

Mrs. Paul V. Shell  
809 East 83rd  
Kansas City, Mo. 64131



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

809 East 83rd St.  
Kansas City, Mo. 64131  
August 23, 1979

Mr. Jim Doherty, Executive Editor  
National Wildlife  
225 East Michigan  
Milwaukee, Wisconsin 53202

Dear Mr. Doherty:

Thank you for your July 19 letter and the enclosures which were here when I returned from a month's vacation in the Rockies.

Also in my mail was the current issue of International Wildlife and I was delighted to find that it is a special issue devoted entirely to animal behavior. You are breaking new ground for your readers by linking the natural and social sciences in such an interesting and thought-provoking way. Certainly an understanding of animal behavior as it really is must surely lead us to a better understanding of our own behavior as it really is. This might prove most enlightening to some preservationists.

As for the grizzly bear, I am convinced that the future of this species rests on human knowledge and understanding of its behavior as it really is and especially as it is influenced by man. Frank Craighead's book provides many answers. The Craighead research on man-conditioning is, to my knowledge, the only source of conclusive documented information on this subject.

I would like for you to see the enclosed copy of an August, 1977 report on bear management made to the Director of the National Park Service by two members of the National Parks Advisory Board -- since it explains some of the confusion about grizzly bear behavior. I call your attention to two statements: (1) It is abundantly clear today that bears are too smart and too aggressive to be shunted easily from human contacts and food rewards. (2) And even if all food contacts are removed, we see distressing signs that some bears -- both grizzly and black -- are losing their fear of people and are developing aggressiveness unrelated to the food motive. This is a new and extremely serious turn of events.

The first statement says, in effect, that the present management has not succeeded in disassociating bears from people and their food whereas the second interprets the bears' aggressiveness as a new development unrelated to the food motive. There appears to be a conflict here.

As for the Yellowstone grizzlies, the information in official park documents, as cited in Frank's book, shows that for the past decade and in conjunction with closure of the garbage dumps, these bears have foraged in campgrounds and developed areas in unprecedented numbers. There they become conditioned to man in such a way as to associate food-getting with humans. This, in time, becomes a general conditioning to man wherever man is encountered, whether in a campground, on a trail or in the backcountry. These bears, no matter where they may come upon people, associate them with food-getting. As Frank writes, "Though such man-conditioned animals may coexist with people for some time, there is a tendency for them to move ever closer and if startled or provoked by a human at close range to attack." Craighead studies reveal that grizzlies conditioned by food hand-outs, as has been more common in Glacier than in Yellowstone, will soon approach people boldly in their attempts to get food, and make bluffing charges. In fact, man-conditioning, which is not new and which is definitely and very dangerously related to the food motive, is now all too prevalent in both parks and the increase in the number of such animals can be attributed to management that has been ineffective in dealing realistically with the problem.

I can only conclude that neither the Park Service (upper echelon) nor its advisers understand the type of grizzly bear behavior they are dealing with.

As for the recommendations on research in the NPS advisers' report, those calling for duplication of studies the Craigheads have already made, including behavior studies, constitute a needless expense and delay solutions to the problems. These are needed NOW. In addition, the emphasis on researching methods of aversive conditioning -- teaching bears to shun people -- are worrisome, particularly where the grizzly is concerned. The Yellowstone bears have already undergone experiments with such methods, one of which has consisted of feeding them emetics encased in marshmallows on the supposition that when they subsequently become ill they will give up their association with campgrounds and campground food. An eyewitness account of what happened to one grizzly that was fed the emetics reveals that it was disastrous to the bear. The grizzly became ill, began acting strangely and eventually fell into the side of a tent which, fortunately, was not occupied at the time. But the bear's condition made it dangerous to campers and so the final solution was applied -- the bear was killed. Another method tried in Yellowstone, largely on black bears I'm told, was to shoot bear bags at bears in an attempt to scare them away from campgrounds.

Mr. Jim Doherty  
August 23, 1979

Page 3

A campground, where grizzlies have no business being in the first place, should not be the scene of experiments that irritate bears by spanking them with bean bags or that make a grizzly dangerous by deliberately feeding it a drug to make it ill. Visitors should not be expected to accept the added risk.

Nor need grizzlies be in campgrounds as in recent years if the Craighead recommendations on zoning were effected. As you have probably noted, the Craighead research team was able to attract as many as 24 grizzlies to a single elk carcass from diverse locations up to 18 miles away. It is a proven technique for separating people and bears. It is not mentioned in the NPS advisers' report.

However, the report concedes, in summary, that, "We have grossly underestimated the problem. In the past 10 years grizzlies have killed more people in the parks than in the previous century (back to the founding of Yellowstone). Black bears continue to be an unmitigated nuisance in many areas."

The report gives the Park Service a grade of "A" for effort in trying to manage bears but only a "C-" in accomplishment. A rating of excellent for effort and poor for accomplishment has implications for grizzly bears here in the States where they are rare and becoming ever more rare. This suggests that the Park Service should cast off the attitude that a government agency can never be mistaken, confer and cooperate with an expert on grizzly bears and their behavior, open the parks to independent grizzly bear research by qualified scientists, and begin to advance the grizzly's cause as it is directed to do by the United States Congress.

Should you decide, after reading Frank's book, to reexamine the Craighead controversy in an article, I hope it will include some of the points raised in this letter, with emphasis on understanding grizzly bear behavior as it really is.

I would like to have a try at such an article.

Sincerely yours,  
Martha Shell  
Martha Shell

enc.

P.S. I liked Jean George's article dealing with social hierarchies.

809 East 83rd St.  
Kansas City, Mo. 64131  
Sept. 11, 1979

Joe Cutter  
THE OLD FAITHFUL TIMES  
West Yellowstone, Montana 59758

Dear Joe:

We had thought we'd get on up to Yellowstone from Colorado this year; however, we couldn't make it after all. I'm sorry since I would have liked to meet you and have a visit about the bear situation up there.

Thought maybe you would like to see the enclosed copy of a letter I have sent to Senator Edward Kennedy, asking him, as Chairman of the Senate Judiciary Committee, to do all possible to help the private bill, S. 889, for relief of the family of Harry Walker who was killed by a grizzly in Yellowstone in 1972. The National Park Service is opposing this bill on some strange grounds. As I understand it, the Service claims that passage of S. 889 would, in effect, make NPS an insurer of the safety of all Yellowstone Park visitors and would then necessitate changing all policies and programs for grizzly bears (which certainly need some changing, I say.)

It has been pointed out to the Park Service, however, that the final decision in the Walker case is that the government is not an insurer and that grizzly operations are discretionary with the NPS; nor would passage of the Walker bill change the legal decision in this case. It has also been pointed out that in the Walker case the government was sued for negligence and negligence alone. -- Thus the grounds on which NPS opposes this bill have been created out of thin air.

During the 95th Congress, a similar bill for the Walker family, S. 1476, was reported favorably by the Senate Judiciary Committee but Wyoming Senator Malcolm Wallop succeeded in blocking the bill from reaching the floor of the Senate for a vote. Wallop is no longer on the Judiciary Committee, I understand, but I wonder if he will still oppose it now that it is, as S. 889, coming up again. Or if there will be other opposition to it. I understand that the Judiciary Committee plans to act on the bill soon.

Although I feel the Walker family is more than entitled to the relief S. 889 would provide, I am interested in the outcome of the bill in the larger sense that if it is passed it would serve as an indication from Congress that there is need for more attention to the matter of providing better for visitor safety in the bear parks. There is really little excuse for the conditions in Yellowstone that have led to one, probably two deaths and to critical injuries for a few people as the result of grizzly attacks. The fact that these conditions have been allowed to run on for years has also led to the situation by which the grizzly population is now decimated. In other words, passage of the bill might make the Park Service feel constrained to reexamine its policies and programs for grizzly bears and make changes beneficial to all concerned.

I feel that unless the Craighead zoning recommendations are effected, this situation will just go on until we have no more grizzly bears.

I hope you will put some pressure on for this in your paper.

Let me know what a subscription to the OLD FAITHFUL TIMES will cost, will you please? And also let me know if there is anything I can do to help.

Sincerely,  
M.S.  
Martha Shell

enc.

809 East 83 St.  
Kansas City, Mo. 64131  
September 11, 1979

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

Dear Frank:

Have been trying to get a chance to write you ever since we returned from Colo. the middle of August. As you can see, we didn't make it up to the Yellowstone area. We had our grandson with us and as it turned out there were a lot of boys visiting in the cabins near ours and he was so engrossed in all the activities with them that he begged to stay in Colo. And we gave in. He went trout fishing, mountain climbing and went on a four hour horseback ride in Rocky Mt. Park, among other things.

Among the visitors in the other cabins were Dave and Alice Osborne and their children -- and we were so pleased to learn that Dave knew you. He is professor of ornithology at Miami University at Oxford, Ohio. Now do you remember him? He told us he was responsible for getting you to lecture at the university and had spent a couple of days with you at that time. He was quite interested in the grizzly situation as a result so we struck up a real friendship and talked a lot about the bears and the Craigheads. Dave's wife had been a close friend of my cousin Con Ball's daughter when they both attended college at Greeley and <sup>they were</sup> staying in the Ball cabin. <sup>Dave</sup> was very interested in Paul's hummingbird photography too and Paul is sending him some slides for his classes. He told us he was going to get your book on the grizzly as soon as he returned to Ohio. My copy was being read by my relatives out there at the time. He also told us how discouraged he was that some of his students who went to work for the federal government underwent such a change in attitude. He said when they started out they were really enthusiastic about doing big things in the field of wildlife; but then they would get a promotion and more money and would begin to adopt the govt's. attitudes and policies without even a fight. He said it was most upsetting.

I got in touch with Zetterberg as soon as we got home and learned that the new bill for the Walkers, which is S. 889, would be coming up for action in the Senate Judiciary Committee -- supposedly as soon as Congress reconvened after vacation. This was on Sept. 4 and as yet I've heard nothing on it. I got busy on a letter to Sen. Edward Kennedy (at Zetterberg's suggestion) asking him, as Chairman of the Judiciary Committee, to do all possible to help the bill. Copy of the letter is enclosed. Also enclosed is photocopy of a note dated Sept. 5 which I received from Zetterberg after I had sent him copy of my letter to Kennedy. Now isn't it interesting that he had along with him on his hike above Yosemite two people who were interested in Frank Craighead? And that one was even reading your book. The information that a Montana senator may now oppose the Walker bill is discouraging. Which one do you suppose it is, Melcher or Baucus? I remember that when Melcher was in the House of Representatives he was quite interested in the Yellowstone grizzly situation and seemed to feel back in 1971 that the Park Service should leave the Trout Creek dump open. He should know what the real situation with the grizzlies has been. As you will note in my letter to Kennedy, I photocopied a section of your book and sent it to him -- I hope I'm in no trouble over this as there was not time for me to get the book mailed to him.

