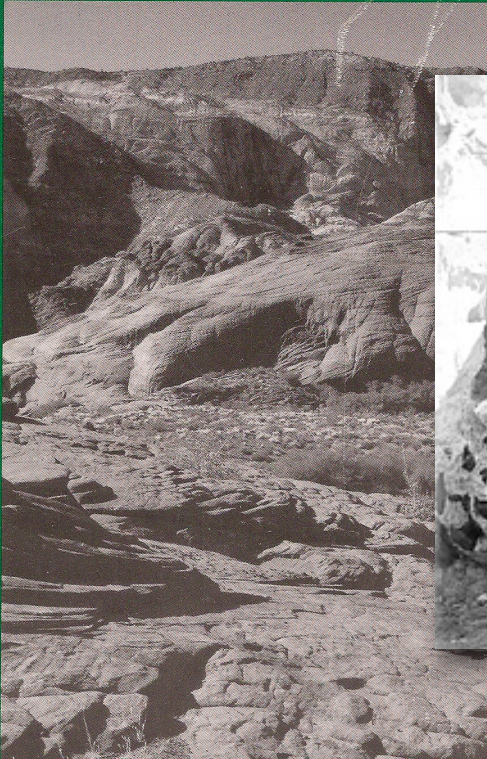


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A Monument in Name Only: The Debate over Dinosaur National Monument, 1909-1929

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Abstract

Dinosaur National Monument is a 210,000-acre federal reserve extending from northeastern Utah into northwestern Colorado. Originally confined to 80 acres surrounding a dinosaur fossil quarry discovered in 1909 near Vernal, Utah, the monument was expanded in 1938 to include the scenic canyons of the Green and Yampa rivers. This paper examines legal and political debates about the applicability of the Antiquities Act to the fossil quarry and controversies over managing the monument following its proclamation in 1915. The need to adjudicate competing interests among scientific institutions rather than a desire to preserve the dinosaur quarry for public benefit guided the initial designation of the monument. The federal government's intent was to facilitate the removal of all the fossils from the site and then return the land to availability for private claim. Lobbying by residents of Vernal prevented this outcome although by 1929 Dinosaur remained a monument in name only.

In August 1909, Earl Douglass, a paleontologist employed by the Carnegie Museum of Pittsburgh, discovered a cache of dinosaur fossils at Split Mount about twenty miles east of Vernal, Utah. The Carnegie Museum, founded in 1896, was a relative new comer to the field of vertebrate paleontology and Andrew Carnegie's personal enthrallment with dinosaurs was behind Douglass's fossil hunting expedition. The Carnegie Museum's director, William J. Holland, was particularly anxious to locate fossil skeletons which, when reassembled and displayed in life-like poses, would draw big crowds to the new Pittsburgh museum. This was precisely what Douglass' find in Utah promised because the skeleton he stumbled upon appeared to be not only nearly complete, including a rare skull, but also articulated, which would enable scientists to more accurately reconstruct the ancient beast. Furthermore, after some preliminary excavation, it became ap-

parent that the site included not one but many such skeletons. It was one of the finest caches of dinosaur fossils ever uncovered.¹

Over the next two summers, as work progressed at the site under Douglass's direction, Holland grew concerned about potential competition from other fossil hunters and he moved to secure the Carnegie's control of the Split Mountain quarry. The field of paleontology was notorious for bitter rivalries among scientific institutions marked by a good bit of chicanery and double-dealing. A few years before Douglass's discovery, the Carnegie Museum had lost access to a fossil site in Nebraska when a local rancher filed a claim on the land and then offered access to the highest-bidding paleontologist. To prevent any similar trouble at the Split Mountain quarry, Holland instructed Earl Douglass to quietly file a claim for legal title to the land on behalf of the Carnegie Museum. The quarry was on public land open to claim through a variety of public land laws including the Homestead Act, the Timber and Stone Act and the General Mining Act. In January 1912, Douglass did as Holland instructed but the local land agent refused to process the claim, citing the 1906 Antiquities Act which the agent insisted excluded scientific discoveries on public lands from private claim. Furthermore, the land agent told Douglass that the Carnegie was trespassing on public land and illegally removing fossils protected by law.²

Holland, calling the agent's interpretation of the Antiquities Act "too preposterous to be considered for one moment," wrote immediately to the U. S. Secretary of the Interior.

