

Chapter I

HISTORY OF PUBLIC LANDS RANCHING

PERSPECTIVE:

Planet Earth	approx. 5,000,000,000 years	
Life on Earth	" 4,000,000,000	"
Complex organisms	" 1,000,000,000	"
Large herbivores	" 40,000,000	"
Human-like creatures	" 12,000,000	"
<i>Homo sapiens</i>	" 300,000	"
Native Americans	" 40,000	"
Europeans in America	" 500	"
Europeans in West	" 200	"

--The Earth has existed 25 *million* times longer than the United States.

--Native Americans have been living on this continent 200 times longer than "Americans."

--Recognizable ancestors of native grazing animals have been living in what is now called North America at least 20,000 times longer than domestic livestock.

Not until the hairy men from the East came did the West for us become "wild."

--Chief Luther Standing Bear of the Oglala band of Sioux

Only a hundred and some odd years ago, what we now call "The American West" was predominantly *wild*. With the exception of several scattered European settlements, the entire western portion of North America was one vast wilderness, a result of 5 billion years of Nature's continuing creation on this planet. The grasslands, deserts, forests, brushlands, and wetlands here were functioning at or near peak productivity. Plant and animal life and soil and water systems were at optimum abundance, diversity, and stability. The West was, relative to today, a Garden of Eden.

Native Americans, or "Indians," then were an integral part of this wilderness. For thousands of years they lived in and interacted with this rich and beautiful country. Although these people exerted many influences on their environment, as a whole they had an incomparably less destructive impact than those who would follow. Perhaps this was largely because they had lesser means to exploit and destroy. Whatever the case, at that time they felt the wilderness to be home, not an obstacle or enemy to be conquered.

Only a hundred and some odd years ago, nearly all of these original human inhabitants either died from introduced disease, were killed, or were removed to small, restricted areas to make room for incoming United States settlers, military and business interests. On many reservations, natives continued to die from starvation, exposure, or suicide even as their home, the wilderness, was ravaged.

The old Western myth was that these people were the salt of the earth, that they were people of astounding virtue. But these same people often were filled with greed and violence and corruption and racism. . . . No people went through an environment faster, and more destructively and wastefully than Americans have gone through North America.

--Historian Donald Worster, **Rivers of Empire**

The intruders came west for many reasons, some quite noble. Nonetheless, most of these early settlers, businessmen, and soldiers were not as portrayed in American history books. Few were the courageous, heroic, God-fearing people of tale and legend -- brave patriots who set out into the wilderness to face great peril with a burning desire to build a better America. No, most came west for more common purposes: to make more money, get free land, or escape various problems in the East. These newcomers originally were, or soon became, farmers, trappers, traders, miners, laborers, and merchants.

And then there were the stockmen -- the cattlemen colonists. The fiercely competitive, violent, and environmentally brutal nature of the early livestock grazing business attracted a somewhat different breed of people. Most of the participants fit into 3 distinct classes:

Hired manual laborers called *cow-boys* did the bulk of the chores for most ranching operations. These men typically were solitary drifters who took work here and there as the occasion arose. Of course nearly all originally had come from the Eastern US, where many had experienced unemployment or other personal difficulties. Many had lost their jobs in mills and factories. Many others were troubled, rootless veterans of the Civil War. Some were former insubordinate soldiers banished to the West to "protect the frontier," and some were desperate farmers who left the ravaged South after the Civil War. Some were luckless, would-be miners who began raising stock when for them the West's gold and silver rushes didn't pan out. Early cow-boys also included various Western riffraff -- the misfits, unfortunates, crooks and swindlers, outcasts and outlaws, loners and losers. There were many exceptions, but the sad fact is that early Western cow-boys by and large were an accumulation of what today would be termed "the dregs of society."

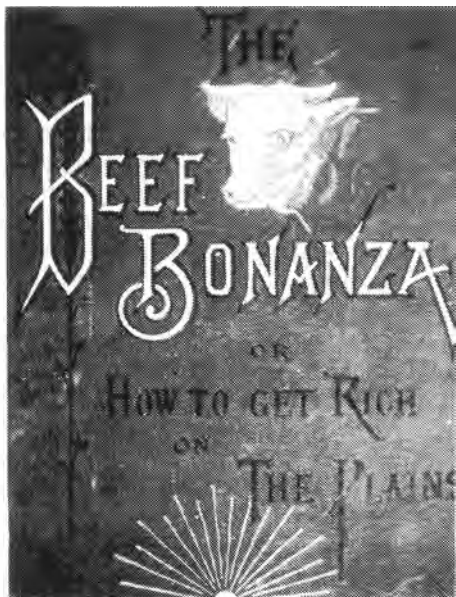
For them, "cow-boying" was an easy way to make a little money and escape from whatever problems drove them away from society and out onto the range.

Another class of stockmen could be termed *managing ranchers*. These included ranch foremen, managers, and working owners -- the professionals who kept ranches operating on a long-term basis. Some were former cow-boys, but many had roots in other professions in the East. Many of these men were well-known for intolerance, ruthlessness, and violence, especially towards ranching competitors, rustlers, Native Americans, insubordinate cow-boys, and the land.

Ranch owners who made it big became *cattle barons*, the self-proclaimed aristocrats of the range, and joined a third class. This class was also composed of wealthy financiers -- the influential investors who put up capital to finance the huge grazing fiefdoms that soon dominated most of the West. These acquisitive, opportunistic entrepreneurs were already rich and powerful bankers, lawyers, politicians, publishing magnates, mining tycoons, timber barons, railroad kings, industrialists, and so forth. They were mostly absentee owners who lived in Western cities, back East, or in Europe and occasionally visited or vacationed on the ranches they owned or financed. They relished their role as ranching nobility, and Westerners came to treat them as such, and even today many Americans envy and aspire to be wealthy ranching moguls.

As a rule, the men who came West and entered the ranching business displayed greed, ignorance, and bigotry. They had little respect for themselves or others, much less for the land itself, other than for what it might provide them. Denying to ourselves the true nature of these early colonists in order to preserve our nostalgic, heroic image of the Old West can only prevent us from understanding the real history of the West.

Although greatly outnumbered by other settlers, these stockmen seized the vast bulk of Western land and turned it to cattle grazing. At that time in history most of the West was of little use to most settlers, and the prevailing attitude toward the land was "If nothing else, you can always graze it."



