February 9, 1974

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

COPY

Dear Mr. Zetterberg:

In attempting to answer your questions from time to time, it has occurred to me that I have not stated my views on the difficulties facing the rangers in their job of bear control. My brother and I brought this out in a 1967 report, "Management of Bears In Yellowstone National Park", pages 101-103. To trap, handle, and make transplant or "dispatch" decisions concerning problem bears or camp interluders requires long experience and a background of biological training that many rangers were unable to obtain in a short period of time. In cases of new men with problem bears, guidance was certainly needed from higher up. This was apparently the case in Brady's situation as implied in his deposition. If there was negligence among rangers relative to bear management, I think that the fault must be sought higher where policy was determined.

Sincerely,

Frank Craighead

FCC/pw

February 4, 1974

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

COPY

Dear Mr. Zetterberg:

I have just read over your letter of January 14, 1974, along with James Brady's deposition.

I have been away for ten days so I'm again pressed for time in answering correspondence. I will, however, answer your questions briefly.

As to a time when it would be convenient for me to attend the trial, I could probably make arrangements almost anytime in February. I will be away the first week in March, but during the rest of this month I should be able to meet a date of your convenience. I expect to be involved with office work here during most of the month of April.

I read with interest the deposition of Brady and Collins. At your request I will comment briefly on a few points in the testimony. On page 2, Brady mentions that he had five extra rangers to help him with bear problems. This is a lot of rangers for bears in one area and would indicate that a large number of grizzlies must have been moving into campgrounds, following the closure of dumps, yet as I recollect public statements indicated that -11 was going well. The visiting public should certainly have been warned of a critical situation that would take five extra rangers to handle.

At the bottom of page two, Brady says that he found no evidence of who the person was who had owned the tent. I wondered if anyone had checked to see if there was an abandoned car, and if so, what was done with it? This might be a lead to the person who owned the tent. It seems very unlikely that a camper who had his camp razed in this manner would not have reported the incident to the proper Park authorities.

On page three, Brady mentions that for the October time of year, late fall, Gibbon Meadows was a reasonably good transplant area. This is an area where elk congregate during the fall breeding season and is one of the best and most well known places in the Park to hear bugling elk. People from Park headquarters take visitors to this area to hear elk bugle.

The next paragraph down he mentions that there were several factors that were considered on where to transplant the bear such as the "known history of the animal". This of course is very important, yet markers were removed from our study animals, making it virtually impossible to continue to gather information on the history of the individual animals or families. This was done even though we repeatedly informed Park personnel of the value to ourselves and to them of maintaining the markers on the grizzly bears.

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In several places, such as the paragraph at the bottom of page two, Brady mentions that there were probably two bears. If there had been two bears here, and if two had been trapped, he would definitely know this and this should certainly have been recorded in the bear log.

At the bottom of page two, Brady indicates that he and his rangers made an effort to tell visitors to watch out for bears and bear dangers and they had briefing sessions for concessionaires. It is my impression that most newspaper releases coming from Mammoth during these years indicated that all was going well and there was no problem with the bears. It might be well to check this. I will see if I can locate some newspaper clippings as I file some of these from time to time.

At the bottom of page five - - It would be interesting to know how Brady determined that there were more bears in Old Faithful in 1970 than there had been before, but that there were less bears in 1971-72. Had they been making periodic and systematic censuses? On page six, middle of the page, you put in parenthesis that Cole says that fifty miles is not enough to prevent a bear from returning. It would be interesting to know if Cole knew this in 1970 and how it was determined.

These are just a few thoughts and I will perhaps write you again when I get an opportunity to re-read and study this deposition in greater detail.

Sincerely,

Frank C. Craighead

FCC/pw

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

TELEPHONE
(714) 621-2971

January 14, 1974

receipt acknowledged

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

Dear Dr. Craighead:

Working on the Walker case, I had my secretaries type up my recollection of depositions taken in Yosemite Park on November 1, 1973, of James Brady. You will recall that Brady was the Sub-District Ranger in Yellowstone at the time of the Walker death, and also at the time of the 1970 events at Yellowstone.