¹ Douglass joined the Carnegie Museum staff in 1902; he conducted fossil hunting expeditions in the Uintah Basin in 1907 and 1908 before finding the cache at Split Mountain. On the 1909 discovery, see Earl Douglass, Diary No. 25, Aug. 22, 1909, Papers of Earl Douglass, Special Collections Department, Marriott Library, University of Utah, Salt Lake City, Utah (hereafter cited as Douglass Papers); Vernal Express, Aug. 20 and 27, 1909; Douglass, "Story of Discovery of Dinosaur Monument," undated typescript, Douglass Papers; W. J. Holland, "Earl Douglass: A Sketch in Appreciation of His Life and Work," *Annals of the Carnegie Museum* II (June 1931), 279-291. On the Carnegie's interest in recovering mountable dinosaur skeletons, see William J. Holland, "Editorial Notes," *Annals of the Carnegie Museum* III (Dec. 1904), 1-4.

² For a good overview of the field of paleontology at this time, including the intense competition for good quarry sites, see John Noble Wilford, *The Riddle of the Dinosaur* (New York: Alfred A. Knopf, 1985) and Edwin H. Colbert, *The Great Dinosaur Hunters and Their Discoveries* (1968; New York: Dover, 1984). For Holland's concerns about title to the Split Mountain quarry, see his letters to Earl Douglass of Dec. 9, 1911, Feb. 12 and March 12, 1912, and Earl Douglass to William J. Holland, Feb. 12, 1912, all in Douglass Papers.

Holland pointed out that the Antiquities Act, which he had helped to draft and on whose behalf he had testified before Congress, specifically allowed scientific institutions to conduct research on and remove specimens from public lands provided they had a permit to do so from the federal agency under whose jurisdiction the land fell. The Carnegie Museum had secured such a permit for Douglass when he began his dinosaur hunt in 1908. After reviewing the files, the Department of the Interior acknowledged that the Carnegie was, contrary to the land agent's claim, acting legally in excavating the quarry. Interior department officials, however, were reticent to grant the Carnegie's claim for private ownership of the site. While they agreed with Holland's argument that the site was open to private claim and shared his concern that it not fall into the hands of an unscrupulous individual who might exploit it contrary to good scientific practice, Interior officials were inclined to see an institution other than the Carnegie as the proper overseer of the Utah quarry.³

The Smithsonian Institution, working behind the scenes, insisted to the Department of the Interior that the National Museum of Natural History, not the Carnegie, ought to be in control of the quarry. (The National Museum was one of the affiliated museums managed by the Smithsonian Institution.) Charles D. Walcott, director of the National Museum, interpreted the Antiquities Act differently than did William Holland. Walcott argued that the intent behind the act was to insure that scientific discoveries on public lands be managed for the public benefit and, to him, this meant that the Smithsonian, not a private museum, should excavate the Utah quarry and take possession of the fossils. Nothing in the law (nor, indeed, in the Congressional debate proceeding its passage) stated that the Smithsonian should be favored in such situations, and, as Holland

³ On Holland's appeal to the Department of Interior and its review of the case, see William J. Holland to Secretary of Interior Walter L. Fisher, Feb. 12, 1912, Permits File, Central Classified Files, Records of the Office of the Secretary of the Interior, Record Group 48, National Archives, Washington, D.C. (hereafter cited as Permits File); A. A. Jones to William J. Holland, March 11, 1912 and Acting Secretary of Interior to William J. Holland, March 15, 1912 in Permits File; and William J. Holland to Earl Douglass, March 26, 1912 in Douglass Papers. The Carnegie's permit for exploration in Utah had been issued by the Office of Indian Affairs because Douglass intended to do most of his work on the Uintah and Uncompahgre Reservations. Because the Split Mountain quarry lay outside the reservation boundaries, the Department of Interior reissued the permit to cover the actual location of the dig. A copy of the original permit, dated March 19, 1908, can be found in the Douglass Papers.

