



THE HISTORY OF RANCHING AT ORGAN PIPE CACTUS NATIONAL MONUMENT

THEMATIC CONTEXT STUDY ORGAN PIPE CACTUS NATIONAL MONUMENT

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College of Architecture and Landscape Architecture
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Cover Photo: *“Poza Salado watering tanks and corral. Cholla joint hangs from lower lip of cow.”*
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THE HISTORY OF RANCHING AT ORGAN PIPE CACTUS NATIONAL MONUMENT PIMA COUNTY, ARIZONA A THEMATIC CONTEXT STATEMENT

Whatever happens, the story is one of the collision between common good and individual freedom. It will recur as wilderness continues to shrink under the pressure of growing civilization.¹

1. Executive Summary

The purpose of this document is to provide background and context to the history of actions taken and decisions made at Organ Pipe Cactus National Monument (ORPI) between 1937 and 1980. This context has been written to inform the preservation of historic structures and ranch features that make up the desert vernacular architecture at the Monument and to facilitate development of a thematic historic ranch interpretation and tour program. Foremost among the early ranch structures are those leased or controlled by the Gray family: Bates Well Ranch, Dos Lomitas Ranch, Gachado and Pozo Salado Line Camps, Dowling Well and other ranch-related objects that form the framework for interpreting cattle ranching on Organ Pipe Cactus National Monument lands.

The historic buildings and ranch features of the Gray Ranch are cultural resources now over 50 years old and were listed on the National Register of Historic Places in 1994. The overall periods of significance are listed as 1900–1924 and 1925–1949. As structures and features related to the early beginnings of cattle ranching on the Sonoran Desert, the buildings, sandwich corral fences, windmills, and other defining features are being repaired and rehabilitated for use in interpretation of the history of the Gray family and the long battle with Organ Pipe Cactus National Monument over cattle grazing rights.

Cattle were first brought to the southwest as a moveable food source by Francisco Vasquez de Coronado in A.D. 1540 when he explored the region that later became part of Arizona. The husbanding of cattle for the purpose of maintaining a permanent source of meat was first introduced to Pima Indian populations along the Río Sonoyta by Jesuit Father Eusebio Kino in 1699. Numerous ranching operations both north and south of what was later designated the International Boundary continued through the 1930s. The success of these cattle operations fluctuated with the ebb and flow of mining activities in the region and with rainfall variation.

Robert Lee (Bob) Gray and his family settled in the Sonoyta Valley north of the International Boundary in 1919. He had purchased improvements, wells, water rights, and cattle belonging to Lon Blankenship. Robert Lee Gray and three sons, Henry, Jack, and Robert Louis, expanded their control over the desert landscape by purchasing or leasing all other properties and improvements south of Ajo. In 1937 President Franklin Delano Roosevelt set aside 330,000 acres as a national monument to protect the population of organ pipe cactus found primarily in this region of the southwest.

The National Park Service allowed the Grays to graze cattle on Monument land under a lifetime permit arranged in 1941. The National Park Service also allowed José Juan Orosco, a Sand Papago, living at Quitobaquito to run 100 head of cattle in the southwest portion of the Monument. That permit was terminated upon his death in 1947.

The Grays built numerous ranching structures and water facilities throughout the monument, including Pozo Salado and Gachado Line Camps. The Grays also built and/or lived in four homes at Bates Well, Alamo Canyon, Dos Lomitas and Dowling Well.

Consequences of long-term overgrazing drove the National Park Service to attempt to buy out the Gray ranching operation in 1966. The Department of the Interior terminated the Gray partnership grazing permit in 1968. The three Gray sons continued to run cattle on Monument lands without a permit until the death of the last member of the partnership in 1976. The last of the Gray cattle were removed from National Monument lands in 1978.

A Thematic Introduction

For most of us in the modern world, ranching and cattle-raising have been compartmentalized to private and state trust lands, national forest allotments, and Indian reservations. It is difficult for many visitors to believe that the National Park Service, the protector of wilderness and untrammeled open spaces, could have allowed a traditional and destructive use as cattle grazing to occur within its protective boundaries.²

The sheer longevity of grazing at Organ Pipe Cactus National Monument boggles the mind. For almost 40 years the Gray family ran cattle across a national monument with apparently little to no interference from the federal agency. These cattle consumed and destroyed delicate desert vegetation, denuded enormous areas of plant life, wore trails still in existence today, and created huge regions where top soils were lost to wind and water. Even though cattle were removed from the landscape more than 30 years ago, arid environments are slow to recover and damage is still visible in many areas.

To the casual visitor, the notion that this activity was tolerated for so long raises a plethora of questions. Why did the Grays choose to run cattle in a largely desert environment where there was so little grass? Why did the Grays run so many cattle that they damaged the landscape on which their continued livelihood depended? Why did they not care for their cattle and the natural resources during frequent times of drought and famine? How could the Grays operate with such immunity when they continually ignored Park Service regulations? Did Park Service employees understand the extent of the ecological damage being wrought by livestock? Why didn't the Park Service put a halt to this destruction of their own environment that they had sworn to preserve? Why were the Grays "cheated" out of their payment for their property when the federal government had promised to buy them out? This document is intended to clarify the answers to these questions.

The issues in this struggle — social, political, cultural, and environmental — were complex and deeply interwoven throughout this history. The central role is played by the Gray cattle — a cross of Hereford

and Brahman breeds that essentially ran wild over 350 square miles of southwestern desert shrub. But there were many more actors in this long-running play: two generations of Grays; 10 generations of Organ Pipe superintendents; seven National Park Service directors; six Arizona delegates to Congress; five secretaries of the Interior; and one president wrestled with this ongoing problem over a time span of four decades. The Grays' and National Park Service's joint occupation of Organ Pipe is a story long and rife with conflict. It was an uneasy relationship between two unwilling bedfellows; each of whom wished the other would leave — and soon! Unfortunately for both parties, neither one would give in.

Much of the conflict in this story originates from changing values and attitudes about the land itself and the accepted uses of that land and its resources. Because the story spans such a long period of time, repercussions from those social, political and cultural changes continued to reverberate throughout the lives of the Gray family members, government officials, and National Park Service staff.

For the Grays, the first change was a shift in ranching patterns away from running cattle across open range to a more controlled management of animals, land, soil, water, and grass. When the Gray family left Texas in 1912, this tradition of open range ranching was rapidly dying. They moved westward through New Mexico, eastern Arizona and finally settled in the Sonoyta Valley in the southwestern corner of the state in 1920. Patriarch Bob Gray was always looking for grasslands unclaimed by agencies or people and uncluttered by other ranch units. By purchasing ranch structures and numerous wells along the US-Mexico border the Grays controlled an enormous area with little interference from other ranchers. The large number of sons willing to participate in the cattle operation (originally five but later three) gave the Gray family power in numbers well beyond most other ranching families in the area. They continued to expand their domain by leasing or purchasing improvements (but not land) south of the town of Ajo down to the International Boundary. By the late 1930s, the Grays were running cattle across the entire region that was about to become Organ Pipe Cactus National Monument.

But this pattern of squatting on the land and control of water was old, left over from the days of early settlement of the open ranges in the West. As ranges became more populated with people and livestock, it became necessary to protect those resources essential to a ranching operation with outright ownership of land. Ranchers accomplished this by homesteading and gaining title to those parcels. The Grays, however, could not be bothered with this process. When those homestead opportunities were eliminated in 1934, the Grays were left without a land base to justify their presence and continued use of the range.³ To compensate for this lack of titled land, the Grays persuaded the National Park Service through Senator Carl Hayden to grant them a lifetime grazing permit. With the long-term backing of one of the most powerful senators in Congress, the Gray family was assured of almost exclusive access to the grazing resources at Organ Pipe Cactus National Monument.

Changing state law over control of water represented another cultural shift to which the Grays did not adapt well. Prior to 1919, control and ownership of surface water was determined by continued use. Underground water especially that obtained from wells was controlled solely by ownership of the surrounding land. Once Organ Pipe Cactus National Monument had been established, the National Park Service became the sole proprietor of the land and all its subsurface waters. Those “waters” that

the Gray family thought they had purchased from previous ranchers granted them ownership only of the man-made structures — not the water itself.

Upon the death of the last member of the partnership, all Gray ranching structures became the property of the National Park Service by virtue of being within national monument boundary. Many have complained that the federal government cheated the Grays by not paying them the rightful value to their properties, their water, and grazing rights. But the legal battle over financial restitution was not quite so clear. They owned no land until 1951 when Bobby gained title to 160 acres. The Grays paid significantly less for their annual grazing permit than many surrounding ranchers who leased State, Indian, or Forest Service lands and received use of approximately 330,000 acres, an enormous grazing acreage while owning little or no deeded land. On the other hand, the Gray ranchers were never allowed to fully develop the Monument property in ways that would maximize the total use of all available grass and browse. Nonetheless, the Grays probably grazed an average of 1200 head of cattle or more in and around Organ Pipe lands with little or no interference for almost 40 years.

The struggle and ultimate demise of the Gray family and their ranching operation could be the stuff of Greek tragedy. They represented a tradition and culture which could no longer function in a rapidly developing world and population. Public attitudes about traditional uses on federal lands were also changing. In the 1960s and 70s, ranching and mining were seen less as beneficial enterprises and more as an environmental degradation of lands that belonged to all citizens. The Grays were some of the last members of the community to recognize these shifting public values. Even in these farthest desert reaches of southwestern United States, cattlemen were no longer law unto themselves and the land was no longer free for the taking.

Organ Pipe Cactus National Monument Political and Environmental Setting

Organ Pipe Cactus National Monument encompasses more than 330,000 acres in southwestern Pima County, Arizona. Topography of the Monument is defined by Basin and Range variation typical of much of the Southwest. The Monument is divided by two major mountain ranges and a lower set of hills that trend Northwest-Southeast. The highest elevation is in the Ajo Mountains at the eastern boundary at 4808 feet. The basins are relatively low-lying desert. Their vegetation type is Sonoran warm desert scrub. Heat, drought, and freezing temperatures are primary factors that determine plant distributions. Temperatures range from below 20°F during winter nights to above 115° on summer days. Rainfall is biseasonal and averages 11.5 inches but the variation from average may be more important than the mathematical calculation. Extended droughts from failure of seasonal rains occur frequently. The Monument contains a small number of perennial water sources such as the well-known Quitobaquito Springs. The springs are located at the base of the mountain ranges. Small water retention basins, *tinajas*, at upper elevations hold winter or summer rainfall for extended periods of time.⁴ Most present-day water sources are man-made, constructed for the historic cattle grazing industry.

Unlike the historic lush grasslands of southeastern Arizona, the plant populations in the region west of the Ajo Mountains were not immediately recognized as suitable for cattle grazing. The cattle industry developed later there than in all other grazing lands in Arizona. Most range assessments have

defined the Monument's vegetation collection as sparse scrub rather than the native grasses normally associated with grazing. Significant rain events, however, produce immediate and substantial growth of both scrub vegetation and grasses. Grazing was finally terminated on Monument lands in 1976 and the last cattle were removed in 1978.

Organ Pipe Cactus National Monument was the second of numerous federal reservations in southwestern Arizona. The Papago (now the Tohono O'odham) Indian Reservation was created in 1918. The Indian Reservation lies east of the Monument and shares a common boundary of the Ajo Mountain Range. Organ Pipe Cactus National Monument was established in 1937 by Franklin Delano Roosevelt for the purpose of protecting the unusual population of organ pipe cactus. The Monument was designated a UNESCO Man and Biosphere Reserve in 1976. A significant portion of the Monument was set aside two years later as wilderness. Cabeza Prieta Game Range (now the Cabeza Prieta National Wildlife Refuge) was created in 1939 to protect pronghorn antelope and bighorn sheep populations and lies immediately west and north of the Monument. The southern boundary of the Monument is delineated by the International border with Mexico; the border was formally established in 1854 when Congress ratified the Gadsden Purchase. The southern border roughly parallels the Río Sonoyta which flows east to west a few miles further south. North of the Monument lies the historic mining community of Ajo. Mining enthusiasts have explored the Ajo region for mineral resources since the mid-1800s.

2. Early Ranching in the Southwest and Arizona

The introduction of cattle to the United States and the Southwest began with Christopher Columbus on his second voyage to the New World in 1493. Columbus was believed to have brought cattle from the Canary Islands to Hispaniola as a developable food source.¹ Colonizers spread cattle to other islands in the Caribbean and finally to Central America in 1510 and Mexico by 1521.

During the late 1700s and early 1800s, the government of New Spain offered large tracts of land in Pimería Alta (the region settled by the northern Pima Indians south of the Gila River and north of the Río Magdalena) to communities and family groups who would settle and develop those border regions. The government's primary interest was to encourage new mining ventures. Cattle-raising was considered a secondary use of the land yet essential to sustaining the new settlers.² Numerous land grants were established in the Sulphur Springs, San Pedro, Santa Cruz, and Sonoita River valleys.³ This early era of settlement was relatively peaceful. The Spanish government had agreed to provide the local Apache tribes with food and alcohol as long as they refrained from harassing the new settlers. The new Mexican government, after a decade of revolution and overthrow of the Spanish regime, was unable to provide the same level of military and financial support for the region. The Apache tribes without subsistence support returned to their more traditional patterns of raiding. The early settlements within the land grants were rapidly abandoned along with the livestock. Bert Haskett has estimated that there may have been as many as 100,000 abandoned head of cattle on the ranges of southeastern Arizona.⁴ It is likely that most of these animals were slaughtered by the Chiricahua Apache as food during the subsequent 30 years.

In 1846, the United States declared war upon an unstable Mexican government and, two years later, exacted the territory north of the Gila River as spoils of war. In that same year, gold was discovered in the California hills. A frantic rush across the continent ensued as thousands of individuals hoped to partake of the putative riches of the mines and the miners. In a parallel rush to feed the miners, cowboys trailed large herds of cattle from Texas through Arizona and on into California. Cattle in Texas could be purchased for as little as \$3 – \$15 per head and sold in 1849 for as much as \$300 – \$500. By 1855, those prices had declined to \$6 – \$7 per head but the movement of large numbers of cattle along westward trails continued into the 1870s.⁵ Most cattle drovers followed the Gila River across Arizona to cross the Colorado River at Yuma.⁶ During these journeys, alert individuals — cowboys, surveyors, and explorers — recognized the valuable grass resources that had been largely unused and unclaimed in central and southern portions of the territory. Many made a mental note to return later and settle in the region.⁷ The journey for cattle drovers as well as gold seekers across southern Arizona was not without considerable risk of theft and slaughter especially from Apache or Sand Papago raiding parties.⁸ One of the first Anglo-Americans to visit the Gila River region was Tom Childs, Sr. Childs had passed through in 1848 while driving horses to California. He returned to settle near Gila Bend where he collected stray cattle abandoned from other California-bound drives.⁹

In 1854, the United States acquired from Mexico almost 30,000 square miles of territory south of the Gila River through the Gadsden Purchase. With this addition, the region encompassing Organ Pipe Cactus National Monument was appended to lands that later became the state of Arizona. The first permanent Anglo-American military attachment arrived in Tucson in 1856 to take charge of the

area. Some of the early settlers to the region included William S. Oury, Pete Kitchen, and Andrew Dorsey.¹⁰ Upon the outbreak of the Civil War in 1861, all American military forces were withdrawn from the western regions. Their withdrawal left the remaining inhabitants without any defense beyond their own resources. Few ranchers survived the subsequent incessant raiding by the Apache who destroyed buildings and livestock and slaughtered residents. Andrew Dorsey moved further southwest to Quitobaquito, perhaps to avoid the expanded raiding of the Chiricahua Apache. Tom Childs, Sr. abandoned his ranch during the Civil War to enlist in the Southern forces. He returned to the ranch at the end of hostilities.¹¹

The Growth of the Cattle Industry in the Southwest

With the conclusion of the Civil War, the federal government engaged in a concerted effort to resolve the Indian conflicts in the Southwest either through peace treaties and/or forced resettlement on designated reservations. Many military camps and forts were re-occupied and new ones established throughout Arizona to assure control of Indian populations and protect the rapidly increasing number of territorial residents. The number of troops in Arizona grew rapidly from a few hundred to almost 6000.¹² By 1870, most Indian tribes had acquiesced to settlement on reservation lands. General O.O. Howard signed one of the last peace treaties with the Chiricahua Apache in 1872 on the understanding that they would reside upon designated lands in the Sulphur Springs Valley in southeastern Arizona. The final settlement of these tribes was a multiple boon to the cattle industry throughout the Southwest and especially in southern Arizona. Not only were ranchers and their livestock afforded an improved measure of safety, but the large numbers of military personnel and sedentary Indians created an increased demand for beef. Ranchers such as Henry Clay Hooker, Randolph Tully and Estevan Ochoa who had secured early access to grass, land and water were offered substantial government contracts for regular deliveries of cattle. In addition to local sources of meat, midwestern ranchers continued to drive cattle from Texas ranges to Arizona until 1872.¹³

By the 1870s, the ranges in Texas had become overcrowded. Numerous returning Civil War veterans chose to head westward with their herds to seek out the newly available and relatively safe grasslands in southern Arizona. Brannick Riggs and his family journeyed from Texas in 1872 to settle on unclaimed lands in the Sulphur Springs Valley.¹⁴ Henry Clay Hooker and his partner, Hooper, drove four herds from Texas totaling 15,500 animals during 1872.¹⁵ Drought in California further added to Arizona's cattle population as western ranchers drove their herds east to escape parched conditions.¹⁶ By the end of the 1870s, Arizona's grasslands had seen a 20-fold increase in the number of grazing cattle.¹⁷ 1880 marked the completion of the Southern Pacific Railroad line through Arizona. Now territorial ranchers were no longer dependent upon local markets or the hazardous, month-long cattle drives to sell their beef. Cattle could be shipped to California in a matter of days and to other railroad connections that would bring their produce to eastern markets. Most knowledgeable observers agreed that by the early 1880s Arizona's ranges, like those in Texas, had become fully stocked; all available surface waters had been claimed.¹⁸

Southern Arizona's overcrowded ranges were beginning to show signs of vegetation damage. Some forward-thinking ranchers began to experiment with improving their yield on each cow rather than

simply increasing their numbers upon the land. Most cattle in Arizona at this time were descendents of the original Criollo or longhorn from Spain and the Canary Islands. The longhorn was well-adapted to the arid conditions of the Southwest. This breed had remarkable stamina, could survive under drought conditions, and tolerate long-distance travel. However, the animal was long and lanky; the little meat that it carried was tough and not very palatable. Northern European or British breeds were much stockier in form but less well-adapted to desert environments. Henry Clay Hooker of the Sierra Bonita ranch began to import bulls from different English breeds — Durham, Devon, and Hereford — and crossed them with his native cattle. He and others soon recognized that the Hereford-longhorn cross produced much better meat and had earlier maturation and prolific reproduction.¹⁹ Cattle with Hereford bloodlines produced more meat per cow but were not as desert-hardy as the original longhorn. In general these new crosses would require more intensive management and resource development than the Criollo descendents.²⁰

Another change in ranch management introduced into Arizona at this time was water development. Most natural water sites had already been claimed and protected; still there was insufficient water with which to supply those livestock already on the range. Larger cattle companies began to develop artificial water sources in the form of wells. Steam, as well as wind-driven, pumps brought water to the surface to be transported to nearby stock tanks. By creating additional water sources in new locations, grasslands that had been previously unavailable could now be opened up to additional grazing.²¹

Successful breeding, increased importation of cattle, and the development of additional water resources all led to a saturation of local markets and, subsequently, a necessity to move stock off the southern Arizona ranges and out of the region to California, Kansas, and additional markets in the East. Many were shipped by railroad but some larger companies still found it economical to drive their herds along the traditional trails.²² Nonetheless, most ranchers were still holding too many cattle on Arizona's ranges.

As the quality of range vegetation deteriorated under continuous grazing pressure, cattle ceased to put on weight. In order to bring cattle up to sufficient weight and development, cattle companies began transporting their three-year-old steers from Arizona's southern ranges north to the Salt River Valley to be fattened before slaughter. Sites in Phoenix grew alfalfa and cottonseed to feed the incoming steers.²³ Buyers from the Midwest also began taking Arizona steers to Kansas and Montana for finishing prior to market.²⁴

The End of the Open Range Ranching System

The collapse of the era of open range ranching began in the Midwest in the 1870s. A series of summer droughts and harsh winter blizzards began to inflict severe losses on cattle ranchers in Utah, Colorado, and Nebraska. The winter of 1886 – 87, one of the most severe on record, brought bitter winds and driving blizzards from Montana down through Texas. Estimates of cattle mortality from winter storms across the plains were as high as 60 – 90 percent. The terrible winter weather continued in the Rocky Mountain regions in 1889 – 1890 killing up to 95 percent of the range cattle.²⁵

In Arizona, the summer rains failed in 1891 marking the beginning of an extended drought. By all accounts, Arizona ranges were drastically overstocked. Cattle prices had dropped during the previous years because of saturated markets. Many ranchers held onto their older cattle in hopes of better prices later.²⁶ Cattle counts of 721,000 for the territory were vast underestimates; knowledgeable ranchers believed that the cattle numbers were closer to 1.5 million.²⁷ Most of these animals were located on the southern grasslands in Pima and Cochise counties.

Again the rains again failed through the summer of 1892. Grass had practically disappeared from the ranges; water sources had dried up; and the cattle began to die. In the fall, ranchers shipped thousands of head out of the state to Texas, Kansas, California, Nevada, and even Oregon. Because of depressed prices and starvation conditions few buyers were interested in these exports. The rains did not return until July 1893. Estimates of mortality of the remaining cattle varied from a conservative 50 percent to a more probable 75 percent. Arizona Governor L. C. Hughes opined in his 1893 annual report for the state that if the rains had not returned, any remaining cattle would have succumbed within two months.²⁸

The horrific consequences of this extended drought were seared into the minds of the surviving cattle ranchers. Collectively, the industry from the Midwest through Texas and Arizona made significant changes toward more conservative range and cattle management. The primary shift in management was the acknowledged importance of long-term investment in both land and cattle in order to reduce future risks during subsequent droughts. Terry Jordan has described this shift away from the “Texas style of ranching” in which cattle were left primarily to fend for themselves throughout the year until roundup to a more capital and labor intensive operation.²⁹

First and foremost was the change in cattle management away from retaining livestock on the range until full growth at two or three years of age to a cow-calf breeding operation. Only breeding cows and bulls were retained. Calves were shipped out to feeder lots at either six months or one year of age. Holding animals for longer periods of time only overstocked the range and damaged the grasses. Ranchers continued to invest in better breeding in order to produce more beef for the same acreage of land. Ranchers also increased the number of employees in order to handle stock more frequently and to improve herd docility.

Wise investment in both land and soil was also deemed essential. More ranchers developed artificial water sources such as pumped wells and man-made stock tanks or retention basins. Ranchers also dedicated well-watered lands to growing winter feed such as hay and barley. Other physical improvements involved development of fenced pastures. Cattle grazing could be focused for limited periods of time; later cattle would be removed to give grasses time to rest and regenerate. By protecting the health of their resources ranchers also reduced the rate of soil erosion and subsequent soil loss.³⁰

While most of the ranching industry made these cultural shifts away from the open range style of ranching, some resisted the new management practices. Terry Jordan has noted that many of these old-style Texans left the region for more open spaces in southwestern Arizona and Chihuahua, Mexico after the turn of the century.³¹

Environmental Consequences of Drought and Overgrazing

The drought of 1891 – 1893 was coincident with a number of long-term environmental changes in the landscapes of southern Arizona. Whether these changes were a direct response to overgrazing and other human-caused factors or were simply indicative of a shift in climatic patterns in the greater Southwest has been a topic of discussion by environmental historians for decades.³² A major change noted by all ranchers was the general decline in native grass populations. Under continuous overgrazing, perennial populations decreased with a corresponding rise in annual grass, shrub, and cactus populations.³³ The resulting plant species available for grazing were much less palatable or nutritious than those present in the pre-Civil War grasslands. A second change was a dramatic downcutting in many of the larger rivers in southern Arizona. This downcutting began in the 1880s and, in a span of less than two decades, had changed water table levels significantly. Downcutting and entrenchment occurred in the San Pedro, Santa Cruz, San Simon, and Aravaipa Rivers and Whitewater Draw.³⁴ Similar changes occurred to the Río Sonoyta after a dramatic rainstorm in 1891. Floodwaters eroded the river channel to a depth of 20 feet overnight. The surrounding farm fields dependent upon the shallow water table were permanently de-watered. The town of old Sonoyta had to be abandoned; new Sonoyta was relocated further downstream at its present location.³⁵

The environmental changes coincident with overgrazing of the grasslands during this extended drought were rapid and dramatic. Excessive numbers of cattle continuously grazing on the range for years had interrupted grass reproduction cycles. Grasses had no opportunity to mature and set seed for reproduction. During the drought, cattle desperate for food removed all grass material down to, and sometimes including, the root system. Left with insufficient biomass, the grasses could not regenerate during the following years even after the rains returned.³⁶ Cattle in their search for water wore deep trails alongside and into the water courses. In the absence of grasses and other vegetation to hold topsoil in place, dry summer winds removed significant amounts of humus and soil. Rainwaters moved more rapidly over the valley floors hastening soil movement and ultimately initiating gulying along the stream banks. Rapidly flowing streams carrying heavy loads of sediment scoured clean any remaining vegetation. As the riverbeds were deepened by the rushing waters, groundwater table levels also declined as water flowed out of the surrounding soils. The drop in water tables caused vegetation desiccation and loss and further enhanced erosion near riparian areas. The combined loss of topsoil and near-surface groundwater meant that few plants would regrow in those disturbed regions, thus allowing erosional processes to continue.³⁷

3. The History of the Public Domain and Range Rights

The development of ranching and the settlement in the West is intimately associated with the history of the public domain. The public domain was composed of land unclaimed by any individual that was “owned” and controlled by the federal government. Most of the public domain was located in the western portion of the continent. These lands included millions of square miles of federal lands acquired through treaties, purchases, war retribution, and concessions primarily during the half-century between Thomas Jefferson’s acquisition of the Louisiana Territories in 1803 and James Gadsden’s purchase of southern Arizona and New Mexico in 1853.¹ The story of the federal management, or lack thereof, of these lands sets much of the boundary conditions for the history of ranching in the West. This was especially true for those lands that fell within Organ Pipe Cactus National Monument. Homestead claims, federal reservations, and notions of “Range Rights” strongly influenced the struggle between the Gray family and the National Park Service.

The story of that management begins shortly after the conclusion of the Revolutionary War when British lands west of the Appalachian Mountain range became available to the new Confederation of States. The fledgling Confederation was deeply in debt, not only for financial loans from France, but for the salaries of the thousands of soldiers who had fought to obtain that independence. The Confederation (and later Congress) recognized that it could use those newly added land as payment to enlisted soldiers as well as to raise cash through land sales to pay off its debt to France.

Thomas Jefferson proposed to the Continental Congress a national land system, a program whereby available lands would be surveyed and recorded to encourage orderly sales and settlement.² The land would be divided into areas called *townships*, each 6 miles on the side, with the boundaries oriented to the cardinal points. Townships were further divided into 36 one-mile by one-mile units called *sections*, each of which contained 640 acres. Some of this demarcated land was given to previously enlisted men; the rest was auctioned off for cash. Surveyors not only measured and marked boundaries but also wrote extensive descriptions detailing the soils, grasses, timber, and minerals contained within each township. Maps and the accompanying descriptions were available to the public. To oversee and record the sale and dispensation of parcels of land, Congress later created the General Land Office in 1812. Registrars and recorders were hired to assist prospective homesteaders with identifying available lands, and filing and completing land claims.

Dispensing Public Lands: the Homestead Acts

Legislators recognized that substantial economic benefits would arise from the transfer of these public lands to private hands. Lands in private ownership would be developed and improved generating local produce for sustenance and economic activity for the area. Taxation of these lands would bring in revenues to local and state governments, revenues which could be reinvested locally in schools, roads, or other needed infrastructure. Unclaimed public lands were often abused and stripped of their natural resources by squatters — generally short-term inhabitants — who were less interested in building homes or establishing communities. These lands would have no investments made upon them nor would they contribute to local revenues.³

In 1862, Congress passed the Homestead Act. This law was intended to provide a regulated system by which the federal government could rapidly transfer agricultural lands to individuals interested in farming. The Homestead Act allowed farmers to claim 160 acres in exchange for small fees and a substantial investment of labor to improve that land. A homesteader was expected to build a house for his family, dig a well for water, husband animals, and produce crops within a time period of 3 – 5 years. If the claimant could verify these accomplishments, he would be granted title to the land by the General Land Office. This system of land dispensation was designed by congressional members in eastern states where soils were fertile and rainfall rarely insufficient for traditional forms of agriculture. The system, however, was inappropriate and its requirements untenable for the arid landscapes west of the 100th meridian. Grassland soils were too nutrient-poor to support agricultural crops and the unpredictable rainfall frequently meant a failure of a season's investments in labor and seed. In Arizona, less than one half of homesteading efforts were successful.⁴

Congressional legislators subsequently offered numerous band-aids to the 1862 Homestead Act in hopes of moderating those difficulties faced by settlers on arid lands. None were successful until finally in 1916 Congress passed the Stockraising Homestead Act as an alternative better adapted to the southwestern region.⁵ For the first time, cattle-raising was approved as a legitimate form of agricultural enterprise; the production of crops was no longer a requirement to gain title to the land. The Stockraising Homestead Act increased the permissible land claim from 160 to 640 acres, a full section. However, even this four-fold increase in acreage was inadequate for many homesteaders to become functionally independent, self-sustaining agriculturalists.

While grasses were often a large component of plant communities of the Southwest, their biomass production was limited by infrequent or insufficient rainfalls. Thus the number of cattle supported on southwestern grasslands was substantially less than in eastern states where rainfall was more predictable and plentiful. Shortly after the passage of the Stockraising Homestead Act, an unsigned letter was submitted to the journal of *American Forestry*. The letter laid out in print the glaring flaws within the act and predicted dire consequences in the future.

But here comes the rub. Land which cannot be irrigated, lying in arid regions and not capable of dry farming, in other words, land of the character contemplated by this bill, will graze only one cow on from 10 to 40 acres, depending on the local conditions. The average capacity is perhaps 20 acres, giving a herd of 32 range cattle as the possibility from which to make a living.

It is the judgment of stock raisers that fully 100 head of cattle are required to yield a competent living and this requires from four to 10 sections of grazing land. If these facts are true, the stockraising law is based on a fundamental economic error and only about one man in from four to 10 of those who file on these homesteads and invest their time, health and capital in improvements can hope to win out, and then only by acquiring title to the lands of those who fail.⁶

The letter writer makes the point that was already well-known to all ranchers in the West — to make “a competent living” a rancher needed to run more than 100 head of cattle. The land allotment from

the Stockraising Homestead Act would, on average, provide only 20 percent of the area necessary to feed those cattle.⁷ Thus a significant number of homesteaders were likely to fail without access to other lands.

In addition to the Homestead and Stockraising Acts, there were numerous other congressional laws which permitted the dispensation of public lands including the Desert Lands Act, the Timber Culture Act, and the Mineral Lands Act. All were greatly misused by ranchers through fraudulent claims to gain access to additional lands.⁸ Yet even with these opportunities to gain title to more land, most ranchers still could not obtain sufficient amounts of land to run a large enough herd to be financially independent. Most small ranchers and homesteaders could not afford to buy land. Instead they turned to the unclaimed public domain to support the rest of their cattle.

The Public Domain: Free Land for the Taking

Almost every rancher in the West was dependent upon the resources of the public domain. Most of these lands were seen as too dry for farming and contained few timber or mineral resources to attract other users. Their primary economic value lay in the grasses they produced. Karen Merrill has suggested that the federal government chose not to actively manage these lands and left them unhindered by rules or regulations in the hope that they might still be claimed by individuals for homesteads. But the scarcity of water made these lands relatively unattractive to most homesteaders. The grasslands of the public domain were essentially ignored as they had little financial value.⁹ The federal government had little desire or reason to restrict livestock use. Ranchers saw this lack of interest in management as tacit permission to utilize the grass resources of the public domain for free.¹⁰ The public domain was thus available to any cowboy who set his cows upon the land. As the value of beef arose after the Civil War, more ranchers wanted to take advantage of those “free” resources to develop their own cattle herds.¹¹

The Code of the West and Range Rights

In the absence of federal laws regulating the use of the grasslands, ranchers developed their own community rules and codes of conduct to control access and to set priorities for use.¹² Historian Walter Prescott Webb in 1931 described this agreement for control of access thusly:

The cattle kingdom was a world within itself, with a culture all its own, which though of brief duration, was complete and self-satisfying. The cattle kingdom worked out its own means and methods of utilization; it formulated its own law, called the code of the West, and did it largely upon extra-legal grounds.¹³

These rules were often created and enforced by the most powerful (i.e. often the early arrivals) within the ranching community and supported by local livestock associations. The primary mechanism for establishing control over access to grass was to control the access to water. Ranchers used homestead claims to secure title to lands immediately surrounding water sources; often they located their base

ranch at those water sites. A Colorado rancher in 1879 described the method of establishing control over his grasslands in a statement before the Public Lands Commission.

Wherever there is any water there is a ranch. On my own ranch (320 acres) I have 2 miles of running water; that accounts for my ranch being where it is. The next water from me in one direction is 23 miles; now no man can have a ranch between these two places. I have control of the grass, the same as though I owned it. ... Six miles east of me, there is another ranch, for there is water at that place. ... Water accounts for nine-tenths of the population in the West on ranches.¹⁴

Few cattle would travel more than a few miles from water each day. Thus by protecting a relatively small area that contained the essential water source, a rancher could exclude other livestock from hundreds or even thousands of acres of adjacent grasslands.¹⁵ The ranching code evolved to assert that ownership of water was equivalent to an unquestioned control of the grasses within the watershed. This “ownership” was the essence of a rancher’s “Range Rights:” an extralegal division of land and resources backed by community approval and tacit agreement. Range rights were also granted to a rancher who bought cattle that were already grazing a particular area. The purchase of animals on the range gave the new rancher access to that share of the grass resources.¹⁶ The acceptance or rejection of a newcomer on to a range was often determined by the local cattle association. If it wished to exclude a cattleman from the range, the association could make life very unpleasant by denying him use of normally communal assets such as corrals, participation in local roundups, or protection from rustlers.¹⁷

Range rights were also established by priority of arrival; the first individual could claim an unused portion of the range by publicizing his claim in a newspaper.¹⁸ Yet he could only hold that claim by continuous possession either through use or habitation of that site. If his possession was challenged in federal court, the plaintiff would only be able to formally defend that amount of land defined by his homestead claim or title.¹⁹

From this pattern of historic use and occupancy of the public domain, livestock owners generated a self-sustained notion of right of land “ownership.” This idea of “ownership” was supported by social rules of use, codes of conduct, and communal recognition of that possession.²⁰ In some locations, those rules of use, patterns of conduct, and “ownership” of the land were recognized by state laws. As long as the federal government chose not to exert its own control through legislation over the public domain, those state laws held valid. But state law could not create *a right of property or ownership* on federal land.

As long as the federal government was uninterested in managing the public domain or utilizing the land for other purposes, then cattle associations and the accepted codes of conduct were generally sufficient to regulate access to those resources for the benefit of those already residing upon the land. In essence, the federal government was granting an “implied license” for ranchers to use the land.²¹

Despite the codes of conduct, community rules, and associations, there was little desire among the ranching community to protect the grasslands from overuse. Indeed, the combined aspects of

“free” grass and the demand from an ever-increasing number of users meant that the grasses were continuously and historically overgrazed. If any rancher moved his cattle elsewhere in an attempt to give “his” grasses time to rest and reproduce, he found his rangeland occupied by someone else’s animals rapidly consuming the remaining available biomass. In this oversubscribed and competitive environment, range rights or ownership of the range existed only by continuous occupation. Demand for grass and an absence of legal possession of the land created a state of constant vigilance by rancher and employees in defense of their occupied land.

Early Federal Land Reservations from the Public Domain

The federal government’s disinterest in managing the resources of the public domain began to change in the late nineteenth century. Concern over the abuse of grass and timber was voiced by many influential scholars and conservationists. Forests, unregulated by law or overseers, were indiscriminately stripped of timber. Clearcutting created problems of erosion, soil loss, and flooding of communities downstream of those timbered regions. The federal government first asserted its right to manage these lands when it enacted two laws that gave the president the power to withdraw land from the public domain. The first law was the 1891 General Appropriations Act which allowed the sitting US president to set aside forested lands. The second, the Antiquities Act of 1906, again gave the president additional powers to establish national monuments and protect scientifically or archaeologically important sites.

In addition to giving the president the power to reserve lands from the public domain, Congress went further and created agencies that would actively protect federal reservations from despoilment. Theodore Roosevelt, when he became president in 1901, added his voice to the public outrage against the abuse of western grasslands. At the urging of Roosevelt, Congress created the United States Forest Service in 1905. The first Chief Forester, Gifford Pinchot, instituted the first grazing regulations to stem overgrazing and resulting soil loss on national forest lands. The primary purpose of Pinchot’s grazing regulations was to limit the number of cattle utilizing the grasslands. He created a permit system that granted access to national forest lands for certain livestock owners and a specified number of cows. This permit was considered a privilege for each permittee. This permit could be revoked if the permittee did not follow the rules of use. It did not guarantee a “right” of access for the livestock owner, nor was it transferable to another allotment applicant (except by US Forest Service agreement), nor was it meant to have any cash value that could affect the sale price of the home ranch.²²

Since 1864 Congress had intermittently reserved significant sites and landscapes from the public domain. In 1916, Congress established the agency of the National Park Service to oversee and protect those landscapes. The Park Service allowed grazing to continue in many early parks and most national monuments. The same grazing regulations and permit system that had been created by the US Forest Service were employed by the National Park Service.²³

As important and precedent-setting as these federal regulations to protect against overgrazing were, the regulations only provided protection to national forest and national park lands, not the rest of the public domain. It would be another three decades in the midst of the Great Depression, horrifying

dust storms in the Midwest, and an extended drought across most western states before Congress was willing enact the Taylor Grazing Act in 1934 to manage the resources of the remaining public domain.

Many early federal reservations were taken from the public domain. These reserves cut into lands previously “possessed” by ranchers. Forest Service and Park Service rules, permit regulations, and fees were an affront to those who had developed their ranching enterprises on lands that had been formally free for the taking. For the first time ranchers felt the need to assert what they saw as their property right to someone other than another cattle owner.

This notion of range rights, the right of “ownership” through historic use and community acceptance was strongly held by most ranchers in the West and especially by those who occupied lands in the Organ Pipe region. The entire Gray family had been steeped in the tradition that water control and occupancy yielded the right of ownership of the land. The arrival of the National Park Service with its claim to Organ Pipe Cactus National Monument and later the withdrawal of Cabeza Prieta Game Refuge lands by the Bureau of Sport Fisheries and Wildlife²⁴ created a significant threat to the previous freedom by which the Grays had run their cattle operations. The continuing struggle for ownership and control of the land and its resources between the Grays and other federal agencies originates from this extralegal tradition of range rights.

4. Early Settlement and Land Use in the Monument Region

Father Eusebio Francisco Kino is generally acknowledged as the first European to introduce livestock to Pimería Alta.¹ Kino, a Jesuit missionary, had been assigned by the Catholic Church in 1691 to bring Christianity to local Indian tribes. On his missionary travels he would bring gifts of livestock and seed. Kino taught the local populations how to care for and husband their livestock as well as to grow a wide variety of old world crops.

The work which Father Kino did as ranchman, or stockman, would alone stamp him as an unusual businessman and make him worthy of remembrance. He was easily the cattle king of his day and region. From the small outfit supplied him by the older missions to the east and south, within 15 years he established the beginnings of ranching in the valleys of the Santa Cruz, the San Pedro, and the Sonoita. The stock-raising industry of nearly 20 places on the modern map owes its beginnings on a considerable scale to this indefatigable man.²

In 1699, Kino brought 36 head of cattle to San Marcelo del Sonoytag, a Papago Indian community situated along the Río Sonora. Herbert Bolton has translated Kino's original description of the area from his memoirs.

This post and ranchería of San Marcelo is the best there is on this coast. It has fertile land, with irrigation ditches for good crops, water which runs all of the year, good pasture for cattle, and everything necessary for a good settlement, for it has very near here more than a thousand souls, and many more in its environs³

Upon his return in 1701, Kino encouraged the San Marcelo settlement to build a small mission.⁴ At this time, Kino proudly recorded in his memoir that his gift of livestock had already reproduced to 80 head in number.⁵

Surrounded by the great Sonoran Desert and dependent upon the briefly flowing Río Sonoyta, the town of Sonoyta for the next 250 years continued to exist as a small-scale farming and ranching community much as it did during Father Kino's time. Numerous others small settlements of Papagos and Mexicans in the Río Sonoyta region flowered briefly and disappeared again during this period. Each community was dependent upon a nearby source of water, a small number of cattle, and local crops. Santa Domingo, Dowling, and Quitobaquito all fell into this category.⁶

In 1846, the United States declared war on Mexico. After cessation of fighting in 1848, Mexico signed the Treaty of Guadalupe Hidalgo and transferred possession to the United States almost two-thirds of its prewar territory. This territory included the future states of California, Nevada, Utah, Texas and parts of Colorado, Kansas, Montana, Oklahoma, New Mexico and Arizona. The southern boundary of the region was delineated by the Gila River. Shortly thereafter, gold was discovered in the hills of California. Thousands of adventurers rushed to the west coast seeking their own share of mineral wealth. Transcontinental travel was still arduous especially during the winter when deep snows blanketed the Continental Divide. Despite the enormity of the United States' newly acquired territory, the region still did not extend far enough south to build a railroad line that would be free

of snow during the entire year. Surveyors had already ascertained that the valley of the Gila River was impassable by railroad. In 1854, the United States purchased from the government of Mexico an additional 30,000 square miles; this purchase completed the territorial boundaries of the future states of New Mexico and Arizona including the lands encompassing Organ Pipe Cactus National Monument.

