The Founding of Yellowstone into Law and into Fact
by James S. Macdonald Jr.

Introduction:
I wrote my original paper on the founding of Yellowstone as a senior thesis in May of 1996 to complete my requirements for my history major at Ohio Northern University in Ada, Ohio. Since then, further research on the subject has led me to a different take on the founding of Yellowstone, especially into law. The story of Yellowstone as a political fact has the unfortunate fact that many people tried to take individual credit for things they may not deserve credit. The average historical account judges that this is foolish and dismisses the matter simply as one in which many people had an effect on the ultimate result. As a historian, however, this sort of account should not be satisfactory. Individuals and their acts do make historical facts. Vague generalities do not. While it may be the team that wins the game, it does not do so without the acts of individuals. It does no good to say that Yellowstone was simply a team effort. That the mess of individual achievements is cloudy in terms of the evidence should not allow us to make the founding of Yellowstone a vague and abstract generality. I write this short history, then, not necessarily to provide firm answers but to avoid the sort of historiography that cloaks itself in the myth that it explains an event without explaining the individual decisions that make events.

For those of you for whom the story is familiar, I hope that the focus upon the human chain of events in regards to a magical land helps bring the subject into a more vivid light. For those of you for whom the story is unfamiliar, I hope you learn about the roots of Yellowstone that you may love not only what you see but that you love that those who came before you saw and acted upon what they saw. Their acts allow us to love this magical paradise, and those acts should forever be revered.

President Ulysses S. Grant, on March 1, 1872, signed into law a bill making an area mostly in the Northwest corner of Wyoming Territory larger than the states of Rhode Island and Delaware combined into this nation's first national park. The story, however, neither begins nor ends with Grant's decision to sign. Yet, Grant's signature stands as an axis in the story of Yellowstone between the history that made the national park idea into law and the history which made Yellowstone National Park as we know it today into fact. It is the story before and after Grant's signature that interests me here; that is, the founding of Yellowstone National Park into both law and into fact.

One may wonder why I find such an interest in these details of this particular land and its particular history. Anyone with a historical bent as myself who has spent a significant amount of time as I have in Yellowstone National Park and its enchantment would likely know immediately from experience why such a historical investigation interests me. However, for those who do not, for whom purposes in regards to Yellowstone must relate to some larger agenda whether historical, political, or philosophical, I do not doubt that such purposes exist. Nevertheless, Yellowstone's history interests me for the sake of curiosity and love and little more.

Having said that, I do not deny to the lovers of general American history, or American political history, or American conservation history, or American frontier history that what I have to say will interest them. The story of the founding into law and into fact of Yellowstone National Park is significant in regards to each genre of history mentioned. Yellowstone was the first national park in a park system which is now enormous. The story of its founding is mostly a political history, and the lobbying for it had been unprecedented in American history to that time. Furthermore, the political events, both accidentally and purposefully, relate specifically to the degree to which national parks in the United States today practice conservation. Finally, largely through the influence of Phil Sheridan, the Yellowstone story represented a definitive shift in United States frontier policy. The story of my interest for the sake of curiosity and love is also a story of interest for the sake of many other things as well.

Yellowstone National Park became reality in both law and fact ultimately because of the efforts both purposefully and accidentally of many people. If one thinks about it, every person alive during that era had some part in making Yellowstone a national park, though many undoubtedly had no idea what it was. A very person's passivity contributes to activity. However, history is never about every piece in a jigsaw puzzle. The history of Yellowstone National Park suffices if it explains the rational decisions of those fewer people whom took active roles in making Yellowstone National Park what it became. If anything, this history is a construction of conscious, rational thought. For it is that which gives history its unique twists and turns, and Yellowstone is no exception.
Yellowstone National Park became reality because of the efforts of countless people, but the historical reality of Yellowstone National Park happened because of the vision of a few men, those who shared and carried out that vision, and partly in compromise with those who had contrasting visions. In more concrete terms, people dreamed that the national park idea should be applied to Yellowstone, they convinced Congressmen, Generals, and other influential men to join them, and they compromised the idea of a park completely outside the private domain to accommodate the powerful Northern Pacific Railroad. The combination of all three helped make Yellowstone a national park both in law and in fact.

