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# Yellowstone

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*An Interview with Ruth Quinn,  
Old Faithful Inn Interpreter*

*A Photographic History  
of Morning Glory Pool*

*Haynes Window Transparencies*

*A Yellowstone Mystery*

**THEODORE  
ROOSEVELT,**  
*the  
Unscrupulous Concessioner,*  
**AND THE  
INSANE ADVERSARY**



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Bison on a fall morning in Lower Geyser Basin.

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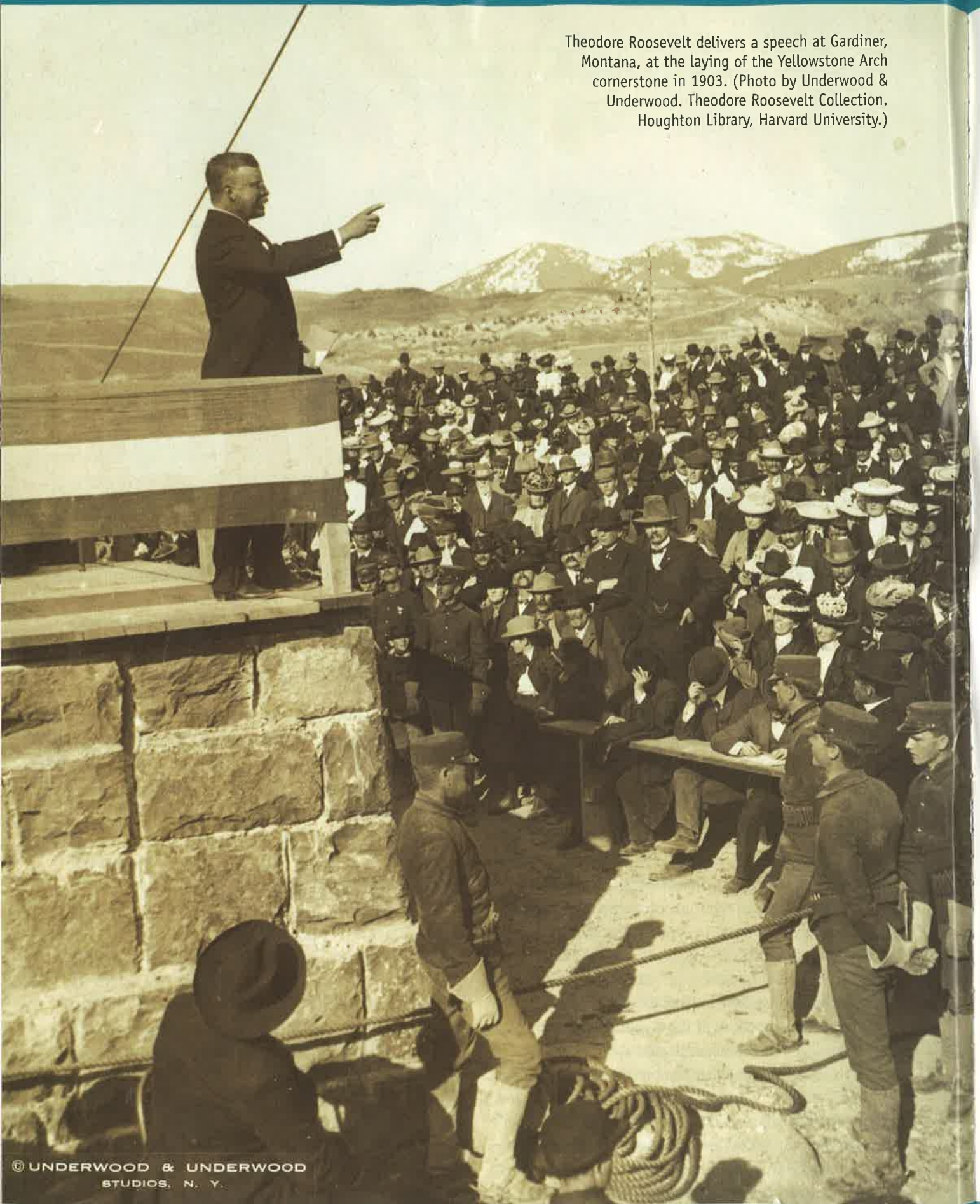
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Theodore Roosevelt delivers a speech at Gardiner, Montana, at the laying of the Yellowstone Arch cornerstone in 1903. (Photo by Underwood & Underwood. Theodore Roosevelt Collection. Houghton Library, Harvard University.)



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BY JEREMY M. JOHNSTON

# THE PRESIDENT, *the Unscrupulous Concessioner,* AND THE **INSANE** **ADVERSARY**

## PRESIDENT THEODORE ROOSEVELT REGULATES MONOPOLIES IN YELLOWSTONE NATIONAL PARK

On April 24, 1903, President Theodore Roosevelt dedicated the cornerstone of a future stone archway that today welcomes visitors through the north gate of Yellowstone National Park with words carved in stone proclaiming, "For the Benefit and Enjoyment of the People."

**R**ecently completing a tour of the Park, Roosevelt noted in his dedication speech, "The geysers, the extraordinary hot springs, the lakes, the mountains, the canyons, and cataracts unite to make this region something not wholly to be paralleled elsewhere on the globe."<sup>1</sup> Roosevelt further proclaimed, "Nowhere else in any civilized country is there to be found such a tract of veritable wonderland and made accessible to all visitors, where at the same time not only scenery of the wilderness but the wild creatures of the Park are scrupulously preserved."<sup>2</sup> In this speech to the assembled crowd, Roosevelt reminded his audience: "This Park was created,

and is now administered for the benefit and enjoyment of the people . . . The only way that the people as a whole can secure to themselves and their children enjoyment in perpetuity of what the Yellowstone Park has to give is by assuming the ownership in the name of the nation and by jealously safeguarding and preserving the scenery, the forests, and the wild creatures."<sup>3</sup> For the remainder of his

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presidency, Roosevelt backed the military administration of Yellowstone in its efforts to protect the wildlife and ensure visitors received proper services from the monopolistic concessioners within the Park.

Roosevelt's speech highlighted the growing populations of Yellowstone wildlife, a result of increased protective measures under the War Department's management of the Park: "The wild creatures of the Park are scrupulously preserved, as they were, the only change being that those same wild creatures here have been so carefully protected as to show a literally astounding tameness."<sup>4</sup> The question of the alleged tameness of the wildlife would raise other issues for the natural state of Yellowstone in years to come, especially when many viewed the seemingly domesticated nature of wildlife as a tourist attraction, one that led to bear-feeding grounds and zoo-like displays to attract tourists. Roosevelt would eventually become a key player in that ongoing debate, but he could not have known it then.

Regarding the people residing within and around the Park, Roosevelt thanked them for their efforts in protecting the scenic wonders and wildlife. "I wish especially to congratulate the people of Montana, Wyoming, and Idaho," stated Roosevelt, "for the way in which you heartily cooperate with the [Yellowstone] Superintendent [Maj. John Pitcher] to prevent acts of vandalism and destruction."<sup>5</sup> As his term progressed, Roosevelt supported locals who worked to protect Yellowstone, while at the same time taking decisive action to expel those who did not support or adhere to Park policies, namely the troublesome Ella Collins Waters who ran the steamboat concession and a questionable animal display on Dot Island. James Fullerton, a resident of Red Lodge, Montana, also drew the anger of Roosevelt by publicly criticizing the administration's management of Yellowstone, accusing both the president and Major Pitcher of colluding with Harry Child of the Yellowstone Park Association (YPA) to further his enterprise's monopoly on the hotels and transportation services throughout the Park. That allegation would soon become a "bur" under Roosevelt's "saddle."

Roosevelt's initial interest in the federal administration of YPA occurred when he met naturalist and Yellowstone wildlife advocate George Bird Grinnell. In 1875 Grinnell joined Capt. William Ludlow of the U.S. Corps of Engineers in a scientific expedition through the Park. Grinnell wrote the zoological report of the expedition and noted within that due to heavy snows of the

previous winter, market hunters slaughtered 1,500–2,000 elk within a 15-mile radius of Mammoth Hot Springs.<sup>6</sup> In addition to calling attention to the declining wildlife populations in Yellowstone, Grinnell also publicized abuses of Park concessioners and lobbied for increased federal regulation to limit leases to curtail their arbitrary control. In 1887, Grinnell and Theodore Roosevelt met and formed the Boone and Crockett Club that brought together wealthy sportsmen interested in protecting Yellowstone from railroad developers and supported the military's efforts to catch and punish market hunters who ignored the ban on hunting within Yellowstone. Their help prevented railroad companies from laying tracks within the boundaries of Yellowstone, and the publicity they generated about poaching in the Park led to the passage of the Lacey Act. This critical act not only provided Yellowstone with a working statute, but also a court system that could efficiently sentence and punish guilty poachers.<sup>7</sup>

Roosevelt's attention in protecting big game herds and his involvement in the Boone and Crockett Club's efforts to protect Yellowstone likely led him to first visit the region. In 1890 Roosevelt escorted his second wife, Edith, his sisters Corrine and Bamie, and Henry Cabot Lodge's son George C. "Bay" Lodge on an extended camping trip through the national Park. Roosevelt traveled through Yellowstone in 1891 for a more strenuous elk hunt with his Yellowstone friends Tazewell Woody and Elwood Hofer, hunting regions south of YNP near Two-Ocean Pass and in the Hoodoo-Basin east of the original Park boundary.<sup>8</sup> As president of the United States, Roosevelt visited the Park in 1903, then under the command of acting superintendent Maj. John Pitcher, whom he first met during his 1891 trek through the Park. It is likely Roosevelt wanted to personally investigate the conditions of concessions and the status of the wildlife populations in the Park due to well-publicized complaints made by James Fullerton.

According to his autobiography, a young, headstrong James Fullerton suffered a privileged yet troubled childhood in England due to a domineering father, childhood bullies and the prevalent use of corporal punishment in the schools he attended. This past likely put a chip on his shoulder and caused him to continually question and challenge authoritative rules and administrators he deemed arbitrary. The young Fullerton found escape in the outdoors, mainly poaching game and fish from various estates controlled by British nobles. In 1870,





(Left to right) John Pitcher, Pitcher's wife, John Burroughs, Theodore Roosevelt and others congregate on the front porch of a house in Fort Yellowstone, Wyoming. Historian Lee Whittlesey believes that Harry Child (only his hat visible) is standing behind Pitcher's wife. (Photo by Underwood & Underwood. Theodore Roosevelt Collection. Houghton Library, Harvard University.)

he immigrated to Canada and found employment at a sawmill and then became a fisherman and trapper, a life that exposed him to card playing and heavy drinking. Deciding to reform his life, the young man pledged to give up gambling and maintain his sobriety. The sober Fullerton then became a bookkeeper in a store at Port Hope on Lake Ontario. After questioning his employer's honesty, Fullerton left the store and worked on the docks loading ships until he joined the Northwest Mounted Police and headed to Fort Garry.