pointed out, the Carnegie Museum was freely open to the public who could benefit as much from seeing the fossils in Pittsburgh as they could in Washington, D.C. Although the Interior Department was sympathetic to Walcott's desire to give the Smithsonian control, or at the very least access, to the Utah quarry, the Carnegie's claim had a compelling moral and practical legitimacy that went beyond any specific interpretation of the Antiquities Act. After all, the Carnegie, not the Smithsonian, had discovered the fossils and Andrew Carnegie's money made excavation at the quarry possible. The simple reality was that the Smithsonian could not match Carnegie's deep pockets and the Interior Secretary understood that putting the Smithsonian in charge would mean a de facto end to scientific work at the site. Yet there was always the possibility that fortunes could change and granting the Carnegie's land claim would forever deny the Smithsonian access to one of the nation's greatest fossil resources.⁴

The rival institutions, in short, each had some good grounds for their respective claims. Existing law offered no clear resolution, but during the spring and summer of 1915, the Department of the Interior, in consultation with the General Land Office, came up with a neat solution that promised to mollify the contending parties. Concerned that it had no legitimate grounds for denying the Carnegie's claim for private ownership, the government decided to change the legal status of the land on which the quarry was located. Invoking the provision of the Antiquities Act that enabled the President to designate public lands of great scenic and cultural importance as national monuments, the government prepared a proclamation to designate the Split Mountain quarry as Dinosaur National Monument. The proclamation covered exactly the 80 acres on which the Carnegies had filed its land claim, no more, no less. Although the Carnegie would not be allowed to own the quarry the Interior Department decided to grant the museum exclu-

⁴ On the Smithsonian Institution's interest in the quarry, see George Smith to A. A. Jones, Dec. 21, 1915 and Charles Walcott to Steven Mather, Jan. 3, 1916, Permits File; A. A. Jones to Commissioner, General Land Office, Aug. 6, 1915, Dinosaur National Monument File, Central Classified Files, Records of the National Park Service, Record Group 79, National Archives, Washington, D.C. (hereafter cited as DNM File). As part of the Carnegie's effort to persuade the government to grant its land claim, William Holland had asked Charles Walcott to act as his advocate. It was not until December 1915 that Holland realized that Walcott had actually opposed the claim and had been instrumental in persuading the government to designate the quarry as a national monument. See, William J. Holland to Earl Douglass, Dec. 13, 1915, Douglass Papers.

sive right to excavate fossils in the new monument, at least until such time as the Smithsonian could mount its own recovery expedition. The key assumption underlying the government's approach to the competing interests of the Smithsonian and Carnegie museums was that the Split Mountain quarry was important only for what could be taken away from it. Everyone—in the government, at the Carnegie and at the Smithsonian—was in agreement that there was no intrinsic value in the area beyond the dinosaur fossils and these properly belonged in established scientific institutions. The government's purpose in creating Dinosaur National Monument was to provide for the orderly destruction of the site not its preservation.⁵

The unusual character of the proposed Dinosaur National Monument alarmed Frank Bond, Chief Clerk of the General Land Office and an outspoken supporter of the national park and monument system. For all of the beauty that many modern visitors find today in the Split Mountain area, in the early twentieth century desert canyon landscapes were not highly valued aesthetically and those who discussed the Dinosaur National Monument proposal in 1915 did not consider the area's scenery noteworthy. Bond, who agreed that the Split Mountain area had no value beyond the fossils, insisted that the proposal to create Dinosaur National Monument was a misapplication of the Antiquities Act. "I think the National Monument Act, while broad enough in its expression to cover this case," Bond said, "was not intended to protect objects solely for the time it would take to remove them. . . . In all other National Monument Reservations, the objects protected are not intended to be removed...." Bond didn't object to the fossils being removed—he agreed this was the right thing to do. His concern was that us-

⁵ One sign of the government's attitude toward the value of the Dinosaur monument was the decision to issue an excavation permit. The uniform rules and regulations adopted by the Interior, Agriculture, and War departments for administering national monuments stated that "No permits for removal of any ancient monument or structure which can be permanently preserved under control of the United States in situ, and remain an object of interest, shall be granted." On the advice of the Smithsonian, the government decided that fossils fell under the provisions of the Antiquities Act and the rules and regulations for managing monuments. Hillory A. Tolson, comp., *Laws Relating to the National Park Service, the National Parks and Monuments* (Washington, D. C.: Government Printing Office, 1933), 298. The intention to eventually reopen the quarry to public entry is implied by Frank Bond in a letter to the Commissioner of the General Land Office, Aug. 21, 1915, DNM File; William Holland also told Douglass that when the quarry was depleted it would be "turned back to the public domain." See Holland to Douglass, June 7, 1920, Douglass Papers.