At first I thought I would just send you the part about the Fire Hole River campsite, but then I figured that my memo on all the deposition might be of some interest to you.

If, after reading it, either you or John has any comment about any of Brady's testimony (as I have reported it), I would be glad to have it.

We are sending a copy of Cole's deposition to Seater, on the federal lawsuit, particularly on the contrast of your methods and Cole's.

On the 29th of this month, the Government is taking the deposition of the parents of the Walker boy, in Anniston, Alabama. Shortly after we return from there, we will have a pre-trial hearing in the Los Angeles federal court, and we will be setting a time for the trial of the action. Since part of our causes of action are based upon the theory that the Government has mismanaged the bear program at Yellowstone, it seems like it would be absolutely essential to our case to pick a time when you, and also possibly John Craighead, will be able to be present to testify on the garbage dump closure issue.

Do you now know any times when you will absolutely not be available, so that we can try not to set the trial at that time?

With best personal wishes, I remain

Very truly yours,

Stephen I. Zetterberg

SIZ:ck

Encs.

April
1st week in March

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January 11, 1974

Mr. William B. Spivak, Jr.
Assistant United States Attorney
United States Court House
Los Angeles, California 90012

Re: Dennis G. Martin, Administrator of the Estate of Harry Eugene Walker, Deceased, vs. United States of America

Dear Mr. Spivak:

Our deposition of Mr. Brady was taken after the Demand Brochure was forwarded to you. Some items of information and of fact came out of Mr. Brady's deposition, which are pertinent to the demand, and we feel support the demand.

Mr. Brady was the Sub-District Ranger in 1970 and in 1972. In his deposition he testified at length about the Fire Hole River "abandoned camp." He admitted inspecting the camp, and coming to the conclusion that a bear had been in the camp. He also testified that he had had complaints about a bear being in the area near the cabins on the southerly and easterly portions of the visitor area at Old Faithful. This is the area facing the general direction of the Fire Hole River abandoned camp. He testified that he had set the trap, and after two days, caught the bear which later killed the Walker boy.

It was apparent to the listener at the deposition that Ranger Brady considered himself somewhat an expert at managing grizzly bears. The Park put him in charge of a critical area, knowing (as he testified) that there would be some danger because of the closing of the garbage dumps. In September of 1970, he personally inspected a campsite which had been attacked by a bear, and he should have known, indeed, he must have known, that it was quite possible that this was a grizzly bear. Within the month, he had complaints

Dates
Walker boy killed - 1972
Bear in Fishcake Camp - Sept. 1970
Bear trapped in old F. visitor area - Oct. 1970

about a grizzly bear, and, setting a trap, caught the particular bear that later was to kill the Walker boy. The Government must be charged with the knowledge in October, 1970, that it was quite possible, in fact, likely, that the bear that laid waste to the Fire Hole River camp was the same bear which a month later was trapped in the visitor area behind the cabins at Old Faithful. It was imprudent, and dangerous to the visitors, and fatal to Walker, for the Government not to act upon the assumption that it was the same bear, in both September and October, 1970. In our view, it is not essential that it was the same bear; the fact remains that ordinary prudence would have made the Government deal with it as the same bear, which it likely was.

This is not a case where two different bits of information fail to reach a common source within the Government; Ranger Brady was the common source. He was the person involved with both bear incidents in 1970. Applying even the bear doctrine used at that time, this bear should have been treated as a two-time loser back in October 1970. And, in any event, Ranger Brady, and therefore, the Government, is charged with knowledge, and also understanding, that a grizzly bear that has lost its fear and respect for human beings is especially dangerous. Such a bear was not afraid of the human camp on the Fire Hole River. Such a bear was not afraid of the populated area near the cabins in October, 1970. Such a bear, the same bear, was not afraid of humans in the area in 1972.