In 1874 Fullerton's headstrong nature caused him to leave the mounted police and then claim a homestead in Manitoba, where he eventually brought his new bride. To supplement his income, Fullerton became a market hunter and earned some profit by killing geese. After struggling through grasshopper plagues and wanting a warmer climate, the couple and their emerging family moved to Texas where the family suffered through malaria and pneumonia. Life in Texas resulted in the

family "losing what money we had and our health as well," wrote Fullerton.<sup>9</sup> The Fullerton family continued a nomadic existence, traveling through Indian Territory where they encountered snakes and insects and on to Arkansas, eventually securing train tickets to St. Paul, Minnesota, where the family briefly resided.

By working a variety of jobs, Fullerton secured enough money to go into sheep ranching until wanderlust called him again and he struck out for Laramie, Wyoming, where he began a small cattle ranch. Fullerton's health suffered when a severe dust storm blinded him. After regaining sight in one eye, Fullerton with his family left for the Big Horn Basin and established a farm along one of the reclamation projects near Ten Sleep, Wyoming. Unfortunately, Mrs. Fullerton's health again failed, and the family decided to vacation throughout Colorado for the summer to allow her to recover. Fullerton noted the family subsisted on various game animals during their summer trek, bragging that "we never

wasted any of the meat . . . the game wardens would come to our camp, but there was never anything in sight by which they could catch us."<sup>10</sup>

Eventually the family found employment at a photography shop in Meeker, Colorado, before illness and money problems led them to develop a traveling musical and stereopticon show. Again, the Fullertons traveled through northern Colorado into Wyoming, performing at various communities before homesteading at Bear Creek, Montana, where they established a successful vegetable garden and began selling their wares in the community of Red Lodge. Glimpses of Fullerton's family life in Montana appeared throughout issues of the local newspaper, the *Red Lodge Picket*, which praised the largeness and quality of their produce.<sup>11</sup> Fullerton also discovered a fossil and hosted Dr. Oscar J. Craig from the University of Montana during his examination of the find.<sup>12</sup> Yet Fullerton also demonstrated a violent side and once issued a general threat: "The next one who touches a girl of mine will need no trial in the Montana courts."<sup>13</sup> One article noted his public crusade against the passage of the Grazing Act (HB 7212), arguing that settlers could not afford expensive supplies to fence their land claims.<sup>14</sup>

At this juncture in his life Fullerton began assuming the role of "Roosevelt's Adversary" by publicly criticizing Major Pitcher and soldiers under his command for alleged gross incompetence. Additionally, Fullerton alleged that concessioner Harry Child's Yellowstone Park Association corrupted the military administration of Yellowstone to further its monopoly of tourist services in the Park. On October 3, 1902, the *Red Lodge Picket* reported in its "Local and Personal" column that James Fullerton departed on a trip to Washington, D.C., via Chicago and New York, yet the brief notice provided no information regarding the purpose of his visit.<sup>15</sup>

The *Billings Gazette* later revealed Fullerton's mission under the headline, "POACHED BUT NOW GUARDS - JAMES FULLETON TURNS PROTECTOR OF ELK - HAS SEEN THE PRESIDENT - Citizen of Red Lodge Tells Minneapolis People of his Mission to Washington." The article detailed Fullerton's concerns regarding the slaughter of elk within Yellowstone to supply elk ivories to members of the Benevolent and Protective Order of the Elks fraternity. Fullerton claimed that cavalry troops within the Park accepted bribes to turn a blind eye to the slaughter. The reporter quoted Fullerton: "They say there are between 35,000

and 50,000 elk in the reservation, but I want to say I don't believe there are over 1,000. . . President Roosevelt is interested in the matter and has promised to do all he can to enforce the laws against poaching in the park."<sup>16</sup>

Contrary to this report, the *Red Lodge Picket* simply reported that Fullerton "called on President Roosevelt, the postmaster general and secretary of agriculture . . . Mr. Fullerton's chief mission to the national capital was in the interest of the establishment on the Clarke [Clark's] Fork of a sub-station of the Bozeman Agricultural College . . . He was very cordially received by the president, who granted him an audience of fifteen minutes talk, an unusual courtesy for one not in public life."<sup>17</sup> A few days later the *Red Lodge Picket* reported that the president of the Bozeman Agricultural College, Dr. James Reid, arrived to meet with Fullerton to examine coal deposits in the Bear Creek Valley, supporting the news article that he met with Roosevelt simply to discuss his work with the college.<sup>18</sup>

On December 12, 1902, the *Red Lodge Picket* provided a detailed story of Fullerton's accusations, although it was buried on page 11. Again, Fullerton argued that hunters slaughtered Yellowstone elk but the soldiers ignored the situation. Additionally, Fullerton claimed that Major Pitcher inflated the elk populations in his acting superintendent's report. In addition to the slaughter by poachers, Fullerton argued that the military intentionally allowed the predator populations to increase, resulting in declines of the Park ungulates and the sheep herds grazing outside of the Park. Outside of the mistreatment of the Park's wildlife resources, Fullerton accused Pitcher of providing favors to certain concessioners, implying the main benefactor was Harry Child's hotel and transportation monopoly within the Park. Fullerton's charges included:

- Pitcher allowed 700 horses to graze on the best rangeland in the Park.
- Pitcher allowed the cutting of 1,000 tons of hay, furthering the decline of the bison herds.
- Pitcher allowed a "savage bear" to run free in the Park "because it had the habit of breaking up camps, forcing the tourists to patronize the hotels."
- Park hotels served copious amounts of alcohol to undesirable visitors and soldiers stationed in the Park.
- Park administration wasted \$95,000 by building unnecessary roads to benefit certain Park franchises over others.

Also, Fullerton again claimed that President Roosevelt personally promised him he intended to investigate these charges.<sup>19</sup>

On December 19, 1902, *The Red Lodge Picket* reported that Fullerton's charges against Major Pitcher "HIT HARD AND HURT" and noted that *Forest and Stream* magazine sent Elwood Hofer from Gardiner, Montana, to meet with Fullerton to discuss the matter. Hofer informed the reporter:

Most, if not all, the charges made by Mr. Fullerton . . . fall very much short of the actual truth, if indeed they can not (sic) be properly characterized as gross misrepresentations of the facts . . . it is generally remarked that they [Fullerton's accusations] seem to have their inspiration from some one who stands very close to the affairs of E.C. Waters' steamboat privileges on Yellowstone Lake. . . Colonel Waters wanted to maintain a herd of fifty cattle in the Park, and because he was not allowed to do so he is alleged to have made the statement that he would see that Captain Pitcher was removed.<sup>20</sup>

An article published in the *Billings Gazette* reported that Roosevelt did not meet Fullerton during his trip to Washington: "Mr. Fullerton had not seen Roosevelt, the latter having been sick at the time, but had been asked to reduce his charges to writing and submit them and they would receive consideration."<sup>21</sup> A few days later the *Red Lodge Picket* noted that Hofer believed Fullerton, "while not dishonest, was over zealous and a bit of a crank on the subject of game."<sup>22</sup>

Fullerton's sensational charges appeared across the nation in a variety of newspapers, including *The Minneapolis Journal*, *The New York Sun*, *The Washington Times*, *San Francisco Examiner*, *The Boston Globe*, *Leavenworth Times*, *Los Angeles Times*, and many others.<sup>23</sup> The furor of Fullerton's remarks, regardless of their validity, certainly raised questions and concerns regarding the military administration of Yellowstone, issues that Roosevelt likely intended to personally investigate during his presidential visit. Although Fullerton received tremendous press coverage, his accusations regarding the slaughter of Yellowstone's wildlife proved misleading. The relative tameness of the vast herds of elk, deer and bighorn sheep amazed Roosevelt, especially when compared to his early 1890s visits within Yellowstone

that reflected an already noticeable change resulting from effective efforts to protect the Park's wildlife.

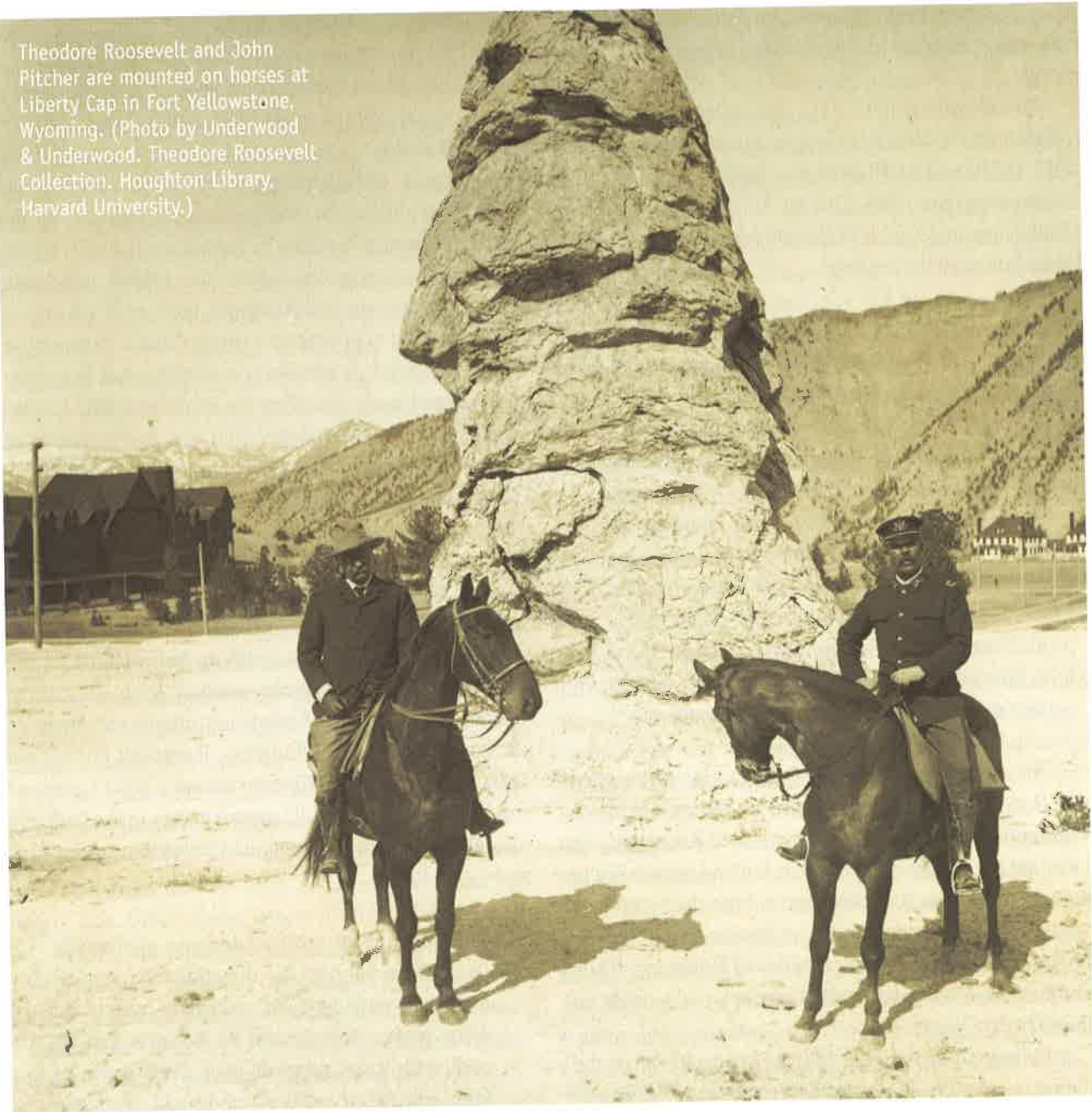
Roosevelt also spent considerable time with Harry Child on a sleigh ride from Mammoth to see Old Faithful, Yellowstone Lake and the Grand Canyon of the Yellowstone. Child's presence on Roosevelt's Yellowstone tour hinted at the president's interest in the expanding tourist facilities by continuing federally supervised semi-monopolies within the federal parklands, especially through collaborations with what he saw as well-managed concessions such as Child's Yellowstone Park Association. It was likely at this time that Roosevelt also learned more regarding the exploits of Ella Collins Waters, a Park concessioner who was in the process of representing the worst aspects of unregulated capitalism. Waters abused his steamboat monopoly in the Park and received constant complaints of overcharging from the public, and he likely earned the wrath of Roosevelt by running what the president would view as an unnatural display of wildlife within the Park.<sup>24</sup>

