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IN THE PRESENCE OF BUFFALO:
WORKING TO STOP THE YELLOWSTONE SLAUGHTER

by

Daniel M. Brister

B.A. University of Vermont, 1993

Presented in partial fulfillment of the requirements


for the degree of

Master of Science

The University of Montana

November 2002

Approved by:



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In the Presence of Buffalo:
Working to Stop the Yellowstone Slaughter

Chair: Donald Snow



The bison of Yellowstone National Park are unique among herds in the United States, being the direct descendants of the country's only continuously wild herd. During the winter of 1996-97, almost 1,100 Yellowstone buffalo were slaughtered when they crossed the arbitrary park boundary and entered Montana. These killings, combined with deaths from the especially severe winter, resulted in a loss of more than half the Yellowstone herd in a matter of months. Today, at approximately 4,000 animals, the population has still not recovered to its 1996 numbers.

I have been working for the protection of the Yellowstone bison since December of 1997, alternating fall semesters in Missoula educating myself on the science and history of bison and their management with winters on the front lines advocating for the buffalo and their critical winter habitat. I have helped to build a grassroots movement with tactics ranging from litigation to non-violent civil disobedience. As media coordinator with the Buffalo Field Campaign (BFC), I helped activists in the field reach citizens around the nation.

In the Presence of Buffalo is a collection of nonfiction essays organized around the Yellowstone bison and my personal experience working in their defense. Five essays form a cohesive body documenting the current crisis faced by the Yellowstone bison and the activists working to secure their protection. Descriptions of my days with the buffalo, encounters with Department of Livestock agents, and the efforts of the more than 1,300 individuals who have volunteered their time by joining the Buffalo Field Campaign's daily patrols provide the ground from which to explore the issue in depth.

The project will provide people who aren't directly involved in the buffalo controversy with a unique perspective into the slaughter and the heated battles it has provoked. The current movement to protect the buffalo outside Yellowstone National Park draws from a strong tradition of non-violent civil disobedience. The essays present a first-hand view of what it is like to participate in such a direct-action campaign.

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Chapter 1

Breaking Trail

I have a bag full of buffalo hair, gathered from the bark of trees during recent springs. When I collect enough, I will have it spun. Perhaps next winter I'll wear a buffalo-wool hat on patrol. It will make me more effective--more familiar to the shaggy giants as I gently coax them off the Forest Service lands where they have been killed by the thousands in the past decade. Maybe they'll catch the scent of their kin in my cap and know I am different from the ones with guns who haunt their winter days.

My relationship with the buffalo is in its fifth year. We have spent many cold and quiet sunrises together. The first winter I was with them nearly every day, standing watch for the livestock agents on their noisy snowmobiles. Most days the agents never came, leaving us to the peace and beauty of the Yellowstone area, free to observe the buffalo on their terms, browsing on their native range.

With the passing of time I find myself in their presence less often, working instead with their images in word and video to convey to the world a sense of what is happening to this last wild herd. I know this is a trade-off, that my work in the office is crucial to their long-term survival, yet at times I need to renew the bonds, to leave the computers and ski out to the boundary and spend a morning patrol with the buffalo.

Human beings and bison--or buffalo as they have come to be called--have a rich relationship going back at least three hundred centuries. The oldest known work of art in the world, a painting on the wall of Chauvet

Cave, beside the Rhone River in France, depicts bison in vivid detail and is believed to be 32,000 years old. In North America, heaps of bones, butchering tools, and stone points have been excavated from the bases of cliffs throughout the Northern Plains. These artifacts, and the landscapes in which they are found, tell the story of the continent's longest running human-animal relationship. One of the more famous of these buffalo jumps, Head Smashed In, is located in southern Alberta. This particular site, because of its nearly perfect geography, was used to hunt bison by virtually every cultural group to inhabit the area during the last eight thousand years.¹

Archaeological evidence unearthed at Head Smashed In indicates that the site was used to hunt bison by virtually every cultural group to inhabit the area during the last eight thousand years.

When most people think of Native Americans pursuing buffalo, they picture horse-mounted Indians riding among the bison, hunting with spears or arrows. Yet this image, so strong in the popular consciousness, is misleading. The stereotypical image of the horse-mounted hunter that we have come to identify with the Great Plains tribes existed for less than two centuries. Before Europeans introduced the horse, indigenous North Americans hunted buffalo on foot, praying, luring, coaxing, and chasing them off cliffs at such sites as Head Smashed In, the Madison River Buffalo Jump, Chugwater, and Bonfire Shelter. Seventeen such jumps have been identified in Montana, fifteen in Alberta, five in Wyoming, and two in Saskatchewan. Archaeologists have identified just one jump in Colorado, North Dakota, and Texas, where the heat would have caused much of the meat to spoil before it could be preserved.²

The Blackfeet, who occupy the heart of buffalo jump country, use the word *piskun* to refer to the jumps. *Piskun* is the Blackfeet word for "deep blood kettle,"³ and provides a fitting description of what a recently used jump must have looked like. Located in what is today known as southern Alberta, Head Smashed In earned its name over thousands of years. This site resembles other jumps in its geology and geography.

Hunters would wait for a large herd to gather on a rolling plateau above a small cliff. Others would hide downwind while a buffalo caller, prepared for his work through days of fasting and prayer, drew the attention of the buffalo and started them moving in the general direction of the cliffs. Once the animals were moving, people would emerge from hiding and herd the buffalo from behind, chasing them into the mouths of funnel-shaped drive lanes. The lanes were marked by hundreds of stone cairns or "dead-men" that were sometimes piled with brush or hides. As the herd stampeded through the narrowing lanes people popped up from behind these cairns to dissuade the frightened animals from veering off and escaping.⁴ The lanes always led to a cliff, which, from above, looked only like a gentle change in grade. The lead buffalo, realizing only at the last moment what lay ahead, had no choice but death, pressed from behind by the momentum of the herd. Over the cliffs they spilled by the hundreds. The cacophony of crashing tons of flesh and snapping bone must have shaken the earth and stirred the hearts of all who heard it. Men with stone-tipped spears stood poised near the bottom, killing those not lucky enough to die from the initial plunge.

The real work began after the buffalo were killed. Hunting on the jumps was a community undertaking involving hundreds of people. Butchering so many buffalo was a monumental task. Because the meat would spoil quickly,

it had to be cut from the carcass and sliced into thin strips for drying as fast as possible. Buffalo were skinned and butchered with stone tools, the meat sun-dried or smoked to preserve it for the coming winter. Failure in any aspect of the jump's orchestration could mean a very difficult winter with widespread starvation and sickness.⁵

The sheer numbers of buffalo on the Plains--estimates range from thirty to seventy-five million at the time of European contact⁶--together with the communal technology of the jump, provided the foundation for the longest sustained lifestyle in North American history. The jump was a popular means of hunting buffalo from prehistoric times right through to the 1800s. The last known use of a jump took place around 1850⁷, by which time Indian and white hunters with guns, wastefully killing to supply an insatiable market for buffalo hides in the eastern U.S., had so depleted the herds that its use became impractical.

The mass eradication of wild bison from the plains forever altered the balance of life in North America. By the end of the 19th century, with wild buffalo all but gone, virtually every Native American tribe had been eradicated or forced into a sedentary lifestyle on a reservation. The fate of the buffalo was much the same. When the great herds were decimated in the West, a few individuals holed up in Yellowstone's Pelican Valley, one of the country's coldest and most snowy valleys, and avoided extinction.⁸

In 1902 twenty-three free-ranging bison were all that remained in the United States. Fearful that such a small herd would suffer from inbreeding, park managers procured at least fourteen captive buffalo from a ranch in Montana's Flathead Valley and three from the Texas panhandle.⁹ The existence of these private herds, both of which were established at the peak of

bison decimation in the 1870s, resulted from the efforts of a few individuals. Samuel Walking Coyote, a Pend d'Oreille Indian from northwestern Montana, and Mary and Charles Goodnight, a Texas ranching couple, helped insure the survival of the species.

In the early 1870s Walking Coyote left his native Flathead Valley and traveled east, crossing the Continental Divide to hunt buffalo on the Rocky Mountain Front in northern Montana and Southern Alberta. Due to the growing scarcity of bison, his hunts were largely unsuccessful. On one scouting trip Walking Coyote's party encountered a group of orphaned calves. The young bison, lonely for their mothers, took to Walking Coyote's horses. Thinking they would make a good gift to his people, he returned to the Flathead with six calves in the spring of 1873. A decade later, when he sold them to neighboring ranchers Michel Pablo and Charles Allard, Walking Coyote's herd had increased to thirteen animals. By 1895 the Pablo-Allard herd was three hundred strong.¹⁰

At about the same time as Walking Coyote's hunting trip, Mary Goodnight was witnessing the rapid disappearance of the buffalo on the Texas panhandle grasslands surrounding the ranch she shared with her husband. She persuaded him to capture a small group of bison and bring them onto the ranch, where they'd be safe from the hunters. Goodnight ranch hands roped and captured two bison calves. Over the next decades, through additional capture and breeding, the herd increased steadily. By 1910 the Goodnights had 125 bison on their ranch.¹¹

Twenty-one buffalo from these two private herds were introduced to Yellowstone's Lamar Valley in 1902. Over time, members of the Lamar herd mingled with members of Yellowstone's indigenous Pelican Valley herd.

Although the extent of interbreeding is not known, their progeny are the roughly 4,000 Yellowstone buffalo living today. They are both behaviorally and genetically unique. Members of the only herd in America not confined by a fence, they carry a direct genetic link to Yellowstone's original population, a subspecies of the large, curly haired bison known as wood or mountain bison (*Bison bison athabascae*). The Yellowstone herd is believed to carry genes from both the wood and the more common Plains variety (*Bison bison bison*).¹²

During the winter of 1996-97 more buffalo were killed than in any single year since the 1870s. In the early months of 1997, the Montana Department of Livestock (DOL), with cooperation from the National Park Service, killed 1,084 Yellowstone buffalo.¹³ Starvation was common that winter, when early January rains blanketed the ground with a thick slab of ice. Record levels of snow and cold followed. Buffalo, braced against blizzard, nuzzled tons of snow aside only to scrape their noses on diamond-plated ice. Between the human slaughter and the natural deaths, over two thousand animals--more than half the herd--were destroyed in a matter of months.

I moved to Missoula that wicked winter, barely aware of what was happening a few hundred miles away. The slaughter was one of those distant news stories that made me cringe but didn't seem to bear on my immediate life. The headlines caught my attention but I didn't know how to help. I was in my room on Fifth Street, studying the peeling paint on the windowsill, when I heard on public radio that the kill tally outside Yellowstone had surpassed a thousand. A thousand: I didn't even know that there were a thousand wild buffalo left.

When I learned that they were being slaughtered in Yellowstone, I knew had to act. Yellowstone had changed my life, giving me the courage and drive to move away from the East, from what was familiar. Yellowstone confirmed my suspicion that I was happier in the mountain wilds of the West than on the crowded shores of Cape Cod that had shaped the first 18 years of my life and the lives of my ancestors since the 17th century.

The son of a Cape fisherman, I didn't have the option, or the inclination, to follow in my father's boots. He was among the last generation of fishermen to reap the harvest of cod from the once abundant waters of the north Atlantic. When John Cabot, in 1497, encountered the grounds on which my father would later fish he said they were so "swarming with fish [that they] could be taken not only with a net but in baskets let down with a stone."¹⁴ Like many of the places in the West named after an abundance of species that have since departed--Salmon, Idaho, and Buffalo, Wyoming, come immediately to mind--my native landscape is drifting farther and farther from its namesake. I remember my father's worry over the ever-increasing presence of factory trawlers and draggers that were so efficient at depleting the fish stocks and destroying their ocean-bottom habitat. Like the 19th century buffalo hunters, my father and his fellow fishermen didn't believe they were guilty of pushing the cod toward oblivion. But the armada of small boats like my father's *Madonna* plying the waters off the Eastern Seaboard must have taken a toll. After the crash the government began buying boats from the small fishermen, severely limiting the number of licenses and amount of time a boat could spend at sea. But these measures were much too little way too late; codfish are following fast on the heels of the buffalo.

I traveled west the summer before my senior year of college at the University of Vermont. I spent three months backpacking in the Rockies, exploring the mountains of Colorado and Wyoming, and walking the beaches of northern California. In early September, on my way back to Vermont and not wanting my time in the West to end, I stopped in Yellowstone for one final immersion in the woods.

There I found what I'd never even known I'd lost. Never having been in Yellowstone, I relied on the recommendations of a backcountry ranger to plan the excursion. She directed me to a loop through a series of lakes. When I hit the trail, I was shocked to discover a blackened world. I hiked for miles through the burnt terrain, my mouth dry, black streaks on my legs, face, and hands from brushing against charred trees. The silence was broken only by the incessant clack of cicadas. Everything was black, white, or gray. When I reached the designated campsite, a wooden sign tacked onto a burnt pole and carved with "G3," I was feeling a bit down. This wasn't why I had come to Yellowstone. Images of destruction, of bombed-out cities after war, cluttered my consciousness.

The next day I noticed the new growth. Trees three feet tall and glowing green were scattered everywhere. I hadn't even seen them the day before. Overwhelmed by the fire's power to destroy, I had missed the new life, the future forest that had established itself in the four years since the great fire. I began to let go of my craving for the life-brimmed landscapes I had expected of Yellowstone, accepting the fire's power and the resilience of the new generation of trees. At day's end I walked around a bend in the trail into a clearing. Before me lay Wolf Lake, rimmed by a grove of glowing live trees and lush green grass. As I walked into the meadow the most amazing bird of

my life--I still don't know its name--rose up from the grass in a widening spiral and vibrated my breastbone with a deep and liquid call. My eyes, rising with the bird, were arrested in the gaze of an elk across the meadow. I can't say how long we stood staring into each other, but it might have been forever had the elk not turned away and vanished.

After making camp I cooked a dinner of rice and beans. Marveling at the alchemical ability of the backcountry to transform bland food into a palate-pleasing treat, I ate on the lakeshore, absorbing sunset. I wasn't sitting long when from the woods across the lake a bull moose and two calves came sauntering toward the water. I watched as they faced-off in a triangle and pawed at the lake, repeatedly ker-plunking their hooves in the water. The bull galloped through the shoals, dropped his head to dunk an antler, and shot sparks of liquid silver into the air above the lake and the faces of his calves. The moose trio cavorted in the shoals for over an hour before leaving the lake in silence and fading back into the trees. I sat alone on the far shore in the fading day, baptized by the splash of moose.

Before the trip I had never seen moose, elk, or bison. I'd never spent time in grizzly bear country nor, sharks excepted, felt the presence of predators. Though I'd camped in the Northeast, this had been meager preparation for the magnitude of wild in the West. Never before had I felt the humming of my every cell, my senses so open to the world around me. This was living.

Wrapped that night in the cocoon of my sleeping bag, I stared into the stars, awestruck at the twisting of the sky around Polaris. In and out of sleep I drifted, noting the rising and falling of individual stars and creating constellations of my own. I had never taken the time to engage in such

intimacy with the night. While I knew that the North Star never moved, I had failed to consider the journeys of the other stars and the overall pattern of the spinning sky. I stayed up most of the night reveling in my new discoveries.

After sunrise I fell into a deep sleep. That's when the dream vision came. My mother, dead five years, stood before me, looking straight into my eyes. Her face was illuminated against a darkness as deep and clear as the one that had framed the stars the night before. Face to face, we spoke for hours. When I woke, sweating in the down-stuffed sack, the sun was balanced on the apex of the sky. I tried to grasp the words she'd come to speak but they leaked through my mind's clutching like sand through a child's fingers at the beach. Her face had been a few feet from my own and we'd been discussing the direction of my life as a mother and her twenty-two year old son might do over coffee. Her features were her own healthy ones and her head was capped with her trademark dark brown curls that had earned her the nickname "Poodle" from her brothers. Never much of a fan of poodles, I'd always wished they'd come up with a different name for her, something that better captured her independence and strength. If her brothers had been familiar with the shaggy giants, perhaps they would have named her "Buffalo" after the wood bison's dark and curly wool.

I have a picture of my mother cracking meat from a lobster's claw. It is the happiest image I have of her. She's looking into the camera, her whole face glowing with a smile. As I type these words I am looking at this photo and thinking back to the clambakes we used to have on the shore of Cape Cod Bay. My mother, of all her brothers and sisters, knew the Cape the best. They all spent their childhood summers there, but my mother was the first to take

the plunge and stay year-round. This, combined with the fact that she had married a fisherman, marked my mother as a true Cape Codder in the eyes of her siblings. I can see this in the way she presides over the table, in the way she cracks the lobster's claw, and in the confidence behind her smile. I look to this photo when I want to be reminded of my true mother and escape the torment of later memories of her sickness.

Bald from the chemotherapy that plagued the final years of her life, the image I remember most clearly before she died is her bloated face, twisted in the throes of pain. I shared her sadness and frustration as she stood before her bedroom mirror in the ill-fitting wig, a parody of her natural ebony curls. I remember lying awake in my room at the end of the hall, staring at too-familiar configurations of cracks on my moonlit bedroom wall, as she limp-paced the hall, pleading to her foot cramps, "Please, please, *please*, go away!" A recurrent nightmare from which neither of us could wake.

But that September morning in Yellowstone my healthy mother came to see me--the woman who would goof to songs on the car radio, making up her own silly words, and coaxing me to join her. She'd sing and laugh, trying to make me smile with her funny faces. My teenage self, too cool for goofing, was embarrassed by my dork of a mother.

She was neither playful nor sad in the Yellowstone dream. Much of our conversation fell away from my waking mind as my eyes opened beside Wolf Lake. But the few grains of her parting words remained. "The path you are on is right," she said. "I am with you." Her words gave me the confidence to make difficult choices. Although I already knew--on some level--that I needed to be an activist and to align my life with my beliefs, I was full of doubt. How would I support myself? What would my family think? Would

I be able to find work that fit my skills and beliefs? I had been battling with this internal conflict all summer, and my mother's reassuring words removed my doubt. Kneeling in the grass by the lake, I let go of my fear and began to follow my heart.

Five years later I sat in my Missoula room in the wake of a news report on the slaughter of more than a thousand Yellowstone buffalo. That afternoon I started conducting research and educating myself, trying to uncover the reason, if there was one, for the slaughter. I struggled to find sense in the actions of the Montana government. Buffalo were being killed at the insistence of the livestock industry because some of them carried a European disease originally contracted from cattle. Despite the fact that there was not a single documented case of wild bison transmitting the disease to livestock¹⁵, buffalo leaving the park and entering Montana were being slaughtered to protect a few hundred Idaho cattle. Because the cattle are only in the area between June and October, a time when the bison are deep within the park, there is no way they could transmit the disease. Elk also carry brucellosis but unlike bison don't raise the ire of the livestock industry.

The following winter I learned of a group of people running daily patrols from a rented cabin, intent on stopping the slaughter. Armed with video cameras and direct action tactics, Buffalo Field Campaign volunteers were spending all their days with the bison, monitoring migrations out of the park and interfering with the Department of Livestock's slaughter operations. As soon as I could I traveled to West Yellowstone to help them. Originally planning on a weeklong visit, before the week was up I'd revised my plans to spend the winter. Since that week in December of 1997 I have worked with

the Campaign as volunteer, media coordinator, and a member of the group's board of directors. In the intervening years we have been joined by more than fourteen hundred volunteers from around the world. From them I have learned a powerful lesson: apathy is not omnipotent.

One of our more challenging periods came in February and March of 1999 when more than eighty buffalo, following Duck Creek out of the park, stood poised on the boundary, sniffing hay that had been put out to lure them into a capture facility set up on private land adjacent to Yellowstone. Knowing the animals would be slaughtered if they followed their instincts to the hay, we determined to make a human shield between the hungry bison and the food they needed so badly. Dissuading a two-thousand-pound bull from fresh hay is no easy task. Holding back twenty hungry bulls, fifty cows, and ten calves borders on the futile.

For more than a month we maintained around-the-clock patrols at Duck Creek, weighing the evil of starvation against the certain death of the cage. A debate arose among the activists, some feeling that our incessant presence on the boundary was too intrusive and would erode the animals' wildness while others argued that the alternative--capture and slaughter--was far worse. This ideological divide between volunteers rears its head each winter and, depending on the situation, is usually resolved during nightly meetings, when the next day's strategy is planned. In this case consensus was reached without much fuss. The baited bison trap was a strong deterrent to letting the buffalo pass.

The midnight to sunrise shift at Duck Creek is savored by volunteers who enjoy hunkering through the night before the flicker of a small fire, taking warming skis to check on bedded bison, and watching as droplets of

dawn wash darkness away. Sunrise is reason enough for me to brave the cold nights, though beauty on the western boundary is always tainted with the ever-present fear of capture and slaughter.

Early on the morning of March 14, five very determined bulls pushed by us. Within minutes the DOL had them in their trap, the heavy steel doors locked behind them. A few days later three bulls took a path we had shoveled through the snow for them, a detour around the trap. Over the next few days the pressure began to ease, as more and more of the herd followed the new route.

Whenever buffalo traveled this path a crew of volunteers followed at a respectful distance to insure they weren't hit by cars as they crossed the highway or chased by DOL agents back to the trap. On a March afternoon in 1999 I followed four very large bull bison down this well-trod trail accompanied by my good friend Pete. A farmer from Driggs, Idaho, Pete has been volunteering with the Campaign since its inception in 1997. Because buffalo are out of the park in the winter months when Idaho crops won't grow, Pete's farm life allows him to devote his winters to the buffalo.