I have also written the enclosed letter to Jim Doherty, Executive Editor of National Wildlife, in response to his July 19 letter to me. The Sept. - Oct. '79 issue of International Wildlife was devoted entirely to animal behavior and carried quite a commentary by Doherty, himself. Jean George also had an article in that issue which was very interesting. I feel Doherty should be interested in clearing up the matter of what has really been at the bottom of the decimation of the Yellowstone grizzly population for his readers. And I offered to do an article on this for him. But I've heard nothing back from him yet. Of course, if he can get you or John to do it, that would be much better as you can tell the story much better than I can.

Frank Craighead  
Sept. 11, 1979

Page 2

I've been thinking about Joe Cutter of the Old Faithful Times -- he told me he would send me copies of what he would be doing on the Yellowstone bear situation and so far, he has not done so. Maybe he has not started anything in his paper on this yet. Anyhow, I sent him the enclosed letter dated today. This letter is just about the Walker bill but gives some reasons why passage of the bill could be beneficial to both park visitors and the bears. I also asked him to let me know the cost of a subscription to his paper -- maybe that will jar him loose with something. I hope so.

We have ANOTHER national trade show coming up in St. Louis this week end -- NAFEM, (Nat. Food Equipment Mfrs. Assoc.) and will be leaving Friday to attend that. Also have a 4-state midwestern show coming up after that. As Paul says, they have so many trade shows he can't find time to take care of his customers in between. He was also asked to handle a deal in Denver for one of his factories back east while we were in Colo. and that was one reason we felt unable to get on up to the Yellowstone area. He spent quite some time in Denver on that. However, he thinks he will have to go back to Denver on it probably in Oct. and if he does go, I'm going along. Paul says that if things are heating up with, for instance, Joe Cutter's publication by then, I can fly on up to Yellowstone and get with him then. That is, if it seems I should.

We hope that you and Esther had a good trip to Alaska. When are your hearings with Sen. Henry Jackson's committee scheduled? I'll sure be interested to learn the outcome of them. Am enclosing copy of an article in the 8-8-79 Estes Park Trail-Gazette dealing with a meeting of Inholders of Rocky Mt. Park property held there. I hope SOMEBODY gets the Park Service stopped in its high and mighty dealings with the public.

I had a little session with 4 rangers in Rocky Mountain while I was out there this year. We noticed that practically all the little rodents, chipmunks and ground squirrels, that people usually feed at the turn-outs were gone so I inquired about this and got the story about the bubonic plague germ being present in some of these animals. So I asked them what they had done with the rodents that used to be at the turn-outs -- did they kill them off. I asked, like they had killed off the grizzlies in Yellowstone? I was told no, that they had not killed them. We had a hot little conversation about the grizzlies during which they asked if I really knew why those grizzly bears in Yellowstone had to be killed. I told them I sure did -- that I had the records on all the known deaths of Yellowstone grizzlies and that the NPS was either directly or indirectly responsible for most of them because of its lousy management. Suggested they get your book and read it if they really wanted to know the score. One of them told me that the Park Service was trying to restore the parks to conditions existing when European man arrived in N. America and I told him I'd heard all that stuff before and would like to ask him a question -- if we had to go back to that period in our history, I said, "Where are the Indians? -- I can't find any in your parks." We parted company at that point. However, when I got home I picked up a copy of Outside Magazine and read where the Park Service had killed large numbers of rodents in Rocky Mountain to keep park visitors from feeding them and risking disease. I agree that visitors should not feed them -- but also think the Park Service should tell visitors the truth, admitting that many have been killed.

Frank, keep me posted as to what is going on, if anything new. And give our best to Esther too.

Sincerely,  
Martha  
Martha

enc.

PS. I also talked to Louise Walker - she had gone to a town 11 miles from Amniston in hopes of seeing Sen. Stewart. She did see him - caught him as he was leaving his car to go to a meeting. She asked him about their bill & he told her he would do everything possible to help the bill.

809 East 83rd St.  
Kansas City, Mo. 64131  
August 31, 1979

Honorable Edward M. Kennedy  
U. S. Senate Post Office  
Washington, D. C. 20510

Re: S. 889, sponsored by Alabama Senators Heflin and Stewart for relief of the Wallace Walker family of Anniston, Ala.

Dear Senator Kennedy:

I write first to express my appreciation for the concern you showed for victims of the Atomic Energy Commission's nuclear testing programs during your Salt Lake City Hearings.

You were quoted in Mary McGrory's column in the April 25, 1979 KANSAS CITY TIMES as saying, "the federal government placed the citizens of Utah at risk without their consent, without their knowledge and without taking proper precautions."

I find it disturbing that a growing number of court decisions are, in one way or another, unfairly denying the public the benefits of the Federal Tort Claims Act.

This is exactly what happened in the situation the above private bill, S. 889, is designed to remedy. In 1972, Mr. and Mrs. Wallace Walker lost their only son, Harry, when he was killed by a grizzly bear in Yellowstone National Park. Harry, age 25 at the time of his death, was a working partner in his family's small dairy farming business near Anniston. The Walker family sued the government (National Park Service) for negligence.

I attended the trial of this case in 1975 in a Federal District Court in Los Angeles. After a long trial, Judge Andrew Hawk ruled that "the negligence of the defendant, United States of America, was the sole, direct and proximate cause of the death of Harry Eugene Walker on the night of June 24-25, 1972." He found that Harry was not contributorily negligent and concluded that the Park Service had failed to exercise due care toward the decedent in five respects. These included failure to warn the decedent of the danger from grizzly bears known to the Park Service and its employees but unknown to the decedent, and failure to avert an attack on the decedent by prudent control action on the grizzly bear that killed the decedent. The court awarded very reasonable damages to members of Walker's family.

When the government appealed, the Ninth U. S. Circuit Court of Appeals

proceeded to retry the facts of this case in violation of Rule 52, Federal Rules of Civil Procedure, and in doing so produced an opinion (written by Nebraska Senior U. S. District Judge Robert Van Pelt) which is a prime example of inaccuracy, inefficiency and wishful thinking. I may even have gone so far as to say that the fact-finding performed by this court is such that it should be inscribed, "To the National Park Service, with love." So should the court's decision that the handling of bears in national parks is within the government's "discretionary function" -- letting the government hide its negligence behind the "discretionary exemption" to the Federal Tort Claims Act.

When the Walker family appealed to the Supreme Court, the government's brief carried this notation: \*The facts are taken from the opinion of the court of appeals. The Supreme Court elected not to hear the case.

What a shoddy way to circumvent the intent of the Tort Claims Act!

Mr. and Mrs. Walker and their daughter Jenny Lynn, then in her late teens, attended the trial and heard the testimony of Dr. Frank C. Craighead, Jr. who served as an expert witness for the Walker side. Dr. Craighead, who is regarded as the world's leading authority on the grizzly bear, testified extensively about the behavior of grizzly bears in relation to humans and human safety. The evidence was clear that the National Park Service had this information long before Walker's death, but flatly refused to make effective use of it in the interest of public safety. As far as I am concerned, the Court of Appeals' decision in this case is a vote against the use of grizzly bear research in the management of these animals and tells park visitors that it really doesn't matter if their safety is unduly threatened as a result.

I have kept in touch with the Walker family since the trial. Mrs. Walker was very close to her son and his death, particularly the way he died, has perhaps been most traumatic for her. Jenny Lynn, who told the trial court that she would not leave her parents until their situation in the loss of her brother improved, is still living at home with her parents. Since Harry's death, Mr. Walker has continued to operate the farm, alone. He is retirement age, but gone is the plan for his son to manage and operate the farm when he retired. He gets up, seven days a week, at 3:00 a. m. to milk his cows which he does on his knees since he has no automatic equipment. These are courageous people, very deserving of the help S. 889 would give them if passed by Congress.

Since the trial Dr. Craighead has published a book on the grizzly and I am enclosing a section of it which leaves no doubt of the conditions in Yellowstone that led to Harry Walker's death. If there is any question as to whether the Walker family deserves the relief S. 889 would provide, this part of the Craighead book more than answers that question in the affirmative.

STEPHEN ZETTERBERG

350 WEST RADCLIFFE DRIVE  
CLAREMONT, CALIFORNIA 91711

Sept. 5, 1979

Dear Martha Shell -

You do write well! I think the letter to Sen. Kennedy is excellent! Let us hope! However, <sup>Sen.</sup> Cranston ~~was~~ a Montana Senator (?) may object. —

(Liking (only 22 miles this year) the high country above Yosemite, the only turned to bears. One man (D.C.) knew Frank Craighead because he had been pulled from a tree & injured by a grizzly at Yellowstone. Another person at the Tabbs had Frank Craighead's book, & was ready w/ —

well, as you say, let us hope.

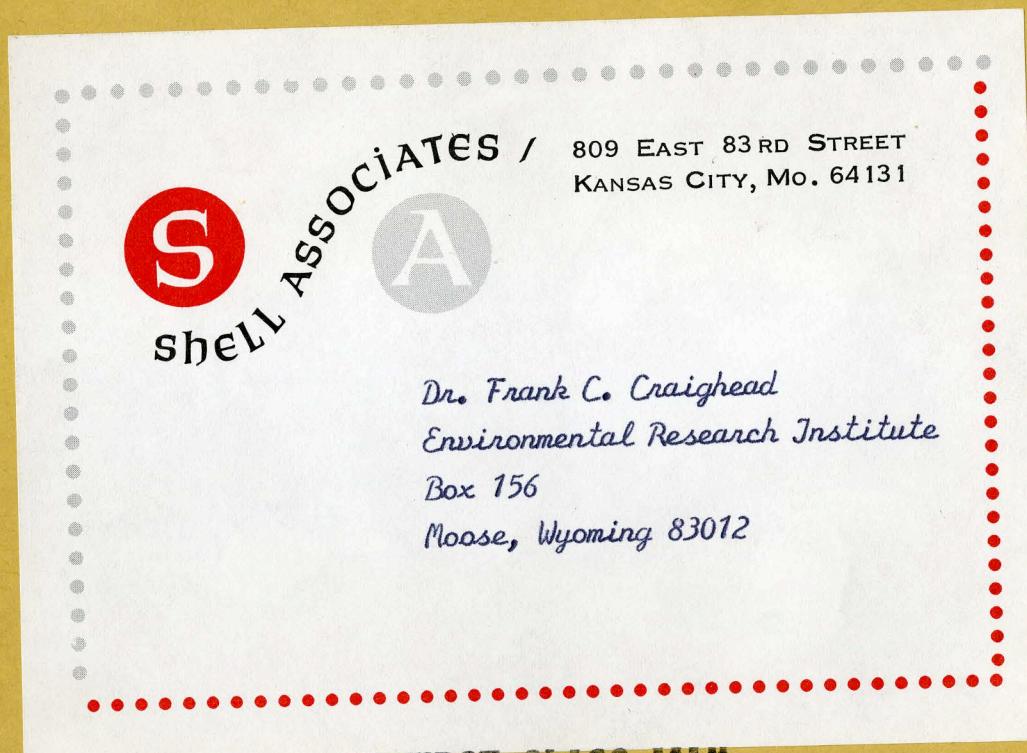
Sincerely

Stephen Zetterberg  
C.P.

