal: The Growth of the Conservative Coalition in Congress, 1933-1939* (Lexington: University of Kentucky Press, 1967). This backlash included criticism of the Grazing Service from non-western members of the House of the Representatives who argued that the agency needed to raise grazing fees to a level similar to what ranchers elsewhere paid for private grazing leases. Jed Johnson of Oklahoma, who chaired the House appropriations subcommittee that oversaw the Interior Department budget, led the effort to limit Grazing Service appropriations until it achieved this goal. Opposition to low public rangeland grazing fees by eastern Congressmen and stockgrowers deserves further study. For an overview of the grazing fee controversy during the 1940s from their perspective, see Phillip O. Foss, *The Grazing Fee Dilemma* (University, Alabama: Published for the Inter-University Case Program by University of Alabama Press, 1960).

<sup>4</sup> Karen R. Merrill, *Public Lands and Political Meaning: Ranchers, the Government, and the Property Between Them* (Berkeley: University of California Press, 2002), 172.

stipulated by *The Federal Range Code*. As previous chapters have indicated, McCarran paid close attention to the passage and implementation of the Taylor Grazing Act even though he did not receive a formal appointment to the Senate Committee on Public Lands and Surveys until January 1937. McCarran was popular among many Nevada voters—including stockgrowers—because, according to biographer Jerome E. Edwards, they were convinced “of his deep commitment to them and the state.”<sup>5</sup> Such commitment included criticizing President Roosevelt’s New Deal. The Senator also had a personal grievance against Secretary Ickes following reports that Interior Department investigators clandestinely entered his office and went through his files one month prior to the ANLSA convention.<sup>6</sup>

Therefore, in addition to framing his amendment as being in the best interest of actual range users, McCarran argued that it was necessary if the livestock industry wished to stay on guard against any New Deal agricultural or conservation program that might ignore “the practical problems of the industry” and “destroy” ranching and farming operations.<sup>7</sup> With such concern toward maintaining a proper balance between

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<sup>5</sup> Jerome E. Edwards, *Pat McCarran: Political Boss of Nevada* (Reno: University of Nevada Press, 1982), 122. McCarran arrived in the Senate in 1933 and served until his death in 1954 (during his fourth term). For more biographical information on Senator McCarran, whose name can be found all over Nevada (including on the Las Vegas airport), see Sister Margaret Patricia McCarran, “Patrick Anthony McCarran,” *Nevada Historical Society Quarterly* 11 (Fall-Winter 1968): 5-66 and 12 (Spring 1969): 5-75.

<sup>6</sup> Ickes denied the break-in and although the Senate investigated McCarran’s report and similar accusations, it found no evidence to support his claim. For McCarran’s charges against the Department of the Interior, see *New York Herald Tribune*, January 17, 1938 and *Reno Evening Gazette*, January 22, 1938. Although he was a member of the Democratic Party and initially expressed support for some New Deal reforms, McCarran publicly broke from Roosevelt by the time of the “Court-packing plan” in 1937. For a general overview of Roosevelt’s proposed Supreme Court reforms and the fallout within the Democratic Party, see Brinkley, *End of Reform*, 17-20 and Patterson, *Congressional Conservatism*, 77-127. Jerome Edwards argues that McCarran’s stance against judiciary reform contributed to his popularity and reelection in 1938 in Edwards, *Pat McCarran*, 75-80.

<sup>7</sup> American National Live Stock Association (hereafter, ANLSA), *Proceedings of the 41<sup>st</sup> Annual Convention* (San Francisco: February 15-17, 1939), 91, in National Cattlemen’s Association Records, American Heritage Center, University of Wyoming, Laramie (hereafter, NCA Records), Box 502.

local interests and the federal government, McCarran sounded much like Farrington Carpenter. “The right of the people to have a voice in control of their natural activities is the very marrow in the bone of our national existence,” he said. Although he never used the term “graziery,” his support of the advisory board approach reinforced its core principles. As he said, the advisory board set-up offered the best opportunity for the “scientific and theoretical training” of federal graziers to merge with the “ordinary horse sense and experience” of district board members and their constituents.<sup>8</sup> Carpenter could not have framed the issue any better.

Meanwhile, that Harold Ickes chose to refer to public domain rangelands and national parks as “Conservation Cousins” during his ANLSA address continued to reinforce the differences between the Interior Secretary and the philosophy under which the Taylor Grazing Act had been implemented. The speech reflected Ickes’ continued sentiments in favor of reorganizing all federal conservation activities into his department. A close look at the secretary’s travel schedule also reveals that Ickes was in San Francisco for a conference concerning the creation of Kings Canyon National Park.<sup>9</sup> Thus, when Ickes commented that McCarran’s proposed amendment was “inconsistent with the spirit and intent of the Taylor Grazing Act,” the statement once again revealed the different interpretations regarding proper range use and management

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Indeed, requests for an amendment like McCarran’s appeared as early as 1937. See ANLSA, *Proceedings of the 40<sup>th</sup> Annual Convention* (El Paso: January 12-14, 1937), 256, in *ibid*, Box 500.

<sup>8</sup> Several Nevada newspapers reprinted McCarran’s ANLSA address. For example, see the *Pioche Record*, February 23, 1939. Edwards indicates that such reprints constituted an integral part of the Senator’s efforts to keep his constituents informed and secure their support. See Edwards, *Pat McCarran*, 124-28.

<sup>9</sup> In addition to the conference regarding Kings Canyon, the Secretary’s western trip included a tour of notable western reclamation initiatives such as the Central Valley Project and Boulder Dam. That the published version of Ickes’ diary made no mention of his ANLSA address may further indicate the Secretary’s true sympathies. See Harold L. Ickes, *The Secret Diary of Harold L. Ickes: The Inside Struggle, 1936-1939* (New York: Simon and Schuster, 1954), 578-81.

between the Interior Secretary and the act's chief implementers and beneficiaries.<sup>10</sup>

Ickes opposed the amendment because it privileged graziers over all others who potentially had a stake in public lands administration. His insistence upon the similarities between grazing regulation and national park administration revealed that his understanding of the Taylor Grazing Act—and the national domain as a whole—remained unchanged.

Previous scholars have noted the differences between Secretary Ickes and Senator McCarran when it came to public domain range administration.<sup>11</sup> Yet Richard H. Rutledge, recently appointed as director of the Grazing Service, also appeared before the organized cattlemen in 1939. His speech revealed an agency stuck between Ickes' placement of the public domain on a pedestal equal to the national parks on the one hand and ranchers' desires to maintain preference in its use on the other. Prior to his time with the Grazing Service, Rutledge had spent his entire professional career with the Forest Service, including as Regional Forester for the Intermountain Region (which included Utah, Nevada, and portions of California, Colorado, Idaho and Wyoming) since 1920. Primary material on Rutledge is lacking, but historian Thomas G. Alexander refers to him as “an expert in grazing administration and an excellent administrator” during his time in the Intermountain Region.<sup>12</sup> As mentioned in the

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<sup>10</sup> ANLSA, *Proceedings of the 41<sup>st</sup> Annual Convention*, 158, 160.

<sup>11</sup> For example, see Merrill, *Public Lands and Political Meaning*, 179-80.

<sup>12</sup> Thomas G. Alexander, *The Rise of Multiple-Use Management in the Intermountain West: A History of Region 4 of the Forest Service* (U.S. Department of Agriculture, Forest Service, 1987), 57. Forest Service historian Harold K. Steen indicates that Rutledge was also considered for the position of Chief Forester following Ferdinand Silcox's death from a heart attack in 1939. Harold K. Steen, *The U.S. Forest Service: A History*, centennial ed. (Durham, NC: Forest History Society in association with University of Washington Press, 2004), 244. Meanwhile, William Rowley's history of Forest Service range management reveals that some Intermountain range researchers expressed displeasure with Rutledge's tenure as regional forester, including Clarence N. Woods (who replaced Rutledge as regional forester) and Clarence L. Forsling. Such criticism appears to have centered around Rutledge's inability to



previous chapter, Secretary Ickes found these qualities appealing when searching for Farrington Carpenter's replacement. Rutledge also possibly saw his appointment as a worthy challenge. Despite any ideas toward reforming public domain range administration that he may have held, however, Rutledge's only route for the time being was the Taylor Grazing Act. He also likely recognized that he was before the same organization whose trade publication criticized Carpenter's removal only one month earlier (see Chapter Six). Thus, Rutledge insisted that the Grazing Service would remain an "administration by law" and that he would maintain a place for the advisory boards, promising not to minimize the value or usefulness that ranchers already placed upon them.<sup>13</sup>

Meanwhile, the response to McCarran's proposed amendment by organized stockgrowers was informed by decades of range use as well as by Farrington Carpenter's administration. Even during Carpenter's tenure, one of the primary concerns held by leading figures within the state and national livestock association was determining whether the loyalties of the district advisory boards rested with their industry or with the federal government. For instance, prominent figures in the Wyoming associations such as J. Elmer Brock, Russell Thorp, and J. B. Wilson worried that the boards might usurp the political connections or responsibilities that their groups already enjoyed. Indeed, some local papers periodically printed news of a conspiracy by Carpenter or officials above him who sought to replace the livestock associations

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reduce stocking rates on Intermountain watersheds, focusing instead on maintaining good relations with stockgrowers. See Rowley, *U.S. Forest Service Grazing and Rangelands*, 179-81.

<sup>13</sup> ANLSA, *Proceedings of the 41<sup>st</sup> Annual Convention*, 211-13.

with federal advisory boards.<sup>14</sup> Although this charge was unfounded, the National Wool Growers Association (NWGA) initially opposed McCarran's amendment under the fear that formal recognition would require advisory board members to act as federal officials first and livestock industry representatives second.<sup>15</sup>

A new grazing administrator and growing concern toward New Deal centralization and spending added new elements to the equation, however. By January 1939, both national livestock associations supported McCarran's proposal as a means to demarcate the responsibilities between range users, district advisory boards, and federal graziers. ANLSA president Hubbard Russell reflected these sentiments. In direct response to Ickes' address before the convention, Russell did not deny that rangelands organized by the Taylor Grazing Act were part of the national domain, but he argued that the advisory boards facilitated administration according to the land's chief use. By requiring the Department of the Interior to recognize the advisory board set-up, Russell believed, the act would continue to work to the benefit of those stockgrowers who depended upon access to the public domain.<sup>16</sup> Meanwhile, in Congress, Representative Edward Taylor continued to celebrate the grazing advisory boards and supported an amendment that guaranteed their existence. In contrast to Secretary Ickes, Taylor did

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<sup>14</sup> For example, see Russell Thorp to J. Elmer Brock, April 8, 1937, in Wyoming Stock Growers Association Records, American Heritage Center, University of Wyoming, Laramie (hereafter, WSGA Records), Box 42, Fol. 4 and C. Watt Brandon, "Taylor Grazing Administration is Planning Disorganization of All Livestock Associations it is Said," *Kemmerer Gazette* (WY), December 3, 1937, copy in Joseph C. O'Mahoney Papers, American Heritage Center, University of Wyoming, Laramie (hereafter, O'Mahoney Papers), Box 257, Fol. "Taylor Grazing Act, General File, 1937".

<sup>15</sup> "Report of Committee on Public Lands," in *The Platform and Program of the National Wool Growers Association, Seventy-third Annual Convention* (Salt Lake City, UT: January 26-28, 1938), 13, in National Wool Growers Association Records, American Heritage Center, University of Wyoming, Laramie (hereafter, NWGA Records), Box 414.

<sup>16</sup> ANLSA, *Proceedings of the 41<sup>st</sup> Annual Convention*, 167-68. See also Resolution No. 11 in favor of McCarran's amendment in *ibid.*, 241. For evidence that support for the amendment complemented industry concerns toward increased centralization and spending under the New Deal state, see also ANLSA's resolution in favor of limited federal spending and a balanced budget in *ibid.*, 237.

not see the advisory boards as privileging one group over another on the public range. Instead, by asserting that the advisory board approach fostered unity between western stockmen and the federal government—providing for local autonomy and range conservation in the process—Taylor’s thoughts were shared by the majority of those involved with the act’s implementation, which further suggested that Richard Rutledge was to act merely as a steward for home rule on the range.<sup>17</sup>

McCarran’s advisory board amendment therefore became law in July 1939. Ironically, it put the district boards in their “proper place,” in reference to the phrase Secretary Ickes shouted to Farrington Carpenter during their final encounter. According to the statute, boards retained their ability to “offer advice or make recommendations” on grazing permit applications and other range management matters, thus providing federal graziers and the Secretary of the Interior with “the fullest information and advice” concerning the grazing districts.<sup>18</sup> Carpenter was delighted and interpreted the amendment as vindication for his efforts. No longer did he have to fear the fate of “my advisory boards,” as he called them, because McCarran’s amendment protected principles that his administration and *The Federal Range Code* already practiced.<sup>19</sup>

One year later, perceived unity in public domain range management between stockgrowers and the federal government extended even further when a meeting among eighteen leading district board members resulted in the creation of the National Advisory Board Council (NABC). Although it espoused cooperation, the Council’s

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<sup>17</sup> Edward T. Taylor, “The Taylor Grazing Act,” June 28, 1939, in *Appendix to the Congressional Record*, 76<sup>th</sup> Cong. 1<sup>st</sup> sess., 1939, 84, pt. 1939, 2930-34. A copy of this address, re-titled “The Building of the Federal Range” can also be found in Edward T. Taylor Papers, Stephen H. Hart Library and Research Center, History Colorado Center, Denver, Box 1, Fol. 33.

<sup>18</sup> “An Act to amend the Taylor Grazing Act,” Public No. 173, *U.S. Statutes at Large* 53 (1939): 1002-3.

<sup>19</sup> Farrington R. Carpenter, *Confessions of a Maverick: An Autobiography* (Denver: State Historical Society of Colorado, 1984), 175.

primary purpose was “to further the interest[s] of the users of the public domain under jurisdiction of the Grazing Service,” namely keeping the range chiefly valuable for grazing and maintaining preference in its use.<sup>20</sup> In this regard, the NABC was an oversight committee that maintained the proper relationship between range users and the federal government, ensuring split control. The Council made it clear that it was “a voluntary organization” independent from the Grazing Service that catered exclusively to western stockgrowers.<sup>21</sup>

The Council espoused these principles because it included members with a stake in protecting grazing on the public domain. Gordon Griswold, its first president, continued to use the rangelands of eastern Nevada to his benefit and, by 1940, personified how the Taylor Grazing Act entangled politics with transhumance. In the spring, Griswold ran ten thousand sheep and eighty cattle on low-elevation rangelands that comprised Nevada Grazing District No. 1. During the summer, a portion of this herd moved to the Humboldt National Forest, situated within the Ruby Mountains of northeastern Nevada. When fall arrived, Griswold moved his sheep south to Nevada Grazing District No. 4, which provided forage for his animals throughout the winter. Prior to the Taylor Grazing Act, Griswold would have had to rely on informal use

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<sup>20</sup> Meeting of National Advisory Board Council, Denver, CO, July 20, 1940, in Wyoming Wool Growers Collection, American Heritage Center, University of Wyoming, Laramie (hereafter, WWGA Collection), Box 41, Fol. “Taylor Grazing Districts Committee”. The organization of the NABC was a calculated rather than spontaneous effort that acted upon association recommendations for the creation of such an organization. For instance, the NWGA recommended the creation of a permanent joint committee comprised of members from both national livestock organizations to oversee the administration of the Taylor Grazing Act. See “Report of Committee on Public Lands, in *The Platform and Program of the National Wool Growers Association, Seventy-fourth Annual Convention* (San Angelo, TX: January 24-26, 1939), 15, in NWGA Records, Box 414. After some preliminary efforts, the Council’s organization followed an earlier gathering of ranchers and Grazing Service officials in Denver, Colorado. See Gordon Griswold to Franklin D. Roosevelt and Harold L. Ickes, July 20, 1940, in Gordon Griswold Collection, Special Collections, University of Nevada, Reno Libraries (hereafter, Griswold Collection), Box 2. Fol. 22.

<sup>21</sup> Meeting of National Advisory Board Council, July 20, 1940.

agreements with nearby ranchers and state laws to guarantee public domain range use. Now, federal grazing permits secured his access.<sup>22</sup>

Participation in livestock association politics at the local, state, and national level further facilitated Griswold's prominence within the industry, as it did with other leading members of the NABC. A. D. Brownfield and Dan H. Hughes, the Council's first and second vice presidents, were prominent figures in the New Mexico beef and Colorado wool industries, respectively. Brownfield ran an extensive operation near Deming, New Mexico, which included portions of New Mexico Grazing District No. 3, and was a former president of the New Mexico Cattle Growers' Association as well as a future president of ANLSA.<sup>23</sup> Hughes, meanwhile, was an attorney and woolgrower from Montrose, Colorado. As mentioned in Chapter Four, Hughes accompanied Edward Taylor and Farrington Carpenter to testify in favor of federal administration of the public domain range before the House Public Lands Committee. He remained a leading figure in livestock association politics after the act's implementation and, by 1940, served on the advisory board for Colorado Grazing District No. 4, located in the western part of the state.<sup>24</sup> Ultimately, NABC leadership reflected processes that Harold Ickes detested and used as grounds for Carpenter's removal. However, by soliciting cooperation among leading stockgrowers across the Intermountain West in the administration of the Taylor Grazing Act, the creation of the NABC was further

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<sup>22</sup> U.S. Department of the Interior, Division of Grazing, Permit or License for Grazing Privileges, Griswold Livestock, Co., Elko, NV, March 1, 1940 [Grazing District No. 1], October 1, 1940 [Grazing District No. 1]; October 1, 1940 [Grazing District No. 4] in Griswold Collection, Box 1, Fol. 25.

<sup>23</sup> Brownfield served as president of the New Mexico Cattle Growers Association from 1936-1938 and was active in garnering industry support for McCarran's advisory board amendment. See Robert K. Mortensen, *In the Cause of Progress: A History of the New Mexico Cattle Growers' Association* (Albuquerque: New Mexico Stockman, 1983), 83.

<sup>24</sup> See U.S. Department of the Interior, Grazing Service, "A Guide to the Activities of the Grazing Service in Colorado Under the Taylor Grazing Act," July 1940, 18, in Farrington R. Carpenter Papers, Western History Collection, Denver Public Library (hereafter, Carpenter Papers), Box 1.

testament to Carpenter's split control approach even though he played no role in the Council's formation.<sup>25</sup>

The public domain grazing fee was perhaps the most important stimulus behind these continued organizational efforts among stockgrowers. A variety of ecological and economic factors go into developing a suitable grazing fee, including stocking rates, range and forage types, livestock prices, and production costs. Even today, western ranchers who utilize public rangelands pay attention to grazing fees because they directly affect their annual operating costs. Grazing fees also influence range conditions because the federal government reinvests much of what it receives from public lands graziers on range improvements. Finally, because public lands take away territory that a state would normally tax, the federal government provides still more money to those counties within which the public lands reside to provide revenue for education, internal improvements, or other purposes.<sup>26</sup>

Western ranchers must believe that the amount they pay to use the range is fair given the market and forage available. Critics of public lands grazing fees often argue that this amount is too low, citing ranchers' desires for profits as the primary reason behind this phenomenon.<sup>27</sup> Stockgrowers certainly paid attention to the grazing fee

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<sup>25</sup> Although the NABC receives mention in every standard history of public lands grazing politics, detailed analysis of its creation has been lacking up to this point. See Foss, *Politics and Grass*, 120-21; Merrill, *Public Lands and Political Meaning*, 181-82; and Peffer, *Closing of the Public Domain*, 231. These interpretations overlook the fact that membership to the NABC was initially open to all public domain range users. Indeed, the NABC featured over 110 members upon its creation in July 1940. See Griswold to Roosevelt and Ickes, July 20, 1940, which included a list of members.

<sup>26</sup> Literature on the grazing fee issue is vast. For more information on the formulation of public lands grazing fees and how they affect ranchers' operations, see the following: Wesley Calef, *Private Grazing and Public Lands* (Chicago: University of Chicago Press, 1960), 73-74; Marion Clawson, *The Western Range Livestock Industry* (New York: McGraw-Hill Book Company, 1950), 254-76; N. K. Roberts, "Economic Foundations for Grazing Use Fees on Public Lands," *Journal of Farm Economics* 45 (November 1963): 721-31; and Paul F. Starrs, *Let the Cowboy Ride: Cattle Ranching in the American West* (Baltimore: Johns Hopkins University Press, 1998), 71-75.

<sup>27</sup> For instance, see Donahue, *Western Range Revisited*, 229-83.

issue because they had to account for it in their budgets. Yet scholars and contemporary detractors have overlooked how the public domain grazing fee was the primary way through which advisory boards at the district, state, and national level interacted with the Taylor Grazing Act. In other words, the significance of the grazing fee debate during the 1940s laid less in how much ranchers were willing to pay and more in how much independence the advisory boards would receive in spending the money given to them.<sup>28</sup>

As mentioned in previous chapters, the Division of Grazing settled upon a fee of five cents per animal-unit-month (AUM) for cattle and one cent for sheep because of range and market conditions, the continued lack of comprehensive range survey data on most districts, and the fact that it covered most administrative costs. Some Nevada ranchers who still held temporary grazing licenses challenged the grazing fee from the start, however. Section 3 of the Taylor Grazing Act clearly granted the Department of the Interior the ability to charge fees to all those who held permits to the public domain. Yet it mentioned nothing about charging those who still held temporary grazing licenses, which, as mentioned in Chapter Six, Carpenter's administration gradually phased out as it implemented the initial fee system. The Taylor Grazing Act also stated that its implementation could not "in any way...diminish or impair" preexisting water rights on the public domain.<sup>29</sup> Therefore, federal fee collection in Nevada potentially conflicted with state laws that granted stockgrowers preference in the use of public domain rangelands if they proved continuous use for up to five years or had acquired

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<sup>28</sup> I appreciate the recent work on federal transfer payments done by Jay Taylor to make me think of the public lands grazing fee issue in this way. Joseph E. Taylor III, "Follow the Money: Forty Years of Federal Transfer Payments on Western Public Lands," paper presented at the 53<sup>rd</sup> Annual Conference of the Western History Association, October 12, 2013.

<sup>29</sup> *Taylor Grazing Act*, Public Law 482, *U.S. Statutes at Large* 48 (1934), § 3.

rights to preexisting or developed water holes. These measures provided the foundations for the suit *Dewar v. Brooks*, which challenged the authority of Regional Grazier Luster R. Brooks to charge for use within Nevada's grazing districts, and the state court ruled in favor of the ranchers in 1939.<sup>30</sup>

Simultaneous to the grazing fee case, however, permit holders within Nevada used the current fee structure to stabilize and organize their industry. Building upon those sections of the Taylor Grazing Act and *The Federal Range Code* that allowed cooperation with advisory boards and other livestock organizations, the Nevada state legislature passed a series of laws by 1941 that gave advisory boards the ability to distribute and spend grazing fee receipts as they saw fit. Other states quickly followed Nevada's model. By creating State Grazing Advisory Boards that comprised of members from each district grazing board, this legislation provided the terms through which ranchers spent federal money. The state treasury received fee receipts from Washington, D.C. It then distributed them to the state boards, which cooperated with county, state, and federal officials as they spent money for range improvement purposes. These boards also helped local ranchers pay federal grazing fees whenever conditions such as drought or disease hindered their ability to pay. When conducting work on its behalf, the states reimbursed board members for per diem and travel. Thus, if a rancher served on a state grazing board, he once again donned twin hats, this time as a representative of his state as well as his industry.<sup>31</sup>

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<sup>30</sup> For another overview of the Nevada grazing fee case, see Merrill, *Public Lands and Political Meaning*, 182-84.

<sup>31</sup> "An Act to provide for cooperation of state and county officers and agencies with the federal government in relation to grazing lands," approved March 14, 1939, amended on March 31, 1941, in *Nevada Compiled Laws, Supplement, 1931-1941*, vol. 1 (San Francisco: Bender-Moss Company, 1942), 826-830. These laws built upon a more general state measure passed shortly after the Taylor Grazing Act that allowed the state treasurer to deposit grazing fee receipts directly with the district advisory boards.



Meanwhile, Senator Pat McCarran's willingness to intervene in the administration of the Taylor Grazing Act came primarily in reaction against how the Grazing Service handled the grazing fee matter following the Nevada Supreme Court's decision in the *Dewar* case. In addition to ruling that the agency did not have the authority to levy a grazing fee against temporary license holders, the Court rendered an injunction against regional grazier Brooks that prevented him from issuing an additional fee or penalizing the plaintiffs in any way. The Grazing Service appealed to the U.S. Supreme Court. In the meantime, however, Richard Rutledge served each Nevada rancher involved in the suit with a trespass notice requiring them to either remove their livestock from the range or pay the required fee. Some buckled under the pressure of what William B. Wright, president of the Nevada State Cattle Association, called a "high-handed action" that intimidated stockgrowers and ignored the state court's orders.<sup>32</sup> Thirty-nine stockgrowers still refused to pay, however, and the Grazing Service filed suit.

Milton B. Badt, an attorney from Elko, Nevada, defended the ranchers against both the suit and the Grazing Service's appeal to the U.S. Supreme Court. In a December 1939 letter to McCarran (well before the Court heard testimony regarding the case), Badt suggested that his clients needed the Senator's help. Badt did not like his chances because he anticipated how the Grazing Service would present its case before the high court. The agency argued that the Taylor Grazing Act, combined with earlier court decisions regarding Forest Service grazing fees (see Chapter Two), gave it

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See "An Act to provide for the cooperation of state officers and agencies and stockmen's associations with the federal government in relation to grazing lands...", approved March 27, 1935, in *ibid.*, 825-26.