Before people could dream of Yellowstone as a national park, three significant things had to exist. First, Yellowstone itself had to exist. Secondly, people had to experience Yellowstone. Finally, a nation had to exist. Yellowstone itself, a region of thermal activity, home to over half of the world's geysers, a region of large mountains, large high elevation lakes, abundant game and wildlife, had existed beyond human history. While Yellowstone existed, people too had found Yellowstone, though not many. The area which is now Yellowstone National Park had been home to some Native Americans throughout the course of history; however, the area had been largely uninhabited. The United States of America, however, did not exist until 1776 nor did it officially gain its independence until the Treaty of Paris of 1783. Even so, the land which is Yellowstone was not a part of the United States until the Louisiana Purchase from Napoleon in 1803. There was no person from the United States in Yellowstone until John Colter stumbled into Yellowstone in the winter of 1807-1808.

John Colter did not think of the national park idea, but his fantastical stories about boiling hot streams, water shooting out of the ground, and all the characteristics of "Colter's Hell" inspired others over the decades to seek out this land, which furthermore inspired others who dreamed of the national park idea in regards to Yellowstone. John Colter is not part of the specific history of the foundation of Yellowstone as a national park because he had no thought on the matter; but with John Colter, the possibility for its expression became real.

In 1832, the artist George Catlin may have been the first to suggest the idea of a national preserve when after ascending the Missouri River, ironically on the steamboat Yellowstone, he suggested that much of the West should be set aside for the Indians and buffalo to roam in their natural state: "A nation's Park, in all their wild freshness of their nature's beauty." His thoughts were also the thoughts of others. Thoreau also thought of the idea of national preserve, a preserve which included human exhibits. Yet, like Colter who had been in Yellowstone and had not thought of the idea, they had thought of an idea without knowledge of Yellowstone. Though they do not properly belong in this specific history, Catlin and Thoreau provided an intellectual precedent upon which others who came after them may have fed upon in their thoughts.

Likewise, the historical actors in our drama seemed to have been influenced by the creation of the Yosemite Valley as a state park in 1864. Even so, the food for thought is not the thought itself. Once the thought upon which action ensued occurred, the history begins.

Our history may begin with a person who never had set foot in the region of the Yellowstone. Years of strange accounts of the Yellowstone region had occurred from trappers and prospectors who had visited the region, enough so that many of the people in the area had become largely convinced that the region must be wondrous. Although no account of the region had been confirmed by any of the official establishment, one such member of that community may have suggested that Yellowstone be set aside as a national park. Reportedly, according to Yellowstone historian, Aubrey Haines, Thomas F. Meagher, Acting Governor of the Montana Territory, proposed that Yellowstone should be set aside as a national park. Historian Jim Walsh, who does not footnote this information but seems to use Haines as a significant source, mentions that Cornelius Hedges was the third man to propose that Yellowstone should be a national park--in agreement with Haines. However, J. I. Merritt, also not footnoting his source, says that David Folsom was the first to broach the national park idea in 1869. According to both Haines and Walsh, Folsom was the second man to make the proposition. The Meagher story has some significance as well because Haines reports that Cornelius Hedges was likely present when Meagher proposed the idea. The Folsom idea also has some significance because he related his thoughts to Surveyor General Henry Dana Washburn, who led a significant exploration into Yellowstone the next year. It was out of that expedition that the national park idea apparently gained steam, although evidence to the contrary shall be looked at as well.

David Folsom's 1869 expedition into Yellowstone with Charles W. Cook and William Peterson was the first significant expedition into the area which helped lead to the creation of Yellowstone as a national park. Previous expeditions and explorations had aroused curiosity in the minds of those who had not been there before. However, no expedition by itself had attached itself in the public at large as credulous. The Raynolds Expedition of 1859-1860 might have done so, but Captain Raynolds never made it into Yellowstone. He had been stopped both by snowfall and his expedition's other commitment to be in Canada to observe a total eclipse of the sun. The Civil War had postponed official exploration between 1861-1865, and 1867 and 1868 expeditions were canceled because of Indian uprisings and a lack of military escorts. Folsom's expedition promised to be no exception to the recent disappointments, but he and his comrades persisted in their exploration even without military escort. Their findings confirmed many of the previous stories about the region, but the stories remained exaggerations in the minds of most Americans. Nevertheless, after being rejected by Lippincott's Magazine and
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Langford who kept the most detailed diary of the expedition, who wrote about his experiences in Scribner's Monthly, who lectured across America about what he had seen, and who lobbied in Congress for legislation to make Yellowstone the first national park. Langford may also be the member of that expedition most to blame for confusing the histories of the founding of Yellowstone. We shall broach that subject shortly.