~~WENDELL CORCORAN~~  
~~MA 303, LONG ISLAND, NEW YORK 11703~~

~~REPLY REQUESTED~~

FIRST CLASS MAIL



FIRST CLASS MAIL



FIRST CLASS



809 EAST 83 RD STREET  
KANSAS CITY, Mo. 64131

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

FIRST CLASS MAIL

Seattle, Wash.

Dec. 7, 1972

They evidently had not much in way of  
meeting after I left - I called Hilton 10:30 a.m.  
11:30 - meeting was over then.

Dear John:

After talking with you this morning I tried to raise Reed & some of the other F & G commissioners to obtain names of those attending the Grizzly Bear meeting. Most were not in their rooms at Hilton but I finally got hold of Don Brown and got the following names:

James White, Wyo.

Don Brown, Mont.

not a member of grizzly committee Joe Bump (not sure) Alaska  
<sup>of name</sup>

Bud Phelps, Utah

Win Freeman, <sup>Game mgr.</sup> Mont.

Joe Greenley, Idaho

Rausch, Bureau SF & W.

Spencer Smith Bureau SF & W.  
Nathaniel Reed - Asst. Secy. Nat.

in error  
Rausch was an  
assistant to Reed  
I think.

Later learned he  
was involved in a shooting  
that ~~was~~ <sup>involved in</sup> a goose season  
we ~~had~~ <sup>had</sup> been out & season

As I told you Harry Woodward  
was reported to have left  
for Colo. - They just said he had  
to go home. He was not there.

I drew Brown out, <sup>(on phone)</sup> about  
the whole situation - in fact  
we must have talked 45 min.  
or an hour. Quite a bit of the  
time was spent discussing  
what the Yellowstone "ecosystem"  
consisted of - whose bears  
the yell. grizzlies actually were  
etc. & I finally got him to  
agree that areas outside the  
Park where bears marked in  
Yellowstone were found had  
to be considered a part of the  
whole yell. ecosystem.

Brown then told me that

Dr. Starker Leopold's "only" objection to the NPS data was that it was not in the same depth as the Craighead data. Brown's evaluation was also that NPS data was not in same depth as Craighead data. (Now really!)

He then stated that all of the data on the bears obtained by both NPS & Craigheads since 1967 was "projected data". I said I couldn't understand this classification since Craigheads had documented results of the new program up until June, 1971 when terminated. He said that as of now he didn't really

Care about accuracy of data -  
but only cared about finding  
out in a hurry if the grizzly  
mortality rate is increasing  
beyond a "security level".

He said the data projections  
of NPS & Craigheads do not  
agree & the purpose of the  
new study is to determine  
the variable factor accurately.  
(Good Lord! - with NPS in  
there lying some more!)

I told him your data presented  
Sept. 19 showed population  
already at critical level - he  
said they must also check the  
Cole findings re possible  
increase in population & these  
would be used, along with yours

showing population decrease to determine the "variable factor"

I then told him I couldn't see how they could rely at all on the Cole data since population size estimates were based on sightings of grizzlies by rangers & Park visitors, many of whom can't tell a grizzly from a black, much less a cub from a yearling. He then said he felt ranger sightings would be accurate & there would be an attempt to determine the accuracy of all sightings including those made by Park visitors which would also be considered. (How ridiculous!)

I explained my interest - saying I might be the only

water specializing in grizzlies,<sup>management</sup>  
& found the subject fascinating.

He then made a suggestion  
to me - that, if I could afford  
it, I try to find a completely  
objective person to "spend  
some time" reviewing the  
entire situation & data in  
connection with the Yellowstone  
grizzly bears!

I came back fast and  
asked him "why don't you?"  
Then stated I meant him  
& the grizzly bear committee &  
that I felt an objective  
assessment of the data  
already acquired (for  
accuracy) was a MUST if  
they expected to get an

accurate evaluation of these data upon which they plan to develop their management program for the bears.

I unloaded on Cole, saying he'd been quoted in press as claiming the Craighead data is "entirely false". (I forgot to say that I also made this statement at the meeting to Reed, upon which he commented that he didn't believe it - if so it was an inaccurate quote & if Glen found out about it he would probably sue - I told him I'd be glad to furnish the articles to him.)

Back to Don Brown - his

comment was he didn't know Cole had been thus quoted in press (I imagine!). I pointed out he was quoted in press but also that he didn't attend the <sup>Sept. 19, 1972</sup> Craighead briefing session. Brown said Cole had been "requested" to leave the meeting (your session). I asked him by whom - he said "Well, if Ted asked me I'd have told him to leave as he's the <sup>WHO</sup> <sub>IS EMOTIONAL</sub> kind of a guy that gets very nervous at meetings, & upset & won't have been impossible for him to keep his mouth shut." I said "Evidently he didn't," & blew to the press. He said Glen & I disagree often but

don't criticize each other.  
(Ho! Ho! - Bureaucracy at work).  
Again he said "All I care  
about is finding out if  
mortality rate is increasing  
beyond the 'security level' +  
fast. I pointed out that the  
accuracy of the data was an  
important factor in learning  
this.

He asked me as to whether  
I felt that if mortality was  
increasing + endangering bears  
+ could be traced to absence of  
food in the Park what I  
thought should be done -  
I said 'Feed elk carcasses  
to pull bears into backcountry  
+ hold them there as much as

possible until they could raise several generations of cubs without garbage feeding experience. He said would be harder than I realized + did I think the public would stand for killing elk rather than grizzly bears. I said I did not know but something HAD to be done to get bears out of camp grounds where they were now subject to heavy control - + that there was also a public safety factor which NPS was doing nothing about except killing the bears.

He then told me that the ONE objective person where

grizzlies are concerned is Ken Greer I suggested I talk to him re whole thing. (HA! HA! HA!). I told him I'd gotten Greer's material which also didn't agree with mortality figures for Yellowstone Park as put out by NPS & I thought objective review by qualified people outside govt. of all data on bears was a must.

I then asked him what he thought about NPS trying to get an agreement whereby Craighead researchers could return to the Park provided they not speak or write about their findings, that even the Bureau had to have

Concurrence of NPS before  
they could make comments.  
I said, "I want to point out  
that a SENATOR sent me  
copy of this agreement & I  
knew what it contained." He  
Said "this is violation of  
public's right to know  
about matters vitally affecting  
them in Nat. Parks." He said  
he knew nothing about this.  
I said, "But I do!"

I told him Cole had also  
failed to comment when I  
interviewed him in Sept. at  
Park Hdgtrs. & I stated their  
maps of grizzly sightings in  
1972 showed the bears to  
be concentrated in campgrounds

+ developed areas. He said NPS was going to close the "Trout Creek Campground" + one other next year + then he thought the bears would get out of there. I said, "Yes, just as they have already been doing - going over to Montana to towns + other garbage ~~or~~ or food sources where you + not NPS will have to deal with the problems." He sort of flustered around + said he didn't know what to do, - would try to find out through new study.

I said "Well, Cole also told me the northern elk herd was NOT overpopulated." At this

He just gasped - then broke  
into ~~loud~~ guffaws. I said,  
"Well, he says the elk  
program is based on 300,000  
years of natural selection  
which shows what works!"  
He said "Well, the public's  
concept of a Nat. Park is  
for all to be natural". I said,  
This sort of leaves you as  
Mont. F&G Commissioner to  
deal with the NPS problems -  
they are just dumping them  
over onto you." Then I told  
him NPS was overboard on  
the "natural" thing, that with  
3 million visitors in the small  
area of Yell. There HAD to be  
some manipulation through

management programs for  
wildlife, but that NPS  
took the attitude of "do nothing,  
just sit." I said the yell.

grizzly program is a disgrace  
- a young man killed by  
grizzly in '72, first time in 52  
years, + NPS still doing nothing.

He said that was purpose  
of new study - to find out  
what to do + whatever review  
is made will be done objectively  
- Craighead data to be  
accepted along with <sup>Cole</sup> information  
that <sup>could be</sup> attributed to qualified observers  
+ also some consideration of  
the other observers which I said  
were not qualified observers  
- figures from both Cole +

Craighead data projected forward to determine the variable by the new study.

— — ANOTHER Projection?  
Why? - I said why not determine accuracy of present "what he calls" projections?

He then asked that if he was quoted I please quote him correctly - I said I'd been trying to do this all along in my association with the grizzly matter.

Oh yes, I also told him Cole had told me he wanted no part of the game manager's concept of managing wildlife. Well, John, this is the

best I can make from my notes on Brown's conversation - and my memory.

I think the situation is Pathetic, ridiculous & a few other words I shouldn't use.

Now don't get too upset - we are going to ATTACK!

DAMN the whole crowd with the govt!

Oh yes, told you the two from the Bureau left meeting when they saw I was there - no doubt at Reed's request, What a cover up!

Talk to you later, Martha  
(See next page)

- 17 -

I ask one thing of you  
— Please photocopy this  
letter + send copy to me —  
I did not bring carbon  
paper along + I need this  
for my records — as fast as  
I can get it.

Regards to family + Jay  
M.S.

So glad I came to this  
meeting! Mine  
Xmas present from Paul,

STANLEY K. HATHAWAY, Governor

HARRY C. BARKER, JR., Pres., Moose  
REGINALD C. BAFFORD, Vice Pres., Lusk  
CHARLES M. CROWELL, Casper  
HARRY A. DEBOLT, Torrington  
WILLIAM R. KRUEGER, Greybull  
LEE MANKIN, Gillette  
DAVID NELSON, Kemmerer

# State of Wyoming



JAMES B. WHITE  
State Game and Fish Commissioner  
EARL M. THOMAS  
Assistant State Game and Fish Commissioner  
HOWARD W. ROBINSON  
State Game Warden  
W. DONALD DEXTER  
State Fish Warden  
EVA M. SORAN  
Chief, Fiscal Division  
GEORGE A. KAMINSKI  
Chief, I & E  
CHESTER C. ANDERSON  
Chief, Research & Development

## GAME AND FISH COMMISSION CHEYENNE 82001

November 29, 1972

Mrs. Martha V. Shell  
809 East 83rd Street  
Kansas City, Missouri 64131

Dear Mrs. Shell:

Yours of November 14th, to Mr. Harry Woodward, Director of the Colorado Game, Fish and Parks Department, has been referred to me for reply.