The town of Sonoyta garnered a brief prominence during the height of the gold rush. For westward travelers, the town was the last guaranteed source of water and supplies on Camino del Diablo, the dreaded desert route that led westward to California. This route was clearly the shortest and most direct from the southern regions but it was highly dangerous for those unprepared to travel an extended distance without water. Hundreds of adventurers stopped briefly in Sonoyta before they began their journey across the sands toward Yuma and the Colorado River.⁷

Many of these early explorers and travelers passing through on their way to California recognize the possibility of valuable mineral resources in the mountain ranges north of Sonoyta. In the 1850s, prospectors were exploring the Ajo region for gold, silver and copper.⁸ A number of claims were developed in the 1880s by both Mexican and American miners at the Victoria Mine in the Sonoyta Mountains and at the Growler Mine in the northern portion of Organ Pipe near Growler Pass. The Growler Mine yielded enough minerals to support a small community at Bates Well in the early 1900s.⁹ These and other numerous small mining claims were worked on and off through the nineteenth and twentieth century.

In 1916, Colonel John Greenway purchased most of the outstanding mining claims in Ajo and established the New Cornelia Mining Company. A spur railroad was extended from the settlement at Gila Bend to connect the town of Ajo to the transcontinental line of the Southern Pacific Railroad. This linkage finally gave Ajo miners easier access to the smelter in Douglas, Arizona. Under Greenway's leadership mining operations in Ajo went from small-scale to industrial levels of activity. The population of Ajo began to grow by leaps and bounds. The presence of these miners and their families created a growing demand for reliable food sources, especially meat. As the fortunes of the mines in the Organ Pipe and Ajo regions rose and fell, so did the demand for beef and cattle in the area.¹⁰

Anglo-American Ranchers during the Early 1900s

Cattle-raising along the Río Sonoyta continued on a relatively small scale; most of the Papago and Mexican inhabitants were traditional farmers; they raised a limited number of cattle and farmed small plots of land for their own consumption.¹¹ In the Organ Pipe region, at the turn of the century, there were as yet no federal reservations and no homesteads; the land was open and still part of the unclaimed public domain. Grass and scrub browse were free to all who wished to run cattle. The first large-scale ranching enterprises were started by Anglo-Americans. Tom Childs, Sr. had returned to his ranch five miles below Gila Bend in 1870.¹² His son, Tom Childs, Jr., began his own cattle operation in 1908, 10 miles north of the Ajo mine. Tom Jr. ran his cattle on the ranges between Gila Bend and the border with Mexico.¹³ John Cameron, a schoolmate of Tom Childs, Jr., owned a ranch in Agua Caliente and ran his cattle from the Gila River south to the International Boundary and beyond. In

1916, he opened a meat market in Ajo; later he sold the market to Tom Childs, Jr. in order to focus on ranching. Cameron's ranch was known as the second largest in the Ajo area; the largest belonged to Tom Childs, Jr.¹⁴ Bill Hoy notes that Cameron was running cattle in the Valley of the Ajo during the 1930s.¹⁵ Both Cameron and Childs had grazing leases on the Cabeza Prieta Grazing Range in the early 1940s. Child's lease was canceled by the Air Force when the land became a gunnery range. Cameron, however, kept his lease on the east side of the Growler Range and north of the Monument at least through 1965.¹⁶

Early mining operations at the Bates Well site petered out sometime after 1910. Reuben (Rube) Daniels acquired the mining area from a man named W.B. Bates before 1912 and began running large numbers of cattle on the range around the Growler and Bates Mountains. Daniels apparently dug both the old Daniels Well and the Cherioni Well in 1912 to provide water for his cattle. Later, in 1916, Daniels dug the Cipriano Well.¹⁷ Five years later, Sam and John McDaniel acquired Reuben's developments and 1000 head of cattle for \$17,000. During the winter and the spring of 1917, the rains failed and approximately 300 cattle died. The following summer rains provided good grasses to fatten the remaining cattle and the McDaniel brothers sold the entire herd at a profit. They later purchased a smaller number of cattle with better breeding and maintained the ranching operation until 1922 when the rains again failed. Again the McDaniel brothers sold the entire second herd and then sold the Bates Well ranch back to Reuben. Daniels ran cattle for a couple of years more and then, before he died in 1925 or 1926, he persuaded the McDaniels to take over the Bates Well ranch a second time.¹⁸ Sam McDaniel stated that he and his brother never ran cattle at Bates Well again. Instead the McDaniel brothers bought the Blair ranch at Gunsight and the resident cattle belonging to Birdie Miller.¹⁹ In 1927, the *Ajo Copper News* reported that the McDaniel brothers shipped eight carloads of cattle from Ajo to Yuma.²⁰ Seven years later, John McDaniel leased, and then in 1935 sold, the Bates Well ranch improvements to Henry Gray. The Bates Well was strategically a good ranch site as its natural range extended 15 miles in each direction.²¹ The Grazing Service, an early incarnation of the Bureau of Land Management, had not yet become active in the state and ranchers defined their own ranges according to their "ownership" or control of cattle watering sites.²²

Birdie Del Miller's parents, the Blairs, established a ranch in 1909 in Gunsight, northeast of the Monument region. In 1913, Birdie married Bill Miller and the two moved to Dripping Springs on the east side of the Puerto Blanco Mountains; together they began running cattle in the Valley of the Ajo. Dripping Springs did not provide sufficient water so they moved across the valley to Alamo Canyon and built a home in 1914. Birdie described the Alamo as a good ranch site with a more reliable water source. The Millers wished to protect what they saw as their own range from Papago Reservation cattle; they built a fence from Kuakatch Pass across Kuakatch Wash to the Gunsight Hills. The Millers also built a 10-mile fence from Estes Canyon in the Ajo Range westward across to Dripping Springs in order to stop Mexican cattle from trespassing into their range.²³ By 1918, the Millers were running 600 head of cattle.²⁴ The Millers moved their ranching headquarters to Walls Well in Kuakatch Pass and homesteaded 320 acres in the early 1920s. In 1928, Birdie and Bill Miller divorced and sold their cattle.²⁵ Birdie leased the Alamo site in the 1920s to Henry Gray. She later leased the Walls Well site in the 1930s to the Grays who were expanding their ranching operations to make use of the available grasses in the northern region.

James Havins with his sons, Hank and Ed, ran cattle near the southwestern corner of Organ Pipe in what later became Cabeza Prieta Grazing Range in the 1930s. There they developed a ranch called the “Needmore.”²⁶ Following the establishment of Cabeza Prieta Game Range, the Havins also leased land for grazing with a permit for 500 head. That lease was later canceled when the US Air Force commandeered the land for gunnery and bombing range during World War II. The Havins continued to run their cattle on the eastern half of the Cabeza Prieta Game Range through the 1960s despite an absence of grazing permit.²⁷

Lon Blankenship and his family moved to the international border region near Sonoyta probably in 1914 or shortly before. He developed numerous water resources on the range and ran a significant number of cattle in the area (300 – 400 head). In the absence of fencing along the international border, his cattle probably ranged from the Sonoyta River north and west for many miles. Blankenship is credited with developing the Gachado Well, the Blankenship Well in 1917, and the Cement Tank. In addition, he was described as gaining controlling access to the Aguajita Spring on the east side of the Quitobaquito Hills, the Dowling Well, constructed in the 1890s for milling purposes, and Wild Horse Tank, or *tinaja*, a natural water hole, north of the Diablo Mountains which was later modified to hold more water.²⁸

The Grays when they arrived in 1920 were by no means the only ranching family in the Ajo-Organ Pipe region. There were at least five other cattle operations in the area during the decade after 1910. The Grays, however, developed one of the largest, if not the largest, cattle operation within a few years of their arrival in the Sonoyta Valley.

5. The Arrival of the Gray Family in Organ Pipe

Robert Lee Gray and the Gray Family History

Robert Lee was the patriarch of the Gray family and later head of the Gray Ranching Partnership.¹ He was well known throughout southwestern Arizona and northern Sonora for his fearlessness, his astute cattle business acumen, and his prodigious consumption of alcohol. He drove himself and his sons, who later became his partners, hard in their ranching enterprise, working long hours and days without rest. He was known for his domineering attitude and occasional violent outbursts toward his family. Other family members could not tolerate living with him and eventually all but his wife, Sallie, moved away from the Dos Lomitas ranch to other habitations.²

After many years of moving his family throughout the Southwest, Bob Gray, at the age of 45, finally settled in the Sonoita Valley in 1920. As his son, Abe, described it, Bob Gray had “itchy feet.”³ He never stayed in one location for longer than five or six years, and often only one or two. He was a man who was clearly looking for a different environment than what was available to him across most of the Southwest. He appeared to have successful ranch businesses in western Texas and again in eastern Arizona and still he kept moving. There is little documented information about why he chose to move further and further west and to finally settle in western Pima County in the place his son, Abe, described as the “end of the road.”⁴ Historian Terry Jordan has suggested that a small cadre of Texas cowmen left Texas for western Arizona at the beginning of the twentieth century looking for the last of the open range uncluttered by homestead claims and federal reservations.⁵ Perhaps Bob Gray thought that he had found that freedom of space and freedom from restrictions when he arrived in the Sonoita Valley. Those freedoms, however, did not last long, even at the end of the road.

Robert Lee Gray was born in Little Rock, Arkansas in 1875. He disliked the hard labor on his father’s farm and ran away to Texas at an early age. By 1892 he was already a seasoned cowhand. He married the daughter of a San Angelo cattle rancher, Sara (Sallie) Amanda Cope, in the mid 1890s. During the next 17 years, Bob sired nine children. We can follow the Gray family travels through Texas, New Mexico, and Arizona from the birth records of his offspring. First child, Henry David, was born in 1897 in El Paso; the second, Abe, in Sterling City in 1898; and the third, Margaret, in Fort Stockton in 1900.⁶ Probably until the family’s arrival in Fort Stockton, Bob was working as a hired cow hand. Despite being landless, Bob, nevertheless, was developing his own herd of cattle as he and his growing family moved from ranch to ranch across western Texas.

In 1900, Bob Gray sold all of his cattle and purchased an extensive sheep ranch outside of Fort Stockton. The ranch contained between 4500 and 4800 acres of land — a fairly substantial holding for a first-time ranch owner.⁷ After six years, he sold the sheep and the ranch and moved the family to Grandfalls in West Texas. The Gray family stayed in that location for an additional six years.

Finally, in 1912, Bob and Sallie and their eight children left Texas for good. Ralph Gray later expressed great sadness about their departure. It was their father’s decision alone to leave Texas. Ralph opined that they should have instead moved east to San Angelo rather than west to Arizona. Yet Ralph agreed that Arizona had a much better climate for raising cattle than Texas because of reduced tick infestations.⁸

For three months, the family traveled in a covered wagon trailing 50 head of cattle to the region just west of the New Mexico border. Bob Gray bought the Triangle Ranch near San Simon, Arizona. In November 1912, the last Gray child, Robert Louis (Bobby), was born at the Triangle Ranch. But their stay in San Simon was short. Within a year, the Grays had left Arizona and traveled to Tatum in northeastern New Mexico. Ralph suggested that locoweed poisoning of their good horses was the reason for their departure from San Simon.⁹ General Land Office homestead records indicate that Bob Gray homesteaded two parcels of land in Quay County, New Mexico. He ultimately gained title to those 200 acres of land in 1914 and 1915.¹⁰ Like San Simon, the stay in New Mexico was short; Abe Gray describes this sojourn in the Gray brothers' interview in 1975. "We went to New Mexico again. Then we went up to that old mine and then turned around, went back to Benson, Arizona."¹¹

The Grays returned to Arizona in 1914 or 1915. With earnings from the sale of the New Mexico homestead, Bob Gray acquired acreage in French Joe Canyon on the east side of the Whetstone Mountains. Bob Gray purchased a second ranch in the San Rafael Valley. While he, Henry, and Abe tended most of the cattle in Benson, Bob sent Sallie with the younger children to San Rafael to be educated at the local elementary school.¹² During this time, Bob filed on a third homestead parcel of 329 acres in French Joe Canyon to which he gained title in 1919.¹³ Both the San Rafael and French Joe Canyon ranches were apparently financially successful. But Henry had a life-threatening altercation with a neighbor in the same watershed.¹⁴ Bob Gray decided that it was time to move the family and business further west again. While visiting Tucson, Bob saw an advertisement for the Rattlesnake Ranch in Sonoyta Valley. He sold the French Joe Canyon and San Rafael ranches and purchased the Rattlesnake Ranch from Lon Blankenship in 1919 for \$5,000.¹⁵

It took a full year to move the family household. In 1920 Bob, Henry and Ralph drove 250 head of cattle and a few saddle horses from Benson to the new ranch.¹⁶ Abe drove Sallie and the younger children in a newly purchased Model T Ford. Later in June of that year, the remaining thousand head of cattle were shipped by rail from Benson to Ajo.¹⁷

Legal Complexities of the Grays' Purchase of the Blankenship Property

In southwestern Arizona back then, on fringes forgotten by government rules, a settler just rode into a site he liked and bought out a rancher or miner living there, or he simply squatted on an unoccupied site, dug a well, and turned the cows loose. He paid little mind to matters of land deeds and homestead rights.¹⁸

In 1919, Robert Lee Gray purchased from Lon Blankenship the physical structures and buildings, 400 head of cattle, and what Bob Gray believed were the rights to a series of water sites that Blankenship had previously developed or purchased. For \$5,000, this purchase included the original ranch house, the well and corrals that had probably been built in 1917 by Lon Blankenship himself. The purchase also included the Gachado Well and Cement Tank also constructed by Blankenship, and the Dowling Ranch and Well. Blankenship apparently claimed ownership of Aguajita Spring which was included in the sale to Bob Gray.¹⁹

It is important to note early on in this discourse that this transaction did not include any land. None of the previous settlers, including Blankenship, actually owned the land. The process of homesteading — filing a formal claim for a specific property with the General Land Office and living on that property for a specified period of time — was the primary mode for settlers to gain ownership of a parcel of land.²⁰ Prior to making a formal claim, the land had to be surveyed to establish the township and range delineations, and the locations of section lines within. At the time of Bob Gray's purchase, this region was still part of the unsurveyed public domain.²¹ Blankenship and his predecessors as well as Bob Gray and his family, merely squatted upon the land. By their continued presence the Grays were able to exclude others from that land. Indeed, no one else could have claimed (homesteaded) it while the family inhabited the area. But that habitation gave no formal title of ownership to Bob Gray.²² The absence of this title would cause the Gray family significant problems later on.

“Ownership” of water rights and the assumed transfer of title from the Blankenship sale created legal complications as well. With the possible exception of one water source, the Grays did not actually purchase the water rights listed in the sale. Western water law, based on the notion of Prior Appropriation, recognized claims to any free-flowing, *surface* water as long as no one else had laid previous claim to that water. Ownership of this surface water depended upon two important aspects: 1) the water had to be diverted from its original flow (e.g. to a stock tank) and 2) it had to be appropriated for a “beneficial” use such as irrigation of crops, mining, or domestic use (including livestock watering).²³ Unlike the riparian water laws recognized in states east of the Mississippi, western water law separated ownership of surface waters from the lands that sat beneath them. Thus the owner of the streambed was not necessarily the owner of the water that flowed through it, if another individual had laid claim to that water earlier.

When Bob Gray purchased Blankenship's holdings in 1919, *subsurface* or ground waters percolating through the soil could not be claimed separately from the surrounding land. In 1904, Arizona territorial Supreme Court had ruled that all subsurface waters belonged to the land and to the land owner.²⁴ Thus the Grays could purchase and hold a water right for Aguajita Spring as free-flowing surface water as long as they diverted it for a beneficial use. But well water (groundwater) could only be claimed by the land owner. Since the Grays did not actually own the land holding the wells, they could only possess the *structures* that gave them access to subsurface waters.

Another unclear aspect relating to these water claims was the date of transaction. The mechanisms for laying claim to and establishing ownership of water in Arizona were changing as state law evolved from ‘possession by use’ to a more complex ‘filing and notification’ procedure. The sons of Bob Gray in later interviews all state that he purchased these improvements from Lon Blankenship in 1919.²⁵ That date of transfer is critical because, on June 12, 1919, the Arizona Legislature enacted the Public Water Code. The code required that all subsequent water claimants had to obtain a water rights permit and file it with the Arizona State Land Department before the water right could be validated. Prior to that date, the owner simply had to use the water and post a notice of the claim at its location. Thus, if the Gray family had purchased the improvements and posted its claims prior to the date of June 12, 1919, they would “own” the water right to Aguajita Spring. If they had purchased and laid claim to the spring after that date, the Grays would have had to obtain a permit from the State Land Department.²⁶ Both the issues of land ownership and water rights resurface frequently throughout the history of the

Grays' ranching operations especially in the latter years of the grazing conflict when the Park Service attempted to "buy out" the Gray family grazing permit and their possessions.

Gray Family Establishes Control of Grazing Lands in the Monument Region

The Gray family of 10 moved into Blankenship's two-room adobe building in 1920.²⁷ The family included five members above the age of 17: Robert Lee and his wife, Sallie; Henry, age 22; Abe, age 21; Ralph, age 17; Emma Lee, age 15; Mary Ethel, age 13; Jack, age 10; Beryl, age unknown; and Robert Louis, age 7.²⁸ In addition to purchasing Lon Blankenship's 400 head of cattle, the Grays had brought with them 1250 cattle and over 100 horses.

Within the Sonoyta Valley surrounding the Dos Lomitas ranch, Bob Gray controlled all of the watering sites east of Quitobaquito Spring and north of Río Sonoyta at the International Boundary. The Grays' grazing range was bounded on the east by the Ajo Range. This mountain range separated the Gray cattle operations from the Papago (later called the Tohono O'odham) Reservation that had been established in 1918. The western edge was less well defined by the Sonoyta Range. A barbed wire fence across the southern reach of the Valley of the Ajo had been erected by Bill Miller in 1914 and created a northern boundary to the Grays' grazing. Despite the natural and man-made barriers, however, Mexican and American horses and cattle, as well as feral burros, wandered relatively freely north and south of the International Boundary in search of grass and water. Livestock movement was limited only by significant escarpments and by distance from water.

As they came of age the older Gray sons, Henry, Ralph, and Abe, felt the need to move out of the small ranch house and establish their own spheres of influence. Ralph moved to Ajo in 1920 and secured a job at the copper mine. Ralph was accompanied by Sallie Gray to keep house and care for the younger children who were enrolled in the Ajo school. Henry and Abe moved to the Gachado Line Camp and lived there until the late 1920s. Abe married Bartola Ortega, a Sonoyta woman, and moved across the border to run his own cattle operation. Now under the controlling hand of patriarch, Bob, and the energies of first son, Henry, the Gray family ranching operation began to expand.²⁹ As Jack and Robert Louis (Bobby) Gray grew older, they joined the ranching enterprise. Bob, Henry, Jack and Bobby each owned their own cattle. Following the establishment of Organ Pipe Cactus National Monument, the men managed the range and ran the cattle collectively.³⁰

In 1928, Henry rented the Alamo Ranch in the northern Ajo Range from Birdie Miller. He later purchased the building with its improvements and well. At the same time, Bob Gray purchased Williams Spring in the southwest portion of Quitobaquito Hills.³¹ Henry constructed the cement retaining wall at Wild Horse Tank in the Diablo Mountains between 1928 and 1934. Ralph Gray dug the Red Tanks Well in 1932. Finally, in 1934, Henry arranged with John T. McDaniel to lease the unused Bates Well water and range south of the Growler Mountains. In 1935, Henry purchased McDaniel's ranch house, well, and associated improvements.³² The Grays also rented the ranges associated with Birdie Miller's ranch in the northeast portion and the Armenta Ranch in the north-central portion of the Monument region. With these new acquisitions came access to Walls Well at Kuakatch, Dripping Springs in the Puerto Blanco Mountains, and Bonita and Pozo Nuevo Wells on

the Aguajita Wash. Hocker Well and Quitobaquito Spring and Pond provided water in the southwest quadrant. In 1942, Henry constructed the Pozo Salado Well nearby.³³

By leasing, buying, and developing these water sources as well as the associated ranch structures, the Gray family established complete control of the range within and beyond the region of Organ Pipe Cactus National Monument without owning a single acre of land. Cattle belonging to other neighboring ranchers, such as James Havins and family to the west, John Cameron and Tom Childs to the north and numerous Mexican ranchers to the south, also grazed in the same area; there was little fencing to retard their movement. The Grays, however, were acknowledged by all as the dominant ranching operation. Indeed the Grays' business had become one of the largest cattle operations in Arizona.³⁴

6. “Object of Scientific Interest:” The Creation of Organ Pipe Cactus National Monument

In 1906, Congress passed one of the most significant pieces of legislation for the future development of the National Park Service and to landscape preservation efforts in the United States.¹ On June 8, President Theodore Roosevelt signed into law “An Act for Preservation of American Antiquities.”² The importance of this act lay in the power that it gave the president to set aside specific parcels of land from the public domain for preservation. Congress granted this power to a single individual because it realized that writing protection legislation for each individual site was time-consuming and cumbersome. The primary focus of the Antiquities Act, as its title suggests, was to protect small archaeological sites from looting and destruction. A second purpose allowed the president to set aside “objects of scientific interest.” With an earlier act written in 1891, Congress had given the president the power to reserve large areas of forested lands in order to protect their timber and water resources for future use.³ Roosevelt, one of the first and certainly one of the greatest conservation presidents in US history, had already begun to make use of this Forest Reserve Act to create national forests throughout the western states.⁴ He recognized immediately that the Antiquities Act now gave him the means by which he could not only protect the prehistoric ruins of Mesa Verde but also unusual geological features such as the volcanic plug known as the Devils Tower. With Devils Tower, Roosevelt took the phrase, “object of scientific interest,” and translated it to “natural wonder.”⁵ The designers of the Antiquities Act did not wish to give the president an entirely free hand and therefore had restricted the amount of land to be set aside as the “smallest area compatible with proper care and management.” Almost immediately, President Roosevelt, never known for his restraint, pushed the intended boundaries of the Antiquities Act by reserving more than 800,000 acres of land to protect the region of the Grand Canyon in Arizona.⁶ Roosevelt had set multiple precedents for other presidents to follow in the number of national monuments that he set aside, the wide range of types of sites that he chose, and the sheer size of the parcels he reserved for the protection of each monument.

The Southwest was littered with prehistoric sites that cried out for protection. Within the first 20 years of the Antiquities Act, Roosevelt and his successors set aside 25 prehistoric or historic sites, most of which lay in the southwestern region. But there was a growing recognition within the Park Service that the Antiquities Act with its opportunity to protect “scientific objects” and other geological oddities could also be valuable to reserve large areas of land. These larger areas could be used to protect rare or unusual plant communities. Park Service planners began to examine the different desert environments of the Southwest.⁷

Roger Toll, superintendent of Rocky Mountain National Park and the primary inspector of proposed parks in the West, was dispatched to survey southern Arizona and California in February 1932 and to assess three desert regions as “representative areas,” areas with highly unusual plant communities. Toll looked specifically in locations in the southwest that contained organ pipe cactus, Joshua trees, and saguaro cactus. On a second tour during the following year, he recommended the establishment of a national monument to protect the organ pipe cactus as well as one for the saguaro.⁸ Toll’s recommendations for Organ Pipe Cactus National Monument were strongly supported in the form

of resolutions from the Pima County Supervisors, the Ajo Chamber of Commerce, and the Tucson Natural History Association, a private group of scientists from southern Arizona.⁹ Copies of these resolutions were sent to Representative Isabella Greenway and Senators Henry Ashurst and Carl Hayden. They, in turn, sent them on to the National Park Service.¹⁰ T. D. Mallery, President of the Tucson Natural History Association, went further and pressed Ashurst, Hayden, and Greenway to take the lead and introduce legislation in both houses of Congress to establish Organ Pipe Cactus National Monument immediately.¹¹

There was, of course, considerable opposition to the Monument's proposal from powerful voices such as Arizona Governor WP Hunt and from numerous land use associations including the Arizona Small Mine Owners, the Arizona Wool Growers, the Arizona Cattle Growers, the Yuma Valley Rod and Gun Club, and the Yuma County Board of Supervisors.¹² The Grays were well aware of the interest expressed by the National Park Service and the proposal for a national monument south of Ajo. Some family members were present at a scientific survey of the proposed Monument area in 1937.¹³ To date, no record has been found of the Grays objecting to the proposed Monument or contacting their legislative representatives at this early stage in the negotiations.

Isabella Greenway, a democrat, had been the first woman elected to represent Arizona in Washington. Because of her strong connection to the Ajo community, she was an enthusiastic supporter of the proposed Monument.¹⁴ She responded to the Pima County Supervisors' letter of support, "You have no idea how directly to my heart this project goes as for many years I have been driving between our home (in Ajo) and Tucson and felt that this should be done."¹⁵ Greenway, in turn, wrote to National Park Service Director Arno Cammerer and pressed him to move forward with a proposal.¹⁶

Arizona Senator Carl T. Hayden was less enthusiastic about the proposal. Like Greenway, he had received the same supporting recommendations regarding its establishment and dutifully forwarded those documents to the Secretary of the Interior. He chose not to include, however, any personal opinion on the issue.

Hayden had been advised by the National Park Service director that he would be briefed on the establishment issues for the proposed Monument, both pro and con, prior to any final decision. This, the Park Service forgot to do. Senator Hayden learned of the establishment of Organ Pipe Cactus National Monument on April 13, 1937 from an article in the local newspaper.¹⁷ By this unfortunate omission, the Park Service made a very serious error which cost the trust and goodwill of a very powerful senator who was not only Arizona's senatorial representative but who also controlled the funding for the Department of the Interior and the National Park Service.

Senator Carl Hayden and His Influence on Organ Pipe Cactus National Monument

Carl Trumbull Hayden was born in 1877. He was raised at his father's ferry landing and grist mill site on the banks of the Salt River in the frontier community of Tempe. The young Carl showed both intelligence and oratorical skill.¹⁸ He saw himself as destined for the political stage and, when

a freshman at Stanford University, declared himself to be a “Professional School Politician.”¹⁹ Upon his father’s death in 1900 Hayden returned to Tempe to run the family flour milling business and immediately became active in local Democratic politics. He was elected to the position of Maricopa County Sheriff in 1906. Later in 1912, when Arizona was finally granted statehood, Hayden became Arizona’s first voting member of the US House of Representatives.²⁰ Hayden was repeatedly reelected to the House before he decided to run for the Senate in 1927. There he continued as Arizona’s staunch advocate and highly influential senator for the next 42 years until his retirement in 1969 at the age of 91.

Carl Hayden was committed to developing his new state from the moment he arrived in Washington. He saw the proper development of Arizona’s natural resources as crucial to its future growth and financial stability. Water development was paramount in this arid environment; Hayden, more than any other individual, was responsible for securing the state’s fair share of Colorado River water. In his last term as senator, Carl Hayden secured the federal authorization for the Central Arizona Project, a canal to bring water from the Colorado River to Phoenix and Tucson and assure of the future growth and development of the state.²¹

Water resources were essential for the growth of irrigated farming in Arizona. Hayden worked hard to provide opportunities for other industries including ranching. Hayden was a Progressive Democrat; he believed that the nation’s natural resources should be utilized in order to support human use and economic growth. As biographer Ross Rice has noted, Hayden “was not a champion of maintaining the environment in its natural state.”²²

Carl Hayden was not averse to the establishment of national parks and monuments. He was supportive of those federal reservations that encouraged Arizona’s nascent tourism industry but he was less enthusiastic when those reservations restricted the use of valuable natural resources. In 1913, during Hayden’s first full term as an Arizona representative, he voted to approve construction of a dam in the Hetch Hetchy Valley within Yosemite National Park in order to assure the city of San Francisco of an adequate supply of drinking water.²³ In 1916, the year the National Park Service was established to protect federally preserved lands, Representative Carl Hayden offered a bill to the House to raise the Grand Canyon from national monument to national park status. Hayden’s bill did not pass that year. A subsequent bill introduced in 1918 by Arizona Senator Henry Ashurst contained a new amendment added by Hayden. The amendment permitted future dams to be built within the National Park in order to generate hydropower, electricity for revenues “when consistent with the primary purpose of said park.”²⁴ Hayden’s amendment created a precedent for water development within the national parks. The congressional decision to approve water development within federally preserved landscapes set the stage during the 1950s for subsequent dam proposals in Dinosaur National Monument and in Grand Canyon National Park.²⁵

Hayden was elected to the Senate in 1927; he was assigned to the Appropriation Committee, and more importantly to the subcommittee overseeing funding for the Department of the Interior. In 1933, Carl Hayden became chairman of the appropriation subcommittee. This chairmanship put Hayden in an immensely powerful position to control funding for agencies, programs, and projects within the Interior Department including the National Park Service.

When Carl Hayden learned of Organ Pipe's establishment in the local newspaper, he was exceedingly upset. Hayden let the Park Service know, in no uncertain terms, that no future national monument would ever be permitted in Arizona without his full knowledge, agreement, and approval.²⁶

Soon thereafter, Carl Hayden began receiving complaints from Ajo mining constituents regarding the loss of valuable mining opportunities on Organ Pipe lands. Albert Long, chairman of the Ajo Small Mine Operators Association, claimed that the restrictions against new mining claims on Monument lands had eliminated potentially valuable minerals sites. Long complained that no adequate mineral surveys had been completed prior to the Monument's establishment and that the total acreage enclosed within Monument boundaries was unreasonably and excessively large to protect one single plant type.²⁷

This extended correspondence prompted Hayden to write to Arno Cammerer, then National Park Service Director. Hayden let Cammerer know that he was very unhappy with the entire process of the Monument's establishment. He challenged the Park Service to justify what appeared to be a lack of adequate assessment of both mineral resources within the boundaries of the Monument as well as a level of local hostility towards the Monument's establishment. Hayden then demanded that the Director furnish him with a summary of Park Service procedures for assessment of those resources prior to withdrawal from the public domain. He went on to remind Cammerer of the reason for his unhappiness and distrust of the Park Service activities.

I believe that the time has come when you must make a complete factual statement of your procedure in establishing the Organ Pipe Cactus National Monument. You will recall that such monument was established without the knowledge or consent of any member of the Arizona Congressional Delegation, and, therefore, I am just as much in the dark as Mr. Long is.²⁸

Cammerer's summary of the National Park Service assessment apparently mollified Senator Hayden but not Albert Long. Long and others of the Arizona Small Mine Operators Association continued to stress in later letters to Senator Hayden that the amount of land withdrawn was too large and that the Monument should be re-opened to further mineral exploration.²⁹ On the latter point, Hayden was in agreement with Albert Long; Hayden demanded from the Park Service and the US Geological Service (USGS) a geological survey to determine whether or not valuable mineral resources were present.³⁰ Before the USGS had completed its survey, Hayden introduced S. 4083 to the US Senate to re-open the Monument to mining.³¹ Hayden's bill did not pass in its first attempt and the USGS survey showed that there was little potential for valuable mineral reserves within the Monument boundaries. Nonetheless, Hayden reintroduced his bill the following year. The incipient war in Europe and the pressure to develop all available mineral resources meant that Hayden's second bill passed with little opposition and no objection from President Franklin Delano Roosevelt.³²

While this correspondence relates specifically to mining issues within the Monument, it is indicative of Hayden's attitude toward the Park Service in general and Organ Pipe in particular. Throughout Hayden's long (1912 – 1969) political career, he consistently put natural resource development ahead of landscape preservation. From another perspective, Hayden was extremely loyal to his Arizona

constituents. If he could create an environment that enhanced their economic opportunities, Hayden did not hesitate to do so. Hayden was not a vindictive man and it is unlikely that Hayden would extract retribution from the Park Service for their omission to keep him informed. Nonetheless, he continued to demand protection for his constituents long after Organ Pipe's establishment. Hayden's displeasure at the Park Service actions, his general disapproval of any reservation restricting Arizona economic development, and his position as Chairman of the Department of the Interior Appropriations meant that all future interactions with Senator Carl Hayden by the Park Service had to be handled with diplomacy and great delicacy.

At the same time, that the Park Service was attempting to resolve the problems with Albert Long and the Ajo Small Mine Operators Association, issues of cattle grazing on Monument lands were also causing friction between Senator Carl Hayden and the Park Service.

A National Monument versus Existing Land-Use Rights

Frank Pinkley came to the Southwest after contracting tuberculosis. He was lured by the General Land Office in 1901 to become the caretaker for the Casa Grande Ruins Reservation in Casa Grande, Arizona. Pinkley, with his boundless enthusiasm and energy, dedicated himself to learning about and protecting archaeological and architectural ruins throughout the southwestern United States and northern Sonora. In 1918, Casa Grande Reservation and Pinkley were both transferred to the National Park Service. The Park Service recognized in Frank Pinkley a remarkable administrative talent.³³ By the early 1920s, the National Park Service had accumulated 13 national monuments within the Southwest region and needed someone to oversee their protection and management. Pinkley was appointed in 1923 to the position of Southwestern National Monument Superintendent.³⁴ Pinkley suffered from a chronic lack of support from the Park Service. His custodians were underpaid, underfunded, and understaffed. Nonetheless, there was a great *esprit de corps* within the Southwestern National Monument group. Pinkley inspired intense devotion both to himself and to the group from all employees; his custodians affectionately called him "The Boss." With the establishment of Organ Pipe in 1937, Pinkley acquired his 27th monument under his supervision.

The National Park Service was created in 1916; its stated goal was to protect its landscapes in such a manner as to leave them "unimpaired for the enjoyment of future generations." When land was reserved for a national park, existing land uses were often abolished, private lands bought out, and settlers moved elsewhere. The Park Service often tried to return the land to what it believed was a 'primitive' state. Often to the detriment of cultural resources, eliminating evidence of previous human habitation was an important component of that restoration.

In 1933, President Roosevelt transferred all national monuments to the administration of the National Park Service.³⁵ However, in the eyes of the Park Service monuments were considered "second-class sites."³⁶ National monuments according to the Antiquities Act were deemed as a less restrictive reservation that would be more accommodating to prior settlers. Private lands were often allowed to exist within boundaries. Important land uses were permitted to continue. Since monuments were often carved out of federal reservations or the public domain, grazing was one of the most common traditional land uses accommodated within the southwestern monuments.

President Roosevelt's proclamation for Organ Pipe recognized all previous land use activities.

Now, therefore, I, Franklin D. Roosevelt, president of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, ... do proclaim subject to existing rights, the following-described lands in Arizona are hereby reserved from all forms of appropriation under the public-land laws and set apart as Organ Pipe Cactus National Monument³⁷

Thus all valid claims and active uses of the land had to be formally recognized by the Park Service. Any user had to be granted continued access. Typically the National Park Service issued a revocable permit to the user on the understanding that it was permanent, renewable and would be reissued regularly throughout the lifetime of the individual or until the ranch or cattle were sold. At that time, the permitted land use would be terminated forever.

The acceptance of prior land uses, however, within a national monument presented the custodian with potential conflicts and headaches. If the land use in question was not damaging to the environment, there would be few problems. If the permitted use did cause damage, where did the responsibility of the Park Service and the site manager lie then? According to traditional pattern of resolution, the custodian and the Park Service could not eliminate that use until the death of the user.

The First Attempt to Eliminate Grazing from Organ Pipe

With the creation of Organ Pipe Cactus National Monument, the Gray family's grazing operation was recognized as a historic land use. This grazing activity had been noted earlier by many of the Park Service employees and scientists who surveyed the lands for potential reservation. Forrest Shreve, head of the Tucson Botanical Laboratory of the Carnegie Institute, in 1933 had stated that the Gray family should be allowed to continue grazing their cattle.³⁸

In 1937, the Monument had been excised from lands that were still recognized as the public domain. Three years earlier, Congress passed and President Franklin Delano Roosevelt signed into law the Taylor Grazing Act. This Act created a grazing system by which unclaimed lands could be reserved for grazing cattle. These lands would be managed by the newly established Grazing Service. In November 1934, President Roosevelt formally withdrew 173 million acres of land. Much of this would be later designated for specific grazing districts but in southwestern Arizona these districts had not yet been established.

On April 25, 1935, Secretary of the Interior Harold Ickes approved a memorandum of understanding between the Grazing Service and the National Park Service that future grazing allotments would not affect proposed but not yet proclaimed parks and monuments, including Organ Pipe Cactus National Monument.³⁹ Shortly after the Monument's creation, the Park Service proposed to eliminate grazing from Organ Pipe.⁴⁰ No clear explanation has yet been presented to justify why the Park Service made this proposal. Perhaps the Park Service chose to ignore the tradition of accommodating historic land uses and instead relied upon Ickes' memorandum of understanding to justify elimination. Today,

it seems almost inconceivable that the Park Service, having recently angered Senator Hayden for failing to notify him of the Monument's establishment, would believe that the Senator would agree to terminate grazing, an approved land use.

Naturally Bob Gray was alarmed; the proposal clearly threatened his livelihood and investments of the past 18 years. Through local lawyer, A. C. Netherlin, Gray protested to Senator Carl Hayden that his grazing operation was a historic land use and that the grasslands now within the Monument boundary were a critical part of his ranching operations.⁴¹ Hayden was now confronted with an example of the primary reason that he did not support reservations of national parks and monuments. Here was the Park Service attempting to terminate a legitimate activity in a region that was already struggling from drought and economic depression. On August 25, 1937, the Senator demanded that the Secretary of the Interior grant a permit to the Gray family to continue cattle grazing on Monument lands.⁴²

In order to justify its proposed termination of grazing, the Park Service ordered a vegetation study to be completed by Southwestern National Monument Wildlife Technician, W. B. McDougall. McDougall surveyed vegetation throughout the Monument and assessed the effects of grazing on that vegetation. He noted that the vegetation around Bates Well was already badly overgrazed. McDougall went on to describe in detail the unique vegetation from the region.

All of the plants growing within this area are adapted to the extreme aridity that exists here. They have to be in order to survive. They are delicately adapted to their environment, and any change in the environment, such as the introduction of domestic animals, would result disastrously to these plants.

He concluded that the purpose of the Monument was to protect this vegetation.

The area is entirely unsuited for grazing purposes and, at best, could support only a very small number of domestic animals... The area should never have been opened for the grazing of domestic animals because (a) the scarcity of both food and water, it is not in any sense adapted to grazing and (b) the presence of domestic animals in the area modify (sic) the environment and eventually destroy the very thing for which the monument was established.⁴³

Acting Director Arthur E. Demaray forwarded McDougall's report to Senator Hayden and reiterated McDougall's recommendation to exclude cattle from the Monument. Demaray also added that the Park Service supported that recommendation.⁴⁴ Hayden would not accept this conclusion from the Park Service. He suggested that the agency needed to study the situation further so that the Grays could continue to utilize the grazing lands within the Monument.⁴⁵

A Grazing Agreement and the First Permit

In Ajo, local opposition to the Monument was growing. A petition signed by 200 citizens called for the Monument's relocation further west.⁴⁶ Under pressure from both Hayden and Ajo residents,

Superintendent Frank Pinkley recommended that the Park Service issue a lifetime grazing permit to Bob Gray.

... I feel that there is no question that grazing permits as a matter of justice, should be issued to Mr. Robert L. Gray and certain relatives of his, forming a group, who have unquestionably been deriving their livelihood from grazing cattle on the lands now within the boundaries of Organ Pipe Cactus National Monument. Such permits should, I feel, permit no increase over the numbers of cattle previously grazed within the area⁴⁷

Based on Pima County tax records and Ralph Gray's assertion that the family owned 500 head of livestock, Pinkley issued a grazing permit for 550 head in August 1938 at a nominal fee of \$10. Pinkley wrote to Carl Hayden and stated that the Grays "could run that many (about 500 cattle) there indefinitely at that rate, but that they would probably not be allowed to sell the brand and range; they would have to sell off the cattle and quit sometime before the last of them died."⁴⁸ This first permit was issued to Robert Lee Gray alone, but all subsequent permits included his sons' names (Ralph, Bobby, Jack, Henry) on the grazing agreement.⁴⁹ The recognition by the Park Service of a permit for a 'partnership,' a family, multi-generational organization, was highly unusual, if not unique. Most grazing permits were given to single individuals. The Park Service had now created a renewable contract with more than one rancher for more than one lifetime.

As was the case for the rest of his Southwestern National Monuments, Pinkley was provided with an inadequate amount of funding for Organ Pipe. For two years Pinkley had insufficient funds to hire a custodian. The absence of a Park Service representative on the ground made management difficult, especially for issues that required careful study.⁵⁰ Finally, in October 1939, William Supernaugh began his job as Organ Pipe's first custodian. From the moment of his arrival, Supernaugh was placed in the intermediary position in the conflict between the Gray family on one side and the Park Service on the other.

7. The Gray Struggle for Land Ownership

The Gray family migrated to the Ajo region in the summer of 1920. They had purchased ranch improvements belonging to Lon Blankenship and settled into the homesite in the Sonoyta Valley immediately north of the international border. The Papago Indian Reservation situated east of the Sierra de Santa Rosa and the Ajo Range had been set aside in 1918. The landscape between the border and Ajo and west of the Papago Reservation remained unsurveyed, open to ranching or squatting. A number of small properties within the area had been claimed under General Mining Law of 1872.¹ In the early 1930s, the General Land Office finally sent surveyors to measure and map the region.