Men of every rank were eager to get into the cow business. In a short time every acre of grass was stocked beyond its fullest capacity. Thousands of cattle and sheep were crowded on the ranges when half the number were too many. The grasses were entirely consumed; their very roots were trampled into dust and destroyed. In their eagerness to get something for nothing, speculators did not hesitate at the permanent injury, if not the total ruin, of the finest grazing country in America.

--H.L. Bentley in 1898



Vikings carried livestock on their ships when they sailed to North America up to 500 years before Christopher Columbus (actual name Cristobal Colon), but the first livestock settled permanently in the "New World" were probably those brought by Columbus to the Caribbean island of Hispaniola on his second voyage, in 1493. Writer Kirkpatrick Sale relates in "The Columbian Legacy":

Within a year Columbus and a massive contingent of Spanish settlers had begun to change all that [the veritable "Garden of Eden" Columbus encountered on his first voyage] as the trees were cut down to make rancheros for imported cattle and sheep and soon plantations for sugar and coffee. Pigs, goats, and horses were allowed to roam freely, and as a result destroyed forage, trampled native farmlands, and made savannahs bare.

The first livestock introduced to the North American mainland are believed to have been cattle brought to Florida by Ponce de Leon in 1519. Cattle were imported into Mexico and the Eastern British colonies soon thereafter.

Grazers owned little or no land and their movements were known to few and questioned by none. The plentiful forage is evidenced now by words of early adventurers, as Fremont's "... tremendous areas of luxuriant grass -- an inexhaustible supply;" Lewis and Clark's "These Western ranges have a luxuriant grass cover and will supply enough feed for all the cows in the world;" and Bradley's "... good, fine grasses grow evenly all over the country -- I believe that all the flocks and herds in the world could find ample pasturage (here)." Herdsmen rested secure knowing that over the next ridge was more free feed to the first comer.

--Laurence A. Stoddart, "Range Land of America and Some Research on Its Management" (Stoddart 1955)

Livestock grazing in the West began slowly. Hardy Spanish longhorn cattle, introduced from Mexico as early as the 1500s, were spread to California, Texas, and the Southwest. Shorthorn cattle from the Eastern colonies were gradually moved West over the years. By the 1800s both kinds, though in comparatively small numbers, had been moved into many parts of the West. Sheep, spread mainly from Mexico and California, generally followed not far behind. In 1850 there were less than a million cattle and perhaps a few million sheep (mostly in California) in the 17 Western states. With regional variations, numbers gradually increased during the 1850s and 1860s, with livestock relentlessly displacing native grazing animals and the peoples who depended on them.

Then in the 1870s and 1880s, with most Native Americans subdued and buffalo (bison) no longer in competition,



transportation (including new railroads) and communications modernized, and livestock established and ready to multiply throughout the West, the true subjugation of the West began. Livestock grazing became an immense, booming business, and numbers of cattle and sheep increased by leaps and bounds. Stockmen and investors (mainly from the East and Europe) began to realize the huge profits to be made by running livestock across the Western range. Many of the West's most successful and powerful miners and other businessmen turned to stock raising. Word spread like wildfire, spurred on by fantastic claims of potential ranching profits in popular publications and promotional literature.

Livestock grazing suddenly became a mad rush to get rich quick. From ocean to prairie, livestock were propagated and crammed onto every conceivable piece of forage land (about 2/3 of the West altogether) in an all-out attempt to maximize profits. The 1870 estimated cattle population of 4-5 million in the 17 western states (Ferguson 1983) peaked at an estimated 35-40 million around 1884 (Holechek 1989). Ranchers showed little or no concern for the land itself as "forage fever" (similar to "gold fever") swept the West.

The range itself got little relief from heavy use, and there may not even today be a truly widespread recognition of the lasting impact of the damage to forage and soil started during that boom era.

--William Voigt, Jr., former Executive Director, Izaak Walton League, Public Grazing Lands (Voigt 1976)

The land suffered. Livestock stripped vast areas of ground cover as clean as a billiard table. By the early 1880s the Western range was so over-

stocked and overgrazed that drastic environmental changes began to occur (see Chapter III).

Edible vegetation was so depleted that livestock starved to death during periods of drought or heavy snow, and in some places even during benign weather. In January 1887, for example, starving cattle ate the wool off dead sheep and then fell dead themselves. Massive die-offs occurred periodically during the latter decades of the 1800s, and to a lesser degree during the early 1900s (as they still do occasionally). Some die-offs were so bad that most livestock were lost over huge areas, even entire states. Emaciated cattle ate wood from trees. Rotting carcasses were sometimes so thick a person could throw rocks from one to the next.

Stockmen blamed these disasters on drought or storm, though such periodic atmospheric fluctuations are natural occurrences. Likewise, many contemporary ranching advocates make claims such as this one by grazing industry spokesman Thadis W. Box: "The period from the [sic] 1880 to 1905 was one of the driest in the past 1500 years" (Box 1987). Scientific studies and precipitation records prove these claims unfounded (see Air section in Chapter III).

In truth, the range was simply so devastated by livestock grazing that biological population controls began to kill off the cattle and sheep (which, unlike today, were rarely given supplemental feed to mitigate starvation). In retrospect the massive die-offs were a blessing -- Nature's method of self-protection -- for without them much of the West might have been transformed permanently into Sahara-like wasteland. Nature reduced 1884's estimated 35-40 million cattle to an estimated 27 million in 1890 (Holechek 1989). And despite it all the frenzied, profit-crazed cattlemen were eager to



Roundup following a hard winter in the late 1800s. (Unknown)

raise cattle numbers once again! Meanwhile, because sheep can survive in areas where cattle cannot and sheepmen had not yet fully expanded their efforts, the sheep population of the 17 Western states continued to climb and reached about 53 million that same year (Ferguson 1983).