Toward the end of his stay in Yellowstone, at the dedication of the northern gateway arch outside of Gardner, Roosevelt deflected and minimized many of the concerns raised by Fullerton. Roosevelt praised the federal government's efforts to ensure a good system of roads to provide the public greater access to the Park and also advocated for the continued protection of the Park and its wildlife:

The government must continue to appropriate for it especially in the direction of completing and perfecting an excellent system of drive ways. But already its beauties can be seen with great comfort in a short space of time and at an astoundingly small cost, and with the sense on the part of every visitor that it is in part his property, that it is the property of Uncle Sam and therefore of all of us.<sup>25</sup> . . . Here all the wild creatures of the old days are being preserved, and their overflow into the surrounding country means that the people of the surrounding country, so long as they see that the laws are observed by all, will be able to ensure to themselves and to their children and to their children's children much of the old-time pleasure of the hardy life of the wilderness and of the hunter in the wilderness.<sup>26</sup> . . . The essential feature in the present management of the



Theodore Roosevelt and John Pitcher are mounted on horses at Liberty Cap in Fort Yellowstone, Wyoming. (Photo by Underwood & Underwood. Theodore Roosevelt Collection. Houghton Library, Harvard University.)



Yellowstone Park . . . is its essential democracy—it is the preservation of the scenery, of the forests, of the wilderness life and the wilderness game for the people as a whole, instead of leaving the enjoyment thereof to be confined to the very rich who can control private reserves.<sup>27</sup>

Despite Roosevelt's well-publicized presidential visit to Yellowstone and his remarks disputing Fullerton's claims, Fullerton continued his attack on Pitcher's management of Yellowstone and criticized Roosevelt for allowing his subordinate to run amok

in Yellowstone. According to the *Billings Gazette*, Fullerton planned to attend two national conferences—the Christian Endeavor meetings in Denver and the International Epworth League in Detroit—where he promised to again present his claims and call for the removal of Major Pitcher. The article also noted, "Fullerton claimed to be backed by unlimited capital in his fight and declared he would push it to the utmost of his power."<sup>28</sup>

While Fullerton continued his Quixotic crusade, Roosevelt took a direct, hands-on approach to Yellowstone's management as president, supporting direct

action against the unscrupulous concessioner Ella Collins Waters and his Dot Island animal display. Roosevelt's interest in that case eventually led to the banishment of Waters and his steamboat franchise and zoo. Today many visitors look fondly upon the romantic notion of steamboats crossing Yellowstone Lake filled with Victorian tourists, yet behind this vaunted past stood Waters, who came to represent the worst behavior of any concessioner within the Park. During his day many people viewed Waters as a successful, self-made man whom the military administration of Yellowstone attacked due to his ongoing struggle to succeed against Harry Child's monopoly. Early Montana historian Helen Fisk Sanders defended Waters' actions and stated: "His record is a true human document, and illustrates much that has been characteristic of the period of enterprise and action which filled in the half century from the Civil War to modern times."<sup>29</sup>

Ella C. Waters certainly represented the best and worst qualities of the self-made capitalist who emerged in the aftermath of the Civil War. Waters was born on May 5, 1849, in New York. His family moved to Fond du Lac, Wisconsin, where he attended public school until age 15. As a young man, Waters demonstrated the negative qualities that created problems for himself and others in Yellowstone. Sanders elaborated: "As a boy he was somewhat pugnacious. He was expelled from school many times for these traits. He could never keep still in school, and it is still one of his physical characteristics."<sup>30</sup> The call to military service during the Civil War lured Waters away from his schooling and he attempted to join the Union Army, but recruiters determined he was too slim to make an effective soldier. In the spring of 1864 Waters joined Company A of the 38<sup>th</sup> Wisconsin Volunteer Infantry as a drummer boy, and he claimed he later fought at the front during the Petersburg Campaign.

After the Civil War, Waters returned to Wisconsin and briefly attended Ripon College, never completing his degree. Later he worked in a sewing machine business and speculated in cattle and sheep before wanderlust struck him. In 1868 he left for Cheyenne, Wyoming, where he fell ill, and while he suffered, a friend "borrowed" all Waters' money and left him behind. After he recovered, Waters paid off his debts by building snow sheds along the Union Pacific tracks. Hoping to strike it rich, he joined the Big Horn and Black Hills Expedition in 1869, composed of 125 men, to prospect for gold in territory still held by the Lakota and Cheyenne tribes.

Waters stated that he was shot in the leg, supposedly by a band of hostile Indians attacking the expedition, but this never occurred and likely an accidental gunshot caused the wound. After a military patrol stopped the party from traveling across the Big Horn Mountains into the Black Hills, the prospectors split up, and a few traveled to the gold fields of Montana, while the other members returned to Cheyenne.<sup>31</sup>

Eventually, Waters returned to Fond du Lac where he found employment as a hotel clerk. When his stepfather passed away, he took on the care for his three-year-old stepsister. Waters continued working various jobs, as a traveling salesman for a woodenware company and working in New York at a tea house, where he eventually made \$7,000–\$9,000 a year. Waters decided to return to the west and subsequently established two hotels in Montana, one in Glendive and another in Billings. Like Roosevelt, Waters also invested in open-range cattle ranching—only to see the severe 1886–1887 winter wipe out his herds. In addition to his business investments, Waters was elected to the Montana Legislature and became a member of the Grand Army of the Republic of Montana. So, at least to begin with, he was doing his best to look like a reputable citizen.

After losing his ranch, Waters assumed the role of general manager of the Park association in 1887. Yellowstone Park historian Paul Schullery noted, "[Waters] generally behaved in the manner of the worst stereotypes of the sleazy Park concessioner."<sup>32</sup> In the ensuing years Waters and his less reputable employees created all sorts of problems for the military forces who now supervised the Park. After one of his men beat up an army surgeon, Waters refused to provide any services to military men at the National Hotel at Mammoth Hot Springs. While guiding the vice president of the Northern Pacific Railroad through Yellowstone, Waters illegally soaped one of the geysers, an action that nearly resulted in the prominent party's expulsion from Yellowstone.<sup>33</sup>

In 1889 E.C. Waters began his famed steamboat concession in the Park, an enterprise that made money but also generated his downfall within Yellowstone. Waters secured permission from the YPA to launch *The Zillah*, a 40-ton steamboat. The boat was constructed, disassembled and then freighted to Yellowstone Lake where workers reassembled the vessel for its maiden launch. The steamboat provided tourists a welcome respite from the dusty stagecoaches, allowing them a boat ride from West Thumb to Lake Hotel. Despite his





Theodore Roosevelt stands to the far left. Historian Lee Whittlesey believes the remaining men are (left to right) T. Elwood "Billy" Hofer (standing), John Burroughs (with beard) and Tazewell Woody (seated). All three were friends of Roosevelt. (Photo from Theodore Roosevelt Collection. Houghton Library, Harvard University.)

breaking away from the YPA, which he criticized as an unfair monopoly, Waters continued to provide steamboat service.<sup>34</sup>

While operating a successful business in Yellowstone, Waters continued to be a burden on the military officials in the Park. Many believed Waters' friendship with President Benjamin Harrison's son Russell led to the dismissal of acting military superintendent Frazier A. Boutelle in 1891. Boutelle threatened to expel the concessioner after he learned that Waters and one of his employees planned to use the steamboat franchise as an opportunity to trap fur-bearing animals near the lake. Boutelle later wrote to Maj. John Pitcher, acting superintendent of Yellowstone, "It was always understood that Waters was under Presidential protection. . . I could not, for obvious reasons, prevent his securing the privilege

of running boats on the Lake. These, I have understood, have been a graft and nuisance ever since."<sup>35</sup> Boutelle noted the change of the political winds with Roosevelt's presidency, proclaiming, "I have often thought of the matter and believed if the situation could be brought before the present President, he would make short work of the fellow."<sup>36</sup> Boutelle lamented that he missed hosting Roosevelt while serving as acting superintendent on "a snow shoe trip through the Park" due to the chaos within the War Department caused by the Wounded Knee Massacre. Before the canceled snowshoe trip, Boutelle recalled to Pitcher, "I was very happy in thinking that I should have such a good companion."<sup>37</sup>

Regardless of any offenses he and his less reputable employees committed in Yellowstone, many Park officials and concessioners believed that Waters'

political ties to the Republican Party gave him an air of invincibility. Captain George S. Anderson, a sometimes companion of Roosevelt and Grinnell and also a fellow Boone and Crockett Club member, arrested one of Waters' winter-keepers, William Boardman, for trapping within the Park.<sup>38</sup> Captain Oscar J. Brown received complaints about Waters and his daughter charging excessive rates for rowboats, yet Brown did not report any complaints regarding Waters' operations in his 1899 report.<sup>39</sup> Numerous letters repose in the Park archives from Waters to acting superintendents explaining his actions and addressing complaints, usually by shifting the blame to the visitors or claiming the complaints resulted from a conspiracy against his operations by the Park association or the military administration of the Park. Despite the substantial number of complaints, the official superintendents' reports of 1891, 1892 and 1893 noted the popularity of the steamboat concession and merely recommended that the prices were too high.<sup>40</sup>

Despite the troubles he caused Park officials, Waters requested and later received permission from acting superintendent George Anderson to establish a small zoo displaying elk, moose, antelope, deer, bison, bighorn sheep, bear, foxes and wolves on either Stevenson Island or Dot Island in Yellowstone Lake. Waters explained, "I know it would be a source of great pleasure to the traveling public to be able to see such a collection & I cannot see that it would in any way inter fear [*sic*] with any other lease holder."<sup>41</sup> In 1896 a cowboy named William Timmons escorted four buffalo—two cows and two bulls—from Charles Goodnight's ranch in Texas to Yellowstone, riding in the boxcar with the bison on the Santa Fe Railroad from Texas to Chicago to Fond du Lac and then on to Cinnabar, Montana. At Fond du Lac, Timmons left one bull and picked up a buffalo cow.

