

Aug 21, 1926

Frank + John Craighead:  
40 National Geographic

Dear Sirs:

I am sitting in my living room watching the T.V., your program "the Gizzly". I have a gizzly story I think you should know about.

I am not exactly sure what year this all took place, if it was in 1905 or 1906 cause I was born at Basalt, Colo in Jan 1906.

But anyway my Dad liked hunting and fishing and he spent quite a lot of time hunting. One day when he was out hunting he was suddenly accosted with a big Gizzly standing on its hind legs and coming at him, so he shot it. Then, he finds out it was a mother gizzly, so he looked for her cub. He finds

3  
these little cubs up the tree,  
so he catches them and takes  
them home with him, so he  
could feed them. It wasn't long  
until two of them got away  
but one of them stayed and  
it was quite a pet to my two  
older brothers. We lived in a  
house on the hill above the  
railroad track. This bear got  
so that when he heard the train  
coming up the valley it would  
go out and get up on the fence  
post and sit there + wave his  
front paw as it went by. The  
C & D railroad got so it would  
stop the train, so the people  
could see the pet bear.

He finally got so big he was  
getting too big and rough for  
my brothers to play with, so  
my Dad sold him to the zoo  
here in Denver. He was crated  
up and waiting at the depot  
to be picked up. It was a hot

day in July. The hired man my Dad had working for him felt sorry for the bear so he got the hose and turned the water on him to cool him off, but instead it angered the bear and he busted the crate up and took off up the mountain.

My Dad & the hired man looked for him for many days but never found him. He was wearing a collar, but to no avail they <sup>never</sup> found him.

This article was published in the Basalt newspaper back in those days. My Dad had a copy of it and showed it to many people, but back in 1949 he had showed it to someone and left it in his shirt pocket and it got washed, so it was gone.

Since you have made so much study of the grizzly I think you should know you can make pets of them and track them

trucks,

My Father was a nature  
man like you folks + I grew  
up in the mountains, and  
was never out of them until  
we moved to Denver in the  
fall of 1921.

My Father's name was  
~~Lorenzo~~ Lorenzo T. Lamoreaux.

Sincerely

Josephine E. Miller

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October 24, 1977

"Speak Out"  
The ANNISTON STAR  
Anniston, Alabama 36201

Gentlemen:

As a writer on the Yellowstone grizzly bears I could certainly appreciate the STAR's recent article on the Wallace Walker family. As it pointed out, the Walkers, whose only son, Harry, was killed by a grizzly in Yellowstone, were denied damages because a Court of Appeals, in reversing a lower court, basically ruled that "it didn't matter whether the bear management policies of the park contributed to Walker's death" because it was within the government's legal "discretion" to initiate the program in effect when Walker was killed.

Since I attended the trial of the Walker case in U. S. District Court I want to speak out by saying that the opinion filed by the U. S. Ninth Circuit Court of Appeals in this case is inadequate and inaccurate on the full facts uncovered at the trial -- and as such, it does great injustice to the Walker's side of the case.

The truth is that the family's attorney, an expert on bear cases, took a tremendous case to District Court. This led to oral testimony, taken over a 2-month period, that ran to 1,744 pages in 11 volumes of the reporter's transcript and there was extensive written and documentary evidence, including 32 depositions. The family's expert witness, Dr. Frank Craighead, was one of the country's two preeminent grizzly bear authorities, the other being his brother, Dr. John Craighead. The Craighead brothers are known to the public through televised National Geographic Specials and to the scientific community for having pioneered the radiotracking techniques now in common use in wildlife studies. Moreover, the Craigheads are in the unique position of having conducted 15 years of research on the Yellowstone grizzlies during which they documented results of the park's program for removing garbage from the diet of the grizzlies under which Harry Walker died.

In evidence at the trial was a 1974 National Academy of Sciences' report on the Yellowstone grizzlies which named the Craighead research as its primary source of information and called the data on the bears a "uniquely rich data-bank . . . certainly the best available for a population of grizzly bears." The same NAS report rejected statistics of the Yellowstone chief biologist as having "little, if any meaning" and evaluated the research carried out by the Park Service as "inadequate to provide the data essential for devising sound management policies for the grizzly bears of the Yellowstone ecosystem."

