

THEY WERE CALLED PARK RANGERS

HISTORICAL BACKGROUND ON PARK RANGERS AND LAW ENFORCEMENT

BY

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The recent filing by over 1,100 Rangers for enhanced retirement based on their work in law enforcement has led many to question the role of law enforcement in Park Range work. Many administrators in the National Park Service do not support the concept that today, as well as historically, one of the major or primary roles and functions of many Park Rangers is that of law enforcement and investigation. They have lost sight of the fact that in 1916, when the National Park Service was codified in law, one of the primary roles of Park Rangers then, as today, was that of law enforcement. During this time, Rangers replaced the U. S. Cavalry as the protectors of National Parks, their resources and those who visited them. In his annual report for 1918, S. T. Mather (first director of the National Park Service) addressed the issue of the departing Cavalry: "It is not to be inferred that the claim is made that a military government is the only one practicable for the Park, or even that it is the best adapted or most suitable. It is believed, however, that no efficient protection can be given to the Parks without the support of a well-organized and disciplined police force of some description." In his landmark book about Yellowstone, The Story of Man In Yellowstone, author Merrill D. Beal makes no mistake in identifying who Director Mather had in mind for this well-organized and disciplined police force. He comments, referring to the above quote and writing about Yellowstone National Park: "It was clearly demonstrated that a ranger force of a chief ranger, four assistants, twenty-five permanent park rangers of the first class, and twenty-five seasonal rangers would constitute a 'well-organized and disciplined police force'..."

After the creation of the National Park Service, the first superintendent of Yellowstone National Park was Horace Albright. Albright is also given credit, along with Mather, for being a driving force behind the creation of the National Park Service and, more importantly for the subject at hand, its organizational structure. Like Mather, Albright, who became the Service's second Director, understood the role and function of Park Rangers. In a letter prepared for seasonal Park Ranger applicants, Albright explains to possible recruits: "The ranger is primarily a policeman.....". When referring to the Duties of a Ranger,

Albright writes: "The ranger force is the park police force, and is on duty night and day in the protection of the park".

Albright was proud of his Rangers and their contributions to his successful operation of the park. In his 1918 Superintendent's Annual Report he writes: "The protection of Yellowstone Park is now under the direct control of the superintendent who exercises his authority through a very efficient ranger force...". As far back as 1918, Rangers were doing plain clothes surveillance work (as they often do today) and were complimented for it. Albright further observes: "The ranger force is uniformed during the tourist season and presents a very striking appearance. In the fall, winter and spring these men patrol the trails in plain clothes and are very effective in protecting the park from poachers and other trespassers".

Albright was pleased with the law enforcement work done by his Rangers. When discussing the dramatic increase in arrests over the previous year, he writes in his 1918 report: "This record of arrests speaks well for the efficiency of the new ranger force and stands in contrast with the record for the last season, when but two trials were recorded and not an arrest was made for similar offenses under the military protective force.". Many office managers in today's National Park Service would find it hard to believe that in 1918 the superintendent of Yellowstone National Park was bragging about an increase in the number of arrests made by his Rangers! Albright was not necessarily proud of the fact that arrests were made. He was proud that his Rangers were doing the work necessary to make Yellowstone a National Park.

It is clear that both Mather and Albright envisioned law enforcement as a major duty of Park Rangers. They both realized that parks of their day were not exempt from the social ills of society. The same is true today. They knew that, as the Cavalry pulled out, the parks and their visitors would still need protection. They understood that civilians were needed to take the Cavalry's place. These civilians could have been called Park Marshals, Park Wardens or Park Police. They were called PARK RANGERS.

In the teens and early 1920's, as both Mather and Albright struggled to keep the National Park Service alive, a new national pastime was developing that would significantly impact the survival of their fledgling agency. The mass production of automobiles and the American highway system that followed assured the success of the National Park System. Mather and Albright were many things, but first and foremost they were salesmen. They realized that in order to ensure survival, they had to get Americans to visit the National Parks. Their first attempts at this were through promotion of the Parks with the cooperation of the railroad industry. While this was successful, it was soon replaced with the promotion of the automobile. As the automobile changed our National Parks into what some social/political scientists have

called "pleasuring ground", it also dramatically changed the duties of Park Rangers. While the automobile ensured the success of the National Park idea, it also ensured that many of the law enforcement and social problems associated with urban life were transported to National Parks.