<sup>32</sup> William B. Wright to Joseph C. O'Mahoney, December 30, 1939, in O'Mahoney Papers, Box 257, Fol: "Legislation—Taylor Grazing Act, 1940".

sufficient authority to implement necessary rules and regulations for public domain range management, including fees. Badt correctly assumed that the Supreme Court would agree with this argument, which it did in May 1941.<sup>33</sup> Moreover, Badt believed that the Grazing Service would interpret a ruling in its favor as justification for expanding its administrative authority even further. “[W]ithout further consideration, without debate, without committee hearings, [and] without the opportunity to the stockmen to object,” he wrote, Badt feared that the Supreme Court would ultimately fail his clients and asked McCarran to intervene on their behalf.<sup>34</sup> Fearing the ramifications of a Supreme Court decision in favor of the Grazing Service, additional members of the state and national livestock associations appealed to McCarran and other western Senators as well.<sup>35</sup>

Western reluctance toward the expansion of federal authority to the public domain range has been well documented by this point. Yet it is important to remember that the majority of stockgrowers who utilized the grazing districts were not opposed to a grazing fee because it helped stabilize ranching operations and added to the prestige of board members tasked with reinvesting what their constituents paid for range use. For instance, Gordon Griswold was already a prominent rancher because of the scale of his operations and his activities within the livestock associations, including the NABC. Yet, for Nevada stockgrowers on District No. 1, Griswold was most important for his position on the state grazing board that represented the district, its sole purpose being to spend fee receipts and cooperate with county, state, and federal officials for their

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<sup>33</sup> *Brooks v. Dewar et al.*, 313 U.S. 354 (1941).

<sup>34</sup> Milton B. Badt to Patrick A. McCarran, December 28, 1939, copy in O’Mahoney Papers, Box 257, Fol. “Legislation—Taylor Grazing Act, 1940”.

<sup>35</sup> For example, see Russell Thorp to Joseph C. O’Mahoney, January 4, 1940, in *ibid.*

benefit. Policing sparsely populated districts against trespass or livestock theft required collaboration with county sheriffs and state police. Payment for their services came partly from grazing fees. Griswold and other ranchers like him also kept in constant contact with federal and county officials in regards to how much money was in their district's range improvement fund and how they proposed to spend it, which included predatory animal control, fire suppression, and basic range improvement projects such as wells, fences, and cattle guards. Such efforts were always cooperative arrangements carried out in association with federal or state officials, district advisory board members, and other ranchers.<sup>36</sup> Thus, few stockgrowers questioned a grazing fee because they recognized its benefits. The majority of the money returned to the districts for administrative purposes. Moreover, the Taylor Grazing Act and state laws gave ranchers primary say in how to spend it.

Thus, something more than the grazing fee was at work behind Senator McCarran's pending investigation of the Grazing Service. Indeed, the majority of disputes that persisted between federal graziers and local ranchers rested not with the fee but with other contested notions of home rule on the range that played out on a daily basis and on a personal level. Most complaints centered on the conduct of a specific district grazer and his relationship with the advisory board. Range users always focused on whether the Grazing Service carried out recommendations from their

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<sup>36</sup> Gordon Griswold's papers contain an enormous amount of information of how state grazing board and district members spent grazing fee receipts. For correspondence between Griswold and county treasurers and attorneys pertaining to the general acquisition and distribution of grazing fee receipts, see Ed Delaney to Gordon Griswold, February 12, 1943; L. R. McIntire to Gordon Griswold, February 12, 1943; and George F. Wright to Gordon Griswold, July 9, 1943. For the payment of county and state officers to assist stockmen in policing the range, see Walter Gilmer to Archie Dewar, May 29, 1943 and Walter Gilmer to Gordon Griswold, July 1, 1943. For the spending of grazing fee receipts on range management projects such as predator control and fire suppression, see G. H. Hansen to Gordon Griswold, February 18, 1943; Virgil E. Starr to Gordon Griswold, June 1, 1943; and Gordon Griswold to Virgil Starr, December 13, 1943. All in Griswold Collection, Box 3, Fol. 7.

advisory board, particularly those pertaining to specific permits or range improvement proposals. Board members continued to express discontent if district administrators acted on their own judgment rather than adhere to board recommendations. In turn, those stockgrowers who opposed a board's decision regarding their permit criticized district officials as well.<sup>37</sup>

Acting upon the combination of the Nevada grazing fee case, complaints about grazing district administration, and their own perceptions of federal range management, livestock industry leaders prompted Senator McCarran's investigation of the Grazing Service. On February 28, 1940, select members of the Senate Committee on Public Lands and Surveys assembled to consider whether additional amendments to the Taylor Grazing Act were necessary. The Senators present conducted the meeting solely on the behalf of J. Elmer Brock, A. D. Brownfield, and William Wright, who were in Washington, D.C., on behalf of ANLSA. Each individual received the opportunity to issue a statement that criticized the conduct of the Grazing Service. The hearing also included a heated exchange between Senator McCarran and Richard Rutledge over the Nevada grazing fee case.<sup>38</sup> Overall, although the meeting lasted less than two hours, the statements made simply reinforced the complaints against federal range management that prominent western stockgrowers and Senators were already familiar with. Upon its conclusion, Senator McCarran asked the assembled stockmen to compile a "list of

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<sup>37</sup> By the early 1940s, some complaints also came from local residents who did not graze livestock on the range but criticized the methods of the district advisory boards or questioned how Grazing Service administration might affect their own access to public rangelands. For example, see W. E. Baehr to Kenneth Brammer, February 26, 1940, and Kenneth Brammer to Joseph C. O'Mahoney, March 16, 1940, in O'Mahoney Papers, Box 257, Fol. "Legislation—Taylor Grazing Act, 1940" and George C. Hudson to Joseph C. O'Mahoney, January 17, 1941, in *ibid.*, Box 257, Fol. "Legislation—Taylor Grazing Act, 1941".

<sup>38</sup> U.S. Congress, Senate, Committee on Public Lands and Surveys, *Amending the Taylor Grazing Act* (76<sup>th</sup> Cong., 3d sess., 1940).

grievances,” from which he would introduce a resolution on their behalf that recommended a Congressional inquiry into federal range management.<sup>39</sup>

By March 6, ANLSA’s legislative committee condensed its criticisms into a “Summary of Grievances of Western Stockmen Concerning Federal Administration of Public Lands.” Three days later, Senator McCarran introduced a resolution (S. Res. 241) that repeated the organization’s complaints. A. D. Brownfield commented, “Perhaps it is not as full and complete as it should be, nevertheless it is a start and we hope to accomplish a great deal more later.”<sup>40</sup> Although Brownfield did not elaborate on what the association ultimately hoped to achieve, ANLSA’s “Summary” and McCarran’s resolution expressed frustration toward the perceived expansion of administrative authority on western public lands by the Department of the Interior at the expense of graziery and home rule on the range. The Grazing Service was never mentioned by name, nor did any of ANLSA’s protests indicate a desire to do away with the agency. Nevertheless, almost all of its grievances reinforced the idea that the Grazing Service had overstepped the original intent of the Taylor Grazing Act by hiring additional personnel, ignoring certain protocols or using “coercive tactics” to implement its program (an indirect reference to the Nevada grazing fee case), and neglecting or reversing district board recommendations.<sup>41</sup> After further consideration, the Senate Committee on Public Lands and Surveys recommended a “full and complete

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<sup>39</sup> A. D. Brownfield to Floyd W. Lee, March 6, 1940, in Griswold Collection, Box 3, Fol. 18.

<sup>40</sup> Ibid.

<sup>41</sup> See “Summary of Grievances of Western Stockmen Concerning Federal Administration of Public Lands,” March 1940, in *ibid.* McCarran’s resolution practically restated ANLSA’s grievances verbatim. See *Congressional Record*, 76<sup>th</sup> Cong., 3d sess., 1940, 86, pt. 3, 2593. In all of the scholarship on the McCarran hearings, only Paul Wallace Gates and Karen Merrill indicate the similarities between ANLSA’s grievances and McCarran’s S. Res. 241, although it appears that neither of them had an actual copy of ANLSA’s “Summary of Grievances” at their disposal. See Gates, *History of Public Land Law Development*, 618-19 and Merrill, *Public Lands and Political Meaning*, 250n24.

investigation” into the administration of all federal lands, allotting \$10,000 towards that end.<sup>42</sup>

The combination of ANLSA’s “Summary of Grievances” and Senator McCarran’s past work on the behalf of Nevada stockgrowers determined his leadership of the subcommittee tasked with the investigation as well as its focus. McCarran insisted that the work of his subcommittee would be comprehensive and result in substantial public land law reforms. As he wrote to ANLSA secretary F. E. Mollin, McCarran wanted “a real investigation” that brought out “even the smallest detail” and inspected “every public land question” in the West.<sup>43</sup> That Mollin was the recipient of this letter, however, revealed the Senator’s true purpose. His inquiry centered on asserting his interpretation of the Taylor Grazing Act and maintaining a proper balance between the national and local domains.

Conducting an investigation with these goals in mind required interacting with local resource users. Thus, as he wrote to J. Elmer Brock, McCarran brought his subcommittee westward to “cities or communities readily accessible to individuals, livestock interests, grazing associations and other organizations” that held a primary interest in the land.<sup>44</sup> In addition, he requested that Brock and other leading members of the livestock industry provide him with the names of other key association members at the national and state levels so he could advise those ranchers who might want to testify before his subcommittee. In turn, Mollin and other industry leaders assured the subcommittee of their cooperation and ability to acquire witnesses who would “be frank

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<sup>42</sup> *Congressional Record*, 76<sup>th</sup> Cong., 3d sess., 1940, 86, pt. 6, 6797.

<sup>43</sup> Patrick A. McCarran to F. E. Mollin, September 4, 1940, in Patrick A. McCarran Collection, Nevada Historical Society, Reno (hereafter, McCarran Collection), Box 37, Fol. “Senate Subcommittee on Public Lands Hearings; McCarran Sen. Res. 241, 1940”.

<sup>44</sup> Patrick A. McCarran to J. Elmer Brock, July 13, 1940, in *ibid.*

and not afraid to speak out their true views relative to anything wrong in the present [grazing] set-up as they see it.”<sup>45</sup> McCarran’s investigation garnered the interest of other western natural resource users such as mining and timber corporations, but the Senator’s office did not maintain as close connections with these groups as it did with the western livestock industry.<sup>46</sup> Nor did these other parties have a sustained interest in the investigation. Thus, the subcommittee’s overwhelming focus on the public domain range was a product of perceptions regarding its chief use and the organized activity of the group most interested in its administration—stockgrowers.<sup>47</sup>

Correspondence between McCarran and western ranchers reveals that the Senator’s primary aim was to expose any maladministration of the Taylor Grazing Act by the Grazing Service. The subcommittee’s special investigators assumed the burden of uncovering any evidence toward this end and, in doing so, occupied the most important position in the relationship between Senator McCarran and the western livestock industry during the course of the investigation. Neither McCarran nor stockgrowers expressed satisfaction with reports, statistics, and testimony provided by Grazing Service officials. Thus, the subcommittee tasked its special investigators with

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<sup>45</sup> F. E. Mollin to Patrick A. McCarran, September 6, 1940, in *ibid.*

<sup>46</sup> Spokespersons for various chambers of commerce as well as mining and timber organizations contacted Senator McCarran during the early stages of his investigation, but such interest waned as the hearings continued. For example, see Frank H. Lamb to Patrick A. McCarran, November 25, 1940; P. C. Stoess to Patrick A. McCarran, December 18, 1940; John C. Pierce to Patrick A. McCarran, January 10, 1941; Patrick A. McCarran to F. A. Polson and Edgar S. Hadley, March 26, 1941; Wellman A. Clark to Patrick A. McCarran, April 22, 1941; and G. H. Collingwood to Patrick A. McCarran, May 31, 1941, in *ibid.*, Fol. “Public Land Hearings, Jan-Aug ‘41”.

<sup>47</sup> For more on the initial response of Senator McCarran’s pending investigation, see *Elko Free Press*, July 29, 1940; J. B. Wilson to Joseph C. O’Mahoney, December 4, 1940, in WWGA Collection, Box 32, Fol. “Joseph C. O’Mahoney”. For ANLSA’s support for McCarran’s pending investigation, see *Proceedings of the 44<sup>th</sup> Annual Convention of the American National Live Stock Association* (Fort Worth, TX: January 7-9, 1941), 220-21, in NCA Records, Box 502. Moreover, in January 1941, the NWGA continued to endorse the Taylor Grazing Act and the federal range management program. However, it clearly stated its opposition to any increase in the current fee structure. See “Report of Committee on Public Domain”, in *The Platform and Program of the National Wool Growers Association, Seventy-sixth Annual Convention* (Spokane, WA: January 21-23, 1941), 16, NWGA Records, Box 414.

ascertaining the local situation prior to its arrival. McCarran expected them to be objective and thorough in their work. In addition, they monitored how federal agencies conducted themselves during the investigation. The Senator feared constantly that Interior Department officials monitored his work. Thus, special investigators paid particular attention to rumors of Grazing Service or other federal personnel offering bribes or issuing threats to ranchers to ensure favorable testimony. Such charges were often unfounded. Nevertheless, these individuals had the unique opportunity to determine the validity of ranchers' claims against an arm of the executive branch (the Department of the Interior) while simultaneously monitoring how that department handled itself during a legislative inquiry into its affairs.<sup>48</sup>

This responsibility first fell upon George W. Storck, who was an accountant from the Treasury Department prior to his transfer to McCarran's subcommittee. He was not an impressive individual, with one person describing him as "a rather sick old man who seemed to have altogether too much work for one person to handle."<sup>49</sup> Nonetheless, Storck's Treasury experience and work ethic made him an individual of "inestimable value to the committee," according to Senator McCarran.<sup>50</sup> He acted the part of financial consultant by looking at budgets and determining where money and manpower was wasted. He met with Grazing Service officials to discuss claims made against them and checked into their backgrounds, including salaries and previous

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<sup>48</sup> See Patrick A. McCarran to George W. Storck, September 4, 1940, in McCarran Collection, Box 37, Fol. "Senate Subcommittee on Public Lands Hearings; McCarran Sen. Res. 241, 1940".

<sup>49</sup> Mrs. Felix Wilson to J. B. Wilson, August 1, 1941, in WWGA Collection, Box 24, Fol. "McCarran Investigations". See also George W. Stork to R. F. Camalier, May 5, 1941, in McCarran Collection, Box 37, Fol. "Public Land Hearings, Jan-Aug '41".

<sup>50</sup> Patrick A. McCarran to Henry Morgenthau, Jr., October 28, 1940, in McCarran Collection, Box 37, Fol. "Senate Subcommittee on Public Lands Hearings; McCarran Sen. Res. 241, 1940".



ranching experience. Storck also collected ranchers' testimonies and obtained lodging and meeting space for the subcommittee.<sup>51</sup>

These responsibilities required Storck to submit himself to the whims of McCarran's schedule. During the summer of 1941, for example, Storck logged over three thousand miles back and forth across Wyoming conducting preliminary inquiries. Then he traveled almost one thousand miles to Reno, Nevada, in preparation for McCarran's arrival at a subcommittee hearing. Then he went back to Casper, Wyoming, ahead of the subcommittee to prepare for yet another hearing.<sup>52</sup> Storck then went to Montana, but by November, Senator McCarran told him to "[p]roceed to Arizona at once," which was another trip of over one thousand miles.<sup>53</sup> Throughout his travels, Storck distributed hundreds of mimeographed "Dear Rancher" letters that provided hearings dates and requested stockgrowers to attend.<sup>54</sup> His wife was his only assistant.

After the first round of McCarran's hearings in 1941, however, Earl S. Haskell replaced Storck as the subcommittee's lead investigator. His appointment further reinforced the connection between McCarran and the western livestock industry. Storck

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<sup>51</sup> For a representative sample of these activities, see George W. Storck to Patrick A. McCarran, August 16, 1941 and George W. Storck to Luster R. Brooks, August 17, 1941 in McCarran Collection, Box 37, Fol. "Public Land Hearings, Jan-Aug '41"; Patrick A. McCarran to George W. Storck, June 16, 1941; George W. Storck to R. F. Camalier, June 16, 1941 and June 19, 1941; George W. Storck to Patrick A. McCarran, November 12, 1941; and George W. Storck to Patrick A. McCarran, December 12, 1941 in *ibid.*, Box 37, Fol. "S. 241 Public Land Hearings, Sept.-Dec. 1941, correspondence".

<sup>52</sup> George W. Storck to R. F. Camalier, August 19, 1941, in McCarran Collection, Box 37, Fol. "Public Land Hearings, Jan-Aug '41".

<sup>53</sup> Patrick A. McCarran to George W. Storck, November 4, 1941, in McCarran Collection, Box 37, Fol. "S. 241 Public Land Hearings, Sept.-Dec. 1941, correspondence". See also George W. Storck to Patrick A. McCarran, June 11, 1941 and Patrick A. McCarran to George W. Storck, November 8, 1941 in *ibid.*

<sup>54</sup> For an example of Storck's standard letter to ranchers, see George W. Storck to "Dear Rancher," August 22, 1941 in *ibid.*, Box 37, Fol. "Public Land Hearings, Jan-Aug '41". The letter stated, "If you have anything of importance that you believe should be presented to the Committee for such action as may be deemed necessary, now is the time to do it," assuring them that representatives from the livestock associations, Forest Service, and Grazing Service would be present and would cooperate with the subcommittee.

likely could have succumbed to the excessive work schedule and declined to continue his services when his appointment expired. Yet Haskell later suggested that the cause for Storck's removal stemmed from the fact that he grew too close to the agency he was supposed to investigate. Supposedly, the Grazing Service assigned two officials to travel with the special investigator and extract information. Haskell mentioned no names, but it is safe to assume that western stockgrowers provided him with this information, which he then made public in an official subcommittee report.<sup>55</sup> However, there is no evidence that Storck maintained a cozy relationship with the Grazing Service. Nor is there any indication that certain officials within the agency went to great lengths to solicit information from him. Nevertheless, stockgrowers likely found Haskell a more sympathetic figure because of his background in agricultural economics and prior connections to the western livestock industry. Indeed, in 1935, Haskell presented a paper before the Wyoming Wool Growers Association (WWGA) on behalf of the Agricultural Adjustment Administration and kept in close contact with J. B. Wilson, the WWGA secretary, throughout the course of McCarran's investigation.<sup>56</sup> Haskell's responsibilities were the same as Storck's, but the combination of these duties with his background and prior association connections ensured that Haskell became a central figure around which the entire investigation revolved.

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<sup>55</sup> U.S. Congress, Senate, *Administration and Use of Public Lands: Final Report of the Committee on Public Lands and Surveys*, 80<sup>th</sup> Cong., 1<sup>st</sup> sess., 1947, Rept. No. 10, 69. William Voigt, Jr. also caught this accusation in *Public Grazing Lands*, 273. Although Haskell does not mention Storck by name, Voigt assumed that Haskell was referring to him and framed it as the primary reason that the subcommittee replaced Storck with Haskell.

<sup>56</sup> *Proceedings of the 31<sup>st</sup> Annual Convention of the Wyoming Wool Growers Association* (Laramie: July 30-August 1, 1935), in WWGA Collection, Box 5. Unfortunately, the text of Haskell's report was not included in the proceedings. For more on Haskell's background, see E. S. Haskell to J. B. Wilson, December 24, 1946 in *ibid.*, Box 24, Fol. "McCarran Investigations". According to this letter, Haskell was affiliated with the U.S. Department of Agriculture during his time with McCarran's subcommittee, with his salary coming from Forest Service funds.

If ranchers were to be successful in making sure “that the Grazing boys don’t get away with anything,” as J. B. Wilson wrote, such efforts required discipline and organization on the part of the livestock associations as well.<sup>57</sup> Thus, Senator McCarran’s inquiry often unfolded in the following way. Stockgrowers flooded association secretaries or McCarran’s office with requests for an investigation in their area or demands to testify. Although the subcommittee was open to all public lands matters, ranchers’ actions ensured that the majority of complaints it heard centered on public domain range administration and the Grazing Service.<sup>58</sup> Then, association secretaries and McCarran’s special investigators worked together to educate the subcommittee on matters that interested them. Upon receiving Stork or Haskell’s travel itinerary, secretaries notified stockgrowers so they could set up appointments and provide their testimony. “You will never have a better opportunity of questioning the Grazing Service on record and probably will never have as good an opportunity [again],” J. B. Wilson wrote to one particular rancher.<sup>59</sup> Storck and Haskell then determined which witnesses the subcommittee would hear.<sup>60</sup> Association secretaries

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<sup>57</sup> J. B. Wilson to Roscoe C. Rich, September 29, 1941, in WWGA Collection, Box 24, Fol. “McCarran Investigations”.

<sup>58</sup> For general complaints toward grazing district administration and federal land management, see Joseph Ragge to Patrick A. McCarran, September 16, 1940, in McCarran Collection, Box 37, Fol. “Public Land Hearings, Jan-Aug ‘41”; Mrs. Charles Ellis to Patrick A. McCarran, February 23, 1942 and Delbert Tidwell to Patrick A. McCarran, March 5, 1942 in *ibid.*, Box. 38, Fol. “Sen. Res. 241 Hearings, 1942”, and Paul Henerson to E. S. Haskell, November 9, 1943 and Roy Templeton to E. S. Haskell, November 10, 1943, in *ibid.*, Box 39, Fol. “S. 241 Public Land Hearings, 1943”.

<sup>59</sup> J. B. Wilson to T. Clyde Bacon, September 28, 1941, in WWGA Collection, Box 24, Fol. “McCarran Investigations”. For more on Wilson’s activities on behalf of the McCarran hearings, see J. B. Wilson to Patrick A. McCarran, October 21, 1940, March 26, 1941, April 4, 1941, and April 8, 1942; Russell Thorp to J. B. Wilson, July 15, 1941 and October 10, 1941 as well as J. B. Wilson to Russell Thorp, October 13, 1941; J. B. Wilson to “Mr. Wool Grower,” July 21, 1941; J. B. Wilson to W. A. Robertson and William Macfie, July 24, 1941; M. C. Claar to J. B. Wilson, September 17, 1941 and J. B. Wilson to M. C. Claar, September 24, 1941, in *ibid.*

<sup>60</sup> Earl Haskell wrote that he only brought individual cases before the subcommittee that illustrated “a principle or practice, administrative or otherwise,” representative of a larger issue such as grazing fees, permit reductions, or the withdrawal of portions of the public domain for purposes other than livestock use. See Earl S. Haskell to Robert Connaghan, June 30, 1942, in McCarran Collection, Box 38, Fol.

kept in close contact with each other over the progress of McCarran's investigation. In turn, they provided updates for their members and reprinted portions of hearing proceedings in association publications. The result was a highly scripted process in which, with subcommittee investigators and association secretaries at the center, McCarran's subcommittee and western stockgrowers utilized each other's expertise and connections to expose the perceived maladministration of the public domain range by the Grazing Service.

Meanwhile, federal range management officials were at the bidding call of Storck, Haskell, and the subcommittee throughout the course of McCarran's investigation. While the subcommittee made sure not to hold hearings at the same time as the annual meetings of the livestock associations, it never considered convenience for Grazing Service officials during scheduling. Instead, Storck or Haskell simply notified them when a hearing was about to take place. Moreover, to ensure their attendance, Senator McCarran informed Department superiors in Washington, D.C., who then told Director Rutledge to solicit sufficient Grazing Service representation at each hearing. Such individuals were on hand for questioning as if they were on trial. Moreover, in addition to facing the testimony of aggrieved permittees, they often found their interpretations regarding range management challenged by federal or state agricultural economists who had close connections with the livestock associations.<sup>61</sup>

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"Sen. Res. 241 Hearings, 1942". Specific complaints that the subcommittee did not hear were still referred to local Grazing Service or General Land Office officials.

<sup>61</sup> See Luster R. Brooks to George W. Storck, June 18, 1941; George W. Storck to Luster R. Brooks, August 17, 1941; Patrick A. McCarran to Ebert K. Burlew, August 18, 1941; and Ebert K. Burlew to Richard H. Rutledge, August 23, 1941 in McCarran Collection, Box 37, Fol. "Public Land Hearings, Jan-Aug '41" as well as F. E. Mollin to E. S. Haskell, July 6, 1942 in *ibid.*, Box 38, Fol. "Sen. Res. 241 Hearings, 1942".

This process effectively hindered Rutledge's attempts to reassess how the Grazing Service formulated its grazing fee even though the agency's 1941 range appraisal study was perhaps the greatest achievement of his tenure.<sup>62</sup> Conducted by J. H. Leech and Mont H. Saunderson, the study constituted a legitimate attempt to combine ranch economics with range ecology in order to devise a fair, flexible grazing fee for the public domain. After conducting extensive survey work across the Intermountain West, they settled upon a grazing fee formula based on the combination of ranch operating costs, profits, and forage values. Their research involved developing "ranch cost income reports" for an individual's entire operation, including the number of livestock produced, commodities derived thereof, and production costs. Leech and Saunderson then added two items, from which they determined an individual's ability to pay a public domain grazing fee. First, they concluded that every animal unit (AU, or one cow or five sheep), which they valued at forty dollars, provided ranchers an annual return interest rate of five percent. Second, they included an "operator's wage allowance" of three dollars per AU for necessary labor costs. Leech and Saunderson subtracted these figures from the gross income of each ranch surveyed, the remainder from which stockgrowers could use to pay taxes, leases, and federal grazing fees. In other words, this portion of the formula determined the amount that each rancher had available to pay for grazing land.

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<sup>62</sup> Unfortunately, an actual copy of the study remains unavailable at this time. Thus, the following discussion of Leech and Saunderson's research comes from their presentation before the WWGA in *Proceedings of the 37<sup>th</sup> Annual Convention of the Wyoming Wool Growers Association* (Cheyenne: August 19-21, 1941), 29-58, in WWGA Collection, Box 6. While many historians have examined the grazing fee controversy during this period, few have focused on this particular study. See Foss, *Politics and Grass*, 176-78. Moreover, while Karen Merrill omits a discussion of the 1941 report, she does mention the continuities between Grazing Service attempts to fix a reasonable grazing fee during the 1940s with a similar effort undertaken by Christopher E. Rachford and the U.S. Forest Service during the 1920s. See Merrill, *Public Lands and Political Meaning*, 81-88, 186. See also Rowley, *U. S. Forest Service Grazing and Rangelands*, 121-24.

