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TELEPHONE
(714) 621-2971

January 20, 1975

Dr. Frank Craighead,Jr.
Environmental Research Institute
P.O.Box 156
Moose, Wyoming 83012

Dear Frank:

Thank you for your patient and thoughtful testimony, and your steady interest and analysis in our case. It has been a great help to us so far. We will look forward to your arrival for the conclusion of the trial starting February 18.

Would you like me to make a reservation at the same inn? I will send you a ticket, like we did before.

We have made a lot of progress in the case. However, Spivak is very tenacious and thorough, and he will undoubtedly try to go back and review the evidence thoroughly so far, and counteract it if he can. Your presence here will of course be of great assistance to us.

I enclose several copies of the article in the Claremont Courier, for your files. I am taking the liberty of sending one to your brother.

We have that great big owl glaring at us in the office- like he (or she) were unhappy because of the clipped ear. I am very timid about mailing it, because I suspect it is rather fragile. I'll do my best to keep it from toppling over pending your instructions!

I hope you made the plane all right, and I hope the

launching was interesting and a success.

Several people spoke of their admiration for you and your brother. We enjoyed watching "Wild River" last night on television.

Meanwhile, there is still a lot of things to be done in this life, aren't there?

Best personal regards

Stephen I. Zetterberg

SIZ/lw
Encl.

P.S. I left the newspaper clippings at home, so will send them on later.

SIZ

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TELEPHONE
(714) 621-2971

January 8, 1975

Mrs. Ginger Schwartz
Montana Cooperative Wildlife
Research Institute
University of Montana
Missoula, Montana 59801

Dear Mrs. Schwartz:

I have talked with Dr. Frank Craighead, and in accordance with his advice, I enclose herewith a subpoena directed to John J. Craighead, in reference to a grizzly bear trial commencing January 9, 1975, at the Federal Courthouse in Los Angeles, California, before Judge Hauk.

It is my understanding that you can hold this, pending further instructions to you. When and if this is to be served, you serve a copy on the witness, and the complete the "Return of Service" on the original subpoena, signing it before a notary public, and returning the original to us. Please be certain to complete all blanks in the return. To serve the copy, you show the original to him, and give him a copy.

For the moment, you may simply hold the subpoena pending further advice from us.

Very truly yours,

Stephen I. Zetterberg

SIZ:ck

Encs.

cc: Dr. Frank Craighead

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STEPHEN I. ZETTERBERG
CHARLES L. ZETTERBERG
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TELEPHONE
(714) 621-2971

December 9, 1974

Air Mail

Dr. Frank Craighead
Environmental Research Institute
Box 156
Moose, Wyoming 83012

Dear Frank Craighead:

I apologize for not having returned your original of the committee report. I was back at New Haven for a week, then I was in jury trial, and my work has been running a little behind. Anyhow, I enclose your original here. I have made a copy.

A disturbing thing about our trial is our opposing counsel, Assistant U. S. Attorney Spivak. I can't tell whether he's sick, or simply disoriented because of a divorce he's going through. Some of his cases have been taken over by other assistant U. S. attorneys, but not this case.

I was disturbed to receive a notice of taking more depositions in Alabama last Friday, and early tomorrow morning (I'm dictating this Sunday night) I'm going in to federal court to try to prevent further depositions. I'm afraid he might use the depositions as a pretext for delay in the trial.

Incidentally, I have wondered whether he was trying deliberately to delay your testimony because of the grizzly bear policy matters that are pending. Has this thought occurred to you or to your brother?

I like your suggestion regarding written testimony. Time is getting short. I have to have it on file in the court ten days before January 7, although I'll probably not file it until the last minute so that I don't give Spivak any edge.

Mechanically, what you might do is to put it on a tape and mail the tape to me, or we might even talk long distance, although I suspect that would be pretty expensive. The judge

picked up this technique at some conference of judges, and I don't think we have to be exhaustive at this point. There is direct testimony, then there is cross-exam, which can only come at time of trial, and there is rebuttal testimony to rebutt Cole and the other experts, if any, that Spivak will haul out. And remember, you are answering as an expert, so you can give your conclusions.

For examine, the excellent, careful, analytical approach in your Bulletin No. 40 could be summarized as to your conclusions, and that bulletin could be used to back up your conclusions at time of trial.

If the taping doesn't work, you might jot down some notes in pencil to questions I am about to pose to you, and then I can perhaps have my secretary take down the answers over the phone and see how that goes. I think it's essential for you to have some advance notice of the questions so you can put thought in on them.

It is my thought that you might generally want to follow, and I in my questioning can follow, the material that I put in our settlement brochure, already forwarded to you. It is, of course, greatly oversimplified, and it may be wrong; but it will give us something to start with. Here are some of the questions I would pose.

1. State your age, your educational background, your degrees, and your present employment. Also state what studies or projects you are working on, and for whom.

2. What books or professional articles have you published that relate to grizzly bears? (I can copy the list from the National Science study, and from the back of your Bulletin 40.)

3. How long have you been studying animal biology, and in particular, how long have you been studying grizzly bears?
4. In what geographical areas have you had special experience with the study of grizzly bears (Yellowstone? Glacier?)
5. Describe the studies you have made of the grizzly bear with reference to Yellowstone National Park and with reference to Glacier National Park. How did you conduct the studies, with whom, and are the results of the studies published, and if so, where?
6. Describe the methods you used, how you collected the data, and over what period of time you collected the data.
7. When and why did you stop collecting data?
8. Describe the relationship of grizzly bears to the open-pit garbage dumps. In your opinion, is the conclusion correct, in the July, 1974, National Academy of Sciences Report, page 1, that the use of garbage dumps had the effect "to habituate the bears [grizzly bears] to the presence of people; to teach them to identify and use the foods associated with man . . . to accustom people to relatively close contact with [grizzly] bears . . . " or did grizzly bears treat garbage as, for example, the Alaskan brown bears treated salmon runs?
9. Are you familiar as a professional man with the National Park Service decision to close the garbage dumps? For what

reasons were the garbage dumps to be closed, and were the reasons valid? Where were the dumps located, when were they closed, and what was the effect of closing the dumps? Was the National Park Service theory, as set forth on pages 7 and 8 of our brochure, correct, and were the assumptions on which it was based correct?

10. In sum, describe the effect on grizzly bear-man relationships resulting from the abrupt closing of the dumps? In your professional opinion, was the National Park Service procedure in abruptly closing the dumps a sound procedure, from the ecological standpoint, and from the standpoint of grizzly bear-human relationships? If not, explain why not.

11. Mr. Cole said he was present at the International Conference in Calgary, Alberta, November 6-9, 1970. I quoted from the minutes of one of the open meetings, at page 8 of my brochure, the warning from John Craighead that "there is very likely to be a fatality in Yellowstone" if Trout Creek garbage dump is closed down. Do you remember this quote, and do you agree with it professionally?

12. What is your comment on the theory of "control actions" followed by the National Park Service?

13. Describe the nature of the grizzly bear, his way of life, his relationship with humans, and his relationship to the eco-system, particularly Yellowstone, where there are also humans.

14. Describe the differences between grizzly bears and black bears; the "bear jam," and the fact that grizzly bears do not become "bear bums."

15. Review my quoting of your comments to us at dinner the night we met with you at Jackson Hole, set forth at page 6 of the brochure. Are my statements correct?

16. Are you familiar with the deaths at Glacier Park on August 13, 1967 of two young girls killed by grizzly bears in separate incidents? Did you ever write for publication any letter or analysis of the reasons for these deaths? Did you write any letter to the National Park Service warning the National Park Service at that time? Did you write a letter in any national magazine (Sports Illustrated?) commenting on the deaths and warning of future injuries, in the absence of precautions to be taken by the National Park Service? If so, can you attach a copy of your letter or article as published.

Wrote notes

John did believe

17. When did you first know Glen F. Cole? Do you know where Glen F. Cole works, what his training is, and what his specialty is? Do you know he presently works with the

1968

National Park Service in any capacity, and if so, in what capacity? Do you know if he worked at Yellowstone Park June, 1972, and any time prior thereto? What was his position of work at that time, if you know. Do you know if Glen F. Cole was involved in any way on behalf of the United States Government or any other person, in connection with the study of the causes of the deaths of the two girls in Glacier Park on August 13, 1967? If so, what was his capacity, if you know.

18. Compare the two pamphlets, Exhibits 4 and 5 to the brochure. No. 4 is "Danger," which goes on the basis of not feeding or molesting bears. No. 5 deals with grizzly bears in back country. In your opinion, are visitors given proper warnings about grizzly bears compared with black bears; are bears, principally black bears, one of the major attractions at Yosemite? Are we accurate in our section on "Harry Walker and 'permissible procedures'" commencing at page 17 of the brochure?