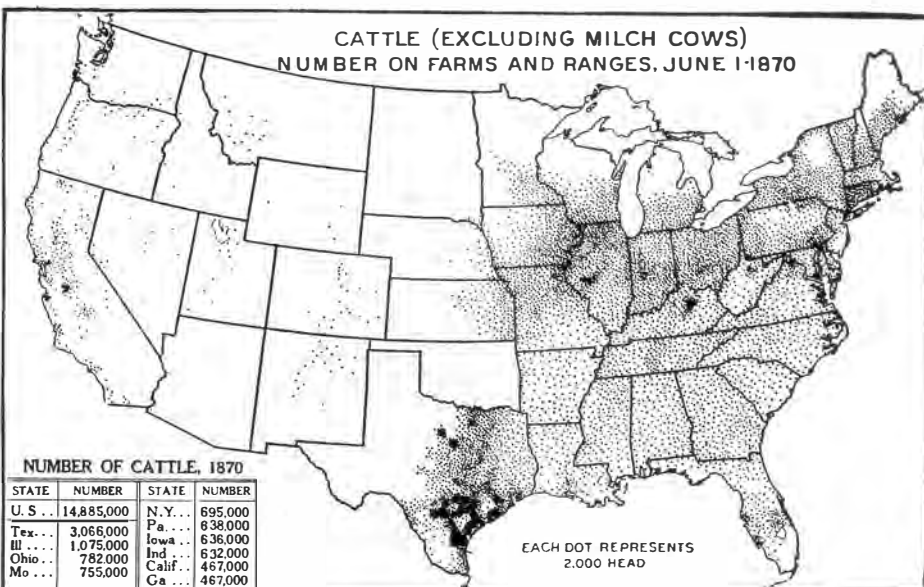
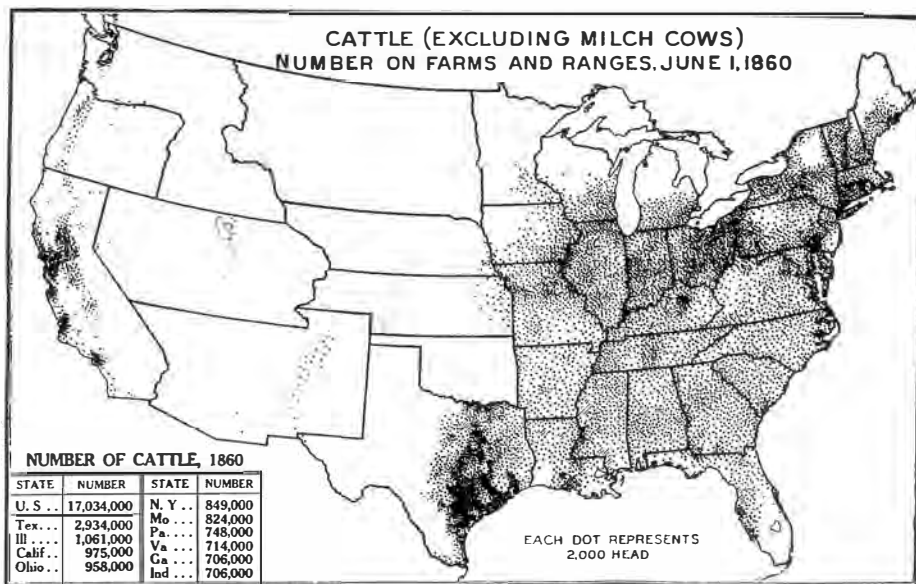
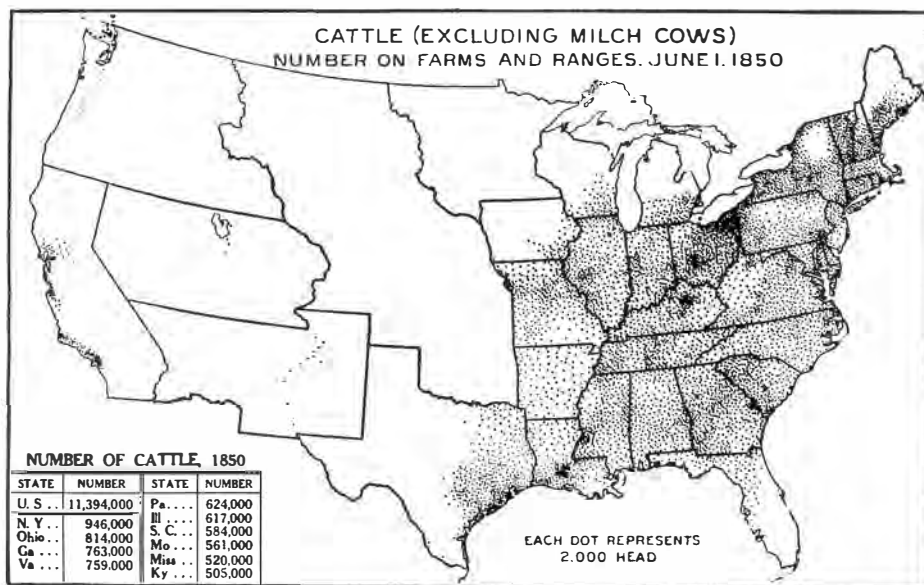
The invention of barbed wire by J.F. Glidden in 1874 became the final nail in the coffin for Western range. With it our public land -- indeed, about 2/3 of the West -- came under the symbolic and actual stranglehold of the livestock grazing industry. With barbed wire, the most powerful stockmen divided the West among themselves and brought it under their control, where it has remained ever since.