The two men added range ecology to complete their equation. During their survey, Leech and Saunderson rated each ranch according to carrying capacity, water, improvements, topography, and distance. They also rated grazing district allotments according to the same factors. Then, they combined each allotment's forage value with the amount of money available to pay for land held by the corresponding stock raiser, from which Leech and Saunderson determined the public domain grazing fee for each ranch. Since range conditions and funds for land payments varied among the western states, Leech and Saunderson's proposed fee ranged from an average of eight cents per AUM in Arizona to nineteen cents in Colorado. In stark contrast to the original fee structure established under Carpenter, the proposed new fee varied throughout the Intermountain West, adapting to the operating costs, income, and forage value of each ranch.

Ranchers criticized the range appraisal study as Leech and Saunderson, along with Rutledge, defended their conclusions before the livestock associations and Senator McCarran's subcommittee. As mentioned in Chapter One, such disagreements over the value of public domain rangelands had existed since the late nineteenth century. The Taylor Grazing Act simply created a political framework within which this traditional debate could continue to take place. There remained extremists who insisted that the Grazing Service did not have the authority to charge for range use. Yet the majority of criticism centered on the manner in which the agency developed the new fee, particularly the fact that the appraisal process did not incorporate the advisory boards. Stockgrowers also criticized the fact that the proposed fee would be higher in one state and lower in another. For instance, Wyoming woolgrowers expressed frustration that

they would pay an average of sixteen cents per AUM for public domain range use, in contrast to twelve cents in Nevada or seven cents in New Mexico. Still others criticized Leech and Saunderson's estimates regarding ranch annual income and operating costs as being too low, threatening profit margins. The fact that the United States had recently entered World War II offered yet another excuse.<sup>63</sup> In the face of such widespread criticism, Secretary Ickes and the Grazing Service issued statements that promised to postpone any fee increase for the time being in the spring of 1942.

In the meantime, the range appraisal study succeeded only in further stimulating industry organization efforts. This was especially the case in Nevada, where leading stockgrowers created a central committee that oversaw all state grazing board activities and, in turn, federal grazing district administration. Vernon Metcalf, secretary of the Nevada Livestock Production Credit Association, spearheaded these efforts. As he wrote to Gordon Griswold and other Nevada ranchers, "[I]t looks to me like we can expect what may be far reaching developments during the next few years ahead with regard to range control matters and that it would be only good sense to have ready such means as are available to permit a banding together of some leaders to act, if necessary, in unison."<sup>64</sup> Such a statement undoubtedly referred to the work of Senator McCarran's subcommittee, the range appraisal study, and other initiatives that Rutledge's administration might undertake. Therefore, Metcalf proposed the creation of a central committee comprised of a cattle and sheep representative from each advisory board that worked together on any issue that concerned the state's public domain range users.

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<sup>63</sup> For a good sample of stockgrowers' criticisms toward the proposed fee, see *Proceedings of the 37<sup>th</sup> Annual Convention of WWGA*, esp. 41-45; 49-50; "The Platform and Program of the Wyoming Wool Growers Association," 2-3, in *ibid*; and *Proceedings of the 45<sup>th</sup> Annual Convention of the American National Livestock Association* (Salt Lake City: January 7-9, 1942), 208-9, in NCA Records, Box 502.

<sup>64</sup> Vernon Metcalf to Gordon Griswold, E. R. Marvel, and Phil M. Tobin, March 7, 1941, in Griswold Collection, Box 3, Fol. 5. See also Vernon Metcalf to Phil M. Tobin, July 12, 1941 in *ibid*.

Such a committee could represent stockmen throughout the state and ensure that the “natural range resource” in Nevada supported only the ranching industry and affiliated businesses rather than have it “taken from the State for purposes of direct revenue for the federal government” or managed for the benefit of other potential users like recreationists.<sup>65</sup> In 1943, the Nevada legislature complemented Metcalf’s efforts by formally creating a Central Committee of Nevada State Grazing Boards along the lines he proposed.<sup>66</sup>

The organizational activities that took place in Nevada, combined with the close connections between Senator McCarran’s subcommittee and the livestock associations as a whole, reflected the persistence of graziery on the public domain range and ensured that any challenge to its practice would have to come from outside the advisory boards rather than from within. Such a confrontation appeared unlikely when McCarran’s investigation commenced in 1941. Most conservationists paid little attention to his inquiry, which was largely the result of the continued perception that public domain rangelands were chiefly valuable for grazing and provided few opportunities for outdoor recreation. Nor did Rutledge and the Grazing Service actively solicit conservationist support. Thus, any conservationist attempt to gain entry into public domain range management politics required a strong leader with a sufficient organizational apparatus behind him. Furthermore, it needed to convince other westerners of the importance of sound range management.

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<sup>65</sup> Vernon Metcalf to Frank Callaway, September 20, 1941, in Griswold Collection, Box 3, Fol. 5.

<sup>66</sup> “An Act to provide for cooperation of state and county officers and agencies with the federal government in relation to grazing lands...for the creation of a central committee of state grazing boards...,” approved March 1, 1943, in *Nevada Compiled Laws, Supplement, 1943-1949* (San Francisco: Bender-Moss Company, 1950), 477-78.



Kenneth A. Reid, Executive Director of the Izaak Walton League of America (IWLA), was instrumental in the League's prominence in national conservation politics and its gradual entry into federal range management during this time. The IWLA was the most important conservation group in the United States, with a national office in Chicago, Illinois, divisions in over forty states, and local chapters spread across thousands of communities. Through Reid and the executive committee, the national office issued general goals, resolutions, and strategies. From there, state divisions and town chapters had the freedom to focus on issues important to them, such as water pollution or drainage regulation, wildlife management, watershed protection, and national park/monument creation.<sup>67</sup>

Reid had an interest in many of these activities, having been active in conservation politics since 1929. By the early 1940s, however, Reid was instrumental in a League-wide effort to incorporate all those who supported public access to the outdoors in western range states. Local sportsmen groups were an important part of this strategy. Reid did not want to create an organization that allowed people to become conservationists for "a dollar a day" upon joining.<sup>68</sup> Instead, he and other League members at the state and community level courted the leaders of local sportsmen associations and other outdoor groups and, through them, the IWLA worked on behalf of the organizations they represented. As Reid wrote, "Every local fish and game club

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<sup>67</sup> See William Voigt, Jr., *Born with Fists Doubled: Defending Outdoor America* (Iowa City: Izaak Walton League of America Endowment, 1992), esp. 16-17, 69-91 and Stephen Fox, *John Muir and His Legacy: The American Conservation Movement* (Boston: Little, Brown and Company, 1981), 183-217. See also Kenneth A. Reid, "Organizational Procedure, Izaak Walton League of America," n.d. (ca. 1944), in Izaak Walton League of America, Wyoming Division, Records, American Heritage Center, University of Wyoming, Laramie (hereafter, IWLA, Wyoming Division Records), Box 4, Fol. "1944 Correspondence and Miscellaneous".

<sup>68</sup> Kenneth A. Reid to David E. Wills, February 2, 1943, in IWLA, Wyoming Division Records, Box 4, Fol. "1943 Correspondence and Miscellaneous". For more on Reid's activities within the IWLA, see Voigt, *Born with Fists Doubled*, 93-102.

in the United States benefits by the work and program of the Izaak Walton League,” even if they were not official League affiliates.<sup>69</sup> This approach, which supported a somewhat restricted membership, enabled the League to speak to a variety of conservation issues, each of which sustained by an active, devoted following.

The backlash against the creation of Jackson Hole National Monument in northwest Wyoming on March 15, 1943, represented the first significant test of Reid’s organizational strategy for the western range. The controversy also marked the first significant conflict between stockgrowers, conservationists, and their respective perceptions of proper range use. The monument, which lay immediately adjacent to Grand Teton National Park, embraced over 440,000 acres, including approximately 40,000 acres of public domain (none of which had been organized into a grazing district) and almost 100,000 acres from the nearby Teton National Forest. Local ranchers used much of this territory to trail their livestock from low-elevation rangelands to summer grazing grounds. Yet, by suggesting that the entire area contained “historic landmarks and other objects of historic and scientific interest” deserving of monument status in order to promote “the public interest,” President Roosevelt essentially stated that such rangelands were no longer chiefly valuable for grazing.<sup>70</sup> Stockgrowers, their representatives, and conservationists recognized the

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<sup>69</sup> Reid to Wills, February 2, 1943.

<sup>70</sup> For a copy of President Roosevelt’s Executive Order No. 2578, which created the monument, see U.S. Congress, House, *Abolishing the Jackson Hole National Monument*, 78<sup>th</sup> Cong., 2d sess., Rept. No. 1303, 1944, 1-3. Efforts to either create a national monument or expand the boundaries of Grand Teton National Park to include the area began well before 1943. In 1927, John D. Rockefeller, Jr., started acquiring land in the area for that purpose. Some local residents, including dude ranchers such as Struthers Burt, supported preserving the area. The IWLA also sought the area’s protection, namely for the benefit of the region’s elk herd. Horace Albright of the National Park Service, Secretary Ickes, and President Roosevelt supported these local preservation efforts as well. For an overview of the tumultuous efforts behind the preservation of Jackson Hole prior to and immediately following its designation as a national monument, see Robert W. Righter, *Crucible for Conservation: The Creation of Grand Teton National Park* (Boulder: Colorado Associated University Press, 1982), esp. 43-125. For more on the

ramifications of this declaration and they mobilized quickly to defend their range claims.

Wyoming residents and politicians responded negatively to the fact that President Roosevelt did not consult with Congress prior to establishing the monument and expressed concern that some stockgrowers might see their prior range access restricted. Senator Edward V. Robertson, a prominent rancher and member of the Wyoming Stock Growers Association, quickly circulated a petition among the state's residents to oppose the monument and even referred to its creation as a "Second Pearl Harbor."<sup>71</sup> Governor Lester C. Hunt threatened to evict any federal official within the boundaries of the new monument. Meanwhile, local people who opposed Roosevelt's order formed a Jackson Hole Citizens Committee that pledged to "fight to abolish this monument and to restore the affected area to its former and rightful status," soliciting support from residents and representatives from neighboring states in the process.<sup>72</sup>

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IWLA's prior involvement in Jackson Hole, especially in regards to the local elk herd, see Voigt, Jr., *Public Grazing Lands*, 85-87 and *idem.*, *Born with Fists Doubled*, 45-46.

<sup>71</sup> "Sen. Robertson Hits Jackson Hole Monument a Second Pearl Harbor," *Wyoming State Journal*, April 22, 1943, copy in WWGA Collection, Box 22a, Fol. "Jackson Hole National Monument". For information on Robertson's petition to the people of Wyoming, see Edward V. Robertson, Memorandum re: Presidential Proclamation No. 2578, Jackson Hole National Monument, March 26, 1943, in *ibid.*, Box 37, Fol. "E. V. Robertson". Robertson was quite active in the affairs of the WSGA prior to his election to the Senate in 1942, serving as Vice President in 1935 and on the executive committee throughout the second half of the 1930s. He remained committed to the association during and after his term in the Senate. See John Rolfe Burroughs, *Guardian of the Grasslands: The First Hundred Years of the Wyoming Stock Growers Association* (Cheyenne: Pioneer Printing & Stationary Co., 1971), 271, 368. For more evidence of Robertson's support from Wyoming stockgrowers, see Russell Thorp to Charles L. McNary, February 3, 1943, in WWGA Collection, Box 37, Fol. "E. V. Robertson".

<sup>72</sup> "Jackson Hole Citizens Committee Makes Formal Declaration of Policy," *Jackson's Hole Courier*, August 19, 1943, copy in WWGA Collection, Box 22a, Fol. "Jackson Hole National Monument". In an attempt to garner support for the monument's abolition, one anonymous Jackson Hole resident proclaimed, "IF YOU LOVE FREEDOM, then help us fight our bureaucratic form of government, such as the creation of the Jackson Hole National Monument, in secrecy. YOUR FRONT DOOR YARD COULD BE NEXT." In "Fight, Fight, Fight," n.d. (ca. 1943), in Mike Mansfield Papers, Archives and Special Collections, Maureen and Mike Mansfield Library, University of Montana, Missoula (hereafter, Mansfield Papers), Box 6, Fol. 2. For opposition against the monument from Montana residents, see Berlin Boyd to Mike Mansfield, June 19, 1943, in *ibid.*, Box 6, Fol. 1.

For stockgrowers who utilized rangelands located within the new monument or nearby, this “rightful status” pertained to maintaining preference in range use. Monument designation did not automatically deprive stockgrowers of forage and there were many earlier instances where ranchers secured grazing access within monuments, as seen with the Gray family and Organ Pipe Cactus National Monument in southern Arizona (see Chapter Five). It also appears that the National Park Service moved quickly to account for grazing within the new monument. Yet local ranchers refused to sign any grazing applications provided to them by that agency. Moreover, the Jackson Hole Cattle and Horse Association stated that it would defend its members in any trespass case instituted by the Park Service against them for running livestock within the monument.<sup>73</sup> This declaration came just over a week after the most blatant form of monument opposition. On the morning of May 2, 1943, a group of armed ranchers drove over five hundred cattle across the monument. As historian Robert Righter indicates, the move was primarily a publicity stunt. Stanley Regor, who was president of a national advertising firm and owned a local ranch, appears to have been its organizer. Wallace Beery, an aging movie star portrayed as a Jackson Hole stockraiser (although he was not), was also among the armed cattlemen. The drive received spectacular publicity. National newspapers and periodicals such as *Time* and the *Saturday Evening Post* picked up the story, celebrated the ranchers’ actions, and criticized the Roosevelt administration.<sup>74</sup>

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<sup>73</sup> Clifford P. Hansen, Memorandum, May 13, 1943 and Clifford P. Hansen to J. B. Wilson, May 13, 1943, in WWGA Collection, Box 22a, Fol. “Jackson Hole National Monument”.

<sup>74</sup> Righter, *Crucible for Conservation*, 114-16. A recent Ken Burns’ documentary also details the controversy over Jackson Hole National Monument, including footage of the cattle drive and an interview with Clifford Hansen. *The National Parks: America’s Best Idea*, “Great Nature (1933-1945), episode 5, directed by Ken Burns, Florentine Films and WETA, originally aired October 1, 2009.

Indeed, the controversy over Jackson Hole provided another means through which traditional perceptions of range use and growing conservatism against the Roosevelt administration converged. Wyoming representative Frank A. Barrett epitomized this trend. Prior to his election to Congress in 1942, Barrett served as an attorney for Niobrara County and ran one of the largest cattle and sheep operations in eastern Wyoming. He was a member of both Wyoming livestock associations. Moreover, he ran on a platform that criticized New Deal agricultural programs, increased government spending, and the expansion of federal authority.<sup>75</sup> The abolishment of Jackson Hole National Monument became his cause célèbre, and he quickly introduced a bill to accomplish this (H.R. 2241).<sup>76</sup> Barrett defended it partially under the assertion that livestock grazing was the highest use of much of the landscape and that the monument's creation threatened ranchers' preexisting claims in the area. Nothing of historic or scientific importance warranted the monument's creation, he continued, certainly nothing that supplanted its importance for livestock grazing.<sup>77</sup>

Yet Barrett's bill generated widespread congressional support primarily because of growing frustration toward President Roosevelt and the New Deal. Many interpreted his executive order as a blatant violation of executive privileges. Western residents, including stockgrowers associations, supported Barrett's bill on these grounds as well. J. B. Wilson, already active in Senator McCarran's investigation of the Grazing Service,

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<sup>75</sup> *Introducing Frank A. Barrett, Candidate for Representative in Congress, 1942*, in Frank A. Barrett Papers, American Heritage Center, University of Wyoming, Laramie, Box 75, Fol. 3. Many Wyoming stockgrowers voted for Senator Edward Robertson under similar hopes that Congress might curb executive privileges. For example, see J. B. Wilson to Edward V. Robertson, December 21, 1942, in WWGA Collection, Box 37, Fol. "E. V. Robertson".

<sup>76</sup> Barrett introduced his bill on March 22, seven days after President Roosevelt issued the executive order creating the national monument. See *Congressional Record*, 78<sup>th</sup> Cong., 1<sup>st</sup> sess., 1943, 89, pt. 2, 2278.

<sup>77</sup> For a succinct overview of Barrett's viewpoints during Congressional deliberations over his bill see, "Denies You Can Dig Up History in Jackson Hole," *Chicago Daily Tribune*, May 19, 1943.

suggested that a similar inquiry into the National Park Service's activities would put it "on the defensive and perhaps keep [it] from being quite so arrogant in the future."<sup>78</sup> Concern that the President could take similar action in their own districts also informed support of Barrett's bill among western representatives, including those who generally supported conservation initiatives. For instance, Representative Mike Mansfield of Montana, often a friend of federal natural resource management, was among those who opposed the manner in which Roosevelt created Jackson Hole National Monument and supported Barrett's bill as a result. Mansfield did not oppose the preservationist principles behind national monuments. Yet, as he noted during hearings over Barrett's measure, Mansfield believed that "people should be considered" in their creation.<sup>79</sup>

Despite widespread support for Barrett's bill, President Roosevelt vetoed it on December 29, 1944, on grounds that it would "deprive the people of the United States of the benefits of an area of national significance from the standpoint of naturalistic, historic, scientific, and recreational values," as well as because he believed his actions fell squarely under the executive authority provided by the Antiquities Act of 1906. Counter to ranchers' charges, the veto stated that the Department of the Interior already accounted for grazing within the monument and that the President would back legislation that officially recognized preexisting grazing privileges. Nevertheless, one glance at the final paragraph of Roosevelt's statement revealed where he stood on the

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<sup>78</sup> J. B. Wilson to Milward L. Simpson, June 11, 1944, in WWGA Collection, Box 22a, Fol. "Jackson Hole National Monument". Also see "Holds John D. Jr. Forced Action on Jackson Hole," *Chicago Daily Tribune*, May 27, 1943, as well as Frank Barrett to E. A. Phillips, May 24, 1944; Lester C. Hunt to Mike Mansfield, September 17, 1944; E. A. Phillips to Mike Mansfield, December 5, 1944; and Mike Mansfield to E. A. Phillips, December 9, 1944 in Mansfield Papers, Box 6, Fol. 1 and "Recent Wires re: Barrett Bill (H.R. 2241) to Abolish Jackson Hole National Monument," n.d. (ca. 1944) in *ibid.*, Fol. 2

<sup>79</sup> Mansfield wrote this note on his copy of the transcripts of House Public Lands Committee hearings on Barrett's bill, in Mansfield Papers, Box 6, Fol. 1. See also Mansfield to Berlin Boyd, June 23, 1943, in *ibid.*

issue of livestock grazing in relation to other land uses in the area. Grazing could continue within the monument, but it was not the highest use of the landscape. Nor would it best serve the interests of the American people. Instead, the President reserved those qualities for the area's scenic, recreational, scientific, and historic attributes. Thus, in the case of Jackson Hole, Roosevelt justified his actions according to his own understandings of range use in addition to his interpretation of the law.<sup>80</sup>

Nevertheless, the Jackson Hole controversy continued to fester and, as a result, tensions between stockgrowers and conservationists worsened. Frank Barrett kept introducing bills that called for the monument's abolishment. Western representatives and stockgrowers considered other legislative tactics as well, such as repealing the Antiquities Act, amending the Interior Department's appropriation bill to prevent funding for the monument's administration, or proposing its transfer to Forest Service jurisdiction.<sup>81</sup> Upon hearing of these actions, however, Kenneth Reid linked Jackson Hole's protection with the issue of maintaining public access to all federal rangelands. Reid knew that many of these proposals originated from the livestock associations or their federal representatives and interpreted them as an attempt to restrict peoples' access to the monument for the benefit of graziers. Furthermore, Reid sought to convince Americans of a connection between the attempt to kill the national monument and Senator McCarran's investigation of the Grazing Service. As he wrote to the editor of the *Saturday Evening Post*, "The opposition to the Jackson Hole National Monument

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<sup>80</sup> Franklin D. Roosevelt, Memorandum of Disapproval, December 29, 1944, copy in WWGA Collection, Box 22a, Fol. "Jackson Hole National Monument". A copy of Roosevelt's veto can also be found in *Franklin D. Roosevelt and Conservation, 1911-1945*, vol. 2, ed. Edgar B. Nixon (Washington, D.C.: Government Printing Office, 1957), 619-21. For more on the Roosevelt administration's opposition to Barrett's bill, see *ibid.*, 590-91, 616-17.

<sup>81</sup> See Milward L. Simpson to J. B. Wilson, February 27, 1945 and J. B. Wilson to Milward L. Simpson, March 7, 1945, in WWGA Collection, Box 22a, Fol. "Jackson Hole National Monument".

is the same crowd that is attempting to preempt for grazing all of the federal lands of the United States to the exclusion of broad public values.”<sup>82</sup> An increase in League membership in western range states such as Wyoming indicated that a growing number of people agreed with Reid’s view. The Wyoming Division of the IWLA featured only five hundred official members prior to the Jackson Hole controversy. By 1945, however, its membership grew to over 1,200 members and included a new chapter in Jackson.<sup>83</sup> Reid made the sentiments of its membership clear in a letter to the *Casper Tribune-Herald* by writing, “The Izaak Walton League of America will always be found on the side of the public in its attempts to protect public rights on federal lands against the attempts of any special interests group to usurp them for their own private advantage to the detriment of the general public.”<sup>84</sup> In a state such as Wyoming, heretofore dominated by the livestock associations and their allies, Reid’s statement amounted to nothing less than a declaration of war.

The fallout that surrounded Richard Rutledge’s retirement in January 1944 further magnified divisions between stockgrowers and conservationists as well as heightened tensions between the advisory boards and the Grazing Service. Western ranchers made it clear that they wanted a say in Rutledge’s successor and ANLSA was so bold as to suggest that President Roosevelt select an individual from a list of five candidates “submitted by the general assembly of the elected Advisory Board

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<sup>82</sup> Kenneth A. Reid to Ben Hibbs, September 7, 1943, in IWLA, Wyoming Division Records, Box 4, Fol. “1943 Correspondence and Miscellaneous”.

<sup>83</sup> See “Members in Good Standing, State of Wyoming, 1937-1944,” in IWLA, Wyoming Division Records, Box 4, Fol. “1944 Correspondence and Miscellaneous” and Charles H. Simpson, “Report Closing Out My Term of Office as President of the Wyoming Division of the Izaak Walton League of America,” August 2, 1945, in *ibid.*, Box 4, Fol. “1945 Correspondence and Miscellaneous”.

<sup>84</sup> Kenneth A. Reid to the Editor, *Casper Tribune-Herald*, October 28, 1943, in *ibid.*, Box 4, Fol. “1943 Correspondence and Miscellaneous”.



members.”<sup>85</sup> Edward Kavanaugh’s name stood out for his work with Farrington Carpenter during the first year of the Taylor Grazing Act (see Chapter Five), and the NABC pushed western Senators to endorse him even though there is no evidence that Kavanaugh wanted the job.<sup>86</sup> Nor did the Taylor Grazing Act require Secretary Ickes to consult with the NABC in this matter. Thus, he chose Clarence L. Forsling for the position.

Forsling’s selection reflected the continued influence of Forest Service range management. Indeed, despite Ickes’ rivalry with the Forest Service, that agency’s interpretation of range management conformed to his plans for the national domain and Forsling was among the best qualified to implement his vision. Forsling grew up on a family cattle ranch in western Nebraska and still had a hand in its operation, giving him the practical industry experience that public domain range users desired from their administrators. His academic and Forest Service background, however, placed him squarely in Arthur W. Sampson’s camp of forest range science rather than in Farrington Carpenter’s school of graziery. In 1915, he graduated from the University of Nebraska after majoring in forestry and range management. During his time in Lincoln, he likely took classes from Charles Bessey, who, along with Frederic Clements, had been instrumental in the emergence of plant ecology. Forsling then entered the U.S. Forest Service and, after 1922, best made a name for himself as director of the Great Basin Experiment Station on the Manti National Forest in Utah following Arthur Sampson’s departure for Berkeley (see Chapter Two). Much of his research investigated the causes

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<sup>85</sup> *Proceedings of the 47<sup>th</sup> Annual Convention of the American National Live Stock Association* (Denver: January 13-15, 1944), 258-59, NCA Records, Box 499.

<sup>86</sup> For replies on Kavanaugh’s behalf, see James G. Scrugham to Gordon Griswold, February 28, 1944 and Patrick A. McCarran to Gordon Griswold, March 8, 1944, in Griswold Collection, Box 3, Fol. 8.

of flash flooding, and he was among those who argued that proper stocking rates and other grazing regulations could prevent excessive soil erosion on steep slopes. Since 1937, he had been in Washington, D.C. overseeing all Forest Service range research activities.<sup>87</sup>

Forsling was optimistic about his selection, as were members of the IWLA. As he later recalled, Forsling saw public domain range administration as a “great challenge” and “an opportunity to make a major contribution to conservation....”<sup>88</sup>

Kenneth Reid also responded positively to Forsling by commenting, “[T]he League now has a real friend as Director of Grazing.”<sup>89</sup> IWLA leaders noted Forsling’s background in forest range management and hoped he would work on their behalf to provide for greater wildlife representation on the district, state, and national grazing advisory boards.

The NABC and its allies in the Senate worried about Forsling’s selection precisely because of his Forest Service background, however. Fearing that drastic changes in *The Federal Range Code* might accompany Forsling’s tenure, the Council asked western Senators to withhold his confirmation until it received assurances that he would preserve the *Range Code* and cooperate with the Council in all administrative matters.<sup>90</sup> Senator McCarran quickly responded and organized a hearing concerning

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<sup>87</sup> For his stance on watershed protection, see Clarence L. Forsling, “Erosion on Uncultivated Lands in the Intermountain Region,” *Scientific Monthly* 34 (April 1932): 311-21. Biographical information from “Nomination of Clarence L. Forsling for Director of Grazing, Department of the Interior: Excerpts from Hearing before Committee on Public Lands and Surveys, the United States Senate,” March 29, 1944, reproduced by the New Mexico Cattle Growers Association, in Griswold Collection, Box 3, Fol. 8. See also Alexander, *Rise of Multiple-Use Management*, 90-92, 104-6.