19. Commencing at page 13 of the brochure, we deal with the decedent's revulsion to the way tourists were permitted to mingle with the [black] bears. Read particularly at page 15. Considering this attitude, and considering how the two boys actually set up their camp, as set forth between

pages 17 and 27, did not the boys pretty well follow recommended procedures in back country? In other words, is it not true that anything but a "rogue" bear would have stayed away from the camp?

Yes

20. What do you know about the Fire Hole River episode September 16, 1970? Given the fact that damage at the Fire Hole River camp was identified as bear damage, and canned goods were found dented as if by teeth, is it possible or probable that it might have been a grizzly bear, and perhaps the same grizzly bear that dented, but was unable to bite into, the cans at the camp where the Walker boy was killed? In other words, is there enough evidence to indicate that it is possible that it was the same bear?

good circumstantial evidence

21. Add to that capture of bear number 1792 on October 14, 1970, behind the garbage holding area in the camper cabins at Old Faithful; in your opinion would reasonable prudence have indicated that the Government should have realized that the bear so trapped was the same bear that was on the Fire Hole River camp, and would not reasonable prudence have indicated some disposition other than transfer of the

Yes

bear to Gibbon Meadows, eighteen miles away?

22. Describe how grizzly bears lose their respect for human beings, and their danger then.

23. What do you know about this particular bear? The section on the bear in the brochure commences at page 15. Is this a bear which, because of old age and poor teeth, would have been unable to easily survive in the wilderness?

24. Putting all these together, is it your opinion that the National Park Service, if it had used reasonable prudence, should have known that this particular bear was dangerous?

25. What is your professional opinion regarding the disposition of grizzly bears who appear in camper areas and have lost respect for human beings? Should they be given a "second chance?" Do such bears ever regain their "wildness" once they have learned to enter camp or human areas? Are such bears not always dangerous, if not removed far enough into the wilderness so that they will not return? Do grizzly bears have a "homing" instinct? How far should a grizzly bear, who has lost his respect for the humans at Old Faithful, have been removed from Old Faithful, having in mind the safety of the humans at Old Faithful?

26. Are you aware of the warning signs on the trail at Glacier, warning people going into the back country of grizzly bears? We could not find any evidence that warning signs were ever placed on any trails in Yellowstone Park, warning the public. Are you aware of any such signs?

NO

27. The evidence is in doubt as to whether back country permits were in use or mandatory at the time the Walker boy was killed? Note Note the back country permit in the back of our brochure. Do you have any knowledge or information on this?

NO

28. Reading our brochure, are there any parts that you take exception to, or items that we seem to have misstated or misunderstood?

29. The Park Service has classified the area where the boys were camped as "back country." Would you agree with such classification?

Depends on definition

30. When Dr. John Craighead had warned the listeners, including Glen F. Cole, that there might be a death in Yellowstone Park from grizzly bears, what did he have in mind? On what did he base his opinion that there might be a death?

about dozing of dumps + bears then entering camp grounds

31. Describe the results of your grizzly bear studies, and the results of the closing of the dumps as carried out by the National Park Service.

32. What is the effect on the grizzly bear population, and on the grizzly bear population's relation to the human visitors in Yellowstone Park, as a result of this system, in the Yellowstone eco-system?

These are pretty vast the broad questions, but maybe they will give us the chance for a start.

After you have had a chance to read this, I'll be in touch with you by phone. I started this dictation Sunday, December 8, and am completing it before going to court on this case Monday morning, December 9.

With best wishes, I remain

Very truly yours,

Stephen I. Zetterberg (DSM)

Stephen I. Zetterberg

SIZ:ck
Encs.
P.S. We need your description and evaluation of the "Starker Leopold Plan," and also your evaluation of "Yellowstone National Park Backcountry Management Plan of 1972."

I'm dictating this P.S. over the telephone from L.A. The U.S. Attorneys says he is using narrative form on the statement by experts. I enclose some excerpts from our brochure as a possible partial narrative review for you to change or correct.

SIZ

Excerpts to follow ASAP
DSM

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STEPHEN I. ZETTERBERG
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October 8, 1974

Mr. Frank Craighead
P.O. Box 156
Moose, Wyoming 83012

Dear Frank Craighead:

I have been puzzling over how to handle some instructions that have been coming down from the judge on our case. We had a hearing in August, and he issued a lot of off-the-cuff instructions from the bench. We finally have a copy from the court reporter. I attach pages 5 and 6. Notice on page 5, at the bottom of the page, the court says certain material has to be in to the court five days before trial, but he recently changed that to ten days before trial.

He contemplates that the experts' testimony will be in writing and filed on or before November 8. As he says on page 6, "You have the witness' testimony layed out before you, and you prepare your cross-examination ahead of time. That ought to save a lot of time."

In other words, he contemplates having the testimony you will give in written form ahead of time, and then this written testimony would be apparently read by him at the time of trial (our case is non-jury). Then there would be cross-examination and apparently, re-direct examination thereafter.

I have been trying to figure a practical way to get your opening testimony in writing. I could probably pose you a series of questions, and have you answer the questions. But, do you have someone there that we can pay for taking your dictation and typing it up?

Also note that the judge refers to the witnesses' qualifications, at page 5, lines 9 to 11. Do you have your background and qualifications already prepared in a form that I could use?

It seems like this is an awkward way to do things, because there is the general review of the N.P.S. policy, the former policy, the factual items of the closing of the dumps. Then there is the current policy as it is affected by the National Academy of Sciences' Report (which I have heard of but have not seen). Then there is the factual material bearing on this case itself.

Perhaps I'd better break this down into testimony of the specific facts as they relate to this case, and testimony as it relates to the more general problem.

I enclose a return, stamped air-mail envelope. If you have any comments, let me have them. I am re-reading all of the material in our file bearing on your expertise', and I would like to talk with you to find the most convenient way to do what the judge is apparently trying to do.

Very truly yours,

Stephen I. Zetterberg

SIZ:ck

Encs.

Judge Hauk speaking:

I just learned that cute trick, if you want to call it that, up at the Judicial Conference. They have been doing that in New York for the last two years, and they are getting by with it.

If you have experts, I want their testimony in writing, of course, and their expertise, their education and so forth in writing so that I can then let you read it to the jury or I will read it to the jury, one or the other.

We will save a lot of time. We will not have to question a witness for two hours as to his qualifications. We will ask him if he is an expert.

"Does this writing set forth your qualifications?"

"Yes."

"Mark it as an exhibit,and give it to the jury."

Maybe I will not even bother reading it.

MR. ZETTERBERG: This is nonjury.

THE COURT: Since this is nonjury, it does not matter. We will mark it as an exhibit, and I will read it.

All right, have you got that? Examination in writing, expert's qualifications in writing, to be submitted ahead of trial, ~~five~~ 10 days before trial. (Not 8)

MR. SPIVAK: How many days?

THE COURT: ~~Five~~ 10 on both sides, and then serve

the other side.

So, you will not have to take time out for cross-examination. You have the witness' testimony laid out before you, and you prepare your cross-examination ahead of time. That ought to save a lot of time.

Then, secondly, I want all exhibits numbered. If there is no question as to foundation or relevancy for any of those exhibits, then there will be no objections raised at trial as to them. If there is to be any objection, raise it by a motion before trial, at least 15 days before trial as to any exhibit. That includes photographs.

Of course, I expect you to give a copy of every exhibit to the other side, both sides.

MR. ZETTERBERG: We have done a lot of that. We have a stack of depositions about two feet high.

THE COURT: All right. Now, there is another thing. There is another way of handling the direct testimony of a witness, and that is by way of his deposition. His deposition shall go into evidence subject to any further examination that either side may want.

What is the use of me having to listen to it twice, listening to it and reading it to boot? There is no point at all that I can see.

So, I will let you do it either way. Either submit his examination in writing or by way of deposition,

October 16, 1974

Mr. Stephen I. Zetterberg
Zetterberg & Zetterberg
Attorneys at Law
319 Harvard Avenue
Claremont, California 91711

Dear Mr. Zetterberg:

I have gone over your letter of October 8, and will make some suggestions regarding the written testimony. The Judge's statement "that ought to save a lot of time" is evidently referring only to the Judge. I am pretty well bogged down with work commitments but will do my best to get the information you need down in writing.

After giving some thought to this matter, my suggestion would be that you dictate a series of questions that you feel might be asked at the trial. I will then dictate answers, get somebody to type these, and I will send the answers to you. They may raise additional questions which you can then continue to forward.

In the meantime I will try to keep sending you all information which I feel might be pertinent to the trial and the cross-examination. As you must realize, there's a tremendous amount of detail accumulated over a 15 year period of working in Yellowstone and working with the grizzlies. There's no way that I can rapidly and accurately recall many of the facts and details unless I, to some extent, review the material. Please feel free to range over whatever subjects you think may arise at the trial.