The General Land Office was created by Congress in 1812 and given the responsibility to supervise and manage all aspects relating to the public lands of the United States. During most of its history, however, the General Land Office's primary occupation was to dispense parcels of land from the public domain to citizens of the United States according to Homestead, Mining, and Timber laws.² Prior to a completed survey, individuals could live on the land as squatters. Their continued residency precluded anyone else from making a claim to that property. Once the land had been surveyed, those individuals living on the land could file their own claim in order to gain a formal title of ownership.³

It is highly unlikely that the Gray family members were oblivious to the proposed legal changes in public domain management and regulation that were swirling across southwestern Arizona at this time. Throughout Herbert Hoover's presidency, there had been an extensive debate about the federal government's role in managing the public domain. Since the end of the Civil War, these unclaimed and unregulated lands had been used by ranchers as free grasslands. The federal government had placed few, if any, restrictions on the use on these lands as it wished to encourage additional homestead claims. However those cattle and sheep ranchers who had access to this resource abused the land by severely overgrazing it. The issue of continuing abuse and environmental damage remained unresolved until Franklin D. Roosevelt's presidency.⁴ A trilogy of disasters: an extended drought throughout the West, a series of enormous dust storms that removed millions of tons of topsoil, and an unprecedented economic depression drove the 73rd Congress to pass the Taylor Grazing Act on June 28, 1934. Its consequences for ranchers across the West were twofold: the Act created the Grazing Service and a regulated system of grazing use and division of land. The second consequence occurred on November 26, 1934, five months later when President Roosevelt withdrew most of the remaining public lands from homesteading. Any land which had not been settled upon prior to that date was no longer available for claim.

Despite the activity of the land surveyors or Roosevelt's land withdrawal of the public domain, the Grays apparently did nothing to secure title to the lands they had lived on or to protect their ranching enterprise. Perhaps they felt that the ownership of structures and control of waters in the area was sufficient to prevent any other individual from interfering in their interests.

It is likely that the Gray sons, Henry, Ralph, Jack, and Bobby, could have still filed Stockraising Homestead claims at the time of Roosevelt's withdrawal. All were over the legal age of 21. Since all of them were running cattle upon the land, they would have simply needed to show ownership of a habitable structure that they had lived in for a limited period of time. Henry could have purchased

Birdie del Miller's home in Alamo Canyon that he had leased for a number of years. Bobby began working at the Ajo mines in 1933 but he could have claimed prior residency somewhere on the ranch. We do not know where Jack and Ralph were living at this time, but they were probably somewhere in the Sonoyta Valley. Robert Lee Gray was living at Dos Lomitas. Having previously gained titles to homestead land in New Mexico and elsewhere in Arizona, Bob appears to have been no longer eligible to file for additional claims of land.⁵ Any one of his sons, however, could have made a successful claim to his father's homesite and thereby gained title to the family property. The fact that none of them did, suggests that Robert Lee refused to grant to any of his offspring the right to file a claim.

Nor did any of the Grays make an active effort to protect their holdings when the National Park Service became interested in the proposed Monument lands later. As stated earlier, the Grays were clearly aware of the presence of scientists and Park Service employees who were assessing the landscape for inclusion in the park system.⁶

Rejection of Gray Family Homestead Applications

For reasons as yet undiscovered, Jack, Henry, and Bob Gray decided in 1939 to file homestead claims on lands that had already been withdrawn in 1934 for the Grazing Service and in 1937 for the Park Service. Jack made the first homestead claim in January for 160 acres of land around the Gachado Line Camp. The site included the farm fields where the family had regularly planted corn and truck produce.⁷ The land also included the one-room structure built as a line camp, a crude shelter used by ranch hands for protection in bad weather or for temporary accommodations when working cattle far from the homesite. Abe and Henry Gray had lived in the structure during the mid-1920s. Jack claimed habitation at the line camp from July 1, 1924 and responsibility for a series of improvements valued at over \$5,000.⁸

Many homestead claims, especially those filed after the Taylor Grazing Act, were inspected for verification. A field investigator visited the site in March 1939 and reported,

a one-room house in bad condition built of secondhand corrugated iron; the house had no window, a dirt floor, and a wooden shutter for a door; ...he found farming implements stored in the house, but no furniture, cooking utensils or bedding of any kind; ... the house was not habitable ... and there were no signs around the house indicating that it had ever been occupied... *

Jack's homestead claim was rejected in June 1939 for a lack of evidence of residency.⁹

* This early description has significant differences from later ones of Gachado. See Appleman, Roy and Russell Jones. 1969. "Blankenship Ranch. Historic Structures Report, Organ Pipe Cactus National Monument, Arizona." Office of Archaeology and Historic Preservation. US Department of Interior and National Park Service, pages 41-42.

In April 1939, Bob Gray filed an application to purchase a parcel of land that included Dos Lomitas Ranch house.¹⁰ The reader will recall that Gray purchased the livestock, range improvements, and original ranch house from Lon Blankenship in 1919. The original purchase did not include title to the land on which those structures sat. Bob Gray applied to purchase the property using the argument that he was due title to the land under the Color of Title Act. This act permitted a settler to claim property if he had lived upon the land for more than 20 years and made improvements in good faith believing that he was in possession of a valid title to the land. The “Color of Title” refers to the title document which may appear valid but, in reality, is legally defective. Under the Color of Title Act, the government will recognize a settler’s “ownership” of the land if he can show title or a claim of title. The Acting Assistant Commissioner of the General Land Office rejected Bob Gray’s application in March 1940 stating that the bill of sale from Lon Blankenship for the range improvements and ranch home was insufficient evidence of *title to the land*.¹¹ In his appeal, Bob Gray tried to show that in purchasing Blankenship’s improvements, and by living on the land and continually improving his property for 20 years, he should have been due “title” to the land. That appeal was rejected on December 31, 1940 by reason that Gray did not possess any document indicating title to the land and that “naked exclusive possession of the lands for the required period” (of time) did not grant a right to purchase under the Color of Title Act.¹²

On July 18, 1935, Henry Gray purchased the Bates Well home and range improvements from John T. McDaniel. The purchase agreement was written with the understanding that McDaniel would file a homestead claim on the property and then sell the completed title to Henry Gray.¹³ Unfortunately J. T. McDaniel did not file the homestead application until January 1937. McDaniel’s application was canceled by the General Land Office in June 1940 for unknown reasons.

Henry then attempted to file his own homestead claim on the Bates Well property in December 1940. This application was rejected on the grounds that Henry had not established residency prior to Roosevelt’s November 1934 withdrawal of public domain lands or prior to the federal reservation of land for Organ Pipe Cactus National Monument. Henry argued in his appeal that the purchase of improvements and structures from the original settler and entryman gave him a vested right to the land.¹⁴ In earlier years, the General Land Office would have recognized a second homestead settler and his subsequent claim. The federal government, however, had already made two intervening land withdrawals. Those withdrawals terminated any opportunity to connect his homestead claim to McDaniel’s earlier one. Henry’s appeal was rejected on May 6, 1941.¹⁵

While it is likely that the Grays had legal advice (probably from local lawyer, A. C. Netherlin) during these homestead applications, the consecutive rejections of all three applications clearly stunned the members of the Gray family. The Grays controlled access to the waters across the Monument, but the absence of any privately owned property weakened their bargaining position with the National Park Service and thereby threatened the long-term viability of their ranching enterprise.¹⁶ That same absence threatened to undermine their argument of ownership of any non-surface waters as well.

Until this time, the Grays had received an annual permit from the Park Service to graze their cattle on the Monument. The Grays however had no formal agreement (other than Pinkley’s previously written letter to Senator Hayden) that assured them of future access to the Monument’s grasslands.

Probably through the advice of fellow members of the Arizona Cattle Growers Association, Robert Lee Gray contacted Attorney Elmer C. Coker in Phoenix to persuade him to take up the family's case of rejected homestead applications and to give them legal advice regarding their negotiations with the National Park Service.¹⁷ This relationship with Attorney Coker acting as advisor to and advocate for the Grays lasted for the next 35 years until the death of Bobby Gray in 1976. Coker's knowledge of water and land law and his political connections with Arizona delegations at state and federal levels were crucial to the long-term success of the Gray ranching operation. Without Coker's unwavering support and advice, it is highly unlikely that the Gray ranching enterprise would have continued for as long as it did.

Attorney Elmer Carroll Coker

Elmer Coker was born in Florence, Arizona in 1909. He grew up in a rural environment and during his youth worked on several cattle ranches as well as the San Carlos dam project. His father, Elmer W., was a lawyer with a passion for politics. Following his father's footsteps, Elmer received his law degree in 1934 from the University of Arizona and soon became "an influential authority on state land laws as well as water rights and water laws."¹⁸ Coker opened his first law office in Florence in rooms borrowed from Attorney Ernest McFarland. He became Arizona's Assistant Attorney General representing the State Land Department and the State Water Department in 1935 and later the Special Assistant Attorney General in 1937 through 1957 representing the state in land and water litigation before the Department of the Interior. His attorney position in state government provided immediate contacts with members of Arizona's state and federal legislators including Carl Hayden. In 1973 he argued and won a water rights case, *Bonelli Cattle Company v. State of Arizona*, before the US Supreme Court. In his private practice Coker "specialized in land laws and regulations by different agencies and the State Land Department, and in water rights. Many of his clients were ACGA (Arizona Cattle Growers Association) members."¹⁹ Coker enlisted in the Army Air Corps in October 1941 and served until November 1946 when he returned to his legal practice in Phoenix.

When the Grays enlisted the assistance of Attorney Elmer Coker, they had received the last rejection from their homestead appeals. Coker immediately directed his advocacy for the Grays in multiple directions to both congressional and executive branches of the federal government. He wrote to both Arizona Senators Ernest McFarland and Carl Hayden for their assistance in his appeals to the Secretary of the Interior.²⁰ Coker wrote to the Secretary of the Interior in hopes that he might grant the Grays administrative relief from the loss of their homestead appeals. Coker described in his petition to the Secretary how Jack, Henry, and Bob Gray had settled upon the land, invested labor and money to improve the land and, in good faith, attempted to establish their homes. Oscar Chapman, Assistant Secretary of the Interior, responded that although the circumstances for Jack, Henry, and Bob Gray were different, in all three cases, the claimants had acquired no legal or equitable right to the requested lands. There were no grounds upon which the Secretary could grant relief. Chapman stated that "the Department ... cannot dispose of parcels of the public domain in any other manner than by the conditions described by the statutes. ... (I)t cannot grant relief on a claim which is based on an alleged right denied by law."²¹ Chapman went on to say that in the case of Bob Gray,

“He had had the benefit of a free use of the land and apparently knew that he had no valid claim thereto as no attempt was made to assert or perfect any rights he may have had until his unauthorized use of the land was interrupted by the reservation ...”²²

The presumptive attitudes shown by the Gray family and, secondarily by Attorney Elmer Coker, that continued residency and use of the public lands should grant an inherent right of possession to the user were historically common to western ranching communities prior to the Taylor Grazing Act. In moving further and further west into the Arizona desert in 1919, Bob Gray intentionally sought out lands that few others would want or, as he had hoped, would care about.²³ For 15 years in the Sonoita Valley the Gray family experienced no rules or regulation except those communally agreed upon by the ranching community. As Chapman wrote, the Grays had the use of hundreds of square miles of grasslands at no cost. Their control of watering sites gave them what they perceived as a “range right” to those lands.²⁴ But now, the federal government, after 75 years of leaving the public lands essentially unregulated, had decided to exert control and management of those lands. That control came in the form of withdrawal of public lands from free use and the loss of opportunity to transfer land from the public domain to private ownership. Additional federal controls over lands came with an increasing number of reservations of land for national park units, game refuges, and military sites.²⁵ The landscape that the Grays had once seen as unfettered and unregulated was now severely restricted by federal agencies on all sides. These changes in federal regulation and management of lands created conflicts between those who are unwilling or unable to recognize the new rules and those who had to apply them. The Grays, by their inability or unwillingness to accept these changes in federal land regulations and to work with the homestead laws in a timely and responsible fashion, had put the future of their ranching enterprise in jeopardy.

Chapman’s negative response to the Grays’ petition for administrative relief terminated any further hope that Jack, Henry, or Bob could gain access to privately owned lands within the Monument.²⁶ His letter was not, however, completely without succor. Chapman reminded the Grays that the Park Service had granted an annual grazing permit to the Gray co-partnership to graze 550 head of cattle on Monument lands. He concluded his response with this statement.

“It is believed that the granting of permission to make such use of the lands in question will prevent any hardship that may result from a denial of alleged rights to acquire title there to.”²⁷

Attorney Coker Secures Assurance of Lifetime Grazing Permit

Attorney Elmer Coker needed to move rapidly. He had enlisted in the Army Air Corps and was scheduled to depart for active service in October 1941. Assistant Secretary of the Interior Oscar Chapman had denied any chance of appeal of the Grays’ homestead applications. Chapman had however offered one glimmer of hope in his final statement in the form of the National Park Service grazing permit and Elmer Coker seized upon that suggestion. Superintendent Frank Pinkley had stated in 1938 to Senator Carl Hayden that “the Grays could run that many (cattle) indefinitely until last of the Grays died.”²⁸ If Attorney Coker could secure assurances from the National Park Service

of a lifetime grazing permit, it would be of little consequence that the Grays did not possess title to private lands. They would not need land titles to be considered a legitimate operation. Their future grazing opportunities would be secure in an exclusive and guaranteed access to the grasslands of Organ Pipe Cactus National Monument.

Elmer Coker pressed both Senator Ernest McFarland and Carl Hayden to persuade the National Park Service to compensate the Grays for the denial by the Department of the Interior of their homestead claims with relief in the form of a lifetime grazing permit. "It appears that the only relief that the Grays can obtain is through a permit from the National Park Service." This, the Park Service was apparently willing to grant.²⁹ Within one month Acting Director Arthur Demaray responded to Senator Hayden with a promise of the lifetime grazing permit to the Gray family members.³⁰

Demaray appears to have had either poor legal advice or little understanding of Interior grazing regulations, or perhaps, both. Demaray had no authority to grant a grazing permit different from the standard annually issued, revocable agreement. The power to establish these agreements was granted by Congress only to the Secretary of the Interior; the National Park Service could only administer what the Secretary of the Interior had approved. Indeed Demaray had no right to make promises to any private individual regarding federal resources of the Monument.³¹

The consequences of Acting Director Demaray's statements to Senator Hayden would continue to play out for the next 35 years. Shackled by this promise, the National Park Service believed that it had no recourse but to continue to approve annual grazing permits to the Grays despite extensive evidence of damage to vegetative and soil resources across the Monument. Because of top-down format of the National Park Service organization, few in the administration above the regional level were concerned for the landscapes of a small monument in the western desert. Not until native son and Arizona representative Stewart Udall was elevated to the position of Secretary of the Interior in 1961, was anyone in Washington either sufficiently knowledgeable about the conflict or politically powerful enough to challenge Senator Hayden and the historic misstatement by Arthur Demaray. Even with that knowledge, neither the National Park Service nor the Department of the Interior was willing to challenge the sanctity of Demaray's promise despite its inappropriateness, his lack of authority to make it, and the environmental consequences.

Why did Demaray agree to a lifetime permit? There are many reasons to question why he would take such extraordinary action as to grant this type of permit to a partnership rather than one individual, to multiple generations instead of one lifetime, and to provide a guarantee in perpetuity and negate the standard revocability of a National Park Service grazing permit. Demaray felt pressured to acquiesce to Senator Hayden's demands. In his promise to Carl Hayden, Demaray was only confirming what Superintendent Frank Pinkley had already suggested should happen. As assistant to Director Cammerer, Demaray had watched the diplomatic dancing with Hayden during the previous four years. Demaray was probably wary of Hayden and his power over future National Park Service appropriations. Perhaps the greatest reason for acquiescence was that Demaray knew that, at the time of writing his October 1941 letter to Hayden, Congress was about to vote on Hayden's proposal, S. 260, to re-open Organ Pipe Cactus National Monument to mineral extraction.³² Thus, any form of appeasement of Senator Carl Hayden that might enhance the standing of the Monument would have been deemed important if not necessary.

8. Grazing at Organ Pipe: Environmental and Political Conflict

This chapter describes part of the middle period of cattle grazing at Organ Pipe Cactus National Monument. It illustrates the depth of the conflict between the Park Service, its employees, and the Gray family. The intensity of that conflict rose and fell with the annual variation in rainfall and drought. In years of good rain, the desert produced sufficient grasses and scrub browse across the Monument. In times of drought, these food sources were not only reduced but their distribution also became uneven; grasses and browse were consumed close to the point of obliteration. Under severe conditions, cattle consumed anything edible including trees and cacti. Water sources were few and far between on Monument lands and cattle had to travel greater distances between food and water. Cattle wore deep trails and initiated soil erosion over wide areas of the Monument in their daily journeys between both necessities.

When the severity of a drought increased, the anxiety levels of Monument employees rose dramatically as they watched the environmental damage continue. Cows in a starved and weakened condition brought only low prices on the beef market. Under drought conditions, Gray family members refused to sell their cattle; they hoped the animals would endure the stressful conditions until the following year when they could be sold at a higher price. The Grays' decision to keep their livestock on the range often meant that many cattle died during extended droughts. Another consequence of this decision was that greater numbers of animals were retained for longer periods of time on Monument lands. These greater numbers increased the rate of destruction of vegetation. Plants were not only stressed by drought but also excessively grazed and trampled by desperate animals. When the Grays did not accomplish the required annual roundup and sale, they were in violation of their grazing permit conditions by holding too many animals on Monument lands. This situation occurred repeatedly, especially during the unusually dry years following 1942.

The primary source of information for the next two chapters comes from the Organ Pipe Cactus National Monument grazing archives. These papers include memos from rangers and superintendents, reports from field technicians, and responses from the regional and director's offices. A smaller secondary source of information with a different perspective comes from a limited number of records in the Carl Hayden Archives at Arizona State University. A third source of information is from the Henry Gray Archives located at the Western Archaeological and Conservation Center in Tucson, Arizona. This collection of documents contains copies of letters sent by Attorney Elmer C. Coker to the Grays, National Park Service employees, or congressional representatives. Coker's letters provide insight into the grazing controversy from the Grays' perspective. Data regarding rainfall come from recorded comments in memoranda, Southwestern Monument Monthly Reports, or monthly precipitation records from Ajo.

Park Service Research at Organ Pipe

The purpose of President Roosevelt's proclamation establishing Organ Pipe Cactus National Monument on April 13, 1937 was to protect the rugged landscape, its desert vegetation, and more specifically, the organ pipe cactus. However in his proclamation Roosevelt also granted the continuation of all

existing land uses, including grazing (but excepting mining). The National Park Service at the time had little or no information about the effects of cattle on southwestern Arizona soils and scrub desert vegetation. Substantial range research had been carried out on carrying capacities of desert grasslands in the southeastern quadrant of Arizona, but few if any range or vegetation scientists had ever visited these lower deserts of the Ajo region.¹

Shortly after Organ Pipe's establishment, Acting Director A. E. Demaray ordered Regional Wildlife Technician W. B. McDougall to assess the Monument vegetation and its potential for supporting cattle. McDougall concluded that the Park Service should eliminate the cattle from Monument lands as, in his opinion, the environment could not produce sufficient forage.²

McDougall revisited the Monument in April 1938 and reported that the range was in good condition. He did point out that overgrazing was evident around water sources at Bates Well Ranch. Likewise, A. A. Nichol, a range scientist at the University of Arizona, visited in July 1939 and reported a "good forage reserve" over the Monument.³ Historic precipitation measurements from the nearby town of Ajo indicate that winter rains were well above mean values during the last two years of the 1930s. At the same time, Ben Nelson, a US Forest Service range scientist from the Santa Rita Experimental Range, conducted a survey of grazing in the Gila River drainage north of Ajo. He compared the Gila range with that of the Monument and concluded that vegetation at Organ Pipe was insufficient to support a commercial grazing operation.⁴

McDougall returned again for a third visit in October 1940 to ascertain the effects of the proposed Ajo-Sonoyta highway on resident wildlife. In his report he remarked that erecting a stock-proof boundary fence around the Monument would be critical for the preservation of the Monument's vegetation and essential to stop the incursion of wild horses and burros from Mexico.⁵ McDougall believed that because of its unusual vegetation and outstanding variety of wildlife species, the Monument ought to be raised to the status of a national park. He returned in February 1941 to produce another special report to support that nomination. He warned that the presence of the Gray cattle would require additional watering holes in order to reduce overgrazing and provide sufficient water for both wildlife as well as cattle. He noted that the western foothills in Alamo Canyon and along the Ajo Mountains were considerably overgrazed.⁶

All of the aforementioned reports and assessments comment on the availability of good forage across the southwestern region. Ajo precipitation records confirm that winter rains continued to fall well above mean levels through the winter of 1941. For the next 20 years, however, those seasonal rainfalls would average below the mean.

Conflicts over Cattle Permit Numbers

Ralph Gray had told Frank Pinkley in 1938 that the family owned not more than 550 head of livestock. Correspondingly, Pinkley had approved that number for grazing on the Monument in April 1939.⁷ In December 1939, Henry Gray asserted to Park Service employees that Ralph's estimate did not represent the real number of cattle on the range. He demanded that the allowable permit number be increased

to 1250.⁸ The Park Service was now faced with a multifaceted dilemma. Should they agree to Henry's assertion that 1250 was the number of head present in 1937 even though they had approved only 550? Did Henry's assertion of 1250 represent the real number on the range in 1940? Was that number sustainable or would an increased number of allowable cattle damage the vegetation the Monument was established to protect? Clearly none of these questions could be accurately answered without an actual count of the cattle within Monument boundaries.⁹ Pinkley pressed his newly appointed custodian, William Supernaugh, to make that headcount during a cattle roundup as soon as possible.

Traditionally cattle roundups were made in the spring to collect yearling steers and non-breeding cows for sale. The new calf crop for that year would be branded at the same time. This form of roundup worked well in relatively open ranges. Additional cowboys would be hired temporarily or neighboring ranches would pool their manpower to scour the area and bring together everyone's animals for branding and sale. The Grays, however, managed their ranching operations very differently from other southern Arizona ranches. Gray family members, instead, kept their steers until three or four years of age. They believed that cattle developed more slowly in the sparse environment of the lower desert. Thus, they reasoned that their animals needed to be held on the range longer to produce a larger animal and to make a sufficient rate of return for their ranching labors. Gray roundup operations were also highly unusual. Low cowboy populations in southwestern Arizona meant that few were available to assist in the roundup. The dense desert scrub made finding and extricating cattle extremely difficult. The Grays could only depend upon family members, and occasionally a few friends, to accomplish their annual task.¹⁰ The months of May and June in the Organ Pipe region are notorious for little or no rainfall. When the *tinajas* (natural pools), seeps, and the dirt stock tanks on the range dry up, thirsty cattle will travel long distances in the cooler hours of the night to drink at the man-made wells and water troughs. The Grays built corrals around these troughs and used the water as an attractant to bring the cattle to them instead of retrieving them from the landscape. Cattle would enter the corral through a spring-loaded trigger gate. The trapped cows would be counted, branded, and those of the appropriate age and condition separated for sale.¹¹ The success of the roundup operation and the cattle count was therefore dependent upon precipitation. If winter rains lasted too long or summer rains came too early, the cattle were no longer desperate for water and would remain out in the brush. Supernaugh and other Park employees sometimes assisted Gray family members during the long nights of the roundups as they tried to complete their estimates of herd numbers.

Frank Pinkley unexpectedly passed away in February 1940. His sudden death threw the Southwestern National Monument group and the ongoing discourse on grazing permit numbers into serious confusion. Much of Pinkley's discussions and agreements on grazing had been on a face-to-face basis with the Grays or in letters written to Senator Carl Hayden. No one else in the Park Service administration had been privy to those discussions or knew the details of what Pinkley had promised.¹² From this uncertainty, there ensued a flurry of studies at both the local and regional levels to track down all written information, collate the documents, and establish a history of grazing actions and agreements at the Monument.

This effort to record these discussions and events was remarkably fortuitous; the reconstruction of this history in parallel with the ongoing struggles with the Gray family initiated a program among most subsequent Organ Pipe custodians and regional officers to retain a significant amount of records of

correspondence and interactions relating to the grazing conflict. The extent of this on-site retention of documentation during this era was highly unusual for a southwestern monument. The consequence of Pinkley's lack of record keeping and the Park Service's scramble has provided researchers interested in the history of Organ Pipe with a gold mine of information that is still collected in one location.¹³

Probably because of this flurry of documentation activity, Custodian Supernaugh was unable to make the spring cattle count in 1940. During the following year, spring rains continued late into the season; scrub vegetation was lush and the cattle had no need to venture out of the desert. Again Supernaugh was unable to make an estimate of the number of livestock owned by the Grays. In the absence of any accurate information the Park Service could only reissue its old grazing permit for 550 head at a fee of \$10.

In October 1941, Acting Director A. E. Demaray at the urging of Senator Carl Hayden promised the Gray family a lifetime permit. Custodian Supernaugh at Organ Pipe and the southwest regional office in Santa Fe, New Mexico now had their hands tied even more tightly by promises given out from Washington, DC. Whatever decision on cattle numbers was approved would continue for the remaining lifetimes of the Gray sons, the youngest of whom was only 29 years old. The accuracy of Supernaugh's count and his estimation of cattle numbers that were present in 1938 became even more important.

Finally, in late spring 1942, conditions were sufficiently dry to force Gray cattle to seek out man-made water sources. Supernaugh spent two nights at each of six sites (Bates Well, Alamo Canyon, Rincon Spring, Dowling Well, Dos Lomitas Ranch, and Miller Ranch) to count most of the Gray cattle. He estimated a total of 1673 adult cattle — more than three times the permitted number — were on Monument lands at that time. Of those, the Grays sold 227 steers. Supernaugh calculated that between 1000 and 1100 head of Gray livestock had grazed Monument land in 1938.¹⁴ Since Monument vegetation had appeared to tolerate Gray cattle grazing with little damage, Supernaugh recommended 1050 as the appropriate number of cattle for the future permit.¹⁵ In July 1942, the Grays were issued a grazing permit for 1050 head of cattle. No one in the Park Service could have predicted how great the difference in carrying capacity of the scrub desert vegetation would be between the relatively wet years leading up to 1942 and the dry years that followed.

Fencing off the Monument

The Park Service was beginning to realize that it had two grazing issues to confront if it was going to protect the landscape of Organ Pipe Cactus National Monument. The first was keeping closer track of both numbers and effects of the Gray family cattle. The second was eliminating uninvited livestock from Monument lands. While no formal counts of trespass stock had been made, observers and range scientists had noted that horses and burros wandering North and East from Mexico almost doubled the number of domestic animals on Monument lands. The presence of these trespass animals would later weaken the Park Service's argument that the Gray cattle were the major cause of damage to Monument vegetation. A logical response to this dilemma was to erect fencing along all of the Monument boundaries. However accomplishing this task was far from easy because of the chronic shortage of funds and labor allotted the Park Service during and after the World War II years.

Shortly after Supernaugh completed his cattle count, the Park Service sent a soil conservationist and geologist to study the potential development of additional water sources for both livestock and wildlife. The Park Service reasoned that by developing new sources of water and opening previously ungrazed areas to the cattle, the remaining vegetation could be rested. The soil conservationist noted in his memorandum that the areas within three to four miles of existing waterholes were “severely overgrazed.” He also reported that overgrazing was partially due to “an estimated 1000 head of wild burros and horses coming up from Mexico.” These unrestricted animals were essentially doubling the number of livestock that competed with Monument wildlife and the Gray cattle for fodder. The soil conservationist recommended that fencing these animals out of the Monument was the only means to reestablishing Monument desert vegetation and to cut down on the already noted accelerated erosion.¹⁶

Construction of Organ Pipe’s first boundary fence began in 1939 and 1940. Using labor from the Civilian Conservation Corps camp, DG-38, the National Park and Grazing Service erected 14 miles of fence along the northern boundary of the Monument from the Growler Mountains across the Valley of the Ajo to the Monument’s northeast corner. The fence essentially closed off access to both wood cutters and unpermitted cattle from the North. Unfortunately, opportunities for materials and inexpensive labor disappeared as the country began to prepare for war. It was almost four years later before additional resources became available to continue the boundary fence project.¹⁷

On the eastern side, the Monument is geologically delineated by the ridgeline of the Ajo Range. This ridgeline became the dividing boundary between Organ Pipe Cactus National Monument and the Papago Reservation to the East. Upper slopes of this ridgeline are so steep as to be essentially inaccessible to most livestock. The few passes through which cattle could move were fenced by the Bureau of Indian Affairs in 1944.¹⁸

Following the attack on Pearl Harbor and the entry by the United States into World War II, funds for the National Park Service were drastically curtailed and reallocated to the War Department. Monies and construction materials for nonessential projects were essentially unavailable for another three years. In 1943, another federal agency, the Soil Conservation Service, offered to assist the Monument in constructing a small amount of fencing along the International Boundary.¹⁹ The second fencing project stalled shortly after its initiation, again apparently for the lack of funds. Those monies finally became available in the spring of 1946 and a portion of the southern border fence (probably from the Sonoyta Mountains west to the middle of La Abra Plain) was built using Papago Indian labor.²⁰ In the following year, Monument employees shifted focus to restrict livestock access from its southwestern corner northward to the San Cristobal wash.²¹ During the late fall of 1947, workmen completed the remaining southern boundary fence to the southwest corner.²²

The eastern portion of the International Boundary from the US Customs House at Lukeville to the southeastern corner at the Santa Rosa Range had previously been fenced by Bob Gray. This fence had deteriorated over time and by August 1947 the line east of the Dos Lomitas Ranch had collapsed leaving the southeastern portion of the Monument open to trespass stock.²³ Not until 1963, was the southeastern fencing completed and the Monument fully enclosed.²⁴

In January 1950, the Park Service hired five men including Ed Havins, a local rancher and close friend of the Gray family, to continue fencing the western boundary. By March, the men had completed nine miles. Four more miles remained to close that edge when the project was again interrupted due to the loss of funding.²⁵ While the Monument still remained exposed to trespass animals at numerous places along the boundaries, the seasonal influx of horses, burros, and cattle dramatically decreased. The construction of the western boundary fence was seen by park employees as highly beneficial because it kept most trespass animals outside Monument lands. The fence, however, created problems for Henry Gray as it prohibited his cattle from moving to the grasslands and water offered on the Cabeza Prieta Wildlife Refuge. That conflict will be covered more thoroughly in a later section.

The Years of Drought: 1943 to 1947

In July 1942, Harold M. Ratcliff was assigned as the NPS Southwest Region's ecologist.²⁶ The Park Service until this time had been dependent upon rangers from either the US Forest or Grazing Service to evaluate Monument vegetation. Those grazing specialists tended to be more interested in maximizing the carrying capacity of the range than protecting the natural resources. Now Organ Pipe had its own biology specialist to survey the state of vegetation according to Park Service criteria. The regional office considered an accurate assessment at Organ Pipe to be Ratcliff's highest priority and directed him to make a field trip before visiting any other park.

When Ratcliff arrived in September, the landscape had not seen any rain since April. He realized that the variable weather conditions and plant responses made estimation of a single carrying capacity calculation for Monument forage almost impossible.

During periods of rainy weather and good moisture conditions the grasses and other herbaceous plants spring up almost over-night, furnishing a great deal of forage for cattle. Then as the weather becomes drier the grasses and other plants gradually disappear, leaving only browse species for cattle to eat.²⁷

Ratcliff reported that during the summer drought the cattle were traveling up to eight or 10 miles for water and that all vegetation had been overgrazed within 6 miles of Monument stock tanks. Ratcliff recommended that more stock tanks should be constructed to improve cattle distribution and to relieve the grazing pressure on old watering areas. The evidence for the large number of trespass livestock could be seen from the numerous "trails leading into the Monument from across the international-boundary ... on all the drainages ..."²⁸ Given the number of Gray cattle as well as trespass stock, he estimated the range to be at capacity and no further increase should be allowed. He concluded that three animals per section was the carrying capacity for dry years. He recommended development of three more stock tanks in addition to improving existing watering sites in Rincon Spring, Wildhorse Tank, Cement Tank, and in the canyon south of Bates Well but warned that the water improvements should follow construction of fence along the International Boundary. For without the boundary fence, the new waters would only attract more trespass livestock onto Monument lands.

While Custodian Supernaugh was pressuring the Gray family to reduce their cattle herd down to the number agreed in 1942, the Secretary of the Interior was pressuring the National Park Service to augment the number of livestock on all Interior lands in order to increase food and fiber supplies for the war effort.²⁹ Director Drury was able to protect most park units by expanding grazing only in a limited number of locations where cattle were already permitted and that had the resources to tolerate that expansion. Fortunately Organ Pipe was not asked to increase its stocking capacity and it had no new ranges in which to expand.

The Gray family received a copy of their new grazing permit in March 1943. This permit was the first to include a trespass clause stating that any cattle present on the Monument in excess of the permitted number would be charged at a higher rate.³⁰ By including this clause in the grazing agreement the Park Service hoped that the Grays would keep their cattle numbers to the upper limit of 1050. This clause turned out to be a two-edged sword for the Park Service. The Grays were also required to make an annual count. But to ensure the accuracy of the count, and thereby the effectiveness of the clause, Monument employees had to participate in the roundup. At three nights at each of nine watering holes, the roundup required more than a month's labor for two men, an exceptionally large and expensive commitment by the Park Service.

By May 1943, the Monument and the Gray cattle had struggled through more than 12 months without any real rain. Acting Custodian Bates Wilson stated that the Gray cattle "look like cross cut saws turned upside down. At a distance it is hard to distinguish between a cow and a dead saguaro."³¹ The extended drought was wreaking havoc upon the Gray cattle. With little forage or water across the Monument, the cattle were too weak to survive a roundup and transport to market.³² By the end of the summer more than 300 head had succumbed to drought. Southwestern National Monument Superintendent Charles Richey agreed with Acting Custodian Bates Wilson that the Grays should postpone their roundup and count until the cattle were in better shape.³³

Despite their release from that year's annual roundup, the Grays were still unhappy with the changes in the new agreement. The fee for the first 550 head of cattle had been increased to match that charged by the US Grazing Service. Senior member Robert Lee Gray complained that the Park Service was renegeing on the promise by Superintendent Frank Pinkley to Senator Carl Hayden that their permit would continue through their lifetime.³⁴

In 1938, Frank Pinkley had promised that the Grays could graze their 550 head of cattle for \$10 per year. Pinkley was then contending with a hostile population in the Ajo community who disapproved of a federal agency usurping their free use of what they considered "their grazing lands."³⁵ This hostility did not arise simply from the sudden reservation of Organ Pipe lands for the National Park Service in 1937. Three years earlier Congress under the Taylor Grazing Act had withdrawn all remaining grazing lands from public use. In November 1937, the Yuma Grazing District, including the Ajo region, had been established. Now all ranchers had to apply for permits and pay annual fees for the use of lands that had been previously free and open to all. In order to soothe the angry elements, Superintendent Pinkley had offered the Gray family essentially free grazing for their 550 head of cattle.

The Grays' complaint over the fee change was legitimate. They had received assurances from Acting Director Demaray in 1941 that the permit would remain unchanged through the lifetimes of the Gray family members. Then in 1943, Demaray changed his mind arguing that all permittees with grazing agreements under the Department of the Interior should be charged the same fees for the same number of head.³⁶

Harold Ratcliff, recently appointed arbiter of all grazing permits in the southwestern region, reacted angrily to the Grays' complaint against the higher fees. He charged the Grays with intentionally holding three times the approved number of cattle on the range in the hopes that they might elude an accurate accounting. He described the Grays as 'desert cattlemen' who

run all the range can carry in good years in the hope that during unfavorable seasons such as the last winter and present summer season, enough (cattle) will survive the drought and lack of feed that (ranchers) can make up the difference in good years.³⁷

Ratcliff warned Southwest Regional Director Minor Tillotson that if the Park Service did not stand firm on their rules and regulations with the ranchers, "it would only lead to further misunderstandings and might tempt the Grays to again increase the number of cattle under permit."³⁸

Ratcliff's words were remarkably prescient. During the next 30 years, the Gray family would repeatedly evade the rules and regulations set down by the Park Service. The Gray family members did not hesitate to use their social and political connections to deflect Park Service ire for ignoring permit rules. Despite the inclusion of the trespass clause charging higher fees for excess cattle, the Grays regularly ran more cattle than the permit allowed, and the Park Service never once imposed an additional fee.

The Park Service was still fearful of the power wielded by the senior senator from Arizona. One month after Ratcliff's angry outburst, Regional Director Tillotson sent a confidential memo advising Director Drury that he should not oppose the Gray family's complaint due to the imminent arrival of Senator Pat McCarran.³⁹ McCarran, another powerful senator from Nevada and head of the subcommittee on public lands, was strongly opposed to be federal administration's control of grazing lands.⁴⁰ The Senator was touring western states and holding hearings over proposed fee increases for grazing allotments on Grazing and Forest Service lands. Noted in western newspapers for their incendiary nature, the hearings provided McCarran with a bully pulpit to stir local emotions and showcase ranchers protesting government fees and controls.⁴¹ McCarran was scheduled to hold hearings in Arizona later in the fall. Tillotson had little desire to attract the McCarran spotlight by imposing fee increases on a well-known ranching family befriended by Carl Hayden. The Park Service finally agreed to maintain the original fee of \$10 for the first 550 head and set the fees for the final 500 head comparable to those of the Grazing Service.

The drought of 1943 had forced the Grays to think seriously about the lack of water sources on Monument lands. They had requested an expansion in the number of stock tanks in order to improve distribution of cattle and to lessen the grazing intensity in the areas such as Bates Well, the most heavily used water source in the Monument. It was Park Service policy to construct any improvements such as wells or fences that were deemed essential to protecting the natural resources.⁴² The Park

Service recognized that it needed to provide water sources for cattle although it was loathe to improve the range so much that ranchers would be encouraged to run more cattle over the same allotment. Ecologist Ratcliff returned to Organ Pipe in May 1945 to re-examine the range and to review available water sources. Many of the old tanks constructed by Lon Blankenship and the Grays in the earlier part of the century had filled with silt and no longer held water after rain events. He suggested that the Park Service excavate these old tanks to make them usable again for cattle.⁴³

Conditions had been particularly dry that spring. Ratcliff expressed concern that many plants in the southern region were now showing signs of trampling and breakage by cattle in their search for fodder. This damage was especially evident in the Alamo Canyon. The canyon had become a very popular site for campers and picnickers at Organ Pipe because of its easy accessibility and beautiful vegetation. Now for the first time conflicts over different uses were developing between increasingly desperate cattle and the growing numbers of visitors, both of whom sought green growth.⁴⁴ Ratcliff opined this conflict would continue to grow as long as grazing was permitted at Organ Pipe.

Ratcliff had been observing landscapes in the southwestern monuments now for three years. He understood the extent of damage that grazing could inflict upon different vegetation types under these extended drought conditions. Ratcliff stated that permanent damage to vegetation had already occurred in Saguaro National Monument because too many cattle were seeking too little grass. He warned that the landscape at Saguaro should be viewed as a harbinger of what would happen at Organ Pipe if overgrazing was not curtailed.

The construction of fences along the southern and western boundaries of the Monument had already been determined to be critical to stop the flow of trespass livestock and reduce the overgrazing on the Monument. Fencing was even more essential to stop Mexican horses now infected with durine, a disease from waterborne parasite, from moving northward into the Monument and spreading the disease. In his 1945 report, Ratcliff went even further in his final recommendations; he made the highly radical assertion that the only way to protect Monument vegetation would be to fully terminate all livestock grazing.

The best solution seems to be that of buying the outfit lock, stock, and barrel, and to clear up such use in one sweep. It might take several thousand dollars to complete the deal but it would save an area of the finest desert flora from becoming depleted to the point where we have neither cactus nor desert vegetation left.⁴⁵

Perhaps Ratcliff's recommendation was too extreme at this time; perhaps without evidence of extensive damage throughout the Monument Park Service administrators did not take his recommendation seriously. But no record has been found in the Organ Pipe grazing archives of any commentary on Ratcliff's recommendation.

Ratcliff returned to Organ Pipe 10 months later in the early spring of 1946. The fall and winter rains of 1945 had failed almost completely. The spring flower show was nonexistent and drought was again the uppermost in the minds of Organ Pipe employees.⁴⁶ The director of the southwest region, Minor Tillotson, accompanied Ratcliff on the spring survey to view the vegetation conditions

himself. Ratcliff's March report was even more explicit in its descriptions of the damage to Monument vegetation by desperate cattle. He detailed the effects on numerous species of plants in different locations and summarized the overall consequences.

The forage conditions are not too good — there has been very little rain during the past year and the cattle are forced to utilize browse species entirely. Cattle damage appears to be increasing due to prolonged dry weather and is very conspicuous especially at Alamo Canyon, Dowling Well, and in certain sections along the western side of the monument. ... This increase is no doubt due to the lack of moisture since 1942 which was my first trip into the area in which followed a very favorable year in 1941, therefore the combination of continued drought and heavy grazing is becoming more and more noticeable.⁴⁷

Ratcliff was concerned that his previous estimate of the carrying capacity of the Monument of three head per section had been too high. However, in order to make a more accurate estimate of the carrying capacity, a count of the Gray cattle was necessary. Despite the requirement of an annual roundup and count as part of their grazing permit, the Grays had done neither during the last three years. Ratcliff knew that he had insufficient manpower to count multiple sites at the same time; without that manpower, any estimate by Park Service employees would be inaccurate. Ratcliff reiterated his previous assertion that the Park Service must eliminate all livestock “at the earliest possible date. The damage is increasing and will continue until we get the stock out.” He finished with a new warning regarding the soils at Organ Pipe,

... the loss of ground cover which increases with every season will no doubt result in fewer and fewer new (saguars and other cacti) being able to survive. The topsoil over most of Organ Pipe Cactus has not yet washed away as it has at Saguaro (National Monument) but if heavy grazing use continues erosion by wind and water will increase.⁴⁸

The drought deepened further and cattle were dying across the Monument. Henry Gray hauled water to different areas of the Monument. The Grays cut down palo verde trees that carried mistletoe and burned spines off cholla to provide food for their cattle. They claimed they had no money to buy hay. Custodian Supernaugh despaired of protecting the Monument vegetation.