<sup>88</sup> Quoted in Voigt, Jr., *Public Grazing Lands*, 278.

<sup>89</sup> Kenneth A. Reid to Herb C. Kelly, December 12, 1944, in IWLA, Wyoming Division Records, Box 4, Fol. “1944 Correspondence and Miscellaneous”. See also Herb C. Kelly to Kenneth A. Reid, January 18, 1945, in *ibid.*, Fol. “1945 Correspondence and Miscellaneous”.

<sup>90</sup> J. C. Cecil to Gordon Griswold, March 22, 1944, in Griswold Collection, Box 3, Fol. 8.

Forsling's appointment before a select group of Public Lands committee members (among them Senators O'Mahoney and Robertson from Wyoming) and ANLSA representatives. A. D. Brownfield, F. E. Mollin, and William Wright were among the stockgrowers present and they received the opportunity to raise questions regarding the *Range Code*, Forsling's prior ranching experience, and even his contributions to *The Western Range* (see Chapter Six). Throughout, Forsling tried to reassure the assembled committee members and stockgrowers that his administration would adhere to the Taylor Grazing Act as well as to the *Range Code*. "I do not expect to upset or drastically or suddenly to change the [federal range] code," he said, although he reminded his audience that it was not immune from alterations as long as they were carried out in consultation with the advisory boards and all other interested parties. Indeed, "through a cooperative approach," Forsling maintained, all range management matters could "be dealt with to the reasonable satisfaction of all concerned."<sup>91</sup>

Although Forsling wanted this statement to appeal to stockgrowers, federal graziers, and conservationists, some leading ranchers remained unconvinced as to whether the new director would protect their interests. Floyd W. Lee, president of the New Mexico Wool Growers, continued to oppose Forsling's appointment because of his Forest Service background. Nor was Lee satisfied with his ranching experience. In other words, Lee criticized Forsling because he was the exact opposite of Farrington Carpenter. His confirmation, Lee warned, "will be just one more aggravating straw which will again upset the livestock industry."<sup>92</sup>

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<sup>91</sup> "Nomination of Clarence L. Forsling for Director of Grazing, Department of the Interior," March 29, 1944, 1-2. See also Patrick A. McCarran to Gordon Griswold, March 23, 1944 and Horace H. Hening to Gordon Griswold, April 10, 1944, in Griswold Collection, Box 3, Fol. 8.

<sup>92</sup> Floyd W. Lee to Carl A. Hatch, May 1, 1944, in Griswold Collection, Box 3, Fol. 8.

Forsling's formal appointment in May 1944 was insufficient to inspire a concerted movement against his administration. Rather, the most "aggravating straw" was his attempt to raise the public domain grazing fee. Scheduled to take effect in 1945, the new fee structure diverged from the agency's prior range appraisal study by charging stockgrowers for range use in relation to the prices they received for beef and lamb in each state, creating an average fee of fifteen cents per AUM. Forsling justified the increase by noting that it was in proportion to an increase in livestock market prices. The NABC opposed it, however, and maintained support for the original fee structure on grounds that it sufficiently covered administrative costs.<sup>93</sup>

The Council based its position on the findings of the Central Committee of Nevada State Grazing Boards, which had completed its own study on the subject and concluded that any fee increase was an attempt to raise revenue and, therefore, a violation of the Taylor Grazing Act. The Central Committee did not recommend doing away with the grazing fee system entirely. It also recognized the importance of "at least a skeleton overhead Federal organization" to oversee public domain range management. "It does not seem reasonable, however," the Committee's report continued, "that this general overhead organization should cover more than the bare essentials necessary to [supervise] grazing use on the Grazing Districts as a whole, good and poor."<sup>94</sup> Nor did the Committee think it fair for ranchers to pay a higher fee that funded range improvement projects that benefitted groups other than themselves. Therefore, the

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<sup>93</sup> See "Proposed Grazing Fee Hike; Violates Previous Pledge; Counter Suggestion is Advanced by National Advisory Council" and "Increase in Rates to Average 300 Percent Under New Idea," *Record Stockman*, December 28, 1944, copies in NCA Records, Box 401, Fol. 6.

<sup>94</sup> Central Committee of Nevada State Grazing Boards, *A Study of the Grazing Fee Problem* (Carson City: State Printing Office, 1944), 16. Copies available in Griswold Collection, Box 3, Fol. 8 and in Utah Wool Growers Association Addendum, Special Collections and Archives, Utah State University, Logan, Box 73, Fol. 6.

Committee argued that the one-cent minimum fee was already sufficient in meeting necessary administrative costs and suggested setting \$850,000 as the maximum annual amount allotted to maintain federal oversight of the public domain range, creating what the Committee called “a controlled grazing administration” on a “cost fee basis.”<sup>95</sup> Finally, the report asked Congress to stop granting additional appropriations for the Grazing Service. If operators desired increased supervision or money for a particular project, the Committee proposed that ranchers could provide for such efforts through their own funds and advisory boards.

Ironically, the Central Committee’s conclusions revealed that the grazing fee issue had effectively linked public domain range users with the federal government. Stockgrowers certainly cited additional evidence to counter Forsling’s proposal, including Secretary Ickes’ original estimate that the Department of the Interior could manage the public domain range for about \$150,000 a year as well as his earlier promise to refrain from revising the current fee structure until after the Second World War. Yet their insistence that public domain grazing fees cover only the costs of administration echoed Farrington Carpenter’s split control approach, or what the Committee referred to as maintaining “a fair balance of power...between the governing and those being governed.”<sup>96</sup> The Taylor Grazing Act enabled district advisory boards and their support networks to handle the majority of the proceeds from federal range administration. From their perspective, they were handling these monies quite well and had plenty to assist the Grazing Service in meeting “its primary and proper function of seeing that a provident use is made of the forage resources of the Grazing Districts by

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<sup>95</sup> Ibid., 20.

<sup>96</sup> Ibid., 20.

the stockraising operators.”<sup>97</sup> In turn, the argument continued, by assisting the advisory boards in utilizing those funds to stabilize ranching operations dependent upon the range, the Grazing Service sufficiently met its responsibilities under the Taylor Grazing Act.

Forsling’s proposed fee increase also confirmed Senator McCarran’s worst fears, as he had just published his own report that criticized the Grazing Service for ignoring the original intent of the Taylor Grazing Act.<sup>98</sup> He and other western Senators therefore quickly acquiesced to the NABC’s call for an investigation into the matter.<sup>99</sup> To no surprise, McCarran’s subcommittee assumed this responsibility. Unlike previous occasions, when the Senator’s investigation adopted the guise of looking into multiple public lands matters, subcommittee hearings in 1945 focused solely on the grazing fee issue. In addition, correspondence from Earl Haskell revealed that this would not be an objective inquiry. He immediately gathered statistics and statements for the subcommittee, the sole purpose of which was to discredit any Grazing Service attempt to justify the proposed fee increase. Such material, Haskell suggested to J. B. Wilson, should “cause certain grazing officials to color up around the ears. If not, I shall be disappointed.”<sup>100</sup> As Haskell conducted his work, both he and McCarran remained convinced that Interior Department officials worked behind the scenes in an attempt to

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<sup>97</sup> Ibid., 20.

<sup>98</sup> U.S. Congress, Senate, *Second Partial Report of the Committee on Public Lands and Surveys pursuant to S. Res. 241: The Grazing Service, Department of the Interior: Its Growth in 10 Fiscal Years, 1936-1945*, 78<sup>th</sup> Cong., 2d sess., Rept. No. 404 pt. 2, 1945.

<sup>99</sup> Indeed, the Senate Committee on Public Lands and Surveys resolved unanimously that the Grazing Service impose no fee increase until it had studied the subject. Edward V. Robertson to J. B. Wilson, December 19, 1944, in WWGA Collection, Box 37, Fol. “E. V. Robertson”. See also Robertson to Wilson, January 16, 1945, in *ibid.*

<sup>100</sup> Earl S. Haskell to J. B. Wilson, January 19, 1945, in McCarran Collection, Box 41, Fol. “McCarran’s Subcomm. on Public Lands and Survey, Hearings (1945)”. Indeed, Haskell was convinced that the Grazing Service was bent on increasing grazing fees no matter what unless stockgrowers opposed the effort and McCarran’s subcommittee came to their assistance. See Haskell to M. C. Claar, March 14, 1945, in *ibid.*

kill the pending investigation. They therefore continued to correspond with leading stockgrowers as the subcommittee prepared to move westward and shut everyone else out of the process, including the IWLA.<sup>101</sup>

Stockgrowers also organized against the proposed fee increase on their own. In Nevada, for instance, Vernon Metcalf of the Central Committee continued to preach the importance of a “united front” during the controversy.<sup>102</sup> Nevada ranchers answered Metcalf’s call on April 6, 1945, when thirty-nine men representing the Central Committee and state livestock associations, as well as several state and Grazing Service officials (including Director Forsling), met in Reno. The meeting did not feature any proposals that advocated the reorganization or complete dissolution of the Grazing Service. Nor was there any hostility expressed between assembled Nevada stockmen and federal graziers. Rather, Metcalf commented that the meeting “was harmonious” and ended with assurances that stockgrowers would retain preexisting water rights on the public domain, even on projects initiated by the Grazing Service, as well as promises of “a reasonable settlement of the various other problems concerned in the not too distant future,” including grazing fees.<sup>103</sup>

The combined response from the advisory boards and Senator McCarran’s subcommittee made it clear that any “reasonable settlement” to the controversy had to result in the Grazing Service adhering to their interpretation of the Taylor Grazing Act. This effort centered on restricting the agency’s personnel and budget as well as

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<sup>101</sup> For example, see Earl S. Haskell to William B. Wright, Matthew M. Cushing, and Gordon Griswold, February 27, 1945, and Haskell to F. E. Mollin, April 30, 1945, in *ibid.*

<sup>102</sup> Vernon Metcalf to Members of the Central Committee of Nevada State Grazing Boards, March 29, 1945, in Griswold Collection, Box 3, Fol. 9.

<sup>103</sup> Vernon Metcalf, Memorandum: “Summarized Aftermath of Stock Watering and Grazing Fee Conference, Reno, April 6-7, 1945,” April 10, 1945, in *ibid.* See also U.S. Department of the Interior, Division of Grazing, “Notes on Committee Meeting, Reno, NV, April 7, 1945”, in *ibid.*

combatting the proposed fee increase. For instance, upon hearing of Clarence Forsling's request for an additional \$1.4 million to cover the salaries and expenses of his graziers, Gordon Griswold accused the director of planning "to expand the Grazing Service and its costs with no real consideration of the net benefits possible to range users...."<sup>104</sup> Even worse, Forsling's proposal ignored the NABC's recommendations. Griswold therefore mobilized the Council to prevent the budget increase by having its members ask their respective Congressional delegations as well as the chairs of the House and Senate appropriations committees to deny Forsling's request. Such actions by the advisory boards effectively stymied the fee increase and Forsling's other budget requests. On June 14, 1945, Secretary Ickes notified Senator Carl A. Hatch of New Mexico, chair of the Senate Public Lands Committee, that any plan to increase the public domain grazing fee was on hold. Instead, Ickes instructed Forsling to continue a range appraisal study in cooperation with the district advisory boards and the NABC.<sup>105</sup>

Director Forsling confirmed the Secretary's decision to stockgrowers such as J. M. (Casey) Jones, secretary of the NWGA, but Jones' response suggested that a significant rift had emerged between the director and western ranchers despite talks of "harmonious" meetings between them. Jones particularly worried that Forsling would still propose a fee in the interim before the new study's completion. He therefore reminded the director that he could not abandon the split control approach or recommend a new fee until the completion of Senator McCarran's investigation of the

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<sup>104</sup> Gordon Griswold to Members of the National Advisory Board Council, March 10, 1945, in *ibid.* See also Griswold to Carl A. Hayden, March 2, 1945, and Griswold to Patrick A. McCarran, March 10, 1945, in *ibid.*

<sup>105</sup> Harold L. Ickes to Carl A. Hatch, June 14, 1945, in *ibid.*



matter, which did not end until November 1945.<sup>106</sup> Vernon Metcalf also expressed the desire to remain recalcitrant until the Grazing Service accepted a fee formula based solely on administrative costs.<sup>107</sup> Forsling tried to reassure them by writing he would work closely with the advisory boards while conducting a new range appraisal study. Yet he did not deny the possibility of altering the fee for the time being, much to Jones and Metcalf's concern.<sup>108</sup> Indeed, Jones was horrified. "Undoubtedly it is the intention of the Grazing Service to establish an interim fee as soon as the National Advisory Board can be consulted," he wrote, and he urged the secretaries of all state livestock associations as well as NABC members to remain on guard against any change in public domain range administration.<sup>109</sup>

Such vigilance even extended to Senator McCarran's proposed solution to the rangeland conflict. In September 1945, he introduced a bill (S. 1402) that would have allowed for the dissolution of any grazing district upon the approval of sixty percent of its users. By suggesting that the best way to protect the Taylor Grazing Act was by removing territory from the jurisdiction of the Grazing Service, the proposal reflected the same rift between stockgrowers and federal graziers that the correspondence between Jones and Forsling displayed. Yet McCarran defended his bill by arguing that it would actually improve public domain range administration. Western newspapers such as the *Salt Lake City Tribune* agreed. Those dissatisfied with district administration could push to abolish it, yet that very threat could make federal graziers more accountable to ranchers' interests. As the *Tribune* stated, "Enactment of the bill

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<sup>106</sup> J. M. Jones to Clarence L. Forsling, August 11, 1945, in *ibid.* See also Forsling to Jones, August 4, 1945, in *ibid.*

<sup>107</sup> Vernon Metcalf to J. M. Jones, August 16, 1945, in *ibid.*

<sup>108</sup> Clarence L. Forsling to J. M. Jones, August 21, 1945, in Griswold Collection, Box 3, Fol. 10.

<sup>109</sup> J. M. Jones to State Association Secretaries of Public Lands States, August 27, 1945, in *ibid.*

might serve to improve the administration all the way around by placing the administrators in a position where they would have to convince at least 41 per cent of the users of the soundness of their policies or lose the district, thus improving administration and allowing the amendment to serve its purpose with only its occasional implementation.”<sup>110</sup>

Yet the opposition to McCarran’s bill that emerged from stockgrowers, including prominent advisory board members, revealed just how much many western ranchers had come to depend on the Taylor Grazing Act. Spokespersons for public domain range users opposed the amendment for fear that it would disrupt other range preferences and claims that the act and various state laws already recognized. Those who indicated some support for the bill still wanted clarification that subsequent access to an abolished grazing district went only to “qualified users,” as Vernon Metcalf wrote.<sup>111</sup> Perhaps most significant, these commentators noted that it was unlikely that those who opposed federal range administration could muster a majority on any of the districts. For these reasons, the national livestock associations opposed the bill and it did not even make it out of the Senate Public Lands Committee.<sup>112</sup> Ironically, McCarran’s proposal had fallen victim to the same philosophy that Richard Rutledge and Clarence Forsling struggled against, which was further testament to the triumph of graziery on the public domain.

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<sup>110</sup> *Salt Lake City Tribune*, October 1, 1945, in McCarran Collection, Box 44, Fol. ”Amendment to Taylor Grazing Act”. See also *Congressional Record*, 79<sup>th</sup> Cong., 1<sup>st</sup> sess., 1945, 91, pt. 7, 8663 and “A bill to amend the act entitled ‘An act to stop injury to the public grazing lands...’” S. 1402, 79<sup>th</sup> Cong., 1<sup>st</sup> sess., 1945.

<sup>111</sup> Vernon Metcalf to Patrick A. McCarran, October 22 and November 25, 1945, in Griswold Collection, Box 3, Fol. 10.

<sup>112</sup> For example, see “Report of Committee on Taylor Grazing,” in *The Platform and Program of the National Wool Growers Association, Eighty-first Annual Convention* (Salt Lake City: January 28-30, 1946), 12, in NWGA Records, Box 415.

## **CHAPTER EIGHT**

### **PLANNING FOR A “LANDGRAB”**

In August 1946, approximately 150 members of the western range livestock industry, including the executive committees of the American National Live Stock Association (ANLSA) and National Wool Growers Association (NWGA), assembled in Salt Lake City, Utah, to consolidate their recent victories on the behalf of graziery. They met primarily to discuss how the industry should respond to the federal government’s latest attempt to reorganize the public domain grazing program. Earlier that spring, Earl Haskell submitted the “Fourth Partial Report” from Senator Patrick McCarran’s investigation, which concluded that the Grazing Service was “determined to force through higher grazing fees for the one purpose of obtaining ever-larger appropriations and an expanded organization.”<sup>1</sup> He also repeated the livestock industry’s assertion that such fees should remain low and account only for the agency’s administrative budget. At the same time, Clarence Forsling and Harold Ickes discussed the possibility of merging all range management activities directed by the Department of the Interior into a single agency, including the Grazing Service. Yet preliminary discussions regarding the creation of what became known as the Bureau of Land Management (BLM) were complicated further by Secretary Ickes’ resignation and cuts in the Grazing Service budget by the House and Senate appropriations committees. Within this context, President Harry S. Truman’s Reorganization Plan No. 3, part of which required the creation of the BLM, became law on July 16, 1946.<sup>2</sup> Stockgrowers

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<sup>1</sup> U.S. Congress, Senate, *Administration and Use of Public Lands: Fourth Partial Report of the Committee on Public Lands and Surveys pursuant to S. Res. 139, 79<sup>th</sup> Cong., 2d sess., Rept. No. 808, pt. 2, 1946, 90.*

<sup>2</sup> For an overview of the BLM’s origins, see James R. Skillen, *The Nation’s Largest Landlord: The Bureau of Land Management in the American West* (Lawrence: University Press of Kansas, 2009), 14-20. For more on the cuts in Grazing Service appropriations and personnel prior to its organization into the

were interested in the role they would have in this new agency and whether it would conform to principles originally established by the Taylor Grazing Act. Hence the gathering in Salt Lake City.

Yet the privatization of the public domain range was the dominant matter of discussion during the meeting rather than the BLM. Furthermore, as they had done so many times before, the assembled stockgrowers utilized language within the Taylor Grazing Act to justify the notion. Pointing to the act's "pending final disposal" clause, which implied that federal oversight of the public domain grazing districts could be temporary, the group created a Joint Livestock Committee on Public Lands. Its purpose was twofold: first, to create legislation that facilitated "the final disposition of the public domain into private ownership" and, second, to "recommend provisions or legislation" that dictated federal range administration in the interim.<sup>3</sup>

The Joint Livestock Committee marked the culmination of a debate over the proper use and management of public rangelands that had begun in the late nineteenth century.<sup>4</sup> Convinced of the importance of their cause, committee members and their

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BLM, see Paul Wallace Gates, *History of Public Land Law Development* (1968; reprint, New York: Arno Press, 1979), 621-22 and E. Louise Peffer, *The Closing of the Public Domain: Disposal and Reservation Policies, 1900-1950* (1951; reprint, New York: Arno Press, 1972), 267-72.

<sup>3</sup> *Report of Proceedings of Executive Committees of National Wool Growers Association and American National Live Stock Association* (Salt Lake City, UT: August 16-17, 1946), 161, in National Wool Growers Association Records, American Heritage Center, University of Wyoming, Laramie (hereafter, NWGA Records), Box 418. A copy of pages 161-66 of the proceedings, which pertained specifically to the creation of the Joint Livestock Committee, can also be found in the National Cattlemen's Association Records, American Heritage Center, University of Wyoming, Laramie (hereafter, NCA Records), Box 123, Fol. 8.

<sup>4</sup> Karen Merrill also arrives at this conclusion, but she admits that the timing of the August 1946 meeting was "puzzling" given the conclusion of the McCarran hearings and the pending creation of the BLM. See Karen R. Merrill, *Public Lands and Political Meaning: Ranchers, the Government, and the Property Between Them* (Berkeley: University of California Press, 2002), 196. Rather, my analysis shows that the meeting was a calculated response to the conclusion of Senator McCarran's investigation and the pending creation of the BLM. Indeed, correspondence in Senator McCarran's papers supports such a conclusion. See E. S. Haskell to F. E. Mollin, July 11, 1946 and Mollin to Haskell, July 26, 1946, in Patrick A. McCarran Collection, Nevada Historical Society, Reno (hereafter McCarran Collection), Box 4, Fol. "American National Livestock Association".

supporters reiterated the importance of harvesting grass from western rangelands and insisted that direct ownership over these areas provided the best means to do so. Indeed, Willard Simms of the *Record Stockman* referred to the group as “[p]robably the most important livestock committee ever named in the West” for taking on the “deep subject” of “private ownership vs. continued governmental control” of the public domain.<sup>5</sup> Most important, committee members pointed to the Taylor Grazing Act and the philosophy behind its original implementation—graziery—as sufficient justification to transfer the public domain—and perhaps all western rangelands—into private hands.

Their efforts caught the attention of Bernard DeVoto, who exposed the privatization scheme in a series of articles published in *Harper’s Magazine* between December 1946 and January 1947, the most significant of which was “The West Against Itself.” As seen in previous chapters, certain conservation groups opposed ranchers’ efforts to secure range claims at the expense of other land uses on the national domain. DeVoto reinforced these concerns. Furthermore, his insistence on the management of all western rangelands to promote watershed protection reflected an education in forest range management. With such an understanding of watersheds and the national domain, DeVoto used only one word to describe the Joint Livestock Committee’s work: “landgrab.” Indeed, by labeling the committee’s platform as “one of the biggest landgrabs in American history,” DeVoto’s work pushed the federal range management debate beyond stockgrowers’ conceptions of the Taylor Grazing Act.<sup>6</sup>

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<sup>5</sup> Willard Simms, “Leading Cattleman and Wool Growers from 10 Western States Discuss Big Public Lands Question: Name Important Committee of 10 to Make Interim Program and Offer Final Settlement of Problem,” *Record Stockman*, August 22, 1946, 1.

<sup>6</sup> Bernard DeVoto, “The West Against Itself,” *Harper’s Magazine* (January 1947), in *DeVoto’s West: History, Conservation, and the Public Good*, ed. Edward K. Muller (Athens, OH: Swallow Press/Ohio University Press, 2005), 91. Reprints of DeVoto’s essay vary in the use of the term “landgrab,” even

Farrington Carpenter was not present at the meeting that resulted in the Joint Livestock Committee's creation, but a significant number of ranchers whose influence had benefitted from his implementation of the Taylor Grazing Act were. J. Elmer Brock, A. D. Brownfield, Gordon Griswold, Dan Hughes, and William Wright—familiar characters by this point in the story—were among those who descended upon Salt Lake City. Senator Pat McCarran and Earl Haskell were also present. So was Wesley D'Ewart, a recently elected rancher-turned-Congressman from Montana. William B. Rice, supervisor of Region 4 of the Forest Service (the Intermountain Region), was among those in the audience and was the only federal conservation official present.<sup>7</sup>

Meeting participants recognized that they had gathered during an important moment in the history of the Taylor Grazing Act. They prepared to hear from Rex Nicholson, whom Julius A. Krug, the new Secretary of the Interior, had appointed to facilitate the reorganization of the Grazing Service into the BLM. Fittingly, however, Senator McCarran was among the first to address the ranchers and, along with Nicholson, reflected growing conservative sentiments in regards to the proper relationship between government and industry in the wake of World War II. Both men accepted the necessity of the Taylor Grazing Act given the economic and ecological emergencies that occurred during the Great Depression. They did not want to see its administration burdened by a cumbersome regulatory agency, however, regardless of whether it was the Grazing Service or a new BLM. Thus, when Senator McCarran told

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though DeVoto used the phrase in the singular form. I will conform to the same approach in the spirit of DeVoto's original use of the word.

<sup>7</sup> For a complete list of those who attended the August 1946 meeting, see the roll call accompanying *Report of Proceedings of Executive Committees*. For another account of the August 1946 meeting, see William Voigt, Jr., *Public Grazing Lands: Use and Misuse by Industry and Government* (New Brunswick: Rutgers University Press, 1976), 3-7.

the audience that the creation of the BLM was “an opportunity to rebuild the [G]razing [S]ervice...with certain fundamental principles in mind,” he repeated his support for limited federal personnel, grazing fees that covered administrative costs, and primacy of the advisory boards.<sup>8</sup>

The assembled ranchers in Salt Lake City did not need a lesson on the Taylor Grazing Act. The usefulness of the Grazing Service or a new BLM was another matter, however. William Wright, now president of ANLSA, asserted that stockgrowers rendered “a service to our nation” by converting range forage into meat, leather, and wool.<sup>9</sup> Public rangelands accounted for a significant part of this process, providing for at least thirty percent of the country’s cattle and forty-two percent of its sheep. Yet Wright argued that the privatization of public rangelands could increase these figures further. Most of the audience agreed with his logic, some more zealously than others. Senator McCarran sympathized with the idea, but he recommended against the creation of a legislative platform concerned only with range privatization. In contrast, Floyd Taggart of Cody, Wyoming, criticized McCarran for failing to recognize that “the time is now ripe for this change” in favor of privatization.<sup>10</sup> As the meeting went on, it became clear that the industry’s most influential leaders and the majority of those in

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<sup>8</sup> *Report of Proceedings of Executive Committees*, 17. In seeking an appropriate balance range livestock production and federal oversight, McCarran’s statements reflected a much broader conservative movement that sought to curb New Deal reforms and establish a relationship between government and business that simultaneously prevented another depression, expanded profits for business, and promoted security from new threats abroad. See also John Morton Blum, *V was for Victory: Politics and American Culture During World War II* (New York: Harcourt Brace Jovanovich, 1976), 221-54 and Wendy L. Wall, *Inventing the “American Way”: The Politics of Consensus from the New Deal to the Civil Rights Movement* (New York: Oxford University Press, 2008), 34-62. For an analysis of how such sentiments affected the New Deal conservation movement by the time President Truman took office, see Elmo Richardson, *Dams, Parks & Politics: Resource Development & Preservation in the Truman-Eisenhower Era* (Lexington: University Press of Kentucky), 1-18.