I am sending you the copy of our grizzly bear population analysis which has just come out and a marked copy of the National Academy of Sciences report. I marked this for my own convenience, but it may be of some value to you. If it is not too much trouble to copy this and return the original to me, I would appreciate it. It appears difficult, if not impossible to get more of these.

Sincerely,

Fran

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TELEPHONE
(714) 621-2971

August 5, 1974

Mr. Frank C. Craighead, Jr.
P.O. Box 156
Moose, Wyoming 83012

Dear Frank Craighead:

We got the trial setting date on the Yellowstone Park case today, which is the 19th of November at 9:30 a.m. in the Federal Courthouse in Los Angeles.

The judge indicated that much of the evidence would be by document and by depositions. I am trying to think through the order of trial. We have to have the judge get the idea of what occurred before the expert testimony on the grizzly bears. But on the other hand, if most of the testimony is going to be by the printed page, the judge could get so bored, he won't know what it was about unless someone like yourself testifies.

Will you be able to come during a period of four days, perhaps a week, following the 19th of November?

I can set you up here in a nice motel in Claremont, and take you into town, or can make arrangements in Los Angeles, if that is better. There is a nice motel, Griswold's Inn, near us here, and I would have a chance to discuss things with you beforehand.

I hope this works out all right. If the time is wrong, let us know, because you are very important.

If they call Glen Cole, we'll need to have you to hear his testimony and to rebutt it.

The judge has ordered us to prepare our questions, and probably a written summary of the expert testimony, in advance.

I anticipate that the liability part of the trial will come in the first two days, and the judge will try to push things along. That will mean the 19th and 20th of November. As I look at it, the best course of action is the procedure in handling the bear in this case.

We are claiming that they engaged in ultrahazardous activity in the closing of the dumps, and the government is trying to claim that that does not come under the Federal Tort Act. We feel that, in conjunction with the failure to warn, this is probably even more important than the handling of the individual bear, because it shows the whole attitude of the government in this matter.

I am getting this note off to you now, and will be going over correspondence and working out some questions, and will be back in touch with you.

Meanwhile, I enclose a return airmail envelope and hope you can confirm the dates OK. Also let me know, in addition to your travel and lodging, what your per diem expense will be. I will be getting in touch with my clients as soon as I hear from you.

Dennis Martin went up to interview Reynolds, on your suggestion, and I enclose a summary of the interview for your information.

Sincerely yours,

Stephen I. Zetterberg

SIZ:ck

Enc.

He got atty Sears very callous on all this !
S

STEPHEN I. ZETTERBERG
CHARLES L. ZETTERBERG
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December 13, 1974

Air Mail

Dr. Frank Craighead
Environmental Research Institute
Box 156
Moose, Wyoming 83012

Dear Frank Craighead:

Here are the excerpts mentioned in the postscript to my letter to you of December 9, 1974.

Sincerely,

Stephen I. Zetterberg

(ck)

Enc.

In 1959 Dr. John Craighead and Dr. Frank Craighead initiated a long range ecological study of the grizzly bear in Yellowstone National Park and surrounding forest areas comprising the Yellowstone ecosystem of approximately 5 million acres. John, leader of the Montana Cooperative Wildlife Research Unit and I, representing the Environmental Research Institute, collaborated on this research and worked through a written agreement of understanding between the Montana Cooperative Wildlife Research Unit and Yellowstone National Park. We were helped and encouraged in this research by the superintendent of that period, Mr. Lemeul Garrison. This study was largely independently financed, funds being obtained from organizations such as the National Geographic Society, Wildlife Manage Institute, Boone and Crockett Club, Philco Corporation and grant money from the National Science foundation. The work progressed smoothly throughout an eight year period although there were minor differences that were readily settled. In 1967 we prepared at the request of the Park Service a 113 page report, "management of Bears in Yellowstone National Park." In this report we made numerous suggestions as to the mangement of the grizzly bears. Knowing that the long existing, earth-filled dumps were to be replaced by incinerators, we recommended that the dumps be closed gradually rather than abruptly. Our reasoning was that the bears had developed feeding and migratory patterns that could not be readily altered. We were in favor of eliminating the dumps with the objective of eventualy getting the grizzlies weaned away from all but natural food sources. In this report we warned that if the dumps were closed abruptly and supplemental foods such as elk carcasses were not placed out for the grizzlies, they would return to the areas they had formerly found food. Not finding a source of food they would move into the nearby campgrounds and the result would be the killing of many grizzlies due to the potential danger to visitors and that this might even result in personal tragedy to some tourists.

In the course of our research work, we determined through numerous censuses that there was an average population of about 177 grizzlies in Yellowstone. We also determined through marking of these animals and through radio-tracking that in spring grizzlies move from distant parts of the Park and even from beyond its borders into the central portion of the Park in Hayden Velley. Here they tended to congregate in summer when visitors numbers were the greatest. The also concentrated in lesser densities in the area of Old Faithful, Pelican Valley and at some of the other dump sites. These earth-filled dumps provided supplemental food for the bears and tended to keep them zoned away from people. In the fall of the year with the drop in tourists and accompanying drop in food refuse, the bears dispersed outward to fall foraging areas and winter den sites. Thus to rapidly remove earth-filled dumps we suggested would not only disrupt the foraging habits of the bears but would also alter traditional patterns of movement and migration.

Our research on the grizzly during this eight year period revealed that the population had more or less stabilized, increasing by an average of 6 animals per year. Although grizzlies were being hunted and taken in forest areas surrounding the Park in Wyoming and Montana, the annual increment was still slightly greater than the annual mortality.

[GRIZZLY BEARS OF YELLOWSTONE]

> "The grizzly is the strongest land mammal in North America--nearly 1,200 pounds of muscle. When standing on its haunches, a fullgrown grizzly may be eight to ten feet tall and capable of sprinting at over 30 miles per "hour. Its strength can be fully appreciated only if felt or observed. . . . Left undisturbed by the Indians and early white settlors who shared its land, the giant bear was free to roam where it pleased. A few braves that were able to kill a grizzly kept its claws as a symbol of their great hunting skill." (Steven Seater, in July, 1973, Environmental Quality, "The Grizzly Bear.")

About 800 grizzlies are estimated to remain in the Western United States. Most of these are found in a narrow corridor, including Glacier National Park south to Yellowstone and the Grand Tetons, and the largest concentration is in the Yellowstone Ecosystem.

Black bears also live in Yellowstone. They are of a different breed. Grizzly bears are fearless and afraid of nothing. They rate high on the intelligence scale of animals. Black bears, on the other hand, are farther down the food chain. They become car bears, hang out along the road, go to campgrounds. Grizzly bears never become car bears. They stay away from humans. In the eighty years before the garbage dumps were closed in Yellowstone, the grizzly bears, annually, went to the garbage dumps but not to the area of people. They were not like black bears, who made the rounds of refuse cans in camps.

Neither black bears nor grizzly bears track and try to kill humans. If surprised, grizzly bears will kill humans. Then, if the bear were hungry, it might eat.

Black bears, while dangerous if molested, are probably Yellowstone Park's largest single attraction.

For eighty years, grizzly bears in Yellowstone have seasonally fed on garbage. Open pit garbage dumps were at Trout Creek on the eastern slope near Lake, at Rabbit Creek, north of Old Faithful, and at West Yellowstone, at the west edge of the Park. Smaller dumps were at Tower, and Gardiner (used by the Village of Gardiner), both in the north. The main garbage dump was Trout Creek.

Dr. Frank C. Craighead, Jr., lifelong ecologist who has intensively researched grizzly bears in the Yellowstone Ecosystem with his brother, Dr. John J. Craighead, from 1959 through 1968, puts it this way:

> "For many years the grizzly population had been moving from the back country of Yellowstone and adjacent forest lands into the open meadow and sagebrush areas in Yellowstone. They came into these areas because earth filled garbage dumps were located nearby. Also because grizzlies find much of their natural food in these areas. . . . The grizzly bears responded to this available food source just as the Alaskan brown bear reponds to salmon runs. Their movements and some of their behavior patterns in response to this food became traditional. The dumps became a part of the bears' way of life. They are a part of the total ecology and the situation could not be suddenly altered without affecting the behavior. . . .
>
> "In 1967 we . . . recommended that the Park Service slowly phase out these sources of food. . . . We emphasized that it must be a slow and scientifically documented process. . . . [Instead] they closed down the dumps rapidly. . . .
>
> "Our predictions came true. The bears moved into the campgrounds in large numbers and were an increasing threat to tourists. Injuries increased over forty percent during the 1968-1972 period of revised management and there was one death in the summer of 1972." (Source - Interview of Dr. Frank C. Craighead in October, 1973, issue, National Wildlife Federation, pp. 4-17.)

Records show that the entire grizzly population of Yellowstone moved in and out of garbage dumps during the summer months. This population was sustained in the back country of the ecosystem, on a food supply which included garbage. Craighead studies show that the grizzly who leaves the dump is just as wild as a grizzly who has seldom visited the dump.