As we neared highway 191, a north-south corridor paralleling the park's western boundary, we coordinated the road crossing. With a two-way FM radio I let our friends on the highway know we were coming. By the time the bulls reached the roadside Jessie and Mike were in place, Jessie fifty yards to the south and Mike fifty to the north. Both held large "Bison Crossing" signs to advise passing motorists. Chipmunk warned approaching semis over the CB from the front seat of the campaign truck. A woman driving a Subaru with Alberta plates wisely stopped her car, then stared as the four bulls, each weighing nearly a ton, crossed less than three feet from her front bumper.

Once across the highway the bulls chose the Cougar Creek snowmobile trail to carry them across seven miles of National Forest to Horse Butte. A peninsula teeming with wildlife--including threatened and endangered species like grizzly bears, wolves, bald eagles, and trumpeter swans--Horse Butte is the favored winter habitat of the Yellowstone bison. Due to the Butte's wide expanses of sun-drenched south-facing slopes, the snow melts fast, providing easy access to last summer's grass in the winter and the first green shoots in the spring.

Pete and I followed the bulls toward the Butte, relieved that the bottleneck by the trap had finally been broken. We made up funny songs about buffalo and sang others our friends had written. On our way to the Butte we talked about a day when the buffalo would be treated like deer and elk, allowed to move freely between Yellowstone and the surrounding lands. "You hear that?" Pete shouted to the bulls, "You're going to be free, just like you always used to be!" Although we didn't know it at the time, Pete and I would spend the coming night in jail.

With the December 2000 signing of a new bison management plan, which is set to be in effect until 2015, freedom for the buffalo seems far away. The new plan, agreed upon and signed by the heads of federal and state agencies, calls for the continued slaughter of buffalo on public lands surrounding Yellowstone, sets a politically derived population cap on the herd, and imposes a management regime of heavy-handed human interference.

In the brief time I have spent patrolling the Yellowstone boundary, I have watched the DOL ship more than three hundred buffalo to the

slaughterhouse. During the winter of 2001-2002 more than two hundred sixty buffalo were captured and over two hundred were slaughtered, most without ever being tested for brucellosis. Hopeful in the early days for a quick end to the killing, we've had to adjust our plans to reflect the reality that our presence in the field will likely be needed for years to come. Today's Yellowstone herd faces a situation similar to that of its ancestors of a hundred years ago. If history continues on its present course, the Yellowstone herd will become just another intensively managed, domesticated herd, and the thin thread so tenuously linking our present century to the wild and fertile past will be forever severed.

In 1970, a few months after I was born, Park Service research biologist Mary Meagher remarked, "The present bison population is completely wild and unfettered by fencing and artificial management."¹⁶ Reading this today saddens me, for the statement no longer holds true. Although the Yellowstone buffalo remain unfenced, they are hardly unfettered. Each winter when they leave the park in search of grass, they fall victim to intense artificial management.

Until they are once more wild and unfettered, I will continue to work for their protection. On patrol I pluck bison hair from the bark of trees. It has become a means of measure for me, a way to weigh my time in the field. Next winter I will wear a buffalo-wool hat.

Chapter 2

Negligent Endangerment

A few hours after crossing the highway with Pete and the four bulls on that March afternoon in 1999, I found myself locked in a cell with a guy who thought the Grizzly Discovery Center was Yellowstone National Park. "I've always heard about all the bears and wild animals in Yellowstone," he told me. "But there are only four bears and a few wolves in cages." I tried to let my cellmate know that he was mistaking a makeshift zoo for the world's oldest national park, but never having been out of Florida, he couldn't be convinced.

Locked in our concrete room we explained our arrests to one another. I sat on the cold steel cot with the back of my head resting against the wall while he stood at the door squeezing the bars with white-knuckled hands. Michael Ray was a wiry man, about 5'8". His hair was nearly the same shade of brown as mine, almost black. A tentacled blotch of green marred the cheek below his left eye. After puzzling over the design for a while, I realized it was a tattoo of a marijuana leaf.

"Me and the old lady" he said, turning to face me, "are on an epic road trip. We left St. Petersburg on New Years with fifty-three bucks between us. It's so easy," he said. Then he told me how they'd been financing their travels: "Just find a bank that lets you open a checking account with no minimum balance. They'll give you a whole book of checks for twenty bucks."

The first account took them through New Orleans for Mardi Gras and then west to Salt Lake. He explained how convenient highway-side

convenience stores can be. "Once you pump your gas they have no choice but to take your check. But most places don't even run them." In Salt Lake City they stopped for a rest and exchanged a friend's address and twenty bucks for a new account and a new book of checks. Their trail of insufficient funds finally caught up with them in West Yellowstone, where an Econo Mart clerk called the Sheriff per the urgings of her instant-verification machine. The officer who pulled them over, Michael Ray told me, "found some meth in the casing of our interior light."

He had as much trouble understanding my arrest as I did his misconceptions about Yellowstone. His face scrunched into a bewildered grimace as I explained how I had ended up in jail. He couldn't wrap his mind around the idea of me and my four friends--who were being held in separate cells--risking our freedom to protect buffalo from the Montana Department of Livestock (DOL).

"Why the hell would you go to jail over buffalo?" he wanted to know.

Like most people, my cellmate that night was unaware that a herd of continuously wild, free-ranging buffalo had survived the 19th century slaughter by taking refuge in the remote backcountry of Yellowstone's Pelican Valley. Yellowstone National Park is the only place in America where wild bison were not eradicated. By 1902 the innumerable herds, which once occupied much of North America and numbered in the tens of millions, had been reduced to a single herd of less than two dozen individuals.

The miraculous recovery of this Yellowstone herd is widely viewed as America's most successful conservation achievement. Yet it is a tenuous

achievement at best. Yellowstone buffalo are being killed in greater numbers today than at any time in the last hundred years.

To the westward expanding Euro-Americans, bison slaughter was synonymous with settling the West. The men who cleared away the buffalo were proud of their achievement. History books hold photos of massive skull and bone mountains with men poised proudly on their summits.¹⁷ They relate stories of bison being gunned down for their hides and tongues--an east coast delicacy--or for "sport" from moving trains, the carcasses left to rot on the prairies. Americans took pride in the eradication of the buffalo, identifying the slaughter as a distinctly American pastime. Theodore Davis, writing for *Harpers* in January of 1869, invoked patriotism to describe the wasteful slaughter:

It would seem to be hardly possible to imagine a more novel sight than a small band of buffalo loping along within a few hundred feet of a railroad train in rapid motion, while the passengers are engaged in shooting, from every available window, with rifles, carbines, and revolvers. An American scene, certainly.¹⁸

Americans like Tom Nixon, who bragged of cutting down 120 buffalo in forty minutes in 1876, were well known and admired in their day, and history has immortalized such killers as "Buffalo" Bill Cody, who is said to have taken the lives of 4,280 buffalo in 18 months¹⁹.

More than 130 years later, the age of eradication continues. Although the brush with extinction roused strong public sentiment against the men who brought it on, some still attempt to emulate the exploits of the great killers. Tom Nixon and Buffalo Bill have their twenty-first century counterparts.

"I've shot more than a thousand head," Dave Etwiler bragged when I met him on the bluffs above the Madison River in March of 1998. Etwiler is

a modern-day buffalo hunter whose love for his line of work has resulted in an interesting employment history. Working as a game warden for the Montana Department of Fish, Wildlife, and Parks (FWP) in the early 1990s he and the department did away with buffalo by the hundreds. In 1995 the Montana legislature, bowing to the livestock industry's desire for more control over the Yellowstone bison, removed the species from FWP management and vested authority in the Department of Livestock. This was a problem for Etwiler, suddenly stripped of his state-sanctioned authority to kill. Ignoring his agency's new mandate, he continued to track and shoot buffalo, assisting the DOL during a winter when more than a thousand buffalo were slaughtered. He soon found himself without a job, but not for long, as the DOL hired him to locate and shoot buffalo the very next winter, rewarding him for his death inflicting addiction.

I met him during his first year as a DOL employee. I was out skiing a stretch of the Madison River, looking for buffalo, when Etwiler arrived on his DOL-issued snowmobile, clad in a black leather jacket. He had a high-powered rifle strapped to his back.

"Where are the buffalo?" he wanted to know.

"I'm not sure," I lied. "But I saw some elk a few miles back."

"I saw the tracks," he said shortly. "Now, why don't you tell me where they are?"

"So you can shoot them?" I asked.

"I'm not here to kill today," he said.

I glanced at his rifle. "Haven't seen them," I told him. "Maybe they went back to the park." Finding him more talkative than most of the agents

I'd met, I decided to ask him some questions of my own: "Why do you care about bulls?" I pressed. "You know they can't transmit."

Wiping ice from his mustache, he ignored my question and asked one of his own. "Why don't you get a job?" Without waiting for an answer, he squeezed the throttle and sped off along the bluffs.

Etzwiler's unwillingness to discuss the motives behind the bison slaughter is common among DOL agents. Although we sometimes find ourselves passing countless hours in the presence of the DOL, rarely will an agent enter into debate. Some say they are following official policy in keeping tight-lipped, while others say they don't care to discuss it. Once in a while an agent--bored, cold, or tired--will talk. Of the minority who do, most say they're just doing a job, that they need the money. When pressed they usually stick to brucellosis, Montana's official line.

The state blames brucellosis for the current slaughter, saying the presence of bison in Montana poses a grave economic threat to the livestock industry.²⁰ Buffalo originally contracted brucellosis--a European livestock disease that can cause cattle cows to abort their first calves--from cows. Montana routinely argues that it has spent millions of dollars to eradicate the disease from its cattle in order to be certified as brucellosis-free by the United States Department of Agriculture (USDA).²¹ This certification allows livestock producers to export cattle without testing for brucellosis.

Federal regulations, however, don't justify the state's response. Montana can't lose its brucellosis-free status because wildlife is infected. Infection must occur among cattle. Even then, Montana would retain its brucellosis-free status until a second cattle herd became infected.

South of Yellowstone in Grand Teton National Park, where bison and livestock have coexisted for more than 40 years--and where a greater percentage of the bison herd is infected--brucellosis has never appeared in cattle.²² North of the park in 1989, more than 900 bison migrated across Yellowstone's north boundary and mingled with cattle near Gardiner. Fearing brucellosis transmission, the state tested 810 cattle from eighteen herds that had shared the range with bison and found no trace of the disease.²³

In a 1992 study, the United States Congress' General Accounting Office (GAO) concluded that Yellowstone's bison pose no threat of transmitting brucellosis to livestock.²⁴ In its 1998 study, Brucellosis in the Greater Yellowstone Ecosystem, the National Academy of Sciences concluded, "The current risk of transmission from YNP bison to cattle is low."²⁵

John Mack, a National Park Service wildlife biologist, concurs: "There is no evidence of wild, free-roaming bison transmitting brucellosis to cattle. The state is saying this is a grave threat, and here you had all these bison mingle with livestock and nothing happened."²⁶ Dr. Paul Nicolletti is a scientist widely respected for his work on brucellosis. In response to a question about the likelihood of transmission from Yellowstone bison to cattle he responded, "The threat doesn't seem to be there."²⁷

Fear of disease transmission, despite the state's official line, isn't Montana's true impetus for killing buffalo. Brucellosis has been detected in many species including elk, deer, moose, coyotes, wolves, bears, and bison.²⁸ There are more than twenty times the number of elk than bison in the Yellowstone ecosystem, and elk have transmitted brucellosis to livestock, yet

elk are allowed to roam freely between the park and Montana unmolested by the DOL. The writer Jay Kirkpatrick addresses Montana's double standard:

It is public knowledge that wapiti (elk) test positive for brucellosis too, but that there is little concern about them destroying the cattle industry despite the fact that there are many times more wapiti than bison. These wapiti leave the park by the thousands and they share private lands with cattle in the winter. Wapiti, however represent a major industry in the state in the form of big game hunting, so they are tolerated.²⁹

Elk hunting is a major source of revenue for Montana, bringing in more than eleven million dollars a year in licenses and permits. My point is not to incite the livestock industry against elk, but to note the inconsistency of Montana's logic. If brucellosis is such a grave threat, why is infection among the elk so blatantly ignored?

Brucellosis is a disease of the reproductive system. In order for buffalo to infect cattle, the cattle would have to eat placenta or the aborted fetus of an infected female buffalo. Bulls, non-pregnant cows, and calves--which don't shed such reproductive tissues--pose no risk. Because bison consume the afterbirth of their own offspring and rarely abort, even pregnant cows pose very little risk of infecting cattle. The Animal and Plant Health Inspection Service (APHIS), the USDA agency responsible for certifying a state as brucellosis-free, has stated that the presence of bulls and other low-risk bison such as calves and non-pregnant cows do not jeopardize Montana's brucellosis-free status. "We don't feel there's a need to kill every bison that comes out of the park," said APHIS spokesperson Patrick Collins in a reference to the DOL's intolerance for migrating bull bison.³⁰

Yet the state doesn't discriminate in its policy of killing bison wandering into Montana. During the winter of 1999 APHIS made public its objections to Montana's indiscriminate slaughter and assured the state that the presence of

low risk bison would not jeopardize Montana's brucellosis-free status. The DOL did not amend its policies in light of the APHIS objections. All bison, regardless of sex or age, continue to find themselves under the gun. Montana has killed hundreds of bulls since 1997.

West of the park, where all the killing has taken place in recent winters, bison and cattle do not come in contact with one another. Because cattle can not survive the area's severe winters, ranchers graze them only from June to October, when the buffalo occupy their summer range inside Yellowstone. Even then, the number of cattle in the area is so small that it would be easy to insure they never come in contact with wandering bison. According to a recent report by the General Accounting Office, the investigative arm of Congress, "Only about 730 of the 2,000 cattle in the Greater Yellowstone area actually occupy lands that bison generally use when they leave the park."³¹ The brucella bacteria, which dies in a few hours of exposure to direct sunlight, is not the driving force behind the state's zero-tolerance bison policy. It is a smoke screen for a policy that runs much deeper.

Viewing public support for the 1995 reintroduction of wolves into the Greater Yellowstone Ecosystem as a weathervane, the livestock industry fears a shift in public perceptions regarding management of federal lands. What's really at stake is the image, in the public eye, of bison re-inhabiting any of their former range outside the park and competing with cattle for the limited range resource--grass. Brucellosis is a convenient excuse to kill bison.

Conducting research for the December 1997 issue of *National Parks* magazine, George Wuerthner interviewed an official working with the Wyoming Department of Game and Fish. The official, who asked to remain

anonymous, told him that the issue boiled down to competition over grazing rights:

If the public gets used to the idea that bison, like elk and deer, should be free to roam on federal lands, then it may lead to a reduction in the amount of public lands forage allotted to livestock. That's what the ranchers really fear.³²

John Varley, Yellowstone's Director of Resources, also believes the slaughter is driven by economics. In an article published in the May 1997 issue of *Audubon* he calls the bison slaughter, "a struggle between the park and agribusiness," a struggle which the park, he says, is "losing badly."³³

Wishing to sidestep a wildlife versus livestock debate over the best use of the public lands surrounding Yellowstone, the DOL has launched a public relations campaign playing on old West nostalgia and painting the Yellowstone bison as "diseased." The agency produced a colorful brochure with a cover photograph of a cowboy kneeling beside his son on the open range and teaching him to lasso cattle. Montana's famous big sky unfolds above and a caption under the photo reads, "Oh, Give Me A Home, Where Disease-Free Buffalo Roam."

Although most DOL agents I've met are like Etwiler, unwilling to discuss the reasoning behind the policies they enforce, occasionally one will admit that there is more to the slaughter than brucellosis. Last winter an agent who had just spread a trail of hay from the park boundary into the bison trap told me it was population, not brucellosis, that his agency was controlling. "They'd be swimming in the sea if we weren't killing them when they leave the park," he said. According to this DOL employee, and others associated with Montana's livestock industry, bison are pests that should not be permitted to repopulate any of their former range adjacent to the park.

Delas Munns, an Idaho rancher who grazes cattle in the summer on Forest Service lands on Horse Butte, believes that Yellowstone should be managed more like a zoo than a functioning ecosystem, According to Munns, "Bison belong in the park. They should keep them there."³⁴

DOL bison slaughter operations protect not only the economic interests of cattle producers like Delas Munns. Montana code actually provides a direct economic incentive for the agency to slaughter Yellowstone bison. A provision in Montana State law allows the Department of Livestock to credit its own accounts with the proceeds from the auction and sale of "diseased" bison. Title 81, chapter 2, section 120 of the Montana Code provides that the livestock "department...may sell a wild buffalo or bison carcass to help defray expenses of the department...the department shall deposit any revenue derived from the sale of the wild buffalo or bison carcass to the state special revenue fund to the credit of the department."³⁵

In 1997 the DOL held auctions, selling Yellowstone bison remains to the highest bidder. One 1997 auction netted the state \$36,000. In January of 1997 the State of Montana made more than \$100,000 from the sale of bison meat, heads, and hides.³⁶ Although the agency has not held an auction since 1997, it is still authorized to do so under the law.³⁷

I had plenty of time during my night in jail to question Montana's reasons for "lethal removal"--as they like to word it--of the only wild buffalo in the United States. Michael Ray, my Floridian cellmate, was interested enough to listen. I told him the story as best I could, answering questions of my own as I tried to answer his. I had been learning to work with the media all winter, and most of my recent thoughts had been coming in a stream of

sound bites and digital video. As I explained the situation to Michael Ray, I took a step back and let myself feel the things I'd seen, slowing down to absorb the reality of the killing I had witnessed. I traced parallels between the slaughter of the 19th century and the contemporary killings, told him about the modern day buffalo gunners, and tried to make sense of the brucellosis story. After I hinted at some of Montana's less visible reasons for killing buffalo, he began to understand why we would risk jail for the chance of keeping a few buffalo wild and alive. He was curious about the campaign, and asked me how I had gotten involved.

I was working as an intern with a Missoula-based conservation group when I first heard about the campaign. In a situation common to the non-profit world, the executive director didn't know how to delegate authority and couldn't trust important tasks to anyone but himself. I worked in the office all fall, wondering what, if any, effects my work was having on the world. I was far removed from the wilds I was supposedly helping to protect. When we started getting emails from a group of people living on the outskirts of West Yellowstone and running daily patrols along the park boundary, I was immediately interested. I had been researching the bison controversy since moving to Montana the previous winter when I learned of the slaughter of over a thousand bison. After reading the first email--a plea for volunteers to help with patrols--I responded at once, deciding to travel to Yellowstone over the holidays to help protect the buffalo.

The Buffalo Field Campaign rents a large log cabin near the north shore of Hebgen Lake and provides room and board to those who volunteer for shifts in the field with the bison. Patrols stand vigil with the animals when they are outside the park, keeping them safe through a range of tactics from

videography to civil disobedience. Every day that buffalo are outside the park, patrols are with them, ready to interfere should the DOL try to shoot or capture.

I left Missoula in December of 1997 planning on a weeklong trip to Yellowstone and ended up staying all winter. I arrived at the cabin on Christmas Eve, the day before my 28th birthday. As I drove up the snow-covered driveway toward the cabin on the hill, my stomach was a ball of knots. Overcome with a mixture of trepidation and eager anticipation, I felt like a child before the first day of school. I wondered who these people were and how I would fit among them.

Perched in the foothills of the Madison Range with a view of Hebgen Lake, the large cabin had at one time served as a cross-country ski lodge. I walked up to the front of the building, climbed the steps to the porch, and was about to go inside when a kid in his late teens came out the front door with a cigarette and a lighter in his hand. He lit up, inhaled, and introduced himself. "You must be the guy from Missoula," he said, exhaling. He said his name was Peaches.

As I would soon learn, many of the activists went by what they called "forest names," names that could be used among activists but couldn't be traced back to social security numbers or arrest warrants by law enforcement officers paid to monitor or identify activists. I met folks with names like Chipmunk, Echo, Mango, Slug, Grumble, Frog, Willow, Felony, Smoosh, Festus, Snowflake, Locust, and Turtle. Others choose to go by their given names. Some try to come up with names for themselves, but if a name doesn't fit it won't stick. Peaches, it turned out, was new to his forest name when I met him. One night, before he was Peaches, some folks around the

cabin were joking about how he needed a new name. "You guys can call me Vern," he told them. "Just don't call me Peaches." He's been Peaches ever since.

"If you're hungry, there's some soup and bread in the kitchen," he said. "The pot's on the stove."

"Thanks," I told him, and stepped inside. I met Grace in the front hallway, a small room stuffed with shelves of boots and racks of coats. "You must be Dan," she said. "It's good you came when you did. We've been losing volunteers all week. Lot's of folks have taken off for Christmas."

I followed her into the living room, a large room with sleeping lofts built in the rafters. The walls on three sides were lined with Goodwill couches; a giant wood stove dominated the fourth. The basil-garlic scent of the homemade soup reminded me of my mother's kitchen. I followed my nose, found a bowl, and ladled myself some of the thick lentil soup, then broke off a chunk of bread from a French loaf and sat on a wooden bench to warm myself before the stove. "I'll be in the office," Grace said. "Come find me after you've eaten and I'll show you around."

As I ate, several people came into the room and introduced themselves. "I'm Eric," said a lanky kid whom I recognized. An upstate New Yorker by birth, he had been traveling across the country until he found Montana and fell in love with the mountains. I had met him two months earlier in the Missoula office. He had come in asking if I knew of any groups needing volunteers. "I'm tired of moving around so much," he told me, "I'm ready to give something back to this place." Having just received my first email, I told him about the buffalo campaign being organized near West Yellowstone.