Langford's account of the Yellowstone region is powerful. The vivid account had a great effect upon his readers and listeners. Here is an excerpt of Langford's account of the Grand Canyon of the Yellowstone dated from his journal on September 20, 1870:

The place where I obtained the best and most terrible view of the canyon was a narrow projecting point situated two or three miles below the lower fall. Standing there or rather lying there for greater safety, I thought how utterly impossible it would be to describe to another the sensations inspired by such a presence. As I took in this scene, I realized my own littleness, my inability to cope with or even comprehend the mighty architecture of nature. More than all this I felt as never before my entire dependence upon that Almighty Power who had wrought these wonders.

Accounts such as these helped convince others, among them Ferdinand V. Hayden, at least of the further need to explore Yellowstone and possibly also the need to make Yellowstone a national park.

Furthermore, Langford records an event that occurred on September 20, 1870, and it relates directly to the national park idea. Cornelius Hedges, on that night, apparently proposed the national park idea. The Washburn Expedition camped at what today is known as Madison Junction in front of a mountain aptly named National Park Mountain. Here is Langford's account of the event:

Mr. Hedges then said that he did not approve of any of these plans—that there ought to be no private ownership of any portion of that region, but that the whole of it ought to be set apart as a great National Park, and that each one of us ought to make an effort to have this accomplished. His suggestion met with instantaneous and favorable response from all—except one—of the members of our party, and each hour since the matter was first broached, our enthusiasm has increased. It has been the main theme of our conversation to-day as we journeyed. I lay awake half of last night thinking about it—and if my wakefulness deprived my bed-fellow (Hedges) of any sleep, he has only himself and his disturbing National Park proposition to answer for it.

Haines doubts, based on the lack of mention in other extant diaries of the expedition, that such an event occurred, that it could have been so dramatic as Langford announced. Langford never published his diary. What Langford published were articles for Scribner's Monthly, and a journal, published in 1905, which significantly edits the diary. In fact, no diary source for the journal has ever been found. This is remarkable for a man who has meticulous records for most of the rest of his adult life. Haines suggests, and there is no reason here to argue with him, that Langford may have done some exaggerating during this event and perhaps lied about some others. No other extant diary of the expedition mentions the event. On the other hand, there is no account from anyone denying that the events occurred. For that reason, for the reason that other members of the expedition had heard of the national park idea applied to Yellowstone, the citation is not exactly spurious. Yet, it puts the history on a more slippery slope.

Langford began a series of lectures soon after completing the expedition. Langford had said that he had lectured about Yellowstone not only to share of his findings but also to lobby for it as a national park. However, there is no evidence that Langford ever spoke about the subject in his lectures. The Northern Pacific Railroad financed Langford's lectures and his efforts to have an official exploration of Yellowstone. Specifically, Jay Cooke through his business Jay Cooke and Company, financiers of the Northern Pacific Railroad, financed Langford's lectures. The Northern Pacific Railroad had a contract with the government to build a railroad line from St. Paul, Minnesota, to Puget Sound, and the line when completed would pass within fifty miles of the northern boundary of the future park. Although the Fort Laramie Treaty of 1868, resulting from a loss in a war against the Sioux, had temporarily slowed down construction, Jay Cooke and the Northern Pacific continued building and planning to make money out of the operation. Some sources say that Langford took the national park idea directly to Cooke. Haines's doubts aside, the Northern Pacific Railroad did eventually lobby for the idea of a national park when in 1871 when Judge William D. Kelley sent a letter by way of Northern Pacific Railroad executive A. B. Nettleton to Ferdinand Hayden to lobby in Congress for a national park. Haines suggests that Kelley got the idea directly from the creation of Yosemite as a state park in 1864, but the actuality...
of the idea likely came earlier. The Northern Pacific Railroad simply would not finance Langford's lectures on the hopes that there would simply be more exploration. Though, Langford may not have specifically broached the idea through lecture, nor might he have broached the idea at all, it seems that the Northern Pacific Railroad was using him toward that purpose from his first lectures in 1870. It may be that our history of Yellowstone as a national park begins with some unknown figure, possibly Kelley, within the Northern Pacific Railroad. As unromantic as that sounds, it seems as equally likely as the idea arising from earlier ponderings upon Yellowstone as a national park. The evidence, however, is insufficient to make the judgment that Haines makes in arguing that it was Kelley who is the most significant figure in this history.