ing the Antiquities Act as a legal contrivance to satisfy the interests of competing institutions could undermine the stature, and perhaps the security, of those existing and future monuments truly worthy of the name. He recommended that some other legal means be used to protect the Split Mountain quarry from nonscientific uses while the Carnegie and the Smithsonian did their work. Despite Bond's concerns, the government went forward with the proposal and on October 4, 1915, President Woodrow Wilson signed the proclamation establishing Dinosaur National Monument.⁶

William Holland, initially outraged at the government's rejection of the Carnegie's claim for private ownership, accommodated himself to the decision to create Dinosaur National Monument when the Secretary of the Interior assured him that the Carnegie would be allowed to continue its work at the quarry undisturbed. In January 1916, the Department of Interior issued the Carnegie a permit for the exclusive right to work the quarry. This, Holland acknowledged, was what most mattered to the Carnegie. His institution had no more interest in the quarry itself than did the federal government.. As long as the Carnegie could legally (and without competition) cart away as many fossils as it wanted, the legal status of the site did not really matter. ⁷The government determined that no oversight of the monument was necessary and for the next seven years Earl Douglass went about his tasks of excavating fossils and shipping them back to Pittsburgh. At what Holland derisively referred to as the "so-called 'Dinosaur Monument,'" there was no visible evidence that the quarry had become part of the national park system. Not everyone, however, was happy with the legalistic legerdemain that had resolved the confrontation between two of the nation's great scientific institutions

⁶ Frank Bond to Commissioner, Aug. 21, 1915. For the Chief Clerk's overall perspective on national monuments, see Bond, "The Administration of National Monument," in *Proceedings of the National Park Conference held at the Yellowstone National Park, September 11 and 12, 1911* (Washington, D.C.: Government Printing Office, 1912), 80-101. Simultaneous with the enabling proclamation for Dinosaur National Monument, the government formally rejected the Carnegie's land claim. See "Earl Douglass," in U.S. Dept. of Interior, *Decisions of the Department of the Interior in Cases Relating to Public Lands*, Vol. 44: March 1, 1915 to February 29, 1916 (Washington, D.C.: Government Printing Office, 1916), 325-326.

⁷ On the Carnegie's response to the government's decision, see Earl Douglass, Diary No. 32, Aug. 28, 1915, Douglass Papers; William J. Holland to Earl Douglass, Dec. 13, 1915 and Jan. 12, 1916, Douglass Papers; and William J. Holland to A. A. Jones, Dec. 6, 1915 and Bo Sweeney to William J. Holland, Jan. 8, 1916, Permits File.

over the Split Mountain quarry. The people of Vernal, as one town booster put it, “sort of regret to see those wonderful skeletons being taken . . . away.”⁸

From the moment of Douglass’s discovery in 1909, the people of Vernal had taken an enthusiastic small-town pride in the dinosaur quarry. Douglass hired local men to help with the excavation and the quarry was a popular destination for school excursions and summer picnics. The town newspaper heralded the creation of the monument in 1915, but Douglass noted that most people continued to think of the quarry as the Carnegie’s private property—a confusion understandable given that there was no tangible evidence of the site’s changed legal status. No representative of the National Park Service, created in 1916 to manage the system of parks and monuments, was stationed at Dinosaur—no representative of the park service even visited the monument until 1929. The Carnegie controlled access to the quarry and the museum’s official policy was not to allow the public on the site, although Douglass generally (and usually gleefully) accommodated visitors from the town. After World War I, local interest in the dinosaur quarry increased, especially as Vernal commercial boosters took note of a booming national tourism industry stimulated by the growing popularity of personal automobiles. The Vernal boosters began to envision the dinosaur quarry as a tourist attraction, but the reality of dusty, unpaved roads, long hikes on hot days without water or shady resting places or other amenities made the dream of tourist dollars a distant one.⁹

The Vernalites had an important ally in their desire to develop the quarry as a tourist site—Earl Douglass. For Douglass, work at the Split Mountain quarry had become much more than a scientific endeavor, more than a good job. It was a labor of love. He had established a small homestead near the quarry and settled his family there. Unique

⁸ On the government’s decision to allow the Carnegie to continue its work without any federal oversight of the monument, see Charles Walcott to Steven Mather, Jan. 3, 1916, Permits File; George Otis Smith to Steven Mather, Jan. 15, 1916 and Steven Mather to George Otis Smith, Feb. 29, 1916, DNM File; and *Vernal Express*, June 23, 1916. The quotation from the Vernal booster is from William M. Anderson to William Holland, May 22, 1922, Douglass Papers.