He recognized me, "Oh yeah, you're the guy from Missoula," he said. "I'm glad you made it down here. We could use more people."

"How many people are here?" I asked him.

"I think there are twelve now, with you here," he said.

I finished my soup and found Grace in the office. She was answering emails on an old Mac. "We get about fifty a day," she told me. "We try to answer them all but it's impossible sometimes. You're damn tired when you get in from patrol. The last thing you feel like doing is staring into a screen."

I took a look around. On a table in one corner there were two three-quarter inch video decks and several Sony video cameras. A bumper sticker plastered to the wall above the table read, "The Camcorder is Mightier than the Baton." Grace noticed me looking at the cameras and said, "Those are our most powerful tools. If the DOL knows their every move is recorded they won't be nearly as reckless." On the wall above the decks was a gruesome color photo of four severed bison heads lying in the snow. Blood dripped from the nostrils and pooled around the necks, contrasting with the white background. On another table stood four two-way FM walkie-talkies.

During the next few days I learned the routine. Wake at 5:30, eat a good breakfast prepared by Grumbles, gear up, and get out the door by 6 a.m. I took to the ski shifts at Duck Creek, with its beautiful sunrises, right away. Most mornings this valley teems with wildlife. Herds of elk 200 strong standing against a backdrop of 70 buffalo are a frequent treat at sunrise by the creek. Occasionally we are honored with the presence of gray wolves and coyotes pacing the periphery of the great herds.

The buffalo appear every fall, trickling from the park along the path of least resistance following the drainages of Duck Creek, Cougar Creek, and the

Madison River. When winter turns fierce and snow obscures the grass their bodies are built from, bison pour out, migrating down the watercourses to lower elevations outside the park. Theirs is often a one-way migration, as they are killed when they follow their instincts into Montana.

The DOL keeps a bison trap in the primary migration corridor between Yellowstone and the surrounding Gallatin National Forest. The trap, on land abutting the park boundary, sits less than a hundred feet from Duck Creek. The land is owned by Dale Koelzer, who leases it to the DOL. Koelzer shares his house with DOL agents and they keep their snowmobiles, tractors, and other equipment in his barn. He owns property on both sides of the creek. Every winter, when the snow begins to build in the park, hundreds of buffalo migrate through Koelzer's on their way to their winter habitat on Horse Butte. Koelzer and the DOL entice hungry bison onto the property by placing bales of hay near the park boundary.

In September of 1999 Buffalo Field Campaign volunteers found the carcass of a bull bison on Mr. Koelzer's boundary. The dead bull had been stripped of its head, hide, and genitals. The volunteers notified the Montana Department of Fish Wildlife and Parks (FWP), who launched an investigation. When initially questioned about the incident, Koelzer lied, denying any knowledge of or involvement in the shooting. Only after the head and cape were discovered in his possession did Koelzer claim responsibility. He told investigators that the bison was "bothering" his truck. At his trial he defended his actions by saying, "Buffalo aren't worth much. There are plenty of them. When my truck was in danger, too bad for the buffalo."³⁸

Koelzer's lawyer attempted to have the charges dismissed on the grounds that buffalo are "vermin." At Koelzer's pretrial hearing he told the judge, "Buffalo are unregulated vermin in Montana and have the same status as gophers, which are shot up by the buckets full each spring."³⁹ Koelzer was acquitted on the charge of illegal hunting and convicted for illegally possessing a game animal. He was fined \$320.⁴⁰

Because of its importance as a migration corridor and because it serves as DOL headquarters and houses one of their traps, Koelzer's property is watched closely by BFC patrols. In the fall and early winter, when large concentrations of buffalo are moving out of the park, two patrols are assigned to the Duck Creek area. The Fir Ridge patrol, named after the ridge to the north of the creek from where the skiers drop into the valley, is a backcountry patrol that monitors the land between the buffalo trap and Yellowstone. The Duck Creek patrol is a car shift that roves up and down Duck Creek road, watching Koelzer's driveway for DOL activity and monitoring the property from an overlook known among volunteers as "The Perch."

Our job on these early mornings is to survey Koelzer's land and make sure no buffalo have wandered onto it during the night. Fir Ridge and Duck Creek work together and communicate via two-way radio. The perch offers a birds-eye view of Koelzer's yard and the trap, a different view than the one the skiers get from the boundary. If buffalo enter Koelzer's during the night, skiers sometimes move in at first light and attempt to shepherd them back to Yellowstone. The DOL arrests anyone caught trespassing on Koelzer's land.

Four days after I arrived at the cabin, I participated in an action and helped save 16 buffalo. Peaches, on his way home from work in town the night before, had seen two DOL trucks pull into Koelzer's. Because they were

towing livestock trailers (used to transport captured bison to slaughter) we believed they were in town to capture buffalo.

The next morning Eric, Grace, and I woke extra early, ate a hasty oatmeal breakfast in silence, and left the cabin an hour before sunrise. I parked the car by the Fir Ridge cemetery. We stepped into our skis in the frosty dawn and followed the well-packed trail toward the park, reaching the top of Fir Ridge well before sunrise. A porch light was on at Koelzer's.

I took four sweeping strides and shot off the ridge, plunging into the darkness below. My skis slid smoothly, humming in the icy tracks. I bent my knees and shifted my weight forward, flying down the hill, taking as much speed as I could for my glide across the valley floor. We skied onto a small bluff overlooking the buffalo trap and stood on the property line, watching Koelzer's house and barn. A few minutes after we arrived, a light came on in the house.

Eric fumbled through his pack for a walkie-talkie, held it before his mouth, pressed the button and said, "Backcountry to perch, do you copy?"

A voice came through, "This is perch. You see anything down there? Over."

"Not yet," Eric replied. "Just got here. Koelzer's light went on. We're waiting for a touch of sun to reveal our friends. Over."

While they were talking, Grace skied farther along the bluff. She came back a few minutes later and said she'd spotted them. "They're right next to his house," she said.

They spotted them from the perch too: "We have sixteen of our friends practically sitting on Koelzer's porch. DOL is up and about. Looks like it's now or never."

"We better get going," Grace said, "It is almost light." Eric and I agreed. He waited on the bluff with the radio while she and I skied in. We pushed past a row of fence posts and skied beside the trap and into a grove of trees, the only cover on the property. Stopping at the edge of the grove, we surveyed the scene. The buffalo were bedded down on a small rise behind a fence, fifteen feet from Koelzer's front door. A mound of hay had been placed beside the porch.

"That's why they like it here so much," Grace said, "They're luring them in with hay."

Human shadows shifted in the house. "We'd better do it or we'll be caught in daylight," I whispered. Grace nodded and said, "Let's go." Pushing with my poles and sprinting on my skis, I closed the distance to the house. This was the closest I had ever been to buffalo, and I was amazed at their immensity. Giving the buffalo plenty of room and skiing to within five feet of the house, I pulled the ski mask over my face and passed before the sliding glass door. I wasn't afraid of being gored so much as I was of being arrested by the DOL, for even as we woke the sleeping giants and coaxed them toward the park, I could feel that they somehow sensed our intentions.

"Hayyaa!! Hayyaa!!" I whisper-shouted, clacking my poles together and jumping up and down. The buffalo reacted quickly, rising to their feet. Several of the bulls hopped a small fence and moved toward the park. Most trotted around it and ambled in the tracks of the leaders. I moved quickly, trying to stay close enough to keep them moving yet not too close as I didn't want them to double back around me. As we moved slowly east with the buffalo, crossing the invisible park boundary, human voices called us from Koelzer's as DOL agents realized, too late, what was going on. Because they

don't ski and their snowmobiles are not allowed in the park's backcountry, the agents couldn't chase us. We didn't linger to heed their commands.

We meandered slowly up the creek, giving the buffalo plenty of room. They lumbered through the heavy snow single file, the leader breaking trail for those behind. This is a technique we used as well, taking turns to break trail as we skied or snowshoed through heavy snow. When the bull in front grew tired, he stepped off the trail, allowing the herd to pass and the one behind him to break for a while.

As we skied behind them, I caught sight of a coyote across the valley. She eyed us as we made our way beside the trickling creek. When we reached a sharp oxbow, the buffalo plunged over the bank, splashed across the channel, and hauled their bodies to the opposite side. The last two bulls turned slowly and stared at us before joining the others in a sheltered meadow where tufts of grass poked through the snow.

We sat on our packs and watched them graze across the valley as the sun pulled itself free of the mountains in the park. I took a pair of binoculars from my pack and trained them on the grazing bison. A huge bull, the largest of the group, nearly filled the field of vision. He buried his face in the snow and swung his head from side to side, nuzzling a crater in the snow and exposing a patch of grass. He lifted his broad, snow covered face in my direction and chomped, a sheaf of grass hanging from his lips.

Grace and Eric said they were getting wet and cold, and wanted to take a warming ski. I had a head full of thoughts and wasn't ready to leave the meadow. We made plans to meet by the graveyard in two hours, and my friends skied away. My gaze moved easily from the backs of the buffalo to the mountains in the park. Studying the rise and fall of peaks on a nearby ridge, I

realized how much they resembled the bull's silhouette with its gently rising back, steep, peaked hump, valley of a neck and rounded head. I stared back and forth, marveling at how perfectly the buffalo fit their surroundings and how well adapted they are at surviving Yellowstone's difficult winters.

Gradually my thoughts drifted to the coming winter. I was supposed to leave in two days to return to my office internship in Missoula. Staring east, into Yellowstone, I remembered the morning in the park, five years earlier, when my mother came to speak to me in a dream. Watching the buffalo graze against the backdrop of Yellowstone's mountains, I thought about how different the day might have turned out. I saw the sixteen bison confined inside the trap. My mother's voice, "The path you are on is right. I am with you," echoed in my head, dissolving any remaining doubt. I wasn't going back to Missoula.

With the campaign I was in my element, drawing on many of the skills I'd developed during my twenties. I worked in the office, fielding calls and email inquiries, writing press releases, and speaking to reporters. I learned to shoot and edit video, and co-produced "Buffalo Bull," a fifty-minute documentary. Around the cabin my carpentry skills were in high demand, as the ever-increasing number of volunteers required the construction of sleeping lofts and shelves for gear. Most rewarding was the time I was able to spend outside, along the boundary on patrol in the presence of buffalo. On skis every day, monitoring migrations and standing vigil with the herds, I began to develop a relationship with the buffalo, learning their habits and how to tell when they felt threatened and defensive. I learned how to

observe them from a respectful distance and how to coax them to move when in danger.

Though I wasn't being paid in legal tender, I was earning the best living of my life. All necessities were provided: inspiring work, a group of friends who believed in something enough to act in its defense--putting their lives and freedom on the line in the process--delicious meals, and a warm cabin for shelter. Although it gets quite crowded at times, the place always feels like home.

I have spent five winters with the Buffalo Field Campaign. Since I first walked in the door in December of 1997, volunteers have come from across the country and around the world. Each was motivated by a unique set of circumstances and each went away a different person than when they came. Hearing their stories and getting to know them are among the most rewarding aspects of being involved with the campaign. Under the cabin roof I have had discussions with factory workers, bankers, teachers, county planners, park rangers, film makers, high school dropouts, computer technicians, and seasoned activists--all united in the common cause of keeping Yellowstone wild and its bison alive. These people, all called in one way or another by the buffalo, sacrificed time with their families, friends, and jobs to lend a hand.

Being a BFC volunteer involves more than skiing in the park. It requires days on end of rising before the sun and going out in subfreezing weather, braving fierce winter storms and temperatures as low as minus fifty degrees Fahrenheit. It means sitting in the snow for days, waiting for something to happen. When it does happen, you wish it hadn't, as animals you've been watching for months are suddenly and violently disrupted--

chased with snowmobiles, helicopters, and gunshots--trapped in steel cages, poked and prodded with stun guns, squeezed in chutes, tested, and killed. It means participating in seemingly endless meetings, deciding the next day's strategy. And for more than seventy volunteers, it has meant sacrificing freedom and spending time behind bars.

My arrest occurred during the campaign's second winter, in March of 1999, when Pete and I followed four bulls away from the Duck Creek trap. More than eighty bison were backed up on the park line as our around-the-clock patrols attempted to keep them away from the hay that had been piled on Koelzer's property to lure them in. When we reached Horse Butte, Mike--one of the campaign's co-founders--and Jessie, a teenage volunteer who had recently arrived, joined us. The four of us were walking behind the four bulls along a Forest Service road when four DOL agents pulled up on their snowmobiles from the other direction, blocking our path. The road, which hadn't been cleared all winter, had been plowed for the first time earlier in the day. As a result, it was bound by nearly vertical snow banks ten feet high. One of the agents taunted, "Where do you think you're going with them bulls?" We all held our ground, three sets of four. The bulls, weighing a ton apiece and capable of running 30 miles an hour, paced in circles between the livestock agents and the four activists. We knew that if we left, the agents would chase them back to the trap. We backed off just a bit to give the bulls more room. Suddenly they surprised us, doing what none of us thought possible. In a matter of seconds they broke the tension, trotting up and over the 20-foot snow bank and bypassing the agents. We followed in their tracks, ecstatic, to make sure they were safe. As it turned out, the agents were more interested in capturing us than the buffalo.

After trailing the bulls to an area away from the road, we left them to graze in peace. As we approached the agents we agreed to keep quiet and not taunt them about their failure to stop the bulls. When we passed them, stepping in buffalo tracks on the snow berm, they were still sitting on their sleds in the road. We stuck to our pledge until we were twenty feet past them. Pete couldn't resist. He turned around and teased, "Nice try boys. Maybe next time." Before I knew what was happening, Pete was face down in the snow beside the road, tackled and pinned by an agent named Ernie. After cuffing Pete's hands behind his back, Ernie and the others turned their attention to Mike and then Jessie, handcuffing them and leaving them standing in the snow. I walked up to Jessie and took the radio from his pocket, called the cabin and told them what was happening, then went to Mike for the video camera, which hung from his neck.

Ernie told me at least three times that I was not under arrest and was free to go. When I asked him what my friends were being charged with, he wouldn't talk. I kept asking, camera rolling, and finally Ernie mumbled something about trespassing. I reminded him that we were on the Gallatin National Forest, public land that we had every right to be on. A little while later I stepped into the road, meaning to cross it for a better camera angle. I wanted a shot of my handcuffed friends in the custody of the cattle inspectors against a backdrop of the Madison Range. "Stop right there!" Ernie shouted, "This road is closed to the public." This was the first I had heard of the closure, and I questioned his authority, an agent of the State of Montana, to close a road belonging to all Americans.

"How am I supposed to get to my car?" I asked. He pointed toward a cattle guard a quarter mile down the road, "You can cross down there." I

followed his directions and returned to the arrest scene on the other side of the road. I could have walked away at that point but decided to stay, not wanting to leave my friends alone with the agents without the protection of the video camera. An hour after Pete's arrest several sheriffs' deputies arrived and conferred with the DOL agents. As they huddled to plan their strategy, the officers kept turning their heads, sizing me up, and I knew I was done for. I stood and started away, making only three steps before a deputy yelled, "Hold it right there. You're under arrest!"

We were transported 90 miles to Bozeman and put in jail. I was separated from my friends and locked in a small cell, where I met Michael Ray. I wasn't booked until 4 a.m., nine hours after the arrest. All four of us were cited with misdemeanor violations. The tickets read: "Negligent Endangerment to wit: By herding buffalo, which created substantial risk of death or serious bodily injury to Department of Livestock Officers." The conditions of our release stipulated that we couldn't set foot within 1,500 feet of any DOL operation, both buffalo traps, and most of the Horse Butte Peninsula. A generous local citizen who learned of our arrest from a newspaper article put up the two thousand dollars bail required for our release.

Banned from the field, I spent more time in the office writing press releases and articles, editing video footage, and communicating with supporters. While this was necessary work, it was difficult to remain cabin-bound while my friends spent their days out on skis with the buffalo. I listened to their stories at the nightly meetings, wishing I could make more of a contribution. It was during this time, bound to the office, that I began organizing my thoughts for this book.

Because we had captured the events preceding the arrests on videotape, we asked for jury trials. The tape contained strong evidence showing that we did not attempt to injure the agents. Two days before the trial, my charges were dismissed. My three friends had their charges dropped as well. Such heavy-handed tactics--making false accusations and asking for bail restrictions to limit our ability to protect the buffalo--have been a favorite tactic of the DOL ever since.

I'll always be haunted by memories of buffalo being forced through narrow chutes inside the Duck Creek trap, men poised above them shouting "Yee-hauw!" as they hit them with shovels swung like golf clubs. Even now I can hear the chaotic clang of steel as the frantic bison thrust themselves against the trap's cold steel walls, aching to return to a world they have known for tens of thousands of years.

With these memories come thoughts of my night in jail and my cellmate, Michael Ray. His questions and my attempts at answering helped me realize the importance of putting my stories down in words. I often think of Michael Ray's crazy misconception of Yellowstone as a gated zoo for a few wild animals. I wonder how he felt as he stood inside the Grizzly Discovery Center, staring at the bears in their cells, believing he was in Yellowstone. After five winters of bearing witness to the Department of Livestock's treatment of America's only wild bison herd--keeping them in the park with a fence of bullets or luring them to death with hay--I am beginning to understand how he must have felt.

Chapter 3

Inseparable Destiny

In life and death we and the buffalo have always shared the same fate.

--John Fire Lame Deer⁴¹

The fear of wilderness, the fear of indigenous people, and the fear of not having control are all the same fear.

--Linda Hogan⁴²

"Grandma, how old do you have to be to get arrested?" Timothy asks Rosalie. They are standing between a county road and a barbed-wire fence, staring out past the fence to an open field. Eight dead buffalo, bodies still warm, litter the meadow. Never shifting her gaze from her slain siblings, Rosalie Little Thunder reaches into her bag for the sage bundle and steps around the fence. Crossing the field to pray over the bodies, she is approached by a sheriff's deputy who tells her she'll be arrested for criminal trespass if she doesn't leave immediately. "Mitakuye Oyasin," she says, beginning her prayer. Grabbing her arms and squeezing handcuffs around her wrists, the deputy leads the Lakota elder to the white Explorer and locks her inside.

Mitakuye Oyasin is a Lakota phrase meaning "all my relations." It is used to invoke not only blood relatives and close friends but, as the Lakota say, all two-legged people, four-legged people, crawling and swimming people, winged people, and people with roots. This powerful prayer expresses recognition of not just living relatives, but those who have come through this world before us and passed into the one beyond. By beginning her

prayers with *Mitakuye Oyasin*, Rosalie shows respect for the interrelationship between all beings and events, past, present, and future.

Witnessing the dead buffalo and the Montana Department of Livestock agents who killed them (they laughed as she prayed) reminded Rosalie of the tragic family stories she'd heard her grandparents tell. A direct descendant of survivors of both the 1855 Little Thunder Massacre and the nefarious Sand Creek Massacre of 1864, Rosalie felt like she was re-living history as she and her ten-year-old grandson watched the agents gloat over the eight slain bison.⁴³

After a delegation of Cheyenne and Arapaho leaders attended peace talks with U.S. and Colorado officials, the Indians were promised protection by military leaders if they agreed to camp near Fort Lyon on Sand Creek. Trusting the officials, more than five hundred Cheyennes and Arapahos, and a few of their Sioux allies—including Rosalie's ancestors—set up their tipis where the soldiers had advised them to camp.⁴⁴ Colonel John Chivington, commanding six hundred inexperienced soldiers of the Colorado Third Cavalry, attacked shortly after sunrise on November 29, 1864.⁴⁵ Black Kettle, the Cheyenne leader who had attended the peace talks, raised a large American flag from a large pole before his lodge.⁴⁶ But the soldiers were following orders: *Take no prisoners.*⁴⁷

Three columns of troops marched up the creek, one in the bed and one on each of the banks. They killed everyone in their path. The Indians fled, many running up the creek ahead of the soldiers. Digging quick pits in the creek bank, they climbed in, hunkered down, and attempted to defend themselves.⁴⁸ One woman fled up the creek with her small boy beside her and her baby on her back. When she reached the safety of the pits she

discovered that her baby, still strapped to her back, had been shot. Her husband, too, was killed.⁴⁹ After firing on the pits for more than four hours, then scalping heads and dismembering bodies, the soldiers left. After dark the few survivors pulled themselves from the potholes and disappeared into the night.

Proud soldiers marched triumphantly through downtown Denver. Between acts of a theatrical performance playgoers were treated to a display of more than a hundred scalps, held high above the stage by beaming soldiers.⁵⁰ Chivington bragged: "We killed between four and five hundred Indians. Our loss is nine killed and thirty-eight wounded. All did nobly."⁵¹ Other sources report that 150 Indians were killed. Two thirds of the dead were women and children.⁵²

Gruesome testimony to the soldiers' atrocities surfaced in the ensuing investigation. One Cheyenne woman was partially scalped but not killed. People saw her running around blindly, a flap of forehead-skin dangling in front of her eyes.⁵³ Another witness described a scene in which a soldier, hoping to spare the lives of three children--ranging in age from four to eight--brought them to the attention of a lieutenant. The commanding officer coldly responded, "Orders are to kill small and big," as he shot one of the children in the head with his pistol. Ignoring their pleas for mercy, he raised his gun slowly, shot the second child, reloaded, and then killed the last.⁵⁴ Before the attack Chivington reportedly told his officers, "Kill them all, big and small."