<sup>9</sup> *Report of Proceedings of Executive Committees*, 10.

<sup>10</sup> *Ibid.*, 123. Indeed, both McCarran and D’Ewart expressed their sentiments in favor of the eventual privatization of public rangelands. Although McCarran refrained from supporting a platform devoted solely to that end, D’Ewart favored the approach wholeheartedly. See *ibid.*, 20, 27.

attendance agreed with Wright and Taggart. As president of ANLSA, Wright dominated the proceedings and questioned any rancher who appeared skeptical of the idea. By that afternoon, Dan Hughes motioned in favor of creating a committee that would investigate the possibility of public rangeland privatization and present its findings to the national stockgrowers associations in time for their annual conventions in January 1947. The proposal passed with only one opposing vote.<sup>11</sup>

Since Hughes formally introduced the idea, William Wright and G. Norman Winder, president of the NWGA, named him chairman of the new committee. They went on to appoint nine more members and a secretary, being careful to provide representation for each public domain range state and to ensure a balance between the cattle and sheep industries (see Table 8.1). J. Elmer Brock (vice-chairman of the committee), A. D. Brownfield, and Vernon Metcalf were among those selected. Their previous associations with the Taylor Grazing Act have been well documented by this point, but such experiences were not unique among the group. Victor Christensen of California, J. C. Cecil of Oregon, and Don Clyde of Utah were all founding members of their respective district advisory boards (as were Brownfield and Hughes). Moreover, out of the ten members of the Joint Livestock Committee (not counting secretary Radford Hall), half were currently affiliated with the National Advisory Board Council (NABC).<sup>12</sup>

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<sup>11</sup> Ibid., 140-41, 155-56, 158. Certainly, the meeting transcripts included remarks from ranchers who expressed discomfort toward the privatization of public rangelands, but Wright often twisted their testimony until he received a statement to the effect that the concerned stockgrower agreed with the basic principles associated with private property ownership. For an example, refer to the exchange between Wright and J. M. Conover in *ibid.*, 117-18.

<sup>12</sup> For more on the Joint Livestock Committee's creation, membership, and previous/current affiliations, see *ibid.*, 161-66, 207 and Joint Livestock Committee on Public Lands, Meeting Minutes, Salt Lake City, October 15, 1946, NCA Records, Box 123, Fol 8. Edward F. Carpenter, *America's First Grazier: The Biography of Farrington Carpenter; Cattleman, Lawyer, Administrator, Politician, Educator* (Fort



**Table 8.1: Members of Joint Livestock Committee on Public Lands, 1946-47**

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<b>Dan Hughes, Chairman</b>	Montrose, CO
<b>J. Elmer Brock, Vice-Chairman</b>	Kaycee, WY
<b>A. D. Brownfield</b>	Deming, NM
<b>J. C. Cecil</b>	Burns, OR
<b>Don Clyde</b>	Heber City, UT
<b>Victor F. Christensen</b>	Likely, CA
<b>Merle Drake</b>	Challis, ID
<b>Vernon Metcalf</b>	Reno, NV
<b>Jack Milburn</b>	Grass Range, MT
<b>K. P. Pickrell</b>	Phoenix, AZ
<b>Radford Hall, Secretary</b>	Denver, CO

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From: *Report of Proceedings of Executive Committees of National Wool Growers Association and American National Live Stock Association* (Salt Lake City, UT: August 16-17, 1946) in National Wool Growers Association Records, American Heritage Center, University of Wyoming, Laramie, Box 418.

One might consider it ironic that the Joint Livestock Committee sought to privatize public domain rangelands—and therefore dismantle the Grazing Service—despite the fact that most of its members received federal money for serving at the district, state, or national advisory board level. However, it is important to remember that committee members chose to ignore this possible contradiction. Instead, they

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Collins, CO: Vestige Press, 2004) includes a list of original district advisory board members. It is also worth mentioning at this point that it was common for the members of two or more stockgrowers organizations to form a Joint Livestock Committee. Although I often refer to the Joint Livestock Committee on Public Lands as the “Joint Livestock Committee” in this chapter, readers should not confuse this designation with the Joint Live Stock Committee, which formed on July 31, 1946, and featured a representative from each cattle, sheep, and swine producing association (134 in all). See Clinton K. Tomson to J. B. Wilson, March 4, 1947, in Wyoming Wool Growers Collection, American Heritage Center, University of Wyoming, Laramie (hereafter WWGA Collection), Box 10, Fol. “J. Elmer Brock”.

believed they were working to improve public domain range administration so that it conformed more closely to language of the Taylor Grazing Act. They were also fully aware that others shared this view, both inside and outside the industry. Indeed, committee members had to navigate through a variety of suggestions and resolutions in favor of privatizing all or part of the western public lands system. As previous chapters have shown, such sentiments had circulated since the late nineteenth century. Furthermore, the logic behind them remained rooted in the idea that those who owned land were the best equipped to take care of it because their personal livelihood depended on its sound management. Yet conservative reactions to New Deal reforms, including the McCarran hearings, provided a suitable atmosphere for these notions to resurface. In 1941, for example, A. F. Vass of the University of Wyoming told McCarran's subcommittee that those who had "a personal interest in making the lands productive," including ranchers, were more capable of range management than federal officials.<sup>13</sup> F. E. Mollin of ANLSA quickly reprinted Vass' statement and distributed additional publications on the association's behalf that reflected his own sentiments in favor of range privatization. By 1946, other national organizations, including the American Farm Bureau Federation and the U.S. Chamber of Commerce, complemented Mollin's efforts by resolving in favor of privatizing the entire western public lands system.<sup>14</sup>

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<sup>13</sup> A. F. Vass, *Control and Value of Western Grazing Lands: A Comprehensive Statement that should be Read by Every Live Stock Rancher in the Range States* (Denver: American National Live Stock Association, 1941), 3, in NCA Records, Box 290, Fol. 4.

<sup>14</sup> For example, see F. E. Mollin, *Uncle Sam: World's Largest Landlord* (Denver: American National Live Stock Association, 1946), copy in NCA Records, Box 252, Fol. 18. See also Resolution adopted at the 27<sup>th</sup> Annual Convention of the American Farm Bureau Federation (Chicago: December 20, 1945), in *ibid.*, Box 123, Fol. 9, and Chamber of Commerce of the United States, Referendum No. 88 of Organization Members on Public Land Policies, March 14, 1946, in Utah Wool Growers Association Addendum, Special Collections and Archives, Utah State University, Logan, Box 73, Fol. 6.

Support for the transfer of public rangelands to private ownership therefore climaxed within the highest levels of the national and state stockgrowers associations for two reasons. First, these groups continued to place themselves within the conservative backlash against the expansion of New Deal or wartime regulations and reforms. Associations who opposed such programs insisted upon the defense of democracy and free enterprise in the face of greater federal centralization or, even worse, socialism. Such sentiments also provided an important springboard for anti-New Deal politicians in the West such as Frank Barrett of Wyoming, who made sure to emphasize their own support for private rangeland ownership when addressing assembled stockgrowers.<sup>15</sup> These individuals introduced public lands legislation that reflected their own political ideologies as well as the concerns of their ranching constituents. By March 1946, for example, Senator Edward V. Robertson of Wyoming introduced a bill that called for the cession of all federally administered lands and attached mineral rights to the respective states for their subsequent management. The bill even included provisions that would have dissolved the federal grazing districts and facilitated their transfer to private ownership.<sup>16</sup> Frank Barrett introduced a bill later that summer that called for the sale of public domain rangelands leased under Section 15 of

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<sup>15</sup> Proceedings from ANLSA's 1946 annual meeting provide excellent insight into this phenomenon. Among the most criticized wartime restrictions was price controls. Speakers before the group also mentioned their opposition to the potential expansion of New Deal reform efforts, including the creation of additional government-sponsored river basin development programs similar to the Tennessee Valley Authority. For Barrett's support of the privatization of public rangelands, see *Proceedings of the 49<sup>th</sup> Annual Convention of the American National Livestock Association* (Denver: January 10-12, 1946), 102, in NCA Records, Box 499. See also remarks by former Colorado governor Ralph L. Carr and prior WSGA president Charles A. Myers in *ibid.*, 69-97, 127-29. For more on how western ranchers responded to wartime restrictions, see R. Douglas Hurt, *The Great Plains during World War II* (Lincoln: University of Nebraska Press, 2008), 173-88. For the political fight over the expansion of river basin authorities to the Columbia and Missouri rivers, see Richardson, *Dams, Parks & Politics*, 19-38.

<sup>16</sup> *Congressional Record*, 79<sup>th</sup> Cong., 2d sess., 1946, 92, pt. 2, 2240, and "A Bill to provide for the granting of public lands to certain States...", S. 1945, 79<sup>th</sup> Cong., 2d sess., 1946.

the Taylor Grazing Act to the ranchers who already used them, the proceeds from which would benefit each state's educational institutions.<sup>17</sup>

This conservative political climate constituted only half of the equation in favor of public rangeland privatization, however. When a livestock association resolved in favor of “the orderly transfer of [federal] lands to private ownership,” as the Wyoming Stock Growers Association (WSGA) did unanimously in the early summer of 1946, notions of preference and the Taylor Grazing Act's “pending final disposal” clause provided additional justification to the idea.<sup>18</sup> Perhaps no rancher was more articulate in this regard than J. Elmer Brock. As early as 1935, Brock suggested that the WSGA adopt a “plan and wait” strategy in regards to dismantling the federal grazing program because he was convinced that the political coalition that contributed to the passage of the Taylor Grazing Act would lose influence at some point.<sup>19</sup> By 1946, Brock was certain that such a time had arrived and wrote to Senator Robertson, “Private ownership of these [public] grazing lands is what the stockmen want.”<sup>20</sup> Dissatisfied with Robertson's cession proposal, Brock created his own bill that gave existing range users preference in purchasing public rangelands. The notion that such lands were chiefly

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<sup>17</sup> The bill (H.R. 7038) passed the House and even had the support of Secretary of the Interior Julius A. Krug, but it failed to get out of the Senate. See U.S. Congress, House, *Providing for the Sale of Certain Public Lands in the States for the Use and Benefit of the State Public Educational Institutions*, 79<sup>th</sup> Cong., 2d sess., 1946, H. Rep. 2580. Those familiar with Bernard DeVoto's “The West Against Itself” will notice that DeVoto incorrectly referred to Barrett's bill as H.R. 7638. See DeVoto, “The West Against Itself,” in *DeVoto's West*, 93. Earlier in the session, Barrett introduced a similar bill that proposed the sale of Section 15 leases for the benefit of the University of Wyoming. See “A Bill granting to the State of Wyoming certain public lands in such state for the use and benefit of the University of Wyoming,” H.R. 6017, 79<sup>th</sup> Cong., 2d sess., 1946. For more information on these bills that proposed the cession or privatization of public lands, see Gates, *History of Public Land Law Development*, 622-24.

<sup>18</sup> *Proceedings of the 74<sup>th</sup> Annual Convention of the Wyoming Stock Growers Association* (Laramie: June 4-6, 1946), 207-8, in Wyoming Stock Growers Association Records, American Heritage Center, University of Wyoming, Laramie (hereafter, WSGA Records), Box 84.

<sup>19</sup> *Proceedings of the 63<sup>rd</sup> Annual Meeting of the Wyoming Stock Growers Association* (Cody: June 18-19, 1935), 11, WSGA Records, Box 83.

<sup>20</sup> J. Elmer Brock to Edward V. Robertson, March 16, 1946, NCA Records, Box 123, Fol. 9.

valuable for grazing and the Taylor Grazing Act's "pending final disposal" clause provided further justification to Brock's proposal. Such understandings of range use and the Taylor Grazing Act, combined with sustained contact with conservative political allies on Capitol Hill, made committee members and industry leaders optimistic toward the possibility of transferring public rangelands to private ownership.<sup>21</sup>

Dan Hughes also embodied these hopes as chair of the Joint Livestock Committee. On August 26, 1946, he indicated that his committee would spend the rest of the year considering "legislation [based] upon the basic principle that public lands should be passed into private ownership and that present users of the public domain should have first preference for the acquisition of lands upon which they hold a license, lease or permit."<sup>22</sup> Hughes effectively utilized popular rhetoric associated with free enterprise to justify this effort. "The greatest good for the greatest number comes

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<sup>21</sup> See J. Elmer Brock, "An Act," 1946, NCA Records, Box 123, Fol. 8. The purpose of Brock's act was, "To promote the highest use of the public lands and the private lands upon which they are dependent," which included the privatization of all public rangelands within the state of Wyoming in order to provide "greater stability" and "freedom from bureaucracy" to the livestock industry and offer increased tax revenue to the state. Even before he composed his act, Brock was active in courting allies on the behalf of public rangeland privatization. For instance, he maintained regular correspondence with Senator McCarran. He was also a leading member of the U.S. Chamber of Commerce and was instrumental in influencing its stance on the range privatization question. Indeed, at one point during Senator McCarran's investigation of the Grazing Service, Brock encouraged the subcommittee to work with the Chamber of Commerce to create a proposal that facilitated the privatization of public rangelands. See J. Elmer Brock to Patrick A. McCarran, March 18, 1942, in McCarran Collection, Box 38, Fol. "Sen. Res. 241 Hearings, 1942".

<sup>22</sup> Dan Hughes to "Dear Sir," August 26, 1946, NCA Records, Box 71, Fol. 1. According to a notation presumably left by NWGA secretary J. M. Jones, Hughes sent nine copies of his letter to each secretary of the western state livestock associations (cattle and sheep). Secretaries then had the responsibility of distributing the letter to association leadership and other members. See Hughes to "Dear Sir," August 26, 1946, in NWGA Records, Box 194, Fol. "Joint Livestock Committee". There is no evidence that Hughes sent his letter to Forest Service or Grazing Service/BLM personnel. It is also unlikely that Hughes sent word of the committee's creation to Kenneth Reid or other conservation leaders. He did notify Rex Nicholson of the Joint Livestock Committee's creation, however, and he asserted that Nicholson's efforts regarding the reorganization of the Grazing Service into the BLM should not conflict with his committee's work on behalf of range privatization. See Dan Hughes to Rex L. Nicholson, August 19, 1946, NCA Records, Box 123, Fol. 9.

through private initiative and private ownership,” he wrote.<sup>23</sup> Such a phrase was an obvious twist on former Chief Forester Gifford Pinchot’s earlier writings in which he advocated for the management of natural resources “for the permanent good of the whole people, and not for the temporary benefit of individuals or companies.”<sup>24</sup> In addition, Hughes believed that the Taylor Grazing Act validated the Joint Livestock Committee’s work by organizing public domain rangelands according to their chief use and granting preference in their development to a predetermined group of stockgrowers pending their final disposal. Indeed, such logic suggested that the privatization of the public domain would fulfill the original intent of the Taylor Grazing Act and further stabilize those ranching operations dependent upon it.

Though straightforward in purpose, Hughes, Brock, and the rest of the committee faced the difficult task of reconciling the national domain that the Taylor Grazing Act formally established with the various local domains that ranchers fostered within their respective grazing districts or leases. Stockgrowers considered access to public lands as extensions of their private grazing operations, and the Joint Livestock Committee operated under this logic as well. But it had to solve several important questions associated with this relationship. First, committee members had to determine whether their platform would grant ranchers the ability to lease public lands directly from the federal government or only the opportunity to purchase them outright. If they chose the latter strategy, members had to decide whether to place a limit on the amount of land a rancher could purchase and its price. Members agreed that land costs should

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<sup>23</sup> Hughes to “Dear Sir,” August 26, 1946.

<sup>24</sup> Pinchot went on to write, “[W]here conflicting interests must be reconciled the question will always be decided from the standpoint of the greatest good of the greatest number in the long run.” Quoted in Gifford Pinchot, *Breaking New Ground* (1947; reprint, Washington, D.C.: Island Press, 1974), 261.

conform to its carrying capacity for livestock, but there remained the issue of who would determine that number (ranchers, range scientists, or agricultural economists) and other specifics such as down payments and interest rates. Finally, and most important, the Joint Livestock Committee had to be clear on the scope of its privatization platform. A successful program could not create the impression that it was forcing all western ranchers to abandon federal range management. Committee members thus had to reconcile their primary focus on the public domain with their desires of expanding the privatization plan to the national forests and national parks and monuments.<sup>25</sup>

Overall, a public rangeland privatization proposal had to suit the entire industry, but the committee's correspondence and publications in the livestock presses reflected a bias in favor of individual ownership of public domain grazing allotments and a determination to create a bill that applied to all public rangelands, including those not currently administered by the Taylor Grazing Act. By November 1946, Dan Hughes and other committee members presented their platform in *National Wool Grower*. "It [is] the opinion of the Committee as a whole that full security of tenure of the grazing lands now used can only be obtained by the users holding the fee title," Hughes wrote. Moreover, he asserted, "All lands chiefly available for grazing should be included in the program," failing to distinguish between the public domain and other federal rangelands.<sup>26</sup> In the same issue, A. D. Brownfield, along with Sam C. Hyatt of Wyoming, outlined a "Public Land Sales Plan" that distributed public rangelands to

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<sup>25</sup> Correspondence and meeting minutes from the fall of 1946 revealed that these were the most important questions that the Joint Livestock Committee considered. See Joint Livestock Committee on Public Lands, Meeting Minutes, Salt Lake City, August 17, 1946; Dan Hughes to the Joint Livestock Committee on Public Lands, September 26, 1946; Joint Livestock Committee on Public Lands, Meeting Minutes, Salt Lake City, October 15, 1946; Joint Livestock Committee on Public Lands, "Contingencies needed to be met in Drafting Bill for Transfer of Public Domain to Private Ownership," 1946, in NCA Records, Box 123, Fol. 8.

<sup>26</sup> Dan H. Hughes, "Joint Public Land Committee Reports," *National Wool Grower* (November 1946): 6

individual ranchers at prices determined in relation to livestock carrying capacities. Only a close reading of the article could reveal that Brownfield and Hyatt focused primarily on the public domain range.<sup>27</sup>

Such predispositions automatically created an antagonistic relationship between the Joint Livestock Committee and conservation organizations. Committee members acknowledged that they might need to appease other interest groups at some point, but they ultimately deemed it necessary to work among themselves and agree upon a specific platform before they embarked upon a public education campaign. Potential opposition from other stockgrowers informed this strategy. So did recent encounters with conservationists over the issue of wildlife management on the public domain and the Jackson Hole National Monument controversy. The Joint Livestock Committee clearly had a negative perception of multiple use, agreeing that “drinking by hunters was a major evil” on public rangelands that resulted in accidental livestock shootings and “trespassing” upon bed grounds and water holes utilized by ranchers.<sup>28</sup> These sentiments neglected the fact that the Forest Service and Grazing Service assisted ranchers in the development of these areas and that federal legislation—including the Taylor Grazing Act—protected the right to hunt and fish on public lands.

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<sup>27</sup> A. D. Brownfield and Sam C. Hyatt, “Public Land Sale Plan,” *ibid.*, 9, 39-40. Previous scholars of the Joint Livestock Committee on Public Lands have focused exclusively on such articles in the livestock presses. See Merrill, *Public Lands and Political Meaning*, 197-98 and Peffer, *Closing of the Public Domain*, 279-81. Yet committee members also commented on their work before state livestock associations who held their annual meetings in the fall of 1946. For instance, J. M. Jones of the NWGA and J. Elmer Brock informed members of the WWGA about the Joint Livestock Committee and the proposed reorganization of the Grazing Service. See *Proceedings of the Annual Convention of the Wyoming Wool Growers Association*, Afternoon Session (Casper: November 13, 1946), in WWGA Collection, Box 7. See also the front-page headline “Grazers Seek to Buy Range,” *Casper Tribune-Herald*, November 14, 1946, which reported on the WWGA meeting. Copy in Izaak Walton League of America, Wyoming Division, Records, American Heritage Center, University of Wyoming, Laramie (hereafter, IWLA, Wyoming Division Records), Box 8, Fol. “Attempted Land Grab, 1946-1947”.

<sup>28</sup> Joint Livestock Committee on Public Lands, Meeting Minutes, Salt Lake City, October 15, 1946, 3.



In the meantime, conservationists continued to mobilize in defense of wildlife and public access to the western range. The Izaak Walton League of America (IWLA) persisted in advocating for the installment of wildlife representatives on grazing advisory boards at the state and national level, although they remained unsuccessful in doing so. By 1946, however, this suggestion occurred alongside requests that Congress increase appropriations to promote recreational opportunities on public lands, especially on the national forests.<sup>29</sup> The outbreak of World War II caused the Forest Service to neglect campground and picnic area maintenance. Upon war's end, however, League members and Forest Service officials alike recognized the importance of improving preexisting recreational facilities and creating new ones in anticipation of renewed interest in motor tourism and camping. As historian Paul Hirt indicates, these efforts reflected a "conspiracy of optimism" within the Forest Service, in which the agency expressed the faith that it could increase forest productivity and access to accommodate growing demands following the Second World War.<sup>30</sup> Similarly, and somewhat paradoxically, conservation organizations corresponded with each other and developed strategies in response to certain threats to the public lands system, including tourism and road building, while simultaneously desiring increased recreational access to these

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<sup>29</sup> See John W. Scott to Charles E. Piersall, February 18, 1946 and E. Howard Toomey to John W. Scott, March 6, 1946, in regards to wildlife representation on the NABC. See also Charles E. Piersall to E. Howard Toomey, February 10, 1946 and E. Howard Toomey to "All Chapters," February 14, 1946, which reflected the League's support for increased appropriations to provide for outdoor recreation on western public lands. In IWLA, Wyoming Division Records, Box 4, Fol. "1946 Correspondence and Miscellaneous".

<sup>30</sup> Paul W. Hirt, *A Conspiracy of Optimism: Management of the National Forests since World War Two* (Lincoln: University of Nebraska Press, 1994). For more information on how the Forest Service responded to increased pressures associated with outdoor recreation and other demands for its resources immediately following World War II (especially lumber), see Thomas G. Alexander, *The Rise of Multiple-Use Management in the Intermountain West: A History of Region 4 of the Forest Service* (USDA: Forest Service, 1987), 142-51; Harold K. Steen, *The U.S. Forest Service: A History*, centennial ed. (Durham, NC: Forest History Society in association with University of Washington Press, 2004), 256-71; and Frederick H. Swanson, *The Bitterroot and Mr. Brandborg: Clearcutting and the Struggle for Sustainable Forestry in the Northern Rockies* (Salt Lake City: University of Utah Press, 2011), 76-88.

areas. For example, the IWLA and the Wilderness Society regularly discussed their respective organizations' efforts in defense of Jackson Hole National Monument or other places where an extractive industry such as lumbering or grazing threatened to usurp outdoor recreation as a preferred land use. Yet such correspondence also included preliminary efforts to pass a national wilderness preservation bill to protect pristine areas within the public lands from any form of excessive land use, including motorized recreation.<sup>31</sup>

Much of the conservationist activity within the West, including opposition to the Joint Livestock Committee, emanated from the IWLA's regional office in Denver, Colorado. The office had been established in 1945 to complement Kenneth Reid's efforts to increase the League's western membership and bring the organization closer to notable public lands controversies such as Jackson Hole. Reid suffered from personal health troubles, which required him to stay in Chicago and make only occasional trips to the West. Thus, William Voigt, Jr., directed activities out of the Denver office. He worked closely with League members in Colorado and Wyoming as well as with key allies outside of the organization, including his good friend Arthur H.

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<sup>31</sup> The Wilderness Society Records, Conservation Collection, Denver Public Library (hereafter, Wilderness Society Records), Series 2, Box 20, Fols. 35-36 reveal this inter-organization cooperation between the Wilderness Society and the IWLA. Notable topics that the organizations focused on included the proposed expansion of timber extraction from lands within and adjacent to Olympic National Park, the Jackson Hole National Monument controversy, and threats of road development or dam construction in national parks or forest primitive areas. For example, see Kenneth A. Reid to Julius A. Krug, April 24, 1946 (in Fol. 36), which stated the opposition of both the IWLA and Wilderness Society to lumbering activities in Olympic National Park. By 1946, the two organizations had also entered into preliminary discussions over a national wilderness bill. See "A Proposed Bill to establish a national system of wildland belts, and for other purposes," September 1, 1946, (Fol. 36). For context on initial efforts to pass a national wilderness bill immediately following World War II, see Mark Harvey, *Wilderness Forever: Howard Zahniser and the Path to the Wilderness Act* (Seattle: University of Washington Press, 2005) and Paul S. Sutter, *Driven Wild: How the Fight Against Automobiles Launched the Modern Wilderness Movement* (Seattle: University of Washington Press, 2002), esp. 255-261.

Carhart and Forest Service officials from the Rocky Mountain Region (Region 2, which oversaw the national forests in Colorado, Wyoming, South Dakota, and Nebraska).

Voigt later remarked that the creation of the IWLA's regional office in Denver signaled to stockgrowers and their allies "that the conservationists meant business."<sup>32</sup> Indeed, they had to. League members grew increasingly worried about demands for the privatization of public rangelands that came from prominent stockgrowers. "It is obvious that their objective is to obtain title to our Federal lands, and also the mineral resources, which would be extremely detrimental to all other interests," Harry L. Miner and Charles E. Piersall of the Wyoming Division wrote to Secretary of Agriculture Clinton P. Anderson in June 1946.<sup>33</sup> By September, the Division formally opposed any attempt by stockgrowers to hinder federal range management and urged "the use of every media with which to familiarize the public of the jeopardy in which the natural resources, embraced in our National Forests, and other public lands, are now placed" in the West.<sup>34</sup> One month later, Kenneth Reid notified all League members of the possibility that western ranchers were creating legislation to privatize all public grazing lands.<sup>35</sup>

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<sup>32</sup> "William Voigt, Jr., on the Land Grab of the 1940s," 1969, Reel #1, Side #2, in Arthur H. Carhart Papers, Conservation Collection, Denver Public Library (hereafter, Carhart Papers), AV Box 3, Item 32. Reasons for Voigt's appointment as regional director were twofold. First, western IWLA members who already knew him, particularly Herb C. Kelly of the Colorado Division, pressured Kenneth Reid to appoint him. Second, Voigt's first wife was in the final stages of terminal tuberculosis and he had recently moved her to Denver, further making him an ideal candidate to head the League's western office. See also Voigt, *Public Grazing Lands*, 100-101.