Upon arriving at Cinnabar, Timmons and one of Waters' employees disagreed on the best method to unload the bison from the boxcars to the cages loaded onto four wagons. Waters' employees told Timmons they should rope the buffalo to get them into cages, but Timmons resisted and the three cows, lured by hay, simply walked. The buffalo bull, however, was roped by the employee in question and proceeded to tear down his stall and the boxcar. Timmons intervened, waited for a spell, placed one of the caged cows next to the empty wagon, and then lured the enraged bull into the enclosure—using the cow as bait. Timmons and Waters' employees traveled to Yellowstone Lake and loaded the

bison onto a barge that floated them to the cages on Dot Island.<sup>42</sup>

Timmons served as a tour guide there, lodging in a tent with bedding, a coffee pot and a frying pan, noting, "Plenty of good things to eat were brought over from the hotel regularly. I fared well."<sup>43</sup> Timmons would meet the steamboat passengers every day with pants tucked into his boots, which he described as "cowboy style." In addition to the four bison, the zoo included two bighorn sheep, two coyotes, two deer and two antelope. The young cowboy answered visitors' questions, acknowledging that "whether I knew the correct answer or not, I was supposed to tell them something."<sup>44</sup> After a while, Timmons decided to leave Yellowstone for Miles City, despite Waters' offer to raise his wages of \$1.50 per day. Timmons later found employment as a cowboy in North Dakota, near the region of Theodore Roosevelt's ranches.<sup>45</sup> Waters continued to display the animals in their pens on Dot Island as a sideshow to his steamboat service.

When Roosevelt assumed the presidency after William McKinley's assassination, he emboldened the acting military superintendent, Maj. John Pitcher, to act against Waters, regardless of any political connections between Waters and the Republican Party. Pitcher noted in official Park reports that Waters' Yellowstone Lake Boat Company received numerous complaints regarding "excessive charges for the hire of small boats, fishing tackle, etc." and therefore recommended that the Department of Interior consider granting a steamboat lease to another concessioner to drive Waters' prices down. Pitcher also noted that Waters' "barns and corrals [which housed both domestic animals and zoo animals during the winter months] are also too near the [Lake] hotel . . . and render the place filthy and unsightly by their manure."<sup>46</sup>

In November 1903 New York's Gov. Benjamin Odell, a fellow Republican who managed Roosevelt's 1898 campaign for the New York governorship, wrote to Roosevelt asking him to intervene in Waters' case against Harry Child and Major Pitcher. Odell noted he "met Captain Waters on my trip last summer. He is an old New York Man, and I think the matter is of sufficient importance to have it looked into."<sup>47</sup> Odell enclosed a letter from Waters to him dated November 23, 1903, in which Waters complained that the Department of the Interior threatened to bring in another steamboat concession to compete with the Yellowstone Lake Boat Company. Waters reported this action threatened his financial ruin:



"Last winter The Department [of Interior] granted our Company permission to put another boat on the Lake and we have all the material on the ground there to build a large steam boat that will carry six or eight hundred people and cost a large amount of money. We propose to commence work on said steamboat and have same ready for next season."<sup>48</sup> Waters argued, "We have been in the Park fourteen years and never broken a rule of regulation and feel we are now entitled to full consideration."<sup>49</sup>

Roosevelt responded to Odell regarding Waters' complaints: "I am sorry to say that Waters has been in with a man named Fullerton in making a series of most vicious attacks upon the management of Yellowstone Park and upon the administration. Waters deserves no consideration at our hands. When I see you I shall tell you in detail the things he has done."<sup>50</sup> Odell replied, "In view of what you state I have nothing further to say."<sup>51</sup> A few days later Roosevelt voiced his concerns regarding Fullerton and Waters to his ranch-hand Sylvane Ferris. "There is a man named Fullerton who has been going around the country telling the most infamous lies about Major Pitcher, the Secretary of the Interior and me, and Major Pitcher believes Waters has put him up to this and is working with him," wrote Roosevelt to Ferris. "Fullerton is a thorough scoundrel, and I suppose this has prejudiced the Major about Waters."<sup>52</sup>

On February 21, 1905, the *Billings Gazette* reported the arrest of James Fullerton, a "Well Known Carbon County Character," for insanity after attempting to kill his son-in-law with a pitchfork.<sup>53</sup> A few days later, the same newspaper reported, "A lunacy commission at Red Lodge has declared James Fullerton to be insane and ordered his commitment to the state insane asylum." Fullerton "denied that his mind was affected, but pleaded guilty to being the unfortunate possessor of a fiendish temper and that at times he has been violent . . . but instead of insanity causing him to act so, he said it was pure meanness." When questioned about his charges against Major Pitcher, "Fullerton is said to have winked in a knowing manner and then added: 'I was no fool; I was paid for it.'<sup>54</sup> It is likely Roosevelt and his supporters concluded that E.C. Waters provided the financial backing for Fullerton's crusade against Pitcher.

Major Pitcher's 1905 report noted complaints regarding Waters charging unfair rates and officially recommended granting another boat company a Park lease, hopefully creating competition for Waters to drive his unreasonable prices down. The new steamboat built

by Waters, capable of carrying more than 500 passengers, challenged Pitcher's request to add another boat concessioner. Although the new vessel eventually passed the safety inspections and served passengers for one season, Pitcher continued his pressure against Waters with Roosevelt's support. After losing his concession, Waters moored his new boat on Stevenson Island, where its wreckage currently resides as a monument to his steamboat enterprise.<sup>55</sup>

In his 1906 report, Pitcher stated that Waters' lease expired January 21, 1907, and decreed that it should not be renewed but instead offered to another concessioner. Pitcher wrote, "the condition of affairs of this [Waters'] corporation as regards its relations with the transportation companies in the reservation is just as bad to-day, and even worse, than it has been in the past eighteen years, and it is about time to end it."<sup>56</sup> Embittered in his ongoing conflict with Pitcher, and gradually losing his mind, Waters' disgraceful behavior continued to plague the Park. He continued to stable his domestic livestock in the pens near Lake Hotel, which generated numerous complaints due to their filthy conditions. During the winter months Waters moved the zoo animals to the filthy pens near the Lake Hotel, leading to even more complaints from Child and the management of the Lake Hotel.

In what would become a failed attempt to restore a civilian Park guard under the administration of Gifford Pinchot's U.S. Forest Service, Roosevelt appointed retired Lt. Gen. Samuel Baldwin Marks Young as Yellowstone superintendent. Young had served with Roosevelt in Cuba and became the first civilian superintendent to oversee the Park since the War Department assumed its administration in 1886.<sup>57</sup> Interestingly, Young later became Harry Child's brother-in-law, reflecting the social and familial ties between the Park's concessioners and military officials. This tightknit community, which excluded Waters and his family, undoubtedly raised a few eyebrows and fed Waters and Fullerton's accusations. Roosevelt's support emboldened Young to continue Pitcher's efforts to remove Waters and his unscrupulous franchises from the Park. In a letter to Young dated July 31, 1907, Acting Secretary of the Interior Jesse E. Wilson reminded Young that "the maintenance of said animals in captivity on such a small tract of land on Dot Island was one of the subjects brought to your attention while in Washington prior to your leaving for the Park."<sup>58</sup> Immediately, Young began addressing public complaints regarding the mistreatment



E.C. Waters' steamboat, *The Zillah*, approaches the dock on Yellowstone Lake. (Photo a gift from Laurence G. Cowles. SL.83.01.16, MS 21, Yellowstone National Park Collection. McCracken Research Library, Buffalo Bill Center of the West.)

of the wildlife belonging to Waters, who now confined eight elk and seven bison with his domestic livestock in the winter pens near the Lake Hotel.

As the battle between Waters and the Park administration intensified, Waters' mistreatment of these animals increased. On June 12, 1907, a California doctor wrote to Superintendent Young complaining of filthy stock pens near Lake Hotel, noting, "I was surprised and shocked to find conditions . . . cruel to the specimens of the magnificent species, the preservation and protection of which every true sportsman earnestly desires."<sup>59</sup> The manager and transportation agent of the Lake Hotel also complained: "The condition of these yards is most deplorable. Mud and filth is knee deep; [there is] no shelter to speak of and absolutely nothing dry for the buffalo and elk to lie on. Among the herd are two elk fawns and one buffalo calf and it is with difficulty that they wallow through this filth, and owing to the limited feeding they are in very poor condition."<sup>60</sup> On June 13, one day after he wrote the letters, Young sent Capt. M.O.