Rosalie's own grandfather had survived similar horrors a decade before Sand Creek, in 1855. At the age of ten he was camped with his family, the Little Thunder band, near the North Platte River in present-day Nebraska.

Their rights to the land on which they were camped had been acknowledged by the U.S. Government with the signing of the first Fort Laramie Treaty in 1851. Ignoring provisions of the treaty, U.S. troops led by General Harney attacked the peaceful village. In a series of events that would be mirrored by Black Kettle at Sand Creek, Chief Little Thunder flew a white flag as General Harney and his troops descended upon the village.

A woman stood with her ten-year old grandson on the edge of camp, near some bushes and tall grass. She watched as Chief Little Thunder met the advancing troops under the white flag of truce. As the general and the chief exchanged words, she told her grandson to hide in a burrow near her feet, "Stay here, don't come out yet," she told him. As soon as she had concealed him with her shawl, the soldiers opened fire. Struck by a bullet, the woman threw her body down on the shawl, concealing her small grandson. The boy remained motionless in his dark hole as his grandmother's blood soaked through her shawl and dripped down on him. After nightfall he climbed past her cold body and traveled north, toward the Black Hills, 200 miles away.⁵⁵

"That little boy, he was my grandfather," Rosalie said, as she explained how it felt, the day of her arrest, to stand with her grandson and witness the slaughter of eight buffalo at the hands of grinning government agents:

It was that *deja vu* feeling that you've been here before...that's what that whole scene was when they were killing the buffalo. That was what was coming back to me. I had my ten-year-old grandson standing next to me. And they started killing the buffalo, just like that, shooting them down. I covered his face with my shawl, and told him not to move.⁵⁶

Rosalie, her grandson Timothy Kills in Water, and tribal members from across the plains assembled near Gardiner, Montana, on March 7, 1997 to hold a prayer ceremony for the Yellowstone buffalo. More than a thousand had

been killed in the preceding months. The sanctity of the ceremony, attended by spiritual leaders from various tribes, was shattered by the violence of rifle fire as Montana Department of Livestock agents gunned down eight buffalo just a mile away. To Rosalie, who was arrested when she left the ceremony to investigate the shots, the DOL's timing was intentional. "They shot those buffalo because we were at that place on that day at that time," she said.⁵⁷

As close as I hold the beautiful, sacred buffalo to my heart, I can't begin to fathom the depths of what Rosalie must have felt that day at having been so disrespected and abused. To the Lakota, and to other Plains tribes, nothing is more sacred than the buffalo. Arvol Looking Horse, a traditional Lakota spiritual leader who led the prayer that day, noted that the Yellowstone bison are special because they, like Indians, are "survivors of an apocalypse."

The current slaughter of the Yellowstone buffalo, the most wild buffalo left in America, is seen by many as a deliberate attempt on the part of government agencies to disempower native peoples. To many Native Americans, particularly those inhabiting the once buffalo-rich western plains, the fate of the buffalo and the fate of the people have always been inseparable. Fred Dubray, a Lakota who lives on the Cheyenne River Reservation, expresses awareness of this connection:

It was so difficult for European people to understand that they feared that relationship that existed, and what they fear, they destroy. So, that's exactly what started to happen. For thousands of years these buffalo have had a very intimate relationship with tribal people. We are the same. As a matter of fact, if you go back in time a little bit, our legends and our stories, creation stories say that we are the same, we come from exactly the same place. No matter how hard you try, you can't separate Indian people from buffalo. That is not even possible.⁵⁸

The belief that people and buffalo originated together inside the earth is expressed in the creation accounts of many Plains tribes. The Lakota share

with neighboring tribes the recognition that their lives are deeply intertwined with the lives of the buffalo. Although similar stories could be drawn from any number of Plains tribes, there are four that I want to highlight.

Scott Frazier, a member of the Crow tribe with both Santee and Crow ancestry, introduced me to Plains creation accounts when he recounted the Santee creation at one of BFC's nightly meetings. The story illustrates the genesis of the sacred human/buffalo relationship and the original sacrifice the buffalo made for human beings:

The story begins after the world was formed but when the people still lived inside the world. The buffaloes were sacred and we tended them. We fed them a food that was like clouds. The life we had was sacred but some of the people wanted to see what lay outside the tunnel to the surface. One of those who decided to go up the tunnel was named To ka hey, 'the first one.' He went to the surface to look around. He came back with wonderful stories. The people were curious but decided not to let on that they were going to the surface. Seven families left. Soon the buffaloes realized what had happened. They went to the surface. What they saw was sad, the people had nothing to eat, they were cold and without shelter. Those buffaloes decided that though the people had been foolish the buffaloes needed to go to the surface and help the people. The buffaloes knew that if they went to the surface they could not return to the life they knew within the earth. The buffaloes gave up their life within the earth so that the people could have food, clothing, and shelter. What they did was holy.⁵⁹

According to the Pawnee version, all creatures, not just humans and the great herds of buffalo but antelope, coyotes, wolves, elk, deer, rabbits, and birds originated together, deep underground, as if asleep. Buffalo Woman awoke and started walking past all the other animals and people. She walked to a dark round place and stood still, looking straight ahead. Then she bowed her head as one who is passing under a lodge flap does. For an instant she was framed in blinding light, then she was gone.

A small buffalo cow got up and followed her, then another buffalo and another. She was soon trailing a long thread of buffalo. Each one crossed the threshold in a brilliant burst of light. After the last buffalo, the people were on their feet and following. They found a warm and fertile prairie, a world of beautiful, green grass with the Platte River at its center. The people looked up and saw the blue sky above it all, as they felt, for the first time, the sun upon their faces. They watched the buffalo spread across the prairie, feeding as they walked, heading out in every direction. They knew that they had found their home, a place where they and the buffalo would always belong.⁶⁰

Plenty Coups describes a vision in which he witnessed the creation of his people, the Crow:

Out of the hole in the ground came the buffalo, bulls and cows and calves without number. They spread wide and blackened the plains. Everywhere I looked great herds of buffalo were going in every direction, and still others without number were pouring out of the hole in the ground to travel on the wide plains.⁶¹

Like other Plains tribes, the Lakota creation stories take place underground with buffalo. Wind Cave, in the Black Hills, is the doorway through which the Lakota followed the buffalo into the world. Greg Bourland, of the Cheyenne River Sioux Tribe, described the Lakota creation story at a recent public hearing on bison management:

Prior to coming and living on this earth, as we know it today, we lived with the buffalo. Together we lived in the land beneath the earth, and the trickster told us that the Earth was really a good place. Well, trickster had been living up here tricking the animals and he wanted us up here so he could have new beings to fool. But when we came upon the Earth, we realized the earth was a hard place to live. Our job down in the other world had been to take care of the buffalo people. And so when we came onto the earth, the buffalo people felt sorry for us. They took pity upon us and in that pity, they came up on to the earth and became the buffalo. And they took care of us. They provided

us with their hide for clothing, for shelter, for the things that we would need to survive. Their flesh for food, their bones for tools.⁶²

Like their relatives the Santee, the Lakota sustained the buffalo in the earth. The relationship reversed only after they passed into this world. After watching the people starve on earth, the buffalo decided to sacrifice their lives so the people could survive. Each of these creation accounts reveals the origins of not only buffalo and people, they explain the origins of the sacred human/buffalo relationship.

For the Lakota, this is the most important relationship. As John Fire Lamé Deer eloquently explains, the connections between his people and the buffalo are so strong that it can be difficult to distinguish one from the other:

The buffalo was part of us, his flesh and blood being absorbed by us until it became our own flesh and blood. Our clothing, our tipis, everything we needed for life came from the buffalo's body. It was hard to say where the animal ended and the man began.⁶³

Buffalo lend themselves to virtually every aspect of Lakota life. Hides make warm clothing, tipi covers, saddles, reins, ropes, and water bags. Flesh is eaten fresh or dried into jerky so it will keep. Bones make knives, needles, awls, clubs, and sled-runners. Drop a red-hot stone in the stomach for a self-contained stove and kettle. The skull is used as a sacred altar or in ceremonies.⁶⁴

The centrality of the buffalo to the lives of the equestrian nomadic tribes of the Plains wasn't lost on nineteenth century military leaders and politicians. General Sheridan knew that a people were only as strong as their food-source. He believed that the buffalo should be eradicated to pacify the few remaining Indians who refused to relinquish their lives to the ways of the whites:

If I could learn that every buffalo in the northern herd were killed I would be glad. The destruction of this herd would do more to keep Indians quiet than anything else that could happen.⁶⁵

Government and military leaders shared Sheridan's views. Interior Secretary Columbus Delano lobbied for buffalo eradication in his 1872 annual report:

The civilization of the Indian is impossible while the buffalo remains upon the plains.... I would not seriously regret the total disappearance of the buffalo from our western prairies, in its effect upon the Indians, regarding it as a means of hastening their sense of dependence upon the products of the soil and their own labors.⁶⁶

In 1876, U.S. Representative James Throckmorton argued that the mere presence of buffalo posed an obstacle to the advancement of Euro-American civilization:

There is no question that, so long as there are millions of buffaloes in the West, so long the Indians cannot be controlled, even by the strong arm of the Government. I believe it would be a great step forward in the civilization of the Indians and the preservation of peace on the border if there was not a buffalo in existence.⁶⁷

The politicians in Washington and the military men in the field exploited the close connections between the buffalo and the Indians, encouraging the destruction of one to defeat the other. Army officers violated legal treaties, allowing white hunters to trespass onto tribal lands that had been set aside to exclusive Indian use. The Medicine Lodge Treaties of 1867 prohibited whites from hunting south of the Arkansas River. Hunting rights there were supposed to be reserved to the Arapahoes, Cheyennes, Comanches, and Kiowas. At a time when the buffalo population was suffering a major and rapid decline, the infamous buffalo runner J. Wright Mooar was eager to pursue his prey on the restricted lands. He and other

hunters asked Colonel Richard Dodge what the penalty would be if they should disregard the law and cross the line. Dodge reportedly told them, "Boys, if I were a buffalo hunter I would hunt where the buffalo are."⁶⁸

This discrimination of Native American nations through the slaughter of buffalo has resumed. The DOL's slaughter of eight bison as Rosalie Little Thunder and other tribal members performed their ceremonies is gruesome testimony to the re-emergence of a centuries-old pattern of government disregard for the tribal rights. The slaughter, an attack on the religion and culture of the Plains Indians, grows out of one culture's disrespect for the beliefs of another. Chasing Hawk of the Cheyenne River Sioux Tribe makes this clear:

We are the buffalo people, the Lakota People. When they kill [the Yellowstone] buffalo, they are killing our brothers and sisters, grandpas and grandmas. The State of Montana did not see this. In fact, our religious significance is nothing to them.⁶⁹

The deep familial relationship between buffalo and human beings is, for many tribes, as old as time itself. When Chasing Hawk describes the buffalo as brothers and sisters, he isn't speaking metaphorically. The buffalo living in and around the present Yellowstone National Park are the last living remnants of the wild herds that once sustained Chasing Hawk's ancestors. To kill these buffalo is to discriminate against the Plains tribes.

At the root of the buffalo slaughter lies a clash of cultures. The dominant Euro-American worldview holds that non-human animals aren't entitled to the same rights as humans. Human comfort comes before animal survival. To the Lakota and other Plains tribes, the notion of people encompasses more than the human race. Buffalo are people. Agreements have been worked out since the earliest days when people and buffalo shared

life inside the earth and the buffalo made the original sacrifice for the humans. These agreements are renewed every year through seasonal reenactments like the Sundance, a ceremony through which people sacrifice their bodies to the buffalo.

When the Department of Livestock agents, who knew about the Lakota prayer, slaughtered eight buffalo and arrested Rosalie Little Thunder, it sent a clear message to Native Americans across the plains. Rosalie thinks of the incident as "a murder in the church parking lot, during the service."⁷⁰ She and other elders who experienced the day's events view them as a renewed attack against her people. There is little difference, she has said, between the 19th century slaughter of buffalo and the slaughter of their descendants today.

The essence of the sacred relationship between the Lakota Nation and the Buffalo Nation is manifest in the sacred Lakota Pipe Bundle. White Buffalo Calf Woman, who had the power to change herself from a young woman to a white buffalo calf, brought the pipe to the people as a symbol of the sacred human-buffalo kinship and to show them the proper ways to respect that kinship. She taught them ceremonies to honor and renew the relationship. She told the people to offer the pipe to the Great Spirit when there was no food, and the buffalo would come. If they cared for the pipe in the proper manner, the pipe would warn them of impending trouble. After leaving the sacred pipe with the Lakota, she walked away singing:

'Niya taniya mawani ye,' which has been translated as 'with visible breath I am walking.' It means that as long as we honor the pipe we will live, will remain ourselves. And the thought of 'visible breath' can be taken as the smoke of the pipe, which is the breath of our people. It also reminds us of the breath of the buffalo as it can be seen on a cold day. It underlines the fact that for us the pipe, man and the buffalo are all one.⁷¹

The Lakota maintain the Pipe to this day, following the original instructions--passed down through sixteen generations. When Lakota spiritual leaders traveled to Montana in March of 1997 to pray for the 1,084 buffalo slaughtered that winter, they prayed with this sacred Pipe. Arvol Looking Horse, Seventeenth Generation Keeper of the Pipe, led the ceremony. During the prayer he asked for respect from other nations and expressed the importance of the buffalo to the Lakota way of life: "I humbly ask all nations to respect our way of life, because in our prophecies, if there is no buffalo, then life as we know it will cease to exist."

The DOL's decision to open fire during the Lakota ceremony was, at best, deeply disrespectful. At worst it was a premeditated act of violence directed at those who had come to pray for their relatives, the buffalo. Whatever the reason they chose to kill the eight buffalo and arrest Rosalie during the ceremony, their intention wasn't to create a movement. But the power of the prayer, focused through the Sacred Pipe, set powerful forces in motion that day.

The ceremony organized by Looking Horse and Little Thunder was an event of historical, as well as spiritual, significance. Since 1990, videographers with the Missoula-based non-profit group Cold Mountain, Cold Rivers (CMCR) had been videotaping on the Yellowstone boundary in an effort to raise awareness of the slaughter. These activists were providing footage to media outlets and concerned citizens across the country. Their footage was prominently featured on national network news reports. During the winter of 1996-97 the group sent footage of the carnage to members of the Lakota tribe in South Dakota. These were the first images Rosalie saw of the Yellowstone

slaughter. Outraged, she and Arvol Looking Horse organized the Gardiner prayer.

After her arrest Rosalie met Mike Mease, a CMCR videographer whose life was changed by scenes he was filming. Wanting to do more than stand on the sidelines and film the killing, he shared some ideas with Rosalie. Together they decided to start a front-lines organization based on public education, media exposure, political pressure, and civil disobedience--one that would shine a constant spotlight on the actions of the DOL. Rosalie, lending the group the Lakota term that expresses her peoples' relationship with the buffalo, called the group Buffalo Nations.

The Campaign came together in the spring of 1997. I volunteered in December. Spending all my days with the buffalo, I began to learn. To experience community, sit and watch a herd for a morning. On patrol one day I watched as an old bull, injured in a fence during a DOL hazing operation, ducked off the trail and collapsed. Before the agents could reach him, six more bulls, burrowing their noses under his body, lifted him to his feet and supported him as he walked to the safety of some nearby willows where the DOL's snowmobiles couldn't penetrate.

I began to watch the buffalo more carefully, observing for the first time the way a herd travels through snow in single file, taking shifts at breaking trail. Living in a cabin and working with dozens of activists has its parallels with the family-oriented lives of bison. Like the injured bull and his kin, we had to watch out for one another through very difficult times and the harshest of weather. A buffalo herd, to defend itself against predators like wolves, forms an outward-facing circle. The perimeter is composed of the strongest bulls and cows--a living fortress of strength and horns to protect the

old, the young, the weak and the injured. Buffalo know how to take care of one another.

Watching these animals and incorporating their lessons into our lives adds a dimension to patrols. Decisions are made easier with experience from our time in the presence of buffalo. Asking "What would the old bull at Duck Creek do in this situation?" yields surprising insight, at once reminding us why we are there and providing new perspective on our lives. Integrating buffalo lessons into our human community strengthens the connections between us and makes us more effective as buffalo protectors.

Not that we don't make mistakes. During our first winter in the field, developing strategy as we went along, we made plenty. When the killing started in January of 1998, the DOL caught us by surprise. We always try to have at least one person on every morning patrol who was on afternoon patrol in the same place on the previous day. This person, knowing exactly where the bison were last seen, can quickly find them in the dawn. On the morning of January 29, 1998 we were unprepared. No one on the morning patrol had been out the day before, and they couldn't find the six buffalo we'd been watching for over a month. At sunrise Corey Mascio, a 17 year-old volunteer, searched:

I was heading down the trail at sunrise when I passed the DOL. The guns on their backs were for the buffalo. I turned to follow them. Suddenly they made a sharp left and stopped; they had found them. I pulled my sled between the guns and the buffalo. I knew that's what I'd do. There was no soul searching, none of that. It is why I'm here. The cops cuffed me. The DOL agents shot all six buffalo while I sat there watching, helpless. I fell to my knees and cried, and screamed, and prayed. That was the hardest, the darkest, most frustrating thing I have ever witnessed or been a part of. Rosalie helped me understand that my pain and my grief made me stronger. At first I couldn't understand it but now I know I was there for a reason and I am all the stronger for it.⁷²

The day shattered the illusion that we could prevent the DOL from killing buffalo. Three cows and three calves were dead; their blood stained the snow at Horse Butte. We slouched in our chairs through dinner. Some people argued and accused at the meeting while others cried, forever changed by the day's events. We discussed our mistakes and adjusted for the next day's shifts. Buffalo, we realized, would continue to die. No matter how many of us there are at any given time, the government can arrest and remove us, as they did with Corey, and shoot the bison. We had prevented the killing until that day. Corey's incarceration and the ensuing gunshots redefined the way we thought of our work.

After dinner Rosalie recommended we go outside as a group and form a circle. She said the spiritual nature of our work and the shame and guilt we were feeling at having "allowed" six buffalo to be killed warranted a circle of prayer. Some volunteers were uneasy with the idea of an organized prayer circle. Rosalie's suggestion and her offer to lead the prayer were greeted with downcast eyes and silence. In the end though, even those who had initially been opposed to the idea came outside and joined hands.

Though the sun had sunk behind the Madison Range, its light--the soft and subtle hues just before darkness--illuminated the snowy world around us. I'll never forget the way it all looked just then: the snow-laden branches of the Douglas-firs on the hill behind the cabin, the expanse of clear sky over Hebgen Lake, Rodeo's tipi with its spiral of smoke frozen above, and the faces in the circle.

When we were all gathered and holding hands, Rosalie broke the silence:

Were it not for the gifts of food, clothing and shelter provided by the Buffalo, our People would have died of starvation. We have followed the Buffalo, protected the Buffalo, lived among the Buffalo, and depended on the Buffalo for centuries. All of us gathered in this circle, and those who are with us in thought and prayer, are part of our prophecies, which tell of the return of the Buffalo Nation.

We took turns speaking from our hearts around the circle. Everyone was asked to say a prayer.

"Tunkashala, thank you for calling us together around the buffalo. We come from different places and lead different lives. Let us be as one in our efforts to help the buffalo."

"May we be more effective next time in protecting the buffalo. Let them one day walk where they choose without being harassed for crossing a meaningless lines that they can not see."

"Help us forgive the men who pull the trigger out of ignorance, sending the buffalo to their needless deaths. Forgive the one we met in the snow who taunted us with his proud boasts of having killed so many."

"Please help us share the buffalo's story with the world, with clear and strong voices. Give us the courage to face the trials of many winters and the strength to stand beside the buffalo until they are free."

After each of us had spoken, we dropped our hands and formed smaller, spontaneous circles. Some of us were in tears while others smiled freely. We hugged and chatted, feeling better; connected, renewed, and ready--as ready as one can be--for the coming winter. That first prayer circle helped more than any of us could have imagined. Not only did it ease our feelings of grief and powerlessness, it helped us connect with the buffalo in a more meaningful way. To many of us, middle-class white kids reared in the materialism of our culture, the prayer ceremony was an introduction to a different possibility. It

helped us feel the connections between our lives, the lives of other species, and the earth beneath our feet.

As winter progressed and we became more confident of our group identity and responsibilities, we began to see less and less of Rosalie. Assured that the group was strong enough to continue without her, she left to focus her energy on organizing tribal support for the buffalo, and quickly found herself embroiled in an administrative tangle.

A host of bureaucratic agencies including the National Park Service, the US Forest Service, the Animal and Plant Health Inspection Service (APHIS), the Montana DOL, and the Montana Department of Fish, Wildlife, and Parks were in the process of writing a Draft Environmental Impact Statement (EIS) on bison management without consulting the people who know the buffalo best: the tribes. Rosalie committed herself to making the tribal voice heard and demanding that Native Americans be given an active role in all management decisions affecting the herd.

Since Rosalie was no longer directly involved in our work, and since the name *Buffalo Nations* holds such powerful meaning to the Lakota, we consented to change the name of our group. We knew that whatever we called ourselves our primary focus, defending the buffalo, would remain unchanged. Since then we've been known as the *Buffalo Field Campaign*, but our mission--to defend the buffalo on their traditional habitat and to advocate for their protection--remains the same.