A meeting of the Western Directors is scheduled for December 6 & 7, 1972, at the Sea-Tac airport in Seattle, Washington, to discuss the grizzly bear eco-system in the northwest, United States, and to develop a long range comprehensive management program. This will be one of several items to be discussed with Assistant Secretary of the Interior Nathaniel Reed concerning wildlife management policies.

This will not be a public meeting; however, I see no reason why members of the press would not be welcome.

Sincerely,

*James B. White*  
James B. White, Chairman  
Grizzly Bear Management Committee  
of the International Association of  
Game and Fish Commissioners

JBW:jg

# U.S., States May Share Bear Problem

United Press International

Federal officials meeting here yesterday indicated a willingness to share their authority with state game and fish directors to help solve grizzly bear and predator problems.

"It's part of the new federalism of the administration to return authority to the states," said Spencer Smith, director of the Bureau of Sports, Fish and Wildlife. "We support that move."

Fish and game directors from the 11 Western states wanted to take the responsibility for predatory animals now delegated to Smith's agency by the 1931 Predatory Control Act.

A committee of directors from Wyoming, Idaho, Montana and Colorado indicated they wanted to be involved in the study and management of grizzly bears in the Yellowstone Park area.

A study by Dr. Frank C. Craighead showed that the National Park Service management of grizzly bears will lead to their extinction. But studies by Glen Cole, Dr. Robert Linn and other National Park Service scientists showed NPS policies aren't hurting grizzlies.

All four members of the directors' committee agreed that Craighead was "one of the outstanding world experts" on grizzly bears.

But they indicated that more study is needed, and wanted to bring in several federal and state agencies to work on what the committee believes would be at least a five-year study.

"We'd like to see a new thrust that involves federal and state agencies. We'd like to see the Bureau of Sports and Fisheries, the fish and game commissions from the affected states and the U.S. Forest Service working together," said Harry Woodward, director of the Colorado Division of Wildlife.

There are two views on management of grizzly bears.

Craighead's studies indicated that the grizzlies could not maintain their population without foraging for garbage in Yellowstone Park, because that's how they'd gotten food for years. The studies by Cole and others indicated the bears could survive; and National Park Service policy since 1968 has been not to serve the grizzlies garbage, with the hope of returning parts of Yellowstone to a more natural state and minimizing man's interference.

Smith said the view of Assistant Secretary of Interior Nat Reed is that some overview of the studies already made is needed, to decide which view is correct. Reed may name a blue-ribbon panel of scientific experts to judge the studies.

The president of the National Wool Growers Association, Vern Vivion, told the directors that wool growers "are in desperate shape" because of coyotes. He said several ranchers near his hometown of Rawlins, Wyo., had been driven out of business.

The directors agreed that a return of authority to the states for dealing with predators would improve matters.

Smith agreed, but said a federal presence should be maintained through federal funding under strict guidelines. He said that under no circumstances would the federal government rescind its ban on several poisons once used on predators.

DONALD W. STEWART  
ALABAMA

United States Senate  
WASHINGTON, D.C. 20510

MAR 23 1979

March 19, 1979

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

Dear Mr. Zetterberg:

Thank you for your letter requesting that I re-introduce in this Congress a private bill that Senator Sparkman introduced in the last Congress for the relief of the estate of Harry Eugene Walker, deceased, formerly of Anniston, Alabama.

I have now had an opportunity to study the report issued by the Judiciary Committee on the bill introduced in the last Congress and to discuss the matter with Senator Heflin's staff. I shall be pleased to introduce the bill for myself and Senator Heflin, and as soon as it has been assigned a number and printed, I will send a copy to you.

Sincerely,

*Donald W. Stewart*  
Donald W. Stewart

DWS:jag

Mar 30, 79  
Martha -  
thought you would like to know  
Thanks for STAR article on yellow sub  
Send it to Cross this out. Sigh. *SMW*



# United States Department of the Interior

NATIONAL PARK SERVICE  
WASHINGTON, D.C. 20240

IN REPLY REFER TO:

NI427-DS

JUN 12 1975

Honorable Richard Bolling  
House of Representatives  
Washington, D.C.

Dear Mr. Bolling:

Assistant Secretary Reed has asked us to thank you for your inquiry on behalf of Mrs. Paul V. Shell concerning the grizzly bears in Yellowstone National Park. Enclosed is a copy of the Interagency Grizzly Study Team's Annual Report for 1974, which she requested.

In fiscal year 1975, the National Park Service allocated \$136,000 to support the Interagency Grizzly Bear Study. The Fish and Wildlife Service contributed \$55,000 and the Forest Service, \$7,000. The Fish and Game Departments of Idaho, Wyoming, and Montana provided the salaries of their employees involved in the study. Funding for fiscal year 1976 has not yet been completed, but it is expected to be approximately at the same level as fiscal year 1975.

The period for comment on the proposed change (to threatened) in the status of the grizzly is over and the final rules are being drawn up. The open hearings on the change of status were cancelled when the Fund for Animals that originally requested them withdrew the request. We are enclosing a copy of the notice of the proposed rulemaking. No meetings concerning grizzlies are scheduled at this time.

We trust this will provide you with all the information Mrs. Shell requested. If you have any further questions, please let us know.

Sincerely yours,

Director

Enclosures



## Alaska lands bill reported

Surprising about everyone, the House Interior and Insular Affairs Committee has reported an Alaska lands bill which differs markedly from the Committee's bill which passed the House last year, the Wildlife Management Institute reports.

The bill, H.R. 2199, is very close to the so-called ad hoc compromise which House and Senate conferees developed last year. It would affect about the same amount of land as the 1978 House-passed bill (H.R. 39). The main difference is that H.R. 2199 would designate less area as national parks, wildlife refuges, and wilderness. But it would establish three national conservation areas and one national recreation area totaling more than 4 million acres to be managed by the U.S. Bureau of Land Management. H.R. 39 gave no consideration to BLM.

H.R. 2199 would create the BLM areas, 20 million acres of national parks, 22 million acres

of park preserves (permitting recreational hunting), 44.5 million acres of national wildlife refuges, 1.5 million acres of wild and scenic rivers, and 3 million acres of national forests. It also would designate 52 million of the acres as official wilderness.

Congressman Don Young (Alaska) referred to H.R. 2199 as the kind of "balanced legislation" everyone wants. He noted that the bill will now be considered by the House Merchant Marine and Fisheries Committee which has jurisdiction over fish and wildlife matters in the House. The Senate has not acted yet.

### New CFM affiliate

We welcome the Thayer Wildlife Club as the newest affiliate of CFM. The President is Dan Cover and the Secretary is Archie Allen, both of Thayer.

### MISSOURI WILDLIFE

- tree and further urges the Missouri Highway Department to be more sensitive to nature.
12. Commends the Department of Conservation for implementing the fall turkey season and supports continuation of the fall turkey season when warranted.
13. Thanks Carl Noren, recently retired director of the Missouri Department of Conservation, for a job well done.
14. Supports President Carter's reorganization and consolidation of the ocean, land, forest, water and other natural resource management functions into a Department of Natural Resources and urges the Missouri Congressional delegation to support the President's plan.
15. Memorializes Albert L. Weiss, a past president of the Federation and an active and able conservationist.
16. Recommends that methods of catching any fish from waters of the Meramec River from Highway 8 downstream to the Scotts Ford Bridge shall exclude all baitfishing.
17. Congratulates Mark Twain Forest Supervisor Tom Roederer on his new assignment as staff assistant to the Deputy Chief for programs and legislation in Washington, D.C.
18. Urges a 7 percent increase in funding for forestry research under the McIntyre-Stennis Act and continued federal support of teaching at land grant universities under the provisions of the Bankhead-Jones Act and requests an appropriation under the new "Renewable Resources Extension Act of 1978" to expand Extension activity in these areas.
19. Seeks a regulation to require all persons towed by boat to wear a Coast Guard approved vest-type flotation device.
20. Expresses thanks to the Edward K. Love Conservation Foundation and to Martha and Andy Love for their generous contribution to citizen conservation programs in Missouri.
21. Asks the Department of Conservation to study the feasibility of special blinds for black powder muzzle loading waterfowl hunters.
22. Suggests that any significant changes in the initiative and referendum processes should be referred directly to the people for their approval or rejection and opposes any change that would make the initiative and referendum more burdensome and more difficult.
23. Urges the Conservation Commission to reconsider their action establishing a state duck stamp and urges such implementation be delayed.
24. Urges the establishment of a 3 raccoon per day limit on raccoon hunting and a seasonal limit of 25.

For a complete copy of any of the above resolutions write to CFM, 512 E. Capitol, J.C., Mo. 65101.

809 E. 83 St.  
Kansas City, Mo. 64131  
April 12, 1979

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

Dear Frank:

Thank you for your kind words about my brief column written for the Kansas City STAR and published on Mar. 20th.

I telephoned John before writing the above to try to learn if he knew why the current report of the Interagency Grizzly Bear Research Team is being held up. I made a request for it last fall through the local U. S. Fish & Wildlife Service office and was told it was not yet available, nor did the office know why. Customarily their reports are released in July of the following year; however, the Team's 1977 report is not yet out and it is April of 1979. John tells me that Dick Knight, the Team's leader, has been going around to a lot of people asking for suggestions for recommendations he plans to include in the report -- he went to see John who told him he had one for him which was to quit basing all conclusions on population size etc. on "its being a whole new ball game since the Park Service closed the dumps" and to make the grizzly a member of the scientific community through conclusions based on use of the Craighead data which they are not using. Anyhow, one thing John said was that the team is surprised at the mortality they have established -- surprised that it is heavier than they thought, that is. Knight is claiming increased cub increment, however. It seems the report is being held up for Knight's recommendations which are expected to justify more funding for continuation of the Team's research. More bureaucratic razzle-dazzle.

In view of the Team's surprise at the mortality to the grizzly population it is strange that Wyoming wants to take 12 grizzlies by hunting -- even though they are "troublesome" -- is Wyoming also devoted to a "better dead than fed" policy as the Park Service is?