In his book entitled Fire in America, Stephen Pyne sums up what the selling of our National Parks has meant for park management: "From the origin of the park system, management of the parks has meant the management of people, not the management of natural resources....". He goes on to say, "The primary intrusion onto park lands came in the form of visitors...". While he discusses the settlement of remote lands: he states, "...the Park Service resolved to do so with tourists." He suggests that the Park Service was fearful that "failure to make remote areas accessible might cause the public rejection of the park idea.". Mather had made his reputation in business advertising and promotions. As he used his powers of persuasion to sell the Park Service idea, he sought to monopolize the recreational resources of the public domain. The Park Service promoted access and, according to Pyne, administered the Parks as "public campgrounds and pleasuring grounds." From the very beginning of the National Park Service, increased visitation became the overriding objective of top management, and one of the major tools used to manage people was the tool of law enforcement.

There has long been a direct relationship between increasing visitation and an increase in law enforcement problems. In the 1920's and 1930's, as today, many of these problems were associated with the automobile. In the 1920's, the National Parks were responding to the increase in visitation and the automobile. Contrary to the beliefs of some modern day park administrators who expound that "traffic work" is not "traditional Park Ranger work", Park Rangers in this era were heavily involved in traffic law enforcement. Many National Park Areas, including both Yosemite and Yellowstone, established "Traffic Divisions" where motorcycle mounted Rangers were charged with the responsibilities of traffic law enforcement. The increase in problems associated with traffic can be seen by examining the arrest records of Yellowstone. In 1921, 38% of the 63 arrests made by Rangers were for traffic violations. By 1925, that ratio increased to 61%.

In his letter to prospective seasonal Park Rangers, Yellowstone Superintendent Albright stated in a section entitled Duties of a Ranger: "Of equal importance is the detection of violations of the speed rules." Some interesting insight into Albright can be found on page 293 of Richard A. Bartlett's book, Yellowstone, A Wilderness Besieged. According to Bartlett, Albright "was not widely loved by the residents. Some disliked him because he was a tough law enforcer. Nearby inhabitants were disciplined for bootlegging, exceeding speed limits, hunting inside the fringes of the reservation and for a variety of other violations." In the mid

1980's, Colonial National Historical Park was running a very successful DUI check point system on the heavily used Colonial Parkway. They were forced to stop this successful operation by then WASO Associate Director of Operations, Stan Albright. The reason given was: "It's not traditional Ranger work". With all due respect to now Western Region Director Albright, I doubt that his uncle would have agreed. Superintendent Albright's law enforcement program at Yellowstone stressed the prevention of fatal accidents due to motorists driving cars while intoxicated.

Moving away from our historical roots in traffic law enforcement, let's examine our history as it relates to "illegal substances". In 1989, law enforcement personnel working within the National Park System made in excess of 2,100 arrests related to illegal drugs. They confiscated in excess of \$524,000,000 (street value) in illegal drugs, and eradicated 308,715 marijuana plants from park areas. For those park administrators who are crying, "not traditional Ranger work", let's go back to a time when this nation (and the park system) was faced with another illegal drug -- alcohol. In the 1920's Park Rangers found themselves faced with many problems associated with illegal use, possession and the making of alcoholic drinks. Many parks developed the reputation of having a "booze party" atmosphere. In response to numerous complaints of disorderly behavior associated with "booze", Rangers in Yosemite and Yellowstone conducted successful undercover operations which resulted in many arrest.

Prohibition enforcement became the duty of many Rangers. According to John W. Henneberger's unpublished manuscript, To Protect and Preserve, prohibition violation in National Parks were numerous. There were sufficient cases to make it necessary for the Department of Justice to issue special instructions on how to handle violations of the Volstead Act in National Parks. As a result, all Superintendents and Rangers were declared to be Peace Officers of the law and, therefore, Prohibition Officers. Prohibition enforcement in each park was in the hands of Rangers. The arrest records of many National Parks during the 1920's demonstrates that Rangers were very aggressive in enforcing laws associated with the then illegal drug of alcohol. Superintendents were instructed that, if they could not get convictions in prohibition cases, they should throw those persons involved out of the parks. Removing "illegal substances" from National Parks not traditional Ranger work - hogwash!

By the mid 1920's, law enforcement problems associated with increased visitation were recognized as a service-wide problem. At the first Chief Ranger's Conference, held at Sequoia National Park in 1926, the attending Chiefs commented on the problems associated with law enforcement. Yellowstone Chief Ranger Sam Woodring, who chaired the conference, made the following opening remarks: "Increase travel brings with it increased duties and responsibilities. We are the police force of the National Parks

and are charged with the enforcement of law and Department Regulations which have the force of law and effect of law."