Historians do agree that one lecture of Langford helped lead to the next expedition of Yellowstone in 1871. Ferdinand V. Hayden attended Langford's lecture, "Recent Explorations on the Yellowstone," at Lincoln Hall, in Washington, D. C., on January 19, 1871. 23 Hayden had recently been named in charge of the United States Geological Survey of the Territories. 24 Leaders respected Hayden as a scientist and as a political lobbyist. One such politician, James G. Blaine, then Speaker of the House, the most powerful man in all of Congress, was a political ally of Hayden. Ferdinand Hayden had also been a member of the Raynolds Expedition which had almost made it into Yellowstone. Apparently, Langford's lectures brought to life something that had remained unsettled in Hayden. 25 After Langford's lecture, Hayden resolved to make a government survey of Yellowstone and easily convinced Congress through the influence of Blaine to authorize the expedition for the summer of 1871. 26

The Hayden Expedition was the most extensive expedition into Yellowstone yet. Not only did Hayden bring with him an extensive list of notable natural scientists with him, but also he had three photographers, an artist, and a military expedition which had scientists, artists, and photographers of its own. 27 The military expedition, under Captain Barlow, also had with it Lieutenant Doane, who had led the military escort for the Washburn Expedition the year before. 28 Finally, Hayden allowed an outsider to join his expedition upon his own expense. This man was the artist Thomas Moran, who had illustrated sketchings by Private Charles Moore for Langford's article in *Scribner's Monthly*. 29 In reality, Moran had received a $500 loan from Jay Cooke and Company to produce art for Cooke, and an assignment from *Scribner's Monthly* also toward that end. 30

The Hayden Expedition and the accompanying Barlow Expedition, like the Washburn Expedition before it, produced definitive scientific evidence about Yellowstone's natural wonders, helped strengthen the call to make Yellowstone a national park, and furthered the purposes of the Northern Pacific Railroad. However, these expeditions were the first to produce photographic evidence of the region, and therefore the first expeditions that convinced the entirety of the public that "Colter's Hell" was a real place.

Upon returning, Hayden began compiling all the evidence he could on Yellowstone. Apparently, he did so to present a scientific report to Congress. We should keep in mind that A. B. Nettleton's letter relaying Judge Kelley's thoughts on a national park did not reach him until October 27, 1871. It says:

> Judge Kelley has made a suggestion which strikes me as an excellent one, viz.: Let Congress pass a bill reserving the Great Geyser Basin as a public park forever--just as it has reserved that far inferior wonder the Yosemite valley and big trees. If you approve this would such a recommendation be appropriate in your official report? 31

If Haines's arguments are to be trusted, our history should begin with Judge Kelley. However, there is insufficient evidence to draw this conclusion. While Langford's account is not trustworthy, it is most certain that the Northern Pacific Railroad had intentions toward this region the moment it decided to fund Langford's lectures. What those intentions were and where the national park idea originally came up is unknown? In any event, the specific actions that Hayden took on behalf of Yellowstone as a national park in Congress went very quickly after the arrival of Nettleton's Letter.

Although the Great Chicago Fire struck in the fall of 1871 destroying most of the notes of the Barlow Expedition, Hayden had compiled enough research of his own to present his case to the public. 32 Hayden wrote five articles in *Scribner's Monthly* during 1871 and 1872. 33 Furthermore, in winter 1872, Hayden set up an exhibition in Washington, of mineral and animal specimens from Yellowstone, and many congressmen attended this exhibition. 34 Hayden wrote his official log of the expedition, and he did so using layman's terms, light on scientific subtleties, and prone to exaggerate in places where he felt that it helped his cause to make Yellowstone a national park. 35 Furthermore, Hayden utilized the art of Thomas Moran and the photography of William Henry Jackson in making his case.