Bigelow and 1<sup>st</sup> Lieut. Copley Enos to investigate, and the two officers concluded that Waters' pens and shelters for the zoo animals were "from a sanitary standpoint, a public nuisance and should be abated. As to the animals, it seems nothing less than inhuman to confine them in surroundings so utterly filthy and unwholesome."<sup>61</sup>

On June 14, 1907, Young telegraphed Waters at his home in Fond du Lac, Wisconsin, saying, "Conditions of the pens and animals on your leased grounds are unsanitary, vile, filthy and inhumane. Unless remedied within ten days from this date I shall cause elk and buffalo to be released from pens . . . and driven out of the Park."<sup>62</sup> Waters replied, "Animals would have been removed to island long ago and yards cleaned had not government detained our work. Your wishes will be complied with."<sup>63</sup> On June 25, 1907, Young ordered Col. Alexander Rodgers to investigate to see whether Waters had cleaned the pens. Rodgers reported, "Condition probably much improved but still not good . . . all game animals removed to Dot Island."<sup>64</sup> The following day Rodgers



telegraphed Young: “[Waters] has done considerable work but certainly not as much as he claims. I was not able to believe what he told me and had to get outside information.”<sup>65</sup> Captain Bigelow further investigated the pens at Dot Island, noting, “it seems utterly at variance with the entire spirit of the Park to keep wild animals in such captivity. I recommend that they be set free.”<sup>66</sup>

Young then received a letter from Waters requesting permission to cut hay near Sylvan Pass to feed his zoo animals. After securing the support of Acting Secretary of the Interior Jesse E. Wilson, Young responded at length to Waters’ request on August 2, 1907:

Keeping these animals in captivity is at variance with the spirit of having this greatest of all national parks maintain with fidelity the original conditions of Nature as far as possible. Many good people have made protests against the keeping of buffalo and elk in confinement on Dot Island.

Your contract with the Department in which you were . . . granted the privilege of keeping these animals for show purposes, expired January 21, 1907, and has not been renewed, but you have been permitted to continue to operate during the present season . . . . At the close of the season your application for a renewal of the lease will be taken up by the Department for consideration . . . .

I have therefore to advise . . . that you arrange for sending the animals now confined on Dot Island out of the Park no later than October.<sup>67</sup>

Waters replied to Young: “I have the honor to inform you that your communication of August 2nd . . . has been received and carefully noted, and referred to our attorney for his consideration and reply . . . . I will, however, state that this company would like to dispose of their buffalo and elk, and most respectfully request you assist us in doing so.”<sup>68</sup>

Young responded by sending a cavalry officer with a sealed letter, under orders to notify him when Waters received the following directive: “You are hereby notified that at the close of the present tourist season you must at once remove from the Park all buffalo and elk now confined on Dot Island.”<sup>69</sup> The following morning Waters replied with a strange telegram: “Veal calves and

sheep on Island no way to get them for food only by shooting. Seargant [*sic*] here will not shoot them unless we pay him five dollars my man informs me. Are we expected to submit to this treatment[?]”<sup>70</sup>

Waters continued to ignore Young’s orders to remove the animals. Additionally, perhaps as revenge against Young, he began feeding garbage to the confined zoo animals. T. Gilbert Pearson, Secretary of the National Associations of Audubon Societies for Bird & Game Protection, visited the zoo and reported to Young, “To my horror, I observed that these interesting animals were being fed largely upon garbage which was a disgusting sight . . . . In a land where good forage is so abundant cannot something be done to relieve these great creatures[?]”<sup>71</sup> A few days later T.S. Parker from the Department of Agriculture reported: “Soon after the passengers landed, several large tubs of garbage were brought ashore and dumped in troughs in the elk enclosures. The hungry animals eagerly picked out potato peelings, pieces of vegetables, and even bits of meats. The filthy corrals, the noisome odors and the sight of elk fed like hogs on stale garbage disgusted several of the passengers.”<sup>72</sup> W.F. Scott, president of the National Association of Game and Fish Wardens and Commissioners, later wrote to Young complaining, “for the first time in my life, I saw elk eat flesh. I saw one cow elk plunge her nose into the trough, seize a huge chunk of some kind of meat, trot across the corral and there devour it like a dog.”<sup>73</sup>

Upon receiving these complaints of the appalling treatment of the wildlife on Dot Island, Young inquired about Waters’ supply of cut grass and received notice on August 20 from Lieutenant Cox from Canyon that Waters was cutting hay in Hayden Valley and “hauled 31 loads about 30 tons and expects to haul about 50 loads more. Hay for buffalo and elk during winter. [When] they are brought to Lake and stabled there.”<sup>74</sup> Waters requested that Young allow him to keep animals until he could properly dispose of them, and he also restated the possibility of the government buying the buffalo on September 11, 1907. He further noted, “They were all born and raised here and are all fine specimens of their kind, healthy and in splendid condition.”<sup>75</sup> Young replied that he did not receive any written proposal for the sale of the bison, as previously requested, and he again stated that the order to remove the animals from the Park at the close of the tourist season still stood.<sup>76</sup> A few days later Young received a phone message from Lieutenant Cox

that Waters had removed the elk from Dot Island to the Lake pens.<sup>77</sup> It is likely that Waters also relocated the bison shortly before or after this date.

On September 26, 1907, Waters wrote to Young, on the letterhead of the Law Offices of Walsh and Nolan of Helena, Montana, informing him that his attorney advised him of his legal right under his lease to keep the animals. Waters stated,

Considering, in light of the advice that I have received that I am strictly within my rights in keeping the animals referred to, in the enclosure where they are now in the Yellowstone National Park, I must respectfully decline to comply with your request . . . and in the event that you should carry out your purpose, as indicated . . . I shall consider you and the Government trespassers and hold you responsible for any damage which your action may occasion.<sup>78</sup>

In a second letter, dated the same day, Waters explained why he did not submit a written proposal to sell the bison to the United States government, and again offered to sell the buffalo to settle the issue.

Young wired the Department of the Interior on September 28, 1907, noting that Waters disobeyed the order to remove the animals from the Park and stated, "I shall turn the elk and buffalo loose in Park on October second unless Department disapproves. Reply by wire requested."<sup>79</sup> Officials in the Secretary of the Interior's office replied on October 1, stating they were in contact with Waters' attorney and conceded to give Waters until October 15 to remove the zoo animals from the Park.<sup>80</sup> Young telegraphed Waters with the new deadline.<sup>81</sup>

Waters and his legal team continued to postpone the removal of the animals by requesting more time, asking for a hearing, and then offering to sell the bison cows and elk to the government. The day before the deadline Waters stated his offer through his attorney to sell the four breeding cows and seven elk for \$6,000 and a Forest Reserve grazing lease for 10,000–15,000 acres to establish a "cattle experimentation station," where he would use his two remaining buffalo bulls to breed cattle. Waters alleged that President Roosevelt provided Charles Jesse "Buffalo" Jones, a reformed buffalo hunter who served as the buffalo caretaker in Yellowstone, with a similar lease near the Grand Canyon.

True to his word, Young ordered the animals to be

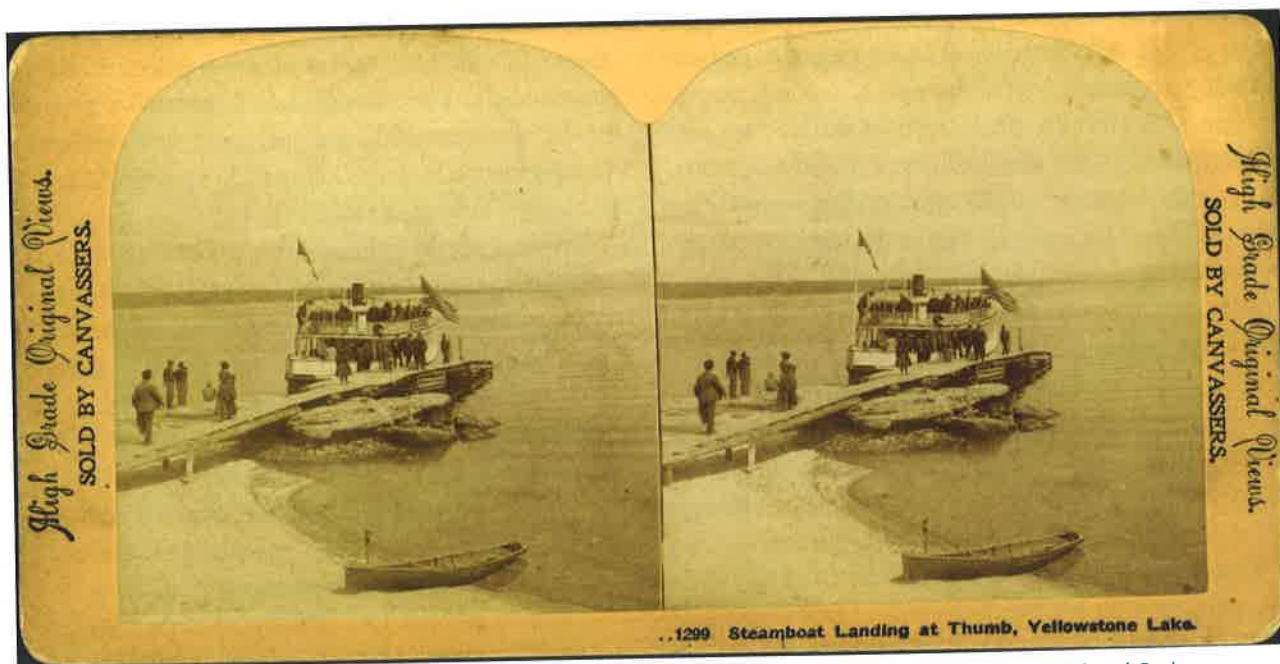
released on October 15, despite Waters' ongoing negotiations with the Department of the Interior to sell the bison and elk. Upon being asked to provide a response to the Department of the Interior regarding Waters' offer, Young reported back on October 27:

When released from captivity on October 15 . . . their continuous rubbing against the trees for some time after being turned loose, led me to believe they had a skin disease, which may be mange. The filthy condition of the small pens in which these buffalo were kept during the long winter, where they have been compelled to lie and wallow in their own dung and urine . . . undoubtedly caused unhealthy conditions of their skins . . . If possible or practicable, I propose to drive these buffalo out of the Park.<sup>82</sup>

Waters' bison bull continued to cause problems, chasing tourists near the lake outlet, so Young ordered soldiers to drive the cantankerous bison over Sylvan Pass and outside Park boundaries where, ironically, Buffalo Bill Cody had recently constructed his hunting lodge Pahaska Teepee. The fate of the bison in question today remains unknown.