The Rabbit Creek dump, four miles north of Old Faithful, was closed at the end of the 1969 season at Yellowstone Park. Trout Creek dump, near Lake, closed at the end of the 1970 season.

The Tower dump was closed at the end of the 1967 season; The Gardiner dump is below the Yellowstone Plateau, and is used by the town of Gardiner. The West Yellowstone dump has been closed.

On November 6 to 9, 1970, there was an international conference on bear research and management at Calgary, Alberta, Canada. Present at the conference, among others, were F. Craighead, J. Craighead, and G. Cole. In the discussion summary on bears and human beings, in discussion from the floor, Dr. John Craighead said:

> "It's very obvious that if Trout Creek is closed down as has been stated is the policy of the Park Service, there are going to be tremendous changes in the movements and habits next year, more so than this year. I would even go so far as to predict that if it is done, there's very likely to be a fatality in Yellowstone." (Emphasis added.)

In Bio-Science, Volume 21, No. 16, August 15, 1971, John and Frank Craighead reported that when grizzly bears were transplanted within Yellowstone Park, after a control action, sixty-eight percent (68%) of the animals returned to the same or another campground following release. Dr. Frank Craighead has stated that grizzly bears have a "homing sense" that black bears do not have.

> "Old grizzlies can be dangerous too--maybe they have bad teeth; they're not getting an adequate diet."

The grizzlies most dangerous to humans would thus be the ones forced into developed areas.

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STEPHEN I. ZETTERBERG
CHARLES L. ZETTERBERG
DENNIS G. MARTIN

TELEPHONE
(714) 621-2971

December 16, 1974

Dr. Frank Craighead
EnvironmentalResearch Institute
Box 156
Moose, Wyoming 83012

Dear Frank:

The deposition of Kenneth B. Reardon, seasonal ranger, was taken August 24, 1973. Mr. Reardon was standing in Old Faithful Inn in the early morning hours of June 25, 1972, when Phillip Bradberry ran into the Inn, stating: "A bear has got my buddy, please help me." Reardon was on the search for the camp. He describes the camp of the boys as about 250 to 300 yards east of the boardwalk area, over two crests, the first about 40 feet above the valley level, and the second about 50 additional feet above the valley level. The bear card on the bear, as I recall, states that the camping was in the "back country." Reardon was apparently the complaining ranger who charged the survivor, Bradberry, number one, unlawfully establishing a camp, and, number two, unlawfully leaving food or similar organic material other than in a vehicle suspended 10 feet above the ground and 4 feet horizontally from a post or tree trunk; and charged that the boys left flour, rice, wheat germ, chocolate,* and an open kettle of cooked rice and carrots. (The open kettle was hung on a limb of a tree, but probably not 10 feet in the air nor 4 feet horizontally.)

The government gets mixed up between the charge of violating "regulations," and an affirmative defense to our case that the boys weren't careful. I hope we can keep these matters clear in the judge's mind.

The two boys were hitchhiking into the park, with a park employee, and the man at the entrance gate waived them in because of the decal on the driver's windshield. The boys, and the employee, Vikki, saw a bear jam on the way down

* for mixing w/ water or milk.

towards Old Faithful, and the boys determined that they didn't want to be with any tourists because they thought it was unnatural to have tourists and bears all "mingling." I think I wrote you about this before. Therefore, when they got to the Old Faithful area, they simply struck out into the forest from somewhere near Purple Pool, and got back probably 300 yards into the woods, where they camped.

In other words, the boys had no warning information about bears, and the employee said she simply "lumped all bears together."

I attach a Xerox of two folders available from the National Park Service. One is "Danger." The other is "In Grizzly Country." These are defendant's A and E to the Schroeder deposition. I attach also defendant's C to the Schroeder deposition, "Camping and Bears." I also attach a Xerox copy of a list of the food at the campsite, defendant's Exhibit I to the Weinblatt deposition. (ey TO FOLLOW)

Forgetting the Park Service requirements of visitors, which in many respects don't make sense anyway, and in any event were not conveyed to these particular visitors, can we figure how well the boys did? I remember once you or John saying that you wouldn't mind camping in the back country, but you would never camp in a campground. It seems to me that the boys did pretty well without any specific warning, but let me try some questions out on you.

1. Are not the "Danger" and "Camping and Bears" printups aimed primarily at black bears and not grizzly bears? YES

2. I attach a Xerox copy of defendant's A to the Brady deposition, which is a notice to campers "Yell 455 (2/72)." This contains a regulation which states that food or similar organic material must be kept completely sealed in a vehicle or camping unit that is constructed of solid, non-pliable material, or "must be suspended at least 10 feet above the ground and 4 feet horizontally from any post or tree trunk. This restriction does not apply to food that is being eaten or is being prepared for eating." ey TO FOLLOW

often impossible to do

neither to the average tourist

perhaps at a base camp

a. Does this notice have meaning with respect to grizzly bears or only with respect to black bears?

b. Does it have any reasonable application or meaning aside from the campground or from vehicles?

not sure

3. Do you know whether there were any regulations requiring back country permits in effect during June, 1972?

I have a letter from the Chief Park Ranger to the District Rangers dated November 3, 1971, which states in part:

> "We have developed and implemented certain policies and procedures for managing stock use and for managing water oriented use (Yellowstone, Heart, and Shoshone Lakes), but the number of foot travelers has not created much concern. I thought we might have three to five more years to gradually implement for foot travelers many of the same back-country managements procedures that we presently employ for stock parties. Not so. This past summer and fall has demonstrated that we must, as quickly as possible, proceed with our contemplated back-country management planning and procedures."

4. On June 15, 1972, Bucknall issued a memorandum to District Rangers through the Chief Park Ranger, initialled by Esty on June 15, that over-night use permits shall be issued only for a previously designated site or for a designated management area. "If you wish to issue permits for locations other than designated sites . . . ," the portion of the subdistrict in which this use is permitted shall be outlined on the map as a management area with limits established the same as for an individual site. This was under "back-country use permits."

I doubt it

The question is, do you know if they had any actual permit system in operation at the time the boys were there?

Now they have come to a system of keeping track of sites and reserving them in advance. They have over a hundred sites around Yellowstone--what will this do to the backcountry?

This could increase rather than decrease encounters with bears

Once you have a "site," aren't you apt to have all that goes with a campsite, including little fireplaces built, trash cans, and all this? Isn't it better simply to go back and camp out, as the boys did?

5. How do you evaluate the "In Grizzly Country" for procedure? Remember, this was not handed out usually. It seems to me that the boys did pretty well, following the policy outline, "In Grizzly Country." They camped off of a trail. They camped where trees were handy. They did not throw away garbage or trash. Combustible trash went in the fire. They left no tin cans or other non-combustible trash. Foodstuffs were packaged in plastic and in cans. They used dry and prepackaged foods. They hung the pot of rice and carrots up in a tree, and it wasn't disturbed by the bear. They put their dry and canned foodstuffs in an area separate from their tent, and covered it over with a tarpaulin. They didn't camp near a watercourse.

It's good advice

In fact, if it hadn't been for the fact that this bear had already been transplanted once, eighteen miles, to Gibbon Meadows, and was an old bear, which had been found in the garbage-holding area of Old Faithful, would they not have been safe?

As safe as any camper could be.

Are not the restrictions on food primarily aimed at black bears?

Yes

If a grizzly bear who has not lost its respect for humans came across such a camp in the back-country

area of Yellowstone, would not the bear normally give the camp a wide berth? In other words, weren't most of the procedures relating to visitors aimed at keeping them separated from black bears?

yes

6. This raises another question. Assuming, as you mentioned, that grizzly bears don't associate garbage food with humans, do grizzly bears associate food with cans? * The Fire Hole River camp had dented cans, like from a bear with dull teeth.** The Walker camp had cans that were dented but not broken, like from a bear with dull teeth. I understand the pot of rice was only 6 or 8 feet above the ground, hung on a limb, yet it was not touched. Is it not the fact that the bear here was surprised at the camp, and attacked initially because it was surprised? Why was she in the camp? Would a bear, closed out of the garbage dumps, enter such a camp unless the bear had had some previous contact with humans, such as in this case? If that is so, then is not the real cause of the attack the fact that the bear was a bear which had already had one and perhaps two, brushes with humans, and had lost respect for humans, and was therefore, for all purposes, no longer a wild bear? How does this relate to the closing of the dumps?

Some bears do

7. It seems to me that the National Park Service, by their signs at the entrance, and by the information they handed out, simply informing visitors of black bears, and basically telling them not to feed the black bears and to keep food away from them? It seems that they were intending to handle grizzly bears in another way, such as testified by Ranger Brady, by increasing the number of ranger personnel who could deal with grizzly bears. Do you have any comments on this as the bear policy unfolded? And in terms of back-country use permits, it seems to me they were dealing mostly with planning reservations and occupancy, rather than with safety. In Brady's deposition we have "Back Country Management Action Plan of 1972," a Xerox copy of which I attach. Do you have any comments on that?