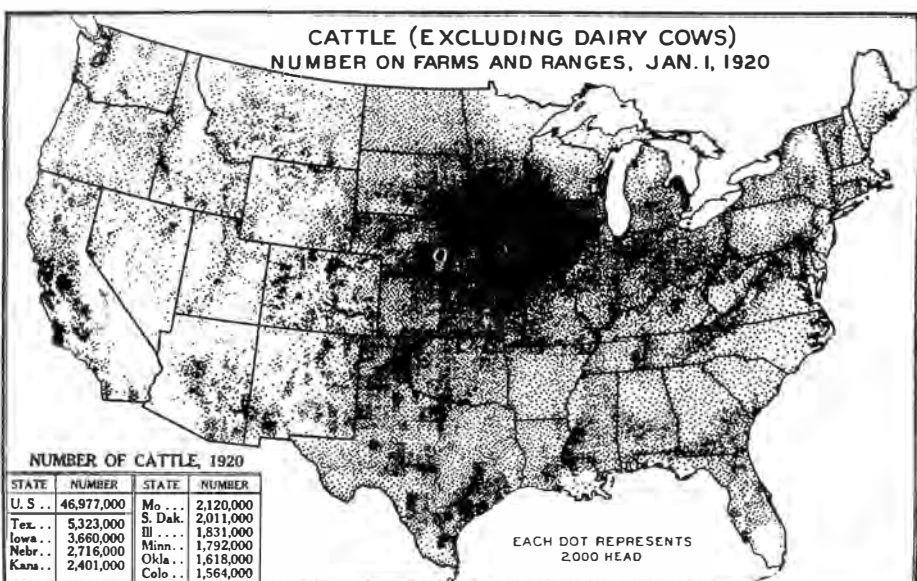
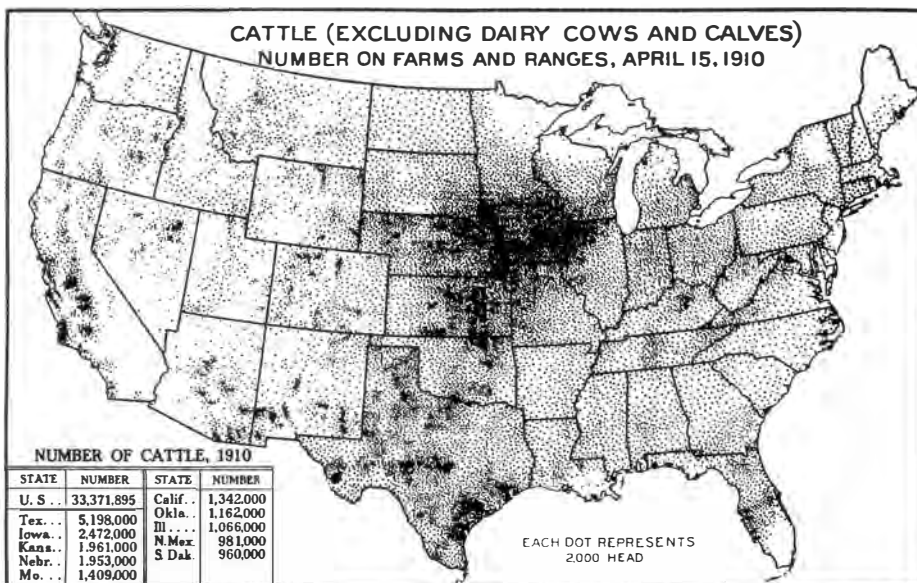
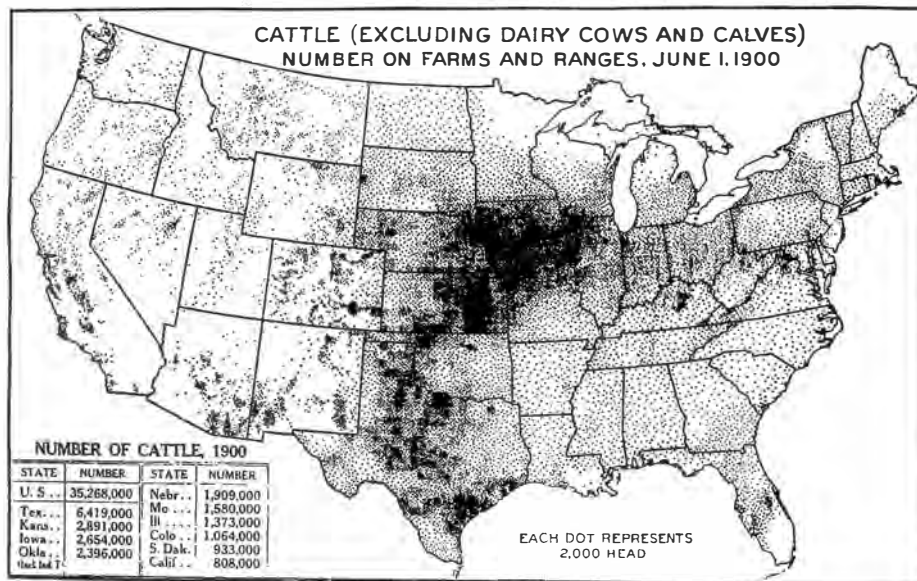
For the last five years over most of the mountain states you have been definitely overstocking your ranges, and you glory in your shame. You have been eating off the good pasture grass, and you have eaten it so close in many regions that the water has washed away the soil over large areas, and the wind has blown a lot of it away, until some of the land is almost permanently ruined. It is all right to go ahead if you want to, under your rugged individualism, and overstock your ranges and eat off the good pasture; it is all right for you to hurt yourselves if you want to; but it is a shame to hurt the land the way you have been doing.

--Early Western government official (Willard 1990)

Those initial decades of grazing insanity depleted, degraded, or destroyed **over 700 million** acres of grassland -- nearly all grassland west of the Mississippi River (Ferguson 1983). To this day most of it has not recovered (or been allowed to recover) to anywhere near a natural condition, and much of it has been altered beyond recognition from a natural state. There is no longer any US grassland larger than a few thousand acres in a pristine state. We will never know what was lost.

Compounding the impact from their animals was that wrought by stockmen themselves. Ranchers, as much or more than any of the newcomers, engaged in many activities





Note: Cattle distribution and numbers have remained relatively constant since 1920. US Government maps.

that spoiled the aboriginal Western landscape. Aside from stringing fences, they overfished, overhunted, and overtrapped wildlife; felled trees; built various harmful range developments; introduced exotic game animals that outcompeted indigenous species; spread non-native pasture plants; and generally manifested a heavy presence.

Within twenty years after the cowboy moved onto the last unsettled portion of the United States, a continuous line of inhabitants stretched from the Atlantic to the Pacific, for the cowboy had shown that this West had riches to plumb, fabulous wealth to yield to the hardy and adventurous, the sort of "risk-with-profit" that has always appealed to Americans.

--Joe B. Frantz and Julian Ernest Choate, Jr., *The American Cowboy*

Stockmen also seized the rural West politically and economically. With power based on great numbers of livestock and control of huge amounts of land and crucial sources of precious water -- and with a willingness to use violence to get what they wanted -- they banded together to form what is known today as the livestock grazing industry.