Due to the long period of drouth in this section conditions have become so bad that we are now being damaged beyond recovery. ... We have been trying to handle this without any fuss but with their cattle dying around them, they pay no attention to any regulations. Any resort to legal action at this time would bring severe criticism on the service ...⁴⁹

Supernaugh's only suggestion was for Ratcliff to reevaluate the Monument carrying capacity and adjust the grazing permit accordingly.

Ratcliff's fourth report, written in July 1946, pulled no punches about the continuing drought and concomitant destruction of vegetation. He estimated that at least 500 cattle had died.⁵⁰ Cows were traveling as far as 20 miles to find water. When they laid down, they never got up again. Still the Grays refused to remove cattle from the range. They had received offers to buy, but, because the cattle were little more than skin and bone, the Grays refused to sell them at a loss. Instead, they held the cattle on the range in the vain hope that they might survive the drought. Ratcliff estimated that the Grays' financial loss from the deaths of so many cows had already cost them more than \$18,000.⁵¹

Ratcliff documented that there was almost no forage left on the ground in the Monument. Areas around Gachado, Bates and Dowling Wells were no more than dust bowls extending outward for two to four miles. He supported all of these assertions with photographs of vegetation damage and cattle carcasses. The fencing in the southwestern corner of the Monument and along the International Boundary was still incomplete. More than 1000 head of trespass stock were estimated to be still present on Monument lands. Ratcliff pointed out that until the trespass stock was eliminated, the Grays had a legitimate complaint against the Park Service for not protecting their allotment.⁵²

Nevertheless, Ratcliff argued that the Grays' grazing permit should be canceled for two reasons. The Grays had shown little regard for park values from their destruction of Monument vegetation and they owned no land either within or near the Monument and therefore had no legal right to a grazing permit.⁵³

Based on the area of vegetated land within the Monument (excluding portions of steep mountain ranges) and a carrying capacity estimate of two cows per section, Ratcliff calculated that the number of permitted head on the Monument should be reduced from 1050 to 714. He recognized that this change would require much communication with Arizona legislators. In conclusion he reiterated, "Every effort should be made to purchase their holdings and terminate this permit as soon as possible if we are to protect the area from complete destruction."⁵⁴

The difficulties of managing the Gray cattle during the extended drought had now risen for the first time to the attention of the Washington office.⁵⁵ Southwest Regional Director Minor Tillotson forwarded Ratcliff's special report to Acting Director Hillory Tolson with an accompanying memorandum of his own. Tillotson had seen the destruction caused by cattle and was concerned for the Monument resources, but he also recognized the bind that the early promises to Senator Hayden had put the National Park Service in. Tillotson wrote in his memo that he knew of "no equitable arrangement that could be made for the elimination of this stock which would not involve purchase of all the Gray interests and holdings."⁵⁶ But the federal government had never before purchased a grazing permit. Such an action would be neither simple nor straightforward. Since the Grays owned no land, the government could only purchase their cattle, their built structures, and the grazing permit itself. Buying back the grazing permit would set a dangerous precedent in the West. The government had defined any federal permit as a privilege — not a right that had monetary value associated with it. A buy-back of the Gray grazing permit would set a federally approved value to a federal privilege for the first time. Nonetheless, Tillotson put his support behind Ratcliff's suggestion to buy out the Gray operation. He suggested that legislation and funds be sought to accomplish that task. He enclosed an additional copy of the special report for Senator Hayden's review.

Acting Director Tolson sent the copy of Ratcliff's special report to Senator Carl Hayden. He informed Hayden that the Park Service was working on fencing the southern boundary and was developing a plan to eliminate trespass stock. Tolson strongly supported Radcliff's proposal to reduce the Gray permit limit. He suggested that the Park Service lower the permit further to the original 550 head. As Tolson stated,

The serious losses, lack of management and cooperation by the Grays, and the serious deterioration of the range seemed to make such a course inevitable. We are convinced that the range cannot stand any larger number than this. We are also forced to require reasonable compliance with the normal conditions of the grazing permit which is similar to the requirements of all such permits on grazing land.⁵⁷

Tolson's communication represented the first time that the Park Service had brought to Carl Hayden's attention its difficulty in achieving cooperation from the Grays. Tolson included the veiled warning that the Grays must comply with the rules and requirements for their grazing permit just as with all other permittees with federal allotments (or risk losing their permit).⁵⁸

Acting Director Tolson did not believe that the Gray grazing permit could be eliminated at any time in the near future. He also thought it unlikely that the Park Service would be able to raise the funds to buy out the operation. Minor Tillotson, who had a remarkable grasp of the legal complexities involved in federal grazing permits and the legislative remedies associated with them, offered an alternative scenario to resolve the impasse. He suggested that if the Secretary of the Interior canceled the Grays' grazing permit for noncompliance, the Arizona delegation could introduce legislation into the US House and Senate for an appropriations bill to provide funding for the relief of the Gray family for their financial losses from the permit cancellation.⁵⁹ This same suggestion was proposed 20 years later as most likely to succeed by Secretary of the Interior Stewart Udall and his brother, US Representative Morris Udall.⁶⁰

Senator Carl Hayden probably never answered Acting Director Tolson's letter. It is likely, however, that Hayden forwarded a copy of Tolson's letter and the report to the Gray family to warn them of the jeopardy regarding their grazing agreement.⁶¹ The Grays responded to this threat by refusing to speak to or meet with Organ Pipe employees. In order to resolve the impasse, Director Drury proposed that Tillotson escort Senators Carl Hayden and Ernest McFarland to the Monument and meet with the Grays.⁶² Unfortunately, Nan Hayden, Carl Hayden's wife, had recently suffered a debilitating stroke and the senator was unwilling to leave her side for any length of time.⁶³ Hayden never did make his visit to Organ Pipe. Perhaps if he had been able to view the destruction at the Monument and speak with both parties, he might have been able to mediate a viable solution to the crisis.

Elmer Coker's Return

In late October 1946, Attorney Elmer C. Coker returned from active duty with the Air Force. He was immediately rehired by the Grays as their adviser and advocate for all negotiations with the National Park Service as well as other federal and state agencies associated with land, water and cattle. During the years that Coker was in Europe, Henry had acted as the spokesman for the Gray family. Henry

was a complex individual, clearly the brightest member of his family, but highly volatile. He was a talented cowman, who, even after a near fatal incident left his left arm crippled, still worked his ranch every day of his life until his death at 79.⁶⁴ Henry had a number of long-term relationships with women, but remained unmarried. He sired one daughter with whom he maintained an affectionate correspondence; he supported her financially through school and long afterwards. Henry also took in and supported other Gray family members when they were in trouble.⁶⁵ He cared deeply about protecting wildlife in the desert; Henry volunteered as the game warden for the area for many years. Yet he felt little compunction to protect his cattle from the devastating effects of the drought.⁶⁶ Unfortunately Henry, as the family spokesman, was limited by his lack of skill in communication; his conversations with Organ Pipe employees, especially Custodian William Supernaugh, were frequently terse and less than productive.

With the return of Coker, the tenor of the Gray relationship with the Park Service changed. From now, on the relationship was much less between family member and custodian; instead Coker communicated with the regional or Washington officials and, later, members of the Secretary of the Interior's staff. He frequently brought in outside range appraisers to provide evidence to support his clients' perspectives. Coker as a legal advocate was aggressive and often employed offensive tactics in his negotiations. Perhaps because of his court room training, he saw the Park Service as an adversary to be bested. He used his considerable writing skills in communications with Arizona legislative delegates to insinuate an "us-against-the-enemy (the Park Service)" relationship.

Elmer Coker immediately took charge of the situation and hired a team of range specialists to examine conditions at Organ Pipe Cactus National Monument. Their report, completed in November 1946, was written from a single drive-through on Monument roads.⁶⁷ Coker then wrote a long and confidential letter to Senator Hayden informing him of a planned meeting with Acting Director Hillary Tolson and laying out Coker's perspective of the history of the conflict between the Grays and the Park Service. Coker deflected blame for the conflict away from the Grays and laid it at the feet of Custodian Supernaugh.

I wish to state frankly that I feel that the Gray family, have been guilty of certain indiscretions, not intentionally, but just because they have had no one to counsel or advise them It is my frank opinion that most of the difficulties that have arisen here, in respect to cooperation, arises from personalities between the Gray family and the present custodian, Supernaugh. I firmly, believe that all of this trouble would have been prevented if there had been a custodian like Frank Pinkley to have counseled and advised these people, and offered helpful suggestions, rather than not speaking to them, but instead writing reports to his superiors.⁶⁸

Coker laid larger blame on the Park Service for not imposing a range management program on the Grays. Coker referred to the range specialists' report and asserted that their review of the Monument range concluded that the carrying capacity at Organ Pipe was three head per section, not two. He then accused Acting Director Tolson of cutting the permit limit back to 550 without any consideration for his clients' welfare.

Notwithstanding his (Radcliff's) recommendations (from the July 1946 report), made under the most unfavorable conditions that perhaps ever existed in this area, Tolson arbitrarily states in his letter (see endnote 57) to you that he is going to cut the permitted allotment down to 550 head. To me, this is some more of our autocratic, bureaucratic methods of government. ... The Gray family cannot exist under the allotment of 550 head of cattle. There is, according to the appraisers, no justification whatsoever for such an arbitrary decision.⁶⁹

Coker finished his letter by warning that if he was not "successful in obtaining Mr. Tolson's reasonable consideration of the problem," Coker would have to call upon Senator Hayden for his assistance.

Coker flew to Chicago and met with Tolson on December 11, 1946. Coker stated that the Grays were being unjustly accused of noncompliance and damaging the Monument. He said they had been willing to cooperate with Supernaugh but that the custodian had never been present to discuss grazing with the family or to propose counting cattle. Coker submitted to Tolson a copy of the specialists' appraisal report and a "Proposed Grazing Land Management Plan" written by the Grays and Coker. In their management plan, the Grays requested that the Park Service develop additional water sources and fence the remaining portions of the International Boundary. As suggested in the appraisal report, the Grays and Coker proposed that the cattle be shifted annually between eastern and western portions of the Monument in order to give each half a rest for the duration of the year. The Grays promised that they would permit the Park Service to build a campsite in Alamo Canyon one mile from Jack Gray's leased home and provide water if the Park Service built piping to carry it. The Grays also pledged that they would cooperate with the Park Service to make their annual count each spring and keep a tally book of cattle bought and sold.⁷⁰

Tolson countered Coker's statements saying that the Park Service officials had tried repeatedly to contact the family and assist in their roundup activities, that the Park Service had been building fences with any monies that were available, and that they had already developed additional waters for Gray cattle.⁷¹ Tolson asked what assurances the Park Service would have from the Grays that they might change their attitudes toward compliance and cooperation. Coker replied that the Grays had recognized that they needed to manage their operations better and under a single manager. The Grays promised that they would create a formal partnership and offer one individual as the legal representative to that partnership.

Hillary Tolson asserted that under conditions of extreme drought, the Park Service had the right to require a reduction in the number of permitted stock. Coker countered that that decision should be made by committee consisting of a Gray family member, a Park Service representative and an outside observer. Tolson curtly responded, "The Service must be the final judge concerning the protection of its own property"⁷²

At the conclusion of their meeting, Hillary Tolson told Coker that he would defer the final decision whether or not to reduce the permit number to Regional Director Minor Tillotson. Tolson wrote afterwards to Tillotson to make his own opinions clear.

I feel that you will concur in the desire of the Service to avoid, if possible, any public hearing that might be insisted upon by Senator Hayden, Senator McFarland, or Senator McCarran if the Service should go ahead with the reduction to 550 head for the combined outfit, particularly in view of their promise to improve their grazing management and Mr. Coker's promise to make every effort to see that they fulfill such an agreement.⁷³

Regional Director Minor Tillotson agreed to maintain the Gray cattle number at 1050 and to consider construction of three new water tanks as well as to upgrade existing ones. The Grays formed a legal partnership and offered Robert Louis (Bobby) Gray as its representative. Despite the presence of Attorney Coker as adviser, the quality of communication between the Grays and the Park Service, especially Custodian Supernaugh, did not improve. The Grays fought any change to their grazing permit, avoided interacting with Supernaugh, and evaded Park officials' efforts to participate in annual counts.⁷⁴ Supernaugh clearly expressed his weariness of the constant struggle with the Grays when he concluded a March 1947 memo to the regional director,

With all this we seem to have lost ground on the grazing instead of gaining anything.⁷⁵

Supernaugh continued as custodian until 1954. His subsequent replacements, with few exceptions, struggled with less hostility but the same passive resistance and active noncompliance from the Grays.⁷⁶

9. Conflict over Water

*The story of ranching in the Organ Pipe Cactus area has been the story largely of men-drilled wells. And it has remained that to this day.*¹

Water is critical to any cattle operation and control of water in the Southwest gives one control of the land. Prior to the establishment of the Monument, the Grays, by their control of most of the water sources in the region, were acknowledged as the dominant ranchers. They had purchased all of the water structures from those willing to sell. By 1953, some 25 water sources — some enhanced seeps or tanks, some wells — existed within the Monument boundaries. Since the Monument was established in 1937, Henry had constructed the Bonita Well in the southwestern quadrant north of the La Abra Plain. In 1939, Ralph and Bobby had dug the Red Tank Well. But the flow was insufficient to water cattle. In 1943, Henry reconstructed Pozo Salado.²

The droughts of 1943 and 1946 impressed upon the Grays the need for more reliable water sources at lesser intervals across the Monument. The drought had also illustrated the need to fence the boundaries of the Monument in order to stop trespass livestock from wandering into the Monument. By 1943, the trespass stock of feral burros and Mexican horses and cattle were as numerous as the Grays' permitted cows. Monument vegetation was supporting twice the number of head as the Park Service had originally intended. Finally, the fencing along the southwestern boundary, portions of the northern boundary, and most of the International Border was beginning to curtail unwanted cattle. But while fences stopped the influx of outside stock, they also restricted the Gray cattle from accessing other water sources off Monument lands. The Gray cattle were almost entirely dependent upon those sources found in Organ Pipe.

Attorney Coker and Assistant Director Tolson had agreed in December 1946 that construction of three new charcos was important for both the preservation of Monument vegetation and the survival of Gray cattle.³ The Grays had recently signed a new grazing permit in the spring of 1947 when Tolson noted that the permit did not include a clause affirming the reservation of all water rights to the federal government. Normally the Park Service used the US Forest Service grazing agreement as a template for its own permits. The Forest Service allowed cattle ranchers to construct water tanks in order to improve their allotted ranges. The Forest Service however retained the rights to any waters developed since those waters originated from federal lands.⁴ Given the difficulty in getting the Gray family members' signatures on the present permit, Tolson thought that it would be better not to rock the boat again and, instead, to reintroduce the water rights clause in a later permit. This decision was unfortunate as Arizona case law regarding water rights was about to undergo a radical upheaval, at least temporarily, during the next five years.

Ratcliff reported in June 1948 that the new western boundary fence had made a significant improvement in keeping trespass stock out of the Monument. He recommended that replacing Bob Gray's old fence from the Custom House at Lukeville eastward along the southern boundary would eliminate the last major point of influx of trespass stock.⁵ The spring and summer of 1950 were very dry at Organ Pipe. By the end of the year, only 3.4 inches of rain had fallen.⁶

Groundwater and the *Bristor v. Cheatham* Cases

At this time, an important groundwater case, *Bristor v. Cheatham*, was working its way through the Arizona courts. Bristor and Cheatham were two adjacent land owners; both dependent upon their wells for water. Bristor had used water from his well for domestic purposes: his home and a few cattle. Cheatham, a cotton farmer, had recently drilled a much deeper well to irrigate fields three miles distant from his home. As Cheatham removed groundwater from his well, he created a zone of depression in the water table within the surrounding soils. The waters that had been beneath Bristor's land were now flowing toward Cheatham's and being removed by his bigger pumps. Cheatham withdrew so much water that he caused Bristor's well to go dry. This same scenario was playing out in farming communities all over the state. Recently-developed, powerful pumps were now capable of removing groundwater faster and to much greater depths. The new pumps expanded agricultural opportunities throughout Arizona's arid environments but this large-scale agriculture also required enormous quantities of groundwater.

In 1904, the Arizona Territorial Supreme Court had ruled in *Howard v. Perrin* that ownership of groundwater was strictly tied to the surrounding land from which it was drawn.⁷ The use of surface water was regulated by priority of claim. Groundwater had no such regulation and could not be claimed by prior right. The ruling of *Howard v. Perrin* gave no protection to previously established users. The absence of any management regulation now created situations where competing users raced to remove their own groundwater with larger pumps before their neighbors did. Because surface and groundwater were governed by different legal standards and rules, numerous conflicts had arisen where the two types of waters overlapped. Legal experts were closely watching as the *Bristor v. Cheatham* worked its way up to the State Supreme Court in the hopes that 50 years of differing water doctrines might be resolved.

Attorney Elmer Coker was also watching *Bristor v. Cheatham*. If the Arizona State Supreme Court ruled that indeed groundwater was appropriable, and therefore belonged to the earliest documented user (or whomever had purchased that water from the earliest user), then the Grays, not the Park Service, would own the water rights to many of the wells within the Monument.

The Struggle over Water Rights

In June 1950, the Grays filed applications with the State Land Department to claim water rights on seven wells and springs.⁸ The Grays claimed that the waters from each of these wells originated from springs (only two did) and that they had purchased these water sources from the original owners.⁹ By stating that the well waters originated from springs, Coker and the Grays hoped that the State Land Department would grant ownership by virtue that surface waters (springs) were appropriable. The Grays also stated that the first claims to these water sources were made prior to 1919. Water claims originating prior to 1919 were unregulated by the state. At that time the "owner" had only to post a notice locally describing the claim and its use. After 1919, water claimants were required to file a formal claim with the State Land Department.¹⁰ By stating historic use, the Grays were able to explain why no claim had been filed earlier and that their claim should have priority over that of the National

Park Service. Coker persuaded Birdie Del Miller to simultaneously file a claim on her well water in Alamo Canyon that Jack Gray was presently leasing from her. If she was granted title to her water, the Grays would certainly be at the head of the line to purchase that title.

The Park Service had two possible responses to the Grays' water rights applications. The first was to file protests with the State Land Department. The Park Service argued that the Grays and Del Miller were attempting to usurp rights associated with the land set aside by presidential proclamation in 1937. The Park Service also asserted that these claims had been made for groundwaters and were therefore not appropriable. The second option for the Park Service was to cancel the Grays' five-year permit and rewrite it with a new clause clearly asserting federal ownership of all waters either created by the permittees or found within the Monument. Instead, the Service chose to wait until the old permit expired.¹¹ At the end of 1951, the Park Service sent the Grays a copy of the new permit that included this water rights clause.

The new permit gave permission to the Grays to use and maintain all waters for grazing purposes but the permit reserved the right to any titles for waters developed or found within the Monument boundary. Coker and the Grays objected strongly to this new clause. As Coker wrote to Southwest Regional Director Tillotson,

The proposed permit, as it now stands, is in effect a quit-claim deed from the Gray family to the United States for waters which they acquired prior to 1919 and have continuously used and placed to a beneficial use since said time.¹²

If the Grays signed the grazing agreement, they were, in essence, giving over any rights to those waters that they had controlled for more than 25 years. Those water rights titles were important to the Grays. For all except Bobby (who had successfully proven up on a homestead claim), those titles were their only possible claim to any form of real estate.¹³ The only other properties owned by Bob, Jack, and Henry were their built structures (homes, corrals, fences) and cattle. If they gained title to one third of all waters in the Monument, the Grays would be in a much stronger position to bargain with the Park Service.

But the Park Service refused to eliminate the clause perfecting all water rights and the Grays refused to sign the grazing agreement. The struggle over water at Organ Pipe came to a standstill.¹⁴

Attorney Coker, Bobby Gray, and Regional Director Minor Tillotson met to discuss the impasse on January 22, 1952.¹⁵ Tillotson argued that the Grays had no reason to file claims for title as the family had exclusive use to the waters on the Monument. Coker countered that the Grays were filing claims because of the possibility that the land within the Monument might someday be returned to the public domain.¹⁶ Despite the assertion by Tillotson that the water rights clause in the grazing agreement applied retroactively to all waters in the Monument, the Grays and Coker refused to withdraw their applications for title.

The Grays and Attorney Coker had a very strong reason for not signing onto the new water clause. Ten days earlier, the Arizona State Supreme Court had reversed 50 years of previous case and statutory law.

The court had decided that Bristor had a prior claim to his well water and that all groundwater should be subject to prior appropriation law. An enormous outcry against this ruling was already rolling across the state. Irrigators dependent upon large quantities of groundwater felt threatened with the loss of their investments in land and equipment.¹⁷ In less than 40 days after its original decision, the State Supreme Court granted a rehearing of *Bristor v. Cheatham*. All groundwater claims across the state were put on hold for a full year while the court reassessed its earlier ruling.

Another family had been living on Organ Pipe lands. José Juan Orosco, a Sand Papago, and his family had lived in the Quitobaquito region since before the turn of the century. The Park Service had given him permission to remain on that land and allowed him to run a small cattle operation of 100 cows. The Park Service chose not to extend his grazing permit after José Juan's death in 1946 and ultimately purchased his property from his son in 1954. While the Grays were trying to perpetuate their control over water sources and old wells, they were augmenting the number of wells under that control. In the fall of 1952, the Grays purchased José Juan Orosco's well, Pozo Nuevo, in the southwestern portion of the Monument, from his son, Jim Orosco. The well, originally hand dug by José Juan in 1908, was shallow and often went dry under drought conditions. But its purchase allowed the Grays to extend their cattle range into that southwestern corner.¹⁸

The Arizona Supreme Court announced its second decision on *Bristor v. Cheatham* in March 1953. While still finding for Bristor, the court reversed its reasoning stating that the use of groundwater on fields three miles away was not beneficial for the land from which it came. The justices chose not to rule on whether appropriation law should apply to groundwater. Thus the court had reaffirmed that Arizona groundwater should continue to be regulated under the common law doctrine, that all non-percolating groundwater still belonged to the land.

The State Supreme Court decision meant that the federal government still owned all of the groundwaters within the Monument. As long as the State Land Department did not agree with the Grays' assertion that water from their wells arose from surface flow, most of the applications would not be approved. Despite the court's ruling, the Grays and Attorney Coker still refused to withdraw their applications for water rights titles. Perhaps they hoped that another court case challenging Arizona's irrational separation of surface water and groundwater would resurface in the near future.

Unapproved Water Development

The winter of 1952 – 1953 was very dry and the rains during the following spring were less than normal. Despite extensive recommendations from ecologists and grazing experts, the Park Service made no improvements to existing water sources nor did they develop any new ones. After a terrific thunderstorm in August 1951, Henry Gray lost the use of one of his two wells at the Bates Well Ranch. This well was crucial in supplying water for a large number of Henry's cattle. Henry decided to take the deteriorating water problem into his own hands in July 1953. Without notifying Superintendent Supernaugh, he began digging two replacement wells: one adjacent to the original Bates Well and one next to the old Orosco hand-dug well. By the regulations set down in the grazing agreement, the Park Service had to pre-approve any new improvements, including water development, under a special

permit. Supernaugh immediately served Henry with a notice to desist from any further unauthorized construction.¹⁹

With this latest action by Henry, Superintendent Supernaugh had come to the end of his rope in his dealings with the Gray family. Supernaugh wrote a memorandum to the regional office proposing that the Park Service cancel the Grays' permit. No response to his proposal has been found in the Organ Pipe grazing archives. Six months later, Harold Ratcliff sent a memorandum relaying Supernaugh's request for a response to his unanswered proposal. The annual fee for grazing on Organ Pipe lands was now due. Supernaugh believed that if he accepted the fee, the Grays would know that they had again escaped punishment for defying Park Service regulations.²⁰

Hugh Miller, Assistant Regional Director, finally replied to Supernaugh. Miller suggested that Supernaugh again warn the Grays that their well drilling without prior permission was a violation of the grazing agreement and remind them that they needed to sign the special use permit. Miller concluded his letter with the apparently contradictory statements,

We are developing a strong belief that the Service must adopt a more positive attitude in dealing with the permittees. Compliance with the entirely proper terms of the grazing permit represents not cooperation, but a legal requirement. Organ Pipe Cactus National Monument is not the Grays' Ranch, though their attitude seems to regard it as such."²¹

With this insipid response from the regional office, Supernaugh had come to the end of his rope in dealing with Park Service bureaucracy at Organ Pipe Cactus National Monument as well. He responded with a blistering letter to the regional director saying that Miller's memorandum "answers nothing as far as our problem here is concerned." He reiterated that the Park Service must deal directly with the Grays' violation of their agreement.

Before this office can take much further action, we want some positive answers to the following questions so that we will be assured that we will or will not have Service support.

The notice of violation was given on July 25, 1953. Should they be notified that their permit is being canceled and they must renegotiate a new permit?"

The grazing fee is now due and if they offer to pay, should this be accepted? It would seem that if we accept the fee, we would be admitting no violation.²²

For years, the Park Service had allowed the Gray Partnership to evade or ignore the Service's own regulations. For years, the Park Service had bent over backwards to cover up those violations in the hopes that the Grays' attitude regarding compliance might change. After 15 years of playing the front man for an institution that would not defend its own rules, Supernaugh resigned. He left Organ Pipe to become superintendent at Platte National Park in southern Oklahoma.

The Organ Pipe grazing controversy again rose to the attention of the Washington office. Park Service Director Conrad Wirth had been corresponding with Senator Hayden over the purchase of the Orosco property within the Monument; the two had developed a comfortable rapport during this exchange.²³ Director Wirth decided to write to Hayden on the problem of the Grays. He laid out the extent of the Grays' violations and their incidents of noncompliance. Director Wirth knew that the Grays' attorney, Elmer Coker, had communicated repeatedly to Hayden to pressure the Park Service to modify regulations in the grazing permit. Now Wirth used Senator Hayden to put pressure on the Grays to comply. Wirth presented the important aspects of the permit to Hayden: 1) that it provided the Park Service with the right to regulate stock numbers and fees according to a variable carrying capacity, 2) that the Grays were required to complete an annual count, and 3) that all improvements had to be made only with advance permission. "The permit specifically did not confer exclusive use of the land."²⁴ Wirth continued by enumerating the Gray violations.

Since almost the date when Mr. Gray signed the first permit, the members of the partnership and Mr. Coker have disregarded the terms relating to range improvements; have filed personal claims to groundwater; have dug additional wells at their pleasure without prescribed written permission; and have refused to sign any permits which have been offered to validate their unauthorized actions.²⁵

Director Wirth warned that he would give the Grays 30 days to comply with the terms of their grazing permit and to sign a required special use permits or face revocation of their permit. He concluded his letter by asking Hayden if he had any suggestions to resolve the conflict.

Hayden replied that he would warn Coker of the contemplated action and suggest that Coker prod the Gray family into compliance.²⁶ Coker responded to Hayden with thanks for the warning, but hinted darkly that this Park Service action was taken in retaliation for the Grays' attempts to perfect their water rights titles.²⁷ Despite Hayden's warning, the Grays and Attorney Coker chose to ignore demands to sign the special use permit. On August 24, 1954, the Washington office finally recommended cancellation of the Gray grazing permit.²⁸

Superintendent Supernauth had been replaced that month by James Eden. Eden was an amiable fellow who was less interested in insisting that the Grays strictly adhere to Park Service rules. As a result he was much more successful in reducing conflict and achieving cooperation from the Grays. In his first meeting with family representative Bobby Gray, James Eden secured immediate agreement to sign the special use permits for the additional wells. Eden reported that the Grays were "interested in starting with a clean slate with me and working cooperatively with us for the benefit of all concerned."²⁹

The overnight change in attitude by the Gray family was remarkable. Perhaps the Grays finally realized that they must comply with Park Service regulations in order to stay in business. Perhaps the warning from Carl Hayden suggested that they might be losing his support. Perhaps the relationship between Superintendent Supernauth and the Grays had deteriorated to such an extent that the family could no longer bring themselves to agree with any of his requests regardless of their rectitude. The amicable relationship with James Eden, however, did not survive his departure three years later in 1959. A sequence of droughts in the early 1960s re-aggravated the same old tensions and problems between the Park Service and the Gray family.

In October 1957, the State Land Commissioner rejected all but two of the Grays and Birdie Del Miller's applications for title to water rights in the Monument. Six claims for wells were rejected for reasons that groundwaters were not appropriable.³⁰ Claims for the two existing springs, Williams and Aguajita, were later approved. The rejection of the Grays' applications for title meant that the last of their hopes for ownership of any form of real estate had been dashed. All the Gray family members had left to them was their cattle, a few ranch structures, and their grazing permit.

The Park Service continued to refuse the Grays permission to develop new water sources within the Monument. This decision meant that areas of vegetation damaged by overgrazing, trampling, and soil erosion had no opportunity to recover. Many of those areas still show signs of damage today.³¹ That decision did have one positive result in that other portions of the Monument without water were not exposed to cattle.

It is unfortunate that so little trust existed between the Grays and the Park Service. Perhaps if the relationship had been more positive and the dialogue more open, the Park Service might have been willing to permit development of additional water sources. As the severity of droughts deepened during the 1960s, the Grays responded by locating portable tanks throughout the Monument. Henry took advantage of one of the last unfenced boundaries in the northwest corner of the Monument to water his cattle illegally at the Cabeza Prieta Game Refuge's José Juan Charco. This action brought Henry and the rest of the Gray family into legal conflict with another federal agency, the Bureau of Sport Fisheries and Wildlife (US Fish and Wildlife). The action also brought the Park Service/Gray Partnership conflict to the attention of the new Secretary of the Interior, Stewart L. Udall.

10. Grazing on Cabeza Prieta Game Range

While one portion of the conflict shifted eastward to Washington, DC, another portion migrated westward towards the Cabeza Prieta Game Range. During the 1920s and 1930s when the Grays were expanding their ranching operations into the northern and western portions of the Monument lands, little of the western region was fenced. When Henry bought J. T. McDaniel's improvements, he shifted his center of operation from Alamo Canyon to the Bates Well Ranch. From there Henry's cattle could roam as far west as the availability of water and food would permit. The grazing lands west of Bates Well were shared by other ranchers from the Ajo area including John Cameron, Tom Childs, and James Havins as well as those from south of the border.

The Cabeza Prieta Game Range was set aside by Franklin Delano Roosevelt in 1939 primarily to protect desert bighorn sheep and pronghorn antelope. Initially its administration was managed jointly by the Division of Grazing (later Bureau of Land Management) and the Bureau of Sport Fisheries and Wildlife.¹ Like the national monuments, pre-existing uses on the Game Range such as grazing and mining were allowed to continue.² In 1941, the refuge was incorporated into the Lukeville Bombing Range, a large tract of land set aside for the Air Force for air-to-air and air-to-ground practice.³ The Air Force then became the managing agency. With the exception of a small strip west of Ajo, most of the refuge was withdrawn from grazing access in 1942 and 1943.⁴ At the end of World War II, the bombing range became inactive until 1950. Some grazing leases were temporarily reinstated and then withdrawn again in 1951.⁵ Needless to say, this withdrawal and then partial reinstatement of grazing opportunities caused a great deal of confusion for many ranchers. Many believed that the bombing practice would cease permanently after the end of World War II and that access to the western grasslands would soon be reinstated.

Henry Gray's Cattle on Cabeza Prieta Game Range

Like other nearby ranchers, Henry Gray ran his cattle on Game Range lands before and after its establishment.⁶ Other ranchers had been granted grazing permits through the Division of Grazing because of their priority of use on the range.⁷ Henry, with his purchase of the Bates Well improvements in 1935, was a relative newcomer to the Growler Valley Range. In addition, Henry's watering sites were all on Monument lands and, as a result, despite his proximity to the Cabeza Prieta Game Range, Henry was never given a permit for a grazing allotment.⁸

After the end of World War II, construction materials had again become available within the United States. Organ Pipe Cactus National Monument, in concert with the International Boundary Commission, and later the Soil and Moisture Control program under the Soil Conservation Service, began to construct cattle fences around the periphery of the Monument. An outbreak of Hoof and Mouth disease in Mexico made completion of the southern fence the first priority.⁹ When Custodian William Supernaugh began to plan for construction of the western boundary fence, Henry realized that his cattle would no longer have access to the range in the Growler Valley.¹⁰ In December 1945, he prodded Howard Smith, a public land adviser who had worked with Attorney Elmer Coker, to request

assistance from Senator Hayden to resolve this dilemma. Gray and Smith offered the suggestion that if Organ Pipe Cactus National Monument enlarged its boundary three miles further west, the resulting expansion would solve all of Henry Gray's grazing problems.¹¹ Senator Carl Hayden forwarded Howard Smith's letter to the NPS Director Newton Drury. Drury responded that Gray need not be concerned as the northwestern portion of the fencing project was of low priority (fewer trespass cattle came from that direction) and would not be completed within the near future.¹² The letter clearly indicates that Henry was using the range well beyond the Monument boundary without the appropriate permit from the Division of Grazing.

In 1941, when the Air Force created the bombing range, its primary focus was to train pilots for combat in the European and Pacific theaters; it had little concern for cattle that might have strayed upon the land. Bureau of Sport Fisheries and Wildlife managers, on the other hand, were responsible for protecting the endangered game animals and the resources necessary for their survival. They recognized that errant cattle were competing with the pronghorn antelope and bighorn sheep for limited forage. However, game refuge managers without administrative authority could do nothing to stop the trespass cattle. They were frequently frustrated in their desire to remove livestock; their appeals to the Air Force for citations against grazing trespassers fell upon distracted ears. In 1953, game managers began to keep records of trespass livestock and increasingly to press the Air Force commanders to demand that unpermitted ranchers remove their livestock from the game range.¹³

Numerous unpermitted ranchers including Jim Havins, Angel Montréal, and Alton Netherlin were using Cabeza Prieta Game Range. Many had developed unauthorized water sites. Jim Havins was ordered to desist from drilling a well in Chinaman Flat.¹⁴ Finally, in September 1954, the Air Force threatened the unpermitted ranchers with the charge of trespass. All but Netherlin, Havins, and Montréal complied; these three were served injunctions in January 1955. In that year, fencing between Organ Pipe and Cabeza Prieta was finally completed. The only opening between the Monument and the game range was a locked gate across the Bates Well Road. Range managers began keeping specific records of trespass by Henry's cattle in 1956. Norman Simmons, the refuge manager, was frustrated and angry over the continuing incursions of Henry's cattle into the game refuge. Simmons recorded in his notes in 1958,

Henry Gray's cattle, some 40 to 80 head, have been running in the Growler Valley, watering at our tanks, despite our work on fences, gates etc. ... This problem will only be solved when Gray dies and his grazing lease on the adjacent Organ Pipe Cactus National Monument is thereby extinguished.¹⁵

In February 1962, Henry requested from Simmons a special permit to build a cattle corral and loading chute near José Juan Charco, a stock tank immediately west of the Organ Pipe Monument boundary. Henry insinuated that he needed to collect those cattle which had been using the refuge for grazing for his annual roundup. Simmons demurred and said that the Air Force was the agency to which Henry should send his request.¹⁶ Almost immediately, Henry was served with a formal notice of trespass by the Air Force and given until June 1 to remove his cattle. He was warned that any future trespass would be deemed a criminal offense.¹⁷ Attorney Elmer Coker sent an appeal for assistance to Senator Barry Goldwater.¹⁸ Coker hoped that Goldwater, as a former Air Force pilot, might be able

to persuade the Air Force to open that portion of the refuge to grazing. Goldwater responded that the agency now responsible for managing grazing on the range was the Arizona Game and Fish. That agency opposed the use of refuge land by cattle and refused to consider re-opening the range.¹⁹

In September 1962, Henry requested from Acting Superintendent Duane Graf permission to dig a well near José Juan Charco but within the boundaries of the Monument. José Juan Charco sat immediately west of the Bates Well Road and gate separating the Monument and refuge. For years, it had been the only reliable watering source in Growler Valley west of the Bates Mountains. During the drought of that year, other wells within the western portion of the Monument were producing insufficient water for the Gray cattle and Henry was hauling water into the area. The Park Service refused his request for a new well. As Southwest Regional Director Thomas Allen commented, “New development such as this would add to the problem of eliminating grazing at the Monument.”²⁰

Despite the threat of criminal proceeding, cattle belonging to both Henry Gray and Jim Havins continued to trespass on the refuge. That year, Henry, using a key to the gate across the Bates Well Road, began locking open the gate in order to give his cattle access to José Juan Charco. Gray was sent a warning letter by the US Attorney in Arizona in late 1962. Attorney Coker replied that it was James Havins who “deliberately ran some cattle onto the gunnery range” insinuating that Henry Gray was not at fault. Gray’s cattle were only on the range “because of fences ... let down by Mexican immigrants or washed away by heavy floods....”²¹ A few months later in February 1963, Henry hired a drilling rig to construct a well inside the refuge boundary. He was sent a notice of cease and desist which, following consultation with Coker, he finally acceded to.²²

In the spring of 1964, over 300 of Henry’s cattle were grazing on the eastern portion of Cabeza Prieta. Manager Norman Simmons organized a roundup of Henry’s cattle in order to quantify the extent of his trespass. But at the last minute, the Deputy County Attorney threatened to arrest any refuge personnel who touched Henry’s cattle. The standoff was broken only when Henry Gray agreed to sign an affidavit affirming that the trespass cattle belonged to him.²³ The US Attorney formally served the Gray family with a trespass complaint.

USA v. Gray Family

Attorney Elmer Coker planned his defense of the Grays around the argument of continued historic use of the waters of José Juan Charco. He wished to show that the Grays and their range predecessors had been using the water prior to the refuge land withdrawal in 1939. Coker spent the next two months tracking down descendents of the original builders of José Juan Charco in order to buy the stock tank and show the court that the Grays had legal possession. Coker reasoned that with a quitclaim deed in hand he might justify his counterclaim that the Grays had a valid right to the grasslands of the refuge and a continued right of access to José Juan Charco.²⁴ Common knowledge affirmed that the original charco had been deepened by José Juan Orosco and Reuben Daniels. If the tank had been built prior to 1919, the Grays could claim that they had purchased a legitimate water right established prior to the Public Water Code of 1919. In January 1965, Henry persuaded the son of José Juan Orosco and the daughters of Reuben Daniels to sign quitclaim deeds drawn up by Coker and give “ownership” of the stock tank to the Grays.²⁵

The trespass case of *USA v. Gray Family* was heard in federal court on February 2, 1965. US District Judge John C. Bowen found that the Grays had no vested right to either the water in José Juan Charco or the forage of the refuge.²⁶ Three days later the judge instated a preliminary injunction against the Gray family cattle trespassing on the refuge.

The US District Court injunction now presented a considerable problem for the Gray family. Because of low cattle prices during the spring of 1964, the Grays had chosen to forgo their annual roundup and sale.²⁷ At the time of the court injunction, the Grays possessed 300 – 500 cattle more than were allowed on Organ Pipe lands. The injunction demanded that the Grays remove these additional cattle from the refuge land before May 15.²⁸ Coker requested that the Park Service temporarily allow the Grays to bring these cattle onto Organ Pipe lands. The Park Service refused.²⁹ The difficulty for the Grays was where to put these additional cattle? They did not wish to sell them because of low market values yet they had no immediate access to any other grazing lands on which to hold them until beef prices improved.

Elmer Coker described his clients' dilemma in a personal letter to Senator Carl Hayden's Administrative Assistant, Edward Davis. Never one to forgo a dramatization of the situation when he needed his protector's assistance, Coker claimed that the Santa Fe regional office was looking for any excuse to justify cancellation of the Grays' lifetime permit — just the statement that would arouse Senator Hayden as a challenge to his desire to protect the Gray family. Coker hinted darkly of

a conspiracy going on between the Regional Office of the National Park Service and the Fish and Wildlife Service to see that the Grays are put in the position where they are in violation of their grazing permit leading up to cancellation of the same. ... I cannot prove it but there is something going on that we cannot put our fingers on.³⁰

Coker asserted that the “injunction is impossible to comply with because of the range conditions in the area” and asked Senator Hayden to provide

some administrative relief toward the development of new water sources in the general area or to let them (the Fish and Wildlife Service) continue to allow the Grays to graze their cattle on the eastern portion of the Cabeza Prieta Game Range and water their cattle at José Juan Tank.³¹

Henry's legal confrontation with refuge managers, Air Force commanders, and US court judges was significant. It made public for all to see, including the Arizona Congressional Delegation and the Department of the Interior, the nature and extent of the difficulties that federal land managers faced in dealing with the Grays. The trespass case exposed the Gray family's willingness to flaunt the laws of the state and agreements with federal agencies, and to damage federal property. The Grays' trespass case also illustrated to all administrative levels within the National Park Service that these difficulties in dealing with the Gray family would never lessen. Until the Grays and their cattle were removed from the Monument, there would be little opportunity to restore the vegetation of Organ Pipe. Watching refuge managers struggle with the lack of cooperation and outright hostility from the Gray Partnership confirmed for Organ Pipe employees the futility of their past struggles. They were more determined

than ever to exert control over grazing operations, restrict further water development, and ultimately eliminate that destructive activity entirely from the Monument.

11. The Beginning of the End: the Last Battle over Water

The long-running battle between the Grays and Organ Pipe employees and the National Park Service returned to the issue of water for a second round. This time the argument was not over who owned the water but rather how much should be made available to the Gray cattle. Range experts and, indeed, all participants agreed that additional water sources would distribute the ravages of overgrazing and soil erosion more evenly across the landscape. But the addition of stock tanks also improved the quality of the range for cattle. The Park Service feared that improvement would encourage the Grays to increase their cattle numbers beyond their permitted limit.