<sup>33</sup> Harry L. Miner and Charles E. Piersall to Clinton P. Anderson, June 19, 1946, in IWLA, Wyoming Division Records, Box 8, Fol. "Attempted Land Grab, 1946-1947".

<sup>34</sup> "Resolution No. 1," in Minutes of the 22<sup>nd</sup> Annual Convention, Wyoming Division, Izaak [sic] Walton League of America (Riverton: September 13-14, 1946), in IWLA, Wyoming Division Records, Box 4, Fol. "1946 Convention at Riverton, September".

<sup>35</sup> Izaak Walton League of America, "Press Release," October 23, 1946, Wilderness Society Records, Series 2, Box 20, Fol. 36.

Thus, conflict between conservationists and stockgrowers was likely given the prejudice expressed toward other range users by members of the Joint Livestock Committee and the antagonism returned in kind by leaders within the Izaak Walton League. Yet both groups could not have anticipated how Bernard DeVoto's writings would bring their disagreements to a national audience. In January 1947, publication of "The West Against Itself" in *Harper's Magazine* helped expose the Joint Livestock Committee's work and mobilize the conservationist opposition against it. That is only part of the story, however.<sup>36</sup> Until now, no one has uncovered the manner in which DeVoto uncovered the range privatization scheme. Yet, by understanding this part of the narrative, one receives a better appreciation for DeVoto's support of federal natural resource management and his insistence on the importance of watershed protection. When understood in this context, "The West Against Itself" was actually a reaffirmation of the principles of forest range management that, in combination with stimulating the conservation movement, constituted a significant challenge to graziery.

DeVoto had published little on the current state of the Intermountain West since 1934, when *Harper's* released "The West: A Plundered Province" (see Chapter Five).

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<sup>36</sup> Although most western historians are familiar with DeVoto's work, only a few scholars have commented on "The West Against Itself," the issues it raises, and its relation to the Joint Livestock Committee. Among them include Gates, *History of Public Land Law Development*, 628; William D. Rowley, *U.S. Forest Service Grazing and Rangelands: A History* (College Station: Texas A&M University Press, 1985), 205; Wallace Stegner, *The Uneasy Chair: A Biography of Bernard DeVoto* (1974; reprint, Lincoln: University of Nebraska Press, 2001), 301-3; John L. Thomas, *A Country in the Mind: Wallace Stegner, Bernard DeVoto, History, and the American Land* (New York: Routledge, 2000), 129-35; and Richard White, *"It's Your Misfortune and None of My Own": A New History of the American West* (Norman: University of Oklahoma Press, 1991), 530. Karen R. Merrill has used DeVoto's work to point out the problems with portraying the West as a region dependent upon the East in "In Search of the 'Federal Presence' in the American West," *Western Historical Quarterly* 30 (Winter 1999): 449-73. She also uses "The West Against Itself" as the epitome of divergent understandings of the public range between stockgrowers and conservationists in Merrill, *Public Lands and Political Meaning*, 192-93. Besides Stegner, however, none of the scholars mentioned above has examined the process through which DeVoto came to write the essay. My work departs from these scholars still further by examining the essay within the context of the dichotomy between graziery and forest range science.

Yet he maintained an interest in the region despite the fact that he lived in Cambridge, Massachusetts, and his responsibilities at *Harper's* required him to write the monthly "Easy Chair" column. History provided his primary means to do so. In 1943, DeVoto published *The Year of Decision, 1846*, which ultimately became the first book in a trilogy on the history of westward expansion. By 1945, he was completing the second installment, *Across the Wide Missouri*, which went on to win the Pulitzer Prize.

Moreover, like any good historian (although he never considered himself a professional one), he had already conceived what he originally hoped would be "a pleasant book" on the Lewis and Clark expedition but ultimately became a sweeping narrative of the entire history of exploration in western North America titled *The Course of Empire*.<sup>37</sup>

DeVoto's western research brought him into contact with the U.S. Forest Service and, ultimately, the Joint Livestock Committee. He was eager to retrace Lewis and Clark's footsteps in preparation for his upcoming book, but responsibilities associated with completing *Across the Wide Missouri* prevented him from doing so in 1945. Thus, DeVoto saw the summer of 1946 as his best opportunity and solicited the Forest Service for assistance, particularly Walt L. Dutton, who was head of the agency's Division of Range Management. The two had already corresponded during DeVoto's research for *Across the Wide Missouri*.<sup>38</sup> On September 23, 1945, however, DeVoto asked Dutton specifically for any support the agency could provide him for a trip

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<sup>37</sup> Bernard DeVoto to Garrett Mattingly, January 12, 1945, in Bernard DeVoto Papers, Special Collections, Cecil B. Green Library, Stanford University, Palo Alto, California (hereafter, DeVoto Papers), Series 1, Box 2, Fol. 29. Indeed, the correspondence found within Series 1, Box 2 of DeVoto's papers provides a wonderful glimpse into the variety of things that garnered DeVoto's interest by 1945, all of which are impossible to cite here. Thus, one should refer to Stegner, *The Uneasy Chair*, 264-84, for additional information.

<sup>38</sup> See Bernard DeVoto to Walt L. Dutton, May 16, 1945, in DeVoto Papers, Series 1, Box 2, Fol. 31. Dutton also received mention in the Acknowledgements of *Across the Wide Missouri*.

westward next summer. This letter marked the start of a productive relationship with the Forest Service that lasted until DeVoto's death in 1955.<sup>39</sup>

Retracing Lewis and Clark's route would be a family vacation. Thus, by inquiring Dutton, DeVoto's letter reveals that he was among the first of many Americans who discovered (or rediscovered) the opportunities for outdoor recreation that western public lands had to offer, especially the national forests and national parks. In a sense, the DeVoto's were among those that conservation organizations had in mind when they requested increased federal appropriations for recreational purposes. In quintessential American fashion, the DeVoto family would travel by car. To do so, they required accommodations, including some provided by the federal public lands agencies. "I realize you people aren't the Park Service," DeVoto wrote to Dutton, "but I have heard that you do run some camps," and he asked for the condition of Forest Service campgrounds and cabins.<sup>40</sup> Their travels would benefit from the renewed focus that the agency placed on outdoor recreation following World War II.

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<sup>39</sup> Indeed, DeVoto expressed hope that the Forest Service would support his research even before he contacted Dutton. For example, a May 1945 letter to Oscar Lewis reveals that DeVoto was already planning his western travels and wanted to do so with "the blessing and, if necessary, the gasoline of the Forest Service in the summer of 1946." Bernard DeVoto to Oscar Lewis, May 23, 1945, in DeVoto Papers, Series 1, Box 2, Fol. 31.

<sup>40</sup> Bernard DeVoto to Walt L. Dutton, September 23, 1945, in DeVoto Papers, Series 1, Box 2, Fol. 32. Subsequent writings reveal that DeVoto envisioned his 1946 trip as a test to see whether American automobile makers could tailor their vehicles for western travel, which included providing high clearance, good tires, and wide sunshades. For instance, see Bernard DeVoto to Harlow Curtice, November 6, 1946, in DeVoto Papers, Series 1, Box 3, Fol. 43. The impact of tourism and automobiles is a popular topic among western and environmental historians, although no one to this point has framed DeVoto within this context. Moreover, recent scholarship has shown that although tourism in the West exploded after World War II, much of the foundations for this boom rest in the period following the First World War. For a better appreciation of this phenomenon, refer to the following: William Philpott, *Vacationland: Tourism and Environment in the Colorado High Country* (Seattle: University of Washington Press, 2013), 77-126; Hal K. Rothman, *Devil's Bargains: Tourism in the Twentieth-Century American West* (Lawrence: University Press of Kansas, 1998), 143-67; Susan Sessions Rugh, *Are We There Yet? The Golden Age of American Family Vacations* (Lawrence: University Press of Kansas, 2008), Sutter, *Driven Wild*, 19-53; and Christopher W. Wells, *Car Country: An Environmental History* (Seattle: University of Washington Press, 2012), esp. 125-287.

DeVoto was also interested in western natural resource issues, especially those concerning the national forests. Therefore, he asked Dutton to put him in contact with other individuals “willing to lecture” to him about “forestry in the West” during his travels as well as permission to visit national forest and range experiment stations. “In short,” he continued, “how big a burden can I make of myself?”<sup>41</sup> In return, DeVoto offered free publicity to the Forest Service by suggesting he could write articles about the agency in *Harper’s* and other magazines. He certainly could not have anticipated an article to the magnitude of “The West Against Itself” by this point, but this letter to Dutton reveals that DeVoto was already conceiving some of its major themes. As he wrote, DeVoto envisioned the trip would produce “a sort of serial report” on the post-World War II American West and the condition of its natural resources.<sup>42</sup> The fact that he referred to western natural resources as “my old groove” further reflected his interest in conservation matters and enthusiasm for the trip.<sup>43</sup>

This letter to Dutton does not reveal how Bernard DeVoto became an ardent conservationist and advocate for forest range management, however. Only sustained contact with the Forest Service allowed such a transformation to happen. Initially, DeVoto told his editors at *Harper’s* to expect at least one article on the Forest Service from his western trip.<sup>44</sup> That estimate quickly increased after he met with Dutton and other leading Forest Service officials in Washington, D.C., in March 1946, a few months before his departure westward. “I greatly enjoyed meeting everybody, listening to the talk, and seeing the movies,” DeVoto later wrote to Dutton, “I am fired [up]...and

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<sup>41</sup> DeVoto to Dutton, September 23, 1945.

<sup>42</sup> *Ibid.* He even proposed a small book, similar to a travel log, about the trip and the issues he observed. See also Bernard DeVoto to a Mr. Hurley, November 6, 1945, in DeVoto Papers, Series 1, Box 2, Fol. 34, in which DeVoto asked for material and funding for his western trip in exchange for articles.

<sup>43</sup> DeVoto to Dutton, September 23, 1945.

<sup>44</sup> DeVoto to Dutton, March 5, 1946, in DeVoto Papers, Series 1, Box 3, Fol. 37.

hope that you are sending me some literature so that I can begin my homework.”<sup>45</sup> The information he requested quickly arrived and DeVoto spent much of the spring contacting Forest Service officials and other individuals in the West as he made final preparations, all of whom responded enthusiastically to his requests.<sup>46</sup>

From June 5 to September 12, 1946, the DeVoto family effectively circumnavigated much of the Intermountain West—up the Missouri River to the Northern Rockies and the Pacific Coast, following the route of Lewis and Clark; down to California and Yosemite National Park; across the Great Basin to Utah’s Wasatch Range; up to Grand Teton and Yellowstone national parks; a detour to Rocky Mountain National Park; then north once again to Glacier National Park and the surrounding national forests before heading back to Cambridge. DeVoto’s oldest son, Gordon, left the family in Oregon to work for the Forest Service while Mark, the youngest son, spent

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<sup>45</sup> DeVoto to Dutton, April 1, 1946, in DeVoto Papers, Series 1, Box 3, Fol. 38.

<sup>46</sup> DeVoto did not discover the same fervor during his initial correspondence with other federal land agencies, however. For instance, he communicated with Newton B. Drury, director of the National Park Service, but complained that it took that agency about a month to send him “literature they promised to send at once.” Bernard DeVoto to Albert Furth, April 21, 1946, in DeVoto Papers, Series 1, Box 3, Fol. 38. See also DeVoto to Newton B. Drury, April 9, 1946, in *ibid.*, in which DeVoto also complained that he had yet to receive any literature regarding the national parks that he had previously requested. Nor did DeVoto write to anyone affiliated with the Grazing Service during this time. In contrast, examples of correspondence between DeVoto and Forest Service officials during the spring of 1946 include DeVoto to Dutton, April 9, 1946, and DeVoto to John C. Kuhns, April 23, 1946, in *ibid.* Kuhns was the Assistant Regional Forester for the Pacific Northwest Region (Region 6). DeVoto was inquiring about obtaining a part-time summer job for his oldest son, Gordon. DeVoto also wrote to other westerners, including Perry W. Jenkins of the Wyoming Reclamation Association and the Bar Cross Land and Livestock Company (who had assisted DeVoto during his writing of *Across the Wide Missouri*) and Joseph Kinsey Howard of the University of Montana. See DeVoto to Jenkins, March 2 and March 18, 1946, in *ibid.*, Fol. 37 and DeVoto to Howard, April 23, 1946, in *ibid.*, Fol. 38, in which DeVoto inquired not only about accommodations in Montana but also whether one should be inoculated against Rocky Mountain fever. DeVoto also contacted tourism bureaus and state highway commissions in regards to road conditions, hotels, and maps. See DeVoto to Colorado Tourist Bureau, April 8, 1946, and DeVoto to A.H. Pankow (of the South Dakota State Highway Commission), April 29, 1946, in *ibid.*, Fol. 38.



part of the summer on a dude ranch near Cody, Wyoming. DeVoto's wife, Avis, accompanied him for the entire trip.<sup>47</sup>

In addition to providing employment for Gordon, the Forest Service assisted the DeVoto's at several points during their journey. Forest supervisors in Montana and Idaho arranged tours of Lewis and Clark sites and made themselves available to discuss forest management issues.<sup>48</sup> During the final weeks of his trip, the family stayed in the summer home of the Boise National Forest supervisor, located forty miles outside of Cascade, Idaho, which provided DeVoto an opportunity to organize notes and explore the surrounding area. Overall, the trip was "by far the best thing I ever did in my life," he wrote to a friend.<sup>49</sup> He did it all by driving or hiking, celebrating in the process, "I've slept on the ground, on the floor of ranger stations, on air mattresses, and once on the slope of a mountain."<sup>50</sup>

During his western travels, DeVoto heard swirling rumors about an effort to privatize public rangelands. According to his reminiscences, he received his first hint of that possibility by listening "to a very loud and very drunk cattleman" at the Range Riders Café in Miles City, Montana.<sup>51</sup> Although there is no corroborating evidence in

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<sup>47</sup> For an overview of DeVoto's trip, which covered 13,580 miles in all, see Stegner, *The Uneasy Chair*, 290-93. In addition to his writing responsibilities for *Harper's*, DeVoto received commissions for articles on the West from *Life*, *Fortune*, *Collier's*, and *Woman's Day*. He even tried to convince the editors at *Life* to provide him with a brand new station wagon for the trip, which never materialized. See DeVoto to Dan Longwell (*Life*), February 19, 1946, in DeVoto Papers, Series 1, Box 3, Fol. 36; DeVoto to Robert Coughlan (*Life*), March 15, 1946, in *ibid.*, Fol. 37; DeVoto to Coughlan, April 9, 1946, in *ibid.*, Fol. 38; and DeVoto to Mabel H. Souvaine (*Woman's Day*), March 30, 1946, in *ibid.*, Fol. 37. DeVoto outlined his original travel agenda in DeVoto to Perry W. Jenkins, March 2, 1946, in *ibid.*, Fol. 37, and DeVoto to Robert Coughlan, April 29, 1946, in *ibid.*, Fol. 38.

<sup>48</sup> For instance, Frederick Swanson writes that DeVoto and Guy Brandborg, supervisor of the Bitterroot National Forest, discussed forest range management for over an hour in Hamilton, Montana. Brandborg also may have accompanied DeVoto on a tour of the forest. Swanson, *The Bitterroot and Mr. Brandborg*, 74.

<sup>49</sup> DeVoto to Robeson (Bob) Bailey, August 11, 1946, in DeVoto Papers, Series 1, Box 3, Fol. 41.

<sup>50</sup> DeVoto to Bailey, August 23, 1946, in DeVoto Papers, Series 1, Box 3, Fol. 41.

<sup>51</sup> Bernard DeVoto, *The Easy Chair* (Boston: Houghton Mifflin Company, 1955), 352.

his papers, DeVoto recalled that he spoke to other western ranchers about the public range situation, some boastful in their support of privatization and others, most of whom DeVoto categorized as small operators, who expressed resentment toward the rhetoric and actions of their leaders in the state and national associations. Nor could he find anyone with concrete evidence of whether such an effort was currently in motion. Such observations reflected the general discussion regarding the privatization of public rangelands that circulated in certain pockets of the West prior to the Joint Livestock Committee's formal creation. Yet DeVoto needed assistance in comprehending the cacophony. He also required someone to provide him with specific details about a public rangeland privatization program.

Once again, the U.S. Forest Service was happy to oblige, most notably Chester (Chet) J. Olsen of Ogden, Utah. Born in 1896, Olsen grew up on a ranch near Mayfield, Utah, and herded sheep on the Manti National Forest. He learned the basic principles of conservation, including forest range management, during encounters with scientists from the Great Basin Experiment Station nearby, perhaps even with Arthur W. Sampson himself. Olsen ultimately entered the Forest Service and as early as the 1920s was investigating grazing trespass cases on the Humboldt National Forest in Nevada. By 1936, he was an assistant regional forester for the Intermountain Region and, in 1939, he was placed in charge of that region's Division of Information and Education.<sup>52</sup>

In this position, Olsen served as the bridge between Sampson's original work in forest range science and DeVoto's propagation of its basic principles in *Harper's*.

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<sup>52</sup> For background information on Olsen, see "Nomination for Superior Service Award," May 12, 1955, in Chester "Chet" Olsen Collection, Special Collections, Stewart Library, Weber State University, Ogden, UT (hereafter, Chet Olsen Collection), Box 2, Fol. 1; Chester J. Olsen, "Resume," August 14, 1956, and "Heart Illness Takes Areas' Ex-Forester," *Salt Lake City Tribune*, December 16, 1962, in *ibid.*, Box 4, Fol. 26; and Alexander, *Rise of Multiple-Use Management*, 84.

According to Wallace Stegner, DeVoto and Olsen were already friends prior to 1946.<sup>53</sup> Yet fears that the Forest Service was besieged by graziery—with the Joint Livestock Committee on Public Lands as its most extreme manifestation—best explains their cooperation during and after that fateful summer. In particular, national forest permittees continued to criticize agency attempts to reduce stocking rates for the benefit of watershed protection. They also requested that the Forest Service grant them more input in everyday range management decisions, pointing to the grazing advisory boards on the public domain as the desired model. In fact, Farrington Carpenter proposed such a thing as early as 1940, criticizing the “[a]bsolute discretionary authority” of the Secretary of Agriculture and Forest Service range management officials.<sup>54</sup>

Administrators such as Dutton also periodically had to respond to ranchers’ criticisms and support for the grazing advisory board approach before Senator McCarran’s subcommittee. In response to such complaints, McCarran had already introduced a bill that called for an end to livestock reductions on the national forests and required the Forest Service to recognize forest grazing advisory boards comprised of local ranchers in a manner similar to those already in place on the public domain. Perhaps most alarming, leading stockgrowers sought to place the Forest Service under even greater scrutiny upon the completion of McCarran’s investigation of the Grazing Service.<sup>55</sup>

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<sup>53</sup> Stegner, *The Uneasy Chair*, 292.

<sup>54</sup> “Carpenter on Grazing on the National Forests,” *American Cattle Producer* 21 (February 1940): 13. This publication derived from a previous address before ANLSA. See *Proceedings of the 43<sup>rd</sup> Annual Convention of the American National Live Stock Association* (Denver: January 11-13, 1940), 48-59, in NCA Records, Box 503.

<sup>55</sup> U.S. Congress, Senate, “A Bill relating to the management and administration of national forest grazing lands,” S. 33, 79<sup>th</sup> Cong., 1<sup>st</sup> sess., 1945, copy in NCA Records, Box 289, Fol. 11. The bill came in response to numerous complaints that the Senator received from ranchers who faced a reduction in the number of livestock they could graze on the national forests. For instance, see the correspondence involving the case of Gilbert Hutchins, a permittee on the Grand Mesa National Forest, in 1943 in McCarran Collection, Box 39, Fol. “S. 241 Public Land Hearings, 1943”. Letters from leading members of ANLSA also reveal growing frustration with the Forest Service by 1946. For example, see M. L.

Dutton, Olsen, and many other Forest Service officials naturally resisted ranchers' attempts to impose graziery upon the national forests because, much in the tradition of Sampson and the first range scientists, they believed that the philosophy infringed upon their administrative authority and privileged livestock grazing at the expense of watershed protection and timber production. Thus, on the one hand, Forest Service range managers acted as any good public servant should by responding to DeVoto's queries about western public lands. Indeed, as head of the Division of Information and Education for the Intermountain Region, Olsen's primary responsibility was public outreach. On the other hand, when examined within the context of graziery's potential advancement at the expense of forest range management, the Forest Service clearly sensed a threat against its administration. With DeVoto's request for information and offer to write about national forest issues, men such as Dutton and Olsen recognized a valuable ally.

The official creation of the Joint Livestock Committee cinched the ties between DeVoto and the Forest Service. Regional forester Benjamin Rice had attended the August meeting concerning its formation and, by this point, DeVoto was in Idaho wrapping up his western travels. Chet Olsen intercepted him in Boise to inform him of

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Jones to B. F. Davis, August 26, 1945, in NCA Records, Box 314, Fol. 22, which pertained to the proposed elimination of livestock grazing from certain portions of the Pike National Forest in the interest of watershed protection, and Henry G. Boice to F. E. Mollin, September 19, 1945, in *ibid.*, Fol. 13, which expressed a lack of optimism toward the possibility that the Forest Service would refrain from implementing livestock reductions in the future. As a result, by the end of 1945, correspondence in Senator McCarran's papers feature requests from prominent stockgrowers for the subcommittee to investigate Forest Service stock reduction policies. See F. E. Mollin to Pat McCarran, November 30, 1945, in McCarran Collection, Box 41, Fol. "McCarran's Subcomm. on Public Lands and Survey, Hearings (1945)" and Pat McCarran to J. B. Wilson, January 24, 1946, in *ibid.*, Box 43, Fol. "Sen. Subcomm. Public Lands, 1946". See also J. B. Wilson to E. V. Robertson, December 26, 1945, and January 25, 1946, in WWGA Collection, Box 37, Fol. "E. V. Robertson". For more on the Forest Service during the McCarran hearings and its efforts to reduce livestock numbers on the national forests by 1945, see Alexander, *Rise of Multiple-Use Management*, 139-41 and Rowley, *U.S. Forest Service Grazing and Rangelands*, 173-75, 177-96.

what occurred and likely showed him the meeting's transcripts. More than anything else, this encounter caused DeVoto to return to Cambridge as "an embattled conservationist," in the words of Wallace Stegner.<sup>56</sup> Prior to the meeting with Olsen, DeVoto had outlined his concerns toward western natural resource exploitation and the benefits of federal conservation in a letter to historian Garrett Mattingly.<sup>57</sup> Yet the organization of a group whose sole purpose was to undo such work and privatize public rangelands added greater urgency to the subject. Contrary to his reminiscences, DeVoto did not leave the West with a copy of the Joint Livestock Committee's platform, but he did leave the region determined to expose the scheme to a national audience.<sup>58</sup> He must have admitted as much to Wyoming dude rancher Struthers Burt prior to his leaving the West, because Burt responded by writing, "I am truly delighted you are on the war-path...I think a storm, and a big one, is brewing. And it's high time it was."<sup>59</sup> Moreover, shortly after his return to Cambridge, DeVoto noted his desire to return to the West the next year to a Montana friend but acknowledged, "After a series of articles which will begin in the December [issue of] *Harper's* I may have to come incognito."<sup>60</sup>

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<sup>56</sup> Stegner, *Uneasy Chair*, 297.

<sup>57</sup> Bernard DeVoto to Garrett Mattingly, August 1, 1946, in DeVoto Papers, Series 1, Box 3, Fol. 41.

<sup>58</sup> In his reminiscences, DeVoto remarked that he left the West knowing as much about the range privatization scheme as any member of the Joint Livestock Committee. See DeVoto, *The Easy Chair*, 352-53. However, evidence from his papers reveals that this was not the case. In October 1946, DeVoto admitted to Dutton that he saw a copy of the August meeting transcripts but he did not leave the region with a copy of the Joint Livestock Committee's platform. Still, the transcripts gave DeVoto a basic idea about the committee's goals. See DeVoto to Dutton, October 21, 1946, in DeVoto Papers, Series 1, Box 3, Fol. 42. DeVoto also received additional information on the Joint Livestock Committee from Walt Dutton, including Willard Simms' articles in the *Record Stockman*. See Dutton to DeVoto, September 27, 1946, DeVoto Papers, Subseries 5.2, Box 67.1, Fol. 1033. This letter also reveals that Dutton was aware of DeVoto's initial meeting with Olsen.

<sup>59</sup> Struthers Burt to Bernard DeVoto, September 12, 1946, in DeVoto Papers, Subseries 1.2, Box 8, Fol. 165.

<sup>60</sup> Bernard DeVoto to Robert H. Fletcher, September 17, 1946, in DeVoto Papers, Series 1, Box. 3, Fol. 41.

DeVoto had indeed entered a brewing storm over the fate of the western range. Forces on the behalf of forest range management and graziery officially clashed in December 1946, when the Joint Livestock Committee finalized its range privatization platform. On December 19, the committee and its closest allies hosted a meeting in Denver that also featured representatives from the Colorado Game and Fish Commission, Izaak Walton League, and U.S. Forest Service. Invitations stated that the meeting would discuss “methods by which the public domain lands in the eleven western states useful principally for grazing may be transferred to private ownership,” but little else.<sup>61</sup> Thus, conservationists were eager to hear the committee’s proposals.<sup>62</sup> Shortly after presenting them, however, Dan Hughes adjourned the meeting and prevented potential opponents from offering any criticism.<sup>63</sup> The following day, the Joint Livestock Committee and a few other notable individuals, including Farrington Carpenter and Congressman Frank Barrett, agreed upon legislation that provided for the sale of all public domain grazing lands.

Their proposal allowed ranchers to purchase permits and leases currently administered under the provisions of the Taylor Grazing Act at a price in direct relation

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<sup>61</sup> Radford Hall to Elliot S. Barker, November 19, 1946, NCA Records, Box 123, Fol. 9. Barker was president of the Western Association of State Game and Fish Commissioners.