Local, area, state, and regional stockmen's associations were formed to protect ranchers' interests, and gunmen were hired to enforce their agreements. These associations came to exert tremendous power, legally and illegally restricting grazing access to certain lands, imposing self-serving regulations, running small-timers out of business in various ways, having dissenters murdered, and so on. Usually they were closely associated with state or territorial governments; their rules and regulations were often translated into actual law, or at least made the basis of legislation. Many laws throughout the West were made by and for the livestock industry during this period, and many of these laws stand today.

Largely through these associations and laws, wealthy ranchers came to rule the West with an iron fist. Nearly all Westerners paid deference to the "cattle barons" and "cattle empires." The sheriff always

wore a cowboy hat (perhaps most still do). And as Joseph Nimmo, Jr., chief of the US Bureau of Statistics, related in *Harper's*, November 1886:

The cattle-men and the cow-boys themselves supplied judges, jurymen, witnesses, attorneys, constables, and executioners. Sometimes a level-headed cow-boy was placed upon the judicial bench. . . . When the verdict of guilty was pronounced, a short shrift, and a stout rope, and a grave without a coffin or a winding-sheet, ended the proceedings. (Savage 1975)

Politicians, judges, lawyers, law enforcement officials, and others were expected to cater to livestock interests. Indeed, they were often influential ranchers themselves.

Stockmen's social powers became no less formidable. In *The Range Cattle Industry*, Edward Everett Dale writes:

In addition to the rules of more or less local live stock associations, there gradually grew up in the range cattle area a body of precedents, customs, and principles, the whole forming a kind of unwritten law of the range known as "cow custom" which was in force and respected throughout the entire region. (Dale 1960)

The overwhelming influence of this "unwritten law" found its way not only into personal lives and customs throughout the rural West, but into actual law as well, especially at state and local levels.

In "The West Against Herself," Bernard DeVoto describes the aggressive cattlemen common in the formative years of the grazing industry:

The cattlemen came from Elsewhere into the empty West. They were always arrogant and always deluded. . . . They thought of themselves as Westerners and they did live in the West, but they were enemies of everyone else who lived there. They kept sheepmen, their natural and eventual allies, out of the West wherever and as long as they could, slaughtering herds and frequently herdsmen. They did their utmost to keep the nester -- the farmer, the actual settler, the man who could create local and permanent wealth -- out of the West and to terrorize or bankrupt him where he could not be kept out. And the big cattlemen squeezed out the little ones wherever possible, grabbing the water rights, foreclosing small holdings, frequently hiring gunmen to murder them. (DeVoto 1955)

Conflicts between stockmen and other settlers were numerous. Those questioning stockmen's claims to power were dealt with swiftly and efficiently. Many were threatened, harassed, beaten up, and murdered. New settlers who clashed with established ranchers were driven off or killed. Farmers' crops were destroyed, many times intentionally, by marauding livestock. More Western homesteaders' hopes and hard work were crushed by ranchers and their cattle than by any other influence.

The movie Red River begins with rancher John Wayne driving his cattle onto the vast range of a Mexican landowner. The Mexican's foreman rides into Wayne's camp and tells him that he and his stock must leave the next day. Wayne refuses, kills the foreman, and sends a messenger to the Mexican landowner informing him that Wayne now owns the land and will do whatever necessary to keep it. Red River is a cult film on how cattlemen won the West.

A funny thing. Next morning the man that had been stampeding the herds was hanging from one of them trees -- considerably off to one side so's not to scare any cattle. He hung hisse'f so he wouldn't stampede no more cattle. That's what they said.
--From *The Longhorns* by J. Frank Dobie

Bloody battles or "range wars" were common even between stockmen themselves as they fought and killed each other trying to monopolize the dwindling, depleted forage land. When sheep began to spread through the West and compete with cattle, the war between cattlemen and sheepmen became especially gory. Initially sheepmen got the worst of it. Cattlemen attacked and looted sheep camps, burned camp wagons and provisions, and stole or killed horses and sheep dogs. Sheepmen often were beaten or murdered. For example, more than 30 men died in just a 3-year period in the Tonto Basin of central Arizona (Shanks 1984). Throughout the West, irate cattle ranchers killed hundreds of thousands of sheep by poisoning, clubbing, dynamiting them in close flocks, burning them in intentionally caused fires, driving flocks over precipices or into quicksand, and denying access to water and food (Roberts 1963).

However, sheep raising was highly profitable and increased steadily, eventually outdistancing cattle in value in many areas. In time, even many cattlemen decided to switch to the sheep business.

Sheep and cattle rustling was extremely common. The stolen animals were sold or added to existing herds. Suspected rustlers and sometimes competing herdsmen only accused of rustling were hanged for all to see. Rustlers even hanged less powerful rustlers as a warning to other rustlers to stay away from their turf.



(Unknown)

The more powerful stockmen forced out the less powerful, who had previously forced out the less powerful, and so on, as all jostled for position in this rangeland version of "king of the hill." The competition for grass had become the

the new gold rush, and any tactic was employed to get a bigger slice of the pie. The winners became rich and powerful; the losers left to seek greener pastures or died. By the time the undeclared range wars subsided, thousands of people lay dead. And stockmen's power in the rural West approached omnipotency.

Until the Sioux Indians were subdued, Wyoming was not safe for ranching; but with the conclusion of the Indian wars, the cattlemen immediately took possession of the old hunting grounds of the Sioux Indians. Cattle replaced the buffalo and antelope on the plains and foothills of the Rockies. Some of the early ranchers employed as many riders to protect their interests from the Indians as they used for running livestock.
--A.F. Vass, *Range and Ranch Studies in Wyoming* (Vass 1926)



Indian ricegrass, a staple of aboriginal Americans in much of the West, was mostly eliminated by livestock. (Helen Wilson)

In their conquest stockmen also murdered thousands of Native Americans, or hired mercenaries or pressured the US Army to do it for them. More than any non-military group, Western ranchers contributed to the Native's downfall and subjugation.