The lack of cooperation from the Grays and their non-compliance with regulations convinced employees at Organ Pipe, administrators at the southwest regional office, and, finally, those in the director's office in Washington that the Park Service must deny any additional water development within Monument boundaries. This decision was not an easy one for the Park Service. It meant that not only would overgrazed areas incur more damage, conflicts at water sites between visitors and desperate cows would increase, and more cattle would die during droughts. Park administrators hoped that the decision would ultimately force the Grays to agree to a buyout of their operations or persuade the Department of the Interior to nullify their grazing permit.

The spring-summer drought of 1961 was severe.¹ The Grays were hauling both water and hay to their herds and selling those animals that were in good enough condition. Automobile collisions with cows looking for water along the Ajo-Sonoyta highway were increasing. The high cost of fencing out cattle from the highway led the regional office to again propose a buyout of the Gray operation.² But the Grays, especially Bobby, were still unwilling to consider any form of buyout of their land or properties.

The Death of Robert Lee Gray

The drought of the spring-summer of 1962 was almost as bad as the year before.³ Its misery was interrupted, however, when family patriarch, Robert Lee Gray, at the age of 89, had a serious fall. After a brief stay in hospital, Bob Gray passed away July 14, 1962.⁴ His death now created a challenge of how to interpret Park Service grazing policy in this situation. Acting Director Arthur Demaray had promised that the Grays' business would be protected with a lifetime permit.⁵ The question for the Park Service was "How does Bob Gray's death affect a grazing permit issued to a family partnership?" Superintendent James B. Felton wrote that the long-standing NPS administrative policy was to terminate cattle grazing with the death of a permittee. It followed that with the loss of one of four partners, the number of permitted head should be decreased by 25 percent. In 1946 Acting Director Hillory Tolson had approved Attorney Coker's argument that 1050 head were necessary to support four (Jack, Bobby, Henry, and Bob) families. If one member was removed, then the number of cattle necessary to support the remaining three families should decrease by 262.⁶ Acting Southwest Regional Director George Miller concurred and added that since grazing permits were not inheritable, Bob Gray's interest in the Gray partnership permit could not pass to his surviving heirs/partners.

Director Conrad Wirth agreed with both the superintendent and the regional office. “The grazing permit issued to the Gray partnership is a privilege — not an interest. It cannot be inherited by the surviving partners.”⁷

Just when Organ Pipe employees thought the Park Service had approved a reduction in the Grays’ grazing permit to 788 head, the Monument received a phone call on June 19, 1963 from the regional office. The phone call relayed a message from the office of the Secretary of the Interior. It directed Monument employees to cease efforts to reduce permit numbers and, instead, focus on the elimination of cattle grazing.⁸ This phone call apparently marked the moment when Stewart L. Udall became actively engaged in the Organ Pipe grazing controversy.

Stewart Udall Enters the Grazing Controversy

When Secretary Udall took on the issue of the Gray family/Organ Pipe grazing controversy, the focus of activity and decision-making largely moved away from the landscape of southwestern Arizona towards Washington as individuals from both the executive and congressional branches became involved. Between 1963 and 1974 a series of plans were developed in Washington, DC to resolve the conflict and to terminate grazing at Organ Pipe; none were successful. As the years passed, the Grays and employees at Organ Pipe became increasingly frustrated by the action in Washington and the absence of any resolution to the conflict.

In 1961, President John F. Kennedy appointed Stewart L. Udall as his Secretary of the Interior. Udall had grown up in a large Mormon family on a farm in St. John, Arizona. After serving in World War II, he received a law degree from the University of Arizona in 1948 and established a legal practice in Tucson. In 1954, Udall ran for election to Arizona’s second Congressional District seat and won. As a western Democrat, Udall strongly supported natural resource development, especially water development, in Arizona.⁹ Stewart backed the construction of dams at Echo Canyon in Dinosaur National Monument and later at Glen Canyon on the Colorado River. Udall saw reclamation projects, especially the Colorado River Storage Project, as critical components to the modernization of the West.¹⁰

He was also passionate about preserving the scenic beauty in Arizona and other western states. During his tenure as secretary, Udall authored a well-received book on environmental conservation and preservation efforts in United States entitled *The Quiet Crisis*.¹¹ Under Presidents Kennedy and Johnson, Udall pushed hard to set aside and enlarge a number of national parks such as Cape Cod National Seashore, Canyonlands National Park, Fire Island National Seashore, Ozark National Scenic Riverway, Assateague Island and Indiana Dunes National Seashores.¹² Historian Thomas Smith has written that Udall saw himself as following in the footsteps of the great Secretary of the Interior, Harold Ickes, who with President Franklin Roosevelt was famous for his contributions to conservation. Udall hoped that by serving under Kennedy, and later Johnson, Udall and his presidents might leave an equally great legacy in the history of conservation.¹³ Udall was much admired for his goodhearted enthusiasm but often ridiculed for his impulsive statements, lack of maturity or administrative skills.¹⁴

While living in Tucson, Udall had visited Organ Pipe Cactus National Monument and come to know the Sonoran desert well. As the representative of the southwestern corner of Arizona, Udall was concerned about the Monument's continuing degradation. He had made an early attempt to alleviate the destruction of vegetation and resolve the grazing issue. Udall later related that effort in an interview in 1997.

I ran into a serious problem, because Senator Hayden, who was the senior member, the most powerful member of the Congressional delegation, he insisted on this, on leaving the cattle in. When he made a commitment of that kind, I found in other matters, even though 40 years had passed, he kept his word. That was his view.¹⁵

The issue of landscape-scale damage in Organ Pipe was again brought to Secretary Udall's attention in March 1962 when the Advisory Board on the National Parks, Historic Sites, Buildings and Monuments sent him a resolution stating that mining in the Monument was causing irreparable and intensive damage.¹⁶ The preliminary analysis showed that both grazing and mining at Organ Pipe were issues that needed further study. The board suggested that without the elimination of those uses, the entire purpose of the Monument would require reevaluation.

Within a month of the Secretary's June 19, 1963 telephone message, NPS Director Conrad Wirth sent to Stewart Udall a memorandum describing the extent of the problems that the Gray cattle were causing at Organ Pipe.

It has been repeatedly pointed out by qualified Range Ecologists that livestock grazing is detrimental to the native vegetation which exists in delicate plants in the arid desert environment. During the dry summer months starving cattle are driven to eating anything in order to exist. During unusually dry years starvation losses have been heavy. Cattle are a nuisance in the camp grounds, around the Visitor Center and residential area, a hazard on park roads and destructive to the few springs and seepage areas available to them for water. Cattle grazing and the use of waterholes is in direct competition with native wildlife including deer, antelope, and the desert bighorn.¹⁷

Clearly sensing an opportunity ripe for change, Conrad Wirth proposed that grazing be terminated at Organ Pipe within the year. The question yet to be answered was, "How?" But apparently Secretary Udall was not ready to actively intervene at Organ Pipe as Director Wirth had suggested. Udall later informed the Park Service that Wirth's proposal had not been approved in its present form.¹⁸ No reason for this denial was given, nor was any alternative strategy offered by the Department of the Interior at this time.¹⁹

That year Attorney Coker filed probate papers for the estate of Robert Lee and Sallie Amanda Gray. In those papers Coker listed the transfer of properties to the Gray sons including Robert Lee's interests in both the seven claims to water rights and the grazing permit.²⁰ Out of courtesy, Coker sent copies of the probate documents to Superintendent James Felton.²¹ Listing claims to titles in other non-related legal documents was a common ruse by lawyers to create apparent validity. Clearly, Coker was trying to assert the continued existence of Robert Lee's interest in the grazing permit as well as the legality of

the Grays' water rights claims by including them in the probate papers. Felton thanked Coker for his consideration but stated, "... the government is under no obligation to consider agreements contained in probate instruments in the administration of grazing here."²²

A Growing Interest in Ecological Management and Environmentalism

Notions of ecology and ecological preservation were shifting inside and outside of the National Park Service during the 1960s. During the late 1950s and early 1960s under the Mission 66 program for park redevelopment, a small but vocal minority were loudly protesting the dramatic expansions in recreational facilities and the growing visitor impacts on the ecologies within the park units.²³ In 1963, at the urging of Secretary of the Interior Udall, committees under well-known ecologists, Starker Leopold and William Robbins, produced reports that exposed a general lack of scientific understanding in resource management throughout the National Park Service.²⁴

Outside of the Park Service, debates in environmental groups and the public at large were growing more vociferous over uncontrolled development, ecological degradation, and the loss of open space. The environmental movement, as Hal Rothman has described it, was a major upheaval that reached across the entire United States with its social, political, and cultural associations. Intermingled with reformist efforts to address the turmoil of the Vietnam War and social inequities in gender and race, the environmental movement caused many to question the activities of traditional land use organizations and their patterns of management.²⁵ The National Park Service, as the lone federal standard-bearer for preservation of wilderness, came under severe criticism when the public deemed that its protection efforts inadequate.

Researchers at academic institutions were concerned about the long-term effects of grazing, especially on federal lands considered valuable by the public. Three ecologists, W. A. Niering, R. H. Whittaker, and C. H. Lowe, studied the influence of overgrazing, climate, soils, and rodent populations on the survival and reproduction in the giant saguaro cactus populations in Saguaro National Monument. Their paper was published in *Science* in October 1963.²⁶ A decade earlier this research probably would not have garnered any notice by the general public or the media. Now the paper's conclusions, that overgrazing was a major cause of decline of saguaro populations, made banner headlines in the *Tucson Daily Star*.²⁷ Niering sent a copy of the publication to Stewart Udall. His accompanying letter accused the National Park Service and the Department of the Interior of ignoring their internal data illustrating the extent of damage. Niering warned that this damage having occurred over long periods of time had already begun to permanently alter the desert ecology within Saguaro National Monument.

Individuals also had begun to speak up; they roundly criticize federal land managers who allowed traditional land users, such as ranchers and miners, to despoil valuable public lands. Public anger over environmental degradation increased with each passing year during the 1960s and 1970s. Visitors wrote letters to employees at Organ Pipe to express their anger and dismay at the abuse of their public lands. Traditional land users were often taken unawares by this relatively rapid shift in attitude over public land use. They were stunned to find themselves no longer considered important and respected taxpayers. Organ Pipe employees hoped that this increasingly vocal contingent of scientists and

environmental activists might become valuable allies in their efforts to eliminate grazing. They did not hesitate to forward copies of letters to the regional and Washington offices.

The Struggle for Access to Water at the Western Boundary

The year of 1963, unlike many of the others in the early 60s, had good rain. By spring 1964, the Grays had a fine calf crop. But they chose not to round up and sell their cattle as the market prices for beef were extremely low. Organ Pipe employees estimated that the Grays were running 300 – 500 head above their permit limit. Southwest Regional Director Daniel Beard demanded that the Grays immediately hold a roundup, complete a head count, and remove any cattle in excess. Beard informed Director George Hartzog that he intended to exercise, for the first time, the trespass clause and assess damages for any cattle above the prescribed limit.²⁸ He concluded his letter with a statement, “We expect you will support us.” Claiming that fall rains had scattered the cattle into the bush and no suitable buyer could be found, the Grays refused to hold the prescribed roundup and sale.²⁹

In January 1965, the Grays were formally charged with trespass on the Cabeza Prieta Game Range and one month later served an injunction by the US District Court to remove their cattle by May 15. Most of the excess 300 – 500 head of cattle had grazed on the game range and used José Juan Charco, the refuge’s eastern-most stock tank. Even if the Park Service permitted the trespass cattle back onto the Monument, the Grays knew that there was insufficient water within the enclosed western half to support those animals. To make matters worse, the winter and spring rains were again below normal. As the date for removal of all cattle from the game range approached, the Grays were desperate to find a water source for the animals. The Park Service again refused to permit any new water development on Monument lands. Attorney Elmer Coker offered to bargain with Superintendent Felton. In exchange for Felton’s and the Park Service’s support to build a short, fenced corridor between the Monument’s west boundary and the refuge’s José Juan Charco, the Grays would give up all claims to water titles on both Organ Pipe and Cabeza Prieta lands.³⁰ The response from the regional office was swift and unambiguous.

We will not consider any further improvements of water sources for grazing nor will we grant any increase in the allowable number of animals. ... As for negotiating with the Grays for their imagined water rights, we are opposed to it on the grounds that our “left-handed” implication that they have any vestige of rights for which we might negotiate would strengthen their case. We must assume that they have no rights — merely the privilege of using land, forage, and water.³¹

The Grays continued their appeals to the US District Attorney and the Bureau of Sport Fisheries and Wildlife to alter the rapidly approaching deadline of the May 15 injunction.³² On May 4, Coker was informed that the date for the injunction stood as written. The Grays began to round up cattle and sell them as fast as possible. Coker flew to Washington the next day to meet with the Park Service’s Chief of Resource Management and Visitor Protection Harthorn Bill. He hoped for relief from the Washington level since none was forthcoming from the Monument and regional office. Coker stated that the Grays could not possibly remove so many cattle in such a short period of time. He also claimed that even after animals were herded back onto Monument lands, the cattle would, in their

desperation to return to water in the refuge's José Juan Charco, break down the boundary fence. Coker pressed Harthorn Bill for permission to construct a well near the western boundary. After the meeting Bill recommended again that Director Hartzog deny any new water developments.

... (I)t is my opinion based on the management of the area resources for the purposes intended in the creation of the Monument, we should resist any attempts to assure perpetuation of grazing.³³

The Washington office had finally and solidly coalesced around the understanding that grazing was detrimental to the environment at Organ Pipe and that resisting any new water development was essential to the elimination of that grazing. Underlying that conclusion was the belief that the Grays could never be trusted to properly manage their cattle in such a manner that might preserve Monument resources.

As the 1965 drought continued, Gray cattle created other problems for Monument employees. Animals desperately seeking water became inventive by necessity. Gray cattle ventured into the Organ Pipe campground and they learned to open water taps. When Organ Pipe employees replaced the handles with spring-loaded types, the cattle simply broke the riser pipes and drank from the gushing water spouts. Visitors repeatedly complained about cattle noises, trampled property, and unsightly droppings.³⁴

As Park Service members at all levels had converged on the need to “hang tough” against the Grays, the regional and Washington offices jointly crafted a response to the Grays’ request for additional water development. All knew that this document, accompanied by Attorney Coker’s rebuttal, would be copied immediately and distributed to offices in the upper levels of executive and legislative branches. After numerous iterations, the new Organ Pipe superintendent, Foy Young, sent the response. The letter notified the Grays that the Park Service had refused to permit any further water developments within the Monument.

Development of additional livestock-watering facilities would, contrary to this basic management objective (i.e. preservation and protection of Sonoran Desert vegetation for future generations), widen the sphere of livestock influence and result in additional damage to important and ecologically fragile desert vegetation, accelerate soil erosion and further increase competition between native wildlife species and livestock.

Young punctuated his explanation with the statement, “The Gray family grazing privileges at the monument have reached a limit beyond which we cannot proceed.”³⁵

Frustrated with Superintendent Young’s denial of water development, Attorney Coker chose to ignore the lower echelons of Park Service administration. Instead he went straight to the highest levels in the Department of the Interior. In a three-pronged counterattack against the Monument, Coker wrote to NPS Director George Hartzog, Senator Carl Hayden, and Assistant Secretary of the Interior Orren Beatty. He complained to Director Hartzog that Young’s denial was “unreasonable and harsh.” He denied that cattle caused damage to any cactus species. He denied that the Grays were at fault for any

limit. This conflict was “caused solely by circumstances beyond the control of the Gray family, such as poor market conditions and an inability to find buyers for their cattle during the past two years, and of course the Court’s preliminary injunction ...”³⁶ Not knowing that Young’s letter had been crafted in Washington, Coker appealed to Hartzog to overturn the decision to prohibit new water development. Coker asserted to Assistant Secretary Beatty that “the Park Service ... is trying to do indirectly what they cannot do directly — cancel the permit by refusing to provide watering facilities to water the livestock permitted to graze on the monument.” Coker requested that Beatty “take a personal interest in this matter and ... see that relief is promptly granted.”³⁷

Similarly, Coker reminded Carl Hayden of his continued protection of the Gray ranching family. They and other ranchers had settled the region at the turn of the century and had been using these lands for more than 50 years — long before the arrival of the Park Service. “I am sure that you will render all aid possible in seeing that this grave injustice denying the development of watering facilities on the western portion of the monument will not be permitted.”³⁸

Regional Director Daniel Beard rebutted Coker’s attempt to deflect blame from the Grays and he appealed to Director Hartzog to stand fast against the pressures from the Senator and the Department of the Interior.

Mr. Coker’s emphatic denial that a limit has been reached is not for consideration. It is our limit that has been reached. The market, the lack of cattle buyers, and the court’s determination of the Grays’ trespass operations on the game range are not our concern.³⁹

12. A Renewed Plan for the Sonoran Desert National Park

Coker lobbied other influential people in Washington. Expecting hard questions from members of the Arizona Congressional Delegation, the director's office requested all maps and historical data that would support Superintendent Young's decision.¹ One of those data was a dramatic increase in the number of car accidents and human injuries caused by collisions with Gray cattle along the Ajo-Sonoyta highway. Between 1963 and 1965, cattle had been involved in 31 car accidents with nine injuries and one fatality.²

Human safety had become a major concern in the park units during the 1960s.³ This recent sequence of interactions with cattle on the highway raised alarms at the Washington level. The office requested an estimate of the cost to exclude the Gray cattle from the corridor.⁴ The estimated cost was sufficiently high to initiate a lengthy discussion on the possibility of buying out the Gray ranching operation.

In October 1964, the southwest regional office completed a confidential internal document, known as the "Jones Report." The report recommended combining the lands in both Organ Pipe Cactus National Monument and Cabeza Prieta Game Range to create the Sonoran Desert National Park.⁵ With such a change in park status, the Department of the Interior could terminate all non-approved historic uses in both units including hunting, mining, and grazing. The proposed buyout of the Grays' operation and change in status dovetailed neatly into Secretary of the Interior Stewart Udall's developing plan to eliminate grazing and mining at Organ Pipe Cactus National Monument.⁶

Following the injunction against the Grays for trespassing, Organ Pipe rangers conducted a cattle count in June 1965. The rangers estimated that the Grays had been running close to 1375 head on the Monument and the game range.⁷ By August, the Grays had sold 777 cows and yearlings.⁸ The Park Service decided that a detailed inventory of Monument forage resources would be essential to justify any future reduction of cattle numbers or elimination of grazing altogether. The Service contracted with the Bureau of Land Management to assess grazing resources and report on the carrying capacities according to different vegetative regions across the Monument.⁹

In September 1965, a conference was held for all park superintendents in Tennessee. Secretary Stewart Udall was invited as the keynote speaker. Udall intentionally sought out Superintendent Foy Young to discuss the grazing problem at Organ Pipe and the proposal for the Sonoran Desert National Park. Udall requested from Young as much accurate and detailed information on the damage to natural features caused by grazing. Stewart Udall was gathering his arguments to push forward his plan for the Sonoran Desert National Park.¹⁰

At the same time, Udall appointed John Carver to the position of Under Secretary. Udall assigned to Carver the task of resolving the grazing conflict at Organ Pipe. Attorney Coker flew to Washington to meet with Carver on September 20, 1965 and to argue for further water development. Rumors of the proposed Sonoran Desert National Park had already leaked to the grazing community. Coker was aware of the proposal but felt sure that such a change in status would not affect his clients' business.¹¹ Indeed, Coker reminded Carver of Acting Director Hillory Tolson's promise to Senator Hayden in 1946 that even if the status of the Monument were to be changed to a national park, the Grays'

grazing permit would remain unaffected.¹² Believing that he had eliminated the threat of the loss of the grazing permit, Coker returned to argue the necessity of further water development on Monument lands and to deny that the Grays had ever intentionally violated conditions of their permit. But Carver and the Department of the Interior were no longer interested in the logic of better cattle distribution or the details of the Grays' violation of their grazing permit. The decision to terminate the Grays' operation at the Monument had already been made.

Unaware of this sea change in purpose and attitude at the Park Service and the Department of the Interior, Coker wrote to the Gray brothers describing his meeting with Carver.

He (Carver) assured me that in the event the Park Service ... should make charges about any breach of the conditions of your permit ... he would give me full opportunity to answer the Park Service and meet them face to face over the issues that might be raised. As you recall, every time a charge has been made about you violating your grazing permit, when we meet with them face to face the charges generally vanish into thin air.¹³

Director George Hartzog in a memo to Secretary Stewart Udall presented an extensive summary of the long-term damages to the Monument done by grazing. Trampling and foraging around 22 water sites had denuded those regions of grasses and shrubs and initiated extensive soil erosion. These watering sites and the Grays' camps and corrals were unnatural eyesores in an otherwise uninterrupted wilderness. The cattle cause damage to government and visitor properties and represented a serious safety hazard to drivers on the Ajo-Sonoita highway.¹⁴

Stewart Udall was now ready to move forward with his plan for the Sonoran Desert National Park. It is at this moment the House Representative Morris Udall, Stewart's younger brother, stepped forward to actively participate in the Organ Pipe conflict.

Mo Udall Proposes H.R. 11695

In 1961, Stewart Udall had just won reelection to his fourth term in office when he was appointed to the position of Secretary of the Interior. In taking charge of Interior, Udall left vacant his seat in the House of Representatives. The state of Arizona held a special election in May 1961 for the seat. Morris K. Udall, Stewart's younger brother, won by a very small margin and became Arizona's newest congressional representative.¹⁵

Mo Udall was, in many ways, like his older brother. He participated in World War II, received a law degree at the University of Arizona, and practiced law in Tucson. He replaced his brother in Arizona's second congressional district seat in 1961 and remained in that position for the next 30 years until a fall from Parkinson's disease forced his retirement in 1991. Mo Udall ran for the Democratic nomination for president but lost in 1976 to Jimmy Carter. Like his brother, Mo Udall, sat on the House Committee for Interior and Insular Affairs. Later, in 1977, he became chairman. Throughout his 30 years in office, Mo Udall had a strong interest in supporting the National Park Service and, especially, Organ Pipe Cactus National Monument.¹⁶

Despite denials of ‘Udall teamwork’ between the executive and legislative branches, it was quite clear that the placements of the Democratic Secretary and the junior Representative in positions of power provided Organ Pipe with a critical window of opportunity to initiate change.¹⁷ There is little written documentation to confirm the extent of the Udalls’ working together. However the results of their combined efforts on behalf of Organ Pipe give this idea of teamwork great weight.

Brenna Lissoway states that both Morris and Stewart Udall were involved in crafting the formal proposal to create the Sonoran Desert National Park submitted to Director George Hartzog in May 1965.¹⁸ Mo and Stewart hoped that by directing the spotlight on this region of the Southwest, the beauty and uniqueness of the Sonoran Desert would persuade environmental and national park support groups to press Congress for the park level designation. Unlike most new park additions, the creation of the Sonoran Desert National Park should be relatively easy. Few private lands or titles complicated its assembly and most of the land was already owned by the federal government.¹⁹

Morris Udall was given the task of developing local, state, and national support for the proposed park. Udall believed that submitting the park proposal as a bill to Congress was a useful way of testing the public interest as well as developing support. Udall submitted the proposal as a formal bill, H.R. 11695, to the House of Representatives on October 20, 1965 and then again in 1967 as H.R. 1409.

Udall received only lukewarm responses in either support or opposition. Supporters included the Ajo Chamber of Commerce and the Desert Protection Council. Those opposed were primarily associated with the gun community; they were upset at the potential loss of hunting opportunities on the game range. Other federal agencies, especially the Bureau of Sport Fisheries and Wildlife, thought that opening Cabeza Prieta up to large numbers of visitors traveling through the desert would be detrimental to the endangered populations of bighorn sheep and pronghorn antelope that the refuge was trying to protect. Unfortunately, neither H.R. 11695 nor H.R. 1409 had support from Arizona Senator Goldwater or Paul Fannin who replaced him and, consequently, never advanced to committee. Some environmental supporters speculated at that time that there was just insufficient enthusiasm for the idea of preserving wilderness in the desert.²⁰

Mo Udall’s bill galvanized Senator Carl Hayden into action to defend the Grays’ ranching interests. He wrote to Under Secretary Carver to remind him of Hayden’s long-standing interest in the Gray family. Hayden insisted that the Grays’ desire for additional water development was a perfectly reasonable request. The main purpose of Hayden’s letter, however, was to offer assistance to the Department of the Interior in achieving a resolution that would be “fair and equitable to both the Gray family and the National Park Service”²¹

Stewart Udall Tightens the Noose

The Park Service and the Department of the Interior remained unmoved by the Grays’ and Attorney Coker’s pleas for new watering facilities. The summer drought of 1965 continued through the end of December. Denied access to any new permanent water features the Grays set out small, movable water tanks especially in unwatered areas such as the western boundary of the Monument. Not only

were these tanks prohibited by conditions in the grazing permit but they opened grasslands that had been previously inaccessible to the Gray cattle because of their lack of water.²² Superintendent Foy Young informed Robert Louis Gray that such tanks had not been permitted and demanded that they be removed within the month.²³

In January 1966, Secretary Stewart Udall formally began his offensive against grazing at Organ Pipe Cactus National Monument. On January 7, he announced to the press that he was endorsing his brother, Mo's, bill to re-create Cabeza Prieta and Organ Pipe into a national park.²⁴ On January 14, Secretary Udall made another public announcement. At the end of the existing grazing agreement in December, the Department of the Interior would reduce the number of permitted cattle on Organ Pipe lands from the present 1050 to the original 550.²⁵

The Department of the Interior had begun to tighten the noose around the Grays. Since the death of Robert Lee Gray, Stewart Udall and the Interior Department had been lining up what they saw as the critical components and arguments to eliminate grazing at the Monument. Udall's announcement of a reduction in permitted numbers was designed to elicit a single response from the Grays — the accusation that Interior was trying to ruin the Grays, that the ranching business for three brothers could not be economically viable on a permit of only 550 head. And cry foul, they did. Coker and the Grays pressed friends and acquaintances to write members of the Arizona Congressional Delegation and the Department of the Interior to request relief from Udall's unfair ruling.²⁶ Coker wrote to Bill Davis, Executive Secretary Arizona Cattle Growers Association,

We need all the help we can get to stop this arbitrary cut. Senator Carl Hayden is hopping mad about this and one of the Gray partners and I intend to go back to Washington on February 7 to see if we can't prevent this cut. Such a cut will put the Gray Family out of business in the Organ Pipe National Monument. Carl Hayden needs all the backing and support that he can get and I would appreciate it if the (Arizona Cattle Growers) Association could write a very strong letter to Carl Hayden and to the rest of our Congressional Delegation protesting this cut.²⁷

By reducing the Grays' permit number, the Department of the Interior drove the Grays and Coker to the bargaining table, ostensibly to argue against the reduction in cattle numbers. The Grays' bargaining position was already weak for many reasons: the threat of the future permit cut, their history of non-compliance and disregard for Park Service regulations, and long-term evidence of overgrazing. If the Interior Department had eliminated the permit outright, the hue and cry across the western states would have been deafening. In bringing the Grays to the Washington meeting, Under Secretary of the Interior John Carver could prepare them privately for the later prospect of elimination of grazing.

Bobby Gray and Elmer Coker flew to Washington in early February 1966 to meet with Carver. The meeting also included Ed Davis, Administrative Assistant to Senator Hayden, and NPS Deputy Assistant Director of Operations Harthon Bill. Carver informed Coker and Gray that the pending Bureau of Land Management report on the forage resource inventory would be out shortly. The report and its recommendations would be reviewed by management in both BLM and NPS. Carver suggested that the group would meet again in April to discuss its findings. In the meantime, he recommended that,

in view of the declining value to their grazing permit, the Grays should examine alternatives to their operations at Organ Pipe. Carver stated that the primary topic for discussion at the April meeting would be those alternatives. In unobvious language, Carver was informing the Grays that the end of their grazing operations at Organ Pipe was rapidly approaching.

When the BLM forage inventory report was published in March, its conclusions and recommendations surprised no one. The five range scientists found that almost every location on the Monument was either heavily or severely overgrazed, that cacti and mesquite were replacing desert shrubs and grasses, and that soil erosion was widespread. The scientists concluded that the Monument vegetation would only consistently support 314 cattle on a year-round basis.²⁸

Deputy Assistant Director of Operations Harthorn Bill personally took a copy of the BLM report to Senator Hayden's office.²⁹ He informed Hayden's assistants that the results of the report supported the Department of the Interior and Park Service's intentions to terminate grazing at the Monument. He assured Hayden's assistants that the Park Service was interested in resolving its 1941 commitment to the Grays in a fair and equitable manner while protecting the Monument resources.³⁰ Senator Hayden was now 88 years old and within two years of retiring from the US Senate; he had served the people of Arizona for more than 54 years. His commitment to protect the ranching business of this one family had been a constant challenge over the last 28 years. Knowing that his ability to provide that protection would end shortly, Hayden desired deeply to assure the creation of a lasting solution to this ongoing controversy.³¹ Both the Park Service and Stewart Udall knew that without Hayden's approval, any proposal to terminate grazing at the Monument would never succeed.

When Secretary Udall announced to the press that cattle numbers at Organ Pipe would be reduced by half, he also publicly stated that the Park Service would be giving much closer supervision to issues of grazing and range management. Udall wanted a grazing management plan created to provide information for and give teeth to the conditions in the grazing permit. He requested that the Monument hire a ranger experienced in the supervision of grazing operations.³²

One month earlier, Organ Pipe had received a scathing assessment of its management, or lack thereof, of grazing. Managers from the Bureau of Land Management and Sport Fisheries and Wildlife adjacent lands had criticized Organ Pipe employees for allowing their range conditions "to deteriorate from bad in 1946 to disgraceful." They pointed out that the Park Service had made no effort to press for trespass charges even when the Grays exceeded their permit limit for many years. They accused the Park Service of allowing the Grays to evade regulations and conditions of their permit without consequence. The Grays, these managers stated, had "no right to abuse the land, either public or private." It was the fault of the Park Service for allowing that abuse to continue.³³

The regional office offered to appoint one of Organ Pipe's own rangers, Richard Begeman, to the position of range manager. Begeman had grown up on ranches and was experienced in handling cattle but had little expertise in scientific studies or assessments.³⁴ Southwest Regional Director Daniel Beard pointed out that no funds were available to bring in more technically qualified individuals or to implement the activities desired by the Secretary of the Interior.

While all desired better management of forage resources at Organ Pipe, few individuals including Arizona-born and raised Secretary Udall, understood the enormous difficulties created by local vegetation and terrain in achieving that end. Without additional funds or manpower allocated, there was little that Organ Pipe employees could do differently. Nor could the NPS Washington office provide any additional financial assistance. Many in the Park Service believed that those investments in improved range management efforts and field studies were now no longer necessary. A resolution to the conflict with the Grays and the termination of all cattle grazing was clearly near at hand.³⁵ Soon the Gray cattle would be removed and vegetation at the Monument could begin its slow recovery.

A Purchase Agreement?

Henry, Jack, and Bobby Gray, Attorney Coker and Under Secretary John Carver met again in Phoenix in early April 1966. The purpose of the meeting according to the Park Service was to explore ways in which grazing at Organ Pipe could be terminated.³⁶ The Grays and Attorney Elmer Coker, however, saw the meeting as an opportunity to rearrange their lifetime permit into a different, and perhaps better, agreement. Coker offered four possible scenarios generated by the Gray brothers. The first was an outright grant of six sections of Organ Pipe land sufficiently irrigated to generate pasture. The second was land elsewhere in the Southwest with a similar acreage and carrying capacity. The third was a guaranteed 20-year permit at Organ Pipe with watering facilities to carry 1500 head of cattle. The fourth was an outright sale of ranch operations with a value equal to \$500 for each of 1050 head of cattle. Carver replied that the first three options were not possible due to physical limitations of the environment, limits of the Interior Department's authority to distribute land, and Interior Department policy decisions. He stated that the fourth option was both possible and preferable.³⁷

The group gathered for a third meeting on June 22 at which Attorney Coker presented two independent appraisals that included evaluations of the Grays' grazing permit, their ranch structures, and Bobby Grays' 160-acre homestead property. The appraisals concluded values of \$499,000 and \$407,250. Carver replied with a final offer of \$360,000. Coker balked at the lower figure. Carver warned that he would not be in his position much longer and that his successor was much less sympathetic to the Grays' situation. Ultimately, the Grays agreed to accept Carver's offer; they signed purchase option papers at the end of August 1966.³⁸

Almost as soon as the details of the agreement became known, others in the Park Service and the Department of the Interior began to raise objections.³⁹ The primary concern for all was the proposed "purchase" of the Grays' federal grazing permit. As stated earlier, the federal government viewed a permit as a valueless privilege allotted to a chosen few. Banks, cattlemen, and landowners, however, recognized grazing permits as having significant value. Those permits increased sale prices of ranches or tracts of land by well-known amounts. The federal government by offering a specific price for its own grazing permit would be dismantling a prime aspect of its grazing policy that it had held for more than 60 years.

The Bureau of the Budget also balked at allocating federal funds to buy out a federal permit.⁴⁰ Associate Solicitor Bernard Meyer argued that the price of the Gray operations did not have to rest upon the

value of its grazing permit. Meyer suggested that Bobby Grays' homestead valuation could be much higher than the initial appraisers had determined. Based on an earlier US Court of Appeals takings decision, private parcels surrounded by federal lands with a grazing permit were much more valuable than those without this association.⁴¹ The Park Service had the Gray operations reappraised on this different basis of evaluation in early October.⁴²

On the belief that the legal and policy issues underlying the purchase of the Gray operations had been resolved, Stewart and Mo Udall on October 18, 1966 held a joint press conference to announce the settlement with the Gray family and the severance of their grazing lease rights. Two major papers in Arizona, *The Arizona Republic* and *The Arizona Daily Star*, printed slightly different interpretations of the Udalls' remarks at the press conference. *The Republic* simply stated that a settlement had concluded with "a severance of (the Grays') grazing lease rights." The settlement would give "the government clear title to the land" *The Star* in straightforward language titled its article, "US Buys Organ Pipe Grazing Leases." The two articles provided almost no details about the process of acquisition except to say that the settlement removed a major obstacle to the future establishment of the Sonoran Desert National Park.⁴³

Unfortunately, neither the Gray ranching reappraisal nor the Udalls' press statements quieted fears that the Department of the Interior was establishing the first financial valuation of a federal grazing privilege. The Udalls' statements also gave the public impression that the settlement had been sanctioned and approved at all levels within the federal government. This was not true. Funds for the purchase had not yet been approved. The Udalls had now created a major public perception problem for themselves. They had promised to pay the Gray family for their ranch operations but they had no monies in hand to do so.

13. The Last Hurrah

Congressman Mo Udall wrote Attorney Elmer Coker in September 1966 to congratulate him on completion of the purchase agreement. Both Udall and Coker believed that they had finally achieved a major victory in the battle to resolve the long-term grazing conflict at Organ Pipe. Udall promised Coker that he would continue to assist the process of the settlement.

I spoke to John Carver who will be leaving the Interior Department shortly and he is extremely anxious to have the matter closed and the money paid before the end of 1966. I have pledged to ride hurd (sic) on the situation and keep the final paperwork moving forward.¹

Like Carl Hayden so many years earlier, Mo Udall believed that it was his obligation as representative of southwestern Arizona to protect the Gray family and bring this conflict to a close. Little did he realize that he would be involved for another eight years.

But the monies for the purchase agreement were not forthcoming. The Vietnam War was escalating along with the cost of the war effort. The Bureau of the Budget, and more specifically the House Subcommittee on Appropriations, refused to entertain any expenditure for a federal grazing permit. Despite Interior's reappraisal of the Gray property without a value for the grazing permit, everyone involved knew that component was hidden in the high cost of the settlement.² The Gray brothers were growing older; none were in good health. Henry Gray was 70, Jack 58, and Bobby 55. The House Subcommittee came to the conclusion that "time would take care of the situation."³

In the meantime, the Grays had not reduced their herd to 550 as demanded by Secretary of the Interior Stewart Udall. Indeed, they were again running better than 200 – 400 more cattle than their permitted number.⁴ Deputy Director Harthon Bill warned Attorney Coker that the Grays must bring the size of the herd down. If the Grays, already known for their noncompliance, were seen still flaunting Department of the Interior regulations, few would be willing to view their settlement in a favorable light.⁵

The Purchase Agreement Fails over Grazing Rights

Mo Udall expended many long hours persuading the House Subcommittee to approve purchase funds. Just at the moment he thought he had finally succeeded, brother Stewart Udall changed his mind and refused to endorse payment.⁶ Two documents had recently crossed Secretary Udall's desk within a month of each other. The contents of these two documents led the Secretary to believe that the purchase of the Gray properties would create more harm than good for the Department of the Interior.⁷

Edward Crafts, Director of the Bureau of Outdoor Recreation, sent the first document to Udall in March 1968.⁸ Crafts had worked as a range researcher for the Forest Service and later as its spokesman. He was well versed in the long history of the management of grazing permits. He had been on the front lines during the battles to change a federal grazing permit from a privilege to a conveyable

property right.⁹ Because of his experience and background in the Forest Service, Udall requested that Crafts send him a memorandum outlining that history of permit management and detailing his own recommendations to resolve the Gray/Organ Pipe conflict.

Crafts wrote an extensive history of the US Forest Service grazing issues and finished his memo with two important conclusions. He warned Udall that everyone knew about the hidden payment for the grazing permit and that opponents of federal grazing programs were eagerly awaiting his political misstep.

Under range conditions in that area, the cattle must come off if the Monument is to be preserved. In retrospect, it is greatly to be regretted that the National Park Service has continued to renew these permits all these years and no Director of the Park Service nor any Secretary of the Interior Department had the courage to take the action available to him. Search as I can, I can find no persuasive rationale or special situation in this case other than the letter of Mr. Demaray's which give any valid basis for paying the Grays for relinquishment of grazing privileges. They do not hold grazing "rights" in the sense that they have a property interest in the Federal lands. Payment as proposed in the reprogramming proposal you have before you camouflages this issue and would set an undesirable precedent causing great difficulty for the Bureau of Land Management and the Forest Service.

I know that the livestock associations are cognizant of this case and are watching it closely. They expect to cite this as a precedent if acted upon favorably.¹⁰

He also warned Stewart Udall of the personal consequences that would result from his decision to purchase the Gray operations. Mo Udall later admitted that Crafts' memo had convinced the Secretary to withdraw his support from the purchase agreement.¹¹ Crafts' following words clearly touched a sensitive spot in Stewart Udall.

I can assure you that if this action is taken, — and when it becomes understood and spread across the country as it undoubtedly will, — your reputation and that of your brother will be severely tarnished, if not destroyed. I do not believe I am over-emphasizing because I lived through, personally, the bitterness (of the permit battles in the Forest Service) of 15 years ago.¹²

Crafts offered a number of alternative methods to provide compensation for the Grays but that would not undo the history of federal permit policy. The one most attractive to Secretary Udall, which he later presented to Senator Carl Hayden, was the introduction of a private bill for relief of the three Gray brothers.¹³

A second critical memorandum for Secretary Udall was written shortly after Crafts' memo by Interior Solicitor Frank Barry. In his memo Barry laid out the history of events and decisions in the Organ Pipe grazing case since establishment of the Monument.¹⁴ The Solicitor reviewed the legal aspects of Acting Director Arthur Demaray's promise to Senator Hayden of a lifetime grazing permit for the

Gray family. This October 1941 document had been the legal and moral threat that all superintendents, regional directors, and Washington bureaucrats had feared for the past 25 years because of the potential political consequences from Senator Hayden if any dared to suggest termination of the permit.¹⁵ Solicitor Barry reminded Udall that the Secretary of the Interior's primary responsibility was to preserve the natural resources of Organ Pipe Cactus National Monument.

Indeed, considering ... the undeniable fact that any further grazing will result in its damage or destruction, it may be said that continuing to permit grazing is an abuse of the Secretary's discretion and therefore illegal.

Barry went on to explain that,

Neither the Secretary's subordinate, nor the Secretary himself, could make a contract which violated a directive of Congress. ... Mr. Demaray could not vest an unlawful private estate (a guaranteed lifetime permit) in the monument which the Secretary was estopped to deny.¹⁶

Thus Demaray's promise to Carl Hayden had been unlawful. Demaray had neither the authority to make that contract nor was it legal under the laws of Congress since the Secretary of the Interior can terminate any contract at any time. Barry stated that Udall had the right to terminate the Grays' contract for two reasons: first, because of the extensive damage done to the land and second, because of the Grays' numerous breaches of the conditions of the permit. With respect to the proposed purchase of the Gray operations, the Solicitor concluded that the Grays were "not entitled to any compensation upon the termination of the grazing privileges" because those privileges were all revocable. He added that when the permit was terminated, no adjacency value could be included in the appraisal of Bobby Grays' homestead property since that condition would be no longer present.¹⁷

With Crafts' and Barry's memos, Secretary Udall finally understood the complexities of the historic grazing rights argument. Fortunately, Udall stepped back from the edge of that quagmire in time. For the first time in 25 years, Organ Pipe Cactus National Monument was freed from the shadows of Acting Director Demaray and Senator Carl Hayden. With Demaray's historic promise in proper perspective and Carl Hayden's retirement imminent, Interior and Park Service could hope to begin the process of terminating the grazing and, finally, restoring Organ Pipe's vegetation resources.

Carl Hayden Steps Forward One More Time

While the Udalls understood that Interior's purchase of the Grays' properties was no longer appropriate, they both believed that the federal government still had a moral obligation to provide compensation for the Grays.¹⁸ The Secretary handed over that task to his brother, Congressman Mo Udall and to Senator Carl Hayden. Hayden submitted S. 3837 on July 17 late in the second session of the 90th Congress.¹⁹

S. 3837 was a private bill for the relief for the Gray brothers and requested \$292,000 for damages for the reason that the federal government had refused to renew their grazing permit. The compensation listed in the bill was calculated from the values of Bobby's homestead land and of the Grays' improvements. It made no mention of payments for a grazing permit — only damages from its loss.