Rosalie continues to advocate for Native American representation in matters affecting the buffalo. Asserting federal law and the language from treaties, Rosalie has been pressing for increased tribal involvement. An executive order signed by President Clinton in May of 1998 guarantees the

rights of tribal governments to representation in decisions affecting their communities:

Each agency shall have an effective process to permit elected officials and other representatives of Indian tribal governments to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.⁷³

Does the Yellowstone buffalo herd, the last vestige of the wild millions that once roamed the Plains, “significantly and uniquely” affect the Native American community?

Why, then, weren’t the tribes given the opportunity to “provide meaningful and timely input” into the creation of the buffalo management plan? Why didn’t the government officials charged with buffalo management want them there? The fact that tribes weren’t consulted until the last year of the eight-year process to write the EIS infuriates many of the tribal representatives who commented on the project. To James Garrett of the Cheyenne River Lakota Nation, the Park Service’s actions are a slap in the face. They are “mixing consultation with insult. Being consulted at the eleventh hour is tantamount to insult,” he said.⁷⁴ Fred Dubray, also of the Cheyenne River Reservation, concurs:

For the last eight years, our tribal people have been trying to participate in this process, but we’ve been constantly told this [bison management plan] has no impact on Indian people. ‘We only include the people that are being impacted,’ which is APHIS, the National Forest Service, the State of Montana, and the National Park Service. We asked for a place, a seat at that table to have a tribal representative there, and we’ve been consistently told there’s no impact.⁷⁵

The fact that no contemporary Indian reservations are contiguous with Yellowstone’s borders, allows Government officials to ignore the spiritual and physical connections between the buffalo and the buffalo nations.

Having been denied access to official management decisions, the tribes sought to influence the proposal through the submission of public comments. The bison Environmental Impact Statement generated more comments from the Native American community than any other EIS in history. Comments submitted by sovereign tribes, non-governmental organizations, and concerned citizens were given equal weight. A letter submitted by the National Congress of American Indians--an organization representing 315 tribes--was counted the same as a single comment submitted by an individual.

Tribal representation is shunned by so-called "land managers" who feel threatened by the presence, knowledge, understanding, and spiritual engagement of the tribes who know the buffalo best. The tribes are excluded because the power of their relationship with the buffalo undermines the hegemony of the official managers. "The buffalo and the Lakota," Rosalie says, "share a common history and an inseparable destiny." Until the dignity and sovereignty of America's original human inhabitants are respected, the slaughter and domestication of Yellowstone buffalo will continue.

In the end, the draft EIS--which outlined seven possible alternatives of bison management--didn't contain a single option that would stop the slaughter of Yellowstone buffalo. Rosalie considers the process redundant, likening it to the question, "Which way do you want us to kill the buffalo?"

To slaughter buffalo without consulting the people who know them best runs counter to common sense. The slaughter is a physical affront to the Plains tribes, whose concerns fall on deaf ears while the stockman's influence is felt on all levels of government. To the livestock industry, cattle represent an economic interest and way of life that are barely a hundred years old. To

the Plains tribes, buffalo represent the essence of a social, cultural, and spiritual identity going back at least ten thousand years. The tribes have been kept away from the table while the land managers, politicians, and ranchers dictate the fate of the Yellowstone buffalo.

Nineteenth century officials condoned the slaughter of millions of buffalo because they knew it would destroy the Indians' independence. Today's leaders are doing much the same. Because of their unique relationship with the buffalo, because they are legally considered sovereign nations, and because matters affecting the buffalo affect their communities, the Plains nations should have had representation on the team that drafted the management plan. The Yellowstone Ecosystem is the last refuge for the last herd of wild buffalo in America. Where else can the Plains tribes engage in their ancient spiritual and physical relationship with buffalo if not in and around Yellowstone?

Chapter 4

Cattle and Control: A History of Western Violence

The past is never dead. It is not even past.

--William Faulkner⁷⁶

I videotape the operation from the upper limbs of a lodgepole pine on the park side of Koelzer's fence. Five buffalo--a bull, a cow, and three calves--are in the trap. The bull and the cow are locked in two pens and the three calves share another. A DOL agent rides a bobcat tractor into the first pen and lunges at the bull, pushing him toward the long corridor on the far side of the pen. The bull runs from the machine through the open doorway and down the chute toward the back of the trap. A different agent reaches over the wall from his perch on a platform and prods the buffalo with a long stick as the tractor backs off. He pounds on the bull with the cattle prod, shouting "CHAO! CHAO!" as he jerks the animal through the trap. Each touch of the prod ignites an explosion of horn or hoof against steel.

The bull has nowhere to go. At the end of the narrowing chute he is confined by his desire to be free. The harder he pushes, the tighter his body is wedged. A steel door slams closed behind him, cutting off all chance of retreat. Pressed by hard steel from all sides, he moves the only way he can--up--and slams his head against a metal grate. Other agents work the hydraulic controls of a stockade-like clamp that closes around the buffalo's neck from each side and two thousand pounds of pure wildness heaves and thrusts against the trap's hydraulic jaws. The arm of one of the agents emerges from a small opening in the wall and plunges a syringe into the

buffalo's flesh. The bull is strong and determined, bucking and kicking until the tranquilizer hits his brain. After his final twitch the agents smile and congratulate one another, triumphant in their mastery over the bull's wild strength.

I've seen scenes like these more times than I care to remember. The agents' mistreatment of the bison sparks in me the urge to run out and interfere or to hurl hurtful words across the space between us. But my work requires control. No matter how hot the flare of anger, how deep the sadness, or how infuriating the frustration, I try to hold my composure. To act out of spite or insult the agents will only make it harder on the buffalo and erode our efforts to gain public support for their protection. Knowing this intellectually is one thing. Holding my tongue as I watch gloating men malign buffalo is another.

Winters with the buffalo provide a lesson in extremes. Peaceful days of basking in Yellowstone's winter beauty suddenly dissolve into fierce and ugly violence. When my patience is all but spent, the only hope of refuge is to remember days when the Department of Livestock agents are not around. I conjure quiet mornings and picture myself as calm and unconcerned with revenge as the buffalo, whose silhouettes in the sunrise resemble mountains against the sky. Quiet hours in their presence provide the balance to withstand disconcerting gun blasts, incessantly whining snowmobiles, and the all-pervading pounding of helicopter rotors. Without the calm days with buffalo I would crack under the strain of watching the destruction of one of the last remnants of true wildness left in the world.

The ancestors of today's Yellowstone bison once ranged from the eastern seaboard to Oregon and from northern Mexico and Florida to Great Slave Lake in northern Canada. The heart of their habitat was the American Great Plains, a grassland ecosystem extending from the Rocky Mountains east to the hundredth meridian and running from northern Alberta in Canada to southern Texas. Although no one will ever know exactly how many bison once inhabited North America, recent scientific estimates put the figure between twenty-five and thirty million animals.⁷⁷ In terms of biomass, North America's bison comprised the largest concentration of animals known to exist.⁷⁸ According to William Hornaday, a 19th century naturalist with a deep interest in bison:

It would have been as easy to count or to estimate the number of leaves in a forest as to calculate the number of buffaloes living at any given time during the history of the species previous to 1870.⁷⁹

The 19th century eradication of inestimable numbers of American buffalo is a story familiar to anyone who has taken a high school history course. Most people, however, received an oversimplified version of events. History books often portray the near-extinction as the sole result of a U.S. government policy to eradicate the buffalo and thereby defeat the Indian tribes who depended upon them for survival. While it may be true that the government pursued such a policy,⁸⁰ the disappearance of tens of millions of buffalo from the Great Plains was the result of a convergence of many forces. Central among them was the growth of the Euro-American market economy and the emergence of the livestock industry in the West.

The bison's first brush with the market economy came in the form of the fur-trade. A scarcity in beaver pelts, brought on by hundreds of years of market-driven trapping, shifted the burden of the fur trade to bison. By the

end of the 1850s, millions of bison were being killed annually to satisfy the demand for their robes and their numbers began to fall. According to F.F. Gerard, a Cree interpreter and trader who was employed with the American Fur Company in the mid 19th century, nearly a million and a half buffalo were killed for their robes in the upper Missouri region in 1857 alone.⁸¹

Romantic tales of buffalo hunts in the West increased the popularity of recreational hunts. Easterners and Europeans pined for robes of their own--as much for their romantic value as for their superior warmth. Grown to keep bison alive through some of North America's most severe winters, buffalo robes provide unparalleled warmth. They were the material of choice for covers on sleighs, wagons, and coaches and were used as blankets and tailored into winter coats.⁸²

The railroads connected the West with East Coast markets and played a watershed role in the bison's brush with extinction. Buffalo steaks provided a cheap and abundant food source for railroad workers. Companies hired hunters to shoot buffalo as food for their track-laying crews, instantly creating a new incentive to kill bison. William "Buffalo Bill" Cody earned his name and fame as a contractor with the Kansas Pacific Railroad as a buffalo hunter. He excelled in this line of work and bragged of killing 4,280 buffalo in an eighteen-month period.

While demand for buffalo robes and meat undoubtedly took a heavy toll on the bison, demand for their hides pushed them to the brink of extinction. The 1871 development of a means to convert raw hides into leather sealed the buffalo's fate. This industrial process revolutionized the buffalo hunter's work, removing the temporal limitations of hand tanning and making it possible to sell as many hides as the hunter could shoot and skin. Hides

could be stored and shipped raw as soon as they dried in the sun. Millions of buffalo were gunned down for the skin on their backs, their carcasses discarded and left to rot where they'd fallen.

East Coast mills rendered hides into armor, book bindings, and shock-absorbing springs for carts and wagons. Bison hides, unparalleled in strength and elasticity, were the material of choice for the drive-belts on the presses and machines powering the industrial revolution. Responding to the new demand, "buffalo runners"--as the hide hunters romantically called themselves--flocked to the plains.

Suddenly bound to the global economy, the buffalo were doomed. Where steamships had previously enabled tanned robes to be shipped, railroads made it possible to send vast quantities of untanned hides to the East Coast. Trains brought thousands of hunters to the plains and hauled millions of hides away.

Railroad advertising campaigns increased demand for robes in eastern markets and planted daydreams of adventure in the minds of well-to-do adventure-seekers and sportsmen from the East and from Europe. It became fashionable and patriotic for train passengers to blast buffalo from the roofs and windows of moving cars. One first-hand account describes a church-sponsored hunting expedition on which passengers assembled into a cornet band to play "Yankee Doodle" over the corpse of a bull buffalo they'd just gunned down.⁸³

The railroads cut an industrial swath across the buffalo's central range, physically dividing the plains. Increased hunting and human activity along the train corridors split the herd into northern and southern sub-herds. Both were quickly diminished and all but extinguished. By 1880 the entire

southern herd and all but a vestige of the northern herd were gone. The bison's demise ended the migratory ways of the horse-mounted Indian tribes and cleared the way for the rapid rise of livestock as a powerful industry in the West.

The presence of the livestock industry has had a profound impact on the buffalo and the plains ever since. One contemporary scholar describes the industry's initial impact on the buffalo:

There were probably no more than 3 or 4 million cattle in the West, mostly in Texas, in 1865 when the war ended. Two decades later, the figure was 26 million, along with nearly 20 million sheep. The diminished range resource, coupled with excessive hunting, drove out the buffalo, the main competitor for forage.⁸⁴

The railroads made it possible to raise cattle in the rural West and sell them in eastern markets. Before railroads arrived in the West, Texas had produced more livestock than any western state. Ranchers had built a local economy around the longhorn--a lithe breed of Spanish cattle gone semi-wild in the Southwest. Early Texas missions maintained longhorn herds, and escapees populated the Texas grasslands with cattle. Some were rounded up and domesticated and others were hunted for meat, but prior to the Civil War there was very little demand for Texas cattle outside the state.

The post Civil War economic boom created a new cattle economy in the West and stimulated the demand for beef. The growing middle and upper classes had a nearly insatiable appetite for beef, and the postwar economic boom gave them the purchasing power to appease it. With railroads reaching farther and farther west, ranchers began shipping livestock to eastern markets.

Millions of cattle, sometimes in herds exceeding 10,000, were driven north from Texas to the railroad depots. Between 1866 and 1884, more than

five million cattle were driven north from Texas.⁸⁵ Feed lots sprang up around the railroad stations as more and more ranchers discovered that their herds could be sustained on the northern range. In the coming years thousands of cattle were put to pasture on the public domain, devouring prime bison habitat. An article in an 1867 Kansas newspaper described the scene:

The entire country, east, west, and south of Salina down to the Arkansas River and Wichita is now filled with Texas cattle. There are not only cattle on a thousand hills but a thousand cattle on one hill and every hill. The bottoms are overflowing with them and the water courses with this great article of traffic. Perhaps not less than 200,000 of them are in the state, 60,000 of which are within a day's ride of Salina, and the cry is, 'Still they come.'⁸⁶

It is no coincidence that the 1870s, the bloodiest decade for the buffalo, saw an exponential rise in the number of cattle on the plains. Even without the slaughter, bison populations would have been hard-hit by the increasing numbers of cattle. The newly introduced ungulates infected bison with European diseases to which they had no previous exposure or immunity and degraded the grasslands on which they fed. Between 1874 and 1880, cattle numbers in Wyoming jumped from 90,000 to more than 500,000. By 1883 eastern Montana was also home to more than half a million cattle, which soon replaced buffalo as the dominant plains grazer.⁸⁷ In the words of Richard Dodge, a first-hand observer:

For every single buffalo that roamed the Plains in 1871 there are in 1881 not less than two, and more probably four or five, of the descendants of the long-horned cattle of Texas. The destroyers of the buffalo are followed by the preservers of the cattle."⁸⁸

During the 1870s more buffalo were shot than in any other decade in history. The three years from 1872 to 1874 were the worst. According to one

buffalo runner, who based his estimate on first-hand accounts and shipping records, at least four and a half million buffalo were slaughtered in the three years between 1872 and 1874.⁸⁹ By the end of the 1870s the buffalo were nearly gone. A chapter in history, tens of thousands of years in the unfolding, came to a sudden end.

Eradicating the buffalo helped to conquer the Indians and generated demand for beef in the process. Tribes self-sufficient for millennia were suddenly forced to subsist on government rations. Ironically, these handouts consisted largely of beef. In 1880 the U.S. Government delivered 39,160,729 pounds of beef from western ranches "to be delivered on the hoof at 34 Indian Agencies in ten western states."⁹⁰ To the early western livestock industry, these government contracts were a major boon.

Granville Stuart, a pioneering Montana rancher who profited from the bison's demise, described the wasteful bloodshed in 1880:

The bottoms are literally sprinkled with the carcasses of dead buffalo. In many places, they lie thick on the ground, fat and meat not yet spoiled, all murdered for their hides which are piled like cordwood all along the way.... Probably ten thousand buffalo have been killed in this vicinity this winter (1879-1880).⁹¹

General Nelson Miles predicted the rise of the livestock industry in 1876: "When we get rid of the Indians and buffalo, the cattle will fill this country."⁹² Francis Parkman saw it coming even earlier. In his preface to the 1872 edition of The Oregon Trail he wrote:

A time would come when those plains would be a grazing country, the buffalo give place to tame cattle, farmhouses be scattered along the watercourses, and wolves, bears, and Indians be numbered among the things that were.⁹³

Parkman was right. Cattle soon filled the buffalo's niche on the plains. A remnant bison herd avoided the fate of its kin by holing up in the Pelican

Valley, in the Yellowstone interior. The descendants of this herd continue to travel between the Pelican Valley and other areas within and around Yellowstone. They are the bison I spend my winters with, the ones I watch being shot and trapped each winter.

From my perch in the tree on the park boundary, I videotape as Department of Livestock agents push and prod five of these buffalo through the trap. They now have the female in the squeeze-chute. Like the bull before her, she pushes and pulls against the clamped steel-jaws. The panels of the trap rattle in their hinges, splintering the still morning air. After one very loud crash the agent controlling the squeeze-chute smiles and shouts, "She's a live one, ain't she?"

I hear a voice cry out, "Not for long, thanks to you!" and realize it is mine. The agents working the trap don't look up. Two Montana Highway Patrolmen walk out from behind the facility, scanning the trees through binoculars.

They come over and stand at the base of my tree. One of them says to the other, "Say, Jim, have you seen those tree-huggers lately?"

Jim answers, "No, but I smell 'em."

"Hey, tree-huggers," the first patrolman calls, "Why don't you come down and start looking for a job?" They both chuckle.

Such conversations are doomed from the start, and this one is no different. I shout down, "I'd rather hug a tree than you," then realize how petty it sounds.

Jim laughs and says, "That's not what your mother says."

I almost tell him, *My mother's dead, you asshole*, but bite my tongue instead, wishing I had kept my mouth shut from the start.

The sound of steel on steel sends chills through my bones as the trap groans in protest of its task. The buffalo is quaking now, out of place and distressed in the steel maze. Watching her tremble in the cage, I try to imagine how the squeeze chute must feel to a creature honed over centuries for life on the fenceless plains.

I stare down on the scene through the camera lens and pan to the police car on the far side of the trap. Painted on its door are the Montana Highway Patrol insignia and the numbers "3-7-77." The same cryptic insignia is emblazoned on the shoulder patches of the heckling officers. The numbers are a reference to Montana's early vigilantes, who etched the symbol as a warning onto the front doors of those whom they did not like.⁹⁴ Vigilantism was prevalent among Montana's early mining camps and later among ranchers. Granville Stuart, an early and influential rancher, was known to have organized vigilance committees.

To this day no one knows the meaning behind the mysterious numbers 3-7-77. Some think they signify the dimensions of a grave: three feet wide, seven feet long, and seventy-seven inches deep. Others say the numbers represented a period of time, three hours, seven minutes, and seventy-seven seconds, that the vigilantes gave potential victims to flee before killing them. Others, failing to account for the final pair of sevens, insist they were a reference to the three-dollar fare on the seven a.m. train from Helena to Butte. Whatever their meaning, the message was clear: *leave town or we'll take your life.*⁹⁵

Watching the officers on the ground, I wonder if they ever consider the significance of the numbers on their shoulder patches and police car doors. I look down at the policemen standing beside the cattle detectives and consider the long relationship between Montana cattlemen and the law.

The buffalo caged below is only the latest example in a cycle of violence originating with the western livestock industry. DOL employees assigned to the buffalo slaughter were given the power to arrest in 1998. Many of my friends and fellow workers have been arrested or detained by DOL agents. The agency responsible for protecting and promoting Montana's livestock industry is now entrusted to incarcerate citizens for alleged violation of laws having nothing to do with livestock.

Enforcement of general laws is a role long coveted by livestock producers. Granville Stuart, first President of the Board of Stock Commissioners, a precursor to the DOL, wrote of the importance of giving stock inspectors the power to make arrests for crimes unrelated to livestock in 1887:

The Stock Detectives have rendered material aid in the enforcement of the law and the capture and conviction of offenders, not only against the stock interests of Montana, but in the general enforcement of its criminal laws.⁹⁶

The wealthy ranchers who hired the stock detectives did not take kindly to small-scale homesteaders, who threatened their exclusive control of the land and their way of life. Under the General Homestead Act of 1862--designed to encourage settlement of the West by small family farmers--settlers could earn title to 160 acres if they could prove, over time, their ability to earn a living from it. These struggling homesteaders quickly found themselves victims of an undeclared war.

Cattle producers were vehemently opposed to homesteading, which broke their stranglehold on vast expanses of public land, excluded cattle from some of the most fertile and well-watered areas, and spelled an end to their monopoly of the West. To protect themselves against the homesteaders the ranchers made fraudulent claims under the Homestead Act, illegally securing the surrounding lands. Recruiting strangers and hiring ranch-hands to make claims was a preferred method of maintaining control over their public land empires. When this became impracticable, the ranchers resorted to more nefarious tactics.

The industry has a long history of lethally eradicating human and animal competitors in its crusade for control of the public domain. Cattle barons, accustomed to controlling vast expanses of public land, were threatened by the wave of homesteaders settling the West in the last decades of the 19th century. Understanding that the new homesteads would break their hegemonic hold on the landscape, the ranchers used their power to intimidate the competition. Many settlers were accused of rustling the ranchers' stock.⁹⁷ Many were killed without ever being formally charged, tried, or sentenced.

The tensions between homesteaders and ranchers were exacerbated in the wake of the winter of 1886-87, when thousands of range cattle across the plains starved to death during a winter of extreme cold and heavy snows. The "Big Die Up," as the winter has come to be called, put many of the early cattle barons out of business.⁹⁸ The few who survived the ordeal with the will to continue ranching resolved to defend their industry against any threats over which they could exert any level of control. The growing waves of settlers became targets of the cattle barons and livestock associations.⁹⁹

Homesteaders were shot, hanged, burned to death, or--for the lucky few--banished. In northern Wyoming a succession of such murders took place between 1889 and 1892. In July of 1889 a couple was lynched after filing for a homestead on land controlled by a wealthy rancher.¹⁰⁰ Two years later three other settlers who had been openly critical of ranchers' tactics were murdered in a campaign organized by stockgrowers.¹⁰¹

The violence culminated in the Johnson County Invasion of April 1892, when the leaders of the Wyoming Stockgrowers Association hired a militia to invade northern Wyoming and assassinate dozens of people on a list compiled by wealthy ranchers. The Association sought to make an example of the settlers and reverse the influx of settlers moving into northern Wyoming.