All the Chiefs who attended this conference addressed increasing visitation and law enforcement as a growing problem in their parks. The Chief Ranger of the Grand Canyon summed up his feelings by stating: "The police problem was particularly vexing." At this conference, the legendary Chief Ranger of Yosemite, Forest Townsley, spoke of his park's law enforcement problems. He attributed them to traffic, booze and a congested Yosemite Valley. He commented that his men faced their biggest challenges in traffic and police work. Townsley went on to state that many law enforcement problems stemmed from the numerous "booze parties" and from a "class of people found in any cheap beach resort". Revealing insight with regard to future problems, he predicted: "...and I expect them to cause considerable trouble in the future in Yosemite." Those of us who have worked in Yosemite in the 70's and 80's would have to sadly congratulate Townsley on his forecast. Today, Yosemite Valley still has the "cheap beach resort" atmosphere and the abuse of "booze" makes it a world class R & R spot. What's the old saying? The more things change, the more they stay the same.

Before leaving this era, those readers who believe that Rangers today use the tools of law enforcement far more often than their predecessors, please consider this fact (courtesy of research by Ranger Hugh Dougher): In 1926, the arrest rate per 100,000 visitors in Yosemite was twice the rate of 1986. My favorite of the 1926 arrests was that of a visitor for "possession of a cat". They may have been hard nosed, but they had class!

With the formative years of the 1920's behind them, Rangers entered into the next decade. Having developed expertise in certain types of undercover operations, developed aggressive and progressive traffic enforcement programs, dealt with the illegal drugs of their times and, in many cases, having been led by progressive leaders, these Rangers were ready for the 1930's and 40's. Moving out of the 20's, law enforcement programs became more formalized. Many parks with active law enforcement challenges developed "Ranger Manuals" that addressed their law enforcement program. These manuals addressed such issues as: arrest with warrants, arrest without warrants, how to make an arrest, authority to make an arrest, force allowed in making an arrest, right of search, search of prisoners, subpoenas, evidence, evidence management and courtroom presentations. These manuals also established patrol and investigative procedures, procedures for making car stops and procedures on how to conduct traffic accident investigations.

During the 30's, 40's and into the 1950's, Yosemite had a division called "Public Order and Traffic Division". Addressing the Rangers who worked in this Division, the park's law enforcement manual states: "Your duties, more pertinently than other ranger

assignments, have to do with police and traffic work. The problems of efficiently accomplishing this in correlation with the precepts and policies of the Park Service may often be difficult and unpleasant task". This manual also gives a good description of the duties of Rangers during this time period: "The Ranger Service is that branch of the park administrative organization whose special duty is that of maintaining the peace and law and order within the park, and the prevention of violation of the rules and regulations thereof, and also of all other penal laws applicable to this park".

The 1930's gave way to the early 1940's and World War II. At the end of WWII, the National Park System experienced a tremendous surge in visitation. Parks were neither staffed nor prepared to deal with this increase. As in Mather and Albright's time, this surge in visitation was accompanied by its share of law enforcement problems. The park areas suffered as a result of insufficient protection personnel. Insufficient protection was (and is) an open invitation to those who do not respect public property and the rights of others. Vandalism of cultural and natural resources became a run-a-way problem. When asked to comment on the growing problems associated with renewed visitation and the resulting vandalism, Superintendent John McLaughlin of Grand Teton National Park replied, " The answer to the problem lies in additional ranger personnel for patrol..."

According to Henneberger's To Protect and Preserve, by 1947 the gloomy picture of over use and abuse of park resources led Director Drury to but one conclusion : "Unless adequate ranger forces were provided for patrol and the enforcement of park regulations, the valuable and irreplaceable resource of the parks would undergo deterioration and the parks would lose their greatness and their beauty." Herein was recognized that not only was law enforcement a "service" to our visitors, but to our resources. Without Rangers who are ready, willing and able to enforce those special laws and regulations that make our parks and their social, cultural and natural resources something special, National Parks would fail to exist. The mission of NPS law enforcement for the 1950's and into the 1990's had been set. Law enforcement should be used not only as a tool to protect visitors and personnel property, but to also to protect those resources without which we would have no parks.

In 1953, the National Park Service authorized a publication entitled, LAW ENFORCEMENT MANUAL. On page 2 of this manual, law enforcement, as it relates to the management of the Parks, is firmly defined: "Law enforcement is now a primary duty in the successful operation of the areas administered by the National Park Service." Speaking of law enforcement, the manual goes on to say that law enforcement is a basic duty of many Rangers by stating, "...their basic duty is to protect the public and the area to which they are assigned." In the next paragraph the manual states, "Protection of Government property located in the areas from physical damage and theft is also a very important duty of each law

enforcement officer". While addressing Park Ranger duties the manual states, ".the National Park Service ranger represents the first line of law enforcement within the Service." This document makes it clear that in 1953, as in Mather and Albright's time, the role and function of many Park Rangers was clearly that of protecting the property of both the United States and the personal property of visitors. It future states that many Park Rangers "are required to detect violations of criminal laws and regulations that have occurred in their areas. They must apprehend, arrest, or cause the arrest of violators." This manual strongly supports the concept that law enforcement continued to be a significant function in the successful operations of many park units and of many Park Rangers. History suggest that Mather and Albright would agree.