Prior to Hayden's submission of a private relief bill to the Senate, Secretary Udall announced that the grazing permit would terminate at the end of December 1968.²⁰ Udall's announcement appears, at face value, to be a cruel punishment of the Grays by Interior. However, termination of the Grays' permit was essential to the success of Hayden's legislation. Relief bills could only be approved if they provided relief for a pre-existing loss.²¹ Unfortunately, Hayden's bill for relief became stuck in the legislative log-jam that so often occurred at the end of a congressional session and never emerged from committee.²²

The Gray brothers were now without a purchase agreement or any legislatively-derived relief. They were also without a grazing contract. The absence of the latter apparently bothered them not a whit. The Grays continued to run their cattle on Organ Pipe lands without a formal permit and without any payment of fees.²³ The Grays showed little concern about their noncompliance with Park Service demands. From the Grays' perspective, the federal government had cheated them. The Interior Department offered to buy them out and the Grays had negotiated the sale of their property in good faith. The government then reneged on its purchase contract and, in the end, had the gall to terminate their lifetime grazing permit with no recompense whatsoever.²⁴

The end of 1968 was a political watershed for the country and Arizona. Carl Hayden, age 91, was retiring after serving the state for 57 years. Lyndon Johnson had refused renomination for the presidency and Stewart Udall's days as Interior Secretary were numbered. Throughout the executive and legislative branches of government, Republicans had been voted in and Democrats voted out. The Vietnam War had made everyone unhappy.

Stewart Udall knew that he had only a few months left to bring his desire for a grand park unit in southwestern Arizona to fruition. Most of Udall's proposals for the Sonoran Desert National Park, a combined Organ Pipe and Cabeza Prieta, had received no support from the Senate; both bills, H.R. 11695 and H.R. 1407, had died without hearings.

The Udalls decided to change tactics. Instead of legislation to create a national park, perhaps they could persuade President Lyndon Johnson to use the Antiquities Act to create a new national monument. In July, Secretary Udall pressed Johnson to set aside seven million acres of land. Such an enormous package of proposed national monuments was "designed to appeal to the immense ego of LBJ."²⁵ One proposal was for the Sonoran Desert National Monument. This Monument did not include Organ Pipe but instead Cabeza Prieta Game Range and adjacent Bureau of Land Management properties. Udall's new plan was to establish two national monuments side by side.²⁶ But Johnson, on his last day of his presidency, chose to protect only 300,000 acres of land instead of the recommended seven million; none of these were in Arizona. Stewart Udall believed that Johnson "needed to show Udall that he (Johnson) was still in control."²⁷ Others have suggested that Johnson, exhausted from racial and military conflict during his presidency, did not wish to invite any more controversy into his life. LBJ set aside only those parcels that would anger the least number of constituents.²⁸

Senator Carl Hayden's legislation had failed and despite termination of their permit, the Grays refused to clear their cattle off the range. The Park Service prepared to set in motion a series of legal actions to hasten the departure of those cattle. NPS Acting Director Harthorn Bill wrote to the regional office that Gray cattle on the Monument after January 1, 1969 would be in violation of trespass. He recommended the regional office and Superintendent Matt Ryan should meet with the US Attorney in Arizona to develop procedures for taking the Grays to court.²⁹ Acting Director Bill also gave Congressman Udall notice of the legal arrangements that the Park Service was now preparing.³⁰ Udall immediately forwarded the letter to Elmer Coker.

Alarmed at the potential legal action threatening the Grays, Attorney Coker contacted former Senator, and now Arizona Supreme Court Chief Justice, Ernest McFarland, to intercede at the highest level for the Grays. Judge McFarland wrote to President Johnson, already in his last few days in office.³¹ McFarland requested that the Grays' permit be extended for one year in order to allow the legislative efforts by the Arizona delegation to come to fruition. It seems that Johnson did intervene. While the Grays did not get an extension of their permit, the Park Service did cease to speak of trespass charges — at least for one year.³²

The Arizona Congressional Delegation vs. the Interior Department

Coker wrote to Mo Udall to ask how he and the Grays should proceed since Carl Hayden's legislation had failed. With Hayden out of the picture, Mo Udall now assumed the mantle of protector of the Grays' interests. Udall suggested that Coker contact Senators Barry Goldwater and Paul Fannin and together they might introduce a series of relief bills in 1969.³³

In the first month of the 91st session, Mo Udall introduced H.R. 5799; Sam Steiger H.R. 7162; John Rhodes H.R. 7150, and in the Senate, Fannin and Goldwater co-wrote S. 1168. All were relief bills for the Gray family for remuneration for their canceled grazing permit.³⁴ Surely one of them would find its way out of committee! Attorney Elmer Coker now began a four-year process of playing the Park Service off against Arizona congressional delegates. Coker would press the delegation to repeatedly reintroduce legislation to offer monetary relief or to reestablish the Grays' grazing permit. While the delegation was submitting bills or waiting for a committee hearing, Coker used that legislative process as an excuse to insist that the Park Service postpone any decisions regarding removal of the Gray cattle.³⁵

The new Interior Department under President Nixon was asked to comment on the Arizona delegates' bills for relief; it refused to endorse any of them.³⁶ Its arguments against endorsement essentially followed those written earlier by Solicitor Frank Barry.³⁷ The Secretary had the right to terminate any permit and recompense for a revocable privilege was not federal policy. Why the Interior Department in 1970 changed positions and chose not to support a resolution of the Gray problem is not yet fully understood at this time. Perhaps the new administration that had not yet struggled with the ongoing issues may not have felt the necessity to resolve personal histories or to honor previous federal commitments.

The Interior's lack of endorsement for relief legislation left the Arizona delegation, especially Mo Udall, in difficult straits. The submission of the relief bills prompted Edward Crafts, now in retirement, to write Mo Udall and include a copy of his memo originally written for Stewart.

What bothers me however, is the precedent that (the relief bill) would set by paying a permittee on Federal lands for the loss of his grazing permit. This of course is what the Forest Service and the Bureau of Land Management have successfully opposed for a great many years, but what livestock interests have always wanted. I am sure that the latter would feel that your bill if enacted would constitute a precedent for future claims for compensation for loss of grazing permits on Federal lands. The bill would tend to convert a grazing privilege on government land into a private property right.

It may be that you introduced this bill without serious thought of it getting passed. If so I fully understand it. However should it start to move, I hope you will take the time to read my memorandum and give it such consideration as you think proper.³⁸

Mo Udall's thoughtful response to Crafts' letter was indicative of the difficult needle that he and the members of the Arizona delegation were trying to thread. They needed to preserve federal interests and still protect their constituents caught in conflicts not of their own making.

The Gray family has always had powerful political protectors including Senator Hayden and because this was in my district I did not wish to be any more difficult with their problems than I had to, while not surrendering my own conscience and judgment on the matter.

It always seemed to me that they did have one basic fact in their favor: that certain representations were made to them which, for better or worse, they did in good faith rely upon. Therefore, my aim has been to see if some way could be found to have the federal government assume some kind of moral obligation to make their transition a little less damaging, while at the same time not establishing the dangerous kind of precedent which you fear.

Let me make it very clear that I think it would be very unwise and extremely bad policy if the Congress or the executive branch ever permitted the cattle industry to convert grazing privileges into private property rights. If we come down to a simple test between this principle of overriding importance and justice to the Grays, I would have to go against the Grays. I have been groping for some kind of a solution along the lines I have outlined above.³⁹

Neither the Udalls nor the Arizona delegates ever found that suitable way by which they could accomplish both.

14. Epilogue

All of the Gray relief bills of 1969 failed to progress through their respective houses — primarily due to opposition from the Department of the Interior. Park Service administrators began to press the Grays to begin removal of their livestock.¹

Coker wrote to the delegation in 1971 to ask them to reintroduce legislation for the Grays.² Coker agreed that legislation linking payment to a terminated permit was likely to fail. Instead, he suggested that in this round their legislation should override the Secretary of the Interior's termination, guarantee the Grays' lifetime permit, and recognize the Grays' water and grazing rights.³ Park Service officials and representatives for Arizona delegates came together to discuss Coker's new proposal in Senator Paul Fannin's office on May 20, 1971. Administrative Assistant Terry Bracey described the meeting in a memo to Congressman Udall.

The meeting had the air of a wake: everyone was smiling, firendly (sic), and sympathetic, but no one had one solid suggestion on how the Gray's (sic) grazing permit might be resurrected.

Coker felt that the only chance was to introduce legislation that would reaffirm a life term grazing agreement made to Senator Hayden by Sec. Ickes. While that agreement has no legal standing, it might be strong enough to get a Senate Hearing, and Hayden would testify.

I'm sure we can get the rest of the delegation to introduce this bill if you will. It doesn't have a prayer, but it would be a last shot, and give Coker something to show the Gray's (sic).

Roger (Lewis, Udall's Administrative Assistant) thinks Coker is looking for a way out, and I got that impression too. If you introduce this bill, it should get a blistering report in short order from the Interior depart. At that point, we could draft a delegation letter telling Coker this is the end of the road.⁴

Udall agreed to submit Coker's proposed bill (H.R. 8755) with John Rhodes and Sam Steiger as co-signators. Senators Paul Fannin and Barry Goldwater chose to submit a different bill. S. 2326 would require the Secretary of the Interior to purchase any private lands or existing grazing and water rights and permanently extinguish all grazing on the Monument.⁵

The Park Service and the Department of the Interior vehemently opposed both 1971 relief bills.⁶ Again, neither piece of legislation ever came to a vote. Again, the Grays were warned to remove their cattle from Organ Pipe lands before the end of 1971. In January 1972, the Park Service began legal action against the Gray Partnership.⁷

Coker, warned that legal action by the Park Service was impending, wrote letters of desperation to the Arizona congressional delegates.⁸ Coker implored the delegates to request that the Secretary of the

Interior postpone any action to remove the Grays in hopes that the 1971 relief legislation might still be acted upon. The tone of Coker's letters became increasingly vehement and angry over what he saw as the mistreatment of the Grays. He accused Interior employees of making "outright falsehoods" about the Grays in their adverse reports on the relief legislation. He finished his letters to the delegation with the warning that Henry Gray had recently suffered a heart attack and any future "action by the Interior Department could cause him (Henry) to suffer a set-back or even perhaps bring on his death." Like a good lawyer, Coker was adept at creating in his letters an atmosphere of "us vs. them" in the hope that he might arouse his readers' ire (or sympathy) and encourage them to act for the benefit of his clients. As in this particular case, he was largely successful.⁹

On September 8, 1972, the United States filed suit in US District Court alleging trespass on Organ Pipe lands by the Gray cattle and suing for "undetermined damages."¹⁰ While the suit brought the Grays' trespass into the public realm, it also had the disadvantage that the Park Service could no longer attempt to remove the Gray cattle without jeopardizing the outcome of its case.

Coker again wrote to plead that the Arizona delegates submit new relief legislation. This time, however, Coker argued that he would use the legislation justify his argument that the court had no jurisdiction while congressional legislation was pending.¹¹ Udall along with Rhodes and Steiger were willing to assist but Senators Paul Fannin and Barry Goldwater were adamant that all legislative efforts had failed and that the courts were now the appropriate place for the resolution of the conflict.¹²

Shortly after Congressman Udall and others submitted their last relief bill, H.R. 11653, the Department of the Interior announced a proposal to set aside a significant portion of Organ Pipe lands as wilderness.¹³ The Interior's proposal and the relief bill by Udall, Steiger, and Rhodes were obviously at odds with each other: the Monument could not maintain grazing on lands that had been defined as wilderness. The question was which piece of legislation would ultimately win out? In the same year, Senators Paul Fannin and Barry Goldwater introduced legislation to ban mining in Organ Pipe 35 years after Carl Hayden's legislation had reopened its use.¹⁴ Finally, it seemed that all the pieces of the preservation puzzle at Organ Pipe were coming together.

Coker had submitted to the district court a motion to dismiss the suit against the Grays on the grounds that congressional legislation was pending and would affect the outcome of the suit. Coker tried to argue using an earlier judicial decision that the pending legislation made the issue "the exclusive jurisdiction of the Congress."¹⁵ In June 1974, Judge Walter Craig denied Coker's motion as absurd.

There is nothing in (that) opinion which supports the position that a court's jurisdiction is restricted on matters otherwise within its cognizance when the Congress has legislation pending before it which might otherwise render the legislation moot.¹⁶

In November 1974, Congressman Mo Udall announced his candidacy for president of the United States.¹⁷ From that moment on, and Udall's focus was in a different arena well above and beyond the intractable issues surrounding the Grays and Organ Pipe Cactus National Monument. Attorney Coker wrote to Congressman Sam Steiger to request that he replace Udall in the leadership role among the Arizona legislators and persuade the others to reintroduce another relief bill. Steiger's reply, if ever

made, has not yet been found in any files. The chapter on the Arizona delegates' efforts to resolve grazing at Organ Pipe Cactus National Monument had come to a close. Everyone knew that the Grays were aging fast and that the National Park Service's lawsuit against the Grays would probably be the last word on the 37-year-long clash of wills and cultures.

The Death of the Grays

On December 19, 1974, Jack Gray died of a self-inflicted gunshot wound. Jack had been burdened by a series of heart attacks starting in the early 1960s. Since that time he had been unable to participate in the hard labor of running cattle. Jack was 65 years old at his death.

Bobby Gray had been unwell since 1970. A heart condition exhausted him, especially during the heat of the summer. In 1975, he suffered a severe heart attack. In October of that year, Henry Gray had open heart surgery. On September 19, 1976, Henry Gray at age 79 died of a heart attack. Two months later, on November 19, Bobby, age 64, passed away, also from a heart attack.¹⁸ Attorney Elmer Coker passed away in his home in Phoenix one year later on October 15, 1977 at age 68.¹⁹

Bobby Gray, prior to his death, had written to Superintendent Roy Allen to voice his opinion on the Organ Pipe Wilderness proposal. His letter is one of only a handful of documents written by the Grays that expressed their views of the events and changes that occurred in their lifetimes across their landscape. The writer spoke of his sadness for the loss of the way of life that he knew. The traditional uses were being eliminated and the traditional users forced out.

The voices of the local people, mainly mining and cattle people, who have lived on and worked this desert area for nearly a lifetime, are being silenced by those who only recently have discovered the charm of the desert. The miners and ranchers are the ones who gave the names to the Alamo, Williams Spring, Dripping Spring, Bull Pasture, Victoria Mine and most other places of interest.

The grazing legislation must be allowed to be the determining factor of when grazing will be eliminated. If the two ranchers left lose the case before the courts, our government should buy up the deeded land and state leased land within the monument. The grazers are willing to sell and once active ranchers should not be forced to shrivel up on their deeded and state leased land with no roads in or out.²⁰

The Final Elimination of Grazing

Following Judge Craig's denial of Coker's motion to dismiss, the lawsuit against the Grays lay dormant for almost 2 years.²¹ In February 1976, Attorney Coker offered to settle the lawsuit by accepting a five-year grazing permit from the Park Service with forgiveness of all past fees accumulated since the termination date.²² The Park Service responded that Coker's offer was "totally unacceptable" and

requested instead that the US Attorney move the case forward onto the calendar for trial.²³ In all likelihood, Coker's offer was merely another ploy to delay the progress of the lawsuit and to buy the Gray brothers more time before their eviction. William Collins has written that Judge Craig allowed the trial date to slip repeatedly.²⁴ While this information has not yet been corroborated elsewhere, such procedural delays certainly fit the pattern of Attorney Elmer Coker's legal style and courtroom manipulations.

After the death of the last of the Grays, the National Park Service became the owner of all property and structures on federal land. Bobby Gray's Dowling ranch and homestead were sold to a private investor and ultimately all structures were removed.²⁵ The property was later purchased by the Park Service. The claims for water wells on federal lands that the Grays had made in the 1950s were denied on the grounds that all subsurface waters were possessed by the land owner. The two real springs, Aguajita and Williams, were legitimately claimed by the Grays. But without a grazing permit, no one had a right of access to the water and therefore their use and sale value were negligible.²⁶ The executor of the Grays' estates hired Jeff Cameron to capture and remove all cattle and feral livestock. When Cameron finished in 1978, he had removed over 1700 head of cattle.²⁷

The trespass lawsuit against the Grays had still not been closed in 1980. In its original filing, the Park Service had left open the option of claiming damages against the Grays. Damages to park structures and costs for grazing management were calculated at approximately \$50,000.²⁸ The Park Service agreed to drop the lawsuit and all claims for damages if the executor canceled all of the Grays' claims for grazing or water rights.²⁹ This the executor did.

The damages to the natural resources of Monument were immeasurable. As early as the 1940s, the Park Service, in conjunction with the Soil Conservation Service, was working to stop erosion in the loss of soil and vegetation. Unfortunately none of those early efforts could correct the damage caused by the presence of cattle. Real restoration of the Monument lands could not begin until the cattle had been removed. Organ Pipe Plant Ecologist, Sue Rutman, succinctly described the long-term consequences of continued grazing at the Monument.

Overgrazing caused the loss of irreplaceable soil resources and the long-term imbalance of this desert ecosystem. If the practice had been stopped before serious resource damage had occurred, we may not have spent countless amounts of time and money on engineering 'solutions.' In retrospect the National Park Service and the public continue to pay for the reluctance to stop overgrazing. It is a message that resonates through the decades.³⁰

15. Summary of Important Themes from the Ranching Era

The Gray Family

The role of the family is central to the history of ranching at Organ Pipe. The controlling hand of patriarch Robert Lee Gray and the strong bond among the four male members gave the ranching partnership its powerful voice and longevity. That strength was illustrated repeatedly in the unified work ethic to maintain and develop what they believed was their ranch. Despite deep streaks of stubbornness and independence in each member, the Grays presented a unified front when the partnership was challenged. That family unity was also illustrated in the shared cultural beliefs regarding ranching, range management, and grazing and water rights.

The Ranching Institution

The importance of ranching as a social and political institution and its ultimate decline provide the primary undercurrents that run through the conflicts between the Park Service and the Gray family. In the 1930s, traditional land users such as the Grays and their western contemporaries such as Attorney Elmer Coker and Senator Carl Hayden held sway because of ranching's economic and social prominence. A single ranch family could and did command grazing concessions from the National Park Service. In the 1960s, the political strength of the ranching industry waned, and the environmental community and the National Park Service gained public support and political clout.

A Dying Ranching Form

The Gray ranching operation represented the last vestige of an early ranching pattern — open range cattle-raising. Fleeing Texas, New Mexico, and then eastern Arizona, the Grays transported this already historic tradition with them on their own migration to the farthest reaches of the grazing world. The Organ Pipe region, largely ignored as too arid to support cattle, was essentially unclaimed north of the International Boundary. But the environment was so forage-poor that it could only support that size of ranching operation during periods of high precipitation. When the climatic conditions became too dry, shrub and grasses were permanently transformed under continued grazing pressure, just as vegetation in Texas and eastern Arizona had been earlier.

Political Decisions and Repercussions

The history of ranching at Organ Pipe was shaped and altered by numerous federal policies and decisions from both the executive and legislative branches. The Taylor Grazing Act and President Franklin Roosevelt's creations of the Monument and Game Range permanently shifted the landscape from one of public domain to federal reservations managed by Department of the Interior agencies. Those decisions also removed the opportunity for Henry and Jack Gray to successfully file a homestead claim for title to their own land. Carl Hayden's private agreement with the National Park Service

perpetuated grazing for more than 35 years. Without his protection, this land use might have been eliminated much earlier. The definition of the grazing agreement between a federal agency and a rancher as a “privilege” and not a “right” reverberated throughout this conflict until the death of the last Gray. Arizona congressional legislators for 15 years endeavored unsuccessfully behind the scenes and later on the front lines with legislation to effect closure in this long-running battle.

State law also added to the Gray/Organ Pipe conflict. Arizona state legislators were reluctant to resolve artificially separated concepts of surface and groundwater. Differences between statutory law and State Supreme Court decisions over groundwater prolonged another wrestling match between the Grays and the Park Service for the ownership of well waters across the Monument.

Changes within the Landscape

The vegetation of the Sonoyta Valley was a prime consideration for Robert Lee Gray when he bought the Blankenship improvements. Even though the landscape in 1919 was by no means pristine, it was verdant enough to draw Gray from the rich grasslands of the San Rafael Valley to the Sonoyta region. Likewise, the unusual vegetation excited Park Service and scientific communities when they surveyed the region for inclusion in the park system. Early vegetative studies showed few sites with evidence of grazing. The climate and the landscape shifted into an apparently drier period during the 1940s - 1960s. Evidence of vegetation damage and change from cattle grazing became increasingly obvious. These changes coincided with a rise in environmental values and ethics and finally, aroused the public’s ire. The response of the National Park Service was to extinguish the grazing permit and, ultimately, eliminate all livestock from Monument lands.

Buildings Reflect Ranch Culture and Environment

The Gray structures and buildings at Organ Pipe are the physical expressions of the bare necessities for a ranching community. They are also illustrative of the use of natural and man-made resources from the local environment, a form of desert vernacular architecture of the Sonoran Desert. To manage cattle across 350 square miles of desert required a wide dispersal of equipment and manpower. Line camps, corrals, watering facilities, and ranch houses were spread across Organ Pipe and out to its four corners. Ranch house sites were chosen for their proximity to dependable waters that were plentiful enough to support both cattle and humans. Most buildings and structures were created prior to 1937. Structures on the Gray ranches were built with a notion of frugality that few today would understand. Money for materials was not always available. The Grays’ income from the sale of cattle arrived only once, perhaps twice, each year — and sometimes not at all. Structures were built with resources that were found on site: mesquite trunks, saguaro and organ pipe cactus ribs, grass and reeds, and mud. When non-natural, reusable materials were available for little or no cost, those resources were utilized too, including cement, corrugated iron, railroad ties, and asphalt. Comfort was not a value that was rated highly among the male members of the Gray family. Most buildings had few amenities and were designed for functionality in the desert environment.

Sources and Acknowledgements

The majority of historical information used in this report comes from primary sources: National Park Service reports, letters and memos; letters from the Grays' Attorney Elmer Coker; memos from Arizona Congressional delegates; and oral histories from Gray family members themselves. All of these primary resources are located in southern Arizona and can be found at the Cultural Resources Research Library and the Natural Resources Library at Organ Pipe Cactus National Monument; Special Collections at the University of Arizona and the Western Archaeological and Conservation Center, both located in Tucson; and the Hayden Library at Arizona State University in Tempe. Additional documents regarding federal agencies and actions are most certainly available in the National Archives at College Park, Maryland. That information, however, was beyond the reach of this report.

Other sources were utilized in the assembly of information on personal histories, early ranching in Sonora and Arizona and on the history of social and cultural attitudes within the ranching communities. Valerie Weeks Scott's article "The Range Cattle Industry", Charles Wilkinson's book *Crossing the Next Meridian*, and Karen Merrill's book *Public Lands and Political Meaning* give excellent information on the political and legal history of ranching culture and the evolution of grazing rights. Excellent summaries of cattle grazing and the ranching industry in Arizona have already been produced. Jay Wagoner's books and articles including *History of the Cattle Industry in Southern Arizona, 1540 – 1940* and "Overstocking the Ranges in Southern Arizona during the 1870s and 1880s" primarily cover the southeastern region of the state and are still unequalled in their value to historians. Deputy State Historic Preservation Officer William Collins' "Cattle Ranching in Arizona" is an outstanding survey of the industry's history across entire state as well as a useful summary of the economic value of ranching during the first half of the twentieth century. Two excellent histories of the Monument were produced by Roy Appleman and Russell Jones, "Blankenship Ranch, Historic Structures Report," and Jerome Greene, "Historic Resource Study of Organ Pipe Cactus National Monument." Brenna Lissoway's "Administrative History of Organ Pipe Cactus National Monument" covers its first 30 years and is quite thorough. Retired Organ Pipe Ranger, Wilton "Bill" Hoy's descriptions of figures and places in the Ajo area in his published articles and unpublished histories add depth and color to this story. Most of his writings can be found in the Organ Pipe Cactus National Monument library. But no one has a better understanding of the Gray family, their culture, and the consequences of their 60 years of existence at Organ Pipe than Plant Ecologist Sue Rutman. From her interviews with old timers and retired park employees and her transcriptions of old scratchy interview tapes, she has produced an in-depth, but as yet unpublished, history of the Gray family members. This context report leans heavily on her cultural study.

Archival Resources

Gray, Henry Davis, The Personal Records of (HGA). Bates Well, Arizona, Organ Pipe Cactus National Monument. 1921 - 1981. Archival Record Group 53. Western Archaeological and Conservation Center, National Park Service, Tucson, Arizona.

Hayden, Senator Carl T., Papers of (CHA). Manuscript #1, Arizona Collection, Hayden Library, Arizona State University, Tempe, Arizona.

ORPI Grazing Archives (ORPI-GA), Cultural Resources Research Library, Organ Pipe Cactus National Monument, Ajo, Arizona.

ORPI Natural Resource Library, Organ Pipe Cactus National Monument, Ajo, Arizona.

Udall, Morris K., Papers of (MKUA). Manuscript File #325. Special Collections Library, University of Arizona, Tucson, Arizona.

Udall, Stewart L., Papers of. Manuscript File #372, Special Collections Library, University of Arizona, Tucson, Arizona.

Interviews

Gray, Bobby, Ralph, Henry and Abe. Interview at Dowling Ranch with Joyce Kelso, ORPI Seasonal Park Aide. January 1975. Document in Possession of Author.

Gray, Mary Nell. Interview with Bill Broyles. November 24, 1987. Document in Possession of Author.

Gray, Ralph. Interview with Dorothy Havins, Hank Havins, and Ed Havins with Sue Rutman, Plant Ecologist at Organ Pipe Cactus National Monument. 1983. Document in Possession of Author.

Gray, Robert Louis (Bobby). “Ranching History.” Interview with two unnamed Interviewers on ORPI Staff. January 1972. Document in Possession of Author.

Havins, Ed and Margaret Ross. Interview with Sue Rutman, ORPI Plant Ecologist. November 11, 1999. Document in Possession of Author.

Havins, Ed and Margaret Ross. Interview with Sue Rutman, ORPI Plant Ecologist. April 11, 2000. Document in Possession of Author.

Del Miller, Birdie. Interview with Wilton Hoy. 1966. Document in Possession of Author.

Supernaugh, William. Interview with William Werrell, Hydrologist, Western Regional Office of the National Park Service. May 3, 1975. Document in Possession of Author.

Udall, Stewart L. “Sonoran Desert National Park.” Interview with Jack Loeffler, May 3, 1997. Stewart L. Udall Papers, Special Collections Library, University of Arizona, Manuscript File #372, Box 237. Also in *Dry Borders: Great Natural Reserves of the Sonoran Desert*, edited by Richard Stephen Felger and Bill Broyles, 533 – 536. Salt Lake City: University of Utah Press, 2007.

Bibliography

Anonymous. "The Public Domain and the Stock-Raising Homestead Law." *American Forestry*, 23 (1917):243.

Appleman, Roy and Russell Jones. "Blankenship Ranch. Historic Structures Report, Organ Pipe Cactus National Monument, Arizona." Office of Archaeology and Historic Preservation. US Department of the Interior and National Park Service, 1969.

Ashley, Jeffrey S. and Zachary Smith. *Groundwater Management in the West*. Lincoln: University of Nebraska Press, 1999.

August, Jack. "Carl Hayden. Perspectives on a Century." Carl Hayden Biofile, Arizona Historical Society, Tucson, Arizona.

Bahre, Conrad. *A Legacy of Change: Historic Human Impact on Vegetation of the Arizona Border Lands*. Tucson: University of Arizona Press, 1991.

Bailey, James Michael. "The Politics of Dunes, Redwoods, and Dams: Arizona's 'Brothers Udall' and America's National Parklands, 1961–1969." PhD. Diss. Arizona State University, 1999.

Begeman, Richard H. and Jimmy D. Taylor. "A Brief History of Important Mines and Prospects in Organ Pipe Cactus National Monument." February 20, 1967. ORPI Natural Resource Library.

Berry, Michelle K. "Cow Talk: Ecology, Culture, and Power in the Intermountain West Range Cattle Industry, 1945–1965." Ph.D. Diss. Tucson: University of Arizona, 2005.

Bolton, Herbert E. *Kino's Historical Memoir of Pimería Alta*. Volume 1. Cleveland: Arthur H. Clark Co, 1919.

Bolton, Herbert E. *Padre on Horseback*. San Francisco: Sonora Press, 1932.

Broyles, Bill and George Huey. *Organ Pipe Cactus National Monument: Where Edges Meet*. Tucson: Southwest Parks and Monuments Association, 1997.

Bryan, Kirk. "Routes to Desert Watering Places in Papago Country, Arizona." Department of the Interior, US Geological Survey Water-Supply Paper No. 490-D, 1922.

Bryan, Kirk. "The Papago Country. A Geographic, Geologic, and Hydrologic Reconnaissance with a Guide to Desert Watering Places." Department of the Interior, US Geological Survey Water-Supply Paper No. 499, 1925.

"Cabeza Prieta National Wildlife Refuge History." [Http://cabeza.prieta.org/refuge_history.php](http://cabeza.prieta.org/refuge_history.php).

Carson, Donald W. and James W. Johnson. *Mo: The Life and Times of Morris K. Udall*. Tucson: University of Arizona Press, 2001.

Cole, Ben. "Shades of Earlier Era Fall on Sonora." *The Arizona Republic*, February 20, 1966.

Collins, William S. "Cattle Ranching in Arizona: 1848–1950." Phoenix: Arizona State Historic Preservation Office, 1996.

Cook, Charles A. "A Documentation of the Arizona Papaguería with Special Reference to the Organ Pipe Cactus National Monument." 1967. Unpublished Document at the Western Archaeological and Conservation Center, Tucson, Arizona.

Cooke, R. U. and R. W. Reeves. *Arroyos and Environmental Change in the American Southwest*. Oxford: Clarendon Press, 1976.

Crevelli, John. "The Final Act of the Greatest Conservation President." *Prologue* 12 (1980):173–193.

Dana, Samuel Trask, and Sally K. Fairfax. *Forest and Range Policy: Its Development in the United States*. New York: McGraw-Hill Book Co., 1980.

DeVoto, Bernard. "Conservation: down and on the Way out." In *DeVoto's West: History, Conservation, and the Public Good*, edited by Edward K. Mueller, 237–253. Athens: Swallow Press/Ohio University Press, 2005.

Eden, James M. "A History of Organ Pipe Cactus National Monument, Arizona," 1956. ORPI Natural Resource Library.

Felger, Richard Stephen, Bill Broyles, Michael Wilson, Gary Nabhan, and Dale S Turner. "Six Grand Reserves, One Grand Desert." In *Dry Borders: Great Natural Reserves of the Sonoran Desert*, edited by Felger, Richard Stephen and Bill Broyles, 3-26. Salt Lake City: University of Utah Press, 2007.

Fleming, Robert B. and Kenneth E. Foster. "Alternatives for Groundwater Law Change in Arizona." *Water Resources Bulletin*, February 15, no.1 (1979):198–205.

Gaetjens, Charles J. *Ajo Arizona: the People and the Legends*. Ajo: Hershell Eversole, 1993.

Gates, Paul W. "American Land Policy and the Taylor Grazing Act." *Land Policy Circular* October, (1935):15–37.

Gates, Paul W. *History of Public Land Law Development*. Washington, DC: U.S. Public Land Law Review Commission, 1968.

General Land Office Records. <http://www.glorerecords.blm.gov>.

Greene, Jerome. "Historic Resource Study. Organ Pipe Cactus National Monument, Arizona." Denver Service Center, Historic Preservation Division, National Park Service and US Department of the Interior, 1977.

Harmon, David, Francis P. McManamon, and Dwight T. Pitcaithley. "Introduction: the Importance of the Antiquities Act." In *The Antiquities Act. A Century of American Archaeology, Historic Preservation, and Nature Conservation*. Edited by David Harmon, Francis P. McManamon, and Dwight T. Pitcaithley, 1-12. Tucson: University of Arizona Press, 2006.

Hartmann, William K. *Desert Heart: Chronicles of the Sonoran Desert*. Tucson: Fisher Books, 1989.

Harvey, Mark W.T. *A Symbol of Wilderness: Echo Park and the American Conservation Movement*. Albuquerque: University of New Mexico Press, 1994.

Haskett, Bert. "Early History of the Cattle Industry in Arizona." *Arizona Historical Review*, 6, no.4 (1935):3-42.

Hays, Samuel. *Conservation and the Gospel of Efficiency; the Progressive Conservation Movement, 1890 - 1920*. Cambridge: Harvard University Press, 1959.

Henley, Tim. "Groundwater Resources of the Lower Colorado Region." <http://www.colorado.edu/nrlc/publications>.

Hoy, Wilton. "Sonoyta and Santa Domingo: A Story of Two Sonoran Towns and the River That Ran by." *Journal of Arizona History*, 31, no. 2 (1990):117-140.

Hoy, Bill. "Don Tomas and Tomasito: The Childs' Family Legacy in Southern Arizona." *Journal of Arizona History*, Spring (1999):1-28.

Hoy, Bill. *Dry Hope: Settlement of Sonoyta and Ajo*. Unpublished Manuscript in Possession of the Author.

Hoy, Bill and Bill Broyles. "Pinacate Campmates." *Journal of the Southwest*, 49, no. 3, (2007):323-355.

Huggard, Chris. "A Revised History of Mining in Organ Pipe Cactus National Monument." 1998. Draft. ORPI Natural Resource Library.

Ise, John. *Our National Park Policy. A Critical History*. Baltimore: Johns Hopkins Press, 1961.

Johnson, Hildegard Binder. *Order upon the Land: the US Rectangular Land Survey and the Upper Mississippi Country*. New York: Oxford University Press, 1976.

Jordan, Terry G. *North American Cattle-Ranching Frontiers: Origins, Diffusion, and Differentiation*. Albuquerque: University of New Mexico Press, 1993.

Lee, Ronald F. "Origins of the Antiquity Act." In *The Antiquities Act. A Century of American Archaeology, Historic Preservation, and Nature Conservation*. Edited by David Harmon, Francis P. McManamon, and Dwight T. Pitcaithley, 15-33. Tucson: University of Arizona Press, 2006.

Leopold, A. Starker et al. "Wildlife Management in the National Parks" in *Transactions of the Twenty-eighth North American Wildlife and Natural Resource Conference*, ed. James B. Trerethen, Washington, DC: Wildlife Management Institute, 1963.

Lissoway, Brenna Lauren. "An Administrative History of Organ Pipe Cactus National Monument: the First Thirty Years, 1937–1967." Masters Thesis, Arizona State University, 2004.

McDougall, W. B. "Special Report: Roads and Wildlife at Organ Pipe Cactus National Monument." November 1940. ORPI Natural Resource Library.

McDougall, W. B. "Special Report: Notes on Organ Pipe Cactus National Monument." March 1941. ORPI Natural Resource Library.

McGee, W. J. "The Old Yuma Trail." *National Geographic Magazine*, 12, no. 3 (1901):103–107.

McGee, W. J. "The Old Yuma Trail." *National Geographic Magazine*, 12, no.4 (1901):129-143.

Melosi, Martin. "Lyndon Johnson and Environmental Policy." In *The Johnson Years: Vietnam, the Environment, and Science*, Volume 2, edited by Robert A. Divine, 113-149. Lawrence: University of Kansas Press, 1987.

Merrill, Karen R. *Public Lands and Political Meaning: Ranchers, the Government and the Property between Them*. Berkeley: University of California, 2002.

Miller, Kristie. *Isabella Greenway: an Enterprising Woman*. Tucson: University of Arizona Press, 2004.

Morrissey, Richard J. "Early Range Cattle Industry in Arizona." *Agricultural History*, 24, no.3 (1950):151–156.

Muhn, James and Hanson R. Stuart. *Opportunity and Challenge: the Story of BLM*. US Department of the Interior, Bureau of Land Management, 1988.

National Academy of Sciences, National Research Council, "A Report by the Advisory Committee to the National Park Service on Research," August 1, 1963. http://www.nps.gov/history/history/online_books/anps/a

Nichols, Tad. "Afield with Scientists." In *Dry Borders: Great Natural Reserves of the Sonoran Desert*, edited by Felger, Richard Stephen and Bill Broyles, 87. Salt Lake City: University of Utah Press, 2007.

Niering, W.A., R.H. Whittaker, and C.H. Lowe. "The Saguaro: a Population in Relation to Environment." *Science*, 142, no. 3588 (1963):15–28.

- Osgood, Ernest S. *The Day of the Cattleman*. Minneapolis: University of Minnesota Press, 1929.
- Rice, Ross R. *Carl Hayden. Builder of the American West*. Lanham, University Press of America, 1994.
- Rickard, Forrest R. *Exploring, Mining, Leaching and Concentrating of Copper Ores As Related to the Development of Ajo, Arizona*. Privately published, 1996. Copy available at University of Arizona Library.
- Robinson, Glen O. *The Forest Service: a Study in Public Land Management*. Baltimore: Johns Hopkins University Press, 1975.
- Rothman, Hal. *America's National Monuments. The Politics of Preservation*. Lawrence: University Press of Kansas, 1994.
- Rothman, Hal K. *Saving the Planet. The American Response to the Environment in the Twentieth Century*. Chicago: Ivan R. Dee, 2000.
- Rouse, John E. *The Criollo: Spanish Cattle in the Americas*. Norman: University of Oklahoma Press, 1977.
- Rutman, Sue. "A History of the Gray Family at Organ Pipe Cactus National Monument." Unpublished Manuscript in Possession of the Author.
- Rutman, Sue. "An Assessment of Accelerated Erosion and its Management at Organ Pipe Cactus National Monument," 1996. ORPI Natural Resource Library.
- Rutman, Sue. "Dirt is NOT Cheap." *Bajada*, 5, no. 2 (1997):14.
- Rutman, Sue. "Selected Sonoran Pronghorn Notes." Assembled from Cabeza Prieta Game Refuge Quarterly Reports from the Fish and Wildlife Service, 2001. Unpublished Manuscript in Possession of the Author.
- "Saguaro Plight Traced to Beef Overgrazing," *Tucson Daily Star*, October 9, 1963.
- Saxton, Edward H. "Saving the Desert Bighorns." *Desert Magazine*, Spring (1978):16 - 18.
- Schaus, Richard G. "Arizona Heritage. Elmer Carroll Coker. 1909-1977." *Arizona Cattlegrowers Outlook*, December (1977):12-13.
- Schultz, Robert L. "Forage Resource Inventory of the Organ Pipe Cactus National Monument. Narrative Report for the National Park Service." U.S. Department of the Interior, Bureau of Land Management, February 15, 1966. ORPI Natural Resource Library.
- Scott, Valerie Weeks. "The Range Cattle Industry: Its Effect on Western Land Law." *Montana Law Review*, 28 (1966-1967):155-183.

Sellars, Richard West. *Preserving Nature in the National Parks. A History*. New Haven: Yale University Press, 1997.

Slocum, Charles Wayne. "The Adequacy of Arizona's Ground-Water Law." Master Thesis, Tucson: University of Arizona, 1972.

Smith, Thomas G. "John Kennedy, Stewart Udall and the New Conservation Frontier." *Pacific Historical Review*, 64, no. 3 (1995): 329–362.

Southwestern National Monument Monthly Reports. Western Archaeological and Conservation Center, National Park Service, Tucson, Arizona.

Snow, Ronald W. "The Beef Cattle Industry in Arizona: a Geographical Analysis." Masters Thesis, Arizona State University, 1969.

Stegner, Wallace. *Beyond the 100th Meridian: John Wesley Powell and the Second Opening of the West*. New York: Penguin Books, 1982.

Stein, Pat H. "Homesteading in Arizona, 1862–1940: a Guide to Studying, Evaluating, and Preserving Historic Homesteads." Phoenix, Arizona State Historic Preservation Office, 1990.

Steinberg, Theodore. *Slide Mountain. Folly of Owning Nature*. Berkeley: University of California Press, 1996.

Superintendent Monthly Reports for Organ Pipe Cactus National Monument. Document in Possession of Author.

Thornber, J. J. "The Grazing Ranges of Arizona." *Bulletin of the University of Arizona, Agricultural Experiment Station*, no. 65 (1910).

Toumey, James W. "Overstocking the Range." *Bulletin of the University of Arizona Agricultural Experiment Station*, no.2 (1891).

Turner, Raymond M., Robert H. Webb, Janice E. Bowers, and James Rodney Hastings. *The Changing Mile Revisited: an Ecological Study of Vegetation Change with Time in the Lower Mile of an Arid and Semiarid Region*. Tucson: University of Arizona Press, 2003.

"Udall Brothers Interior Team" *Roll Call*, 7 (February 7, 1962):6.

Udall, Stewart L. *The Quiet Crisis*. New York: Holt, Rinehart and Winston, 1963.

Wagoner, J. J. "The Gadsden Purchase Plans." *New Mexico Historical Review*, 26 (1951):21–43.

Wagoner, J. J. "History of the Cattle Industry in Southern Arizona, 1540 – 1940." *University of Arizona Social Science Bulletin*, no. 20, 1952.

Wagoner, J. J. "Overstocking the Ranges in Southern Arizona during the 1870's and 1880's." *Arizona*, 2 (1961):23-27.

Water Source Reports for Organ Pipe Cactus National Monument, July 1968. ORPI Natural Resource Library

Webb, Walter Prescott. *The Great Plains*. Lincoln: University of Nebraska Press, 1931.

White, Richard. "Animals and Enterprise." In *Oxford History of American West*, edited by Clyde A. Milner II, Carol A. O'Connor, and Martha Sandweiss, 237-274. New York: Oxford University Press, 1994.