<sup>62</sup> Herb C. Kelly of the IWLA’s Colorado Division expressed such interest on the eve of the meeting but worried about the fact that his organization had been kept in the dark in regards to its specifics. As he wrote to Radford Hall, “We have little information as to whether this is an all day meeting, and what the nature of the discussion will be.” Herb C. Kelly to Radford Hall, December 13, 1946, NCA Records, Box 123, Fol. 9. By this point, the committee had also received a letter from Kenneth Reid, which may have influenced its decision to reach out to the IWLA, however tentatively. See Radford Hall to Kenneth A. Reid, November 14, 1946, NCA Records, Box 123, Fol. 9. Just before Hall sent his letter to Reid, Dan Hughes sent a letter to all of the members of the Joint Livestock Committee that included a list of possible organizations to invite to their December meeting. See Dan H. Hughes to Members of the Joint Livestock Committee on Public Lands, November 8 1946, NCA Records, Box 123, Fol. 8. However, Radford Hall appears to have been the only committee member to suggest that the committee take the concerns of its potential opponents seriously before finalizing a range privatization program. See Radford Hall to A. D. Brownfield, November 20, 1946, NCA Records, Box 123, Fol. 9.

<sup>63</sup> See Joint Livestock Committee on Public Lands, Meeting Minutes, Denver, Colorado, December 19, 1946, in NCA Records, Box 123, Fol. 8.

to the land's carrying capacity. Stockgrowers would pay ten percent of the purchase price and account for the remainder in annual installments at one and one-half percent interest for the next thirty years. They paid only for the forage that these lands provided. The federal government retained all mineral rights to the public domain, but the bill provided for compensation if surveyors discovered deposits underneath ranchers' newly acquired pastures. Finally, the proposal required the government to return ninety percent of the funds procured from grazing permit and lease sales to the respective states.<sup>64</sup>

Only certain ranchers received a say in the privatization of the public domain. Indeed, the Joint Livestock Committee bypassed the district advisory boards that had contributed much to the implementation of the Taylor Grazing Act. The bill authorized the Secretary of the Interior to create a three-member review board in each state that oversaw the privatization process, at least one member of which represented the state grazing advisory board. Yet the bill was unclear as to whether the review boards also had to feature an Interior Department official or an individual with no direct economic interest in the range, which created the possibility that all review board members could be affiliated with public domain grazing in some way. Nor did the district advisory boards receive a say in the future of their grazing districts. Instead, each rancher who

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<sup>64</sup> See Report of Joint Livestock Committee on Public Lands, n.d. (ca. December 1946), NCA Records, Box 71, Fol 3. See also "A Bill to provide for the sale of public lands now administered for grazing purposes by the Bureau of Land Management of the Department of the Interior, and for other purposes," n.d. (ca. December 1946), NCA Records, Box 123, Fol. 8. For the committee's final deliberations over the bill, see Joint Livestock Committee on Public Lands, Meeting Proceedings, Denver, Colorado, December 20, 1946, NCA Records, Box 123, Fol. 11. The proceedings were divided into a "Morning" and "Afternoon" session, with page numbers organized accordingly. The number of animal units that one section (640 acres) could support for an entire year, multiplied by seven cents, established the price per acre. With this formula, committee members estimated that stockgrowers could purchase their permits or leases for prices ranging from as low as 9 cents to as high as \$2.80 an acre. The committee presumed that the monies from land sales would benefit each state's public schools system, but it did not include a stipulation to that effect in the proposed bill. Nor does it appear that the committee considered whether ranchers could purchase mineral rights attached to their permits or leases.

wanted to purchase their respective permit or lease approached the review board, which would carry out a survey to determine the carrying capacity and purchase price in assistance with the Department of the Interior. Only those ranchers who currently grazed livestock on the public domain had the opportunity to participate in the privatization program. Whether they could buy other permits or leases remained unclear, however.

Not all public domain graziers, much less conservationists, could agree with this process. Yet the Joint Livestock Committee never seriously considered concerns from those ranchers who expressed general satisfaction with the federal grazing setup or feared that a privatization program would privilege certain stockgrowers over others.<sup>65</sup> Furthermore, the committee did not consider the possibility of granting individual stockgrowers or cooperative grazing associations the opportunity to lease sections of public domain directly from the Department of the Interior in a manner similar to the Mizpah-Pumpkin Grazing District of Montana (see Chapter Three).<sup>66</sup> Rather, the Joint Livestock Committee and its allies remained blinded by sentiment in favor of individual private ownership and the faith that they were acting in the best interest of the industry. In turn, such convictions caused them to disregard any potential opposition from conservationists. Frederick P. Champ of the U.S. Chamber of Commerce complained,

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<sup>65</sup> For an example of opposition to the Joint Livestock Committee's work among ranchers, see C. W. Vertrees to Joint Livestock Committee on Public Lands, November 16, 1946, NCA Records, Box 123, Fol. 9. Dan H. Hughes to Joint Livestock Committee, September 16, 1946, also indicated opposition from stockgrowers in western Colorado. Finally, Congressman Barrett expressed worry toward the committee's lack of flexibility in Joint Livestock Committee on Public Lands, Meeting Proceedings, December 20, 1946, Afternoon Session, 35.

<sup>66</sup> The Joint Livestock Committee ignored this possibility despite the fact that it consulted with Maurice M. Kelso for a time. An agricultural economist from Montana State College, Kelso proposed his own amendment to the Taylor Grazing Act that would have granted individual ranchers or cooperative grazing associations the opportunity to lease public domain rangelands directly from the Department of the Interior or purchase them outright. See Maurice M. Kelso, "A Suggested Amendment to the Taylor Grazing Act," December 30, 1946, NCA Records, Box 71, Fol. 1.



“[Y]ou can never get those fellows to sit down and agree with you on anything,” citing Kenneth Reid and the IWLA in particular.<sup>67</sup> Indeed, by striking out any mention of future public access to western rangelands in the bill—including the opportunity to hunt and fish—the committee was confident that it could overwhelm any challenge posed by such groups.

The Joint Livestock Committee did not anticipate the exposure of its proposed bill in a national publication, however. Bernard DeVoto’s “The West Against Itself,” which was the lead article in the January 1947 edition of *Harper’s*, has been widely credited with uncovering the committee’s work. Yet it was actually the centerpiece of three essays *Harper’s* published between December 1946 and January 1947. Striving to place the Joint Livestock Committee within “its social and historical setting,” as he later wrote, DeVoto argued that the Joint Livestock Committee was the latest product of a Western culture that simultaneously (and paradoxically) glorified the individual but clung to exploitative customs that caused the region to depend upon outside capital or the federal government for its survival.<sup>68</sup> In this regard, “The West Against Itself” simply built upon his earlier idea of the region as a “plundered province” stuck on the economic periphery and subject to exploitation. Yet the newfound urgency within this argument can be traced to DeVoto’s education by the Forest Service. He described a region rich in natural resources, including furs, minerals, and lumber, but rangelands bound them all together. More specifically, by emphasizing the importance of healthy rangelands in containing runoff and ensuring a reliable water supply in a region defined by aridity, DeVoto repeated the basic principles of forest range management. His use of

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<sup>67</sup> Joint Livestock Committee on Public Lands, Meeting Proceedings, Afternoon Session, December 20, 1946, 2-3. See also Don Clyde’s comments in *ibid.*, Morning Session, 10.

<sup>68</sup> DeVoto, *The Easy Chair*, 354.

history and emphasis on watersheds effectively reignited the tensions between graziery, forest range science, and their various support groups.

The Joint Livestock Committee justified its platform according to “private initiative and private ownership,” to borrow from Dan Hughes, but DeVoto took those sentiments to task in the initial installment of his series, titled “The Anxious West,” which appeared in December 1946. Unlike Farrington Carpenter, DeVoto had no respect for such concepts, at one point referring to ranchers’ notions of individualism as “less a matter of letting my neighbor go his way as he chooses than of waiting for him to make some mistake that will allow me to jump his claim.”<sup>69</sup> Moreover, DeVoto believed that the livestock industry, specifically cattlemen, practiced this philosophy best, suggesting it “was of all Western businesses [the] most unregardful of public rights and decencies, most exploitative, and most destructive” by the early twentieth century.<sup>70</sup> In “The West Against Itself,” he went on to argue that ranchers were actually “peons” stuck in a mercantilist economy dominated by Eastern bankers, railroad owners, and other capitalists who encouraged the exploitation of the public domain range.<sup>71</sup> This assertion challenged the region’s attempts to cultivate the cowboy as an independent individual. Moreover, in the tradition of Harold Ickes, DeVoto claimed that the majority of land ranchers utilized had always been part of the “national domain.” During the New Deal, the federal government finally stepped in to halt the liquidation of natural resources on this territory—which DeVoto insisted belonged “to you and me”—but even these efforts came at a cost. For instance, he criticized the one-cent minimum public domain grazing fee as “one of a number of subsidies” granted to

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<sup>69</sup> Bernard DeVoto, “The Anxious West” (*Harper’s Magazine*, December 1946), in *DeVoto’s West*, 65.

<sup>70</sup> *Ibid.*, 56.

<sup>71</sup> DeVoto, “The West Against Itself,” 78.

western stockgrowers. Although he ignored the stabilizing influences of the fee within the industry, DeVoto acknowledged that it was necessary to gain industry support for a federal conservation program that simultaneously protected public rangelands from market influences and western individualistic impulses.<sup>72</sup>

DeVoto combined this understanding of western history and culture with his schooling in forest range management to argue that, if successful, the Joint Livestock Committee's platform would result in an environmental catastrophe. In "The West Against Itself," DeVoto suggested that the region's rivers ran clear with minimal erosion prior to the arrival of livestock. Upon the expansion of the range livestock industry during the late nineteenth century, however, overstocking the ranges to satisfy the demands of outside capitalists and consumers contributed to overgrazing, deteriorated rangelands, and increased amounts of silt and sediment in the watersheds. He made sure to point out that the celebrated cattlemen of western lore contributed to this process, writing, "For when you watch the Missouri sliding greasily past Kansas City, you are watching those gallant horsemen out of Owen Wister shovel Wyoming into the Gulf of Mexico."<sup>73</sup> Even worse, the cowboys were still at it, as DeVoto went on to introduce the nation to the small town of Mt. Pleasant, Utah, which, on July 24, 1946, experienced a flashflood that conducted a half million dollars' worth of damage in ten minutes and caked much of the community in several feet of mud.<sup>74</sup>

As alarming as this disaster appeared by itself, DeVoto framed the Mt. Pleasant incident within a broader context of flooding and watershed protection efforts in his accompanying Easy Chair editorial, subsequently titled "The West." He discussed the

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<sup>72</sup> Above quotes from *ibid.*, 79.

<sup>73</sup> DeVoto, "The West Against Itself," in *DeVoto's West*, 80.

<sup>74</sup> *Ibid.*, 95-96.

possible relationship between overgrazing, watershed deterioration, and desertification in ancient Mesopotamia and seventeenth-century Spain. More significant, he discussed other flashflood episodes in Utah's Wasatch Range. Similar to the Forest Service reports that he cited, DeVoto accused overgrazing as the primary cause of these incidents and, when discussing how to limit their effects, stated the basic principles associated with forest range management. But he did not advocate for the complete removal of livestock from these areas. Instead, he insisted on their appropriate supervision at the hands of federal experts. "Properly grazed, a range will maintain itself in excellent condition; proper grazing is healthy for it," he wrote,

But as soon as overgrazing begins both forage and soil begin to deteriorate. Plants and grasses less capable of holding back run-off begin to take the place of the original cover; weeds succeed them, the cover thins generally; bare spots appear. Poor soil produces poor cover; poor cover produces poor soil. All the processes of erosion accelerate by the square. Every rain, every wind, every year increases the deterioration.<sup>75</sup>

Arthur W. Sampson could not have articulated these concepts any clearer.

This insistence on the value of western rangelands for watershed protection, the benefits of federal conservation, and the importance of the national domain caused DeVoto to use the term "landgrab" in reference to the Joint Livestock Committee's proposals. He outlined the scheme in two steps: first, the privatization of all public domain rangelands currently administered by the Taylor Grazing Act, doing away with the Grazing Service entirely, and; second, the transfer of all portions of the national forests deemed chiefly valuable for grazing to the Department of the Interior for their ultimate privatization as well. In DeVoto's terms, the proposal meant the potential privatization of approximately 140 million acres of public domain grazing land and as

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<sup>75</sup> Bernard DeVoto, "The West" (*Harper's Magazine*, January 1947), in *DeVoto's West*, 152.

many as 90 million acres of national forest rangeland, making it “one of the biggest landgrabs in American history.”<sup>76</sup>

More significant than the scale of the Joint Livestock Committee’s platform, however, was that its portrayal in “The West Against Itself,” revealed a significant disjuncture in perceptions of public rangeland use and administration. DeVoto framed the Joint Livestock Committee in the context of a region struggling to assert its independence but doing so in a manner that emulated its previous plunderers. Even further, the committee’s work can best be understood within the context of graziery, or the notion that public rangelands were chiefly valuable for grazing and should be placed in the hands of those most capable of profiting from them. DeVoto correctly pointed out that ranchers who utilized public rangelands constituted a minority in the Intermountain West. Yet these individuals owned or claimed a significant portion of the region’s territory and profited from the forage it produced both economically and politically, as seen with the close relationship between the western livestock associations and the state and federal legislatures.<sup>77</sup> The passage and subsequent implementation of the Taylor Grazing Act reflected these trends. Thus, while DeVoto saw a group “hellbent on destroying the West,” the Joint Livestock Committee and its

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<sup>76</sup> DeVoto, “The West Against Itself,” in *DeVoto’s West*, 91.

<sup>77</sup> In addition, key members of the Joint Livestock Committee such as J. Elmer Brock recognized these connections and insisted on taking advantage of them to implement a range privatization program. As early as 1935, for instance, J. Elmer Brock told the WSGA, “While our representation in the House is small, our representation in the Senate, under able leadership, could wield enough influence to get us what is ours,” by which he meant private ownership of public rangelands. See *Proceedings of the 63<sup>rd</sup> Annual Meeting of the Wyoming Stock Growers Association*, 11-12.

supporters believed they were bringing the Taylor Grazing Act—and therefore graziery—to its full potential.<sup>78</sup>

Furthermore, one can only fully appreciate “The West Against Itself” within the context of forest range management. DeVoto countered the Joint Livestock Committee’s logic on all fronts, including its notion that public rangelands were chiefly valuable for grazing. He emphasized the national domain, criticized cheap grazing fees, and insisted that all Americans should have a say in the future of the public lands system. His belief that the majority of western rangelands were more valuable for watershed protection than livestock grazing made such insights even more imperative, as overgrazing could detrimentally affect the farmers and townspeople who lived downstream. DeVoto’s own assumptions regarding western history and culture partially accounted for his skepticism toward the notion that ranchers could improve public rangelands without the assistance of federal conservation officials. Yet Walt Dutton, Chet Olsen, and other Forest Service personnel helped in this regard as well, particularly in opening his eyes to the importance of watersheds.

In other words, an appreciation of the context within which the Joint Livestock Committee arrived at its proposals and Bernard DeVoto’s discovery of them reveals the culmination of competing perceptions of public rangeland use and management that had been co-evolving since the late nineteenth century. But the uncompromising stance of the Joint Livestock Committee’s bill and Bernard DeVoto’s writing also added a new element to this relationship. The committee no longer saw any need for federal range

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<sup>78</sup> For instance, although Farrington Carpenter did not appear to agree with a platform devoted solely to range privatization, he believed that a federal range program that provided a means toward private ownership to those who desired it in addition to grazing districts and leases conformed to the principles of the Taylor Grazing Act. See Joint Livestock Committee on Public Lands, Meeting Proceedings, Morning Session, December 20, 1946, 71-72.

management, presented privatization as the only suitable solution, and was confident that it could convince the entire industry and overwhelm any potential opposition. Meanwhile, by claiming that all ranchers were responsible for overgrazing the national domain, muddying the Missouri, and supporting the proposed “landgrab,” DeVoto’s “The West Against Itself” fostered an equal but opposite reaction among conservationists. Furthermore, its publication ensured that any subsequent debate over the fate of the national domain would have to take place in a public setting rather than within the livestock associations, grazing advisory boards, or exclusive committee meetings. Such a transition was necessary if all public rangelands were to be managed under multiple-use principles.

**CONCLUSION**  
**THE “GREAT LAND GRAB” OF 1947 AND THE EMERGENCE OF MODERN  
PUBLIC RANGELAND POLITICS**

The controversy that surrounded the Joint Livestock Committee’s privatization scheme exposed elements of change as well as continuity on the western range. Marking a significant break from the past, it was the first of many conflicts between the advocates of efficient natural resource extraction and individuals who sought “beauty, health, and permanence” in the public lands following World War II.<sup>1</sup> Indeed, the number of conservation organizations and other Americans who opposed what ultimately became known as the “Great Land Grab” of 1947 should receive the attention of scholars interested in uncovering the origins of modern environmentalism.<sup>2</sup> Yet their defense of the public lands relied upon the principles of forest range science, which had roots in the late nineteenth century. Analogous to the conservationist opposition, western stockgrowers who resisted the Joint Livestock Committee’s proposals continued to rely upon graziery and ultimately the Bureau of Land Management (BLM)—still personified by public domain grazing advisory boards—to support the federal grazing program. In these ways, the “Great Land Grab” hardened differences between the promoters of forest range science and graziery, creating the

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<sup>1</sup> Samuel P. Hays, *Beauty, Health, and Permanence: Environmental Politics in the United States, 1955-1985* (New York: Cambridge University Press, 1987). See also idem., “From Conservation to Environment: Environmental Politics in the United States since World War Two,” *Environmental Review* 6 (Autumn 1982): 14-41.

<sup>2</sup> I first introduced this argument in Matthew Allen Pearce, “Discontent on the Range: The ‘Great Land Grab’ of 1947” (Master’s thesis, University of Oklahoma, 2009) and in idem., “Shoveling the West into America’s Rivers: The Conservationist Opposition to the ‘Great Land Grab’ of 1946-47,” *Journal of the West* 50 (Winter 2011): 13-23. Karen Merrill also points out that “the seeds of modern environmental politics were sown” with the conservationist backlash against the Joint Livestock Committee’s proposal in *Public Lands and Political Meaning: Ranchers, the Government, and the Property between Them* (Berkeley: University of California Press, 2002), 171. Although she correctly points out the importance of Bernard DeVoto in this controversy, she fails to frame his writings within the context of forest range management or an emerging environmental movement. E. Louise Peffer was perhaps the first scholar to provide an overview of the range privatization scheme in *The Closing of the Public Domain: Disposal and Reservation Policies, 1900-1950* (1951; reprint, New York: Arno Press, 1972), 279-93.



paradigm upon which all subsequent conflicts over the management of western public rangelands followed.

Resolutions and bills that reinforced the Joint Livestock Committee's objectives constituted one extreme in the "Great Land Grab." In January 1947, both ANLSA and NWGA resolved in favor of privatizing public domain grazing lands. They also proposed expanding the privatization program to other areas. ANSLA suggested transferring all federal rangelands it deemed chiefly valuable for grazing to the Department of the Interior for their eventual lease or sale.<sup>3</sup> The NWGA went a step further by stating its desire for opening all national parks and monuments to livestock grazing.<sup>4</sup> Several state stockgrowers' associations and state legislatures followed suit.<sup>5</sup> At the federal level, Senator Patrick McCarran reintroduced his bill that proposed dissolving the public domain grazing districts upon a majority vote of their members. Had it received serious consideration in Congress, McCarran's bill could have taken the first step toward ending the federal grazing program.<sup>6</sup> The belief that rangelands were chiefly valuable for grazing, that ranchers should receive preference in their use, and the

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<sup>3</sup> Reprinted in *Congressional Record*, 80<sup>th</sup> Cong., 1<sup>st</sup> sess., 1947, 93, pt. 1, 1328.

<sup>4</sup> Reprinted in U.S. Congress, House, Subcommittee on Public Lands of the Committee on Public Lands, *Public Lands Committee Hearings: Rawlins, Wyo.*, 80<sup>th</sup> Cong., 1<sup>st</sup> sess., 1947, 218.

<sup>5</sup> Such sentiments in support of privatization were perhaps most clearly expressed in Wyoming. For instance, see "Joint Resolution of the Legislature of the State of Wyoming to the Committee on Public Lands," February 28, 1947, *Congressional Record*, 80<sup>th</sup> Cong., 1<sup>st</sup> sess. 1947, 93, pt. 2, 1522 and Wyoming Governor Lester C. Hunt's statement before the House Subcommittee on Public Lands in *Public Lands Committee Hearings: Rawlins*, 6-7. State stockgrowers associations in Arizona, Colorado, Idaho, Montana, New Mexico, Oregon, Utah, and Wyoming also expressed sympathy in favor of private ownership. See "Recorded action connected with the public land controversy," March 20, 1947, in Bernard DeVoto Papers, Special Collections, Cecil B. Green Library, Stanford University, Palo Alto, California (hereafter, DeVoto Papers), Subseries 5.2, Box 70, Fol. 1072. For additional commentary from the stockgrowers' perspective, see John Rolfe Burroughs, *Guardian of the Grasslands: The First Hundred Years of the Wyoming Stock Growers Association* (Cheyenne: Pioneer Printing & Stationary Co., 1971), 300-12; Robert H. Fletcher, *Free Grass to Fences: The Montana Cattle Range Story* (New York: University Publishers, Inc., 1960), 192-98; and Robert K. Mortensen, *In the Cause of Progress: A History of the New Mexico Cattle Growers' Association* (Albuquerque: New Mexico Stockman, 1983), 85-86.

<sup>6</sup> See *Congressional Record*, 80<sup>th</sup> Cong., 1<sup>st</sup> sess., 1947, 93, pt. 1, 125, and "A bill to amend the act entitled 'An act to stop injury to the public grazing lands...'", S. 34, 80<sup>th</sup> Cong., 1<sup>st</sup> sess., 1947.

perceived importance of stockraising within the region continued to provide much of the reasoning behind these proposals. “If the livestock industry—the backbone of western economic life—is to survive, the time has come to place public grazing lands in the ownership of cattlemen and sheep men who use it in the conduct of their business,” J. Elmer Brock wrote in the *Denver Post*.<sup>7</sup> The transfer of public domain rangelands to private ownership comprised the initial stage in this process. Then, speaking on the behalf of the entire Joint Livestock Committee, Brock insisted upon the program’s expansion to rangelands within the national forests and parks.

Public opposition to such proposals constituted the other extreme. In fact, Bernard DeVoto’s writings were part of a much larger movement in defense of the national domain.<sup>8</sup> Well-established conservation groups such as the Izaak Walton League of America (IWLA) and the American Forestry Association came out against the “landgrab.” So did other organizations that had heretofore paid little attention to federal range management, including the Women’s Conservation League of America and the Daughters of the American Revolution. Prominent conservationists such as Aldo Leopold and Arthur H. Carhart commented on the controversy, and updates on the stockgrowers’ proposals circulated within a variety of conservation periodicals.<sup>9</sup>

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<sup>7</sup> J. Elmer Brock, “Stockmen Claim They Must Own U.S. Grazing Lands To Survive,” *Denver Post*, February 2, 1947.

<sup>8</sup> This is not to argue that DeVoto’s subsequent writings on the “landgrab” were not significant but rather that they part of a wider undertaking in defense of the western public lands system. Following the essays that comprised “The West Against Itself,” DeVoto went on to write four additional pieces on the “landgrab”: “The Western Land Grab,” *Harper’s Magazine* (June 1947); “U.S. Forest Service and the Western Land Grab,” *Harper’s Magazine* (January 1948); “Sacred Cows and Public Lands,” *Harper’s Magazine* (July 1948); and “Statesmen on the Lam,” *Harper’s Magazine* (July 1948). All of these essays are featured in Bernard DeVoto, *DeVoto’s West: History, Conservation, and the Public Good*, ed. Edward K. Muller (Athens, OH: Ohio University Press, 2005).

<sup>9</sup> In February 1947, for example, Aldo Leopold referred to the emerging conflict with stockgrowers as “perhaps the biggest conservation battle since the Ballinger Controversy.” Aldo Leopold, “Summarization of the Twelfth North American Wildlife Conference,” *Transactions of the Twelfth North American Wildlife Conference* (1947): 530. For a sample of the conservationist literature against the

Popular magazines such as *Collier's*, *Christian Science Monitor Magazine*, *The Nation*, *The New Republic*, *Ladies Home Journal*, and *Atlantic Monthly* reported on the rangeland conflict as well.<sup>10</sup> Such widespread commentary on the controversy contributed to a diverse audience, much of which had little familiarity with ranchers' notions of preference or range use. Although the majority of authors and their readers did not seek to remove livestock from public rangelands, they valued the watersheds, wildlife, and open space such areas provided and respected the federal conservation agencies that administered them.

Those most vocal in their opposition to the actions of the livestock associations and their representatives expressed an admiration for the work of Forest Service range managers rather than the public domain grazing advisory boards. Similar to the first government bulletins that contributed to the founding of professional range management, articles that commented on the "Great Land Grab" often started with a declensionist narrative that highlighted the overgrazing that took place on the open

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"landgrab," see "Lest Congress Forget," *American Forests* 53 (February 1947): 55; Ira N. Gabrielson, "Our Grazing Lands Must Be Protected," *Audubon* 49 (May 1947): 130-135; and R. H. Hubbard, "Those Public Grazing Lands," *Colorado Conservation Comments* 10 (September 1947): 12-13. Arthur Carhart's essays in opposition to the "landgrab" also figured prominently in outdoor and western publications. See "Raiders on the Range," *Trail and Timberline* 339 (March 1947): 39-43; "THIS IS YOUR LAND!" *Sports Afield* (April 1947): 46-47, 109-13.; "Who Says Sell Our Public Lands in the West?" *American Forests* 53 (April 1947): 153-160; "Don't Fence Us In!" *Pacific Spectator* 1 (Summer 1947): 251-264; and "Our Public Lands in Jeopardy," *Journal of Forestry* 46 (June 1948): 409-413. For additional information on Carhart's work on behalf of the conservationist opposition to the "landgrab," see Tom Wolf, *Arthur Carhart: Wilderness Prophet* (Boulder: University Press of Colorado, 2008), 226-228. Finally, for a list of the variety of groups who opposed the "landgrab" by the fall of 1947, see "Recorded action connected with the public land controversy" and the list presented to the House Subcommittee on Public Lands by Harry L. Miner of the IWLA's Wyoming Division in *Public Lands Committee Hearing: Rawlins*, 184-85.