⁹ On Vernal’s interest in the quarry and the town’s growing effort to develop tourism, see Susan Rhoades Neel, “Irreconcilable Differences: Reclamation, Preservation, and the Origins of the Echo Park Dam Controversy,” Ph.D. dissertation, 1990, 57-82.

among the scientists who squabbled over the site's fossil treasures, Douglass also had a profound appreciation of the area's striking and unusual beauty. Although he worked for the Carnegie Museum, Douglass had always had a querulous relationship with the museum's director and he often disagreed, mostly in private, with Holland's ideas about the quarry. As the long, hard years of work at the quarry passed, Douglass began to formulate a radical idea: instead of removing the fossils to a museum, a museum ought to be built around the fossils. In the early twentieth century the field of paleontology still emphasized collecting and categorizing individual specimens, but Douglass had come to believe that scientists could learn a great deal about dinosaurs by studying their fossils *in situ*. Indeed, he felt that all of natural history was better understood in the field than in the artificial confines of tidy museums and glass display cases. The dirt and dust and hot, dry, air swirling through the craggy rocks helped teach nature's lessons. Why not build a museum at the Split Mountain quarry, Douglass speculated. "How appropriate," he confided to his diary, "that [the fossilized dinosaurs] be exposed in relief as they were buried, to show the tragedy of their death and to reveal something of their lives and surroundings. . . . How appropriate to build a fair sized building over them to protect the, to have this a thing of substantial [sic] beauty models after nature, to have this large enough to contain related fossils and other curiosities." What Douglass wanted was a living museum, one literally carved out of the rock. That would be a thing scientists and the general public as well would travel far to see.¹⁰

Not surprisingly, the Vernal boosters embraced Douglass's idea of an *in situ* museum at Dinosaur National Monument and set out to convince the federal government that it ought to pay for the whole scheme. William Anderson, a member of the Vernal Commercial Club, wrote the National Park Service in 1921 to make the case. The local people, Anderson said felt that the government had a responsibility to "do something to preserve this natural wonder and put it into shape for people to visit it and get the benefits that they are entitled to in one of the National Reserves." The park service's

¹⁰ Earl Douglass, Diary No. 23, Oct. 28, 1915, Douglass Papers. Douglass first wrote in his diary about the idea of an *in situ* museum on Aug. 14, 1912 and he wrote often about it over the years as his ideas became more elaborate.

first response to the proposal to build a museum at Dinosaur National Monument was to ask William Holland for an opinion. Holland greeted the idea with disdain, calling it nothing more than a plot by a few local people to get rich at the government's expense. "I do not . . . think that the people of the United States would be justified in undertaking any such wild scheme," he said. "When we get done with our work of taking up the bones . . . there will be nothing left there, and in my humble judgment, as a citizen of the United States and as a heavy tax-payer, I could think of nothing more scandalous [than] appropriating money simply to preserve intact what is in truth only a 'hole in the ground.'" The park service concurred, assuring Holland that "we have no intentions [sic] of spending one dollar of Government funds on fruitless work of this kind." To the Vernalites, the park service reiterated what the federal government had believed from the beginning—the quarry was 'nothing but a gash in the . . . mountainside from which blocks of stone have been taken, which promise to be of interest to science.' No government action or expenditure was necessary or justified.¹¹

In the fall of 1992, the Carnegie Museum announced that it would cease operations at the Split Mountain quarry. After more than a decade of work there, the museum had sufficient fossils to keep its scientists busy for years to come. William Holland had retired that summer and the museum's new director, Douglas Stewart, thought it best to devote financial resources to processing and analyzing the vast trove of specimens and artifacts (of which the Utah dinosaur fossils were only a part) that had been collected during the museum's early, acquisitive years.¹² The following May, the Smithsonian rushed to the site and removed parts of several partially excavated skeletons that Douglass had abandoned when the Carnegie shut down operations. In the spring of 1924, in

¹¹ William Anderson to National Park Commission [sic], Nov. 2, 1921, Douglass Papers; William Holland to Arno Cammerer, Nov. 8, 1921 and Arno Cammerer to William Holland, Nov. 9, 1921, DNM File.