Why were Pitcher and Young able to remove Waters when past officials were afraid of him after his years of being the most difficult and confrontational concessioner on record in Yellowstone National Park's history? It was likely due to Roosevelt's interest in Park wildlife and providing quality amenities for Park visitors that caused President Roosevelt to take a sudden interest in E.C. Waters, his steamboat service, and his animal display on Dot Island. Roosevelt also eroded Waters' political influence by working directly with Pitcher and then Young. When he feared Park officials would not renew his lease—due to alleged pressure from Child's company—Waters hoped to apply political pressure against Pitcher through his ties with the Republican Party. At the height of his struggle to renew his lease and being slighted by members of the Republican Party, Waters wrote to members of the Democratic Party requesting assistance, including Rep. W. Bourke Cockran from New York. Cockran quickly wrote to Roosevelt, "Your love of a square deal which I have appreciated . . . encourages me to bring before you what I regard as a grave injustice . . . against a deserving man and a veteran of the Civil War."<sup>83</sup> Roosevelt replied to Cockran, explaining that he





A stereocard image depicts E.C. Waters' steamboat, *The Zillah*. (Image ST.21.77, MS 21, Yellowstone National Park Collection. McCracken Research Library, Buffalo Bill Center of the West.)

would request a report from Young whom he considered “a man of rugged independence and can be depended on to do absolutely what he thinks is right without regard to any other consideration.”<sup>84</sup> The president also noted, “I know but little of Waters, and I am sorry to say that little is to his discredit. Major Pitcher . . . who is certainly a decent and straight man, has recommended that he be put out of the Park.”<sup>85</sup>

After reviewing Superintendent Young’s report regarding Waters and his appalling management of his concession, President Roosevelt replied forcefully:

I have read your report carefully and have sent all the papers to Congressman Cockran. I have also been over the matter with Secretary [of the Interior James] Garfield and he agrees with me that the showing against Waters is conclusive, and that it is out of the question that he should no longer continue in the Park. It hardly seems expedient to turn him out until the close of the tourist season. His lease has been canceled and will not be renewed. Secy. Garfield informs me that he is now in the Park under temporary permit, which will expire at the end of this season.<sup>86</sup>

Young responded to Roosevelt, confirming his wishes to allow Waters to remain through the season

and declaring, “I should, metaphorically speaking, have taken him [Waters] by the nape of the neck and the seat of the breeches and thrown him out. I really think he has ‘wheels in his head.’”<sup>87</sup>

Waters later claimed he requested permission from the Department of Interior to sell his property after losing his lease, but the powers that be ignored his request. Montana historian Helen Sanders later claimed, “The facts in the case showed that the administration refused either to renew the lease or fulfill the terms of the contract . . . and ordered the [Waters’] company to remove its property from the park . . . in the end [Waters] was forced to accept \$50,000 for the property, whose original cost had been about \$250,000, and for which he had been offered \$300,000.”<sup>88</sup> Waters, disappointed in the refusals by Roosevelt and his successor William H. Taft to save his concession, quit the Republican Party in 1910 because “at that time he became convinced that the party was largely under the control of its more corrupt and powerful members.”<sup>89</sup> If he were implying here that Roosevelt was corrupt, that assertion would prove to be a difficult burden of proof for Waters to carry, and likely already failed in his probable collusion with James Fullerton.

Roosevelt’s former hunting guide T. Elwood Hofer briefly operated the Yellowstone Lake Boat Company and continued operating the boat franchise before Harry Child and the YPA purchased Waters’ remaining assets.

After Roosevelt left office Waters contacted the Taft administration, hoping to renew his lease. General Young heard of the evicted concessioner's potential return and wrote to Maj. H.C. Benson, the new Park superintendent, mincing no words: "Waters has always been a disgrace to the Park and is a dangerous bad man."<sup>90</sup> Benson replied to Young, explaining that due to the threat of a lawsuit, the Department of the Interior was considering a new lease and stating, "the only way to get rid of him is to authorize a competing company, and let Waters die of starvation."<sup>91</sup>

Fortunately, Waters elected not to return to Yellowstone. In 1926, at the age of 78, he passed away at the Waupaca Soldiers' Home in Wisconsin.<sup>92</sup> The ending of the zoo did not end the public display of wildlife in Yellowstone, however, for the military continued to operate buffalo pens and bear-feeding displays, a practice propagated by the National Park Service through the early half of the 20<sup>th</sup> century, but administered more humanely than the activities of Waters. However, the Dot Island zoo closure and the expulsion of E.C. Waters reaffirmed and bolstered federal oversight of Park concessions and monitored the behavior of concessioners within the national parks, regardless of the political graft and connections of some naysayers.

In 1910 Fullerton moved once again to Port Townsend, Washington, where he promoted the growth of loganberries and became known as "Loganberry Jim,"

apparently briefly abandoning his campaign against Roosevelt and Pitcher. However, Fullerton's attack on Roosevelt resurfaced in 1912 when Roosevelt ran for another term of office as a Progressive Party candidate against William Howard Taft and Woodrow Wilson. That presidential election year Fullerton's accusations again surfaced with the publication of *Autobiography of Roosevelt's Adversary*. Fullerton's brief preface stated,

When I started at the request of a large number of friends to write this book I determined to tell the truth no matter who was hit—consequently in order to show the animus and venom back of the attack on me and the attempt at my destruction, I have been compelled to bring in those who I would much have preferred to have passed in silence."

According to this autobiography, D.W. Spalding informed Fullerton of the slaughter of elk in Jackson Hole and implored him to act, yet the author failed to explain that Spalding was also a well-known poacher.<sup>93</sup> Instead, Fullerton claimed that Spalding "is the man to whom the credit for the original crusade against the use of elk teeth as emblems is due, not to Roosevelt who claims it."<sup>94</sup> Fullerton's attitude towards Roosevelt had clearly shifted to outright hatred by 1912. Fullerton also



A stereocard image depicts E.C. Waters' display of elk and bison on Dot Island. (Image ST.21.76, MS 21, Yellowstone National Park Collection. McCracken Research Library, Buffalo Bill Center of the West.)



claimed while presenting a stereoscopic program at Fort Washakie, "They [Roosevelt's troops] laughed at the idea of Roosevelt leading up San Juan Hill, saying he was not with them, but in his tent sending dispatches."<sup>95</sup>

Fullerton's description of his supposed meeting with Roosevelt had completely changed from his earlier accounts. Now Fullerton claimed he characterized Pitcher as "grafter," to which the president supposedly shouted, "You dare call my friend John Pitcher a grafter?" Fullerton further alleged that Roosevelt's trip to Yellowstone was financed by the "Northern Pacific Railroad . . . He remained in the park a few days, came out and whitewashed the whole bunch." Fullerton also stated he received backing from "prominent men all over the country tendering me their support, telling of the outrages that had been perpetuated upon them in the National Park, and urging me to continue the good work."<sup>96</sup> Roosevelt allegedly struck back, an informer told Fullerton, stating "that the orders had gone out that I must be got rid of and he advised me to 'beat it' out of the country or I would get a drop of the same medicine that had been dealt out to the rustlers in Johnson County, Wyoming."<sup>97</sup>

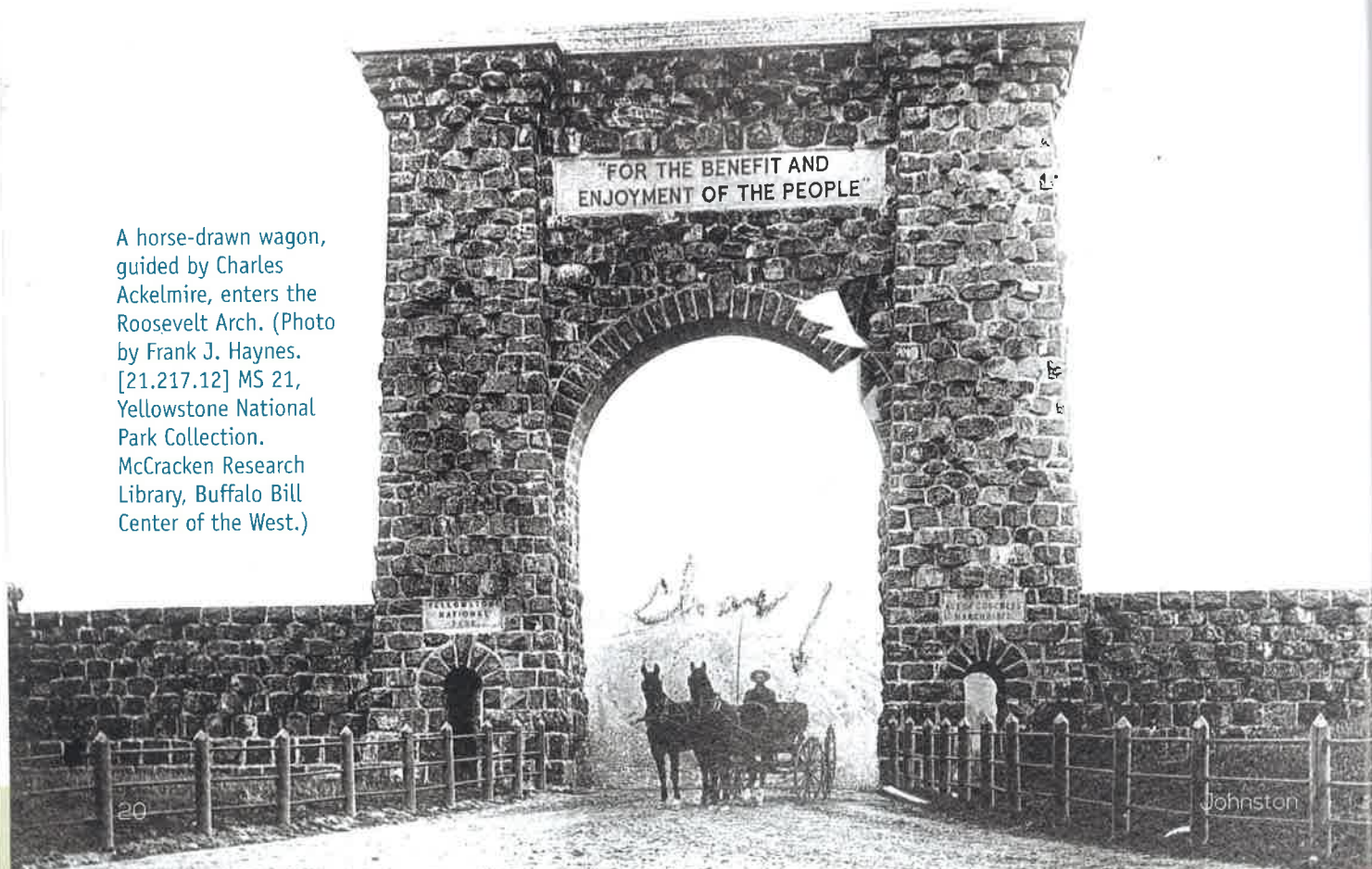
Fullerton was not yet finished. He alleged that President Roosevelt sent a person to infiltrate his family and "poison the minds of my unsophisticated frontier children," saying that person testified against him during

his sanity hearing. "I went to the asylum and was thrown into a den of syphilitic idiots," wrote Fullerton, and now "They could proclaim in double leaded type, 'Roosevelt's traducer is insane.' They had legally destroyed the man that was in their way and this legal death is permitted and accomplished time and again in this land that is proclaimed the land of the free."<sup>98</sup> Fullerton purportedly used his Masonic connections to obtain a release from the asylum and fled to Canada to escape from Pitcher, Roosevelt, and their supposed henchmen.