Dr. Craighead gave extensive testimony which included this: In 1967 he and his

rather, as government consultants, supplied the Park Service and its advisors data showing that unlike Yellowstone's roadside-begging black bears, the grizzlies did not go to the roads but had traditionally concentrated at backcountry garbage dumps, an arrangement that tended to maintain a population of essentially wild bears that would normally avoid people. The few grizzlies that left the wild habitat and learned to feed habitually in populated areas developed abnormal behavior that made them extremely dangerous to humans, much more so than black bears. Such grizzlies were handled in park "control actions" in which they were killed, transplanted or otherwise removed. Thus, for maximum protection of both people and bears, the Craigheads recommended a gradual 10-year phase-out of the dumps with carrion, consisting of excess park animals, placed out so as to draw the grizzlies deep into the backcountry and allow them time to develop new feeding habits and travel patterns away from populated areas. The brothers also warned that if the dumps were closed abruptly, without the carrion-feeding, the grizzlies would disperse into campgrounds and developed areas in search of food -- with dire consequences of tragic injury, costly damages and drastic reduction in the number of grizzlies through park control actions.

The evidence also revealed this: In 1968, a new superintendent ignored the Craighead information and introduced his own program under which the dumps were rapidly and abruptly closed, without the carrion-feeding, with the result that the Craighead predictions immediately materialized and many formerly non-troublesome grizzlies entered campgrounds where they were converted into dangerous animals. This situation existed a full four years prior to Walker's death during which there were serious injuries and in 1970 Dr. John Craighead predicted at an international bear management conference, in the presence of the Yellowstone biologist, that the death of a visitor would likely result. And although the superintendent admitted that he knew of this prediction, the program was continued without use of any number of readily available methods known to be effective in reducing such grizzly bear danger and recommended by expert consultants and the government's own advisors for use in the garbage removal program.

Harry Walker was killed by a dangerous "campground grizzly," an aged female known to frequent the Old Faithful visitor area where she was trapped in 1970 following a complaint that she had frightened a trailer occupant. She was then tagged No. 1792 and transplanted 18 miles away, a distance government witnesses agreed with Dr. Craighead was insufficient to prevent a grizzly's return to the capture area. That the government's witnesses reversed themselves and claimed the 18-mile transplant was a success did little to help the government's case in District Court -- obviously the bear did return and kill Harry Walker. Nor was the government's case aided by evidence that rangers knew it was possible that the bear that killed Walker could have been the

same animal responsible for a 1970 "missing camper incident" in the same general area near Old Faithful where Walker was killed in 1972.

The facts uncovered at the Walker trial also involved the following:

- \* The questionable handling by the Yellowstone administration of an item described as a human scalp found in connection with the 1970 "missing camper incident" with the scalp supposedly sent to the FBI for analysis but with the scalp not among the material the FBI returned.

- \* An attempt by government attorneys to withhold Old Faithful bear records which was unsuccessful when the court ordered the records produced. When examined they refuted testimony of the (former) chairman of the Park Service's Natural Sciences Advisory Committee that, based on information from the park superintendent and biologist, he considered the grizzly-garbage problem solved before Walker's death. The records showed, in fact, that the year prior to Harry's death there were more grizzly incidents than at any previous time in the park's entire history.

- \* Dr. Craighead's testimony about the circumstances under which the independent Craighead research ended in Yellowstone which involved the government's insistence upon an agreement by which the Park Service would censor all Craighead grizzly bear publications.

The U. S. Ninth Circuit Court of Appeals, as something of an after-thought, decided Harry Walker had been contributorily negligent based on claims of the government's lawyers that he and his companion, Phillip Bradberry of Oxford, Ala., "were camping in an illegal area and had failed to check at any ranger stations for the bear warnings therein" as the STAR's article reported. Consider what the full facts disclosed:

Walker and Bradberry entered the park in the car of a young girl named Vikki who was then employed as a maid at the Old Faithful Inn. When Vikki dropped the boys off near the Inn she, in effect, left them stranded since the Old Faithful campground facilities for hikers had long since been removed to accomodate the bear program and the nearest such facilities were up to 20 miles away. Bradberry testified that they asked Vikki about a campsite but that she said she just worked there and didn't know much about it, nor did she tell them how to find out. Nor were there any signs with such camping information. So the boys did what the evidence showed some 60 - 80 other backpackers were doing daily at that time in the Old Faithful area -- they found their own campsite. The camp was maintained in a clean, orderly condition and by the park's own requirements it was a well located camp -- except for the existing grizzly bear danger of which they had no knowledge.