The Stockgrowers Association was the most powerful political organization in Wyoming at the time, with influence on Wyoming's governor and attorney general, a judge, both U.S. senators, and the president of the United States.¹⁰² Gunmen were hired on a five-dollar per diem, given guns from the state arsenal,¹⁰³ and offered fifty dollars for each confirmed kill.¹⁰⁴ More than \$100,000 (1892) was spent on the invasion.¹⁰⁵ The invaders carried a list with the names of 70 settlers and officials the Association wanted dead. Among the names were Buffalo's sheriff and mayor, the county commissioners, businessmen, a newspaper editor, and assorted settlers.¹⁰⁶

The invading army was comprised of fifty-two men, including nine members of the Executive Committee of the Wyoming Stockgrowers Association, deputy U.S. marshals, wealthy ranchers and managers, and 22 Texas mercenaries. Rumors of the invasion, which had been circulating northern Wyoming for months, were confirmed on April 5 when an

unusual six-car train was seen heading north from Cheyenne. The special train--including a Pullman car with blinds drawn, three cars full of horses, a flatcar carrying three Studebaker wagons, and a car for baggage, munitions, and equipment--was an unusual sight in the Cheyenne yards.¹⁰⁷

The invaders' first stop was the cabin of two supposed rustlers, which they surrounded in the night. One of the men was shot when he came out for water in the morning. The other, a skilled marksman named Nate Champion, held off the attackers for the better part of the day, and even found time to write in his journal as he did so. Here are his final words, written moments before he bolted through a window to his death:

Well, they have just got through shelling the house like hail. I heard them splitting wood. I guess they are going to fire the house to-night. I think I will make a break when night comes, if alive. Shooting again. I think they will fire the house this time. It's not night yet. The house is all fire. Good-bye, boys, if I never see you again.¹⁰⁸

Having accomplished the first two deaths on a list of seventy, the Stockgrowers' army made way for Buffalo, where they planned to blow up the courthouse and shoot settlers as they tried to flee.¹⁰⁹ Fortunately, word of the attack had already reached Buffalo, and 200 angry citizens quickly organized to defend themselves. The invaders, learning of this resistance, retreated, and holed up in a fortified ranch. The angry townspeople surrounded them and held them captive for two days, until the U.S. Cavalry arrived and the invaders surrendered. Although they were detained for a short time, the political influence of the Stockgrowers Association insured that none of the invaders was sentenced to jail.

Montana's ranching pioneers employed similar tactics. Granville Stuart organized a vigilance committee known as Stuart's Stranglers to lynch a gang

of suspected horse thieves. Stuart's vigilantes set fire to a cabin full of sleeping suspects early one July morning in 1884. Five people burned to death in the blaze. Four who managed to escape were later hunted down by the aptly named Stranglers and promptly lynched. Before the killing spree was over, at least 19 accused rustlers and the men who were unfortunate enough to be in their presence were killed. According to a contemporary of Stuart's, such killing of innocent bystanders was common at the time: "You run with horse thieves, them days, you hung with them."¹¹⁰

Such attacks were not isolated instances of individual cowboys seeking revenge on people who had spited them but organized attempts on the part of the prominent stock growers to maintain power and control. While all ranchers didn't participate in or even support such tactics, they were embraced by the livestock associations and overwhelmingly supported by the most powerful ranchers. One rancher, who lived in the area where the arson took place, said it was not carried out "by bands of lawless cowboys but was the result of a general understanding among all the large cattle ranges of Montana."¹¹¹ Granville Stuart was named President of the newly formed Montana Stockgrowers Association that same year.¹¹²

Homesteaders and "rustlers" were not the only victims. Fifty-three thousand sheep and dozens of sheepmen were slaughtered by western ranchers between 1880 and 1920 in a series of bloody conflicts known as the Cattle Sheep Wars.¹¹³ Cattlemen, unwilling to share the public range resource with sheepmen, resorted to violence to preserve the status quo. Sheepmen refusing the ranchers' warnings faced death threats and the prospect of having their flocks slaughtered. Sheepmen and shepherds were sometimes kidnapped, beat up, or killed while their flocks were shot, clubbed

to death, or stampeded over cliffs. This technique of "rim rocking," as the ranchers called it, was adapted from the buffalo jumps of the Plains Indians.¹¹⁴

The Bear Creek Raid of December 27, 1900 provides a good example of a rancher's typical response to the increasing number of sheep on the public domain. Northern Wyoming cattle rancher John Kendrick, who illegally laid claim to the valleys east of the Big Horn Mountains in Wyoming and Montana, was infuriated when Robert Selway, a sheepman, brought his flocks onto the public lands of southeastern Montana. Kendrick and his neighbor, George Brewster, organized a posse of local cowboys to carry out the dirty work. Riding to the sheep camp before dawn, the eleven men in the cattlemen's posse held the lone shepherd at gun point and proceeded to club the defenseless sheep to death. Before sunset the cowboys had slaughtered the entire herd of 3,000 animals without firing a single shot.¹¹⁵

The sheriff, himself a cattle rancher, found the bloody clubs but refused to investigate or prosecute anyone in the case. Instead, he mockingly assured Selway that he would arrest the first person who came in to claim one of the clubs. Although they were never charged, Kendrick and Brewster enjoyed a bit of local notoriety for their parts in the raid.¹¹⁶ Brewster used the resulting popularity to gain election to the Montana House of Representatives in 1905, 1907, and 1909 and to the presidency of the Montana Stockgrowers Association in 1911. Kendrick would go on to serve as President of the National Live Stock Association, governor of Wyoming, and U.S. Senator.¹¹⁷

This violent chain of events didn't die with the persecuted homesteaders or the slaughtered sheep. The livestock industry's use of intimidation and slaughter to eliminate predators and competitors has

continued to the present day. The 19th century cattle-baron sponsored killing of homesteaders and sheep has its modern counterpart in the killing of coyotes, wolves, lions, bears, wild horses, prairie dogs, and bison.

Understanding this uninterrupted history of violence is essential to understanding the present buffalo slaughter, the latest manifestation of the livestock industry's campaign to destroy perceived threats to its hold on the West.

Since the early days of the western territories, the industry has used its political clout to force the killing of predators. Western counties, largely controlled by stockmen, offered bounties on wild species the ranchers wanted killed. Wolves, coyotes, and mountain lions were early targets. Montana paid bounties on 81,000 wolves between 1883 and 1918.¹¹⁸ In 1915 Congress appropriated \$125,000 to the Department of Agriculture's Biological Survey for predator control. The agency used the money to hire 300 men to kill predators on public and private lands.¹¹⁹ From the ranchers' point of view, the program, which resulted in the near eradication of wolves from the western landscape, has been a success. For the rest of the American public and for the wild species themselves the program is a travesty. The establishment of a government-sponsored predator control program set a precedent that as one observer put it, "opened the door to using public funds to kill publicly owned animals on public lands for the economic gain of private stockmen."¹²⁰

Once opened, the door would never close. The Animal Damage Control Act of 1931 created the division of Animal Damage Control (ADC) and expanded the list of animals targeted for control. Bobcats, lions, prairie dogs, and other species "injurious to agriculture and animal husbandry" joined

coyotes and wolves as prime targets of government funded killers. The expanded list, no longer limited to predators, was the result of pressure from the ranching lobby.¹²¹

In 1940 the "coyote getter," a contraption designed to eject a deadly cloud of sodium cyanide into the mouth of the hungry animal attracted to the trap's scented wick, came into popular use. By the end of the decade an arsenal of dangerous chemicals had been deployed to indiscriminately poison wildlife across the West. Chief among them was Compound 1080 (sodium monofluoroacetate), a poison which causes failure in the immune and cardiovascular systems of mammals and birds.¹²² These and other chemicals were mixed with meat, tallow, feed pellets, and grain and scattered across the landscape. Between 1961 and 1970 more than seven million pieces of poisoned meat and tallow and nearly a million and a half pounds of poisoned grain were dropped from airplanes, trucks, and horses by ADC agents and cooperating agencies.¹²³

Due to the indiscriminate nature of poison bait and traps--and the vast expanses across which they were spread--approximate numbers of target and non-target species killed are impossible to ascertain. But numbers of confirmed kills in the 17 western states give an idea of the slaughter's magnitude. According to its own figures the ADC killed more than 809,000 animals in 1990 including 91,158 coyotes; 8,144 skunks; 9,363 beavers; 7,065 foxes; 5,933 raccoons; 1,083 porcupines; and 3,463 opossums.¹²⁴

One first-hand account, from a former ADC agent, paints a vivid picture of the magnitude of the slaughter on a local scale and of the attitudes of the ranchers behind it:

I killed so many coyotes I got ashamed of myself. I think I got 700 and some coyotes in three months. Of course next spring, I didn't notice any difference in the amount of telephone calls I got. It was the same old whine, "The coyotes are putting us out of business, the coyotes are eating us up."¹²⁵

Ranchers were seeing just as many coyotes because there *were* just as many; the killing was compensated by an increase in birth rates. Coyote packs are biologically wired to produce more offspring in the wake of traumatic events resulting in attrition.

The western livestock industry's long history of violence against competition is rooted in the fact that European cattle, demanding large quantities of water and food throughout the year, are not suited to survival in the arid western United States. Without taxpayer-funded subsidies like predator control, drought and fire relief, fencing, and below-cost grazing allotments, public lands ranching would be, at best, a money-losing pursuit. The industry-organized killing of homesteaders, sheep, wolves, and bison, are all industry attempts to create ideal conditions for cattle in an environment to which they do not belong. George Wuerthner, a prominent critic of public lands livestock grazing, explains the ranchers' predicament:

By growing domestic animals that demand large quantities of water and forage in a place that is dry, and by favoring slow-moving, heavy, and relatively defenseless livestock in terrain that is rugged, vast, and inhabited by native predators, ranchers have actually put themselves in a position of constant warfare with the land.¹²⁶

This state of perpetual warfare is reflected prominently in the cowboy ethos. Some 21st century cowboys are proud of their industry's violent heritage. Bob Peebles, former manager of the Boone and Crockett Club Ranch on Montana's Rocky Mountain Front, told a group of visiting graduate students in 2000, "We're a product of the raping era and we can thank our

lucky stars we are."¹²⁷ Other ranchers share Peebles' enthusiasm for their profession's violent past. In the summer of 2001 Nevada ranchers held a rally to protest the confiscation of cattle that they were illegally grazing on the public range. A prominent placard displayed at the protest made reference to the 19th century lynchings of accused cattle thieves. "Rustling is still a capital offense," it read.¹²⁸

Still others put pages from the past to practice, using death threats and intimidation to maintain the status quo. In 1990 Don Oman, District Ranger for Idaho's Sawtooth National Forest, sought to reverse ecological damage from years of overgrazing and announced a ten-percent reduction in the number of permitted cattle. Furious ranchers, acting through the Stockgrowers Association, lobbied Congress and Forest Service administrators to have Oman transferred from the district. When this failed, a millionaire rancher named Winslow Whitely reverted to death threats: "Either Oman is gone or he's going to have an accident," he said. "Myself and every other one of the permit holders would cut his throat if we could get him alone." When asked if he was making a threat on Oman's life Whitely responded, "Yes, it's intentional. If they don't move him out of this district, we will."¹²⁹

Whitely's death threats testify to the violent tendencies of an industry rigid in its resistance to change. Cattle producers, seeking to maximize profits, have been slow to read the ecological signs of overgrazing. Oman's attempt to reduce the number of cattle on grazing allotments within the Sawtooth came only after he documented first-hand the effects of too many cows: "deepening gullies, soil erosion, [and] dried-up creeks."¹³⁰ The ranchers' push to have Oman removed—and even the death threats he received—are typical. The political clout of the range cattle industry is strong enough to stifle

reform. The resulting overgrazing continues to denude vast expanses of the western landscape, fosters the spread of exotic species, reduces biodiversity, arrests natural succession, and diminishes the biomass and density of native plants and animals.¹³¹

In Montana and other western states the cowboy myth is stronger than the reality. Old West images of cowboys herding stock across Montana's open range obscure the fact that public lands ranching in Montana contributes less than one quarter of one percent of total U.S. beef production. Private lands in Maryland produce as much beef as Montana's BLM and Forest Service lands combined. It takes seventy-three times the land base to raise a cow in Montana as it does in Iowa.¹³² And Montana is not an anomaly; smaller eastern states, where rainfall is more abundant, support more livestock than their famous western counterparts. A cow can live for a year on two acres in the East; the same cow would require a hundred in the West. Florida, not exactly famous for its cattle industry, produces more beef cattle than the cowboy state of Wyoming. Louisiana produces twice as many cattle as Nevada.¹³³ Ranchers, struggling to make ends meet in the arid West, have long fallen to the temptation of stocking the public range with more cattle than it can sustain.

Millions of acres of publicly owned land have been overgrazed to the point where they can no longer support native flora or fauna. According to a 1991 report issued by the General Accounting Office, the investigative arm of the U.S. Congress, continued public lands grazing "risks long-term environmental damage while not generating revenues sufficient to provide for adequate management." The report concludes with a reference to a common argument used by ranchers in defense of their profession:

"according to the [ranch] operators, [an] important benefit they do receive is the ability to maintain a traditional ranching lifestyle they enjoy."¹³⁴

Enjoyable as it may be for its practitioners, the lifestyle is not self-sufficient. Taxpayers, rather than the ranchers themselves, bear the burden of supporting the ranching way of life.

Subsidized grazing permits give ranchers control of hundreds of millions of acres of federal land for the artificially low fee of \$1.35 a month for each cow and calf. In the West this amounts to a little more than ten percent of the \$11.10 average charged on private lands.¹³⁵ Nearly 80 percent of the land under Bureau of Land Management (BLM) and Forest Service management is grazed. Half of our designated wilderness areas are stocked with cattle. Overall, some 307 million acres of public land in the 16 western states are leased to ranchers at a fraction of their market value.¹³⁶ According a recent study conducted by Robert Nelson, professor of Environmental Policy at the University of Maryland's School of Public Affairs, the BLM's grazing program cost \$200 million to administer in 1993. During the same year the program generated just \$20 million in revenues.¹³⁷ In other words, taxpayers pay ten times as much to support the grazing program through taxes as ranchers do through grazing fees.

Despite the assistance they receive in the form of subsidies, predator control, and other programs, ranchers have an uneasy relationship with the federal government. In Centennial, his historical novel on cattle ranching in the American West, James Michener describes the irony of the cattleman's attitude toward the federal government:

All he wanted from Washington was free use of public lands, high tariff on any meat coming from Australia and Argentina, the building and maintenance of public roads, the control of predators, the

provision of free education, a good mail service with free delivery to the ranch gate, and a strong sheriff's department to arrest anyone who might think of intruding on the land. "I want no interference from the government," the rancher proclaimed, and he meant it.¹³⁸

The financial and ecological burdens of the Yellowstone buffalo slaughter, like public lands grazing in general, rest on the backs of all taxpayers while a relative few livestock producers reap the benefits. The Horse Butte grazing allotment, near West Yellowstone Montana, is a case in point. The Horse Butte allotment supports just 142 cow-calf pairs and brings the treasury less than \$800 a year. Yet the current bison management plan, developed at the urging of Montana's livestock industry, is expected to cost taxpayers nearly three million dollars a year, much of which will be funded by the federal government.¹³⁹ This doesn't account for the tremendous ecological costs of the DOL's bison haze, capture, and slaughter operations.

Since 1998, the Horse Butte Peninsula has been the epicenter of the DOL's war on Yellowstone bison. The peninsula, located just a few miles from the western edge of Yellowstone National Park, provides crucial habitat to most of the park's native species. Bison, wolves, grizzly and black bears, deer, elk, moose, golden and bald eagles, white pelicans, trumpeter swans, sandhill cranes, and great blue herons are some of the more charismatic species who make their home in the area.

Department of Livestock operations, whether they involve hazing, capturing or shooting bison, take a heavy toll on all species. From late fall to early spring agents patrol this sensitive habitat in search of any bison outside the park. Shooting cracker-rounds (explosive charges fired from shotguns), agents tirelessly pursue, capture, and slaughter bison. Between the deafening

bursts of these explosive charges and the nerve-quaking noise of their machines, the agents disturb virtually every species in the ecosystem.

Because there are three known bald eagle nests on Horse Butte much of the area is officially closed to human activity as legislated under the Endangered Species Act (ESA). Livestock agents consistently ignore the closure, flying the helicopters over the restricted zones and entering on the ground. Although the Buffalo Field Campaign has presented the Forest Service with evidence of the eagle closure violations, including video footage and signed affidavits, the agency has never issued more than a verbal warning to the DOL. As a result, citizens were forced to file a costly lawsuit in federal court.

Ranchers have been some of the most vocal foes of the Endangered Species Act since its passage in 1973. They commonly argue that the act constitutes a “taking” of property, since it can restrict the activities in which a landowner may engage. While the industry argues broadly in favor of property rights, its motives are more narrowly focused. Jerry Jones, a spokesman for the Montana Stockgrowers Association, identifies the erosion of “private property rights” as “one of the major challenges to the beef industry.” He and other representatives of the association identify the Endangered Species Act as a major infringement on the rights of ranchers.¹⁴⁰

The industry’s respect for property rights doesn’t extend beyond the ranch gate. After watching DOL agents shoot bison in their yards and neighborhoods, many landowners on the Horse Butte Peninsula refused agents permission to enter their property. The DOL’s former staff attorney, in a letter to the Montana State Veterinarian, advised that the department and the livestock industry should pursue lawsuits against such property owners:

It has come to my attention that there were individual landowners who refused our agents access to their lands...For those individuals I would suggest that... a charge of violation of the statutes... might be proper. This is a civil penalty and...could prove extremely expensive to that person. [Additionally,] there is the possibility of a class action against those landowners by the livestock industry. I assure you that there are attorneys who would welcome that type of case so long as you understand it only takes a preponderance of the evidence and not proof beyond a reasonable doubt.¹⁴¹

The letter carries echoes of the industry's 19th century tactics and betrays hypocrisy in the agency's attitude toward property rights. It also contains less than sound legal advice. The statutes cited do not, in fact, permit DOL agents to enter private property in pursuit of buffalo. While the law does provide them with the right to "enter anywhere where there may be found [disease-infected] livestock," it does not authorize agents to enter private land to manage buffalo and other wild species.¹⁴²

The DOL's track record attests to this difficulty in distinguishing wild buffalo from livestock. The agents who manage the Yellowstone buffalo in Montana receive no formal training in wildlife biology or management. Wild buffalo are routinely rounded up by Stetsoned cowboys, corralled in cattle pens, and slaughtered in industrial slaughterhouses designed for livestock. On the Montana side of the park border these attitudes translate into buffalo being killed while other wild species like moose, deer, and elk—also known to carry brucellosis—are allowed to enter Montana freely.

The boundary, a straight line drawn across the landscape, is the livestock industry's line in the sand. While the 19th century slaughter was driven by fears of the pre-cattle West, the current slaughter is driven by fears of a West after cattle. Knowing that buffalo would naturally re-inhabit their former range outside the park if they were allowed to, the industry insists that they be killed when they cross the line and enter Montana.

The words of Representative Omar Conger, spoken on the floor of the U.S. House of Representatives more than a hundred and twenty years ago, reflect an attitude toward bison still popular within the livestock industry:

They eat the grass. They trample upon the plains upon which our settlers desire to herd their cattle and their sheep. There is no mistake about that. They range over the very pastures where the settlers keep their herds of cattle. They destroy the pasture.¹⁴³

Buffalo, as they were in the 1870s, are seen as an obstacle to be overcome and as an impediment to progress. They do not respect barbed wire or allow themselves to be domesticated. With the Yellowstone herd threatening to re-establish itself on public lands surrounding the park, lands officially designated as "wildlife habitat," the livestock industry has become alarmed. Conditioned to believe that grass grows on the western landscape for the sole purpose of fattening cattle, the industry considers it unacceptable and backward for

buffalo to reclaim any of their former range outside the park. Buffalo are the ultimate symbol of the truly wild nature of our continent's past and the rich potential for its future. It is precisely this potential, and the fear it inspires in the livestock industry, that fuels the needless bloodshed.

Chapter 5

Direct Action

It is not desirable to cultivate a respect for the law, so much as for the right. The only obligation which I have a right to assume is to do at any time what I think right. Law never made men a whit more just; and, by means of their respect for it, even the well-disposed are daily made the agents of injustice.

--Henry David Thoreau¹⁴⁴

I pressed my back into the swaying trunk and braced myself through the strong gusts. Charlie lay on the dirt floor of the Horse Butte trap, locked to the base of the swinging doors between the outer corral and the holding pens. The lone security guard didn't see him climb the rim of the bluff with the lock-box, slip through the horizontal bars, and secure himself to the trap. I was in a tree on the opposite end of the capture facility, doing my best to hold on through the wind and keep Charlie centered in the camera's field of vision. My brother had put his body between the buffalo and their capture and my video footage would be his primary protection.

Charlie's decision to go in was cemented when we received a radio call from the Madison patrol, who said the DOL had just started hazing fourteen buffalo toward the trap. Charlie, Mike, and I--on the Horse Butte morning patrol--were surprised by the news. The operation blatantly violated the Forest Service permit regulating DOL operations on Horse Butte. These regulations limit bison hazing operations near the Madison River to the

hours between 10 a.m. and 3 p.m., when eagles are less likely to be foraging. Although we were used to the DOL's disregard for environmental laws, this was the first time we'd seen them break this particular one.

Under different circumstances I would have called it a beautiful morning. We had watched the sun rise above the Yellowstone Plateau, spilling pink ripples across the snowy ridges of the Gallatin Range. The brightening day lent the sky a deep violet-blue, a color I have only seen above the Rockies. A small group of buffalo mothers, yearling calves, and one bright yellow newborn calf grazed two hundred yards to the east of the trap. I knew of another hundred or so in scattered bands along the six-mile stretch of the Madison bluffs between Horse Butte and the Yellowstone boundary. The magic of the morning was marred by my knowledge of what I was about to see. In the next few hours I would watch county, state, and federal agents haul my brother off to jail and herd untold numbers of buffalo into the trap.