If you re-read the testimony of Ranger Brady, you will discover that there was one substantial element missing in his choice and recommendation as to where to transplant the Walker bear, back in 1970. He really did not consider the danger to human beings in chosing the place to transplant.

The kind of trap that you and I saw at Yellowstone, and which Brady used, was a trap that had no protective sheeting over the grillwork. Bears confined in such a trap try to

bite their way out, and wear down their teeth. What Brady did not then realize, and does not even now realize, was that old bears, and bears with poor teeth, are especially dangerous to human beings. This danger is compounded when the bear has lost its respect of and fear for human beings.

The Government was fatally careless in the management of the particular bear which killed the Walker boy.

Very truly yours,

Stephen I. Zetterberg

SIZ:ck

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October 29, 1973 (Typed 11-1-73)

Dr. Frank Craighead
Moose
Wyoming

Dear Dr. Craighead:

Thank you for your excellent letter with enclosures, which just came in the morning mail.

I attach a Xerox copy of my handwritten memo, which I wrote out at 10 p.m. April 14, 1973, after we had our very informative and interesting dinner. This is where I got some of the quotes I used in our brochure. I send you the copy, because I could have misunderstood or misremembered, and this will give you a chance to look over what I wrote down.

As I see it, two of the major issues in our case are: (1) the apparent attitude of the National Park Service in holding back information that should have been made public regarding the effects of the closing of the dumps; and (2) the effect on the bear-human relationship precipitated by the policy of sudden closing of the dumps, as predicted by you.

I have read on every hand the evidence of the confrontation which is taking place now between the supporters of your research and work, and the Government people who have taken the opposite tack. If we get to the point of having the case rest upon this, I hope we do a good job in presenting our case.

The trial which has been set for January 15 is now going to be delayed because the Government wants to go to Anniston, Alabama, and take depositions of the parents of the Walker boy in January. We have tentatively rescheduled the pretrial for February 18, 1974, and the judge will set the trial date, which is likely sometime in March. We will let

you know as soon as we know the trial date. We would be hopeful that you and perhaps John would be able to give testimony as experts, and we will be checking with you as soon as the exact date is known.

I ran into a Mr. Martinek at Sleeping Bear National Sea-Shore, who said he used to be in Yellowstone. He said that when he heard of the closing of the dumps, he felt that the grizzly bear was "done for." Let us hope not.

Best wishes to yourself and your brother.

Very truly yours,

Stephen I. Zetterberg

SIZ:ck

Enc.

dinner w/ Frank C.

April 14, 73
10:00 PM
after dinner, Douglas + Frank C

Frank says:

he was kept on advisory committee until Sept? 1969 - that angry he + John wrote for Govt is apt to be changed, w/o his permission. that superintendents of Parks have ~~authority~~ sole authority & can make decisions. that advisory committee is picked to advise favorably to Govt. (implying that decisions made elsewhere). - that see & cast see (not Red) bump inquiries on down to agency engineer, to dresser. that rate of grizzly bear contacts w/ humans (dangerous contacts? injuries?) has increased 4-1 since policy changed. that they (F & J) have been carried out when they declined to sign. that (on Bill's question) bears/humans can be "managed" better than now, but that no ~~all~~ confrontations will be eliminated. the chance still there. that seasonal rangers are freer to talk because they do not have so much to lose. that Cole flunked Montana U, & was admitted to Bozeman. that "just L wildlife" fired him, & he was hired by N.P.S. ~~that he~~ (implying that Cole has taken over studies begun by Craigheads - using NPS sanctions so to do! that "under" Cole, Wood removed Craighead markup & put on NPS markup. - thus giving Cole access to continuing studies started in 59 by Craigheads. that Yan Sign bear tracking (eg #40) has been cut off by trapping cubs + killing #40 - implying that all other research has been stopped same way. that bear teach cubs, & if cubs are weaned early (eg after Coney out of hibernation

(1)

Craighead

March of 1st year after beg tour, & go into Comp areas w/o Mother's tutelage, will become users of Comp grounds for good. That no reason to kill bear, except chance over-dose of drug.