The fact is that although they visited with several park employees, neither Walker nor Bradberry had any knowledge whatsoever -- much less warning -- of the danger that took Harry's life, this being the unusual and extreme danger from grizzly bears

stemming from the superintendent's abrupt dump-closing program. There was not a single sign in the entire park warning of this danger. At the trial, U. S. District Judge A. Andrew Hawk frequently admonished that the U. S. Government - National Park Service had a duty to warn; it was his position that people are entitled to enough information to be able to make reasonable choices, information which he recognized Harry Walker did not have.

Park witnesses claimed that had Walker applied, he would have been issued a permit for a designated campsite. They did so right in the face of a document, a letter from the park's chief ranger sent parkwide to his staff, which made it clear that the permit system for designated campsites was to begin in Yellowstone on July 1, 1972. Walker was killed a week earlier on the night of June 24-25, 1972.

Government witnesses also put on a big show about the park's bear literature, the inference being that had Walker received it he would have been warned. They were bluffing for the literature would only have misled him. At this time when grizzlies were in and all over the campgrounds, the only pamphlet on grizzly bears available in Yellowstone told visitors, "Black bears sometimes prowl through the campgrounds in search of food, but grizzlies are rarely seen, except in the backcountry. Even there, they are not a common sight."

The above are some of the facts uncovered at the trial of the Walker case where Judge Hawk saw, heard and questioned the witnesses at length. The trial court, in fact, left no stone unturned in examining all the evidence in this case and this court entered judgment for the Walkers and awarded damages.

When the Court of Appeals reversed the lower court, it did so without benefit of the presence of witnesses and also without allowing time for arguments by the attorneys. In adopting the government's claims this court is perpetuating much inaccurate information put forth by the government about this case. The court's decision allowed the government to hide its negligence in the Walker death behind the "discretionary function," thereby barring recovery of damages. This ruling makes every decision, including those made by lowest echelon employees, "policy decisions" that are within the government's legal "discretion." This flies in the face of recent court decisions which have held the government liable for negligent acts of its employees in carrying out established policies (such as the overall policy which merely called for the Yellowstone bear dumps to be closed as agreed on by all participants in the bear management plan.) The Appellate Court's decision is a bad decision which encourages carelessness on the part of government personnel. It not only robbed the Walkers of their just dues but further abused them by assigning the full costs of the case, including the government's, to Harry Walker's estate. And it went further. It set precedent by which reasonable provision for the safety of millions of annual visitors to U. S. National Parks can be avoided. It also denied the need for a scientific

management of grizzly bears based on recent research, particularly the Craighead research which is recognized as having produced much more information on grizzly bears than has ever been available in the past.

The U. S. Supreme Court should have reviewed the Walker case from the standpoint of correcting these deficiencies as supported in the opinion and judgment of the U. S. Ninth Circuit Court of Appeals; however, the High Court chose not to do so.

Thus I have written Senator John Sparkman in support of his bill, S. 1476, which, if passed by Congress, would alleviate the situation for the Walkers by allowing them the damages awarded by the trial court. I hope this letter will convince others to do the same.

Sincerely,

Martha Shell

Martha Shell

P. S. A Craighead computer analysis revealed that as of 1974, the Yellowstone grizzly population had suffered a 45% decline. The present status of the population is not known, nor will the government allow an independent census of the population to determine this.

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November 7, 1977

Dr. Frank C. Craighead  
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Moose, Wy. 83012

Dear Frank:

Hope it was all right to refer Howard and Lewis to you.

We have our exhibits from the court here in the office. Can I keep items on hand for a little while as protection in case the Judiciary Committee wants to see any?

Here is a copy of a letter Martha Shell sent the Anniston Star. I sent copies to the Senators.

Thanks for keep me posted on the land acquisition. Sometimes the government likes to move against property without warning in order to keep price of other "sales" down.

Regards,

  
Stephen I. Zetterberg

SIZ:rhp

Enc.