As soon as the federal government removed Native Americans from their homelands and onto reservations, cattlemen surged onto the newly vacant landscape. By the 1880s stockmen regularly grazed livestock in trespass on the "vast," "wasted" (ungrazed) Indian reservations as well. They began demanding that Western Congressmen reduce sizes of reservations. Congress often complied. For example, in the early 1890s the Blackfeet lost millions of acres when chronically trespassing ranchers convinced Congress to draft new treaties. Under pressure from stockmen, 4 reservations in Oregon comprising 3,567,360 acres in 1880 were reduced to 1,788,800 acres by 1890. Similar reductions took place in most Western states; *most* Indian reservations were reduced in size to accommodate US settlers, mostly ranchers. (Ferguson 1983, Shanks 1984)

Not satisfied, cattle ranchers continued to trespass the already reduced acreages. Indeed, throughout the West cattlemen not only ran thousands of cattle on Indian reservations but actually built homes there and claimed the land as their own. The government rarely tried to stop them. When it did, ranchers resorted to other tricks, such as driving cattle very slowly across reservations under pretense of moving them to other ranges, taking Native American wives to establish legal basis for grazing reservation lands, and consigning cattle to willing Native Americans (often bribed or supplied liquor) already living on reservations. Many trespassers simply claimed that they did not know where reservation boundaries were; when Congress finally appropriated money for surveys, stockmen pulled up stakes, destroyed boundary markers, and even murdered surveyors (Ferguson 1983). Pressure from Anglo ranchers was a major factor in the starvation, disease, and other hardship common on reservations.

Another change occurred in the second half of the nineteenth century. . . . A number of other wild resources that the Papago and Pima relied upon became so scarce [from livestock grazing] that to survive, they had to increase sales of whatever products they could muster in order to buy sufficient food.

--Gary Nabhan, *Gathering the Desert* (Nabhan 1986)

Even before their murder and banishment to the reservations Native Americans were harmed by the grazing industry in other ways usually ignored by historians. As livestock increased in numbers throughout the West, they depleted or extirpated hundreds of plants these peoples had for centuries depended on for shelter, clothing, bedding, basketry, tools, religion, magic, and medicine. They ravaged many of the food plants that produced the edible roots, bulbs, fruits, seeds, stalks, flowers, and leafy greens that composed *most* of the aboriginal diet. Along with the depletion in useful vegetation came a corresponding reduction in wild animals and pollution and depletion of critical water sources. By the time native peoples had been forced onto reservations, much of the West could no longer sustain them. (When plants, animals, water sources, and bottomland began disappearing from Navajoland in the 1880s,

many believed the region had been bewitched.) Cattle and sheep also ate and trampled Native American crops, including those they planted after settling onto reservations. Thus, Native Americans became dependent upon domestic beef, their homelands and reservations became desolate, and their physical subjugation was complete.

Along with Indian reservations, stockmen grazed livestock in nearly every other possible grazing area ostensibly off-limits, or legally open, to their bovines. Grazing others' private property was common (as it still is); wire cutters allowed ranchers to expand their operations to almost any ungrazed land. Illegal grazing in National Parks was standard. For instance, in 1896 the US Cavalry drove 1000 cattle, 300 horses, and 189,500 sheep out of Yosemite National Park (Ferguson 1983). For years after Yellowstone National Park was established in 1872, stockmen trespassed thousands of sheep and cattle. Some ranchers even built cabins and mowed hay there (McNamee 1985). Government reports state that as late as the 1920s grazing in Grand Canyon National Park was so intensive that park rangers were complaining of spending too much time disposing of cattle carcasses.

Probably most private range land in the western states was originally obtained by various degrees of fraud in connection with the Homestead Act.

--Wesley Calef, *Private Grazing and Public Lands* (Calef 1960)

With the conquest of Native Americans, victorious military engagements with European powers, Mexico, and Russia, and massive land purchases, treaties, and other means of acquisition, the United States between 1803 and 1853 acquired the entire region that was to become "the West." Originally, nearly all of this land in the region to become the 11 Western states was under federal public ownership, excepting the old Spanish land grants in the Southwest and California and several million acres of other private holdings. By the early 1900s powerful stockmen would own about 1/3 of the West outright and control most of the other 2/3.

Ranchers gained ownership of federal land through various legal and illegal means, including outright theft, cheap sales that amounted to virtual giveaways of government land, and bribery or intimidation of government employees. Federal and, later, state governments gave away millions of acres as grants to encourage construction of railroads and roads; stockmen acquired much of this land for little or nothing, often through dubious means. Most of all, Congress enacted a series of laws designed to encourage settlement of the Western frontier, e.g., the Pre-emption Act of 1841, Homestead Act of 1862, Timber Culture Act of 1873, Desert Land Act of 1877 (of which one author estimated over 90% of land disposition was fraudulent), and Timber and Stone Act of 1878. Ranchers employed sundry schemes to gain title to more land than permitted under these acts. Often they would file claims under the names of employees, relatives, or people in other states, or invent fictitious names. Using a dozen aliases apiece, they would file claims to huge areas and through various methods later have the land transferred to their ownership. To qualify as homesteaders they would profess to have seen water where

there was none; throw together a few boards and claim it a dwelling; pretend to be homesteading property while only spending a day or two per year there; run a few furrows and say they were farming; splash a little water on the ground and claim to be irrigating; and so on. Altogether, the federal government transferred more than a billion acres west of the Mississippi to private ownership, 2/3 of it being given away in the form of grants and homesteads. Dominant ranchers even stole private land from less powerful settlers with help from their government yes-men. (Foss 1960, Ferguson 1983, Shanks 1984)

Some ranching empires became enormous. One Mormon cattle enterprise amassed a dominion of 2 million acres, or more than 3000 square miles of open range. The largest was a Texas spread of over 5 million acres, roughly the size of New Jersey! Operations controlling hundreds of thousands of acres were common. Some of these cattle kingdoms have been handed down or sold basically intact over the years and still exist today.

Dominant ranchers also gained control of large blocks of federal and state land through various means: controlling checkerboarded, multi-ownership land by buying up alternate sections (square miles); monopolizing water sources; purchasing strategic private land; agreeing among themselves to respect illegal boundaries; and pushing through bogus state laws which purported to give rights to federal lands (Foss 1960).