That bears don't track & try to kill humans. Would kill from choice, then if hungry might eat. Like Carrion best. Come to garbage dumps, but not to area people. But when garbage dumps closed, forced for food where people are. Not like black bears, who mark, rounds of dozen cars in Tetons. Went to dumps but did not go to comps. —

did not say "personality difference" w/ Cole. But did give facts to support prima facia charge of academic invasion (stealing) of works. — Crumpled by Cole.

Said there was a death in 70-71 Schreder knows about. Seasoned rangers sometimes know. — by old bear. —

Bill said this particular bear, had info regarding earlier encounter and history of. — trapped before. —

Grizzly bears don't become car bears. Black bears don't go to dumps. ~~Grizz~~ NPS destroys bears (black?) which cause trouble twice. Grizzly bear has "homing" instinct, so if they come to campground, & are removed they return, not because they are addicted, but from homing instinct. They were on their range. NPS kills. —

Says closing dumps good — but requires 5-yr phase-out.

May 9, 1973

Mr. Steven I. Zetterberg
Zetterberg and Zetterberg, Attorneys-at-Law
319 Harvard Avenue
Claremont, California 91711

Dear Mr. Zetterberg:

I appreciated your informative letter of April 24 with enclosures. I will plan to discuss some of this material with my brother John.

The date of the paper on Grizzly Bear-Man Relationships in Yellowstone National Park is 1968. I doubt if we can identify the bear that entered the Firehole River Camp south of Old Faithful, but I'll see what we might dig up relative to this animal. You mentioned that the bear involved in your case was found in a garbage-holding area at Old Faithful on October 14, 1970, and then transplanted to the Gibbon Meadow. It certainly should have been tagged at this time if the Park Service followed their usual procedure. I can't understand why it was tagged in 1972 rather than 1970. It might be worthwhile to pursue this further. I will not attempt to discuss some of the issues raised in your letter at this time as I am literally swamped with correspondence. I will however, plan to send you information of interest from time to time.

Sincerely,

Frank Craighead

FC/pw

May 9, 1973

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

Dear Mr. Zetterberg:

I appreciated your informative letter of April 24 with enclosures. I will plan to discuss some of this material with my brother John. The date of the paper on grizzly bear-man relationships in Yellowstone National Park is 1968. I doubt if we can identify the bear that entered the Firehole River Camp south of Old Faithful, but I'll see what we might dig up relative to this animal. You mentioned that the bear involved in your case was found in a garbage-holding area at Old Faithful on October 14, 1970, and then transplanted to the Gibbon Meadow. It certainly should have been tagged at this time if the Park Service followed their usual procedure. I can't understand why it was tagged in 1972 rather than in 1970. It might be worthwhile to pursue this further. I will not attempt to discuss some of the issues raised in your letter at this time as I am literally swamped with correspondence. I will however plan to send you information of interest from time to time.

Sincerely,

Frank Craighead

June 27, 1973

Mr. Steven I. Zetterberg
Zetterberg and Zetterberg
319 Harvard Avenue
Claremont, California 91711

COPY

Dear Mr. Zetterberg:

I am enclosing some material on the evaluation of tables from the National Park Service Progress Report. This also gives the Park Service data as well as some of our own, which can be used for comparative purposes. If you have any questions on this material, you can either get in touch with me or my brother John or Jay Sumner. I hope that this information will be helpful to you.

I made two short visits into the Park this spring without seeing any grizzlies, although I did see the tracks of two animals in the snow. Reports from the rangers I've talked to, as well as people in West Yellowstone, indicated that grizzly sightings have been relatively scarce this spring. I will try to get additional information this summer. So far there has been one illegal kill of a grizzly that I know of.

Sincerely,

Frank Craighead

FC/pw