Trained rangers were needed

We were never contacted on bear policy & so know little of the regulations that were being prepared.

cy TO FOLLOW

+ See page 6, Reardon →

* x a six-pack cokes, punctured. But our bear seemed unable to puncture cans. (We traps had no protective metal shield - the traps we use for our bear.)

8. On page 32 of Kenneth Reardon's deposition, Spivak asked Reardon to comment on "grizzly bears working over cans and other items . . . ." Reardon answered, ". . . I think there is a familiarity developed by being in a dump with these types of foods." Do you have a comment on that? Reardon mentions elk bones found near the place where the boys walked into the camp. What is the significance of that?

Bone probably but bear may have found dead elk the early in the season.

Is Reardon correct when he states that bears who have foraged in a dump are more familiar with human food and containers for human food?

Sincerely,

Stephen I. Zetterberg

SIZ:ck

Ranger cherry said he trapped & transplanted 6 bears in 1970 - late - a sow w/ 2 cubs, to Tower. Our bear. and two others. He said our bear had been seen at O.F. several times during the course of a week prior to being trapped.

warning
all park animals are wild. Their actions and reactions with people nearby are unpredictable and can often prove fatal.

As the Nation's principal conservation agency, the Department of the Interior has basic responsibilities for water, fish, wildlife, mineral, land, park and recreational resources. Indian and Territorial affairs are other major concerns of America's "Department of Natural Resources." The Department works to assure the wisest choice in managing all our resources so each will make its full contribution to a better United States—now and in the future.

national park service
u.s. department of the interior

GPO / 1971 O - 428-972

MOD 17

take a minute to read these simple, but very important safety rules . . . then go on to a pleasant park experience in the national park system.

danger

EXHIBIT 4

Your visit to one of America's natural, historical or recreational areas can be a most pleasurable and rewarding experience—or it can be a time of vexation, distress . . . or even tragedy. Much depends on how you and your family observe these simple rules and avoid designated hazards.

watch out for bears. They are dangerous—particularly when accompanied by young. It is reckless to approach bears closely; even though they may appear tame, bears and other wildlife may turn suddenly and inflict serious injury. *Don't feed the bears* or other wildlife.

be cautious in thermal pool areas. Stay on the trails or boardwalks at all times. The boiling heat of thermal pools can be deadly.

Keep Children under restraint; leave pets behind.

drive carefully. Park roads were deliberately designed for slow moving vehicles. Stop at overlooks. Don't try to see everything from behind the wheel. Be a considerate driver and watch out for those who are not.

observe park regulations. They are for your enjoyment and pleasure. Snowmobiles, all-terrain vehicles, fires, fishing, swimming and other activities are governed by regulations that take into account local conditions and problems.

don't try it alone. Two heads are safer than one. Whether it's a short hike in the woods or a month-long mountain climb, a companion may save your life in an emergency.

keep the nps informed. Notify park headquarters of your plans to explore. Mountain climbing, hiking, or horseback riding in remote areas, exploring caves or lake bottoms, and numerous other enterprises can be dangerous even for experts. If they know your plans, park rangers can alert you to hazards, watch for your return and, if necessary, organize rescue efforts. Telling them your plans could save your life.

dress properly. Even in the heat of summer it is often cool in the mountains or caves. If you are hiking on rough terrain, be sure to wear sturdy shoes or boots.

enjoy your visit. That is what your parks are for. Whether you came to view the wonders of nature, tread in the footsteps of history, or simply to get out and have fun, the National Park System is intended for your enjoyment and the enjoyment of generations to come.

help protect your park. Park regulations are designed to protect the natural beauty of the park and to provide for your safety, comfort, and convenience. Park rangers are here to help and advise you as well as to enforce regulations. If you need information or are in difficulty, see a park ranger. Complete regulations can be seen in the superintendent's office.

preserve natural features. Destruction, injury, or disturbance of plantlife, wildlife, or other natural features is strictly prohibited. Permits are required to collect specimens of any kind.

BEAR FACTS

An adult grizzly bear will stand 6 to 7 feet high. His coat may range in color from yellowish to dark brown or nearly black. Usually his hairs are tipped with white giving him a frosty or grizzled look.

The grizzly has a dished, or concave, face; long, curved, exposed claws on his front feet and a distinguishing hump above his shoulders (see picture on cover).

The smaller black bear stands only 5 to 6 feet high, is less massive, has shorter claws, and a straight muzzle.

Though we refer to the species as the black bear, these animals may in fact be brown, cinnamon, or even blond.

ALL BEARS ARE WILD.

ALL BEARS ARE DANGEROUS.

THE DEPARTMENT OF THE INTERIOR — the Nation's principal natural resource agency — bears a special obligation to assure that our expendable resources are conserved, that renewable resources are managed to produce optimum benefits, and that all resources contribute to the progress and prosperity of the United States, now and in the future.

U. S. Department of the Interior
National Park Service

PRINTED
AT
HARPERS FERRY C C C

In Grizzly Country

EXHIBIT 5

18



NATIONAL PARK SERVICE

UNITED STATES
DEPARTMENT OF THE INTERIOR

ENJOYING BEAR COUNTRY

Bears are wild, dangerous animals. If you are in bear country, you must be cautious and alert in camp and on the trail; you must be careful in your use and disposal of food and garbage; and you must know what to do in an emergency.

The situation is a lot like driving a car -- a car is a lethal machine. A driver must always be alert and cautious. He must know what to do in an emergency. But most people accept this situation as a matter of course and enjoy their ride.

We want you to enjoy the National Parks, too!

Since Biblical times and before, men have understood the value of going into the wilderness to refresh the spirit and body. Our preserved wilderness lands embrace virgin forests, great valleys, and alpine meadows, and some of the Nation's loftiest mountains. They contain countless streams and lakes from which great quantities of pure water flow.

It is thrilling and satisfying enough for most people to camp in the great open spaces when night falls and enjoy the soul-healing freedom of living in a world apart from the pressures of their daily lives. But these are areas shared with wild animals like the grizzly bear, which must have the wilderness habitat to survive. The opportunity to walk the same ground as a great bear requires something of man -- caution, common sense, and some basic knowledge of the animal.

The grizzly is a vanishing species. There may be no more than 1,000 remaining in the United States outside of Alaska. Most roam unseen in the back country of the Northern Rockies. Perhaps a third or more of these live in the National Parks where they are protected by law.

While the grizzly is the most fearsome animal, black bears are also worthy of utmost respect and caution. Never forget that bears in the National Parks are wild and they are dangerous. They can injure a visitor and damage his belongings. They are particularly dangerous when startled, when approached too closely, or when they have lost their fear of man.

As a whole, bears are secretive creatures, usually anxious to give man a wide berth. Black bears sometimes prowl through the campgrounds in search of food, but grizzlies are rarely seen except in the back country. Even there, they are not a common sight. But, if you are in bear country, be on the alert and take some precautions. Have some idea what to do, based on the experience of others, in case you come face to face with a bear.

Remember, too, there are no hard and fast rules to insure protection from a bear attack. Bear behavior differs under different conditions.

BACK-COUNTRY HIKING

Don't hike alone in bear country. Stay with a group.

Watch for bear droppings, tracks, and diggings. They are signs there have been bears around. If you see one at a distance, make a wide detour around it, keeping up wind so the bear will get your scent and know you are there. If you can't detour, wait until the bear moves away from your

route. The rule is to stay as far away from the animal as possible.

Under most circumstances, bears avoid people, so it is a good idea to make your presence known. That's why experienced hikers wear bells or put some pebbles in a tin can to rattle as they walk. Whistling and loud talking are other ways to signal your presence. However, noise is not a foolproof way of avoiding bears.

KEEP CALM

What should you do if you are suddenly confronted by a grizzly? Whatever you do, try to remain calm.

If the grizzly is not aggressive and merely stands its ground, probably you should stand still, too. Don't run! This frequently excites the bear into pursuit. Do not move toward the bear. It may feel you are invading its territory and react accordingly. The animal may simply be curious about the noise and waiting until the source comes into the focus of its weak eyes.

A grizzly will often rise on its hind legs. If it does, it may be effective to speak softly to the animal. Steady, soft human monotones often appear effective in assuring bears that no harm is meant to them. However, while standing your ground and speaking softly, look for a tree to climb.

If the animal advances aggressively, your next move depends on the distance to the tree, which ought to be tall enough to get you out of reach of the bear (only young grizzlies can climb trees). As a delaying action it might help to drop some sizeable item - a bedroll or camera for instance - which may divert the bear and give you more time to retreat. If you can get up a tree, stay there until you are certain the bear is out of the area.