One must not overlook the importance of Thomas Moran and William Henry Jackson, who both gladly shared their work for the benefit of those lobbying to make Yellowstone a national park. Moran, especially, whose use of color and his faithfulness to believability made such an impact on the Senate that they bought his huge canvas, *The Grand Canyon of the Yellowstone* from him. 36 Interestingly enough, Moran's work was not completely realistic, but he worked under an aesthetic theory developed by the English aesthetician John R. Ruskin and utilized by the English landscape artist Joseph Mallord William Turner, which stressed that a work of art must remain faithful to reality at its core. 37 Jackson's photographs gave Yellowstone evidential credence, and Moran's
artistry expanded the photograph to believable proportions. Anyone who has tried to photograph a Western landscape easily realizes that the camera cannot take in the entire scope of the picture before one’s eyes, even with a wide-angle lens, nor can it adequately portray color—and Jackson’s photography was black-and-white—nor can it portray the proper relation between the physical object and the sky. In many ways, Moran’s paintings helped bring a more realistic experience of Yellowstone to those for whom Hayden and Langford (who had been asked to help lobby as well) were lobbying. Moran and Jackson helped bring the national park idea to those who had not had a direct experience of Yellowstone.

Finally, on December 18, 1871, Senator Samuel Clarke Pomeroy of Kansas introduced Senate Bill 392, and congressional delegate from the Montana Territory William Clagett introduced House Bill 764 proposing that Yellowstone become a national park by law. Then, the lobbying of Congress began. Langford, Hayden, and Clagett personally visited each member of Congress in what has been called “the most intensive canvass’ that had ever been accorded a piece of pending legislation.” Each congressman personally received a bound monographed folio with captioned photographs by Jackson. There was little debate in the House and only two questions posed in the Senate. Senator Cole from California suggested that since Yellowstone had no industrial value whatsoever and the only possible value being pleasure-seeking, he thought that legislation protecting the park was superfluous; in rebuttal, Senator Walter Trumbull of Illinois stated:

Here is a region of the country away up in the Rocky Mountains, where there are the most wonderful geysers on the face of the earth; a country that is not likely ever to be inhabited for the purpose of agriculture; but it is possible that some person may go there and plant himself right across the only path that leads to the wonders, and charge every man that passes along between the gorges of these mountains a fee of a dollar or five dollars. He may place an obstruction there and toll may be gathered from every person who goes to see these wonders of creation.

In other words, Trumbull stated that a park was necessary for the protection of individuals from those who would profit from them. This clearly was not the idea of Jay Cooke and the Northern Pacific Railroad. However, the split opinion on the meaning of a national park did not matter at the time as the House on February 27, 1872, passed the bill by a 115 to 65 vote with 65 not voting. The Senate passed the measure on January 30 without a roll call vote. On March 1, 1872, President Grant signed The Act of Dedication into law. (see Act of Dedication).

We have reached the axis point of the history of the founding of Yellowstone into both law and fact, and the axis point not only involves the signature of President Grant but also the act he chose to sign. One should note that the act makes explicit the protection of the natural wonders under the administration of the Department of the Interior, but does not say that the Department of the Interior could not lease out the land to businesses for the purpose of making profit. As long as the profit did not disturb the natural wonders, mineral deposits, and wildlife, the Secretary of the Interior could allow a business such as the Northern Pacific Railroad to build the accommodations in the park, or even a railroad into the park. Senator Trumbull’s suggestion that one needed a park to protect people from those who would profit from them does not exist anywhere in The Act of Dedication. In understanding the fact of Yellowstone today, one must keep that clear. Nevertheless, Yellowstone today is not largely under the control of private business but is heavily regulated by the Department of the Interior. How did this come about? How did the vague national park status awarded to Yellowstone by law in 1872 become the national park we understand as fact today?