Even with the camera zoomed in tight I could only make out the lock-box and the bottom half of Charlie's legs. He was on his stomach, arms extended beyond his head into the lock-box, which he had positioned around the vertical post supporting the massive steel doorframe. Lock-boxes are composed of two sixteen-inch lengths of four-inch pipe welded together at an angle to form a "V." Before sneaking into the trap Charlie had fastened chains around his wrists. After positioning the lock-box around the post, he slid his arms into its open ends. With his forearms buried up to his elbows in the pipes he clipped the chains to a post welded to the apex of the lock-box. As

long as the device remained intact Charlie's arms couldn't be pried out unless he voluntarily unclipped his wrists.

"How's he doing?" Mike shouted up from the ground. I could see Charlie's lower legs, bending at the knees, moving in a steady up and down rhythm that reminded me of his guitar playing, sure and steady.

"He's alright," I yelled down.

In the two weeks prior to his lock-down Charlie had witnessed the capture of fifty-four buffalo and had seen twenty-eight shipped to slaughter. He had been on Horse Butte patrol to document the release of thirteen buffalo and told the group at our nightly meeting how one of them could barely walk and another dripped a trail of blood from a gore wound it had received while confined in the trap. He asked me if it was common for buffalo to be injured in the trap and I showed him video footage of two buffalo that died hours after being released by the DOL. I showed him a report in which a meat inspector describes the condition of buffalo being slaughtered for the DOL: "One bull buffalo was beat up and gored so [badly] that I had to remove one right leg and both sides of ribs--also had to trim a lot."

These experiences had influenced Charlie's decision to lock-down. Although he had reached this decision on his own after days of careful reflection, I couldn't help feeling responsible for my seventeen-year-old brother's safety. My video camera was Charlie's only protection from abuse at the hands of the law enforcement officers (LEO's) who would be called to remove and arrest him.

If Charlie was scared, he didn't show it. I was shaking. A few weeks earlier a volunteer named Joe had locked down to the trap to disrupt a capture operation. Unlike Charlie, Joe had locked himself inside, where he couldn't be seen and his treatment couldn't be recorded. A gung-ho security guard in his twenties had discovered him near the squeeze chute and promptly greeted him with kicks to the ribs, legs, and stomach. Although Joe filed a complaint with the Sheriff's office, no action was ever taken against the guard.

When a different security guard--in his fifties and walking with a pronounced limp--discovered Charlie he didn't kick or prod him but used his cell phone instead. After calling the DOL, he paced the distance between his car and the trap several times, glancing nervously from me to my brother. I couldn't help but feel sorry for the man, hired by Argus Security and contracted out to the DOL. How many hours had he spent sitting in his car, bored, imagining shifting shapes and shadows and wishing for some action? When his chance finally came he had missed it altogether; allowing Charlie to stroll unimpeded into the trap and bring a hazing operation to a standstill. From the way the security guard slumped his shoulders and nervously shifted his gaze, I knew he must be thinking about losing his job.

When the DOL finally arrived, fresh from their abandoned capture operation, they came in force--leading a caravan of ten trucks. The convoy included a trailer full of horses, one loaded with six ATV's, one with four snowmobiles, and another carrying a generator and a cutting torch.

Accompanying the agents was the usual assortment of rangers, wardens, and LEO's representing the Montana Highway Patrol; the Gallatin County Sheriff's Department; the Montana Department of Fish, Wildlife and Parks; the Park Service and the Forest Service.

Two Forest Service LEO's got out of their trucks and immediately approached the base of my tree. Mike, who had been on the ground tending a campfire all morning, was ordered to leave the area and stand at the cattle guard, several hundred yards to the east. He was warned he'd be arrested if he didn't comply. As he put the fire out and started walking toward the cattle guard, they ordered me out of the tree.

"I'm not coming down," I told them. "That's my brother in there and I'm not leaving him." The LEO's walked over to the trap and conferred with a DOL agent.

A few minutes later they were back at the base of the tree. "We're going to let you stay," they said, "you just have to promise that you won't disrupt the operation."

"I'm here to shoot video," I told them, "and to support my brother."

"If you come down before the operation is over you'll be arrested. This is your warning. Understood?"

"Understood," I shouted down. They walked back to their truck, climbed in, and turned it around so they could watch me through the windshield.

The DOL agents and the other LEO's went to work extracting Charlie. After opening the gates to the outer corral they backed the trailer with the

generator and torch to within ten feet of him. The sound of the generator drowned out their voices and the bodies of a dozen men blocked my view as they huddled around Charlie and went to work. I'm not sure why they fired up the generator. Charlie thinks it was to unnerve him; he says they didn't use it to cut the lock-box, opting instead for a mechanical pipe-cutter. It could have been to prevent me from recording their conversation as they tried to persuade my brother into unlocking.

They told him they'd have to cut the trap, and that he'd be responsible for thousands of dollars in damages. They told him he'd "go to jail for a long time" and that if he'd just unlock, his punishment would be less severe. He didn't unlock. After about an hour they had severed the lock box, handcuffed my brother, and led him to the back of the Sheriff's SUV.

"We're proud of you Charlie!" I shouted as Rob Burns, the deputy sheriff, put him in the back of the car. As I videotaped the car disappearing down the road, I noticed that the small buffalo herd that had been standing near the trap had wandered north and was grazing inside the eagle closure. As long as they stayed in there, they'd be safe. While the early morning capture attempt had illustrated the DOL's disregard for environmental regulations, I knew they didn't want to strengthen our legal case with another violation of the eagle closure.

In 1998 and again in 2000, we documented DOL operations that were in clear violation of the Endangered Species Act. On both occasions we videotaped as the agency flew its helicopter inside a Forest Service closure

established under the ESA to protect nesting eagles on Horse Butte. The DOL was never issued more than a verbal warning for these violations, which have been taken seriously by neither the Forest Service nor the courts. In the same time period dozens of bison advocates were arrested as they attempted to point out inconsistencies in the law and hold the agencies accountable for their part in the buffalo slaughter.

Since promising the judge that they wouldn't violate the closure again, the DOL had stuck to their word. With me in the tree and other video cameras at the cattle guard, a violation might have resulted in the revocation of the DOL's permit to haze and capture buffalo on Horse Butte.

Once Charlie was out of the way, the agents regrouped. After saddling their horses and backing their four-wheelers and snowmobiles off the trailers, they rode away to resume their capture operation along the Madison bluffs. The two Forest Service LEO's drove over and parked by the cattle guard, where Mike and a half-dozen other volunteers stood waiting. I hung the camera from a nearby branch, rested against another, closed my eyes, and took a deep breath.

I knew it would be hours before the armada of agents reappeared, hounding a herd of frightened bison, and I tried to prepare myself. The day's events marked the fifteenth killing operation of the winter. The act of witnessing capture operations doesn't get easier with experience. Watching the last wild buffalo being ripped by the hundreds from the roots of their ancestral lands and trucked to an industrial slaughterhouse is an experience I

will never forget. Buffalo are such beautiful, spiritual beings; their treatment by the DOL is the most horrendous human behavior I have seen. Horrible scenes of buffalo in the trap haunt my nightmares.

Trying to clear my head of slaughter thoughts, I scrambled over to the other side of the tree for a view of the small herd. Eight buffalo stood well within the bounds of the eagle closure. The calf was among the first newborns of the year, and I watched her intently, hoping that this small herd would remain in the closure for the rest of the day and somehow survive through spring. Shaky on her lanky legs, she stuck close to her mother, standing between the massive back legs and arching her neck to nurse. The wonder of this new life and the hope such a sight should engender were eclipsed by my sadness at the immediate situation. While this small herd would likely escape the day's capture, thanks to the delay caused by Charlie's lock-down, its future prospects weren't as hopeful.

The thought was punctuated by the whine of a distant snowmobile. I looked up just as a jumble of at least thirty buffalo burst from a line of trees a mile down the bluffs. Half a moment later the agents appeared, revving their engines and shouting at the frightened animals. The horse-mounted agents came next, cantering along in the buffalo's tracks, apparently enjoying this modern-day cowboy adventure.

Without warning, like the top of a wave peeling away in a heavy offshore wind, a sliver of the herd broke off from the rest and circled back, eluding the agents and disappearing into a thick stand of trees. Sticking with

the eighteen remaining animals, the pursuing agents were relentless and their actions unconscionable. Anticipating the barbed wire fence that runs perpendicular to the bluffs, the herd cut to the right, toward a gap in the fence by the road. As the buffalo made for the opening in the fence, one of the Forest Service policemen turned them around with a quick and piercing horn blast.

Trapped between the sharp sound waves and the hounding agents, the buffalo bolted through the barbed wire fence, ripping whole sections of wire from the posts and tearing chunks of their flesh in the process. Once through the fence the operation proceeded along the road toward the trap. The buffalo hung their tongues as they trudged past me, exhausted from the seven-mile run. They followed the road to its end in the capture facility's outer corral, and an agent swung the gate shut behind them.

The captive herd rushed through the trap's main corridor, trampling the ground where Charlie had been locked only an hour before. Buffalo rushed from one end of the trap to the other, back and forth in a frantic search for daylight. They flowed in a single mass, like a sped-up tide, through the maze of pens. I cringed each time the walls bowed out, knowing the animals were goring one another as they crammed their way around corners.

The captors weren't content with eighteen buffalo. As soon as the main gate was latched the agents set out to recover the escapees, and I found myself alone with the security guard. The next twenty minutes were excruciating. I couldn't decide whether to hold my post in the tree or climb down and try to

liberate the buffalo from the trap. I was fairly certain the Forest Service agents were watching me from the cattle guard, but I couldn't be sure. I looked from the trapped buffalo to the door that held them in, wondering if the agents had locked it. I knew I could get to the door before anyone could get to me, but if it was locked my action would only accomplish a quick trip to jail. If it was open, I might be able to set them free. But with so many agents in the area, how long would their freedom last? Maybe they'd join the small herd in the closure. Failing or succeeding, I'd end up in jail, and the police would confiscate the camera and all of the day's footage. I knew that most of the trapped buffalo would end up dead and that if they had any chance it was with me. But it didn't feel right. I debated with myself until the agents reappeared, then admonished myself for missing the chance. When I saw the agents bound for the trap with seven more buffalo, I wanted to cry. "I'm sorry. I'm so sorry," I told the ones in the trap, as if I alone had engineered their present hell.

With twenty-five buffalo in the trap the agents gathered to tell stories and share laughs over the day's adventures. While I couldn't make out their words, I could see their smiles and hear their laughter as they recounted events. One of the park rangers kept looking up at me, and I knew my videotaping made him uneasy. He didn't want to be recorded in the company of the buffalo killers; perhaps I reminded him that he was helping slaughter buffalo that he should be protecting. I stayed in the tree until the buffalo had been loaded onto trucks and shipped to the Duck Creek trap, where they

would spend their last night on earth. I climbed down after the final trailer pulled away, and I walked toward the cattle guard.

I was surprised to see Charlie standing with the others, and as I walked toward him I started to sob. It had been a long time since I'd cried for the buffalo; I had developed other ways of grieving. But the morning had been particularly difficult. Charlie had put his body on the line to save buffalo. I wanted to tell him how much I admired his courage and that his action had been effective. The herd in the eagle closure could attest to that. With tears on my face and so many thoughts in my head, I hugged my brother. "Thank you Charlie," I told him. "Thank you for doing that."

My friends filled me in on events I had missed from the tree. Charlie was driven to town, cited for obstructing a government operation and trespassing, then released. Because he was a minor at the time (he would turn eighteen two weeks later) they couldn't hold him in jail. Another volunteer, Nick "Cookie" Cook, was arrested by the Forest Service LEO's at the cattle guard. After watching the buffalo tear themselves up in the fence, Cookie had turned to the officer who blew the air horn and shouted, "Why did you do that? Why did you push them through the fence?"

The officer, perhaps feeling a tinge of guilt for the buffalo injured in the fence, wasn't open to critique. He walked into the crowd of people gathered at the cattle guard, grabbed Cookie by the arm, and told him he was under arrest. When Cookie asked why, the officer said only "obstruction." Cookie had been standing with the other volunteers and, like them, had obeyed every

order given by the LEO's. He hadn't attempted to disrupt the capture operation or interfere in any way. His only crime had been to question the actions of a public employee engaged in managing wildlife on public land. Cookie was transported 250 miles to the federal jail in Missoula where he would be held until his arraignment the following day.

We sat on the sage flats talking about the things we'd just seen, shocked by the sudden peace and silence that seemed incongruous with the morning's events. The herd in the closure came down from the butte and stood in the road for a while. I wondered if they could smell the fear of their brothers, sisters, and cousins who had just been captured.

I stood and walked over to the torn-up fence, finding tufts of hair and small bloody chunks of hide tangled in the strands of barbed wire and lying on the ground nearby. I pictured the twenty-five buffalo in the livestock trailers being unloaded at Duck Creek. Given the winter's statistics (of the 119 bison captured, fifty-three had been released after testing negative for brucellosis antibodies), I was hopeful that at least some of the captive bison might be released.

My hope was unfounded, and the next two days were worse than I'd imagined possible. After transporting the buffalo to Duck Creek, the agents captured ten more buffalo there, bringing the day's total to thirty-five. At least one buffalo was shot after suffering a broken leg in confinement and another gave birth in the Duck Creek trap. In their press release the DOL praised themselves for releasing the newborn calf and its mother. But

somehow the DOL released the wrong cow and she quickly abandoned the small calf. Even after its mother had been shipped to slaughter with the rest of the herd, the small calf wouldn't leave the side of the trap. Each time a DOL agent carried it to the park, the calf just turned around and headed back in a desperate search for its mother. Orphaned on its first day of life, the tiny buffalo stood little chance of survival.

Of the thirty-five buffalo captured that day, the DOL killed thirty-four. Only the cow and new calf were released. The day's operation marked a turning point in DOL policy. For the rest of the spring all captured buffalo would be sent to slaughter without being tested for brucellosis. In the two weeks following the capture operation Charlie attempted to disrupt, 108 bison were captured. With the exception of seven that were captured, tested, tagged and released earlier in the winter, all were sent to slaughter without testing. Neither the Forest Service nor the Park Service protested the DOL's decision to kill untested bison. The park's public relations spokesperson, Marsha Karle, deflecting criticism of the park's involvement in the killing, said, "It's part of the plan that's been agreed to by all parties. That's just the way it is. It's an action that was consistent with the plan."¹⁴⁵

Since its signing in December of 2000 the *Interagency Bison Management Plan*¹⁴⁶ has been a favorite scapegoat of Yellowstone officials seeking to deflect blame for park involvement in the buffalo slaughter. When Park Service personnel are criticized for participating in the slaughter, arresting protesters,

or acquiescing to the DOL's decision to kill buffalo without testing them, their typical response is to blame the plan. This strategy belies the fact that the Park Service was a lead agency on the plan's development and ultimately agreed to all of its management provisions.

The plan pays no respect to the Yellowstone buffalo's significance as a singularly wild, genetically distinct population. While most of the 300,000 living bison possess cattle genes, the Yellowstone herd does not. Scientists believe that less than 15,000 genetically pure bison remain in the world. According to recent studies encompassing 150 private herds and virtually every public herd, Yellowstone is home to the largest single population of genetically pure bison remaining.¹⁴⁷ "The random shooting at the Montana border," another scientist warned, is causing "an irreversible crippling of the gene pool."¹⁴⁸ The plan gives lip service to the importance of the herd but does nothing to protect its cultural, historical, or genetic importance.

The result of ten years of legal wrangling between the federal government and the State of Montana, the bison management plan is more the result of politics than science. Work on the plan began in 1990 and lurched along slowly as the so-called "cooperating" agencies squabbled at every turn. The Park Service and the Department of Livestock, agencies with radically different mandates, had trouble agreeing on anything. It took more than seven years just to draft the plan's stated objectives, a vaguely worded marriage of principles that reflect the agencies' differing viewpoints:

The purpose of the proposed interagency action is to maintain a wild, free-ranging population of bison and address the risk of brucellosis transmission to protect the economic interest and viability of the livestock industry in the state of Montana.

The agencies continued to work out the details of the final plan until 1999, when federal officials, concerned that the state was unnecessarily committed to slaughtering bison, pulled out of the negotiations. Patrick Collins, a spokesman with the federal Animal and Plant Health Inspection Service (APHIS) said at the time, "We don't feel there's a need to kill every bison that comes out of the park."¹⁴⁹ A judge overseeing the process ordered the state and federal governments to keep working and eventually an agreement was reached and the plan was signed in December of 2000.

Implementation of the plan will cost taxpayers an average of nearly three million dollars a year until 2015. One example of the plan's disrespect for the wild qualities that make the Yellowstone herd unique is the provision for the insertion of vaginal telemetry devices and radio collars in all captured pregnant bison. The transmitters are designed to be expelled when the buffalo give birth, allowing management agencies to test the birth sites for brucella, the bacterium that causes brucellosis. If the bacteria are present, the buffalo cow and its newborn calf are tracked down and shot.

The plan mandates that captured buffalo be blood tested for brucellosis antibodies. Those possessing antibodies are slaughtered. Because the test only determines the presence of antibodies and not the disease itself, perfectly healthy bison with no chance of transmitting brucellosis will continue to be

slaughtered. This is like killing everyone who has been immunized to polio in an attempt to eradicate the disease.

A tissue culture test, performed after slaughter, determines actual infection. Park Service biologist Mary Meagher and Professor Mary Meyer, two of the world's leading experts on bison and brucellosis, wrote:

Although more than 50% of Yellowstone's bison test positive for *Brucella* antibodies through blood tests, tissue culture tests--ordinarily viewed as a more reliable testing protocol for identifying active infection--indicate a much lower infection rate.¹⁵⁰

Tests conducted by APHIS confirm the shortcomings of the blood test. Of 144 bison that were shot or sent to slaughter between January 1997 and April 1999 based on blood test results, only twenty-six culture-tested positive. Eighty-two percent of the slaughtered bison (118 individuals) showed no trace of brucellosis.¹⁵¹ Management agencies abandoned culture tests during the winter of 2001-2002, making it impossible for critics to ascertain the number of brucellosis-negative bison being slaughtered.

In addition to the existing traps at Horse Butte, Duck Creek, and one inside the park at Stephens Creek, the plan calls for the construction of new traps and quarantine facilities--large holding pens where bison testing negative will be confined for up to four years.

The plan places an arbitrary population cap of 3,000 animals on the herd. This provision was cited by the DOL during the spring of 2002 when the agency slaughtered 135 bison without testing. While Park Service officials acknowledge that the cap was politically rather than ecologically derived, they

nonetheless agreed to it. The park hasn't always acquiesced so readily to the whims of the livestock industry. In the year of negotiations leading up to the signing of the plan, park officials were openly critical of DOL actions. Mike Finley, Yellowstone Superintendent from 1994 to 2001, had strong words for the DOL during the winter of 2000:

Some poor bull bison steps outside and crosses this imaginary line looking for a blade of grass, and then someone either shoots him or drives around on a snowmobile and says, 'We're just protecting the cattle industry.' That doesn't sell. That doesn't sell anywhere.

During the winter of 1996-1997 park rangers showed their disdain for Park Service participation in the slaughter by wearing black armbands. Ranger Tom Mazzarisi condemned the livestock industry and complacent Park Service personnel in the August 21, 1998 issue of the *Yellowstone Net* Newsletter:

Do not allow the livestock industry to have control of our nation's wildlife, because our wildlife will be treated like cattle, as is the case with buffalo right now. It is our duty as American citizens and those who earn their livings providing visitors with Yellowstone memories to support the buffalo. It is unconscionable and hypocritical to hear of those who favor and participate in the slaughter of buffalo and at the same time take millions of dollars from visitors.¹⁵¹

Mazzarisi's views are more in keeping with the park's original mandate than with the views of the current managers. Whereas Marsha Karle and the park rangers who assist the DOL are being paid to support the politically motivated decisions of their superiors and defend the livestock industry-induced slaughter, early park managers acted out of a sense of what was right for the park and its geological and biological features. The present bison management plan contrasts with the original legislation creating Yellowstone

National Park that provides that wildlife should not be “wantonly destroyed” nor subject to “capture and destruction for the purposes of merchandise or profit.”

Early park rangers and administrators, recognizing Yellowstone’s unique role as the last harbor of wild bison in the country, went to great lengths to protect bison from the poachers who killed them. The selfless diligence of Acting Superintendent George Anderson and backcountry scout Felix Burgess in February of 1894 led to the capture of a notorious poacher and spurred one of the most significant pieces of legislation in park history. Without these early advocates, wild American buffalo would likely have died with the nineteenth century.

Poacher Edgar Howell had set up camp in Yellowstone’s remote Pelican Valley during the fall and winter of 1893-94, and was engaged in killing some of the park’s last remaining buffalo. Howell had snow-shoed into the park’s interior from Cooke City in September, hauling a hundred and eighty-pound supply sled and had made his home in the park for the winter. Planning on selling the increasingly rare heads to collectors, his enterprise was foiled when Burgess, on a winter ski patrol funded from Anderson’s personal savings, captured him in the act of slaughtering five buffalo.