Historically speaking, the function of law enforcement and Park Rangers has a strong connection. The units of the National Park Service have been established with various degrees of legal jurisdiction. With the vast majority of park units there comes the responsibility for the National Park Service to provide a basic set of services evolving around law enforcement and investigation. In today's Park Service, as well as historically, it is through use of the tools of the law enforcement function that park managers establish and maintain the social and atmospheric setting of the park (NPS Management Policies refers to these atmospheric settings as intangible resources). It is this setting, along with the park's physical resources, that establishes the land they manage as something special. These tools include a wide range of law enforcement and investigative actions. In particular, they includes the enforcement of those rules and regulations (36 CFR Parts 1-5) designed by the National Park Service to establish and maintain a special park setting. Law enforcement, as carried out by many Park Rangers, is clearly a primary tool used by managers of National Park areas to protect their resources, both physical and intangible, and to leave them "unimpaired".

While protecting these nationally significant resources, Park Rangers also have the responsibility to protect park visitors. In protecting visitors, we not only protect them and their property, but we also protect them from those who would challenge their right to enjoy a National Park. Development and use of parks have followed a pattern that has afforded to visitors the deeply satisfying experience the parks are capable of giving, without material impairment of natural and historical characteristics. The enjoyment envisioned in the acts creating both the National Park Service and the majority of individual parks is refreshment of mind and spirit as well as physical refreshment. With this purpose in mind, it is the responsibility of law enforcement Rangers to help establish and preserve a National Park atmosphere that is one of dignity and restraint. This is in keeping with the high purpose of the National Park Service. As Mather and Albright have acknowledged, the rights of visitors must be preserved by

preventing prohibited activities on the part of over-exuberant, thoughtless or selfish persons.

The roles and functions of Park Rangers have expanded since the times of Mather and Albright. Today not all Rangers hold Law Enforcement Commissions. In addition, not all Rangers holding Law Enforcement Commissions have duties and responsibilities that make the function of law enforcement a primary duty. Although Rangers working in positions where law enforcement is a primary duty often perform other significant duties, it is a mistake to believe that law enforcement is not a major and primary function of many Park Rangers.

Many Park Ranger positions in today's National Park Service have been fashioned in the mode of those civilians whom Mather and Albright recruited to replace the U. S. Cavalry. The major duties of those positions, as well as the actual work performed, could not be better described than in the 1953 National Park Service LAW ENFORCEMENT MANUAL. From 1916 to the present, many Park Rangers have been required and expected to detect violations of criminal laws and regulations that have occurred in their parks. Many Park Rangers have apprehended, arrested or caused to be arrested the violators of those laws and regulations.

Park Rangers will continue, as Rangers before them have, to perform significant law enforcement and investigative duties for their entire career. They have nothing to be ashamed of. Rather than belittle their contribution to the Service's mission, park management needs to acknowledge their positive contributions. Rangers have performed, and continue to perform, their jobs with the belief and knowledge that law enforcement is a primary management tool in the successful operation of the National Park Service and thus of them as PARK RANGERS.

As stated earlier, not all Rangers who hold Law Enforcement Commissions work in positions that have law enforcement as a primary or secondary duty. In fact, many of these Rangers could have their commissions removed with little effect on overall park operations. But why penalize those who do have major law enforcement duties for fear of rewarding those who do not? It is time for top management of the National Park Service to acknowledge that a significant number of Park Rangers are, by definition, Federal Law Enforcement Officers. It is time to acknowledge, as Mather and Albright did, the significant contributions these individuals have made and continue to make in providing the visitors to National Park areas with physical resource and social setting that is truly significant.

In the beginning, as the National Park Service evolved and was codified into law, the very first role and function of Park Rangers was to protect parks and people. The first duty of Rangers was to provide the parks with a law enforcement presence. They could have

called us Park Marshals, Park Wardens or Park Police. Instead, they called us PARK RANGERS. Law enforcement and "police work" not traditional Park Ranger work - hogwash!

Most Rangers are proud of their organizational title (Park Ranger) and the rich history of their profession. However, many find it ironic that if, in 1916, their title had followed their primary function and they had been called Park Marshals or Park Police, in all likelihood the subject of enhanced law enforcement retirement would not be an issue.