I do have some figures on cost of the Interagency Study acquired for me by Congressman Bolling back in 1975 and a copy of the letter on this from then NPS Director Gary Everhardt is enclosed. As you can see, it all amounts to NPS simply buying their way out of the mess they were (and are) in. In so doing they also drew the states and other federal agencies into the mess with them and now all are trying to justify their actions which cannot be justified. I am going to request an update on the cost of the study with a breakdown in the figures. I'll let you have whatever information I get.

Incidentally, I guess you have read where the Sierra Club and others of its ilk have not necessarily won the battle to give NPS almost all of the Alaska land that is now up for grabs. I'm enclosing an item on this from Missouri Wildlife magazine. I hope Congress develops some leadership on this that will take the viewpoint of common sense.

Frank, I am also enclosing something else I want you to have -- my notes on that meeting on Dec. 7, 1972 in Seattle written right after the meeting. That's the one where Asst. Secty. Nat Reed put together the "unholy alliance" of state and federal agencies for purpose of doing the research on the Yellowstone grizzlies. Later known as the Interagency Research Team which takes almost two years to get out a report on one year's results. The latter is footdragging of the worst kind -- how can the Park Service or anyone else plan management when information is not made available until two years after the fact?

Getting back to the Seattle meeting, I had quite an interesting experience running down the location of the meeting. I had inquired about the meeting from Harry Woodward who, in turn, referred me to Jim White and I am enclosing the letter I received from him in response. (As you may recall, Reed, in trying to outmaneuver everyone, had managed to get a Fish & Game Commissioner from his home state of Florida named as chairman of the Grizzly Bear Committee of International Game & Fish Commissioners prior to this. But The Western Directors of International called a meeting and named Jim White the Grizzly Bear Chairman, leaving the Florida guy out in the cold -- do you remember this?) Anyhow, Jim White told me, as you can see in enc. letter, that the meeting in Seattle would be at

the Sea-Tac Airport. When I arrived in Seattle I contacted the Airport and learned they had no such meeting scheduled for any of their rooms. I went over to the Airport and got hold of the manager who re-checked and told me the same thing. He finally took me up to the Port Authority and the man there also attempted to locate the meeting but with no success (he evidently knew something of the Yellowstone grizzly situation for he said he was for anyone covering such a meeting that "would help get something done for the bears.") I went back to my motel and wired Congressman Bolling, explaining where I was and for what purpose, and asking his help in locating the meeting place. Meanwhile, I talked home to Paul who suggested that I telephone Jim White's home in Cheyenne and see what I could learn. (This was on Dec. 5 — meetings were scheduled for Dec. 6 & 7.) When I got through to Jim White I found he was still at home and planned to leave for Seattle the next morning. He told me he had originally been told the meetings would be at the Sea-Tac Airport but that he had just talked to the Utah F. & G. Commissioner that afternoon and both had been told only that they would be met at the Airport and taken to a motel where the meetings would be held — he did not know what motel. I then called the United Press office in Seattle and talked to a fellow named Lasky who told me he had been told by UPI's Washington, D. C. office that there would be a meeting of Western Fish & Game Directors in Seattle but that the meeting was of no significance and not worth covering. I finally got through to him that it was a high level meeting to be attended by Asst. Secty. of Int. and perhaps other big-wigs so he said he'd find out the location and would let me know. By Dec. 6 Lasky had located the meeting place and he went out and covered one meeting (which was not on the grizzly bears) and his article on it is enclosed — it was in Dec. 7 Seattle Post-Intelligencer.) I finally got back in touch with Lasky on Dec. 6 and he gave me the name of someone at the Airport Hilton (where they <sup>Meeting</sup> were being held) and he gave me the information that there would be another meeting, this time on grizzly bears, on the morning of Dec. 7. I also learned that Reed and gang were still in a meeting at the Hilton when I talked to the man at the Hilton on Dec. 6 — so I went over to the Hilton and was told at the desk that they had closed the door to the meeting room and were not taking any phone calls. So I sat in the lobby and waited for this meeting to end. Finally they all came trooping out and I stopped one person, who turned out to be Harry Woodward, and asked the time and place of their meeting on the grizzly bears the next day. Woodward told me it would be at 9:00 A.M. in the Board Room. At that point I introduced myself to another man who turned out to be Jim White and said I wanted to attend the grizzly meeting. He looked at me for a minute and said, "Well, if you want to be sure to attend the grizzly bear meeting, be over here at the Hilton tomorrow morning at 7:00 and have breakfast with me." I got there at 7:00 all right and waited till White came down on the elevator at which time he led me not to the Board Room but to the motel coffee shop where the meeting was actually held. Had it not been for White I would have missed it.

Meanwhile, I had been gotten out of bed at 6:00 a.m. on Dec. 6 by a telephone call from Bolling's Washington office at which time I was given the information that Bolling could not get information on the meeting from Dept. of Interior — that it was an International F & G Commissioners' meeting and Interior had no information on it. Bolling did give me the name of the Washington F & G Commissioner in Seattle to call, but I could never raise him when I called.

Back to the meeting, itself: White introduced me to the other Commissioners as they entered the room and also to two men from the U. S. Fish & Wildlife Service, one of which was Spencer Smith and I can't be sure of the other. Reed soon came in but had his nose glued to the morning edition of the Post-Intelligencer — that happened to be the day Ronald Walker resigned as NPS Director and he was commenting on that along with the fact that "we" got a nice write-up too (Laskey's coverage of his meeting) — he had a guy named Rausch with him, his assistant, and Reed told him to go out and buy up several newspapers for him. Reed finally got his head out of the paper, looked up and saw me. Surprise! He finally said, "Good morning, Mrs. Shell." (I had met Reed before this time at a conservation meeting in K.C. and had questioned him re the Yellowstone grizzly bears, making him so angry he nearly blew up — so he knew who I was.) Soon thereafter, and apparently at his request, the two men from U.S. Fish & Wildlife Service got up and left the room. Don Brown took charge of the meeting (that's Montana F&G Director, you know.) He took it upon himself (although he hadn't been long in his job) to review the situation with the Yellowstone grizzlies, commenting on the removal of the bears from the endangered

status, saying this had been done at the request of Wyoming & Montana. Then he went into the formation of a Grizzly Bear Committee in 1969 at West Yellowstone (he said) and that they appointed a sub-committee consisting of game management people from Wyo. & Mont. and the Craigheads and Glen Cole -- that's what the man said, but he was in such great error in so many things he said that almost all his utterings were suspect. He went on to state that the real differences arose later over closure of the dumps, that the committee met again and felt a different approach should be taken, getting personalities out of matters.

Reed took over then, saying one thing had been missed in the chronology of events which pertained to the formation of the NPS Natural Sciences Advisory Committee which recommended to the Park Service that they get the bears off garbage. He commented that the first thing that came up after he was sworn into office was the closure of Trout Creek which he said was done after conferring with the Advisory Board and the Craigheads. Now, he said, he was proposing a new team for 1973 -- and he then outlined the study by what he called multi-agencies which would cover grizzly density, movement, home range, carrying capacity etc. to start April 1, 1973. He also said he had asked for "Phillips" (from USFWS, as I understood it,) to work on the statistics -- said he "could play the game with statistics" on the bears. And that he was looking for a young, objective biologist and two rangers who would go into the Yellowstone backcountry on horseback and stay 4-6 months to study the bears.

Jim White came in here and said he questioned whether another study of the grizzlies wouldn't just raise more controversy and said he did not want NPS in charge of such a study but wanted someone from the USFWS, the agency the state dealt with, he said.

Don Brown got back in the discussion, saying the Craighead research on the Yellowstone grizzlies had been stopped since 1968 and he went into a big dissertation as to how to learn the security level of the population etc. and eventually all agreed to participate in Reed's new study arrangement for which Reed claimed he could get three grants from the National Science Foundation.

One thing I won't forget -- when they got into the discussion about what they called heavy cub mortality which they attributed to close association at the dumps with adult males, I commented that many populations of large mammals were subjected to heavy first year mortality (cubs) for no reason that was readily apparent and that the reason for such mortality with the Yellowstone grizzlies was not known. Reed interrupted me and said, "I suppose you want 'em fed?" I replied, "Yes, not necessarily garbage but elk perhaps so as to hold the grizzlies in the back country away from people long enough for them to raise several generations of cubs without garbage-feeding experience." Reed popped right in and said, "It will not be done!" I can't forget the long moment of complete silence that greeted his remark -- it was something. Finally the Utah commissioner broke it by saying, "Well, I'm sure glad we don't get many grizzlies to worry with in Utah. We just get an occasional one that crosses the border from the park."

After the meeting ended Jim White came up to me and asked me what I thought about the NPS management of the bears and I said "it's about the poorest imaginable."

And one other thing about the meeting stood out in my mind -- Don Brown's nutty remark in discussing whether the Yellowstone grizzly population was endangered said, "Well, we know it only takes two bears to keep the population going." And then he looked at me and gave a big guffaw. He got fired shortly after return from Seattle. And oh yes, he also said Montana would furnish the services of their "grizzly bear expert" Ken Greer for the study and would be glad to close certain areas of Montana to public use except for the fact that "that would just be creating another 'unnatural situation', wouldn't it?" -- he said.

Well, that's about it, except for the photocopy of the other notes right after the meeting which covered my telephone conversation with Don Brown right after the meeting ended. It is enclosed. I sent these notes to John and talked with him by phone about all of the above, but can't recall discussing it with you. So I thought you might be interested in a little review of the Dec. 7 meeting in Seattle.

Frank, your sister Jean kindly sent me a first edition copy of her new book, The American Walk Book, and I have misplaced her address. Would you give it to me so I can write and thank her?

Paul and I send our best to you and Esther.

Sincerely, *Maitha*

P. S. Guess you know the Alabama senators are introducing another bill for the Walkers.

M

809 East 83rd St.  
Kansas City, Mo. 64131



Dr. Frank C. Craighead, Jr.  
P. O. Box 156  
Moose, Wyoming 80312

809 East 83rd St.  
Kansas City, Mo. 64131  
June 22, 1978

Mr. Tom Snyder  
The TOMORROW SHOW  
National Broadcasting Co.  
3000 West Alameda Avenue  
Burbank, California 91523

Dear Mr. Snyder:

As a regular viewer of the TOMORROW SHOW I get a real kick out of your teddy bear.

Are you interested in doing a program about real bears? The public needs the facts about a case involving the death of a young man in a grizzly bear attack in Yellowstone National Park. The federal government sought and obtained a decision in this case which denigrates the rights of the public under the Federal Tort Claims Act and which denies the need for the National Park Service to make reasonable provision for public safety in parks, particularly those inhabited by bears. How many people, now vacationing in national parks or monuments, know about this?