Wilkinson, Charles F. *Crossing the Next Meridian. Land, Water, and the Future of the West*. Washington, DC: Island Press, 1992.

Wilson, John P. *Islands in the Desert: A History of the Uplands of Southeastern Arizona*. Albuquerque: University of New Mexico Press, 1995.

Wirth, Conrad. *Parks, Politics and the People*. Norman: University of Oklahoma Press, 1980.

Wooten, E. O. "The Relation of Land Tenure to the Use of Arid Grazing Lands of the Southwestern United States." *United States Department of Agriculture Bulletin*, no. 1001, Washington, DC, 1922.

End Notes

1. Executive Summary

¹ Ben Cole, “Shades of Earlier Era Fall on Sonora,” *The Arizona Republic*, February 20, 1966. Carl Hayden Archives (CHA), Manuscript #1, Box 284, Folder 4, Arizona Collection, Hayden Library, Arizona State University, Tempe, Arizona.

² Grazing is still permitted in 31 park units according to 2006 documentation. Managing agencies of national monuments established under the Antiquities Act of 1904 were required to allow many traditional land uses to continue during the lifetime of the permittee or until the sale of the operation.

³ Robert Louis Gray did ultimately gain title to a homestead that included 160 acres around the Dowling Ranch in 1951.

⁴ Richard Stephen Felger, Bill Broyles, Michael Wilson, Gary Nabhan, and Dale S Turner, “Six Grand Reserves, One Grand Desert,” in *Dry Borders: Great Natural Reserves of the Sonoran Desert*, ed. Richard Stephen Felger and Bill Broyles (Salt Lake City: University of Utah Press, 2007), 3-26.

2. Early Ranching in the Southwest and Arizona

¹ John E. Rouse, *The Criollo: Spanish Cattle in the Americas* (Norman: University of Oklahoma Press, 1977). The Rouse document is an excellent source of history of the introduction of cattle to the New World. See also William S. Collins, “Cattle Ranching in Arizona: 1848–1950,” Phoenix: Arizona State Historic Preservation Office, 1996.

² Bert Haskett, “Early History of the Cattle Industry in Arizona,” *Arizona Historical Review*, 6, no. 4 (1935):3–42.

³ The Sonoita River is a tributary of the Santa Cruz River in southeastern Arizona. It is different from the Río Sonoyta in Sonora Mexico.

⁴ Haskett, “Early History of the Cattle Industry in Arizona,” p. 7.

⁵ J. J. Wagoner, “History of the Cattle Industry in Southern Arizona, 1540 – 1940.” *University of Arizona Social Science Bulletin*, no. 20 (1952) p. 30.

⁶ Haskett, “Early History of the Cattle Industry in Arizona,” pp. 6–7.

⁷ *Ibid*, pp. 10–11, 16–17.

⁸ *Ibid*, p. 10; Charles A. Cook, “A Documentation of the Arizona Papaguería with Special Reference to the Organ Pipe Cactus National Monument,” 1967. Unpublished document at the Western Archaeological and Conservation Center, Tucson, Arizona, pp. 173–176; Jerome Greene, “Historic Resource Study. Organ Pipe Cactus National Monument, Arizona,” Denver Service Center, Historic Preservation Division, National Park Service and US Department of the Interior, 1977, pp. 21–22.

- ⁹ Bill Hoy, "Don Tomas and Tomasito: The Childs' Family Legacy in Southern Arizona," *Journal of Arizona History*, Spring (1999) p. 2–3.
- ¹⁰ Wagoner, "History of the Cattle Industry in Southern Arizona," p. 30.
- ¹¹ Hoy, "Don Tomas and Tomasito," pp. 4–5.
- ¹² Haskett, "Early History of the Cattle Industry in Arizona," p. 18.
- ¹³ Wagoner, "History of the Cattle Industry in Southern Arizona," p. 36.
- ¹⁴ Richard J. Morrissey, "Early Range Cattle Industry in Arizona," *Agricultural History*, 24, no.3 (1950): p. 153; Wagoner, "History of the Cattle Industry in Southern Arizona, 1540–1940," pp. 52–53.
- ¹⁵ Haskett, "Early History of the Cattle Industry in Arizona," pp. 23–31; Wagoner, "History of the Cattle Industry in Southern Arizona," p. 36.
- ¹⁶ Wagoner, "History of the Cattle Industry in Southern Arizona," p. 38.
- ¹⁷ J. J. Wagoner, "Overstocking the Ranges in Southern Arizona during the 1870's and 1880's," *Arizonaiana*, 2 (1961):23–27.
- ¹⁸ Haskett, "Early History of the Cattle Industry in Arizona", p. 35; Wagoner. "History of the Cattle Industry in Southern Arizona," p. 44.
- ¹⁹ Haskett, "Early History of the Cattle Industry in Arizona," p. 37; Wagoner, "History of the Cattle Industry in Southern Arizona," pp. 50–51.
- ²⁰ Terry G. Jordan, *North American Cattle-Ranching Frontiers: Origins, Diffusion, and Differentiation* (Albuquerque: University of New Mexico Press, 1993), pp. 267–274.
- ²¹ Wagoner, "History of the Cattle Industry in Southern Arizona," pp. 52–54.
- ²² Morrissey, "Early Range Cattle Industry in Arizona," pp. 154–155.
- ²³ Ibid, pp. 48–49.
- ²⁴ Ibid, p. 154.
- ²⁵ Jordan, *North American Cattle-Ranching Frontiers*, pp. 237–238.
- ²⁶ Wagoner, "History of the Cattle Industry in Southern Arizona," p. 53.
- ²⁷ Haskett, "Early History of the Cattle Industry in Arizona," pp. 41–42.
- ²⁸ Haskett, "Early History of the Cattle Industry in Arizona," p. 42; Wagoner, "Overstocking the Ranges in Southern Arizona," pp. 25–26.
- ²⁹ Wagoner, "Overstocking the Ranges in Southern Arizona," p. 27; Jordan, *North American Cattle-Ranching Frontiers*, pp. 267–300.
- ³⁰ Wagoner, "Overstocking the Ranges in Southern Arizona," pp. 26–27.
- ³¹ Jordan, *North American Cattle-Ranching Frontiers*, p. 238.
- ³² Conrad Bahre presents an excellent summary of these arguments and their respective supporters in Chapter 3 of his 1991 publication *A Legacy of Change: Historic Human Impact on Vegetation of the Arizona Border Lands* (Tucson: University of Arizona Press); Raymond M. Turner, Robert H. Webb, Janice E. Bowers, and James Rodney Hastings. *The Changing Mile Revisited: an Ecological Study of Vegetation Change with Time in the Lower Mile of an Arid and Semiarid Region* (Tucson: University

of Arizona Press, 2003) is another important contribution that summarizes the available data and arguments.

³³ James W. Toumey, “Overstocking the Range,” *Bulletin of the University of Arizona Agricultural Experiment Station*, no.2 (1891).

³⁴ R. U. Cooke and R. W. Reeves, *Arroyos and Environmental Change in the American Southwest*, (Oxford: Clarendon Press, 1976), p. 94.

³⁵ Wilton Hoy, “Sonoyta and Santa Domingo: A Story of Two Sonoran Towns and the River That Ran by,” *Journal of Arizona History*, 31, no. 2 (1990):117–140.

³⁶ Toumey, “Overstocking the Range.”

³⁷ J. J. Thornber, “The Grazing Ranges of Arizona,” *Bulletin of the University of Arizona, Agricultural Experiment Station*, no. 65 (1910), p. 335; R.U. Cooke and R.W. Reeves, *Arroyos and Environmental Change*.

3. The History of the Public Domain and Range Rights

¹ See Chapter 1, James Muhn and Hanson R. Stuart, *Opportunity and Challenge: the Story of BLM* (US Department of the Interior, Bureau of Land Management, 1988).

² This national land system was called the Land Ordinance of 1785. A good history of this land division is presented by Hildegard Binder Johnson, *Order upon the Land: the US Rectangular Land Survey and the Upper Mississippi Country* (New York: Oxford University Press, 1976).

³ Paul W. Gates, “American Land Policy and the Taylor Grazing Act,” *Land Policy Circular* October, (1935):15–37.

⁴ Pat H. Stein, “Homesteading in Arizona, 1862–1940: a Guide to Studying, Evaluating, and Preserving Historic Homesteads.” Phoenix, Arizona State Historic Preservation Office, 1990.

⁵ See Paul Gates’ monumental and unsurpassed work *History of Public Land Law Development* (Washington, DC: U.S. Public Land Law Review Commission, 1968) for details of these variations on the Homestead Act.

⁶ Anonymous, “The Public Domain and the Stock-Raising Homestead Law,” *American Forestry*, 23 (1917):243.

⁷ Wagoner, “History of the Cattle Industry in Southern Arizona,” p. 63. Wagoner suggests that four sections or 2560 acres was the minimum acreage needed to support 100 cows. This quantity of land had been strongly advocated by John Wesley Powell in his “Report on the Lands of the Arid Region” in 1878. See Wallace Stegner *Beyond the 100th Meridian: John Wesley Powell and the Second Opening of the West* (New York: Penguin Books, 1982), pp. 223–231.

⁸ There is a long list of works by authors enumerating the extent of fraudulent land claims employed by less than scrupulous individuals. Paul W. Gates’ work, *History of Public Land Law Development*, is the most complete and scholarly researched effort to document the history and consequences of public land laws. Other good sources include J. J. Wagoner, “History of the Cattle

Industry in Southern Arizona, 1540–1940;” Charles Wilkinson, *Crossing the Next Meridian. Land, Water, and the Future of the West* (Washington, DC: Island Press, 1992); Pat Stein, “Homesteading in Arizona, 1862–1940: a Guide to Studying, Evaluating, and Preserving Historic Homesteads;” William S. Collins, “Cattle Ranching in Arizona: 1848–1950;” Karen Merrill, *Public Lands and Political Meaning: Ranchers, the Government and the Property between Them* (Berkeley: University of California, 2002); and Valerie Weeks Scott, “The Range Cattle Industry: Its Effect on Western Land Law,” *Montana Law Review*, 28 (1966-1967):155–183.

⁹ Merrill, *Public Lands and Political Meaning*, p. 26.

¹⁰ Wilkinson, *Crossing the Next Meridian*, p. 85; Charles F. Wilkinson, a legal scholar, offers a broad history of land laws and federal policies as they affected ranchers in the West in his chapter on “The Rancher’s Code.”

¹¹ Richard White, “Animals and Enterprise,” in *Oxford History of American West*, ed. Clyde A. Milner II, Carol A. O’Connor, and Martha Sandweiss (New York: Oxford University Press, 1994), pp. 252–256.

¹² See Valerie Weeks Scott, “The Range Cattle Industry: Its Effect on Western Land Law,” for an excellent discussion of the social arrangements established by ranchers to manage these open resources and control access to them.

¹³ Walter Prescott Webb, *The Great Plains* (Lincoln: University of Nebraska Press, 1931), p. 206.

¹⁴ As quoted in Ernest Staples Osgood, *The Day of the Cattleman* (Minneapolis: University of Minnesota Press, 1929), p. 184.

¹⁵ Wilkinson, *Crossing the Next Meridian*, p. 83.

¹⁶ Scott, “The Range Cattle Industry,” pp. 162–163.

¹⁷ *Ibid*, p. 166.

¹⁸ *Ibid*, pp. 163–164.

¹⁹ *Ibid*, pp. 164–165.

²⁰ Merrill, *Public Lands and Political Meaning*, p. 10.

²¹ Wilkinson, *Crossing the Next Meridian*, p. 88.

²² See Merrill, *Public Lands and Political Meaning*, pp. 60–66; Glen O. Robinson, *The Forest Service: a Study in Public Land Management* (Baltimore: Johns Hopkins University Press, 1975), pp. 199–223; Samuel Trask Dana and Sally K. Fairfax, *Forest and Range Policy: Its Development in the United States* (New York: McGraw-Hill Book Co., 1980), pp. 69–97 for good summaries of the US Forest Service history of grazing policies.

²³ Many of the early national monuments that were carved from US Forest Service lands continued to maintain the historic grazing allotments. Many of allotments within these national monuments were contiguous with those on Forest Service lands outside the national monument boundaries. Often these allotments and grazing permits continued under US Forest Service management since few National Park Service employees had any range management expertise.

²⁴ The Bureau of Sport Fisheries and Wildlife was the predecessor to the Fish and Wildlife Service.

4. Early Settlement and Land Use in the Monument Region

¹ For further details of Father Kino's history, see Herbert E. Bolton, *Kino's Historical Memoir of Pimería Alta*. Volume 1 (Cleveland: Arthur H. Clark Co, 1919) pp. 49–65, 255–256, and 280–281; as well as William K. Hartmann, *Desert Heart: Chronicles of the Sonoran Desert* (Tucson: Fisher Books, 1989), pp. 47–57.

² Herbert E. Bolton, *Padre on Horseback* (San Francisco: Sonora Press, 1932), p. 64.

³ Bolton, *Kino's Historical Memoir*, p. 255.

⁴ Kirk Bryan, "The Papago Country. A Geographic, Geologic, and Hydrologic Reconnaissance with a Guide to Desert Watering Places." Department of the Interior, US Geological Survey Water-Supply Paper No. 499, 1925, p. 425.

⁵ Bolton, *Kino's Historical Memoir*, p. 280.

⁶ W.J. McGee, "The Old Yuma Trail," *National Geographic Magazine*, 12, no. 3 (1901):103–107 and 12 no. 4 (1901):129–143; Roy Appleman and Russell Jones, "Blankenship Ranch. Historic Structures Report, Organ Pipe Cactus National Monument, Arizona." Office of Archaeology and Historic Preservation. US Department of the Interior and National Park Service, 1969, p. 9; Greene, "Historic Resource Study. Organ Pipe Cactus National Monument, Arizona," pp. 21–30; Bill Hoy, *Dry Hope: Settlement of Sonoyta and Ajo* (unpublished manuscript in possession of the author); Hoy, "Sonoyta and Santa Domingo."

⁷ Bryan, "The Papago Country," p. 415; Greene, "Historic Resource Study," p. 27.

⁸ Chris Huggard, "A Revised History of Mining in Organ Pipe Cactus National Monument," 1998. Draft. ORPI Natural Resource Library; Forrest R. Rickard, *Exploring, Mining, Leaching and Concentrating of Copper Ores As Related to the Development of Ajo, Arizona* (Privately published, 1996). Copy available at University of Arizona Library; Greene, "Historic Resource Study," p. 50–56.

⁹ Greene, "Historic Resource Study," p. 53.

¹⁰ *Ibid*, p. 52; Cook, "A Documentation of the Arizona Papaguería," p. 294.

¹¹ Hoy, *Dry Hope*, pp. 58–59; Cook, "A Documentation of the Arizona Papaguería," p. 276.

¹² Hoy, "Don Tomas and Tomasito," p. 5.

¹³ Hoy, *Dry Hope*, p. 127; Cook, "A Documentation of the Arizona Papaguería," p. 291.

¹⁴ Charles J. Gaetjens, *Ajo Arizona: the People and the Legends* (Ajo: Hershell Eversole, 1993), p. 38.

¹⁵ Hoy, *Dry Hope*, pp. 130–131.

¹⁶ Sue Rutman, "Selected Sonoran Pronghorn Notes." Assembled from Cabeza Prieta Game Refuge Quarterly Reports from the Fish and Wildlife Service, 2001. Unpublished manuscript in possession of the author.

¹⁷ Bryan, "The Papago Country," p. 169

¹⁸ Letter to Superintendent James M. Eden from S. E. McDaniel, September 29, 1956. ORPI Grazing Archives (ORPI-GA).

¹⁹ E. M. McDaniel, "Letter to Editor" *Ajo Copper News*, March 22, 1953. Document in Possession of Author.

²⁰ *Ajo Copper News*, April 23, 1927.

²¹ Memo to SW Regional Director from Custodian William R. Supernaugh, January 4, 1946. ORPI-GA.

²² The Yuma District was established in November 1937.

²³ The construction and maintenance of fencing on public domain land was expressly forbidden in 1885 by Congress. Violations of up to \$1000 could be imposed. However that the law was not very successful as there were a few to enforce it and as was likely in this case, the Anglo-American ranchers in the area would have supported the fencing. See Scott, "The Range Cattle Industry," pp. 169–171; Wilkinson, *Crossing the Next Meridian*, pp. 86–87; Dana and Fairfax, *Forest and Range Policy*, p. 49.

²⁴ Greene, "Historic Resource Study," p. 58.

²⁵ *Ajo Copper News*, July 7, 1927.

²⁶ Ed Havins and Margaret Ross. Interview with Sue Rutman, ORPI Plant Ecologist, November 11, 1999, p. 38. Document in Possession of Author; Gaetjens, *Ajo Arizona*, p. 16.

²⁷ Rutman, "Selected Sonoran Pronghorn Notes."

²⁸ Water Rights Affidavit, January 10, 1952. ORPI-GA; Appleman and Jones, "Blankenship Ranch," pp. 19–25; Water Source Reports, July 1968. ORPI Natural Resource Library.

5. The Arrival of the Gray Family in the Organ Pipe Region

¹ The history of the Gray family before their arrival in Organ Pipe Cactus National Monument has been largely documented through oral histories. Hundreds of pp. of conversations with the second generation have been recorded, taped, and transcribed by Organ Pipe rangers and historians. This section is largely taken from those transcriptions and a superb summary of the Gray family history distilled by Sue Rutman, NPS Plant Ecologist at Organ Pipe ("History of the Gray Family at Organ Pipe Cactus National Monument." Unpublished manuscript in possession of the author.) Homestead documentation can be found in the General Land Office records from Arizona and New Mexico from the Bureau of Land Management website, www.glorerecords.blm.gov. Like most oral histories recorded decades after the events, recollected dates and other information do not always agree with written records.

² Bobby, Ralph, Henry, and Abe Gray, Interview at Dowling Ranch with Joyce Kelso, ORPI Seasonal Park Aide. January 1975. Document in Possession of Author; Ralph Gray, Interview with Dorothy Havins, Hank Havins, and Ed Havins with Sue Rutman, Plant Ecologist. 1983. Document in Possession of Author; Havins and Ross Interview, 1999, p. 19.

³ Bobby, Ralph, Henry and Abe Gray Interview, p. 28.

⁴ Ibid.

⁵ Jordan, *North American Cattle-Ranching Frontiers*, p. 238.

⁶ Birth records for Henry and Abe Gray differ from their interview statements. See Bobby, Ralph, Henry and Abe Gray Interview, p. 1. Margaret died a few years later of typhoid.

⁷ Henry Gray describes Bob as owning eight sections “all the state would allow at the time.” Bobby, Ralph, Henry and Abe Gray Interview, p. 29. Homesteaders could gain title to as much as 4500 acres in the state of Texas.

⁸ Ralph Gray Interview, p. 3.

⁹ Ibid, p. 4. Locoweed poisoning was also the reason for their rapid departure from New Mexico the following year.

¹⁰ General Land Office Records of Homestead Title for Robert L. Gray. Accession #401061. 160 acres. Title transferred April 27, 1914; accession #487606. 40 acres. August 23, 1915.

¹¹ Bobby, Ralph, Henry and Abe Gray Interview, p. 2. This is the only recorded family reference to their move to New Mexico. Abe’s statement about the “mine” has not been connected to any other information regarding family history.

¹² Bobby, Ralph, Henry and Abe Gray Interview, p. 3.

¹³ General Land Office Records of Homestead Title for Robert L. Gray. Accession #714701. 329 acres. Title transferred October 23, 1919.

¹⁴ Ralph Gray Interview, pp. 5–11.

¹⁵ Robert Louis (Bobby) Gray, “Ranching History,” Interview with two unnamed Interviewers on ORPI Staff, p. 23. January 1972. Document in Possession of Author; Ralph Gray Interview, p. 4.

¹⁶ *Ajo Copper News*, May 22, 1920, p. 6.

¹⁷ Ibid, June 26, 1920, p. 5.

¹⁸ Hoy, *Dry Hope*, p. 126.

¹⁹ Rutman, “A History of the Gray Family.”

²⁰ Stein, “Homesteading in Arizona;” Scott, “The Range Cattle Industry.”

²¹ The first formal surveys of the Organ Pipe region were completed in 1934. General homesteading of this region would have then been opened to the public. A number of previous sites for both mining and homesteading had been surveyed and entered into GLO files earlier; surveys of these claims, however, would have been privately paid for. Regional surveys were funded by the Department of the Interior.

²² Scott, “The Range Cattle Industry,” p. 163.

²³ For a thorough discussion of western water law, see Wilkinson, *Crossing the Next Meridian*, Chapter 6, pp. 219–292. For a chronology of legal and judicial decisions affecting Arizona water law, see Tim Henley, “Groundwater Resources of the Lower Colorado Region.” <http://www.colorado.edu/nrlc/publications>.

²⁴ *Howard v. Perrin*. 1904. See Charles Wayne Slocum, “The Adequacy of Arizona’s Ground-Water Law.” Master Thesis, Tucson: University of Arizona, 1972.

²⁵ Attorney Elmer C. Coker in numerous letters to the Arizona State Land Department stated that the Grays purchased these water rights from Blankenship before 1917 or 1919 so that he could lend support to their claim of use prior to establishment of the Public Water Code.

²⁶ The Gray family first filed water rights claims on their wells and springs in 1950.

²⁷ Blankenship’s original ranch house was demolished in a flood in 1924 or 1925. The Gray family

built their own ranch house called Dos Lomitas and the one-room Gachado Line Camp during the following year (Rutman, “A History of the Gray Family”).

²⁸ Rutman, “A History of the Gray Family.”

²⁹ Ibid.

³⁰ Ralph Gray appears to have drifted in and out of the Gray ranching operations. Ralph’s name appears on early National Park Service grazing permits. Jerome Greene stated that Ralph sold his interest in the ranching operation to Bobby in 1943, married, and moved to Calexico, California (Greene, “Historic Resource Study,” p. 59). Ralph returns briefly and occupies the Dos Lomitas ranch following the death of Robert Lee Gray in 1962.

³¹ There is disagreement in the ORPI Grazing Archives as to the date of the Williams Spring acquisition. Some documents indicate that the spring was acquired in 1919 along with the Blankenship purchases. Others give this later date of acquisition.

³² “Deed of Sale,” July 18, 1935. Henry Gray Archives (HGA), Box 3, Folder 1. Western Archaeological and Conservation Center, Tucson, Arizona; Water Source Reports, July 1968. OPRI Library Archives.

³³ Water Source Reports, July 1968, ORPI Natural Resource Library.

³⁴ January 27, 1971. Draft of news story by David Rees, to be aired January 28, 1971 on NBC radio and television. ORPI-GA.

6. “Object of Scientific Interest:” The Creation of Organ Pipe Cactus National Monument

¹ Hal Rothman, *America’s National Monuments*. The Politics of Preservation (Lawrence: University Press of Kansas, 1994), p. xi. Rothman’s work is an in-depth look at the history, as well as application, of the Antiquities Act with a focus on the establishment and development of national monuments in the southwestern region of the United States.

² 34 Stat. 225, 16 USC 431–433.

³ Dana and Fairfax, *Forest and Range Policy*; Robinson, *The Forest Service*.

⁴ Samuel Hays, *Conservation and the Gospel of Efficiency; the Progressive Conservation Movement, 1890 – 1920* (Cambridge: Harvard University Press, 1959).

⁵ Rothman, *America’s National Monuments*, pp. 52–71.

⁶ David Harmon, Francis P. McManamon, and Dwight T. Pitcaithley, “Introduction: the Importance of the Antiquities Act,” in *The Antiquities Act. A Century of American Archaeology, Historic Preservation, and Nature Conservation*, ed. Harmon David, Francis P. McManamon, and Dwight T. Pitcaithley (Tucson: University of Arizona Press, 2006), p. 8.

⁷ Rothman, *America’s National Monuments*, p. 93–96, 170–172; Ronald F. Lee, “Origins of the Antiquity Act,” in *The Antiquities Act. A Century of American Archaeology, Historic Preservation, and Nature Conservation*, ed. David Harmon, Francis P. McManamon, and Dwight T. Pitcaithley (Tucson: University of Arizona Press, 2006), pp. 31–32.

⁸ Surveyor General Frank Hitchcock, owner of the *Tucson Citizen* newspaper, on his own impetus,

traveled to Washington, DC to personally persuade President Herbert Hoover to establish Saguaro National Monument. Hoover agreed and Saguaro became the first national monument established to protect a desert plant community in March 1933. Hoover's successor, President Franklin Delano Roosevelt, created the second and third monuments to protect plant communities: Joshua Tree National Monument in August 1936 and Organ Pipe Cactus National Monument in April 1937.

⁹ Rothman, *America's National Monuments*, p. 155; James M. Eden, "A History of Organ Pipe Cactus National Monument, Arizona," 1956, pp. 12–13. ORPI Natural Resource Library.

¹⁰ Eden, "A History of Organ Pipe Cactus National Monument," p. 15; Letter to Senator Carl T. Hayden from President of Tucson Natural History Society T. D. Mallery, CHA, Manuscript #1, Box 607, Folder 1, Arizona Collection, Hayden Library, Arizona State University, Tempe, Arizona.

¹¹ Letter to Senator Carl Hayden from T. D. Mallery, February 14, 1934. CHA, Manuscript #1, Box 607, Folder 1.

¹² Felger, Richard Stephen, Bill Broyles, Michael Wilson, Gary Nabhan, and Dale S Turner, "Six Grand Reserves, One Grand Desert," in *Dry Borders: Great Natural Reserves of the Sonoran Desert*, ed. Richard Stephen Felger and Bill Broyles (Salt Lake City: University of Utah Press, 2007), pp. 8–9.

¹³ Tad Nichols, "Afield with Scientists," in *Dry Borders: Great Natural Reserves of the Sonoran Desert*, ed. Richard Stephen Felger and Bill Broyles (Salt Lake City: University of Utah Press, 2007), p. 87.

¹⁴ Isabella Greenway had been married to John Greenway, the general manager of the New Cornelia Copper Company. They lived in Ajo from 1923 until his death in 1926. She continued to maintain her home and connections in Ajo for many years afterwards (Kristie Miller, *Isabella Greenway: an Enterprising Woman* (Tucson: University of Arizona Press, 2004).

¹⁵ Quoted in Brenna Lauren Lissoway, "An Administrative History of Organ Pipe Cactus National Monument: the First Thirty Years, 1937–1967." Masters Thesis, Arizona State University, 2004, pp. 22–23.

¹⁶ Miller, *Isabella Greenway: an Enterprising Woman*, p. 212.

¹⁷ Letter to Albert Long from Senator Carl T. Hayden, February 13, 1940. CHA, Box 607, Folder 1.

¹⁸ Ross R. Rice, *Carl Hayden. Builder of the American West* (Lanham, University Press of America, 1994), pp. 15–30.

¹⁹ Ibid, p. 27.

²⁰ Ibid, pp. 30–38.

²¹ August, Jack. "Carl Hayden. Perspectives on a Century." Carl Hayden Biofile, Arizona Historical Society, Tucson, Arizona; Rice, Carl Hayden, see chapters 7, 8, and 9.

²² Rice, *Carl Hayden*, p. 75.

²³ John Ise, *Our National Park Policy. A Critical History* (Baltimore: Johns Hopkins Press, 1961), p. 91; Rice, *Carl Hayden*, pp. 46–47.

²⁴ Quoted in Rice, *Carl Hayden*, p. 45.

²⁵ Hal K. Rothman, *Saving the Planet. The American Response to the Environment in the Twentieth Century* (Chicago: Ivan R. Dee, 2000); Mark W.T. Harvey, *A Symbol of Wilderness: Echo Park and the American Conservation Movement* (Albuquerque: University of New Mexico Press, 1994).

- ²⁶ Letter to Dean and Director of the College of Mines and Engineering G. Monte Butler, University of Arizona, from Senator Carl T. Hayden, August 3, 1939. CHA, Box 607, Folder 1.
- ²⁷ See the series of letters between Albert Long, Chairman of the Ajo Small Mine Operators Association and Senator Carl T. Hayden between September 1939 and June 1941. CHA, Box 607, Folder 1.
- ²⁸ Letter to NPS Director Arno Cammerer from Senator Carl Hayden, February 6, 1940. CHA, Box 607, Folder 1.
- ²⁹ Letter to Albert Long from Senator Carl Hayden, March 12, 1940; Letter to Carl Hayden from Albert Long, April 17, 1940. CHA, Box 607, Folder 1.
- ³⁰ Letter to Albert Long from Senator Carl Hayden, April 22, 1940. CHA, Box 607, Folder 1; Letter to Senator Carl Hayden from Acting NPS Director Arthur E Demaray, May 13, 1940. ORPI-GA.
- ³¹ Letter to Albert Long from Senator Carl Hayden, June 6, 1940. CHA, Box 607, Folder 1.
- ³² Lissoway, "An Administrative History of Organ Pipe Cactus National Monument," pp. 59–60.
- ³³ Rothman, *America's National Monuments*, pp. 108–116.
- ³⁴ *Ibid*, pp. 120–122.
- ³⁵ Prior to 1933 national monuments were administered by a number of agencies. In addition to the Department of the Interior, both the War Department and the Department of Agriculture managed numerous monuments.
- ³⁶ Rothman, *America's National Monuments*, pp. 89–118.
- ³⁷ US Federal Register, April 16, 1937, Volume 2: Number 73.
- ³⁸ Lissoway, "An Administrative History of Organ Pipe Cactus National Monument," p. 24; Nichols, "Afield with Scientists," p. 87.
- ³⁹ Clifford Presnall, "Outline: Grazing History in Organ Pipe Cactus National Monument," April 16, 1941. ORPI-GA.
- ⁴⁰ Lissoway, "An Administrative History of Organ Pipe Cactus National Monument," pp. 70–71. Since the Grays owned no base lands, the Park Service may have believed that the family members were not entitled to a grazing permit. Access to permits for grazing land on federal reserves in the national forests, parks and later on grazing districts was usually restricted to those ranchers who possessed privately owned base ranch lands. At this time none of the Gray family members had filed any claims to land under the Homestead Act. In the desert regions of the Southwest, however, "ownership" and/or control of water sites was recognized as granting legitimacy to a ranching operation equal to ownership of base land (see Merrill, *Public Lands and Political Meaning*, p. 157). Thus because the Grays controlled most of the water sites within the boundary of the monument, they could justify their use of the grazing lands as legitimate settlers not just temporary squatters.
- ⁴¹ Clifford Presnall, "Outline: Grazing History in Organ Pipe Cactus National Monument," April 16, 1941. ORPI-GA. In addition to practicing law in Ajo, A. C. Netherlin ran his own cattle south of Ajo (see Rutman, "Selected Sonoran Pronghorn Notes") and had mining claims within the monument. (See Richard H. Begeman and Jimmy D. Taylor, "A Brief History of Important Mines and Prospects in Organ Pipe Cactus National Monument," February 20, 1967. ORPI Natural Resource Library).

⁴² Much of the early (1932–1941) documentation involving correspondence and decision-making regarding grazing activity is absent from Organ Pipe Grazing Archives. Brief references to these early actions can be found in the “Organ Pipe Cactus Grazing History,” a document which was periodically updated throughout the grazing era and is located in the grazing files. The final version is dated November 30, 1976. ORPI-GA.

⁴³ Quoted in Memo to the Secretary of the Interior Stuart L. Udall from Solicitor Frank M. Barry, April 4, 1968. ORPI-GA.

⁴⁴ Ibid.

⁴⁵ “Organ Pipe Grazing History,” November 30, 1976. See Reference for November 26, 1937. ORPI-GA.

⁴⁶ Ibid. See reference for January 30, 1938; Lissoway, “An Administrative History of Organ Pipe Cactus National Monument,” p. 71.

⁴⁷ Quote from Memo to Secretary of the Interior Stewart Udall from NPS Director George Hartzog Jr., July 10, 1964. ORPI-GA.

⁴⁸ Clifford Presnall, “Outline: Grazing History in Organ Pipe Cactus National Monument,” April 16, 1941. See reference for August 17, 1938. ORPI-GA.

⁴⁹ Lissoway, “An Administrative History of Organ Pipe Cactus National Monument,” p. 71; Clifford Presnall, “Outline: Grazing History in Organ Pipe Cactus National Monument,” April 16, 1941. See references for May 12, 1938; August 17, 1938; August 29, 1938. ORPI-GA. Unlike other family members, Ralph Gray left the Gray Partnership and the area in 1943. He moved to Calexico, California.

⁵⁰ Lissoway, “An Administrative History of Organ Pipe Cactus National Monument,” p. 28.

7. The Gray Struggle for Land Ownership

¹ Begeman and Taylor, “A Brief History of Important Mines and Prospects;” Huggard, “A Revised History of Mining in Organ Pipe Cactus National Monument.”

² Muhn and Stuart, *Opportunity and Challenge*.

³ Stein, “Homesteading in Arizona.”

⁴ Merrill, *Public Lands and Political Meaning*, pp. 103–168. Merrill offers an extensive discussion on the 130-year history of the controversy over the public domain. She proposes that those who used the grasslands, the ranchers, and those who managed the grasslands, the federal government, each saw themselves as “owning” (and therefore having the right to control) the land.

⁵ “Petition for the Exercise of Supervisory Authority.” Letter to Bob Gray, Henry Gray, and Jack Gray from Assistant Secretary of the Interior Oscar L. Chapman, September 9, 1941. HGA. Box 3, Folder 7.

⁶ Nichols, “Afield with Scientists,” p. 87.

⁷ Rutman, “History of the Gray Family.”

⁸ It is unlikely that Jack inhabited the single-room structure at the same time as his two older brothers (see Rutman, “History of the Gray Family”); he was 15 at the time and living in Ajo and going to school. The date chosen for habitation, however, is highly interesting. The family claimed that the Gachado Line Camp was built at the same time as the Dos Lomitas Ranch house. The date of habitation may actually indicate a date of completed construction for Gachado as well as Dos Lomitas.

⁹ “Petition for the Exercise of Supervisory Authority.” Letter to Bob Gray, Henry Gray, and Jack Gray from Assistant Secretary of the Interior Oscar L. Chapman, September 9, 1941. HGA. Box 3, Folder 7.

¹⁰ Oscar Chapman, Assistant Secretary of the Interior, stated that Bob Gray was not eligible to file homestead claim on the land because he had already claimed 530 acres of property in Quay County, New Mexico and in the western portion of the Whetstone Mountains in Cochise County, Arizona (see “Petition” referenced above). Searches of the General Land Office records at the BLM website (www.glorerecords.blm.gov/PatentSearch) turned up three previous claims by Robert L. Gray. In theory all homesteaders after 1916 could claim up to 640 acres per person. Thus Bob Gray, if he had made no additional land claims elsewhere, should have been able to claim another 110 acres under the Stock Raising Homestead Act of 1916. The reason why he didn’t, has not yet been discovered; perhaps he had made claims for an additional 110 acres elsewhere.

¹¹ “Petition for the Exercise of Supervisory Authority.” Letter to Bob Gray, Henry Gray, and Jack Gray from Oscar L. Chapman Assistant Secretary of the Interior, September 9, 1941. HGA. Box 3, Folder 7.

¹² Ibid. The fact that Robert Lee Gray did not make a claim until 1939, 20 years after his initial settlement, may indicate that he saw the Color of Title Act with its 20-year requirement of residency as his best hope for gaining access to the land in fee simple.

¹³ “Bill of Sale for Bates Well Ranch.” HGA, Box 3, Folder 1. It was necessary that J. T. McDaniel file for the homestead claim, instead of Henry Gray, since McDaniel had been living at Bates Well at the time of Franklin Delano Roosevelt’s withdrawal of public domain lands in November 1934.

¹⁴ See Memo to Organ Pipe Superintendent from SW Regional Director Thomas J. Allen, August 17, 1962. ORPI Homestead Files, Cultural Resources Research Library, Organ Pipe Cactus National Monument.

¹⁵ “Petition for the Exercise of Supervisory Authority.” Letter to Bob Gray, Henry Gray, and Jack Gray from Assistant Secretary of the Interior Oscar L. Chapman, September 9, 1941. HGA. Box 3, Folder 7.

¹⁶ The lack of private property also posed a significant threat to the Gray family members when applying to the Grazing Service for additional allotments of grazing lands.

¹⁷ Letter to Senator Carl Hayden from Attorney Elmer C. Coker, December 4, 1946. ORPI-GA.

¹⁸ Richard G. Schaus, “Arizona Heritage. Elmer Carroll Coker. 1909–1977.” *Arizona Cattlegrowers Outlook*, December 1977: 12.

¹⁹ Ibid, p. 12.

²⁰ “Petition for the Exercise of Supervisory Authority.” Letter to Bob Gray, Henry Gray, and Jack Gray from Assistant Secretary of the Interior Oscar L. Chapman, September 9, 1941. HGA. Box 3,

Folder 7.

²¹ Ibid.

²² Ibid.

²³ Jordan, *North American Cattle-Ranching Frontiers*, p. 238; Merrill, *Public Lands and Political Meaning*, pp. 16–36.

²⁴ Scott, “The Range Cattle Industry,” pp. 155–156; Wilkinson, *Crossing the Next Meridian*, pp. 82–94.

²⁵ Michelle K. Berry, “Cow Talk: Ecology, Culture, and Power in the Intermountain West Range Cattle Industry, 1945–1965.” Ph.D. Diss. Tucson: University of Arizona, 2005, pp. 53–68; Cabeza Prieta Game Refuge was set aside in 1939; the Lukeville (later the Barry Goldwater) Bombing Range was reserved in 1941.

²⁶ Robert Louis (Bobby) Gray later filed a homestead claim and received title to 157 acres at the Dowling Ranch west of Lukeville in 1950. The claim had been initially rejected for lack of evidence of habitation at the site prior to President Roosevelt’s withdrawal of land in November 1934. Attorney Coker obtained affidavits from surrounding neighbors swearing that Bobby had been living out the site prior to that date. The validity of those affidavits was challenged by the Park Service but later abandoned when no countervailing evidence stronger than the affidavits was available.

²⁷ “Petition for the Exercise of Supervisory Authority.” Letter to Bob Gray, Henry Gray, and Jack Gray from Assistant Secretary of the Interior Oscar L. Chapman, September 9, 1941. HGA. Box 3, Folder 7.

²⁸ Clifford Presnall, “Outline: Grazing History in Organ Pipe Cactus National Monument,” April 16, 1941. See reference for August 17, 1938. ORPI-GA.

²⁹ Letter to Senator Carl Hayden from Attorney Elmer Coker, September 19, 1941. ORPI-GA.

³⁰ Letter to Senator Carl Hayden from Acting Director Arthur Demaray, October 10, 1941. ORPI-GA.

³¹ Memo to the Secretary of the Interior Stuart L. Udall, from Solicitor Frank M. Barry, April 4, 1968. ORPI-GA.

³² Lissoway, “An Administrative History of Organ Pipe Cactus National Monument,” pp. 59–60.

8. Grazing at Organ Pipe: Environmental and Political Conflict

¹ The Santa Rita Experimental Range in the Santa Rita foothills south of Tucson had been established by the federal government in 1903 to conduct research in range management and range conditions.

² Quoted in Memo to the Secretary of the Interior Stuart L. Udall from Solicitor Frank M. Barry, April 4, 1968. ORPI-GA.

³ Memo from Wildlife Biologist Clifford Presnall, April 20, 1941. ORPI-GA.

⁴ Memo to files from Hugh M. Miller, January 9, 1941, ORPI-GA; see also Lissoway, “An Administrative History of Organ Pipe Cactus National Monument,” p. 73.

- ⁵ W. B. McDougall, "Special Report: Roads and Wildlife at Organ Pipe Cactus National Monument," November 1940. ORPI Natural Resource Library.
- ⁶ W. B. McDougall, "Special Report: Notes on Organ Pipe Cactus National Monument," March 1941. ORPI Natural Resource Library.
- ⁷ Clifford Presnall, "Outline: Grazing History in Organ Pipe Cactus National Monument," April 16, 1941. See reference for August 17, 1938. ORPI-GA.
- ⁸ Memo to Superintendent Frank Pinkley from Custodian Supernaugh, December 30, 1939. ORPI-GA.
- ⁹ Memo to Custodian Supernaugh from Superintendent Frank Pinkley, January 11, 1940. ORPI-GA.
- ¹⁰ Bobby Gray Interview; Ralph Gray Interview.
- ¹¹ Memo to SW Regional Director Minor R. Tillotson from Regional Forester Harold M. Ratcliff, May 10, 1945. ORPI-GA; Rutman, "A History of the Gray Family."
- ¹² Memo to Files from Southwestern National Monuments Assistant Superintendent Charles A. Richey, December 20, 1941; Memo to SW Regional Director from Southwestern National Monuments Acting Superintendent, January 23, 1942. ORPI-GA.
- ¹³ This grazing history has been assembled and organized by Sue Rutman, ORPI Plant Ecologist, and entitled the Organ Pipe Cactus National Monument (ORPI) Grazing Archive. It is located in the Cultural Resources Research Library, Organ Pipe Cactus National Monument.
- ¹⁴ Memo to SW Regional Director Minor R. Tillotson from Regional Soil Conservationist, June 24, 1942. ORPI-GA.
- ¹⁵ Memo to Acting Superintendent from Custodian William R. Supernaugh, May 28, 1942. ORPI-GA.
- ¹⁶ Memo to SW Regional Director Minor R. Tillotson from Regional Soil Conservationist, June 24, 1942. ORPI-GA.
- ¹⁷ Southwestern Monument Monthly Reports, May 1939; November 1939; December 1939; February 1940; March 1940. Western Archaeological and Conservation Center, National Park Service, Tucson, Arizona.
- ¹⁸ Ibid, December 1944.
- ¹⁹ Ibid, December 1943; January 1944. It appears that some fencing was erected at this time but Acting Custodian Bates Wilson does not record the final amount completed.
- ²⁰ Ibid, March-June 1946.
- ²¹ Ibid, April-July 1947.
- ²² Ibid, October-December 1947.
- ²³ Memo to SW Regional Director from Custodian William R. Supernaugh, August 26, 1947, ORPI-GA.
- ²⁴ Robert L. Schultz, "Forage Resource Inventory of the Organ Pipe Cactus National Monument. Narrative Report for the National Park Service," U.S. Department of the Interior, Bureau of Land Management. February 15, 1966. ORPI Natural Resource Library.
- ²⁵ Southwestern Monument Monthly Reports January-March 1950; Havins and Ross Interview, p.