¹² Secretary of the Interior to William Holland, Jan. 31, 1922, Permits and Douglas Stewart to Earl Douglass, Oct. 9 and Nov. 7, 1922, Douglass Papers. When the Carnegie Museum completed its excavations in 1923, 300 specimens representing 10 species had been removed. Twenty-four nearly complete skeletons had been found; two of these—the *Apatosaurus* discovered in 1909 and a *Camarasaurus lentus* found in 1922—are still considered to be among the finest dinosaur skeletons ever excavated. For a general assessment of the Carnegie's scientific work at the site, see John M. Good, Theodore E. White, and Gilbert Stucker, *The Dinosaur Quarry, Dinosaur National Monument* (Washington, D.C.: National Park Service, 1958), 27-32.

an effort to mollify the Utahns, the Secretary of the Interior granted the University of Utah a permit to remove a wagon load of fossils from the site.¹³ With all the contending parties satisfied, the quarry fell silent. The Vernal boosters tried once again to interest the National Park Service in making the quarry accessible to tourists. Utah Congressman Don B. Colton, a Vernal native, sponsored bills in 1924 and 1926 to add a specific appropriation to the National Park Service's budget for development at Dinosaur National Monument, but the service refused to endorse the bills and they failed. The "bureaucratic highbinders" in the park service thought very "little of the importance of the Dinosaur National Monument," one booster fumed.¹⁴

Repeated efforts to get a representative from the park service to visit the monument came to naught until 1929 when Roger Toll, superintendent of Yellowstone National Park, made an official inspection. He spent two hours in the area and concluded that while the quarry still contained a valuable cache of fossils, the monument itself "offers nothing of interest to tourists." At least the park service was willing to acknowledge that the quarry still had scientific value. This was a point that Earl Douglass had repeatedly made to his paleontology colleagues in the years following the Carnegie's exit from the quarry. Douglass had quit the Carnegie, unable to bear leaving the Utah homestead he so loved for the sooty, urban chaos of Pittsburgh. For several years Douglass watched over the quarry, shooting away the curious for fear they might vandalize

¹³ Both the Smithsonian and University of Utah excavations were controversial. Douglass believed that the Smithsonian had improperly excavated skeletons, doing damage to some valuable remaining materials in a hasty effort to gather a mountable skeleton. He was especially affronted that the Smithsonian team took fossils from several different specimens with the intent to reassemble them as a single skeleton. Earl Douglass to Douglas Steward, Nov. 15, 1923, Douglass Papers. The Smithsonian, on the other hand, charged the University of Utah with unprofessional excavation techniques including the use of dynamite to recover fossils. Hubert Work to Charles Walcott, April 25 and May 6, 1923; Charles Walcott to Hubert Work, May 4, 1923, in Record Unit 305, Smithsonian Institution Archives, Washington, D.C.

¹⁴ Charles DeMoisy to Don B. Colton, March 25, 1924 and Don Colton to Steven Mather, May 24, 1926, DNM File; Nile Hagel to Earl Douglass, March 19, 1926, John Bristol to Earl Douglass, Dec. 14, 1926, and Arthur Demaray to Earl Douglass, Sept. 11, 1926, Douglass Papers. Copies of the Colton Bills, H.R. 9064 and H.R. 7672 can be found in the DNM File. The quotation is from John Bristol to Earl Douglass, Sept. 6, 1926, Douglass Papers. On Roger Toll's 1929 visit, see "Report to the Director, National Park Service, on Dinosaur National Monument," Nov. 19, 1929, DNM File and Toll's handwritten notes on his trip dated Oct. 14, 1929, in Papers of Roger Toll, Records of Key Officials, Records of the National Park Service, Record Group 79, National Archives, Washington, D.C.

the remaining fossils, but he could never make a financial success of his homestead. With his wife's health broken by too many cold winters at Split Mountain, Douglass finally left the area in 1927. His persistent insistence that the quarry still held valuable scientific resources probably helped prevent the federal government from revoking monument status for the site, as it had originally intended, but after Douglass left and as the nation fell into the crisis of the Great Depression, Dinosaur remained a monument in name only.