In 1972, Harry Walker, a 25 year old dairy farmer from Anniston, Alabama, was killed and partially devoured by a grizzly in Yellowstone. His family sued the U. S. Government (National Park Service) charging negligence in the death. The bear that killed Walker had been corrupted; it had developed abnormal behavior through feeding habitually in a developed area (Old Faithful) near people under a new program of the National Park Service. The program focused on the closure of backcountry garbage dumps where the grizzlies had fed more than 80 years. Some time around midnight, as Walker and his companion were hiking through the woods toward their camp, a grizzly suddenly came out of the darkness, attacked Harry and brought him down much like a bear would pull down an elk. The bear crushed Harry's larynx and dragged him off and fed on him. (As of then this was the second case in which a grizzly had fed on a human that had been recorded to U. S. National Parks.)

The Walker case was tried in a U. S. District Court in Los Angeles in 1975 with Judge A. Andrew Hawk presiding. After a long trial during which the court took great pains to get the facts from a total of ten witnesses and an enormous amount of written and documentary evidence, the District Court found that "the negligence of the defendant, United States of America, was the sole, direct and proximate cause of the death of Harry Eugene Walker on the night of June 24-25, 1972." The court found that in carrying out the hazardous operation of closing the bear dumps, Park Service employees failed to give any warning of this hazardous operation;

failed to use due care for the safety of park visitors in executing the decision; failed to follow safety procedures outlined by a government advisory committee for the protection of visitors; failed to follow safety procedures set up by the committee for transplant or other elimination of grizzlies habituating visitor areas, including the bear previously trapped in the Old Faithful visitor area that returned and killed Harry Walker. The court said the government had "failed to establish any affirmative defense to plaintiff's action for wrongful death." Members of Walker's family, who were dependent on him for some of their livelihood, were awarded very reasonable damages of \$87,417.67.

The government, of course, appealed and the U. S. Ninth Circuit got the case. The Appeals Court promptly refused to leave the fact-finding to the trial court, as it should have done, and instead engaged in its own finding of the facts, thereby turning out an opinion that was a mockery along with a decision indicating that this court couldn't care less about public safety in national parks. The court's opinion reads as if it had been written by the National Park Service, an agency which, I happen to know, not infrequently lies when it comes to grizzly bears. One interesting facet of this case is that the Appeals Court assumed a proprietary role in establishing a dual standard for government liability in the parks, -- one in which visitors who pay the entrance fee are entitled to non-negligent treatment, the other in which those not paying the fee lose their claim under the Tort Claims Act. Keep in mind that the Park Service universally collects entrance fees by the vehicle and not by the individual and that the Service also waives the fee in many cases. This certainly clouds the entrance fee situation for the public.

Despite the serious issue of public safety involved in the above case, the U. S. Supreme Court refused to review it, thereby letting the wretched and unfeeling decision of the Appeals Court stand. This judgment is not only unfair to the Walker family but also to the general public.

When Alabama Senator John Sparkman was apprised of the facts of this case, he kindly introduced a private bill, S. 1476, which if passed by Congress would allow the Walkers the damages awarded by the trial court, plus costs. The bill is out of the Senate Judiciary Committee, but, surprisingly, Wyoming Senator Malcolm Wallop rose to the sudden defense of the Park Service and Interior Department and refused to allow the Sparkman bill to be placed on the Senate unanimous consent calendar where private bills normally go automatically. Wallop, you may recall, campaigned for the Senate based on ridding the government of "bureaucratic sloth" -- such as that responsible for Walker's death. The Senate has now set aside 2 hours for a debate on S. 1476 to accommodate Wallop.

I do not know when the debate is to take place; I don't think the date has been set.

Only this week HEW Secretary Califano announced that victims of the swine flu vaccine would not have to prove negligence to recover damages in the amount of several hundred million dollars. Yet an Alabama farm family who refused to believe claims of the Park Service about their son's death and who, instead, believed in their son to the point of taking his case to court in order to clear him -- and who did get him cleared in a district court that took the trouble to get the facts -- would, if Wallop has his way, be denied the benefits of a private bill to help them. The Interior Department should refuse to permit this and should, instead, back the Sparkman bill. This bill would not change the legal decision that prevailed in this case.

By way of more background information, the program for removing garbage from the diet of the Yellowstone grizzlies, as designed by the Park Service, had the blessing of a Nixon appointee, Assistant Secretary of Interior Nathaniel Reed (Fish, Wildlife & Parks) -- and Reed continued to give the program his staunch support when he was held over in the Ford administration. After Walker's death had attracted attention in the media, it was under the auspices of Reed that all research on the Yellowstone grizzlies, including that of State Fish & Game Departments, the U. S. Fish & Wildlife Service, the Forest Service and of course the Park Service too, was placed entirely under the National Park Service, with the Park Service funding the lion's share. Prior to the introduction of this study arrangement in 1973, the Park Service had made no systematic studies of the grizzly bears. However, the grizzlies were the subject of the most extensive study ever conducted on a grizzly population -- this was the research conducted by Drs. Frank and John Craighead. The Craighead research was independent and Frank Craighead served as an expert witness for the plaintiff in the Walker case.

In 1973, in response to public demand, the then Secretary of Interior Rogers C. B. Morton requested a committee from the National Academy of Sciences to review the data on the bears and make recommendations. The committee's report, issued in 1974, was highly critical of the fact that all research on the Yellowstone grizzlies was under the Park Service and recommended that this be changed and the studies be placed under a neutral individual; the committee also urged that a research project on the Yellowstone grizzlies by qualified independent scientists be promptly and adequately funded. The Park Service paid for the committee's report but failed to take these and a number of other recommendations of the committee. If the Service has recognized the committee's finding that the grizzly population had been substantially reduced under the garbage removal program, I am not aware of it, and certainly the Park Service biologist would have us believe otherwise.

Mr. Tom Snyder  
June 22, 1978

Page 4

A Craighead computer analysis of the Yellowstone grizzly population which made use of the immense amount of data they had compiled on the bears, showed that an average population of 229 grizzlies in the 5 million acres of the Yellowstone ecosystem (includes areas adjoining the park) had by 1974 been reduced 45%. Although the mortality to the grizzly population has been the greatest in the park's history and grizzly bears are noted for reproducing slowly, the Park Service biologist would have us believe there are now 350 grizzlies in the Yellowstone population. If he has data in support of any such claim, I have not seen it in any of his reports.

At the time of Walker's death I had been investigating the management of the Yellowstone grizzlies for quite some time, I attended the Walker trial and can back up what I have had to say about this entire situation.

Tom, -- may I call you Tom since I feel as if I know you? -- I hope you will help on this situation. I urge you to contact the Walkers' lawyer who lives in the Los Angeles area. He is:

Stephen J. Zetterberg  
Zetterberg & Zetterberg  
319 Harvard Avenue  
Claremont, California 91711  
Tel.: 714-621-2971

You might also want to contact Frank Craighead as below:

Dr. Frank C. Craighead, Jr.  
Environmental Research Institute  
P. O. Box 156  
Moose, Wyoming 83012  
Tel.: 307-733-3387

I am enclosing an article by Mike Stamler published in the ANNISTON STAR which discusses the Walker case and the effect on the family. Also enclosed is an article I wrote for the STAR on the case.

If the people of this country want reasonable precautions for their safety in national parks they should be informed of big government's attempts to avoid the necessity of providing it through court decisions such as that which prevailed in the Walker case.

Sincerely yours,

Martha Shell  
Martha Shell

enc.

809 East 83rd St.  
Kansas City, Mo. 64131  
June 22, 1978

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

Dear Frank:

Enclosed is a letter I have written about the Walker case to Tom Snyder of the TOMORROW SHOW in hopes he will see fit to give it some publicity on his program. I gave him your name as a person to contact, as you can see.

I talked to Zetterberg's office yesterday afternoon and although I didn't get to talk to him his secretary told me Sparkman's bill for the Walkers is apparently back in his hands since Senator Allen's death (what a shame this is!) and evidently the Senate Judiciary Committee is working on what they will present in the debate on S. 1476 that Wallop is calling for.

Don Petersen, the lawyer for Melvin Ford contacted me and then sent me some material, including the record on the grizzly that injured Ford prepared by the Park Service. It so happened that I had an article from the St. Joseph (MO.) NEWSPRESS in which a young man injured in the Pelican Creek area about 11 hours before Ford was injured claimed the rangers told him the bear that injured him was the same bear that injured Ford. I sent this to Petersen and telephoned him later, at his request, and he was flabbergasted over this development although he is well aware of the Park Service's propensity for lying about grizzly bears. The Service had certainly not told him anything about the injury just prior to Ford's. I don't know how the Ford case will turn out -- Petersen is optimistic. He would like to meet with me sometime soon, <sup>John</sup> he says. He also told me when I called that he had spent the week end with you and ~~Frank~~ -- or talking to you, anyhow. I keep wondering how John's suit against NPS is coming along.

I've been ill recently with a respiratory infection that really flattened me.

I hope you and Esther are fine and send you our best.

Saw John's photograph in the most recent issue of National Geographic.

Sincerely,

*Martha*  
Martha

enc.

V. Shell  
East 83rd  
City, Mo. 64131



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

809 East 83rd St.  
Kansas City, Mo. 64131  
November 23, 1977

Mr. Andrew Jones  
THE READER'S DIGEST  
Pleasantville, New York 10570

Dear Mr. Jones:

It was good to talk to you this morning about the Harry Walker grizzly bear case.

Enclosed are the two articles on the case we discussed as published in the ANNISTON STAR.

Since I have received a letter from Senator John Sparkman to the effect that he is using two of my articles on the Yellowstone grizzly bears published in the NEW YORK TIMES, as evidence in support of his bill for relief of the Walker family, they are also enclosed.

I look forward to hearing from you.

Sincerely yours,

Martha Shell

enc.

809 East 83rd St.  
Kansas City, Mo. 64131  
August 25, 1977

Director  
Federal Bureau of Investigation  
U. S. Department of Justice  
Freedom of Information - Privacy Act Section  
Washington, D. C. 20535

Dear Sir:

This is a request under the Freedom of Information - Privacy Act Section for the Federal Bureau of Investigation to furnish me the complete file on myself.

My full name:	Martha Venable Shell
Place of birth:	Gallatin, Missouri
Date of birth:	June 5, 1915
Social Security Number:	427-12-1237

I am a free-lance writer specializing in articles on the management of the Yellowstone grizzly bears. I was contacted by the local FBI office in connection with a case against the U. S. Government-National Park Service involving the death of a young man in a grizzly bear attack in Yellowstone National Park in 1972.

I should appreciate your early response.