To defend "their" rangelands from others, stockmen erected thousands of miles of illegal fences on public land. Department of the Interior records show that from 1880 to 1920 many thousands of ranchers illegally fenced tens of millions of public acres, with as much as 8.6 million acres behind illegal fences in one year (1887). These records reflect only *reported* illegal fencing; actual acreage illegally fenced certainly was much higher. (Foss 1960, Culhane 1981)

By the end of the 19th century, stockmen had gained ownership of most of the more productive rangeland and water sources in the West. Most of the rest remained under public ownership, where it is today. One publication described these public lands as "the least desirable leftovers," land which "throughout almost 200 years of fraud, theft, chicanery, and unparalleled generosity in land disposition, nobody bothered to steal or dedicate to a specific purpose." Thus -- defined through default -- were born what are now "our public lands."

All he [the early Western stockman] wanted from Washington was free use of public lands, high tariff on any meat coming from Australia and Argentina, the building and maintenance of public roads, the control of predators, the provision of free education, a good mail service with free delivery to the ranch gate, and a strong sheriff's department to arrest anyone who might think of intruding on the land. "I want no interference from the government," the rancher proclaimed, and he meant it.

--from *Centennial* by James Michener

Despite the devastation caused by the livestock invasion of the 1870s and 1880s, extreme overgrazing continued into the 20th century. However, many Westerners were becoming increasingly alarmed at declining range productivity -- the depletion of water supplies, soil, game animals, and

useful vegetation. Many more were calling for a halt to ranchers' reign of terror over the West. Even some stockmen began to recognize a need for regulation and stability in the grazing industry, especially for protection of forage and browse. But perhaps most importantly, powerful, established cattle ranchers desperately wanted to eliminate competition from their long-time rivals -- nomadic herders, mostly sheepmen. Gradually, over the years a number of measures were adopted to attempt to mitigate these problems.

In 1891 one of the first steps was taken when Congress passed a law setting aside federal forest reserves, eventually leading to the establishment of the United States Forest Service (USFS or FS) in 1905. The new federal agency enacted grazing regulations, created allotments, issued permits, and charged a nominal fee of 5 cents per month for each cow or 5 sheep grazed to help pay administrative costs. This effectively eliminated nomadic sheep and cattle herders on FS land. Grazing boards composed of local ranchers were set up and quickly became influential policy makers.

Powerful graziers were instrumental in creating the Forest Service and placing it under the jurisdiction of the US Department of Agriculture (USDA), rather than Interior, where by all logic it should have been located. A great many ranchers became district, forest, regional, and national Forest Service range and administrative officials, and many still are today. For example, Albert F. Potter, an influential Arizona Wool Growers Association official, became the agency's first Chief of Grazing. Indeed, the Forest Service during its early years was much more tied to the grazing industry than to the timber industry. This history helps explain why today's Forest Service is so dedicated to ranching. (Voigt 1976, Foss 1960, etc.)

Old aristocrats of the western rangelands were given preference rights without competitive bidding. Public-land leases essentially became property rights, bought and sold by ranchers as part of a ranch. No Forest Service administrator would dare substantially reduce or transfer a grazing lease from a large and influential cattle rancher, no matter how abused the public's land might be.

--Bernard Shanks, *This Land Is Your Land* (Shanks 1984)

The most productive public land was now under Forest Service administration. Stockmen and farmers owned most of the productive private land, and there were millions of acres of other private and state land. But there remained more than half a billion acres of "leftover" federal public domain, roughly half of the 17 western states. Many graziers did not even bother trying to patent this land because they thought they could control it through their possession of adjacent water and land, through brute force, and by other means. Few seemed to care what happened to this "waste" land, and unrestrained grazing continued there for decades. Again, abuse was so severe on the unadministered public

domain that even many ranchers began to realize that something had to be done.

Cattlemen here were concerned about the land's lowered productivity, but, as with the large ranchers who spawned the Forest Service, they were more concerned about another problem -- continued competition from nomadic livestockmen, mostly sheepmen. In 1934 that problem was ended. With the support of the most influential cattle-



Ungrazed portion of Ruby Lake National Wildlife Refuge, NV, on left; BLM on right.

men in the West -- many who were enticed by the promise of increased federal aid -- Representative Edward Taylor, a rancher from Colorado and sworn enemy of conservationists, pushed a bill through Congress. The Taylor Grazing Act of 1934 was adopted with the expressed intent of eliminating nomadic herding, as well as stopping indiscriminate settlement and grazing, stabilizing the grazing industry, restoring damaged lands, and fulfilling other lofty goals (USDI, BLM 1976).

The Taylor Grazing Act also created the Division of Grazing under the Department of the Interior, with Colorado stockman Farrington Carpenter as its first Director. As with the Forest Service, Congress enacted regulations, created grazing allotments, and charged a nominal 5 cent grazing fee. Leases were issued to the privileged few, generally the most wealthy and powerful cattlemen, especially those who helped create the Taylor Grazing Act, often those who had illegally fenced off public land. To help secure their control and abolish nomadic herders, only those with "base properties" -- well-established, substantial private ranch holdings near the public land to be grazed -- were eligible for leases.

Regulations were extremely loose, as they did not even

restrict numbers of livestock or season of use. Yet, as with the new Forest Service permittees, these changes did not sit well with many in a group who had for decades done whatever they damn well pleased on public land. Irate ranchers threatened to run Department of Interior representatives out of town. Some issued belligerent statements that they would shoot anyone trespassing on "their" range and declaring that they would tolerate no government interference with ranching operations on private or public land. They collaborated to overwhelm the Division of Grazing with threats, complaints, and demands. Despite it all, with support from the most powerful Western stockmen, the Taylor Grazing Act and Division of Grazing survived, albeit with little real power over public ranching practices other than nomadic herding (Calef 1960). In *This Land Is Your Land*, Bernard Shanks writes: "In a classic example of western control of federal land, the Taylor Grazing Act retained the elite stock raisers' dominance using a permit system, a small grazing fee, and a weak agency to manage the program." (Shanks 1984).

In its first year of operation, 1935, the Division of Grazing was assigned 60 Civilian Conservation Corps (CCC) camps with about 12,000 men to build fences, stock tanks, ranching roads, erosion control structures, and other livestock-related developments on public domain. The number of camps peaked at nearly 100 before the CCC disbanded in 1943. These years of CCC involvement were instrumental in subjugating the range for powerful livestock interests.

Through liberal interpretation of several phrases in the Taylor Grazing Act, Division of Grazing stockman/director Carpenter formulated administrative directives which established local "grazing advisory boards." Elected by local stockmen, the boards ostensibly would cooperate with agency district managers in planning for responsible management. State and federal boards were created as well. "Advisory" boards were likewise established by and for Forest Service permittees in 1950.