It is doubtful that Fullerton's book caused much concern for Roosevelt's reelection campaign. The split of the Republican Party between those supporting Roosevelt and those supporting Taft challenged Roosevelt's potential for success far more than any publicity generated by Fullerton's autobiography.<sup>99</sup> Before he passed away in 1939, Fullerton requested that his family bury him in Canadian soil at Victoria, British Columbia. His descendants recalled many of his tales about life in the American West, yet their remembrances did not identify him as Roosevelt's adversary, nor did they mention his misguided campaign to "save" Yellowstone National Park.<sup>100</sup>

Today the Roosevelt Arch welcomes tourists traveling through the north entrance, and Roosevelt Lodge near Tower Junction offers a variety of

A horse-drawn wagon, guided by Charles Ackelmire, enters the Roosevelt Arch. (Photo by Frank J. Haynes. [21.217.12] MS 21, Yellowstone National Park Collection. McCracken Research Library, Buffalo Bill Center of the West.)



accommodations and imparts stories of Roosevelt's Yellowstone legacy. An anchor from the steamboat *E.C. Waters*, which now lies in ruin on the shoreline of Stevenson Island, is on display at Bridge Bay Arena. These two remnants remind today's visitors of idyllic images of steamboats escorting Victorian tourists across Yellowstone Lake. Most visitors today do not see the ruins of animal pens on Dot Island, established by Waters in his attempts to display wildlife in a zoo setting. The Yellowstone heritage of Waters and his concession arguably is broken apart and lies in ruins. James Fullerton's autobiography remains out of print and is rarely referenced in the many Roosevelt biographies in print.

Theodore Roosevelt's influence and legacy over Yellowstone eclipsed Waters' notorious behavior and Fullerton's misguided crusade to evict Major Pitcher as "Roosevelt's Adversary." The resulting outcome of the struggle between Roosevelt, Waters and Fullerton regarding the proper administration of Yellowstone arguably

redefined the phrase, "For the Benefit and Enjoyment of the People." In his effort to remove Waters from Yellowstone, Roosevelt's support of the military administration of Yellowstone also removed political pressures that allowed Waters to misuse his lease, primarily for the benefit of himself. Not only did the president's intervention secure Waters' removal from the Park, but it also again raised questions about the professional standards guiding both administrators and concessions and shaping the National Park Service's later efforts to control capitalism within Yellowstone through regulated monopolies. Roosevelt's intervention also promulgated and publicized the outstanding opportunity for visitors to view wildlife within the Park in a natural setting, instead of zoo-like displays. Roosevelt's defeat of Waters and Fullerton greatly diminished the notion that political connections guaranteed the protection of a few unscrupulous and monopolistic concessioners within Yellowstone, contributing to the further advance of the vision of Yellowstone National Park existing "for the benefit and the enjoyment of the people

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I extend my appreciation to fellow historian and friend Art Kidwell who encouraged me through the many years to write an article on Roosevelt's battle with E.C. Waters; to Yellowstone historians Lee Whittlesey and Paul Schullery for their support through the years; and to Bruce Gourley for his patience, insight and outstanding editing skills, all of which brought this article to fruition. Theodore Roosevelt, "Speech of President Roosevelt at laying of the cornerstones of gateway to Yellowstone National Park, Gardiner, Montana, April 24, 1903," Theodore Roosevelt Papers, Library of Congress Manuscript Division, Theodore Roosevelt Digital Library, Dickinson State University, <https://www.theodoreroosevelt-center.org/Research/Digital-Library/Record?libID=o289720> (last accessed Dec. 4, 2018). [Hereafter T. Roosevelt Papers]

<sup>2</sup>Ibid.

<sup>3</sup>Ibid. Although many historians credit Roosevelt for the wording on the top of the Roosevelt Arch, the phrase "For the Benefit and Enjoyment of the People" was written in the 1872 Organic Act creating Yellowstone National Park. Roosevelt parroted the phrase from the original legislation in his dedication speech. For a good history of the Roosevelt Arch, see Lee H. Whittlesey and Paul Schullery, "The Roosevelt Arch: A Centennial History of an American Icon," *Yellowstone Science*, vol. 11, no. 3 (Summer 2003), 2-24.

<sup>4</sup>Ibid.

<sup>5</sup>Ibid.

<sup>6</sup>George Bird Grinnell's zoological report is found in Captain William Ludlow, *Report of a Reconnaissance from Carroll, Montana Territory, on the Upper Missouri to the Yellowstone National Park, and Return, Made in the Summer of 1875* (Washington, DC: GPO, 1876), 59-92. For an overview of Grinnell's explorations of the American West, see John F. Reiger, ed., *The Passing of the Great West: Selected Papers of George Bird Grinnell* (Norman: University of Oklahoma Press, 1994). For an overview of Grinnell's role in saving Yellowstone wildlife, see Michael Punke, *Last Stand: George Bird Grinnell, the Battle to Save the Buffalo, and the Birth of the New West* (Lincoln: University of Nebraska Press, 2007). See also Cynthia Parsons, *George Bird Grinnell: A Biographical Sketch* (Millbrook, NY: Grinnell and Lawton, 1993); and Aubrey L Haines, *Yellowstone Story*, two volumes, rev. ed. (Niwot, CO: The Yellowstone Association for Natural Science, History and Education, Inc., 1996). The organic act creating Yellowstone National Park is found in Haines, vol. 2, 471-472. An excellent environmental history of Yellowstone National Park is Paul Schullery, *Searching for Yellowstone: Ecology and Wonder in the Last Wilderness* (Helena: Montana Historical Society Press, 2004).

<sup>7</sup>For overviews on the role of sport hunters in preserving wildlife resources

and habitat, see John F. Reiger, *American Sportsmen and the Origins of Conservation*, 3<sup>rd</sup> ed. (Corvallis: Oregon State University Press, 2001); James B. Trefethen, *An American Crusade for Wildlife* (Alexandria, VA: The Boone and Crockett Club, 1975); and Daniel Justin Herman, *Hunting and the American Imagination* (Washington, DC: Smithsonian Institution Press, 2001). An examination of this movement in relation to America's social hierarchy is available in Louis S. Warren, *The Hunters Game: Poachers and Conservationists in Twentieth-Century America* (New Haven, CT: Yale University Press, 1997) and Karl Jacoby, *Crimes Against Nature: Squatters Poachers, Thieves, and the Hidden History of American Conservation* (Berkeley: University of California Press, 2001).

<sup>8</sup>Roosevelt's accounts of visiting Yellowstone National Park in the 1890s can be found in *The Wilderness Hunter and The Letters of Theodore Roosevelt*, ed. Elting E. Morison, vol. 1 (Cambridge, MA: Harvard University Press, 1951), 231-233. His 1903 trip is detailed in *Outdoor Pastimes of an American Hunter*. See also Jeremy M. Johnston, "Preserving the Beasts of Waste and Desolation: Theodore Roosevelt and Predator Control in Yellowstone National Park," *The George Wright Forum* 15:4, 1998; and Johnston, "Trailing Theodore Roosevelt Through Yellowstone: The Written and Visual Records of Roosevelt's



1903 Yellowstone Visit," *Yellowstone Science* 15:1, 2007.

<sup>9</sup>James Fullerton, *Autobiography of Roosevelt's Adversary* (Boston: Roxbury, 1912), 73. The author relied upon Fullerton's autobiography for this account of his early life and wanderings through the western United States.

<sup>10</sup>*Ibid.*, 100.

<sup>11</sup>Citations from the *Red Lodge Picket* detailing the Fullertons: Nov. 15, 1902, 2, James listed as assistant surveyor for road work with his two sons; Sept. 5, 1902, 5, sells watermelons in Red Lodge; Sept. 26, 1902, 3, sends samples of carrots and parsnips "grown in bad year"; and Oct. 10, 1902, 3, potatoes sold by Fullerton family in Red Lodge. "4 ¼ pounds and each one of them measured seven inches in length."

<sup>12</sup>*Red Lodge Picket*, July 27, 1900.

<sup>13</sup>*Ibid.*, Jan. 25, 1901, 4.

<sup>14</sup>*Ibid.*, Feb. 21, 1902, 7.

<sup>15</sup>*Ibid.*, Oct. 3, 1902, 5.

<sup>16</sup>*Billings Gazette*, Oct. 31, 1902, 4.

Also reprinted in the *Kalispell Bee*, Nov. 5, 1902.

<sup>17</sup>*Red Lodge Picket*, Nov. 7, 1902, 7.

<sup>18</sup>*Ibid.*, Nov. 28, 1902, 7.

<sup>19</sup>*Ibid.*, Dec. 12, 1902, 11.

<sup>20</sup>*Ibid.*, Dec. 19, 1902, 2.

<sup>21</sup>*Ibid.*

<sup>22</sup>*Ibid.*, Dec. 26, 1902, 4

<sup>23</sup>These results were generated from searches at [www.chroniclingamerica.loc.gov](http://www.chroniclingamerica.loc.gov) and [newspapers.com](http://newspapers.com) (accessed Dec. 12, 2018), using the phrase "James Fullerton" and the word "Yellowstone."

<sup>24</sup>For overviews of concessioners, road development and the establishment of hotels throughout the Park, see Haines *The Yellowstone Story*; Richard A. Bartlett, *Yellowstone: A Wilderness Besieged* (Tucson: University of Arizona Press, 1985); and, Mark Daniel Barringer, *Selling Yellowstone: Capitalism and the Construction of Nature* (Lawrence: University Press of Kansas, 2002).

<sup>25</sup>Roosevelt Dedication Speech, April 24, 1903.

<sup>26</sup>*Ibid.*

<sup>27</sup>*Ibid.*

<sup>28</sup>*Billings Gazette*, July 10, 1903, 4. *Billings Gazette*, July 24, 1903, 5, later noted that, "In both he offered resolutions denouncing the sale of intoxicants in the park." *The River Press* (Ft. Benton, MT) reported July 13, 1904, 1, that "James Fullerton of Montana, appeared before the committee and demanded a plank looking to the impeachment of President Roosevelt on the alleged ground that the president condones unlawful sale of liquor

in the Yellowstone Park, and refuses to remove Superintendent Pitcher, who is held responsible for the alleged violation of the law." The *Northwestern Christian Advocate*, vol. 51, 5, provided a detailed overview of Fullerton's accusations against Roosevelt and Pitcher conspiring to establish illegal saloons in Yellowstone. See <https://books.google.com/books?id=WGsxQAAMAAJ&pg=RA22-PA5&dq=James+Fullerton+Yellowstone+National+Park&hl=en&sa=X&ved=0ahUKEwihvai40pPfAhXMHTQIHbPWC6wQ6AEIMDAB#v=onepage&q=James%20Fullerton%20Yellowstone%20National%20Park&f=false> (last accessed Dec. 12, 2018).