A history of Yellowstone National Park as fact is a difficult one because the fact of Yellowstone could change in an instant. There is no one moment which ever will guarantee that the region will be immune to the throws of history or the natural events of the earth. To explain its foundation as a fact, it must suffice to explain how The Act of Dedication became an enforceable practical, factual reality. It need not explain how, after that, others threatened that factual reality nor how others took steps to strengthen that factual reality. The original Yellowstone historian, Hiram Martin Chittenden, for instance thought that the Lacey Act of 1894 was the key act. However important that act was to the history of Yellowstone as a national park, it does not accurately describe its foundations as fact. Yellowstone became fact when the means to enforce the law became fact. That fact arrived with the arrival of the First Cavalry in August 1886. I shall now tell of the events which led to the factual foundation of Yellowstone and the arrival of military rule to the park.

The period of 1872 until 1886 becomes the crucial period in the founding of Yellowstone National Park as fact. The Northern Pacific Railroad had played an influential role in creating Yellowstone National Park, and it hoped now to win the rights of accommodating visitors to the Park. It also hoped to win land rights in the park, and construct a railroad line inside the park. All seemed to be falling into place for the Northern Pacific when on May 10, 1872, the Department of the Interior named Nathaniel Pitt Langford Yellowstone National Park’s first superintendent. Langford had been friendly to the Northern Pacific and had advertised the line in his lectures on Yellowstone.

Two things, however, kept the Northern Pacific Railroad from profiting in Yellowstone during Langford’s nearly five year term as Superintendent. First, the aforementioned Fort Laramie Treaty of 1868 was still in effect, and the line could not be completed over territory which by treaty belonged to the Sioux and which the army insisted on enforcing until it could do otherwise. Secondly, while the railroad waited, financial disaster struck the nation in
In the meantime, Yellowstone National Park underwent slow growth and came under the influence of different political pressures from individuals who desired greater protection for the park’s wildlife and resources. Langford’s term as superintendent did not amount to much. He only visited the park with the Hayden Expedition of 1872, and he had the further duty of Bank Examiner of the territories and Pacific Coast States. Congress appropriated no money into Yellowstone, and Langford himself refused to take a salaried job fearing that someone else who did not care for the park but wanting a salaried job would give out leases. He explicitly says in the introduction of his 1905 publication of his journal that he opposed the monopolizing of concessions and land rights given to “a private corporation”--an affiliate of the Northern Pacific--by the Department of the Interior. Given Langford’s history with the Northern Pacific, this is surprising. Given the evidence that Langford was not always honest, this may be another case of Langford trying to prop up his place in the history books.

Despite lacking accommodations and roads into Yellowstone National Park, tourists came into the park. Approximately 500 tourists came to Yellowstone a year in the first decade of the park. In 1877, the Nez Perces came through Yellowstone spending two weeks in the park while running from the military. They took several tourists hostage. That is perhaps the most interesting evidence that shows that tourists came to Yellowstone quite early.

Political winds on behalf of conservation of park wildlife began to stir when George Bird Grinnell made an expedition to Yellowstone in 1875. Because of the Fort Laramie Treaty of 1868, the military policy in regards to the Native Americans was to kill all the bison herds and thereby force the Native Americans into the reservations. The policy was so swift and successful that the bison became nearly extinct. Yellowstone remained a pocket where wild bison roamed, and its protection under the act making Yellowstone National Park became important to enforce for naturalists like Grinnell. Enforcement, however, at that time was impossible. There was nobody to enforce, and they had no power to enforce. When the Northern Pacific Railroad eventually obtained a ten year lease for large amounts of land and a monopoly on Park accommodations, Grinnell began lobbying for a restriction on the Northern Pacific and an increase in the land under the domain of Yellowstone National Park.

The second Superintendent of Yellowstone was Philetus Norris. Although something of an egomaniac who had a knack for naming everything in Yellowstone after himself, Norris spent most of his time in Yellowstone exploring, researching, and building roads. Congress began appropriating small sums of money. Although Norris never caved in to the interests of the Northern Pacific Railroad, he had many political enemies including members of the said railroad who were frustrated by his uncompromising stance toward thwarting their schemes. Norris, however, had not the enforceable means nor the political allies to keep his job.