All these "advisory" boards were composed mostly of the same large-scale, aggressive, politically savvy ranchers who helped create the Forest Service and Taylor Grazing Act and awarded themselves federal grazing permits (or else stockmen who followed in their place). Most members were also livestock association officials, and many were bankers, real estate dealers, lawyers, timber barons, merchants, and mining tycoons. They realized, however, that it would be politically unwise if it appeared that big ranchers in livestock associations controlled the federal grazing administration apparatus. Consequently, to appease Congress and the public, a few token small-time ranchers were allowed onto the boards and placed into high-profile positions. The tactic remains common today.

Nonetheless, the grazing "advisory" boards assured powerful stockmen continued dominance. They quickly assumed nearly absolute power over grazing management decision-making; not even agency district managers dared challenge their authority. In *Private Grazing and Public Lands*, Wesley Calef affirms that, "the advisory board members were the effective governing and administrative body of each grazing district" (Calef 1960). Indeed, Division of Grazing Director Carpenter in his yearly report for 1935 referred to the boards as "the local governing agency as to all matters of a range regulatory nature" (Foss 1960). The

federal government even paid advisory board members \$5 per day "expense salary," an appreciable salary in the 1930s.

In 1939, under close supervision of the grazing industry, the Division of Grazing was reorganized into the Grazing Service. This was no improvement. Congressional Representative Jed Johnson of Oklahoma later complained emotionally on the floor of the House:

But what did the Grazing Service do? They went out and practically turned it over to the big cowmen and the big sheepmen of the West. Why they even put them on the payroll. . . . It is common knowledge that they have been practically running the Grazing Service. (Culhane 1981)

Seven years later, in 1946, again under the influence of powerful stockmen, the Grazing Service and General Land Office were combined to form the Bureau of Land Management (BLM). Due to industry pressure and lack of funds, administration and enforcement of grazing regulations had been practically non-existent. Now, with the formation of the BLM, many stockmen hoped that even the regulations that were enforced would be lost in the shuffle of reorganization.

They were not disappointed. Despite some of the founders' original intentions in creating the Forest Service and BLM, both agencies promptly acquiesced to stockmen's expectations. This is not to say they did not in many ways represent an improvement over the prior *laissez faire* system, but that grazing and ranching abuses and political, economic, and social injustice continued largely unchecked.

Due to excessive grazing industry influence in agency formations, regulations were weak to begin with. But ranchers generally followed them only when they wanted to anyway. In fact, for years many ranchers refused to obtain permits, pay grazing fees, or follow any regulations whatsoever. When agency personnel attempted enforcement, traditional grazing industry power neutralized the challenge by applying political, social, and economic pressures where



needed. In short, the Forest Service and BLM (and states, etc.) functioned more as grazing industry tools than true regulatory agencies.

The Forest Service, being older, better organized, and with more of a public mandate to safeguard natural resources, generally has had more capacity to curb abuses and more success at it. Yet livestock grazing and other abuses remain prevalent on National Forests. BLM, staffed mostly with ranchers and ranching advocates and administering primarily stockmen-dominated rangeland, has had little inclination to curtail ranching abuses.

Over the years the ranching story has taken many twists. An expanding Western population suppressed most outright social violence long ago, though it still does occur. Sheep populations exploded soon after cattle, peaking around 1910 and according to some estimates rivaling cattle in overall value. Sheep raising declined drastically in the 1930s and continued to decline, with a slight upsurge since 1978. Goat grazing also became popular -- and destructive -- until a lack of herders caused it to fall off in mid-century, again, with a recent slight upsurge. Stockmen used World Wars I and II as excuses to overstock public ranges even further (our brave fighting boys need more meat), compounding the massive environmental degradation. Livestock grazing joined unwise farming to cause the 5-state, 50 million acre Dust Bowl disaster of the 1930s.

Agency corruption and pro-ranching biases have remained prevalent all along, though things have begun to change somewhat in recent years. The fee for grazing livestock on public land has always been and remains extremely low. Various range management policies come and go, none significantly improving range conditions. Annual government expenditures on ranching have risen manyfold, allowing technologically based management programs under the guise of range "improvement" to exploit and damage the environment more and in more different ways than ever before. The livestock industry, promoting various state land-grab schemes (most notably the so-called "Sagebrush Rebellion" of 1979), has tried to take our public land away and ultimately transfer ownership to stockmen, thus far with little success. The government and public, and even the agencies themselves in several recent cases, have battled the grazing industry on reform issues. The industry has prevailed in almost every case, if not legally, then in practice on the ground. The "ecology movement" of the 1960s and 1970s resulted in a number of important environmental protection laws being passed, but thus far they are poorly enforced, particularly with regard to ranching. Vehemently opposed to each of these laws every step of the way was the ranching industry. (See Chapter IX for details.)



The regional landed aristocracy that emerged, with its attitude of aristocratic lawlessness, dominates public rangeland management to this day.

--Bernard Shanks, *This Land Is Your Land* (Shanks 1984)

The *real* history of the Western livestock industry is a century-long, continuing progression of corruption, trickery, thievery, harassment, persecution, brute force, and incredible insensitivity toward and destruction of the land -- a country mile from our idealistic cowboy fantasy. Ranching continues to be one of the most dishonorable episodes in American history, and denial will only allow this outrage to continue.

[Note: For more detailed studies of public lands ranching history, consult DeVoto 1955, Calef 1960, Foss 1960, Voigt 1976, Ferguson 1983, or Shanks 1984.]

At this point it is necessary to differentiate between what is being done and the people doing it. First, it serves no good purpose denying that in some ways the attitudes and tendencies of their predecessors have followed stockmen down through the years. As a group, even today's ranchers often display the intolerance, machismo, self-importance, environmental insensitivity, avarice, and drive-for-power that characterized early stockmen. As in any group, however, many modern stockmen are fine people who possess any number of good qualities. But this does not mean one must approve of their ranching. Historically, many individually fine people have been caught up in occupations, undertakings, or even lifestyles that have had disastrous impacts on the world and the people around them.

... as long as the rivers shall run and the grass shall grow ... till the cows come home ...