Very truly yours,

Martha V. Shell



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

September 21, 1977

Ms. Martha Venable Shell  
809 East 83rd Street  
Kansas City, Missouri 64131

Dear Ms. Shell:

This is to acknowledge receipt by the FBI of your Freedom of Information-Privacy Acts request dated August 25, 1977.

Based on the information you furnished, please be advised a search of the index to our central records of investigations conducted by the Federal Bureau of Investigation revealed no record identifiable with you.

Should you desire a check of other governmental agencies, it will be incumbent upon you to so designate your requests directly to them.

Should you desire a check of our field office files in the area where you were contacted, you are advised that a listing of them as a separate system of records has been published in the Federal Register, Volume 40, Number 167 - Wednesday, August 27, 1975. It will be incumbent upon you to correspond directly with any of these offices on an individual basis.

Sincerely yours,

*Clarence M. Kelley*  
Clarence M. Kelley  
Director



809 East 83rd St.  
Kansas City, Mo. 64131  
November 28, 1977

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

Dear Frank:

Sure was good talking with you last week and getting brought up to date on the latest developments.

Enclosed is photocopy of the Anniston Star's article on the Walker family. I am also sending copy of my article (they called it) in reply -- didn't know if you had the article as presented in the paper or just copy of the letter I sent to Mr. Zetterberg, this being virtually the same thing as appeared in the STAR. Anyhow, I wanted you to see the nice spot it received in the paper, replete with drawing of a grizzly to attract attention to it. I talked with Louise Walker last week after I spoke with you -- the Walkers are delighted that the STAR published the article. She says they have all kinds of people coming to their dairy there for milk etc. and that everyone of them has e said Martha Shell obviously knows what she is talking about.

I am also enclosing the note I sent to Andrew Jones.

This summer I decided that since the Walker case had now gone through the courts I would start trying to obtain my FBI record in connection with the case, so I wrote Clarence Kelley for it and received his reply. Both letters are enclosed. Since then I've been pretty busy what with Paul in the hospital etc. and have thus not had time to follow up per the information Kelley gave me. I did obtain from the local FBI agent in charge of Freedom of Information - Privacy Act Section requests the addresses of FBI offices in Birmingham, Ala., this being where the Justice Dept. filed the court order in an attempt to force information out of the Walkers to which they were not entitled. As you will probably recall, the information involved personal letters to the family from me and, as it turned out in court, what the government was after was some way to try to show that the Craigheads had gotten me to get the Walkers to sue the government which is wholly untrue -- and there was certainly nothing in the letters to show any such thing. I have copy of the court action on this, including Zetterberg's brief filed to prevent the government from putting Mr. Walker in jail in connection with this. Paul asked for that section of the brief dealing with anything involving me -- and that's what I have.

The FBI agent, here, that I contacted in regard to obtaining my FBI file is Mr. Twibell. I also got from him the address of the FBI office in Los Angeles. He got pretty upset when I kept pursuing my record -- he first told me there was nothing on file in the KC office on me although an FBI agent, Mr. Winterman, contacted me in connection with the Walker case -- I wouldn't talk to him, remember? Mr. Zetterberg finally sent

Dr. Frank C. Craighead, Jr.  
November 28, 1977

Page 2

a letter to the U. S. Attorney's office and the result was to get the FBI off of me -- at least the agency didn't contact me further after that. When I became persistent with Mr. Twibell in asking for addresses of the Birmingham and L.A. FBI offices he finally gave them to me, but said I would be "having every FBI agent in the country on his back" for doing this.

Frank, in regard to Senator Cliff Hansen's activities in connection with the grizzly bear management in Yellowstone, do you remember that I wrote several senators, including Hansen, about some of the problems with the Park Service in this regard? I received a reply from Hansen saying he was calling a meeting on this and would notify me afterward of the results. Well, he called the meeting but failed to give out the time it would be held. Even so, some of the Fish & Wildlife employees requested that they be allowed to attend. It's my understanding he would not let them come -- he only had "friends" of the Park Service there, particularly friends of Anderson's abrupt dump-closing program. I wrote him twice after the meeting, asking him for the results of the meeting as he'd promised me. I never heard one word from him on this. Then came Leopold's testimony in the Walker case to the effect that Hansen "made it clear to the Director of the Park Service that any more shooting of elk in there (Yellowstone) and he was going to bring in all kinds of wrath of the Congress upon them." (That's in Volume 7 of the court reporter's transcript, pages 1238 and 1239, line 21 on page 1238 through line 23 on page 1239.) To me the action Hansen took here constitutes outright interference in government programs and the "political considerations" Leopold mentioned in this connection in his testimony have no place in the management plans for any wildlife species. Or should not. Perhaps we should call the Yellowstone dump closing program the "Anderson-Hansen plan."

I would have gotten this information out to you earlier except for the fact that K.C. was virtually put out of operation by an ice storm this week end. We're getting more icy rain later today, so will get this on to the post office.

I'm so encouraged by the recent developments and will do all possible to work on my part of everything the best I can.

Say Hi to your family.

Sincerely,  
*Martha*  
Martha Shell

enc.

# Walkers still stunned by

(Continued From Page 1)

dangers presented by the grizzlies.

The government lawyers claimed Walker and Bradberry were camping in an illegal campsite and had failed to check at any ranger stations for the bear warnings therein.

The district court judge agreed with the Walkers, but the government and the park service appealed to the U.S. Circuit Court of Appeals and won.

"THE JUDGE in the appeals court said Walker had been contributorily negligent in his death and that the bear management policy of closing the dumps was within its legal discretionary powers, regardless of the policy's flaws.

The so-called "discretionary exemption" recognized by the judge in the appeals court basically said it didn't matter whether the bear management policies of the park contributed to Walker's death because it was within the park's legal discretion to initiate such a program.

The Walkers appealed to the U.S. Supreme Court, but the justices refused to hear the case, agreeing that the dump closing was within the park's discretionary powers. The court assigned all legal and court costs to the Walkers.

Which left the Walker family and its small dairy farm in limbo. Since then, however, Alabama Sen. John Sparkman has introduced a bill in the U.S. Senate to award the Walkers the \$87,000 the appeals court took away from them.

THE BILL is currently bottled up in the Senate Judiciary Committee and no one, not even Sparkman, can tell when it will get to the Senate floor.

For the Walkers, life goes on. The head of the family, 63-year-old Wallace Walker, still runs the farm, although he had intended to retire and turn it over to his son.

"It's the worst lick I've ever had," says Walker, walking with a visitor in the pasture behind his home. "We were



Star Photo  
WALKER WITH BARN IN BACKGROUND

planning to get into a partnership on the farm, because Harry loved the farm. Before he left on his vacation, he helped all the time.

"I tried to get him to try other jobs, but he always came back and said, 'Daddy, I don't like it. The farm is the place for me.'"

Walker says Harry's help had always been invaluable around the farm. "We used to have 300 acres back there below the pasture, where we'd grow hay," he says pointing to some grasslands west of the pastures. "Harry would bring some friends over and they'd mow the field and bale the hay."

"He would do odd jobs at other farms and bring home that money," Walker says.

"When I got tired, he'd take over the place and I'd take a vacation. When he was gone, I'd run the farm."

"EVERYTHING he had was tied up in the farm," Walker says, looking around at the two old wooden barns and stone milking barn he built with his own hands.

"I didn't want Harry to be tied down like I've been," says Walker. "But he wanted the farm. He loved the farm. He loved the cows. He bought himself a horse and broke it himself."

"He helped so much," says Walker. "It was the kind of help only a son could give. With both of us working, it wasn't bad at all. It was fun then. But now it's

murder."

While he speaks, Walker searches the face of his visitor looking for comprehension. "You can see what I'm saying, can't you?" he asks.

Walker started his farm with 12 cows in 1946, and gradually built it up until it was a "big time operation." There were 100 head of cattle, \$40,000 worth of equipment, three hired hands. "Everytime we got a little ahead, we'd put it back into the farm," says Walker.

Now there are 43 cows and battered old tractor. Walker says the family can no longer depend on the income from the hay or the corn Harry used to grow. Walker can't afford to work as big a farm as he and Harry used to handle.

"IT COSTS me \$95 a day to feed the cattle," says Walker. "Don't get me wrong. All the other father-son dairies in Calhoun County have a tough time. But my son's gone."

And now, the work that still must be done to keep the farm in operation all falls to Walker.

"He starts at 3:30 in the morning, milking the cows," says his daughter, Jenny. "When he comes in at night, he's too tired to walk. He's too tired even to eat. His health is just gone."

Besides a needed hernia operation, which Walker has continually postponed, he has a bad back and a bad knee. "Sometimes, when I kneel over to milk a cow, my knee slips out and all I can do is collapse on the floor," he says.

"Some people say there's other folks in a lot worse position than we are," he says. "But the government and the park service and the way they handled their bears were the cause of this."

The wreckage of the family's plans and the future of the family farm still hangs in the balance. Besides the \$6,000 Walker has already put into the legal end of the case, there are still the costs of his own and the government's lawyers and other court costs he estimates will total more than \$10,000.

"I wouldn't feel so bad about it," he says, "if I could see the justice in it. But that loophole in

# Grizzly's attack may get

## farm, too

By MIKE STAMLER  
Star Staff Writer

The shock of the 1972 grizzly bear attack that took the life of Harry Eugene Walker, 25, of Choccolocco still hasn't worn off for his family.

Not only did the bear's attack take the only son in the Wallace Walker family, but it still may take their dairy farm in the Choccolocco Valley.

"There's nothing else to sell," says Harry's youngest sister, Jenny. "The last few years, the farm has just gotten smaller and smaller.

"Daddy sold almost all his equipment. He's sold some of the land," she says tearfully. "It's grim. We're a close-knit family and we don't hardly know how to face it."

THEY'VE BEEN trying to face it ever since a park ranger at Yellowstone National Park in western Wyoming told them over the telephone that Harry Walker had been killed and partially devoured by a 232-pound grizzly bear.

According to the family and testimony in subsequent court action, Harry and a friend, Phillip Bradberry of Oxford, were camping in a wooded area about a half-mile from Old Faithful Geyser in Yellowstone, June 25, 1972.

They were in the midst of a two-week trip to "see the country," according to Harry's father. Just the day before the attack, Harry had called home to tell his father how beautiful the park was, his father recalls.

During the conversation, Walker told his son that a loan for the dairy farm had come in and the farm was all ready for a father-son partnership. Harry said he'd be home to start work again in a few weeks.

THAT NIGHT, as Bradberry and Walker were returning to their campsite after a visit to Old Faithful Inn, a 20-year-old female grizzly attacked them and killed Walker. Bradberry escaped and ran for help, but it was morning before Harry's body was found.