The next two Superintendents, Patrick Conger and Robert Carpenter, were both pawns of the Northern Pacific Railroad. It was under Conger that an affiliate of the Northern Pacific, known by the name of the Yellowstone Park Improvement Company, obtained their lease. Carpenter, the last civilian Superintendent before 1886, had tried to obtain land within the park for the Northern Pacific on which a railroad would be built to mines in Cooke City, Montana. He did so by enforcing a regulation prohibiting residents on the land, expecting that Congress would soon move the park’s northern boundary south of that line leaving it open for he and his co-conspirators to make great profit from the Northern Pacific’s expected line into the park. His scheme failed, the Secretary of the Interior removed him from office, and requested that the military take over the park under the guidelines called for in the Sundry Civil Appropriations Act of 1883.

The most important figure in the passage of the portion of the Sundry Civil Appropriations Act of 1883 was General Phillip Sheridan. The rest of this paper shall concern his ironic acts in making Yellowstone National Park a fact.

Phil Sheridan’s fame in American history generally comes from his many victories as a Union general during the Civil War, but most of his career was spent on the frontier fighting Indians. Paul A. Hutton, a biographer of Sheridan, says that Sheridan was most instrumental, from his position as commander of the Department of the Missouri, in the destruction of the vast bison herds that roamed across the nation. He did so trying to subdue the Native Americans of the Great Plains. Furthermore, Sheridan had been the ally of the railroads and capitalist interests of Western developers. Many of these developers had been friends of his in the military during the Civil War, but Sheridan himself was never associated with any scandal. Nevertheless, in his crusade against the Native Americans, he supported the destruction of wildlife and the rapid expansion of settlement in the West. He was most responsible for the policy to exterminate the American Bison from the Great Plains.

In contradiction to his former policies, Sheridan greatly helped influence the protection of Yellowstone and its wildlife. Always interested in the Yellowstone region, Sheridan had authorized the Doane escort of the Washburn Expedition of 1870 and the Barlow Expedition of 1871, which led not only to the formation of
In 1882, the Department of the Interior granted rights to the Yellowstone Park Improvement Company, the aforementioned affiliate of the Northern Pacific Railroad, for control of over four thousand acres of land in the park, the right to build a railroad line into the park, and the right to sell that land to developers. Phil Sheridan vehemently opposed this plan. He took it upon himself to organize opposition, and he found Missouri Senator George Graham Vest in support of his plans. Sheridan's plans included increasing the boundaries of the park to include roughly what ecologists call the Greater Yellowstone Ecosystem, military control of the park upon the request of the Secretary of the Interior, the reduction of Northern Pacific land to ten acres, the blocking of the railroad spur line, the prevention of leases near park attractions, the blockage of returning Yellowstone to the public domain, and the greater protection of Yellowstone's wonders and wildlife. Also, Sheridan planned a visit for President Chester A. Arthur and dignitaries in the summer of 1883 to make sure the plan was executed.

Sheridan's plan generally succeeded, and Yellowstone became a national park in fact. After one failed attempt to pass Sheridan's plan, Vest pushed the bill through as a rider on the Sundry Civil Appropriations Bill signed March 3, 1883. (see Sundry Civil Bill for 1883). The final version of the act added no more land to Yellowstone, but it called for everything else that Sheridan wanted. Furthermore, Chester A. Arthur became the first President to visit the park in the summer of 1883. Arthur and his party of dignitaries--cabinet members, senators, governors, and others--left Yellowstone impressed enough that they did not stand in the way of the execution of the law. In August 1886, after the downfall of Superintendent Carpenter from his criminal attempt to profit off of park lands, Sheridan ordered a company of the First Cavalry to take charge of the park. They had the means to enforce the rules and regulations of the park, and they ably administered Yellowstone for the next thirty-two years. Sheridan's ironic mission to save Yellowstone's wildlife and protect it from the dominating interests of private enterprise succeeded.