<sup>29</sup>For biographies of E.C. Waters, see Maurice McKenna, ed., *Fond du Lac County, Wisconsin, Past and Present* (Chicago: S.J. Clarke, 1912), 450-455; and Helen Fitzgerald Sanders, *A History of Montana*, vol. 2 (Chicago: Lewis, 1913), 918-922.

<sup>30</sup>*Ibid.*

<sup>31</sup>For an overview of the Big Horn Expedition, see Lawrence M. Woods, *Wyoming's Big Horn Basin to 1901: A Late Frontier* (Spokane, WA: Arthur H. Clark, 1997), 49-60; David J. Wasden, *From Beaver to Oil* (Cody, WY: Pioneer Printing & Stationery, 1973), 44-52; and Charles Lindsay, *The Big Horn Basin* (Lincoln: University of Nebraska, 1932), 74-88.

<sup>32</sup>Paul Schullery, *Searching for Yellowstone*, 92.

<sup>33</sup>Waters' employment with the YPA and the problems he created for the soldiers patrolling Yellowstone is well documented in Haines, *The Yellowstone Story*, vol. 2, 15-19.

<sup>34</sup>For an overview of E.C. Waters' career and his boat concession in Yellowstone, see Mike Stark, *Wrecked in Yellowstone: Greed, Obsession, and the Untold Story of Yellowstone's Most Infamous Shipwreck* (Helena, MT: Riverbend, 2016).

<sup>35</sup>Frazier A. Boutelle to John Pitcher, June 15, 1907, Yellowstone National Park Archives, Gardiner, MT (hereafter YNP Archives).

<sup>36</sup>*Ibid.*

<sup>37</sup>*Ibid.*

<sup>38</sup>Hoke Smith to George S. Anderson, Oct. 11, 1893, YNP Archives.

<sup>39</sup>Henry Lynn to Oscar Brown, Sept. 11, 1899, YNP Archives.

<sup>40</sup>The Yellowstone National Park Archives at Gardiner, MT, holds numerous letters sent to the Park superintendents. See also the Yellowstone National Park Superintendent Reports of 1891, 1892, 1893,

and 1899 (Washington: GPO). Yellowstone Superintendent and Acting Superintendent Reports can be found at the Montana Memory Project, [www.mtmemory.org](http://www.mtmemory.org) (last accessed Dec. 4, 2018).

<sup>41</sup>E.C. Waters to George Anderson, Nov. 14, 1894, YNP Archives.

<sup>42</sup>William Timmons, *Twilight on the Range: Recollections of a Latterday Cowboy* (Austin: University of Texas Press, 1962), 66-69.

<sup>43</sup>*Ibid.*, 69

<sup>44</sup>*Ibid.*

<sup>45</sup>*Ibid.*

<sup>46</sup>John M. Pitcher, *Report of the Acting Superintendent of Yellowstone National Park* (Washington, DC: GPO, 1901), 8.

<sup>47</sup>Benjamin B. Odell to Theodore Roosevelt, Nov. 28, 1903, T. Roosevelt Papers (last accessed Dec. 8, 2018).

<sup>48</sup>Waters to Odell, Nov. 23, 1903, T. Roosevelt Papers (last accessed Dec. 8, 2018).

<sup>49</sup>*Ibid.*

<sup>50</sup>Theodore Roosevelt to Benjamin Odell, Dec. 1, 1903, T. Roosevelt Papers (last accessed Dec. 8, 2018).

<sup>51</sup>Odell to Roosevelt, Dec. 3, 1903, T. Roosevelt Papers (last accessed Dec. 8, 2018).

<sup>52</sup>Theodore Roosevelt to Sylvane Ferris, Dec. 30, 1903, T. Roosevelt Papers (last accessed Dec. 8, 2018).

<sup>53</sup>*Billings Gazette*, Feb. 21, 1905, 6.

<sup>54</sup>*Ibid.*, Feb. 28, 1905, 6. The *Billings Gazette* reported on Aug. 25, 1905, that James Fullerton and his wife were visiting friends in Billings. This counters his later claims that he managed to escape from the Montana State Asylum.

<sup>55</sup>John M. Pitcher, *Report of the Acting Superintendent of Yellowstone National Park*. (Washington, DC: GPO, 1905), 5; Interpretive specialist Leslie J. Quinn's current research into Waters's concessions counters past interpretations that the steamboat *E. C. Waters* did not pass its safety inspections and never sailed with passengers.

<sup>56</sup>*Ibid.*, 1906, 6.

<sup>57</sup>For Roosevelt's and Young's efforts to create a civilian Park guard, see Jeremy M. Johnston, "Progressivism Comes to Yellowstone: Theodore Roosevelt and Professional Land Management Agencies in the Yellowstone Ecosystem," *Greater Yellowstone Public Lands: A Century of Discovery, Hard Lessons, and Bright Prospects, Proceedings of the 5th Biennial Scientific Conference on the Greater Yellowstone Ecosystem* (Yellowstone National Park: Yellowstone Center for Resources, 2006), 80-93.

<sup>58</sup>Jesse E. Wilson to Samuel Baldwin Marks Young, July 31, 1907, YNP Archives.

<sup>59</sup>F.W. Vowinkel, M.D. to S.B.M. Young, June 12, 1907, YNP Archives.

<sup>60</sup>Jas. S. Gibbs and John D. Ripley to S.B.M. Young, June 12, 1907, YNP Archives.

<sup>61</sup>M.O. Bigelow and Copley Enos to S.B.M. Young, June 13, 1907, YNP Archives.

<sup>62</sup>Telegram from S.B.M. Young to E.C. Waters, June 14, 1907, YNP Archives.

<sup>63</sup>Telegram from E.C. Waters to S.B.M. Young, June 15, 1907, YNP Archives.

<sup>64</sup>Telegram from Alexander Rodgers to S.B.M. Young, June 25, 1907, YNP Archives.

<sup>65</sup>Ibid., June 26, 1907, YNP Archives.

<sup>66</sup>W.O. Bigelow to S.B.M. Young, n.d., #6992, YNP Archives.

<sup>67</sup>S.B.M. Young to E.C. Waters, Aug. 2, 1907, YNP Archives.

<sup>68</sup>E.C. Waters to S.B.M. Young, Aug. 4, 1907, YNP Archives.

<sup>69</sup>S.B.M. Young to E.C. Waters, Aug. 7, 1907, YNP Archives.

<sup>70</sup>E.C. Waters to S.B.M. Young, Aug. 8, 1907, YNP Archives.

<sup>71</sup>T. Gilbert Pearson to S.B.M. Young, Aug. 15, 1907, YNP Archives.

<sup>72</sup>T.S. Palmer to S.B.M. Young, Aug. 19, 1907, YNP Archives.

<sup>73</sup>W.F. Scott to S.B.M. Young, Aug. 24, 1907, YNP Archives.

<sup>74</sup>Lt. Coxe telegram to S.B.M. Young, Aug. 20, 1907, YNP Archives.

<sup>75</sup>E.C. Waters to S.B.M. Young, Sept. 11, 1907, YNP Archives.

<sup>76</sup>S.B.M. Young to E.C. Waters, Sept. 13, 1907, YNP Archives.

<sup>77</sup>Telegram from Lt. Coxe to S.B.M. Young, Sept. 24, 1907, YNP Archives.

<sup>78</sup>E.C. Waters to S.B.M. Young, Sept. 26, 1907, YNP Archives.

<sup>79</sup>S.B.M. Young to Secretary of the Interior, Sept. 28, 1907, YNP Archives.

<sup>80</sup>Wire from the Department of the Interior to S.B.M. Young, Oct. 1, 1907, YNP Archives.

<sup>81</sup>Telegram from S.B.M. Young to E.C. Waters, Oct. 2, 1907, YNP Archives.

<sup>82</sup>S.B.M. Young to the Secretary of the Interior, Oct. 27, 1907, in reply to request from the Department of the Interior on Oct. 17, 1907, YNP Archives.

<sup>83</sup>W. Bourke Cockran to Theodore Roosevelt, June 5, 1907, YNP Archives.

<sup>84</sup>Theodore Roosevelt to W. Bourke Cockran, June 6, 1907, YNP Archives.

<sup>85</sup>Ibid.

<sup>86</sup>Theodore Roosevelt to S.B.M. Young, Aug. 29, 1907, T. Roosevelt Papers.

<sup>87</sup>S.B.M. Young to Theodore Roosevelt, Sept. 5, 1907, T. Roosevelt Papers.

<sup>88</sup>Helen F. Sanders, *A History of Montana*, vol. 2, 920.

<sup>89</sup>Ibid. 922.

<sup>90</sup>S.B.M. Young to H.C. Benson, April

23, 1910, YNP Archives.

<sup>91</sup>H.C. Benson to S.B.M. Young, April 27, 1910, YNP Archives.

<sup>92</sup>Obituary for E.C. Waters, *Fond du Lac (WI) Daily Reporter*, Aug. 18, 1926, 17.

<sup>93</sup>Kenneth Lee Diem and Lenore Diem, *A Community of Scalawags, Renegades, Discharged Soldiers and Predestined Stinkers?: A History of Northern Jackson Hole and Yellowstone's Influence, 1872-1920* (Moose, WY: Grand Teton Natural History Association, 1999), 96.

<sup>94</sup>Fullerton, *Autobiography*, 120-121.

<sup>95</sup>Ibid., 106.

<sup>96</sup>Ibid., 125-126.

<sup>97</sup>Ibid., 128

<sup>98</sup>Ibid.

<sup>99</sup>A search of [www.chronicling-america.com](http://www.chronicling-america.com) and [newspapers.com](http://newspapers.com) did not produce any results for "Roosevelt's Adversary" in the year 1912.

<sup>100</sup>For information on Fullerton's last years, see the online memoir written by his grandson Jack Rowe: <https://jackrowememorial.wordpress.com/the-adventures-of-jack-fullerton/the-adventures-of-j-t-fullerton/> (last accessed Dec. 10, 2018), and the *Find A Grave* entry for James Townsend Fullerton (1853-1939) and Catherine Jessie Pinkham Fullerton (1848-1943): <https://www.findagrave.com/memorial/188110128/james-townsend-fullerton> (last accessed Dec. 10, 2018).



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