<sup>10</sup> See Lester Velie, "The Kicked Us Off Our Land," *Collier's* 120 (July 26 and August 9, 1947): 20-21, 40-42, 72-73, 80; Roscoe Fleming, "Bars Up or Down for Grazing? Public Land for Livestock Use Stirs Broad Controversy," *Christian Science Monitor Magazine* (April 26, 1947): 7; Richard Lewis Neuberger, "Save the Public Domain!" *The Nation* 165 (December 20, 1947): 673-674; Angus McDonald, "Great Land Grab," *New Republic* 116 (May 5, 1947): 38 and idem, "Attack on the Forests," *New Republic* 117 (November 24, 1947): 31; and "Your Land is in Danger," *Ladies Home Journal* 64 (September 1947): 11, 163; and Arthur H. Carhart, "Land Grab: Who Gets Our Public Lands?" *Atlantic Monthly* 182 (July 1948): 57-61.

range during the late nineteenth and early twentieth centuries and made sure to blame western stockgrowers in the process.<sup>11</sup> Then, they commended the Forest Service for limiting the damage in parts of the Intermountain West and fostering the land's gradual improvement. Pictures described this process better than words, and authors often paired an image that depicted a denuded, gullied landscape with one of a lush, alpine meadow. Lester Velie utilized this strategy to great effect in his article "They Kicked Us Off Our Land," featured in *Collier's* during the summer of 1947. The magazine even included a picture that illustrated the immediate aftermath of the flashflood that hit Mount Pleasant, Utah, the year before and, similar to DeVoto, attributed the disaster to overgrazing. Earl Sandvig of the Forest Service provided Velie with much of the information and images that accompanied his article, which further cinched its association with forest range management.<sup>12</sup>

Many of these articles went on to emphasize that the actions of the livestock associations threatened to usurp outdoor recreation as an important use of public rangelands, especially within the national forests. As Bernard DeVoto's experiences showed in the previous chapter, this assertion appealed to the growing interest in western tourism following the Second World War. Yet Arthur Carhart was perhaps the most outspoken advocate in this regard. All of the articles he wrote in opposition to the proposed privatization of federal rangelands highlighted the democratizing values associated with hunting, fishing, hiking, and backpacking that benefitted individuals who used western public lands for recreational purposes. Therefore, the possibility of

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<sup>11</sup> For instance, see Arthur Carhart, "Don't Fence Us In!," 255 and Lester Velie, "They Kicked Us Off Our Land," 42.

<sup>12</sup> Velie, "The Kicked Us Off Our Land," 72-73. Sandvig had also taken Velie on a tour of the agency's watershed protection efforts near Boulder, Colorado. For evidence of Velie's appreciation for Sandvig's assistance, see Lester Velie to Earl D. Sandvig, August 20, 1947, in Earl D. Sandvig Papers, Conservation Collection, Denver Public Library (hereafter, Sandvig Papers), Box 1, Fol. 2.

stockgrowers gaining greater administrative control over valuable recreational areas that were also useful for livestock grazing was of particular concern. Public lands grazing allotments surrounded trout streams, game ranges, and some of the best scenery in the American West, and Carhart worried that many Americans who sought to benefit from such resources would find themselves excluded if the Joint Livestock Committee's privatization scheme succeeded.<sup>13</sup>

When defending the watershed and recreational qualities of western public rangelands, the conservationist opposition overlooked the public domain—the primary focus of the Joint Livestock Committee—almost entirely. Instead, what transformed DeVoto's "landgrab" into a "Great Land Grab" by the spring of 1947 was the fear that, upon the sale of public domain rangelands, ranchers would seek the removal of rangelands from national forests, parks, and monuments as well. Comments such as those made by J. Elmer Brock in the *Denver Post* or Lester Velie's quoting of another committee member as saying, "If we play our cards right, we'll hit the jackpot," reinforced these suspicions.<sup>14</sup> Even worse in the eyes of conservationists was the fact that the purchase of public rangelands would continue to privilege a small portion of the western population that was already sustained by low grazing fees in order to run

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<sup>13</sup> In one article, for instance, Carhart introduced members of the Colorado Mountain Club to an alternate universe in which the Maroon Bells of Colorado, one of the most scenic areas in the state, had become part of a private sheep ranch because of the successful implementation of the Joint Livestock Committee's recommendations. Arthur H. Carhart, "Raiders on the Range," *Trail and Timberline* 339 (March 1947): 39. Historian William Philpott mentions that it was no surprise that Carhart wrote this article for the Colorado Mountain Club, which was interested primarily in promoting the recreational benefits of the Rocky Mountains. Carhart offered similar comments in "THIS IS YOUR LAND!," 111, 113. For additional commentary on Carhart's background and his promotion of outdoor recreation on western public lands during this period, see Andrew Glenn Kirk, *Collecting Nature: The American Environmental Movement and the Conservation Library* (Lawrence: University Press of Kansas, 2001), 19-47; William Philpott, *Vacationland: Tourism and Environment in the Colorado High Country* (Seattle: University of Washington Press, 2013), 189-211; and Tom Wolf, *Arthur Carhart: Wilderness Prophet* (Boulder: University Press of Colorado, 2008), esp. 45-58, 205-242.

<sup>14</sup> Velie, "They Kicked Us Off Our Land," 20. No such statement appears in the meeting minutes or transcripts of the Joint Livestock Committee, so who made this proclamation remains a mystery.

livestock upon these lands in the first place.<sup>15</sup> Thus, conservation organizations such as the IWLA mobilized their membership against any potential effort initiated by the livestock associations or their representatives that might exclude access to public rangelands by others. Editorials by the likes of Carhart and DeVoto supported these efforts by convincing other Americans that they were the true owners of the national domain and that, contrary to stockmen's claims, federal range management officials acted in their best interest. As Carhart wrote:

Members of this little group [the Joint Livestock Committee], apparently self-hypnotized with belief in their own strength, must be set in their proper place. NOW.

Who must do this? The present owners of these properties—the People of the United States. YOU!<sup>16</sup>

DeVoto repeated these sentiments in “The Easy Chair” by arguing, “Wherever you live, your interests and those of your grandchildren are endangered. You, too, have representatives in Congress and a stamp.”<sup>17</sup> Such statements suggested that Americans could use their own representatives to defend the national domain just as effectively as western stockgrowers had previously used theirs to gain preference in its use. That no form of “landgrab” legislation opposed by these authors and conservation organizations passed Congress in 1947 revealed that their strategy worked.

Yet opposition to the “landgrab” also sprang from the advisory boards nurtured by the Taylor Grazing Act. By March 1947, J. B. Wilson of the Wyoming Wool

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<sup>15</sup> For instance, Arthur Carhart noted that the privatization of national forest rangelands would benefit only approximately 1.2 million of the nation's 55 million non-dairy cattle. See “THIS IS YOUR LAND!”, 110-11; “Who Says Sell Our Public Lands in the West?”, 154-55; and “Raiders on the Range,” 42.

<sup>16</sup> Carhart, “Who Says Sell Our Public Lands in the West?”, 155.

<sup>17</sup> DeVoto, “The Western Land Grab,” in *DeVoto's West*, 104. DeVoto practiced what he preached, as he sent a letter to Representative John F. Kennedy that urged the Congressman to oppose any appropriations cuts for the Agriculture or Interior departments, especially those pertaining to the Forest Service. See Bernard DeVoto to John F. Kennedy, June 5, 1947, in DeVoto Papers, Series 1, Box 3, Fol. 53.

Growers Association complained to J. Elmer Brock by writing, “I have always been afraid that these Advisory Boards would eventually become sounding Boards for the Grazing Service and that has happened. It is too bad that some of them cannot be a little more independent and think of the stockmen themselves.”<sup>18</sup> The reorganization of the Grazing Service into the BLM had little to do with this phenomenon. Instead, Wilson’s frustration spoke directly to the legacy of Farrington Carpenter. His letter was likely in response to a report issued by the Central Committee of Nevada State Grazing Boards that recommended against the adoption of the Joint Livestock Committee’s proposals. Contrary to Wilson’s claim, the Central Committee’s report was not issued to defend the Grazing Service/BLM. Rather, it released its findings in the interest of public domain graziers, citing the logistical and financial burdens that ranchers would assume upon the removal of the federal grazing program.<sup>19</sup> Such criticism from district board members and groups such as Nevada’s Central Committee revealed just how organized the public domain range livestock industry had become since Farrington Carpenter’s implementation of the Taylor Grazing Act.<sup>20</sup>

The fact that extremists within the industry refused to accept the comments offered by conservationists and advisory board members further accented the divisions among these groups. For instance, ANLSA president William Wright referred to one Utah district board member as “an unwitting victim of bureau manipulation and

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<sup>18</sup> J. B. Wilson to J. Elmer Brock, March 29, 1947, in Wyoming Wool Growers Collection, American Heritage Center, University of Wyoming, Laramie (hereafter, WWGA Collection), Box 10, Fol. “J. Elmer Brock.”

<sup>19</sup> Central Committee of Nevada State Grazing Boards, *A Study of the Public Land and Range Problem in Nevada* (Carson City: State Printing Office, 1947), 26-37. See also Vernon Metcalf, Memorandum, February 10, 1947, in Gordon Griswold Collection, Special Collections, University of Nevada, Reno Libraries (hereafter, Griswold Collection), Box 3, Fol. 11.

<sup>20</sup> For more evidence of stockgrowers’ criticisms of the Joint Livestock Committee’s platform, see Bryce H. Stringham to Vernon Metcalf, May 26, 1947, in Griswold Collection, Box 3, Fol. 11.

influence” when he learned of his opposition to the Joint Livestock Committee’s efforts.<sup>21</sup> Likewise, Dan Hughes tried to pin the failure of his committee’s platform on a perceived flaw within the American psyche. This defect, Hughes believed, was that most Americans—including western ranchers—desired “to lean on governmental agencies as much as possible.”<sup>22</sup> These comments reveal that the leading advocates of range privatization interpreted their struggle as part of a larger battle against bureaucratic excess that they believed was a product of the Great Depression and the New Deal. Hughes’ discounting of the conservationist opposition by referring to organizations such as the IWLA as the “strongest advocates of planned economy” further reflected these sentiments.<sup>23</sup> That most stockgrowers expressed a similar faith or dependence on the federal bureaucracy heightened his fears even further.

Similar to J. B. Wilson, however, Dan Hughes and William Wright failed to realize that their conflict with conservationists and advisory board members was a product of the Taylor Grazing Act. The “landgrab” showed that Americans interpreted its language in multiple ways. On the one hand, the “pending final disposal” clause created an important loophole upon which the Joint Livestock Committee justified its platform. On the other hand, by placing western rangelands within the national domain and encouraging greater organization among its users, the Taylor Grazing Act was the

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<sup>21</sup> William B. Wright to Bryce H. Stringham, June 2, 1947, in Griswold Collection, Box 3, Fol. 11.

<sup>22</sup> Dan H. Hughes to Members of the Joint Livestock Committee, May 13, 1947, in NCA Records, Box 123, Fol. 8.

<sup>23</sup> Ibid. See also J. M. Jones to Vernon Metcalf, May 30, 1947, in Griswold Collection, Box 3, Fol. 11, and Jones to Metcalf, June 5, 1947, in *ibid.*, Box 3, Fol. 12. Such criticism toward the New Deal expressed by Hughes and others might reveal the origins of contemporary “cowboy conservatism,” which is an ideology that stresses the importance of individual freedom from government restraint (especially in the form of taxes and regulation) and promotes the supremacy of individual initiative and industry cooperation. See Jeff Roche, “Cowboy Conservatism” in *The Conservative Sixties*, ed. David Farber and Jeff Roche (New York: Peter Lang, 2003), 79-92 and *idem.*, “Politics, the Cattlemen’s ‘Code’, and the Range,” (paper presented at the annual meeting of the Agricultural History Society, Banff, AB, June 13, 2013).



primary reason why most conservationists and graziers disagreed with the Joint Livestock Committee.

For these reasons, it is fitting to give Farrington Carpenter some of the final words in this dissertation. In response to the extreme stances taken by both industry spokesmen and conservationists, Carpenter pointed to the grazing advisory boards as the proper place for compromise. Always the advocate of graziery, he challenged the connections between overgrazing, soil erosion, and flashfloods that Bernard DeVoto and other authors made in their articles against the “landgrab.” He also maintained that public rangelands were chiefly valuable for grazing. “Just as the city man mows his lawn to thicken the grass, so the range must be eaten to attain its highest development,” he wrote.<sup>24</sup> Carpenter then touted the advisory board as the best way to facilitate this process on both the public domain and the national forests. Such bodies, he argued, were “an example of a democratic way of administering lands which have a joint federal and local interest.”<sup>25</sup> For these reasons, Carpenter opposed any attempt to transfer public lands to private ownership, including the national forests and grazing districts, just as much as he feared the continued bureaucratization of these areas. Therefore, he pointed to the advisory boards as a suitable middle ground between individual initiative and federal regulation, hoping that such an approach could simultaneously promote federalism, democracy, and proper range use on the public lands. The fact that advisory boards remained on the public domain following the

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<sup>24</sup> Farrington R. Carpenter, “The Misunderstanding of Land Use,” *Western Livestock and the Westerner* 33 (September 1948): 148.

<sup>25</sup> Farrington R. Carpenter, “What to Do About Public Lands?,” *Western Livestock and the Westerner* 33 (October 1948): 59.

reorganization of the Grazing Service into the BLM further reinforced Carpenter's significance.<sup>26</sup>

An emerging environmental movement saw Farrington Carpenter's insistence on the grazing advisory board approach as a veiled attempt to continue excluding other interests in the range, however. Much to his frustration, few individuals outside of public domain range administration adhered to graziery as Americans took a renewed interest in natural resource conservation following the Second World War. While members of the Joint Livestock Committee looked to free enterprise and deregulation as the proper response to postwar consumer demands and national security concerns, more people believed that these principles had contributed to a looming environmental crisis characterized by rampant resource exploitation, a growing global population, increased consumption worldwide, and the Cold War. Fairfield Osborn, author of *Our Plundered Planet* (1948)—considered one of the founding treatises of the modern environmental movement—feared that Americans had not yet “begun to strike a balance in preserving the living assets of this country.”<sup>27</sup> William Vogt, author of *Road to Survival* (1948), seconded these concerns by stressing that Americans needed to acknowledge the economic, ecological, and ethical implications involved with natural resource management. Furthermore, these authors argued that the federal government was best

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<sup>26</sup> James Skillen provides a basic overview of the early history of range management within the BLM in *The Nation's Largest Landlord: The Bureau of Land Management in the American West* (Lawrence: University Press of Kansas, 2009), 31-33. In addition, the Forest Service formalized Carpenter's grazing advisory board approach within the national forests following the passage of the Granger-Thye Act in 1950. See William D. Rowley, *U.S. Forest Service Grazing and Rangelands: A History* (College Station: Texas A&M University Press, 1985), 212 and Harold K. Steen, *The U.S. Forest Service: A History*, centennial ed. (Durham, NC: Forest History Society in association with University of Washington Press, 2004), 274.

<sup>27</sup> Fairfield Osborn, *Our Plundered Planet* (Boston: Little, Brown and Company, 1948), 196.

able to balance the demands for natural resources among local users, communities, and the entire nation.

The western range was not immune from this debate. Osborn and Vogt discussed the “landgrab” even though the Joint Livestock Committee’s platform lay in shambles by the time their books were published. Both interpreted it as a brazen attempt to gain greater control over a significant portion of the national domain, or land “in which every American owns a share,” Osborn wrote.<sup>28</sup> Similar to Bernard DeVoto, both authors emphasized the importance of western rangelands for watershed protection and cited the gains made by the Forest Service in this regard. Indeed, this agency stood apart in the argument for a conservation movement in which the federal government retained regulatory authority over natural resources. These authors did not oppose livestock grazing on public rangelands, but they desired reductions in stocking rates and grazing intensity if cattle and sheep threatened soil and vegetation integrity. Furthermore, they believed professional range scientists should oversee every step of this process.<sup>29</sup>

For these reasons, both authors were critical of the federal grazing program on the public domain. They framed the Taylor Grazing Act and Carpenter’s advisory boards as the exact opposite of the perceived progress made on the national forests, often citing Forest Service reports when doing so. For instance, Vogt referenced *The Western Range* (1936) when he described the effects of overgrazing on the public domain.<sup>30</sup> Moreover, both men believed it was unlikely that these rangelands would

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<sup>28</sup> Osborn, *Our Plundered Planet*, 181.

<sup>29</sup> See *ibid.*, 180-93 and William Vogt, *Road to Survival* (New York: William Sloane Associates, Inc., 1948), esp. 31-37, 79, 99, 112, 124, 136-37, 149, 268.

<sup>30</sup> Vogt, *Road to Survival*, 119-20.

improve anytime soon because the advisory boards and their political representatives hindered the application of range science in a manner similar to the national forests. According to Vogt, administration of the Taylor Grazing Act was “sandbagged” by “political manipulation,” primarily through the advisory boards.<sup>31</sup> To Osborn, the law “might almost as well never been enacted” because of the actions of advisory board members.<sup>32</sup> Their prime examples were the McCarran hearings and the reorganization of the Grazing Service into the BLM. That Farrington Carpenter and those who benefitted from his approach proposed the grazing advisory board approach as the solution to the controversy only alarmed these conservationists further.

Thus, the “Great Land Grab,” was a rangeland conflict that confronted the legacy of the Taylor Grazing Act itself. The possibility that the United States was at a tipping point—falling into either planned economy or ecological catastrophe—only added further intensity to the debate. The failure of the Joint Livestock Committee’s platform and the persistence of the advisory boards was a testament to the significance of Farrington Carpenter. Meanwhile, popular attention to the “landgrab” and the effective use of forest range management principles in defense of public rangelands signified widespread acceptance of the national domain. The “landgrab” was not an anti-grazing conflict, unlike more recent encounters between ranchers and environmentalists. However, it was the first modern rangeland conflict because conservationists successfully challenged the notion that public rangelands were chiefly valuable for grazing and required federal administrators to balance the land’s many

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<sup>31</sup> Ibid., 133-34.

<sup>32</sup> Osborn, *Our Plundered Planet*, 183.

uses, especially watershed protection and outdoor recreation in addition to livestock grazing.

Subsequent policy initiatives to improve the management of western public rangelands have built upon the themes displayed during the “Great Land Grab.” Passage of the Federal Land Policy and Management Act (FLPMA) in 1976 provided the BLM the necessary mandate to manage the lands under its administration under a multiple-use framework in a manner similar to that already practiced by the U.S. Forest Service. For this reason, historian James Skillen refers to FLPMA as “a belated organic act for the BLM.”<sup>33</sup> Yet FLPMA did not repeal the Taylor Grazing Act and Farrington Carpenter’s grazing advisory boards remained. Indeed, his “split control” approach remains viable as the BLM struggles to adhere to the philosophy of multiple-use mandated by FLPMA. Starting in 1994, the grazing advisory boards were reorganized into “resource advisory councils,” which feature representatives from ranching, energy, recreation, wildlife, and others interested in the public lands. The agency’s current collaboration with the National Wild Horse and Burro Advisory Board is further evidence of how “split control” has evolved on public rangelands since its initial implementation by Carpenter.<sup>34</sup>

Yet ensuing controversies over the proper place of ranchers, livestock, and range science on public lands have revealed that the advisory board approach is not always successful in containing disagreements among competing resource users and federal administrators. Calls on the behalf of states’ rights or public lands privatization

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<sup>33</sup> Skillen, *Nation’s Largest Landlord*, 102.

<sup>34</sup> *Ibid.*, 146-47. See also U.S. Department of the Interior, BLM, “Resource Advisory Councils,” [http://www.blm.gov/wo/st/en/info/resource\\_advisory.3.html](http://www.blm.gov/wo/st/en/info/resource_advisory.3.html) and *idem.*, “National Wild Horse and Burro Program,” <http://www.blm.gov/wo/st/en/prog/whbprogram.html> (accessed May 4, 2014).

displayed during the “Sagebrush Rebellion” of the late 1970s and early 1980s sounded eerily similar to those sentiments expressed during the “Great Land Grab.”<sup>35</sup> The more recent conflict surrounding the BLM’s attempt to impound Cliven Bundy’s cattle in southern Nevada further indicates that such opposition to federal range management continues to die hard in some pockets of the Intermountain West.<sup>36</sup> Meanwhile, the writings of Bernard DeVoto and other conservationist opponents to the “Great Land Grab” have contributed to the negative perceptions toward livestock grazing held by many environmentalists who have reacted against the “Sagebrush Rebellion,” the Bundy episode, or other cases where livestock grazing potentially usurped other uses of the public lands.<sup>37</sup>

Advocates for graziery also remain. For instance, livestock play an integral role in Allan Savory’s ideas regarding “holistic management,” which is a philosophy that encourages land managers to incorporate the short- and long-term needs and aspirations of everyone interested in a particular natural resource, most notably rangelands.

“Grazing, together with adequate animal impact, can maintain soil cover, keep grass plants healthy and more productive, and in general enhance the functioning

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<sup>35</sup> For additional information on the “Sagebrush Rebellion” see R. McGregor Cawley, *Federal Land, Western Anger: The Sagebrush Rebellion and Environmental Politics* (Lawrence: University Press of Kansas, 1993) and C. Brant Short, *Ronald Reagan and the Public Lands: America’s Conservation Debate, 1979-1984* (College Station: Texas A&M University Press, 1989).

<sup>36</sup> At this point, Cristi Turner from *High Country News* has done the best job examining the Cliven Bundy case. See Cristi Turner, “Rancher vs. BLM: A 20-Year Standoff Ends with Tense Roundup,” The GOAT Blog, April 11, 2014, <http://www.hcn.org/blogs/goat/in-nevada-delicate-20-year-standoff-with-blm-ends-in-a-tense-roundup>, and idem, “After the Standoff, What’s Next for Bundy and BLM?”, The GOAT Blog, April 18, 2014, <http://www.hcn.org/blogs/goat/after-the-standoff-whats-next-for-bundy-and-blm> (accessed May 4, 2014).

<sup>37</sup> For instance, see Debra Donahue, *The Western Range Revisited: Removing Livestock from Public Lands to Conserve Native Biodiversity* (Norman: University of Oklahoma Press, 1999); Denzel and Nancy Ferguson, *Sacred Cows at the Public Trough* (Bend: OR: Maverick Publications, 1983); and Lynn Jacobs, *Waste of the West: Public Lands Ranching* (Tucson, AZ: self-published, 1991). For additional analysis on the connections between the conservationist opposition to the “Great Land Grab” and the contemporary anti-grazing movement, see Pearce, “Shoveling the West into America’s Rivers,” 21-22.

of...ecosystem processes,” Savory writes.<sup>38</sup> Perhaps Savory’s ideas provide an avenue through which the successors of Carpenter and DeVoto can reconcile their differences in the Intermountain West. As the episodes presented in this dissertation and contemporary controversies have shown, however, such a resolution will not be easy.

The federal range managers tasked with balancing the many uses of the public lands recognized this responsibility even in the immediate aftermath of the “Great Land Grab.” Albin D. Molohon, an original member of Carpenter’s corps who had become a regional administrator for the BLM by 1948, was one such individual who recognized the significance of his position in the wake of that controversy. “I cannot go along with locking up a nationally owned resource from all use except ‘as a place to use dry flies for 10 days a year’ any more than I could go along with a stockman trying to exclude recreation, wildlife, [or other uses] from either his leased or permitted lands,” he wrote to Wyoming dude rancher Charles C. Moore.<sup>39</sup> For federal administrators like Molohon, the solution to prevent either extreme was multiple-use, or granting the sportsman, rancher, or anyone else equal access to what had become a “nationally owned resource.” The Taylor Grazing Act and the fallout from the “Great Land Grab” helped Molohon and other range officials recognize this fact. Although Molohon wrote these words in 1948, his statement indicated that future decisions regarding the management of public rangelands must involve any American who expressed interest in the fate of the national domain.

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<sup>38</sup> Allan Savory and Jody Butterfield, *Holistic Management: A New Framework for Decision Making*, 2<sup>nd</sup> ed. (Washington, D.C.: Island Press, 1999), 217.

<sup>39</sup> Albin D. Molohon to Charles C. Moore, June 7, 1948, in Charles Cornell Moore Papers, Conservation Collection, Denver Public Library, Box 1, Fol. 105.

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- Nelson, Janell. "Home on the Plains: Grazing Associations and Family Farmers in Northern Colorado." Paper presented at the Annual Meeting of the Agricultural History Society, Banff, AB, June 13, 2013.
- Pinto, Robin L. "Grazing and the National Park Service: Range History in Organ Pipe Cactus National Monument." Paper presented at the 65<sup>th</sup> Annual Meeting of the Society for Range Management, Spokane, WA, January 31, 2012.
- Roche, Jeff. "Politics, the Cattlemen's 'Code', and the Range." Paper presented at the Annual Meeting of the Agricultural History Society, Banff, AB, June 13, 2013.
- Sayre, Nathan. "Historical Roots of the Rangeland Conflict: Overcoming Structural & Intellectual Anachronisms." Paper presented at the 65<sup>th</sup> Annual Meeting of the Society for Range Management, Spokane, WA, January 31, 2012.
- Taylor, Joseph E., III. "Follow the Money: Forty Years of Federal Transfer Payments on Western Public Lands." Paper presented at the 53<sup>rd</sup> Annual Conference of the Western History Association, October 12, 2013.

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