One must note that in subsequent years, the Northern Pacific remained active in Yellowstone, but the level at which it could exploit Yellowstone for profit had been severely limited by regulation. It was further limited by future legislation in the following decade. The Northern Pacific did build accommodations in Yellowstone National Park, notably the Old Faithful Inn. Furthermore, it took for itself in 1893 the logo, "Yellowstone Park Line." To this day, private enterprise remains in Yellowstone profiting from accommodations and concessions, but everything remains heavily regulated. For those who remain skeptical, one can up to Canada and see how heavily commercialized some of the Canadian National Parks are. The two systems barely resemble each other. So, the compromise in Congress between the interests of the Northern Pacific and the interests of the naturalists has made Yellowstone National Park what it is in fact to this day. Indeed, it was that compromise which made Yellowstone National Park a fact at all.

People dreamt of Yellowstone National Park, they convinced others of their dream, and they compromised with the interest of those who had more commercial ideals. Through the personages of Thomas Meagher, David Folsom, and Cornelius Hedges, to the lobbying efforts of Nathaniel Pitt Langford and Ferdinand V. Hayden to the votes of Congress and the signature of President Grant, Yellowstone National Park became real in law. From the signature of President Grant, to the arrival of tourists, the resolution of the conflict between the naturalists and the Northern Pacific Railroad, and the arrival of the First Cavalry, Yellowstone National Park became real in fact. In between, many rational acts by many rational agents played a role in this history. Hopefully, this paper has been faithful to that record.

Endnotes:
1. I liken my historiographical approach to that of the British historiographer and philosopher R. G. Collingwood.
5. Ibid., 163.
7. Walsh, 10.
9. Haines, The Discovery of Yellowstone National Park, xix. Go back to text
10. Haines, The Yellowstone Story (volume one), 164. Go back to text
12. Walsh, 9. Go back to text
13. Ibid., 9. Go back to text
15. Ibid., 117-118. Go back to text
16. Haines, The Yellowstone Story (volume one), 164. Go back to text
17. Ibid., xi. Go back to text
18. Haines, The Yellowstone Story (volume one), 140. Go back to text
22. Haines, The Yellowstone Story (volume one), 164. Go back to text
24. Walsh, 12. Go back to text
25. Foster, 39. Go back to text
26. Ibid., 42. Go back to text
28. Walsh, 12. Go back to text
29. Ibid., 31. Go back to text
30. Ibid., 32-33; Kinsey, 72; Runte, 117. Go back to text
31. Haines, The Yellowstone Story (volume one), 155. Go back to text
32. Walsh, 13. Go back to text
33. Foster, 45. Go back to text
34. Amstutz, 85-86. Go back to text
35. Foster, 42-43. Go back to text
36. Kinsey, 68. Go back to text
37. Ibid., 15. Go back to text
38. Ibid., 13-15; Haines, The Yellowstone Story (volume one), 166. Go back to text
39. Merritt, 24. Go back to text
40. Ibid., 24-26. Go back to text
41. Amstutz, 88. Go back to text
42. Ibid., 88. Ironically, the fee to enter Yellowstone National Park is at this moment $10 for a one week pass, per vehicle. Go back to text
43. Ibid., 88. Go back to text
44. Haines, The Yellowstone Story (volume one), 170. Go back to text
45. Walsh, 15. Go back to text
46. Kinsey, 71. Go back to text
47. Ibid., 73. Go back to text
48. Haines, The Yellowstone Story (volume one), 182. Haines notes that Langford was cited for gross neglect of his duties in that job. The strong hint in his suggestion is that Langford was corrupt, perhaps taking bribes. Go back to text
49. Langford, li. Go back to text
50. Ibid., lv-lvi. Go back to text
51. William L. Lang, "Where did the Nez Perces Go in Yellowstone in 1877?" in Montana, 40, 1 (1990): 18. Go back to text
52. Utley, 23. Go back to text
53. Haines, The Yellowstone Story (volume two), 450. Go back to text
54. Chittenden, 114. Go back to text
56. Ibid., 29. Go back to text
57. Ibid., 29. Go back to text
58. Paul A. Hutton, "Phil Sheridan's Crusade for Yellowstone," in American History Illustrated 19, 10 (1985): 11. Interestingly, Mt. Sheridan had been originally named Mt. Everts, after a member of the Washburn Expedition; however, Hayden allowed for a change in the name in 1871. Go back to text
59. Ibid., 11. Go back to text
60. Hutton, "Phil Sheridan's Frontier," 29. Go back to text
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