DEFENSIVE HIKING

In bear country, noisy hikers are safest because they are least likely to surprise a bear. A loud, continuous talker may be your best companion on the trail, if not in camp.

It's a good idea to wear a little bell or let a can of rattling pebbles dangle from your belt as you walk.

If you see a bear, detour!

If you can't reach a tree, and the bear continues to advance, your best bet may be to play dead, lying on your stomach or on your side with your legs drawn up to your chest. Clasp your hands over the back of your neck. Grizzlies have passed by people in this position without harming them.

Others have been only slightly injured when the bear made one or two halfhearted slaps at them. Never harass a bear unless it is actually physically attacking someone. In such an emergency try to distract the bear from its victims by shouting or throwing sticks and stones. In any event, don't run blindly down the trail or through the brush, hoping to outdistance the bear. It will only excite the animal. Besides, a human can never expect to outrun a bear, especially in rugged terrain.

A mother grizzly with cubs is a special hazard. Most of the serious attacks in parks have occurred when people inadvertently have come upon a female with her cubs. The mother's natural protective instinct is highly developed, and she looks upon intruders as a threat to her family. She may attack, seemingly without provocation,

charging and slapping her forepaws at the nearest person and then passing on to others. If the human intruders have dropped to the ground to play dead, the sow may sniff each one and perhaps claw and bite them before moving her cubs to safety. Lying still under the jaws of a biting bear takes a lot of courage, but it may prevent greater injury or death. Resistance normally would be useless.

BACK-COUNTRY CAMPING

Back-country camping requires special precautions. An area frequented by bears is the wrong place to pitch a tent. So is a foot or animal trail. Bears travel on trails too, especially at night. Try to camp where there are trees handy. Campers must not throw away garbage or trash nor shall they bury garbage or food containers. Combustible trash should go in the fire. Tin cans and other noncombustible trash, except glass, should also be burned to destroy food odors. The cans must then be removed from the cold ashes, flattened, and transported out to the trailhead in plastic bags for deposit in trash containers.

Foodstuffs should be stored (preferably packaged in plastic) out of the reach of bears. Food can be suspended by ropes between two trees. If previous campers have left a dirty camp, clean up the mess for your own protection. Use dry, prepackaged foods and avoid greasy, odorous foods such as bacon and ham. It's best not to sleep in the clothes you wore when cooking. Packs and sleeping bags should be kept clean and free of food odors. As a precaution against the presence of these odors, sleep some distance from your campfire and cooking area.

Pack out waste you can't burn in your campfire.

Special precautions apply to women. Perfumes, hair sprays, deodorants, and cosmetics should not be used or carried into the back country. There is some evidence that bears have been attracted and infuriated by these scents.

CAMPING IN BEAR COUNTRY?

Don't camp in bear haunts or on trails.

Camp near trees where possible.

Keep food out of reach of bears.

Carry out trash that won't burn.

Burn combustible trash.

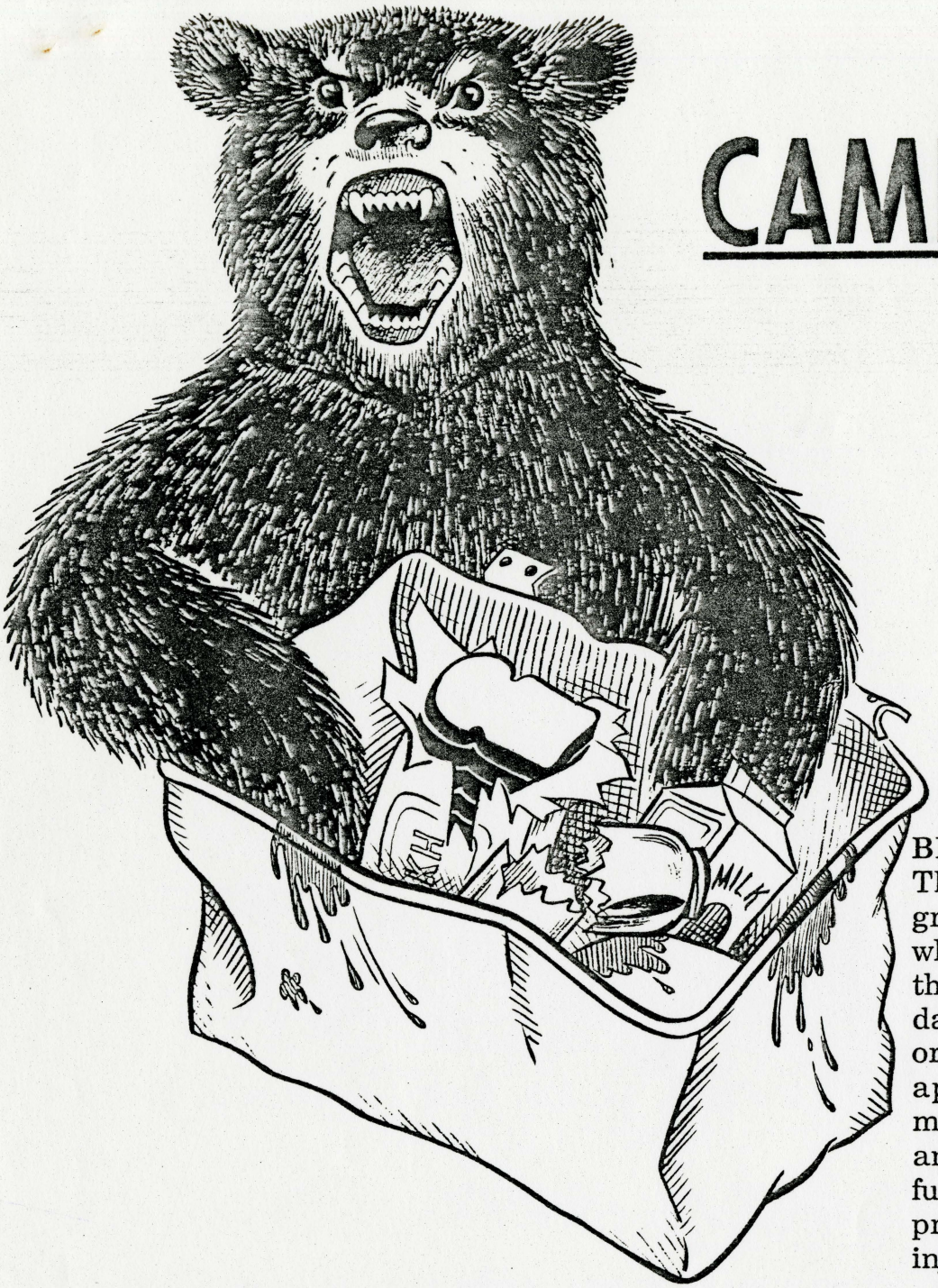
Keep a clean camp.

CAMPING IN REGULAR CAMPGROUNDS

As in the back country, a clean campground is less an attraction to bears than a dirty one. Food should be placed in tight containers out of reach of bears; it should not be kept in tents. Garbage and wastes should be put immediately into garbage containers provided in campgrounds. Wash picnic tables after use, burn bacon grease, and store your cookstove.

REPORTING BEAR SIGHTINGS AND INCIDENTS

The National Park Service will appreciate your assistance in keeping park personnel informed of sightings and damage or molestation by bears. Please report these incidents to any park ranger.



CAMPING and BEARS

BEARS ARE WILD ANIMALS! They are attracted to campgrounds by poor camping habits which allow them to obtain food they really do not need. It is dangerous and unlawful to feed or molest bears. When they are approached too closely, they may attack without warning and for no apparent reason. To further protect yourself against property damage and personal injury:

1. **Never keep food in your tent. The best place to store food is the trunk of your car. There is no ice chest yet on the market that a bear cannot open or destroy.**

   Try not to let food come in contact with your tent, sleeping bag, or other camping gear because the odor remains and bears are attracted to anything with the odor of food.

2. Bears are also attracted by the odor of some cosmetics, perfumes, and hair preparations. These should be stored the same as food and not used when camping.

3. If you are injured, have property damaged by a bear, or observe a bear damaging the property of other campers, please report it to the nearest ranger station. Prompt reporting allows rangers to remove offending bears to remote areas before they become habitual offenders and have to be destroyed.

U. S. Dept. of the Interior— National Park Service
Yellowstone National Park

Exhibit C

ZETTERBERG & ZETTERBERG
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STEPHEN I. ZETTERBERG
CHARLES L. ZETTERBERG
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TELEPHONE
(714) 621-2971

December 26, 1974

Dr. Frank C. Craighead, Jr.
Environmental Research Institute
P.O. Box 156
Moose, Wyoming 83012

Dear Dr. Craighead:

Enclosed is a partial draft of your proposed narrative testimony. We will file this in final form in court on MONDAY, December 30, and Mr. Zetterberg will want to talk with you by telephone before doing so, to get your approval.