The Walkers then filed a \$500,000 damage suit against the government. In early 1975, after a three-week nonjury trial, a U.S. District Court judge in California awarded the Walkers a total of \$87,000 in damages.

Lawyers for the Walkers contended a park policy of abruptly closing open garbage dumps where the grizzlies had fed for 80 years forced the bears to forage in developed areas of the park.

They also claimed the park had not taken adequate steps to warn park visitors of the

age 1)  
by the

lawyers  
adberry  
illegal  
iled to  
ions for  
in.

judge  
s, but  
park  
U.S.  
s and

peals  
been  
n his  
bear  
osing  
legal  
ers,  
aws.  
ary  
the  
urt  
ter  
ent  
ted  
it  
al  
a

re  
re  
re  
p  
s  
e  
1

# Walkers still stunned by



WALKER WITH BARN IN BACKGROUND

planning to get into a partnership on the farm, because Harry loved the farm. Before he left on his vacation, he helped all the time.

"I tried to get him to try other jobs, but he always came back and said, 'Daddy, I don't like it. The farm is the place for me.'"

Walker says Harry's help had always been invaluable around the farm. "We used to have 300 acres back there below the pasture, where we'd grow hay," he says pointing to some grasslands west of the pastures. "Harry would bring some friends over and they'd mow the field and bale the hay.

"He would do odd jobs at other farms and bring home that money," Walker says.

"When I got tired, he'd take over the place and I'd take a vacation. When he was gone, I'd run the farm.

"EVERYTHING he had was tied up in the farm," Walker says, looking around at the two old wooden barns and stone milking barn he built with his own hands.

"I didn't want Harry to be tied down like I've been," says Walker. "But he wanted the farm. He loved the farm. He loved the cows. He bought himself a horse and broke it himself.

"He helped so much," says Walker. "It was the kind of help only a son could give. With both of us working, it wasn't bad at all. It was fun then. But now it's

murder."

While he speaks, Walker searches the face of his visitor looking for comprehension. "You can see what I'm saying, can't you?" he asks.

Walker started his farm with 12 cows in 1946, and gradually built it up until it was a "big time operation." There were 100 head of cattle, \$40,000 worth of equipment, three hired hands. "Everytime we got a little ahead, we'd put it back into the farm," says Walker.

Now there are 43 cows and a battered old tractor. Walker says the family can no longer depend on the income from the hay or the corn Harry used to grow. Walker can't afford to work as big a farm as he and Harry used to handle.

"IT COSTS me \$95 a day to feed the cattle," says Walker. "Don't get me wrong. All the other father-son dairies in Calhoun County have a tough time. But my son's gone."

And now, the work that still must be done to keep the farm in operation all falls to Walker.

"He starts at 3:30 in the morning, milking the cows," says his daughter, Jenny. "When he comes in at night, he's too tired to walk. He's too tired even to eat. His health is just gone."

Besides a needed hernia operation, which Walker has continually postponed, he has a bad back and a bad knee. "Sometimes, when I kneel over to milk a cow, my knee slips out and all I can do is collapse on the floor," he says.

"Some people say there's other folks in a lot worse position than we are," he says. "But the government and the park service and the way they handled their bears were the cause of this."

The wreckage of the family's plans and the future of the family farm still hangs in the balance. Besides the \$6,000 Walker has already put into the legal end of the case, there are still the costs of his own and the government's lawyers and other court costs he estimates will total more than \$10,000.

"I wouldn't feel so bad about it," he says, "if I could see the justice in it. But that loophole in

# loss of damage suit

the law, that 'discretionary actions' thing, said they didn't have to pay for their own carelessness. They lied to us and tried to cover the whole thing up from the very beginning."

WALKER'S wife, Louise can hardly speak of her son and the long legal battle that followed his death without crying. "The average family can't afford to pay thousands of dollars so the government can prove its mighty powers," she says. "And all we get in return is our son's half-eaten body sent home in a closed canister after their starving grizzly bear got through with it.

"If the government can do a family like that, I just say God

help us," she says.

The family's hopes now rest on Sparkman's bill. "It's wonderful to know there are still a few honest people who believe in human rights like Sen. Sparkman," says Walker. "Because of the ruling in the appeals court and Supreme Court, I will be forced to give up my farm and life's earnings. It seems very wrong to me for us to be treated like this by the government."

Even with all the troubles the Walkers have had with their farm, the overriding effect of Harry's death in 1972, is still the loss of Harry.

"IF YOU could have known him before all this happened," says Jenny Walker. "He was

my older brother. I took my troubles to him. He always helped. He was my hero.

"Now he's gone and we're still trying to save his farm." She emphasizes the word his.

"Daddy should have been able to retire by now and Harry should have taken over the farm," she says, her eyes brimming with tears.

"At least, that was the plan."

## Man killed by grizzly bear

# Walker case and justice

**EDITOR'S NOTE:** This article was written by Martha Shell of Kansas City, Mo., who attended the trial of the Harry Walker grizzly bear case in early 1975 in Los Angeles, Calif. Walker of Oxford was killed by a bear in June, 1972, while camping at Yellowstone National Park. Ms. Shell, familiar with the Yellowstone grizzlies from first-hand observation over a period of years, writes her viewpoint of the trial.

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

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

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

In evidence at the trial was a 1974 National Academy of Sciences' report on the Yellowstone grizzlies which named the Craighead research as its primary source of information and called the data on the bears a "uniquely rich data-base . . . certainly the best available for a population of grizzly bears." The same NAS report rejected statistics of the

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

The fact is that although they visited with several park employees, neither Walker nor Bradberry had any knowledge whatsoever — much less warning — of the danger that took Harry's life, this being the unusual and extreme danger from grizzly bears stemming from the superintendent's abrupt dump-closing program. There was not a single sign in the entire park warning of this danger. At the trial, U.S. District Judge A. Andrew Hauk frequently admonished that the U.S. government's National Park Service had a duty to warn; it was his position that people are entitled to enough information to be able to make reasonable choices.

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

Government witnesses also put on a big show about the park's bear literature, the inference being that had Walker received it he would have been warned. They were bluffing for the literature would only have misled him. At this time when grizzlies were in and all over the campgrounds, the only pamphlet on grizzly bears available in Yellowstone

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

Craighead gave extensive testimony which included this: In 1967 he and his brother, as government consultants, supplied the Park Service and its advisers data showing that unlike Yellowstone's roadside-begging black bears, the grizzlies did not go to the roads but had traditionally concentrated at backcountry garbage dumps, an arrangement that tended to maintain a population of essentially wild bears that would normally avoid people. The few grizzlies that left the wild habitat and learned to feed habitually in populated areas developed abnormal behavior that made them extremely dangerous to humans, much more so than black bears. Such grizzlies were handled in park "control actions" in which they were killed, transplanted or otherwise removed. Thus, for maximum protection of both people and bears, the Craigheads recommended a gradual 10-year phase-out of the dumps with carrion, consisting of excess park animals, placed out so as to draw the grizzlies deep into the backcountry and allow them time to develop new feeding habits and travel patterns away from populated areas. The brothers also warned that if the dumps were closed abruptly, without the carrion-feeding, the grizzlies would disperse into campgrounds and developed areas in search of food — with dire consequences of tragic injury, costly damages and drastic reduction in the number of grizzlies through park control actions.

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

Harry Walker was killed by a dangerous "campground grizzly," an aged female known to frequent the Old Faithful visitor area where she was trapped in 1970 following a complaint she had frightened a trailer occupant. She was then tagged No. 1792 and transplanted 18 miles away, a distance government witnesses agreed with Craighead was insufficient to prevent a grizzly's return to the capture area. That the government's witnesses reversed themselves and claimed the 18-mile transplant was a success did little to help the government's case in district court — obviously the bear did return and kill Harry Walker. Nor was the government's case aided by evidence that rangers knew it was possible that the bear that killed Walker could have been the same animal responsible for a 1970 "missing camper incident" in the same general area near Old Faithful where Walker was killed in 1972.

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

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

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

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

The U.S. Ninth Circuit Court of Appeals, as something of an after-thought, decided Harry Walker had been contributorily negligent based on claims of the government's lawyers that he and his companion, Phillip Bradberry of Oxford, Ala., "were camping in an illegal area and had failed to . . . full facts disclosed:

Walker and Bradberry entered the park in the car of a

809 E. 83rd St.  
Kansas City, Mo. 64131



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

Box 156  
Moose, Wyoming 83012  
July 12, 1978

Martha Shell  
809 East 83d Street  
Kansas City, Missouri 64131

Dear Martha,

I have not yet heard from Tom Snyder but will certainly be glad to do anything I can to get the Walker story out on the Tomorrow Show. Your letter to Snyder gave him a comprehensive description of the situation and I should think would arouse his curiosity to look into this further.

Don Peterson has also contacted me concerning the Melvin Ford case. I believe Ford has a real grievance from what I know of the situation, but I am not sure just how Peterson is going to approach it.

This summer I'm keeping pretty busy with rebuilding my house and doing final editing on the grizzly bear book to be published by the Sierra Press—all of this came about over the last four months. As you probably know, quite a few years ago John and I decided that we would not try to collaborate on a popular book but each would work at one when the opportunity offered. Distance was a problem and we felt that it was quite likely that both books would be entirely different. Trying to agree we knew would be a problem. I know that John is working not only on a popular book but also on a technical one embracing most of the material we have gathered on the grizzly in the course of our research program.

The book I have written is largely one of incidents in tracking and studying the bears interwoven with information and data about the grizzlies. Much of it evolved around radiotracking. As I have mentioned to you before, the last two chapters treat what happened to the grizzly in Yellowstone as well as what happened to the researchers. I barely mention the Walker case and do not try to bring in many other political

situations that would make interesting reading. I am not quite sure how the publishers will want to treat the last two chapters, but if they are published somewhat as I have prepared them, it should be a good catalyst for creating interest in this whole bear situation. I surely hope that you will get much of your material written up in the not too distant future. I'd like to send you the edited versions of the last two chapters later on, or copies of them as they now stand. Let me know if you would have time to look them over.

As you probably know and have been reading in the papers, the bear problem is still with the YNP people and more and more visitors are getting mauled and injured by grizzlies. This I am afraid will continue until most of the grizzlies are eliminated or until they are in one way or another zoned during the visiting season, carcasses being one way and an isolated dump another. Maulings will also continue until ~~members of the grizzly skins are~~ ~~skinned~~ independent investigators are permitted to look into the details of each mauling and draw conclusions as to what brought about the attack. I see no possibility of the Park Service acquiescing to this procedure in the near future.

I was sorry to hear that you were ill but hope that you have recovered and that both you and Paul are feeling fine now.

The battle to keep our land continues.

Sincerely,