35.

²⁶ Memo to SW Regional Director from Southwestern National Monuments Acting Superintendent, August 14, 1942. ORPI-GA.

²⁷ Memo to SW Regional Director from Ecologist Harold M. Ratcliff, September 23, 1942. ORPI-GA.

²⁸ Ibid.

²⁹ Memo to Secretary of the Interior Harold L. Ickes from NPS Director Newton B. Drury, February 15, 1943. ORPI-GA.

³⁰ Memo to Southwestern National Monuments Superintendent from Acting Custodian Bates Wilson, May 5, 1943. ORPI-GA. This trespass clause was standard in all Forest Service grazing agreements, after which National Park Service permits had been patterned.

³¹ Southwestern National Monument Monthly Reports, January 1943.

³² Memo to Superintendent Southwestern National Monument Charles Richey from Acting Custodian Bates Wilson, May 5, 1943. ORPI-GA.

³³ Memo to Acting Custodian Bates Wilson from Southwestern National Monument Acting Superintendent Charles Richey, May 10, 1943. ORPI-GA.

³⁴ Memo to Superintendent Charles Richey from Acting Custodian Bates Wilson, July 20, 1943. ORPI-GA.

³⁵ Memo to SW Regional Director Minor R. Tillotson from Southwestern National Monument Acting Superintendent Charles Richey, January 23, 1942. ORPI-GA.

³⁶ See memo to SW Regional Director Minor R. Tillotson from Richard Begeman, August 18, 1965; see reference February 26, 1942. ORPI-GA.

³⁷ Memo to SW Regional Director Minor R. Tillotson from Ecologist Harold M. Ratcliff, July 24, 1943. ORPI-GA.

³⁸ Ibid.

³⁹ Memo for the NPS Director from SW Regional Director Minor R. Tillotson, August 24, 1943. ORPI-GA.

⁴⁰ McCarran's opposition to government controls arose from the fact that 85 percent of land in Nevada was federally owned and much of that was grassland.

⁴¹ Merrill, *Public Lands and Political Meaning*, pp. 181–192.

⁴² Confidential memo to Acting Custodian Bates Wilson from Southwestern National Monument Superintendent Charles Richey, May 4, 1943. ORPI-GA.

⁴³ Memo to SW Regional Director Minor R. Tillotson from NPS Ecologist Harold M. Ratcliff, May 10, 1945. ORPI-GA.

⁴⁴ The conflict over use was further complicated as Jack Gray was leasing a house and well from Birdie Miller located in Alamo Canyon. The Grays believed that they should not have to share the area with monument visitors. Memo to SW Regional Director Minor Tillotson from Custodian William Supernaugh, December 20, 1946. ORPI-GA.

⁴⁵ Ibid.

- ⁴⁶ Southwestern National Monument Monthly Reports, March 1946.
- ⁴⁷ Memo to SW Regional Director Minor R. Tillotson from Regional Forester Harold M. Ratcliff, March 1, 1946. ORPI-GA.
- ⁴⁸ Ibid. Extensive trampling by cattle at Saguaro National Monument had been partly blamed for the absence of new Saguaro recruits.
- ⁴⁹ Memo to SW Regional Director Minor R. Tillotson from Custodian William R. Supernaugh, June 12, 1946. ORPI-GA.
- ⁵⁰ By the end of the summer, when the rains finally fell, Supernaugh estimated that more than 700 cows had died.
- ⁵¹ Harold M. Ratcliff, "Special Report. Organ Pipe Cactus National Monument. Grazing Damage," July 2, 1946. ORPI-GA.
- ⁵² Ibid.
- ⁵³ Ibid.
- ⁵⁴ Ibid, p. 6.
- ⁵⁵ The "Washington" office had been relocated to Chicago for the duration of World War II and had not yet returned to the District of Columbia.
- ⁵⁶ Memo to Acting NPS Director Hillory Tolson from SW Regional Director Minor R. Tillotson, July 11, 1946. ORPI-GA.
- ⁵⁷ Letter to US Senator Carl Hayden from Acting NPS Director Hillory A. Tolson, July 30, 1946. ORPI-GA.
- ⁵⁸ It is unfortunate that so few examples of Hayden's return communications exist in the Hayden files. Apparently he almost never kept copies of his correspondence (or removed them prior to donating the documents). These missives may exist in National Park Service files in the National Archives at College Park, Maryland but this author has been unable to view that collection. As a result throughout this history Carl Hayden appears as a ghostly image — almost always silent, yet clearly affecting actions and arrangements among the different participating individuals.
- ⁵⁹ Memo to Acting Director Hillory Tolson from SW Regional Director Minor R. Tillotson, August 2, 1946. ORPI-GA.
- ⁶⁰ Despite support from the entire Arizona delegation, the appropriations bill for relief of the Gray family never passed either chamber because of the overwhelming concern that doing so would set the precedence referred to by Tillotson.
- ⁶¹ While a copy of this letter was never found in the Henry Gray Archives (he did not save many papers until the 1950s), there is ample evidence in later folders that Hayden regularly passed on copies of correspondence from the National Park Service. Indeed the National Park Service made use of this known conduit for indirectly warning the Grays of their lack of cooperation.
- ⁶² Memo to SW Regional Director Minor R. Tillotson from NPS Director Newton Drury, September 24, 1946. ORPI-GA.
- ⁶³ Memo to NPS Director Drury from SW Regional Director Minor R. Tillotson, October 21, 1946. ORPI-GA.

⁶⁴ Rutman, “A History of the Gray Family.”

⁶⁵ See Personal Correspondence, Boxes 5 and 6, in the Henry Gray Archives, Western Archaeological and Conservation Center, Tucson AZ.

⁶⁶ Mary Nell Gray, Interview with Bill Broyles. November 24, 1987, p. 10. Document in Possession of Author. Henry built temporary stock tanks to provide water for his cattle during the 1946 drought but would not spend money to buy forage or sell cattle to prevent their deaths.

⁶⁷ The range conditions were significantly different from those at the end of the extended drought. Large rain events had occurred in August. (Ran Bone, C. F. Dierking, and Volney M. Douglas. “Organ Pipe Cactus National Monument. Report on Land Use Conditions.” November 30, 1946. Attachment to letter to Acting NPS Director Hillory A. Tolson from Elmer C. Coker, December 10, 1946. ORPI-GA).

⁶⁸ Letter to Senator Carl T. Hayden from Attorney Elmer C. Coker, December 4, 1946. CHA, Box 201, Folder 16.

⁶⁹ Ibid.

⁷⁰ Memo to SW Regional Director Minor Tillotson from Acting Director Hillory Tolson, December 17, 1946. See also attached documents “Proposed Grazing Land Management Plan;” “Report on Land Use Conditions;” and Letter to Acting NPS Director Hillory Tolson from Attorney Elmer Coker, December 10, 1946. ORPI-GA.

⁷¹ Tolson did not elaborate on which waters he was referring to. Water records at Organ Pipe Cactus National Monument do not indicate that any additional sources had been recently constructed.

⁷² Memo to SW Regional Director Minor Tillotson from Acting Director Hillory Tolson, December 17, 1946. ORPI-GA.

⁷³ Ibid.

⁷⁴ Memo to SW Regional Director Minor Tillotson from Custodian William R. Supernaugh, March 2, 1947; letter to Acting SW Regional Director E. T. Scoyen from Attorney Elmer C. Coker, March 7, 1947; Memo to SW Regional Director Minor Tillotson from Custodian William R. Supernaugh, March 19, 1947. ORPI-GA.

⁷⁵ Memo to SW Regional Director Minor Tillotson from Custodian William Supernaugh, March 19, 1947. ORPI-GA.

⁷⁶ For the Gray family attitudes about custodians and superintendents see Mary Nell Gray Interview, pp. 6, 8.

9. Conflict over Water

¹ Appleman and Jones, “Blankenship Ranch,” p. 18

² “Water Source Report,” July 1968. ORPI Natural Resource Library.

³ The proposed new tanks were to be located in Alamo Canyon, on the west side of the monument, and north of the Dos Lomitas ranch.

- ⁴ Memo to SW Regional Director Minor Tillotson from Assistant NPS Director Hillory Tolson, April 11, 1947. ORPI-GA.
- ⁵ Memo to Regional Forester from Forester Harold M. Ratcliff, June 18, 1948. ORPI-GA.
- ⁶ Southwestern National Monument Monthly Reports, March, April, December 1950.
- ⁷ For further information on the history of Arizona water law with respect to groundwater see: Jeffrey S. Ashley and Zachary Smith, *Groundwater Management in the West* (Lincoln: University of Nebraska Press, 1999), pp. 187–206; Theodore Steinberg, *Slide Mountain. Folly of Owning Nature* (Berkeley: University of California Press, 1996), p. 101; Robert B. Fleming and Kenneth E. Foster, “Alternatives for Groundwater Law Change in Arizona,” *Water Resources Bulletin*, February 15, no.1 (1979):198–205; Slocum, “The Adequacy of Arizona’s Ground-Water Law.”
- ⁸ Memo to SW Regional Director from Assistant NPS Director Arthur Demaray, September 21, 1950. ORPI-GA.
- ⁹ The two springs that were considered appropriable were Aguajita and Williams Springs.
- ¹⁰ Despite its name, the State Land Department, as the only agency that maintained statewide information on natural resources, acted at this time as the registrar and recorder for water claims and titles.
- ¹¹ Memo to SW Regional Director from Assistant Director Arthur Demaray, September 21, 1950. ORPI-GA.
- ¹² Letter to SW Regional Director Minor Tillotson from Attorney Elmer Coker, December 27, 1951. ORPI-GA.
- ¹³ Bobby had received a final certificate to his homestead claim at Dowling Ranch west of Lukeville in July 1951. ORPI-GA.
- ¹⁴ Memo to NPS Director from SW Regional Director Minor Tillotson, January 11, 1952. ORPI-GA.
- ¹⁵ Memo to NPS Director from SW Regional Director Minor Tillotson, January 22, 1952. ORPI-GA.
- ¹⁶ In 1949 the Ajo Chamber of Commerce and Arizona Representative Patton had been agitating to upgrade the status of Organ Pipe to national park. See Lissoway, “An Administrative History of Organ Pipe Cactus National Monument,” p. 65.
- ¹⁷ Ashley and Smith, *Groundwater Management in the West*, p. 192.
- ¹⁸ “Water Source Report,” July 1968. ORPI Natural Resource Library.
- ¹⁹ Letter to Henry Gray from Superintendent William Supernaugh, July 25, 1953. ORPI-GA.
- ²⁰ Memo to Regional Forester from Forester Harold M. Ratcliff, January 26, 1954. ORPI-GA.
- ²¹ Memo to Superintendent Supernaugh from Assistant SW Regional Director Hugh Miller, February 10, 1954. ORPI-GA.
- ²² Memo to SW Regional Director Minor Tillotson from Superintendent William Supernaugh, February 14, 1954. ORPI-GA.
- ²³ See correspondence between NPS Director Conrad L. Wirth and Senator Carl T. Hayden from December 4, 1952 to January 6, 1954. CHA, Box 201, Folder 16.

²⁴ Letter to Senator Carl T. Hayden from NPS Director Conrad Wirth, April 2, 1954. CHA, Box 201, Folder 16.

²⁵ Ibid.

²⁶ Letter to NPS Director Conrad Wirth from Senator Carl T. Hayden, April 5, 1954. CHA, Box 201, Folder 16.

²⁷ Letter to Senator Carl Hayden from Attorney Elmer Coker, April 19, 1954. CHA, Box 201, Folder 16.

²⁸ Memo to SW Regional Director from Acting Assistant NPS Director Harry Langley, August 24, 1954. ORPI-GA.

²⁹ Memo to SW Regional Director Minor Tillotson from Superintendent James Eden, September 10, 1954. ORPI-GA.

³⁰ “Rejecting Applications” from Obed M. Lassen, State Land Commissioner, October 3, 1957. HGA, Box 3, Folder 1. While titles to the springs were granted to the Grays, their value was nonexistent. Since the grazing permit would never be transferred to anyone else, no rancher and his cattle would have access to either of those waters.

³¹ Rutman, “An Assessment of Accelerated Erosion and Its Management at Organ Pipe Cactus National Monument,” August 1996. ORPI Natural Resource Library.

10. Grazing on Cabeza Prieta Game Range

¹ Edward H. Saxton, “Saving the Desert Bighorns,” *Desert Magazine Spring* (1978):16-18.

² Rutman, “Selected Sonoran Pronghorn Notes;” Saxton, “Saving the Desert Bighorns;” Felger, Richard Stephen, Bill Broyles, Michael Wilson, Gary Nabhan, and Dale S Turner, “Six Grand Reserves, One Grand Desert,” Chapter 1, pp. 3–17.

³ http://cabezaprieta.org/refuge_history.php

⁴ Rutman, “Selected Sonoran Pronghorn Notes;” 1942A; 1943C. Document in Possession of Author; Letter to Representative Stuart L. Udall from Bureau of Land Management Acting Director Earl J. Thomas, March 25, 1957. ORPI-GA.

⁵ Letter to Hank Havins from Deputy for Installations Lewis E. Turner, Department of Air Force, April 20, 1965, CHA, Box 823, Folder 4.

⁶ Letter from Public Land Adviser Howard J. Smith to Senator Carl Hayden, November 20, 1945. HGA, Box 1, Folder 1.

⁷ Memo to Custodian William R. Supernaugh from Assistant SW Regional Director Charles A. Richey, December 18, 1943. ORPI-GA.

⁸ Letter from Public Land Adviser Howard J. Smith to Senator Carl Hayden, November 20, 1945. HGA, Box 1, Folder 1; Memo to SW Regional Director from Custodian William R. Supernaugh, January 4, 1946. ORPI-GA.

⁹ Southwestern Monthly Monument Reports, January 1947.

¹⁰ Access to those grazing lands at this point in time was important to Henry Gray as winter rains

were well below normal and forage was probably scarce on monument lands.

¹¹ Letter from Public Land Adviser Howard J. Smith to Senator Carl Hayden, November 20, 1945. HGA, Box 1, Folder 1.

¹² Letter to Senator Carl Hayden from NPS Director Newton Drury, December 7, 1945. CHA, Box 201, Folder 16.

¹³ Rutman, "Selected Sonoran Pronghorn Notes," 1953B, 1954D, 1955A.

¹⁴ Ibid. 1951, 1952B, 1953A.

¹⁵ Ibid. 1958C.

¹⁶ Letter to Henry Gray from Cabeza Prieta Refuge Manager Norman M. Simmons, February 21, 1962. HGA, Box 1, Folder 2.

¹⁷ Letter to Henry Gray from Colonel Bingham F. Kleine, US Air Force, March 27, 1962. HGA, Box 1, Folder 2.

¹⁸ Letter to Senator Harry Goldwater from Attorney Elmer C. Coker, August 20, 1962. HGA, Box 1, Folder 2.

¹⁹ Letter to Attorney Elmer C. Coker from Senator Barry Goldwater, August 27, 1962. HGA, Box 1, Folder 2. Both Goldwater and Coker served in the Air Force during World War II. The bombing range was later named after Goldwater in 1986.

²⁰ Memo to SW Regional Director from Acting Superintendent Duane Graf, September 16, 1962; Memo to Acting Superintendent Duane Graf from SW Regional Director Thomas Allen, September 24, 1962. ORPI-GA.

²¹ Letter to US Attorney Carl A Muencke from Attorney Elmer C. Coker, January 4, 1963. HGA, Box 1, Folder 3.

²² Rutman, "Selected Sonoran Pronghorn Notes," 1962C–1963B.

²³ Rutman, "Selected Sonoran Pronghorn Notes," 1964.

²⁴ Letter to Robert Louis Gray and Henry D. Gray from Elmer C. Coker, December 16, 1964. HGA, Box 1, Folder 4.

²⁵ Letter to Henry Gray from Elmer C. Coker, January 7, 1965. HGA, Box 1, Folder 6.

²⁶ Rutman, "Selected Sonoran Pronghorn Notes," 1965; Letter to Edward Davis, assistant to Senator Carl Hayden, from Attorney Elmer C. Coker, February 25, 1965. HGA, Box 1, Folder 7. *USA v. Robert Gray et al.* "Finding of Fact and Conclusion of Law," and "Decree of Preliminary Injunction," February 5, 1965. No. Civ. 1938, Tucson. HGA, Box 1, Folder 7.

²⁷ Memo to NPS Director from SW Regional Director Daniel B. Beard, October 5, 1964; Letter to Superintendent Duane Graf from Robert Louis Gray, October 22, 1964. ORPI-GA.

²⁸ Memo to NPS Director from SW Regional Director Daniel D. Beard, January 19, 1965. ORPI-GA; Letter to Edward M. Davis, Assistant to Senator Carl Hayden from Elmer C. Coker, February 25, 1965. HGA, Box 1, Folder 7.

²⁹ Memo to NPS Director from SW Regional Director Daniel Beard, March 8, 1965. ORPI-GA.

³⁰ Letter to Edward Davis from Attorney Elmer Coker, February 25, 1965. HGA, Box 1, Folder 7.

³¹ Ibid.

11. The Beginning of the End: the Last Battle over Water

¹ Memo to SW Regional Director Daniel Beard from Superintendent Monte Fitch, May 16, 1961. ORPI-GA.

² Memo to SW Regional Director Daniel Beard from NPS Director Conrad Wirth, June 18, 1963. ORPI-GA.

³ Southwestern National Monument Monthly Reports, August 1962.

⁴ Rutman, “A History of the Gray Family.”

⁵ Letter to Senator Carl Hayden from Acting NPS Director Arthur Demaray, October 10, 1941. ORPI-GA.

⁶ Memo to SW Regional Director Daniel Beard from Superintendent James Felton, February 20, 1963. ORPI-GA.

⁷ Memo to SW Regional Director Daniel Beard from NPS Director Conrad Wirth, June 18, 1963. ORPI-GA.

⁸ This information, transmitted verbally, was apparently never formally documented. Its reference has been found in a chronology of “Organ Pipe Cactus National Monument Grazing History” compiled by Regional Chief of Resource Management and Visitor Protection Thomas Williams as part of a memo to SW Regional Director from Acting Chief Park Ranger Richard Begeman, August 18, 1965. ORPI-GA. While the reference has never been confirmed elsewhere, an obvious shift in the topics of correspondence does occur in memos in the ORPI Grazing Archives at this time.

⁹ Thomas G. Smith, “John Kennedy, Stewart Udall and the New Conservation Frontier,” *Pacific Historical Review* 64, no. 3 (1995): 329–362.

¹⁰ James Michael Bailey, “The Politics of Dunes, Redwoods, and Dams: Arizona’s ‘Brothers Udall’ and America’s National Parklands, 1961–1969.” PhD. Diss. Arizona State University, 1999, pp. 195–232.

¹¹ Stewart L. Udall, *The Quiet Crisis* (New York: Holt, Rinehart and Winston, 1963).

¹² Smith, “John Kennedy, Stewart Udall and the New Conservation Frontier,” p. 360.

¹³ Ibid, pp. 335–336.

¹⁴ Ibid, pp. 342–343; Martin Melosi, “Lyndon Johnson and Environmental Policy,” in *The Johnson Years: Vietnam, the Environment, and Science*, Volume 2, ed. Robert A. Divine (Lawrence: University of Kansas Press, 1987), 113-149.

¹⁵ Stewart Udall Interview with Jack Loeffler, May 3, 1997. Stewart L. Udall Papers, Manuscript #372, Box 237, Folder 5, Special Collections Library, University of Arizona, Tucson AZ. No date was given for Udall’s attempted intervention but the effort was probably in 1957.

¹⁶ “US Department of the Interior, Office of the Secretary News Release.” January 7, 1966. Morris K. Udall Papers (MKUA), Manuscript #325, Box 172, Folder 10, Special Collections Library,

University of Arizona.

¹⁷ The Wirth quote is referenced in another memo to Secretary of the Interior Udall from Solicitor Frank Barry, April 5, 1968. ORPI-GA.

¹⁸ Memo to SW Regional Director Daniel Beard from Assistant Director Jackson Price, December 16, 1963. ORPI-GA.

¹⁹ Conflicts between Secretary of the Interior Stewart Udall and NPS Director Conrad Wirth were well known. See Smith, “John Kennedy, Stewart Udall and the New Conservation Frontier,” p. 342. NPS Director Wirth resigned shortly after this exchange.

²⁰ When a ranch with an active permit was sold, BLM and USFS routinely transferred the permit to the new buyer. While the federal government claimed that the grazing permits had no monetary value, both lending institutions and ranchers recognized that BLM and USFS permits significantly influenced the value of ranches on the market.

²¹ Letter to Superintendent James Felton from Attorney Elmer Coker, June 20, 1963. ORPI-GA.

²² Letter to Attorney Elmer Coker from Superintendent James Felton, June 25, 1963. ORPI-GA.

²³ Richard West Sellars, *Preserving Nature in the National Parks. A History* (New Haven: Yale University Press, 1997). See Chapter 6 “Science and the Struggle for Bureaucratic Power: the Leopold Era, 1963–1981, pp. 204–266.

²⁴ A. Starker Leopold et al. “Wildlife Management in the National Parks” in *Transactions of the Twenty-eighth North American Wildlife and Natural Resource Conference*, ed. James B. Trerethen (Washington, DC: Wildlife Management Institute, 1963); National Academy of Sciences, National Research Council, “A Report by the Advisory Committee to the National Park Service on Research,” August 1, 1963. http://www.nps.gov/history/history/online_books/anps/a

²⁵ Rothman, *Saving the Planet*, see Chapter 5, “The Rise of Environmentalism,” pp. 108–130.

²⁶ W.A. Niering, R.H. Whittaker, and C.H. Lowe, “The Saguaro: a Population in Relation to Environment,” *Science* 142, no. 3588 (1963):15–28.

²⁷ “Saguaro Plight Traced to Beef Overgrazing,” *Tucson Daily Star*, October 9, 1963.

²⁸ Memo to NPS Director George Hartzog from SW Regional Director Daniel Beard, October 5, 1964. ORPI-GA.

²⁹ Letter to Acting Superintendent Duane Graf from Robert Louis Gray, October 22, 1964. ORPI-GA.

³⁰ This conversation dated February 19, 1965 is recorded in the chronology of the “Organ Pipe Cactus National Monument Grazing History” written by Regional Chief of Resource Management and Visitor Protection Thomas Williams, August 18, 1965. ORPI-GA.

³¹ Memo to NPS Director Hartzog from SW Regional Director Daniel Beard, March 8, 1965. ORPI-GA.

³² Letter to Assistant US Attorney Jo Ann Damos from Attorney Elmer Coker, April 6, 1965. ORPI-GA.

³³ Memo to Assistant NPS Director of Operations from Chief of Resource Management and Visitor Protection Harthon Bill, May 6, 1965. ORPI-GA.

³⁴ Memo to Chief Ranger Duane Graf from Seasonal Park Ranger Bob Ellis, April 30, 1965; Memo

to SW Regional Director Daniel Beard from Superintendent James Felton, June 4, 1965. ORPI-GA.

³⁵ Letter to Attorney Elmer Coker from Superintendent Foy Young, June 23, 1965. HGA, Box 1, Folder 8.

³⁶ Letter to NPS Director George Hartzog from Attorney Elmer Coker, July 23, 1965. HGA, Box 1, Folder 8.

³⁷ Letter to Assistant Secretary of the Interior Orren Beatty from Attorney Elmer Coker, July 23, 1965. HGA, Box 1, Folder 8.

³⁸ Letter to Senator Carl T. Hayden from Attorney Elmer Coker, July 23, 1965. HGA, Box 1, Folder 8.

³⁹ Memo to NPS Director George Hartzog from SW Regional Director Daniel Beard, August 11, 1965. ORPI-GA.

12. A Renewed Proposal for the Sonoran Desert National Park

¹ Memo to Superintendent Foy Young from Acting SW Regional Director George Miller, August 13, 1965. ORPI-GA.

² Memo to SW Regional Director Daniel Beard from Acting Chief Park Ranger Richard Begeman, August 18, 1965. ORPI-GA.

³ Sellers, *Preserving Nature in the National Parks*, pp. 208–209.

⁴ Memo to NPS Director George Hartzog from Assistant SW Regional Director George Miller, September 29, 1965. ORPI-GA.

⁵ Lissoway, “An Administrative History of Organ Pipe Cactus National Monument,” p. 137; See also “Excerpts from Confidential Report: Proposed Sonoran Desert National Park.” No Date. MKUA, Manuscript #325, Box 172, Folder 10, Special Collections Library, University of Arizona, Tucson, Arizona.

⁶ Lissoway, “An Administrative History of Organ Pipe Cactus National Monument,” p. 137; Memo to SW Regional Director Daniel Beard from Superintendent Foy Young, September 23, 1965. ORPI-GA.

⁷ Memo to SW Regional Director Daniel Beard from Superintendent Foy Young, June 24, 1965. ORPI-GA.

⁸ Memo to Superintendent Foy Young from Acting Chief Ranger Richard A. Goodman, August 21, 1965. ORPI-GA.

⁹ Memorandum of Agreement between National Park Service and Bureau of Land Management regarding Forage Resource Inventory. August 26, 1965. ORPI-GA.

¹⁰ Memo to SW Regional Director Daniel Beard from Superintendent Foy Young, September 23, 1965. ORPI-GA.

¹¹ Letter to Under Secretary John Carver from Attorney Elmer Coker, October 4, 1965. HGA, Box 1, Folder 9.

¹² *Ibid.*; See also telegram from Acting NPS Director Hillory Tolson to Senator Carl Hayden, December 11, 1946. ORPI-GA.

- ¹³ Letter to Henry, Jack, and Robert Louis Gray from Attorney Elmer Coker, October 18, 1965. HGA, Box 1, Folder 10.
- ¹⁴ NPS Director George Hartzog's memo to Secretary of the Interior Stewart Udall dated October 1965, was described in detail in another memorandum to Secretary Udall from Department of the Interior Solicitor Frank Barry, April 5, 1968. ORPI-GA.
- ¹⁵ Donald W. Carson and James W. Johnson, *Mo: The Life and Times of Morris K. Udall* (Tucson: University of Arizona Press, 2001), pp. 58–59.
- ¹⁶ *Ibid*, pp. 160–183.
- ¹⁷ "Udall Brothers Interior Team" *Roll Call*, 7 (February 7, 1962):6.
- ¹⁸ Lissoway, "An Administrative History of Organ Pipe Cactus National Monument," p. 137.
- ¹⁹ Transcript of speech entitled "A National Park for the Sonoran Desert" given by Morris K. Udall to Río Grande Chapter of Sierra Club meeting in Santa Fe New Mexico, November 1966. MKUA, Manuscript File #325. Special Collections Library, University of Arizona, Tucson, Arizona. Box 172, Folder 10.
- ²⁰ Lissoway, "An Administrative History of Organ Pipe Cactus National Monument," pp. 138–140; "News Release from Morris K. Udall Office." October 20, 1965, and typescript of Morris K. Udall "Notes on Sonoran Desert National Park," Undated. MKUA, Box 172, Folder 10.
- ²¹ Letter to Under Secretary John Carver from Senator Carl Hayden, November 9, 1965. A preliminary draft of this letter, dated October 21, 1965, was sent to Attorney Elmer Coker for editing. CHA, Box 283, Folder 4.
- ²² Memo to SW Regional Director Daniel Beard from Superintendent Foy Young, December 3, 1965; Memo to NPS Director George Hartzog from Acting SW Regional Director George Miller, December 10, 1965; Memo to SW Regional Director Daniel Beard from Assistant NPS Director Howard Baker, December 15, 1965. ORPI-GA.
- ²³ Letter to Robert Louis Gray from Superintendent Foy Young, December 22, 1965. ORPI-GA.
- ²⁴ "Udall Endorses Proposal to Combine Organ Pipe Cactus National Monument and Cabeza Prieta Game Range As Sonoran Desert National Park." U. S. Department of the Interior, Office of Secretary Press Release. January 7, 1966. Morris K. Udall Files, Box 172, Folder 10.
- ²⁵ Letter to Ed Davis, Assistant to Senator Carl Hayden, from Attorney Elmer Coker, January 15, 1966; See draft of press announcement "Interior Department to Reduce Grazing at Organ Pipe Cactus National Monument Area"; and unidentified Tucson newspaper clipping "Grazing to Be Reduced in Organ Pipe Country." CHA, Box 283, Folder 4.
- ²⁶ See letters to Arizona Congressional Delegation Members from Attorney Coker, January 27, 1966. HGA, Box 1, Folder 11; see numerous letters to Senator Carl Hayden in CHA, Box 283, Folder 4.
- ²⁷ Letter to Executive Secretary Arizona Cattle Growers Association Bill Davis from Attorney Elmer Coker, January 27, 1966. HGA, Box 1, Folder 11.
- ²⁸ Schultz, "Forage Resource Inventory of the Organ Pipe Cactus National Monument."

- ²⁹ Senator Hayden was in Arizona recuperating from surgery.
- ³⁰ Memo to Under Secretary of the Interior from Assistant NPS Director Howard Baker, March 9, 1966. ORPI-GA; see also letter to Secretary of the Interior from Senator Carl Hayden, February 19, 1966. HGA, Box 1, Folder 11.
- ³¹ Letter to Secretary of the Interior Stewart Udall from Senator Carl Hayden, February 19, 1966. HGA, Box 1, Folder 11.
- ³² Memo to SW Regional Director Daniel Beard from Assistant NPS Director of Operations Howard Baker, January 8, 1966. ORPI-GA.
- ³³ Memo to Superintendent Foy Young from Chief Naturalist Victor Jackson, November 24, 1965. ORPI-GA.
- ³⁴ Memo to NPS Director George Hartzog from SW Regional Director Daniel Beard, March 4, 1966; Memo to Superintendent Foy Young from Assistant Chief Ranger Richard Begeman, January 25, 1966. ORPI-GA.
- ³⁵ Memo to SW Regional Director Daniel Beard from Assistant NPS Director Howard Baker, April 12, 1966. ORPI-GA.
- ³⁶ Memo to SW Regional Director Daniel Beard from Superintendent Foy Young, April 6, 1966. ORPI-GA.
- ³⁷ Memo to Under Secretary of the Interior from Acting NPS Director A. Clark Stratton, May 11, 1966. ORPI-GA.
- ³⁸ Confidential memo to Congressman Morris Udall from Administrative Assistant Roger Lewis, no date. Morris Udall Papers Box 180, Folder 10; letter to Henry, Jack, and Robert Louis Gray from Attorney Elmer Coker, July 8, 1966; letter to John Carver from Attorney Elmer Coker, August 31, 1966. HGA Box 1, Folder 14. John Carver resigned in September 1966 from the Department of the Interior to become head of the Federal Power Commission.
- ³⁹ Memo to NPS Director George Hartzog from Deputy Assistant NPS Director of Operations Harthon Bill, August 23, 1966. ORPI-GA.
- ⁴⁰ The Bureau of the Budget was the predecessor to the Office of Management and Budget.
- ⁴¹ Memo to Director of Office of the Budget from NPS Director George Hartzog, December 23, 1966. Morris Udall Papers, Box 180, Folder 10. See *U.S. v. Jaramillo* 190 F2d 300, June 21, 1951.
- ⁴² Memo to Director of the Bureau of Outdoor Recreation from Acting NPS Director Howard Baker, October 7, 1966. ORPI-GA.
- ⁴³ "Grazing Lease Ended In Organ Pipe Park," *The Arizona Republic*, October 19, 1966; "U.S. Buys Organ Pipe Grazing Leases," *The Arizona Daily Star*, October 19, 1966. ORPI-GA.

13. The Last Hurrah

- ¹ Letter to Attorney Elmer Coker from Congressman Morris Udall, September 2, 1966. HGA, Box 1, Folder 14.

- ² Letter to Under Secretary of the Interior Charles Luce from Chairman of the Subcommittee on Interior and Related Agencies Julia Butler Hansen, March 27, 1967. Morris Udall Papers, Box 180, Folder 6.
- ³ Memo to Congressman Morris Udall from Administrative Assistant Roger Lewis, June 13, 1967. Morris Udall Papers, Box 172, Folder 10.
- ⁴ Memo to Superintendent Foy Young from Assistant Chief Park Ranger Richard Begeman, August 8, 1967. ORPI-GA.
- ⁵ Letter to Attorney Elmer Coker from Deputy NPS Director Harthon Bill, May 11, 1967. ORPI-GA.
- ⁶ Letter to Edward Crafts from Morris Udall, June 23, 1969. Morris Udall Papers, Box 180, Folder 7; Memo to Attorney Elmer Coker from Morris Udall, February 8, 1968. ORPI-GA.
- ⁷ These two documents are perhaps the most important papers associated with the history of Organ Pipe grazing conflict. They sit second only behind Acting NPS Director Demaray's letter to Senator Carl Hayden on October 10, 1941 in clarifying issues and affecting the final course of this story.
- ⁸ The Bureau of Outdoor Recreation was a newly created agency within the Department of the Interior.
- ⁹ Bernard DeVoto, "Conservation: down and on the Way out," in *DeVoto's West: History, Conservation, and the Public Good*, ed. Edward K. Mueller (Athens: Swallow Press/Ohio University Press, 2005), 237–253. The original article was published in *Harper's Magazine* in August 1954.
- ¹⁰ Memo to Secretary of the Interior Stewart Udall from Director of Bureau of Outdoor Recreation Edward Crafts, March 19, 1968. Morris Udall Papers, Box 180, Folder 6.
- ¹¹ Letter to Edward Crafts from Congressman Morris Udall, June 23, 1969. Morris Udall Papers, Box 180, Folder 7.
- ¹² Memo to Secretary of the Interior Stewart Udall from Director of Bureau of Outdoor Recreation Edward Crafts, March 19, 1968. Morris Udall Papers, Box 180, Folder 6.
- ¹³ Ibid.
- ¹⁴ Memo to Secretary of the Interior Stewart Udall from Solicitor Frank Barry, April 5, 1968. ORPI-GA.
- ¹⁵ The reader will recall that Carl Hayden chaired the Senate Subcommittee on Appropriations for the Interior Department and therefore controlled all funds allocated to Interior and the National Park Service.
- ¹⁶ Memo to Secretary of the Interior Stewart Udall from Solicitor Frank Barry, April 5, 1968. ORPI-GA.
- ¹⁷ Ibid.
- ¹⁸ Letter to Edward Crafts from Congressman Morris Udall, June 23, 1969. Morris Udall Papers, Box 180, Folder 7.
- ¹⁹ Memo to Congressman Morris Udall from unnamed source, May 31, 1968. Morris Udall Papers, Box 180, Folder 6.

- ²⁰ Memo to NPS Director George Hartzog from Under Secretary David Black, June 13, 1968. ORPI-GA.
- ²¹ Letter to Congressman Morris Udall from E. P. Hilton, December 10, 1968; letter to E. P. Hilton from Congressman Morris Udall, December 17, 1968. Morris Udall Papers, Box 172, Folder 10.
- ²² Letter to President Lyndon Johnson from Arizona Supreme Court Chief Justice Ernest McFarland, January 9, 1969. Morris Udall Papers, Box 180, Folder 7.
- ²³ Memo to NPS Director George Hartzog from SW Regional Director Frank Kowski, November 12, 1968. ORPI-GA.
- ²⁴ David Rees, “Backs to the Wall, Gray Brothers Fight Interior Dept,” *Pay Dirt* February 24, 1969. Morris Udall Papers, Box 172, Folder 10; David Rees, “Brothers State Government Won’t Pay \$300,000 Lease,” *The Arizona Republic* August 26, 1970. ORPI-GA.
- ²⁵ John Crevelli, “The Final Act of the Greatest Conservation President,” *Prologue* 12 (1980):173–193.
- ²⁶ Proposal for “Sonoran Desert National Monument.” September 16, 1968. Morris Udall Papers, Box 172, Folder 10.
- ²⁷ Stewart L. Udall, “Sonoran Desert National Park,” interview with Jack Loeffler, May 3, 1997. Stewart L. Udall Papers, Special Collections Library, University of Arizona, Manuscript File #372, Box 237. Also in *Dry Borders: Great Natural Reserves of the Sonoran Desert*, ed. Felger, Richard Stephen and Bill Broyles (Salt Lake City: University of Utah Press, 2007), pp. 533–536; See also Rees, “Backs to the Wall, Gray Brothers Fight Interior Dept,” Morris Udall Papers, Box 172, Folder 10.
- ²⁸ Crevelli, “The Final Act of the Greatest Conservation President,” p. 191. Still others believe that President Johnson acted in retribution for Congressman Mo Udall’s October 1967 speech against the Vietnam War and Johnson’s policies.
- ²⁹ Memo to SW Regional Director Frank Kowski from Acting NPS Director Harthon Bill, December 4, 1968. ORPI-GA.
- ³⁰ Letter to Congressman Morris Udall from Acting NPS Director Harthon Bill, December 17, 1968. ORPI-GA.
- ³¹ Letter to President Lyndon Johnson from Arizona Supreme Court Chief Justice Ernest McFarland, January 9, 1969. Morris Udall Papers, Box 180, Folder 7.
- ³² Letter to Superintendent Roy Allen from Attorney Elmer Coker, September 25, 1975. HGA, Box 1, Folder 24.
- ³³ Letter to Attorney Elmer Coker from Congressman Morris Udall, December 9, 1968. Morris Udall Papers, Box 172, Folder 10.
- ³⁴ Letter to Chairman of Interior and Insular Affairs Committee Wayne Aspinall from Congressman Morris Udall, February 20, 1969. Morris Udall Papers, Box 180, Folder 6.
- ³⁵ Letter to Congressman Mo Udall from Attorney Elmer Coker, January 16, 1969. Morris Udall Papers, Box 180, Folder 10; letter to SW Regional Director Frank Kowski from Attorney Elmer Coker, April 23, 1971. ORPI-GA; memo to NPS Director George Hartzog from Assistant Director of Park Support Services Monte Fitch, May 24, 1971. ORPI-GA; letter to SW Regional Director Frank Kowski from Attorney Elmer Coker December 28, 1971. HGA, Box 1, Folder 20; letter to Deputy Assistant Secretary of the Interior Orme Lewis from Senator Paul Fannin, Congressman

Morris Udall, Congressman Sam Steiger, Congressman John Rhodes, and Senator Barry Goldwater, January 20, 1972. HGA, Box 1, Folder 21.

³⁶ Letter to Chairman Wayne Aspinall from Acting Secretary of the Interior Russell Train, January 28, 1970. Morris Udall Papers, Box 180, Folder 6.

³⁷ Memo to the Secretary of the Interior Stuart L. Udall, from Solicitor Frank M. Barry, April 4, 1968. ORPI-GA.

³⁸ Letter to Congressman Morris Udall from Edward Crafts, June 10, 1969. Morris Udall Papers, Box 18, Folder 7.

³⁹ Letter to Edward Crafts from Congressman Morris Udall, June 23, 1969. Morris Udall Papers Box 180, Folder 7.

14. Epilogue

¹ Letter to Robert Louis Gray from SW Regional Director Frank Kowski, November 16, 1970. ORPI-GA.

² Letter to Senator Paul Fannin, Senator Barry Goldwater, Congressman Morris Udall, Congressman Sam Steiger, and Congressman John Rhodes from Attorney Elmer Coker, April 23, 1971. ORPI-GA.

³ Letter to Senator Paul Fannin, Senator Barry Goldwater, Congressman Morris Udall, Congressman Sam Steiger, and Congressman John Rhodes from Attorney Elmer Coker, May 10, 1971. ORPI-GA.

⁴ Memo to Congressman Morris Udall from Administrative Assistant Terrence Bracey, undated. Morris Udall Papers, Box 180, Folder 11. See also memo to NPS Director George Hartzog from Assistant Director of Park Support Services Monte Fitch, May 24, 1971. ORPI-GA.

⁵ Letter to Elmer Coker from Fannin Legislative Assistant James Musgrove, June 28, 1971. ORPI-GA.

⁶ Memo to Legislative Counsel from NPS Deputy Director Thomas Flynn, No Date (Approximately mid-September 1971). ORPI-GA.

⁷ Memo to Regional Field Solicitor from Acting SW Regional Director Theodore Thompson, December 16, 1971. ORPI-GA.

⁸ Letters to Senator Barry Goldwater, Senator Paul Fannin, Congressman Morris Udall, Congressman Sam Steiger, and Congressman John Rhodes, from Attorney Elmer Coker December 22, 1971. HGA, Box 1, Folder 20.

⁹ Letter to Deputy Assistant Secretary Orme Lewis from Senator Paul Fannin, Senator Barry Goldwater, Congressman John Rhodes, Congressman Morris Udall, and Congressman Sam Steiger, January 20, 1972. HGA, Box 1, Folder 21.

¹⁰ "U.S. Sues Rancher Brothers," *The Arizona Republic*, September 9, 1972. HGA, Box 1, Folder 21.

¹¹ Letter to Congressmen Morris Udall, Sam Steiger, John Rhodes and Senators Barry Goldwater and Paul Fannin from Attorney Elmer Coker, January 15, 1973. HGA, Box 1, Folder 22. Memo to Congressman Morris Udall from Administrative Assistant Terrence Bracey, February 6, 1973.