Burgess, suffering frostbite that would result in the amputation of his big toe, made a stealthy and daring approach across an open snowfield to get within pistol-range of Howell and his dog, neither of whom detected him. The poacher surrendered and was escorted to the town of Mammoth on an excruciatingly long and bitter February ski across some of the coldest and least hospitable terrain in the country. At the time there was no enforceable law

against poaching in Yellowstone; all the scouts could do was escort Howell to the park boundary.

Fortuitously, a reporter from *Field and Stream* happened to be visiting the park at the time of Howell's apprehension. Emerson Hough met Howell and his captors as they made their way through the park, interviewed the involved parties, and wrote a story that he rushed to his publisher, George Bird Grinnell in New York. The story generated such public outcry against poaching that legislation "to protect the birds and animals in Yellowstone National Park" was soon enacted. The Lacey Act of May 1894 finally gave park managers the legal and jurisdictional authority to prosecute poachers, allowing the bison to survive into the twentieth century.¹⁵³

The Park Service's present-day involvement in the capture and slaughter of buffalo is inconsistent with Yellowstone's enacting legislation and jeopardizes the achievements of the park's 19th century defenders. Where park personnel once were charged with apprehending bison killers, today they are more likely to be found arresting citizens for performing acts of civil disobedience aimed at protecting the buffalo.

This new role, in which rangers who joined the Park Service to protect wildlife find themselves helping to kill bison, makes many of them uneasy. There is one ranger who volunteers with the BFC--risking his job in the process--whenever he has a few days off. I have spoken with other rangers who say they are thankful for our work and uncomfortable with the buffalo-related aspects of their own. Before the plan was signed, some of these rangers would help us walk buffalo to safe areas to prevent their capture at the hands of the DOL.

But with the new plan in place, Park Service personnel are required to assist the DOL with operations on both sides of the park boundary. For many rangers this means engaging in activities to which they have strong moral objections. These people know the buffalo slaughter is wrong, yet they continue to follow orders from their superiors and help haze, capture, test, and ship buffalo to slaughter. I have yet to learn of a single ranger quitting his job in protest of the buffalo killing.

In his essay "Civil Disobedience" Thoreau called such people, "wooden men" and "machines," noting that in their actions "there is no free exercise whatever of the judgement or of the moral sense." He also noted that they are often touted as being good citizens for their obedience to rules and laws that they find unconscionable. Wildlife-loving park rangers engaged in buffalo slaughter justify their actions primarily on the basis of job security, convincing themselves that they need the money. Or they justify their actions against beneficial work in other aspects of park management, calling the buffalo slaughter a necessary evil.

"Get a job!" is a refrain we are used to, as everyone from park rangers to DOL agents harangue us for our efforts to protect the buffalo. No matter how many times I try to explain myself to them these men don't understand it when I tell them I have a job, though its wages do not come in the form of a paycheck. Right livelihood, it seems, is an unfamiliar concept to these men. They don't understand how the work can be its own reward. Like the early park scouts and administrators--under-funded and overworked--those of us working to protect the buffalo are driven by what we know to be right.

“Unjust laws exist,” Thoreau wrote, “shall we be content to obey them, or shall we endeavor to amend them, and obey them until we have succeeded, or shall we transgress them at once?”

Kneeling in the grass and sage plucking tufts of buffalo hair from the base of a barbed wire fence, I considered Thoreau’s question on the afternoon of Charlie’s arrest. The DOL, Park Service and Forest Service agents haven’t left us a choice. Their intentions were laid bare in 1997 with the slaughter of nearly eleven hundred buffalo. Working through the system has its place. Submitting public comments, signing petitions, filing lawsuits, organizing rallies, and meeting with public officials are all ways of effecting change. Constructing blockades, placing one’s body between the buffalo and the rifles, locking to the capture facility, and documenting the slaughter are other ways. Each is useful and effective under the right circumstances at the right time.

The buffalo slaughter of 2002 received almost no media attention until a volunteer blockaded the road accessing the Horse Butte trap. His arrest generated a national Associated Press story and an article in the *New York Times*. Readers contacted BFC, wrote letters to elected officials, and began learning about the buffalo. The slaughter will only abate when enough people know the truth and demand that the government respect the right of the last wild buffalo to utilize the lands, inside and outside the park, that they need for survival.

I combed a tuft of buffalo hair from the grass at the base of the fence and raised it to my face. Pressing my nose into the downy fur, I closed my eyes

and inhaled its musky scent. The black and curly hair made me think of my mother. Ten years had passed since she visited me in the dream, giving me the confidence to continue on my difficult course. "The path you are on is right," she had said. When I began working with the campaign, I was naïve. I thought it would take a year, maybe two, to raise enough public pressure to stop the slaughter. More than five years have passed and with the park's increasing complicity in the kill, the end seems farther away than it was when I started. Discouraged is a far too gentle word for the way I feel after watching yet another slaughter. Friends spend months in jail for their brave and noble actions, and it sometimes seems that we are wasting our time. But if we weren't out here, who would monitor the actions of the DOL? Who would share with the world the buffalo's story? I get discouraged sometimes and feel like giving up, but the buffalo have a way of bringing me back to my senses.

One recent spring day when no buffalo were killed, I hiked out to Horse Butte by myself with a bundle of sage. It was the anniversary of a particularly bad killing, and I wanted to pray for the buffalo who had been sent to slaughter. Sitting on the bluffs near the trap, I remembered beautiful days with the buffalo, and days of capture. I fished a lighter from my pocket and lit the sage. All the memories melded together.

A breeze blew up from the river and carried a thread of smoke from the sage bundle out across the flats toward the trap. I visualized mass upon brown mass of buffalo flowing toward the trap and felt the deep bass rumble

of their hooves in the earth. Closing my eyes, I pictured the smirking DOL agents riding horses, snowmobiles, and four-wheelers, hounding the animals with cracker rounds and shouting "Haaaw!" as they stuffed the buffalo into the steel trap. I pictured, one by one, the faces of various friends who were hauled off to jail by the livestock agents over the years.

Five winters with the buffalo flashed before my eyes, five winters of skiing out in the sub-freezing dawn, five winters of watching some of the same buffalo graze in the same meadows, five winters of watching them die. I felt fresh the claustrophobia of being hemmed in beside the barbed wire fence and the cattle guard by agents threatening arrest. I heard the echoes of my friends shouting "Run! Run! Run!" when it looked like buffalo would bypass the trap and drop down the bluffs to the safety of the Madison River. I thought back to that spring day in 1999 when I watched a group buffalo, on their way to capture, hesitate on the brink of the bluff, allowing the agents to circle around them and chase them back into the open mouth of the trap. I imagined the rattling of the trap's panels in its hinges as seventy buffalo spent their last days and nights in terrified confinement. I saw trailer after trailer, heavy with their cargoes of doomed buffalo, disappear down the road on the way to the slaughterhouse.

Kneeling in the meadow, burning sage for all the buffalo I'd seen killed over the years, I wondered when the killing would end for good and how I could hasten the day. I heard a rustling of grass from the bluffs and looked up just as a herd of forty buffalo crested the rim. I knew I was in the right place

as the slow-moving, grass-munching cows and calves approached. I wasn't scared and I held still.

Ten feet from me the herd parted, half passing to my east and half to my west. I stayed where I was, burning the sage. Soon I was surrounded, sitting in the center of the small herd. Never had I been so close to so many buffalo. In that moment I was certain that they knew who I was and why I was there. Sitting in the center of the circle, I listened to the sharp snap and crunch of hundreds of blades of grass. Sage smoke drifted from my hand to the nose of a pregnant cow who lifted her head and stared straight into my eyes. I sat in amazement, surrounded, drawing strength for the work that lay ahead.

Appendix

What General Sheridan Said

A Report on Research
Conducted with Assistance
from the Hammond Fund,
History Department,
University of Montana

The Texas Legislature, in 1875, was debating a bill to protect buffalo from extermination. General Phil Sheridan, military commander of the Southwest--headquartered in San Antonio--feared the bill's passage. The famous general traveled to Austin and, before a joint assembly of the house and senate, delivered a powerful speech against the measure. Swayed by Sheridan's argument, the legislature dropped the bill. Or so the story goes.

John Cook, a hide hunter who was on the Texas plains killing bison at the time, is responsible for preserving the general's speech. Cook recounts the story in his memoir, The Border and the Buffalo, 32 years after it took place. Retaining his speech verbatim, Cook quotes General Sheridan:

These men have done more in the last two years, and will do more in the next year, to settle the vexed Indian question than the entire regular army has done in the last thirty years. They are destroying the Indians' commissary; and it is a well-known fact that an army losing its base of supplies is placed at a great disadvantage. Send them powder and lead, if you will; but, for the sake of lasting peace, let them kill, skin and sell until the buffaloes are exterminated. Then your prairies can be covered with speckled cattle, and the festive cowboy, who follows the hunter as a second forerunner of an advanced civilization.¹⁵⁴

In the century since the publication of The Border and the Buffalo, countless writers have relied on Cook's documentation of Sheridan's speech, employing it as the central pillar supporting the assertion that the 19th century U.S. Government pursued an active policy of eradicating the bison to

subdue the bison hunting tribes of the plains. Popular works by Dee Brown, Ian Frazier, Wayne Gard, Martin Garretson, Valerius Geist, James Haley, Winona LaDuke, and Mari Sandoz¹⁵⁵--to name just a few of the writers who have recounted Cook's tale--as well as countless historical works, all helped to canonize the Sheridan speech. Cook's story of Sheridan's 1875 trip to Austin and his speech before the legislature has been quietly accepted as fact by historians and liberally repeated for 94 years, despite the fact that if you discount Cook, you lose every shred of evidence that it ever actually happened.

Wayne Gard is one of the few researchers to acknowledge the dearth of evidence corroborating Cook's story. Referring to the bison protection bill Sheridan supposedly lobbied for, Gard admits, "surviving records and newspapers are strangely absent." He nevertheless accepts and perpetuates Cook's story:

The Texas lawmakers followed General Sheridan's advice with the result that for the next three years, as John Cook put it, "the American bison traveled through a hail of lead."¹⁵⁶

Without telling his readers why, Gard gives Cook the benefit of the doubt, saying his account, "may be reliable."

In the past decade a very few historians have begun to challenge the veracity of Cook's story, while most have continued to cite the speech. One researcher found, in the following passage from Cook's book, reason to question his reliability:

Sheridan was then in command of the military department of the Southwest, with headquarters at San Antonio. When he heard of the nature of the Texas bill for the protection of the buffaloes, he went to Austin, and appearing before the joint assembly of the House and Senate, *so the story goes*, told them that they were making a sentimental mistake by legislating in the interest of the buffalo.¹⁵⁷

William Dobak, a historian who works at the National Archives in Washington, DC, doubts Cook's story, pointing out that "Cook's memory was faulty. Sheridan commanded the Military Division of the Missouri, with headquarters at Chicago." Dobak also raises issue with Cook's use of the phrase, "so the story goes." According to Dobak, this statement is Cook's way of acknowledging "the apocryphal nature of the tale."¹⁵⁸ By saying "so the story goes," the hide hunter shares with his readers the spurious nature of the Sheridan story.

Dan Flores, a historian at the University of Montana, believes that Cook incorporated the tale into his memoirs to shift the burden of blame for the bison slaughter off the backs of the hide hunters and onto the government. With the efforts of the American bison society receiving popular attention in the first decade of the 20th century, and popular sentiment against those who wastefully killed so many buffalo, Cook, a buffalo runner, would have been eager to have the government bear the blame.

Wanting to either prove or disprove Cook's story, I decided to bypass him and turn straight to the primary source. I got in touch with Donally Brice, a librarian at the Texas State Archives, who informed me that the State Library's holdings included the legislative journals of the Texas House and Senate. With the help of a grant from the History Department at the University of Montana, I made plans to travel to Austin and spent April 30 through May 2, 2001 pursuing Sheridan.

Seeking to establish whether the Texas Legislature actually debated a buffalo protection bill at the time when Cook claimed, I focused most of my energy on the journals of the second session of the 14th Texas Legislature.

This session met between January 12 and February 15, 1875, both the year and the time of year cited in Cook's account. That the legislature was in session at the time Cook claimed was corroborated by the journals. Nothing else in Cook's account was verifiable.

I looked through the indexes of both houses for the 14th legislature and found no reference to *Sheridan*, *Buffalo*, or *Bison*. Thinking it possible that Cook got the year wrong, I looked through all the available indexes for other legislative sessions from the 1870s. In 1879 I found a reference to buffalo protection. On January 27, 1879, the Texas Senate,

Resolved, that the committee on state affairs be instructed to inquire into the propriety of suppressing, if possible, the indiscriminate slaughter of buffalo within the limits of the State, and report by bill or otherwise.¹⁵⁹

The Committee on State Affairs considered the question and determined that "Congress is the proper authority to undertake the regulation and prevention of the evil complained of." Passing the buck on responsibility for protecting buffalo within Texas borders, the committee passed a resolution:

Instructing our senators and requesting our representatives in the Congress of the United States to use their best endeavors to stop the indiscriminate slaughter of buffalo within the limits of the State of Texas.¹⁶⁰

Because there was no mention of Sheridan in reference to the resolution, because the 16th legislature's discussion of buffalo never took the shape of an act or bill, and because this reference came four years after Sheridan was said to have appeared in Austin, I decided to focus my time on the second session of 14th legislature. By focusing on this session, I was able to test, with reasonable certainty, Cook's assertion that in 1875, "The Texas

Legislature, while we were here among the herds, to destroy them, was in session at Austin, with a bill drawn up for their protection."¹⁶¹

I studied the journals, spending the better part of three days reading through first the senate, then the house journal. Visually scanning more than 1,300 pages of entries over a three-day period, I found no mention of Buffalo.

I did find reference to Sheridan. When Senator William Russell was detained by bad weather and unable to attend the Senate session on January 11, 1875, he sent his fellow legislators a telegram: "Detained by bad weather. Get leave for one week, as soon as prayers are over; pray especially for Grant and Sheridan."¹⁶² This wasn't quite the stuff of immortalized speeches.

As I read through the journals I came across more than a dozen references to game protection legislation, many of which were not listed in the index. I saw talk of a bill to "protect fish in the inland streams and waters of the State of Texas," a bill "for the protection of game and birds," reference to "An act for the protection of game and fish," one "For the preservation of game and fish," and even "a bill to prohibit hunting game with dogs or guns on Sundays." Thinking that Cook's buffalo bill might be covered in this legislation, I dug up the original draft of Senate Bill 556, "A Bill Entitled an Act for the Protection of Game and Fish." Although passage of this bill would have outlawed killing female deer between the first of March and the last of August and set seasons for the taking of quail, partridge, prairie hen, and prairie chicken, it was--like the 14th legislature itself--silent on buffalo.

Reading through each of the journals I kept an eye out for mention of a joint assembly of house and senate, as Sheridan was said to have addressed such a body. When I found reference to a joint assembly which took place on

March 11, 1875 I already suspected-- because neither house nor senate had mentioned buffalo up to that point in the session--that I wasn't going to find Sheridan's speech. I was right. The joint assembly was called not to listen to the words of the famous general but "for the purpose of electing six directors of the Agricultural and Mechanical College of Texas."¹⁶³

Failing to find "Sheridan" or "buffalo" in the legislative record, I turned my search to newspaper accounts, hoping to find reference to Sheridan's visit and speech in the local papers from the 1870s. The Austin History Center has newspapers on microfilm going back to 1871 and a detailed index of topics covered in news stories. The index included subsections on "Buffalo," "Visiting Men and Women," and "U.S. Army." I looked through every index for the *Austin Democratic Statesman* between 1871 and 1882, and found no mention of Sheridan, though many of his Army colleagues received attention during visits to the city. The paper noted the presence of Colonels Likens, Scott, Small, Taylor, and Robertson; Generals Johnson, Reynolds, Grant, Armstrong, and Sherman, but remained silent on Sheridan.

When General Sherman passed through the Austin train depot on his way to San Antonio, the *Statesman* found it newsworthy to report:

General William Tecumseh Sherman, of the United States army, arrived in the city yesterday evening via the I and G railroad. The General was accompanied by a number of his staff officers and the object of his visit to Texas is to inspect this military department.¹⁶⁴

Like Sherman, Sheridan was nationally famous as a military strategist. If he had traveled to Austin and delivered an impassioned speech before the legislature, it would have made big news. And if the legislature had been debating a buffalo protection bill to the point where Sheridan heard about it,

that would have been big news in itself. Yet the papers, like the legislative record, make reference to neither buffalo protection nor General Sheridan.

Finding no mention of the general's appearance in Austin, his speech before the legislature, or any evidence that the Texas legislature actually debated a bill to protect the buffalo, I have to conclude that Cook's account is inaccurate and should not be relied upon. For the note takers of both the house and the senate, and the editors of the local papers to have somehow overlooked Sheridan's appearance is extremely unlikely. A man with the stature of Phil Sheridan would have made a big stir in Austin. His visit would have been talked about years after it occurred. That the first reference to Sheridan's visit didn't surface until 32 years after it supposedly occurred is in itself good reason to question Cook's account.

While I couldn't find any reference to Sheridan's speech in any of the Austin records, I did find a couple editorials in the local newspaper that expressed sentiments strikingly similar to those Cook attributed to Sheridan. The first was written less than two months after Custer's defeat to Sitting Bull on the Little Bighorn. Although the piece makes no mention of Sheridan, it does contain many of the themes expressed in Cook's now famous passage:

The first thing to be done to give perfect quietude to the Sitting Bulls is to slaughter all buffalo bulls. These animals traverse the plains, destroy the grass, make cattle-driving costly and often ruinous, and then supply nomadic savages with abundant food, while Brother "Orful" and the good Quakers furnish them with rifles and cartridges. Let us, therefore, slaughter the buffaloes and the Quakers and have done with the red man. The Platte River valley is now being stripped of vegetation by countless herds of buffaloes.¹⁶⁵

Less than a week later a reader wrote a letter to the editor, supporting the paper's position:

The buffaloes have been hemmed in between Cantonment (illegible), on the north, Concho, on the south, and to Fort Griffin to the east; and but a few years will suffice to exterminate them. With the disappearance of the buffalo vanishes the independence of the Indians as well as their ability for doing harm, while it will render available a superb ranging country for the stock men, which at present, is, for that purpose, valueless. The buffalo hunters are doing more toward a solution of the Indian enigma than all the would-be wise legislators of Congress will ever accomplish. People may object to a wholesale destruction of these animals; but 'short horns' or 'long horns,' either, will be source of greater wealth to the State than all the buffalo that ever trod the plains.¹⁶⁶

As such editorials suggest, many of the sentiments that Cook attributed to Sheridan were fairly common in the 1870s, a time when the Indian wars, the buffalo slaughter, and the rise of the livestock industry were in full swing in the West. Although my trip to Austin convinced me that Cook's account of Sheridan's legislative appearance should be treated as an apocryphal tale rather than a historical document, the general is by no means off the hook.

Looking through a Sheridan biography for evidence of his having been in Austin, I came across the following letter. Writing to his superiors in 1881, Sheridan expressed sentiments similar to those attributed to him by Cook:

If I could learn that every buffalo in the northern herd were killed I would be glad. The destruction of this herd would do more to keep Indians quiet than anything else that could happen. Since the destruction of the southern herd, which formerly roamed from Texas to the Platte, the Indians in that section have given us no trouble. If the Secretary of the Interior will authorize me to protect all *other* kinds of game in the far west I will engage to do so to the best of my ability.¹⁶⁷

Losing the Cook-Sheridan speech does not invalidate the position of historians asserting government complicity in the 19th century bison slaughter. The quotation cited above, and countless others like it, support the assertion that government sentiment favored buffalo eradication as a means

of defeating the plains Indians. In light of the historical record, however, we should stop repeating Cook's account of the 1875 Sheridan speech, which, in all likelihood, never occurred. To continue to perpetuate the myth of this speech is to engage in irresponsible scholarship.

Researching for this paper I found a reference to a set of circumstances and a speech that closely resembled those reported by Cook. I found the reference in Dee Brown's famous history, Bury my Heart at Wounded Knee:

When a group of concerned Texans asked General Sheridan if something should not be done to stop the white hunters' wholesale slaughter, he replied: 'Let them kill, skin, and sell until the buffalo is exterminated, as it is the only way to bring lasting peace and allow civilization to advance.'¹⁶⁸

Thinking from the differences in their accounts (Brown doesn't mention the Texas Legislature and his Sheridan quotation differs from that recorded by Cook), that Brown may have found a different primary source, I followed his footnote back to an account written by Martin Garretson. But Garretson only cited John Cook. How then, did Brown get it wrong? Garretson, citing The Border and the Buffalo, paraphrased Cook's account Sheridan in Texas:

Let them kill, skin and sell until the buffalo are exterminated as it is the only way to bring about lasting peace, and allow civilization to advance. His speech had the desired effect as nothing was done to protect the buffalo.¹⁶⁹

Brown came along thirty-six years later and put quotation marks around Garretson's paraphrasing of Cook's creative recounting of a speech that likely never occurred.

I have to confess. I am a perpetuator. I have helped to spread the myth of Sheridan's speech. I first discovered the Sheridan speech through my work as an advocate on behalf of the Yellowstone buffalo. Wishing to quote it in a

newsletter and a video documentary I was working on, I found references to it in more than ten books. Having seen it quoted in the works of Sandoz and other historians, I made the mistake of assuming Cook's story was valid and used it in those projects. Three years later, wanting to use the speech in my master's thesis, I was unable to validate its source. Having looked into the question extensively, I can confidently say that Cook's story is not supported by the facts. To continue to repeat it would be to irresponsibly represent a fanciful tale as historical evidence.

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