I have had to mail this without waiting for Mr. Zetterberg to check it, and I may have omitted some parts that he wanted included, but we will try to mail more to you tomorrow, and hope you will receive all of it my Monday morning.

Very truly yours,

Clarice Kelly

(Mrs.) Clarice Kelly
Secretary to
Mr. Stephen Zetterberg

(ck)
Enc.

STEPHEN I. ZETTERBERG
CHARLES L. ZETTERBERG
DENNIS G. MARTIN

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(714) 621-2971

April 22, 1974

Mr. Frank C. Craighead, Jr.
P. O. Box 156
Moose, Wyoming 83012

Dear Frank Craighead:

Thanks for your letter of April 17, 1974.

Mr. Spivak does not have the right to access to "work product," which includes material Plaintiffs' attorneys uncover.

For example, he obtained access to material Mrs. Shell sent to the Walkers prior to our entry into the case, but not after. Already the court ruled against him on one "work product" item which he wanted.

What I develop in requests to you would, I think, be "work product".

However, the policy of the Federal Courts is away from pre-trial secrecy and surprise at trial, and favors exchanges of evidence before trial, to simplify proof at trial. I try to comply with this. For example, I am now making a list of documents for our pre-trial statement. (I'll send you a copy when complete, if you like.) I am expected voluntarily to disclose evidence that will be used in court, except "impeachment" evidence. Thus you see much evidence referred to in our "demand brochure".

With this in mind, I hope you can send me your information. I would hate to overlook anything important.

If Mr. Spivak has access to the information, he may well discuss it with the Justice Department attorneys in Washington.

Mr. Spivak has been sick. Moreover, his wife has left him. On top of that, he has had some appeals that have taken him off our case for a few days. Pre-trial has been set over to June. Now, I don't see how we can get to trial before November. Since the Alabama depositions weren't done, I had no way to oppose his request for continuance. How does this all shape up?

We will look for your letter.

Sincerely,

Stephen I. Zetterberg

SIZ:mr

May 25, 1974

Zetterberg & Zetterberg, Attorneys-at-Law
319 Harvard Avenue
Claremont, Calif. 91711

Dear Mr. Zetterberg:

I am enclosing a copy of a photograph of the Park Service traps that make it rather easy for the bear to break its teeth. I am also sending you some material that may be of interest to you. I have been hard pressed with deadline work over the past several months and leave May 29 to be gone for the month of June. I will be in touch with you on my return.

Sincerely,

Frank C. Craighead

Enclosures:

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319 HARVARD AVENUE
CLAREMONT, CALIFORNIA 91711

STEPHEN I. ZETTERBERG
CHARLES L. ZETTERBERG
DENNIS G. MARTIN

TELEPHONE
(714) 621-2971

December 16, 1974

Dr. Frank Craighead
Environmental Research Institute
Box 156
Moose, Wyoming 83012

Dear Frank:

This will sort of bring you up to date.

This last week the judge ruled that our case should "trail" behind another one set for the 7th of January. The first case is set for two days starting January 7th, and apparently involves some property evaluation question requiring three generals to testify. I told Judge Hauk that we were trying to get a time certain for you to testify. He said that their case should be short and that ours should start the 8th or the 9th. I told the judge that I guess this means three generals outrank a dairy farmer and a national expert on animal biology.

The judge thinks our case will take four days. He is making us do a lot of work ahead of time, and we're going to use depositions for a lot of the testimony. I don't think he realizes how many depositions we have.

The question is, how can we best fit your program, and what can we do to make it most convenient for you?

It seems to me that the judge has to have some evidence before him before we have expert testimony. Also, one of the reasons for having an expert is to be able to have rebuttal testimony to the government experts, so it would sound like you should come somewhere near the last in our case. What we don't know is whether the judge will want the depositions read into the record, as they normally are, or simply have the judge say that he has read them. We have a problem of the appellate record in this situation.

Anyway, it looks like we wouldn't get to you until the 10th or the 13th or 14th. But I really need to talk to you in the handling of the case.

Mr. and Mrs. Walker have to be here at the beginning. But you are our most important witness on the question of liability.

Also, what is the best way to handle the expense of your trip, and can you give us an estimate of what the costs will be? The plaintiff family have long since paid all they can pay towards depositions and witness expenses, and I am simply plowing ahead because it has to be done. Shall I send you an "open" round-trip plane ticket, and if so, what will be your starting point? While we have a good airport here at Ontario, seven miles from Claremont, I don't think any of the Western flights connecting from Idaho and Montana go into Ontario, but I can check on that.

It would be convenient if you could stay here at Claremont, at least at the first part of your trip, so I could advise with you. We have a nice inn, not far from our home, Griswolds. I can get a reservation for you there and will certainly see that your expenses are paid there, if this fits in with your program. If you wanted to stay in Los Angeles for any reason, I would make arrangements to come in and meet with you there; otherwise, I'd give you a ride into town.

The U. S. Attorney is substantially in default in this case, but it doesn't seem to bother the judge. He's taking depositions December 16 and 17 in Alabama, on the issue of damages--depositions he should have taken nine months ago. He hasn't yet gotten his proposed findings of fact prepared, and he was supposed to have them, together with comments on my findings, on September 16. He's supposed to have given me a list of his witnesses, but he hasn't. I have been trying to find out who his expert is. All he will say is that he is trying to get Starker Leopold, maybe.

For convenience of filing, I attach a separate letter which describes the kinds of things I'm thinking about in preparing for the case.

You already wrote me, in Sept.; you said $60.00 p.d. for Good; but that may not be enough. whatever you need

I suppose the ideal thing in terms of planning would be for me to go in on the 7th of January and find out how the other case is going, and then give you a call with an estimate as to what day would be best for you to come. How does this fit with your program?

Sincerely yours,

Stephen I. Zetterberg

SIZ:ck

STEPHEN I. ZETTERBERG
CHARLES L. ZETTERBERG
DENNIS G. MARTIN

ZETTERBERG & ZETTERBERG
ATTORNEYS AT LAW
319 HARVARD AVENUE
CLAREMONT, CALIFORNIA 91711

TELEPHONE
(714) 621-2971

October 10, 1974

Mr. Eugene Guerrero
Clerk to the Honorable
A. Andrew Hauk
United States Courthouse, Room 4
312 North Spring Street
Los Angeles, California 90012

Re: Dennis G. Martin, etc. v. United States of America
Civil No. 72-3044-AAH

Dear Mr. Guerrero:

I was quite shaken, on my return to the office just now, to learn from Mr. Martin of our office that Judge Hauk is going to have surgery. I know our opposing counsel, Mr. Spivak, would join us in this office in wishing Judge Hauk a successful operation and a speedy recovery. I hope things go well.

As you know, we have been preparing for trial in the above case, which is set for November 19. I understand the Judge will be out from November 4 through November 25.

We need to come into the court on this, because we presently have scheduled Dr. Frank C. Craighead, one of the top experts in the world on grizzly bears, and we have scheduled our clients' appearance here for trial, and they have made arrangements to have other people take care of their dairy during the trial. If we can find what alternate dates are available, I can immediately contact these people by long-distance telephone. I presume Mr. Spivak also has witnesses who may be called.

We desire to cooperate fully in working out a new schedule, and, again, wish for the speedy recovery of Judge Hauk.

Very truly yours,

SIZ:ck

Stephen I. Zetterberg

cc: William B. Spivak, Jr., Esq.

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STEPHEN I. ZETTERBERG
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DENNIS G. MARTIN

TELEPHONE
(714) 621-2971

October 10, 1974

Dr. Frank C. Craighead
P.O. Box 156
Moose, Wyoming 83012

Dear Frank Craighead:

We just learned that the judge who was to hear our case commencing November 19 is to have surgery which will keep him out of court exactly at the time of our trial.

I enclose a copy of our letter to the court on this.

I am sorry for the change in times. Can you let us know other available times for your appearance here, so we can go into the court and pick a date for the case.

Very truly yours,

ZETTERBERG & ZETTERBERG

Stephen I. Zetterberg

SIZ:ck

Enc.

Jan. 7

ZETTERBERG & ZETTERBERG
ATTORNEYS AT LAW
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CLAREMONT, CALIFORNIA 91711

STEPHEN I. ZETTERBERG
CHARLES L. ZETTERBERG
DENNIS G. MARTIN

TELEPHONE
(714) 621-2971

December 18, 1974

Dr. Frank Craighead
Environmental Research Institute
P.O. Box 156
Moose, Wyoming 83012

Dear Dr. Craighead:

You have sent us the following:

"Evaluation of Tables from National Park Service Progress Report 1-31-73" (13 pages)

Bulletin 40, "A Population Analysis of the Yellowstone Grizzly Bears"

"Report of Committee on the Yellowstone Grizzlies, Division of Biological Scienses, Assembly of Life Sciences, National Research Council, National Academy of Sciences, July 1974"

"Grizzly Bear - Man Relationships in Yellowstone National Park"

Articles from Jackson Hole News of October 17, 1974, entitled "Bad manipulation" and "Grizzly Study Criticizes Yellowstone"

Jackson Hole News August 1, 1974, item under Letter to the Editor, headed "Sad Commentary," by Frank C. Craighead, Jr.

35 mm. color negative of grizzly bear in cage

Chronology of Grizzly Bear Research, dated 3-3-74

Copies of Frank Craighead notes forwarded 10-25-73:
Three notebook sheets dated 7-9-68
Notes, A Discussion with Glen Cole, July 9, 1968
Grizzly Bear Incidents 1969 (2 pages)

Notes, Bear Management Meeting, September 6, 1969.

Sincerely yours,

Stephen I. Zetterberg

(ck)

Call to Getterberg
Short statement on VA's report (Jubi's)
Synopsis of Grizzly Bear Controversy

Theory of extra-hazardous activities - blasting dumps & laboring calculated risk with humans & not telling humans about.
Shroeder testimony

Data on qualifications
reprints
list of new articles

Shivik
Bradbury - deposition in default
Stanley Leopold

Two cases on 27th
Inn at Claremont,
Grizzly Inn
Lk - 35 mi. from downtown
Why did bear not eat food at camp
Old 7. area back country
Ranger says fringe area
Charge against Bradbury - camping without having Feb. 72 regulations

target date 9th, perhaps come earlier

Glacier rats - sand

Dec. 26/74

1970 – Frank C. Craighead Jr. received ~~the~~ a Distinguished Alumnus Award of The Pennsylvania State University. Presented to .... whose personal life, professional achievements, and community service exemplify the objectives of The Pennsylvania State University.

1973 Became an Alumni Fellow of The Pennsylvania State University.

1974 Became Chairman of the 1972 International Bear Conference on the Management and Biology of Bears

1974 Chairmanship of a Bear Specialist Group of the International Union for Conservation of Nature and Natural Resources – Morges, Switzerland.

MEMO-LETTER

Law Offices
ZETTERBERG & ZETTERBERG
319 HARVARD AVENUE - CLAREMONT, CA 91711
Phone: (714) 621-2971

MESSAGE | REPLY

TO Dr. Frank Craighead
Environmental Research Institute
P. O. Box 156
Moose, Wyoming 83012

DATE

DATE December 17, 1974

Dear Mr. Craighead:

Enclosed are copies of documents that I mentioned in my letter of December 16, 1974 as follows:

1. A xerox copy of a list of the food at the campsite, defendant's Exhibit I to the Weinblatt deposition;

2. A xerox copy of defendant's A to the Brady deposition, which is a notice to campers "Yell 455 (2/72)."

3. A xerox copy of "Back Country Management Action Plan of 1972."

Very truly yours,

SIGNED SIZ/lw

Stephen I. Zetterberg

SIGNED

FORM AVAILABLE FROM GRAYARC CO., INC.
882 THIRD AVE., B'KLYN., N. Y. 11232

THIS COPY FOR PERSON ADDRESSED

Dept's E. I
(meinblatt depo)

#1419

Food Items Found in Campsite

1 sack flour
3 small boxes of rasins
1 hershey's chocolate
peanut butter
1 can tomatoes
1 container wheat germ
2 vegetable soup mix
3 sacs of rice
1 bottle of crisco oil
1 can of assorted candy
1 small bottle medicator
2 cans bean bacon soup
tomato sauce
2 boxes salt
2 boxes matches
3 onions
Chewing gum
1 jar pickles
several orange peals
cooked food (carrot + rice) in pot
empty food cans

YELL 455 (2/72)

D#A

NOTICE TO CAMPERS

During the 1971 season, the last open garbage dump operated by the Park Service was closed and replaced by a fenced, sanitary landfill. All garbage cans in the park have been equipped with bear-proof tops. The only unnatural foods now available to bears are those the visitor leaves unprotected. For this reason, the following regulation has been placed in effect:

"ALL FOOD OR SIMILAR ORGANIC MATERIAL MUST BE KEPT COMPLETELY SEALED IN A VEHICLE OR CAMPING UNIT THAT IS CONSTRUCTED OF SOLID, NON-PLIABLE MATERIAL, OR MUST BE SUSPENDED AT LEAST 10 FEET ABOVE THE GROUND AND 4 FEET HORIZONTALLY FROM ANY POST OR TREE TRUNK. THIS RESTRICTION DOES NOT APPLY TO FOOD THAT IS BEING EATEN OR IS BEING PREPARED FOR EATING."

In addition, because most bear-inflicted injuries in campgrounds have been received by those in tents or sleeping bags, certain campgrounds may be restricted to solid-sided trailers or recreation vehicles. Those will be posted both at the park and campground entrances. These restrictions will be temporary, and may be relaxed when dispersal of bear concentrations indicates they are returning to more natural foraging habits. The bear management program is directed toward this end, and has reached a level where unnatural foods may be made completely unattainable to bears. This may result initially in unusual dispersion of bear populations and bears may be investigating any unprotected food supplies, so campers should use extreme caution with food storage in all park campgrounds, especially during evening and night hours.

NATIONAL PARK SERVICE

P#3

YELLOWSTONE NATIONAL PARK
BACKCOUNTRY MANAGEMENT ACTION PLAN 1972

This plan identifies those specific objectives scheduled to be implemented at the beginning of the summer use season in management of the Yellowstone backcountry and also the continuing goals which reflect the long-range management effort.

Immediate procedures are:

1. Continue to restrict use at Shoshone Lake to designated campsites based on carrying capacity.

2. Establish carrying capacities and restrict camping to designated sites at Heart Lake.

3. Establish carrying capacities and restrict camping to designated campsites on the Southeast arm of Yellowstone Lake.

4. Identify and designate campsites, and centrally maintain current records to be utilized in the issuance of backcountry use permits for the following locations:

   (a) Lower Yellowstone River - Upstream from Gardiner, Montana, beginning at Knowles Falls on up.

   (b) Fawn Pass Trail - From Gardner's Hole to Fawn Pass.

   (c) Lamar River Trail - Upstream from Cache Creek to Cold Creek.

   (d) Sportsman Lake Trail via Mol Heron Creek.

   (e) Slough Creek Trail.

   (f) Cache Creek Trail.

   (g) Fan Creek Trail - Mouth of Fan Creek upstream to eventually connect with the Specimen Creek Trail to Sportsman Lake. Also Fan Creek Trail to Fawn Pass.

   (h) Bechler Canyon Trail - Upstream as far as Douglas Knob.

   (i) High Lake - Crescent Lake loop

   (j) Yellowstone River Trail - From 10-mile post along east side of Yellowstone Lake and up the Yellowstone River to Monument Creek.

(k) Old Faithful-Shoshone Lake Trail - From Lone Star Geyser to Shoshone Creek.

(l) Gallatin River Trail - Upstream to Big Horn Pass.

(m) Specimen Creek Trail - Up North Fork and up East Fork to junction of High Lake Trail.

(n) Monument Creek Trail - From Howell Creek to Eagle Pass.

5. Prohibit the grazing or keeping of pack and saddle stock within 1/4 mile of Three Rivers Campsite.

6. Complete clean-up and remove debris via helicopter from the following sites:

(a) Upper Miller Creek Cabin.
(b) Little Buffalo Elk Trap.
(c) Cold Creek Cabin.

7. Install pit toilets at the following locations:

(a) Delacy Creek backcountry campsite.
(b) Elk Tongue Cabin.
(c) Beaver Creek backcountry campsite.
(d) Plateau Creek campsite.

8. Prohibit spring stock use in the Heart Lake area until such time that the trails and meadows will no longer be damaged by the combination of stock and runoff.

Additional objectives, which must be reached as soon as possible, are:

1. Designate on maps and identify on the ground those sites which may be used for backcountry camping and the type of access that may be used at each site (foot, horse, boat).

2. Designate on the ground the identification of a particular site so that precise directional instructions can be furnished to the prospective camper, and so the camper can find the proper site when he gets to the general locality.

3. Arbitrarily determine a maximum capacity for a particular site and/or sites and stay within that capacity until reliable study information adjusts that capacity either upward or downward.

4. Develop procedures for the issuance of Backcountry Use and Fire Permits which will enable the issuing Ranger to know how many persons at any given time will be occupying a particular backcountry campsite.

5. Continue to discourage native bears from becoming dependent on park garbage by disposing of the garbage by other means than open pit dumps.

6. Eliminate as quickly as possible any buildup of garbage in a backcountry campsite to avoid attracting bears.

7. Assign sufficient personnel to the activity of backcountry management which will enable us to monitor, regulate, and enforce the backcountry management requirements.